



# 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 December 23, 2011, Congress enacted H.R. 2055, the Consolidated Appropriations Act, 2012 (P.L. 112-74). Division E contained \$29.23 billion for Interior, Environment, and Related Agencies in FY2012. This figure included an across-the-board reduction of \$47.0 million. The FY2012 appropriation was a \$381.4 million (1.3%) decrease from the FY2011 level (\$29.61 billion) and a \$2.11 billion (6.7%) decrease from the President's request for FY2012 (\$31.34 billion).

While the Administration had primarily proposed increases over FY2011 for major agencies funded by the bill, the FY2012 law included few increases over FY2011. However, one notable increase in the FY2012 law was \$244.2 million (6%) for the Indian Health Service, and another was \$51.9 million (7%) for the Smithsonian Institution.

While the FY2012 law reduced most agencies from the FY2011 levels, the amount of reduction varied. Among the enacted decreases were the following:

- \$219.1 million (3%) for the Environmental Protection Agency,
- \$83.4 million (2%) for the Forest Service,
- \$27.3 million (1%) for the National Park Service, and
- \$25.3 million (2%) for the Fish and Wildlife Service.

Neither the House nor the Senate passed a free-standing regular, annual appropriations bill for FY2012. From July 25, 2011, to July 28, 2011, the House had considered H.R. 2584, but it came to no resolution thereon. No bill to fund Interior, Environment, and Related Agencies for FY2012 was introduced in the Senate. However, on October 14, 2011, the leaders of 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 were funded through a series of continuing appropriations laws until the enactment of the Consolidated Appropriations Act, 2012.

Congress typically debates a variety of funding and policy issues when considering each year's appropriations legislation. Issues debated during consideration of FY2012 legislation 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 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.

Previously, 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 109<sup>th</sup> Congress, these DOE programs were transferred to the House and Senate Appropriations subcommittees covering energy and water, to consolidate jurisdiction over DOE.<sup>1</sup> 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,<sup>2</sup> 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.

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<sup>1</sup> These panels are now called the Subcommittees on Energy and Water Development.

<sup>2</sup> 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.

## **Duration of Appropriations**

Appropriations for accounts within annual Interior, Environment, and Related Agencies appropriations laws are available to be obligated for differing periods of time, depending on the nature and needs of the programs and activities funded. In general, appropriations in these laws are available only for the fiscal year covered by the act, unless otherwise specified. In recent practice, Interior appropriations laws have provided such one-year appropriations for several accounts. For instance, the appropriation in the Consolidated Appropriations Act, 2012 (P.L. 112-74) for the National Park Service, for the National Recreation and Preservation account, was for FY2012 only, as the law did not specify a different period of availability: “For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$59,975,000.”

However, many accounts within the annual Interior, Environment, and Related Agencies appropriations laws have contained appropriations for longer periods of availability, involving multiple fiscal years. Some of these have been for two years. For these accounts, appropriations may be carried over from the first fiscal year to the second, and must be obligated by the end of the second year. For example, the appropriation in P.L. 112-74 to the Office of Surface Mining Reclamation and Enforcement, for the Regulation and Technology account, was provided for FY2012 and FY2013. The law provided, in part: “For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, \$122,950,000, to remain available until September 30, 2013.”

Many other accounts have contained appropriations that were available for obligation without fiscal year limitation, often referred to as “no-year appropriations.” Such appropriations typically were “to remain available until expended.” For these accounts, appropriations may be carried over from fiscal year to fiscal year with no deadline for obligation. In P.L. 112-74, the appropriation for the Fish and Wildlife Service, for the Construction account, provides an example of no-year appropriations: “For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$23,088,000, to remain available until expended.”<sup>3</sup>

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<sup>3</sup> For information on the duration of appropriations, see U.S. General Accounting Office (now the U.S. Government Accountability Office), *Principles of Federal Appropriations Law*, Third Edition, Volume I, GAO-04-261SP, January 2004, pp. 5-3 through 5-9, on the agency’s website at <http://www.gao.gov/special.pubs/d04261sp.pdf>.



## **FY2012 Overview**

### **FY2012 Enacted Appropriations**

On December 23, 2011, Congress enacted H.R. 2055, the Consolidated Appropriations Act, 2012 (P.L. 112-74). Division E contained \$29.23 billion for Interior, Environment, and Related Agencies in FY2012. This figure included an across-the-board reduction of 0.16%, which was \$47.0 million. The FY2012 level was a \$381.4 million (1.3%) decrease from the FY2011 level (\$29.61 billion) and a \$2.11 billion (6.7%) decrease from the President's request for FY2012 (\$31.34 billion). While the bill total in this report reflects the across-the-board rescission,<sup>4</sup> figures for agencies, accounts, and programs throughout this report do not reflect this reduction. This is because the law called for the rescissions for accounts in the bill to be calculated by OMB and reported to the Appropriations Committees. However, sections of this report reflect other rescissions specific to particular agencies and programs in the FY2012 appropriations law.

While the Administration had primarily proposed increases over FY2011 for major agencies funded by the bill, the FY2012 law included few increases over FY2011. One increase in the FY2012 law was \$244.2 million (6%) for the Indian Health Service, and another was \$51.9 million (7%) for the Smithsonian Institution.

While the FY2012 law reduced most agencies from the FY2011 levels, the amount of reduction varied. Among the enacted decreases were the following:

- \$219.1 million (3%) for the Environmental Protection Agency,
- \$83.4 million (2%) for the Forest Service,
- \$27.3 million (1%) for the National Park Service, and
- \$25.3 million (2%) for the Fish and Wildlife Service.

The FY2012 law and joint explanatory statement of the conference report<sup>5</sup> addressed diverse issues affecting multiple agencies. Further, the conferees expressed that language in the report of the House Appropriations Committee on the FY2012 bill,<sup>6</sup> which included guidance and reporting requirements to agencies, would carry the same emphasis as if included in the joint explanatory statement itself and should be followed “unless specifically addressed to the contrary herein.” However, conferees noted that where the House committee report “speaks more broadly to policy issues or offers views that are subject to interpretation, such views remain those of the House and do not reflect the views of the conferees unless otherwise repeated in this statement.”<sup>7</sup> Some of the broader issues addressed in law or report language are covered in relevant sections throughout this report, while others are discussed here.

The FY2012 law 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

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<sup>4</sup> A rescission is the cancellation of budget authority previously provided by Congress.

<sup>5</sup> The joint explanatory statement of the conference report is contained on pp. 1046-1119 of H.Rept. 112-331 on H.R. 2055.

<sup>6</sup> H.Rept. 112-151 on H.R. 2584.

<sup>7</sup> H.Rept. 112-331 on H.R. 2055, p. 1046.

reports are to identify balances that are uncommitted, committed, and unobligated. The House Appropriations Committee had 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.<sup>8</sup>

The FY2012 law also included a provision to 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 House Appropriations Committee had requested a report from DOI and the FS on the initiative, including costs, successes, and recommendations for improvement.<sup>9</sup>

The joint explanatory statement of the conference report contained additional reporting requirements. One directed the DOI, EPA, and FS to report on actions taken to address management weaknesses and to implement reforms identified by each agency's Inspector General and the Government Accountability Office.<sup>10</sup> A second reporting requirement pertained to the costs of litigation related to agency actions. Specifically, conferees directed DOI agencies, EPA, and FS to report to the House and Senate Appropriations Committees, and make publicly available, information on payments of attorney fees and expenses under the Equal Access to Justice Act,<sup>11</sup> as detailed in the report of the House Appropriations Committee. The House committee had 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 information was to include the amount of program funds used and the names and hourly rates of fee recipients, among other information.<sup>12</sup>

The report of the House Appropriations Committee contained additional views, recommendations, and direction affecting multiple agencies. For instance, the committee asserted that 56 agencies or programs within the bill (as reported) "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.<sup>13</sup> 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

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<sup>8</sup> H.Rept. 112-151 on H.R. 2584, pp. 5-6.

<sup>9</sup> H.Rept. 112-151 on H.R. 2584, pp. 11-12.

<sup>10</sup> See *Department of the Interior: Major Management Challenges*, GAO-11-424T, on the GAO website at <http://www.gao.gov/products/GAO-11-424T>; *Environmental Protection Agency: Major Management Challenges*, GAO-11-422T, on the GAO website at <http://www.gao.gov/products/GAO-11-422T>; and *Forest Service: Continued Work Needed to Address Persistent Management Challenges*, GAO-11-423T, on the GAO website at <http://www.gao.gov/products/GAO-11-423T>.

<sup>11</sup> 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 (name redacted), or contact Vivian Chu at 7-.....

<sup>12</sup> H.Rept. 112-151 on H.R. 2584, pp. 8-9.

<sup>13</sup> *Ibid.*, pp. 9-10 and pp. 158-159.

(providing “such sums as may be necessary”). The authorization of appropriations is intended to provide guidance regarding the appropriate amount of funds to carry out the authorized activities of an agency.<sup>14</sup>

To achieve economies of scale, the House Appropriations 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.<sup>15</sup>

## **Prior Action**

No regular FY2012 appropriations bill for Interior, Environment, and Related Agencies was enacted before the October 1, 2011, start of the fiscal year. Thus, from October 1, 2011, until the enactment of the Consolidated Appropriations Act, 2012, agencies and activities in the bill were funded through a series of continuing appropriations laws. Under the last such law, P.L. 112-68, for example, agencies and activities were funded at the FY2011 account level, minus 1.503%, under the authority and conditions in the FY2011 appropriations law (P.L. 112-10).<sup>16</sup> Overall, the continuing appropriations law was 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).<sup>17</sup>

No bill to fund Interior, Environment, and Related Agencies for FY2012 was introduced in the Senate. However, on October 14, 2011, the chair and ranking Member of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies released a draft bill for FY2012.<sup>18</sup>

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 it came to no resolution

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<sup>14</sup> This text on authorizing measures is derived from CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by (name redacted)

<sup>15</sup> H.Rept. 112-151 on H.R. 2584, pp. 11-12.

<sup>16</sup> 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 (name redacted); CRS Report RL32614, *Duration of Continuing Resolutions in Recent Years*, by (name redacted); and CRS Report RL34700, *Interim Continuing Resolutions (CRs): Potential Impacts on Agency Operations*, by (name redacted).

<sup>17</sup> The FY2012 appropriations bills are the first that were affected by the Budget Control Act of 2011 (P.L. 112-25), which established discretionary security and non-security spending caps for FY2012 and FY2013, and overall caps governing the actions of appropriations committees in both houses. In FY2012, the BCA set a separate cap of \$684 billion for security spending, defined to include the Departments of Defense and Veterans Affairs, Budget Function 150 for all international affairs programs, the National Nuclear Security Administration, and the Intelligence Community Management Account that funds the offices of the Director of National Intelligence. All other spending was capped at \$359 billion out of the total of \$1.043 trillion. For more information on the Budget Control Act of 2011, see CRS Report R41965, *The Budget Control Act of 2011*, by (name redacted), (name redacted), and (name redacted).

<sup>18</sup> Because this draft was not 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>.

thereon. 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. If enacted, this would have been a \$2.09 billion (7%) reduction from the FY2011 appropriation of \$29.61 billion and \$3.82 billion (12%) less than the Administration's FY2012 request of \$31.34 billion.

The House committee had proposed one notable increase over FY2011—\$392.4 million (10%) for the Indian Health Service. The committee bill would have reduced funding from the FY2011 levels for most other agencies. 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.

### **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 (6%) 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 had 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. For FY2012, these issues 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 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 of 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. (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 of 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 of 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 section of this report on the “Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, and Office of Natural Resources Revenue.”)
- *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 section of this report on the “Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, and Office of Natural Resources Revenue.”)
- *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 of 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-FY2012

**Table 1** shows appropriations for Interior, Environment, and Related Agencies for FY2004-FY2012. Funding for earlier years is not readily available due to changes in the makeup of the Interior appropriations bill. The FY2012 appropriation represented a \$1.90 billion increase (7.0%) over the FY2004 level in current dollars, or a \$2.87 billion decrease (8.9%) in constant dollars.<sup>19</sup>

See **Table 21** 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-FY2012**

(\$ in billions)

	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010	FY2011	FY2012
Current Dollars	27.33	27.02	25.94	27.40	28.42	27.59	10.95	38.79 <sup>a</sup>	32.32	29.61	29.23
Constant 2011 Dollars <sup>b</sup>	32.10	30.72	28.56	29.31	29.75	28.62	11.36	40.24 <sup>a</sup>	33.20	29.97	29.23

**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. The FY2012 total reflects a reduction of \$47.0 million from a 0.16% across-the-board rescission in the law.

- 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.
- These figures are based on the Congressional Budget Office’s (CBO’s) inflation projections of 1.5% for 2011 and 1.2% for 2012, at <http://www.cbo.gov/doc.cfm?index=12316>.

## Status of Bill

**Table 2** reflects action on FY2012 Interior, Environment, and Related Agencies Appropriations legislation.

<sup>19</sup> These calculations use the Congressional Budget Office’s inflation projections of 1.5% for 2011 and 1.2% for 2012.

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

Subcommittee Markup		H. Com. Report	House Passage	S. Com. Report	Senate Passage	Conf. Report	Conference Rept. Approval		Public Law
House	Senate						House	Senate	
7/7/11	—	7/19/11 H.Rept. 112-151	—	—	—	12/15/11 H.Rept. 112-331	12/16/11	12/17/11	12/23/11 P.L. 112-74

**Note:** House subcommittee and committee action was on H.R. 2584. Conference action occurred on H.R. 2055, and this bill was enacted into law.

## Title I: Department of the Interior

### Bureau of Land Management<sup>20</sup>

#### Overview

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

For FY2012, the appropriations law contained \$1.12 billion for BLM, a \$1.4 million (0.1%) increase over the FY2011 appropriation (\$1.11 billion) and \$0.5 million (<0.1%) more 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 Approp.
Management of Lands and Resources	950.8	919.5	947.6
Construction	4.6	3.6	3.6
Land Acquisition	22.0	50.0	22.4
Oregon and California Grant Lands	111.3	112.0	112.0
Range Improvements	10.0	10.0	10.0
Service Charges, Deposits, and Forfeitures <sup>a</sup>	0	0	0
Miscellaneous Trust Funds and Permanent Operating Funds	15.2	19.7	19.7
<b>Total Appropriations</b>	<b>1,113.9</b>	<b>1,114.8</b>	<b>1,115.3</b>

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

<sup>20</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on BLM funding, contact (name redacted) at 7-.....

## **Management of Lands and Resources**

Management of Lands and Resources includes funds for an array of BLM land programs, including protection, recreational use, improvement, development, disposal, and general BLM administration. For this account, the FY2012 appropriation was \$947.6 million, \$3.2 million (0.3%) less than the FY2011 appropriation (\$950.8 million) but \$28.1 million (3%) more than the Administration's request for FY2012 (\$919.5 million).

