



Federal Lands Provisions of Economic Stimulus Legislation (P.L. 111-5)

(name redacted)

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Summary

This report discusses the major federal lands provisions of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5, H.R. 1). It focuses on provisions in the law related to four federal agencies: the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service. These provisions relate to construction, resource management, and wildland fire management. A comparison of the House- and Senate-passed versions of H.R. 1 also is provided, which includes a discussion of the Centennial Challenge of the National Park Service.

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Introduction

The American Recovery and Reinvestment Act of 2009 (P.L. 111-5, H.R. 1) is a broad economic recovery measure with \$787 billion in tax cuts and spending. Among the purposes of the law are preserving and creating jobs; promoting economic recovery; and making investments in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

The economic stimulus law included funds for certain accounts and activities of the four major federal land management agencies. These agencies are the Forest Service (FS) in the Department of Agriculture, and the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (NPS), all within the Department of the Interior (DOI). In total, the law contained \$2.50 billion for these agencies.¹ The agencies received different amounts of this total: \$320.0 million for BLM, \$280.0 million for FWS, \$750.0 million for NPS, and \$1,150.0 million for FS. These appropriations represented varying percentages of each agency's FY2009 regular annual appropriation, ranging from about a fifth to a third of the total appropriation: 31% for BLM,² 19% for FWS, 30% for NPS, and 24% for FS. The economic stimulus law did not provide geographic requirements for how the funds for these agencies were to be allocated, which is consistent with past practice.³

The Senate originally had approved a slightly lower total for the four land management agencies—\$2.49 billion—while the House had passed a higher amount—\$3.93 billion.⁴ (See **Table 1.**) In general, the law contained levels of appropriations for accounts and activities of the four agencies that were closer to the levels originally approved by the Senate rather than by the House.

The funds enacted for the federal land management agencies are the focus of this report. This report includes a comparison of the House and Senate provisions for the land management agencies, as contained in Title VIII of the House-passed version of H.R. 1 and Title VII of the Senate-passed version of the bill.⁵

¹ Title VII of Division A of P.L. 111-5 included funds for Interior, Environment, and Related Agencies. Provisions of this title that pertain to other federal agencies, such as the Environmental Protection Agency, are not addressed in this report. Further, provisions in other titles of the law that affect federal lands are not covered in this report.

² This percentage is based on FY2009 BLM regular, annual appropriations of \$1.04 billion. This figure does not include funds that were appropriated in the Omnibus Appropriations Act, 2009 (P.L. 111-8) under Department-Wide Programs for DOI's Wildland Fire Management. However, the BLM appropriations in the economic stimulus law included \$15.0 million for Wildland Fire Management.

³ Most of the programs and activities within the four federal land management agencies do not have requirements for geographic distribution of funds.

⁴ H.R. 1, the American Recovery and Reinvestment Act of 2009, originally was passed by the House on January 28, 2009, and by the Senate, amended, on February 10, 2009. Both chambers agreed to a conference report on the bill on February 13, 2009, and the President signed the bill into law on February 17, 2009.

⁵ Title VIII of the House-passed version of H.R. 1 was entitled "Interior and Environment," while Title VII of the Senate-passed version of the bill was entitled "Interior, Environment, and Related Agencies."

Federal Land Management

The federal government owns and manages approximately 650 million acres of land in the United States, about 29% of the total land base of 2.27 billion acres. Four federal agencies—FS, BLM, FWS, and NPS—manage about 615 million acres (94%) of this land. These agencies manage lands for a variety of purposes, primarily related to preservation, recreation, and development of natural resources. There are similarities among the agencies, but each agency has a distinct mission and special responsibilities for the lands under its jurisdiction. The NPS administers the National Park System for recreational use of parklands and preservation of park resources. The FWS manages wildlife refuges primarily for conserving plants and animals, with other uses to the extent that they are compatible. The BLM manages the National System of Public Lands, and the FS manages the National Forest System, for sustained yields of similar multiple uses for both agencies, including grazing, recreation, timber, water, and fish and wildlife. Many forests and public lands also are available for mineral exploration and development.

