



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.

On July 19, 2011, the House Appropriations Committee reported H.R. 2584 (H.Rept. 112-151) with \$27.52 billion in appropriations for FY2012 for Interior, Environment, and Related Agencies. If enacted, this would be a \$2.09 billion (7.1%) reduction from the FY2011 appropriation of \$29.61 billion and \$3.82 billion (12.2%) less than the Administration's FY2012 request of \$31.34 billion. While the Administration had primarily proposed increases over FY2011 for major agencies funded by the bill, the House committee proposed few such increases. One notable increase in the House committee bill was \$392.4 million (10%) for the Indian Health Service.

While most agencies would be reduced from the FY2011 levels in the House committee bill, the amount of reduction varied. Among the decreases recommended by the committee were the following:

- \$1.53 billion (18%) for the Environmental Protection Agency,
- \$310.6 million (21%) for the Fish and Wildlife Service,
- \$172.1 million (4%) for the Forest Service, and
- \$131.7 million (5%) for the National Park Service.

From July 25, 2011, to July 28, 2011, the House considered H.R. 2584 but came to no resolution. No bill to fund Interior, Environment, and Related Agencies for FY2012 has been introduced in the Senate. However, on October 14, 2011, the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies released a draft bill for FY2012. Because no regular appropriations bill was enacted before the October 1, 2011, start of the fiscal year, agencies and activities in the bill are being funded through a continuing appropriations resolution (P.L. 112-36) providing appropriations at the FY2011 level, minus 1.503%, under the authority and conditions in the FY2011 appropriations law (P.L. 112-10). Continuing appropriations for FY2012 are to be provided through November 18, 2011, unless a regular appropriations bill is enacted sooner.

Congress typically debates a variety of funding and policy issues when considering each year's appropriations legislation. These issues have included regulatory actions of the Environmental Protection Agency, energy development onshore and offshore, wildland fire fighting, royalty relief, Indian trust fund management, climate change, DOI science programs, endangered species, wild horse and burro management, and agency reorganizations. 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 (FS) 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 prior 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 These programs currently are funded in the annual Energy and Water Development Appropriations bill. 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 and they are now funded in the annual Interior, Environment, and Related Agencies Appropriations bill. 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.

FY2012 Overview

Current Status

No regular FY2012 appropriations bill for Interior, Environment, and Related Agencies was enacted before the October 1, 2011, start of the fiscal year. From July 25, 2011, to July 28, 2011, the House had considered H.R. 2584, providing FY2012 appropriations for Interior, Environment, and Related Agencies, but came to no resolution thereon. No bill to fund Interior, Environment, and Related Agencies for FY2012 has been introduced in the Senate. However, on October 14, 2011, the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies released a draft bill for FY2012.³

Currently, agencies and activities in the bill are being funded through a continuing appropriations resolution (P.L. 112-36) providing appropriations at the FY2011 account level, minus 1.503%, under the authority and conditions in the FY2011 appropriations law (P.L. 112-10). Overall, the continuing appropriations law is intended to reduce discretionary spending to the \$1.043 trillion government-wide total allowed under the Budget Control Act of 2011 (P.L. 112-25). Continuing appropriations for FY2012 are to be provided through November 18, 2011, unless a regular appropriations bill is enacted sooner.⁴

House Appropriations Committee Bill

The bill considered on the House floor, H.R. 2584, had been reported (H.Rept. 112-151) by the House Appropriations Committee on July 19, 2011, with \$27.52 billion in appropriations for FY2012 for Interior, Environment, and Related Agencies. If enacted, this would be a \$2.09 billion (7.1%) reduction from the FY2011 appropriation of \$29.61 billion and \$3.82 billion (12.2%) less than the Administration's FY2012 request of \$31.34 billion. While the Administration had primarily proposed increases over FY2011 for major agencies funded by the bill, the House committee proposed few such increases. One notable increase in the House committee bill was \$392.4 million (10%) for the Indian Health Service.

³ Because this draft has not been formally introduced in the Senate, it is not discussed in sections of this report. For a copy of the draft, a related detailed funding table, and a committee press release, see the website of the Senate Committee on Appropriations at <http://appropriations.senate.gov/news.cfm?method=news.view&id=3f4832f4-6adb-4be8-9c6f-eabff62cc056>.

⁴ For additional information on the use, duration, and impact of continuing appropriations resolutions, see, respectively, the following CRS reports: CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter; CRS Report RL32614, *Duration of Continuing Resolutions in Recent Years*, by Jessica Tollestrup; and CRS Report RL34700, *Interim Continuing Resolutions (CRs): Potential Impacts on Agency Operations*, by Clinton T. Brass.

While most agencies would be reduced from the FY2011 levels in the House committee bill, the amount of reduction varied. Among the decreases recommended by the committee were the following:

- \$1.53 billion (18%) for the Environmental Protection Agency,
- \$310.6 million (21%) for the Fish and Wildlife Service,
- \$172.1 million (4%) for the Forest Service, and
- \$131.7 million (5%) for the National Park Service.

The House Appropriations Committee addressed diverse issues affecting multiple agencies in both bill and report language. Some of these issues are discussed in subsequent sections of this report, which focus on major agencies and cross-cutting issues. Other examples follow.

The committee bill included a provision to require DOI agencies, EPA, FS, and IHS to report quarterly to the House and Senate Appropriations Committees on balances of appropriations. The reports are to identify balances that are (1) unobligated and uncommitted, (2) committed to contracts, grants, or other planned obligations, and (3) obligated but unexpended. The committee expressed interest in knowing not only what levels of funding remain from previous years, but the source year of those funds, in order to ascertain whether appropriations have been provided in excess of need or whether administrative inefficiencies have impeded the expenditure of funds.⁵

An additional reporting requirement pertained to the costs of litigation related to agency actions. The committee observed that the costs of litigation are rising, and that some agencies' state and field offices spend more than half of their funds on responding to litigation. The committee directed DOI agencies, EPA, and FS to report to the House and Senate Appropriations Committees on payments of attorney fees and expenses under the Equal Access to Justice Act.⁶ The information is to include the amount of program funds used and the names and hourly rates of fee recipients, among other information.⁷

The House Appropriations Committee asserted that 56 agencies or programs within the bill "remain unauthorized or have an expired congressional authorization of appropriations." The committee recommended a total appropriation of \$7.25 billion for these agencies and programs, but expressed that future funding might be limited or discontinued as "continual appropriation for unauthorized programs circumvents the rigorous process of legislative review and revision." The committee urged interested parties to work with the authorizing committees on securing authorizations.⁸ An authorizing measure can establish, continue, or modify an agency or program for a fixed or indefinite period of time. It also may set forth the duties and functions of an agency or program, its organizational structure, and the responsibilities of agency or program officials. Authorizing legislation also authorizes the enactment of appropriations for an agency or program. The amount authorized to be appropriated may be specified for each fiscal year or may be indefinite (providing "such sums as may be necessary"). The authorization of appropriations is

⁵ H.Rept. 112-151 on H.R. 2584, pp. 5-6.

⁶ 28 U.S.C. §2412; 5 U.S.C. §504. For information on the payment of attorneys' fees by agencies, see CRS Report 94-970, *Awards of Attorneys' Fees by Federal Courts and Federal Agencies*, by Henry Cohen, or contact Vivian Chu at 7-4576.

⁷ H.Rept. 112-151 on H.R. 2584, pp. 8-9.

⁸ *Ibid.*, pp. 9-10 and pp. 158-159.

intended to provide guidance regarding the appropriate amount of funds to carry out the authorized activities of an agency.⁹

To achieve economies of scale, the House committee encouraged agencies to downsize and restructure. An emphasis was on consolidation of regional offices across agencies, such as in cities where three or more agencies have offices or in offices with one or two employees. The committee directed DOI, EPA, FS, and IHS to submit a joint proposal on consolidating offices, and to provide, as part of their annual budget requests, lists of field office staffing and funding levels. Also, the House committee bill would extend the Service First initiative, under which DOI agencies and the FS co-locate field offices and establish common business practices to improve services and reduce costs. The committee requested a report from DOI and the FS on the initiative, including costs, successes, and recommendations for improvement.¹⁰

Administration's Request

In contrast to the bill reported by the House Appropriations Committee which contained reduced appropriations for Interior, Environment, and Related Agencies, the President had requested a \$1.73 billion (5.9%) increase for FY2012 over the FY2011 appropriation. The President's proposed increases for major agencies included 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.

Major Issues

Congress typically debates a variety of funding and policy issues when considering each year's appropriations legislation. These issues have included regulatory actions of the Environmental

⁹ This text on authorizing measures is derived from CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by Bill Heniff Jr.

¹⁰ H.Rept. 112-151 on H.R. 2584, pp. 11-12.

Protection Agency, energy development onshore and offshore, wildland fire fighting, royalty relief, Indian trust fund management, climate change, DOI science programs, endangered species, wild horse and burro management, and agency reorganizations. 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.

Among the major issues that have arisen during hearings and debates on FY2012 Interior, Environment, and Related Agencies appropriations, which are discussed in subsequent sections of this report, are the following:

- *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 section in this report on “Title II: Environmental Protection Agency.”)
- *Endangered Species*, including the provision or elimination of funding for the addition of new species for protection (listing) under the Endangered Species Act and designation of their critical habitat, and funds for FWS to consult with other federal agencies on effects of the agencies’ actions on listed species. (For more information, see the “Fish and Wildlife Service” 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 section in this report on “Title II: Environmental Protection Agency.”)
- *Indian Health Service*, particularly the appropriate level of funding for new programs included in the reauthorization of the Indian Health Care Improvement Act. (For more information, see the section in this report on “Department of Health and Human Services: Indian Health Service.”)
- *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/Office of Natural Resources Revenue” section in this report.)
- *Reorganization of the Former Minerals Management Service*, especially the appropriate level of funding for successor entities 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/Office of Natural Resources Revenue” 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 section in this report on “Title II: Environmental Protection Agency.”)
- *U.S. Geological Survey Realignment*, particularly whether to implement a proposed restructuring of science programs to correspond with interdisciplinary themes, such as ecosystems. (For more information, see the “U.S. Geological Survey” section in this report.)

FY2004-FY2011

Table 1 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.¹¹

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

¹¹ These calculations use the Congressional Budget Office’s inflation estimate of 0.9% for 2010 and projection of 0.9% for 2011.

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	
7/7/11	—	7/19/11	—	—	—	—	—	—	—

Title I: Department of the Interior

Bureau of Land Management¹²

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 House Appropriations Committee reported a bill with \$1.05 billion for BLM, a \$59.8 million (5%) reduction from the FY2011 appropriation (\$1.11 billion) and \$60.7 million (5%) less than the Administration's FY2012 request (\$1.11 billion). **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	FY2012 House Committee Report
Management of Lands and Resources	950.8	919.5	903.9
Construction	4.6	3.6	3.6
Land Acquisition	22.0	50.0	4.9
Oregon and California Grant Lands	111.3	112.0	112.0
Range Improvements	10.0	10.0	10.0
Service Charges, Deposits, and Forfeitures ^a	0	0	0
Miscellaneous Trust Funds and Permanent Operating Funds	15.2	19.7	19.7
Total Appropriations	1,113.9	1,114.8	1,054.1

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

¹² For more information on BLM funding, contact Carol Hardy Vincent at 7-8651.

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 House Appropriations Committee recommended \$903.9 million, a \$46.9 million decrease from the FY2011 appropriation (\$950.8 million) and \$15.6 million less than the Administration's request for FY2012 (\$919.5 million).

House committee-approved funding levels for several key programs and accounts are provided below, in comparison with the FY2011 appropriation and the Administration's request for FY2012.¹³ Further, the House committee bill contained funding limitations and legislative provisions affecting BLM programs, some of which also are identified below.

- Range management, which focuses on livestock grazing on 158 million acres of BLM land, would receive \$87.5 million, an increase of \$10.6 million over the FY2011 appropriation and \$15.9 million over the Administration's request. The House committee referred to the program as "significantly underfunded in the past," and noted an increasing cost to BLM of grazing-related litigation. Further, a provision of the House committee bill would continue the automatic renewal of grazing permits and leases that expire (or are transferred or waived) until the permit renewal process is completed under applicable laws and regulations, including any necessary environmental analyses.
- Cultural resource management would receive \$16.1 million, a \$0.7 million decrease from FY2011 and a \$9.5 million decrease from the Administration's request. The Administration had sought the increase to enhance the preservation and protection of cultural, historical, and paleontological resources. Some of the requested increase was 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 be appropriated at \$67.6 million, \$1.2 million below FY2011 and \$9.2 million less than the Administration's request. The Administration's proposed increase was intended primarily for interpretation, visitor services, managing off-highway vehicles, and developing and implementing travel management plans. The House committee expressed that the current budget situation does not allow for the requested increase.
- The Alaska land conveyance program would receive \$16.6 million as requested by the President. This would be a decline of \$12.5 million from FY2011, 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.
- For energy and minerals management, \$112.8 million was recommended. This would be an increase of \$22.3 million from the FY2011 level and \$38.0 million from the FY2012 request. The overall increase in appropriations would result

¹³ Information in this section on the committee's recommended appropriations for programs and activities within the Management of Lands and Resources Account is derived in part from H.Rept. 112-151 on H.R. 2584, pp. 18-21.

from several changes, including increased funding for oil and gas management and differences between FY2011 and FY2012 in the expected amount of collections from fees for processing applications for permits to drill. Also, the House Appropriations Committee did not accept the President's proposal to shift the cost of oil and gas inspections from appropriations to a proposed industry inspection fee. Further, the House committee bill included a provision to prevent about a million acres of BLM and Forest Service land in Arizona near the Grand Canyon from being withdrawn from development under the General Mining Law of 1872 except as authorized by law. The Secretary of the Interior has withdrawn the lands from new development under that law due to concerns about the potential impact of uranium mining on the Grand Canyon watershed. BLM is preparing an environmental impact statement on the withdrawal.¹⁴

- The National Landscape Conservation System would receive a base appropriation of \$20.0 million, a reduction of \$11.9 million from the FY2011 appropriation and \$19.3 million from the Administration's FY2012 request. This system receives funding from other BLM programs; the total recommended by the House committee was not specified. Established legislatively in 2009, the system consists of BLM's protected areas, including BLM wilderness, national monuments, and national conservation areas. In addition, the House committee bill would continue to prohibit the use of funds from being used to implement an order of the Secretary of the Interior (No. 3310) pertaining to the protection of wilderness characteristics of BLM lands.¹⁵
- For wild horse and burro management, \$64.0 million was approved. This was \$11.8 million less than the FY2011 appropriation and \$11.0 million less than the Administration's request. 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. Among other concerns with the BLM wild horse and burro program, the House committee expressed that it was "deeply troubled" by the BLM's reduced emphasis on wild horse and burro gathers and removals from the range, and that accordingly less money was provided for the fewer removals planned. The House committee's bill retained the prohibition 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. The bill also contained a provision to allow the Secretary of the Interior to enter into cooperative agreements with nonprofit organizations and other entities for the care of wild horses and burros on private lands.

