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Wildfire Suppression Spending: Background, Issues, and Legislation in the 115th Congress

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Summary

Congress has directed that the federal government is responsible for managing wildfires that begin on federal lands, such as national forests or national parks. States are responsible for managing wildfires that originate on all other lands. Although a greater number of wildfires occur annually on nonfederal lands, wildfires on federal lands tend to be much larger, particularly in the western United States. The federal government's wildfire management responsibilities—fulfilled primarily by the Forest Service (FS) and the Department of the Interior (DOI)—include preparedness, prevention, detection, response, suppression, and recovery. The Federal Emergency Management Agency (FEMA) also may provide disaster relief, mostly for certain nonfederal wildfires.

Congress provides appropriations for wildfire management to both FS and DOI. Within these appropriations, suppression operations are largely funded through two accounts for each agency: Wildland Fire Management (WFM) accounts and Federal Land Assistance, Management, and Enhancement Act (FLAME) reserve accounts. If the suppression funding in both of these accounts is exhausted during a fiscal year, FS and DOI are authorized to transfer funds from their other accounts to pay for suppression activities; this is often referred to as "fire borrowing." Congress also may provide additional funds for suppression activities through emergency or supplemental appropriations. Thus, for any given year, total suppression appropriations to FS or DOI may be a combination of several sources: the WFM accounts, the FLAME accounts, additional funding as needed through transfers, and/or supplemental appropriations.

Overall appropriations to FS and DOI for wildland fire management have increased considerably since the 1990s. A significant portion of that increase is related to rising suppression costs, even during years of relatively mild wildfire activity, although the costs vary annually and are difficult to predict in advance. FS and DOI spent an estimated $2.9 billion combined on suppression in FY2017, the most spent in one year to date and surpassing the previous high—achieved in the previous year, FY2016—by nearly $700 million. FS and DOI have frequently required more suppression funds than have been appropriated to them. This discrepancy often leads the agencies to transfer funds from other accounts, prompting concerns that increasing suppression spending may be detrimental to other agency programs. In response, Congress has enacted supplemental appropriations to repay the transferred funds and/or to replenish the agency's wildfire accounts. Furthermore, wildfire spending—like all discretionary spending—is currently subject to procedural and budgetary controls. In the past, Congress has effectively waived some of these controls for certain wildfire spending, but it has not consistently done so in more recent years. This situation has prompted some to explore providing wildfire spending outside of those constraints.

The 115th Congress is considering legislation to address these issues. All of these bills (H.R. 2862, S. 1842, H.R. 2936, and S. 1571), directly or indirectly, would allow for some wildfire suppression funds—subject to certain criteria—to be provided outside the statutory limits on discretionary spending, either through the annual appropriations process or through supplemental appropriations. Under those proposals, varying levels of wildfire funding would not need to compete with other programs and activities that are subject to the statutory limits. However, the amounts that could be provided for wildfire suppression operations under these proposals—both within and outside of the spending limits—would be subject to future appropriations decisions by Congress. These proposals also could affect certain funding mechanisms that have been used to provide additional spending for major disaster recovery (e.g., hurricanes, earthquakes).

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Funding for federal wildfire management—particularly for suppression operations on federal lands—raises several interrelated policy questions for Congress to consider. These questions include how much funding Congress should provide for suppression purposes, an activity whose costs are generally rising but vary annually and are difficult to predict. The federal agencies tasked with suppression activities may deplete their suppression resources rapidly, so Congress also may consider if, and how, to provide these agencies with quick access to additional funds to enable continued federal services in response to wildfires. In addition, Congress may address questions related to the source of the suppression funds, such as if rising suppression costs should be offset by cuts to other agency programs, or if those costs should be considered outside of certain budgetary and procedural constraints. Furthermore, Congress may consider options to enact budgetary controls on suppression spending or other methods to constrain rising federal costs.

This report provides background information and analysis of federal funding for wildfire suppression operations. The report provides a discussion of the issues facing Congress and concludes by summarizing several legislative proposals under consideration by the 115th Congress.

Wildfire Background

The term *wildfire* is defined as an unplanned, unwanted wildland fire, including lightning-caused fires, unauthorized human-caused fires, and escaped prescribed fire projects.[1] States are responsible for responding to wildfires that begin on nonfederal (state, local, and private) lands, except for lands protected by the federal agencies under cooperative agreements. The federal government is responsible for responding to wildfires that begin on federal lands. The Forest Service (FS)—within the U.S. Department of Agriculture (USDA)—carries out wildfire management and response across the 193 million acres of the National Forest System. The Department of the Interior (DOI) manages the wildfire response for more than 400 million acres of national parks, wildlife refuges and preserves, Indian reservations, and other public lands.[2]

The term *wildfire suppression* covers all of the work associated with extinguishing or confining a wildfire. Federal policy is generally to suppress wildfires unless a fire management plan identifies locations and conditions when monitoring or fewer suppression efforts are appropriate.[3] The primary federal responsibility for wildfire suppression is to protect lives, property, and resources on federal lands. The federal government has other wildland fire management responsibilities that include programs to prevent the future risk of catastrophic fires, such as by reducing the accumulation of hazardous fuels on the national forests, for example. The federal government also provides technical and financial assistance to states, local governments, and communities to protect nonfederal (both government and private) lands from wildfire damages. The federal government—primarily through the Federal Emergency Management Agency (FEMA)—may provide disaster relief to state and local governments (see the "Federal Assistance for Nonfederal

[1] National Wildfire Coordinating Group (NWCG), "Glossary of Wildland Fire Terminology," October 2017, at http://www.nwcg.gov/glossary-of-wildland-fire-terminology. For a more comprehensive discussion on wildland fire management, see CRS Report RL30755, *Forest Fire/Wildfire Protection*, by Kelsi Bracmort.

[2] Other federal agencies—such as the Department of Defense—are responsible for wildfire response on their lands. This report focuses on Forest Service and Department of the Interior wildfire management responsibilities.

[3] National Interagency Fire Center (NIFC), Fire Executive Council, *Guidance for Implementation of Federal Wildland Fire Policy*, February 13, 2009, p. 10, at http://www.nifc.gov/policies/policies_main.html.

Wildfires" section for more information). FEMA also may provide assistance to individuals and households if a major disaster declaration is issued as a result of the wildfire.[4]

Wildfire Statistics[5]

Over the past 10 years, from 2007 to 2016, an average of 70,043 wildfires have burned an average of 6.6 million acres every year, including both federal and nonfederal lands.[6] This figure is double the average annual acreage burned in the 1990s (3.3 million acres), although a greater number of fires occurred annually (83,000 wildfires on average) in that period (see **Figure 1**).[7] In 2016, nearly 68,000 fires burned 5.5 million acres, below the 10-year average and a significant decrease from 2015.[8] In 2015, just over 68,000 wildfires burned 10.1 million acres, the largest acreage burned on record and more than the previous two years combined (3.6 million acres burned in 2014 and 4.3 million acres burned in 2013). More than half of the acres burned in 2015 were in Alaska (5.1 million acres), which is more than the total acreage burned in that state over the previous five years.[9]

Although the number of fires and acreage burned are indicators of the annual level of wildfire activity, they also may be misleading. Many fires may occur in areas that are large and relatively undeveloped, with little impact to human development or communities. Acreage burned also does not indicate the severity of the wildfire or the degree of damage caused to the ecosystem. Thus, other indicators of wildfire activity also are considered in conjunction with acreage burned, such as the intensity and severity of each wildfire,[10] the cumulative number of severe wildfires in a year, or the number of days spent at the highest national preparedness levels. On average, 1.6% of the annual wildfires were classified as "large or significant" from 2009 to 2016, and 29 wildfires exceeded 40,000 acres in size annually on average.[11] Of the wildfires in 2016, 1.8% (1,251) were classified as "large or significant," and 19 wildfires exceeded 40,000 acres in size.[12] In 2015, there were fewer "large or significant" fires in total than in 2016 (1,052), but there were more wildfires that burned over 40,000 acres (52).

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[4] For more information, see "Federal Assistance for Nonfederal Wildfires" in this report, and CRS Report R43738, *Fire Management Assistance Grants: Frequently Asked Questions*, coordinated by Bruce R. Lindsay.

[5] For more information, see CRS In Focus IF10244, *Wildfire Statistics*, by Katie Hoover.

[6] NIFC, "Wildland Fire Statistics," at http://www.nifc.gov/fireInfo/fireInfo_statistics.html.

[7] Reliable data on federal wildfire statistics are not available prior to 1991, although reliable statistics on total wildfires and acres burned are available back to 1983 from NIFC (from 1983 to 1989, an average of 57,000 wildfires burned 2.5 million acres annually).

[8] NIFC National Interagency Coordination Center (NICC), *Wildland Fire Summary and Statistics, 2016*, at http://www.predictiveservices.nifc.gov/intelligence/2016_Statssumm/2016Stats&Summ.html. These figures reflect only the data reported to NICC and may not capture all data related to nonfederal wildfires.

[9] A total of 3.3 million acres burned in Alaska in the five-year period from 2010 through 2014. Over the past 10 years, acreage burned in Alaska has exceeded 1 million acres four times: 2009 (3.0 million acres), 2010 (1.1 million acres), 2013 (1.3 million acres), and 2015 (5.1 million acres).

[10] Fire severity is the degree to which a site has been altered or disrupted by a fire, generally a product of fire intensity and residence time. NWCG, *Glossary of Wildland Fire Terminology*, at http://www.nwcg.gov/glossary/a-z.