Funding for the four federal land management agencies is provided in the annual appropriations laws for Interior, Environment, and Related Agencies. Regular annual appropriations for FY2009 for Interior, Environment, and Related Agencies were included in P.L. 111-8.⁶ In addition, a number of permanently appropriated trust funds and special accounts fund activities of these agencies.

General Provisions of P.L. 111-5

While action on a regular annual appropriations bill for FY2009 proceeded on a separate track, economic stimulus legislation was enacted (P.L. 111-5) with appropriations for the federal land management agencies. Among the general provisions,⁷ the law provided emergency funding for FY2009, with the monies available for obligation until September 30, 2010 (the end of FY2010) unless otherwise specified.⁸ The appropriations provisions in the law for the land management agencies did not specify different periods of obligation. In comparison, in the FY2009 regular annual appropriations law, many of the land management accounts that were funded by P.L. 111-5 received appropriations that would remain available until expended; other accounts received appropriations that were available for only one or two fiscal years. The economic stimulus law also stated that it shall have no effect on the availability of funds under the FY2009 continuing

⁶ Because this law was not enacted until March 11, 2009, agencies had received continuing funding from the start of the fiscal year (October 1, 2008). P.L. 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 generally extended funding, through March 6, 2009, for accounts at the amounts provided in the FY2008 appropriations law. Division A of that law is the Continuing Appropriations Resolution, 2009. P.L. 111-6 subsequently extended through March 11, 2009 the period for which continuing funds were available.

⁷ The law has provisions on the allocation of appropriations generally. Some of these are discussed here while others are beyond the scope of this report.

⁸ Sec. 1603, Division A. Section 1105 of the House-passed version of H.R. 1 had provided that all funds appropriated in the act shall remain available for obligation until September 30, 2010, unless expressly provided otherwise in the act. The language for each appropriation to the land management agencies did not expressly provide otherwise. By contrast, Section 1602 of the Senate-passed version of the bill had provided that no appropriation in the act shall remain available for obligation beyond the current fiscal year (FY2009) unless expressly provided in the bill. The language for each appropriation to the federal land management agencies had expressly stated that the funds were to remain available until September 30, 2010.

appropriations resolution (P.L. 110-329, Division A), and that appropriations are in addition to amounts otherwise appropriated for the fiscal year involved.⁹

Under general provisions in P.L. 111-5, agencies are to begin activities and spending the funds “as quickly as possible consistent with prudent management.”¹⁰ With regard to funds for infrastructure, recipients are to give preference to activities “that can be started and completed expeditiously,” with a goal of using at least 50% of the monies for activities that can be started within 120 days of enactment.¹¹

The law required that each agency receiving funding in the Interior, Environment, and Related Agencies title is to notify the House and Senate Appropriations Committees as to how the monies are to be spent. Specifically, it provided that each such agency is to submit to the House and Senate Appropriations Committees, within 30 days of enactment, a general plan for the expenditure of the funds. Each agency also is to submit to the committees, within 90 days of enactment, a report “containing detailed project level information associated with the general plan.”¹²

The law authorized each agency receiving funding in the Interior, Environment, and Related Agencies title to transfer up to 10% of the funds in any account to other accounts within the agency, if certain conditions were met. The conditions are that the agency head “determines that the transfer will enhance the efficiency or effectiveness of the use of the funds without changing the intended purpose,” and notifies the House and Senate Appropriations Committees “10 days prior to the transfer.”¹³ The original House-passed version of H.R. 1 had contained different language allowing for transfer of some of the appropriations among accounts. For example, for each construction account, the House-passed version had provided that the funds could be transferred to the main resource account of the respective agency; however, the BLM language allowed for transfer to “other appropriate accounts.”