Construction

For BLM Construction in FY2012, the House committee bill contained \$3.6 million. This would be a decline of \$1.0 million from the FY2011 level of \$4.6 million, but equal to the Administration's request. Of the request, \$1.1 million was intended for the disposal of 64 assets

¹⁴ For information on the development of the environmental impact statement, see the BLM website at <http://www.blm.gov/az/st/en/prog/mining/timeout.html>.

¹⁵ For more information, see CRS Report R41610, *Wilderness: Legislation and Issues in the 112th Congress*, by Ross W. Gorte, Kristina Alexander, and Sandra L. Johnson.

(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 level in the House committee bill 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 House Appropriations Committee approved \$4.9 million, a decrease of \$17.1 million from the FY2011 level (\$22.0 million) and \$45.1 million from the Administration's request (\$50.0 million). 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 "Land and Water Conservation Fund (LWCF)" section of this report.)

Fish and Wildlife Service¹⁶

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 House Appropriations Committee approved \$1.19 billion, down \$310.6 million (21%) from the FY2011 level of \$1.50 billion. All accounts were reduced relative to FY2011 levels. The House committee bill also was a reduction of \$502.1 million (30%) from the Administration's request of \$1.69 billion for FY2012. See **Table 4**.

By far the largest portion of the FWS annual appropriation is the Resource Management account, for which the House committee approved \$1.10 billion for FY2012. The Administration requested \$1.27 billion for FY2012, while the FY2011 appropriation was \$1.24 billion. The account includes the Endangered Species program, the Refuge System, Law Enforcement, Fisheries, and Cooperative Landscape Conservation and Adaptive Science Capacity. Selected accounts and programs are discussed below.

¹⁶ For more information on FWS funding, contact M. Lynne Corn at 7-7267. In addition, more detail on FWS appropriations and a discussion of FWS policy issues that arise in an appropriations context are included in CRS Report R41928, *Fish and Wildlife Service: FY2012 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	FY2012 House committee Report
Resource Management	1,244.9	1,271.9	1,099.1
—Endangered Species	175.4	182.7	138.7
—Habitat Conservation	112.5	118.4	78.4
—Environmental Contaminants	13.3	13.8	11.8
—National Wildlife Refuge System	492.1	502.9	455.3
—Migratory Birds, Law Enforcement, and International Conservation	128.2	130.0	122.0
—Fisheries and Aquatic Resource Conservation	138.9	136.0	128.3
—Cooperative Landscape Conservation and Adaptive Science	31.0	37.5	20.0
—General operations	153.4	150.5	144.4
Construction	20.8	23.1	11.8
Land Acquisition	54.9	140.0	15.0
Landowner Incentive Program (cancellation of prior year balances)	-4.9	0	0
Cooperative Endangered Species Conservation Fund	59.9	100.0	2.9
National Wildlife Refuge Fund	14.5	0	14.0
North American Wetlands Conservation Fund	37.4	50.0	20.0
Neotropical Migratory Bird Conservation Fund	4.0	5.0	0
Multinational Species Conservation Fund	10.0	9.8	7.9
State & Tribal Wildlife Grants	61.9	95.0	22.0
Total Appropriations	1,503.2	1,694.7	1,192.6

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. The House committee approved \$138.7 million, down \$36.7 million from the FY2011 appropriation of \$175.4 million. The Administration request was \$182.7 million. The committee expressed concern about the absence of a reauthorization for the ESA, and provided statistics on the low rate for recovery of listed species as evidence that the Endangered Species Act (ESA) has failed.¹⁷ Other observers hold that

¹⁷ H.Rept. 112-151 on H.R. 2584, pp. 9-10.

the continued existence of listed species in the face of mounting habitat loss and other perils is a more suitable measure of the act's success than recovery rates.¹⁸

The House committee eliminated funds for listing¹⁹ new species under the ESA, as well as for designation of new critical habitat for those on the list. The committee also limited judicial review of any future efforts to delist certain populations of gray wolves.²⁰ Elimination of funding would mean that fewer new species would receive the act's protections. Without conservation measures, species currently in decline could be expected to continue to decline. If the proposed funding restriction on listing new species or designating new critical habitat were eventually lifted, then the task of recovering the species could be more difficult due to a smaller population base or to less available habitat than if they had been listed earlier.

The committee also proposed an \$8.4 million reduction in the consultation program from the FY2011 level of \$61.9 million, to \$53.5 million. Federal agencies wishing to consult with FWS on potential effects of their actions on listed species may face delay in obtaining biological opinions about those effects. Their actions could be delayed or face citizen suits under ESA.

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 committee approved \$2.9 million, down \$57.0 million from the FY2011 appropriation of \$59.9 million. The FY2012 request was \$100.0 million.

National Wildlife Refuge System (NWRS)

The committee approved \$455.3 million for the Refuge System, down \$36.8 million from the FY2011 appropriation of \$492.1 million. The Administration request was \$502.9 million. The largest reduction relative to FY2011 (\$27.1 million) was in wildlife and habitat management.

Fisheries and Aquatic Resource Conservation

The committee approved \$128.3 million for Fisheries and Aquatic Resource Conservation, a decrease of \$10.6 million from the FY2011 level of \$138.9 million. The Administration proposed \$136.0 million. The Administration proposed a reduction of \$6.1 million in National Fish Hatchery System operations, while the House committee approved a decrease of \$2.7 million from the FY2011 level of \$48.9 million. The committee's figure would be a decrease of 6% from FY2011 and of 15% 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—for example, Army Corps of Engineers (\$4.7 million), Tennessee Valley Authority (\$835,000), Bonneville

¹⁸ For a discussion of measures of success under ESA, see CRS Report RL31654, *The Endangered Species Act: A Primer*, by M. Lynne Corn, Kristina Alexander, and Eugene H. Buck.

¹⁹ "Listing" refers to the addition of new species to the list of species protected under ESA.

²⁰ For details on the Endangered Species program budget, including the bill's Section 119 limiting judicial review concerning wolves, and implications of cuts in funds for consultation under Section 7 of the Endangered Species Act, see CRS Report R41928, *Fish and Wildlife Service: FY2012 Appropriations and Policy*, by M. Lynne Corn. For further discussion of funding restrictions on actions under the ESA, see CRS Report RL31654, *The Endangered Species Act: A Primer*, by M. Lynne Corn, Kristina Alexander, and Eugene H. Buck.

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). The committee noted its understanding of an agreement between FWS and the Corps of Engineers,²¹ and directed FWS to seek further agreements with other agencies.²²

Cooperative Landscape Conservation and Adaptive Science²³

The House Appropriations Committee approved \$20.0 million for Cooperative Landscape Conservation and Adaptive Science, down \$11.0 million from the FY2011 level of \$31.0 million. The Administration proposed \$37.5 million. The committee noted its concern that FWS programs for partners overlap excessively and seem unfocused. The committee recommended that programs for adaptive science partnerships be limited, more focused, and combined with other specified existing programs.²⁴ Part of the current 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.²⁵

Land Acquisition

The House committee provided \$15.0 million for land acquisition by the FWS, a reduction of \$39.8 million from the FY2011 appropriation of \$54.9 million. The amount was to be allocated to acquisition only in certain limited circumstances. The Administration request for FY2012 was \$140.0 million. This program is funded with annual appropriations from the Land and Water Conservation Fund. (For more information, see "Land and Water Conservation fund.")²⁶

²¹ On July 15, 2011, the House passed H.R. 2354, Energy and Water Development Appropriations for FY2012; its Section 107 provided that "[t]he Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$3,800,000 of funds provided in this title under the heading 'Operation and Maintenance' to mitigate for fisheries lost due to Corps of Engineers projects."

²² H.Rept. 112-151 on H.R. 2584, p. 25.

²³ This program was previously called Climate Change Planning and Adaptive Science Capacity.

²⁴ H.Rept. 112-151 on H.R. 2584, pp. 25-26.

²⁵ *FY2012 FWS Budget Justification*, p. LCC-1.

²⁶ 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.

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.²⁷ Receipts have not been sufficient for full funding at authorized levels for many years, 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 to pay each county 30% of the authorized level. The Administration requested no funding for the program in FY2012; it 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 would likely oppose the loss of funding. The House committee rejected the elimination of funding, and instead approved \$14.0 million, down \$0.5 million from the FY2011 appropriation.

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 House Appropriations Committee approved \$7.9 million, a decrease of \$2.1 million from the FY2011 appropriation of \$10.0 million. The FY2012 request was \$9.8 million. For the Neotropical Migratory Bird Conservation Fund, the House committee recommended no funding. The FY2012 request was \$5.0 million; the FY2011 law contained \$4.0 million.²⁸

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 committee approved \$22.0 million, a decrease of \$39.9 million from the FY2011 appropriation of \$61.9 million. The FY2012 request was \$95.0 million. A portion of the funding is set aside for competitive grants to tribal governments or tribal wildlife agencies. The tribal program would decrease from \$7.0 million in FY2011 to \$2.0 million in FY2012 under the House committee bill.

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

²⁷ 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. FWS lands that are reserved from the public domain are eligible for this program; acquired lands are not. For further information, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.

²⁸ For more information on the funds, see CRS Report RS21157, *International Species Conservation Funds*, by Pervaze A. Sheikh and M. Lynne Corn.

program to 21%. The House committee chose the opposite approach, eliminating competitive grants and allocating the remaining \$20.0 million of the appropriation to state formula grants. The House committee bill limited the federal share of all grants under the program to 50%.

National Park Service²⁹

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 House Appropriations Committee approved \$2.48 billion for the NPS, a decrease of \$131.7 million (5%) from the FY2011 appropriation (\$2.61 billion) and \$412.1 million (14%) from the Administration’s FY2012 request (\$2.89 billion). Much of the decrease from the FY2011 enacted level would come from the Land Acquisition and State Assistance account and the Construction account, as detailed below. **Table 5** provides the appropriations for NPS by account, and several of the major accounts and programs are discussed below.

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

National Park Service	FY2011 Approp.	FY2012 Request	FY2012 House Committee Report
Operation of the National Park System	2,250.1	2,296.9	2,240.2
—Park Management	2,083.6	2,127.7	2,073.7
—Administrative Costs	166.5	169.2	166.5
National Recreation and Preservation	57.9	51.6	49.4
Historic Preservation Fund	54.4	61.0	49.5
Construction	184.6 ^a	152.1	152.1
Land and Water Conservation Fund ^b	-30.0	-30.0	-30.0
Land Acquisition and State Assistance	94.8	360.0	18.3
—Assistance to States	39.9	200.0	2.8
—NPS Acquisition	54.9	160.0	15.5
Rescission	0.6	0	0
Total Appropriations	2,611.1	2,891.6	2,479.4

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

b. Figures reflect a rescission of contract authority.

²⁹ 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.

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 House Appropriations Committee approved \$2.24 billion for FY2012, a decrease of \$9.9 million from the FY2011 appropriation (\$2.25 billion) and \$56.7 million from the Administration's request (\$2.30 billion). The House committee recommended funding at the FY2011 level for four of the five park management activities in this account: visitor services, park protection, facility operations and maintenance, and park support. However, the committee approved a decrease of \$9.9 million for the resource stewardship activity, specifically for climate change-related activities. The committee identified a need for coordination of climate change activities and funding within DOI.³⁰

The Administration sought increases over FY2011 for all five of the park management activities in this account. They included 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.

National Recreation and Preservation

For the National Recreation and Preservation (NR&P) account for FY2012, the House Appropriations Committee recommended \$49.4 million, an \$8.5 million decrease from the FY2011 appropriation (\$57.9 million) and \$2.2 million less than the Administration's request (\$51.6 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.

With one exception, the House committee supported funding for programs within this account essentially at the FY2011 levels. For the heritage partnership programs, the committee agreed with the Administration's request to reduce funding to \$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.³¹ The focus of FY2012 funds would be on supporting new areas, for instance, in their development of management plans.³² The House Appropriations Committee directed heritage areas to move expeditiously towards developing plans for long-term self-sustainability.³³

³⁰ H.Rept. 112-151 on H.R. 2584, p. 30.

³¹ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2012*, pp. NR&P-56.

³² For information on NHA establishment, management, and legislation, see CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*, by Carol Hardy Vincent.

³³ H.Rept. 112-151 on H.R. 2584, p. 34.

