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# Land and Water Conservation Fund: Overview, Funding History, and Issues

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## Summary

The Land and Water Conservation Fund (LWCF) Act of 1965 was enacted to help preserve, develop, and ensure access to outdoor recreation facilities to strengthen the health of U.S. citizens. The law created the Land and Water Conservation Fund in the U.S. Treasury as a funding source to implement its outdoor recreation goals.

The LWCF has been used for three general purposes. First, it has been the principal source of monies for land acquisition for outdoor recreation by four federal agencies—the National Park Service, Bureau of Land Management, Fish and Wildlife Service, and Forest Service. Second, the LWCF also funds a matching grant program to assist states in recreational planning, acquiring recreational lands and waters, and developing outdoor recreational facilities. Under this traditional state grant program, a portion of the appropriation is divided equally among the states, with the remainder apportioned based on need, as determined by the Secretary of the Interior. The states award their grant money through a competitive selection process based on statewide recreation plans and establish their own priorities and criteria. For FY2014-FY2016, Congress appropriated funds for a competitive state grant program in addition to the traditional state grant program. Third, beginning in FY1998, LWCF has been used to fund other federal programs with related purposes, such as the Forest Legacy program of the Forest Service and grants under the Cooperative Endangered Species Conservation Fund of the Fish and Wildlife Service.

The LWCF is authorized through September 30, 2018, to accrue \$900 million annually from multiple sources. However, nearly all of the revenue is derived from oil and gas leasing in the Outer Continental Shelf (OCS). Congress determines the level of discretionary appropriations each year, and yearly appropriations have fluctuated widely since the origin of the program. Of the total revenues that have accrued throughout the history of the program (\$38.0 billion), less than half have been appropriated (\$17.5 billion). FY2001 marked the highest funding ever, with appropriations exceeding the authorized level by reaching nearly \$1 billion. For FY2016, the most recent fiscal year, the appropriation was \$450.0 million.

The \$17.5 billion appropriated throughout the history of the program has been allocated unevenly among federal land acquisition (61%), the state grant program (25%), and other purposes (14%). Similarly, federal land acquisition funds have been allocated unevenly among the four federal agencies. Under more recent legislation (P.L. 109-432), a portion of revenues from certain OCS leasing is provided without further appropriation to the state grant program. These mandatory appropriations have been relatively small thus far; they are expected to increase beginning in FY2018 due to additional revenues from leasing in the Gulf of Mexico.

A variety of issues pertaining to the LWCF are the subject of legislation, hearings, and other debate. Some of them are being considered as part of deliberations over whether to reauthorize the LWCF beyond September 30, 2018. Issues include the optimal level of funding for LWCF overall and its individual components, whether to permanently reauthorize the LWCF, and whether to retain discretionary appropriations or provide additional mandatory appropriations. Other issues involve whether LWCF funds should be used for additional purposes, such as maintenance, or set aside for particular priorities, such as securing additional access to federal lands for recreation. The priority of the state grant program vis-à-vis federal acquisition is being debated, as is the extent to which the fund should be used for other programs benefitting states.

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## Introduction

The Land and Water Conservation Fund (LWCF) Act of 1965<sup>1</sup> was enacted to help preserve, develop, and ensure access to outdoor recreation resources. A main goal of the law was to facilitate participation in recreation and strengthen the “health and vitality” of U.S. citizens. The law sought to accomplish this goal by “providing funds” for federal land acquisition and for federal assistance to states in recreation planning, acquisition of lands and waters, and development of recreation facilities.

The law created the Land and Water Conservation Fund in the Treasury as a funding source to implement the outdoor recreation goals it set out. While the law initially did not specify the authorized level of funding, it has been amended several times to specify and provide increasing levels of authorizations. The fund was first authorized at \$900 million for FY1978; the authorization has remained at this level. The fund is currently authorized through September 30, 2018, to accrue revenues of \$900 million annually from three specific sources. The LWCF accumulates revenues from the federal motorboat fuel tax and surplus property sales. To reach the annual authorized level, the fund accumulates the majority of its revenues from oil and gas leases on the Outer Continental Shelf (OCS).

Monies in the fund are available for outdoor recreation purposes only if appropriated by Congress, except that a portion of the appropriations for the state grant program is mandatory.<sup>2</sup> The level of annual appropriations has varied widely since the origin of the fund in 1965. Of current debate is whether to reauthorize the LWCF beyond September 30, 2018, and alter the operation of the fund. Alterations under discussion include whether to permanently reauthorize the LWCF, make the appropriations mandatory (rather than discretionary), direct monies to be used for particular purposes provided for in the LWCF Act, or authorize the fund to be used for additional purposes.

Perennial congressional issues include (1) deciding the amount to appropriate for federal land acquisition, determining the level of acquisition funds for each of the four agencies, and identifying which lands should be acquired; (2) deciding the level of funding for the state grant program; and (3) determining what, if any, other purposes should be funded through LWCF and at what level. The primary context for debating these issues traditionally has been the annual Interior appropriations legislation.

## How the Fund Works

The LWCF is not a true trust fund as is generally understood in the private sector. The fund is credited with revenues totaling \$900 million annually, but these credited monies cannot be spent unless appropriated by Congress (except a portion of the state grant funds). From FY1965 through FY2016, about \$38.0 billion has been credited to the LWCF. Less than half that amount—\$17.5 billion—has been appropriated, leaving an unappropriated balance of \$20.5 billion in the fund.<sup>3</sup> (See **Figure 1**.) Further, interest is not accrued on the accumulated

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<sup>1</sup> Act of September 3, 1964; P.L. 88-578, 78 Stat. 897. 54 U.S.C. §§200301 et seq. The text of the law had been codified at 16 U.S.C. §§4601-4 et seq. It was recodified under P.L. 113-287 to 54 U.S.C. §§200301 et seq.

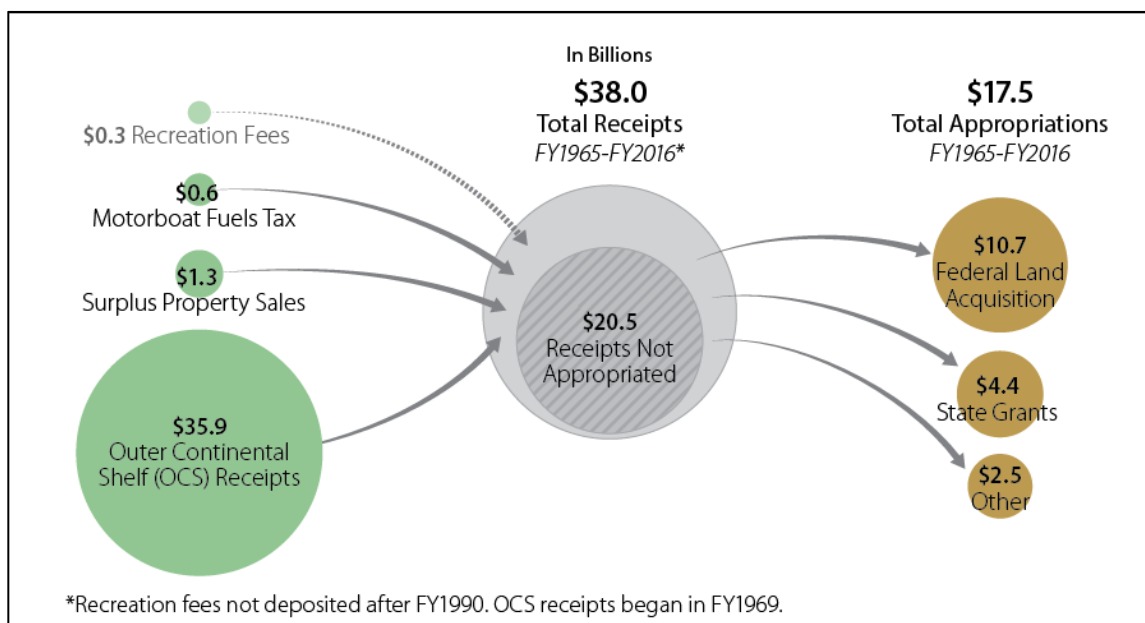
<sup>2</sup> Monies provided to the state grant program under §105, Division C, P.L. 109-432 are permanently appropriated, as discussed below.