The House-passed version of H.R. 1 had identified a certain percentage of each appropriation that could be used for program management and oversight. In general, the House provision had provided that up to 0.5% of each appropriation in the bill may be used for management and oversight of the programs, grants, and activities funded by the appropriation, unless other provision is made in the act.¹⁴ This provision was not included in P.L. 111-5 for appropriations generally. Specifically for the land management agencies, the House-passed language for each appropriation provided that not more than 5% of the appropriation shall be used for program management and oversight. This provision also was not included in the measure as enacted. However, the conferees on the bill expressed that funds for administrative and support costs of activities funded in the Interior title are not to exceed 5% of any specific appropriation, unless otherwise specified. They further cautioned agencies against permanent increases to their staff

⁹ Sec. 1601, Division A.

¹⁰ Sec. 3, “Purposes and Principles.”

¹¹ Sec. 1602, Division A.

¹² Sec. 701, Division A.

¹³ Sec. 703, Division A.

¹⁴ Section 1106, H.R. 1, as passed by the House. Further, the management and oversight funds were to remain available for obligation until September 30, 2012.

levels in favor of temporary, term, or contract personnel to handle the increased workload resulting from the additional funds provided in the law.¹⁵

The balance of this report discusses the particular appropriations provided by P.L. 111-5 for the land management agencies as well as related issues. Funds are provided in the law for three primary purposes: construction, resource management, and wildland fire management. The original House-passed version of H.R. 1 had included funds for the NPS Centennial Challenge, which also is covered below. As shown in **Table 1** and discussed in the remainder of this report, there were a number of significant differences between the original House- and Senate-passed bills, regarding both the composition of funding (i.e., activities to be funded) and the appropriations levels provided.

Table 1. Appropriations for Federal Land Management Agencies, P.L. 111-5
(in millions of dollars)

Account	House-Passed Appropriations	Senate-Passed Appropriations	Enacted Appropriations
BLM Management of Lands and Resources	—	135.0	125.0
BLM Construction	325.0	180.0	180.0
BLM Wildland Fire Management	—	15.0	15.0
Total BLM	325.0	330.0	320.0
FWS Resource Management	—	165.0	165.0
FWS Construction	300.0	110.0	115.0
Total FWS	300.0	275.0	280.0
NPS Operation of the National Park System	—	158.0	146.0
NPS Historic Preservation Fund ^a	—	—	15.0
NPS Construction ^a	1,700.0	589.0	589.0
<i>Historical and Cultural Resources</i>	200.0	—	—
<i>Historic Preservation Fund</i>	15.0	—	—
NPS Centennial Challenge	100.0	—	—
Total NPS	1,800.0	747.0	750.0
FS Capital Improvement and Maintenance	650.0	650.0	650.0
FS Wildland Fire Management	850.0	485.0	500.0
<i>Federal Lands</i>	300.0	—	250.0
<i>State/Private Forestry</i>	550.0	260.0	250.0
<i>Grants for Using Biomass^b</i>	—	50.0	50.0
Total FS	1,500.0	1,135.0	1,150.0
Total	3,925.0	2,487.0	2,500.0

Source: This table is based on the House-passed, Senate-passed, and enacted versions of H.R. 1, 111th Congress.

¹⁵ H.Rept. 111-16, *Conference Report to Accompany H.R. 1, Joint Explanatory Statement of the Committee of Conference*, p. 447.

- a. The House-passed bill provided that \$15.0 million of the funds for construction were to be transferred to the Historic Preservation Fund. This appropriation is reflected in the table under the NPS construction account for the House-passed bill.
- b. In the Senate-passed bill, it appears that these funds were to be derived from the state/private forestry amount. In the enacted bill, these funds were to be derived from the total for wildland fire management. Therefore, the \$50.0 million is a sub-amount within the other line items.

Construction

The economic stimulus law provided an appropriation to each of the four land management agencies for construction.¹⁶ Traditionally, while the construction accounts of the agencies have not been used for identical purposes, they have funded the construction, repair, and maintenance of buildings, roads, and other physical facilities. Each of the agencies has substantial physical assets. For instance, an inventory of physical assets within the National Park System identified more than 1,800 bridges and tunnels, 26,000 historic structures (including historic buildings), 7,590 public use and administrative buildings, 770 campgrounds, 8,500 monuments and statues, 500 dams, 680 water systems and waste water collection systems, 200 solid waste systems, 5,300 family housing units, approximately 5,450 paved miles of public park roads, the equivalent of 948 paved miles of parking areas, 6,544 miles of unpaved roads, and 1,679 associated road structures.¹⁷ Many of the older assets present particular challenges, and NPS construction funds often are targeted for correction of critical health and safety problems.