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

- For range management, which focuses on livestock grazing on 158 million acres of BLM land, the appropriation was \$87.5 million, an increase of \$10.6 million over the FY2011 appropriation and \$15.9 million over the Administration's request. The increase was intended in part for hiring seasonal employees, completing the grazing permit renewal process, and monitoring grazing allotments. The House Appropriations Committee had referred to the program as "significantly underfunded in the past," and noted an increasing cost to BLM of grazing-related litigation.<sup>21</sup> Further, a provision of the law would continue (for FY2012 and FY2013) the automatic renewal of BLM and Forest Service 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.
- For cultural resources management, the appropriation was \$16.1 million. This was 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.
- For recreation management, the appropriation was \$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.
- For the Alaska land conveyance program, the appropriation was \$29.1 million, level with the FY2011 appropriation. The Administration had requested 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, the appropriation was \$107.8 million. This was an increase of \$17.3 million from the FY2011 level and \$33.0 million from

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<sup>21</sup> H.Rept. 112-151 on H.R. 2584, pp. 18-19.



the FY2012 request. The differences in appropriations among the three levels resulted primarily from differences in the amount of funds to be derived from other sources, namely (1) a higher expected amount of collections in FY2011 from fees for processing applications for permits to drill, and (2) the inclusion in the President's request only of a proposal to shift the cost of oil and gas inspections from appropriations to a proposed industry inspection fee. Further, the FY2012 law did not include a provision recommended by the House Appropriations Committee 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 had 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 prepared an environmental impact statement on the withdrawal.<sup>22</sup>

- For the National Landscape Conservation System, the base appropriation was \$31.9 million, equal to the FY2011 appropriation but \$7.5 million less than the Administration's FY2012 request. This system receives funding from other BLM programs; the total appropriated for FY2012 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 FY2012 law 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.<sup>23</sup>
- For wild horse and burro management, \$75.0 million was appropriated. This was \$0.7 million less than the FY2011 appropriation and equal to the Administration's request. The FY2012 law 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 law 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 FY2012 appropriations law contained \$3.6 million. This was 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 (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. The FY2012 appropriation was the lowest funding level in at least a decade. Over the prior decade, BLM construction funding had 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.

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<sup>22</sup> For information on the Final Environmental Impact Statement, see the BLM website at <http://www.blm.gov/az/st/en/prog/mining/timeout.html>.

<sup>23</sup> For more information, see CRS Report R41610, *Wilderness: Legislation and Issues in the 112<sup>th</sup> Congress*, by (name redacted), (name redacted), and (name redacted).

## **Land Acquisition**

For land acquisition by the BLM, the FY2012 appropriations law provided \$22.4 million, \$0.4 million above the FY2011 level (\$22.0 million) and \$27.6 million below 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 Service<sup>24</sup>**

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 FY2012 appropriation was \$1.48 billion, down \$25.3 million (2%) from the FY2011 level of \$1.50 billion. (See **Table 4.**) The Administration had requested \$1.69 billion for FY2012. The FY2012 appropriations law reduced most accounts and subaccounts relative to FY2011 levels. Exceptions included the Construction account, with an increase of \$2.3 million (11%) and the Cooperative Landscape Conservation and Adaptive Science subaccount, with an increase of \$1.3 million (4%).

By far the largest portion of the FWS annual appropriation is for the Resource Management account. For this account, the FY2012 appropriations law provided \$1.23 billion, a decrease of \$16.7 million (1%) from the FY2011 appropriation of \$1.24 billion. The Administration had requested \$1.27 billion for FY2012. 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.

## **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 FY2012 appropriation was \$176.2 million, an increase of \$0.8 million from the FY2011 appropriation of \$175.4 million. The Administration's request was \$182.7 million. P.L. 112-74 contained limits on spending for listing<sup>25</sup> species in response to petitions, for listing foreign species, and for designation of critical habitat.<sup>26</sup> The limitations on listing foreign species and responding to petitions were not included

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<sup>24</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74).

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

<sup>25</sup> "Listing" refers to the addition of new species to the list of species protected under ESA.

<sup>26</sup> FWS has long argued that responding to listing petitions uses agency resources that would be better spent on listing species that the agency judges to be more in need of protection. For more on other ESA funding restrictions, see CRS Report R41928, *Fish and Wildlife Service: FY2012 Appropriations and Policy*, by (name redacted).

in the FY2011 appropriations law; limitations on critical habitat designation have been a feature of appropriations laws for over 15 years.

**Table 4. Appropriations for the Fish and Wildlife Service (FWS), FY2011-FY2012**

(\$ in millions)

<b>Fish and Wildlife Service</b>	<b>FY2011 Approp.</b>	<b>FY2012 Request</b>	<b>FY2012 Approp.</b>
Resource Management	1,244.9	1,271.9	1,228.1
—Endangered Species	175.4	182.7	176.2
—Habitat Conservation	112.5	118.4	110.8
—Environmental Contaminants	13.3	13.8	13.1
—National Wildlife Refuge System	492.1	502.9	486.5
—Migratory Birds, Law Enforcement, and International Conservation	128.2	130.0	126.8
—Fisheries and Aquatic Resource Conservation	138.9	136.0	135.5
—Cooperative Landscape Conservation and Adaptive Science	31.0	37.5	32.3
—General operations	153.4	150.5	146.9
Construction	20.8	23.1	23.1
Land Acquisition	54.9	140.0	54.7
Landowner Incentive Program (cancellation of prior year balances)	-4.9	0	0
Cooperative Endangered Species Conservation Fund	59.9	100.0	47.8
National Wildlife Refuge Fund	14.5	0	14.0
North American Wetlands Conservation Fund	37.4	50.0	35.6
Neotropical Migratory Bird Conservation Fund	4.0	5.0	3.8
Multinational Species Conservation Fund	10.0	9.8	9.5
State & Tribal Wildlife Grants	61.9	95.0	61.4
<b>Total Appropriations</b>	<b>1,503.2</b>	<b>1,694.7</b>	<b>1,477.9</b>

The Cooperative Endangered Species Conservation Fund also benefits conservation of species that are listed, or proposed for listing, under the Endangered Species Act, through grants to states and territories. The FY2012 appropriation was \$47.8 million, down \$12.1 million from the FY2011 appropriation of \$59.9 million. The FY2012 request was \$100.0 million.

## **National Wildlife Refuge System (NWRS)**

The FY2012 appropriations law contained \$486.5 million for the Refuge System, a decrease of \$5.6 million from the FY2011 appropriation of \$492.1 million. The Administration had requested \$502.9 million. Of the five activities within the NWRS, the Administration had sought to increase the wildlife and habitat management activity by \$13.3 million, from \$227.0 million in FY2011 to \$240.2 million in FY2012. However the FY2012 appropriation (\$223.8 million) was a reduction from FY2011 of \$3.2 million.

## **Fisheries and Aquatic Resource Conservation**

For Fisheries and Aquatic Resource Conservation, the FY2012 appropriation was \$135.5 million, a decrease of \$3.4 million from the FY2011 level of \$138.9 million. Congress rejected much of the President's proposed cut in the hatchery program, appropriating \$46.1 million rather than the requested \$42.8 million. Nevertheless, the FY2012 appropriation was a reduction of \$2.7 million from the FY2011 level of \$48.9 million. The Administration had proposed that FWS negotiate reimbursable agreements with responsible parties for water project mitigation activities at National Fish Hatcheries. Until such reimbursement was negotiated, FWS proposed to eliminate or substantially reduce activities at the nine National Fish Hatcheries where mitigation costs were at least 40% of total operating expenses. In response, the FY2012 appropriations law authorized the transfer of \$3.8 million to FWS from the Corps of Engineers for hatchery mitigation expenses.<sup>27</sup>

## **Cooperative Landscape Conservation and Adaptive Science<sup>28</sup>**

The FY2012 appropriation for Cooperative Landscape Conservation and Adaptive Science was \$32.3 million, an increase of \$1.3 million from the FY2011 level of \$31.0 million. The Administration had proposed \$37.5 million. The conferees directed FWS to explain how it planned to integrate certain programs within this activity with its Joint Ventures and its Fish Habitat Partnerships, as well as with the U.S. Geological Survey's Climate Science Centers, Cooperative Fish and Wildlife Research units, and Cooperative Ecosystem Studies Units.<sup>29</sup>

## **Land Acquisition**

For land acquisition by the FWS, the FY2012 appropriation was \$54.7 million, a \$0.2 million reduction from the FY2011 appropriation of \$54.9 million. The Administration's 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 (LWCF)" below.)<sup>30</sup>

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<sup>27</sup> H.Rept. 112-331 on H.R. 2055, p. 1053.

<sup>28</sup> This program was previously called Climate Change Planning and Adaptive Science Capacity.

<sup>29</sup> H.Rept. 112-331 on H.R. 2055, p. 1054.

<sup>30</sup> 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 (continued...)

## **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 under the jurisdiction of FWS. A portion of the fund is supported by the permanent appropriation of receipts from various activities carried out on FWS lands.<sup>31</sup> 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 to provide the fully authorized level. 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 have decreased to 5% of the authorized level in FY2012. Counties with refuge lands within their borders would likely oppose the loss of funding. Congress rejected the proposed elimination of funding, and instead appropriated \$14.0 million, a decrease of \$0.5 million from the FY2011 appropriation of \$14.5 million.

## **Multinational Species and Neotropical Migrants**

The Multinational Species Conservation Fund generates considerable public interest despite the small size of the program. It benefits Asian and African elephants, tigers, rhinoceroses, great apes, and marine turtles. The FY2012 law provided \$9.5 million, a decrease of \$0.5 million from the FY2011 appropriation of \$10.0 million. The FY2012 request was \$9.8 million. For the Neotropical Migratory Bird Conservation Fund, the FY2012 law contained \$3.8 million. The FY2012 request was \$5.0 million; the FY2011 law contained \$4.0 million.<sup>32</sup>

## **State and Tribal Wildlife Grants**

State and Tribal Wildlife Grants help fund efforts to conserve species (including nongame species) of concern to states, territories, and tribes. The program was created in the FY2001 Interior appropriations law (P.L. 106-291) and further detailed in subsequent Interior appropriations laws. (It has no separate authorizing statute.) Funds may be used to develop state conservation plans as well as to support specific conservation projects. The FY2012 appropriation was \$61.4 million, a decrease of \$0.5 million from the FY2011 appropriation of \$61.9 million. The Administration's FY2012 request was \$95.0 million. Also, the FY2012 law required at least a 25% non-federal cost share for planning grants and a 35% non-federal cost share for implementation grants.

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(...continued)

an additional \$14.0 million if enacted. No such bill has been introduced to date.

<sup>31</sup> The National Wildlife Refuge Fund is distinct from the Payments in Lieu of Taxes (PILT) program administered by DOI, for which many types of federal lands are eligible. FWS lands in the NWRS that are reserved from the public domain are eligible for PILT; acquired lands are not. For further information, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by (name redacted).

<sup>32</sup> For more information on the funds, see CRS Report RS21157, *International Species Conservation Funds*, by (name redacted) and (name redacted).

## National Park Service<sup>33</sup>

The National Park Service (NPS) administers the National Park System—397 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.

The FY2012 appropriations law contained \$2.58 billion for the NPS, a decrease of \$27.3 million (1%) from the FY2011 appropriation (\$2.61 billion) and \$307.8 million (11%) from the Administration's FY2012 request (\$2.89 billion). Much of the decrease from the President's request would come from the Land Acquisition and State Assistance account and the Operation of the National Park System 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 Approp.
Operation of the National Park System	2,250.1	2,296.9	2,240.2
—Park Management	2,083.6	2,127.7	2,071.0
—Administrative Costs	166.5	169.2	169.2
National Recreation and Preservation	57.9	51.6	60.0
Historic Preservation Fund	54.4	61.0	56.0
Construction	184.6 <sup>a</sup>	152.1	155.6
Land and Water Conservation Fund <sup>b</sup>	-30.0	-30.0	-30.0
Land Acquisition and State Assistance	94.8	360.0	102.1
—Assistance to States	39.9	200.0	45.0
—NPS Acquisition	54.9	160.0	57.1
<b>Total Appropriations</b>	<b>2,611.1<sup>c</sup></b>	<b>2,891.6</b>	<b>2,583.8</b>

- Figure reflects a rescission of \$25.0 million in prior year balances.
- Figures reflect a rescission of contract authority.
- Includes a general rescission of \$0.6 million not reflected in column figures above.

## 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 that constitute the day-to-day operations of the Park System. For this account, the FY2012 appropriations law contained \$2.24 billion for FY2012, a decrease

<sup>33</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on NPS funding in general, contact (name redacted) at 7-..... For more information on funding for historic preservation, contact Shannon Loane at 7-.....

of \$9.9 million from the FY2011 appropriation (\$2.25 billion) and \$56.7 million from the Administration's request (\$2.30 billion). The law provided funding at \$1.0 million more than the FY2011 level for the visitor services activity, but less than the FY2011 level for the other four park management activities in this account: resource stewardship, park protection, facility operations and maintenance, and park support. The conferees included report language on a variety of issues under this account, including language to encourage the use of historic leases, maintain funding for the National Capital Area Performing Arts Program, increase funding to protect the Statue of Liberty and the Martin Luther King Jr. Memorial, and direct the National Academy of Sciences to assess the science used in the NPS Draft Environmental Impact Statement on a possible extension for oyster operations at Point Reyes National Seashore.<sup>34</sup>

The law provided less than the President's request for all five of the park management activities within the account. By contrast, the Administration had sought increases over FY2011 for all five activities. They included resource stewardship, with a proposed \$12.6 million increase primarily for managing natural resources and preserving cultural resources; visitor services, with a proposed \$11.5 million increase focusing on interpretation and education; and facility operations and maintenance, with a proposed \$11.5 million increase.

## **National Recreation and Preservation**

For the National Recreation and Preservation (NR&P) account for FY2012, the appropriations law contained \$60.0 million, an increase of \$2.1 million over the FY2011 appropriation (\$57.9 million) and of \$8.4 million from 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.

The FY2012 law supported funding for programs within this account essentially at the FY2011 levels, and at the levels requested by the President for FY2012, with one exception in each case. For natural programs, the FY2012 law contained \$13.4 million, an increase over the \$11.2 million appropriated for FY2011 but equal to the President's request. For the heritage partnership programs, the FY2012 law maintained funding at the FY2011 level of \$17.4 million, although the Administration had sought to reduce funding to approximately half that amount—\$9.0 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 have allowed 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.<sup>35</sup> The House Appropriations Committee had directed heritage areas to move expeditiously towards developing plans for long-term self-sustainability.<sup>36</sup>

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<sup>34</sup> H.Rept. 112-331 on H.R. 2055, pp. 1056-1057, contains the views and direction of the conferees on these and other issues under the Operation of the National Park System account.

<sup>35</sup> U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2012*, pp. NR&P-56.

<sup>36</sup> 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.

The FY2012 appropriations law contained \$56.0 million for the HPF, a \$1.6 million increase over FY2011 (\$54.4 million) but a \$5.0 million decrease from the Administration's request (\$61.0 million). Of the \$56.0 million, \$47.0 million was for state historic preservation offices and \$9.0 million was for tribal historic preservation offices.

## **Construction**

For NPS Construction for FY2012, the law contained \$155.6 million, a \$29.0 million decrease from the FY2011 level of \$184.6 million.<sup>37</sup> The appropriation included \$77.8 million for line-item construction projects, which the conferees asserted would fund the NPS priorities included in a revised request list. A total of \$7.5 million was for the stabilization and repair of the Washington Monument, to be matched by a private citizen, according to the conferees.