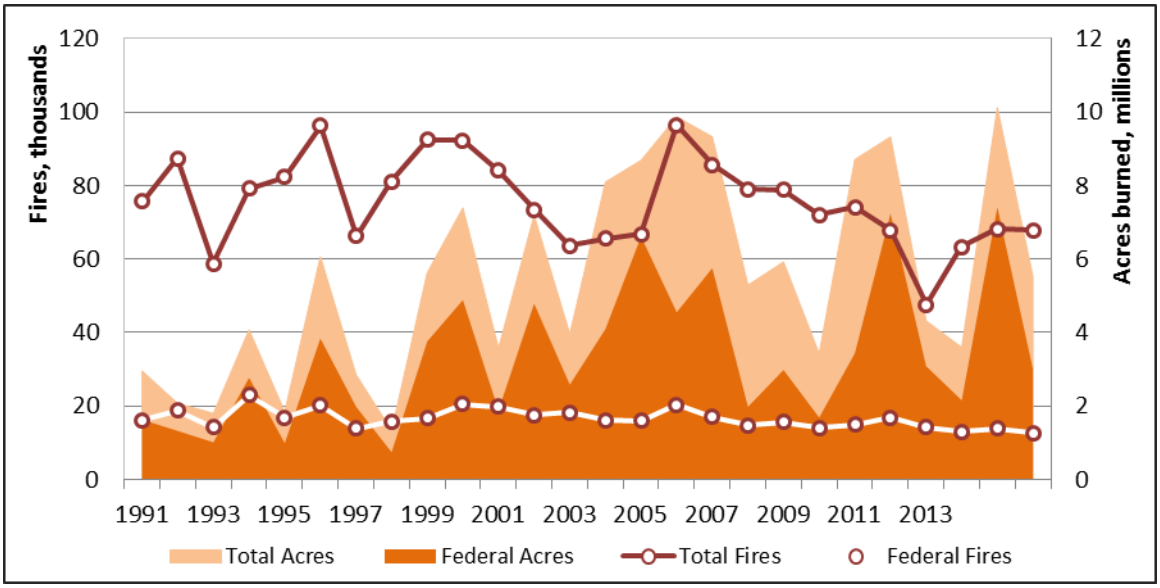
[11] Data prior to 2008 are not available. NIFC NICC, *Wildland Fire Summary and Statistics, 2015*, at http://www.predictiveservices.nifc.gov/intelligence/2015_Statssumm/2015Stats&Summ.html.

[12] "Large or significant" wildfires are defined as larger than 100 acres in timber fuel types, 300 acres in grass or brush fuel types, or requiring a national-level response team (Type 1 or Type 2 Interagency Incident Management Team, Wildland Fire Module Team, or National Incident Management Organization Team). Source: NWCG, *Glossary of Wildland Fire Terminology*, October 2015.

The National Fire Preparedness Levels (PLs) are indicative of the level of nationwide mobilization of resources, with higher numbers indicating higher levels of response.[13] Over the past 10 years (2007-2016), the PL was at the highest level (PL5) for nine days on average annually, although PL5 was not reached in half of those years.[14] In 2016, 14 days were spent at P L4 and zero days were spent at PL5, for instance.[15] Higher levels of response—particularly sustained over longer time frames—are often more indicative of higher federal spending on suppression than the number of fires or acres burned in any given year, although this is not always true. The PL number reflects nationwide resources and may mask regional differences in resource levels. For example, over the past 10 years, federal spending on wildfire suppression was highest in FY2016, but the number of days spent at the higher PL levels was the third-lowest that year. This is partly due to costs carrying over from the FY2015 wildfire season, but also because the areas that did experience higher activity in 2016 were often closer to population centers (e.g., the Southern California region). As discussed in the next section, proximity to development is often associated with higher containment costs.

So far in 2017 (as of the date of this report), PL5 was reached on August 11, 2017, and remained at that level for 39 days (through September 19, 2017), and over 52,000 fires have burned over 8.8 million acres.

Figure 1. Annual Trends in Wildfires and Acres Burned, 1991-2016



Source: CRS, based on data from the National Interagency Fire Center (NIFC).

Note: Data reflect wildland fires and acres burned nationwide, including wildland fires on federal and nonfederal lands.

In 2016, 54% of the nationwide acreage burned by wildfires was on federal lands (3.0 million acres; see **Table 1**). The other 46% of the acreage burned occurred on state, local, or privately owned lands but also accounted for most (82%) of the fires (55,193 wildfires). On average, from

[13] *Preparedness level* is defined as "increments of planning and organizational readiness dictated by burning conditions, fire activity, and resource conditions." NWCG, *Glossary of Wildland Fire Terminology*, October 2015.

[14] Over the 10-year period between 2007 and 2016, PL5 was not reached in five years: 2009-2012, 2014, and 2016; P L4 was not reached in 2009 and 2010; and PL3 was not reached in 2010.

[15] In 2015, 24 days were spent at PL5, the longest period since 2007 (39 days).

2007 to 2016, 67% of the total acreage burned was on federal lands, whereas 77% of the fires occurred on nonfederal lands. These figures reflect that the fires that occur on federal land are generally larger in size, although fewer in number, compared with those on nonfederal land. This is particularly true in the West,[16] where less than one-third of the fires burned 60% of the acreage on federal lands compared to nonfederal lands in 2016. In the East, however, where there is less federal acreage, most of the fires and acreage burned occurred on nonfederal lands.

Table 1. 2016 Wildfires and Acres Burned by Landowner and Region

Land Ownership	Fires	Acres Burned
Federal	**12,550**	**2,995,095**
Eastern States	3,949	485,291
Western States	8,601	2,509,805
Nonfederal	**55,193**	**2,514,899**
Eastern States	43,716	1,728,361
Western States	11,477	786,538
Total, Eastern States	*47,665*	*2,213,652*
Total, Western States	*20,078*	*3,296,343*
TOTAL	**67,743**	**5,509,995**

Source: CRS. Data compiled from NIFC, State and Agency Fires and Acres reports, at http://www.nifc.gov/fireInfo/fireInfo_statistics.html.

Notes: In this instance, western states are defined to include Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. Eastern states are all other states and include Puerto Rico.

Wildland-Urban Interface

The area where structures (usually homes) are intermingled with—or adjacent to—vegetated wildlands (forests or rangelands) is called the wildland-urban interface (WUI).[17] The proximity to vegetated landscapes puts these areas at a potential risk of experiencing wildfires and associated damage. More than one-third of all housing developments in the United States are now located within the WUI.[18] In the West, nearly 900,000 homes are estimated to be at very high or high risk of wildfire damage.[19] While attention has focused on protecting life, property, and communities in the WUI, opinions vary over if and how much the federal government should pay to protect those resources.

U.S. federal wildland fire guidance directs that the response to wildfire is to prioritize the safety of the firefighters first, then the ecological, social, and legal consequences of the fire.[20] The

[16] In this case, the West is defined to include the states located west of the 100th meridian: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

[17] V. C. Radeloff et al., "The Wildland-Urban Interface in the United States," *Ecological Applications*, vol. 15, no. 3 (2005), pp. 799-805. For more information on the WUI, see CRS Report RS21880, *Wildfire Protection in the Wildland-Urban Interface*, by Katie Hoover and Kelsi Bracmort.

[18] Forest Service, *Wildfire, Wildlands, and People: Understanding and Preparing for Wildfire in the Wildland-Urban Interface*, GTR-299, January 2013.

[19] CoreLogic, Inc, *Wildfire Hazard Risk Report*, 2015.

[20] NIFC, *Guidance*, p. 11.

guidance further states that the cost of federal response to wildfire should be commensurate with the values to be protected (human, natural, historical, or cultural), but economic efficiency is not necessarily required. Response priorities include managing costs but without compromising safety.[21] While some believe this policy allows the federal land management agencies flexibility to provide a high-quality emergency response, others believe this is akin to a "blank check" policy and has removed any incentive for the agencies to control suppression costs.[22]

Federal wildfire suppression spending is influenced by several factors, including the size and intensity of the fire and the proximity of the fire to the WUI and associated valuable resources.[23] These resources require protection, which often increases firefighter risks as well as suppression costs as more personnel or assets are deployed to provide protection.[24] Federal suppression costs—daily, overall, and on a per-acre basis—become higher as the number and value of homes near a fire increase.[25]

When wildfire expenditures began to increase in the 2000s, many were concerned that the federal government was bearing too much of the cost of wildfires and that state, local, and private landowners lacked incentive to mitigate future fire risk to offset suppression costs.[26] The agencies have since modified their cost-share agreements with many of the states to provide more consistent arrangements, although these still may vary by state and by fire.[27] The agencies, particularly FS, also have initiated several technical and financial assistance programs to increase WUI community preparedness and homeowner protections. A 2006 USDA Office of Inspector General (OIG) report asked Congress to clarify the federal government's role in protecting WUI developments.[28] However, the debate in more recent years seemingly has focused less on the federal share of rising suppression costs and more on other fiscal concerns, such as budgetary constraints on discretionary spending.

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[21] NIFC, National Multi-Agency Coordinating Group, *NMAC National Strategy*, 2013, at http://www.nifc.gov/nicc/administrative/nmac/index.html.

[22] See for example, National Academy of Public Administration (NAPA), *Wildfire Suppression: Strategies for Containing Costs*, September 2002; Dean Lueck, "Economics and the Organization of Wildfire Suppression," in *Wildfire Policy: Law and Economics Perspectives*, ed. Karen M. Bradshaw and Dean Lueck (New York: RFF Press, 2012); Randal O'Toole, *Reforming the Fire Service: An Analysis of Federal Fire Budgets and Incentives*, Thoreau Institute, July 2002; and Timothy Ingalsbee, *Getting Burned: A Taxpayer's Guide to Wildfire Suppression Costs*, Firefighters United for Safety, Ethics, & Ecology, August 2010.

[23] J. Liang et al., "Factors influencing Large Wildland Fire Suppression Expenditures," *International Journal of Wildland Fire*, vol. 17 (2008), pp. 650-659.

[24] USDA Office of Inspector General (OIG), *Audit Report: Forest Service Large Fire Suppression Costs*, Report No. 08601-44-SF, 2006. Hereinafter referred to as USDA OIG 2006.

[25] P. H. Gude et al., "Evidence for the Effect of Homes on Wildfire Suppression Costs," *International Journal of Wildland Fire*, vol. 22, no. 4 (2013), pp. 537-548; K. M. Gebert, D. E. Calkin, and J. Yoder, "Estimating Suppression Expenditures for Individual Large Wildland Fires," *Western Journal of Applied Forestry*, vol. 22, no. 3 (2007), pp. 188-196.