Amount and Purpose of Funds

P.L. 111-5 contained a total of \$1.53 billion for construction for the agencies. This construction total, and in general the funds provided in the law for each agency, were significantly larger than have been provided for construction in recent annual appropriations laws. With regard to the totals, construction funds for the four agencies in the last two fiscal years were less than \$800 million—with totals of \$797.8 million in FY2008 and \$757.0 million in FY2009. With regard to the individual agencies, the law provided relatively large increases for construction over the regular annual appropriations for FY2009; the FY2009 regular appropriations totaled \$6.6 million for BLM, \$35.5 million for FWS, \$232.5 million for NPS, and \$482.4 million for FS.

The construction total in the law, and its appropriation for each of the four agencies, were nearly identical to the appropriations contained in the original Senate-passed version of H.R. 1. In fact, the only difference was the inclusion of an additional \$5.0 million in the law for FWS construction. The House-passed bill had contained a significantly higher amount—a total of \$2.98 billion for construction for the four agencies—with higher amounts for each of the three DOI agencies but the same level for FS construction.

The economic stimulus law identified purposes and activities for which the construction funds for each of the four agencies are to be used. In some cases these purposes and activities appear to be broader than has traditionally been the case. For instance, both the NPS and FS construction

¹⁶ The account for the three DOI agencies is entitled Construction, while the FS account is entitled Capital Improvement and Maintenance.

¹⁷ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2009*, p. CONST-9.

accounts identified remediation of abandoned mine sites.¹⁸ The largest abandoned mine land program addresses abandoned coal mining sites and is administered by the Office of Surface Mining (in DOI). Both the NPS and the FS have abandoned mine land programs as well. These programs are smaller in scale and are targeted to remediation of abandoned mining sites located on NPS and FS lands.

The joint explanatory statement of the conferees explained that the bill language provided flexibility to the agencies in determining the allocation of funding among various activities. The conferees encouraged the agencies to give priority to projects based on their capacity “to create the largest number of jobs in the shortest period of time and which creates lasting value” for the public.¹⁹ In some cases the explanatory language identified purposes of the funds beyond those identified in the law. For instance, deferred maintenance was identified for all agencies other than the NPS, although “critical infrastructure projects” were included in the enacted language for the NPS.

The original Senate-passed version of H.R. 1 had not identified particular purposes for which the construction funds of the three DOI agencies were to be used. That bill had specified, however, that the FS construction funds were to include remediation of abandoned mine sites. By contrast, the House-passed bill had identified purposes and activities for which the construction funds for each of the four agencies were to be used. These purposes and activities were not identical to those in the enacted language. For instance, for all four agencies, the House-passed language had included deferred maintenance as a purpose of the funds.

Deferred Maintenance

The adequacy of funds for deferred maintenance has long been a focus of Congress and the Administration. Deferred maintenance, often called the maintenance backlog, is defined as maintenance that was not done when scheduled or planned. DOI estimates deferred maintenance for the NPS for FY2008 at between \$8.23 billion and \$12.11 billion, with a mid-range figure of \$10.17 billion. Of the total deferred maintenance, 56% was for roads, bridges, and trails; 16% was for buildings; and 28% was for irrigation, dams, and other structures.²⁰

DOI estimates of the NPS backlog have increased over the past decade from \$4.25 billion in FY1999 to \$10.17 billion for FY2008 (based on mid-range estimates). It is unclear what portion of the change is due to the addition of maintenance work that was not done on time or the availability of more precise estimates of the backlog. The NPS, as well as the other land management agencies, has enhanced efforts to define and quantify maintenance needs in recent years. Further, it is unclear how much total funding has been provided for backlogged maintenance over this 10-year period. Annual presidential budget requests and appropriations laws typically do not specify funds for backlogged maintenance, but instead combine funding for all NPS construction, facility operation, and regular and deferred maintenance.