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 law contained \$14.6 million for FY2012, nearly level with FY2011 (\$14.8 million) and identical to the President's request. Of the requested amount, \$2.4 million was intended for the development of special resource studies. The conferees urged the NPS to complete previously authorized studies before beginning new ones.

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. 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.

## **Land Acquisition and State Assistance**

For FY2012, the appropriation was \$102.1 million for Land Acquisition and State Assistance. This would be an increase of \$7.3 million from the FY2011 appropriation (\$94.8 million) but \$257.9 million less than the Administration's request (\$360.0 million). The law included increases over FY2011 for both components of the program. For land acquisition, the law contained \$57.1 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

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<sup>37</sup> The law states that the construction appropriation is to include modifications under the Everglades National Park Protection and Expansion Act of 1989. NPS funding has been used to modify water management systems to improve water deliveries to the park. For additional information on funding for restoration of the Everglades, see CRS Report R42007, *Everglades Restoration: Federal Funding and Implementation Progress*, by (name redacted).



grants to states, the law provided \$45.0 million, as compared with \$39.9 million for FY2011. 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.

The Administration had 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 Survey<sup>38</sup>**

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 themes<sup>39</sup> related to those outlined in the USGS 2007-2017 strategic plan,<sup>40</sup> 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 had proposed a new account for the National Land Imaging Program, which includes the development of the Landsat satellite program. The FY2012 appropriations law appropriated funding for interdisciplinary programs under this new alignment, yet rejected the creation of the National Land Imaging Program as a new account.

The FY2012 appropriations law contained \$1.07 billion for the USGS, a \$13.9 million (1%) decrease from the FY2011 appropriation (\$1.08 billion) and a \$48.1 million (4%) decrease from the Administration’s FY2012 request (\$1.12 billion) (see **Table 6**). The following sections discuss the FY2012 USGS appropriations in comparison with the FY2011 appropriations under the agency’s new alignment.

The FY2012 appropriations law contained \$161.5 million for the Ecosystems program, an increase of \$0.7 million over the FY2011 appropriation (\$160.8 million). The conferees stated that “support for ecosystem restoration activities throughout the Survey’s programs is maintained

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<sup>38</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on USGS funding, contact (name redacted) at 7-.....

<sup>39</sup> Hereinafter these “themes” are referred to as programs.

<sup>40</sup> 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*.

at the FY2011 enacted level.”<sup>41</sup> Exceptions noted in the report included a \$1.5 million increase over the FY2011 appropriation for implementing the Chesapeake Bay Executive Order, and a \$2.5 million increase over the FY2011 appropriations for the Great Lakes Asian Carp Control Framework. The conferees also expressed their support for the Administration’s request to conduct an in-depth analysis of the extent and sources of endocrine disrupting agents in the Chesapeake Bay.

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

U.S. Geological Survey	FY2011 Approp.	FY2012 Request	FY2012 Approp.
Surveys, Investigations, and Research	1,083.7	1,018.0	1,069.7
—Ecosystems	160.8	166.4	161.5
—Climate and Land Use Change	138.1	106.4	144.3
—Climate Variability	64.3	72.9	59.0
—Land Use Change	73.8	33.5	85.3
—Energy, Minerals, and Environmental Health	99.9	88.5	96.4
—Natural Hazards	136.0	133.9	134.7
—Water Resources	212.4	199.6	215.0
—Core Science Systems	113.0	105.9	106.8
—Administration and Enterprise Information	118.6	116.6	110.4
—Facilities	104.7	100.8	100.6
National Land Imaging <sup>a</sup>	—	99.8	—
<b>Total Appropriations</b>	<b>1,083.7</b>	<b>1,117.9</b>	<b>1,069.7</b>

a. The Administration’s FY2012 request proposed a transfer of activities to a new National Land Imaging account. The FY2012 appropriations law did not approve a new account for National Land Imaging and appropriated funds for this program in other accounts in the Service.

## Climate and Land Use Change

The Climate and Land Use Change program is a hybrid of the Global Change program and Land Use Change Program from FY2011. The FY2012 appropriations law contained \$144.3 million for this program, an increase of \$6.2 million over the FY2011 appropriation (\$138.1 million). Of this amount, there was an \$11.5 million increase over FY2011 appropriations to complete funding for Landsat 8 ground operations development.<sup>42</sup> This increase reflects the inclusion of some funding that was requested for the National Land Imaging account, which was not funded by the FY2012 appropriations law. The conferees stated that all funding for satellite operations will remain in the Land Use Change subactivity. Further, the conferees did not agree to transfer budgetary authority for the launch of Landsat satellites 9 and 10 to USGS from the National Aeronautics and Space Administration (NASA). The conferees provided \$2.0 million of the \$48.0 million requested for

<sup>41</sup> H.Rept. 112-331 on H.R. 2055, p. 1058.

<sup>42</sup> Landsat 8 is being developed to take remotely sensed images of the Earth’s land surface and surrounding coastal areas primarily for environmental monitoring. Landsat data are freely available to the public.

implementation of Landsat 9 and 10.<sup>43</sup> They noted that the estimated expenses for this program through FY2014 (approximately \$400.0 million) would be difficult to support in an Interior appropriations law without making cuts to other USGS programs. They recommended that all interested parties should re-examine Landsat missions and consider less costly options for acquiring Landsat data.<sup>44</sup>

Under the Climate Variability sub-program, the FY2012 law provided \$2.4 million for science support for DOI bureaus, a decrease of \$2.6 million from the FY2011 level (\$5.0 million) and of \$6.5 million from the President's request (\$8.9 million). In providing \$25.5 million, the FY2012 appropriations law essentially funded the Administration's request for supporting the full deployment of climate science centers. The National Climate Change and Wildlife Science Center and its regional entities—currently referred to as Department of the Interior Climate Science Centers (DOI CSCs)—support research, assessment, and synthesis of global change data for use at regional levels.

### **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: minerals 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 FY2012 appropriations law contained \$96.4 million for the Energy, Minerals, and Environmental Health program, a decrease of \$3.5 million from the FY2011 appropriation (\$99.9 million) but an increase of \$7.9 million from the Administration's request for FY2012 (\$88.5 million). The FY2012 law included higher levels than requested by the Administration for three of the four subprograms. For instance, the Administration had proposed reducing Minerals Resources from \$52.2 million in FY2011 to \$44.2 million for FY2012, but the FY2012 law provided \$49.3 million. The Administration's proposed reduction would have delayed the completion of the next National Mineral Resource Assessment, and was controversial. Opponents had 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 had asserted that some ecosystem studies are related to energy production.<sup>45</sup>

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<sup>43</sup> 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.

<sup>44</sup> For more information on the Landsat program, see CRS Report R40594, *Landsat and the Data Continuity Mission*, by (name redacted).

<sup>45</sup> 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*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., March 9, 2011.

## **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 FY2012 appropriations law contained \$134.7 million for this program, a reduction of \$1.3 million from FY2011 appropriations (\$136.0 million). The conferees expressed that they did not agree to some proposed reductions in the Administration's request and that they restored funding for Earthquake grants, the 2012 Multi-hazards Initiative, and the National Volcano Early Warning System.

## **Water Resources**

The Water Resources program includes activities that collect, assess, and disseminate hydrological data, and analyze and research hydrological systems and methods for water conservation. With the omission of toxic substances hydrology, the Water Resources program is similar to the previous USGS Water Resources program. This program contains the National Streamflow Information sub-program and the cooperative water sub-program, both of which fund streamgages throughout the nation.

The FY2012 appropriations law contained \$215.0 million for the Water Resources program, an increase of \$2.6 million over FY2011 appropriations (\$212.4 million). The FY2012 appropriations law restored funding for several programs which the Administration had proposed to cut. For instance, funding for the National Water Quality Assessment was increased by \$5.5 million over the request, to \$63.0 million for FY2012. The Administration's proposed decrease for the assessment would have eliminated groundwater monitoring in 76 study areas and delayed the start of a national synthesis of suspended sediments in streams and rivers. The conferees encouraged the USGS to present a proposal in its FY2013 budget request to establish a national groundwater monitoring network. The FY2012 law did not reflect the Administration's request to eliminate funding for the Water Resources Research Act Program. Instead, this program received \$6.5 million in the FY2012 appropriations law, essentially level with FY2011 appropriations. The National Streamflow Information Program received \$29.4 million for FY2012, \$2.5 million above the Administration's request for FY2012. This program provides funding for maintaining and developing streamgages throughout the country.

## **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. The FY2012 appropriations law contained \$106.8 million for this program, a decrease of \$6.2 million from the FY2011 appropriations (\$113.0 million).

The FY2012 law included \$15.1 million for the biological information management and delivery subprogram, level with the Administration's request but a decrease of \$3.5 million from FY2011

appropriations. The Administration had proposed 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.

### **Administration and Enterprise Information**

This program reflects administrative activities and Enterprise Information. Enterprise Information consolidates funding of all USGS information needs, including information technology, security, services, and resources management, as well as capital asset planning. The FY2012 appropriations law contained \$110.4 million for this program, a decrease of \$8.3 million from FY2011 appropriations (\$118.6 million). Most of the decrease was in the Science Support sub-activity, which provides scientific support for other DOI agencies.

### **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 FY2012 appropriations law contained \$100.6 million for this program, a decrease of \$4.1 million from FY2011 appropriations (\$104.7 million). The conferees did not support the Administration’s proposal to create a separate Construction line item, and maintained funds within the Deferred Maintenance and Capital Improvement sub-activity. According to the conferees, USGS has the authority it needs to manage its facilities and space requirements within the current structure.<sup>46</sup>

### **National Land Imaging**

The Administration’s proposal to establish a National Land Imaging account was not accepted in the FY2012 appropriations law. Conferees expressed that Landsat and related activities should continue to be funded under the Surveys, Investigations, and Research account. For the proposed account, the Administration had sought \$99.8 million to carry out DOI’s role in land imaging and remote sensing. A portion of the requested funding for the Landsat program was provided in the Climate and Land Use Change Program (see above for more details).

### **Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, and Office of Natural Resources Revenue<sup>47</sup>**

In response to the April 20, 2010, Deepwater Horizon oil spill in the Gulf of Mexico, 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. On May 19, 2010, the Secretary decided to establish the following three new entities to

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<sup>46</sup> H.Rept. 112-331 on H.R. 2055, p. 1060.

<sup>47</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on BOEM, BSEE, and ONRR funding, contact (name redacted) at 7-.....

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 under the supervision of an assistant secretary.<sup>48</sup>

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. For FY2012, the Administration requested appropriations for BOEMRE and ONRR,<sup>49</sup> but the FY2012 appropriations law provided appropriations for the three new agencies. **Table 7** illustrates the transitional framework.

**Table 8**, **Table 9**, and **Table 10** identify the FY2012 appropriations for BSEE, BOEM, and ONRR, respectively. No comparisons with FY2011 appropriations, and few comparisons with FY2012 requested funding, are provided in these tables, consistent with the detailed funding tables in the FY2012 conference report.<sup>50</sup>

In FY2011, there was \$11.2 billion in disbursements from mineral leases on federal and Indian lands, up from \$9.2 billion in FY2010 but down from the FY2008 record amount of \$23.5 billion. 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). Other sources of ONRR receipts include bonus bids and rents for all leasable minerals and royalties from coal and other minerals.

Revenues from onshore leases are distributed to states in which they were collected, the general fund of the U.S. Treasury, and designated programs. Revenues from offshore leases are allocated among coastal states, the Land and Water Conservation Fund, the Historic Preservation Fund, and the Treasury.

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<sup>48</sup> 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>.

<sup>49</sup> 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.

<sup>50</sup> H.Rept. 112-331 on H.R. 2055, pp. 1101-1102 and 1105.

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

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

**Note:** FY2012 appropriations were provided to BOEMRE's successor agencies, BSEE and BOEM, as shown in Tables 8 and 9 in this section.

a. For FY2012, the Administration requested appropriations for this activity through ONRR.

## FY2012 Budget and Appropriations

The FY2012 appropriations law contained a gross funding level of \$160.9 million for BOEM, \$197.5 million for BSEE, and \$119.6 million for ONRR. The gross funding level for all three programs was \$478.0 million for FY2012. The law supported use of receipts and other fees at \$101.1 million for BOEM and \$121.1 million for BSEE. For BSEE, this included the collection of additional inspection fees, for a total of \$62.0 million, as had been requested by the Administration. The FY2012 net amounts were \$59.8 million for BOEM and \$76.4 million for BSEE. Thus, the total net amount enacted for FY2012 for the three newly created agencies replacing MMS was \$255.8 million.

The Administration's FY2012 gross funding request of \$478.0 million for both BOEMRE (\$358.4 million) and ONRR (\$119.6 million)<sup>51</sup> was equal to the amount enacted. Similarly, when the use of receipts and cost recovery fees (\$222.2 million) are deducted, the Administration's net request for the agencies replacing MMS was equal to the net amount enacted (\$255.8 million). By

<sup>51</sup> 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.

comparison, the FY2011 enacted gross funding level was lower—\$415.6 million—while the net funding level was nearly identical—\$225.7 million. Finally, there was an additional \$42.0 million cost-share deduction (a deduction from the states’ share of royalty receipts) for the FY2011 and FY2012 enacted appropriations and the FY2012 requested funding.

While it is difficult to compare program by program from FY2011 to FY2012, because of reorganizations and name changes, it appears that the Operations, Safety and Regulation program currently within BSEE received the most significant increase over FY2011—from about \$88 million in FY2011 to about \$132 million in FY2012. See **Table 8**. Oil spill research increased from \$11.7 million to \$14.9 million from FY2011 to FY2012, but has shown an even greater increase since the FY2010 level of \$6.3 million.

**Table 8. Appropriations for Bureau of Safety and Environmental Enforcement (BSEE), FY2011-FY2012**  
(\$ in millions)

BSEE	FY2011 Approp.	FY2012 Request	FY2012 Approp.
Offshore Safety and Environmental Enforcement			
— <i>Environmental Enforcement</i>	—	—	4.1
— <i>Operations, Safety, and Regulation</i>	—	—	132.1
— <i>Administrative Operations</i>	—	—	15.6
— <i>General Support Services</i>	—	—	12.6
— <i>Executive Direction</i>	—	—	18.1
Subtotal	—	—	182.6
(BOEMRE subtotal)	—	(182.6)	—
Offsetting rental receipts	—	—	-52.6
Inspection fees	—	—	-62.0
Cost recovery fees	—	—	-6.5
(BOEMRE inspection fees)	—	(-62.0)	—
(BOEMRE cost recovery fees)	—	(-6.5)	—
<b>Total, Offshore Safety and Environmental Enforcement</b>	—	—	<b>61.5</b>
Oil spill research	—	—	14.9
<b>Total Appropriations</b>	—	—	<b>76.4</b>

**Note:** FY2011 appropriations were provided to, and FY2012 appropriations were requested for, BSEE’s predecessor agency, BOEMRE, as shown in **Table 7** in this section.

The Administration established an Office of Offshore Alternative Energy Programs in FY2010 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 wind energy project offshore with 130 turbines. BOEMRE has plans to more efficiently site, lease, and construct offshore wind energy projects with its “Smart from the Start” program. For FY2012, the



appropriation to BOEM for renewable energy was \$22.7 million, lower than the \$23.2 million appropriated for FY2011 and the \$23.1 million requested for FY2012. See **Table 9**.