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 House Appropriations Committee recommended \$49.5 million for the HPF, a reduction of \$4.9 million from the FY2011 appropriation (\$54.4 million) and \$11.5 million from the Administration's request (\$61.0 million). The House Appropriations Committee expressed support for the work of state and tribal historic preservation offices in protecting "irreplaceable historic and archaeological resources" and noted great demand for funding for program needs. However, the committee asserted that the growth of funding in recent years for these historic preservation efforts can not be sustained.³⁴

Construction

For NPS Construction for FY2012, the House Appropriations Committee supported the Administration's request of \$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 House Appropriations Committee recommended \$18.3 million for Land Acquisition and State Assistance. This would be a decrease of \$76.5 million from the FY2011 appropriation (\$94.8 million) and \$341.7 million less than the Administration's request (\$360.0 million). The committee included reductions for both components of the program. For land acquisition, the committee approved \$15.5 million, as compared with \$54.9 million in FY2011. Land acquisition funds are used to acquire lands, or interests in lands, for inclusion within the National Park System. For grants to states, the committee provided \$2.8 million for the

³⁴ Ibid., p. 34.

administration of existing grants, as compared with \$39.9 million in FY2011 for both new and existing grants. 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.

By contrast, the Administration sought \$360.0 million for Land Acquisition and State Assistance, nearly four times the FY2011 appropriation. Relatively large increases over FY2011 were requested for both components of the program—an increase of \$160.1 million for state assistance and \$105.1 million for land acquisition. 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. (For more information, see the “Land and Water Conservation Fund (LWCF).”)

U.S. Geological Survey³⁵

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 themes³⁶ related to those outlined in the USGS 2007-2017 strategic plan,³⁷ a shift from an alignment based primarily on the traditional disciplinary fields of geology, biology, geography, and hydrology, together with two themes: global climate 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 House Appropriations Committee expressed its approval of the budget realignment, yet rejected the creation of the National Land Imaging Program as a new account.

The House Appropriations Committee approved a total of \$1.05 billion for the USGS for FY2012. This would be a decrease of \$64.3 million (6%) from the President’s request of \$1.12 billion for FY2012, and a \$30.1 million decrease (3%) from the FY2011 enacted level of \$1.08 billion (see **Table 6**). The President’s request for USGS was in two accounts, Surveys, Investigations, and Research; and National Land Imaging. The House Appropriations Committee approved \$1.05 billion for the Surveys, Investigations, and Research account, a decrease of \$30.1 million from the FY2011 enacted level and an increase of \$35.5 million from the President’s FY2012 request. The overall decrease in the House Appropriations Committee’s approved amount, relative to the Administration’s request, was largely due to the rejection of the National Land Imaging account. However, some funding for this activity was included in other USGS programs listed in the Surveys, Investigations, and Research Account.

³⁵ For more information on USGS funding, contact Pervaze A. Sheikh at 7-6070.

³⁶ Hereinafter these “themes” are referred to as programs.

³⁷ 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*.

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

U.S. Geological Survey	FY2011 Approp.	FY2012 Request	FY2012 House Committee Report
Surveys, Investigations, and Research	1,083.7	1,018.0	1,053.6
—Ecosystems	160.8	166.4	150.1
—Climate and Land Use Change	138.1	106.4	125.9
—Climate Variability	64.3	72.9	40.6
—Land Use Change	73.8	33.5	85.3
—Energy, Minerals, and Environmental Health	99.9	88.5	99.9
—Natural Hazards	136.0	133.9	136.0
—Water Resources	212.4	199.6	217.5
—Core Science Systems	113.0	105.9	109.2
—Administration and Enterprise Information	118.6	116.6	114.2
—Facilities	104.7	100.8	100.8
National Land Imaging ^a	n/a	99.8	0.0
Total Appropriations	1,083.7	1,117.9	1,053.6

a. The Administration's FY2012 request proposed a transfer of activities to a new National Land Imaging account.

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 House Appropriations Committee did not detail funding for these DOI-wide initiatives in the bill or report language. 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.

The House Appropriations Committee approved a total of \$150.1 million for the Ecosystems program for FY2012. This would be a \$16.3 million decrease from the President's request for FY2012 (\$166.4 million) and a \$10.7 million decrease from the FY2011 enacted level (\$160.8 million). Relative to the FY2012 requested levels, the House committee provided decreases for five of the six subprograms and level funding for the fisheries subprogram. The committee expressed support for research on endocrine-disrupting chemicals affecting fish and wildlife.³⁸

Under the Administration's request for Ecosystems, 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 House Appropriations Committee approved a total of \$125.9 million for the Climate and Land Use Change program for FY2012. This would be a \$19.5 million increase from the President's request for FY2012 (\$106.4 million) and a \$12.2 million decrease from the FY2011 enacted level (\$138.1 million).

The House committee approved \$85.3 million for the Land Use Change subprogram under USGS for FY2012. This was an increase of \$51.8 million over the budget request for FY2012 and \$11.5 million over the FY2011 enacted level. The increase over the request reflected the inclusion of some funding that was requested for the National Land Imaging account, which was not funded by the committee. Additional funding over the request was expected to support the LandSat program beyond LandSat 8. The committee also urged the Administration to submit a FY2013 request that does not offset increases for LandSat with decreases elsewhere in the USGS budget.³⁹

The House committee approved \$40.6 million for the Climate Variability subprogram, \$23.7 million below the FY2011 enacted level and \$32.3 million below the Administration's request. The decreases to the Administration's request approved by the committee included a \$9.1 million decrease from research and development, a \$14.3 million decrease from carbon sequestration work, and the elimination of science support for DOI bureaus from this subprogram (a decrease of \$8.9 million). It is unclear if these decreases in funding will affect the deployment of the climate science centers.

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

³⁸ H.Rept. 112-151 on H.R. 2584, p. 36.

³⁹ *Ibid.*, p. 37.

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 stakeholders.

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. 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 House Appropriations Committee approved a total of \$99.9 million for the Energy, Minerals, and Environmental Health program for FY2012. This would be an \$11.4 million increase over the President's request for FY2012 (\$88.5) and equal to the FY2011 enacted level. The committee restored proposed cuts by the Administration to all four subprograms.

The major reduction for this program under the Administration's request (\$8.0 million) was for mineral resource assessments, which provide information on mineral potential in the United States. This reduction was 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.⁴⁰

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.

The House Appropriations Committee approved a total of \$136.0 million for the Natural Hazards program for FY2012. This would be a \$2.1 million increase from the President's request for FY2012 (\$133.9 million) and equal to the FY2011 enacted level.

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

⁴⁰ 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.

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.⁴¹ 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 Administration proposed funding levels for these subprograms that were slightly less than their FY2011 enacted levels, while the House Appropriations Committee supported increases to \$30.0 million and \$65.6 million respectively.

The House Appropriations Committee approved a total of \$217.5 million for the Water Resources program for FY2012. This would be a \$17.9 million increase from the President's request for FY2012 (\$199.6 million) and a \$5.1 million increase from the FY2011 enacted level (\$212.4 million). The committee restored funding to some water programs and provided increases to some water programs compared to their FY2011 enacted level.

The House Appropriations Committee provided \$6.5 million for the Water Resources Research Act Program, essentially level with the FY2011 enacted level. The Administration had proposed eliminating this program, which provides funding for 54 Water Resources Research Institutes around the country for applied research projects. The House Appropriations Committee also proposed level funding (\$64.2 million) for the National Water Quality Assessment, which the Administration had proposed to reduce by \$6.7 million. 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 House Appropriations Committee approved a total of \$109.2 million for the Core Science Systems program for FY2012. This would be a \$3.3 million increase from the President's request for FY2012 (\$105.9 million) and a \$3.8 million decrease from the FY2011 enacted level (\$113.0 million). The House Appropriations Committee agreed with the Administration's request of \$15.1 million for the biological information management and delivery subprogram, a decrease of \$3.5 million from the FY2011 level. As part of the request, the Administration had sought to 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.⁴²

⁴¹ *USGS 2007-2017 Strategic Plan*, p. 48.

⁴² Overall, Biological Information Management and Delivery would be funded at \$15.1 million in FY2012, a decrease (continued...)

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 House Appropriations Committee approved a total of \$114.2 million for the Administration and Enterprise Information program for FY2012, a \$2.4 million decrease from the President's request for FY2012 (\$116.6 million) and a \$4.5 million decrease from the FY2011 enacted level (\$118.7 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. The House Appropriations Committee approved a total of \$100.8 million for the Facilities program for FY2012. This would be similar to the President's request for FY2012 and a \$3.9 million decrease from the FY2011 enacted level (\$104.7 million).

National Land Imaging

The Administration's proposal to establish a National Land Imaging account was not accepted by the House Appropriations Committee. The committee expressed that Landsat and related activities should continue to be funded under the Surveys, Investigations, and Research account.

The Administration proposed the National Land Imaging program as a 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.

The House Appropriations Committee did not support the Administration's proposal to consolidate responsibilities for the Landsat program within the USGS. Currently, responsibilities are shared between the National Aeronautics and Space Administration (NASA) and the USGS. The committee rejected the proposal in part on the grounds that there was no corresponding proposed transfer of funding from NASA and program costs are expected to increase substantially in the next couple of years.⁴³

(...continued)

of \$3.5 million from its FY2011 funding level of \$18.6 million. The National Biological Information Infrastructure is a part of this activity.

⁴³ House Committee on Appropriations, *Chairman Simpson's Full Committee Opening Remarks on FY 2012 Interior-Environment Appropriations*, July 12, 2012, at <http://appropriations.house.gov/News/DocumentSingle.aspx?DocumentID=251658>.

Bureau of Ocean Energy Management, Regulation, and Enforcement/Office of Natural Resources Revenue⁴⁴

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). The transition to the new framework was completed on October 1, 2011. Each of the three new entities has a director who is under the supervision of an assistant secretary.⁴⁵

BOEM manages development of the nation's offshore resources, including administering offshore leasing, conducting environmental and economic analyses, and preparing resource evaluations. BSEE enforces safety and environmental regulations. Functions include offshore regulatory programs, research, and oil spill response. Field operations include permitting, inspections, and environmental compliance. ONRR was 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.

Prior to the establishment of BOEM and BSEE, the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) temporarily handled the activities now being performed by BOEM and BSEE. Further, the Administration requested FY2012 appropriations for BOEMRE and ONRR, and Congress has been considering these proposals. Thus, for the purposes of this discussion, functions formerly performed by MMS are referred to as BOEMRE or ONRR functions, and proposed appropriations are discussed in the context of BOEMRE and ONRR.⁴⁶

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 ONRR⁴⁷ 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.

⁴⁴ For more information on BOEMRE funding, contact Marc Humphries at 7-7264.

⁴⁵ 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>, and in a September 30, 2011, DOI news release on the DOI website, at <http://www.doi.gov/news/pressreleases/Interior-Department-Completes-Reorganization-of-the-Former-MMS.cfm>.

⁴⁶ On August 8, 2011, the Department of the Interior submitted to the House and Senate Appropriations Committees a proposed reprogramming indicating how funds for BOEMRE in the President's budget request would be allocated between BOEM and BSEE.

⁴⁷ As noted above, the former MMS is being referred to here and elsewhere as ONRR or BOEMRE, as appropriate.

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 House Appropriations Committee approved an FY2012 gross funding level of \$433.1 million for both BOEMRE (\$323.7 million) and ONRR (\$109.4 million). The committee supported use of receipts and other fees at \$170.2 million. The House committee did not agree with the Administration's request to collect an additional \$52.0 million in inspection fees but, rather, supported the FY2011 level of \$10.0 million. The net amount supported by the House Appropriations Committee for both BOEMRE and ONRR would be \$262.9 million.

The Administration's FY2012 gross funding level of \$478.0 million for both BOEMRE (\$358.4 million) and ONRR (\$119.6 million)⁴⁸ was higher than the level recommended by the House Appropriations Committee. 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 House committee's net level (\$262.9 million) was \$7.1 million higher than the Administration's request.

The FY2011 gross funding for BOEMRE/ONRR was lower than the recommendation of the House committee. The FY2011 gross level 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.⁴⁹ For FY2011, net funding for BOEMRE/ONRR was \$225.7 million. The House committee's net level (\$262.9 million) was \$37.1 million higher than the FY2011 net level.

For offshore energy and minerals management for FY2012, the House Appropriations Committee approved \$262.3 million, \$29.9 million more than FY2011 (\$232.5 million) and \$34.7 million less than the FY2012 request (\$297.0 million). Most of the committee's increase over FY2011 was for the regulatory program, while the leasing and environmental program also would increase. The committee would reduce the renewable energy program by \$1.8 million from FY2011, to a level of \$21.4 million. 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.

⁴⁸ 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 the Administration's request and House Appropriations Committee recommendation for FY2012, reflect a \$42.0 million cost-share deduction (a deduction from the states share of royalty receipts).

⁴⁹ 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	FY2012 House Committee Report
Ocean Energy Management			
—Offshore Energy and Minerals Management	232.5	297.0	262.3
—Renewable Energy	23.2	23.1	21.4
—Leasing and Environmental Program	65.4	75.4	75.4
—Resource Evaluation	35.1	34.7	34.7
—Regulatory Program	88.4	143.3	110.3
—Information Management Program	20.5	20.5	20.5
—Royalty Management ^a	109.4	n/a	n/a
—General Administration	62.1	46.4	46.4
Total (Gross)	403.9	343.4	308.8
—Use of Receipts and Cost Recovery Fees	-154.9	-160.2	-160.2
—Inspection Fees	-10.0	-62.0	-10.0
Total, Ocean Energy Management	239.0	121.3	138.6
Oil Spill Research	11.7	14.9	14.9
OCS Connect (Rescission)	-25.0	0	0
Total Appropriations	225.7	136.2	153.5

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	FY2012 House Committee Report
Compliance and Asset Management ^a	n/a	77.2	n/a
Revenue and Operations ^a	n/a	42.4	n/a
Total Appropriations	n/a	119.6	109.4

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

The total FY2012 request for ONNR 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. The committee recommendation for these two major programs was not specified.

The House Appropriations Committee did not support two Administration proposals to increase fees. 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 House committee expressed concern over delays in issuing OCS exploration and development permits, and encouraged BOEMRE to issue permits in a timely and consistent manner while ensuring safety and environmental protection.⁵⁰

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.⁵¹ 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

⁵⁰ H.Rept. 112-151, on H.R. 2584, p. 39.

