



Interior, Environment, and Related Agencies: FY2012 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 U.S. Environmental Protection Agency, and numerous other entities.

The President requested \$31.34 billion for FY2012 for Interior, Environment, and Related Agencies, a \$1.73 billion (5.9%) increase over the FY2011 appropriation of \$29.61 billion. The President proposed increases for many of the major agencies funded by the bill, including the following:

- \$554.6 million (14%) for the Indian Health Service,
- \$290.9 million (3%) for the Environmental Protection Agency,
- \$280.4 million (11%) for the National Park Service,
- \$248.2 million (5%) for the Forest Service,
- \$191.5 million (13%) for the Fish and Wildlife Service, and
- \$101.9 million (13%) for the Smithsonian Institution.

The President proposed fewer decreases for major agencies in the bill, and these decreases tended to be smaller than the increases requested for other agencies. Among the decreases were the following:

- \$93.4 million (4%) for the Bureau of Indian Affairs,
- \$16.9 million (5%) for the National Foundation on the Arts and the Humanities, and
- \$16.6 million (10%) for the Office of Surface Mining Reclamation and Enforcement.

The House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies have held hearings on the FY2012 agency budget requests. No bill to fund Interior, Environment, and Related Agencies for FY2012 has been introduced to date. 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, royalty relief, Indian trust fund management, climate change, DOI science programs, and wild horse and burro management. Other issues have included 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 U.S. 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.

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 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.

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.

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 spending 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.

Current Overview

The President requested \$31.34 billion for FY2012 for Interior, Environment, and Related Agencies, a \$1.73 billion (5.9%) increase over the FY2011 appropriation of \$29.61 billion. The President proposed increases for many of the major agencies funded by the bill, including the following:

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The House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies have held hearings on the FY2012 agency budget requests. No bill to fund Interior, Environment, and Related Agencies for FY2012 has been introduced to date.

Major Issues

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, royalty relief, Indian trust fund management, climate change, DOI science programs, and wild horse and burro management. Other issues have included 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.

Issues that might be controversial during debates on the FY2012 Interior, Environment, and Related Agencies appropriations bill, which are discussed in subsequent sections of this report, include those listed below.

- *Clean Water and Drinking Water State Revolving Funds*, especially the adequacy of funding to meet state and local wastewater and drinking water needs. These state revolving funds provide seed money for state loans to communities for wastewater and drinking water infrastructure projects. (For more information, see the “Environmental Protection Agency” section in this report.)
- *EPA Regulatory Actions*, notably whether to provide or restrict funding for implementation of pending and promulgated regulations that cut across various environmental pollution control statutes, including those that address greenhouse gas emissions. (For more information, see the “Environmental Protection Agency” section in this report.)
- *Indian Health Service*, particularly the appropriate level of funding for new programs included in the reauthorization of the Indian Health Care Improvement Act.
- *Land Acquisition*, including the amount of funding for the Land and Water Conservation Fund for federal land acquisition and for the state grant program, and the extent to which the fund should be used for activities not involving land acquisition. (For more information, see “The Land and Water Conservation Fund (LWCF)” section in this report.)
- *Outer Continental Shelf Leasing*, particularly preleasing and leasing activities in offshore areas. (For more information, see the “Bureau of Ocean Energy Management, Regulation, and Enforcement” section in this report.)
- *Reorganization of the Former Minerals Management Service*, especially the appropriate level of funding for successor entities—the Bureau of Ocean Energy Management, Regulation, and Enforcement and the Office of Natural Resources Revenue—to address regulatory, safety, and compliance issues related to development of energy and minerals resources in the Outer Continental Shelf. (For more information, see the “Bureau of Ocean Energy Management, Regulation, and Enforcement” section in this report.)
- *Superfund*, notably the adequacy of proposed funding to meet hazardous waste cleanup needs, and whether to continue using general Treasury revenues to fund the account or reinstate a tax on industry that originally paid for most of the program. (For more information, see the “Environmental Protection Agency” section in this report.)
- *U.S. Geological Survey Realignment*, particularly whether to implement a proposed restructuring of science programs to correspond with interdisciplinary themes, such as ecosystems.

FY2004-FY2011

Table 1, 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 \$2.29 billion increase

(8.4%) over the FY2004 level in current dollars, or a \$1.89 billion decrease (6.0%) in constant dollars.³

See **Table 20** at the end of this report for a detailed budgetary history (by agency) for FY2008-FY2012.

Table 1. 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 | 29.61 |
| Constant 2011 Dollars ^b | 31.50 | 30.15 | 28.03 | 28.77 | 29.19 | 28.09 | 11.15 | 39.24 ^a | 32.61 | 29.61 |

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, <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," <http://www.cbo.gov/doc.cfm?index=12039>.

Status of Bill

Table 2, below, will be updated as legislative action occurs on FY2012 Interior, Environment, and Related Agencies Appropriations legislation.

Table 2. Status of Interior, Environment, and Related Agencies Appropriations, FY2012

| Subcommittee Markup | | H. Comm. Report | House Passage | S. Comm. Report | Senate Passage | Conf. Report | Conference Rept. Approval | | Public Law |
|---------------------|--------|-----------------|---------------|-----------------|----------------|--------------|---------------------------|--------|------------|
| House | Senate | | | | | | House | Senate | |
| — | — | — | — | — | — | — | — | — | — |

³ These calculations use the Congressional Budget Office's inflation estimate of 0.9% for 2010 and projection of 0.9% for 2011.

Title I: Department of the Interior

Bureau of Land Management⁴

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 resources throughout the nation, and supervises the mineral operations on an estimated 56 million acres of Indian Trust lands.

For FY2012, the Administration requested \$1.11 billion for BLM, a \$0.9 million increase over the FY2011 appropriation. Although the requested funding was nearly identical to the FY2011 level, the Administration sought a number of changes in funding for BLM programs and activities relative to FY2011. Several of these are discussed below. **Table 3** identifies funding for BLM accounts.

Table 3. Appropriations for the Bureau of Land Management (BLM), FY2011-FY2012
(\$ in millions)

| Bureau of Land Management | FY2011 Approp. | FY2012 Request |
|---|-------------------|-------------------|
| Management of Lands and Resources | 950.8 | 919.5 |
| Construction | 4.6 | 3.6 |
| Land Acquisition | 22.0 | 50.0 |
| Oregon and California Grant Lands | 111.3 | 112.0 |
| Range Improvements | 10.0 | 10.0 |
| Service Charges, Deposits, and Forfeitures ^a | 0 | 0 |
| Miscellaneous Trust Funds and Permanent Operating Funds | 15.2 | 19.7 |
| Total Appropriations | 1,113.9 | 1,114.8 |

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

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 Administration requested \$919.5 million for FY2012, a \$31.3 million decrease from the FY2011 level of \$950.8 million.

⁴ For more information on BLM funding, contact Carol Hardy Vincent at 7-8651.

The Administration sought various increases and decreases for activities and programs funded by this account. Among the proposed increases were funds for cultural resource management and recreation management. Cultural resource management would increase by \$8.8 million, from \$16.8 million to \$25.6 million, to enhance the preservation and protection of cultural, historical, and paleontological resources. Some of the increase would be for the inventory and stabilization of cultural resource sites. To date, roughly 21 million acres (8%) of BLM lands have been inventoried for cultural resources. Recreation management would increase by \$7.9 million, from \$68.8 million in FY2011 to \$76.8 million for FY2012. The increase is intended primarily for interpretation, visitor services, managing off-highway vehicles, and developing and implementing travel management plans.

Among the proposed decreases were funds for range management, the Alaska land conveyance program, and energy and minerals management. Range management, which focuses on livestock grazing on 158 million acres of BLM land, would be reduced by \$5.3 million, from \$76.9 million in FY2011 to \$71.6 million in FY2012. The Alaska conveyance program would decline by \$12.5 million, from \$29.1 million to \$16.6 million, as part of an effort to reevaluate and streamline the conveyance process. The BLM is required by law to transfer ownership of about 150 million acres of federal lands to the State of Alaska, Alaska Natives, and Alaska Native corporations, most of which have already been conveyed. The appropriation for energy and minerals management would be reduced by \$15.6 million, from \$90.5 million to \$74.8 million. This overall reduction would result from several changes, including reduced funding for oil and gas management, reduced collections from fees for processing applications for permits to drill, and a shift of the cost of oil and gas inspections from appropriations to a proposed industry inspection fee.

The Administration proposed level or roughly level appropriations for other programs. For instance, the appropriation for wild horse and burro management would decline slightly, from \$75.8 million for FY2011 to \$75.0 million for FY2012. The FY2011 level was the highest annual appropriation in the history of the program, and FY2012 would be the second highest if funded at the level requested by the Administration. FY2012 funding will be used for researching and testing fertility control and caring for animals removed from the range in long-term pasture (“holding”) facilities, among other purposes. The Administration proposed retaining the prohibition in the FY2011 appropriations law on using funds 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.

Construction

For BLM Construction in FY2012, the Administration proposed \$3.6 million, a decline of \$1.0 million from the FY2011 level of \$4.6 million. Of the FY2012 request, \$1.1 million was intended for the disposal of 64 assets (e.g., water distribution systems) in multiple states, with most of the rest of the funds distributed among nine line-item construction projects in six states. If enacted, the FY2012 proposed level would be the lowest funding level in at least a decade. Over the past decade, BLM construction funding has ranged from a high of \$186.6 million in FY2009 (including stimulus appropriations in P.L. 111-5) to a low of \$4.6 million for FY2011.

Land Acquisition

For land acquisition by the BLM, the Administration proposed \$50.0 million, an increase of \$28.0 million from the FY2011 appropriation of \$22.0 million. Most of the requested funding was for

19 specific acquisition projects in 8 states. The appropriation for BLM acquisitions has fluctuated widely over the past decade, ranging from a high of \$49.9 million for FY2002 to a low of \$8.6 million for both FY2006 and FY2007. Money for land acquisition is appropriated from the Land and Water Conservation Fund, which the Administration proposed to fund at the full authorized level of \$900.0 million in FY2012. (For more information, see “The Land and Water Conservation Fund (LWCF)” section of this report.)

Legislative Proposals

The Administration’s FY2012 request for BLM included several legislative proposals and expressions of intent to submit legislative proposals. One proposal was to eliminate the July 2011 sunset of the Federal Land Transaction Facilitation Act, which authorizes BLM to sell land with the proceeds available to several agencies for subsequent land acquisition. Another proposal would continue the automatic renewal of grazing permits and leases that expire until the permit renewal process is completed under applicable laws and regulations, including any necessary environmental analyses. In the energy and minerals area, proposals included new fees for onshore oil and gas inspections and for non-producing federal oil and gas leases, as well as an abandoned mine lands (AML) fee on hardrock production with the receipts used for the cleanup of abandoned hardrock mine sites. Further, the Administration proposed a new leasing process for certain hardrock minerals (such as gold and copper) under the Mineral Leasing Act of 1920, as well as the repeal of provisions of law⁵ that redirect mineral leasing revenues from the Treasury to a BLM Permit Processing Improvement Fund.

Fish and Wildlife Service⁶

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 Administration requested \$1.69 billion for FY2012, an increase of \$191.5 million (13%) from the FY2011 level of \$1.50 billion. See **Table 4**. The proposed increase would not be applied uniformly. Some programs would be reduced, and one program (the National Wildlife Refuge Fund) would receive no appropriation.

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, Fisheries, and Cooperative Landscape Conservation and Adaptive Science Capacity. The Administration requested \$1.27 billion for FY2012 for Resource Management, an increase of \$27.0 million over the FY2011 appropriation of \$1.24 billion. The FY2012 requests for selected accounts and programs are discussed below.

⁵ These provisions are portions of Section 365 of the Energy Policy Act of 2005.

⁶ For more information on FWS funding, contact M. Lynne Corn at 7-7267. 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 M. Lynne Corn.

Table 4. Appropriations for the Fish and Wildlife Service (FWS), FY2011-FY2012
(\$ in millions)

| Fish and Wildlife Service | FY2011 Approp. | FY2012 Request |
|--|---------------------------|---------------------------|
| Resource Management | 1,244.9 | 1,271.9 |
| —Endangered Species | 175.4 | 182.7 |
| —Habitat Conservation | 112.5 | 118.4 |
| —Environmental Contaminants | 13.3 | 13.8 |
| —National Wildlife Refuge System | 492.1 | 502.9 |
| —Migratory Birds, Law Enforcement, and International Conservation | 128.2 | 130.0 |
| —Fisheries and Aquatic Resource Conservation | 138.9 | 136.0 |
| —Cooperative Landscape Conservation and Adaptive Science | 31.0 | 37.5 |
| —General operations | 153.4 | 150.5 |
| Construction | 20.8 | 23.1 |
| Land Acquisition | 54.9 | 140.0 |
| Landowner Incentive Program (cancellation of prior year balances) | -4.9 | 0 |
| Cooperative Endangered Species Conservation Fund | 59.9 | 100.0 |
| National Wildlife Refuge Fund | 14.5 | 0 |
| North American Wetlands Conservation Fund | 37.4 | 50.0 |
| Neotropical Migratory Bird Conservation Fund | 4.0 | 5.0 |
| Multinational Species Conservation Fund | 10.0 | 9.8 |
| State & Tribal Wildlife Grants | 61.9 | 95.0 |
| Total Appropriations | 1,503.2 | \$1,694.7 |

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. For FY2012, the Administration requested \$182.7 million for the Endangered Species Program, an increase of \$7.2 million over the FY2011 appropriation of \$175.4 million. The Administration also proposed dividing the portion of the funds allocated to listing⁷ into three new subprograms: listing, international listing, and petitions. The change appears to be an attempt to support the agency's claim that its listing program has been driven by large numbers of citizen petitions to list certain species rather than by

⁷ "Listing" refers to the addition of new species to the list of species protected under ESA or to the designation of critical habitat for listed species.

the agency's own assessment of conservation needs of a broader range of species.⁸ FWS asserts that responding to so many petitions has slowed or prevented the listing of other species at more risk than those covered in petitions. In the FY2012 request, the FWS supported a new appropriations limitation on activities related to petitions and a current limitation in statute on its appropriations for designating critical habitat. The Administration has supported the critical habitat limitation on ESA spending in the past, on the grounds that such a limitation prevents having to draw money from other FWS programs in order to respond to lawsuits brought for failure to designate critical habitat. However, these self-imposed limits on the agency's funding to respond to other requirements of the Endangered Species Act have had limited success in court.⁹

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 FY2012 request was \$100.0 million, a \$40.1 million increase over the FY2011 appropriation of \$59.9 million.

National Wildlife Refuge System (NWRs)

The FY2012 request was \$502.9 million for the Refuge System, an increase of \$10.8 million over the FY2011 appropriation of \$492.1 million. The Administration proposed to increase programs for wildlife and habitat management and visitor services, while cutting conservation planning, maintenance, and refuge-based law enforcement.