<sup>3</sup> These figures are derived primarily from the Office of Budget, Department of the Interior, <http://www.doi.gov/budget/budget-data.cfm>. See the entry for “Land and Water Conservation Fund: MS Excel Spreadsheet.” These data (continued...)

unappropriated balance that has been credited to the LWCF. While some supporters assert that the LWCF was originally intended to be a revolving fund, whereby the money would be maintained in an account separate from the General Treasury that could accrue interest, this has not been the case. The fund's basic purpose has not been altered even though the authorizing legislation has been amended, most notably to raise the authorization ceiling and to mandate that offshore oil and gas leasing revenues should make up any shortfall from other specified financing sources.

**Figure 1. Total LWCF Receipts and Appropriations, FY1965-FY2016**

(in billions of dollars, not adjusted for inflation)



**Source:** Graphic created by CRS. The primary source for the data is the Department of the Interior (DOI) Budget Office, <http://www.doi.gov/budget/budget-data.cfm>. See the entry for “Land and Water Conservation Fund Receipts: MS Excel Spreadsheet.” Data were updated by DOI on March 5, 2014, and by CRS using the annual DOI *Budget in Brief*. See for example, DOI, *Fiscal Year 2017: The Interior Budget in Brief*, p. B-1, at <https://www.doi.gov/budget>.

**Notes:** Amounts do not sum to totals shown due to rounding. OCS receipts and state grants reflect monies derived under the Gulf of Mexico Energy Security Act of 2006 (GOMESA; P.L. 109-432).

## Purposes of LWCF Appropriations

Appropriations from LWCF have been made for three general purposes: (1) federal acquisition of land and waters and interests therein; (2) grants to states for recreational planning; acquiring recreational lands, waters, or related interests; and developing outdoor recreational facilities; and (3) related purposes.<sup>4</sup> Each year, Congress determines the total appropriations from the fund, and the amount for each of these three general purposes.

(...continued)

were updated by DOI on March 5, 2014, and by CRS using the annual Department of the Interior *Budget in Brief*. See for example DOI, *Fiscal Year 2017: The Interior Budget in Brief*, p. B-1, at <https://www.doi.gov/budget>.

<sup>4</sup> Hereinafter, these purposes are referred to respectively as (1) federal land acquisition, (2) the stateside program, and (3) other purposes.

The LWCF Act currently states that not less than 40% of the appropriations from the fund are to be available for federal purposes. However, as enacted in 1964, the LWCF Act generally had provided for the appropriations from the LWCF to be 60% for state purposes and 40% for federal purposes. The 1964 law stated that “in the absence of a provision to the contrary in the Act making an appropriation from the fund,” the appropriation from the fund was to be 60% for state purposes and 40% for federal purposes. It further specified that during the first five years in which appropriations were made from the fund, the President could vary these percentages by not more than 15 percentage points to meet the needs of states and the federal government. The current language, providing for not less than 40% of funding for federal purposes,<sup>5</sup> resulted from a 1976 amendment enacted as P.L. 94-422.<sup>6</sup>

## **Federal Land Acquisition**

The LWCF remains the principal source of funds for federal acquisition of lands. Most federal lands are acquired (and managed) by four agencies—the Forest Service (FS) in the Department of Agriculture, and the National Park Service (NPS), Fish and Wildlife Service (FWS), and Bureau of Land Management (BLM) in the Department of the Interior. These four agencies manage about 95% of all federally owned lands.<sup>7</sup> Of these agencies, only the FWS has another significant source of acquisition funding. Specifically, under the Migratory Bird Conservation Fund the FWS has a permanently appropriated source of funding for land acquisition.<sup>8</sup> The BLM also has authority to keep the proceeds of certain land sales (primarily in Nevada) and use them for subsequent acquisitions and other purposes.

The LWCF Act provides that “unless otherwise allotted in the appropriation Act making them available,” appropriations from the fund for federal purposes are to be allotted by the President for certain purposes.<sup>9</sup> These purposes include “capital costs” for recreation and fish and wildlife at water resources development projects; land acquisition in recreation areas administered by the Secretary of the Interior for recreational purposes; and land acquisition in national park, national forest, and national wildlife refuge system units. In practice, the appropriations acts typically identify the purposes for which the federal funds are to be used.

In many respects, the process for appropriating funds for federal land acquisition is similar from year to year. The annual budget submission from each of the four federal agencies typically has included proposals for lands the agencies seek to acquire with requested LWCF funds. The number of specific acquisitions sought by the agencies varies from year to year. The most recent budget requests—for FY2017—sought discretionary appropriations for 48 acquisitions by DOI agencies and 26 acquisitions by the Forest Service. The FY2017 budget requests also included a

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<sup>5</sup> At the time of the 1976 amendment, funds were being appropriated for federal land acquisition and the stateside program. Funding for other federal purposes did not occur until FY1998.

<sup>6</sup> In the conference report on S. 327, enacted as P.L. 94-422, conferees expressed that “Generally, appropriations should continue to reflect the 60-40 allocation established by the Act.” However, they noted the “inflexibility” of this division because “States may sometimes be unable to provide the amounts necessary to match their share of the appropriations from the fund.” In that case, additional funding should be provided to the federal agencies for acquisition in order “to preserve and protect” areas for future generations, according to the conferees. See H.Rept. 94-1468 on S. 327, p. 16.

<sup>7</sup> For information on the extent of federal land ownership by these agencies and the Department of Defense, see CRS Report R42346, *Federal Land Ownership: Overview and Data*, by (name redacted), (name redacted), and (name redacted).

<sup>8</sup> For more information on the Migratory Bird Conservation Fund, see the FWS land acquisition section of CRS Report RL34273, *Federal Land Ownership: Acquisition and Disposal Authorities*, by (name redacted) et al.

<sup>9</sup> 54 U.S.C. §200306(a).

proposal for additional acquisitions with mandatory appropriations from the LWCF; this would require a change in law. Together, the three DOI agencies sought mandatory appropriations for 61 specific acquisitions and the Forest Service sought mandatory appropriations for 15 acquisitions. In total, for FY2017 the four agencies sought appropriations (discretionary and mandatory) for 150 acquisitions. By contrast, some recent requests have sought to fund a smaller number of acquisitions. For example, for FY2013, 34 acquisitions were sought for the three DOI agencies and 17 for the FS. Each agency typically chooses among many potential options in making its annual request. The requests also sometimes seek funding for certain types of acquisitions, such as those that would facilitate access to federal lands for recreation and sportsmen, as proposed in the FY2017 budget requests of the four agencies.<sup>10</sup> Congress reviews agency requests, and then determines the funding level for each agency's acquisitions.

The LWCF Act restricts appropriations to those acquisitions that have been previously authorized by law. However, it allows LWCF appropriations to be used for pre-acquisition work where "authorization is imminent and where substantial monetary savings could be realized."<sup>11</sup>

In recent years, Congress typically has provided the agencies with a portion of the acquisition funding for one or more related activities. For instance, funds have been provided for acquisition management to cover the costs of land purchases, such as appraisals and title research. Acquisition funds also have been provided to cover the costs of land exchanges, as well as the acquisition of lands within the boundaries of federal land units ("inholdings") that may become available throughout the year. Further, in some cases funds have been appropriated for "emergencies" or "hardships," for acquisition of lands from an owner who must sell quickly and where the agency determines there is a need to purchase the lands quickly.<sup>12</sup>

Appropriations laws typically provide that LWCF funds for land acquisition remain available until expended, meaning the funds can be carried over from fiscal year to fiscal year. Often an appropriation is not used in the fiscal year provided, because the process for completing a land acquisition has many components and often takes more than one year.