[26] U.S. Government Accountability Office (GAO), *Wildland Fire Suppression: Lack of Clear Guidance Raises Concerns about Cost Sharing between Federal and Nonfederal Entities*, GAO-06-570, May 2006; USDA OIG 2006; NAPA, *Wildfire Suppression*; O'Toole, *Reforming the Fire Service*; Ingalsbee, *Getting Burned*; and Headwaters Economics, *Solutions to the Rising Costs of Firefighting in the Wildland-Urban Interface*, September 2009.

[27] GAO, *Wildland Fire Management: Lack of Clear Goals or a Strategy Hinders Federal Agencies' Efforts to Contain Costs*, GAO-07-655, June 1, 2007.

[28] USDA OIG 2006.

Federal Assistance for Nonfederal Wildfires

The federal government provides assistance to states, local governments, and private landowners for wildfires that begin on nonfederal lands. This assistance may come in several forms, including technical and financial assistance programs to mitigate the risk of future wildfires and direct response services under cooperative agreements. These cooperative fire protection agreements authorize federal and state partners to share resources—such as aviation equipment and personnel—depending on ongoing need during a wildfire season, allowing for a coordinated interagency response that deploys resources to areas of greatest critical need. The cost of these resources is then reimbursed as specified in the master agreement, which often lists several different methods to apportion costs, each with different financial impacts. This may include assigning the cost based on the proportion of acres burned within each agency's jurisdiction or on resources deployed, among others.[29] The National Interagency Coordination Center, located at the National Interagency Fire Center (NIFC), coordinates and allocates resources at a national level, and Geographic Area Coordination Centers coordinate and allocate resources at nine regional levels.[30]

Cooperative fire protection and financial and technical assistance programs are provided by the federal land management agencies—such as FS and DOI—but FEMA also may provide assistance to states, communities, and individuals during or after a wildfire.

Disaster Declarations

The term *fire* is included as an eligible event under the "Definitions" section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).[31] A query of FEMA's declarations database for "wildfire" yields 30 major disaster declarations over a 64-year period (1953-2016)[32]—a small subset, given that there have been more than 2,200 major disaster declarations during that same period. This is partly because many wildfires begin on federal lands, and thus the federal government is already funding the response effort. Such wildfires are generally ineligible for Stafford Act assistance unless they impact state, local, and private lands and resources. There are, however, several types of declarations that provide assistance under the Stafford Act when the fires threaten state and private lands.

In the event that a wildfire originated on state lands and a threat of several types of damage exists (e.g., to state and county infrastructure as well as private homes), a major disaster may be declared by the President if the governor of the affected state requests such assistance. Similarly, a governor could request an emergency declaration to address the threat before it warrants a major disaster declaration.[33] However, the most frequently employed authority for fighting wildfires under the Stafford Act is Section 420, which is specifically for "Fire Management Assistance."[34] This authority results more frequently in the grants that are discussed below.

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[29] GAO-06-570.

[30] For more information, see the National Interagency Coordination Center website at http://www.nifc.gov/nicc/ and the Geographic Area Coordination Centers website at http://gacc.nifc.gov/.

[31] 42 U.S.C. §5122(2). For more information on declarations, see CRS Report R43784, *FEMA's Disaster Declaration Process: A Primer*, by Bruce R. Lindsay and CRS Report R42702, *Stafford Act Declarations 1953-2016: Trends, Analyses, and Implications for Congress*, by Bruce R. Lindsay.

[32] See http://www.fema.gov/disasters.

[33] 42 U.S.C. §5191.

[34] 42 U.S.C. §5187.

Fire Management Assistance Grants

Section 420 of the Stafford Act authorizes the President to "declare" a Fire Management Assistance Grant (FMAG), which authorizes financial assistance to the requesting state.[35] A state must request an FMAG when the governor determines that a fire is burning out of control and threatens to become a major disaster. Typically, governors submit requests to the FEMA regional administrators. Requests can be submitted any time—day or night—and can be submitted verbally by telephone to expedite the process. FMAGs are funded through the Disaster Relief Fund (DRF), an account in Department of Homeland Security appropriations acts (discussed in the following section).

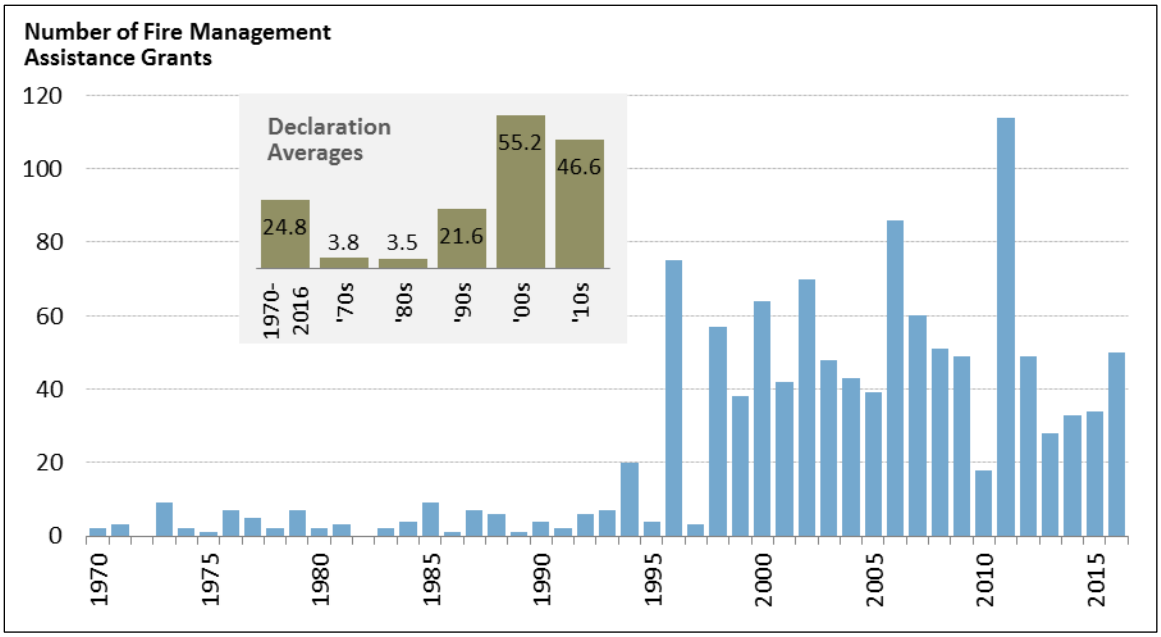
Once issued, the FMAG declaration authorizes various forms of federal assistance—such as equipment, personnel, and grants to state, local, and tribal governments—for the control, management, and mitigation of any fire on certain public or private forest land or grassland that might become a major disaster. The grants may reimburse up to 75% of the allowable suppression costs for eligible fires. It should be noted that FMAG declarations, unlike some major disaster declarations, do not authorize assistance to individuals and households.

The first FMAG was declared in 1970, though they were rarely declared until the 1990s (see **Figure 2**). The average number of FMAGs declared in the 1970s and the 1980s was about four per year. During the 1990s, there were about 22 FMAG declarations per year (see inset of **Figure 2**). This upward trend continued into the 2000s, with an average of 55 FMAG declarations issued each year. The most FMAG declarations issued in one year was 114 in 2011.[36] Texas has received the most FMAGs declarations (236) followed by California (166), Oklahoma (90), and Washington (89) (see **Figure 3**). From FY2006 through FY2015, a total of $741.8 million was obligated for 531 FMAG declarations. As mentioned previously, FMAGs are designed to prevent fires from becoming major disasters. It could be argued that even though the cost for FMAG declarations may have increased, FMAGs may actually save federal dollars by reducing the need for a major disaster declaration, thus reducing overall spending on Stafford Act programs.

[35] For more information, see CRS Report R43738, *Fire Management Assistance Grants: Frequently Asked Questions*, coordinated by Bruce R. Lindsay.

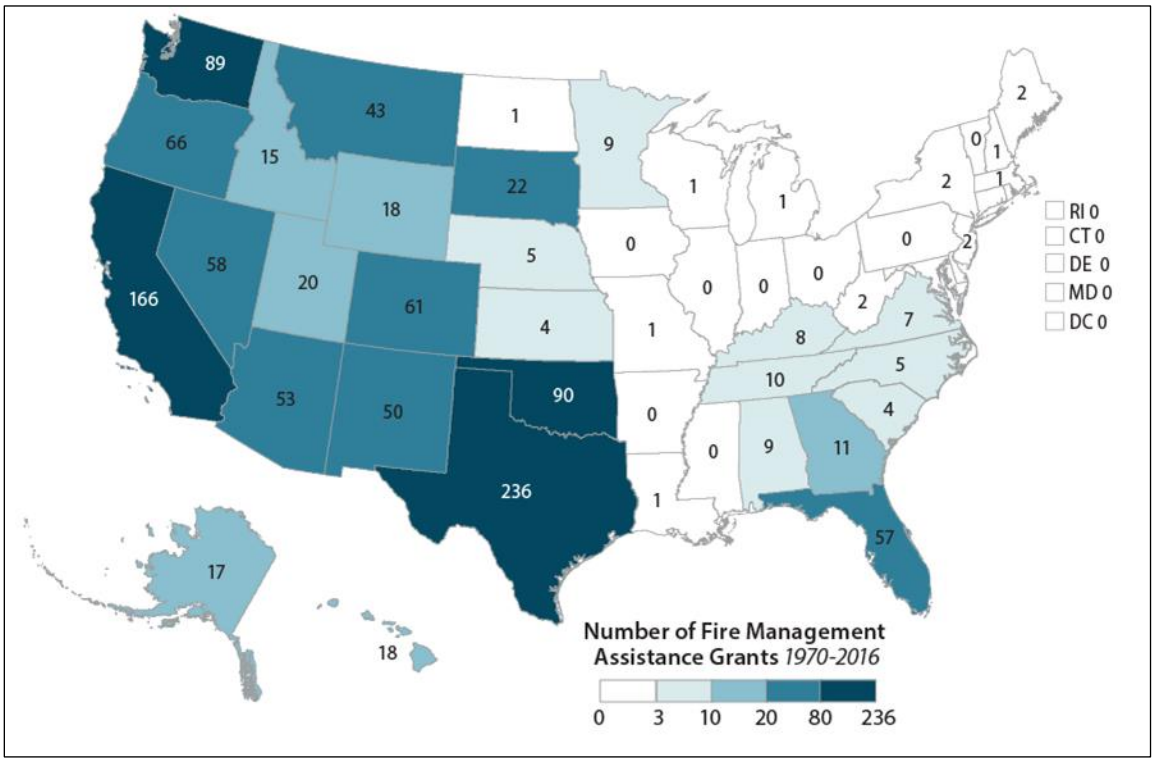
[36] From 2000 to 2015, the average annual number of FMAG requests that FEMA did not recommend the President to declare was 12.