Fisheries and Aquatic Resource Conservation

The Administration proposed \$136.0 million for Fisheries and Aquatic Resource Conservation, a decrease of \$2.9 million from the FY2011 level of \$138.9 million. Within this activity, there was a reduction of \$6.1 million in National Fish Hatchery System operations—from the FY2011 level of \$48.9 million to \$42.8 million for FY2012. This would be a decrease of 12% from FY2011 and of 21% from FY2010. The FWS has proposed to negotiate reimbursable agreements with responsible parties for mitigation activities at National Fish Hatcheries. Such agreements are intended to recover costs of these mitigation activities from responsible parties, e.g., Army Corps of Engineers (\$4.7 million), Tennessee Valley Authority (\$835,000), Bonneville Power Authority (\$40,000), and the Central Utah Project (\$715,000). Until such reimbursement is negotiated, FWS proposed eliminating or substantially reducing fisheries activities at nine National Fish Hatcheries: Neosho NFH (MO), Greers Ferry NFH and Norfolk NFH (AR), Chattahoochee NFH (GA), Wolf Creek NFH (KY), Dale Hollow NFH and Erwin NFH (TN), Garrison Dam NFH (ND), and Jones Hole NFH (UT).

Cooperative Landscape Conservation and Adaptive Science¹⁰

The Administration proposed \$37.5 million for Cooperative Landscape Conservation and Adaptive Science—a \$6.5 million increase over the FY2011 level of \$31.0 million. Part of the

⁸ U.S. Dept. of the Interior, Fish and Wildlife Service, *Budget Justifications and Performance Information, Fiscal Year 2012*, pp. RM-1, ES-11, and ES-12. Hereinafter cited as *FY2012 FWS Budget Justification*.

⁹ For a discussion of funding restrictions on spending under the ESA, see CRS Report RL31654, *The Endangered Species Act: A Primer*, by M. Lynne Corn, Kristina Alexander, and Eugene H. Buck.

¹⁰ This program was previously called Climate Change Planning and Adaptive Science Capacity.

program supports work with partners at federal, state, tribal, and local levels to develop strategies to address climate variability impacts on wildlife at local and regional scales. The remainder supports cooperative scientific research on climate change impacts to wildlife and habitats. Both portions support and work through a network of Landscape Conservation Cooperatives (LCCs) to ameliorate the effects of climate variability. Under the President's proposal, the number of LCCs, a network of research institutions and federal and other resource managers and scientists, would eventually increase from 9 to 21 LCCs.¹¹

Land Acquisition

For land acquisition by the FWS, the Administration request for FY2012 was \$140.0 million, an increase of \$85.1 million over the FY2011 appropriation of \$54.9 million. This program is funded with annual appropriations from the Land and Water Conservation Fund. (For more information, see "Land and Water Conservation fund," below.)¹²

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.¹³ Receipts are not sufficient for full funding at authorized levels, so additional funds have come from annual appropriations, though not enough for full payment. County governments have long urged additional appropriations to make payments at the full authorized level. The FY2011 appropriations law contained \$14.5 million, sufficient for 30% of the authorized level. The Administration requested no funding for the program in FY2012. The Administration asserted that refuges place few demands for services on local governments, while conveying economic benefits through visiting tourists, hunters, birdwatchers, and others. With reliance solely on receipts (estimated at \$2.9 million for FY2012), payments to counties would decrease to 5% of the authorized level in FY2012. Counties with refuge lands within their borders are likely to oppose the loss of funding.

Multinational Species and Neotropical Migrants

The Multinational Species Conservation Fund generates considerable public interest despite the small size of the program. It benefits Asian and African elephants, tigers, rhinoceroses, great apes, and marine turtles. The FY2012 request was \$9.8 million, down \$0.2 million from the FY2011

¹¹ *FY2012 FWS Budget Justification*, p. LCC-1.

¹² 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. The MBCA does not receive funding in annual Interior appropriations bills. The account is permanently appropriated, with funds for FY2011 estimated at \$44.0 million, derived from the sale of duck stamps to hunters and recreationists and from import duties on certain arms and ammunition. The Administration proposed an increase in the price of duck stamps from \$15 to \$25, which would add an additional \$14.0 million if enacted. No such bill has been introduced to date.

¹³ 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 M. Lynne Corn.

appropriation of \$10.0 million. For the Neotropical Migratory Bird Conservation Fund the FY2012 request was \$5.0 million; the FY2011 law contained \$4.0 million.¹⁴

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 conservation projects. The FY2012 request was \$95.0 million, a \$33.1 million increase over the FY2011 appropriation of \$61.9 million. A portion of the funding is set aside for competitive grants to tribal governments or tribal wildlife agencies. The tribal program would increase from \$7.0 million to \$8.0 million in FY2012. The remaining portion is for grants to states. One part of the state program is determined by formula, while the other part is funded through competitive grants. The Administration proposed to shift a higher fraction of the state program to competitive grants, raising it from 8% of the program to 21%.

National Park Service¹⁵

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 FY2012, the Administration requested \$2.89 billion for the NPS, a \$280.4 million (11%) increase over the FY2011 level of \$2.61 billion. Much of the overall increase would come from proposed increases for Land Acquisition and State Assistance, although the Administration's FY2012 request contained a number of changes in funding for other accounts and programs relative to FY2011 levels. See **Table 5**. Several of the major accounts and programs are discussed below.

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 Administration requested \$2.30 billion for FY2012, a \$46.8 million increase over the FY2011 level of \$2.25 billion. The Administration sought increases over FY2011 for all five of the park management activities in this account. They include resource stewardship, with a \$12.6 million increase primarily for managing natural resources and preserving cultural resources; visitor services, with an \$11.5 million increase focusing on interpretation and education; and facility operations and maintenance, with an \$11.5 million increase.

¹⁴ For more information on the funds, see CRS Report RS21157, *International Species Conservation Funds*, by Pervaze A. Sheikh and M. Lynne Corn.

¹⁵ For more information on NPS funding in general, contact Carol Hardy Vincent at 7-8651. For more information on funding for historic preservation, contact Shannon Loane at 7-6223.

Table 5. Appropriations for the National Park Service (NPS), FY2011-FY2012
(\$ in millions)

| National Park Service | FY2011 Approp. | FY2012 Request |
|---|---------------------------|---------------------------|
| Operation of the National Park System | 2,250.1 | 2,296.9 |
| —Park Management | 2,083.6 | 2,127.7 |
| —Administrative Costs | 166.5 | 169.2 |
| National Recreation and Preservation | 57.9 | 51.6 |
| Historic Preservation Fund | 54.4 | 61.0 |
| Construction | 184.6 ^a | 152.1 |
| Land and Water Conservation Fund ^b | -30.0 | -30.0 |
| Land Acquisition and State Assistance | 94.8 | 360.0 |
| —Assistance to States | 39.9 | 200.0 |
| —NPS Acquisition | 54.9 | 160.0 |
| Rescission | 0.6 | 0 |
| Total Appropriations | 2,611.1 | 2,891.6 |

a. Figure reflects a rescission of \$25.0 million in prior year balances.

b. Figures reflect a rescission of contract authority.

The Administration did not request funding for “park partnership project grants” for FY2012, because the NPS has identified greater needs, the funded projects have not always been among the top agency priorities, and potential partners are not always able to commit to the funding match, according to the NPS.¹⁶ This 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. No appropriation was provided for these grants in FY2011; total FY2010 funding had been \$15.0 million.

National Recreation and Preservation

For the National Recreation and Preservation (NR&P) account for FY2012, the Administration proposed \$51.6 million, a \$6.3 million decrease from the FY2011 level of \$57.9 million. 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. For three programs previously funded by this account, the Administration sought to reduce appropriations (heritage partnership programs) or to continue not to provide appropriations (Preserve America and statutory or contractual aid).

¹⁶ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2012*, p. PPPG-5. Hereinafter cited as *FY2012 NPS Budget Justification*.

For heritage partnership programs, the Administration requested \$9.0 million, approximately half the FY2011 level of \$17.4 million. The program supports national heritage areas (NHAs), which are neither owned nor managed by the NPS. According to the NPS, the reduction for FY2012 would allow the agency to focus resources on other partnership programs and address concerns of appropriators about the expanding number of NHAs and their ability to become more financially self-sufficient.¹⁷ The focus of FY2012 funds would be on supporting new areas, for instance, in their development of management plans.¹⁸

The Administration did not seek funds for the “Preserve America” program, a matching grant program that has assisted communities with preservation efforts through heritage tourism, education, and historic preservation planning. The Administration sought to focus NPS appropriations on managing park units and on forging park partnerships that support the mandate of the National Historic Preservation Act.¹⁹ No appropriation was provided for Preserve America for FY2011; the program was funded at \$4.6 million in FY2010.

The Administration also did not request funding for statutory or contractual aid, which has supported areas not managed by the NPS by providing limited financial assistance through partnerships to promote systems of parks and open space nationwide. The Administration intended to focus FY2012 appropriations on park units and other activities more closely aligned with the core mission of the NPS.²⁰ No appropriation was provided for statutory or contractual aid for FY2011; the program was funded at \$5.9 million in FY2010.

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.

For FY2012, the Administration proposed \$61.0 million, a \$6.6 million increase over the FY2011 level of \$54.4 million. The increase would be for grants to states, territories, and tribes for the preservation of cultural, historic, and prehistoric resources. Within this account, the Administration did not seek funds 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 did not seek funding for Save America’s Treasures as part of its goal to focus resources on park units and on partnerships that support the mandate of the National Historic Preservation Act. No appropriation was provided for FY2011; the program was funded at \$25.0 million in FY2010.²¹

¹⁷ Ibid., p. NR&P-56.

¹⁸ For information on NHA establishment, management, and legislation, see CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*, by Carol Hardy Vincent.

¹⁹ *FY2012 NPS Budget Justification*, p. NR&P-73.

²⁰ Ibid., p. NR&P-77.

²¹ Ibid., HPF-10.

Construction

For NPS Construction for FY2012, the Administration proposed \$152.1 million, a \$32.5 million decrease from the FY2011 level of \$184.6 million. Of the total request, \$70.3 million would be used for 14 line-item construction projects, such as \$8.0 million for the Everglades National Park in Florida to modify water management systems to improve water deliveries to the park.

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. For general management planning, the Administration sought \$14.6 million for FY2012, nearly level with FY2011 (\$14.8 million), with \$2.4 million intended for the development of special resource studies. In the past, additional funding also has been provided for NPS road construction and repair through the Federal Lands Highway Program of the Federal Highway Administration.

Construction funds are used in part to address deferred maintenance, which 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 estimated deferred maintenance for the NPS for FY2010 at between \$8.77 billion and \$12.89 billion, with a mid-range figure of \$10.83 billion.

Land Acquisition and State Assistance

For FY2012, the Administration sought \$360.0 million for Land Acquisition and State Assistance, nearly four times the FY2011 appropriation of \$94.8 million. Relatively large increases were sought for both components of the program. For the state assistance component, the Administration requested \$200.0 million, an increase of \$160.1 million over the FY2011 appropriation of \$39.9 million. If enacted, this would be the highest funding level for state assistance since 1980. State assistance is for outdoor 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 FY2012 request was \$160.0 million. This would be an increase of \$105.1 million over the FY2011 appropriation of \$54.9 million. Of the request, \$109.0 million was for 34 specified line-item acquisition projects in various states. The single largest acquisition request was \$25.0 million for the Everglades National Park, in support of the restoration of the South Florida ecosystem. Together with another \$5.6 million requested for the Big Cypress National Preserve, also in support of ecosystem restoration, the State of Florida would receive the largest amount of line-item acquisition funding under the President's request.²² NPS appropriations for land acquisition have fluctuated widely throughout history, with a high of \$130.0 million (FY2002) and a low of \$34.4 million (FY2006 and FY2007) over the past decade. Land acquisition funds are used to acquire lands, or interests in lands, for inclusion within the National Park System. (For more information, see the "The Land and Water Conservation Fund (LWCF).")

²² For more information on funding for Everglades restoration, contact Charles V. Stern at 7-7786. Also see CRS Report RS22048, *Everglades Restoration: The Federal Role in Funding*, coordinated by Charles V. Stern.

U.S. Geological Survey²³

The U.S. Geological Survey (USGS) is a science agency that provides physical and biological information related to geological resources; climate change; and 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.

In 2011, the USGS reorganized its science programs to interdisciplinary themes²⁴ related to those outlined in the USGS 2007-2017 strategic plan,²⁵ a shift from an alignment based primarily on the traditional disciplinary fields of geology, biology, geography, and hydrology, together with two themes: global change and geospatial information. The new interdisciplinary programs are Ecosystems; Climate and Land Use Change; Energy, Minerals, and Environmental Health; Natural Hazards; Water Resources; Core Science Systems; Administration and Enterprise Information; and Facilities. In addition, the USGS has proposed a new account for the National Land Imaging Program, which includes the development of the Landsat satellite program.

For FY2012, the Administration sought \$1.12 billion for the USGS, \$34.2 million above the FY2011 enacted level of \$1.08 billion (see **Table 6**). The overall increase is largely due to additional funds for the new National Land Imaging account. The total USGS request contained an increase over FY2011 for the Ecosystem program, but decreases for the other programs. Some increases and decreases in program funding are a result of the reorganization (discussed below).

Table 6. Appropriations for the U.S. Geological Survey (USGS), FY2011-FY2012
(\$ in millions)

| U.S. Geological Survey | FY2011 Approp. | FY2012 Request |
|---|----------------|----------------|
| Surveys, Investigations, and Research | 1,083.7 | 1,018.0 |
| —Ecosystems | 160.8 | 166.4 |
| —Climate and Land Use Change | 138.1 | 106.4 |
| —Climate Variability | 64.3 | 72.9 |
| —Land Use Change | 73.8 | 33.5 |
| —Energy, Minerals, and Environmental Health | 99.9 | 88.5 |
| —Natural Hazards | 136.0 | 133.9 |
| —Water Resources | 212.4 | 199.6 |
| —Core Science Systems | 113.0 | 105.9 |
| —Administration and Enterprise Information | 118.6 | 116.6 |
| —Facilities | 104.7 | 100.8 |
| National Land Imaging | n/a | 99.8 |
| Total Appropriations | 1,083.7 | 1,117.9 |

Note: National Land Imaging is a new account, and the FY2012 request reflects a transfer of activities from the Land Remote Sensing program formerly under Surveys, Investigations, and Research.

²³ For more information on USGS funding, contact Pervaze A. Sheikh at 7-6070.

²⁴ Hereinafter these “themes” are referred to as programs.

²⁵ U.S. Dept. of the Interior, U.S. Geological Survey, *Facing Tomorrow's Challenges: U.S. Geological Science in the Decade 2007-2017*, Circular 1309, 2007. Hereinafter cited as *USGS 2007-2017 Strategic Plan*.

The USGS participates in some DOI-wide initiatives. For example, for the New Energy Frontier, USGS provides scientific information to DOI to permit, implement, and operate wind power generation. For FY2012, the Administration requested \$6.6 million for USGS activities under this initiative. The USGS also supports Cooperative Landscape Conservation, a DOI initiative to address changes on public lands and develop adaptation strategies to cope with changed landscapes. For FY2012, the Administration sought \$72.9 million for USGS activities within this initiative. The following sections discuss the FY2012 USGS budget in comparison with the FY2011 appropriations under the Agency's new alignment.