## Stateside Program

### Traditional State Grants

Another portion of the LWCF, administered by the NPS, provides matching grants to states (including the District of Columbia and U.S. territories) for recreation planning, acquisition of lands and waters, and facility development. Grants are provided for outdoor recreation purposes only, rather than for indoor facilities such as community centers. Through September 30, 2013, state and local governments received 42,216 grants for outdoor recreation projects. This figure includes 7,680 grants for acquisition; 27,382 grants for developing recreation facilities; 3,190

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<sup>10</sup> The Administration includes recreational access as among the general benefits of the LWCF request for FY2017, stating that \$506.5 million (in discretionary and mandatory funding) will support conservation, access by sportsmen, and recreation on federal lands. However, \$21.2 million of this total is specifically "to improve access for sporting and recreation," according to the Administration. See U.S. Department of the Interior, *Fiscal Year 2017: The Interior Budget in Brief*, p. DH-18, at <https://edit.doi.gov/budget/appropriations/2017/highlights>. Hereinafter referred to as the FY2017 Interior Budget in Brief.

<sup>11</sup> 54 U.S.C. §200306(b).

<sup>12</sup> In addition, a portion of the NPS appropriation has been specified for the American Battlefield Protection Program for grants for nonfederal acquisition of lands (and interests) in eligible battlefields. For additional information on these acquisition grants, see the NPS website at <http://www.nps.gov/abpp/grants/grants.htm>.



grants for redeveloping older recreational facilities; 3,259 grants for a combination of these activities; and 705 state planning grants for studies of recreation potential, need, and opportunity.<sup>13</sup> Acquisitions funded through LWCF state grants must remain in recreation use in perpetuity, unless the Secretary of the Interior approves of the conversion of the land to another use and acceptable replacement lands are substituted. Conversions occur due to changing state or local needs, such as to use park lands to build schools, widen roads, and develop civic facilities. The NPS approves about 50-75 conversions yearly nationwide, typically involving a portion of the area funded with an LWCF state grant.<sup>14</sup>

Appropriations to the state grant program typically do not include earmarks or other directions to the NPS to guide how these funds should be distributed or spent. The Secretary of the Interior apportions the appropriation for state grants in accordance with a formula set out in the LWCF Act.<sup>15</sup> The formula calls for a portion of the appropriation to be divided equally among the states.<sup>16</sup> The remaining appropriation is to be apportioned based on need, as determined by the Secretary.<sup>17</sup> Under law, the determination of need is to include the population of the state relative to the population of the United States, the use of outdoor recreation resources within a state by people outside the state, and the federal resources and programs within states. In current practice, population is the biggest factor in determining state need. No state can receive more than 10% of the total appropriation.

States have up to three years to use the money—the federal fiscal year in which the apportionment is made and the next two fiscal years. It is rare for a state not to use the money during this time, according to the NPS. Under law, the Secretary is to reappportion any amount that is not paid or obligated during the three-year period.

To be eligible for a grant, a state must prepare and update a statewide outdoor recreation plan. This plan must address the needs and opportunities for recreation and include a program for reaching recreational goals. It generally does not include specific projects. Under law, the plan is required to be approved by the Secretary; this responsibility has been delegated to the NPS. The states award their grant money through a competitive, open project selection process based on their recreation plans and their own priorities and selection criteria. They can use the money for state projects or for pass-through to localities. States send their ranked state or local projects to the NPS for formal approval and obligation of grant money. Under law, payments to states are limited to 50% or less of a project's total costs. The remaining cost is borne by the state or local project sponsor.<sup>18</sup>

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<sup>13</sup> These figures were provided by the NPS in a communication to CRS on July 14, 2014, and are the most recent available.

<sup>14</sup> This information was provided by the NPS in a communication to CRS on July 14, 2014.

<sup>15</sup> 54 U.S.C. §200305(b).

<sup>16</sup> Specifically, the law provides that 40% of the first \$225.0 million, 30% of the next \$275.0 million, and 20% of all additional appropriations are to be apportioned equally among the states.

<sup>17</sup> The apportionment among states (including the District of Columbia and U.S. territories), for FY2002 through FY2014, is on the NPS website at <http://www.nps.gov/nrcr/programs/lwcf/funding.html>.

<sup>18</sup> For more information on the stateside program, see the *Land and Water Conservation Fund State Assistance Program: Federal Financial Assistance Manual* on the NPS website at <http://www.nps.gov/nrcr/programs/lwcf/manual/lwcf.pdf>.



## Competitive State Grants

For FY2017, the Obama Administration proposed that \$12.0 million of the requested appropriations for state grants (\$110.0 million) be provided through a competitive grant program. This figure would be level with the FY2016 appropriation. For several recent fiscal years, the Administration also had proposed that a portion of the appropriations for state grants be provided competitively.<sup>19</sup> Congress first appropriated \$3.0 million for a nationally competitive grant program in FY2014 and later appropriated the same sum for FY2015, in each case from a total of \$48.1 million for stateside grants.

As developed by the NPS, this new LWCF “Outdoor Recreation Legacy Partnership Program” was to provide grants for land acquisition and development for outdoor recreation projects in densely settled areas with populations of 50,000 or more. Priority was to be given to communities that are economically disadvantaged or underserved in terms of outdoor recreation opportunities, and to projects that engage and empower youth including through opportunities for employment and training, among other priorities. Under the 2016 grant announcement, the NPS expects to issue a total of 30 grants totaling \$15.0 million (the combined FY2015 and FY2016 appropriations). Grant amounts are up to \$75,000 for recreational planning and range from \$250,000 to \$750,000 for acquisition and development. Projects are required to comply with the LWCF Act and other program requirements that apply to the traditional state grants. Such requirements include a nonfederal funding match and land use for outdoor recreation in perpetuity except with the approval of the Secretary of the Interior, as noted above.<sup>20</sup>

## Mandatory Appropriations

Mandatory monies are provided for state grants under provisions of the Gulf of Mexico Energy Security Act of 2006 (GOMESA).<sup>21</sup> Specifically, 12.5% of the revenues from certain OCS leasing in the Gulf of Mexico are directed to the stateside program in accordance with the terms of the LWCF Act. Under GOMESA, states could receive up to \$125.0 million in mandatory funding. The money is available without further appropriation, and it is to be in addition to any discretionary amounts appropriated by Congress for LWCF. Further, it is available to the states until expended, unlike the three-year duration of the funds appropriated annually for the stateside program.

An estimated \$8.4 million in proceeds from pertinent OCS leasing was collected in FY2008 and disbursed to the stateside program in FY2009. Since then, the disbursements to the stateside program under this authority have decreased. An estimated \$0.1 million in revenue from such OCS leasing was disbursed to the stateside program in FY2016, and \$0.8 million was projected to be disbursed in FY2017.<sup>22</sup> DOI expects that mandatory appropriations will increase “significantly” beginning in FY2018, due to additional revenues from leasing in the Gulf of Mexico.<sup>23</sup>

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<sup>19</sup> See, for example, U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2013*, pp. LASA-34-35.

<sup>20</sup> A March 9, 2016, NPS press release announcing the grants is at <https://www.nps.gov/aboutus/news/release.htm?id=1791>. The grant announcement is on the U.S. government grants website at <http://www.grants.gov/view-opportunity.html?oppId=282085>.

<sup>21</sup> §105, Division C, P.L. 109-432.

<sup>22</sup> U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2017*, p. M-LASA-G-1, <https://www.doi.gov/budget>.

<sup>23</sup> *Ibid.* Revenues generated in one year are available in the next year.

