



Interior, Environment, and Related Agencies: FY2011 Appropriations

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Summary

The Interior, Environment, and Related Agencies appropriations bill includes funding for the Department of the Interior (DOI), except for the Bureau of Reclamation, and for agencies within other departments—including the Forest Service within the Department of Agriculture and the Indian Health Service (IHS) within the Department of Health and Human Services. It also includes funding for arts and cultural agencies, the Environmental Protection Agency, and numerous other entities.

The FY2011 appropriation for Interior, Environment, and Related Agencies was \$29.67 billion, a reduction of \$2.65 billion (8%) from the FY2010 level of \$32.32 billion. The FY2011 funding was included in the Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10). While most of the major agencies funded by the law received reduced appropriations relative to FY2010, a few received additional funding. Among the decreases for FY2011 from FY2010 appropriations were the following:

- \$1.59 billion (15%) for the Environmental Protection Agency,
- \$602.0 million (11%) for the Forest Service,
- \$140.6 million (9%) for the Fish and Wildlife Service, and
- \$127.2 million (5%) for the National Park Service.

Among the increases were the following:

- \$72.7 million (53%) for the Bureau of Ocean Energy Management, Regulation, and Enforcement, and
- \$25.0 million (0.6%) for the Indian Health Service.

No regular appropriations bill to fund Interior, Environment, and Related Agencies for FY2011 had been enacted before the start of the fiscal year on October 1, 2010. Initially, a series of laws was enacted to continue appropriations for Interior, Environment, and Related Agencies for relatively short periods, mostly at FY2010 account levels. However, the Full-Year Continuing Appropriations Act provided funding for accounts in the bill through the end of the fiscal year (September 30, 2011), with many accounts funded at less than the FY2010 level. The FY2011 law did not generally identify funding below the account level for Interior, Environment, and Related Agencies. Rather, it directed the agencies to submit plans for spending for activities and programs below the account level, to the Appropriations Committees, within 30 days of enactment. The law was enacted on April 15, 2011.

Congress typically debates a variety of funding and policy issues when considering each year's appropriations legislation. These issues have included energy development onshore and offshore, wildland fire fighting, Indian trust fund management, royalty relief, climate change, DOI science programs, and wild horse and burro management. Other issues have included the appropriate funding levels for Bureau of Indian Affairs law enforcement and education; Indian Health Service construction and contract health services; wastewater/drinking water needs; the arts; land acquisition through the Land and Water Conservation Fund; and the Superfund program.

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Introduction

The annual Interior, Environment, and Related Agencies appropriations bill includes funding for agencies and programs in three separate federal departments, as well as numerous related agencies and bureaus. It provides funding for Department of the Interior (DOI) agencies (except for the Bureau of Reclamation, funded in Energy and Water Development appropriations laws), many of which manage land and other natural resource or regulatory programs. The bill also provides funds for agencies in two other departments—the Forest Service in the Department of Agriculture, and the Indian Health Service (IHS) in the Department of Health and Human Services—as well as funds for the Environmental Protection Agency (EPA). Further, the annual bill includes funding for arts and cultural agencies, such as the Smithsonian Institution, the National Endowment for the Arts, and the National Endowment for the Humanities, and for numerous other entities and agencies.

Congress typically debates a variety of funding and policy issues when considering each year's appropriations legislation. These issues have included onshore and offshore energy development, wildland fire fighting, Indian trust fund management, royalty relief, climate change, DOI science programs, and wild horse and burro management. Other issues have included the appropriate funding levels for Bureau of Indian Affairs law enforcement and education; Indian Health Service construction and contract health services; wastewater/drinking water needs; the arts; land acquisition through the Land and Water Conservation Fund; and the Superfund program.

In former years, the appropriations laws for Interior and Related Agencies provided funds for several activities within the Department of Energy (DOE), including research, development, and conservation programs; the Naval Petroleum Reserves; and the Strategic Petroleum Reserve. However, at the outset of the 109th Congress, these DOE programs were transferred to the House and Senate Appropriations subcommittees covering energy and water, to consolidate jurisdiction over DOE.¹ At the same time, jurisdiction over the EPA and several smaller entities was moved to the House and Senate Appropriations subcommittees covering Interior and Related Agencies.² This change resulted from the abolition of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies, which previously had jurisdiction over EPA.

Since FY2006, appropriations laws for Interior, Environment, and Related Agencies have contained three primary titles. This report is organized along these lines. The first section (Title I) provides information on Interior agencies; the second section (Title II) discusses EPA; and the third section (Title III) addresses other agencies, programs, and entities. A fourth section of this report discusses selected cross-cutting topics that encompass more than one agency.

Entries in this report are for major agencies (e.g., the National Park Service) and cross-cutting issues (e.g., wildland fire management) that receive funding in the Interior, Environment, and Related Agencies appropriations bill. For each agency or issue, we discuss some of the key funding changes that appear to be of interest to Congress. We also address related policy issues that occur in the context of considering appropriations legislation. Appropriations are complex, and not all issues are summarized in this report. For example, budget submissions for some

¹ These panels are now called the Subcommittees on Energy and Water Development.

² These panels are now called the Subcommittees on Interior, Environment, and Related Agencies.

agencies number several hundred pages and contain innumerable funding, programmatic, and legislative changes for congressional consideration. Further, appropriations laws provide funds for numerous accounts, activities, and subactivities, and the accompanying explanatory statements provide additional directives and other important information. For information on programs funded in the bill but not directly discussed in this report, please contact the key policy staff members listed at the end of the report.

In general, in this report the term appropriations represents total funds available, including regular annual and supplemental appropriations, as well as rescissions, transfers, and deferrals, but excludes mandatory budget authorities. The House Committee on Appropriations is the primary source of the funding figures used throughout the report. Other sources of information include the Senate Committee on Appropriations, agency budget justifications, and the Congressional Record. In the tables throughout this report, some columns of funding figures do not match the precise totals provided due to rounding.

FY2011: Final Appropriations

The FY2011 appropriation for Interior, Environment, and Related Agencies was \$29.67 billion,³ a reduction of \$2.65 billion (8%) from the FY2010 level of \$32.32 billion. The FY2011 funding was included in the Full-Year Continuing Appropriations Act, 2011 (Division B, P.L. 112-10).⁴ The FY2011 enacted level was \$2.76 billion (8%) lower than the Obama Administration's request (\$32.43 billion). It was also \$1.48 billion (5%) lower than the amount contained in Senate Amendment 149 (\$31.15 billion) — a full-year continuing appropriations measure offered as an amendment to H.R. 1. The Senate rejected both the amendment and H.R. 1, the House-passed full-year continuing appropriations measure. The FY2011 enacted amount was an increase of \$1.82 billion (7%) from the level approved by the House in H.R. 1 (\$27.85 billion).

While most of the major agencies funded by the FY2011 law received reduced appropriations relative to FY2010, a few received additional funding. Among the decreases for FY2011 from FY2010 appropriations were the following:

- \$1.59 billion (15%) for the Environmental Protection Agency,
- \$602.0 million (11%) for the Forest Service,
- \$140.6 million (9%) for the Fish and Wildlife Service, and
- \$127.2 million (5%) for the National Park Service.

Among the increases were the following:

- \$72.7 million (53%) for the Bureau of Ocean Energy Management, Regulation, and Enforcement, and
- \$25.0 million (0.6%) for the Indian Health Service.

³ This FY2011 total does not include an across-the-board rescission of 0.2% in Sec. 1119 of Division B of P.L. 112-10, estimated at \$61.0 million for Interior, Environment, and Related Agencies.

⁴ Specifically, the appropriations for Interior, Environment, and Related Agencies Appropriations were contained in Title VII of Division B of P.L. 112-10.

The Full-Year Continuing Appropriations Act provided funding for accounts in the bill through the end of the fiscal year (September 30, 2011), with many accounts funded at less than the FY2010 account level. The requirements, authorities, conditions, limitations, and other provisions of the FY2010 Interior, Environment, and Related Agencies Appropriations law (P.L. 111-88) were continued for FY2011, except where the FY2011 law provided otherwise.

The FY2011 law did not generally identify funding below the account level for Interior, Environment, and Related Agencies. Rather, it directed the agencies to submit plans for spending for activities and programs below the account level, to the Appropriations Committees, within 30 days of enactment. The law was enacted on April 15, 2011, making the plans due by May 15, 2011.

FY2011: Earlier Legislative Action

The House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies held hearings on the FY2011 agency budget requests,⁵ and the House subcommittee held a markup. However, no regular appropriations bill to fund Interior, Environment, and Related Agencies for FY2011 was enacted⁶ before the start of the fiscal year on October 1, 2010.

Between September 30, 2010, and April 9, 2011, a series of seven laws was enacted to continue appropriations for Interior, Environment, and Related Agencies for relatively short periods, mostly at FY2010 account levels.⁷ Under these interim continuing appropriations laws, funding for Interior, Environment, and Related Agencies was provided at FY2010 account levels, and under the terms and conditions contained in the FY2010 appropriations law, with exceptions. For instance, one of the interim continuing appropriations laws (P.L. 111-322) had provided increased funding over FY2010 for the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). To implement a reorganization of the BOEMRE, the law authorized the Secretary of the Interior to establish accounts, transfer funds among affected offices and bureaus, and take other administrative actions that conform with the reprogramming guidance of the appropriations committees. P.L. 111-322 also altered the distribution of revenues from geothermal leasing on federal lands to direct 25% of the funding to counties, as under P.L. 111-212. Another of the continuing appropriations laws (P.L. 112-4) had eliminated funding for the Smithsonian's Legacy Fund.

Still another of the interim continuing appropriations laws (P.L. 112-6) had made about two dozen changes to accounts for Interior, Environment, and Related Agencies in FY2011, relative to FY2010. The changes were reductions below the FY2010 account levels, and affected several agencies: Bureau of Land Management, Fish and Wildlife Service, National Park Service, U.S. Geological Survey, Bureau of Indian Affairs, Insular Affairs, Environmental Protection Agency, and Forest Service.

⁵ House and Senate hearings on FY2011 Interior, Environment, and Related Agencies appropriations are available via the website of the Government Printing Office at <http://www.gpo.gov/fdsys>.

⁶ In fact, no regular appropriations bill to fund Interior, Environment, and Related Agencies for FY2011 was introduced in either chamber.

⁷ These laws covered the period from October 1, 2010, through April 15, 2011. For information on the history, nature, scope, and duration of continuing resolutions, see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by (name redacted).

In addition, as mentioned above, on February 19, 2011, the House had passed H.R. 1, a full-year (through September 30, 2011) continuing appropriations bill including funds for FY2011 for Interior, Environment, and Related Agencies. However, on March 9, 2011, the Senate defeated the bill. During its consideration of H.R. 1, the Senate also considered an alternative full-year continuing funding measure, in the form of a Senate amendment (S.Amdt. 149). The Senate did not agree to this amendment. Consequently, the Senate returned H.R. 1 to the calendar on March 9, 2011. On April 14, 2011, the House and Senate both passed a different full-year continuing appropriations measure — H.R. 1473 — which was signed into law on April 15, 2011, as P.L. 112-10.

Hereafter, references in this report to the House-passed bill refer to H.R. 1 and to the Senate amendment refer to Senate Amendment 149 to H.R. 1. References to the FY2011 law or to the FY2011 full-year continuing appropriations law are to P.L. 112-10. References to the FY2010 law are to P.L. 111-88.

Table 1 identifies funding for agencies covered by the Interior, Environment, and Related Agencies Appropriations bill. It provides the levels of appropriations that were enacted for FY2010, requested by the Administration for FY2011, passed by the House in H.R. 1, included in S.Amdt. 149, and enacted for FY2011. In this table and throughout this report, FY2011 enacted amounts do not reflect the across-the-board rescission of 0.2% provided in the FY2011 law (Sec. 1119, Division B). Sections throughout this report also address funding at these stages of action. In general, they do not address appropriations for programs and activities below the account level, as these amounts generally were not provided in the FY2011 law. Instead, the law provided that within 30 days of enactment, agencies submit to the Appropriations Committees spending plans at a level of detail below the account level.

Table 1. Appropriations for Interior, Environment, and Related Agencies, FY2010-FY2011

(\$ in thousands)

Bureau or Agency	FY2010 Approp.	FY2011 Request	FY2011, H.R. 1 Passed House	FY2011, SA 149 Not Agreed To	FY2011 Approp.
<i>Title I: Department of the Interior</i>					
Bureau of Land Management	1,133,604	1,132,372	1,056,620	1,129,739	1,116,089
U.S. Fish and Wildlife Service	1,646,832	1,642,234	1,267,375	1,596,932	1,506,261
National Park Service	2,743,730	2,728,865	2,503,816	2,677,757	2,616,486
U.S. Geological Survey	1,111,740	1,133,359	1,086,163	1,104,844	1,085,844
Bureau of Ocean Energy Management, Regulation, and Enforcement ^a	136,520	222,890	208,110	223,381	209,246
Office of Surface Mining Reclamation and Enforcement	162,868	146,135	162,868	162,868	162,868
Bureau of Indian Affairs	2,619,560	2,566,001	2,610,660	2,554,210	2,599,210
Departmental Offices ^b	540,999	486,644	482,623	511,099	495,115

Bureau or Agency	FY2010 Approp.	FY2011 Request	FY2011, H.R. 1 Passed House	FY2011, SA 149 Not Agreed To	FY2011 Approp.
Department-Wide Programs ^c	958,357	1,034,630	927,511	883,357	883,357
General Provisions	-7,000	-75,000	-25,000	-25,000	-25,000
Subtotal, Title I: Department of the Interior	11,047,210	11,018,130	10,280,746	10,819,187	10,649,476
Subtotal, Title II: Environmental Protection Agency	10,291,864	10,020,000	7,239,634	9,903,480	8,699,797
<i>Title III: Related Agencies</i>					
U.S. Forest Service (FS)	5,297,256	5,376,629	4,696,049	4,786,827	4,695,252
Indian Health Service	4,052,375	4,406,429	4,139,383	4,052,375	4,077,375
National Institute of Environmental Health Sciences	79,212	81,763	77,546	79,212	79,212
Agency for Toxic Substances and Disease Registry	76,792	76,337	74,039	76,792	76,792
Council on Environmental Quality and Office of Environmental Quality	3,159	3,448	2,848	3,159	3,159
Chemical Safety and Hazard Investigation Board	11,147	10,799	10,799	10,547	10,799
Office of Navajo and Hopi Indian Relocation	8,000	8,000	8,000	8,000	8,000
Institute of American Indian and Alaska Native Culture and Arts Development	8,300	8,750	8,300	8,300	8,300
Smithsonian Institution	761,395	797,600	758,261	761,161	761,161
National Gallery of Art	167,005	162,800	158,967	158,967	158,967
John F. Kennedy Center for the Performing Arts	40,447	37,420	36,420	36,920	36,420
Woodrow Wilson International Center for Scholars	12,225	9,922	9,844	12,225	11,225
National Endowment for the Arts	167,500	161,315	124,406	167,500	155,000
National Endowment for the Humanities	167,500	161,315	145,000	167,500	155,000
Commission of Fine Arts	2,294	2,349	2,294	2,294	2,294
National Capital Arts and Cultural Affairs	9,500	4,500	0	4,500	3,000
Advisory Council on Historic Preservation	5,908	5,908	5,908	5,908	5,908

Bureau or Agency	FY2010 Approp.	FY2011 Request	FY2011, H.R. 1 Passed House	FY2011, SA 149 Not Agreed To	FY2011 Approp.
National Capital Planning Commission	8,507	9,100	8,507	8,507	8,507
U.S. Holocaust Memorial Museum	49,122	50,521	49,122	49,122	49,122
Presidio Trust	23,200	15,000	10,000	23,200	15,000
Dwight D. Eisenhower Memorial Comm.	19,000	0	0	0	0
Subtotal, Title III: Related Agencies	10,969,844	11,389,905	10,325,693	10,423,016	10,320,493
Subtotal, Title IV: General Provisions	11,000	0	2,000	2,000	2,000
Grand Total Appropriations (in Bill)^d	32,319,918	32,428,035	27,848,073	31,147,683	29,671,766

Source: House and Senate Appropriations Committees.

- a. The FY2010 figure represents funding for the former Minerals Management Service.
- b. The Departmental Offices figures include the Office of the Secretary, Insular Affairs, Office of the Solicitor, Office of Inspector General, and Office of Special Trustee for American Indians.
- c. The Department-Wide Programs figures include Wildland Fire Management, Central Hazardous Materials Fund, Natural Resource Damage Assessment Fund, and Working Capital Fund.
- d. Figures generally do not reflect scorekeeping adjustments. The FY2010 total reflects appropriations of \$32.39 billion, emergency appropriations of \$31.0 million, and rescissions of \$100.8 million. The FY2011 request reflects appropriations of \$32.49 billion and rescissions of \$65.0 million. The FY2011 House-passed level reflects appropriations of \$28.46 billion and rescissions of \$611.9 million. The FY2011 Senate amendment level reflects appropriations of \$31.81 billion and rescissions of \$659.9 million. The FY2011 total reflects appropriations of \$30.50 billion and rescissions of \$825.6 million. The total does not reflect an across-the-board rescission of 0.2% in Sec. 1119 of Division B of P.L. 112-10, estimated at \$61.0 million for Interior, Environment, and Related Agencies.

FY2004-FY2011

Table 2, below, shows appropriations for Interior, Environment, and Related Agencies for FY2004-FY2011. Funding for earlier years is not readily available due to changes in the makeup of the Interior appropriations bill. The FY2011 appropriation represented a \$2.35 billion increase (8.6%) over the FY2004 level in current dollars, or a \$1.83 billion decrease (5.8%) in constant dollars.⁸ See **Table 18** for a budgetary history of each agency for FY2007-FY2011.

⁸ These calculations use the Congressional Budget Office's inflation estimate of 0.9% for 2010 and projection of 0.9% for 2011.