Ecosystems

The Ecosystems program contains all of the previous Biology programs in the USGS, except the toxic contaminant and biology information management and delivery sub-program. The activities under this program emphasize a systems approach to scientific research. This research focuses on how processes affect the structure, function, and resilience of ecosystems. For FY2012, USGS proposed to research how ecosystems function, create national geospatial ecosystem models, monitor ecosystem status and trends through indicators, develop techniques for managing ecosystems, evaluate the impact of contamination threats to ecosystems, and develop assessment tools of how ecosystem properties affect societies. This approach appears to be different from the Biology program under the previous USGS structure, which largely emphasized a species approach rather than ecosystem approach.

The Ecosystems program has six sub-programs: status and trends; fisheries (aquatic and endangered resources); wildlife (terrestrial and endangered resources); terrestrial, freshwater, and marine environments; invasive species; and cooperative research units.

For FY2012, the Administration requested \$166.4 million for the Ecosystem program, \$5.6 million above the FY2011 appropriation of \$160.8 million. The USGS plans to focus on five high priority ecosystems, including the Florida Everglades, Chesapeake Bay, and Great Lakes. For FY2012, the funds are expected to address several issues, including habitat and wildlife protection and ecosystem restoration. In the Chesapeake Bay, for example, funds are to be used to monitor water quality and assess the progress of ecosystem restoration activities. In the Great Lakes, funds are to be used to improve the science of controlling Asian carp (an invasive species of fish threatening Great Lakes fisheries).

Climate and Land Use Change

The newly-created Climate and Land Use Change program is a hybrid of the Global Change program and Land Use Change Program. The Administration requested a total of \$106.4 million for this program in FY2012, a decrease of \$31.7 million from the FY2011 appropriation of \$138.1 million. The land use change sub-program would receive a decrease of \$40.3 million, for a total of \$33.5 million for FY2012. The decrease is largely attributable to the transfer of funds to the new National Land Imaging account. In contrast, the climate variability sub-program would receive an increase of \$8.6 million over FY2011, for a total of \$72.9 million. These funds would be used to study climate variability, monitor the effects of climate change, maintain national climate change and wildlife centers, and conduct research related to climate change. Further, science conducted under this program is expected to provide support for activities done by other DOI agencies such as FWS and NPS. For example, USGS science might be used to support DOI agencies attempting to create management programs to implement adaptation.

Within the total for the climate variability sub-program, the Administration proposed \$25.6 million, an increase of \$4.7 million compared to FY2011, to support the full deployment of the climate science centers. The National Climate Change and Wildlife Science Center 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 for research managers of species and habitats, to facilitate data integration, and to enhance outreach to collaborators and stake holders. Within this program, the Climate Effects Network would receive a \$9.0 million decrease for FY2012. The USGS is a contributor to the DOI Climate Effects Network (CEN), which 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.

Energy, Minerals, and Environmental Health

The Energy, Minerals, and Environmental Health program includes research and assessments on the Nation's mineral and energy resources. There are four components: mineral resources, energy resources, contaminant biology, and toxic substances hydrology, which shifted from the Water Resources Program under the previous USGS organization.²⁶ The contaminant biology sub-program reflects the intent for energy and mineral resources to be understood in the context of the life cycle of the energy or mineral commodity. Under this context, activities would address how energy and mineral resources influence landscape, water, climate, ecosystems, and human health.

The Administration requested \$88.5 million for the Energy, Minerals, and Environmental Health program for FY2012, a decrease of \$11.4 million from FY2011. The major reduction (\$8.0 million) is for mineral resource assessments, which provide information on mineral potential in the United States. This reduction is expected to delay the completion of the next National Mineral Resource Assessment. This proposed reduction has been controversial. Opponents have asserted that reductions in funding for mineral assessments together with proposed increases in funding for ecosystem restoration would take USGS away from its core responsibilities. USGS has asserted that some ecosystem studies are related to energy production.²⁷

Natural Hazards

This program is expected to provide scientific information and knowledge necessary to address and mitigate the effects of natural hazards such as volcanoes, earthquakes, storm surges, and landslides. Most of the six sub-programs under this program would be shifted from the previous Geology discipline. The bulk of the activities correlate directly with the hazards-related programs under the former structure. The Coastal and Marine Geology sub-program is expected to address natural hazards-related issues, such as the impacts of hurricanes and tsunamis on the coast, and the effects of rising relative sea level on coastal ecosystems and communities.

²⁶ Ibid., p. 26.

²⁷ For a discussion of this issue, see U.S. Congress, House Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, *Examining the Spending Priorities and the Missions of the U.S. Geological Survey and the President's FY2012 Budget Proposal*, 112th Cong., 1st sess., March 9, 2011.

The Administration requested \$133.9 million for this program in FY2012, a decrease of \$2.1 million from the FY2011 appropriations of \$136.0 million.

Water Resources

The Water Resources program includes activities that collect, assess, and disseminate hydrological data, and analyze and research hydrological systems and methods for water conservation. With the omission of toxic substances hydrology, the Water Resources program is similar to the previous USGS Water Resources program. This program is modeled after a water census. A water census, according to the Strategy, would inform the public about the status and changes in freshwater resources; environmental, wildlife, and human needs for water; conveyance of freshwater resources; new sources of water; and future water availability, water quality, and aquatic ecosystem health.²⁸ This program also contains the National Streamflow Information sub-program and the cooperative water sub-program, both of which fund stream gages throughout the nation. The proposed funding levels for these programs are slightly less than their FY2011 enacted levels at \$26.9 million (\$0.2 million less than FY2011) and \$62.3 million (\$1.2 million less than FY2011), respectively.

The Administration requested \$199.6 million for the Water Resources program for FY2012, a reduction of \$12.8 million from the FY2011 enacted level (\$212.4 million). Approximately \$6.5 million of the overall reduction would result from eliminating funding for the Water Resources Research Act Program. This activity provides funding for 54 Water Resources Research Institutes around the country for applied research projects. Another \$6.7 million of the overall program decrease was from the National Water Quality Assessment. This decrease would eliminate groundwater monitoring in 76 study areas, and delay the start of a national synthesis of suspended sediments in streams and rivers.

Core Science Systems

The Core Science Systems program provides data in a geospatial framework for managing resources and planning for natural hazards. Activities under this program resemble activities previously found under the Geographic Research, Investigations, and Remote Sensing program. For example, this program includes 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.

The Administration requested \$105.9 million for the Core Science Systems program for FY2012, \$7.2 million less than the FY2011 appropriation (\$113.0 million). The request would eliminate funding for the National Biological Information Infrastructure, which seeks to provide a mechanism for accessing biological and natural resources data, information, and analytical tools.²⁹

²⁸ *USGS 2007-2017 Strategic Plan*, p. 48.

²⁹ Overall, Biological Information Management and Delivery would be funded at \$15.1 million in FY2012, a decrease of \$3.5 million from its FY2011 funding level of \$18.6 million. The National Biological Information Infrastructure is a part of this activity.

Administration and Enterprise Information

This program reflects administrative activities and Enterprise Information. Enterprise Information consolidates funding of all USGS information needs including information technology, security, services, and resources management, as well as capital asset planning. The FY2012 request for this program was \$116.6 million, which was \$2.1 million below the FY2011 appropriation (\$118.6 million).

Facilities

The Facilities program includes sites where USGS activities are housed — offices, laboratories, storage, parking, and more — as well as eight large research vessels. For FY2012, the Administration sought \$100.8 million for USGS facilities, \$3.9 million below the FY2011 level (\$104.7 million).

National Land Imaging

The Administration proposed this new account for FY2012, with \$99.8 million, to carry out DOI's role in land imaging and remote sensing. This program supports the Landsat satellite series under the Landsat Data Continuity Mission. The request included \$13.4 million for the next satellite, Landsat 8, which is being developed to acquire images of the Earth's land surface and coastal areas primarily for environmental monitoring. Landsat data are freely available to the public. The Administration also requested an increase of approximately \$48.0 million to begin development of Landsat 9. The development process of Landsat 9 is expected to include surveying users for their remote sensing needs, conducting trade studies on data needs, initiating the procurement for instruments and spacecraft, and establishing a science advisory team. The remaining part of the request reflected a transfer of activities from the Land Remote Sensing program into the National Land Imaging program.

Bureau of Ocean Energy Management, Regulation, and Enforcement/Office of Natural Resources Revenue³⁰

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).³¹ Each of the three new entities is to have a director who would be under the supervision of an assistant secretary. Currently, ONRR has been established, and the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) is handling activities that in the future will be separated into two agencies: BOEM and BSEE. The transition to the new framework is

³⁰ For more information on BOEMRE funding, contact Marc Humphries at 7-7264.

³¹ 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>.

expected to be completed by October 1, 2011, as reflected in the Administration's FY2012 budget request. For the purposes of this discussion, functions formerly performed by MMS will be referred to as BOEMRE or ONRR functions when discussing historical actions.

BOEM will manage development of the nation's offshore resources, including administering offshore leasing, conducting environmental and economic analyses, and preparing resource evaluations. BSEE will enforce safety and environmental regulations. Functions will include offshore regulatory programs, research, and oil spill response. Field operations will include permitting, inspections, and environmental compliance. ONRR will be established under the Office of the (DOI) Secretary to collect, account for, analyze, audit, and disburse revenues from energy and mineral leases on the outer continental shelf, federal onshore, and American Indian lands.

In FY2010, ONRR disbursed about \$9.2 billion 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 (FY2006-FY2010). For about a decade prior to FY2007, royalties from natural gas production accounted for 40% to 45% of annual ONRR³² 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 total ONRR receipts. Other sources of ONRR receipts include bonus bids and rents for all leasable minerals and royalties from coal and other minerals.

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.

FY2012 Budget and Appropriations

The Administration submitted an FY2012 gross funding level of \$478.0 million for both BOEMRE (\$358.4 million) and ONRR (\$119.6 million)³³ When the use of receipts and cost recovery fees (\$222.2 million) are deducted, the Administration's net request for BOEMRE/ONRR was \$255.8 million (see **Table 7** and **Table 8**).

The FY2011 gross funding level for BOEMRE/ONRR was \$415.6 million, composed of appropriations of \$403.9 million for Ocean Energy Management and \$11.7 million for Oil Spill Research. These appropriations were offset by \$10.0 million in inspection fees and \$154.9 million in receipts and cost recovery fees.³⁴ For FY2011, net funding for BOEMRE/ONRR was \$225.7 million.

³² As noted above, the former MMS is being referred to here and elsewhere as ONRR or BOEMRE, as appropriate.

³³ These totals do not reflect certain funding. Specifically, for FY2012, the leadership and administration program within the Office of the Secretary included an additional \$28.3 million for the administration of the royalty management program previously handled by MMS. Further the total DOI appropriation for FY2011 and request for FY2012 reflect a \$42.0 million cost-share deduction (a deduction from the states share of royalty receipts).

³⁴ BOEMRE has been retaining a portion of the OCS revenues as offsetting collections since 1994.

Table 7. Appropriations for the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), FY2011-FY2012
(\$ in millions)

| BOEMRE | FY2011 Approp. | FY2012 Request |
|--|---------------------------|---------------------------|
| Ocean Energy Management | | |
| —Offshore Energy and Minerals Management | 232.5 | 297.0 |
| —Renewable Energy | 23.2 | 23.1 |
| —Leasing and Environmental Program | 65.4 | 75.4 |
| —Resource Evaluation | 35.1 | 34.7 |
| —Regulatory Program | 88.4 | 143.3 |
| —Information Management Program | 20.5 | 20.5 |
| —Royalty Management ^a | 109.4 | n/a |
| —General Administration | 62.1 | 46.4 |
| <i>Total (Gross)</i> | 403.9 | 343.4 |
| —Use of Receipts and Cost Recovery Fees | -154.9 | -160.2 |
| —Inspection Fees | -10.0 | -62.0 |
| Total, Ocean Energy Management | 239.0 | 121.3 |
| Oil Spill Research | 11.7 | 14.9 |
| OCS Connect (Rescission) | -25.0 | 0 |
| Total Appropriations | 225.7 | 136.2 |

a. For FY2012, appropriations for this activity were requested for ONRR.

Table 8. Appropriations for the Office of Natural Resources Revenue (ONRR), FY2011-FY2012
(\$ in millions)

| ONRR | FY2011 Approp. | FY2012 Request |
|--|---------------------------|---------------------------|
| Compliance and Asset Management ^a | n/a | 77.2 |
| Revenue and Operations ^a | n/a | 42.4 |
| Total Appropriations | n/a | 119.6 |

a. These activities were funded previously under the former MMS.

Of the total BOEMRE request for FY2012, offshore energy and minerals management would receive \$297.0 million, an increase of \$64.6 million over FY2011 (\$232.5 million). Most of the increase was for the regulatory program, while the leasing and environmental program also would increase. The renewable energy program would be essentially level with FY2011. This subactivity was established in FY2010. BOEMRE created a new Office of Offshore Alternative Energy Programs to develop and implement its offshore renewable energy policies and comply with departmental goals. The agency 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. BOEMRE has plans to more efficiently site, lease, and construct offshore wind energy projects with its “Smart from the Start” program.

The total FY2012 request for ONRR was for two major programs—compliance and asset management (CAM) and revenue and operations—to be funded at \$77.2 million and \$42.4 million respectively. CAM would implement reforms in the way the agency uses data mining to detect missing or inaccurate royalty payments and implement its risk-based compliance strategy to ensure proper revenue collections. The revenue and operations program would continue to phase-out the royalty-in-kind program (RIK, wherein payments are made in fuel rather than in cash) and replace it with a royalty-in-value program and strengthen the auditing and oversight functions of ONRR.

For FY2012, the Administration proposed increasing inspection fees to \$62.0 million, up from \$10.0 million in inspection fees for FY2011. In addition, 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 the repeal of royalty relief provisions (§344) in the Energy Policy Act of 2005. The Administration had similar proposals in all three areas in FY2011.

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.³⁵ 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, potentially opening these areas 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. 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 for leasing. Since the Deepwater Horizon oil spill, President Obama has cancelled the August lease sale (215) and the Mid-Atlantic lease sale (220).

³⁵ 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.

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.³⁶

Royalty Relief

Royalty relief for OCS oil and gas producers has been debated during consideration of Interior appropriations bills.³⁷ 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.³⁸ 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.³⁹ 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).⁴⁰ On July 13, 2009, the Administration petitioned the U.S. Supreme Court to review the decision. On October 5, 2009, the 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.⁴¹ 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 March 28, 2011, the Administration has repaid \$2 billion to companies based on the court decision.⁴²

³⁶ For more information on the spill, see CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background and Governance*, by Jonathan L. Ramseur.

³⁷ 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 Marc Humphries, and CRS Report RS22567, *Royalty Relief for U.S. Deepwater Oil and Gas Leases*, by Marc Humphries.

³⁸ The report is on the DOI website at <http://www.doi.gov/upload/MMS%20ROI%20REDACTED.pdf>.

³⁹ *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 Adam Vann. Also, Kerr-McGee was acquired by Anadarko Petroleum in 2006.

⁴⁰ *Kerr-McGee Oil & Gas Corp. v. U.S. Dep't of Interior*, 554 F.3d 1082 (5th Cir. 2009).

⁴¹ 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 Robert Meltz and Adam Vann, 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 Adam Vann.

⁴² Data received from ONRR, Public Affairs Office, March 28, 2011.

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.