Figure 2. Fire Management Assistance Grants, 1970-2016



Source: CRS analysis based on data from U.S. Department of Homeland Security, Federal Emergency Management Agency, *Disaster Declarations,* available at https://www.fema.gov/disasters.

Figure 3. Fire Management Assistance Grants by State, 1970-2016



Source: CRS analysis based on data from U.S. Department of Homeland Security, Federal Emergency Management Agency, *Disaster Declarations,* available at https://www.fema.gov/disasters.

Note: One FMAG was declared in Guam in 1998.

Disaster Relief Fund

Funds from the Disaster Relief Fund (DRF) are used to pay for ongoing recovery projects from disasters occurring in previous fiscal years, to meet current emergency requirements, and to serve as a reserve to pay for upcoming incidents. The DRF is funded annually and is a "no-year" account, meaning that unused funds from the previous fiscal year (if available) are carried over to the next fiscal year. In general, when the balance of the DRF becomes low, Congress provides additional funding through either annual or supplemental appropriations to replenish the account, and sometimes both.[37]

In addition to major disasters, the DRF provides funding for emergency declarations and FMAGs as well as some administrative costs. Since the passage of the Budget Control Act of 2011 (BCA; P.L. 112-25) provided special budgetary treatment for congressionally designated costs of major disasters, the portion of the DRF that funds other activities has become known as the "base," or being intended for "non-major disasters." The President's request for the DRF base is based on a 10-year average of the costs it incurs, whereas the request for major disasters is based on FEMA's spending plans for previously declared catastrophic disasters,[38] as well as the 10-year average of obligations for noncatastrophic major disasters.[39]

Wildfire Management Appropriations

As stated earlier, funding for federal wildfire management is provided to both FS and DOI. Funding for DOI is provided to the department, which then allocates the funding to the Office of Wildland Fire and four agencies—the Bureau of Land Management (BLM), the Bureau of Indian Affairs, the National Park Service, and the U.S. Fish and Wildlife Service.[40] Both DOI and FS receive annual discretionary appropriations through the Interior, Environment, and Related Agencies appropriations bill.[41] Each agency has two accounts for wildfire:

- **Wildland Fire Management (WFM) account**. Each agency's WFM appropriation is distributed among two subaccounts: *fire operations* and *other fire operations*. The *fire operations* subaccount receives the bulk of the WFM appropriation and funds two programs: preparedness and suppression. Appropriations for preparedness are used to support efforts that assist with fire prevention and detection, equipment, training, and baseline personnel. Suppression appropriations are primarily used for wildfire response. The *other fire operations* subaccount funds hazardous fuels reduction and fire assistance programs, as well as other activities that are more focused on decreasing the risk of future catastrophic wildfires.

[37] See CRS Report R43537, *FEMA's Disaster Relief Fund: Overview and Selected Issues*, by Bruce R. Lindsay.

[38] Major disasters costing more than $500 million are designated as "catastrophic."

[39] Department of Homeland Security, *Federal Emergency Management Agency, Disaster Relief Fund, Fiscal Year 2018 Congressional Justification*, p. DRF-25, at https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_Federal_Emergency_Management_Agency.pdf.

[40] Wildfire appropriations to DOI used to go directly to BLM and were then allocated among the other bureaus, but since 2009 appropriations have gone to the DOI department-level Office of Wildland Fire for allocation.

[41] For background information on the wildland fire accounts and appropriations data for DOI and FS, see CRS Report R43077, *Wildfire Management Appropriations: Background and FY2017 Request*, by Katie Hoover and Kelsi Bracmort.

- **Federal Land Assistance, Management, and Enhancement Act (FLAME)[42] account**. The FLAME account is a reserve fund for wildfire suppression that requires certain conditions be met in order to transfer funding from the FLAME account to the WFM suppression program.

Total appropriations for wildfire management have increased 148% over the past two decades in terms of FY2017 dollars (see **Figure 4**), although the trend has fluctuated annually.[43] From FY1994 to FY2000, annual appropriations for FS and DOI combined averaged $1.6 billion; over the past 10 years since FY2008, annual appropriations have averaged $4.0 billion. From FY2008 through FY2017, total combined annual wildfire appropriations reached a high of $5.2 billion in FY2008 (the largest appropriation to date in inflation-adjusted dollars) and then decreased annually for four consecutive years and reached a low of $2.9 billion in FY2012. After FY2012, appropriations then increased in both FY2013 ($3.6 billion) and FY2014 ($4.1 billion) but decreased in FY2015 ($3.6 billion). The FY2016 FS and DOI appropriation of $5.0 billion was the second-largest appropriation to date. FS and DOI received $4.2 billion in wildfire appropriations in FY2017.

Over the past 10 years, Forest Service total appropriations for wildland fire management have averaged $2.8 billion annually, about 50% of the agency's total discretionary appropriations on average (see **Figure 5** and **Table 2**). This figure includes all appropriations provided for wildland fire management purposes, including those funds designated not subject to certain procedural or statutory budget enforcement, such as limits or caps on discretionary spending (for more information on budget enforcement, see the "Budgetary Constraints" section of this report).[44] Excluding those funds, the average FS wildfire appropriation over the past 10 years was slightly lower, $2.6 billion annually, but still about 50% of the agency's total. DOI's appropriations for wildland fire averaged $888.1 million over the past 10 years, about 8% of the department's total discretionary appropriation.

The rising cost of wildfire management, combined with annual spending fluctuations, makes budgeting for future wildfire spending difficult. Much of the increases, fluctuations, and unpredictability are driven by suppression costs. Analyzing wildfire funding trends over time—particularly prior to FY2001—is challenging for many reasons. The agency's account structures have changed, with different activities funded through different programs in different years. Additional accounts and programs have been created. A further complication is that often the costs for one wildfire season (using a calendar year) are covered over two fiscal years; sometimes appropriations are enacted in one fiscal year to cover costs incurred in previous fiscal years.

The next section of this report analyzes federal funding for wildfire suppression operations. This includes appropriations provided for suppression to the WFM accounts and FLAME accounts, and the process for accessing additional funding as needed through transfers or fire borrowing, and supplemental appropriations for wildfire suppression.

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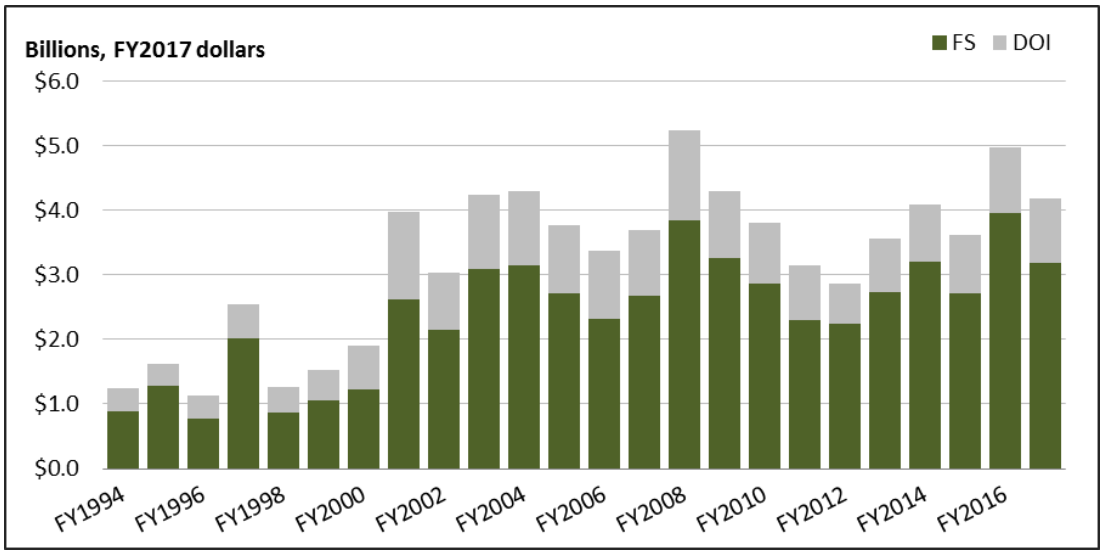
[42] P.L. 111-88, Division A, Title V (43 U.S.C. §1748a).

[43] Total wildfire management appropriations include appropriations to the Wildland Fire Management (WFM) account, the FLAME accounts, and any additional or supplemental appropriations enacted for wildfire purposes to both FS and DOI. FS data also include appropriations to other agency accounts that are specified for wildfire purposes. These figures do not represent the total costs incurred for wildfire in a given fiscal year, and do not reflect any funds transferred from other accounts to pay for emergency wildfire suppression operations. Figures adjusted to FY2017 dollars using the annual GDP deflator price index reported by the U.S. Department of Commerce, Bureau of Economic Analysis, National Income and Products Accounts Tables, Table 1.1.9. The FY2017 GDP deflator price index was calculated using the average GDP deflator reported for the first three quarters of FY2017.

[44] For more information on emergency designations generally, see CRS Report R41564, *Emergency Designation: Current Budget Rules and Procedures*, by Bill Heniff Jr.