## Other Purposes

As noted above, the LWCF Act lists the federal purposes to which the President is to allot LWCF funds “unless otherwise allotted in the appropriation Act making them available.”<sup>24</sup> A portion of the LWCF appropriation has been provided for other federal purposes (i.e., other than land acquisition) in FY1998 and each year since FY2000. Because there is no set of “other purposes” specified to be funded from LWCF, Presidents have sought funds for a variety of purposes and Congress has chosen which, if any, other purposes to fund from LWCF. For instance, for FY2008, President George W. Bush sought LWCF funds for 11 programs within the FWS, FS, and other agencies, and Congress provided funding for two of these programs. Since FY1998, the LWCF has been used for a broad array of other purposes, such as maintenance of agency facilities (including deferred maintenance), the Historic Preservation Fund, the Payments in Lieu of Taxes program, the FS Forest Legacy program, FWS State and Tribal Wildlife grants, and FWS Cooperative Endangered Species grants.

## Funding History

### Overview of FY1965-FY2016

Total annual appropriations from the LWCF have fluctuated widely since the origin of the program about 50 years ago (see **Figure 2** and **Table 1**, below).<sup>25</sup> Until FY1998, LWCF funding rarely exceeded \$400 million; from FY1977 to FY1980, funding ranged from \$509 million (FY1980) to \$805 million (FY1978), and averaged \$647 million annually. LWCF appropriations spiked dramatically in FY1998—to \$969 million—from the FY1997 level of \$159 million. FY1998 was the first year that LWCF appropriations exceeded the authorized level of \$900 million.<sup>26</sup> They included \$270 million in the usual funding titles for land acquisition by the four federal land management agencies; an additional \$627 million in a separate title, funding both the acquisition of the Headwaters Forest in California and New World Mine outside Yellowstone National Park; and \$72 million for other purposes.

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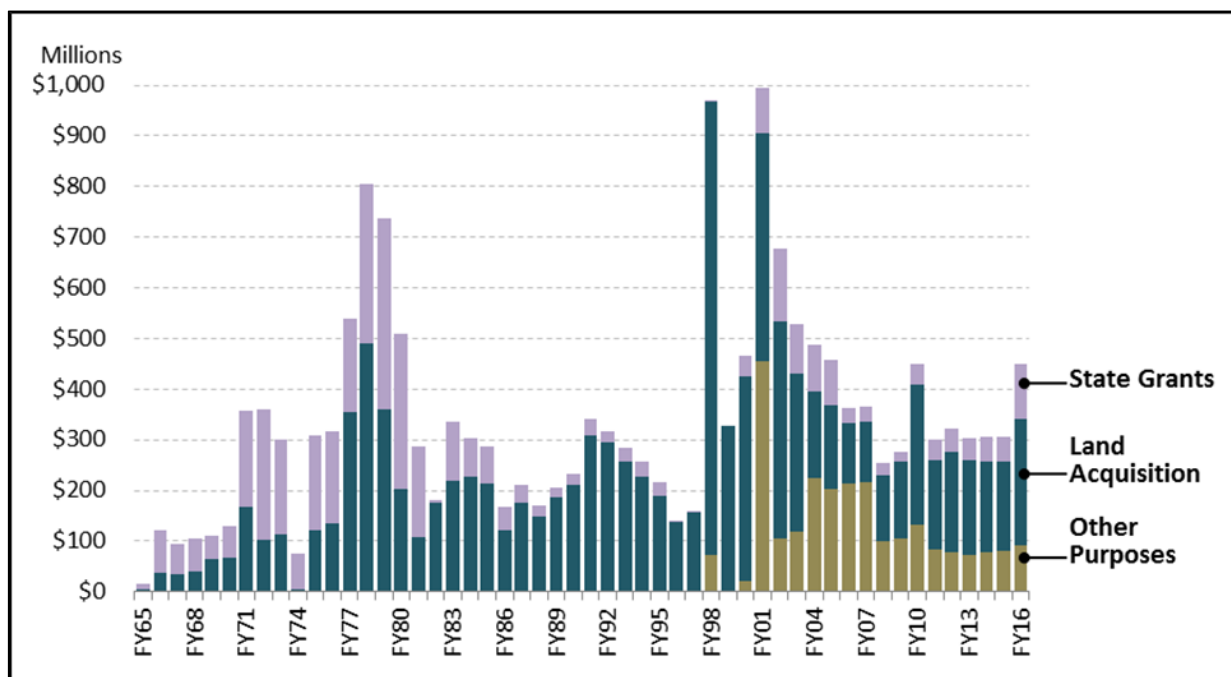
<sup>24</sup> 54 U.S.C. §200306(a).

<sup>25</sup> Figures in **Table 1** and elsewhere in this report do not always add to the totals indicated due to rounding.

<sup>26</sup> The LWCF had accumulated receipts sufficient to cover an appropriation exceeding the annual authorization. Specifically, in 1997 the LWCF had a balance of \$11.9 billion in unappropriated receipts, which represented the difference between the receipts into the fund and the appropriations from the fund since its creation.

**Figure 2. Annual LWCF Appropriations, FY1965-FY2016**

(in millions of dollars, not adjusted for inflation)



**Source:** Graphic created by CRS. The primary source for the data is the DOI Budget Office, <http://www.doi.gov/budget/budget-data.cfm>. See the entry for “Land and Water Conservation Fund Receipts: MS Excel Spreadsheet.” Data were updated by DOI on March 5, 2014, and by CRS using the annual Department of the Interior *Budget in Brief*. See for example DOI, *Fiscal Year 2017: The Interior Budget in Brief*, p. B-1, at <https://www.doi.gov/budget>.

**Notes:** The graph does not reflect \$76 million provided for the transition quarter from July 1, 1976, to September 30, 1976.

**Table 1. Annual LWCF Appropriations by Type, FY1965-FY2016**

(in millions of dollars, not adjusted for inflation)

Fiscal Year	Land Acquisition	State Grants	Other Purposes	Total
1965	\$6	\$10	\$0	\$16
1966	38	84	0	122
1967	36	59	0	95
1968	40	64	0	104
1969	64	48	0	112
1970	66	65	0	131
1971	168	189	0	357
1972	102	259	0	362
1973	113	187	0	300
1974	5	71	0	76
1975	122	186	0	307
1976	136	181	0	317 <sup>a</sup>

<b>Fiscal Year</b>	<b>Land Acquisition</b>	<b>State Grants</b>	<b>Other Purposes</b>	<b>Total</b>
1977	356	182	0	538
1978	491	314	0	805
1979	361	376	0	737
1980	202	307	0	509
1981	108	180	0	289
1982	176	4	0	180
1983	220	115	0	335
1984	227	75	0	302
1985	213	74	0	287
1986	121	47	0	168
1987	176	35	0	211
1988	150	20	0	170
1989	186	20	0	206
1990	212	20	0	231
1991	308	33	0	342
1992	294	23	0	317
1993	256	28	0	284
1994	228	28	0	256
1995	189	28	0	217
1996	137	1	0	138
1997	158	1	0	159
1998	896	1	72	969
1999	328	0	0	328
2000	406	41	20	467
2001	449	90	456	995 <sup>b</sup>
2002	429	144	105	677
2003	313	97	118	529
2004	170	94	225	488
2005	164	91	203	459
2006	120	30	213	363
2007	120	30	216	366
2008	129	25	101	255
2009	152	19	104	275
2010	278	40	132	450
2011	177	40	84	301
2012	199	45	78	322
2013	187	43	74	303
2014	180	48	78	306

Fiscal Year	Land Acquisition	State Grants	Other Purposes	Total
2015	178	48	80	306
2016	247	110	93	450

**Sources:** The primary source for these data is the DOI Budget Office, <http://www.doi.gov/budget/budget-data.cfm>. See the entry for “Land and Water Conservation Fund Receipts: MS Excel Spreadsheet.” Data were updated by DOI on March 5, 2014, and by CRS using the annual Department of the Interior *Budget in Brief*. See for example DOI, *Fiscal Year 2017: The Interior Budget in Brief*, p. B-1, at <https://www.doi.gov/budget>.