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/ONRR for improving its leasing program and auditing function. The review included an examination of the RIK program, which grew from 41.5 million barrels of oil equivalent (BOE) in 2004 to 112 million BOE in 2007.⁴³ GAO issued a report on September 26, 2008, concluding that the RIK Program could be improved.⁴⁴ After review of the RIK program, the Secretary of the Interior announced its "phased-in termination."⁴⁵ ONRR's FY2012 request reflected its plan to continue phasing out the RIK program.

Office of Surface Mining Reclamation and Enforcement⁴⁶

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) Fund⁴⁷ 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 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.⁴⁸ 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.

⁴³ 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.

⁴⁴ 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.

⁴⁵ 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.

⁴⁶ For more information on OSM funding, contact Marc Humphries at 7-7264.

⁴⁷ AML is the acronym for abandoned mine lands.

⁴⁸ The mandatory appropriation has a ceiling of \$490 million annually. If demands on that money exceed the cap, distributions will be proportional.

The addition of mandatory appropriations addressed the contention by 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 2009.⁴⁹ 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 Administration submitted a FY2012 appropriations request of \$145.9 million for OSM, which consisted of \$118.5 million for regulatory and technology programs and \$27.4 million for the Abandoned Mine Reclamation Fund. This would be a \$16.6 million reduction (10%) from the \$162.5 million enacted for OSM for FY2011. See **Table 9**. The Administration supported having states increase user fees from the coal industry to offset the proposed reduction in regulation and technology. The Administration noted that other energy industries pay higher fees for the cost of regulating their industry and that this proposal would treat similar industries more comparably.

Table 9. Appropriations for the Office of Surface Mining Reclamation and Enforcement (OSM), FY2011-FY2012
(\$ in millions)

| Office of Surface Mining Reclamation and Enforcement | FY2011 Approp. | FY2012 Request |
|---|-----------------------|-----------------------|
| Regulation and Technology | 127.0 | 118.5 |
| — <i>Environmental Protection</i> | 94.6 | 87.4 |
| Abandoned Mine Reclamation Fund | 35.5 | 27.4 |
| — <i>Environmental Restoration</i> | 15.0 | 9.5 |
| Total Appropriations | 162.5 | 145.9 |

In its FY2012 budget request, the Administration proposed an end of payments to states and tribes that have finished restoring their abandoned coal mines. The Administration asserted that because these funds can be used for any purpose, these distributions are inconsistent with the purpose of the AML program. The remaining reclamation funding would be competitively allocated and used for emergencies and program administration. As these payments are made from mandatory appropriations, the Administration’s proposal would require a change in law. Such a change has been opposed by the affected states and tribes. The Administration had a similar proposal in FY2011. In addition, a proposed decrease of \$6.9 million, within the total decrease for the AML

⁴⁹ See <http://www.osm.gov/topic/grants/docs/2010/FY10GrantDist.pdf>.

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.⁵⁰

Bureau of Indian Affairs⁵¹

The Bureau of Indian Affairs (BIA) provides a variety of services to federally recognized American Indian and Alaska Native tribes and their members, and historically has been the lead agency in federal dealings with tribes. Programs provided or funded through the BIA include government operations, courts, law enforcement, fire protection, social programs, roads, economic development, employment assistance, housing repair, irrigation, dams, Indian rights protection, implementation of land and water settlements, and management of trust assets (real estate and natural resources). Education programs are provided by the Bureau of Indian Education (BIE), a sister agency to BIA.⁵² BIE appropriations remain within DOI’s Indian Affairs appropriations.

For FY2012, the Administration proposed \$2.50 billion, a decrease of \$93.4 million (4%) from the FY2011 level of \$2.59 billion. Within the overall decrease, the Administration proposed a number of increases and decreases for various programs and activities relative to FY2011. The Construction account would receive the largest decrease (50%) from \$209.6 million in FY2011 to \$105.0 million for FY2012, with much of the decrease from transfers between accounts (as discussed below). **Table 10** below presents appropriations enacted for FY2011 and requested for FY2012.

**Table 10. Appropriations for the Bureau of Indian Affairs (BIA),
including Bureau of Education (BIE) FY2011-FY2012**
(\$ in millions)

| Indian Affairs | FY2011 Approp. | FY2012 Request |
|--|-------------------|-------------------|
| Operation of Indian Programs | 2,329.8 | 2,359.7 |
| —Tribal Government | 509.6 | 497.1 |
| —Human Services | 136.6 | 137.8 |
| —Trust - Natural Resources Management | 156.1 | 162.3 |
| —Trust - Real Estate Services | 145.8 | 125.5 |
| —Education (Bureau of Indian Education, BIE) | 752.7 | 795.6 |
| —Elementary and Secondary Programs (Forward Funded) | 520.0 | 526.1 |

⁵⁰ Mandatory grants to states and tribes in FY2012 are estimated by the Administration to be \$228.4 million, an increase of \$78.3 million in mandatory grants over FY2011.

⁵¹ For more information on BIA funding, contact R. Sam Garrett at 7-6443, coordinator for BIA appropriations issues. CRS analysts Betsy Cody, Cassandra Dortch, and Nathan James, and information research specialist Merete Gerli, also contributed to this section.

⁵² In August 2006, the BIA’s administrative office for its education programs was removed from the BIA, made a parallel agency under DOI’s Assistant Secretary–Indian Affairs, and renamed the Bureau of Indian Education (BIE).

| Indian Affairs | FY2011 Approp. | FY2012 Request |
|---|---------------------------|---------------------------|
| —Post Secondary Programs (Forward Funded) | 64.2 | 64.3 |
| —Elementary and Secondary Programs ^a | 76.9 | 122.7 |
| —Post Secondary Programs | 61.6 | 60.4 |
| —Education Management | 29.9 | 22.0 |
| —Public Safety and Justice | 334.1 | 354.7 |
| —Law Enforcement | 305.9 | 330.4 |
| —Tribal Courts | 27.1 | 23.4 |
| —Community and Economic Development | 36.9 | 34.9 |
| —Executive Direction and Administrative Services | 258.1 | 251.9 |
| Construction | 209.6 | 105.0 |
| —Education ^a | 140.5 | 52.1 |
| —Public Safety and Justice | 17.9 | 11.3 |
| —Resources Management | 42.1 | 33.0 |
| Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians | 46.4 | 32.9 |
| Indian Guaranteed Loan Program Account | 8.2 | 3.1 |
| Indian Land Consolidation Account | 0 | 0 |
| Total Appropriations | 2,594.0 | 2,500.7 |

- a. For FY2012, the Administration proposed transferring \$50.7 million for facilities maintenance from education construction to elementary and secondary programs within the BIE.

Public Safety and Justice

The federal government has primary jurisdiction over major criminal offenses on most Indian reservations, while tribes share jurisdiction but with limited sentencing options. BIA funds most law enforcement, jails, and courts in Indian country, whether operated by tribes or by the BIA. Currently, BIA supports 187 law enforcement agencies (of which 151 are operated by tribes), 85 detention programs (of which 63 are tribally operated), and 288 court systems (of which 156 are operated under Indian self-determination contracts).

The sufficiency of funding for public safety and justice has been under consideration. In general, tribes and BIA have fewer law enforcement resources than comparable state and local jurisdictions. The National Congress of American Indians has reported that tribal law enforcement agencies are understaffed when compared to other law enforcement agencies. In policing, for instance, a 2006 analysis showed that there were 2,555 law enforcement officers in Indian Country, but that 4,409 were needed to provide adequate services to tribal residents.⁵³ Further, detention and corrections facilities funded by BIA had significant shortfalls in staffing, training, operating procedures, reporting, and maintenance, according to a 2004 Interior Inspector

⁵³ National Congress of American Indians, *Indian Country Budget Request, FY2012*, p. 26, http://www.ncai.org/fileadmin/Budget_2012/1-20-11_Budget_Doc_color.pdf.

General report.⁵⁴ According to the BIA, while the agency has taken steps to remedy the deficiencies noted in the Inspector General's report, detention facilities remain understaffed by a total of 459 positions (177 Indian Affairs and 282 tribally funded positions).

The Tribal Law and Order Act (TLOA)⁵⁵ placed new responsibilities on BIA's Office of Justice Services. According to BIA, the act will have a "significant impact on tribal courts, law enforcement, and detention centers."⁵⁶ The act allows tribal courts to give extended jail sentences to tribal citizens convicted of crimes under tribal codes. The act also requires BIA to develop guidelines for approving correctional centers for long-term incarceration and a long-term plan for the construction, maintenance, and operation of tribal detention centers. The ability of tribal courts to hand down longer sentences under the TLOA could prompt a need for additional court capacity, such as staff or equipment. Longer sentences for tribal offenders could also result in a need for increased detention capacity, either through construction of new facilities or contracting for bedspace with local jails.

For FY2012, the Administration requested \$354.7 million for public safety and justice in Indian country, \$20.6 million more than the FY2011 amount of \$334.1 million. Within this request, \$330.4 million was for law enforcement, an increase of \$24.5 million over the FY2011 level of \$305.9 million. The increase was intended primarily for hiring additional law enforcement officers for Indian Country and staff for detention centers that were built or expanded with stimulus funding provided under P.L. 111-5. Another \$23.4 million of the \$354.7 million request was for tribal courts, \$3.6 million less than the FY2011 appropriation of \$27.1 million.

Bureau of Indian Education (BIE)

The BIE funds an elementary and secondary school system, institutions of higher education (IHEs), and other educational programs. The BIE-funded elementary and secondary school system serves approximately 41,000 students in 183 schools and residential facilities. Tribes operate 126 of the BIE-funded schools and residential facilities. The BIE operates two IHEs and provides funding support to 29 tribally controlled IHEs. The BIE also funds early childhood and adult education programs, postsecondary scholarships, and education programs for Indian children in public schools.

The FY2012 request for the BIE was \$795.6 million—an increase of \$42.9 million above the \$752.7 million appropriation for FY2011. A major portion of the increase was from the transfer of \$50.7 million and 281 full-time equivalent employees (FTE) for elementary and secondary school facilities maintenance from the Construction account. The Administration indicated that since facilities maintenance is part of daily operations, it would be more appropriately accounted for as such rather than as longer term capital improvements.

The BIE would reduce total education management costs in FY2012 by \$7.9 million from the \$29.9 million FY2011 appropriation by eliminating non-critical FTEs and inefficient practices,

⁵⁴ U.S. Dept. of the Interior, Office of Inspector General, *"Neither Safe Nor Secure": An Assessment of Indian Detention Facilities*, report no. 2004-I-0056, Sept. 2004, <http://www.doi.gov/images/stories/reports/pdf/IndianCountryDetentionFinal%20Report.pdf>.

⁵⁵ P.L. 111-211.

⁵⁶ U.S. Dept. of the Interior, *Budget Justifications and Performance Information, Fiscal Year 2012, Indian Affairs*, p. IA-PSJ-4. Hereinafter cited as *FY2012 Indian Affairs Budget Justification*.

according to the agency.⁵⁷ Education management costs include BIE program management costs, information technology costs, and the separation costs of BIE employees when BIE-operated schools are converted to tribally operated schools.

Tribal grant support costs for tribally operated elementary and secondary schools are calculated based on a statutory formula that multiplies tribally administered program dollars by an administrative cost rate. FY2010 appropriations provided 62% of tribal grant support costs. The FY2012 request would increase funding to 65% of tribal grant support costs, through an appropriation of \$46.4 million. Also in FY2012, three BIE-operated schools may become tribally operated.

The FY2012 request proposed funding the grades 1-6 school of the Jones Academy in Hartshorne, Oklahoma. This would be a departure from congressional policy prohibiting the BIE from funding schools that were not in the BIE system as of September 1, 1996 and the use of BIE funds to expand a school's grade structure beyond the grades in place as of October 1, 1995.⁵⁸ Jones Academy is currently funded by the BIE as a peripheral dormitory for students attending schools in grades 1-12, and by the local public school district as a grades 1-6 elementary school. In the 1990s, Congress was concerned that adding new BIE schools or expanding existing schools would, in circumstances of limited financial resources, "diminish funding for schools currently in the system."⁵⁹

Indian Land Consolidation Program

The purpose of the Indian land consolidation program is to reduce the fractionation⁶⁰ of ownership of individual Indian trust lands—and the consequent multiplication of individual Indian trust accounts and interests that the federal government must administer—by purchasing small ownership interests in individual trust lands and transferring the interest to the relevant Indian tribe. Under a December 2009 agreement to settle the *Cobell* trust funds litigation, as modified by the 2010 act authorizing the settlement,⁶¹ \$1.9 billion would be used by the Secretary of the Interior for Indian land consolidation, through purchase of individual interests from willing sellers, over the 10-year period following final approval of the modified settlement by the U.S. District Court for the District of Columbia.⁶² The \$1.9 billion would not come from annual appropriations but rather from the Judgment Fund, a permanent, indefinite appropriation administered by the Treasury Department. In anticipation of court approval of the modified *Cobell* settlement, the Administration planned no BIA expenditures on the Indian land consolidation program in FY2011 and proposed no BIA appropriations for the program

⁵⁷ Ibid., pp. IA-EDU-3 and IA-EDU-33.

⁵⁸ P.L. 111-88.

⁵⁹ U.S. Congress, Senate Appropriations Committee, Department of the Interior and Related Agencies Appropriations Bill, 1995, report to accompany H.R. 4602, 103rd Cong., 2nd sess., S.Rept. 103-294 (Washington: GPO, 1994), p. 58.

⁶⁰ Fractionation of Indian lands results most frequently from the death of a holder of an ownership interest and inheritance of the interest by multiple heirs. The lands involved were allotted in trust to individual Indians, pursuant to various federal laws or treaties (mostly the General Allotment Act of 1887), and have stayed in trust. At inheritance, the ownership interest, not the plot of allotted land, is subdivided among the multiple heirs (i.e., fractionated).

⁶¹ 42 U.S.C. § 1305 note. See especially sec. 101(e), 124 Stat. 3067.

⁶² For more information, see CRS Report RL34628, *The Indian Trust Fund Litigation: An Overview of Cobell v. Salazar*, by Todd Garvey.

for FY2012. The U.S. court approved the modified Cobell settlement on June 20, 2011.⁶³ Barring appeal, implementation of the land consolidation portion of the settlement will begin. The Administration has already scheduled an initial consultation with tribes for July 15, 2011.⁶⁴

Construction

For BIA Construction for FY2012, the Administration sought \$105.0 million, half the FY2011 level of \$209.6 million. Among the areas that would receive reductions were education construction and public safety and justice construction, with education construction proposed for the largest decline. Specifically, the FY2012 request for education construction was \$52.1 million—a decrease of \$88.4 million from the FY2011 level of \$140.5 million. The decrease was due to the transfer of \$50.7 million from the Construction account to the BIE for facilities maintenance, and the elimination of funding for replacement school construction and replacement facility construction. The Administration indicated that the request would address critical deficiencies to sustain facilities and extend usefulness.

Through the education construction program, the BIA replaces, repairs, and improves facilities in the BIE elementary and secondary school system, including employee housing, to ensure safety and functionality. BIE school facilities are characterized by a very large number of old facilities with a high rate of deficiencies, higher than that for public schools.⁶⁵ On December 31, 2009, the BIA estimated that the costs to replace, repair, construct, and improve existing facilities in poor condition would be \$1.3 billion.⁶⁶ Total appropriations, including stimulus appropriations from P.L. 111-5 for BIA school construction, improvement, and repair in FY2009 and FY2010, were \$525 million.