⁵¹ 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.

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

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.⁵²

Royalty Relief

Royalty relief for OCS oil and gas producers has been debated during consideration of Interior appropriations bills.⁵³ 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.⁵⁴ 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.⁵⁵ 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).⁵⁶ 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.⁵⁷ 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

⁵² For more information on the spill, see CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background and Governance*, by Jonathan L. Ramseur.

⁵³ 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.

⁵⁴ The report is on the DOI website at <http://www.doi.gov/upload/MMS%20ROI%20REDACTED.pdf>.

⁵⁵ *Kerr-McGee v. Allred*, No. 2:06 CV 0439, 2007 WL 3231634 (W.D. La. October 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.

⁵⁶ *Kerr-McGee Oil & Gas Corp. v. U.S. Dep't of Interior*, 554 F.3d 1082 (5th Cir. 2009).

⁵⁷ 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.

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.⁵⁸

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 2007.⁵⁹ GAO issued a report on September 26, 2008, concluding that the RIK Program could be improved.⁶⁰ After review of the RIK program, the Secretary of the Interior announced its "phased-in termination."⁶¹ ONRR's FY2012 request reflected its plan to continue phasing out the RIK program.

Office of Surface Mining Reclamation and Enforcement⁶²

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) Fund⁶³ 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.⁶⁴ Other activities

⁵⁸ Data received from ONRR, Public Affairs Office, March 28, 2011.

⁵⁹ 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.

⁶⁰ 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.

⁶¹ 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.

⁶² For more information on OSM funding, contact Marc Humphries at 7-7264.

⁶³ AML is the acronym for abandoned mine lands.

⁶⁴ The mandatory appropriation has a ceiling of \$490 million annually. If demands on that money exceed the cap, (continued...)

exclusively receive annual appropriations. Among these are the expenses of federal AML programs in states with no OSM-approved reclamation programs, an emergency reclamation program, OSM administrative expenses, and the clean streams program.

The addition of mandatory appropriations addressed the contention 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 2009.⁶⁵ 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 House Appropriations Committee would fund OSM programs at \$150.5 million for FY2012. This would be a decrease of \$12.1 million (7%) from FY2011 (\$162.5 million) but an increase of \$4.6 million (3%) over the Administration’s request for FY2012 (\$145.9 million). 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. The House committee rejected the proposal by the Administration to increase fees on the coal industry, on the grounds that the bill provides sufficient funds for states to operate regulatory programs. The committee also did not support the Administration’s proposal to increase federal oversight of state regulatory programs, asserting that these programs “do not need enhanced Federal oversight to ensure continued implementation of a protective regulatory framework.”⁶⁶

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. The House Appropriations Committee did not address this issue directly in its bill or report.

(...continued)

distributions will be proportional.

⁶⁵ See <http://www.osm.gov/topic/grants/docs/2010/FY10GrantDist.pdf>.

⁶⁶ H.Rept. 112-151 on H.R. 2584, p. 41.

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	FY2012 House Committee Report
Regulation and Technology	127.0	118.5	123.1
—Environmental Protection	94.6	87.4	92.0
Abandoned Mine Reclamation Fund	35.5	27.4	27.4
—Environmental Restoration	15.0	9.5	9.5
Total Appropriations	162.5	145.9	150.5

The Administration proposed \$27.4 million for the AML Fund, a decrease of \$8.1 million from FY2011 appropriations (\$35.5 million). A proposed decrease of \$6.9 million, within the total decrease for the AML Fund, reflected the expectation of the Administration that mandatory appropriations would cover the costs of state and tribal emergency grants and federally managed emergency projects.⁶⁷ The House Appropriations Committee supported the Administration's requested level for the AML Fund.

Bureau of Indian Affairs⁶⁸

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.⁶⁹ BIE appropriations remain within DOI's Indian Affairs appropriations.

For FY2012, the House Appropriations Committee recommended \$2.53 billion for BIA, \$29.0 million (1%) more than the Administration requested for FY2012 (\$2.50 billion) and \$64.4 million (2%) below FY2011 appropriations (\$2.59 billion). **Table 10** presents appropriations enacted for FY2011 and requested and recommended for FY2012. The text discusses specific recommendations for selected topics within BIA appropriations.

⁶⁷ 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.

⁶⁸ 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.

⁶⁹ 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).

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	FY2012 House Committee Report
Operation of Indian Programs	2,329.8	2,359.7	2,333.7
—Tribal Government	509.6	497.1	518.7
—Human Services	136.6	137.8	136.1
—Trust - Natural Resources Management	156.1	162.3	157.4
—Trust - Real Estate Services	145.8	125.5	122.6
—Education (Bureau of Indian Education, BIE)	752.7	795.6	769.5
—Elementary and Secondary Programs (Forward Funded)	520.0	526.1	520.0
—Post Secondary Programs (Forward Funded)	64.2	64.3	64.3
—Elementary and Secondary Programs ^a	76.9	122.7	102.7
—Post Secondary Programs	61.6	60.4	60.4
—Education Management	29.9	22.0	22.0
—Public Safety and Justice	334.1	354.7	342.7
—Law Enforcement	305.9	330.4	318.4
—Tribal Courts	27.1	23.4	23.4
—Community and Economic Development	36.9	34.9	34.9
—Executive Direction and Administrative Services	258.1	251.9	251.9
Construction	209.6	105.0	155.0
—Education ^a	140.5	52.1	102.1
—Public Safety and Justice	17.9	11.3	11.3
—Resources Management	42.1	33.0	33.0
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians	46.4	32.9	32.9
Indian Guaranteed Loan Program Account	8.2	3.1	8.1
Indian Land Consolidation Account	0	0	0
Total Appropriations	2,594.0	2,500.7	2,529.7

- 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.⁷⁰ 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 General report.⁷¹ 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)⁷² 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."⁷³ 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.

The House Appropriations Committee recommended \$342.7 million for public safety and justice in Indian country. This amount would be \$12.0 million less than the Administration's FY2012 request (\$354.7 million) but \$8.6 million more than the FY2011 enacted amount (\$334.1 million). The committee-reported amount for public safety and justice included \$318.4 million for law enforcement, which would be \$12.0 million less than the Administration's request but \$12.5 million more than the FY2011 enacted amount. The Administration sought \$330.4 million 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. The House Appropriations Committee also recommended \$23.4 million for tribal courts, the same as the Administration's request but \$3.6 million less than the FY2011 enacted amount.

⁷⁰ 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.

⁷¹ 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, September 2004, <http://www.doi.gov/images/stories/reports/pdf/IndianCountryDetentionFinal%20Report.pdf>.

⁷² P.L. 111-211.

⁷³ 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*.

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 House Appropriations Committee approved a total of \$769.5 million for the BIE for FY2012. This would be a \$26.1 million decrease from the President's request for FY2012 (\$795.6 million) and a \$16.8 million increase from the FY2011 enacted level (\$752.7 million). The decrease from the President's request is attributed to lower elementary and secondary education funding. The majority of the increase in the President's request over the FY2011 level was due to transferring \$50.7 million for elementary and secondary school facilities maintenance from the Construction account to the elementary and secondary education subactivities. The House Appropriations Committee did not specify how much of the increase in elementary and secondary education funding compared to FY2011 was the result of transferring facilities maintenance funding to this account. However, total funding for the forward-funded programs was level with FY2011. 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 House Appropriations Committee maintained the President's request (\$22.0 million) for education management costs in FY2012, reducing education management costs by \$7.9 million from the \$29.9 million appropriated for FY2011. The President's request proposed eliminating non-critical FTEs and inefficient practices, according to the agency.⁷⁴ 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 (\$43.4 million) provided 62% of tribal grant support costs.⁷⁵ The House Appropriations Committee supported the Administration's request of \$46.4 million for tribal grant support costs, which would increase funding to 65% of tribal grant support costs. This was essentially level with the FY2011 appropriation (\$46.3 million). The House Appropriations Committee also set aside \$500,000 of these costs for grantees that begin operation of BIE-funded schools on or after July 1, 2011. Three BIE-operated schools are expected to become tribally operated in FY2012.

The House Appropriations Committee directed the BIE, in coordination with the Department of Education, to count the number of students eligible for (participating in) the Johnson O'Malley (JOM) program.⁷⁶ The JOM program provides supplementary financial assistance, through contracts, to meet the unique and specialized educational needs of eligible Indian students in public schools and nonsectarian private schools. JOM funds are distributed by a formula based on

⁷⁴ Ibid., pp. IA-EDU-3 and IA-EDU-33.

⁷⁵ The percent of tribal grant support costs funded by FY2011 appropriations is not readily available.

⁷⁶ H.Rept. 112-151 on H.R. 2584, pp. 42-43.

a count of Indian students and average per-pupil operating costs. Student counts have been effectively frozen since FY1995.⁷⁷ As a result of the 1995 freeze, the BIE no longer systematically collects data about the students served by projects. The freeze allows pre-1995 contractors to receive funding based on their 1995 student count regardless of the number of students actually served. The freeze included each tribe's 1995 JOM allocation into its base funding tribal priority allocation (TPA). TPA allows tribes flexibility in the management and use of funds for various programs and services. Tribes that receive JOM funding through TPA are dependent on this as a fairly stable source of funding.

The Indian Self Determination and Education Assistance Act⁷⁸ states that Congress will “assur[e] maximum Indian participation in the direction of educational as well as other Federal services to Indian communities” and “transition ... to effective and meaningful participation by the Indian people in the planning, conduct, and administration of [federal] programs.” To that end, the House Appropriations Committee provided \$2.0 million to build the capacity of tribal education departments (TEDs; sometimes also referred to as tribal education agencies) and to conduct a pilot project of TEDs collaborating with states and school districts to administer some programs that are authorized by the Elementary and Secondary Education Act at public schools on current or former Indian reservations.

Since the mid-90's, appropriations acts have prohibited the BIE from funding schools that were not in the BIE system as of September 1, 1996, and from using BIE funds to expand a school's grade structure beyond the grades in place as of October 1, 1995.⁷⁹ 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.”⁸⁰ The House Appropriations Committee maintained these prohibitions except in the instance of schools and school programs that were closed and removed from the BIE school system between 1951 and 1972 and whose respective tribe's relationship with the federal government was terminated. This would require the BIE to fund the grades 1-6 school of the Jones Academy in Hartshorne, Oklahoma, as had been proposed by the President. 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.

Indian Land Consolidation Program

The purpose of the Indian land consolidation program is to reduce the fractionation⁸¹ 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

⁷⁷ For more information on the JOM program freeze, see CRS Report RL34205, *Federal Indian Elementary-Secondary Education Programs: Background and Issues*, by Cassandra Dortch, pp.19-20.

⁷⁸ ISDEAA; 25 U.S.C. §450 et seq.

⁷⁹ P.L. 111-88.

⁸⁰ 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.

⁸¹ 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).

Indian tribe. Under a December 2009 agreement to settle the *Cobell* trust funds litigation, as modified by the 2010 act authorizing the settlement,⁸² \$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.⁸³ 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 for FY2012. The House Appropriations Committee agreed with the proposal. The U.S. court approved the modified Cobell settlement on June 20, 2011.⁸⁴ Barring appeal, implementation of the land consolidation portion of the settlement will begin. The Administration held its first consultation with tribes on land consolidation under the settlement on July 15, 2011 and has scheduled five more consultations.⁸⁵

Construction

For BIA Construction for FY2012, the House Appropriations Committee approved a total of \$155.0 million. This would be a \$50.0 million increase from the President's request for FY2012 (\$105.0 million) and a \$54.6 million decrease from the FY2011 enacted level (\$209.6 million). The committee attributed the increase from the President's request to providing \$50.0 million for replacement school construction, which was funded at \$0 in the President's request. The committee indicated that the \$50.0 million would complete the projects on the latest replacement school construction priority list was published in 2004.⁸⁶

Among the areas that the committee would reduce compared to the FY2011 appropriations were education construction and public safety and justice construction, with education construction receiving the largest decline. Specifically, for FY2012 the House Appropriations Committee approved \$102.1 million for education construction, a decrease of \$38.4 million from the FY2011 level of \$140.5 million. The decrease may be due to the transfer of funds from the Construction account to the BIE for facilities maintenance.

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.⁸⁷ On December 31, 2009, the BIA estimated that the costs to replace, repair, construct, and improve existing facilities in poor

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

⁸³ For more information, see CRS Report RL34628, *The Indian Trust Fund Litigation: An Overview of Cobell v. Salazar*, by Todd Garvey.

⁸⁴ "Judge approves \$3.4B settlement for Cobell trust fund lawsuit," *Indianz.com*, June 21, 2011, <http://64.38.12.138/News/2011/002048.asp>.

⁸⁵ 76 *Federal Register* 41808 (July 15, 2011).

⁸⁶ H.Rept. 112-151 on H.R. 2584, p. 43. U.S. Department of the Interior, Bureau of Indian Affairs, "Replacement School Construction Priority List as of FY 2004," 69 *Federal Register* 13870, March 24, 2004.

⁸⁷ 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).

condition would be \$1.3 billion.⁸⁸ 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, the House Appropriations Committee recommended \$11.3 million for FY2012, the same as the Administration's FY2011 request and \$6.5 million less than the FY2011 enacted amount (\$17.9 million). The Administration's 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. 111-5.⁸⁹

Departmental Offices and Department-Wide Programs⁹⁰

Office of Insular Affairs⁹¹

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.⁹² 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.⁹³ Each of the territorial governments, however, faces economic challenges, complicated by limited land, population, and natural resources.⁹⁴

OIA funding consists of two parts: (1) permanent and indefinite (mandatory) appropriations, and (2) funds provided in the annual appropriations process (discretionary funds).⁹⁵ 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

⁸⁸ "Indian Affairs Funded Schools in Poor Condition as Indicated by Facility Condition Index (FCI)," provided by the BIA to CRS in February 2010.