Table 2. Interior, Environment, and Related Agencies Appropriations, FY2004-FY2011

(\$ in billions)

	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010	FY2011
Current Dollars	27.33	27.02	25.94	27.40	28.42	27.59	10.95	38.79 ^a	32.32	29.67
Constant 2011 Dollars ^b	31.50	30.15	28.03	28.77	29.19	28.09	11.15	39.24 ^a	32.61	29.67

Note: These figures exclude permanent budget authorities, and generally do not reflect scorekeeping adjustments. They generally reflect rescissions and supplemental appropriations to date, except that the FY2006 figure does not reflect supplementals. The FY2007 figure includes \$425.0 million for Secure Rural Schools.

- a. These figures are the sum of the FY2009 omnibus and FY2009 stimulus appropriations, plus an additional \$250.0 million in wildland fire appropriations included in P.L. 111-32.
- b. These figures are based on the Congressional Budget Office's (CBO's) inflation estimate of 0.9% for 2010 and projection of 0.9% for 2011, on the CBO website at <http://www.cbo.gov/doc.cfm?index=12039>. For inflation forecasts for earlier years, see the GDP Price Index in "CBO's Year-by-Year Forecast and Projections for Calendar Years 2011 to 2021," on the CBO website at <http://www.cbo.gov/doc.cfm?index=12039>.

Status of Bill

Table 3, below reflects legislative action on FY2011 Interior, Environment, and Related Agencies Appropriations legislation.

Table 3. Status of Interior, Environment, and Related Agencies Appropriations, FY2011

Subcommittee Markup	H. Comm. Report	House Passage	S. Comm. Report	Senate Passage	Conf. Report	Conference Rept. Approval		Public Law ^a
						House	Senate	
7/22/10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

- a. Interior, Environment, and Related Agencies have been funded through a full-year continuing appropriations law, P.L. 112-10. This law provides funding through September 30, 2011, at accounts levels specified in the law, or at FY2010 account levels if not specified in the FY2011 law.

Title I: Department of the Interior

Bureau of Land Management⁹

Overview

The Bureau of Land Management (BLM) manages approximately 250 million acres of public land for diverse and sometimes conflicting uses, such as energy and minerals development, livestock grazing, recreation, and preservation. The agency also is responsible for about 700 million acres of federal subsurface mineral estate throughout the nation, and supervises mineral operations on an estimated 56 million acres of Indian Trust lands.

For FY2011, the full-year continuing appropriations law contained \$1.12 billion for BLM, which was \$17.5 million (2%) less than the FY2010 appropriations of \$1.13 billion. The FY2011 enacted amount also was \$16.3 million (1%) less than the Administration's FY2011 request (\$1.13 billion), \$59.5 million (6%) more than the House-passed level (\$1.06 billion), and \$13.7 million (1%) less than the Senate amendment (\$1.13 billion). See **Table 4**. Below is a discussion of the funding in the law for some of the major BLM accounts. The FY2011 law did not generally identify funding below the account level, but rather directed the BLM (and other agencies) to submit plans for spending below the account level to the Appropriations Committees within 30 days of enactment.

Table 4. Appropriations for the Bureau of Land Management (BLM), FY2010-FY2011
(\$ in millions)

Bureau of Land Management	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Management of Lands and Resources	958.6	912.6	914.5	959.7	952.7
Construction	8.6	3.6	2.6	6.6	4.6
Land Acquisition	29.7	83.7	2.8	26.7	22.0
Oregon and California Grant Lands	111.6	105.6	111.6	111.6	111.6
Range Improvements	10.0	10.0	10.0	10.0	10.0
Service Charges, Deposits, and Forfeitures ^a	0	0	0	0	0
Miscellaneous Trust Funds and Permanent Operating Funds	15.2	17.0	15.2	15.2	15.2
Total Appropriations	1,133.6	1,132.4	1,056.6	1,129.7	1,116.1

a. The figures of "0" are a result of an appropriation matched by offsetting fees.

⁹ For more information on BLM funding, contact (name redacted) at 7-.....

Management of Lands and Resources

Management of Lands and Resources includes funds for an array of BLM land programs, including protection, recreational use, improvement, development, disposal, and general BLM administration. For this account, the FY2011 law contained \$952.7 million, a \$5.9 million reduction from the FY2010 level of \$958.6 million. The FY2011 level also was \$38.2 million above the House-passed level (\$914.5 million), \$7.0 million below the Senate amendment (\$959.7 million), and \$40.1 million above the President's request (\$912.6 million).

The Administration had sought a number of changes in funding relative to FY2010 for activities and programs funded by this account. For instance, the Administration had sought increased funding for wild horse and burro management; reduced funding for energy and minerals, the Alaska conveyance program, and resource management planning; and the elimination of funding for the Challenge Cost Share program.

The FY2011 law anticipated that the costs of mining law administration would be more than fully offset by fees for maintaining mining claims and other fees. Specifically, an anticipated \$47.7 million in fee collections would exceed the expected \$36.7 million in program costs. This would have the effect of reducing the need for discretionary appropriations for FY2011. Mining law administration provides for the exploration and development of minerals on public lands under the General Mining Law of 1872. In addition, the FY2011 law continued language from FY2010 providing for offsetting fees for oil and gas development. The law provided an appropriation of \$45.5 million for processing applications for permits to drill and related use authorizations, to be offset by fees derived through a program requiring payment of \$6,500 for each new application for a permit to drill oil and gas wells.

The FY2011 law retained language in the FY2010 Interior appropriations law to prohibit funds from being used for the slaughter of healthy, unadopted wild horses and burros under BLM management, or for the sale of wild horses and burros that results in their slaughter for processing into commercial products. The appropriation for BLM wild horse and burro management was not specified in the FY2011 law. The Administration had sought \$75.7 million, an \$11.7 million increase over the FY2010 level of \$64.0 million. The FY2010 level itself was the highest annual appropriation in the history of the program. Nevertheless, the Administration sought additional funds to reflect the escalating costs of caring for animals removed from the range in long-term pasture ("holding") facilities, and to implement wild horse and burro proposals announced by the Secretary of the Interior in October 2009.¹⁰

Another funding limitation in the FY2011 law prohibited funds from being used to implement an order of the Secretary of the Interior pertaining to the protection of wilderness characteristics of BLM lands.¹¹ This order, issued on December 22, 2010, has been controversial, with supporters anticipating additional protections for BLM lands and opponents anticipating additional restrictions on use and development.¹²

¹⁰ U.S. Dept. of the Interior, Bureau of Land Management, *Budget Justifications and Performance Information, Fiscal Year 2011*, p. IV-71-75.

¹¹ See Secretarial Order No. 3310 on the BLM website at http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs/news_release_attachments.Par.26564.File.dat/sec_order_3310.pdf.

¹² For more information on the policy, see CRS Report R41610, *Wilderness: Legislation and Issues in the 112th Congress*, by (name redacted), (name redacted), and (name redacted), p. 10.

Construction

Construction appropriations for FY2011 were \$4.6 million, a reduction of \$4.0 million from the FY2010 level of \$8.6 million. The FY2011 level was the lowest level in at least a decade, in which BLM construction funding had ranged from a low of \$6.4 million in FY2008 to a high of \$16.8 million in FY2001. The Administration and the House had supported lower levels still for FY2011 — \$3.6 million and \$2.6 million respectively, while the Senate amendment had contained a higher level — \$6.6 million.

Land Acquisition

For land acquisition by the BLM, the FY2011 law contained \$22.0 million, a \$7.7 million reduction from FY2010 appropriations of \$29.7 million. The number of specific acquisitions that would be funded in FY2011 was not clear. The House had supported a lower level — \$2.8 million, while the Senate amendment had contained higher funding — \$26.7 million. The Administration had sought an increase of \$54.0 million, to \$83.7 million, for FY2011. The FY2011 request had included \$42.0 million to acquire land for a new wild horse preserve, as proposed by the Secretary of the Interior, and funding for 20 specific acquisitions in nine states. The appropriation for BLM acquisitions had fallen from \$49.9 million for FY2002 to \$8.9 million for FY2008, before increasing to \$29.7 million for FY2010. Money for land acquisition is appropriated from the Land and Water Conservation Fund. (For more information, see “The Land and Water Conservation Fund (LWCF).”)

Fish and Wildlife Service¹³

The Fish and Wildlife Service (FWS) is responsible for implementing the Endangered Species Act, managing the National Wildlife Refuge System for wildlife habitats and appropriate uses, conserving migratory birds, administering grants to aid state fish and wildlife programs, and coordinating with state and other federal agencies on fish and wildlife issues. For the FWS, the FY2011 full-year continuing appropriations law contained \$1.51 billion, which was \$140.6 million (9%) less than the FY2010 enacted level of \$1.65 billion. The FY2011 level also was \$136.0 million (8%) less than the Administration’s FY2011 request (\$1.64 billion), \$238.9 million (19%) more than the House-passed level (\$1.27 billion), and \$90.7 million (6%) less than the amount in the Senate amendment (\$1.60 billion). See **Table 5**.

By far the largest portion of the FWS annual appropriation is the Resource Management account, which includes the Endangered Species program, the Refuge System, Law Enforcement, and Climate Change Adaptive Science Capacity. The FY2011 appropriation law provided \$1.25 billion, down \$22.1 million (2%) from \$1.27 billion for FY2010. In contrast, the House-passed bill had contained less than enacted — \$1.20 billion — and the Senate amendment included more than enacted — \$1.26 billion.¹⁴

¹³ For more information on FWS funding, contact (name redacted) at 7-..... In addition, a variety of FWS policy issues that arise in an appropriations context are discussed in more detail in CRS Report R41155, *Fish and Wildlife Service: Appropriations and Policy*, by (name redacted).

¹⁴ The FY2011 law did not generally identify funding below the account level, but rather directed the FWS to submit a plan for spending below the account level to the Appropriations Committees within 30 days of enactment.

Wolf Delisting¹⁵

Section 1713 of the FY2011 appropriations law removed wolves in the Northern Rockies from the protections of the Endangered Species Act (ESA). This removal from the ESA's list of protected species (or "delisting") makes these gray wolves the 49th species to be delisted, and the only one delisted due to specific legislative action.¹⁶ In April 2009, FWS had issued a regulation to delist the population of wolves that had been reintroduced in the Northern Rockies.¹⁷ The rule would have removed wolves in Montana, Idaho, and parts of Washington, Oregon, and Utah from ESA protections. The rule did not change the wolf's status outside these five states. The wolves of Wyoming were to remain protected because FWS held that Wyoming's proposed management plan was not adequate to avoid population declines that would result in relisting the wolves. In August 2010, a federal court overturned the rule.¹⁸ In addition, in December 2010, a federal district court in Wyoming ordered FWS to reconsider the Wyoming plan for wolf management, holding that FWS had acted arbitrarily and capriciously in rejecting the plan.¹⁹ Section 1713 ordered FWS to reissue the April 2009 rule and insulated the new rule from judicial review. It further stated that the section was to have no effect on the Wyoming case. FWS reissued the rule on May 5, 2011.²⁰ The provision appears to leave open the option for a subsequent proposal to re-list the species.

Two factors make this delisting distinct from past efforts to delist species legislatively: (1) the FWS had previously attempted to delist the species, meaning FWS believed that the best available science supported delisting, and (2) the species had met and exceeded the numeric goals for delisting in the species' recovery plan, although the genetic connectivity was disputed.

Endangered Species Funding

Funding for the Endangered Species program is part of the Resource Management account, and is one of the perennially controversial portions of the FWS budget.²¹ The FY2011 appropriations law did not specify the allocation to the Endangered Species Program from the overall Resource Management account. The Administration had sought \$181.3 million, an increase of 1% from the FY2010 level.

The Cooperative Endangered Species Conservation Fund also benefits conservation of species that are listed, or proposed for listing under the Endangered Species Act through grants to states and territories. The FY2011 appropriation was \$60.0 million, a \$25.0 million decrease from the

¹⁵ For more information on gray wolf controversies, see CRS Report RL34238, *Gray Wolves Under the Endangered Species Act (ESA): Distinct Population Segments and Experimental Populations*, by (name redacted) and (name redacted), and CRS Report R41730, *The Gray Wolf and the Endangered Species Act (ESA): A Brief Legal History*, by (name redacted).

¹⁶ For background on the 48 species delisted to date, see the FWS website at http://ecos.fws.gov/tess_public/pub/delistingReport.jsp.

¹⁷ 74 *Federal Register* 15123-15188, April 2, 2009.

¹⁸ *Defenders of Wildlife v. Salazar*, 729 F. Supp. 2d 1207 (D. Mont. 2010).

¹⁹ Section 1713 specifically cites "United States District Court for the District of Wyoming in Case Numbers 09-CV-118J and 09-CV-138J on November 18, 2010."

²⁰ 76 *Federal Register* 25590-25592, May 5, 2011.

²¹ For a discussion of the Endangered Species Act and its programs, see CRS Report RL31654, *The Endangered Species Act: A Primer*, by (name redacted), (name redacted), and (name redacted).

\$85.0 million enacted for FY2010 and requested by the Administration for FY2011. The House-passed bill and the Senate amendment contained \$2.5 million and \$84.8 million respectively.

Table 5. Appropriations for the Fish and Wildlife Service (FWS), FY2010-FY2011
(\$ in thousands)

Fish and Wildlife Service	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SAI 49 Not Agreed To	FY2011 Approp.
Resource Management	1,269,406	1,266,410	1,204,240	1,257,356	1,247,356
Construction	37,439	23,737	23,737	27,139	20,846
Land Acquisition	86,340	106,340	15,055	63,890	55,000
Landowner Incentive Program (cancellation of prior year balances)	0	0	-4,941	-4,941	-4,941
Cooperative Endangered Species Conservation Fund	85,000	85,000	2,479	84,841	60,000
National Wildlife Refuge Fund	14,500	14,100	14,500	14,500	14,500
North American Wetlands Conservation Fund	47,647	42,647	0	47,647	37,500
Neotropical Migratory Bird Conservation Fund	5,000	4,000	4,430	5,000	4,000
Multinational Species Conservation Fund	11,500	10,000	7,875	11,500	10,000
State & Tribal Wildlife Grants	90,000	90,000	0	90,000	62,000
Total Appropriations	1,646,832	1,642,234	1,267,375	1,596,932	1,506,261

National Wildlife Refuge System (NWRS) and Law Enforcement

The FY2011 appropriation law did not specify the allocation to the Refuge System and to Law Enforcement from the overall Resource Management account. The FY2011 request for refuge operations and maintenance was \$499.5 million, a decrease of 1% from FY2010. The Administration had proposed to increase programs for wildlife and habitat management and maintenance, while cutting conservation planning, visitor services, and refuge-based law enforcement. The Administration's FY2011 request for nationwide law enforcement was \$63.3 million, down 4% from the FY2010 level. Nationwide law enforcement covers border inspections, investigations of violations of endangered species or waterfowl hunting laws, and other activities.

Climate Change Planning and Adaptive Science Capacity

The FY2011 appropriations law did not specify funding for climate change programs from the overall Resource Management account. The Administration had proposed \$28.8 million to address climate change—a 44% increase over the FY2010 level. Part of the requested funding was to support work with partners at federal, state, tribal, and local levels to develop strategies to address climate impacts on wildlife at local and regional scales. The remainder was to support cooperative scientific research on climate change impacts to wildlife and habitats. Both portions

were to support and work through a network of Landscape Conservation Cooperatives (LCCs) to ameliorate the effects of climate change. Under the President's proposal, the number of LCCs, a network of research institutions and federal and other resource managers and scientists, would increase from 9 to 12, with an eventual goal of 21 LCCs.

Land Acquisition

For land acquisition by the FWS, the FY2011 law contained \$55.0 million, a \$31.3 million decrease from the FY2010 appropriation (\$86.3 million). The Administration had requested \$106.3 million for land acquisition, an increase of \$20.0 million (23%) from the FY2010 level. This program is funded with annual appropriations from the Land and Water Conservation Fund. (For more information, see "The Land and Water Conservation Fund (LWCF)," below.) The House-passed bill and the Senate amendment contained \$15.1 million and \$63.9 million, respectively.

Under the Migratory Bird Conservation Account (MBCA), FWS (in contrast to the other three federal lands agencies) has a source of mandatory spending for land acquisition. It does not receive funding in annual Interior appropriations bills. The account is permanently appropriated, with funds for FY2011 estimated at \$58.0 million, derived from the sale of duck stamps to hunters and recreationists, and import duties on certain arms and ammunition. If Congress were to approve an increase in the price of duck stamps from \$15 to \$25, the Administration estimated the change would produce an additional \$14.0 million above the previous year. No such bill has been introduced to date.

Wildlife Refuge Fund

The National Wildlife Refuge Fund (also called the Refuge Revenue Sharing Fund) compensates counties for the presence of the non-taxable federal lands of the NWRS. A portion of the fund is supported by the permanent appropriation of receipts from various activities carried out on the NWRS.²² However, receipts are not sufficient for full funding of authorized levels, and county governments have long urged additional appropriations to make up the difference. The FY2011 appropriations law retained the FY2010 level of \$14.5 million, which also had been included in the House-passed bill and the Senate amendment. The Administration had requested \$14.1 million. A projected increase in receipts, combined with the appropriation of \$14.5 million for FY2011, should increase the payment from 36% of the authorized level in FY2010 to 39% for FY2011.

Multinational Species and Neotropical Migrants

The Multinational Species Conservation Fund has generated considerable constituent interest despite the small size of the program. It benefits Asian and African elephants, tigers, rhinoceroses, great apes, and marine turtles. For FY2011, the appropriations law included \$10.0 million, as requested by the President, a decrease of \$1.5 million from FY2010 (\$11.5 million).²³ The House

²² The National Wildlife Refuge Fund is distinct from the Payments in Lieu of Taxes (PILT) program administered by DOI, and for which many types of federal lands are eligible. For further information, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by (name redacted).