For public safety and justice construction, for FY2012 the Administration requested \$11.3 million, a reduction of \$6.5 million from the FY2011 level of \$17.9 million. The request included the elimination of funding for detention center construction, on the grounds that this funding overlaps with grant funding for tribal detention center construction under the Department of Justice (DOJ). The Administration also expressed that when formulating the FY2012 request, it considered the \$232.3 million investment in the construction and repair of tribal detention centers through stimulus funding in P.L. 111-5.⁶⁷

⁶³ “Judge approves \$3.4B settlement for Cobell trust fund lawsuit,” *Indianz.com*, June 21, 2011, <http://64.38.12.138/News/2011/002048.asp>.

⁶⁴ *76 Fed. Reg.* 35009 (June 15, 2011).

⁶⁵ For instance, the Government Accountability Office reported that in 2000, BIA school administrators reported 65% of schools and 76% of peripheral dormitories had one or more buildings in inadequate condition, compared to 24% of public schools (GAO-01-934, p. 25).

⁶⁶ “Indian Affairs Funded Schools in Poor Condition as Indicated by Facility Condition Index (FCI),” provided by the BIA to CRS in February 2010.

⁶⁷ *FY2012 Indian Affairs Budget Justification*, p. IA-CON-PSJ-2.

Departmental Offices and Department-Wide Programs⁶⁸

Office of Insular Affairs⁶⁹

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.⁷⁰ OIA staff manage relations between each jurisdiction and the federal government and work to build the fiscal and administrative capacities of local governments. OIA aid can be particularly important for addressing ongoing financial challenges among territorial governments, particularly amid the decline of the tuna and garment industries, respectively, in American Samoa and the CNMI. OIA funds also have supported various infrastructure projects in preparation for the military buildup on Guam.⁷¹ Each of the territorial governments, however, faces economic challenges, complicated by limited land, population, and natural resources.⁷²

OIA funding consists of two parts: (1) permanent and indefinite (mandatory) appropriations, and (2) funds provided in the annual appropriations process (discretionary funds).⁷³ The latter come 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.

The total OIA request (including permanent and indefinite appropriations) for FY2012 was \$464.3 million. Of that amount, \$377.1 million (81%) is required through statutes, as follows:

- an estimated \$232.1 million under conditions set forth in the respective Compacts of Free Association; and
- an estimated \$145.0 million in fiscal assistance for Guam and the U.S. Virgin Islands.⁷⁴

Funds in the AT and CFA accounts require annual appropriations that constitute the remaining \$87.2 million (19%) of the OIA budget request. The FY2012 request included \$84.1 million in AT

⁶⁸ This section addresses selected activities/offices that fall under *Departmental Offices* or *Department-Wide Programs*. However, for information on DOI Wildland Fire Management, a Department-Wide Program, see the "Wildland Fire Management" section, below. Total funding for these entities is identified in **Table 20** at the end of this report.

⁶⁹ For more information on OIA funding, contact R. Sam Garrett at 7-6443.

⁷⁰ On behalf of the United Nations, the U.S. government formerly administered these areas as the Trust Territories of the Pacific Islands (TTPI).

⁷¹ For additional discussion of the buildup, see CRS Report RS22570, *Guam: U.S. Defense Deployments*, by Shirley A. Kan.

⁷² U.S. Dept. of the Interior, *Budget Justifications and Performance Information, Fiscal Year 2012, Office of Insular Affairs*, pp. 1-2.

⁷³ *Ibid.*, p. 4.

⁷⁴ *Ibid.*

funding to provide various technical assistance to territories (e.g., grants supporting local governments and infrastructure projects). The request was essentially level with the FY2011 appropriation. CFA provides funding for certain federal services, such as U.S. mail. The FY2012 CFA request was \$3.1 million, \$14.3 million less than the FY2011 appropriation of \$17.3 million. The change for FY2012 would be a return to more typical funding levels. OIA provided additional funds in FY2011 in lieu of a renegotiated compact agreement with Palau. The FY2012 budget assumed that a recently renegotiated agreement will be approved during FY2012.⁷⁵ Congress could, however, choose not to approve the renegotiated compact, in which case additional funding might be considered.

Office of the Special Trustee for American Indians⁷⁶

The Office of the Special Trustee for American Indians (OST), in the Secretary of the Interior's office, was authorized by Title III of the American Indian Trust Fund Management Reform Act of 1994.⁷⁷ The OST manages Indian funds, including receiving, investing, and disbursing funds, and managing and archiving trust records. OST also oversees DOI trust reform, manages real estate appraisals on Indian trust lands, and conducts oversight of historical accounting of Indian trust funds.

Indian trust funds managed by OST comprise (1) tribal and other funds, owned by over 250 tribes in approximately 2,800 accounts with a total asset value over \$3.1 billion; and (2) individual Indians' funds, known as Individual Indian Money (IIM) accounts, in about 380,000 accounts with a current total asset value over \$470 million.⁷⁸

For FY2012, the Administration proposed \$152.3 million for OST, a decrease of \$8.4 million (5%) from the FY2011 of \$160.7 million. See **Table 11**. Key issues for OST involve historical accounting expenditures for tribal and IIM accounts, after the settlement of litigation involving IIM claims.

Table 11. Appropriations for the Office of Special Trustee for American Indians (OST), FY2011-FY2012
(\$ in millions)

| Office of Special Trustee for American Indians | FY2011 Approp. | FY2012 Request |
|--|-------------------|-------------------|
| Program Operations, Support, and Improvements | 157.9 | 150.1 |
| —Historical Trust Accounting Office | 31.5 | 31.2 |
| Executive Direction | 2.7 | 2.2 |
| Total Appropriations | 160.7 | 152.3 |

⁷⁵ Ibid., pp. 4-5.

⁷⁶ For more information on OST funding, contact Roger Walke at 7-6213.

⁷⁷ 25 U.S.C. §§ 4001 *et seq.*

⁷⁸ U.S. Dept. of the Interior, Office of the Special Trustee for American Indians, *Budget Justifications and Performance Information, Fiscal Year 2012*, p. OST-66, hereinafter cited as *FY2012 OST Budget Justification*; and U.S. Dept. of the Interior, *Fiscal Year 2012: The Interior Budget in Brief*, p. BH-97, hereinafter cited as *FY 2012 DOI Budget in Brief*.

Historical Accounting

OST is involved in lawsuits filed both by tribes and by IIM account holders concerning trust funds. The main purpose of the IIM and tribal litigation is to determine how much money should be in each IIM and tribal trust account. OST's historical accounting effort seeks to assign correct balances to these accounts.

The IIM trust funds case, *Cobell v. Salazar*, was filed against the federal government in 1996 in the U.S. District Court for the District of Columbia.⁷⁹ A settlement in the *Cobell* suit was reached by the plaintiffs and the federal government in December 2009.⁸⁰ Under the agreement, both Congress and the district court must approve the settlement.⁸¹ Congress authorized the settlement, with modifications, in December 2010.⁸² The U.S. court approved the *Cobell* settlement, as modified by Congress, on June 20, 2011,⁸³ although it is possible for the court's decision to be appealed.

There are currently 96 tribal suits asserting problems with trust accounting and related claims, according to OST. They have been filed by or on behalf of about 114 tribes, and are being heard before 28 judges in federal district courts and the Court of Federal Claims.⁸⁴ Tribal trust suits may involve much larger claims than the *Cobell* suit, since the value of tribal accounts has always been larger than the value of IIM accounts. Each separate suit may require not only its own historical accounting but also data provision, accounting analysis, and other litigation support from OST (as well as from the Departments of the Interior, Justice, and Treasury).

For FY2012, the Administration proposed appropriations for historical accounting of \$31.2 million, a decrease of \$0.4 million from the FY2011 level of \$31.5 million. The FY2011 level was a reduction from the FY2010 appropriation of \$47.5 million, on the assumption that the *Cobell* settlement would be approved. Of the \$31.2 million requested for FY2012, the Administration proposed \$26.2 million for tribal historical accounting; \$4.0 million for IIM historical accounting, for special deposit accounts (chiefly accounts where the rightful account owner is not currently known); and \$1.0 million for costs of implementing the *Cobell* settlement.

⁷⁹ *Cobell v. Salazar* (Civil No. 96-1285) (D.D.C.). For more information on the litigation, see CRS Report RL34628, *The Indian Trust Fund Litigation: An Overview of Cobell v. Salazar*, by Todd Garvey. Additional information is available on the websites of the plaintiffs, <http://www.indiantrust.com/>, and of three federal departments: DOI, <http://doi.net/indiantrust.html>; OST, <http://www.doi.gov/ost/cobell/>; and the Justice Department, <http://www.usdoj.gov/civil/cases/cobell/index.htm>. Note that the name of the defendant changes to match the current Secretary of the Interior.

⁸⁰ U.S. Dept. of the Interior, "Secretary Salazar, Attorney General Holder Announce Settlement of Cobell Lawsuit on Indian Trust Management," press release, December 8, 2009, http://www.doi.gov/news/09_News_Releases/120809a.html.

⁸¹ For relevant documents, including the text of the settlement agreement, see <http://www.cobellsettlement.com/>.

⁸² Claims Resolution Act of 2010, P.L. 111-291, act of Dec. 8, 2010, 124 Stat. 3064; 42 U.S.C. § 1305 note.

⁸³ "Judge approves \$3.4B settlement for Cobell trust fund lawsuit," *Indianz.com*, June 21, 2011, <http://64.38.12.138/News/2011/002048.asp>.

⁸⁴ *FY2012 OST Budget Justification*, p. OST-72.

Title II: Environmental Protection Agency⁸⁵

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. For FY2012, the President requested \$8.97 billion for EPA, \$290.9 million (3%) more than the FY2011 appropriation of \$8.68 billion

Table 12 presents the President's FY2012 budget request for EPA, compared to appropriations enacted in FY2011 for the eight statutory accounts that fund the agency. Note that the former Oil Spill Response account has been changed to "Inland Oil Spill Program" for FY2012 to more clearly reflect the Agency's jurisdiction for oil spill response in the inland coastal zone. As indicated in the table, the President's request proposed an increase above the FY2011 enacted level for each of the eight accounts with the exception of the Leaking Underground Storage Tank (LUST) Trust Fund Program and the Hazardous Substance Superfund ("Superfund") accounts. The FY2012 request for LUST was \$0.4 million less than FY2011, while the request of \$1.24 billion (prior to transfers) for Superfund was \$44.7 million (3%) less than the FY2011 appropriation of \$1.28 billion. Although the President proposed an overall increase for EPA relative to the FY2011 appropriations, the FY2012 request includes various increases and decreases for many of the programs and activities funded within each of the eight accounts.

Key Funding Issues

Much of the attention on EPA's FY2012 funding has focused on federal financial assistance for environmental cleanup of Superfund sites, wastewater and drinking water infrastructure projects,⁸⁶ grants to assist states in implementing air pollution control requirements, and climate change research and related activities. There also has been interest in funding for geographic-specific water quality initiatives (e.g., the Great Lakes Restoration Initiative, and efforts to restore the Chesapeake Bay).⁸⁷

Additionally, recent and pending EPA regulatory actions that were the focus of considerable attention during deliberations on EPA's FY2011 appropriations continue to be central to the debate on the FY2012 appropriations. 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, mountaintop mining, management of coal ash, particulate matter emissions, and water quality management including for geographical ecosystems. Although generally not enacted in the FY2011 appropriations law, more than 20 provisions that would have restricted and prohibited the use of funds to implement a subset of these regulatory activities were included in an earlier House-passed bill (H.R. 1).⁸⁸ Several

⁸⁵ For more information on EPA funding, contact Robert Esworthy at 7-7236. 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 Robert Esworthy et al.

⁸⁶ See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland.

⁸⁷ See Executive Order 13508, *Chesapeake Bay Protection and Restoration*, May 12, 2009, <http://www.gpoaccess.gov/presdocs/2009/DCPD-200900352.pdf>.

⁸⁸ 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* (continued...)

oversight hearings have been held during the 112th Congress to discuss the impacts of several of these specific regulatory actions, and some Members have expressed concerns related to these actions during hearings regarding EPA's FY2012 appropriations.

**Table 12. Appropriations for the Environmental Protection Agency (EPA),
FY2011-FY2012**
(\$ in millions)

| EPA Appropriations Accounts | FY2011 Approp. | FY2012 Request |
|---|---------------------------|---------------------------|
| Science and Technology | | |
| —Base Appropriations | 813.5 | 825.6 |
| —Transfer in from Hazardous Substance Superfund | 26.8 | 23.0 |
| Science and Technology Total | 840.3 | 848.6 |
| Environmental Programs and Management | 2,756.5 | 2,876.6 |
| Office of Inspector General | | |
| —Base Appropriations | 44.7 | 46.0 |
| —Transfer in from Hazardous Substance Superfund | 10.0 | 10.0 |
| Office of Inspector General Total | 54.7 | 56.0 |
| Buildings & Facilities | 36.4 | 42.0 |
| Hazardous Substance Superfund (before transfers) | | |
| —Base Appropriations | 1,280.9 | 1,236.2 |
| —Transfer out to Office of Inspector General | -10.0 | -10.0 |
| —Transfer out to Science and Technology | -26.8 | -23.0 |
| Hazardous Substance Superfund (after transfers) | 1,244.2 | 1,203.2 |
| Leaking Underground Storage Tank Trust Fund Program | 112.9 | 112.5 |
| Inland Oil Spill Program | 18.3 | 23.7 |
| State and Tribal Assistance Grants | | |
| —Clean Water State Revolving Fund | 1,522.0 | 1,550.0 |
| —Drinking Water State Revolving Fund | 963.1 | 990.0 |
| —Categorical Grants | 1,104.2 | 1,201.4 |
| —Other State and Tribal Assistance Grants | 169.7 | 119.0 |
| State and Tribal Assistance Grants Total | 3,758.9 | 3,860.4 |
| Rescissions (various EPA accounts) | -140.0 ^a | -50.0 |
| Total Appropriations | 8,682.1 | 8,973.0 |

a. Sec. 1740 of Div. B under P.L. 112-10.

(...continued)

FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions, by Robert Esworthy.

The following sections highlight issues associated with certain accounts and program activities that have been prominent in the debate on EPA's FY2012 appropriations.

Cleanup of Superfund Sites and Brownfields

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).⁸⁹ The President requested \$1.24 billion for the Superfund account in FY2012 (prior to transfers to other EPA accounts). The request was less than the FY2011 appropriation of \$1.28 billion. Funding levels for the Superfund account have remained fairly similar to these amounts over the past decade, 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 has centered primarily around the pace and adequacy of cleanup at these sites. The source of funding for the program also has been an issue. There has been some interest in reinstating Superfund taxes on industry to help support the Hazardous Substance Superfund Trust Fund.⁹⁰ Congress appropriates monies out of this trust fund to support EPA's Superfund program. The President's FY2012 budget request included a proposal to reinstate Superfund taxes beginning in tax year 2012 and ending in tax year 2021, which would be subject to the enactment of reauthorizing legislation. Several Superfund tax reauthorization bills have been introduced, but not enacted, in recent years.