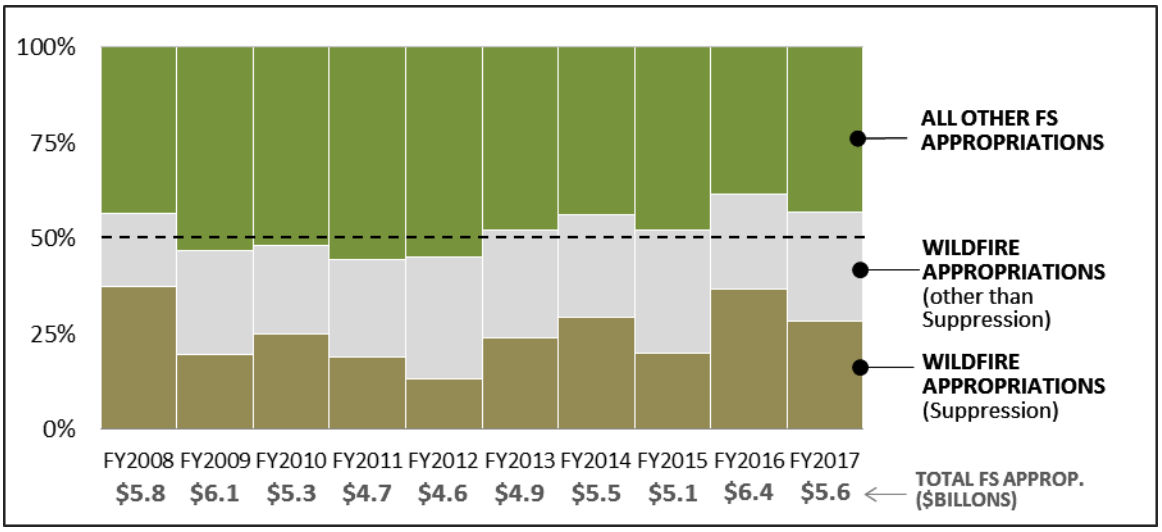
Figure 4. FS and DOI Total Wildfire Management Appropriations, FY1994-FY2017



Source: CRS. Data compiled from detailed funding tables prepared by the House Committee on Appropriations.

Notes: Total wildfire management appropriations include appropriations to the Wildland Fire Management (WFM) account, the accounts established by the Federal Land Assistance, Management, and Enhancement Act (FLAME), and any additional or supplemental appropriations enacted for wildfire purposes to both FS and DOI. FS data also include appropriations to other agency accounts that are specified for wildfire purposes. Figures adjusted to FY2017 dollars using the annual GDP deflator price index reported by the U.S. Department of Commerce, Bureau of Economic Analysis, National Income and Products Accounts Tables, Table 1.1.9. The FY2017 GDP deflator price index was calculated using the average GDP deflator reported for the first three quarters of FY2017.

Figure 5. Distribution of FS Discretionary Appropriations, FY2008-FY2017



Source: CRS. Data compiled from detailed funding tables prepared by the House Committee on Appropriations.

Notes: "Wildfire appropriations (other than Suppression)" includes all appropriations to the FS WFM account, excluding funds appropriated to the Suppression program, and funds appropriated for wildfire purposes to other FS accounts. "Wildfire Appropriations (Suppression)" includes funds appropriated to the WFM Suppression program, the FLAME reserve account, and any emergency or supplemental appropriations provided for suppression activities. "All Other FS Appropriations" includes all other FS discretionary appropriations.

Suppression Appropriations

Suppression appropriations are used to fund the control of wildland fires that originate on federal land, as well as wildland fires that originate on nonfederal lands and are under fire protection agreements. Suppression operations fund firefighter salaries, equipment, aviation asset operations, and incident support functions in direct support of wildfire response, plus personnel and resources for post-wildfire response programs.[45]

Within the overall appropriations for wildfire, suppression operations are appropriated through two accounts for both FS and DOI: the suppression activity within the respective WFM accounts, and the respective FLAME reserve accounts. These also are funded annually through the Interior Appropriations Act. If these suppression resources are exhausted during any given fiscal year, FS and DOI are authorized to transfer funds from their other accounts to pay for suppression activities. Congress also may fund suppression activities—including repaying borrowed funds from the previous fiscal year—through emergency or supplemental appropriations. (These processes and their impacts are discussed later in the report.) Thus, for any given year, appropriations to FS or DOI for suppression activities may be a combination of several sources: the WFM suppression account, the FLAME account, and supplemental appropriations (see **Table 2**); the agencies also have access to additional funds through the transfer authority. See **Figure 6** and **Figure 7** for a breakdown of FS and DOI suppression appropriations over the past 10 years, respectively.

Over the past 10 years, total FS suppression appropriations have averaged $1.39 billion per fiscal year, whereas total DOI suppression appropriations have averaged $381.6 million (see **Table 2**). Over the past 10 years, suppression activities, on average, have accounted for nearly half (48%) of the FS's overall wildfire appropriation and nearly a quarter of the agency's total appropriation (24%, see **Figure 5**). Within DOI, wildfire appropriations—including suppression—are smaller and account for a significantly smaller portion of the overall DOI budget (8% on average). Analyzing trends, however, is complicated because of certain structural changes made to the wildfire accounts within the past five years. These changes include the enactment of the FLAME account as well as FS moving certain aviation and personnel costs between the Suppression and Preparedness programs.

[45] Appropriations to the Preparedness and Suppression programs historically were fungible, meaning the funds were largely interchangeable. This has not been the case more recently, however, as the FS has changed its budgetary policies, in part to be more consistent with DOI business practices, but also in response to congressional concerns and for more consistent record-keeping. See FS, *FY2018 Budget Justification*, p. 145, at http://www.fs.fed.us/about-agency/budget-performance Justification, for example.

Table 2. FS and DOI Wildfire Appropriations, FY2008-FY2017

(millions of nominal dollars)

	FY2008	FY2009	FY2010	FY2011	FY2012[a]	FY2013	FY2014	FY2015	FY2016	FY2017
Forest Service (FS)										
Total Suppression Appropriations	$2,171.6	$1,193.9	$1,335.5	$885.9	$613.6	$1,188.8	$1,595.5	$1,011.1	$2,334.0	$1,590.0
WFM Suppression	$845.6	$993.9	$997.5	$995.5	$538.2	$510.0	$680.5	$708.0	$811.0	$1,248.0
FLAME	NA	NA	$413.0	$290.4	$315.4	$299.0	$315.0	$303.1	$823.0	$342.0[b]
Additional Appropriations	$1,326.0[b]	$200.0[b]	—	—	—	$379.9	$600.0	—	$700.0[b]	—
Rescissions or Adjustments	—	—	-75.0	-400.0	-240.0	—	—	—	—	—
WFM Other Than Suppression[c]	$1,136.4	$1,678.7	$1,227.4	$1,211.6	$1,473.8	$1,391.0	$1,481.8	$1,625.3	$1,575.3	$1,585.4
Total FS Wildfire Appropriations	$3,308.0	$2,872.6	$2,562.9	$2,097.5	$2,087.4	$2,579.8	$3,077.3	$2,636.4	$3,909.3	$3,175.4
FS Appropriations Other Than Wildfire	$2,535.0	$3,264.2	$2,780.5	$2,626.6	$2,544.0	$2,377.0	$2,402.3	$2,420.0	$2,455.0	$2,427.2
Total FS Appropriations	$5,804.4	$6,095.8	$5,297.3	$4,685.0	$4,594.3	$4,924.7	$5,479.6	$5,056.2	$6,364.3	$5,596.3
% Wildfire Appropriations	57%	47%	48%	45%	45%	52%	56%	52%	61%	57%
Department of the Interior (DOI)										
Total Suppression Appropriations	$673.8	$385.2	$319.8	$259.8	$90.8	$368.4	$406.4	$383.7	$468.7	$460.0
WFM Suppression	$289.8	$335.2	$383.8	$399.0	$270.5	$261.2	$285.9	$291.7	$291.7	$395.0
FLAME	NA	NA	$61.0	$60.9	$91.9	$91.7	$92.0	$92.0	$177.0	$65.0[b]
Additional Appropriations	$384.0[b]	$50.0[b]	—	—	—	$23.0	$36.0	—	—	—
Rescissions or Adjustments	—	—	-125.0	-200.0	-271.6	-7.5	-7.5	—	—	—
WFM Other Than Suppression	$518.3	$539.3	$411.1	$519.1	$484.7	$426.3	$455.1	$513.1	$525.1	$547.7
Total DOI Wildfire Appropriations	$1,192.1	$924.5	$855.9	$778.9	$575.4	$794.7	$861.5	$896.8	$993.7	$1,007.7
DOI Approp. Other Than Wildfire	$9,185.1	$11,266.9	$10,191.3	$9,848.7	$9,724.3	$9,978.3	$9,613.0	$10,251.2	$11,086.8	$11,244.3
Total DOI Appropriations[d]	$10,377.2	$12,191.4	$11,047.2	$10,627.5	$10,299.8	$10,773.1	$10,773.1	$11,148.0	$12,080.5	$12,251.9
% Wildfire Appropriations	11%	8%	8%	7%	6%	7%	8%	8%	8%	8%

Source: CRS. Data compiled from detailed funding tables prepared by the House Committee on Appropriations and annual DOI budget documents.

Notes: Totals may not add due to rounding. Additional Appropriations (for FS and DOI) includes any appropriations enacted for suppression purposes and titled as "supplemental," "additional," or "emergency" in the tables prepared by the House Committee on Appropriations. For prior years, total Wildfire Appropriations (for FS and DOI) reflect final wildfire appropriations including rescissions, adjustments, and any funds provided for wildfire activities in other accounts.