**Notes:** Figures do not reflect \$76 million provided for the transition quarter from July 1, 1976, to September 30, 1976. Also, dollars represent the appropriations in the fiscal years indicated and thus are not adjusted for inflation.

- a. The FY1976 total appropriation was approximately \$393 million including the \$76 million for the transition quarter.
- b. This figure includes approximately \$153 million of Forest Service appropriations in law that were not “warranted” from LWCF. The Government Accountability Office defines warrant as “An official document that the Secretary of the Treasury issues upon enactment of an appropriation that establishes the amount of moneys authorized to be withdrawn from the central accounts that the Department of the Treasury maintains.” See U.S. Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process*, p. 101, September 2005, <http://www.gao.gov/new.items/d05734sp.pdf>. Excluding the \$153 million that was not warranted, the FY2001 LWCF total was approximately \$842 million.

Another spike occurred in FY2001, when appropriations again exceeded the authorized level and totaled nearly \$1 billion. This record level of funding was provided partly in response to President Clinton’s Lands Legacy Initiative, which sought \$1.4 billion for 21 resource protection programs including the LWCF. It also was provided in response to some congressional interest in securing increased and more certain funding for the LWCF. The 106<sup>th</sup> Congress considered legislation to fully fund the LWCF and to make it operate like a private sector trust fund. Such proposals sought to divert offshore oil and gas revenues to a Conservation and Reinvestment Act (CARA) Fund and to permanently appropriate receipts credited to the LWCF, among other related purposes.

When it became clear that CARA legislation would not be enacted, Congress included aspects of the legislation in the FY2001 Interior and Related Agencies Appropriations law (P.L. 106-291). These provisions established the Conservation Spending Category (CSC), with the LWCF as a major component in the CSC. The CSC provisions set a target for total funding for all the component programs in FY2001 at \$1.6 billion, including \$1.2 billion through Interior appropriations and \$400 million through Department of Commerce appropriations. Under law, the target was to increase each year until it reached \$2.4 billion in FY2006. However, Congress generally did not use the CSC structure in appropriating funds to the LWCF and related programs. The CSC was authorized in Interior Appropriations law through FY2006, while the Commerce Appropriations law authorized it for only FY2001.

Over the last decade, FY2007 to FY2016, total LWCF appropriations ranged from a low of \$255.1 million in FY2008 to a high of \$450.4 million in FY2010. The FY2010 high was about half the authorized level, as was the \$450.0 million appropriated for FY2016, the most recent fiscal year. The appropriation for land acquisition of all agencies ranged from \$120.4 million in FY2007 to \$277.9 million in FY2010, and it most recently was \$246.9 million, in FY2016. Stateside program appropriations fluctuated between \$19.0 million in FY2009 and \$110.0 million for FY2016, with the FY2016 level more than twice as high as any other year during the 10-year period. Appropriations for both land acquisition and the stateside program were lower for each fiscal year from FY2007 to FY2009 than for each subsequent fiscal year. The appropriations for other purposes were at a low of \$74.2 million in FY2013 and a high of \$216.1 million in FY2007. They exceeded \$100.0 million in each of the first four years of the period (FY2007-FY2010) but

were lower than \$100.0 million in each subsequent year (FY2011-FY2016). **Table 2** lists annual appropriations, and the funding levels for acquisition of each agency, the stateside program, and other purposes, from FY2007 through FY2016.

**Table 2. Annual LWCF Appropriations by Type and Agency, FY2007-FY2016**  
(in millions of dollars, not adjusted for inflation)

Purpose	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
<b>Land Acquisition</b>										
Bureau of Land Management	\$8.6	\$8.9	\$14.8	\$29.7	\$22.0	\$22.3	\$21.2	\$19.5	\$19.7	\$38.6
Fish and Wildlife Service	28.0	34.6	42.5	86.3	54.9	54.6	50.8	54.4	47.5	68.5
National Park Service	34.4	44.4	45.2	86.3	54.9	57.0	52.8	50.0	50.8	63.7
Forest Service	41.9	41.2	49.8	63.5	32.9	52.5	49.8	43.5	47.5	63.4
DOI OVS <sup>a</sup>	7.4	—	—	12.1	12.1	12.7	12.0	12.2	12.0	12.6
<i>Total Land Acquisition</i>	<i>120.4</i>	<i>129.1</i>	<i>152.2</i>	<i>277.9</i>	<i>176.8</i>	<i>199.1</i>	<i>186.6</i>	<i>179.6</i>	<i>177.6</i>	<i>246.9</i>
<b>State Grants</b>	29.6	24.6	19.0 <sup>b</sup>	40.0	39.9	44.9	42.6	48.1	48.1	110.0
<b>Other Purposes</b>	216.1	101.3	104.1 <sup>c</sup>	132.5	83.8	78.3	74.2	78.4	80.4	93.1
<b>Total</b>	<b>366.1</b>	<b>255.1</b>	<b>275.3</b>	<b>450.4</b>	<b>300.5</b>	<b>322.3</b>	<b>303.3</b>	<b>306.0</b>	<b>306.1</b>	<b>450.0</b>

**Sources:** The primary source for these data is the DOI Budget Office, <http://www.doi.gov/budget/budget-data.cfm>. See the entry for “Land and Water Conservation Fund Receipts: MS Excel Spreadsheet.” Data were updated by DOI on March 5, 2014, and by CRS using the annual Department of the Interior *Budget in Brief*. See for example DOI, *Fiscal Year 2017: The Interior Budget in Brief*, p. B-1, at <https://www.doi.gov/budget>.

**Notes:** Dollars represent the appropriations in the fiscal years indicated and thus are not adjusted for inflation.

- a. OVS is the Office of Valuation Services. Figures reflect appropriations from LWCF to DOI Departmental Management for land acquisition appraisal services.
- b. This figure has been reduced by \$1.0 million due to the use of prior-year funds.
- c. This figure has been reduced by \$8.0 million due to the use of prior-year funds.

## Allocation Among Land Acquisition, State Grants, and Other Purposes

The \$17.5 billion appropriated from the fund through FY2015 has been unevenly allocated among federal land acquisition, the stateside program, and other purposes, as shown in **Figure 3**. The largest portion of the total—\$10.7 billion (61%)—has been appropriated for federal land acquisition. The four federal land management agencies have received differing portions of this \$10.7 billion. Specifically, the NPS has received \$4.5 billion (42%); the FS, \$2.9 billion (27%); the FWS, \$2.3 billion (21%); and the BLM, \$0.9 billion (9%).<sup>27</sup>

The stateside program has received the second-largest portion of LWCF appropriations—\$4.4 billion (25% of the total, which includes funds for grant administration). In the early years, more funds generally went to the stateside program than to the four federal agencies combined. For instance, stateside appropriations exceeded federal land acquisition appropriations during 12 of the 16 years from FY1965 to FY1980. The stateside program has declined as a portion of total