²³ For more information on funding levels for each subprogram, see CRS Report RS21157, *International Species Conservation Funds*, by (name redacted) and (name redacted).

had supported a further reduction, to \$7.9 million, while the Senate amendment had level funding of \$11.5 million. For the Neotropical Migratory Bird Conservation Fund, the FY2011 law contained \$4.0 million, as requested by the President, a decrease of \$1.0 million from the FY2010 level. The House bill and Senate amendment had contained higher amounts — \$5.0 million and \$4.4 million, respectively.

State and Tribal Wildlife Grants

State and Tribal Wildlife Grants help fund efforts to conserve species (including nongame species) of concern to states, territories, and tribes. The program was created in the FY2001 Interior appropriations law (P.L. 106-291) and further detailed in subsequent Interior appropriations laws. (It has no separate authorizing statute.) Funds may be used to develop state conservation plans as well as to support specific practical conservation projects. A portion of the funding is set aside for competitive grants to tribal governments or tribal wildlife agencies. The remaining portion is for grants to states. A state's allocation is determined by formula. The FY2011 appropriation was \$62.0 million, a decrease of \$28.0 million from the \$90.0 million enacted for FY2010, requested for FY2011, and included in the Senate amendment. By contrast, the House-passed bill contained no funding.

The FY2011 appropriations law did not change language in the FY2010 law reducing the required minimum state share of implementation grants from 50% to 35%. The Administration proposal for FY2011 would have returned to a minimum of 50%.

National Park Service²⁴

The National Park Service (NPS) administers the National Park System—394 units covering more than 84 million acres, with many diverse natural and historic areas. The NPS also supports and promotes some resource conservation activities outside the Park System through limited grant and technical assistance programs and cooperation with partners.

For FY2011, the full-year continuing appropriations law contained \$2.62 billion for the NPS, which was \$127.2 million (5%) less than the FY2010 appropriation of \$2.74 billion. The FY2011 enacted amount also was \$112.4 million (4%) less than the Administration's FY2011 request of \$2.73 billion, \$112.7 million (4%) more than the House-passed level of \$2.50 billion, and \$61.3 million (2%) less than the Senate amendment of \$2.68 billion. See **Table 6**. Below is a discussion of the funding in the law for some of the major NPS accounts.²⁵

²⁴ For more information on NPS funding in general, contact (name redacted) at 7-..... For more information on funding for historic preservation, contact Shannon Loane at 7-.....

²⁵ The FY2011 law did not generally identify funding below the account level, but rather directed the NPS (and other agencies) to submit plans for spending below the account level to the Appropriations Committees within 30 days of enactment.

Table 6. Appropriations for the National Park Service (NPS), FY2010-FY2011
(\$ in millions)

National Park Service	FY2010 Approp.	FY2011 Request	FY2011 H.R. I Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Operation of the National Park System	2,261.6	2,296.9	2,237.7	2,261.6	2,254.6
—Park Management	2,106.0	2,126.2	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
—Administrative Costs	155.5	170.7	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
Park Partnerships Project Grants	5.0 ^a	5.0	0	0	0
National Recreation and Preservation	68.4	51.0	57.8	58.0	57.4 ^b
Historic Preservation Fund	79.5	54.5	54.5	69.3	54.5
Construction	233.0	195.2	169.7 ^c	210.1	185.1 ^d
Land and Water Conservation Fund ^e	-30.0	-30.0	-30.0	-30.0	-30.0
Land Acquisition and State Assistance	126.3	156.3	14.1	108.8	95.0
—Assistance to States	40.0	50.0	0	40-0	40.0
—NPS Acquisition	86.3	106.3	14.1	68.8	55.0
Total Appropriations	2,743.7	2,728.9	2,503.8	2,677.8	2,616.5

- Total funding was \$15.0 million, composed of a \$5.0 million appropriation and the use of \$10.0 million in carryover balances from the recreation fee program.
- Figure reflects a rescission of \$0.6 million.
- Figure reflects a rescission of \$2.0 million in prior year balances.
- Figure reflects a rescission of \$25.0 million in prior year balances.
- Figures reflect a rescission of contract authority.

Operation of the National Park System

The largest portion of the NPS annual appropriations is for the Operation of the National Park System Account. The majority of operations funding is provided directly to park managers for the activities, programs, and services essential to the day-to-day operations of the park system. For this account, the full-year continuing appropriations law contained \$2.25 billion for FY2011, a \$7.0 million decrease from both the FY2010 appropriations and the level in the Senate amendment (\$2.26 billion). The FY2011 enacted level was \$16.9 million higher than the House-passed level (\$2.24 billion), and \$42.3 million lower than the Administration's request for FY2011 (\$2.30 billion). Among the increases requested by the Administration over FY2010 were visitor services (\$13.2 million increase) and resource stewardship (\$6.2 million increase).

Funding for “park partnership project grants” was eliminated by the FY2011 appropriations law. The program was developed to help refurbish and prepare the National Park System for its 100th anniversary in 2016, and was intended to leverage private donations for certain park projects. The grants have been used to match partner donations with federal funds to complete projects

throughout the National Park System. The Administration had requested \$5.0 million for this program for FY2011. Total FY2010 funding was \$15.0 million, composed of a \$5.0 million appropriation and the use of \$10.0 million in carryover balances from the recreation fee program.

National Recreation and Preservation

For the National Recreation and Preservation (NR&P) account for FY2011, the full-year continuing appropriations law contained \$57.4 million, an \$11.1 million reduction from the FY2010 level (\$68.4 million). The FY2011 level was lower than the level passed by the House (\$57.8 million) and the amount included in the Senate amendment (\$58.0 million) for FY2011. The Administration had sought a further reduction, to \$51.0 million for FY2011. NR&P funds a variety of Park System activities, including natural and cultural resource protection programs, environmental and compliance review, and an international park affairs office, as well as programs providing technical assistance to state and local community efforts to preserve natural, historic, and cultural resources outside the National Park System.

The FY2011 law did not fund the “Preserve America” program, a matching grant program that has assisted communities with preservation efforts through heritage tourism, education, and historic preservation planning. The program was among the park partnership programs that the Administration had sought to discontinue or reduce funding for, to focus on national parks and other activities more consistent with the core mission of the NPS. The program was funded at \$4.6 million in FY2010, and the proposal to eliminate funding had been controversial. In a report to Congress, the Advisory Council on Historic Preservation called the program effective, despite its short history and relatively small federal investment.²⁶

The Administration also had proposed to discontinue funding for statutory and contractual aid, funded at \$5.9 million in FY2010. This program supports a variety of areas not managed by the NPS by providing limited financial assistance through partnerships with stakeholders. This effort supports NPS endeavors to promote systems of parks and open space nationwide. Further, the Administration requested \$9.0 million for heritage partnership programs, approximately half the FY2010 level. The program supports national heritage areas (NHAs), which are neither owned nor managed by the NPS. The reduction was proposed not only to allow the NPS to address core activities, but to address concerns of appropriators about the expanding numbers of NHAs and their inability to become more financially self-sufficient.²⁷ Funding for statutory and contractual aid, heritage areas, and other partnership programs will be determined by the NPS.

Historic Preservation

The Historic Preservation Fund (HPF), administered by the NPS, provides grants-in-aid for activities specified in the National Historic Preservation Act (NHPA; 16 U.S.C. § 470), such as restoring historic districts, sites, buildings, and objects significant in American history and culture. The Fund’s preservation grants are normally funded on a 60% federal and 40% state matching share basis.

²⁶ For information on this report, see the website of the Advisory Council on Historic Preservation at <http://www.achp.gov/news090610.html>.

²⁷ For information on NHA establishment, management, and legislation, see CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*, by (name redacted).

For FY2011, the full-year continuing appropriations law contained \$54.5 million for the HPF, a decrease of \$25.0 million from FY2010 appropriations of \$79.5 million. The FY2011 level was equal to the Administration's request and the House-passed level for FY2011, but \$14.8 million less than the amount in the Senate amendment of \$69.3 million. The law eliminated funding for Save America's Treasures, a grant program for preservation and/or conservation work on nationally significant intellectual and cultural artifacts and historic structures and sites. The Administration had proposed to eliminate funding for Save America's Treasures, as part of its goal to focus on activities more closely aligned with its core mission.

Construction

The appropriation for construction in FY2011 was \$185.1 million, composed of an appropriation of \$210.1 million in the full-year continuing appropriations law and a rescission of \$25.0 million in unobligated balances (through an earlier continuing appropriations law — P.L. 112-6). This total was \$47.9 million less than the FY2010 appropriations (\$233.0 million), \$10.1 million less than the Administration's FY2011 request (\$195.2 million), and \$25.0 million less than the Senate amendment (\$210.1 million), but \$15.4 million more than the House-passed level (\$169.7 million). The Construction line item funds new construction projects, as well as improvements, repair, rehabilitation, and replacement of park facilities. It also funds general management planning, including the special resource studies that evaluate potential Park System additions. Additional funding is also provided for NPS road construction and repair through the Federal Lands Highway Program of the Federal Highway Administration.

Addressing deferred maintenance is a continuing NPS concern. While the NPS has improved inventory and asset management systems, the estimate of its deferred maintenance backlog has continued to mount. DOI estimates deferred maintenance for the NPS for FY2009 at between \$8.23 billion and \$12.11 billion, with a mid-range figure of \$10.17 billion.

Land Acquisition and State Assistance

For FY2011, Land Acquisition and State Assistance appropriations totaled \$95.0 million. This was a decrease of \$31.3 million from the FY2010 appropriations of \$126.3 million, of \$61.3 million below the Administration's request of \$156.3 million for FY2011, and \$13.8 million below the Senate amendment of \$108.8 million. However, the FY2011 appropriation was an increase of \$80.9 million over the House-passed level of \$14.1 million. For the state assistance component, the FY2011 law provided the same funding level as FY2010 — \$40.0 million. State assistance is for recreation-related land acquisition and recreation planning and development by the states, with the appropriated funds allocated among the states by formula and the states determining their spending priorities. For the NPS land acquisition component, the FY2011 law provided \$55.0 million, a reduction of \$31.3 million from FY2010 (\$86.3 million). Land acquisition funds are used to acquire lands, or interests in lands, for inclusion within the National Park System. The FY2011 law did not identify which lands would be acquired with the funding provided. (For more information, see the "The Land and Water Conservation Fund (LWCF).")

U.S. Geological Survey²⁸

The U.S. Geological Survey (USGS) is a science agency that provides physical and biological information related to climate change; to geological resources; and to energy, mineral, water, and biological sciences and resources. In addition, it is the federal government's principal civilian mapping agency and a primary source of data on the quality of the nation's water resources. Funds for the USGS are provided in the line item Surveys, Investigations, and Research for eight activities: Geographic Research, Investigations, and Remote Sensing; Geologic Hazards, Resources, and Processes; Water Resources Investigations; Biological Research; Global Climate Change Research; Enterprise Information; Science Support; and Facilities.

The FY2011 enacted level for the USGS was \$1.09 billion, which was \$25.9 million (2%) below the FY2010 enacted level of \$1.11 billion. The FY2011 level also was \$47.5 million (4%) below the FY2011 Administration request (\$1.13 billion), \$19.0 million (2%) below the amount in the Senate amendment (\$1.10 billion), and nearly level with the funding in the House-passed bill (\$1.09 billion). See **Table 7**. The FY2011 enacted level for each of eight activities under the USGS was not specified in the appropriations law for FY2011.²⁹

The FY2011 Administration request for USGS was \$1.13 billion, \$21.6 million above the FY2010 enacted level. The FY2011 request would have provided more funding than FY2010 for Geographic Research, Investigations, and Remote Sensing; Geologic Hazards, Resources, and Processes; Science Support; and Global Climate Change Research. However, the FY2011 request would have provided less funding than FY2010 for Water Resources Investigations, Biological Research, Enterprise Information, and Facilities. See **Table 7**.

Table 7. Appropriations for the U.S. Geological Survey (USGS), FY2010-FY2011
(\$ in millions)

U.S. Geological Survey	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Geographic Research, Investigations, and Remote Sensing	145.6	153.4	n/a	n/a	n/a
Geologic Hazards, Resources, and Processes	249.1	253.8	n/a	n/a	n/a
Water Resources Investigations	232.3	228.8	n/a	n/a	n/a
Biological Research	204.9	201.3	n/a	n/a	n/a
Global Climate Change Research	58.2	72.1	n/a	n/a	n/a
Enterprise Information	46.0	41.5	n/a	n/a	n/a

²⁸ For more information on USGS funding, contact (name redacted) at 7-.....

²⁹ Instead, the law directed the USGS to submit plans for spending below the account level to the Appropriations Committees within 30 days of the enactment.

U.S. Geological Survey	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Science Support	69.2	77.4	n/a	n/a	n/a
Facilities	106.4	104.9	n/a	n/a	n/a
Total Appropriations	1,111.7	1,133.4	1,086.2	1,104.8	1,085.8

Geographic Research, Investigations, and Remote Sensing

This activity aims to provide public access to high-quality geospatial information through the National Geospatial Program (NGP). NGP organizes, maintains, and publishes data and maps on topography, natural landscapes, and the built environment (e.g., transportation features) of the country. The baseline is the National Map, a set of geospatial databases.

This activity supports the Landsat satellite series under the Landsat Data Continuity Mission. Landsat 8 is being developed to take remotely sensed images of the Earth's land surface and surrounding coastal areas primarily for environmental monitoring. Landsat data are freely available to the public. The FY2010 enacted level for this program was \$24.1 million, but the FY2011 law did not specify funding for FY2011.

Geologic Hazards, Resources, and Processes

This activity provides earth science information for a wide variety of partners and customers, including federal, state, and local agencies, non-government organizations, industry, and academia. It includes funds for Geologic Hazard Assessment programs to operate monitoring networks and provide warnings, assessments, and evaluations of impacts from hazards such as earthquakes, volcanoes, and landslides. Hazard assessments cover geologic landscape and coastal assessments as well as geologic resource assessments. This initiative is part of a DOI initiative to increase resilience to natural hazards. The Administration had sought increases under this initiative to enhance the Multi-Hazards Demonstration Project, improve hazard mitigation and planning activities in the Pacific Northwest, build resilience in Alaskan communities, and improve USGS disaster response capabilities.

Water Resources Investigations

The Water Resources activity supports water research and monitoring activities that address issues such as water availability, water quality, and flood and drought hazards.

The Hydrologic Monitoring, Assessments, and Research subactivity includes six programs exclusively funded from federal appropriations: groundwater resources; the National Water-Quality Assessment Program (NAWQA); toxic substances hydrology; hydrologic research and development; the National Streamflow Information Program (NSIP); and Hydrologic Networks and Analysis (HNA). These programs are primarily research oriented. However, NSIP and portions of HNA focus on long-term data collection, and NAWQA provides status and trends information on water quality conditions across the nation.

NSIP and the Cooperative Water Program support the National Streamgauge Network to monitor the flow of water and associated components in rivers and streams throughout the nation. The 7,500 gages are funded in partnership with over 800 federal, state, and local agencies.

The WaterSMART Program under USGS is funded under this sub-activity. Through this program, the USGS aims to implement the requirements of the Omnibus Public Lands Management Act of 2009 (P.L. 111-11): to determine the quantity, quality, and use of the water supply in the United States. According to the FY2011 budget justification, the USGS is expected to develop critical information to characterize water flows, storage, use, quality, and ecological needs.³⁰

Biological Research

This program generates and distributes information related to conserving and managing the nation's biological resources. For example, funding in FY2010 covered studying species at risk due to changing arctic ecosystems. Loss of arctic sea ice and terrestrial permafrost-supported habitats could potentially harm polar bears and other species and ecosystems in the arctic region.

Global Climate Change Research

The climate change research program seeks to provide science, monitoring, and predictive modeling to generate information on climate change and its effect on the resources and landscape of the United States. There were no specified increases or decreases in climate change funding under the USGS in the FY2011 full-year continuing appropriations law.

Under the Administration's FY2011 request, increased funding was requested for DOI Climate Science Centers. According to the FY2011 budget justification, the National Climate Change and Wildlife Science Center (NCCWSC) and its regional entities—currently referred to as Department of the Interior Climate Science Centers (DOI CSCs)—support research, assessment, and synthesis of global change data for use at regional levels. The DOI CSCs are intended to “adapt and evaluate global climate change models to scales that are appropriate for research managers of species and habitats, and facilitate data integration and outreach to collaborators and stake holders.”³¹ According to the USGS, three CSCs were established in FY2010, funding was requested for FY2011 to establish two more CSCs in FY2011, and the final three centers are expected to be established in FY2012.

The USGS is a key contributor to the DOI Climate Effects Network (CEN). CEN provides science and data on earth systems to understand, track, and forecast the effects of climate change on ecosystems, natural resources, and society, and assist in adaptation and mitigation. USGS integrates climate and environmental data and provides decision-support tools for adapting to climate change under CEN. USGS is conducting a national assessment of biological carbon sequestration pursuant to P.L. 110-140, which calls for a comprehensive assessment of geologic and biologic carbon sequestration.

³⁰ U.S. Dept. of the Interior, Geological Survey, *USGS Budget Justifications and Performance Information for FY2011*, p. B-4.

³¹ *Ibid.*, p. N-10.

Enterprise Information

The Enterprise Information activity consolidates funding of all USGS information needs, including information technology, security, services, and resources management, as well as capital asset planning.

Science Support and Facilities

Science Support focuses on costs associated with modernizing the infrastructure for managing and disseminating scientific information. Facilities include sites where USGS activities are housed—offices, laboratories, storage, parking, and more—as well as eight large research vessels.

Bureau of Ocean Energy Management, Regulation, and Enforcement³²

The Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) has a two-fold mission: (1) managing all federal and Indian mineral revenues, and (2) managing all federal offshore renewable and traditional energy and mineral resources.