¹⁸ For BLM, the law identified remediation of abandoned mines and wells as a purpose of the funds provided for the main resource management account—Management of Lands and Resources. Further, the joint explanatory statement included remediation of abandoned mine and well sites as among the purposes of the BLM funds in both the Construction account and the Management of Lands and Resources account.

¹⁹ H.Rept. 111-16, *Conference Report to Accompany H.R. 1, Joint Explanatory Statement of the Committee of Conference*, p. 439, 440, and 445.

²⁰ This information was provided to CRS by the DOI Budget Office on January 5, 2009.

While congressional and administrative attention has centered on the NPS backlog, the other federal land management agencies also have maintenance backlogs. The FS estimated its backlog for FY2008 at \$5.15 billion.²¹ Of the total deferred maintenance, \$3.40 billion (66%) was for roads.²² Also for FY2008, DOI estimated the FWS backlog at between \$2.26 billion and \$3.32 billion and the BLM backlog at between \$0.42 billion and \$0.52 billion.²³ The four agencies together had a combined FY2008 backlog estimated at between \$16.06 billion and \$21.09 billion, with a mid-range figure of \$18.57 billion.

The NPS and the other agency backlogs have been attributed to decades of funding shortfalls. The agencies assert that continuing to defer maintenance of facilities accelerates their rate of deterioration, increases their repair costs, and decreases their value. There is continued debate over the levels of funds needed to address deferred maintenance, whether to use funds from other programs, and how to balance the maintenance of the agencies' existing infrastructure with the acquisition of new assets.

Historic Preservation

The economic stimulus law provided \$15.0 million for the NPS Historic Preservation Fund, to be used for historic preservation projects at historically black colleges and universities. In the past, the Historic Preservation Fund has been used at times to provide matching grants to historically black colleges and universities to preserve threatened historic buildings on their campuses. P.L. 111-5 waived matching requirements for such projects. The joint explanatory statement noted that the projects will be selected competitively. The House-passed version of H.R. 1 had included a similar provision within the Construction account. It had provided that \$15.0 million of the Construction funds were to be transferred to the Historic Preservation Fund for projects at historically black colleges and universities. The Senate-passed version did not identify funds for this purpose.

Resource Management

Amount and Purpose of Funds

P.L. 111-5 provided an appropriation to each of the three DOI agencies for its primary resource management account. Specifically, the law provided \$125.0 million to the BLM for Management of Lands and Resources, \$165.0 million to the FWS for Resource Management, and \$146.0 million to the NPS for Operation of the National Park System. In total, the law contained \$436.0 million for the three DOI accounts. These DOI resource management accounts typically have been the largest accounts in the regular annual appropriations bills. For instance, in FY2009 a total of \$4.16 billion was provided to the three DOI agencies for resource management, consisting of \$890.2 million for the BLM, \$1.14 billion for the FWS, and \$2.13 billion for the NPS. The

²¹ U.S. Dept. of Agriculture, Forest Service, *Forest Service: Agency Financial Report—Fiscal Year 2008*, p. C-3.

²² This estimate of the deferred maintenance for roads reflects passenger-car roads. Including high-clearance roads, the total estimate of deferred maintenance for roads is \$5.1 billion. Using this total roads estimate would yield a \$6.85 billion overall estimate of FS deferred maintenance.

²³ These figures were provided to CRS by the DOI Budget Office on January 5, 2009.

economic stimulus law did not provide a similar appropriation to the FS for its main resource management account—the National Forest System.

The resource management accounts typically fund a wide array of agency programs and activities (see below). The economic stimulus law identified certain activities and programs for which the funds could be used, with an emphasis on maintenance. It provided funds for activities on BLM land to include maintenance, rehabilitation, and restoration of facilities, property, trails, and lands as well as for remediation of abandoned mines and wells. For the FWS, the law identified deferred maintenance, construction, and capital improvement projects on national wildlife refuges and national fish hatcheries as well as high-priority habitat restoration projects. For the NPS, the law specified deferred maintenance of facilities and trails and other critical repair and rehabilitation projects.