⁸⁹ *FY2012 Indian Affairs Budget Justification*, p. IA-CON-PSJ-2.

⁹⁰ 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.

⁹¹ For more information on OIA funding, contact R. Sam Garrett at 7-6443.

⁹² On behalf of the United Nations, the U.S. government formerly administered these areas as the Trust Territories of the Pacific Islands (TTPI).

⁹³ For additional discussion of the buildup, see CRS Report RS22570, *Guam: U.S. Defense Deployments*, by Shirley A. Kan.

⁹⁴ U.S. Dept. of the Interior, *Budget Justifications and Performance Information, Fiscal Year 2012, Office of Insular Affairs*, pp. 1-2.

⁹⁵ *Ibid.*, p. 4.

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 House Appropriations Committee recommended a total of \$85.9 million for insular affairs, \$1.3 million (1%) less than the Administration's request for FY2012 (\$87.2 million) and \$15.6 million (15%) less than the FY2011 appropriation (\$101.5 million). Of the total, the committee approved \$82.6 million in AT funds, \$1.6 million less than the \$84.2 million requested for FY2012 and appropriated in FY2011. The committee recommended \$3.3 million in CFA funds, approximately \$0.3 million more than the \$3.0 million requested but \$14.0 million less than appropriated in FY2011. OIA provided additional CFA funds in FY2011 in lieu of a renegotiated compact agreement with Palau.⁹⁶ The FY2012 Administration request and House committee recommendation assumed that a recently renegotiated agreement will be approved during FY2012.⁹⁷ Hence, CFA amounts are expected to return to typical levels. The committee increase in CFA funds over the request would provide funding for replenishing soil on Enewetak Atoll at the FY2011 level.⁹⁸ The committee-reported bill contained language permitting the Department of the Interior to transfer some of the funding for Guam, at the governor's request, to the U.S. Agriculture Department to subsidize expenses related to the military buildup on the island. Similar language has been included in previous appropriations measures.

The total OIA request (including mandatory and discretionary funds) for FY2012 was \$464.3 million. Of that amount, \$377.1 million (81%) is required through statutes, as follows. These amounts are, therefore, not subject to the annual appropriations process.

- 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.

Office of the Special Trustee for American Indians

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 1994.⁹⁹ 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.

⁹⁶ The compact agreement governs political, military, and economic relationships between the United States and Palau.

⁹⁷ Ibid., pp. 4-5. See also U.S. Congress, House Committee on Appropriations, *Department of the Interior, Environment, and Related Agencies Appropriation Bill, 2012*, committee print, 112th Cong., 1st sess., July 19, 2011, 112-151 (Washington: GPO, 2011), p. 47.

⁹⁸ See U.S. Dept. of the Interior, *Budget Justifications and Performance Information, Fiscal Year 2012, Office of Insular Affairs*, pp. 88-89; U.S. Congress, House Committee on Appropriations, *Department of the Interior, Environment, and Related Agencies Appropriation Bill, 2012*, committee print, 112th Cong., 1st sess., July 19, 2011, 112-151 (Washington: GPO, 2011), pp. 47-48.

⁹⁹ 25 U.S.C. §§4001 *et seq.*

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.¹⁰⁰

For FY2012, the House Appropriations Committee agreed with the Administration's request of \$152.3 million for OST. This would be 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	FY2012 House Committee Report
Program Operations, Support, and Improvements	157.9	150.1	150.1
—Historical Trust Accounting Office	31.5	31.2	31.2
Executive Direction	2.7	2.2	2.2
Total Appropriations	160.7	152.3	152.3

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.¹⁰¹ A settlement in the *Cobell* suit was reached by the plaintiffs and the federal government in December 2009.¹⁰² Under the agreement, both Congress and the district court must approve the settlement.¹⁰³ Congress authorized the

¹⁰⁰ 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*.

¹⁰¹ *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.

¹⁰² 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.

¹⁰³ For relevant documents, including the text of the settlement agreement, see <http://www.cobellsettlement.com/>.

settlement, with modifications, in December 2010.¹⁰⁴ The U.S. court approved the Cobell settlement, as modified by Congress, on June 20, 2011,¹⁰⁵ 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.¹⁰⁶ 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 House Appropriations Committee supported the Administration's proposed appropriation of \$31.2 million for historical accounting. This would be 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.

Title II: Environmental Protection Agency¹⁰⁷

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 their regulatory role and in complying with federal requirements to control pollution. For FY2012, the House Appropriations Committee approved a total of \$7.15 billion for EPA, \$1.82 billion (20%) less than the President's FY2012 request of \$8.97 billion, and \$1.53 billion (18%) less than the FY2011 enacted appropriation of \$8.68 billion.

Table 12 presents the FY2012 amounts as approved for EPA by the House Appropriations Committee compared to the President's FY2012 budget request, and the appropriations enacted in FY2011 for the eight statutory accounts that fund the agency. Note that the former name of the "Oil Spill Response" account was changed in the President's FY2012 request to "Inland Oil Spill Program" to more clearly reflect the agency's jurisdiction for oil spill response in the inland coastal zone. As indicated in the table, the House Appropriations Committee approved a decrease from the President's FY2012 request and the FY2011 enacted level for each of the eight accounts, with most of the decrease in two accounts: Environmental Programs and Management, and State

¹⁰⁴ Claims Resolution Act of 2010, P.L. 111-291, act of December 8, 2010, 124 Stat. 3064; 42 U.S.C. §1305 note.

¹⁰⁵ "Judge approves \$3.4B settlement for Cobell trust fund lawsuit," *Indianz.com*, June 21, 2011, <http://64.38.12.138/News/2011/002048.asp>.

¹⁰⁶ *FY2012 OST Budget Justification*, p. OST-72.

¹⁰⁷ 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.

and Tribal Assistance Grants (STAG). The reduction within the STAG account is reflected primarily in the reduction (to the FY2008 level) for grants to aid states to capitalize their Clean Water State Revolving Funds (SRFs). The Drinking Water SRF also was reduced to the FY2008 level, though the magnitude of decrease was smaller. The House committee provided both decreases and increases for individual programs and activities funded across the eight appropriations accounts.

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

(\$ in millions)

EPA Appropriations Accounts	FY2011 Approp.	FY2012 Request	FY2012 House Committee Report
Science and Technology			
—Base Appropriations	813.5	825.6	754.6
—Transfer in from Hazardous Substance Superfund	26.8	23.0	23.0
Science and Technology Total	840.3	848.6	777.6
Environmental Programs and Management	2,756.5	2,876.6	2,498.4
Office of Inspector General			
—Base Appropriations	44.7	46.0	41.1
—Transfer in from Hazardous Substance Superfund	10.0	10.0	10.0
Office of Inspector General Total	54.7	56.0	51.1
Buildings & Facilities	36.4	42.0	36.4
Hazardous Substance Superfund (before transfers)			
—Base Appropriations	1,280.9	1,236.2	1,224.3
—Transfer out to Office of Inspector General	-10.0	-10.0	-10.0
—Transfer out to Science and Technology	-26.8	-23.0	-23.0
Hazardous Substance Superfund (after transfers)	1,244.2	1,203.2	1,191.3
Leaking Underground Storage Tank Trust Fund Program	112.9	112.5	105.7
Inland Oil Spill Program	18.3	23.7	18.3
State and Tribal Assistance Grants			
—Clean Water State Revolving Fund	1,522.0	1,550.0	689.0
—Drinking Water State Revolving Fund	963.1	990.0	829.0
—Categorical Grants	1,104.2	1,201.4	1,002.4
—Other State and Tribal Assistance Grants	169.7	119.0	90.0
State and Tribal Assistance Grants Total	3,758.9	3,860.4	2,610.4
Rescissions (various EPA accounts) ^a	-140.0	-50.0	-140.0
Total Appropriations	8,682.1	8,973.0	7,149.2

a. Under the Administrative Provisions in Title II of the House Appropriations Committee reported bill, \$140.0 million in unobligated balances from the STAG and the Hazardous Substance Superfund accounts would be rescinded. See Sec. 1740 of Div. B under P.L. 112-10 for the FY2011 rescission.

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

Key Funding Issues

In addition to funding priorities among the various EPA programs and activities, several recent and pending EPA regulatory actions¹⁰⁸ have been central to the debate on the FY2012 appropriations. These EPA regulatory actions, which were also the focus of considerable attention during deliberations on EPA's FY2011 appropriations, cut across the various environmental pollution control statutes' programs and initiatives. Some Members expressed concerns related to these actions during hearings and markup of EPA's FY2012 appropriations, and authorizing committees have been addressing EPA regulatory actions through hearings and legislation.

The House Appropriations Committee bill included a number of provisions proposed by the subcommittee¹⁰⁹ (Title IV Administrative Provisions), and several amendments added during full-committee markup that would restrict or prohibit the use of FY2012 funds by EPA for implementing or proceeding with a number of regulatory actions. Amendments considered during markup that would have removed several of the administrative provisions, including many of those affecting EPA, were defeated. The provisions and amendments retained would impact ongoing and anticipated EPA activities including those addressing greenhouse gas emissions, hazardous air pollutants, particulate matter emissions, permitting of new source air emissions, water quality impacts of mountaintop mining operations, management of coal ash, lead-based paint removal, environmental impacts associated with livestock operations, financial responsibility with respect to Superfund cleanup, and stormwater discharge.¹¹⁰ Further, Title V of the committee-reported bill, "Reducing Regulatory Burdens Act of 2011," included amendments to the Clean Water Act and the Federal Insecticide, Rodenticide, and Fungicide Act in response to EPA's consideration of requiring permits under the Clean Water Act for point source discharges of pesticides into U.S. waters.¹¹¹

Concerns regarding EPA's FY2012 funding have also focused on federal financial assistance for environmental cleanup of Superfund sites, wastewater and drinking water infrastructure projects,¹¹² 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).

¹⁰⁸ See CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, for a discussion of selected EPA regulatory actions.

¹⁰⁹ "Subcommittee" refers to the Subcommittee on Interior, Environment, and Related Agencies.

¹¹⁰ Although generally not enacted in the FY2011 appropriations law, more than 20 provisions that would have restricted and prohibited the use of FY2011 funds to implement a subset of these regulatory activities were included in an earlier House-passed bill (H.R. 1). For an overview of funding levels and provisions contained in House-passed H.R. 1 and S. Amdt. 149, and a comparison with the FY2011 requested and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

¹¹¹ Title V of H.R. 2584 is similar to that contained in H.R. 872 as passed by the House March 31, 2011.

¹¹² See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland.

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).¹¹³ The House Appropriations Committee approved \$1.52 billion combined for the Clean Water and the Drinking Water SRFs for FY2012, compared to \$2.54 billion in the President's FY2012 request and \$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.¹¹⁴

For FY2012, the House Appropriations Committee approved \$689.0 billion for the Clean Water SRF capitalization grants and \$829.0 billion for the Drinking Water SRF capitalization grants, each less than the President's FY2012 request and the FY2011 enacted appropriations, as shown in **Table 12**. The SRF funding levels in the House committee-reported bill are the same as Congress appropriated for FY2008. An ongoing issue for Congress has been the extent of federal assistance still needed to help states maintain sufficient capital in their SRFs to meet local water infrastructure needs. While the House committee expressed its recognition of the importance of the Clean Water and Safe Drinking Water SRFs, they noted that these accounts received an additional \$6.00 billion in the American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5) and a 130% increase above the FY2008 and FY2009 regular appropriations levels for FY2010. The committee further asserted that funding these accounts through regular appropriations is unsustainable and must shrink under the current allocation, and encouraged the appropriate authorizing committees to examine funding mechanisms for the SRFs that are sustainable in the long term.¹¹⁵ 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.

Climate Change and Related Air Quality Issues

Congress' consideration of FY2012 appropriations for EPA has focused extensively on the agency's 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 (including mercury), particulate matter emissions and other ambient air quality pollutants, and livestock operation air emissions.¹¹⁶ Although relatively minor

¹¹³ The STAG account also funds state and tribal "categorical" grants to support the day-to-day implementation of environmental laws. For FY2012, the House Appropriations Committee approved \$1.00 billion for these grants, a decrease compared to the President's FY2012 request of \$1.20 billion and the FY2011 appropriation of \$1.10 billion.

¹¹⁴ 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.

¹¹⁵ H.Rept. 112-151 on H.R. 2584, pp. 7-8.

¹¹⁶ These issues also were debated during the FY2011 appropriations process, and Congress has addressed EPA's development of certain CAA regulations through the appropriations process in the past—either explicitly providing or (continued...)

in terms of EPA's funding, the agency's response to a 2007 U.S. Supreme Court decision¹¹⁷ remains a prominent issue in association with climate change. The impacts of these several Clean Air Act actions on various sectors of the economy have been a topic of multiple hearings before the appropriations committees and various other committees.

Partly in response to some of the concerns raised during the debate, the House committee bill contained several provisions (Title IV General Provisions), including those adopted as amendments during committee markup, that would restrict or prohibit the EPA's use of FY2012 funds to support the development, implementation or enforcement of a number of the Clean Air Act regulatory actions noted above. One of the adopted amendments would require the EPA Administrator to study and report to Congress on several EPA rules, guidelines, and activities supporting many of these Clean Air Act actions published since January 1, 2009.

More broadly, Section 426 of the House committee bill would require the President to submit a comprehensive report to the House and Senate Appropriations Committees detailing all federal (including EPA) obligations and expenditures, domestic and international, for climate change programs and activities by agency for FY2011 and FY2012.¹¹⁸ 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 those of 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.