EPA also administers a separate Brownfields program to provide financial assistance for the cleanup of less hazardous sites not addressed under the Superfund program, but where the known or suspected presence of contamination may present an impediment to economic redevelopment. Funding for EPA's Brownfields program is provided within two separate accounts of the agency. Grants for the assessment and cleanup of individual sites, and grants to help states enhance their own cleanup programs, are funded within the STAG account (see below). EPA's administrative expenses to carry out these grant awards are funded within the EPM account. Within these two accounts combined, the President requested a total of \$174.9 million for EPA's Brownfields program in FY2012. This would be an increase above the FY2011 appropriation of \$172.9 million.

Wastewater and Drinking Water Infrastructure

In recent fiscal years, roughly one-third of EPA's annual appropriations has been within the State and Tribal Assistance Grants (STAG) account for grants to aid states to capitalize their Clean Water and Drinking Water State Revolving Funds (SRFs).⁹¹ The President's FY2012 request

⁸⁹ 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.

⁹⁰ 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.

⁹¹ The STAG account also funds state and tribal "categorical" grants to support the day-to-day implementation of environmental laws. For FY2012, the Administration requested \$1.20 billion for these categorical grants, an increase of \$97.2 million over the FY2011 appropriation of \$1.10 billion.

included \$2.54 billion combined for the Clean Water and the Drinking Water SRFs, compared to \$2.49 billion appropriated for FY2011. The SRFs help 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 SRF capitalization grants to states and territories based on formulas.⁹²

For FY2012, the President requested \$1.55 billion for the Clean Water SRF capitalization grants and \$990.0 billion for the Drinking Water SRF capitalization grants, each more than the FY2011 enacted appropriations, as shown in **Table 12**. 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 FY2012 request has focused on the Great Lakes Restoration Initiative established in the FY2010 appropriations for EPA (P.L. 111-88). The President's FY2012 request included \$350.0 million for this initiative, \$50.6 million more than the FY2011 appropriations but less than the \$475.0 million authorized and appropriated in the FY2010 appropriations. Although some stakeholders have raised concerns regarding the continued reduced funding for this initiative, others contend that less is needed because of delays in obligating all of the funding appropriated for FY2010 and FY2011.

There also has been some attention to EPA's efforts to restore the Chesapeake Bay, reduced funding for Puget Sound, and an FY2012 proposal for restoration of the Mississippi River Basin. The President requested \$67.4 million for EPA's Chesapeake Bay program for FY2012, a \$13.0 million increase over the FY2011 appropriation of \$54.4 million. The request also included \$19.3 million for Puget Sound, \$18.8 million less than the \$38.1 million appropriated for FY2011, and \$30.7 million less than FY2010 (\$50.0 million). The FY2012 request included \$6.6 million in new funding (within three EPM activities) to establish a new program devoted to upstream pollution affecting the Mississippi River Basin. Funding for the Mississippi River Basin also was requested in the FY2011 budget, but no funds were appropriated during FY2011.

Climate Change and Related Air Quality Issues

Consideration of FY2012 appropriations for EPA continues to focus on regulation of greenhouse gas (GHG) emissions under the Clean Air Act (CAA) and several other recently proposed or promulgated EPA actions under the CAA, including those addressing hazardous air pollutants

⁹² Clean Water SRF capitalization grants are awarded to 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 allotments among the states.

(mercury) and particulate matter emissions. These issues were debated during the FY2011 appropriations process. Further, 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.

For FY2012, the President requested a total of \$433.3 million within the EPM and Science and Technology accounts for EPA “clean air and climate” programs. It is difficult to compare the FY2012 request with previous fiscal years’ appropriations as EPA has modified the headings under which funding for climate protection related program activities is being requested. Funding for climate protection related programs is included under other programmatic headings in the FY2012 EPA budget justification. 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. Issues that have emerged within the context of appropriations include (1) how different agency programs may be complementary or duplicative, (2) how these programs may together constitute an effective strategy to achieve U.S. objectives, and (3) whether there are gaps or opportunities for efficiencies that may be addressed.

Although relatively minor in terms of EPA’s funding, the agency’s response to a 2007 U.S. Supreme Court decision⁹³ remains a prominent issue in association with climate change. This decision found greenhouse gases (GHGs) to be “air pollutants” within the Clean Air Act’s definition of that term, and required EPA to consider whether GHGs endanger public health or welfare, the first step in promulgating regulations to limit emissions.

House-passed appropriations legislation for FY2011 (H.R. 1) included seven provisions that would have restricted or prohibited use of funds for activities related to specific EPA actions under the CAA.⁹⁴ The FY2011 appropriations 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. No funding for these grants was included in the President’s FY2012 request; the FY2010 enacted amounts for these grants were \$20.0 million and \$10.0 million, respectively. The FY2012 request also did not include funding within the STAG account for the diesel emission reduction grants program, which received an FY2011 appropriation of \$49.9 million.

Title III: Related Agencies

Department of Agriculture: Forest Service⁹⁵

The Forest Service (FS) manages 193 million acres of national forests and grasslands in 44 states and territories; provides technical and financial assistance to states, tribes, and private forest landowners; and conducts research on sustaining forest resources for future generations.

⁹³ *Massachusetts v. EPA*, 549 U.S. 497 (2007).

⁹⁴ For a more detailed summary of these provisions contained in House-passed H.R. 1, see Table 2 in CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

⁹⁵ For more information on FS funding, contact Ross W. Gorte at 7-7266 or Kelsi Bracmort at 7-7283.

The FY2012 President’s request for the Forest Service was \$4.93 billion, \$248.2 million (5%) more than the FY2011 appropriation of \$4.69 billion. Within this overall increase were increases and decreases for various FS accounts and programs, as discussed below. Of note in the President’s request was the legislative proposal to consolidate several line items into a new Integrated Resource Restoration line item in the National Forest System account. Further, the proposed increase for FY2012 reflected a legislative proposal and \$328.0 million for payments to communities. This would replace the expiring Secure Rural Schools and Community Self-Determination Act of 2000, although the Administration expressed willingness to work with Congress to provide mandatory spending authority for extending the payments under that act.⁹⁶ The FY2011 FS appropriation did not include funding for this purpose.

As shown in **Table 13**, FS appropriations are provided in several major accounts: Forest and Rangeland 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 13. Appropriations for the Forest Service (FS), FY2011-FY2012
(\$ in millions)

| Forest Service | FY2011 Approp. | FY2012 Request |
|--|---------------------------|---------------------------|
| Forest and Rangeland Research | 306.6 | 295.8 |
| State & Private Forestry | 277.6 | 341.6 |
| National Forest System | 1,542.2 | 1,704.5 |
| Capital Improvement and Maintenance ^a | 459.6 | 337.9 |
| Land Acquisition ^b | 34.2 | 91.2 |
| Other | 6.2 | 3.3 |
| Wildland Fire Management ^c | 2,058.5 | 1,830.9 |
| FS Payments to Communities | 0 | 328.0 |
| Total Appropriations | 4,685.0 | 4,933.2 |

- a. Reflects savings of \$13.0 million from the deferral of payments to the road and trail fund in FY2011 and a FY2012 request for a deferral of \$12.0 million.
- 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 FY2011 enacted level was \$32.9 million while the FY2012 request was \$90.0 million.
- c. These figures reflect rescissions; see “Wildland Fire Management,” under Cross-Cutting Topics, below.

Forest and Rangeland Research

Seven program areas are contained within the Forest and Rangeland Research account—wildland fire and fuels; invasive species; recreation; resource management and use; water, air, and soil;

⁹⁶ See CRS Report R41303, *Reauthorizing the Secure Rural Schools and Community Self-Determination Act of 2000*, by Ross W. Gorte.

wildlife and fish; inventory and monitoring—along with forest inventory and analysis. The FY2012 President’s request sought \$295.8 million for forest and rangeland research, \$10.9 million less than the FY2011 enacted level of \$306.6 million.

State and Private Forestry

State and Private Forestry (S&PF) programs provide financial and technical assistance to states and to private forest owners. The FY2012 President’s request called for \$341.6 million for S&PF, \$64.0 million more than the FY2011 appropriation of \$277.6 million. Much of the overall increase is attributable to a proposed increase for the Forest Legacy program—a program to acquire lands or easements to preserve forests threatened by conversion to non-forests uses. While the program requires a 25% non-federal match, it has averaged a 50% non-federal match, according to the Administration.⁹⁷ For FY2012, the Administration proposed \$135.0 million for Forest Legacy, an increase over the FY2011 appropriation of \$52.9 million. The Administration expressed that Forest Legacy funding is a key component of the President’s initiative to conserve important landscapes and reconnect Americans to the outdoors.⁹⁸ The appropriation would be derived from the Land and Water Conservation Fund. Most of the FY2012 request was for 46 Forest Legacy projects in various states.

National Forest System

The FY2012 President’s request was \$1.70 billion for the National Forest System (NFS), \$162.3 million (10%) more than the FY2011 appropriations of \$1.54 billion. Direct comparisons between FY2011 enacted and FY2012 requested funding are difficult, due to a proposed reorganization of line items in the account.

Specifically, the Administration consolidated several line items within the National Forest System account. Funds for these line items were integrated into other line items within the account. For example, the Administration combined the Land Management Planning and Inventory and Monitoring budget line items. The FS reported that this move will encourage greater community engagement in identifying, prioritizing, and implementing programs and projects. Also, the Administration combined the following line items into a new Integrated Resource Restoration (IRR) line item: Wildlife and Fish Habitat Management, Forest Products, and Vegetation and Watershed Management. Funding from other accounts also was transferred to the IRR line item, namely the non-Wildland-Urban Interface portion of Hazardous Fuels, the entire Legacy Roads and Trails budget line item, road decommissioning associated with restoration objectives from the Roads line item, and the Collaborative Forest Landscape Restoration Fund. The Administration asserted that the merger of these line items would bring together key resources for maintaining and restoring watershed and forest health on a broader, landscape scale. Critics surmised that merging these line items could reduce accountability and oversight of the programs. Lastly, the Administration proposed terminating the Valles Caldera line item, but expressed that funding of the Preserve from National Forest System funds would continue to ensure that the integrated program management objectives for the area are met.⁹⁹

⁹⁷ U.S. Dept. of Agriculture, Forest Service, *Fiscal Year 2012 President’s Budget, Budget Justification*, p. 6-28. Hereinafter cited as *FY2012 FS Budget Justification*.

⁹⁸ *Ibid.*, p. 6-26.

⁹⁹ *FY2012 FS Budget Justification*, p. 7-40.

Capital Improvement and Maintenance

This line item includes funding for the construction and maintenance of facilities, roads, and trails, as well as for deferred maintenance (i.e., the maintenance backlog). The President's request for FY2012 was \$337.9 million, \$121.7 million less than the FY2011 appropriation of \$459.6 million. The reduction is attributable in part to the shift of \$75.0 million for Legacy Roads and Trails to the Integrated Resource Restoration line item under the National Forest Systems account. This request for Legacy Roads and Trails would be an increase of \$30.1 million over the FY2011 appropriation of \$44.9 million. Funds for legacy road remediation are used to decommission roads, repair and maintain roads and trails, remove fish passage barriers, and protect community water resources.

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, 2010. The Administration requested \$9.1 million for FS deferred maintenance in FY2012, level with the FY2011 appropriation.

Land Acquisition

The FY2012 request for land acquisition was \$91.2 million, \$56.9 million more than the FY2011 appropriation of \$34.2 million. Most of the funds for FS land acquisition are derived from the Land and Water Conservation Fund, which the Administration proposed to fund at the full authorized level of \$900.0 million in FY2012. (For more information, see "LWCF," below.)

Department of Health and Human Services: Indian Health Service¹⁰⁰

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.¹⁰¹

For FY2012, the Administration proposed an appropriation of \$4.62 billion for IHS, an increase of \$554.6 million (14%) from the FY2011 appropriation of \$4.07 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. Under the President's

¹⁰⁰ For more information on IHS funding, contact Elayne J. Heisler, at 7-4453.

¹⁰¹ U.S. Dept. of Health and Human Services, Indian Health Service, *Fiscal Year 2012 Indian Health Service Justification of Estimates*. Hereinafter cited as *FY2012 IHS Budget Justification*.

budget, IHS estimated¹⁰² that its program level budget for FY2012 would be \$5.69 billion, an increase of \$554.6 million (11%) from the FY2011 program level budget of \$5.13 billion. See **Table 14.**

Table 14. Appropriations for the Indian Health Service (IHS), FY2011-FY2012
(\$ in millions)

| Indian Health Service | FY2011 Approp. | FY2012 Request |
|---|-------------------|-------------------|
| Clinical Services | 2,962.6 | 3,376.2 |
| —Contract Health Services | 779.9 | 948.6 |
| —Catastrophic Health Emergency Fund | 47.9 | 58.0 |
| Preventive Health Services | 144.0 | 156.6 |
| Other Services | 558.6 | 633.3 |
| —Urban Health Programs | 43.1 | 46.7 |
| —Indian Health Professions | 40.7 | 42.0 |
| —Tribal Management/Self-Governance | 8.6 | 9.1 |
| —Direct Operations | 68.6 | 73.6 |
| —Contract Support Costs | 397.7 | 461.8 |
| Subtotal, Indian Health Services | 3,665.3 | 4,166.1 |
| Indian Health Facilities | | |
| —Maintenance and Improvement | 53.8 | 57.1 |
| —Sanitation Facilities Construction | 95.7 | 79.7 |
| —Health Care Facilities Construction | 39.2 | 85.2 |
| —Facilities and Environmental Health Support | 192.7 | 211.0 |
| —Equipment | 22.6 | 24.7 |
| Subtotal, Indian Health Facilities | 403.9 | 457.7 |
| Total Appropriations | 4,069.2 | 4,623.8 |
| Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections ^a | 914.0 | 914.0 |
| Special Diabetes Program for Indians ^b | 150.0 | 150.0 |
| Total Program Level | 5,133.2 | 5,687.8 |

- a. Amounts noted for “Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections are IHS estimates as of the submission of the FY2012 budget justification (February 2011). These amounts may be adjusted based on final year data.
- b. The Special Diabetes Program for Indians has a direct appropriation 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.

¹⁰² IHS estimates the amount it will receive in reimbursements from Medicare/Medicaid, and Private Insurance, and Other Collections (rent from staff quarters) at the time of the budget submission. These estimates are subject to change based on final fiscal year data.

IHS funding is separated into two accounts: Health Services and Health Facilities. For both FY2011 and FY2012, more than 90% of the agency's appropriation was for Health Services while the remaining 10% was for the Facilities program. Below is a discussion of funding for these accounts and some of the major programs included in these accounts.