In response to the April 20, 2010, Gulf of Mexico oil spill, on May 11, 2010, Secretary of the Interior Ken Salazar announced a plan to separate the safety and environmental functions of the Minerals Management Service (MMS) from its leasing and revenue collection function. The goal was to improve the efficiency and effectiveness of the agency. Subsequently, on May 19, 2010, a decision was made by the Secretary to establish the following three new entities to perform the functions of the MMS: Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), and the Office of Natural Resources Revenue (ONRR).³³ Each of the three new entities as proposed is to have a director who would be under the supervision of an assistant secretary. For the purposes of this discussion, functions formerly performed by MMS will be referred to as BOEMRE or ONRR functions when discussing historical actions. It is unclear what the budgetary implications will be for appropriations for BOEM and BSEE. The transition to this new framework is expected to be complete and implemented by October 1, 2011, as reflected in the Administration's FY2012 budget request.³⁴

ONRR disbursed about \$9.2 billion in FY2010 from mineral leases on federal and Indian lands, down from \$10.7 billion in FY2009 and from \$23.5 billion in FY2008. This amount fluctuates annually based primarily on the prices of oil and natural gas and has averaged about \$13 billion per year over the last five years. For about a decade prior to FY2007, royalties from natural gas production accounted for 40% to 45% of annual ONRR³⁵ receipts, while oil royalties were not more than 25%. However, in FY2007, oil royalties accounted for about 39% of ONRR receipts. In FY2010, royalties from natural gas and oil leases contributed 28% and 51%, respectively, of

³² For more information on BOEMRE funding, contact (name redacted) at 7-.....

³³ Additional information on the reassignment of MMS's responsibilities is contained in Secretarial Order No. 3299, on the DOI website at <http://www.doi.gov/deepwaterhorizon/loader.cfm?csModule=security/getfile&PageID=32475>.

³⁴ For instance, the Royalty Management budget activity was included in the ONRR in the President's FY2012 budget request.

³⁵ As noted above, the former MMS is being referred to here and elsewhere as ONRR or BOEMRE, as appropriate.

total ONRR receipts. Other sources of ONRR receipts include bonus bids and rents for all leasable minerals and royalties from coal and other minerals.

FY2011 Budget and Appropriations

The FY2011 appropriations included funding for two major programs. First, the Offshore Energy and Minerals Management (OEMM) Program administers competitive leasing on submerged lands in the Outer Continental Shelf (OCS) and oversees production of offshore oil, gas, other minerals, and offshore alternative energy.³⁶ Second, the Royalty Management Program collects and disburses bonuses, rents, and royalties paid on federal onshore and OCS leases and Indian mineral leases. Revenues from onshore leases are distributed to states in which they were collected, the general fund of the U.S. Treasury, and designated programs. Revenues from offshore leases are allocated among coastal states, the Land and Water Conservation Fund, the Historic Preservation Fund, and the Treasury.

The full-year continuing appropriations law for FY2011 provided net funding for BOEMRE/ONRR of \$209.2 million. This was an increase of \$72.7 million (53%) over the FY2010 level (\$136.5 million), but \$13.6 million (6%) below the Administration's request (\$222.9 million).³⁷

The FY2011 gross funding level was \$416.1 million, composed of appropriations of \$404.4 million for Royalty and Offshore Minerals Management and \$11.8 million for Oil Spill Research. These appropriations were offset by \$10.0 million in inspection fees, \$154.9 million in receipts and cost recovery fees, and \$42.0 million in cost-share deductions (a deduction from the states' share of royalty receipts). BOEMRE has been retaining a portion of the OCS revenues as offsetting collections since 1994.

The FY2011 gross funding was an increase of \$67.9 million (19%) over the FY2010 level of \$348.3 million. It included a \$62.4 million increase (18%) for Royalty and Offshore Minerals Management and a near doubling of funding for Oil Spill Research, from \$6.3 million in FY2010. See **Table 9**.

The Administration initially submitted an FY2011 gross funding level of \$364.8 million for BOEMRE/ONRR. On September 13, 2010, the Administration submitted a budget amendment containing additional funding for BOEMRE/ONRR, reflecting safety and inspection needs in the aftermath of the Deepwater Horizon oil spill.³⁸ The amended request contained gross funding of \$464.8 million for FY2011, an increase of \$100 million (27%) over the Administration's initial request for FY2011. This increase was composed of an additional \$75.0 million in appropriations and \$25.0 million in fees. Specifically, the amended FY2011 request included \$449.9 million for

³⁶ On April 22, 2009, the Obama Administration announced that regulations for the administration of alternative energy leases in the OCS had been finalized. For details on the regulations, see the BOEMRE website at <http://www.boemre.gov>.

³⁷ The FY2011 law did not generally identify funding for BOEMRE/ONRR programs. Rather, the law directed the agencies to submit plans for spending below the account level to the Appropriations Committees within 30 days of enactment.

³⁸ Office of Management and Budget, Estimate #11, September 13, 2010, on the website of the agency at http://www.whitehouse.gov/sites/default/files/omb/assets/budget_amendments/amendment_09_13_10.pdf.

Royalty and Offshore Minerals Management and \$14.9 million for Oil Spill Research, with \$199.9 million in offsetting collections and \$42.0 million in cost-share deductions.

For FY2011, the Administration had proposed increasing inspection fees, with \$45.0 million collected in FY2011, up from \$10.0 million in inspection fees for FY2010. In addition to increasing inspection fees, the Administration proposed a \$4.00 per acre fee on new nonproducing OCS and onshore leases to further encourage diligent development of those leases, and to repeal the royalty relief provisions (§344) in the Energy Policy Act of 2005 (EPAct05, P.L. 109-58). These additional fees and royalty-related provisions were not contained in the FY2011 appropriations law.

In the FY2010 budget, BOEMRE requested and received a new subactivity within OEMM for renewable energy programs. It created a new Office of Offshore Alternative Energy Programs to develop and implement its offshore renewable energy policies and comply with departmental goals. BOEMRE issued four limited leases (three in New Jersey, one in Delaware) for site testing and data collection in late 2009. On April 28, 2010, the Secretary of the Interior announced the BOEMRE record of decision to issue a commercial lease to Cape Wind Associates, LLC at Horseshoe Shoal in Nantucket Sound, to develop a 130-turbine wind energy project offshore. The FY2011 request for funding renewable energy development offshore was \$23.6 million, \$2.2 million above FY2010.

Table 8. Appropriations for the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), Office of Natural Resources Revenue (ONRR) FY2010-FY2011
(\$ in millions)

BOEMRE/ONRR	FY2010 Approp	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Royalty and Offshore Minerals Management					
—OCS Lands (OEMM)	196.9	266.9	n/a	n/a	n/a
—Royalty Management (MRM)	89.4	118.5	109.5	104.7	109.5
—General Administration	55.7	64.4	n/a	n/a	n/a
Gross, Royalty and Offshore Minerals Management	341.9	449.9	404.4	418.5	404.4
—Use of Receipts and Cost Recovery Fees	-156.7	-154.9	-154.9	-154.9	-154.9
—Inspection Fees	-10.0	-45.0	-10.0	-10.0	-10.0
Subtotal, Royalty and Offshore Minerals Management Appropriations	175.2	250.0	239.5	253.6	239.5
Oil Spill Research	6.3	14.9	10.6	11.8	11.8
Administrative Provisions					
—State Royalty Administrative Cost Deduction	-45.0	-42.0	-42.0	-42.0	-42.0
Total Appropriations	136.5	222.9	208.1	223.4	209.2

Offshore (OCS) Oil and Gas Leasing

Issues not directly tied to specific funding accounts remain controversial and typically are debated during consideration of the annual Interior appropriations bills.³⁹ Three issues have been the focus of debates: moratoria (areas off limits to leasing); royalty relief; and the audit and compliance program.

Moratoria

Oil and gas development moratoria in the OCS along the Atlantic and Pacific coasts, parts of Alaska, and the Gulf of Mexico had been in place since 1982, as a result of public laws and executive orders of the President. On July 14, 2008, President Bush lifted the executive moratoria, which included planning areas along the Atlantic and Pacific coasts. On September 30, 2008, moratoria provisions in annual appropriations laws expired, allowing these areas to potentially open for oil and gas leasing activity.

On December 1, 2010, the Obama Administration announced its Revised Program (RP) for the remainder of the 2007-2012 OCS Leasing Program. Among other components, the RP eliminates five Alaskan lease sales (sales 209, 212, 214, 217 and 221) that had been contemplated in the current lease program. Lease sale 219 in the Cook Inlet (scheduled to be held in 2011) was cancelled because of a lack of industry interest. Further, the Obama Administration, under executive authority, withdrew the North Aleutian Basin Planning Area from oil and gas leasing activity until June 30, 2017. Public hearings began in 2010 on the scope of the 2012-2017 OCS oil and gas leasing program, but the RP excludes all three Atlantic and all four Pacific Coast planning areas at least through 2017. Three planning areas in Alaska (Cook Inlet, Chukchi, and Beaufort Sea) are being scoped as well. Since the Deepwater Horizon oil spill, President Obama has cancelled the August lease sale (215) and the Mid-Atlantic lease sale (220).

The current BOEMRE five-year leasing program is in effect,⁴⁰ despite an April 17, 2009, order by the U.S. Court of Appeals for the D.C. Circuit to vacate and remand the 2007-2012 program. However, after clarification from the court, the decision affects only the Alaska lease sales in the five-year program.⁴¹

Whether to lift the remaining moratorium in the eastern Gulf of Mexico under the Gulf of Mexico Energy Security Act (GOMESA) remains controversial. This law placed nearly all of the eastern Gulf under a leasing moratorium until 2022, and contained revenue sharing provisions for selected coastal states. Congressional proposals to lift the moratorium are supported in some quarters as an attempt to increase domestic oil and gas supply. Others favor continuing the moratorium due to concerns about adverse economic and environmental impacts of development, and note that there already are several thousand leases in the central and western parts of the Gulf of Mexico that are unexplored or in development and could potentially yield significant oil and natural gas. The April 20, 2010, oil spill off the Louisiana coast is a factor in the debate.⁴²

³⁹ The issues discussed in this section also are being addressed by Congress outside the appropriations process, for instance through legislation and in hearings by the authorizing committees.

⁴⁰ U.S. Dept. of the Interior, News Release, July 29, 2009, http://www.doi.gov/news/09_News_Releases/072909.html.

⁴¹ For more information, see CRS Report RL33404, *Offshore Oil and Gas Development: Legal Framework*, by (name redacted), especially pp. 17-18.

⁴² For more information on the spill, see CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background and (continued...)*

Because of uncertainty over resource assessments and environmental concerns, DOI studied, and published a 2009 report on, OCS resource data gaps.⁴³ In an effort to gather more data on the OCS, the conferees on the FY2010 Interior appropriations bill directed the BOEMRE to complete a programmatic environmental impact statement (PEIS) for the Atlantic OCS and provide a timeline for completion no later than 90 days after enactment of the bill.⁴⁴ On April 2, 2010, the Administration issued a statement on its planned scoping meeting for the preparation of a PEIS of planned geophysical and geological exploration in the Mid-Atlantic and South-Atlantic OCS Planning Areas. Under the December 1, 2010, RP, the Administration is proceeding with the PEIS.

Royalty Relief

Royalty relief for OCS oil and gas producers has been debated during consideration of Interior appropriations bills.⁴⁵ The BOEMRE/ONRR has not been collecting royalties on leases awarded in 1998 and 1999 because price thresholds were inadvertently excluded from the lease agreements during those two years, according to a report issued by DOI's Inspector General.⁴⁶ Without the price thresholds, producers may produce oil and gas up to specified volumes without paying royalties no matter what the price.

BOEMRE/ONRR asserts that placing price thresholds in the lease agreements is at the discretion of the Secretary of the Interior. The authority of the Secretary to impose price thresholds was challenged by Kerr-McGee.⁴⁷ On January 12, 2009, a three-judge panel of the 5th U.S. Circuit Court of Appeals in New Orleans upheld a District Court decision in favor of Kerr-McGee, meaning that the Secretary of the Interior did not have authority to impose price threshold levels in leases issued under the Deep Water Royalty Relief Act (DWRRA, 1996-2000).⁴⁸ On July 13, 2009, the Administration petitioned the U.S. Supreme Court to review the decision. On October 5, 2009, the Supreme Court rejected the Administration's petition. The ruling of the U.S. Court of Appeals could apply to \$23-\$31 billion in future OCS royalties, according to BOEMRE/ONRR, but may not affect congressional efforts to impose new fees or establish new lease eligibility criteria.⁴⁹ The Government Accountability Office (GAO) estimated the range of royalty revenue loss to the Treasury at \$21-\$53 billion over 25 years. The ranges of BOEMRE/ONRR and GAO estimated losses were based on assumptions including future prices and production rates. As of

(...continued)

Governance, by (name redacted).

⁴³ U.S. Dept. of the Interior, Report to the Secretary, *Survey of Available Data on OCS Resources and Identification of Data Gaps*, OCS Report MMS 2009-015, April 2009, <http://www.doi.gov/ocs/report.pdf>.

⁴⁴ H.Rept. 111-316 on H.R. 2996, p. 98.

⁴⁵ For more details on the royalty relief program, see CRS Report RL33493, *Outer Continental Shelf: Debate Over Oil and Gas Leasing and Revenue Sharing*, by (name redacted), and CRS Report RS22567, *Royalty Relief for U.S. Deepwater Oil and Gas Leases*, by (name redacted).

⁴⁶ The report is on the DOI website at <http://www.doi.gov/upload/MMS%20ROI%20REDACTED.pdf>.

⁴⁷ *Kerr-McGee v. Allred*, No. 2:06 CV 0439, 2007 WL 3231634 (W.D. La. Oct. 30, 2007). For more details on this case, see CRS Report RL33404, *Offshore Oil and Gas Development: Legal Framework*, by (name redacted). Also, Kerr-McGee has been acquired by Anadarko Petroleum.

⁴⁸ *Kerr-McGee Oil & Gas Corp. v. U.S. Dep't of Interior*, 554 F.3d 1082 (5th Cir. 2009).

⁴⁹ See CRS Report RL33974, *Legal Issues Raised by Provision in House Energy Bill (H.R. 6) Creating Incentives for Certain Outer Continental Shelf (OCS) Leaseholders to Accept Price Thresholds*, by (name redacted) and (name redacted), and CRS Congressional Distribution Memorandum, *Impact of the Kerr-McGee Oil and Gas Corp. v. Allred Ruling on the Proposed Royalty Relief for America Consumers Act of 2007*, by (name redacted).

March 28, 2011, the Administration has repaid \$2 billion to companies based on the court decision.⁵⁰

Audit and Compliance Program

Another challenge confronting the BOEMRE/ONRR is to ensure that its audit and compliance program is consistently effective. Critics contend that less auditing and more focus on compliance review has led to a less rigorous royalty collection system and thus a loss of revenue to the federal Treasury. DOI's Inspector General has made recommendations to strengthen and improve administrative controls of the Compliance and Asset Management Program, including adoption of a risk-based compliance approach. According to the BOEMRE/ONRR, its FY2011 budget request reflects the agency's commitment to this approach. Funding for this program was not specified in the FY2011 appropriations law.

Further, DOI established an independent panel, the Royalty Policy Committee (RPC), to review the BOEMRE Mineral Leasing Program. The RPC offered over 100 recommendations to BOEMRE for improving its leasing program and auditing function. The review included an examination of the Royalty-in-Kind (RIK) Program (wherein payments are made in fuel rather than in cash), which grew from 41.5 million barrels of oil equivalent (BOE) in 2004 to 112 million BOE in 2007.⁵¹ GAO issued a report on September 26, 2008, concluding that the RIK Program could be improved.⁵² After review of the RIK program, the Secretary of the Interior announced its "phased-in termination."⁵³ BOEMRE's FY2011 budget request reflects its plan to continue phasing out the RIK program.

Office of Surface Mining Reclamation and Enforcement⁵⁴

The Surface Mining Control and Reclamation Act of 1977 (SMCRA, P.L. 95-87; 30 U.S.C. § 1201 note) established the Office of Surface Mining Reclamation and Enforcement (OSM) to ensure that land mined for coal would be returned to a condition capable of supporting its pre-mining land use. However, coal mining is an old activity in the United States, and at the time SMCRA was enacted there was a large inventory of abandoned mine sites that no company could be held accountable to reclaim. To address this problem, SMCRA established an Abandoned Mine Reclamation (AML) Fund⁵⁵ to reclaim abandoned mine lands that posed serious health or safety hazards.

Monies accrue to the AML fund based on fees assessed on coal production. Through FY2007, disbursements from the AML fund to states and tribes, to reclaim abandoned sites, were

⁵⁰ Data received from ONRR, Public Affairs Office, March 28, 2011.

⁵¹ The report of the panel, *Mineral Revenue Collection from Federal and Indian Lands and the Outer Continental Shelf*, is available on the BOEMRE website at http://onrr.gov/Laws_R_D/RoyPC/PDFDocs/RPCRMS1207.pdf.

⁵² U.S. Government Accountability Office, *Oil and Gas Royalties: MMS's Oversight of Its Royalty-in-Kind Program Can Be Improved through Additional Use of Production Verification Data and Enhanced Reporting of Financial Benefits and Costs*, GAO-08-942R, September 26, 2008.

⁵³ A news release announcing the termination of the program is on the DOI website at http://www.doi.gov/news/09_News_Releases/091609.html.

⁵⁴ For more information on OSM funding, contact (name redacted) at 7-.....

⁵⁵ AML is the acronym for abandoned mine lands.

determined strictly by annual appropriations. However, beginning with FY2008, under P.L. 109-432, funding for state and tribal grants has been provided by both annual appropriations from the AML fund and mandatory appropriations from general U.S. Treasury funds.⁵⁶ Other activities exclusively receive annual appropriations. Among these are the expenses of federal AML programs in states with no OSM-approved reclamation programs, an emergency reclamation program, OSM administrative expenses, and the Clean Streams program.