**Table 9. Appropriations for the Bureau of Ocean Energy Management (BOEM), FY2011-FY2012**

(\$ in millions)

BOEM	FY2011 Approp.	FY2012 Request	FY2012 Approp.
Ocean Energy Management			
—Renewable Energy	—	—	22.7
—Conventional Energy	—	—	47.3
—Environmental Assessment	—	—	62.0
—General Support Services	—	—	12.8
—Executive Direction	—	—	16.1
Subtotal	—	—	160.9
Subtotal, BOEMRE	—	(160.9)	—
Offsetting rental receipts	—	—	-99.0
Cost recovery fees	—	—	-2.1
(BOEMRE rental receipts)	—	(-99.0)	—
(BOEMRE cost recovery fees)	—	(-2.1)	—
<b>Total Appropriations</b>	—	—	<b>59.8</b>

**Note:** FY2011 appropriations were provided to, and FY2012 appropriations were requested for, BOEM’s predecessor agency, BOEMRE, as shown in **Table 7** in this section.

In addition, the Administration had proposed a \$4 per acre fee on new nonproducing oil and gas leases in the Outer Continental Shelf (OCS) and onshore to further encourage diligent development of those leases, and the repeal of royalty relief provisions (§344) in the Energy Policy Act of 2005. Neither proposal was included in the FY2012 law. The House Appropriations Committee had 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.<sup>52</sup> The conferees further expressed that the highest priority for BSEE is “ensuring safety and prompt consideration of permits,” and that applications for permits to drill “should be processed with all due speed.”<sup>53</sup>

The total FY2012 appropriation for ONNR was \$119.6 million for its two major programs—compliance and asset management (CAM) and revenue and operations—funded at \$77.2 million and \$42.4 million respectively, as had been requested by the Administration. See **Table 10**. 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.

<sup>52</sup> H.Rept. 112-151, on H.R. 2584, p. 39.

<sup>53</sup> H.Rept. 112-331 on H.R. 2055, pp. 1060-1061.

**Table 10. Appropriations for the Office of Natural Resources Revenue (ONRR),  
FY2011-FY2012**  
(\$ in millions)

ONRR	FY2011 Approp.	FY2012 Request	FY2012 Approp.
Compliance and Asset Management <sup>a</sup>	n/a	77.2	77.2
Revenue and Operations <sup>a</sup>	n/a	42.4	42.4
<b>Total Appropriations</b>	<b>n/a</b>	<b>119.6</b>	<b>119.6</b>

a. These activities were funded previously under the former MMS. ONRR is one of three new entities established to perform the functions of the MMS, as discussed above in this section.

### 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.<sup>54</sup> Two issues have been the focus of recent debates: moratoria (areas off limits to leasing), 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. On November 8, 2011, the Administration announced its second draft proposed oil and gas leasing program for 2012-2017, which excludes all three Atlantic and all four Pacific Coast planning areas at least through 2017. Three planning areas in Alaska (Cook Inlet, Chukchi, and Beaufort Sea) are being scoped for leasing. Since the 2010 Deepwater Horizon oil spill in the Gulf of Mexico, President Obama has cancelled the August 2010 lease sale (215) and the Mid-Atlantic lease sale (220). On December 14, 2011, the Obama Administration held lease sale 218 in the Western Gulf of Mexico, the first sale since the oil spill.

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

<sup>54</sup> 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.

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 2010 oil spill in the Gulf of Mexico has been a factor in the debate.<sup>55</sup>

### ***Audit and Compliance Program***

A major challenge confronting 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 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.<sup>56</sup> GAO issued a report on September 26, 2008, concluding that the RIK Program could be improved.<sup>57</sup> After review of the RIK program, the Secretary of the Interior announced its "phased-in termination."<sup>58</sup> The FY2012 appropriations law and ONRR's FY2012 request reflected the Administration's plan to continue phasing out the RIK program.

### **Office of Surface Mining Reclamation and Enforcement<sup>59</sup>**

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 Land Reclamation (AML) Fund<sup>60</sup> to reclaim abandoned mine lands that posed serious health or safety hazards.

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<sup>55</sup> For more information on the spill, see CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background and Governance*, by (name redacted).

<sup>56</sup> 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/PCRMMS1207.pdf](http://onrr.gov/Laws_R_D/RoyPC/PDFDocs/PCRMMS1207.pdf).

<sup>57</sup> 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.

<sup>58</sup> 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](http://www.doi.gov/news/09_News_Releases/091609.html).

<sup>59</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on OSM funding, contact (name redacted) at 7-.....

<sup>60</sup> AML is the acronym for abandoned mine lands.

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.<sup>61</sup> Other OSM activities exclusively receive annual appropriations. Among these are the expenses of federal AML programs in states with no OSM-approved reclamation programs, an emergency reclamation program, OSM administrative expenses, and the clean streams program.

The addition of mandatory appropriations addressed the contention 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.<sup>62</sup> 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.

On October 26, 2011, the Secretary of the Interior signed a Secretarial Order (No. 3315) to consolidate the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management. The Order was to be effective December 1, 2011. The goal was to integrate the oversight and accountability related to abandoned mine land reclamation, revenue collections, and safety and environmental practices. However, as a result of congressional and stakeholder concerns, the Secretary suspended the effective date on November 28, 2011. Following an internal report (due on February 15, 2012, to the Secretary) that may include proposed modifications to the Order, a new effective date will be set. The conferees on the FY2012 appropriations bill were “deeply concerned about the lack of coordination and consultation” before the order was issued, and expressed an expectation of increased coordination and consultation on this issue.<sup>63</sup>

## **Budget and Appropriations**

The FY2012 appropriations law funded OSM 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 11**. The Administration supported having states increase user fees from the coal industry to offset a proposed reduction in appropriations for the regulation and technology account. The Administration noted that other energy industries pay higher fees for the cost of regulating their

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<sup>61</sup> The mandatory appropriation has a ceiling of \$490 million annually. If demands on that money exceed the cap, distributions will be proportional.

<sup>62</sup> See <http://www.osm.gov/topic/grants/docs/2010/FY10GrantDist.pdf>.

<sup>63</sup> H.Rept. 112-331 on H.R. 2055, p. 1062.

industry and that this proposal would treat similar industries more comparably. The FY2012 law did not include the proposal by the Administration to increase fees on the coal industry. The law also did not support the Administration’s proposal to increase federal oversight of state regulatory programs. The House Appropriations Committee had asserted that these programs “do not need enhanced Federal oversight to ensure continued implementation of a protective regulatory framework.”<sup>64</sup>

**Table 11. 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 Approp.
Regulation and Technology	127.0	118.5	123.1
— <i>Environmental Protection</i>	94.6	87.4	92.0
Abandoned Mine Reclamation Fund	35.5	27.4	27.4
— <i>Environmental Restoration</i>	15.0	9.5	9.5
<b>Total Appropriations</b>	<b>162.5</b>	<b>145.9</b>	<b>150.5</b>

Further, the FY2012 law did not include the Administration’s request for 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 have required 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 FY2012 appropriations law supported the Administration’s proposed \$27.4 million for the AML Fund, a decrease of \$8.1 million from FY2011 appropriations (\$35.5 million). The Administration had included a decrease of \$6.9 million, within the total decrease for the AML Fund, on the expectation that mandatory appropriations would cover the costs of state and tribal emergency grants and federally managed emergency projects.<sup>65</sup>

## **Bureau of Indian Affairs and Bureau of Indian Education<sup>66</sup>**

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

<sup>64</sup> H.Rept. 112-151 on H.R. 2584, p. 41.

<sup>65</sup> Mandatory grants to states and tribes in FY2012 were estimated by the Administration to be \$228.4 million, an increase of \$78.3 million in mandatory grants over FY2011.

<sup>66</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on BIA funding, contact (name redacted) at 7-..., coordinator for BIA appropriations issues. CRS analysts Betsy Cody, (name redacted), and (name redacted), and information research specialist Mercedes Gerli, also contributed to this section.

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.<sup>67</sup>

The FY2012 appropriations law contained \$2.54 billion for the BIA and BIE, \$58.7 million (2%) below the \$2.59 billion appropriated for FY2011 and \$34.7 million (1%) more than the Administration’s request for FY2012 (\$2.50 billion). **Table 12** presents appropriations enacted for FY2011 and FY2012 and requested for FY2012. Discussed below are selected topics and programs within BIA and BIE appropriations.

**Table 12. Appropriations for the Bureau of Indian Affairs (BIA) and Bureau of Education (BIE), FY2011-FY2012**

(\$ in millions)

Indian Affairs	FY2011 Approp.	FY2012 Request	FY2012 Approp.
Operation of Indian Programs	2,329.8	2,359.7	2,371.5
—Tribal Government	509.6	497.1	520.2
—Human Services	136.6	137.8	136.6
—Trust - Natural Resources Management	156.1	162.3	157.5
—Trust - Real Estate Services	145.8	125.5	127.0
—Education (Bureau of Indian Education, BIE)	752.7	795.6	796.8
—Elementary and Secondary Programs (Forward Funded)	520.0	526.1	523.1
—Post Secondary Programs (Forward Funded)	64.2	64.3	67.4
—Elementary and Secondary Programs <sup>a</sup>	76.9	122.7	122.7
—Post Secondary Programs	61.6	60.4	61.5
—Education Management	29.9	22.0	22.0
—Public Safety and Justice	334.1	354.7	346.8
—Law Enforcement	305.9	330.4	322.5
—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	123.8
—Education <sup>a</sup>	140.5	52.1	70.9
—Public Safety and Justice	17.9	11.3	11.3
—Resources Management	42.1	33.0	33.0

<sup>67</sup> 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).

<b>Indian Affairs</b>	<b>FY2011 Approp.</b>	<b>FY2012 Request</b>	<b>FY2012 Approp.</b>
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	7.1
<b>Total Appropriations</b>	<b>2,594.0</b>	<b>2,500.7</b>	<b>2,535.3</b>

**Note:** The table does not list all activities and subactivities relevant for Indian appropriations. As such, individual lines do not necessarily sum to the totals listed.

- 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.<sup>68</sup> 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.<sup>69</sup> 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)<sup>70</sup> 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.”<sup>71</sup> 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

<sup>68</sup> 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](http://www.ncai.org/fileadmin/Budget_2012/1-20-11_Budget_Doc_color.pdf).

<sup>69</sup> U.S. Dept. of the Interior, Officer of Inspector General, “*Neither Safe Nor Secure*”: *An Assessment of Indian Detention Facilities*, report no. 2004-I-0056, September 2004, <http://www.doiig.gov/images/stories/reports/pdf/IndianCountryDetentionFinal%20Report.pdf>.

<sup>70</sup> P.L. 111-211.

<sup>71</sup> 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*.

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 FY2012 appropriations law included a total of \$346.8 million for the Public Safety and Justice activity. This was \$12.7 million more than the FY2011 appropriation (\$334.1 million) but \$7.9 million less than the Administration's request (\$354.7 million). Of the FY2012 total, there was \$322.5 million for law enforcement on tribal lands; this was \$16.6 million more than the FY2011 appropriation but \$7.9 million less than the Administration's request. The Administration's proposed increase for law enforcement funding 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 FY2012 total also included \$23.4 million for tribal courts, which was \$3.6 million less than FY2011 but the same as the Administration's request.

### **Bureau of Indian Education (BIE)**

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

The FY2012 appropriations law contained a total of \$796.8 million for the BIE, a \$44.1 million increase from the FY2011 level (\$752.7 million) and a \$1.2 million increase from the President's request for FY2012 (\$795.6 million). The FY2012 appropriation matched the President's request for non-forward funded elementary and secondary education programs, increasing the appropriation from \$76.9 million in FY2011 to \$122.7 million for FY2012. The increase was due to transferring elementary and secondary school facilities maintenance from the Construction account to the elementary and secondary education subactivities. The Administration had 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 FY2012 law included legislative provisions affecting the BIE. One provision authorized the BIE to expend over a five-year period any funds that it recovered from a BIE school for which the BIE assumes operation from a tribe or tribal governing body after July 1, 2008.<sup>72</sup> A second provision authorized the BIE to rent or lease the land or facilities of a BIE-operated school to public and private persons and entities in an effort to benefit the school. Under a third provision of the law, BIE personnel were permitted to engage in fundraising for BIE-operated schools while in an official capacity as part of their official duties.

The House Appropriations Committee had directed the BIE, in coordination with the Department of Education, to count the number of students eligible for (participating in) the Johnson O'Malley

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<sup>72</sup> An Indian tribe or tribal organization may upon request retrocede the activities and programs of a contract under P.L. 93-638 or grant under P.L. 100-297 to the BIE. The BIE may reassume through rescission, in whole or in part, a contract or grant to assume or resume control or operation of the program without consent of the Indian tribe or tribal organization if the tribe or organization fails to fulfill its responsibilities properly.



(JOM) program.<sup>73</sup> 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 a count of Indian students and average per-pupil operating costs. Student counts have been effectively frozen since FY1995.<sup>74</sup> 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 Act<sup>75</sup> 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 had 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. Further, the committee had expressed an expectation that BIA would collaborate with the Department of Education on this effort.<sup>76</sup> Neither the FY2012 Interior appropriations law nor its explanatory statement contained additional provisions on funding for TEDs. However, the conferees on the FY2012 Labor, Health and Human Services, and Education, and Related Agencies Appropriations bill noted the inclusion of \$2.0 million for the Department of Education for this purpose, and expressed an expectation that the department would collaborate with the BIA on this effort.<sup>77</sup>

Since the mid-90s, 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. 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.”<sup>78</sup> The FY2012 appropriations law 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.

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<sup>73</sup> H.Rept. 112-151 on H.R. 2584, pp. 42-43.

<sup>74</sup> For more information on the JOM program freeze, see CRS Report RL34205, *Federal Indian Elementary-Secondary Education Programs: Background and Issues*, by (name redacted), pp.19-20.

<sup>75</sup> ISDEAA; 25 U.S.C. §450 et seq.

<sup>76</sup> H.Rept. 112-151 on H.R. 2584, p. 42.

<sup>77</sup> H.Rept. 112-331 on H.R. 2055, p. 1149.

<sup>78</sup> U.S. Congress, Senate Appropriations Committee, Department of the Interior and Related Agencies Appropriations Bill, 1995, report to accompany H.R. 4602, 103<sup>rd</sup> Cong., 2<sup>nd</sup> sess., S.Rept. 103-294 (Washington: GPO, 1994), p. 58.

## Construction

For BIA Construction for FY2012, the appropriation was \$123.8 million. This was an \$85.8 million decrease from FY2011 (\$209.6 million) but an \$18.8 million increase from the President's request for FY2012 (\$105.0 million). The difference among the three levels resulted primarily from differences in funding for construction of education facilities. Specifically, the FY2012 appropriation for construction of education facilities was \$70.9 million, a \$69.6 million decrease from FY2011 (\$140.5 million). Much of the decrease from FY2011 was due to the transfer of funds from the Construction account to BIE elementary and secondary education for facilities maintenance. Of the \$70.9 million for educational facilities, \$17.8 million was for replacement school construction to fund the next school on the 2004 priority list.<sup>79</sup> The President had not requested funding for replacement school construction.