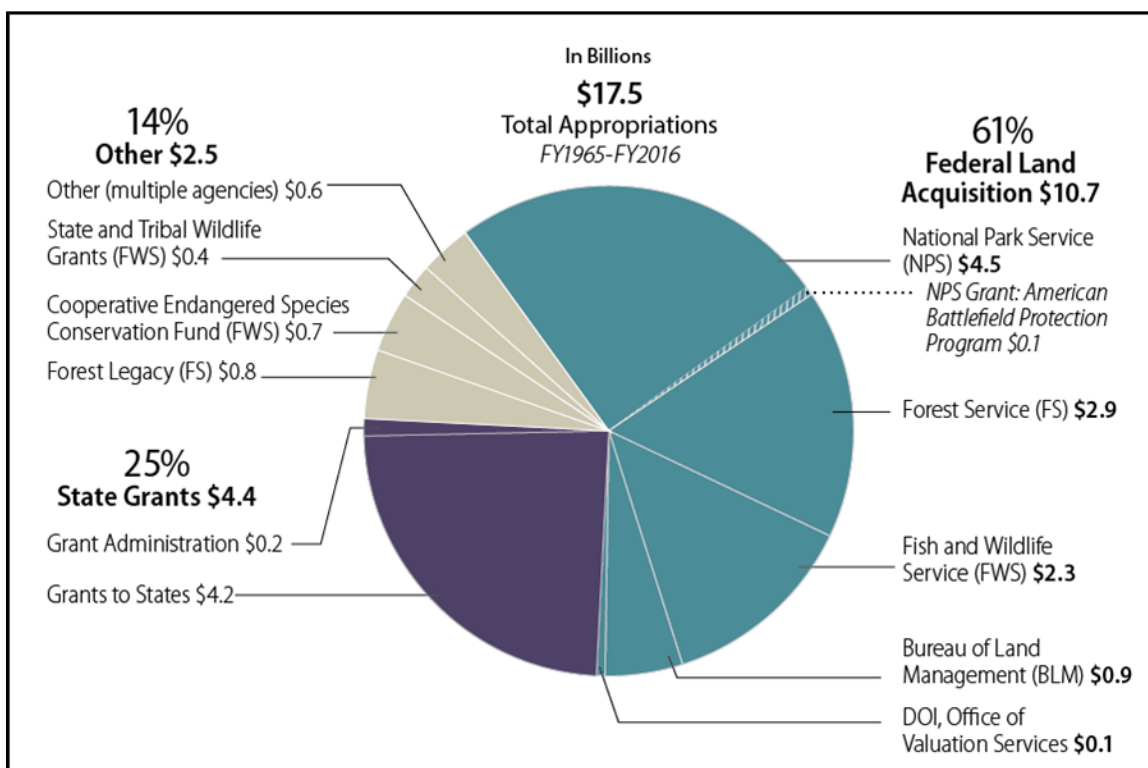
<sup>27</sup> About \$100 million (1%) of the total appropriations for federal land acquisition was provided to other agencies or offices (e.g., to the Office of the DOI Secretary for land appraisal services).

LWCF appropriations since the early 1980s, and received no appropriations (except for program administration) from FY1996 through FY1999. Stateside funding has averaged 13% of total LWCF appropriations over the last decade (FY2007-FY2016).

Other purposes have received the remaining portion of total LWCF appropriations—\$2.5 billion (14%). No funds were provided for other purposes until FY1998. By contrast, 29% of LWCF appropriations from FY1998 through FY2016 have been for other purposes. The FWS and FS have received the largest shares: about \$1.4 billion and \$0.9 billion, respectively, of the \$2.5 billion appropriated for other purposes since FY1998. (See **Figure 3**.)

**Figure 3. Total LWCF Appropriations by Type and Agency, FY1965-FY2016**

(in billions of dollars, not adjusted for inflation)



**Source:** Graphic created by CRS. The primary source for the data is the DOI Budget Office, <http://www.doi.gov/budget/budget-data.cfm>. See the entry for “Land and Water Conservation Fund Receipts: MS Excel Spreadsheet.” Data were updated by DOI on March 5, 2014, and by CRS using the annual Department of the Interior *Budget in Brief*. See for example DOI, *Fiscal Year 2017: The Interior Budget in Brief*, p. B-1, at <https://www.doi.gov/budget>.

**Notes:** Amounts do not sum to totals shown due to rounding. State grants reflect monies appropriated under the Gulf of Mexico Energy Security Act of 2006 (GOMESA; P.L. 109-432).

Both the dollar amount and percentage of LWCF appropriations provided to other purposes have varied widely since FY1998, as shown in **Table 3**. The dollar value of the appropriations for other purposes was much higher in FY2001 than any other year, when these appropriations were used to fund programs in the Clinton Administration’s Lands Legacy Initiative. The highest percentage of funds provided for other purposes occurred in FY2006 and FY2007, in response to President Bush’s request for funding for an array of other programs. In some years, Congress has appropriated significantly less for other purposes than the Administration has requested. For instance, for FY2008 the Bush Administration sought \$313.1 million for other purposes of a total



request of \$378.7 million. Congress appropriated \$101.3 million for other purposes of a total of \$255.1 million.

**Table 3. Annual LWCF Appropriations for Other Purposes, FY1998-FY2016**  
(in millions of dollars, not adjusted for inflation)

Fiscal Year	Total LWCF Appropriations	Appropriations for Other Purposes	Other Purposes as % of Total Appropriations
FY1998	\$969.1	\$72.0	7%
FY1999	328.2	0	0
FY2000	466.9	20.0	4
FY2001	995.4 <sup>a</sup>	456.0	46
FY2002	677.2	104.6	15
FY2003	528.9	118.4	22
FY2004	488.1	224.7	46
FY2005	459.0	203.5	44
FY2006	362.8	213.1	59
FY2007	366.1	216.1	59
FY2008	255.1	101.3	40
FY2009	275.3	104.1 <sup>b</sup>	38
FY2010	450.4	132.5	29
FY2011	300.5	83.8	28
FY2012	322.3	78.3	24
FY2013	303.3	74.2	24
FY2014	306.0	78.4	26
FY2015	306.1	80.4	26
FY2016	450.0	93.1	21

**Sources:** The primary source for these data is the DOI Budget Office, <http://www.doi.gov/budget/budget-data.cfm>. See the entry for “Land and Water Conservation Fund Receipts: MS Excel Spreadsheet.” Data were updated by DOI on March 5, 2014, and by CRS using the annual Department of the Interior *Budget in Brief*. See for example DOI, *Fiscal Year 2017: The Interior Budget in Brief*, p. B-1, at <https://www.doi.gov/budget>.

**Notes:** Dollars represent the appropriations in the fiscal years indicated and thus are not adjusted for inflation.

- a. This figure includes approximately \$153 million of Forest Service appropriations in law that were not “warranted” from LWCF.
- b. This figure has been reduced by \$8.0 million due to the use of prior-year funds.

## Legislative Activity

A variety of measures pertaining to the LWCF have been introduced in the 114<sup>th</sup> Congress.<sup>28</sup> The authorization for the LWCF to accrue \$900 million in revenue was extended from September 30, 2015, to September 30, 2018, by a provision in P.L. 114-113.<sup>29</sup> Some bills would further extend this authority or make it permanent.

Other provisions of pending bills would provide permanent appropriations at the authorized level and a procedure for allocating such permanent funding among accounts, programs, and projects. As noted above, currently, varying amounts of discretionary appropriations are provided each year in appropriations laws. Other provisions of bills specify that \$900 million in mandatory appropriations would be provided in addition to the mandatory appropriations under GOMESA. Currently, the mandatory appropriations under GOMESA count toward the \$900 million authorized amount. Still other bills would make changes to GOMESA regarding mandatory appropriations for the stateside program.

Some bills direct how LWCF funds would be used. Several bills specify that a portion of LWCF funding would be used for acquisitions that increase access to federal lands for recreational purposes, such as hunting and fishing. The bills differ as to whether they provide for a minimum percentage or dollar amount of funding; pertain to authorized, appropriated, or requested funding; and contain other provisions affecting LWCF. Other measures would set in law a division of funds between federal purposes and state purposes or would expand the federal purposes for which LWCF appropriations could be used.

Measures establishing new Treasury funds would make additional monies available from these funds for LWCF purposes. Finally, under some measures, the Secretary of the Interior and the Secretary of Agriculture would be required to consider common criteria in selecting lands to acquire.

**Table 4**, below, identifies selected provisions of 114<sup>th</sup> Congress bills pertaining to the LWCF. Many of the bills shown in the table are pending before committees, but several are at subsequent stages of legislative action. Specifically, S. 338, S. 405, S. 556, S. 2011, S. 2089, and S. 2165 are on the Senate calendar. S. 2012 is in conference; the Senate-passed bill contained LWCF-related provisions, as reflected in **Table 4**, whereas the House-passed version did not.