Health Services

The President's FY2012 budget proposed an increase of \$500.9 million from the FY2011 level for this account (\$3.67 billion), for an account total of \$4.17 billion in FY2012. This additional funding would be used primarily for clinical services, preventive health services, and contract support costs. The Patient Protection and Affordable Care Act (PPACA, P.L. 111-148) reauthorized the Indian Health Care Improvement Act, which authorizes IHS programs and services. The reauthorization required that the FY2012 budget request (and all subsequent budget requests) include amounts that reflect changes in the costs of health care and in the size of IHS's service population.¹⁰³ HHS noted that the FY2012 proposed increased funding for IHS reflected these requirements.¹⁰⁴

The President's FY2012 budget proposed an additional \$168.7 million for the Contract Health Service (CHS) program, for a total of \$948.6 million in FY2012 as compared with \$779.9 million in FY2011. CHS funds are used to purchase 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 FY2012 request would increase CHS funding to reduce the number of denials of CHS requests.¹⁰⁵ 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 FY2010 CHEF funded 1,747 cases, but could not fund another 865 cases.¹⁰⁶ The FY2012 budget would increase CHEF funding to \$58.0 million (a \$10.1 million increase over FY2011), which IHS estimates would allow CHEF to fund an additional 400 high-cost cases.¹⁰⁷

The FY2012 request also included a \$64.1 million increase for contract support costs (CSC), for a total of \$461.8 million in FY2012 as compared with \$397.7 million in 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.¹⁰⁸ 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

¹⁰³ See "Section 195" in CRS Report R41630, *The Indian Health Care Improvement Act Reauthorization and Extension as Enacted by PPACA: Detailed Summary and Timeline*, by Elayne J. Heisler.

¹⁰⁴ See discussion in the U.S. Dept. of Health and Human Services, *FY2012 Budget in Brief*, <http://www.hhs.gov/about/hhsbudget.html>. Hereinafter cited as *FY2012 HHS Budget in Brief*.

¹⁰⁵ *FY2012 IHS Budget Justification*, p. CJ-91.

¹⁰⁶ *Ibid.*, p. CJ-3.

¹⁰⁷ *Ibid.*, p. CJ-100.

¹⁰⁸ 25 U.S.C. § 450 et seq.

contracts and compacts.¹⁰⁹ Increased funding would be used to reduce the existing shortfall and would be allocated to tribes that have the greatest CSC shortfalls.¹¹⁰

Facilities

The Administration proposed \$457.7 million for the Indian Health Facilities account, an increase of \$53.7 million from FY2011 (\$403.9 million). In general, the FY2012 budget included higher funding for programs supported by the IHS facilities account. For instance, health care facilities construction would increase by \$46.0 million to \$85.2 million. 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. Only sanitation facility construction would receive a decrease — to \$79.7 million, \$16.0 million less than in FY2011 (\$95.7 million). HHS noted that this program has funding carried over from the prior fiscal year, which would allow IHS to maintain current activities with the funding level included in the FY2012 request.¹¹¹

Smithsonian Institution¹¹²

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 FY2009.¹¹³

The Administration's request for FY2012 was \$861.5 million, an increase of \$101.9 million (13%) over FY2011 appropriations. The request consisted of funding for two main line items: (1) Salaries and Expenses and (2) Facilities Capital. The FY2012 request contained essentially level funding for SI programs and activities, except that the Facilities Capital account would receive a sizeable increase to begin the construction of a new museum (as discussed below). See **Table 15**.

Salaries and Expenses

For FY2012, the SI requested \$636.5 million to fund salaries and expenses for its museums, research centers, and administration. This represented a \$1.6 million increase over FY2011 funding (\$634.9 million). The changes included \$0.7 million less for the museums and research institutes, \$0.8 million less for program support and outreach, \$1.3 million more for administration and the Office of the Chief Information Officer, and \$1.9 million more for facilities services.

¹⁰⁹ 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>.

¹¹⁰ *FY2012 IHS Budget Justification*, p. CJ-135.

¹¹¹ *FY2012 HHS Budget in Brief*, <http://www.hhs.gov/about/hhsbudget.html>.

¹¹² For more information on SI funding, contact Shannon Loane at 7-6223.

¹¹³ Smithsonian Institution, *What is Next: 2009 Annual Report*. This and older annual reports are available online at <http://www.si.edu/About/Annual-Report>.

Table 15. Appropriations for the Smithsonian Institution (SI), FY2011-FY2012
(\$ in millions)

| Smithsonian Institution | FY2011 Approp. | FY2012 Request |
|---|-------------------|-------------------|
| Salaries and Expenses | 634.9 | 636.5 |
| —Museums and Research Institutes | 246.6 | 245.9 |
| —Program Support and Outreach | 43.9 | 43.1 |
| —Office of Chief Information Officer | 45.5 | 46.1 |
| —Administration | 33.3 | 33.9 |
| —Inspector General | 2.6 | 2.6 |
| —Facilities Services | 262.9 | 264.8 |
| Facilities Capital | 124.8 | 225.0 |
| —Revitalization | 91.9 | 84.8 |
| —Facilities Planning and Design | 32.8 | 140.2 |
| Total Appropriations | 759.6 | 861.5 |

Facilities Capital

For FY2012, the SI requested \$225.0 million for facilities capital, a \$100.3 million increase over FY2011 funding (\$124.8 million). Of this, \$84.8 million (a decrease of \$7.1 million from the FY2011 level) would fund baseline revitalization requirements and \$140.2 million (an increase of \$107.4 million over FY2011 appropriations) would fund facilities planning and design. The facilities planning and design total included \$125.0 million (an increase of \$105.0 million over the FY2011 appropriation) for the National Museum of African American History and Culture, as the SI moves from the design phase to the beginning of the construction phase of the building, which is scheduled to open in late 2015.

Trust Funds

In addition to federal appropriations, the SI 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% to a total of almost \$2.5 billion.¹¹⁴

National Endowment for the Arts and National Endowment for the Humanities¹¹⁵

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).¹¹⁶ The National Foundation on the Arts and the Humanities is composed of the National

¹¹⁴ Ibid.

¹¹⁵ For more information on NEA/NEH funding, contact Shannon Loane at 7-6223.

¹¹⁶ The IMLS receives funding through the Departments of Labor, Health and Human Services, and Education, and (continued...)

Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). For the National Foundation on the Arts and the Humanities, the Administration proposed a total of \$292.5 million, a decrease of \$16.9 million (5%) from the \$309.4 million appropriation for FY2011. The decrease would be divided equally between the NEA and NEH, as discussed below.

NEA

The NEA is a major federal source of support for all arts disciplines. Since 1965 it has awarded more than 135,000 grants that have been distributed to all states. For FY2012, NEA requested \$146.3 million, a decrease of \$8.4 million from its FY2011 appropriation (\$154.7 million). A total of \$115.3 million was requested for grants, \$10.0 million less than the appropriation for FY2011. For the two largest grant programs funded by the agency, \$58.2 million was requested for direct grants (a decrease of \$9.0 million from FY2011), and \$34.7 million for state/regional partnership grants (a decrease of \$4.7 million from FY2011). The request also proposed essentially level funding of \$8.0 million for Challenge America, a program of matching grants for arts education, outreach, and community arts activities for rural and under-served areas. It also included \$5.0 million for Our Town, a grant program aimed at arts projects that engage and revitalize communities. Our Town was initially proposed, but not funded, in FY2011. See **Table 16**.

NEH

The NEH generally supports grants for humanities education, research, preservation, and public humanities programs; 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.

Table 16. Appropriations for the Arts and Humanities, FY2011-FY2012
(\$ in millions)

| Arts and Humanities | FY2011 Approp. | FY2012 Request |
|---|---------------------------|---------------------------|
| National Endowment for the Arts | 154.7 | 146.3 |
| Grants | 125.4 | 115.3 |
| Program Support | 1.9 | 2.8 |
| Administration | 27.4 | 28.1 |
| National Endowment for the Humanities | 154.7 | 146.3 |
| Grants | 113.2 | 106.7 |
| Matching Grants | 14.3 | 11.5 |
| Administration | 27.3 | 28.1 |
| Total NEA & NEH Appropriations | 309.4 | 292.5 |

(...continued)

Related Agencies Appropriations Acts. Discussions of IMLS appropriations are outside the scope of this report.

For FY2012, NEH requested \$146.3 million, a decrease of \$8.4 million from its FY2011 appropriation (\$154.7 million). The request included \$106.7 million in non-matching grants funding, a decrease of \$6.5 million from the FY2011 level of \$113.2 million. The largest such program is the federal/state partnership grants program, for which the NEH requested \$40.1 million, a decrease of \$2.4 million from the FY2011 appropriations. For the Bridging Cultures initiative, first funded in FY2011, NEH requested \$4.0 million, an increase of \$2.5 million over FY2011. Bridging Cultures awards grants for projects that increase understanding of America's diverse cultural heritage and of other cultures around the world. NEH did not request funding for the We the People grant program, which supported exhibitions, films, library programs, professional development programs for teachers, scholarship research on American history and culture, and collection preservation. NEH noted that a number of projects funded through We the People will be funded by other NEH grant programs or other organizations. See **Table 16**.

Cross-Cutting Topics

The Land and Water Conservation Fund (LWCF)¹¹⁷

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 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 from 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 17** shows funding for LWCF since FY2008.

For FY2012, the Administration proposed funding the LWCF at the authorized level of \$900.0 million. This would be an increase of \$599.5 million over the FY2011 level of \$300.5 million. The Administration has pursued a multi-year plan to achieve “full funding” for LWCF, which has occurred only twice in the history of the program (since FY1965).¹¹⁸ Full funding for the LWCF is part of the Administration's initiative entitled “America's Great Outdoors,”¹¹⁹ and is intended to foster conservation that results in economic, ecologic, and community benefits.¹²⁰ There continues to be a difference of opinion on the optimal total level of funding for LWCF, and the portions for the three purposes for which the fund has been used.

¹¹⁷ For more information on LWCF funding, contact Carol Hardy Vincent at 7-8651.

¹¹⁸ In fact, in those two years the LWCF appropriation exceeded the authorized level. For FY1998 the LWCF appropriation was \$969 million, while in FY2001 the appropriation was \$995 million.

¹¹⁹ For information on the Initiative, see *FY2012 DOI Budget in Brief*, p. DH-3 to DH-20.

¹²⁰ *Ibid.*, DH-11.

Table 17. Appropriations for the Land and Water Conservation Fund (LWCF), FY2008-FY2012
(\$ in millions)

| Land and Water Conservation Fund | FY2008 Approp. | FY2009 Approp. | FY2010 Approp. | FY2011 Approp. | FY2012 Request |
|----------------------------------|----------------|--------------------|----------------|----------------|----------------|
| Federal Acquisition | 129.1 | 152.2 | 265.8 | 164.7 | 440.0 |
| —BLM | 8.9 | 14.8 | 29.7 | 22.0 | 50.0 |
| —FWS | 34.6 | 42.5 | 86.3 | 54.9 | 140.0 |
| —NPS | 44.4 | 45.2 | 86.3 | 54.9 | 160.0 |
| —FS | 41.2 | 49.8 | 63.5 | 32.9 | 90.0 |
| Appraisal Services ^a | 0 | 0 | 12.1 | 12.1 | 25.0 |
| Grants to States | 24.6 | 19.0 ^b | 40.0 | 39.9 | 200.0 |
| Other Programs | 101.3 | 104.1 ^c | 132.5 | 83.8 | 235.0 |
| Total Appropriations | 255.1 | 275.3 | 450.4 | 300.5 | 900.0 |

Sources: Tables from the DOI Budget Office, the Appropriations Committees, and *The Interior Budget in Brief, Fiscal Year 2012*.

- 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.
- This figure has been reduced by \$1.0 million due to the use of prior year funds.
- This figure has been reduced by \$8.0 million due to the use of prior year funds.

Land Acquisition

For land acquisition for FY2012, the Administration sought \$440.0 million, an increase of \$275.3 million over the FY2011 appropriation of \$164.7 million. If enacted, the request would be the highest level of funding for land acquisition since FY2001, and the fourth highest in the history of the program. Under the Administration's request, all four agencies would receive an increase for land acquisition over FY2011, with most of the funds requested for acquisitions for particular management units.

In seeking funds for acquisition projects for FY2012, the DOI agencies continued to seek to use consistent, merit-based criteria, first used in FY2011, according to the department.¹²¹ These criteria were designed to meet common conservation goals, such as developing additional recreational opportunities and maximizing landscape conservation for wildlife and habitat. The FS budget justifications for FY2011 and FY2012 also noted changes to the LWCF program, including the use of selection criteria to rank land acquisition projects. The changes in part sought to address congressional concerns regarding the land acquisition process. For instance, the conferees on the FY2010 appropriations bill had provided several related directives to the agencies. They expressed their intention that, to the maximum extent possible, there be a single set of policies among the four agencies for conducting land acquisitions.¹²²

¹²¹ U.S. Dept. of the Interior, *Fiscal Year 2011: The Interior Budget in Brief*, p. DH-37.

¹²² H.Rept. 111-316 on H.R. 2996, p. 77-78.

Grants to States

For state grants, the Administration sought \$200.0 million for FY2012, an increase of \$160.1 million over the FY2011 level of \$39.9 million. Through the increase, the Administration sought to expand recreational access and opportunities at the local level. If enacted, this would be the highest appropriation since FY1980, and the fifth highest in the history of the program. 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.

For FY2012, the Administration has proposed that at least 40% of the appropriations for state grants will be distributed equally to all states, as under current law, while the balance would be provided through a new competitive grants program. The grants would continue to be provided on a 50:50 federal/state matching basis. The objectives of the competitive program are to fund projects in large urban centers with little or no access to natural areas; reconnect young people and their families to the outdoors, especially in disadvantaged communities; provide access to blueways/waterways; and protect, restore, and connect open space and natural landscapes.¹²³

Other Purposes

For FY2012, the Administration requested \$235.0 million in funding from LWCF for other purposes, an increase of \$151.2 million over the FY2011 level of \$83.8 million. The request was for two other programs—FWS Cooperative Endangered Species grants and the FS Forest Legacy program—which have been funded, at least in part, from LWCF for several years. In FY2007, the largest portion of the LWCF appropriation was for other programs. Since FY2008, the largest portion of the LWCF appropriation has been for land acquisition, as shown in **Table 17**. **Table 18** shows the other programs for which Congress has appropriated funds for FY2008 through FY2011, and the President’s request for FY2012.¹²⁴

**Table 18. Appropriations for the Land and Water Conservation Fund (LWCF):
Other Programs, FY2008-FY2012**
(\$ in millions)

| Other Programs | FY2008 Approp. | FY2009 Approp. | FY2010 Approp. | FY2011 Approp. | FY2012 Request |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|
| Fish and Wildlife Service | | | | | |
| —Cooperative Endangered Species Grants | 49.0 | 54.7 ^a | 56.0 | 30.9 | 100.0 |
| Forest Service | | | | | |
| —Forest Legacy Program | 52.3 | 49.4 ^b | 76.5 | 52.9 | 135.0 |
| Total Appropriations | 101.3 | 104.1 | 132.5 | 83.8 | 235.0 |

Notes: This table identifies “other” programs for which Congress appropriated funds for FY2008 through FY2011 and for which the Administration requested funds for FY2012. 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. P.L. 111-8 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

¹²³ *FY2012 NPS Budget Justification*, p. LASA-55.

¹²⁴ 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 Carol Hardy Vincent.

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

Wildland Fire Management¹²⁵

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. For FY2012, including FLAME funds (see below) and rescissions, the Administration requested a total of \$2.65 billion for Wildland Fire Management (\$1.83 billion for the FS and \$821.5 million for DOI). This would be a decrease of \$184.9 million (7%) from the \$2.84 billion provided for FY2011 and a decrease of \$720.2 million (21%) from FY2010 (\$3.37 billion). The Administration also proposed shifts in funding among wildfire activities. See **Table 19**.