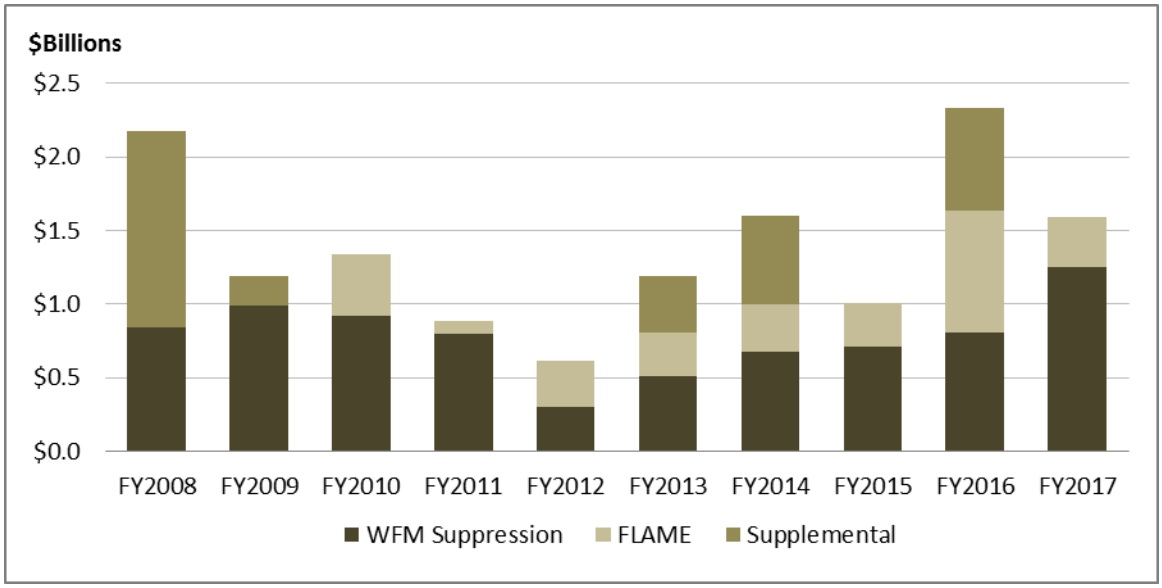
a. Prior to FY2012, certain expenditures related to aviation assets and personnel costs were funded through the Suppression program; starting in FY2012, those costs were funded through the Preparedness program.

b. These funds were designated as emergency spending and not subject to procedural or statutory limits on discretionary spending.

c. This includes all appropriations to the FS WFM account, excluding funds appropriated to the Suppression program. Funds provided for wildfire purposes but appropriated to the Forest Service State and Private Forestry (SPF) account are also included in the total, for those years when appropriations were provided under the SPF account. Prior to FY2014, appropriations for fire assistance activities were provided to both the SPF account and the WFM account. Starting in FY2014, appropriations for fire assistance activities were provided only through the WFM account.

d. The DOI Total Appropriation includes only those funds provided to DOI through Title I of the Interior, Environment, and Related Agencies appropriation law.

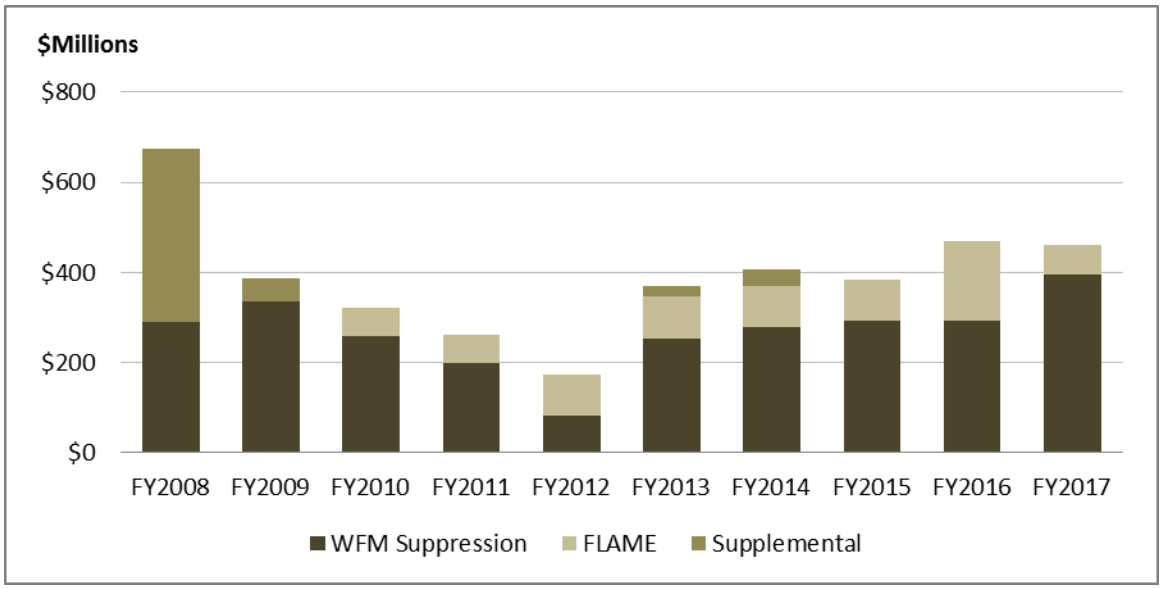
Figure 6. FS Suppression Appropriations, FY2008-FY2017



Source: CRS. Data compiled from detailed funding tables prepared by the House Committee on Appropriations.

Notes: "WFM Suppression" includes appropriations to the wildfire suppression activity within the FS's Wildland Fire Management (WFM) account. "FLAME" includes appropriations to the FLAME reserve account (established in FY2010). "Supplemental" includes any appropriation provided as an emergency or supplemental appropriation and specified for wildfire suppression purposes. Supplemental appropriations enacted for suppression purposes in any given fiscal year may have been specified for obligations incurred in the previous fiscal year, such as to repay funds borrowed from other accounts but used for suppression purposes.

Figure 7. DOI Suppression Appropriations, FY2008-FY2017



Source: CRS. Data compiled from detailed funding tables prepared by the House Committee on Appropriations.

Notes: "WFM Suppression" includes appropriations to the wildfire suppression activity within the FS's Wildland Fire Management (WFM) account. "FLAME" includes appropriations to the FLAME reserve account (established in FY2010). "Supplemental" includes any appropriation provided as an emergency or supplemental appropriation

and specified for wildfire suppression purposes. Supplemental appropriations enacted for suppression purposes in any given fiscal year may have been specified for obligations incurred in the previous fiscal year, such as to repay funds borrowed from other accounts but used for suppression purposes.

FLAME

Congress established a FLAME account—under the Federal Land Assistance, Management, and Enhancement Act of 2009[46]—for both FS and DOI in part to account for the growing cost of wildfire suppression.[47] The FLAME accounts provide a source of reserve funds used to cover the costs of large or complex fires or when amounts provided in their WFM suppression accounts are exhausted. Since the FLAME accounts were established in FY2010, the FS FLAME account has received an annual average of $362.6 million; the DOI FLAME account has received an annual average of $91.4 million. This represents about 13% of the combined (WFM and FLAME) appropriation for suppression activities for FS and 24% for DOI. In FY2017, Congress designated the appropriations to the FLAME accounts as emergency requirements and not subject to certain limits on discretionary spending, consistent with the direction in Section 502(d) of the FLAME Act.[48]

Both the Secretary of Agriculture and the Secretary of the Interior may transfer funds from their respective FLAME accounts into the respective WFM accounts for suppression activities upon a secretarial declaration.[49] The declaration may be issued if the fire covers at least 300 acres or threatens lives, property, or resources, among other criteria. Further, either Secretary may issue a declaration if his or her respective WFM suppression account is within 30 days of depletion. Any remaining FLAME funds may then be transferred into the WFM suppression account and used for wildfire response, regardless of the size or complexity of the fire. During FY2016, for example, both the Secretary of the Interior and the Secretary of Agriculture declared FLAME funds available for all fires due to the exhaustion of their agencies' respective WFM accounts.[50]

The FLAME Act also prohibited fire borrowing—transferring funds from other accounts to cover suppression obligations (see the next section for more information)—unless and until the FLAME account is exhausted.[51] Since FY2011, the FS's FLAME account has been exhausted every year except FY2016, and the agency transferred funds from other accounts in four of those seven years: FY2012, FY2013, FY2015, and FY2017 (see **Table 3**).[52] DOI has exhausted its FLAME account in three years (FY2012, FY2013, and FY2016) but transferred funds from other accounts in only two years: FY2012 and FY2013 (see **Table 4**).

[46] Title V of Division A of the FY2010 Department of the Interior, Environment, and Related Agencies Appropriations Act, P.L. 111-88 (43 U.S.C. §§1748a et seq.).

[47] H.Rept. 111-316.

[48] 43 U.S.C. §1748(a)(d)(2)(C)(i).

[49] 43 U.S.C. §1748a(e).

[50] Personal communication with FS Legislative Affairs staff, May 2015, July 2016, and August 2017.

[51] The FLAME accounts will expire if funds are not appropriated to (or withdrawn from) them for three consecutive years.[51]

[52] In the years that fire transfers did not occur but the FS WFM suppression and FLAME accounts were exhausted, FS used unobligated balances from previous fiscal years to cover additional suppression expenses as needed. Email from FS Legislative Affairs staff, May 2015 and July 2016.

Table 3. FS Wildfire Suppression Spending, FY2008-FY2017

(millions of nominal dollars)

		Appropriations[b]					
Fiscal Year	Rolling 10-Year Suppression Obligation Average[a]	WFM Suppression	FLAME	Supplemental or Emergency	Total	Annual Suppression Obligations[c]	Funds Transferred from Other Accounts for Suppression
2008	$911.0	$845.6	NA	$1,326.0	$2,171.6	$1,193.1	$273.8
2009	$993.9	$993.9	NA	$200.0	$1,193.9	$702.1	$0
2010	$1,128.5	$922.5	$413.0	$0	$1,335.5	$578.3	$0
2011	$886.0	$795.5	$90.4	$0	$885.9	$1,055.7	$0
2012	$854.6	$298.2	$315.4	$0	$613.6	$1,436.6	$440.0
2013	$931.0	$510.0	$299.0	$379.9	$1,188.8	$1,356.5	$505.0
2014	$995.5	$680.5	$315.0	$600.0	$1,595.5	$1,196.0	$0
2015	$1,011.6	$708.0	$303.1	$0	$1,011.1	$1,713.0	$700.0
2016	$1,126.3	$811.0	$823.0	$700.0	$2,334.0	$1,875.6	$0
2017[d]	$1,248.4	$1,248.0	$342.0[e]	$0	$1,590.0	$2,410.0	$576.5

Source: Compiled by CRS. Unless otherwise specified below, data derived from detailed funding tables prepared by the House Committee on Appropriations, annual agency budget documents, and data from the FS Legislative Affairs office.