The joint explanatory statement of the conferees contained language that was similar to the language included for the construction accounts (discussed above). It stated that the bill language provided flexibility to the agencies to determine the allocation of funding among activities. The conferees again encouraged the agencies to give priority to projects based on their capacity “to create the largest number of jobs in the shortest period of time and which creates lasting value” for the public.²⁴ In some cases the explanatory language identified additional purposes of the funds beyond those in the resource management accounts in the law. For instance, additional BLM activities were deferred maintenance, watershed improvement, and high-priority habitat restoration.

The original Senate-passed version of H.R. 1 also had provided an appropriation to each of the three DOI agencies for its primary resource management account, although it did not identify particular activities or programs for which the funds were to be used. Specifically, the Senate-passed bill had sought \$135.0 million for BLM, \$165.0 million for FWS, and \$158.0 million for NPS. This would have been a total of \$458.0 million for these three DOI accounts, as compared to the \$436.0 million in P.L. 111-5. Like the economic stimulus law, the Senate bill had not provided an appropriation to the FS for its main resource management account.

By contrast, the House-passed version of H.R. 1 did not directly appropriate funds to the resource management accounts. Instead, it provided authority for other appropriations in the bill to be transferred to the resource management accounts. Specifically, the House bill had provided that the construction appropriations for each of the four agencies, as well as the appropriation to the FS for Wildland Fire Management, could be transferred to the agencies’ main resource management accounts.²⁵

Past Use of Resource Management Accounts

The main resource management accounts of the agencies have been used in the past to fund a wide variety of activities. For instance, the BLM account has funded an array of BLM programs involving land protection, improvement, use, and development. Land programs include management of soil, water, and air, rangelands, wild horses and burros, riparian areas, forests, and

²⁴ H.Rept. 111-16, *Conference Report to Accompany H.R. 1, Joint Explanatory Statement of the Committee of Conference*, p. 439, 440, and 445.

²⁵ The BLM language provided for transfer to “other appropriate accounts.” Further, the appropriation for FS Wildland Fire Management also could be transferred to the FS State and Private Forestry account.

cultural resources. The account also has funded programs for wildlife and fisheries and their habitat, recreation and wilderness, and energy and mineral development. Other programs were for disposal of BLM lands, cadastral survey, resource protection and law enforcement, and maintenance of facilities.

The FWS Resource Management account has provided funding for conservation, management, investigation, protection, and use of wildlife and fishery resources. Among the programs included in Resource Management are the Endangered Species Program, Law Enforcement, and the National Wildlife Refuge System.

The NPS Operation of the National Park System account has funded the operation and management of the units of the National Park System. This has included resource stewardship programs that preserve and protect natural, cultural, and historical resources. The account also has provided funds for orientation and interpretive programs for visitors, as well as maintenance of buildings, facilities, and other areas. Further, it has funded activities of the U.S. Park Police as well as other law enforcement operations that protect park visitors, employees, and resources.

There has long been debate about the adequacy of funds for these resource management accounts as a whole, and the optimal level of funding for particular programs and activities therein. In the regular annual appropriations law for FY2009, the three agencies received increases in appropriations over FY2008 for the resource management accounts; the increases were 4% for BLM, 5% for FWS, and 8% for NPS. These increases were in part to meet the increased costs of operations.²⁶

Wildland Fire Management

Included in the economic stimulus law were appropriations to the BLM and FS for wildland fire management. Specifically, the law contained \$500.0 million for the FS and \$15.0 million for the BLM. The BLM funds were provided for “hazardous fuels reduction,” for clearing excess forest biomass that can contribute to severe wildfires. The joint explanatory statement directed that these funds be used for high-priority projects on federal lands.