The addition of mandatory appropriations addressed the contention of western states that they were shouldering a disproportionate share of the reclamation expense because production had moved westward, but the great majority of the sites requiring remediation are in the East. Fee collections exceeded appropriations for a number of years. The total unappropriated balance—including allocations to federal and state share accounts that make up the total balance in the AML fund—was over \$2.3 billion at the end of November 2009.⁵⁷ Western states pressed for increases in the AML appropriations to return to them more of the unappropriated balances allocated to their state share accounts. Under the restructuring of the program established in P.L. 109-432, the unappropriated balance of AML collections that had been allocated to state- and tribal-share accounts is being returned in seven annual installments from general Treasury funds to those states and tribes that had completed remediation of the highest priority sites. These states and tribes, referred to as “certified,” also have received grants to which they are entitled under a formula from prior-year collections.

Budget and Appropriations

The FY2011 full-year continuing appropriations law retained funding for OSM at the FY2010 level of \$162.9 million, as had been approved by the House and included in the Senate amendment. The FY2011 level was \$16.7 million (11%) above the \$146.1 million requested by the Administration. The Administration had supported increasing user fees from the coal industry to offset the proposed reduction. The Administration noted that other energy industries, “such as oil and gas producers, pay inspection or permit fees to reimburse the Federal government for the cost of regulating their industry.” Increasing user fees on coal producers to contribute to the cost of coal mine regulation, the Administration asserted, “will treat these similar industries more comparably.” See **Table 9**.

In its FY2011 budget request—as it did in the FY2010 request—the Administration expressed its intention to seek an end of payments to certified states and tribes. The Administration asserted that because these funds can be used for any purpose, these distributions are inconsistent with the purpose of the AML program. As these payments are made from the mandatory appropriations, the Administration’s proposal would require a change in law, which is strongly opposed by the affected states and tribes. Such a change in law has not been enacted to date. A proposed decrease of \$4.5 million, within the total decrease for the AML Fund, reflected the expectation of the Administration that mandatory appropriations would cover the costs of state and tribal emergency grants and federally managed emergency projects.⁵⁸

⁵⁶ The mandatory appropriation has a ceiling of \$490 million annually. If demands on that money exceed the cap, distributions will be proportional.

⁵⁷ See <http://www.osm.gov/topic/grants/docs/2010/FY10GrantDist.pdf>.

⁵⁸ Mandatory appropriations in FY2011 are estimated by the Administration to be \$295.5 million, a reduction of over \$100 million from the \$398.3 million in mandatory appropriations projected for FY2010. The difference reflects an Administration assumption that its proposal in the budget request to cease the return of unappropriated balances to (continued...)

**Table 9. Appropriations for the Office of Surface Mining
Reclamation and Enforcement, FY2010-FY2011**
(\$ in millions)

Office of Surface Mining Reclamation and Enforcement	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 S A 149 Not Agreed To	FY2011 Approp.
Regulation and Technology	127.3	115.8	127.3	127.3	127.3
—Environmental Protection	94.8	83.7	n/a	n/a	n/a
Abandoned Mine Reclamation Fund	35.6	30.4	35.6	35.6	35.6
Total Appropriations	162.9	146.1	162.9	162.9	162.9

Departmental Offices and Department-Wide Programs⁵⁹

Office of Insular Affairs⁶⁰

OIA provides financial assistance to four insular areas—American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands (USVI)—as well as three freely associated states in the Western Pacific—the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.⁶¹ OIA staff manage relations between each jurisdiction and the federal government and work to build the fiscal and administrative capacities of local governments. Given ongoing financial challenges throughout the insular areas, OIA assistance can be especially important to maintain government services. OIA funds are also supporting infrastructure projects needed for the increased U.S. military presence on Guam.⁶²

OIA funding consists of two parts: (1) permanent and indefinite (mandatory) appropriations, and (2) funds provided in the annual appropriations process (current discretionary funds). The latter comes from two accounts: Assistance to Territories (AT) and Compact of Free Association (CFA). AT funding provides grants for the operation of the government of American Samoa, infrastructure improvement projects on many of the insular area islands, and specified natural resource initiatives. The CFA account provides federal assistance to the freely associated states pursuant to compact agreements negotiated with the U.S. government. The AT and CFA accounts, however, provide a relatively small portion of the office's overall budget; permanent and indefinite funds provide the bulk of U.S. financial assistance to U.S. insular areas, FSM, RMI, and Palau.

(...continued)

certified states will be agreed to by Congress.

⁵⁹ This section addresses selected activities/offices that fall under *Departmental Offices* or *Department-Wide Programs*. Total funding for these entities is identified in **Table 18** at the end of this report.

⁶⁰ For more information on OIA funding, contact (name redacted) at 7-.....

⁶¹ On behalf of the United Nations, the U.S. government formerly administered these areas as the Trust Territories of the Pacific Islands (TTPI).

⁶² For additional discussion of the buildup, see CRS Report RS22570, *Guam: U.S. Defense Deployments*, by (name redacted).

For FY2011, the total OIA funding was \$472.4 million. Of this total, existing statute required approximately \$370.8 million (78% of the total) in permanent and indefinite funding, consisting of

- an estimated \$224.8 million under conditions set forth in the respective Compacts of Free Association; and
- an estimated \$146.0 million in fiscal assistance for Guam and the U.S. Virgin Islands.

Discretionary funds in the AT and CFA accounts require annual appropriations. The FY2011 appropriation for these activities was \$101.6 million, which constituted the remaining 22% of the total OIA budget of \$472.4 million. The FY2011 level was \$0.9 million (1%) less than the \$102.5 million appropriated for FY2010. It was the same as the amount in the Senate amendment, but \$17.7 million (21%) higher than the \$83.9 million in the House-passed bill.

As is typical, AT funding represented the bulk of appropriated OIA funds. The FY2011 law specified \$84.3 million in AT funds, which provide various technical assistance to territories (e.g., grants supporting local governments and infrastructure projects). That amount was the same as the Senate had included in its amendment, 1% less than the \$85.2 million enacted for FY2010, and 7% higher than the House-passed level of \$78.5 million.

The FY2011 law contained \$17.3 million in CFA funding (which provides amounts for certain federal services, such as U.S. mail). That amount was the same as enacted in FY2010 and included in the Senate amendment. The House had approved less — \$5.4 million.

Title II: Environmental Protection Agency⁶³

EPA's primary responsibilities include the implementation of federal statutes regulating air quality, water quality, pesticides, toxic substances, the management and disposal of solid and hazardous wastes, and the cleanup of environmental contamination. EPA also awards grants to assist states and local governments in complying with federal requirements to control pollution. The FY2011 full-year continuing appropriations law provided \$8.70 billion for EPA, which was \$1.59 billion (15%) less than the FY2010 appropriation of \$10.29 billion. The FY2011 enacted level also was \$1.32 billion (13%) less than the \$10.02 billion included in the President's FY2011 budget request and \$1.20 billion (12%) less than the \$9.90 billion in the Senate amendment, but an increase of \$1.46 billion (20%) above the \$7.24 billion in the House-passed bill.

Table 10 presents funding levels proposed and enacted for FY2011 compared to appropriations enacted in FY2010 for the eight statutory accounts that fund the agency. With a few exceptions, FY2011 appropriations for EPA were specified only at the account level. Within 30 days of enactment of the FY2011 appropriations law, EPA and other agencies must submit spending plans at a level below the account level to the Committees on Appropriations of the House and Senate.

⁶³ For more information on EPA funding, contact (name redacted) at 7-..... For a more detailed analysis of EPA's FY2011 appropriations and discussion of EPA funding levels historically, see CRS Report R41149, *Environmental Protection Agency (EPA): Appropriations for FY2011*, by (name redacted) et al.

As indicated in the table, the overall decrease for EPA for FY2011 compared to the FY2010 enacted, FY2011 President’s request, and Senate amendment was reflected in reductions for five of the eight EPA regular accounts. FY2011 funding levels for the other three accounts — Office of Inspector General, Leaking Underground Storage Tank Trust Fund Program, and Oil Spill Response — are the same as FY2010 enacted levels. The overall decrease for EPA for FY2011 was mostly specified in reductions within the Environmental Programs and Management (EPM) and the State and Tribal Assistance Grants (STAG) accounts. Within the STAG account, the decrease was reflected primarily in amounts provided for the Clean Water and Drinking Water State Revolving Funds (SRFs) and for Special Project Grants (“earmarks”).

**Table 10. Appropriations for the Environmental Protection Agency (EPA),
FY2010-FY2011**
(\$ in millions)

EPA Appropriations Accounts	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Science and Technology					
—Base Appropriations	848.0	846.7	790.5	826.4	815.1
—Transfer in from Hazardous Substance Superfund	26.8	24.5	24.5	24.5	26.8
Science and Technology Total	874.9	871.2	815.0	850.9	841.9
Environmental Programs and Management	2,993.8	2,891.0	2,562.6	2,789.4	2,762.0
Office of Inspector General					
—Base Appropriations	44.8	45.6	44.8	44.8	44.8
—Transfer in from Hazardous Substance Superfund	10.0	10.2	10.0	10.0	10.0
Office of Inspector General Total	54.8	55.8	54.8	54.8	54.8
Buildings & Facilities	37.0	40.0	37.0	37.0	36.5
Hazardous Substance Superfund (before transfers)					
—Base Appropriations	1,306.5	1,293.1	1,273.8	1,293.5	1,283.5
—Transfer out to Office of Inspector General	-10.0	-10.2	-10.0	-10.0	-10.0
—Transfer out to Science and Technology	-26.8	-24.5	-24.5	-24.5	-26.8
Hazardous Substance Superfund (after transfers)	1,269.7	1,258.4	1,239.3	1,259.0	1,246.7
Leaking Underground Storage Tank Trust Fund Program	113.1	113.2	106.1	113.1	113.1
Oil Spill Response	18.4	18.5	18.4	18.4	18.4
State and Tribal Assistance Grants					
—Clean Water State Revolving Fund	2,100.0	2,000.0	690.0	2,100.0	1,525.0

EPA Appropriations Accounts	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
— <i>Drinking Water State Revolving Fund</i>	1,387.0	1,287.0	830.0	1,387.0	965.0
— <i>Special Project Grants</i>	156.8	0	0	0	0
— <i>Categorical Grants</i>	1,116.4	1,276.6	1,056.4	1,106.4	1,106.4
— <i>Other State and Tribal Assistance Grants</i>	210.0	218.3	130.0	187.5	170.0
State and Tribal Assistance Grants Total	4,970.2	4,781.9	2,706.4	4,780.9	3,766.4
Rescissions (various EPA accounts) ^a	-40.0	-10.0	-300.0	0	-140.0
Total Appropriations	10,291.9	10,020.0	7,239.6	9,903.5	8,699.8

a. For FY2010, rescissions were from unobligated balances from funds appropriated in prior years, and made available for expenditure in a later year. In effect, these “rescissions” increased the availability of funds for expenditure by the agency in the years in which they are applied (as shown in the table), functioning as an offset to new appropriations. Sec. 1740 of Div. B of P.L. 112-10 refers only to “unobligated balances available for “Environmental Protection Agency, State and Tribal Assistance Grants”[not across all accounts], and does not specify that these funds are to be rescinded from prior years. The EPA Administrator is to submit a proposed allocation of such rescinded amounts to the Committees on Appropriations of the House and the Senate.

Key Funding Issues

Much of the attention on EPA’s FY2011 funding focused on federal financial assistance for wastewater and drinking water infrastructure projects,⁶⁴ environmental cleanup of Superfund sites, grants to assist states in implementing air pollution control requirements, and climate change research and related activities. There also was interest in funding for geographic-specific water quality initiatives, including the Great Lakes Restoration Initiative established in the FY2010 Interior Appropriations law, and efforts to restore the Chesapeake Bay.⁶⁵

Several recent and pending EPA regulatory actions were also the focus of considerable attention during committee hearings and floor debate on EPA FY2011 appropriations, and were reflected in several provisions and amendments included in the House-passed bill. Although generally not retained in the FY2011 law, more than 20 provisions that would have restricted and prohibited the use of appropriated funds to implement various regulatory activities under EPA’s jurisdiction were included in the House-passed bill.⁶⁶ These EPA regulatory actions cut across the various environmental pollution control statutes’ programs and initiatives, such as those that address greenhouse gas emissions, hazardous air pollutants (including mercury), mountaintop mining regulation, management of coal ash, particulate matter emissions, and water quality management including geographical ecosystems (e.g., Chesapeake Bay). The Senate amendment generally

⁶⁴ See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by (name redacted).

⁶⁵ See Executive Order 13508: *Chesapeake Bay Protection and Restoration*, May 12, 2009, <http://www.gpoaccess.gov/presdocs/2009/DCPD-200900352.pdf>.

⁶⁶ For an overview of funding levels and provisions contained in House-passed H.R. 1 and S.Amdt. 149, and a comparison with the FY2011 requested and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by (name redacted).

omitted the House-passed provisions related to EPA regulatory activities. The following sections briefly highlight issues of debate.⁶⁷

Wastewater and Drinking Water Infrastructure

Most of the overall FY2011 decrease relative to the FY2010 appropriations for EPA is attributed to a reduction in EPA's State and Tribal Assistance Grants (STAG) account for grants to aid states to capitalize their Clean Water and Drinking Water State Revolving Funds (SRFs).⁶⁸ The FY2011 total for the Clean Water and the Drinking Water SRFs was \$2.49 billion, compared to \$3.49 billion for FY2010. The SRFs finance local wastewater and drinking water infrastructure projects, such as constructing and modifying municipal sewage treatment plants and drinking water treatment plants, to facilitate compliance with the Clean Water Act and the Safe Drinking Water Act, respectively. EPA awards Clean Water SRF capitalization grants among the states according to a statutory formula established in the Clean Water Act. The Drinking Water SRF capitalization grants are awarded among the states based on a formula developed administratively by EPA, using the results of a drinking water needs survey to determine priorities among the states.

The FY2011 law provided \$1.53 billion for the Clean Water SRF capitalization grants and \$965.0 million for the Drinking Water SRF capitalization grants. As indicated in **Table 10**, these FY2011 appropriations were more than amounts proposed by the House, but below the FY2010 enacted appropriations and the amount in the Senate amendment. Some Members objected to the reductions, while others maintained that the reductions were offset by unspent FY2009 supplemental funding (in the American Reinvestment and Recovery Act of 2009, P.L. 111-5).

An ongoing issue has been the extent of federal assistance still needed to help states maintain sufficient capital in their SRFs to meet local water infrastructure needs. Some advocates of a prominent federal role have cited estimates of hundreds of billions of dollars in long-term needs among communities, and the expansion of federal water quality requirements over time, as reasons for maintaining or increasing the level of federal assistance. Others have called for more self-reliance among state and local governments in meeting water infrastructure needs within their respective jurisdictions.

Great Lakes Restoration Initiative and other Geographic-Specific Programs

EPA's Environmental Programs and Management (EPM) account also funds several programs that address water quality and ecosystem restoration needs in specific geographic areas of the United States. Much of the attention to these programs within the context of the FY2011 request focused on the Great Lakes Restoration Initiative and the ongoing Chesapeake Bay Program.⁶⁹ The FY2011 law provided \$300.0 million for the Great Lakes Restoration Initiative, the same as

⁶⁷ For a more detailed discussion of EPA's FY2011 appropriations and for historical background regarding EPA appropriations over time, see CRS Report R41149, *Environmental Protection Agency (EPA): Appropriations for FY2011*, by (name redacted) et al.

⁶⁸ The STAG account also funds state and tribal "categorical" grants to support the day-to-day implementation of environmental laws. The FY2011 law provided \$1.11 billion for these grants, the same as the Senate amendment, but above the \$1.06 billion in the House-passed bill, and below the FY2010 appropriation of \$1.12 billion and the President's FY2011 budget request of \$1.28 billion.

⁶⁹ See Executive Order 13508: *Chesapeake Bay Protection and Restoration*, May 12, 2009, <http://www.gpoaccess.gov/presdocs/2009/DCPD-200900352.pdf>.

the Senate amendment and the FY2011 request, but more than the \$225.0 million included in the House-passed bill, and below the \$475.0 million appropriated to establish it in FY2010. Although some stakeholders and some Members opposed the proposed reduction in funding for this initiative, the decrease was attributed primarily to the timing of the funds, and contention that less funding was needed in FY2011 because EPA had not yet obligated all of the funding appropriated for FY2010. Funding for the Chesapeake Bay program was not specified in the FY2011 law or in the Senate amendment, but the House-passed bill would have reduced the FY2010 appropriation of \$50.0 million by \$10.0 million. The President had requested \$63.0 million.

Cleanup of Superfund Sites

The Hazardous Substance Superfund (Superfund) account supports the assessment and cleanup of contaminated sites administered under EPA's Superfund program, established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).⁷⁰ The FY2011 law provided \$1.28 billion for the Superfund account (prior to transfers to other EPA accounts). As indicated in **Table 10**, the FY2011 appropriation was less than enacted for FY2010, included in the Senate amendment, and requested by the President, but an increase above the level in the House-passed bill. Funding levels for the Superfund account have remained fairly similar to these amounts over the past decade (not accounting for inflation), with the exception of \$600.0 million in supplemental funds provided for FY2009 in P.L. 111-5.

Most of the funding within the Superfund account is allocated to the cleanup of sites that EPA has placed on the National Priorities List (NPL). Debate over the sufficiency of funding for the Superfund program centered primarily around the pace and adequacy of cleanup at these sites. The source of funding for the program also was an issue, and there was interest in reinstating Superfund taxes on industry to help support the Hazardous Substance Superfund Trust Fund.⁷¹ Congress appropriates monies out of this trust fund to support EPA's Superfund program. The President's FY2011 budget request included a proposal to reinstate Superfund taxes beginning in FY2011, subject to the enactment of reauthorizing legislation. Such legislation has not been enacted to date.