Notes:

a. Inflation adjusted for the fiscal year in which it is reported. Until FY2015, this was the budget level requested for Suppression (WFM Suppression and, starting in FY2010, FLAME). From FY2015 through FY2017, the budget request was 70% of the rolling 10-year obligation average, with a request for access to additional suppression funds.

b. Total Appropriations includes appropriations to FS's WFM suppression account, FLAME account, and any supplemental or emergency appropriation enacted for suppression activities, and reflects rescissions or other enacted adjustments. Emergency or supplemental appropriations may be used to repay funds borrowed from other accounts in the previous fiscal year.

c. FS reports that the obligation figures from FY2005 through FY2011 have been adjusted to account for the shifting of certain funds from the Suppression activity to the Preparedness activity in FY2012. Obligations may exceed appropriations in any given year because FS is authorized to carry forward unobligated balances from previous fiscal years and to transfer money from other accounts for suppression activities.

d. The FY2017 obligation figure is an estimate. Figures for FY2017 estimated obligations and transfers provided by Forest Service Legislative Affairs office, October 2017. The FY2017 transfer of $576.5 million includes $50.0 million that was transferred from DOI.

e. These funds were designated as emergency spending and not subject to procedural or statutory limits on discretionary spending.

Table 4. DOI Wildfire Suppression Spending, FY2008-FY2017

(millions of nominal dollars)

Fiscal Year	Rolling 10-Year Suppression Obligation Average[a]	Appropriations[b]				Annual Suppression Obligations[c]	Funds Transferred from Other Accounts for Suppression
		WFM Suppression	FLAME	Supplemental or Emergency	Total		
2008	$294.4	$289.8	NA	$384.0	$673.8	$392.8	$0
2009	$335.2	$335.2	NA	$65.0	$385.2	$218.4	$0
2010	$369.8	$258.8	$61.0	$0	$319.8	$231.2	$0
2011	$384.0	$199.0	$60.9	$0	$259.8	$318.8	$0
2012	$362.6	$80.9	$91.9	$0	$172.8	$465.8	$15.5
2013	$368.5	$253.7	$91.7	$23.0	$368.4	$399.2	$34.1
2014	$377.9	$278.4	$92.0	$36.0	$406.4	$326.2	$0
2015	$383.7	$291.7	$92.0	$0	$383.7	$417.5	$0
2016	$383.7	$291.7	$177.0	$0	$468.7	$371.7	$0
2017[d]	$394.7	$395.0	$65.0[e]	$0	$460.0	$508.1	$0

Source: Compiled by CRS. Unless otherwise specified below, data derived from detailed funding tables prepared by the House Committee on Appropriations, annual agency budget documents, and data from the DOI Office of Wildland Fire Management.

Notes:

a. Inflation adjusted for the fiscal year in which it is reported. Until FY2015, this was generally the budget level requested for Suppression (WFM Suppression and, starting in FY2010, FLAME). From FY2015 through FY2017, the budget request was 70% of the rolling 10-year obligation average, with a request for access to additional suppression funds.

b. Total Appropriations includes appropriations to DOI's WFM suppression account, FLAME account, and any supplemental or emergency appropriation enacted for suppression activities, but it does not generally reflect any rescissions or budget adjustments for scorekeeping purposes. Emergency or supplemental appropriations may be used to repay funds borrowed from other accounts in the previous fiscal year.

c. Obligations may exceed appropriations in any given year because DOI is authorized to carry forward unobligated balances from previous fiscal years and to transfer money from other accounts for suppression activities.

d. The FY2017 obligation figure is an estimate. Figures for FY2017 estimated obligations and transfers provided by DOI Legislative Affairs office, October 2017 and reflect $50.0 million that was transferred from DOI to the Forest Service.

e. These funds were designated as emergency spending and not subject to procedural or statutory limits on discretionary spending.

Transfer Authority to Supplement Suppression Funds

During an active wildfire season, the agencies may deplete their suppression accounts quickly. In order to continue to respond to wildfires they must be able to access additional funds in a timely manner. Therefore, Congress has granted FS and DOI the authority to transfer funds from other accounts and programs to ensure that federal emergency response activities continue under

certain conditions (often referred to as *fire transfers* or *fire borrowing*).[53] The transfer authority is granted annually in the Interior, Environment, and Related Agencies appropriations acts, specifically in the general provisions section for DOI and the administrative provisions section for FS. The authority to transfer funds for WFM-related activities was first granted in the FY1980 appropriations law (P.L. 96-126), which allowed transfers for the emergency rehabilitation of lands affected by wildfire. The authority was continued annually. The FY1989 Interior appropriations law (P.L. 100-371) expanded the authority to allow for funds to be transferred for firefighting purposes in addition to emergency rehabilitation.[54] As noted above, the conditions for the transfer authority are that suppression funds in the respective WFM suppression account and FLAME reserve account must be nearly depleted.[55] Funds may be transferred from other discretionary accounts as well as from mandatory and permanent funding accounts and trust funds. Since the establishment of their FLAME accounts in FY2010, DOI has borrowed from other accounts twice: in FY2012 and FY2013 (see **Table 4**). FS has borrowed from other accounts during four years: FY2012, FY2013, FY2015, and FY2017 (see **Table 3**).[56] In FY2017, FS borrowed a total of $576.5 million, which included $526.5 million transferred from its other accounts and $50 million transferred from DOI.[57]

Typically, FS and DOI have developed an internal fire borrowing plan prior to the start of the wildfire season.[58] The plans identify accounts and programs that may be targeted if transfers are needed, based in part on unobligated balances and in part on an incremental strategy that depends on the amount that would need to be transferred while minimizing potential impacts to the public and agency programs.[59] Agencies often target programs that have relatively large unobligated balances.[60] These programs are often funded in one year, but the funds may not be obligated for several years, potentially allowing for transfers to be made with minimal immediate impact so long as the funds are reimbursed. The agencies may then also make a request to Congress to provide additional funding to replenish the FLAME accounts and to repay the transferred funds.[61] Congress often provides a supplemental appropriation to repay those accounts. However, FS

[53] Congress also grants the FS and DOI the authority to transfer up to $50 million annually between them on a reciprocal, non-reimbursement basis.

[54] For example, the provision for FS reads, "Any appropriations or funds available to the Forest Service may be transferred ... for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction."

[55] In general, the agencies will have already depleted their WFM suppression accounts and transferred funds from their FLAME reserve accounts.

[56] The Secretary of Agriculture notified Congress on August 29, 2017, that the FS's WFM Suppression and FLAME accounts were within 30 days of exhaustion and that they would need to transfer funds from other accounts.

[57] Email from FS Legislative Affairs staff, October 2017.

[58] Email from FS Legislative Affairs staff, February 2015.

[59] Historically, the FS borrowed funds primarily from its mandatory spending accounts, particularly the Knutson-Vandenberg (K-V) Fund. This account accumulated deposits from timber purchasers to reforest and otherwise improve timber in timber sale areas. Because of the lag between timber payments and reforestation, the K-V Fund often had a balance of about $500 million—more than enough to borrow for emergency fire suppression without impinging on one season's tree planting efforts. However, the K-V Fund has had a smaller balance since FY2000 (because of lower timber sales) while emergency wildfire suppression costs have risen. Thus, the FS has had to borrow funds from other FS accounts—land and easement purchases, recreation and wildlife management, and more.

[60] GAO, *Wildland Fire Management: Actions by Federal Agencies Could Mitigate Rising Fire Costs and Their Effects on Other Agency Programs*, GAO-09-444T, June 2004.

[61] 43 U.S.C. §1748a(2)(C)(ii) states that FS and DOI "should promptly make a supplemental request for additional funds to replenish the FLAME Fund if the Secretary determines that the FLAME Fund will be exhausted within 30 days."

reports that cumulatively, $424 million in transferred funds remain unrepaid from FY2002 through FY2008.[62]

Fire Borrowing Impacts

The authority to transfer funds from other agency accounts for suppression operations is controversial and has been especially so since wildfire spending began to increase in the 2000s.[63] The authority to access additional funds for suppression operations provides FS and DOI flexibility to respond quickly in time-sensitive emergency situations. However, it also effectively provides them with an open-ended transfer authority, which some argue provides little incentive to manage suppression costs.[64] The agencies—and the Government Accountability Office (GAO)—also have argued that the fire transfers are disruptive to their nonfire operations and hinder their ability to carry out their statutory missions.[65] The agencies also claim borrowing from other program accounts—even when repaid in subsequent appropriations—creates uncertainty in the availability of funds and affects program implementation. In addition, some programs are time sensitive (e.g., land sales) and may suffer adverse impacts (e.g., changing land prices) if and when delayed by fire transfers.[66]

For decades, Congress and the agencies have debated strategies to insulate agency appropriations from emergency fire suppression funding, but efforts intensified in the 110th Congress and culminated in the passage of the FLAME Act in the 111th Congress. The conferees of the FY2010 Interior appropriations bill stated their intent that the funding provided in the FLAME account, together with appropriations to the WFM suppression account, should fully fund anticipated wildfire suppression needs and prevent future borrowing of funds from nonfire programs.[67] Despite this intent, as discussed earlier, the agencies have had to borrow funds since the establishment of their FLAME accounts (twice for DOI; four times for FS).

Supplemental Suppression Appropriations

When wildfire suppression funding is exhausted and after funds have been transferred from other accounts, Congress faces the question of reimbursing the accounts from which funding was transferred. The funds may be provided in an emergency appropriations bill (e.g., P.L. 108-324), in the Interior appropriations bill but designated as "supplemental" or "additional" (e.g., Division E, Title IV, of P.L. 108-447), or in other legislative vehicles, such as continuing resolutions (e.g., P.L. 114-53). These funds are often designated to repay fire transfers (usually made in a previous fiscal year) or to replenish the WFM suppression or FLAME accounts.[68] Due to the timing of the

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[62] FS, *FY2018 Budget Justification*, p. 233, at http://www.fs.fed.us/about-agency/budget-performance.