The law and accompanying joint explanatory statement contained more detail for the allocation of the FS funds than for the BLM funds. In general, the conferees on the bill again encouraged the FS to give priority to individual projects based on their capacity “to create the largest number of jobs in the shortest period of time and to create lasting value” for the public.²⁷ Of the FS funds, the law specified that \$250.0 million is to be used on federal lands for several purposes—“hazardous fuels reduction,” forest health protection, rehabilitation, and fire hazard mitigation activities. These activities traditionally have been funded under the annual appropriations laws. The other \$250.0 million is to be used for cooperative activities on state and private lands, under all existing FS authorities.²⁸ Such cooperative activities also traditionally have been funded in the

²⁶ As an example, see the discussion on the costs of operations within the National Wildlife Refuge System contained in CRS Report RL34461, *Interior, Environment, and Related Agencies: FY2009 Appropriations*.

²⁷ H.Rept. 111-16, *Conference Report to Accompany H.R. 1, Joint Explanatory Statement of the Committee of Conference*, p. 445.

²⁸ For a description of existing FS authorities for state and private land assistance, see CRS Report RL31065, *Forestry Assistance Programs*.

annual appropriations laws. Under P.L. 111-5, activities on state and private lands are to include hazardous fuels reduction, forest health, and ecosystem improvement. The law allowed the FS to determine how the \$250.0 million would be allocated among state and private activities for choice of “programs that provide the maximum public benefit,” according to the joint explanatory statement.²⁹ Funds in P.L. 111-5 for state and private activities are not subject to matching or cost-share requirements; this provision was included in response to the current economic conditions at the state and local levels, according to the joint explanatory statement.

In addition, of the \$500.0 million in total FS fire funding, \$50.0 million may be used for “wood-to-energy grants” to encourage utilization of biomass from federal, state, and private lands to be used to produce energy. The \$50.0 million is a sub-amount within the other activities; thus it is not additive to the \$250.0 million for federal activities and the \$250.0 million for state and private activities.

The levels of appropriations in P.L. 111-5 for Wildland Fire Management were similar to those included in the earlier Senate-passed version of H.R. 1. The Senate-passed bill also had included \$15.0 million for BLM, but did not identify the purposes of the funds. The House-passed bill did not specifically fund this account.³⁰

Both the Senate- and House-passed versions of H.R. 1 had included appropriations for the FS for Wildland Fire Management, with the Senate bill providing a significantly lower amount (\$485.0 million) than the House bill (\$850.0 million). Of the amount in the Senate bill, \$260.0 million was available for work on state and private lands, under all existing FS authorities. In addition, \$50.0 million of these (state and private) funds could be used for grants to encourage utilization of biomass from the national forests. The remaining \$225.0 million of the total FS funds was to be used for hazardous fuels reduction and fire hazard mitigation in areas at high risk of catastrophic wildfire. While this purpose traditionally had been included within the FS wildland fire management funding account, the Senate-passed bill provided additional specification—for high-risk wildfire areas.

The House-passed bill had allowed that the FS appropriations (\$850.0 million) could be transferred to the agency’s State and Private Forestry and National Forest System accounts. Of the total, \$550.0 million was directed to an array of state and private forestry assistance programs. The remaining \$300.0 million was to be used on federal lands for fuels reduction, forest health, wood-to-energy grants, and rehabilitation and restoration.

Wildfire funding has been a continuing congressional issue for much of the past decade. Following the severe wildfire season in 2000, appropriations for wildland fire management activities tripled. These funds have remained at substantially higher levels than during the 1990s due to subsequent severe fire seasons. For instance, for FY2008, appropriations for the FS and BLM/DOI totaled \$4.46 billion (including emergency appropriations), with \$1.19 billion for BLM/DOI and \$3.27 billion for the FS.³¹ The FY2009 regular appropriation was \$2.99 billion, with \$859.5 million for DOI and \$2.13 billion for FS.

²⁹ H.Rept. 111-16, *Conference Report to Accompany H.R. 1, Joint Explanatory Statement of the Committee of Conference*, p. 445.

³⁰ However, in the House-passed version of H.R. 1, fuel reduction was explicitly listed among the purposes for which the BLM construction funds could be used.