EPA's reorganization of air quality and climate programs for the FY2012 budget, including the transfer of resources across certain program areas and modifications of the headings under which funding for climate protection-related program activities was requested, has made it difficult to compare FY2012 proposed appropriations with FY2011 (and prior year) appropriations. The House Appropriations Committee-reported bill would provide a total of \$383.8 million within the Environmental Programs and Management (EPM) and Science and Technology (S&T) accounts for EPA "clean air and climate" programs, compared to the President's FY2012 request of \$449.7 million. Also within the S&T account, the House committee bill included \$93.0 million for "Research: Air, Climate, and Energy" for FY2012, compared to \$108.0 million in the President's FY2012 request. Other funding for climate protection-related activities also was requested under various other programmatic subheadings throughout the FY2012 EPA budget justification, but comparable comparisons are not available in the House committee bill.

(...continued)

restricting the availability of agency funds for such purposes. 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. 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.

¹¹⁷ *Massachusetts v. EPA*, 549 U.S. 497 (2007). 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.

¹¹⁸ Section 426 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88) included a similar reporting requirement for FY2009 and FY2010. A similar recurring reporting requirement had been in existence for nearly a decade through FY2007, under a provision in the annual appropriations bills for Foreign Operations.

Within the STAG account, the House committee bill included \$201.6 million for state and local air quality management, and \$13.3 million for tribal air quality management categorical grants.¹¹⁹ The President's FY2012 request included \$305.5 million and \$13.6 million, respectively; the FY2011 enacted appropriations for the two categorical grants were \$236.1 million and \$13.3 million. Also within the STAG account, the House committee approved \$30.0 million for the diesel emission reduction grants program. The President's FY2012 request did not include funding for the diesel emission reduction grants program for FY2012, which received an FY2011 appropriation of \$49.9 million.¹²⁰

Cleanup of Superfund Sites and Brownfields

The Hazardous Substance Superfund account (hereinafter referred to as the 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).¹²¹ The House Appropriations Committee approved \$1.22 billion for the Superfund account for FY2012 (prior to transfers to other EPA accounts). The House committee proposal was less than the President's FY2012 request of \$1.24 billion and 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.¹²² 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. The House Appropriations Committee did not include language to reauthorize Superfund taxes.¹²³

EPA also administers a separate Brownfields program to provide financial assistance for the cleanup of 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. EPA's administrative expenses to carry out these grant awards are funded within the EPM account. Within these two accounts combined,

¹¹⁹ See footnote 113.

¹²⁰ A total of \$360.0 million was provided in FY2009 for the diesel emission grants program, including \$300.0 million under ARRA of 2009 (P.L. 111-15), much of which was awarded in FY2010.

¹²¹ 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.

¹²² 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.

¹²³ Tax legislation is within the jurisdiction of the House Committee on Ways and Means.

the House Appropriations Committee approved \$133.1 million for EPA's Brownfields program in FY2012. This would be a decrease from the President's FY2012 request of \$174.9 million and the FY2011 appropriation of \$172.9 million. The decrease would be attributed primarily to a roughly 40% reduction in funding for competitive grants to state and local governmental entities.

Great Lakes Restoration Initiative and Other Geographic-Specific Programs

EPA's Environmental Programs and Management (EPM) account 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 appropriations has focused on the Great Lakes Restoration Initiative established in the FY2010 appropriations for EPA (P.L. 111-88). The House Appropriations Committee approved \$250.0 million for this initiative, \$100.0 million less than the President's FY2012 request and \$49.4 million less than the FY2011 appropriations; \$475.0 million was authorized and appropriated for FY2010. 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 House Appropriations Committee approved \$50.0 million for EPA's Chesapeake Bay program for FY2012, compared to the President's FY2012 request of \$67.4 million and the FY2011 appropriation of \$54.4 million. The House committee also approved \$30.0 million for Puget Sound, compared to \$19.3 million included in the President's FY2012 request and \$38.1 million appropriated for FY2011. The House committee bill did not include funding to establish a new program devoted to upstream pollution affecting the Mississippi River Basin, as proposed in the President's FY2012 request. The request included \$6.6 million in new funding within three EPM activities. Funding for the Mississippi River Basin also was requested in the FY2011 President's budget, but no funds were appropriated.

Title III: Related Agencies

Department of Agriculture: Forest Service¹²⁴

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

The House Appropriations Committee approved a total of \$4.51 billion for the Forest Service for FY2012. This would be a \$420.3 million decrease (9%) from the President's request for FY2012 (\$4.93 billion) and a \$172.1 million decrease (4%) from the FY2011 enacted level of \$4.69 billion. Within this overall decrease were increases and decreases for various FS accounts and programs, as discussed below. Of note in the House Appropriations Committee bill was the agreement to fund the Administration's proposed Integrated Resource Restoration (IRR) initiative

¹²⁴ For more information on FS funding, contact Ross W. Gorte at 7-7266 or Kelsi Bracmort at 7-7283.

on a pilot basis for certain regions, though not overall. Additionally, the bill contained a general provision that provides the Forest Service the authority to use a pre-decisional objection process in place of the current appeals process.¹²⁵ Further, the House Appropriations Committee did not include funding for payments to communities for FY2012, a \$328.0 million decrease from the President’s FY2012 request. The committee expressed concern that the Administration proposed discretionary spending for this mandatory program (Secure Rural Schools and Community Self-Determination Act of 2000).¹²⁶

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. 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	FY2012 House Committee Report
Forest and Rangeland Research	306.6	295.8	277.3
State & Private Forestry	277.6	341.6	208.6
National Forest System	1,542.2	1,704.5	1,546.5
Capital Improvement and Maintenance ^a	459.6	337.9	366.1
Land Acquisition ^b	34.2	91.2	13.7
Other	6.2	3.3	5.3
Wildland Fire Management ^c	2,058.5	1,830.9	2,095.5
FS Payments to Communities	0	328.0	0
Total Appropriations	4,685.0	4,933.2	4,512.9

- a. Reflects savings from the deferral of payments to the road and trail fund.
- 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, the FY2012 Administration request was \$90.0 million, and the FY2012 House Appropriations Committee bill contained \$12.5 million.
- c. These figures reflect rescissions and use of previously enacted emergency suppression funds; see “Wildland Fire Management,” under Cross-Cutting Topics.

¹²⁵ For background on the FS appeals process generally, see CRS Report R40131, *Administrative Appeals in the Bureau of Land Management and the Forest Service*, by Kristina Alexander.

¹²⁶ H.Rept. 112-151 on H.R. 2584, p. 83. For more information on the program, see CRS Report R41303, *Reauthorizing the Secure Rural Schools and Community Self-Determination Act of 2000*, by Ross W. Gorte.

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; wildlife and fish; inventory and monitoring—along with forest inventory and analysis. The House Appropriations Committee approved \$277.3 million for forest and rangeland research for FY2012, \$18.5 million less than the FY2012 President’s request (\$295.8 million) and \$29.4 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 House Appropriations Committee approved \$208.6 million for the S&PF programs. This would be a decrease of \$133.0 million from the FY2012 President’s request (\$341.6 million) and a \$69.0 million decrease from the FY2011 enacted level (\$277.6 million). Much of the overall decrease (relative to the Administration’s request) was due to a reduction of \$132.0 million for the forest legacy program—a program to acquire lands or easements to preserve forests threatened by conversion to non-forest uses. The House Appropriations Committee approved \$5.0 million for International Forestry, which was a \$5.0 million increase from the FY2012 President’s request to terminate the program and a \$4.5 million decrease from the FY2011 enacted level (\$9.5 million).

National Forest System

The House Appropriations Committee approved \$1.55 billion for the National Forest System (NFS) for FY2012. This was a \$158.1 million decrease from the President’s FY2012 request (\$1.70 billion) but a \$4.2 million increase from the FY2011 enacted level 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.

In its FY2012 request, 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. The House Appropriations Committee approved a “proof of concept” pilot for the IRR for three regions (regions one, three, and four). The committee asserted that the pilot should occur for at least three years to understand if the concept works.¹²⁷ Further, the House Appropriations Committee did not approve the Administration’s request to merge the Land Management Planning and Inventory and Monitoring budget line items.

¹²⁷ H.Rept. 112-151 on H.R. 2584, pp. 83, 88.

Capital Improvement and Maintenance

This account includes funding for the construction and maintenance of facilities, roads, and trails, as well as for deferred maintenance (i.e., the maintenance backlog). The House Appropriations Committee approved \$366.1 million for capital improvement and maintenance for FY2012. This was a \$28.1 million increase from the President's request for FY2012 (\$337.9 million) and a \$93.6 million decrease from the FY2011 enacted level (\$459.6 million). The committee approved \$57.7 million for the facilities maintenance and capital improvement line item, a decrease of \$43.1 million from the President's FY2012 request (\$100.8 million) and a \$77.3 million decrease from the FY2011 enacted level (\$135.0 million). The committee approved \$35.0 million for the legacy roads and trails program, a \$40.0 million decrease from the President's FY2012 request (\$75.0 million in the IRR) and a \$9.9 million decrease from the FY2011 enacted level (\$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 House Appropriations Committee supported \$9.1 million for FS deferred maintenance in FY2012, as had been requested by the Administration for FY2012 and appropriated for FY2011.

Land Acquisition

The House Appropriations Committee approved \$13.7 million for land acquisition for FY2012. This was a \$77.5 million decrease from the FY2012 President's request (\$91.2 million) and a \$20.6 million decrease from the FY2011 enacted level (\$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.")

Department of Health and Human Services:

Indian Health Service¹²⁸

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.¹²⁹

¹²⁸ For more information on IHS funding, contact Elayne J. Heisler, at 7-4453.

¹²⁹ 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*.

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

(\$ in millions)

Indian Health Service	FY2011 Approp.	FY2012 Request	FY2012 House Committee Report
Clinical Services	2,962.6	3,376.2	3,141.7
—Contract Health Services	779.9	948.6	836.7
—Catastrophic Health Emergency Fund	47.9	58.0	51.5
Preventive Health Services	144.0	156.6	152.2
Other Services	558.6	633.3	740.4
—Urban Health Programs	43.1	46.7	45.5
—Indian Health Professions	40.7	42.0	41.9
—Tribal Management/Self-Governance	8.6	9.1	9.1
—Direct Operations	68.6	73.6	70.1
—Contract Support Costs	397.7	461.8	573.8
Subtotal, Indian Health Services	3,665.3	4,166.1	4,034.3
Indian Health Facilities			
—Maintenance and Improvement	53.8	57.1	55.4
—Sanitation Facilities Construction	95.7	79.7	77.0
—Health Care Facilities Construction	39.2	85.2	85.7
—Facilities and Environmental Health Support	192.7	211.0	205.1
—Equipment	22.6	24.7	24.0
Use of Prior Year Unobligated Balances	0	0	-20.0
Subtotal, Indian Health Facilities	403.9	457.7	427.3
Total Appropriations	4,069.2	4,623.8	4,461.6
Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections ^a	914.0	914.0	914.0
Special Diabetes Program for Indians ^b	150.0	150.0	150.0
Use of Prior Year Unobligated Balances ^c	0	0	20.0
Total Program Level	5,133.2	5,687.8	5,545.6

- 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.
- 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.
- The House Appropriations Committee required IHS to use no less than \$20.0 million from prior year funds for activities funded under the Health Facilities account. This amount is included as part of the FY2012 program level total.

The House Appropriations Committee recommended an FY2012 appropriation of \$4.46 billion for IHS. This would be a \$162.2 million (4%) decrease from the Administration’s FY2012 request of \$4.62 billion and a \$392.4 million (10%) increase 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 House Appropriations Committee recommendation, the IHS program level budget would be \$5.55 billion, which would be \$142.2 million less than the President's budget request of \$5.69 billion, and an increase of \$412.4 million from the FY2011 program level budget of \$5.13 billion. See **Table 14**.

IHS funding is separated into two accounts: Health Services and Health Facilities. Under the House Appropriations Committee bill, approximately 90% of the agency's appropriation would be for Health Services, while the remaining 10% would be for the Facilities program. This distribution would be similar to the distribution included in the President's FY2012 budget request and the FY2011 appropriation. Below is a discussion of funding for these accounts and some of the major programs included in these accounts.

Health Services

The House Appropriations Committee approved a total of \$4.03 billion, which would be \$131.8 million less than the President's FY2012 budget request (\$4.17 billion) and \$369.0 million more than the FY2011 enacted level (\$3.67 billion). The committee approved funding levels for clinical services and preventive health services that would be less than the FY2012 budget request, but higher than the FY2011 appropriation.

The committee approved \$573.8 million for contract support costs (CSC), which would be \$111.9 million more than the Administration's FY2012 request of \$461.8 million for this program and \$176.1 million more than the FY2011 appropriation. CSC funds are provided to tribes to help pay the costs of administering IHS-funded programs under self-determination contracts or self-governance compacts authorized by the Indian Self-Determination and Education Assistance Act (ISDEAA).¹³⁰ CSC pays for costs that tribes incur for such items as financial management, accounting, training, and program start-up. The CSC program has long been subject to shortfalls, causing reduced services or decreased administrative efficiency for tribes with contracts and compacts.¹³¹ The committee noted these shortfalls and expressed that IHS should pay all CSCs. The committee further directed IHS to include full CSCs in its FY2013 budget submission.¹³²

The committee would prohibit IHS from using its FY2012 appropriation for ISDEAA contracts or compacts that are made directly with Alaska Native villages or any Alaska Native village corporations that are located within areas served by an Alaska Native regional health corporation. The prohibition would not apply to Alaska Native villages or Alaska Native village corporations that have ISDEAA contracts or compacts that were entered into prior to May 1, 2006. Similar language has been included in IHS appropriation laws since FY1998.¹³³

¹³⁰ 25 U.S.C. §450 et seq.

¹³¹ 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>.

¹³² H.Rept. 112-151 on H.R. 2584, p. 98.

¹³³ For FY2012, the provision was added to the House Appropriations Committee's bill during Committee markup.