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.<sup>80</sup> On December 31, 2009, the BIA estimated that the costs to replace, repair, construct, and improve existing facilities in poor condition would be \$1.3 billion.<sup>81</sup>

Another portion of the \$123.8 million Construction total was for public safety and justice construction. For FY2012, the appropriation was \$11.3 million, a decrease of \$6.5 million from the FY2011 level (\$17.9 million) but the same as the Administration's request. The request had eliminated funding for detention center construction on the grounds that the funding overlapped with grant funding for tribal detention center construction in the Department of Justice (DOJ).<sup>82</sup>

## Departmental Offices and Department-Wide Programs<sup>83</sup>

### Office of Insular Affairs<sup>84</sup>

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

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<sup>79</sup> In 2004 as required by statute, the BIA published the “Replacement School Construction Priority” to demonstrate the order in which education construction appropriations would be used. See Dept. of the Interior, Bureau of Indian Affairs, “Replacement School Construction Priority List as of FY 2004,” 69 *Federal Register* 13870, March 24, 2004.

<sup>80</sup> 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).

<sup>81</sup> “Indian Affairs Funded Schools in Poor Condition as Indicated by Facility Condition Index (FCI),” provided by the BIA to CRS in February 2010.

<sup>82</sup> 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. *FY2012 Indian Affairs Budget Justification*, p. IA-CON-PSJ-2.

<sup>83</sup> 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 21** at the end of this report.

<sup>84</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on OIA funding, contact (name redacted) at 7-.....

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.<sup>85</sup> 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.<sup>86</sup> Each of the territorial governments, however, faces economic challenges, complicated by natural resources, population, and limited land.<sup>87</sup>

OIA funding consists of two parts: (1) permanent and indefinite (mandatory) appropriations, and (2) funds provided in the annual appropriations process (discretionary funds).<sup>88</sup> The latter come from two accounts: Assistance to Territories (AT) and Compact of Free Association (CFA). AT funding provides grants for the operation of the government of American Samoa, infrastructure improvement projects on many of the insular area islands, and specified natural resource initiatives. The CFA account provides federal assistance to the freely associated states pursuant to compact agreements negotiated with the U.S. government. The AT and CFA accounts, however, provide a relatively small portion of the office's overall budget; permanent and indefinite funds provide the bulk of U.S. financial assistance to U.S. insular areas, FSM, RMI, and Palau.

The FY2012 appropriation for insular affairs was \$105.3 million, \$3.8 million (4%) more than the FY2011 level (\$101.5 million) and \$18.1 million (21%) more than the President's request for FY2012 (\$87.2 million). Of the FY2012 total, there was \$88.0 million in AT funds, \$3.8 million more than the FY2011 appropriation (\$84.2 million) and \$3.9 million more than the President's request for FY2012 (\$84.1 million). The difference in funding between the FY2012 enacted and requested levels is primarily attributable to differences in funding for CFA. The FY2012 appropriation for CFA was \$17.3 million, level with the FY2011 appropriation. The OIA had provided additional CFA funds in FY2011 in lieu of a renegotiated compact agreement with Palau.<sup>89</sup> By contrast, the President had sought \$3.1 million on the assumption that a recently negotiated agreement with Palau would be approved during FY2012. However, the FY2012 law included a provision for Palau to continue to receive federal financial assistance while a new compact agreement is negotiated.

The FY2012 law 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. Conferees specified various other conditions on the FY2012 appropriation, some of which were new and some of which had appeared previously. In particular, the conference report specified spending priorities related to sustainable energy

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<sup>85</sup> On behalf of the United Nations, the U.S. government formerly administered these areas as the Trust Territories of the Pacific Islands (TTPI).

<sup>86</sup> For additional discussion of the buildup, see CRS Report RS22570, *Guam: U.S. Defense Deployments*, by (name redacted).

<sup>87</sup> U.S. Dept. of the Interior, *Budget Justifications and Performance Information, Fiscal Year 2012, Office of Insular Affairs*, pp. 1-2.

<sup>88</sup> *Ibid.*, p. 4.

<sup>89</sup> The compact agreement governs political, military, and economic relationships between the United States and Palau.

projects in the territories, educational opportunities and medical services for the freely associated states, and OIA staffing to implement the compact agreements.<sup>90</sup>

The total OIA request (including mandatory and discretionary funds) for FY2012 was \$468.4 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.

## **Title II: Environmental Protection Agency<sup>91</sup>**

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. The FY2012 appropriations law provided \$8.46 billion for EPA, \$219.1 million (3%) less than the FY2011 appropriation of \$8.68 billion and \$510.0 million (6%) less than the President's FY2012 request of \$8.97 billion.

**Table 13** presents the FY2012 enacted amounts compared to the President's FY2012 budget request and the FY2011 enacted appropriations for the eight accounts that fund the agency. Note that the name of the "Oil Spill Response" account was changed to "Inland Oil Spill Program" in FY2012, as had been proposed by the President, to more clearly reflect the agency's jurisdiction for oil spill response in the inland coastal zone. The FY2012 appropriations were lower than the President's FY2012 request for each of the eight EPA accounts and lower than most of the FY2011 account levels.<sup>92</sup> As indicated in **Table 13**, the largest dollar decreases below FY2011 enacted and the FY2012 request are in three accounts: Environmental Programs and Management (EPM), Hazardous Substance Superfund, and State and Tribal Assistance Grants (STAG). Further, the FY2012 appropriations reflect mostly decreases for individual programs and activities funded within each of the eight appropriations accounts, although funding for some programs and activities was maintained or increased compared to FY2011 levels.

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<sup>90</sup> H.Rept. 112-94 on H.R. 2055, pp. 1065-1066.

<sup>91</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74).

For more information on EPA funding, contact (name redacted) at 7-..... In addition, for an overview comparison of the FY2012 enacted and proposed appropriations and associated provisions, see CRS Report R42332, *Environmental Protection Agency (EPA) FY2012 Appropriations*, by (name redacted). For a more detailed analysis of EPA's FY2011 appropriations and discussion of EPA funding levels historically, see CRS Report R41149, *Environmental Protection Agency (EPA): Appropriations for FY2011*, by (name redacted), et al.

<sup>92</sup> Including the across-the-board rescission of 0.16%, the FY2012 appropriation would be lower than the FY2011 appropriation for all eight EPA accounts.

**Table 13. Appropriations for the Environmental Protection Agency (EPA),  
FY2011-FY2012**

(\$ in millions)

<b>EPA Appropriations Accounts</b>	<b>FY2011 Approp.</b>	<b>FY2012 Request</b>	<b>FY2012 Approp.</b>
Science and Technology			
—Base Appropriations	813.5	825.6	795.0
—Transfer in from Hazardous Substance Superfund	26.8	23.0	23.0
Science and Technology Total	840.3	848.6	818.0
Environmental Programs and Management	2,756.5	2,876.6	2,682.5
Office of Inspector General			
—Base Appropriations	44.7	46.0	42.0
—Transfer in from Hazardous Substance Superfund	10.0	10.0	10.0
Office of Inspector General Total	54.7	56.0	52.0
Buildings & Facilities	36.4	42.0	36.4
Hazardous Substance Superfund (before transfers)			
—Base Appropriations	1,280.9	1,236.2	1,215.8
—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	1,182.8
Leaking Underground Storage Tank Trust Fund	112.9	112.5	104.3
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	1,468.8
—Drinking Water State Revolving Fund	963.1	990.0	919.4
—Categorical Grants	1,104.2	1,201.4	1,090.6
—Other State and Tribal Assistance Grants	169.7	119.0	140.0
State and Tribal Assistance Grants Total	3,758.9	3,860.4	3,618.7
Rescissions (various EPA accounts) <sup>a</sup>	-140.0	-50.0	-50.0
<b>Total Appropriations</b>	<b>8,682.1</b>	<b>8,973.0</b>	<b>8,463.0</b>

- a. Figures refer to EPA specific rescissions for FY2011 and FY2012, and do not reflect the across-the-board rescission of 0.16% for FY2012, as noted above. Specifically, under the Administrative Provisions in Division E, Title II of P.L. 112-74, \$50.0 million in unobligated balances from the STAG (\$45.0 million) and the Hazardous Substance Superfund (\$5.0 million) accounts would be rescinded. Rescissions specified within the STAG account include \$20.0 million from categorical grants, \$10.0 million from the Clean Water SRF, and \$5.0 million each from Brownfields grants, Diesel Emission Reduction Act grants, and Mexico Border. See Section 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 Issues

In addition to funding priorities among the various EPA programs and activities, several recent and pending EPA regulatory actions<sup>93</sup> were 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,<sup>94</sup> 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 FY2012 appropriations law included several administrative and general provisions affecting EPA actions and authorities (see examples discussed in the sections that follow), but not nearly as many as the roughly 25 provisions included in the FY2012 Interior, Environment, and Related Agencies Appropriations bill (H.R. 2584) reported by the House Appropriations Committee.<sup>95</sup> Many additional proposals to address EPA actions were included in amendments considered or filed prior to suspension of floor debate on H.R. 2584.

The FY2012 law included EPA administrative provisions setting terms and conditions for the use of FY2012 appropriations. One provision rescinded unobligated balances as referenced in **Table 13** above. Another authorized EPA to transfer up to \$10.0 million from any of its program accounts to fund emergency response actions for oil spills in addition to amounts available in the Inland Oil Spill Program account if the Administrator determines that the account will be exhausted within 30 days. The funds transferred from other accounts would be reimbursed by payments administered by the U.S. Coast Guard from the Oil Spill Liability Trust Fund. Still other general provisions specified requirements and restrictions for the use of FY2012 funds for certain Clean Air Act regulatory actions and greenhouse gas emission reporting requirements and certain Clean Water Act permitting requirements associated with silvicultural activities. Additionally, in lieu of certain provisions proposed in the House Appropriations Committee bill, conferees on the FY2012 bill included extensive language with regard to specific actions by EPA. For example, under the Science and Technology account, the conferees required specific refinements and modifications to EPA's policies and practices for conducting assessments under the agency's Integrated Risk Information System (IRIS).<sup>96</sup>

Considerable attention on EPA's FY2012 funding focused on federal financial assistance for wastewater and drinking water infrastructure projects,<sup>97</sup> grants to assist states in implementing air pollution control requirements, environmental cleanup of Superfund sites, and climate change research and related activities.

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<sup>93</sup> See CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by (name redacted) and (name redacted), for a discussion of selected EPA regulatory actions.

<sup>94</sup> 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 enacted, FY2011 requested, and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by (name redacted).

<sup>95</sup> CRS Report R42332, *Environmental Protection Agency (EPA) FY2012 Appropriations*, by (name redacted), contains tables comparing EPA provisions contained in P.L. 112-74 with those proposed in H.R. 2584.

<sup>96</sup> H.Rept. 112-331 on H.R. 2055, p. 1072.

<sup>97</sup> See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by (name redacted).

## **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 in capitalizing their Clean Water and Drinking Water State Revolving Funds (SRFs).<sup>98</sup> The FY2012 combined total for the Clean Water and the Drinking Water SRFs was \$2.39 billion, compared to \$2.49 billion appropriated for FY2011, a 4% decrease. 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.<sup>99</sup> The FY2012 law provided \$1.47 billion for the Clean Water SRF capitalization grants and \$919.4 million for the Drinking Water SRF capitalization grants, each less than the President's FY2012 request and the FY2011 enacted appropriations, as shown in **Table 13**. The House Appropriations Committee bill (H.R. 2584) had proposed \$689.0 million (55% decrease) for the Clean Water and \$829.0 million (14% decrease) for Drinking Water SRFs, roughly the same as 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 expressing a recognition of the importance of the Clean Water and Safe Drinking Water SRFs, some Members have contended that funding these accounts through regular appropriations is unsustainable and have encouraged the authorizing committees to examine funding mechanisms for the SRFs that are sustainable in the long term.<sup>100</sup> 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 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.<sup>101</sup> Although relatively minor in terms of EPA's funding, but generally broader in terms of policy, the agency's response to a 2007 U.S.

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<sup>98</sup> The STAG account also funds state and tribal "categorical" grants to support the day-to-day implementation of environmental laws. For FY2012, P.L. 112-74 provided \$1.09 billion for these grants, roughly the same as the FY2011 appropriation of \$1.10 billion, but a decrease compared to the President's FY2012 request of \$1.20 billion.

<sup>99</sup> 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.

<sup>100</sup> H.Rept. 112-151 on H.R. 2584, pp. 7-8.

<sup>101</sup> 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 restricting the availability of agency funds for such purposes. For a summary of 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 (name redacted).

Supreme Court decision<sup>102</sup> remains a prominent issue in association with climate change. The impacts of these several Clean Air Act actions on various sectors of the economy were the 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 FY2012 appropriations law contained general provisions addressing EPA's use of FY2012 funds to support the development, implementation, or enforcement of certain Clean Air Act regulatory actions. These provisions were a subset of 11 proposed general provisions affecting EPA air quality and climate change actions contained in the House committee-reported bill.<sup>103</sup> For example, one provision of the FY2012 law amended Section 328 of the Clean Air Act effectively transferring authority to regulate air emission from EPA to DOI in the Outer Continental Shelf off Alaska's north coast. Another provision prohibited the use of funds for promulgation or implementation of regulations requiring permits under title V of the Clean Air Act for certain pollutants resulting from biological processes associated with livestock production. Still another provision prohibited use of appropriations for implementing any provision in a rule that requires mandatory reporting of greenhouse gas emissions from manure "management systems."<sup>104</sup>

More broadly, the FY2012 appropriations law required 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.<sup>105</sup> 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.

The conferees accepted the reorganized budget presentation of certain air quality and climate-protection program activities as proposed for FY2012, including consolidation and modifications of headings, making it difficult to compare FY2012 appropriations with FY2011 (and prior year) appropriations. The FY2012 appropriations law provided a total of \$411.1 million within the Environmental Programs and Management (EPM) and Science and Technology (S&T) accounts for EPA "clean air and climate" programs, a 9% reduction compared to the President's FY2012 request of \$449.7 million. Also within the S&T account, the FY2012 law included \$99.0 million for "Research: Air, Climate, and Energy," compared to \$108.0 million in the President's FY2012

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<sup>102</sup> *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. For additional information, see CRS Report R41103, *Federal Agency Actions Following the Supreme Court's Climate Change Decision in Massachusetts v. EPA: A Chronology*, by (name redacted).

<sup>103</sup> For a more detailed comparison of the provisions contained in P.L. 112-74 and H.R. 2584, see Table 2 in CRS Report R42332, *Environmental Protection Agency (EPA) FY2012 Appropriations*, by (name redacted).

<sup>104</sup> P.L. 112-74 Sections 426 and 427 are the same as Sections 424 and 425 contained in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88), and retained in the FY2011 Full-Year Continuing Appropriations law (P.L. 112-10).

<sup>105</sup> 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.



request. Comparable FY2011 appropriations for these and certain other climate protection and air quality-related program activities are not readily available because of the changes requested by the Administration in various programmatic subheadings and adopted by the conferees for FY2012.