Climate Change and Related Air Quality Issues

In hearings and floor debate on EPA's FY2011 appropriations, some Members expressed concern with EPA's regulation of greenhouse gas emissions under the Clean Air Act (CAA). Other recently promulgated and pending EPA actions under the CAA, including those addressing hazardous air pollutants (mercury) and particulate matter emissions, also received attention in the context of the FY2011 appropriations. Congress has addressed EPA's development of certain CAA regulations through the appropriations process in the past—either explicitly providing or restricting the availability of agency funds for such purposes.

The House-passed bill included seven provisions that would have restricted or prohibited use of funds appropriated for activities related to specific EPA actions under the CAA.⁷² These

⁷⁰ CERCLA (42 U.S.C. § 9601 et seq.), requires responsible parties to pay for the cleanup of environmental contamination, and authorizes the cleanup of sites where the responsible parties cannot pay or cannot be found.

⁷¹ The Superfund tax consisted of two excise taxes, one on petroleum and one on chemical feedstocks, and a special environmental tax on corporate income. The authority to collect these taxes expired on December 31, 1995.

⁷² For a more detailed summary of these provisions contained in House-passed H.R. 1, see Table 2 in CRS Report (continued...)

provisions were not included in the Senate amendment or the FY2011 law. The FY2011 law specified that no funding be provided in the STAG account for the Targeted Airshed Grants Program and for Climate Change Grants to Local Governments, a categorical grant within the STAG account, the same as in the House bill, Senate amendment, and President's FY2011 request. The FY2010 enacted amounts for these grants were \$20.0 million and \$10.0 million, respectively. Also, the FY2011 appropriations law specified \$50.0 million within the STAG account for the Diesel Emission Reduction Grants Program for FY2011, a reduction from the \$60.0 million provided in FY2010 and included in the FY2011 request. The House-passed bill and Senate amendment had proposed no FY2011 funding for the Diesel Emission Reductions Grant Program. FY2011 funding for other EPA CAA program activities below the account level were not specified in the law.

EPA is one of 17 federal agencies that have received appropriations for climate change activities in recent fiscal years. EPA's share of this funding is relatively small, but EPA's policy and regulatory roles are proportionately larger than other federal agencies and departments. EPA's response to a 2007 U.S. Supreme Court decision⁷³ with regard to greenhouse gas emissions has become a prominent issue of debate.⁷⁴ The Supreme Court found greenhouse gases (GHGs) to be "air pollutants" under the Clean Air Act, requiring EPA to consider whether GHGs endanger public health or welfare, the first step in promulgating regulations to limit emissions. In 2008, EPA found that greenhouse gas emissions endangered human health and the environment, compelling regulatory action. EPA's subsequent promulgation of emission limits for motor vehicles triggered additional provisions under the CAA to limit emissions from stationary sources. EPA's regulatory actions in response to the Supreme Court decision were central to the debate among Members of Congress, and the focus of many of the restrictions and prohibitions on funding proposed during the consideration of EPA's FY2011 appropriations.

(...continued)

R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by (name redacted).

⁷³ *Massachusetts v. EPA*, 549 U.S. 497 (2007), see CRS Report R41103, *Federal Agency Actions Following the Supreme Court's Climate Change Decision: A Chronology*, by (name redacted).

⁷⁴ See CRS Report R41212, *EPA Regulation of Greenhouse Gases: Congressional Responses and Options*, by (name redacted) and (name redacted).

Title III: Related Agencies

Department of Agriculture: Forest Service⁷⁵

For FY2011, the appropriations law provided \$4.70 billion in appropriations for the Forest Service (FS), \$0.8 million (<1%) less than the House-passed level (\$4.70 billion), \$91.6 million (2%) less than the Senate amendment (\$4.79 billion), and \$681.4 million (13%) less than the Administration requested (\$5.38 billion). The enacted level was \$602.0 million (11%) less than the FY2010 appropriation of \$5.30 billion.

As shown in **Table 1**, FS appropriations are provided in several major accounts: Forest and Rangeland Research (FS Research); State and Private Forestry; National Forest System; Capital Improvement and Maintenance (Capital); Land Acquisition; Wildland Fire Management; and Other programs. Wildland Fire Management, nearly half of the FS budget request, is discussed with DOI Wildland Fire Management in the “Cross-Cutting Topics” section at the end of this report.

Table 1. Appropriations for the Forest Service (FS), FY2010-FY2011

(\$ in millions)

Forest Service	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
FS Research	312.0	304.4	297.3	312.0	307.3
State & Private Forestry	308.1	321.6	232.7	301.6	278.2
National Forest System	1,551.3	1,585.7	1,525.3	1,566.3	1,545.3
Capital ^a	538.1	438.4	482.4	496.8	460.6
Land Acquisition ^b	64.8	75.0	10.4	34.5	34.3
Other	6.2	6.3	6.2	6.2	6.2
Wildland Fire Management	2,516.7	2,645.4	2,141.7	2,069.4	2,063.4
Total Appropriations	5,297.3	5,376.6	4,696.0	4,786.8	4,695.3

- a. Reflects savings of \$18.0 million from the deferral of payments to the road and trail fund in FY2010 and \$13.0 million for all FY2011 funding levels except the Administration’s request.
- b. Figures include funds for the Land Acquisition account, which are derived from the Land and Water Conservation Fund (LWCF), as well as other Forest Service acquisitions. For the LWCF Land Acquisition account only, the FY2010 enacted level was \$63.5 million, FY2011 request was \$73.7 million, the FY2011 House-passed amount was \$9.1 million, the FY2011 Senate amendment level was \$33.2 million, and the FY2011 enacted level was \$33.0 million.

⁷⁵ For more information on FS funding, contact (name redacted) at 7-.... or (name redacted) at 7-.....

FS Research

The FY2011 appropriations law included \$307.3 million for FS Research, \$4.8 million less than the FY2010 appropriations and the level in the Senate amendment. However, it was \$10.0 million more than the House-passed level.

State and Private Forestry

State and Private Forestry (S&PF) programs provide financial and technical assistance to states and to private forest owners. For FY2011, the appropriations law contained \$278.2 million for S&PF, \$29.9 million less than the FY2010 enacted level. The FY2011 enacted amount for S&PF was \$45.5 million more than the House-passed level and \$23.5 million less than the Senate amendment.

Funding for the Forest Legacy program—a program to acquire lands or easements to preserve forests threatened by conversion to non-forests uses—was particularly controversial. The FY2011 appropriations law specified Forest Legacy funding at \$53.0 million, a \$23.5 million decline from FY2010. The Administration had sought to increase Forest Legacy funding to \$100.1 million for FY2011. The House-passed bill would have cut funding from \$76.5 million in FY2010 to \$6.2 million. In contrast, the Senate Amendment did not specify a reduction in Forest Legacy funding. FY2011 funding for other programs was not specified in the FY2011 law.⁷⁶

National Forest System

For the National Forest System (NFS), the FY2011 appropriations law included \$1.55 billion, \$6.0 million less than the FY2010 appropriations. The FY2011 enacted amount for NFS was \$20.0 million more than the House and \$21.0 million less than the Senate.⁷⁷

The FY2011 appropriation directed funding for two programs. It specified \$15.0 million for the Collaborative Forest Landscape Restoration Fund. The Fund, authorized in Title IV of the Omnibus Public Land Management Act of 2009 (P.L. 111-11), “is to encourage collaborative, science-based ecosystem restoration of priority forest landscapes ... through a process that encourages ecological and economic sustainability, leverages national resources with local and private resources, re-establishes natural fire regimes, tracks performance, and uses of forest restoration byproducts to offset treatment costs.”⁷⁸ The Administration had requested \$40.0 million for this new program.

The other program with specified funding was forest products (timber sales). The FY2011 law directed \$336.7 million for this program, matching the FY2010 funding and the FY2011 request.

⁷⁶ The law did not generally identify funding below the account level, but rather directed the Forest Service to submit plans for spending below the account level to the Appropriations Committees within 30 days of enactment.

⁷⁷ See footnote 75.

⁷⁸ USDA Forest Service, *Fiscal Year 2011 Budget Justification*, p. 7-6.

Capital Improvement and Maintenance

This account includes funding for the construction and maintenance of facilities, roads, and trails, as well as for deferred maintenance (i.e., the maintenance backlog). For FY2011, the appropriations law included \$460.6 million, \$77.5 million less than the FY2010 level. The FY2011 enacted amount was \$21.8 million less than the House and \$36.2 million less than the Senate. The Administration had requested a further reduction still, to \$438.4 million. As part of the request, the Administration had proposed eliminating funding for road construction, to focus on road maintenance. The appropriation for road construction for FY2010 was \$69.6 million.

Deferred maintenance and the backlog of needed infrastructure improvements has continued to be a concern; the agency's backlog of deferred maintenance was estimated at \$5.3 billion as of September 30, 2009. Legacy road remediation (to decommission roads, repair and maintain roads and trails, remove fish passage barriers, and protect community water resources) was addressed in the FY2011 law. The FY2011 enacted amount was \$45.0 million, which was half the FY2010 level of \$90.0 million. The House-passed bill had included \$50.4 million for legacy road remediation, as had been requested by the President, while the Senate amendment had included \$50.0 million.

Land Acquisition

For FY2011, the appropriations law included \$34.3 million for FS land acquisition. This was \$30.5 million less than land acquisition appropriations for FY2010. The FY2011 enacted amount was \$23.9 million more than the House and \$0.2 million less than the Senate. By contrast, the Administration had sought to boost land acquisition to \$75.0 million. Most of the funds for FS land acquisition are derived from the Land and Water Conservation Fund. (For more information, see "LWCF," below.)

Department of Health and Human Services: Indian Health Service⁷⁹

The Indian Health Service (IHS) in the Department of Health and Human Services (HHS) is responsible for providing comprehensive medical and environmental health services for approximately 1.9 million American Indians and Alaska Natives (AI/AN) who belong to 565 federally recognized tribes located in 35 states. Health care is provided through a system of facilities and programs operated by IHS, tribes and tribal groups, and urban Indian organizations. As of October 2010, IHS operated 28 hospitals, 58 health centers, 2 school health centers, and 31 health stations. Tribes and tribal groups, through IHS contracts and compacts, operated another 17 hospitals, 235 health centers, 13 school health centers, 92 health stations, and 166 Alaska Native village clinics. Urban Indian organizations operated 34 ambulatory or referral programs. IHS, tribes, and tribal groups also operate 11 residential youth substance abuse treatment centers.⁸⁰

⁷⁹ For more information on IHS funding, contact (name redacted), at 7-.....

⁸⁰ U.S. Dept. of Health and Human Services, Indian Health Service, *Fiscal Year 2012 Indian Health Service Justification of Estimates*, <http://www.ihs.gov/NonMedicalPrograms/BudgetFormulation/documents/FY%202012%20Budget%20Justification.pdf> Hereafter this document is cited as *IHS FY2012 Budget Justification*.

For FY2011, IHS received an appropriation of \$4.08 billion under the full-year appropriations law, an increase of \$25.0 million (0.6%) from FY2010 and the amount in the Senate amendment. The FY2011 appropriation was \$329.1 million (7%) less than the Administration’s request (\$4.41 billion) and \$62.0 million (1%) less than the House-passed level (\$4.14 billion). Besides discretionary appropriations, IHS also receives funding from third-party reimbursements, appropriations for a special Indian diabetes program, and rents on personnel quarters. The sum of appropriations, reimbursements, diabetes funding, and rent is IHS’s “program level” total. Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections in the table are estimated by IHS at the time of the budget submission and are subject to change based on final fiscal year data. See **Table 12**.

IHS funding is separated into two budget categories: Health Services and Facilities. Below is a discussion of funding for these accounts and some of the major programs included in these accounts. The House-passed bill increased funding for the two IHS accounts and specified funding levels for certain activities and programs funded with the Indian Health Services account. The Senate amendment would have continued funding for IHS at the account levels specified in the FY2010 law, and under the terms and conditions of that law. The FY2011 appropriations law increased funding for the two IHS accounts, while continuing the terms and conditions of that law.

Table 12. Appropriations for the Indian Health Service (IHS), FY2010-FY2011
(\$ in millions)

Indian Health Service	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Indian Health Services					
Clinical Services	2,953.6	3,200.2	n/a	n/a	n/a
—Hospital and Health Clinics	1,754.4	1,893.3	n/a	n/a	n/a
—Indian Health Care Improvement Fund	45.5	44.0	n/a	n/a	n/a
—Health Information Technology: Health Records Digitization	16.3	20.3	n/a	n/a	n/a
—Dental Health	152.6	161.3	n/a	n/a	n/a
—Mental Health	72.8	77.1	n/a	n/a	n/a
—Alcohol and Substance Abuse	194.4	205.8	n/a	n/a	n/a
—Methamphetamine treatment and prevention	16.4	16.4	16.4	16.4	16.4
—Contract Health Services	779.3	862.8	862.8	779.3	779.3
—Catastrophic Health Emergency Fund	48.0	53.0	53.0	48.0	48.0
Preventive Health Services	144.3	151.1	n/a	n/a	n/a
—Public Health Nursing	64.1	67.6	n/a	n/a	n/a
—Health Education	16.7	17.5	n/a	n/a	n/a
—Community Health	61.6	64.0	n/a	n/a	n/a

Indian Health Service	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
<i>Representatives</i>					
—Immunization (Alaska)	1.9	2.0	n/a	n/a	n/a
Other Services	559.7	610.0	n/a	n/a	n/a
—Urban Health Projects	43.1	45.5	n/a	n/a	n/a
—Indian Health Professions	40.7	41.4	n/a	n/a	n/a
—Tribal Management	2.6	2.7	n/a	n/a	n/a
—Direct Operations	68.7	69.8	n/a	n/a	n/a
—Self-Governance	6.1	6.2	n/a	n/a	n/a
—Contract Support Costs	398.5	444.3	444.3	398.5	398.5
Subtotal, Indian Health Services	3,657.6	3,961.2	3,883.9	3,657.6	3,672.6
Indian Health Facilities					
—Maintenance and Improvement	53.9	55.5	n/a	n/a	n/a
—Sanitation Facilities Construction	95.9	97.7	n/a	n/a	n/a
—Health Care Facilities Construction	29.2	66.2	n/a	n/a	n/a
—Facilities and Environmental Health Support	193.1	202.1	n/a	n/a	n/a
—Equipment	22.7	23.7	n/a	n/a	n/a
Subtotal, Indian Health Facilities	394.8	445.2	255.5	394.8	404.8
Total Appropriations	4,052.4	4,406.4	4,139.4	4,052.4	4,077.4
Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections ^a	835.0	835.3	835.0	835.0	835.0
Special Diabetes Program for Indians ^b	150.0	150.0	150.0	150.0	150.0
Total Program Level	5,037.4	5,391.8	5,124.4	5,037.4	5,062.4

a. Amounts noted for “Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections are IHS estimates as of the submission of the FY2011 budget justification (February 2011). These amounts may be adjusted based on final year data. In its FY2012 budget submission, IHS noted that its FY2010 collections were \$897 million and its FY2011 collections will be \$914 million.

b. The Special Diabetes Program for Indians has a direct appropriations of \$150 million for each of fiscal years FY2004 through FY2013 (P.L. 110-275 and P.L. 111-309). This program is funded through the General Treasury; therefore, it is not a part of IHS appropriations.

Health Services

The FY2011 full-year appropriations law provided \$3.67 billion for the Indian Health Services account, an increase of \$15.0 million (0.4%) over the \$3.66 billion enacted for FY2010 and

included in the Senate amendment. The House-passed bill included a further increase to \$3.88 billion, while the Administration had proposed a higher level — \$3.96 billion for FY2011.⁸¹

Contract Health Services

The FY2011 appropriations law continued funding for Contract Health Services (CHS) at the FY2010 level of \$779.3 million, as had the Senate amendment. The House-passed bill and the Administration request had sought to increase CHS funding by \$83.4 million (11%) from \$779.3 million in FY2010 to \$862.8 million in FY2011. CHS funds the purchase of essential health services from local and community health care providers when IHS cannot provide medical care and specific services through its own system. In general, funding for CHS has not allowed it to meet all requests, so IHS prioritizes CHS payments based on relative medical need and denies other CHS requests. The Administration and the House-passed bill had included an 11% increase for this program to reduce the number of denials of CHS requests in FY2011.⁸²

Included in the CHS program is the Catastrophic Health Emergency Fund (CHEF), which pays CHS costs in critical, high-cost cases (above \$25,000), such as disaster victims or catastrophic illnesses. In FY2008 CHEF funded 1,084 cases but could not fund another 1,096 cases.⁸³ The FY2011 law continued the FY2010 level of \$48.0 million for CHEF, as had the Senate amendment. The Administration and the House-passed bill had included \$53.0 million for CHEF, an increase of \$5.0 million (10%) over FY2010 appropriations. IHS estimated the increase would allow CHEF to fund 200 more high-cost cases.⁸⁴

Contract Support Costs

For contract support costs (CSC), the FY2011 appropriations law continued the FY2010 level of \$398.5 million, as had the Senate amendment. The Administration and the House-passed bill had sought to increase funding by \$45.8 million (12%) from the FY2010 level to \$443.0 million for FY2011. CSC funds are provided to tribes to help pay the costs of administering IHS-funded programs under self-determination contracts or self-governance compacts authorized by the Indian Self-Determination and Education Assistance Act (ISDEAA).⁸⁵ CSC pays for costs that tribes incur for such items as financial management, accounting, training, and program start-up. The CSC program has long been subject to shortfalls, causing reduced services or decreased administrative efficiency for tribes with contracts and compacts.⁸⁶ IHS estimated that the proposed increase would not change the proportion of CSC need that gets funded, because current ISDEAA tribes are expected to expand their contracts and compacts, new tribes will sign

⁸¹ The FY2011 full-year appropriations law did not specify amounts below the account level for the Indian Health Services account. Instead it required IHS to develop a spending plan within 30 days of enactment.