Facilities

The committee recommended \$427.3 million for the IHS Facilities budget. This would be a decrease of \$30.4 million from the Administration's FY2012 request (\$457.7 million) but an increase of \$23.3 million over the FY2011 enacted level (\$403.9 million). The committee also required this appropriation to be supplemented with no less than \$20.0 million in unobligated prior year funds. This would make the account total \$447.3 million, which would be \$10.4 million less than the Administration's request and \$43.3 million more than the FY2011 appropriation. Under the committee's recommendation, funding for health care facilities construction would be \$85.7 million, which would be \$0.5 million above the Administration's request (\$85.2 million) and \$46.6 million above the FY2011 level (\$39.2 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.

The committee also noted concern about high unobligated balances in the facility construction account and required IHS to provide the committee with details on these unobligated balances and a plan for reducing them.¹³⁴ Of the activities funded by the Indian Health Facilities account, only funding for sanitation facility construction would be lower under the committee's recommendation relative to the FY2011 appropriated level. Specifically, the committee recommended \$77.0 million for sanitation facility construction, which would be \$2.7 million less than the Administration's FY2012 request (\$79.7 million) and \$18.7 million less than the FY2011 enacted level of \$95.7 million. The Administration 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,¹³⁵ an amount that is similar to the committee's recommended funding level.

Smithsonian Institution¹³⁶

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 30 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 FY2009.¹³⁷

The House Appropriations Committee approved \$751.7 million for FY2012, a decrease of \$109.8 million (13%) from the FY2012 Administration request (\$861.5 million) and \$7.9 million (1%) from FY2011 appropriations (\$759.6 million). See **Table 15**.

¹³⁴ H.Rept. 112-151 on H.R. 2584, p. 99.

¹³⁵ *FY2012 HHS Budget in Brief*, <http://www.hhs.gov/about/hhsbudget.html>.

¹³⁶ For more information on SI funding, contact Shannon Loane at 7-6223.

¹³⁷ 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	FY2012 House Committee Report
Salaries and Expenses	634.9	636.5	627.0
—Museums and Research Institutes	246.6	245.9	242.4
—Program Support and Outreach	43.9	43.1	42.4
—Office of Chief Information Officer	45.5	46.1	43.5
—Administration	33.3	33.9	33.3
—Inspector General	2.6	2.6	2.6
—Facilities Services	262.9	264.8	262.7
Facilities Capital	124.8	225.0	124.8
—Revitalization	91.9	84.8	59.6
—Facilities Planning and Design	32.8	140.2	65.2
Total Appropriations	759.6	861.5	751.7

Salaries and Expenses

For FY2012, the House Appropriations Committee included \$627.0 million for the SI to fund salaries and expenses for its museums, research centers, and administration. This was a \$9.6 million decrease from the FY2012 request of \$636.5 million and a \$7.9 million decrease from FY2011 funding of \$634.9 million. The recommendation included \$242.4 million for the museums and research institutes (\$3.5 million less than the FY2012 request and \$4.2 million less than the FY2011 level); \$42.4 million for program support and outreach (\$0.7 million less than the FY2012 request and \$1.5 million less than the FY2011 level); \$79.4 million for administration, the Office of the Chief Information Officer, and the Inspector General (\$3.3 million less than the FY2012 request and \$2.0 million less than the FY2011 level); and \$262.7 million for facilities services (\$2.1 million less than the FY2012 request and \$0.2 million less than the FY2011 level).

Facilities Capital

For FY2012, the House Appropriations Committee approved \$124.8 million for Facilities Capital, \$100.3 million less than the FY2012 requested amount of \$225.0 million and equal to the FY2011 enacted amount. This included \$59.6 million for baseline revitalization requirements (a decrease of \$25.3 million from the FY2012 request of \$84.8 million and \$32.4 million from the FY2011 appropriation of \$91.9 million). The committee recommended \$65.2 million for facilities planning and design, a decrease of \$75.0 million from the FY2012 request of \$140.2 million and an increase of \$32.4 million over the FY2011 amount of \$32.8 million. Of this amount, the committee recommended \$50.0 million for construction of the National Museum of African American History and Culture, \$75.0 million less than the FY2012 request of \$125.0 million and an increase of \$30.0 million over the FY2011 appropriation.

The House committee expressed support for the revitalization of SI facilities generally, the planning and design of future projects, and the construction of the National Museum of African American History and Culture. However, the committee declined to increase funding for Facilities Capital on the grounds that “extraordinary fiscal restraint is warranted and necessary” at this time.¹³⁸

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.¹³⁹

National Endowment for the Arts and National Endowment for the Humanities¹⁴⁰

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).¹⁴¹ The National Foundation on the Arts and the Humanities is composed of the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). For the National Foundation on the Arts and the Humanities, the House Appropriations Committee approved a total of \$270.0 million, a decrease of \$22.5 million (8%) from the President’s request for FY2012 (\$292.5 million) and \$39.4 million (13%) from the FY2011 enacted level of \$309.4 million. 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. The House Appropriations Committee approved a total of \$135.0 million for NEA for FY2012. This would be an \$11.3 million (8%) decrease from the President’s request for FY2012 (\$146.3 million) and a \$19.7 million decrease (13%) from the FY2011 enacted level (\$154.7 million). See **Table 16**.

The committee approved \$108.2 million for grants, \$7.1 million less than requested (\$115.3 million) and \$17.2 million less than the appropriation for FY2011 (\$125.4 million). For the two largest grant programs funded by the agency, \$54.2 million was recommended for direct grants (a decrease of \$4.0 million from the requested amount of \$58.2 million and a decrease of \$13.0 million from the FY2011 amount of \$67.2 million), and \$37.0 million for state/regional partnership grants (an increase of \$2.3 million from the requested amount of \$34.7 million and a decrease of \$2.5 million from the FY2011 appropriated amount of \$39.5 million).

¹³⁸ H.Rept. 112-151 on H.R. 2584, p. 104.

¹³⁹ Smithsonian Institution, *What Is Next: 2009 Annual Report*.

¹⁴⁰ For more information on NEA/NEH funding, contact Shannon Loane at 7-6223.

¹⁴¹ The IMLS receives funding through the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts. Discussions of IMLS appropriations are outside the scope of this report.

Table 16. Appropriations for the Arts and Humanities, FY2011-FY2012

(\$ in millions)

Arts and Humanities	FY2011 Approp.	FY2012 Request	FY2012 House Committee Report
National Endowment for the Arts	154.7	146.3	135.0
Grants	125.4	115.3	108.2
Program Support	1.9	2.8	1.8
Administration	27.4	28.1	25.1
National Endowment for the Humanities	154.7	146.3	135.0
Grants	113.2	106.7	97.8
Matching Grants	14.3	11.5	10.0
Administration	27.3	28.1	27.3
Total NEA & NEH Appropriations	309.4	292.5	270.0

The committee recommended \$6.0 million for Challenge America (\$2.0 million less than the FY2012 request and FY2011 appropriation of \$8.0 million). Challenge America provides matching grants for arts education, outreach, and community arts activities for rural and underserved areas. The committee also approved funding of \$2.0 million (\$3.0 million less than the \$5.0 million requested) 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. The committee expressed reservations about the Our Town program, but did recommend funding for a limited number of grants.¹⁴²

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.

The House Appropriations Committee approved \$135.0 million for the NEH for FY2012, \$11.3 million (8%) less than the request (\$146.3 million) and a decrease of \$19.7 million (13%) from the FY2011 appropriation (\$154.7 million). The committee included \$97.8 million in non-matching grants funding, a decrease of \$9.0 million from the request (\$106.7 million) and \$15.4 million from the FY2011 level (\$113.2 million). The largest such program is the federal/state partnership grants program, for which the committee approved \$38.0 million, a decrease of \$2.1 million from the request (\$40.1 million) and \$4.5 million from the FY2011 appropriation (\$42.5 million). For the Bridging Cultures initiative, first funded in FY2011, the committee included

¹⁴² H.Rept. 112-151 on H.R. 2584, pp. 108-109.

\$2.0 million, \$2.0 million less than the FY2012 request and \$0.5 million more than the FY2011 appropriation. The committee stated that while it broadly supports the goals of the initiative (grants for projects that increase understanding of America’s diverse cultural heritage and of other cultures around the world), “proven, cost-effective, and successful core grant programs” are the best use of funds at this time.¹⁴³ NEH did not request funding for the We the People grant program, which supports exhibitions, films, library programs, professional development programs for teachers, scholarship research on American history and culture, and collection preservation. However, the House committee noted that the program was cost-effective and had broad geographic reach and bipartisan congressional support and directed that it receive “no less than” \$4.8 million for FY2012, an increase of \$1.5 million over the FY2011 amount of \$3.2 million.¹⁴⁴ See **Table 16**.

Cross-Cutting Topics

Land and Water Conservation Fund (LWCF)¹⁴⁵

Overview

The LWCF (16 U.S.C. §§460/-4, et seq.) is authorized at \$900 million annually through FY2015. However, these funds may not be spent without an appropriation. The LWCF has been 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 bill reported by the House Appropriations Committee contained a total of \$65.8 million for the Land and Water Conservation Fund. If enacted, this would be the second-lowest funding level in the history of the program; LWCF was first funded in FY1965 with \$16.0 million. The House committee level was a reduction of \$834.2 million from the \$900.0 million requested by the Administration, and a decline of \$234.7 million from the FY2011 enacted level of \$300.5 million.

There continues to be a difference of opinion on the optimal total level of funding for LWCF, and the allocations for the three purposes for which the fund has been used. The House Appropriations Committee expressed that LWCF programs were funded at “minimal levels” allowing for oversight of acquisition and state grant projects funded in previous years. While noting the value of LWCF programs, the House committee identified several reasons for the proposed reduction. They included higher funding priorities, the large federal deficit and

¹⁴³ *Ibid.*, p. 110.

¹⁴⁴ *Ibid.*, p. 110.

¹⁴⁵ For more information on LWCF funding, contact Carol Hardy Vincent at 7-8651.

maintenance backlogs of the land management agencies, concerns that the Administration's proposed increase would be too rapid and would not improve land management, and insufficient cooperation among LWCF programs and between LWCF and other programs.¹⁴⁶

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	FY2012 House Committee Report
Federal Acquisition	129.1	152.2	265.8	164.7	440.0	47.9
—BLM	8.9	14.8	29.7	22.0	50.0	4.9
—FWS	34.6	42.5	86.3	54.9	140.0	15.0
—NPS	44.4	45.2	86.3	54.9	160.0	15.5
—FS	41.2	49.8	63.5	32.9	90.0	12.5
Appraisal Services ^a	0	0	12.1	12.1	25.0	12.1
Grants to States	24.6	19.0 ^b	40.0	39.9	200.0	2.8
Other Programs	101.3	104.1 ^c	132.5	83.8	235.0	3.0
Total Appropriations	255.1	275.3	450.4	300.5	900.0	65.8

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.

By contrast, the Administration proposed funding the LWCF in FY2012 at the authorized level of \$900.0 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.¹⁴⁷ Full funding for the LWCF is part of the Administration's initiative entitled “America's Great Outdoors,”¹⁴⁸ and is intended to foster conservation that results in economic, ecologic, and community benefits.¹⁴⁹

Land Acquisition

For land acquisition for FY2012, the House Appropriations Committee recommended \$47.9 million, the lowest level since FY1974 and the sixth-lowest in the history of the program. All agencies would receive a decrease from FY2011, with a total decrease of \$116.7 million from the FY2011 level of \$164.7 million. The committee's report did not identify the particular lands to be

¹⁴⁶ H.Rept. 112-151 on H.R. 2584, pp. 14-15.

¹⁴⁷ 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.

¹⁴⁸ For information on the Initiative, see *FY2012 DOI Budget in Brief*, pp. DH-3 to DH-20.

¹⁴⁹ *Ibid.*, p. DH-11.

acquired, but noted that there was no funding for new acquisitions other than small federal inholdings.¹⁵⁰

The House committee level was \$392.1 million less than the Administration's request for FY2012 of \$444.0 million. The Administration sought 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.

The House Appropriations Committee expressed a need for "clear and cohesive" information from the Administration on which lands need to be acquired each year, why federal acquisition is more appropriate than other management options, and the extent to which the Administration considers landscape-level conservation in choosing which lands to acquire.¹⁵¹ In seeking funds for acquisition projects for FY2012, the DOI agencies had sought to use consistent, merit-based criteria, first used in FY2011, according to the department.¹⁵² 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, including that to the maximum extent possible, there be a single set of policies among the four agencies for conducting land acquisitions.¹⁵³

Grants to States

For state grants, the House Appropriations Committee approved \$2.8 million for FY2012, \$37.1 million below the FY2011 level of \$39.9 million and \$197.2 million less than the \$200.0 million requested by the Administration. The \$2.8 million would be for administrative expenses related to previous grants, rather than new grants. Seeking to eliminate funds for new stateside grants is not a new phenomenon. For example, for several years the Clinton Administration proposed eliminating stateside funding and Congress concurred. The George W. Bush Administration also did not request stateside funds for several years, although Congress provided appropriations for new grants during those years.

The Administration's request for \$200.0 million would be the highest appropriation since FY1980, and the fifth-highest in the history of the program. Through the increase, the Administration sought to expand recreational access and opportunities at the local level. The Administration also proposed that at least 40% of the appropriations for state grants be distributed equally to all states, as under current law, and that the balance 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

¹⁵⁰ H.Rept. 112-151 on H.R. 2584, p. 14.

¹⁵¹ *Ibid.*, pp. 14-15.

¹⁵² U.S. Dept. of the Interior, *Fiscal Year 2011: The Interior Budget in Brief*, p. DH-37.

¹⁵³ H.Rept. 111-316 on H.R. 2996, p. 77-78.

protect, restore, and connect open space and natural landscapes.¹⁵⁴ The House Appropriations Committee’s bill did not include the proposed competitive grants program.