Within the STAG account, the FY2012 appropriations included \$236.1 million for state and local air quality management, and \$13.3 million for tribal air quality management categorical grants,<sup>106</sup> the same as the FY2011 enacted levels. The President's FY2012 request included \$305.5 million and \$13.6 million, respectively. Also within the STAG account, the \$30.0 million for the diesel emission reduction grants program for FY2012 was a 40% decrease below the \$49.9 million FY2011 level. The President's request did not include funding for the diesel emission reduction grants program for FY2012.

### **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).<sup>107</sup> The FY2012 appropriations law provided \$1.22 billion for the Superfund account (prior to transfers to other EPA accounts). As indicated in **Table 13**, the FY2012 appropriation was 5% less than the \$1.28 billion enacted for FY2011 and 2% below the \$1.24 billion requested by the President for FY2012. Funding levels for the Superfund account have remained fairly similar to these amounts over the past decade (not accounting for inflation), with the exception of \$600.0 million in supplemental funds provided for FY2009 in P.L. 111-5.

Most of the funding within the Superfund account is allocated to the cleanup of sites that EPA has placed on the National Priorities List (NPL). Debate over the sufficiency of funding for the Superfund program 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, and there has been some interest in reinstating Superfund taxes on industry to help support the Hazardous Substance Superfund Trust Fund.<sup>108</sup> 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, subject to the enactment of reauthorizing legislation. The FY2012 appropriations law did not include language to reauthorize Superfund taxes,<sup>109</sup> and no such legislation has been enacted to date.

Funding for EPA's Brownfields program 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, 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

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<sup>106</sup> See footnote 98.

<sup>107</sup> 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.

<sup>108</sup> 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.

<sup>109</sup> Tax legislation is within the jurisdiction of the House Committee on Ways and Means and the Senate Committee on Finance.

carry out these grant awards are funded within the EPM account. Within these two accounts combined, the FY2012 appropriations law provided \$168.1 million for EPA's Brownfields program, a decrease from the FY2011 appropriation of \$172.9 million and the President's FY2012 request of \$174.9 million. The decrease is attributed to a reduction in funding for competitive grants to state and local governmental entities of 5% compared to FY2011 appropriations and 4% compared to the FY2012 request.

## **Title III: Related Agencies**

### **Department of Agriculture: Forest Service<sup>110</sup>**

The Forest Service (FS) manages 193 million acres of national forests, national 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 FY2012 appropriations law contained \$4.60 billion for the Forest Service, an \$83.4 million (2%) decrease from the FY2011 appropriation (\$4.69 billion) and \$331.6 million (7%) less than the Administration's FY2012 request (\$4.93 billion). Within this overall decrease were increases and decreases for various FS accounts and programs, as discussed below. Of note in the FY2012 appropriations law was a provision to fund the Administration's proposed Integrated Resource Restoration (IRR) initiative on a pilot basis for certain regions, though not overall. Additionally, the law contained a provision that provided the Forest Service the authority to use a pre-decisional objection process in place of the current appeals process.<sup>111</sup> However, the law did not include funding for payments to communities for FY2012, a \$328.0 million decrease from the President's FY2012 request. The Administration had requested discretionary funds for a five year reauthorization of the Secure Rural Schools Program, which had been a mandatory program but expired at the end of FY2011.<sup>112</sup>

As shown in **Table 14**, 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.

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<sup>110</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on FS funding, contact (name redacted) at 7-.....

<sup>111</sup> 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 (name redacted).

<sup>112</sup> For more information on the program, see CRS Report R41303, *Reauthorizing the Secure Rural Schools and Community Self-Determination Act of 2000*, by (name redacted).

**Table 14. Appropriations for the Forest Service (FS), FY2011-FY2012**

(\$ in millions)

<b>Forest Service</b>	<b>FY2011 Approp.</b>	<b>FY2012 Request</b>	<b>FY2012 Approp.</b>
Forest and Rangeland Research	306.6	295.8	295.8
State & Private Forestry	277.6	341.6	253.3
National Forest System	1,542.2	1,704.5	1,556.6
Capital Improvement and Maintenance <sup>a</sup>	459.6	337.9	382.7
Land Acquisition <sup>b</sup>	34.2	91.2	53.8
Other	6.2	3.3	5.9
Wildland Fire Management <sup>c</sup>	2,058.5	1,830.9	2,053.5
FS Payments to Communities	0	328.0	0
<b>Total Appropriations</b>	<b>4,685.0</b>	<b>4,933.2</b>	<b>4,601.6</b>

- Reflects savings from the deferral of payments to the road and trail fund.
- 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 appropriation was \$52.6 million.
- These figures reflect rescissions and use of previously enacted emergency suppression funds; see “Wildland Fire Management” under Cross-Cutting Topics.

### Forest and Rangeland Research

Seven research 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 appropriations law provided \$295.8 million for forest and rangeland research for FY2012, the same as the President’s request for FY2012 and \$10.9 million less than the FY2011 enacted level of \$306.6 million.

### State and Private Forestry

State and Private Forestry (S&PF) programs provide financial and technical assistance to states and to private forest owners. The FY2012 appropriations law contained \$253.3 million for the S&PF programs. This was a \$24.3 million decrease from the FY2011 enacted level (\$277.6 million) and an \$88.3 million decrease from the FY2012 President’s request (\$341.6 million). Much of the overall decrease relative to the Administration’s request was due to a reduction of \$81.6 million for the forest legacy program—to acquire lands or easements to preserve forests threatened by conversion to non-forest uses. The FY2012 law provided \$8.0 million for International Forestry, which was a \$1.5 million decrease from the FY2011 enacted level (\$9.5 million). The President had not sought funding for this program for FY2012.

## **National Forest System**

The appropriations law provided \$1.56 billion for the National Forest System (NFS) for FY2012. This was a \$14.4 million increase from the FY2011 enacted level of \$1.54 billion but a \$147.9 million decrease from the President's FY2012 request (\$1.70 billion). Direct comparisons between FY2011 and FY2012 are difficult, due to a proposed reorganization of line items in the account.

Within this account, the FY2012 appropriation was \$83.6 million for minerals and geology management, level with FY2011 appropriations. The Administration had sought a reduction to \$78.8 million. Conferees expressed that the FS should initiate a planning process for a renewable energy development program, applying guidelines developed by BLM where appropriate.<sup>113</sup>

In its FY2012 request, the Administration proposed combining several line items into a new Integrated Resource Restoration (IRR) line item: Wildlife and Fish Habitat Management, Forest Products, and Vegetation and Watershed Management.<sup>114</sup> Funding from other accounts also was proposed for transfer 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 appropriations law did not provide funds for the proposed IRR combination, and funding was allocated to subaccounts as done in previous year arrangements. However, the appropriations law included a "proof of concept" pilot for the IRR for three regions (regions one, three, and four).<sup>115</sup> Further, the appropriation law did not approve the Administration's request to merge the Land Management Planning and Inventory and Monitoring budget line items.

## **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 appropriations law provided \$382.7 million for capital improvement and maintenance for FY2012. This was a \$76.9 million decrease from the FY2011 enacted level (\$459.6 million) but a \$44.8 million increase from the President's request for FY2012 (\$337.9 million). The FY2012 law included \$75.8 million for the facilities maintenance and capital improvement line item, a decrease of \$59.2 million decrease from the FY2011 enacted level (\$135.0 million) and of \$25.0 million from the President's FY2012 request (\$100.8 million). The law also contained \$45.0 million for the legacy roads and trails program, essentially level with FY2011 (\$44.9 million) but a \$30.0 million decrease from the President's FY2012 request (\$75.0 million in the IRR). 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.

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<sup>113</sup> H.Rept. 112-331 on H.R. 2055, p. 1082.

<sup>114</sup> 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.

<sup>115</sup> While the House Appropriations Committee asserted that the pilot should occur for at least three years to understand if the concept works (H.Rept. 112-151 on H.R. 2584, pp. 83, 88), the FY2012 law did not specify the time period for the pilot. The conferees referred to the pilot as a "proof of concept" pilot (H.Rept. 112-331 on H.R. 2055, p. 1081).

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 FY2012 appropriation included \$9.1 million for FS deferred maintenance, essentially level with the FY2011 appropriation and the Administration's request for FY2012.

## **Land Acquisition**

The appropriations law included \$53.8 million for land acquisition for FY2012. This was a \$19.6 million increase from the FY2011 enacted level (\$34.2 million) but a \$37.4 million decrease from the FY2012 President's request (\$91.2 million). Most of the funds for FS land acquisition are derived from the Land and Water Conservation Fund. (For more information, see "Land and Water Conservation Fund (LWCF).")

## **Department of Health and Human Services: Indian Health Service<sup>116</sup>**

The Indian Health Service (IHS) in the Department of Health and Human Services (HHS) is responsible for providing medical and environmental health services for approximately 2 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 January 2012, IHS operated 29 hospitals, 68 health centers, and 41 health stations. Tribes and tribal groups, through IHS contracts and compacts, operated another 16 hospitals, 258 health centers, 74 health stations, and 166 Alaska Native village clinics. Urban Indian organizations operated 33 ambulatory or referral programs.<sup>117</sup> IHS, tribes, and tribal groups also operate 11 residential youth substance abuse treatment centers.<sup>118</sup>

The FY2012 appropriations law contained \$4.31 billion for IHS. This was a \$244.2 million (6%) increase from the FY2011 appropriation of \$4.07 billion but a \$310.4 million (7%) decrease from the Administration's FY2012 request of \$4.62 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. This amount is an estimate because total reimbursements and rent collected will not be known until after the fiscal year is complete. Under the FY2012 appropriations law, the IHS program level was estimated to be \$5.38 billion. See **Table 15**.

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<sup>116</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on IHS funding, contact (name redacted), at 7-.....

<sup>117</sup> Department of Health and Human Services, Indian Health Service, "IHS Year 2012 Profile," January 2012, <http://www.ihs.gov/PublicAffairs/IHSBrochure/Profile.asp>.

<sup>118</sup> 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 15. Appropriations for the Indian Health Service (IHS), FY2011-FY2012**

(\$ in millions)

<b>Indian Health Service</b>	<b>FY2011 Approp.</b>	<b>FY2012 Request</b>	<b>FY2012 Approp.</b>
Clinical Services	2,962.6	3,376.2	3,088.8
—Contract Health Services	779.9	948.6	844.9
—Catastrophic Health Emergency Fund	47.9	58.0	51.5
Preventive Health Services	144.0	156.6	147.3
Other Services	558.6	633.3	636.3
—Urban Health Programs	43.1	46.7	43.1
—Indian Health Professions	40.7	42.0	40.7
—Tribal Management/Self-Governance	8.6	9.1	8.6
—Direct Operations	68.6	73.6	71.8
—Contract Support Costs	397.7	461.8	472.2
<b>Subtotal, Indian Health Services</b>	<b>3,665.3</b>	<b>4,166.1</b>	<b>3,872.4</b>
<b>Indian Health Facilities</b>			
—Maintenance and Improvement	53.8	57.1	53.8
—Sanitation Facilities Construction	95.7	79.7	79.7
—Health Care Facilities Construction	39.2	85.2	85.2
—Facilities and Environmental Health Support	192.7	211.0	199.7
—Equipment	22.6	24.7	22.6
<b>Subtotal, Indian Health Facilities</b>	<b>403.9</b>	<b>457.7</b>	<b>441.1</b>
<b>Total Appropriations</b>	<b>4,069.2</b>	<b>4,623.8</b>	<b>4,313.4</b>
Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections <sup>a</sup>	914.0	914.0	914.0
Special Diabetes Program for Indians <sup>b</sup>	150.0	150.0	150.0
<b>Total Program Level</b>	<b>5,133.2</b>	<b>5,687.8</b>	<b>5,377.4</b>

a. Amounts noted for “Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections” are IHS estimates as of the submission of the FY2012 budget justification (February 2011). These amounts may be adjusted based on final year data.

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

IHS funding is separated into two accounts: Health Services and Health Facilities. The conferees on the FY2012 bill expressed concern about “the large unobligated balances” in both accounts. They directed the IHS to report to the House and Senate Appropriations Committees on the causes of these balances and to provide a plan to reduce them.<sup>119</sup>

Under the FY2012 appropriations law, approximately 90% of the agency’s appropriation was for Health Services, while the remaining 10% was for the Facilities program. This distribution was

<sup>119</sup> H.Rept. 112-331 on H.R. 2055, p. 1086.

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**

For Health Services, the FY2012 appropriations law included \$3.87 billion, which was \$207.1 million more than the FY2011 enacted level (\$3.67 billion) but \$293.8 million less than the President's FY2012 budget request (\$4.17 billion). The law included funding levels for clinical services and preventive health services that were less than the FY2012 budget request, but higher than the FY2011 appropriation level. The conference report stated that some of the increase over FY2011 was for staffing new health facilities in California, Oklahoma, North Dakota, and South Dakota and to improve health information technology.<sup>120</sup>

The FY2012 appropriations law included \$472.2 million for contract support costs (CSC), which was \$74.5 million more than the FY2011 appropriation of \$397.7 million and \$10.4 million more than the Administration's FY2012 request of \$461.8 million for this program. 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).<sup>121</sup> 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.<sup>122</sup> The FY2012 law specified that not to exceed \$10.0 million may be used for new and expanded contracts. Also, the conferees directed IHS to include CSC estimates in future budget submissions.<sup>123</sup>

## **Facilities**

The FY2012 appropriations law included \$441.1 million for the IHS Facilities account. This was an increase of \$37.1 million over the FY2011 enacted level (\$403.9 million) but \$16.6 million less than the Administration's FY2012 request (\$457.7 million). The FY2012 law maintained the FY2011 funding level (\$53.8 million) for facility maintenance and improvement. It included \$79.7 million for sanitation facility construction, which was \$16.0 million less than the FY2011 appropriation level but equal to the Administration's request. The Administration noted that this program has funding carried over from the prior fiscal year, and that the FY2012 requested level would allow IHS to maintain current activities.<sup>124</sup> The FY2012 appropriations law increased funding for health care facility construction by \$46.0 million above the FY2011 enacted level (\$39.2 million). Specifically, FY2012 funding for this activity was \$85.2 million, equal to the level requested by the Administration. The conferees specified amounts for certain facility construction projects that had been included in the Administration's FY2012 budget request.<sup>125</sup>

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<sup>120</sup> H.Rept. 112-331 on H.R. 2055, pp. 1085. The report specified amounts for specific new facilities.

<sup>121</sup> 25 U.S.C. §450 et seq.

<sup>122</sup> 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>.

<sup>123</sup> H.Rept. 112-331 on H.R. 2055, p. 1085.

<sup>124</sup> *FY2012 HHS Budget in Brief*, <http://www.hhs.gov/about/hhsbudget.html>.

<sup>125</sup> H.Rept. 112-331 on H.R. 2055, p. 1086.

Indian health organizations assert that many IHS facilities are old and in poor repair and that increased appropriations are needed for health care facility construction.