⁸² U.S. Dept. of Health and Human Services, Indian Health Service, *Fiscal Year 2011 Indian Health Service Justification of Estimates*, p. CJ-95, <http://www.ihs.gov/NonMedicalPrograms/BudgetFormulation/documents/IHS%20FY%202011%20Congressional%20Justification.pdf>. Hereafter this document is cited as *IHS FY2011 Budget Justification*.

⁸³ *IHS FY2011 Budget Justification*, p. CJ-97.

⁸⁴ *IHS FY2011 Budget Justification*, p. CJ-100.

⁸⁵ P.L. 93-638, act Jan. 4, 1975, 88 Stat. 2203, as amended; 25 U.S.C. § 450 *et seq.*

⁸⁶ See U.S. General Accounting Office, *Indian Self-Determination Act: Shortfalls in Indian Contract Support Costs Need to Be Addressed*, GAO/RCED-99-150, June 1999, <http://www.gao.gov/archive/1999/rc99150.pdf>.

ISDEAA contracts and compacts, and the Administration proposed funding increases in programs contracted and compacted.⁸⁷

Facilities

The FY2011 appropriations law included \$404.8 million for the Indian Health facilities account, an increase of \$10.0 million (3%) from the level enacted for FY2010 and included in the Senate amendment. The House-passed bill would have reduced funding for this account by \$139.3 million (35%), to a level of \$255.5 million. In contrast, the Administration had proposed an increase of \$50.5 million (13%) to a funding level of \$455.2 million for the facilities account to continue construction of a hospital and two health centers. Indian health organizations assert that many IHS facilities are old and in poor repair and that increased appropriations are needed for health care facility construction.

Smithsonian Institution⁸⁸

The Smithsonian Institution (SI) is a museum and research complex consisting of 19 museums and galleries, the National Zoo, and nine research facilities throughout the United States and around the world. Nearly thirty million people visited Smithsonian facilities in 2009. Established by federal legislation in 1846 in acceptance of a trust donation by the Institution's namesake benefactor, SI is funded by both federal appropriations and a private trust, with more than \$1 billion in total revenue from all sources of funding for FY2009.⁸⁹

For FY2011, the full-year continuing appropriations law provided \$761.2 million, a decrease of \$0.2 million (<1%) over the FY2010 amount of \$761.4 million, and \$36.4 million (5%) less than the FY2011 request of \$797.6 million. It represented a \$2.9 million (<1%) increase over the funding included in the House-passed bill, and was equivalent to the amount included in the Senate amendment. Funding was provided for two main line items: (1) Salaries and Expenses and (2) Facilities Capital. See **Table 13**.

Table 13. Appropriations for the Smithsonian Institution (SI), FY2010-FY2011
(\$ in thousands)

Smithsonian Institution	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Salaries and Expenses	636,161	660,850	634,661	636,161	636,161
— <i>Museums and Research Institutes</i>	243,823	260,575	n/a	n/a	n/a
— <i>Program Support and Outreach</i>	42,871	45,001	n/a	n/a	n/a
— <i>Office of Chief Information Officer</i>	43,536	46,806	n/a	n/a	n/a

⁸⁷ *IHS FY2011 Budget Justification*, pp. CJ-153 – CJ-154.

⁸⁸ For more information on SI funding, contact Shannon Loane at 7-.....

⁸⁹ Smithsonian Institution, *What is Next: 2009 Annual Report*. This and older annual reports are available online at <http://www.si.edu/About/Annual-Report>.

Smithsonian Institution	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
—Administration	32,989	34,252	n/a	n/a	n/a
—Inspector General	2,700	2,657	n/a	n/a	n/a
—Facilities Services	270,242	271,559	n/a	n/a	n/a
Facilities Capital	125,000	136,750	123,600	125,000	125,000
—Revitalization	89,300	106,190	n/a	n/a	n/a
—Facilities Planning and Design	35,700	30,560	n/a	n/a	n/a
Legacy Fund	234 ^a	0	0	0	0
Total Appropriations	761,395	797,600	758,261	761,161	761,161

a. This figure reflects appropriations of \$30.0 million for FY2010 and a rescission of the unobligated balance of \$29.8 million from FY2008 and FY2009.

Salaries and Expenses

For FY2011, the law contained \$636.2 million to fund Salaries and Expenses for the SI’s museums, research centers, and administration. This amount was equal to the level included in the FY2010 appropriations law and the Senate amendment, \$1.5 million less than the amount in the House-passed bill (\$634.7 million), and \$24.7 million less than the FY2011 Administration request (\$660.9 million). Much of the Administration’s requested increase was for museum and research institutes.

Facilities Capital

For FY2011, the SI received \$125.0 million for Facilities Capital, equal to the FY2010 appropriations and the amount included in the Senate amendment, but \$11.8 million less than the amount requested for FY2011 and \$1.4 million more than the amount included in the House-passed bill. External studies⁹⁰ and the SI estimate that an investment of \$2.5 billion over 10 years is needed to address advanced facilities deterioration. The FY2011 requested amount of \$136.8 million included \$106.2 million for baseline revitalization requirements and \$30.6 million for facilities planning and design, including \$20.0 million for design of the National Museum of African American History and Culture. The appropriations for these categories below the account level will be determined by the Smithsonian in its spending plan, as required by the FY2011 appropriations law.

Legacy Fund

Established by Congress in 2008 (P.L. 110-161), the Legacy Fund was intended to address the backlog of facilities capital repairs. The SI did not request and did not receive any funding for the Legacy Fund for FY2011.

⁹⁰ For further information, see U.S. Government Accountability Office, *Smithsonian Institution: Funding Challenges Affect Facilities’ Conditions and Security, Endangering Collections*, GAO-07-1127, September 2007.

Trust Funds

In addition to federal appropriations, the Smithsonian Institution receives income from trust funds, which support salaries for some employees, donor-designated capital projects and exhibits, and operations. In FY2009, the SI's net assets increased by 3.3 percent to a total of almost \$2.5 billion.⁹¹

National Endowment for the Arts and National Endowment for the Humanities⁹²

The primary vehicles for federal support for the arts and the humanities are the National Foundation on the Arts and the Humanities and the Institute of Museum and Library Services (IMLS).⁹³ The National Foundation on the Arts and the Humanities is composed of the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH).

NEA

The NEA is a major federal source of support for all arts disciplines. Since 1965 it has awarded more than 130,000 grants that have been distributed to all states. For FY2011, the full-year continuing appropriations law provided \$155.0 million for the NEA, a decrease of \$12.5 million (7%) from the FY2010 amount and the amount included in the Senate amendment. The amount was an increase of \$30.6 million (25%) over the \$124.4 million included in the House-passed bill. The House bill initially included \$145.0 million for the NEA, but the version of the bill that passed the House included an amendment to cut that funding by \$20.6 million. The FY2011 enacted amount was \$6.3 million (4%) less than the Administration's FY2011 request of \$161.3 million. The request had included \$64.0 million for direct grants; \$41.4 million for state/regional partnership grants; \$10.0 million for "Challenge America," a program of matching grants for arts education outreach, and community arts activities for rural and under-served areas; and \$5.0 million for "Our Town," a new grant program aimed at arts projects that engage and revitalize communities. Funds for the "American Masterpieces" program were not included in the FY2011 request.⁹⁴ See **Table 14**.

NEH

The NEH generally supports grants for humanities education, research, preservation and public humanities programs; the creation of regional humanities centers; and development of humanities programs under the jurisdiction of the state humanities councils. Since 1965, NEH has awarded more than 61,000 grants. NEH also supports a "Challenge Grant" program to stimulate and match private donations in support of humanities institutions.

⁹¹ Smithsonian Institution, *What is Next: 2009 Annual Report*, on the agency's website at <http://www.si.edu/About/Annual-Report>.

⁹² For more information on NEA/NEH funding, contact Shannon Loane at 7-.....

⁹³ The IMLS receives funding through the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts. Discussions of IMLS appropriations is outside the scope of this report.

⁹⁴ The FY2011 appropriations for these and other programs within the account will be determined by NEA in its spending plan, as required by the FY2011 appropriations law.

For FY2011, the full-year continuing appropriations law provided \$155.0 million for the NEH, a decrease of \$12.5 million (7%) from the FY2010 level and the amount included in the Senate amendment. The amount was an increase of \$10.0 million (7%) over the \$145.0 million included in the House-passed bill. The FY2011 enacted amount was \$6.3 million (4%) less than the Administration’s FY2011 request of \$161.3 million. NEH’s FY2011 request had included a decrease in the federal/state partnership grants program; a decrease in its “We the People” grants, which support exhibitions, films, library programs, professional development programs for teachers, scholarly research on American history and culture, and collection preservation; and \$2.5 million for a new initiative known as “Bridging Cultures,” for projects that increase understanding of America’s diverse cultural heritage and of other cultures around the world.⁹⁵ See Table 14.

Table 14. Appropriations for the Arts and Humanities, FY2010-FY2011
(\$ in thousands)

Arts and Humanities	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
National Endowment for the Arts	167,500	161,315	124,406	167,500	155,000
Grants	138,725	131,580	n/a	n/a	n/a
Program Support	1,850	1,880	n/a	n/a	n/a
Administration	26,925	27,855	n/a	n/a	n/a
National Endowment for the Humanities	167,500	161,315	145,000	167,500	155,000
Grants	125,700	118,765	n/a	n/a	n/a
Matching Grants	14,300	14,050	n/a	n/a	n/a
Administration	27,500	28,500	n/a	n/a	n/a
Total NEA & NEH Appropriations	335,000	322,630	269,406	335,000	310,000

Cross-Cutting Topics

Everglades Restoration⁹⁶

The Interior, Environment, and Related Agencies appropriations laws have previously provided funds to DOI for restoration projects authorized under the Comprehensive Everglades Restoration Plan (CERP) and other authorities.⁹⁷ These projects were authorized to restore, protect, and

⁹⁵ The appropriations for these and other programs within the account will be determined by NEH in its spending plan, as required by the FY2011 appropriations law.

⁹⁶ For more information on funding for Everglades restoration, contact (name redacted) at 7-..... Also see CRS Report RS22048, *Everglades Restoration: The Federal Role in Funding*, coordinated by (name redacted).

⁹⁷ CERP was authorized in Title VI of the Water Resources Development Act (WRDA) 2000 (P.L. 106-541). Projects that contribute to restoration but that are not authorized by CERP are collectively referred to as “non-CERP” projects.

preserve the natural ecosystem of the Florida Everglades. DOI conducts both CERP and non-CERP activities in southern Florida through the National Park Service, Fish and Wildlife Service, U.S. Geological Survey, and Bureau of Indian Affairs. Other agencies, including the Army Corps of Engineers, contribute to Everglades restoration activities under their own authorities and with funding from other appropriations bills.

The full-year continuing appropriations law for FY2011 did not specify the appropriations for Everglades restoration.⁹⁸ The Administration's FY2011 request for Everglades restoration for the Department of the Interior was \$74.5 million, an increase of \$6.0 million over the FY2010 appropriation. The request included \$8.0 million for DOI under CERP and \$8.0 million for the Modified Waters Delivery Project to Everglades National Park.⁹⁹ Separate from the DOI request, the Administration also requested approximately \$180 million for Everglades restoration within the Corps of Engineers budget, for total federal funding of approximately \$255 million in the Administration's FY2011 request.¹⁰⁰

The level of commitment by the federal government to implement restoration activities in the Everglades continues to receive attention. Some observers measure commitment by the frequency and number of projects authorized under CERP, and the appropriations they receive. Because only three restoration projects have been authorized since the Water Resources Development Act (WRDA) 2000, these observers are concerned that the federal commitment to Everglades restoration is waning. Others assert that the federal commitment to CERP and Everglades restoration has increased in recent years, evidenced by projects moving from design to construction phases as well as through additional funding provided through the American Recovery and Reinvestment Act.¹⁰¹ These observers note that in January of 2010, the first CERP project broke ground at Picayune Strand in South Florida. The federal government also recently broke ground on the Mod Waters construction project, which must be completed before appropriations can be made for CERP projects in the eastern Everglades.¹⁰²

The Land and Water Conservation Fund (LWCF)¹⁰³

Overview

The LWCF (16 U.S.C. §§ 460l-4, et seq.) is authorized at \$900 million annually through FY2015. However, these funds may not be spent without an appropriation. The LWCF is used for three

⁹⁸ Total funding for Everglades restoration for a fiscal year usually is not publicly available until the Administration's budget request is submitted for the subsequent year. In this case, the President's FY2012 budget did not contain final funding levels for Everglades restoration for FY2011, because the FY2012 budget was submitted before enactment of P.L. 112-10.

⁹⁹ This project, also known as Mod Waters, is designed to improve water deliveries to Everglades National Park and, to the extent possible, to restore the natural hydrological conditions within the park. The project broke ground in December 2009. DOI projected that at current funding levels, Mod Waters would be completed in FY2013. For additional background on Mod Waters, see CRS Report RS21331, *Everglades Restoration: Modified Water Deliveries Project*, by (name redacted).

¹⁰⁰ For more on the Corps components of the request, see CRS Report R41150, *Energy and Water Development: FY2011 Appropriations*, coordinated by (name redacted).

¹⁰¹ Approximately \$118 million was provided for Everglades restoration activities by the Corps and DOI under the American Recovery and Reinvestment Act (P.L. 111-5).

¹⁰² This requirement is in WRDA 2000 (P.L. 106-541), §601.

¹⁰³ For more information on LWCF funding, contact (name redacted) at 7-.....

purposes. First, the four principal federal land management agencies—Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service—draw primarily on the LWCF to acquire lands. Second, the LWCF funds acquisition and recreational development by state and local governments through a grant program administered by the NPS, sometimes referred to as stateside funding. Third, Congress has appropriated money from the LWCF to fund some related activities, with programs varying from year to year.

From FY1965 through FY2011, a total of about \$34 billion was credited to the LWCF. A total of roughly \$16 billion of that amount has been appropriated. Annual appropriations from LWCF have fluctuated considerably over time. **Table 15** shows funding for LWCF since FY2007.

The FY2011 full-year continuing appropriations law provided \$301.1 million for the LWCF, a reduction of \$149.2 (33%) from the FY2010 level. The enacted level was less than half the level sought by the Administration — \$619.2 million — as part of a multi-year plan to achieve “full funding” for LWCF at the \$900.0 million level. The FY2011 appropriation was \$243.3 million (421%) higher than the House-passed amount but \$76.0 million (20%) less than the Senate amendment.

Table 15. Appropriations for the Land and Water Conservation Fund (LWCF), FY2007-FY2011

(\$ in millions)

Land and Water Conservation Fund	FY2007 Approp.	FY2008 Approp.	FY2009 Approp.	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Federal Acquisition	113.0	129.1	152.2	265.8	369.9	41.0	192.6	165.0
—BLM	8.6	8.9	14.8	29.7	83.7	2.8	26.7	22.0
—FWS	28.0	34.6	42.5	86.3	106.3	15.1	63.9	55.0
—NPS	34.4	44.4	45.2	86.3	106.3	14.1	68.8	55.0
—FS	41.9	41.2	49.8	63.5	73.7	9.1	33.2	33.0
Appraisal Services ^a	7.4	0	0	12.1	14.1	10.6	12.1	12.1
Grants to States	29.6	24.6	19.0 ^b	40.0	50.0	0	40.0	40.0
Other Programs	216.1	101.3	104.1 ^c	132.5	185.1	6.2	132.5	84.0
Total Appropriations	366.1	255.1	275.3	450.4	619.2	57.8	377.2	301.1

Sources: Tables from the DOI Budget Office and the Appropriations Committees and legislation for FY2011.

- a. For FY2008 and FY2009, there were appropriations of \$7.7 million and \$8.0 million respectively for appraisal services, but they did not appear to be derived from LWCF.
- b. This figure has been reduced by \$1.0 million due to the use of prior year funds.
- c. This figure has been reduced by \$8.0 million due to the use of prior year funds.

Land Acquisition

For land acquisition for FY2011, the FY2011 law provided \$165.0 million, a reduction of \$100.8 million from the FY2010 appropriation of \$265.8 million. The FY2011 level also was a reduction of \$204.9 million from the Administration's request of \$369.9 million and of \$27.6 million from the level in the Senate amendment — \$192.6 million, but an increase of \$124.0 million above the House-passed level — \$41.0 million. The variability of funding for this activity throughout history reflects a tension regarding the extent of federal land ownership.

The FY2011 law did not identify the particular land units (e.g., a specific National Wildlife Refuge) that would receive funding to acquire land. For all four agencies, most of the funds requested by the Administration were for acquisitions for particular management units. In seeking funds for acquisition projects for FY2011, for the first time the DOI agencies used consistent, merit-based criteria, according to the department.¹⁰⁴ These criteria were designed to meet common conservation goals, such as developing additional recreational opportunities and maximizing landscape conservation for wildlife and habitat. The FY2011 FS budget justification also noted changes to the LWCF program, including the use of selection criteria to rank land acquisition projects.