**Table 19. Appropriations for FS and DOI Wildland Fire Management,
FY2011-FY2012**
(\$ in millions)

| National Fire Plan | FY2011 Approp. | FY2012 Request |
|-----------------------------|-------------------|-------------------|
| Forest Service | | |
| —FS Subtotal | 2,168.0 | 1,707.1 |
| —FLAME Funds ^a | 290.4 | 315.9 |
| —Rescission | -400.0 | -192.0 |
| Total, FS | 2,058.5 | 1,830.9 |
| DOI | | |
| —DOI Subtotal | 918.1 | 729.5 |
| —FLAME Funds ^a | 60.9 | 92.0 |
| —Rescission | -200.0 | 0.0 |
| Total, DOI | 778.9 | 821.5 |
| FS and DOI | | |
| —FS & DOI Subtotal | 3,086.1 | 2,436.6 |
| —FLAME Funds ^a | 351.3 | 407.9 |
| —Rescissions | -600.0 | -192.0 |
| Total Appropriations | 2,837.4 | 2,652.5 |

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 Ross W. Gorte, because that report rearranges data to distinguish funding for different purposes and reflects fire assistance funds from other FS accounts.

- a. Reflects FLAME Wildfire Suppression Reserve Account.

¹²⁵ For more information on funding for Wildland Fire Management, contact Ross W. Gorte at 7-7266.

Wildfire Preparedness

This account provides funding for baseline staffing, training, and equipment. For preparedness in FY2012, the Administration requested \$1.28 billion, an increase of \$318.9 million (33%) from FY2011. This change included a decline of \$13.5 million for DOI and an increase of \$332.4 million for the FS. The Administration stated that the increase for the FS was to shift costs away from fire suppression and back to preparedness.

Wildfire Suppression Appropriations

This account funds agency fire control activities while wildfires are burning, but before they meet the criteria for FLAME funding (e.g., for initial attack on most fires). For FY2012, the Administration requested \$809.3 million, a decrease of \$585.1 million (42%) from FY2011. This included a decrease of \$128.3 million for DOI and of \$456.8 million for the FS. For the FS, some of this decline resulted from a shift in costs to preparedness. However, the declines also reflect reduced needs as a result of the past three relatively mild fire seasons (2008-2010).

Other Wildfire Operations

Other wildfire operations include a variety of activities. The largest is fuel reduction treatments, followed by post-fire site rehabilitation. Other activities include funding for research and facilities, forest health management, and state and volunteer fire assistance. For FY2012, the Administration proposed \$218.8 million for “hazardous” fuel reduction (\$156.8 million for DOI and \$62.0 million for the FS).¹²⁶ This was a decline of \$314.1 million (59%) from FY2011, with declines for DOI (\$26.6 million) and the FS (\$287.6 million). Some of the decline in the hazardous fuels activity would likely come from an FS proposal to transfer fuel reduction funding that is not in the Wildland-Urban Interface (WUI) to a new Integrated Resource Restoration line item under National Forest System. (See “Forest Service,” above.) However, the level of funding proposed to be transferred was not specified.

The FY2012 request for site rehabilitation was \$13.0 million, a decline of \$31.6 million from FY2011 (\$44.7 million); this included a large decline (\$20.2 million) for DOI and elimination of FS funding, although other agency appropriations are available for post-fire site rehabilitation. The FY2012 request for facilities was stable, at \$6.1 million. For research, the request was \$35.0 million, down \$2.9 million from FY2011 (\$37.9 million). For forest health activities, the FY2012 request was \$19.3 million, down \$12.8 million from FY2011 (\$32.1 million). For state and volunteer fire assistance, the request was \$51.9 million, down \$21.9 million from FY2011 (\$73.9 million).

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

¹²⁶ The Forest Service budget justification shows \$254.0 million for fuel reduction. See *FY2012 FS Budget Justification*, p. 11-1 and 11-13. The data presented here are from the House Committee on Appropriations.

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 budget requests.

For FY2012, the Administration requested \$407.9 million in FLAME funding (\$315.9 million for the FS and \$92.0 million for DOI). This was an increase of \$56.6 million (16%) from FY2011 (\$25.5 million for the FS and \$31.1 million for DOI), excluding the \$200.0 million rescission from the FS FLAME Fund for FY2011. The proposed increase in FLAME funding probably reflects, in part, an emphasis this year on using FLAME funding over suppression funding to fight large fires. However, the FY2012 request was a decrease of \$66.1 million (14%) from the FY2010 total FLAME funding of \$474.0 million (a decrease of \$97.1 million for the FS and an increase of \$31.0 million for DOI). The shifts probably reflect changes in fire seasons—the acres burned in 2010 were the fewest since 1998, and only half of the average for the 2000-2009 decade, but 2011 has already seen the biggest and costliest fire in Arizona history.

Other Wildfire Funding

Another difference between the FY2012 request and the FY2011 appropriation for wildland fire management related to rescissions of fire funds. For FY2012, the Administration proposed a rescission of \$192.0 million from wildland fire management. The FY2011 appropriations law included a rescission of \$600.0 million, composed of \$400.0 million for the FS (including \$200.0 million from the FS FLAME Fund) and \$200.0 million from DOI, as shown in **Table 19**.

Five-Year Appropriations History

Table 20 and **Figure 1** show appropriations for Interior, Environment, and Related Agencies for the five-year period from FY2008 through FY2012. For FY2008-FY2011, figures represent appropriations, while for FY2012 the figures reflect the Administration's request for appropriations. The table shows the appropriations by agency during this period, as well as the total appropriations contained in each title of the appropriations law and the overall total in the law. The graph depicts the appropriations provided for each of the three main titles of the law: Title I, Department of the Interior; Title II, Environmental Protection Agency; and Title III, Related Agencies.

Table 20. Appropriations for Interior, Environment, and Related Agencies, FY2008-FY2012

(\$ in thousands)

| Bureau or Agency | FY2008 Approp. | FY2009 Omnibus | FY2009 Stimulus | FY2009 Total | FY2010 Approp. | FY2011 Approp. | FY2012 Request |
|---|-------------------|-------------------|------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <i>Title I: Department of the Interior</i> | | | | | | | |
| Bureau of Land Management ^a | 1,007,897 | 1,038,596 | 305,000 | 1,343,596 | 1,133,604 | 1,113,886 | 1,114,794 |
| U.S. Fish and Wildlife Service | 1,441,301 | 1,440,451 | 280,000 | 1,720,451 | 1,646,832 | 1,503,238 | 1,694,705 |
| National Park Service | 2,390,488 | 2,525,834 | 750,000 | 3,275,834 | 2,743,730 | 2,611,142 | 2,891,565 |
| U.S. Geological Survey | 1,006,480 | 1,043,803 | 140,000 | 1,183,803 | 1,111,740 | 1,083,672 | 1,117,854 |
| Bureau of Ocean Energy Management, Reg. & Enforcement ^b | 118,053 | 116,676 | 0 | 116,676 | 181,520 | 225,743 | 136,188 |
| Office of Surface Mining Reclamation and Enforcement | 170,411 | 164,702 | 0 | 164,702 | 162,868 | 162,543 | 145,912 |
| Bureau of Indian Affairs | 2,291,279 | 2,376,131 | 500,000 | 2,876,131 | 2,619,560 | 2,594,012 | 2,500,653 |
| Departmental Offices ^c | 474,236 | 480,790 | 15,000 | 495,790 | 540,999 | 494,204 | 641,107 |
| Department-Wide Programs ^d | 1,477,066 | 949,374 | 15,000 | 1,014,374 ^e | 958,357 | 881,190 | 911,052 |
| Subtotal, Title I: Department of the Interior | 10,377,211 | 10,136,357 | 2,005,000 | 12,191,357^e | 11,047,210^f | 10,627,630^g | 11,111,830^h |
| Subtotal, Title II: Environmental Protection Agency | 7,461,496 | 7,635,674 | 7,220,000 | 14,855,674 | 10,291,864 | 8,682,117 | 8,973,000 |
| <i>Title III: Related Agencies</i> | | | | | | | |
| U.S. Forest Service | 5,804,428 | 4,745,794 | 1,150,000 | 6,095,794 ^h | 5,297,256 | 4,685,044 | 4,933,245 |
| Indian Health Service | 3,346,181 | 3,581,124 | 500,000 | 4,081,124 | 4,052,375 | 4,069,220 | 4,623,808 |
| National Institute of Environmental Health Sciences | 77,546 | 78,074 | 0 | 78,074 | 79,212 | 79,054 | 81,085 |
| Agency for Toxic Substances and Disease Registry | 74,039 | 74,039 | 0 | 74,039 | 76,792 | 76,638 | 76,337 |
| Council on Environmental Quality and Office of Environmental Quality | 2,661 | 2,703 | 0 | 2,703 | 3,159 | 3,153 | 3,444 |
| Chemical Safety and Hazard Investigation Board | 9,263 | 10,199 | 0 | 10,199 | 11,147 | 10,777 | 11,147 |
| Office of Navajo and Hopi Indian Relocation | 8,860 | 7,530 | 0 | 7,530 | 8,000 | 7,984 | 9,570 |
| Institute of American Indian and Alaska Native Culture and Arts Development | 7,183 | 7,900 | 0 | 7,900 | 8,300 | 8,283 | 9,225 |
| Smithsonian Institution | 682,629 | 731,400 | 25,000 | 756,400 | 761,395 | 759,639 | 861,530 |

Interior, Environment, and Related Agencies: FY2012 Appropriations

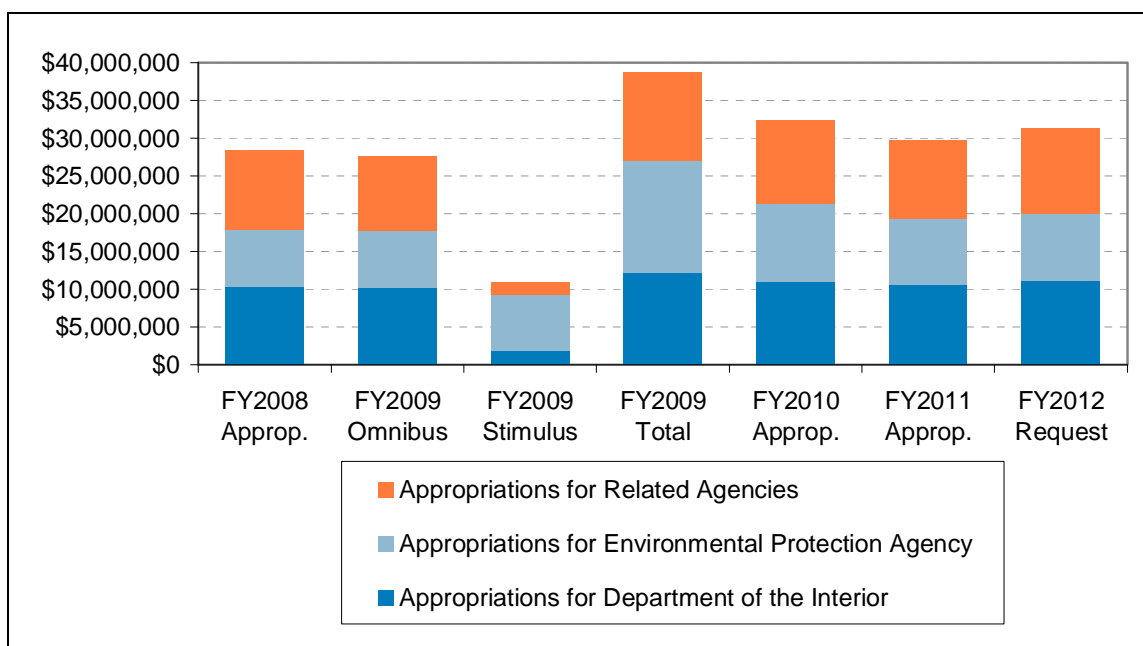
| Bureau or Agency | FY2008 Approp. | FY2009 Omnibus | FY2009 Stimulus | FY2009 Total | FY2010 Approp. | FY2011 Approp. | FY2012 Request |
|--|---------------------------|---------------------------|----------------------------|-------------------------------|---------------------------|---------------------------|---------------------------|
| National Gallery of Art | 117,866 | 122,756 | 0 | 122,756 | 167,005 | 158,650 | 138,000 |
| John F. Kennedy Center for the Performing Arts | 42,674 | 36,364 | 0 | 36,364 | 40,447 | 36,347 | 36,850 |
| Woodrow Wilson International Center for Scholars | 9,844 | 10,000 | 0 | 10,000 | 12,225 | 11,203 | 11,005 |
| National Endowment for the Arts | 144,706 | 155,000 | 50,000 | 205,000 | 167,500 | 154,690 | 146,255 |
| National Endowment for the Humanities | 144,707 | 155,000 | 0 | 155,000 | 167,500 | 154,690 | 146,255 |
| Commission of Fine Arts | 2,059 | 2,234 | 0 | 2,234 | 2,294 | 2,289 | 2,400 |
| National Capital Arts and Cultural Affairs | 8,367 | 9,500 | 0 | 9,500 | 9,500 | 2,994 | 0 |
| Advisory Council on Historic Preservation | 5,265 | 5,498 | 0 | 5,498 | 5,908 | 5,896 | 6,108 |
| National Capital Planning Commission | 8,136 | 8,328 | 0 | 8,328 | 8,507 | 8,490 | 8,154 |
| U.S. Holocaust Memorial Museum | 44,786 | 47,260 | 0 | 47,260 | 49,122 | 49,024 | 52,694 |
| Presidio Trust | 22,051 | 17,450 | 0 | 17,450 | 23,200 | 14,970 | 12,000 |
| White House Commission on the National Moment of Remembrance | 197 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dwight D. Eisenhower Memorial Comm. | 1,969 | 2,000 | 0 | 2,000 | 19,000 | 0 | 89,768 |
| Subtotal, Title III: Related Agencies | 10,565,417 | 9,810,153 | 1,725,000 | 11,735,153^a | 10,969,844 | 10,299,035 | 11,258,880 |
| Grand Total Appropriations (in Bill)ⁱ | 28,416,852 | 27,591,184 | 10,950,000 | 38,791,184 | 32,319,918 | 29,610,782 | 31,343,710 |

Source: House and Senate Appropriations Committees.

- a. Figures do not reflect funding appropriated to the Bureau of Land Management for Wildland Fire Management. 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 FY2008-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 have been adjusted to reflect the transfer in FY2009 of DOI Wildland Fire Management from the Bureau of Land Management to Department-Wide Programs. The FY2008 figure also includes 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 a reduction of \$52.0 million in the General Provisions for Title I, which is not reflected in the figures above.
- g. Includes a reduction of \$42.0 million in the General Provisions for Title I, which is not reflected in the 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 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, and rescissions of \$100.8 million. The FY2011 total reflects appropriations of \$30.44 billion, including \$2.0 million in Title IV, General Provisions, not reflected in the column figures above, and rescissions of \$825.6 million. The FY2012 request reflects appropriations of \$31.62 billion, and rescissions of \$272.0 million.

Figure I. Appropriations for Interior, Environment, and Related Agencies, by Major Title, FY2008-FY2012



Source: Prepared by CRS based on data from the House Appropriations Committee.

Notes: This figure depicts appropriations enacted for FY2008-FY2011, and requested by the Administration for FY2012, for each of the three major titles of the annual Interior, Environment, and Related Agencies appropriations law.

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