Other Purposes

For FY2012, the House Appropriations Committee recommended \$3.0 million in funding from LWCF for other purposes, \$80.8 million less than the FY2011 enacted level of \$83.8 million and \$232.0 million less than the Administration’s request of \$235.0 million. If enacted, the House committee level would be the second-smallest since funding for other purposes was first provided in FY1998; no funding for other purposes was provided in FY1999. The \$3.0 million was for the Forest Legacy program, which has been funded 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 for which funds have been proposed for FY2012.¹⁵⁵

**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	FY2012 House Committee Report
Fish and Wildlife Service						
—Cooperative Endangered Species Grants	49.0	54.7 ^a	56.0	30.9	100.0	0
Forest Service						
—Forest Legacy Program	52.3	49.4 ^b	76.5	52.9	135.0	3.0
Total Appropriations	101.3	104.1	132.5	83.8	235.0	3.0

Notes: This table identifies “other” programs for which Congress appropriated funds for FY2008 through FY2011 and for which funds for FY2012 have been proposed. 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 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 Management¹⁵⁶

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

¹⁵⁴ *FY2012 NPS Budget Justification*, p. LASA-55.

¹⁵⁵ 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.

¹⁵⁶ For more information on funding for Wildland Fire Management, contact Ross W. Gorte at 7-7266.

involvement, and legal challenges to administrative decisions hinder fuel reduction and post-fire rehabilitation. The House committee expressed concerns about duplicative programs among DOI agencies and directed an assessment of effective and efficient means of delivering DOI wildfire management programs and activities.¹⁵⁷

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 House committee reported a total of \$2.76 billion for Wildland Fire Management (\$2.10 billion for the FS and \$666.1 million for DOI). This would be a decrease of \$75.8 million (3%) from the \$2.84 billion provided for FY2011 and \$109.1 million (4%) more than the Administration requested. The report 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	FY2012 House Committee Report
Forest Service			
—FS Subtotal	2,168.0	1,707.1	2,005.1
—FLAME Funds ^a	290.4	315.9	290.4
—Rescission	-400.0	-192.0	-200.0 ^b
Total, FS	2,058.5	1,830.9	2,095.5
DOI			
—DOI Subtotal	918.1	729.5	763.1
—FLAME Funds ^a	60.9	92.0	92.0
—Rescission	-200.0	0.0	-189.0 ^b
Total, DOI	778.9	821.5	666.1
FS and DOI			
—FS & DOI Subtotal	3,086.1	2,436.6	2,768.2
—FLAME Funds ^a	351.3	407.9	382.4
—Rescissions	-600.0	-192.0	-389.0 ^b
Total Appropriations	2,837.4	2,652.5	2,761.6

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.
- b. Reflects use of previously enacted emergency suppression funds.

¹⁵⁷ H.Rept. 112-151 on H.R. 2584, pp. 51-52.

Wildfire Preparedness

This program provides funding for baseline staffing, training, and equipment. For preparedness in FY2012, the House Appropriations Committee matched the Administration's proposal of \$1.28 billion, an increase of \$318.9 million (33%) from FY2011. This 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 program 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 House Appropriations Committee matched the Administration's request of \$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). The House committee expressed concern about the future of the heavy air-tanker fleet and directed development of a five-year long-term contract for heavy air tankers.¹⁵⁸

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 House Appropriations Committee reported \$517.9 million (\$183.3 million for DOI and \$334.6 million for the FS) for "hazardous" fuel reduction, \$299.1 million more than the Administration proposed (\$272.6 million for the FS and \$26.6 million for DOI). The House committee level for hazardous fuel reduction equaled the FY2011 appropriations for DOI, but was a decline of \$15.0 million from FY2011 for the FS due to a transfer of funding for the Collaborative Forest Landscape Restoration Act to the National Forest System. (See "Forest Service," above.)

The House committee increase over the request also reflected retention of all fuel treatment funding in the wildland fire management account. The Administration had proposed transferring 25% of FS fuel reduction funding for activities not in the Wildland-Urban Interface (WUI) to a new Integrated Resource Restoration line item under the National Forest System account.¹⁵⁹ (See "Forest Service," above.) The House Appropriations Committee expressed concern that DOI fuel treatment and 75% of FS fuel treatment was restricted to the WUI, and noted that fuel treatment across the landscape, and particularly in Fire Regime Condition Class II and II areas, was important to communities.¹⁶⁰

¹⁵⁸ H.Rept. 112-151 on H.R. 2584, p. 96.

¹⁵⁹ House Committee on Appropriations data show the FS request as \$62.0 million, whereas the FS 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.

¹⁶⁰ H.Rept. 112-151 on H.R. 2584, pp. 51, 95-96.

For FY2012, the House Appropriations Committee supported the Administration's request for site rehabilitation, at \$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 House committee-reported level matched the request for facilities, at \$6.1 million. For research, the House committee matched the request at \$35.0 million, down \$2.9 million from FY2011 (\$37.9 million). For forest health activities in FY2012, the House committee provided \$28.3 million, more than the FY2012 request (\$19.3 million), and less than FY2011 appropriations (\$32.1 million). For FS state and volunteer fire assistance in FY2012, the House committee provided \$68.4 million, more than the request (\$51.9 million), and less than FY2011 (\$73.9 million). The House committee also included \$7.0 million for DOI rural assistance, a program that was not funded in FY2011 nor proposed for funding in FY2012.

FLAME Funding

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

For FY2012, the House committee recommended \$382.4 million (\$290.4 million for the FS and \$92.0 million for DOI). This was less than the Administration's request of \$407.9 million (\$315.9 million for the FS and \$92.0 million for DOI), and more than FY2011 funding of \$351.3 million (\$290.4 million for the FS and \$60.9 million for DOI).

Other Wildfire Funding

Another difference among funding levels for wildland fire management is related to rescissions and carry-over of fire funds. For FY2012, the House committee directed that \$389.0 million of the FY2012 funding (\$200.0 million for the FS and \$189.0 million for DOI) be from the use of carry-over emergency suppression funds. The Administration had proposed a rescission of \$192.0 million from FS 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. The FY2012 figures reflect the Administration's request for appropriations and the level of appropriations recommended by the House Appropriations Committee. 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	FY2012 House Committee Report
<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	1,054,122
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	1,192,615
National Park Service	2,390,488	2,525,834	750,000	3,275,834	2,743,730	2,611,142	2,891,565	2,479,430
U.S. Geological Survey	1,006,480	1,043,803	140,000	1,183,803	1,111,740	1,083,672	1,117,854	1,053,552
Bureau of Ocean Energy Management, Reg. & Enforcement ^b	118,053	116,676	0	116,676	181,520	225,743	136,188	153,528
Office of Surface Mining Reclamation and Enforcement	170,411	164,702	0	164,702	162,868	162,543	145,912	150,493
Bureau of Indian Affairs	2,291,279	2,376,131	500,000	2,876,131	2,619,560	2,594,012	2,500,653	2,529,651
Departmental Offices ^c	474,236	480,790	15,000	495,790	540,999	494,204	641,107	601,774
Department-Wide Programs ^d	1,477,066	949,374	15,000	1,014,374 ^e	958,357	881,190	911,052	739,003
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^g	9,912,168^g
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	7,149,202

Interior, Environment, and Related Agencies: FY2012 Appropriations

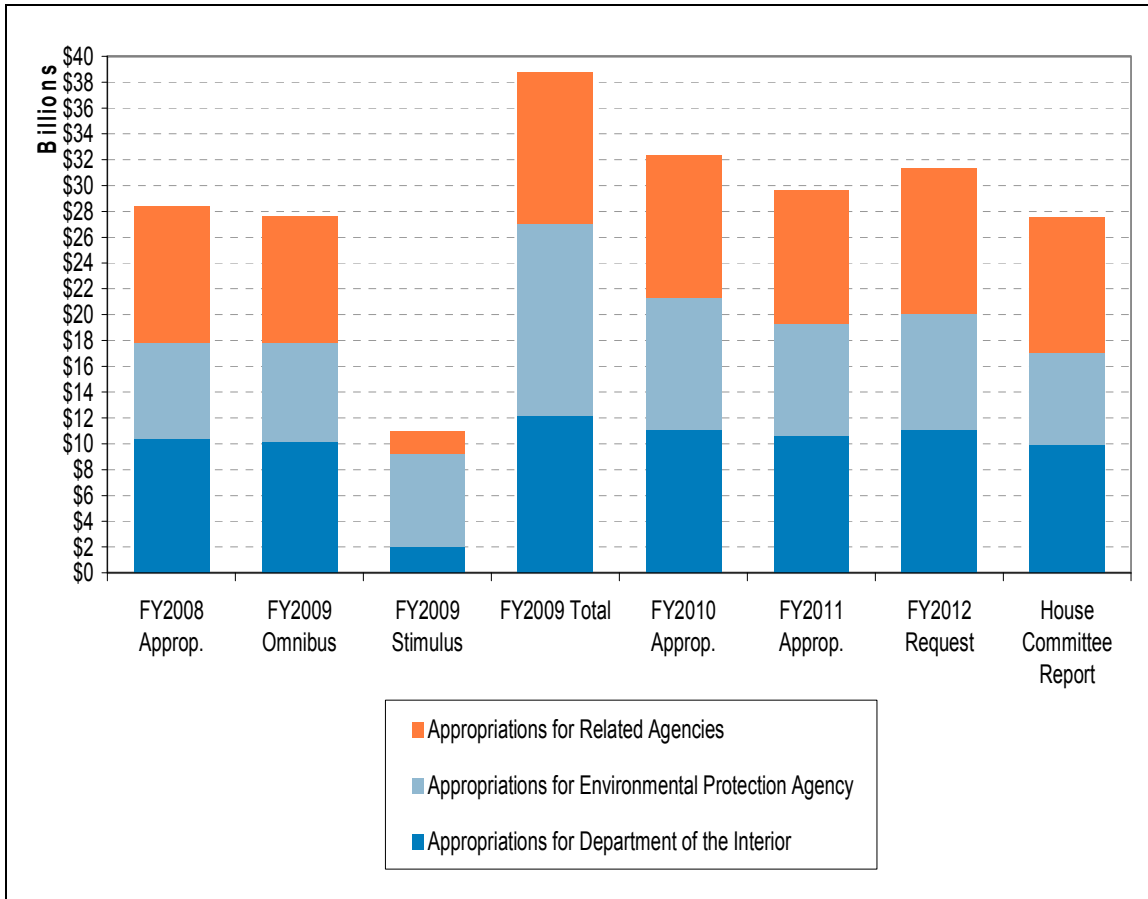
Bureau or Agency	FY2008 Approp.	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010 Approp.	FY2011 Approp.	FY2012 Request	FY2012 House Committee Report
<i>Title III: Related Agencies</i>								
U.S. Forest Service	5,804,428	4,745,794	1,150,000	6,095,794 ^h	5,297,256	4,685,044	4,933,245	4,512,947
Indian Health Service	3,346,181	3,581,124	500,000	4,081,124	4,052,375	4,069,220	4,623,808	4,461,581
National Institute of Environmental Health Sciences	77,546	78,074	0	78,074	79,212	79,054	81,085	79,054
Agency for Toxic Substances and Disease Registry	74,039	74,039	0	74,039	76,792	76,638	76,337	74,039
Council on Environmental Quality and Office of Environmental Quality	2,661	2,703	0	2,703	3,159	3,153	3,444	2,661
Chemical Safety and Hazard Investigation Board	9,263	10,199	0	10,199	11,147	10,777	11,147	10,000
Office of Navajo and Hopi Indian Relocation	8,860	7,530	0	7,530	8,000	7,984	9,570	7,530
Institute of American Indian and Alaska Native Culture and Arts Development	7,183	7,900	0	7,900	8,300	8,283	9,225	7,900
Smithsonian Institution	682,629	731,400	25,000	756,400	761,395	759,639	861,530	751,721
National Gallery of Art	117,866	122,756	0	122,756	167,005	158,650	138,000	126,123
John F. Kennedy Center for the Performing Arts	42,674	36,364	0	36,364	40,447	36,347	36,850	36,105
Woodrow Wilson International Center for Scholars	9,844	10,000	0	10,000	12,225	11,203	11,005	10,000
National Endowment for the Arts	144,706	155,000	50,000	205,000	167,500	154,690	146,255	135,000
National Endowment for the Humanities	144,707	155,000	0	155,000	167,500	154,690	146,255	135,000
Commission of Fine Arts	2,059	2,234	0	2,234	2,294	2,289	2,400	2,234
National Capital Arts and Cultural Affairs	8,367	9,500	0	9,500	9,500	2,994	0	0
Advisory Council on Historic Preservation	5,265	5,498	0	5,498	5,908	5,896	6,108	5,498

Bureau or Agency	FY2008 Approp.	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010 Approp.	FY2011 Approp.	FY2012 Request	FY2012 House Committee Report
National Capital Planning Commission	8,136	8,328	0	8,328	8,507	8,490	8,154	8,133
U.S. Holocaust Memorial Museum	44,786	47,260	0	47,260	49,122	49,024	52,694	50,524
Presidio Trust	22,051	17,450	0	17,450	23,200	14,970	12,000	12,000
White House Commission on the National Moment of Remembrance	197	0	0	0	0	0	0	0
Dwight D. Eisenhower Memorial Comm.	1,969	2,000	0	2,000	19,000	0	89,768	30,000
Subtotal, Title III: Related Agencies	10,565,417	9,810,153	1,725,000	11,735,153^h	10,969,844	10,299,035	11,258,880	10,458,050
Grand Total Approps. (in Bill)ⁱ	28,416,852	27,591,184	10,950,000	38,791,184	32,319,918	29,610,782	31,343,710	27,519,420

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. The FY2012 House committee level reflects appropriations of \$27.69 billion and rescissions of \$170.0 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, requested by the Administration for FY2012, and reported by the House Appropriations Committee for FY2012, for each of the three major titles of the annual Interior, Environment, and Related Agencies appropriations law.

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