³¹ See CRS Report RL34461, *Interior, Environment, and Related Agencies: FY2009 Appropriations*, section entitled (continued...)

Much of the attention has been on high and rising wildfire suppression costs, and their impact on other agency programs;³² funds for suppression activities were not explicitly provided in the economic stimulus law. Other attention has been on the need to reduce fuel levels on the federal lands, to reduce wildfire damages and increase the ability to control the fires. Explicit estimates of needs for fuel treatment funding have not been presented in public documents. However, based on funding levels in recent years, it would take an estimated 77 years to reduce fuels on federal lands with high or moderate risk of ecological damage from wildfires.³³ The additional funding in P.L. 111-5 would appear to accelerate fuel reduction activities.

NPS Centennial Challenge

The economic stimulus law did not include funds for the NPS Centennial Challenge. Only the House-passed version of H.R. 1 had included appropriations for the Centennial Challenge, with \$100.0 million. The funds were to be provided under an existing law³⁴ that authorizes the Secretary of the Interior to enter into “challenge cost-share agreements” with any “cooperator” for the purpose of sharing costs or services.

The appropriation in the House-passed bill was for “Centennial Challenge signature projects and programs.” The NPS Centennial Challenge program matches private contributions with federal funds for projects and programs in parks. Under the House-passed bill, not less than 50% of the total cost of each project or program was to be derived from non-federal sources.

The Centennial Challenge program was proposed by President George W. Bush in 2006 to strengthen visitor services and park programs over 10 years in anticipation of the NPS’s 100th anniversary in 2016. Most recently, on January 13, 2009, the NPS announced \$27 million for Centennial Challenge projects and programs in 2009, consisting of \$10.5 million in federal contributions and \$16.5 million in private donations.³⁵ The Centennial Challenge was one of three components of the Bush Administration’s 2006 National Park Centennial Initiative. Overall, the initiative sought up to \$3 billion in new funds for parks over 10 years through a public/private joint effort. The components of the initiative were (1) a commitment to add \$100.0 million annually in discretionary funds for the NPS, (2) a challenge for the public to donate \$100.0 million annually (the “Centennial Challenge”), and (3) a request that legislation be enacted to establish a mandatory fund with \$100.0 million annually to match public donations.

A question for Congress is whether to establish such a mandatory spending program to match donations through the Centennial Challenge. Related legislative proposals were introduced but not enacted in the 110th Congress. In the absence of such a mandatory fund providing \$100.0 million annually, the House-passed version of H.R. 1 had provided an appropriation of \$100.0 million. Congress first provided funds for the Centennial Challenge in FY2008, with \$24.6

(...continued)

“Wildland Fire Management.” See also CRS Report RL33990, *Wildfire Funding*.

³² The FS and BLM are authorized to “borrow” unobligated funds from other accounts when wildfire suppression costs exceed appropriations, but these borrowed funds have not been consistently repaid in subsequent appropriations acts.

³³ See CRS Report RL33990, *Wildfire Funding*, section entitled “Fuel Reduction Funding.”

³⁴ P.L. 104-333, Section 814(g).

³⁵ This information is derived from the NPS website on the Centennial Initiative at <http://www.nps.gov/2016/>.

million. No funds were included for the Centennial Challenge in the FY2009 regular annual appropriations law.

A central issue of debate has been how such a centennial fund could be financed. Proposals have included financing through appropriations from the general fund of the Treasury, fees for commercial activities on federal lands, revenues from offshore oil and gas activities in the Gulf of Mexico, and revenues from the establishment and sale of special postage stamps. Another area of discussion has been the role of the NPS and Congress in determining projects eligible for funding.

Because the Centennial Challenge relies on corporate, foundation, and other private donations, an issue for Congress is the role of philanthropic, corporate, foundation, and other private donors in raising money for parks. Some observers believe that non-federal funding has been successful in expanding and enhancing a variety of important park programs and is necessary to supplement a shortfall in federal appropriations. Other observers are concerned that non-federal funding will lead to commercialization of national parks and excessive private influence over park operations.

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