The changes in part seek to address congressional concerns regarding the land acquisition process. For instance, the conferees on the FY2010 appropriations bill had expressed concern with the processes for acquiring lands, and provided several related directives to the agencies. Conferees directed the agencies to use funds for inholdings to acquire high-priority lands that are threatened by development, and address delays in conducting land appraisals, including by considering alternative organizational structures. The conferees expressed their intention that, to the maximum extent possible, there be a single set of policies among the four agencies for conducting land acquisitions. They directed the DOI and Agriculture Secretaries to jointly examine their acquisition policies and practices and to submit a report with findings and recommendations to the House and Senate Appropriations Committees. Further, the conferees expressed concern that lands acquired with LWCF funds are being used in ways inconsistent with the recreation, conservation, or public access uses for which they were purchased, and directed the DOI and Agriculture Secretaries to notify the Appropriations Committees before changing the use of the lands.¹⁰⁵

Grants to States

For state grants, the FY2011 law continued the level of funding from FY2010 — \$40.0 million. This level also was included in the Senate amendment. However, the Administration had requested an increase to \$50.0 million, while the House-passed bill did not contain funding for state grants. The appropriations for the state grant program typically are not specified for individual projects or areas, but rather are allocated to states in accordance with a formula in law. Since FY2000, funding for state grants has ranged from a high of \$143.9 million in FY2002 to a low of \$19.0 million in FY2009.¹⁰⁶

¹⁰⁴ U.S. Dept. of the Interior, *Fiscal Year 2011: The Interior Budget in Brief*, p. DH-37.

¹⁰⁵ H.Rept. 111-316 on H.R. 2996, p. 77-78.

¹⁰⁶ In addition, through provisions of the Gulf of Mexico Energy Security Act of 2006 (P.L. 109-432), a portion of revenues from certain OCS leasing are provided (without further appropriation) to the stateside grant program. DOI estimated that \$0.7 million in revenue from such OCS leasing would be disbursed to the stateside program in FY2011.

Other Purposes

For FY2011, the appropriations law contained \$84.0 million in funding from LWCF for two other programs—FWS Cooperative Endangered Species grants and the FS Forest Legacy program. The FY2011 level was \$48.5 million lower than both the FY2010 level and the amount in the Senate amendment (\$132.5 million) and \$101.1 million lower than the Administration’s request for FY2011 (\$185.1 million), but \$77.8 million higher than the House-passed appropriation (\$6.2 million). These two programs have been funded, at least in part, from LWCF for several years. For FY2007, the largest portion of the LWCF appropriation was for other programs, as shown in **Table 15**. Since FY2008, the largest portion of the LWCF appropriation has been for land acquisition. **Table 16** shows the other programs for which Congress appropriated funds for FY2007 through FY2011.¹⁰⁷

**Table 16. Appropriations for the Land and Water Conservation Fund (LWCF):
Other Programs, FY2007-FY2011**
(\$ in millions)

Other Programs	FY2007 Approp.	FY2008 Approp.	FY2009 Approp.	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Fish and Wildlife Service								
—State and Tribal Wildlife Grants	67.5	0	0	0	0	0	0	0
—Landowner Incentive Grants	23.7	0	0	0	0	0	0	0
—Private Stewardship Grants	7.3	0	0	0	0	0	0	0
—Cooperative Endangered Species Grants	61.1	49.0	54.7 ^a	56.0	85.0	0	56.0	31.0
Forest Service								
—Forest Legacy Program	56.5	52.3	49.4 ^b	76.5	100.1	6.2	76.5	53.0
Total Appropriations	216.1	101.3	104.1	132.5	185.1	6.2	132.5	84.0

Notes: This table identifies “other” programs for which Congress appropriated funds for FY2007 through FY2010 and for which the Administration requested funds for FY2011. It excludes federal land acquisition and the state grant program. Funding provided outside of LWCF is not reflected. Information is from the DOI Budget Office and House and Senate Appropriations Committees.

- a. The law provided \$80.0 million for the Cooperative Endangered Species Conservation Fund, with \$54.7 million derived from the LWCF. It also contained a rescission of \$4.5 million in unobligated balances, for a total appropriation of \$75.5 million. The \$54.7 million reported here does not reflect the rescission, as the law did not specify whether it was to be taken from the LWCF portion of the overall appropriation.

¹⁰⁷ For more information on the operation of the LWCF and its funding throughout history, see CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Issues*, by (name redacted).

b. This figure has been reduced by \$8.0 million due to the use of prior-year funds.

Wildland Fire Management¹⁰⁸

Wildfire protection programs and funding continue to generate controversy. Ongoing discussions include questions about the high cost of fire suppression efforts; locations for various wildfire protection treatments; and whether, and to what extent, environmental analysis, public involvement, and legal challenges to administrative decisions hinder fuel reduction and post-fire rehabilitation.

The FS and DOI wildfire funding includes funds for fire suppression, preparedness, and other operations.¹⁰⁹ Excluding FLAME funds, prior-year funds, and rescissions, the FY2011 law provided \$3.09 billion for Wildland Fire Management (\$2.17 billion for the FS and \$919.9 million for DOI), a decrease of \$6.3 million from FY2010. The Administration had requested a total of \$2.84 billion for Wildland Fire Management (\$2.07 billion for the FS and \$762.9 million for DOI), excluding FLAME funding. See “FS and DOI Subtotal” in **Table 17** below.

In total, the FY2011 appropriations law contained \$2.84 billion for Wildland Fire Management. This was lower than enacted for FY2010 and contained in all proposals for FY2011. Specifically, it was a decrease of \$528.3 million (16%) from the FY2010 level (\$3.37 billion), \$735.0 million (21%) from the Administration’s request (\$3.58 billion), \$128.3 million (4%) from the level in the House-passed bill, and \$6.0 million (<1%) from the amount in the Senate amendment (\$2.85 billion). See “Total Appropriations” in **Table 17** below.

Table 17. Appropriations for FS and DOI Wildland Fire Management, FY2010-FY2011

(\$ in millions)

National Fire Plan	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
Forest Service					
—FS Subtotal	2,178.7	2,072.4	2,178.7	2,178.4	2,172.4
—FLAME Funds ^a	413.0	573.0	413.0	291.0	291.0
—Prior Year Funds	-75.0	0	-200.0	0	0
—Rescission	0	0	-250.0	-400.0	-400.0
Total, FS	2,516.7	2,645.4	2,141.7	2,069.4	2,063.4
DOI					
—DOI Subtotal	919.9	762.9	919.9	919.9	919.9
—FLAME Funds ^a	61.0	171.0	61.0	61.0	61.0

¹⁰⁸ For more information on funding for Wildland Fire Management, contact (name redacted) at 7-.....

¹⁰⁹ The FY2011 full-year continuing appropriations law did not generally identify funding below the account level, but rather directed DOI (and other agencies) to submit plans for spending below the account level to the Appropriations Committees within 30 days of enactment.

National Fire Plan	FY2010 Approp.	FY2011 Request	FY2011 H.R. 1 Passed House	FY2011 SA 149 Not Agreed To	FY2011 Approp.
—Prior Year Funds	-125.0	0	-150.0	0	0
—Rescission	0	0	0	-200.0	-200.0
Total, DOI	855.9	933.9	830.9	780.9	780.9
FS and DOI					
—FS & DOI Subtotal	3,098.6	2,835.3	3,098.6	3,098.3	3,092.3
—FLAME Funds ^a	474.0	744.0	474.0	352.0	352.0
—Prior Year Funds	-200.0	0	-350.0	0	0
—Rescissions	0	0	-250.0	-600.0	-600.0
Total Appropriations	3,372.6	3,579.3	2,972.6	2,850.3	2,844.3

Notes: Includes funding only from DOI and FS Wildland Fire Management accounts. This table differs from the detailed tables in CRS Report RL33990, *Federal Funding for Wildfire Control and Management*, by (name redacted), because that report rearranges data to distinguish funding for different purposes.

a. Includes FLAME Wildfire Suppression Reserve Account and Presidential Wildland Fire Contingency Reserve Fund.

FLAME Funding

The FY2010 Interior appropriations law modified the traditional approach to funding wildfire suppression. Title V, the Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009, established in the Treasury the FLAME Wildfire Suppression Reserve Fund for DOI and the FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture (for the Forest Service). The funds are to be used to cover the costs of large or complex fires, when amounts provided in the Wildland Fire Management accounts for suppression and emergency response are exhausted. The requirements are the same for the two accounts. Each Secretary may transfer funds from the FLAME fund into the respective Wildland Fire Management account, for suppression activities, upon a secretarial declaration. The declaration may be issued if the fire covers at least 300 acres or threatens lives, property, or resources, among other criteria. The conferees stated their intent that the money in the FLAME funds, together with appropriations through the Wildland Fire Management accounts, should fully fund suppression needs and prevent borrowing funds from other programs. They directed the Secretaries to develop new methods of estimating fire suppression funding needs as part of their FY2011 budget requests,¹¹⁰ and the FY2011 requests stated that they complied with this direction.

Differences among the FY2010 enacted and FY2011 requested, House-passed, Senate amendment, and enacted levels largely involved the FLAME funds. The FY2011 appropriations law provided \$352.0 million for the FLAME funds (\$291.0 million for the FS and \$61.0 million for DOI), as had been contained in the Senate amendment. This was \$122.0 million less than both what was enacted for FY2010 and what was included in the House-passed bill (\$413.0 million for the FS and \$61.0 million for DOI). Further, the FY2011 enacted level of FLAME funds was \$392.0 million less than requested for FY2011 (\$573.0 million for the FS and \$171.0 million for

¹¹⁰ H.Rept. 111-316 on H.R. 2996, p. 152-154.

DOI). In seeking a substantial increase in FLAME funding for FY2011, including a new proposed Presidential Wildland Fire Contingency Reserve Fund, the Administration had sought substantially less in regular suppression appropriations than was provided for FY2010.

Other differences among the FY2010 and FY2011 levels related to specific rescissions of fire funds and use of prior-year funds. The FY2011 law and the Senate amendment included a rescission of \$600.0 million (\$400.0 million for the FS and \$200.0 million from DOI). The FY2010 law allowed the use of \$200.0 million in prior-year funds. The FY2011 House-passed bill had provided for both a rescission of \$250.0 million and the use of \$350.0 million in prior-year funds. The Administration did not include either a rescission or the use of prior-year funds in its FY2011 request.

Other Wildfire Funding

While the FY2011 law did not generally specify funding below the Wildland Fire Management account level, it specified two decreases: \$0.1 million (from \$11.6 million to \$11.5 million) for FS post-fire rehabilitation and \$6.3 million (from \$71.3 million to \$65.0 million) for FS state fire assistance. The President had proposed substantial shifts in funding among sub-accounts, most notably a 40% decrease in FS fire suppression and a 49% increase in FS preparedness. Thus, the FS (and DOI) spending plans might shift funds among activities, within the enacted level that nearly matches the FY2010 appropriations.

**Table 18. Appropriations for Interior, Environment, and Related Agencies,
FY2007-FY2011**
(\$ in thousands)

Bureau or Agency	FY2007 Approp.	FY2008 Approp.	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010 Approp.	FY2011 Approp.
<i>Title I: Department of the Interior</i>							
Bureau of Land Management ^a	1,029,498	1,007,897	1,038,596	305,000	1,343,596	1,133,604	1,116,089
U.S. Fish and Wildlife Service	1,340,989	1,441,301	1,440,451	280,000	1,720,451	1,646,832	1,506,261
National Park Service	2,299,959	2,390,488	2,525,834	750,000	3,275,834	2,743,730	2,616,486
U.S. Geological Survey	988,050	1,006,480	1,043,803	140,000	1,183,803	1,111,740	1,085,844
Bureau of Ocean Energy Management, Reg. & Enforcement ^b	159,530	118,053	116,676	0	116,676	136,520	209,246
Office of Surface Mining Reclamation and Enforcement	294,654	170,411	164,702	0	164,702	162,868	162,868
Bureau of Indian Affairs	2,308,304	2,291,279	2,376,131	500,000	2,876,131	2,619,560	2,599,210
Departmental Offices ^c	514,913	474,236	480,790	15,000	495,790	540,999	495,115
Department-Wide Programs ^d	1,101,911	1,477,066	949,374	15,000	1,014,374 ^e	958,357	883,357
Subtotal, Title I: Department of the	10,037,808	10,377,211	10,136,357	2,005,000	12,191,357^e	11,047,210^e	10,649,476^g

Interior, Environment, and Related Agencies: FY2011 Appropriations

Bureau or Agency	FY2007 Approp.	FY2008 Approp.	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010 Approp.	FY2011 Approp.
Interior							
Subtotal, Title II: Environmental Protection Agency	7,723,948	7,461,496	7,635,674	7,220,000	14,855,674	10,291,864	8,699,797
<i>Title III: Related Agencies</i>							
U.S. Forest Service (FS)	4,706,349	5,804,428	4,745,794	1,150,000	6,095,794 ^h	5,297,256	4,695,252
Indian Health Service	3,180,148	3,346,181	3,581,124	500,000	4,081,124	4,052,375	4,077,375
National Institute of Environmental Health Sciences	79,117	77,546	78,074	0	78,074	79,212	79,212
Agency for Toxic Substances and Disease Registry	75,212	74,039	74,039	0	74,039	76,792	76,792
Council on Environmental Quality and Office of Environmental Quality	2,698	2,661	2,703	0	2,703	3,159	3,159
Chemical Safety and Hazard Investigation Board	9,113	9,263	10,199	0	10,199	11,147	10,799
Office of Navajo and Hopi Indian Relocation	8,509	8,860	7,530	0	7,530	8,000	8,000
Institute of American Indian and Alaska Native Culture and Arts Development	6,207	7,183	7,900	0	7,900	8,300	8,300
Smithsonian Institution	634,895	682,629	731,400	25,000	756,400	761,395	761,161
National Gallery of Art	111,729	117,866	122,756	0	122,756	167,005	158,967
John F. Kennedy Center for the Performing Arts	30,389	42,674	36,364	0	36,364	40,447	36,420
Woodrow Wilson International Center for Scholars	9,100	9,844	10,000	0	10,000	12,225	11,225
National Endowment for the Arts	135,500	144,706	155,000	50,000	205,000	167,500	155,000
National Endowment for the Humanities	141,105	144,707	155,000	0	155,000	167,500	155,000
Commission of Fine Arts	1,873	2,059	2,234	0	2,234	2,294	2,294
National Capital Arts and Cultural Affairs	7,143	8,367	9,500	0	9,500	9,500	3,000
Advisory Council on Historic Preservation	4,828	5,265	5,498	0	5,498	5,908	5,908
National Capital Planning Commission	8,168	8,136	8,328	0	8,328	8,507	8,507
U.S. Holocaust Memorial Museum	42,349	44,786	47,260	0	47,260	49,122	49,122
Presidio Trust	19,706	22,051	17,450	0	17,450	23,200	15,000

Bureau or Agency	FY2007 Approp.	FY2008 Approp.	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010 Approp.	FY2011 Approp.
White House Commission on the National Moment of Remembrance	247	197	0	0	0	0	0
Dwight D. Eisenhower Memorial Comm.	0	1,969	2,000	0	2,000	19,000	0
Subtotal, Title III: Related Agencies	9,214,385	10,565,417	9,810,153	1,725,000	11,735,153^h	10,969,844	10,320,493
Subtotal, Title IV: Secure Rural Schools	425,000	0	0	0	0	0	0
Grand Total Appropriations (in Bill)ⁱ	27,401,141	28,416,852	27,590,958	10,950,000	38,791,184	32,319,918	29,671,766

Source: House and Senate Appropriations Committees.

- a. Figures do not reflect funding appropriated to Bureau of Land Management (BLM) for Wildland Fire Management for FY2006 through FY2009. These fire funds are included under Department-Wide Programs, consistent with the change to fund Department of the Interior (DOI) firefighting from this account beginning with FY2009.
- b. Figures for FY2007-FY2010 represent funding for the former Minerals Management Service.
- c. The Departmental Offices figure currently includes the Office of the Secretary, Insular Affairs, Office of the Solicitor, Office of Inspector General, and Office of Special Trustee for American Indians. For comparative purposes, figures in earlier years have been adjusted to reflect funding for these offices as well.
- d. The Department-Wide Programs figures include Wildland Fire Management, Central Hazardous Materials Fund, Natural Resource Damage Assessment Fund, and Working Capital Fund. For comparative purposes, figures for FY2006 through FY2008 have been adjusted to reflect the transfer in FY2009 of DOI Wildland Fire Management from the Bureau of Land Management to Department-Wide Programs. Figures prior to FY2009 reflect funding for the Payments in Lieu of Taxes Program (PILT).
- e. This figure includes \$50.0 million in emergency funding in P.L. 111-32, which is not reflected in the two prior FY2009 columns.
- f. Includes \$7.0 million in rescissions not reflected in figures above.
- g. Includes \$25.0 million in rescissions not reflected in figures above.
- h. This figure includes \$200.0 million in emergency funding in P.L. 111-32, which is not reflected in the two prior FY2009 columns.
- i. Figures generally do not reflect scorekeeping adjustments. The FY2007 total reflects appropriations of \$26.51 billion; emergency appropriations of \$925.2 million, including \$425.0 million for Secure Rural Schools; and rescissions of \$30.0 million. The FY2008 total reflects rescissions of \$35.0 million; emergency appropriations of \$1.82 billion; and appropriations of \$26.64 billion, including \$12.7 million in Title IV, General Provisions, not reflected in the column figures above. The FY2009 omnibus total reflects rescissions of \$62.2 million and an appropriation of \$27.65 billion, including \$9.0 million in Title IV, General Provisions, not reflected in the column figures above. The FY2009 total is the sum of the previous two totals, plus an additional \$250.0 million in wildland fire appropriations that was included in P.L. 111-32. The FY2010 total reflects appropriations of \$32.39 billion, including \$11.0 million in Title IV, General Provisions, not reflected in the column figures above; emergency appropriations of \$31.0 million, and rescissions of \$100.8 million. The FY2011 total reflects appropriations of \$30.50 billion, including \$2.0 million in Title IV, General Provisions, not reflected in the column figures above, and rescissions of \$825.6 million. It does not reflect an across-the-board rescission of 0.2% in Sec. 1119 of Division B of P.L. 112-10, estimated at \$61.0 million for Interior, Environment, and Related Agencies.

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