## Smithsonian Institution<sup>126</sup>

The Smithsonian Institution (SI) is a museum and research complex consisting of 19 museums and galleries, the National Zoo, and 9 research facilities throughout the United States and around the world. More than 30 million people visited Smithsonian facilities in 2010. 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 \$1.1 billion in total revenue from all sources of funding for FY2010.<sup>127</sup>

The FY2012 appropriations law included \$811.5 million for SI, an increase of \$51.9 million (7%) over FY2011 (\$759.6 million) but \$50.0 million (6%) less than the Administration's request (\$861.5 million). Most of the difference among these levels related to funding for construction, as discussed below. SI funding was provided for two main line items: (1) Salaries and Expenses and (2) Facilities Capital. See **Table 16**.

**Table 16. Appropriations for the Smithsonian Institution (SI), FY2011-FY2012**  
(\$ in millions)

Smithsonian Institution	FY2011 Approp.	FY2012 Request	FY2012 Approp.
Salaries and Expenses	634.9	636.5	636.5
—Museums and Research Institutes	246.6	245.9	245.9
—Program Support and Outreach	43.9	43.1	43.1
—Office of Chief Information Officer	45.5	46.1	46.1
—Administration	33.3	33.9	33.9
—Inspector General	2.6	2.6	2.6
—Facilities Services	262.9	264.8	264.8
Facilities Capital	124.8	225.0	175.0
—Revitalization	91.9	84.8	84.8
—Facilities Planning and Design	32.8	15.2	15.2
—Construction	—	125.0	75.0
<b>Total Appropriations</b>	<b>759.6</b>	<b>861.5</b>	<b>811.5</b>

<sup>126</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on SI funding, contact Shannon Loane at 7-.....

<sup>127</sup> Smithsonian Institution, *Where Learning Happens: 2010 Annual Report*. This FY2010 report is the most recent annual report. Together with older annual reports, it is available online at <http://www.si.edu/About/Annual-Report>.



## **Salaries and Expenses**

For FY2012, the law included \$636.5 million for the SI to fund salaries and expenses for its museums, research centers, and administration. This was a \$1.6 million increase from FY2011 funding of \$634.9 million and equal to the FY2012 request. The appropriation included:

- \$245.9 million for the museums and research institutes (\$0.7 million less than the FY2011 level of \$246.6 million and equal to the FY2012 request),
- \$43.1 million for program support and outreach (\$0.8 million less than the FY2011 level of \$43.9 million and equal to the FY2012 request),
- \$82.7 million for administration, the Office of the Chief Information Officer, and the Inspector General (\$1.3 million more than the FY2011 level of \$81.4 million and equal to the FY2012 request), and
- \$264.8 million for facilities services (\$1.9 million more than the FY2011 level of \$262.9 million and equal to the FY2012 request).

The conferees expressed views regarding a variety of issues pertinent to this account. They included support for collaborative efforts among museums, direction regarding recommendations on collections stewardship at the National Museum of American History, and direction on standardization of annual budget submissions.

## **Facilities Capital**

The FY2012 appropriations law provided \$175.0 million for Facilities Capital, \$50.3 million more than the FY2011 enacted amount (\$124.8 million) and \$50.0 million less than the FY2012 requested amount (\$225.0 million). Of the total, \$84.8 million was for baseline revitalization requirements, equal to the FY2012 request and \$7.1 million less than the FY2011 appropriation of \$91.9 million, and \$15.2 million for facilities planning and design, equal to the FY2012 request and a decrease of \$17.6 million from the FY2011 amount of \$32.8 million. The total also included \$75.0 million, \$50.0 million less than the FY2012 request of \$125.0 million, to complete the design and begin construction of the National Museum of African American History and Culture. Funds for this purpose had not been included in the FY2011 appropriation.

## **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 FY2010, the SI's net assets increased by 8% to a total of almost \$2.7 billion.<sup>128</sup>

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<sup>128</sup> Smithsonian Institution, *Where Learning Happens: 2010 Annual Report*.

## National Endowment for the Arts and National Endowment for the Humanities<sup>129</sup>

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).<sup>130</sup> 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 FY2012 appropriations law included \$292.5 million, an amount equal to the President's request and a decrease of \$16.9 million (5%) from the FY2011 enacted level of \$309.4 million. The decrease will 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 FY2012 appropriations law provided \$146.3 million for the NEA, a decrease of \$8.4 million (5%) from the FY2011 enacted level (\$154.7 million) but equal to the Administration's request. See **Table 17**.

**Table 17. Appropriations for the Arts and Humanities, FY2011-FY2012**

(\$ in millions)

Arts and Humanities	FY2011 Approp.	FY2012 Request	FY2012 Approp.
<b>National Endowment for the Arts</b>	154.7	146.3	146.3
Grants	125.4	115.3	115.3
Program Support	1.9	2.8	2.8
Administration	27.4	28.1	28.1
<b>National Endowment for the Humanities</b>	154.7	146.3	146.3
Grants	113.2	106.7	108.0
Matching Grants	14.3	11.5	10.8
Administration	27.3	28.1	27.5
<b>Total NEA &amp; NEH Appropriations</b>	<b>309.4</b>	<b>292.5</b>	<b>292.5</b>

The law included \$115.3 million for grants, \$10.0 million less than the appropriation for FY2011 (\$125.4 million) but equal to the requested amount. For the two largest grant programs funded by the agency, \$56.2 million was included for direct grants (\$6.0 million less than the FY2011

<sup>129</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on NEA/NEH funding, contact Shannon Loane at 7-.....

<sup>130</sup> 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.

amount of \$62.2 million<sup>131</sup> and \$2.0 million less than the requested amount of \$58.2 million), and \$36.3 million for state/regional partnership grants (a decrease of \$3.2 million from the FY2011 appropriation of \$39.5 million but an increase of \$1.6 million from the requested amount of \$34.7 million).

The law also provided \$8.0 million for Challenge America (equal to the FY2012 requested amount and the FY2011 appropriation). Challenge America provides matching grants for arts education, outreach, and community arts activities for rural and under-served areas. The FY2012 appropriations law included funding of \$5.0 million (equal to the requested amount and the amount provided in FY2011<sup>132</sup>) for Our Town, a grant program aimed at arts projects that engage and revitalize communities. In the conference report on the FY2012 appropriations bill, the conferees directed that Our Town funds were to be distributed “based on the longstanding agreement that States receive 40 percent of all appropriated grant funds.”<sup>133</sup>

## 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.

For FY2012, NEH received \$146.3 million, \$8.4 million (5%) less than the FY2011 amount (\$154.7 million) but equal to the requested amount. Of the total, \$108.0 million was for non-matching grants funding, a decrease of \$5.2 million from the FY2011 level (\$113.2 million) but an increase of \$1.3 million from the request (\$106.7 million). The largest such program is the federal/state partnership grants program, which was funded at \$40.5 million, a decrease of \$2.0 million from the FY2011 appropriation (\$42.5 million) but an increase of \$0.4 million from the request (\$40.1 million).

The Bridging Cultures initiative, a program that provides grants for projects that increase understanding of America’s diverse cultural heritage and of other cultures around the world, was first funded in FY2011. For FY2012, it was funded at \$3.5 million, \$2.0 million more than the FY2011 appropriation (\$1.5 million) but \$0.5 million less than the FY2012 request (\$4.0 million). The conferees urged the NEH to include Native American communities in the program.<sup>134</sup> The NEH did not request FY2012 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 FY2012 appropriations law provided \$3.0 million, \$0.2 million less than the FY2011 amount of \$3.2 million. The House Appropriations Committee noted that the program was cost-effective and had broad geographic reach and bipartisan support.<sup>135</sup> See **Table 17**.

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<sup>131</sup> The FY2011 full-year continuing appropriations law included \$67.2 million for direct grants; however \$5.0 million of this amount was used for initial funding of the Our Town grant program (see below).

<sup>132</sup> See previous footnote.

<sup>133</sup> H.Rept. 112-331 on H.R. 2055, pp. 1088-1089.

<sup>134</sup> *Ibid.*, p. 1089.

<sup>135</sup> H.Rept. 112-151 on H.R. 2584, pp. 108-109.

## Cross-Cutting Topics

### Land and Water Conservation Fund (LWCF)<sup>136</sup>

#### Overview

The LWCF (16 U.S.C. §§4601-4, 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. Since FY2008, the largest portion of the LWCF appropriation has been for land acquisition (**Table 18**).

**Table 18. 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 Approp.
Federal Acquisition	129.1	152.2	265.8	164.7	440.0	186.8
—BLM	8.9	14.8	29.7	22.0	50.0	22.4
—FWS	34.6	42.5	86.3	54.9	140.0	54.7
—NPS	44.4	45.2	86.3	54.9	160.0	57.1
—FS	41.2	49.8	63.5	32.9	90.0	52.6
Appraisal Services <sup>a</sup>	0	0	12.1	12.1	25.0	12.7
Grants to States	24.6	19.0 <sup>b</sup>	40.0	39.9	200.0	45.0
Other Programs	101.3	104.1 <sup>c</sup>	132.5	83.8	235.0	78.4
<b>Total Appropriations</b>	<b>255.1</b>	<b>275.3</b>	<b>450.4</b>	<b>300.5</b>	<b>900.0</b>	<b>322.9</b>

**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.

<sup>136</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74).

For more information on LWCF funding, contact (name redacted) at 7-..... In addition, for more information on the operation of the LWCF and its funding throughout history, see CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Issues*, by (name redacted).

From FY1965 through FY2012, 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 18** shows funding for LWCF since FY2008.

The FY2012 appropriations law contained a total of \$322.9 million for the Land and Water Conservation Fund. This was an increase of \$22.3 million over the FY2011 enacted level of \$300.5 million but a reduction of \$577.1 million from the \$900.0 million requested by the Administration.

There continues to be a difference of opinion on the optimal total level of funding for LWCF, and on allocations for the three purposes for which the fund has been used. The House Appropriations Committee sought to reduce LWCF funding for FY2012 to \$65.8 million, to focus on oversight of acquisition and state grant projects funded in previous years rather than new acquisitions and projects. 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 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.<sup>137</sup>

By contrast, the Administration had 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.<sup>138</sup> Full funding for the LWCF was part of the Administration's initiative entitled "America's Great Outdoors,"<sup>139</sup> and was intended to foster conservation that results in economic, ecologic, and community benefits.<sup>140</sup>

## **Land Acquisition**

For land acquisition for FY2012, the appropriation was \$186.8 million, a \$22.1 million increase over the FY2011 level. The conference report did not identify the particular lands to be acquired, but noted that the funding would cover a specified number of projects prioritized by each of the agencies.

The FY2012 appropriation was \$253.2 million less than the Administration's request for FY2012 of \$440.0 million. The Administration had 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 have received an increase for land acquisition over FY2011, with most of the funds requested for acquisitions for particular management units.

In its report on the FY2012 bill, 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

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<sup>137</sup> H.Rept. 112-151 on H.R. 2584, pp. 14-15.

<sup>138</sup> 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.

<sup>139</sup> For information on the Initiative, see *FY2012 DOI Budget in Brief*, pp. DH-3 to DH-20.

<sup>140</sup> *Ibid.*, p. DH-11.

acquire.<sup>141</sup> 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.<sup>142</sup> 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.<sup>143</sup>

## **Grants to States**

For state grants, the FY2012 appropriation was \$45.0 million, \$5.1 million above the FY2011 level of \$39.9 million but \$155.0 million less than the \$200.0 million requested by the Administration. If enacted, the Administration's request for \$200.0 million would have been the highest appropriation since FY1980, in order to expand recreational access and opportunities at the local level. The FY2012 appropriations law did not include an Administration proposal for at least 40% of the appropriations for state grants be distributed equally to all states, as under current law, and for 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 proposed competitive program were to fund projects in large urban centers with little or no access to natural areas; reconnect young people and their families to the outdoors, especially in disadvantaged communities; provide access to blueways/waterways; and protect, restore, and connect open space and natural landscapes.<sup>144</sup>

The House Appropriations Committee did not seek funding for new stateside grants, but rather \$2.8 million for administrative expenses related to previous grants. Seeking to eliminate funds for new stateside grants is not new. 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.

## **Other Purposes**

For FY2012, the appropriations law contained \$78.4 million from LWCF for other purposes, \$5.4 million less than the FY2011 enacted level of \$83.8 million and \$156.6 million less than the Administration's request of \$235.0 million. **Table 19** shows that for FY2008-FY2012, Congress appropriated funds from LWCF for two other programs. The Forest Legacy program funds acquisition of lands and easements to protect forests threatened by land conversion. There are two types of cooperative endangered species grants funded through LWCF—recovery land acquisition grants and habitat conservation plan land acquisition grants.

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<sup>141</sup> H.Rept. 112-151 on H.R. 2584, pp. 14-15.

<sup>142</sup> U.S. Dept. of the Interior, *Fiscal Year 2011: The Interior Budget in Brief*, p. DH-37.

<sup>143</sup> H.Rept. 111-316 on H.R. 2996, p. 77-78.

<sup>144</sup> *FY2012 NPS Budget Justification*, p. LASA-55.

**Table 19. 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 Approp.
<b>Fish and Wildlife Service</b>						
—Cooperative Endangered Species Grants	49.0	54.7 <sup>a</sup>	56.0	30.9	100.0	25.0
<b>Forest Service</b>						
—Forest Legacy Program	52.3	49.4 <sup>b</sup>	76.5	52.9	135.0	53.4
<b>Total Appropriations</b>	<b>101.3</b>	<b>104.1</b>	<b>132.5</b>	<b>83.8</b>	<b>235.0</b>	<b>78.4</b>

**Notes:** This table identifies “other” programs for which Congress appropriated funds for FY2008 through FY2012. It excludes federal land acquisition and the state grant program. Funding provided outside of LWCF is not reflected. Information is from the DOI Budget Office and House and Senate Appropriations Committees.

- a. P.L. 111-8 provided \$80.0 million for the Cooperative Endangered Species Conservation Fund, with \$54.7 million derived from the LWCF. It also contained a rescission of \$4.5 million in unobligated balances, for a 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 Management<sup>145</sup>

Wildfire protection programs and funding continue to generate controversy. Ongoing discussions include questions about the high cost of fire suppression efforts; locations for various wildfire protection treatments; and whether, and to what extent, environmental analysis, public involvement, and legal challenges to administrative decisions hinder fuel reduction and post-fire rehabilitation. The conferees on the FY2012 appropriations bill directed DOI to assess cost effective and efficient means of conducting DOI wildfire management to “better direct scarce resources from duplicative administrative” arrangements.<sup>146</sup>

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 appropriations law provided a total of \$2.63 billion for Wildland Fire Management (\$2.05 billion for the FS and \$576.5 million for DOI). This was a decrease of \$207.4 million (7%) from the \$2.84 billion provided for FY2011 and \$22.5 million (1%) less than the Administration’s request of \$2.65 billion. The conference agreement also shifted funding among wildfire activities. See **Table 20**.

<sup>145</sup> Figures in this section, as in other sections of this report, do not reflect a 0.16% across-the-board rescission in discretionary appropriations that was included in the FY2012 Interior, Environment, and Related Agencies Appropriations Act (Section 436, Division E, P.L. 112-74). For more information on funding for Wildland Fire Management, contact (name redacted) at 7-.....

<sup>146</sup> H.Rept. 112-331 on H.R. 2055, pp. 1067-1068.