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<sup>28</sup> In addition to the measures discussed in this section, amendments pertaining to LWCF have been considered in the 114<sup>th</sup> Congress. For instance, the Senate considered LWCF-related floor amendments to S. 1, the Keystone XL Pipeline Approval Act. One such amendment sought to permanently reauthorize the LWCF and dedicate not less than 1.5% of LWCF appropriations for recreational access. Another amendment to S. 1 sought to express the sense of the Senate that reauthorization of the LWCF should be a priority and include “improvements to the structure of the program to more effectively manage existing federal land.” Neither amendment was agreed to by the Senate. Further, House and Senate committees have held oversight hearings on LWCF. See, for example, “Federal Land Acquisition and its Impacts on Communities and the Environment,” House Committee on Natural Resources, Subcommittee on Federal Lands, April 15, 2015, <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=398249>, and “Reauthorization and Potential Reforms to the Land and Water Conservation Fund (LWCF),” Senate Committee on Energy and Natural Resources, April 22, 2015, <http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=9a8c795c-f8fe-4168-af7c-1a89ff5a3fee>.

<sup>29</sup> See Title VIII, Division O, P.L. 114-113, the Consolidated Appropriations Act, 2016.

**Table 4. Bills to Amend the Land and Water Conservation Fund (LWCF) Act**  
(114<sup>th</sup> Congress as of September 1, 2016)

Provisions	Bills
Extend authorization of LWCF at \$900 million until September 30, 2025.	S. 2318
Permanently authorize the LWCF at \$900 million.	H.R. 1814, H.R. 4151, S. 338, S. 556 (§602), S. 890, S. 1925, S. 2012 (§5002), S. 2089 (§6002), S. 2164, S. 2165
Provide permanent appropriations at the authorized level of \$900 million, establish a procedure for allocating such permanent funding, and specify that the \$900 million in permanent appropriations is in addition to mandatory appropriations under GOMESA.	S. 890, S. 1925, S. 2089 (§6002), S. 2164
Specify that a portion (dollar and/or percentage) of LWCF funding would be used for acquisitions that increase access to federal lands for recreational purposes, such as hunting and fishing.	H.R. 1814, H.R. 3173, H.R. 4151, S. 338, S. 390, S. 405 (§201), S. 556 (§602), S. 890, S. 1925, S. 2012 (§5002), S. 2089 (§6002), S. 2164
Determine allocations of funds for federal and state purposes. <sup>a</sup>	H.R. 4151, S. 556 (§602), S. 2012 (§5002), S. 2318,
Expand purposes for which the LWCF could be used to authorize the Secretary of Housing and Urban Development to provide financial assistance to entities to carry out park and infrastructure projects.	H.R. 201 (§213)
Require the Secretary of the Interior and the Secretary of Agriculture to consider certain common factors in acquiring lands, such as management efficiencies.	H.R. 4151, S. 556 (§602), S. 2012 (§5002)
Establish a Renewable Energy Resource Conservation Fund with monies available for purposes authorized under the LWCF Act, among other purposes.	S. 414 (Title II), S. 2568 (Title II)
Establish a new Treasury account with taxes paid on disposable carryout bags, and direct payments from this fund into the LWCF.	H.R. 3977
Amend provisions of GOMESA related to mandatory appropriations for LWCF outdoor recreation grants to states.	S. 1276, S. 2011, S. 2089 (§3122), S. 3150

**Source:** Created by CRS from the Legislative Information System (LIS), 114<sup>th</sup> Congress, as of September 1, 2016.

**Notes:** This table briefly describes selected provisions of bills, typically at the latest stage of congressional action. However, the discussion of S. 2012 pertains to the Senate-passed version of the bill. The subsequent House-passed version did not include LWCF provisions. The table does not identify all bills pertaining to the LWCF or floor amendments on this topic. For the complete provisions of referenced bills, information on other bills not discussed here, and relevant floor amendments, see [Congress.gov](http://Congress.gov). GOMESA = the Gulf of Mexico Energy Security Act of 2006 (P.L. 109-432).

- a. H.R. 4151, S. 556 (§602), and S. 2012 (§5002), as passed by the Senate, require that no less than 40% of the funds be used for federal purposes and no less than 40% be used collectively for specified programs that benefit states. S. 2318 provides that 60% of LWCF funds be allocated for state purposes and 40% for federal purposes.

## Current Issues

Through legislation, hearings, and other debates, Congress is considering an array of issues related to the LWCF. Some of these issues arise in the broader context of whether to reauthorize the LWCF. Several issues are summarized below.

## Level of Funding

There are differing opinions as to the optimal level of LWCF appropriations. The LWCF has broad support from resource protection advocates, many of whom seek stable and predictable funding through consistent levels of appropriations. Most of these advocates seek higher appropriations in general. For instance, for several years the Obama Administration proposed appropriations of \$900 million for LWCF. Some advocates have specific priorities, such as higher acquisition funding for one of the four federal agencies, the state grant program, or a particular site or area. Advocates of higher federal land acquisition funding promote a strong federal role in acquiring and managing sensitive areas and natural resources.

In addition, there is broad opposition to the LWCF based on varied concerns, with opponents generally seeking reduced levels of funds for LWCF. Some opponents seek to reduce the size of the federal estate and minimize further federal acquisition of land either generally or at specific sites, especially in the West, where federal ownership is already concentrated. Other concerns involve preferences for private land ownership or state and local ownership and management of resources, impacts of federal land ownership on uses of private lands, and reduced local tax revenues that result from public ownership. For instance, for FY2016, the House Budget Committee supported reducing the federal estate, giving state and local governments more control of resources within their boundaries, and maintaining existing resources rather than establishing mandatory funding for the LWCF.<sup>30</sup> Others have sought LWCF reductions as part of a broader focus on reducing the federal deficit or on the grounds that there was inadequate cooperation among LWCF programs and between LWCF and other programs.<sup>31</sup>

## Mandatory vs. Discretionary Appropriations

Some advocates of higher LWCF funding seek partial or full permanent appropriations. For instance, the Obama Administration proposed \$900 million for LWCF for FY2017 through a combination of discretionary (\$475.0 million) and mandatory (\$425.0 million) appropriations. Further, the Administration proposed amending current law to appropriate mandatory funding of \$900 million annually beginning in FY2018.<sup>32</sup> As attributes of the mandatory approach, advocates cite the certainty and predictability of program funding generally and in particular in fostering the ability of agencies to undertake multiyear, large-scale, and collaborative acquisitions.<sup>33</sup> They also note the existence of a dedicated funding stream for LWCF at the authorized level of \$900 million and the original intent of Congress that revenues to the fund be used for the LWCF Act's purposes. Questions include how to offset any new permanent appropriations and how to allocate permanent appropriations among different LWCF programs and purposes.

Proponents of discretionary appropriations support retaining Congress's authority to determine annually the level of funding needed for LWCF overall and for the various program components. They note that through the discretionary process, the need for LWCF appropriations can be

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<sup>30</sup> House Committee on the Budget, *Concurrent Resolution on the Budget—Fiscal Year 2016*, H.Rept. 114-47 on H.Con.Res. 27, p. 119.

<sup>31</sup> See, for example, the report of the House Appropriations Committee on H.R. 2584, providing FY2012 appropriations for Interior, Environment, and Related Agencies: H.Rept. 112-151, pp. 14-15.

<sup>32</sup> U.S. Dept. of the Interior, *Fiscal Year 2017: The Interior Budget in Brief*, p. DH-68, at <https://www.doi.gov/budget>.