**Table 20. Appropriations for FS and DOI Wildland Fire Management, FY2011-FY2012**  
(\$ in millions)

<b>National Fire Plan</b>	<b>FY2011 Approp.</b>	<b>FY2012 Request</b>	<b>FY2012 Approp.</b>
<b>Forest Service</b>			
—FS Subtotal	2,168.0	1,707.1	1,977.6
—FLAME Funds <sup>a</sup>	290.4	315.9	315.9
—Rescission <sup>b</sup>	-400.0	-192.0	-240.0
Total, FS	2,058.5	1,830.9	2,053.5
<b>DOI</b>			
—DOI Subtotal	918.1	729.5	756.1
—FLAME Funds <sup>a</sup>	60.9	92.0	92.0
—Rescission <sup>b</sup>	-200.0	0.0	-271.6
Total, DOI	778.9	821.5	576.5
<b>FS and DOI</b>			
—FS & DOI Subtotal	3,086.1	2,436.6	2,733.7
—FLAME Funds <sup>a</sup>	351.3	407.9	407.9
—Rescissions <sup>b</sup>	-600.0	-192.0	-511.6
<b>Total Appropriations</b>	<b>2,837.4</b>	<b>2,652.5</b>	<b>2,630.0</b>

**Notes:** Includes funding only from DOI and FS Wildland Fire Management accounts. This table differs from the detailed tables in CRS Report RL33990, *Federal Funding for Wildfire Control and Management*, by (name redacted), because that report rearranges data to distinguish funding for different purposes 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 and rescission of unobligated balances. The FY2012 figure does not reflect the across-the-board rescission of 0.16%, as noted above.

## Wildfire Preparedness

This program provides funding for baseline staffing, training, and equipment. For preparedness in FY2012, the appropriations law matched the Administration's proposal of \$1.28 billion, an increase of \$318.9 million (33%) from FY2011 (\$964.1 million). This included a decline of \$13.5 million for DOI and an increase of \$332.4 million for the FS. The Administration stated in its FY2012 budget request that the increase for the FS was to shift costs away from fire suppression and back to preparedness.

## Wildfire Suppression

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 appropriations law matched the Administration's request of \$809.3 million, a decrease of \$585.1 million (42%) from FY2011 (\$1.39 billion). 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 conferees directed the FS to complete a plan to



replace the aging fleet of federal air tankers as soon as possible and work with DOI in developing a strategy to do so.<sup>147</sup>

## **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 appropriations law provided \$500.9 million (\$183.3 million for DOI and \$317.6 million for the FS) for “hazardous” fuel reduction, \$282.1 million more than the Administration requested (\$156.8 million for DOI and \$62.0 million for the FS). The increase over the FS request was largely due to the Administration’s proposal to transfer \$192.0 million 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; this proposed transfer was not agreed to. (See “Department of Agriculture: Forest Service” above.) The conferees directed both the FS and DOI to remove the requirement that 75% and 90%, respectively, of hazardous fuels funding be spent in the WUI and instead “be spent on the highest priority projects in the highest priority areas.”<sup>148</sup> The FY2012 appropriation for fuel reduction equaled the FY2011 appropriation for DOI, but was a decline of \$32.0 million from FY2011 for the FS due to a decline in the Hazardous Fuels Base Program and a transfer of funding for the Collaborative Forest Landscape Restoration Fund to the National Forest System. (See “Department of Agriculture: Forest Service” above.)

For FY2012, the appropriations law supported the Administration’s request for site rehabilitation of \$13.0 million, a decline of \$31.6 million from FY2011 (\$44.7 million).<sup>149</sup> 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 appropriations law matched the FY2011 level and FY2012 request for DOI facilities, at \$6.1 million. For research, the appropriations law matched the request at \$35.0 million, down \$2.9 million from FY2011 (\$37.9 million).<sup>150</sup> For FS forest health activities in FY2012, the appropriations law provided \$24.3 million, more than the FY2012 request (\$19.3 million) but less than FY2011 appropriations (\$32.1 million). For FS state and volunteer fire assistance in FY2012, the appropriations law provided \$61.9 million, more than the request (\$51.9 million) but less than FY2011 (\$73.9 million).

## **FLAME Funding**

The FY2010 Interior appropriations law modified the traditional approach to funding wildfire suppression. Title V, the Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009, established in the Treasury the FLAME Wildfire Suppression Reserve Fund for DOI and the FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture (for the Forest Service). The funds are to be used to cover the costs of large or complex fires, when amounts

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<sup>147</sup> H.Rept. 112-331 on H.R. 2055, pp. 1068 and 1084.

<sup>148</sup> *Ibid.*

<sup>149</sup> Calculation includes FS rehabilitation line item and DOI burned area rehabilitation.

<sup>150</sup> Research line items include the FS fire plan research and development account, the FS joint fire sciences program account, and the DOI joint fire science account.

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 on the FY2010 bill 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 appropriations law provided \$407.9 million (\$315.9 million for the FS and \$92.0 million for DOI). This matched the Administration's request, and was 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.<sup>151</sup> For FY2012, the conferees directed that \$429.6 million (\$240.0 million for the FS and \$189.6 million for DOI) be from the use of carry-over emergency suppression funds before obligating FY2012 suppression funds. Neither the FY2011 law nor the Administration's FY2012 request had similar provisions on carry-over suppression funds. The FY2012 law also included a rescission for DOI of \$82.0 million in unobligated balances. The Administration had not proposed a rescission for DOI, but had proposed a rescission of \$192.0 million from FS wildland fire management which was not included in the FY2012 law. The FY2011 appropriations law included rescissions 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 20**.

## **Five-Year Appropriations History**

**Table 21** and **Figure 1** show appropriations for Interior, Environment, and Related Agencies for the five-year period from FY2008 through FY2012. For all years, figures represent appropriations. The table shows the appropriations by agency during this period, as well as the total appropriations contained in each title of the appropriations law and the overall total in the law. The graph depicts the appropriations provided for each of the three main titles of the law: Title I, Department of the Interior; Title II, Environmental Protection Agency; and Title III, Related Agencies.

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<sup>151</sup> As mentioned in the introduction to this report, a rescission is the cancellation of budget authority previously provided by Congress. A carry-over is the use of available appropriations provided in earlier fiscal years' legislation.

**Table 21. Appropriations for Interior, Environment, and Related Agencies, FY2008-FY2012**

(\$ in thousands)

<b>Bureau or Agency</b>	<b>FY2008 Approp.</b>	<b>FY2009 Omnibus</b>	<b>FY2009 Stimulus</b>	<b>FY2009 Total</b>	<b>FY2010 Approp.</b>	<b>FY2011 Approp.</b>	<b>FY2012 Approp.</b>
<i>Title I: Department of the Interior</i>							
Bureau of Land Management <sup>a</sup>	1,007,897	1,038,596	305,000	1,343,596	1,133,604	1,113,886	1,115,295
U.S. Fish and Wildlife Service	1,441,301	1,440,451	280,000	1,720,451	1,646,832	1,503,238	1,477,935
National Park Service	2,390,488	2,525,834	750,000	3,275,834	2,743,730	2,611,142	2,583,808
U.S. Geological Survey	1,006,480	1,043,803	140,000	1,183,803	1,111,740	1,083,672	1,069,744
Bureau of Ocean Energy Management, Reg. & Enforcement <sup>b</sup>	118,053	116,676	0	116,676	181,520	225,743	—
Bureau of Ocean Energy Management	—	—	—	—	—	—	59,792
Bureau of Safety and Environmental Enforcement	—	—	—	—	—	—	76,396
Office of Surface Mining Reclamation and Enforcement	170,411	164,702	0	164,702	162,868	162,543	150,493
Bureau of Indian Affairs	2,291,279	2,376,131	500,000	2,876,131	2,619,560	2,594,012	2,535,329
Departmental Offices <sup>c</sup>	474,236	480,790	15,000	495,790	540,999	494,204	635,718
Department-Wide Programs <sup>d</sup>	1,477,066	949,374	15,000	1,014,374 <sup>e</sup>	958,357	881,190	654,926
<b>Subtotal, Title I: Department of the Interior</b>	<b>10,377,211</b>	<b>10,136,357</b>	<b>2,005,000</b>	<b>12,191,357<sup>e</sup></b>	<b>11,047,210<sup>f</sup></b>	<b>10,627,630<sup>g</sup></b>	<b>10,317,436<sup>g</sup></b>
<b>Subtotal, Title II: Environmental Protection Agency</b>	<b>7,461,496</b>	<b>7,635,674</b>	<b>7,220,000</b>	<b>14,855,674</b>	<b>10,291,864</b>	<b>8,682,117</b>	<b>8,463,005</b>
<i>Title III: Related Agencies</i>							
U.S. Forest Service	5,804,428	4,745,794	1,150,000	6,095,794 <sup>h</sup>	5,297,256	4,685,044	4,601,641
Indian Health Service	3,346,181	3,581,124	500,000	4,081,124	4,052,375	4,069,220	4,313,429
National Institute of Environmental	77,546	78,074	0	78,074	79,212	79,054	79,054

*Interior, Environment, and Related Agencies: FY2012 Appropriations*

<b>Bureau or Agency</b>	<b>FY2008 Approp.</b>	<b>FY2009 Omnibus</b>	<b>FY2009 Stimulus</b>	<b>FY2009 Total</b>	<b>FY2010 Approp.</b>	<b>FY2011 Approp.</b>	<b>FY2012 Approp.</b>
Health Sciences							
Agency for Toxic Substances and Disease Registry	74,039	74,039	0	74,039	76,792	76,638	76,337
Council on Environmental Quality and Office of Environmental Quality	2,661	2,703	0	2,703	3,159	3,153	3,153
Chemical Safety and Hazard Investigation Board	9,263	10,199	0	10,199	11,147	10,777	11,147
Office of Navajo and Hopi Indian Relocation	8,860	7,530	0	7,530	8,000	7,984	7,750
Institute of American Indian and Alaska Native Culture and Arts Development	7,183	7,900	0	7,900	8,300	8,283	8,533
Smithsonian Institution	682,629	731,400	25,000	756,400	761,395	759,639	811,530
National Gallery of Art	117,866	122,756	0	122,756	167,005	158,650	128,582
John F. Kennedy Center for the Performing Arts	42,674	36,364	0	36,364	40,447	36,347	36,850
Woodrow Wilson International Center for Scholars	9,844	10,000	0	10,000	12,225	11,203	11,005
National Endowment for the Arts	144,706	155,000	50,000	205,000	167,500	154,690	146,255
National Endowment for the Humanities	144,707	155,000	0	155,000	167,500	154,690	146,255
Commission of Fine Arts	2,059	2,234	0	2,234	2,294	2,289	2,400
National Capital Arts and Cultural Affairs	8,367	9,500	0	9,500	9,500	2,994	2,000
Advisory Council on Historic Preservation	5,265	5,498	0	5,498	5,908	5,896	6,108
National Capital Planning Commission	8,136	8,328	0	8,328	8,507	8,490	8,154
U.S. Holocaust	44,786	47,260	0	47,260	49,122	49,024	50,798

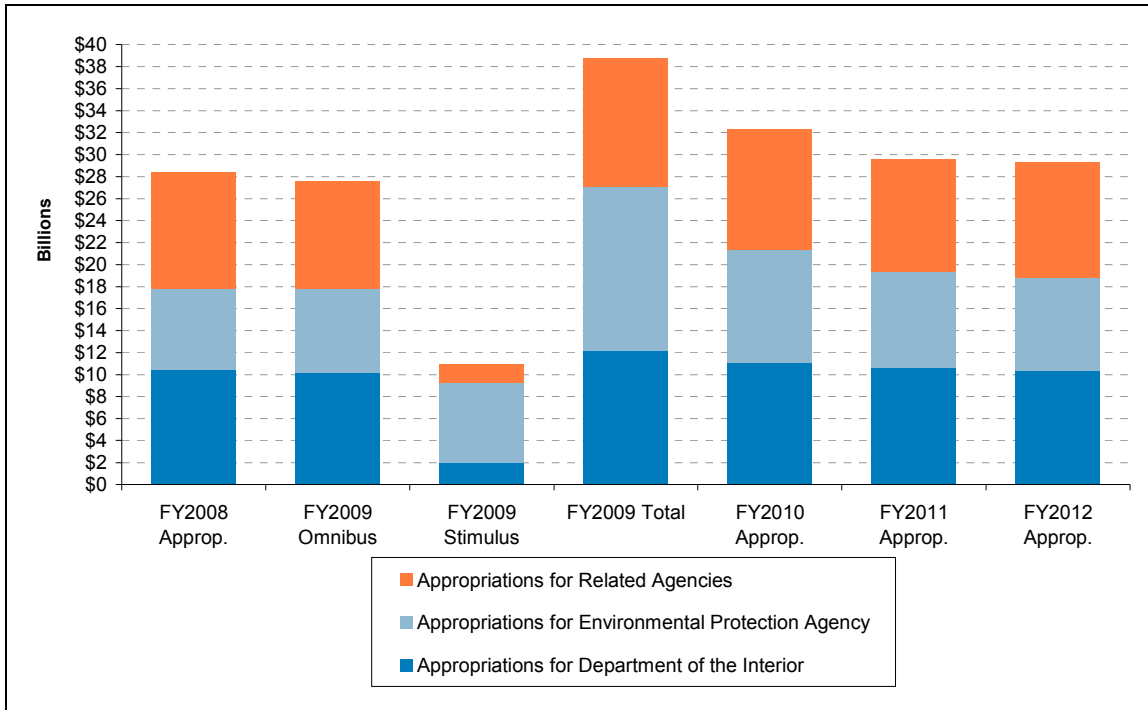
Bureau or Agency	FY2008 Approp.	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010 Approp.	FY2011 Approp.	FY2012 Approp.
Memorial Museum							
Presidio Trust	22,051	17,450	0	17,450	23,200	14,970	12,000
White House Commission on the National Moment of Remembrance	197	0	0	0	0	0	0
Dwight D. Eisenhower Memorial Comm.	1,969	2,000	0	2,000	19,000	0	32,990
<b>Subtotal, Title III: Related Agencies</b>	<b>10,565,417</b>	<b>9,810,153</b>	<b>1,725,000</b>	<b>11,735,153<sup>b</sup></b>	<b>10,969,844</b>	<b>10,299,035</b>	<b>10,495,971</b>
<b>Grand Total Approps. (in Bill)<sup>i</sup></b>	<b>28,416,852</b>	<b>27,591,184</b>	<b>10,950,000</b>	<b>38,791,184</b>	<b>32,319,918</b>	<b>29,610,782</b>	<b>29,229,412</b>

**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. For FY2011, the figure represents funding for the Bureau of Ocean Energy Management, Regulation, and Enforcement. For FY2012, funding was provided through three new entities: the Bureau of Ocean Energy Management; the Bureau of Safety and Environmental Enforcement; and the Office of Natural Resources Revenue, within the Office of the Secretary. Funding for the Office of Natural Resources Revenue is included in this table within the appropriation for Departmental Offices.
- 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 total reflects appropriations of \$29.40 billion, including an across-the-board rescission of \$47.0 million (0.16% of discretionary total) not reflected in the column figures above, and specific agency/program rescissions of \$166.0 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-FY2012 for each of the three major titles of the annual Interior, Environment, and Related Agencies appropriations law.

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