<sup>33</sup> Testimony of Deputy Secretary of the Department of the Interior Michael Connor, in U.S. Congress, Senate Committee on Energy and Natural Resources, *Hearing on the Reauthorization and Potential Reforms to the Land and Water Conservation Fund (LWCF)*, hearing, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., April 22, 2015, <http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=9a8c795c-f8fe-4168-af7c-1a89ff5a3fee>.

assessed in comparison with other natural resource programs and broader governmental needs. This approach also provides recurring opportunities for program oversight.

## **Maintenance vs. Acquisition**

There are differing opinions as to how LWCF funds should be used. Some Members and others have asserted that maintaining (and rehabilitating) the land and facilities that federal agencies already own should take priority over further acquisitions. They sometimes cite the deferred maintenance needs of the agencies as requiring funding through additional sources, including LWCF.<sup>34</sup> For instance, in an opening statement, the chair of the Senate Committee on Energy and Natural Resources expressed interest in shifting “the federal focus away from land acquisition, particularly in Western states, toward maintaining and enhancing the accessibility and quality of the resources that we have.”<sup>35</sup> Further, a 113<sup>th</sup> Congress House bill (H.R. 5220) sought to bar funding for federal acquisitions while authorizing funding for maintenance.

Supporters of retaining a strong LWCF role in acquisition cite a continued need to preserve iconic resources and provide additional opportunities for public recreation and other land uses. They assert economic benefits of federal land ownership and improvements of federal land management through consolidation of ownership.<sup>36</sup> In addition, since federal agencies cannot use LWCF funds for maintenance, some supporters of this priority favor more funding to other accounts that can be used for maintenance while retaining the LWCF for acquisitions.<sup>37</sup> Such accounts are within the land management agency budgets as well as within the Department of Transportation (for roads).

## **Access for Recreation**

While the public has access to most federal lands, some areas have limited access or are unavailable to the public. This is sometimes the case because private or state lands, or geographical features such as mountains or rivers, limit or block public access. Proponents of enhanced recreational access have sought to amend the LWCF Act to set aside a portion of funding for federal acquisitions for this purpose. The focus has been on acquisition of lands and interests (e.g., easements and rights of way) that support hunting and fishing, among other recreational pursuits. Proponents cite insufficient opportunity for recreating in some areas and broader health, economic, and other values of recreating on public lands.

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<sup>34</sup> For information on the deferred maintenance estimates of the land management agencies over ten years, see CRS Report R43997, *Deferred Maintenance of Federal Land Management Agencies: FY2005-FY2014 Estimates*, by (name redacted).

<sup>35</sup> Statement of Senator Lisa Murkowski, in U.S. Congress, Senate Committee on Energy and Natural Resources, *Hearing on the Reauthorization and Potential Reforms to the Land and Water Conservation Fund (LWCF)*, hearing, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., April 22, 2015, <http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=9a8c795c-f8fe-4168-af7c-1a89ff5a3fee>.

<sup>36</sup> See, for example, Host of *Fresh Tracks* and *On Your Own Adventures* Randy Newberg, in U.S. Congress, House Committee on Natural Resources, Subcommittee on Federal Lands, *Federal Land Acquisition and its Impacts on Communities and the Environment*, hearing, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., April 15, 2015, pp. 2-4, <http://naturalresources.house.gov/uploadedfiles/newbergtestimony.pdf>.

<sup>37</sup> Statement of Senator Maria Cantwell, in U.S. Congress, Senate Committee on Energy and Natural Resources, *Hearing on the Reauthorization and Potential Reforms to the Land and Water Conservation Fund (LWCF)*, hearing, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., April 22, 2015, p. 3, <http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=9a8c795c-f8fe-4168-af7c-1a89ff5a3fee>.

Opposition to such a set-aside could relate to concerns about the extent of federal land ownership, preferences for prioritizing LWCF for other purposes, or satisfaction that the agencies are sufficiently prioritizing recreational access. According to BLM, for instance, “nearly 100 percent of LWCF funding over the past several years has been used for projects that enhance public access for recreation.”<sup>38</sup> For the Forest Service, 39 of the 40 acquisitions completed in FY2014 with LWCF funding provided improved access or legal access where none existed, according to the agency.<sup>39</sup> However, the extent to which agencies prioritize acquisition funding for recreational access might vary among all agencies and from year to year.

## Stateside Program

One area of congressional focus has been the level of funds for the stateside program. In some years, Congress and/or the Administration have not supported funds, or have supported relatively low levels of funds, for new stateside grants. Reasons include that state and local governments have alternative sources of funding for parkland acquisition and development, the current program could not adequately measure performance or demonstrate results, the federal government supports states through other natural resource programs, and large federal deficits require a focus on core federal responsibilities.

Stateside supporters contend that the program contributes significantly to statewide recreation planning, state leadership in protection and development of recreation resources, and long-term outdoor recreation in areas that are readily accessible to communities. They see the program as a way to help fiscally constrained local governments and leverage state and local funds for recreation. Further, advocates assert that investments in recreation save money in other areas; for instance, they say that these investments promote healthier lifestyles and thus save health care expenditures.<sup>40</sup>

Whether to amend the LWCF Act to specify a percentage of the appropriations for the stateside program is part of the debate. The level of funding for the stateside program is likely to be of continued interest in part due to the expectation of increased funds for the program under GOMESA, beginning in FY2018.

Whether to change the way that funds are apportioned to the states has been under consideration. Under the traditional state grant program, a portion of the appropriation is to be distributed equally among the states, with the percentage varying depending on the total amount of appropriations. Further, the Secretary of the Interior has discretion to apportion the balance based on need, and population has been the biggest factor in determining need. For FY2014-FY2016, Congress approved a portion of the state grant funds for a competitive grant program. The extent

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<sup>38</sup> Statement of Bureau of Land Management’s Deputy Director for Operations Steve Ellis, in U.S. Congress, Senate Committee on Energy and Natural Resources, *Legislative Hearing on S. 556, the Bipartisan Sportsmen’s Act of 2015*, hearing, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., March 12, 2015, p. 6, <http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=f46d20ea-6d78-4c4a-a582-2881bbb5abca>.

<sup>39</sup> Testimony of the Forest Service’s Deputy Chief for National Forest System Leslie Weldon, in U.S. Congress, Senate Committee on Energy and Natural Resources, *Legislative Hearing on S. 556, the Bipartisan Sportsmen’s Act of 2015*, hearing, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., March 12, 2015, pp. 5-6, <http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=f46d20ea-6d78-4c4a-a582-2881bbb5abca>.

<sup>40</sup> As an example of testimony supporting increased funding for the stateside program, see Prepared statement of Administrator, Wyoming State Parks Administrator and Vice President of the National Association of State Park Directors Domenic Bravo, in U.S. Congress, House Committee on Natural Resources, Subcommittee on Federal Lands, *Federal Land Acquisition and its Impacts on Communities and the Environment*, hearing, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., April 15, 2015, pp. 1-2, <http://naturalresources.house.gov/uploadedfiles/bravotestimony.pdf>.

to which the state grant program should be competitive, and the criteria that should be used in any competitive program, are of ongoing interest.

## **Other Programs**

Another focus has been which, if any, purposes other than land acquisition and stateside grants should be funded through the LWCF. As discussed above, whether to use the fund for maintenance has been under examination. Some seek to channel LWCF funding to a broader array of land protection purposes. For instance, the Bush Administration sought LWCF funds for cooperative conservation programs through which federal land managers partner with other landowners to protect natural resources and improve recreation on lands under diverse ownership. The Obama Administration also has supported the use of LWCF funds for other purposes, although generally fewer than the Bush Administration. Some proposals seek to enhance funding for programs that benefit states, with a shift of resources from federal lands to state grant programs.

A factor in the debate has been the unappropriated balance in the fund, and whether to allow these funds to be used for broader purposes beyond those currently authorized. Traditional fund beneficiaries have expressed concern about expanding the uses of appropriations if that expansion is accompanied by reductions in the amount available for federal land acquisition or state grants.

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