[63] See, for example, the following GAO reports on wildland fire funding issues published between 2004 and 2009: GAO, *Wildfire Suppression: Funding Transfers Cause Project Cancellations and Delays, Strained Relationships, and Management Disruptions*, GAO-04-612, June 2004; GAO-07-655; and GAO-09-444T.

[64] National Academy of Public Administration, *Wildfire Suppression: Strategies for Containing Costs*, September 2002.

[65] See for example, GAO-04-612; testimony of FS Chief Tom Tidwell, in U.S. Congress, Senate Committee on Energy and Natural Resources, *Hearing to Receive Testimony on the Federal Government's Role in Wildfire Management, the Impact of Fires on Communities, and Potential Improvements to Be Made in Fire Operations*, 114th Cong., 1st sess., May 5, 2015; and FS, *Fire Transfer Impact by State*, June 9, 2014, at http://www.fs.fed.us/publications/forest-service-fire-transfer-state-impacts.pdf.

[66] GAO-04-612.

[67] H.Rept. 111-316.

[68] Despite these supplemental appropriations, FS reports that $424 million in transferred funds remain unpaid since

fire season, typically peaking in August, a reimbursement decision may be made after the end of the fiscal year when the transfers were made. This timing may complicate discussions about how much suppression funding is needed for the coming fiscal year.

On October 24, 2017, Congress passed H.R. 2266, the Additional Supplemental Appropriations for Disaster Relief Requirements Act (P.L. 115-72), which provides a combined $576.5 million for wildfire suppression purposes to both FS and DOI ($526.5 million for FS; $50.0 million for DOI). Including this supplemental, Congress has provided supplemental appropriations for wildfire suppression in 13 of the 17 fiscal years since FY2001, funding more than $8 billion for emergency wildfire activities for FS and DOI combined. Since the establishment of the FLAME account in FY2010, Congress has provided supplemental appropriations during four fiscal years: $403 million in FY2013, $636 million in FY2014, $700 million in FY2016, and $576.5 million in FY2018. Prior to FY2009, and again in FY2016, the supplemental appropriations were designated so as not to be subject to certain procedural or statutory limits on discretionary spending. However, the supplemental appropriations provided in FY2013 and FY2014 did not contain any such designation and, as such, were subject to budget enforcement. (See the "Budgetary Constraints" section in this report.)

Forecasting Suppression Spending

FS and DOI must estimate future suppression spending years in advance, as well as during the wildfire season, to forecast spending levels and account balances ongoing in the current fiscal year. The agencies formulate their budget requests for suppression operations using a rolling average of the 10 previous years' suppression spending (including obligations made using supplemental appropriations enacted for suppression purposes).[69] This method originated in the 1990s from an agreement between the House and Senate Committees on the Budget, the CBO, and OMB.[70]

Prior to the enactment of the FLAME Act, the agencies' WFM suppression activity requests would equal their rolling 10-year suppression obligation averages. From FY2010 to FY2014, the agencies' WFM suppression activity requests plus their FLAME account requests equaled their rolling 10-year suppression obligation averages. From FY2015 through FY2017, the Obama Administration had requested a new funding mechanism for suppression operations. The requests those years proposed eliminating the FLAME reserve fund, requesting 70% of the rolling 10-year suppression obligation average for the WFM suppression activity, and also included requests for access to additional funds—outside of discretionary spending limits—above the average and up to the upper FLAME forecast range.[71] Those requests were not enacted. The Trump Administration did not continue those proposals in FY2018. The Trump Administration requested

FY2002 (on a cumulative basis) (FS, *FY2018 Budget Justification*, p. 233, at http://www.fs.fed.us/about-agency/budget-performance).

[69] See FS and DOI annual budget justification documents for a description of how the rolling 10-year suppression obligation is calculated.

[70] U.S. Congress, House Committee on Natural Resources, *Federal Land Assistance, Management and Enhancement Act*, Report to accompany H.R. 5541, 110th Cong., 2nd sess., June 10, 2008, H.Rept. 110-704.

[71] For more information on the Obama Administration's proposal, see FS FY2016 Budget Justification, p. 251; and DOI Wildland Fire Management FY2016 Budget Justification, p. 35. See also CRS Report R44082, *Wildfire Suppression Spending: Issues and Legislation in the 114th Congress*.

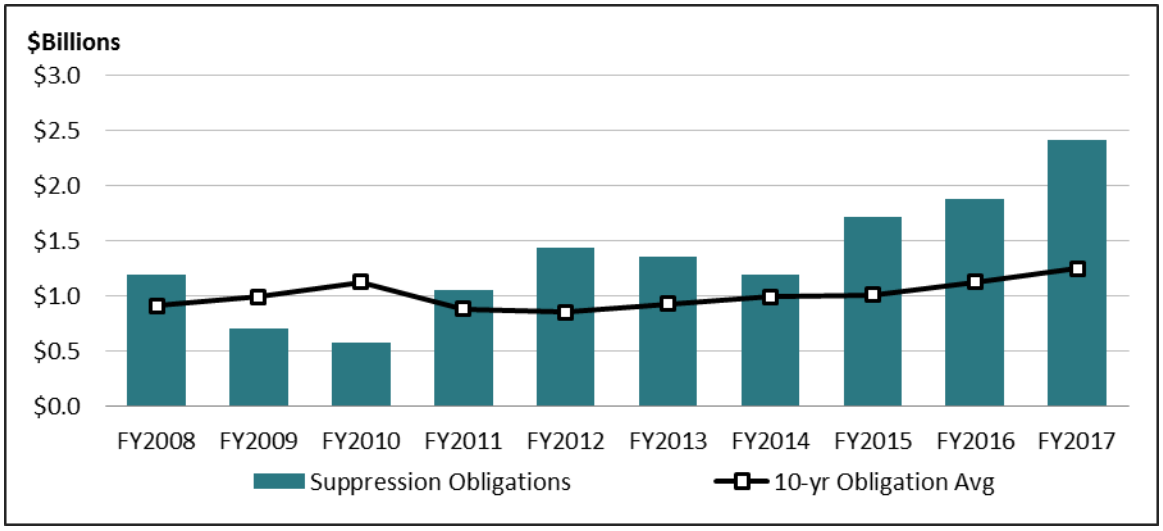
the full 10-year suppression obligation average be appropriated to each agency's respective WFM suppression activity. No funds were requested for the FLAME accounts.[72]

Due to the timing of the budget process, the suppression budget request for any given year is based on the rolling 10-year suppression obligation average calculated two fiscal years previously. For example, the FY2018 suppression budget request was formulated using the FY2016 rolling obligation average. This means that suppression spending from FY2007 through FY2016 was used to formulate the suppression budget request for FY2018.

Because it is based on past spending, the rolling 10-year suppression obligation average is a lagging indicator of future suppression spending.[73] Lagging indicators, in general, demonstrate patterns across previous years but do not necessarily signal future trends. As such, the rolling 10-year suppression obligation average may not be the most accurate method to predict future suppression spending needs during the budget formulation process. For example, the rolling 10-year suppression obligation average has underestimated suppression spending in 8 of the past 10 fiscal years (FY2008-FY2017) for FS and in 5 of those years for DOI (see **Figure 8** and **Figure 9**).

Figure 8. Forest Service Suppression Obligations and 10-Year Average

(billions of nominal dollars)



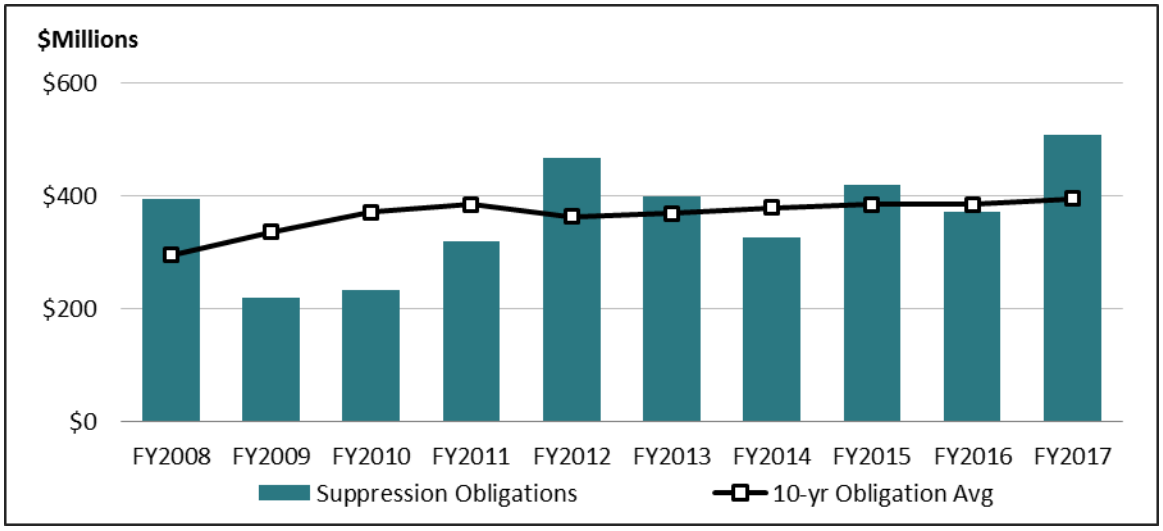
Source: CRS; data derived from annual agency budget documents.

[72] See FS, *FY2018 Budget Justification*, p. 143, at http://www.fs.fed.us/about-agency/budget-performance and DOI, *FY2018 Wildland Fire Management Budget Justification*, https://www.doi.gov/sites/doi.gov/files/uploads/fy2018_wfm_budget_justification.pdf.

[73] In 2004, GAO recommended that FS and DOI develop a method to predict suppression spending that was more accurate than using the rolling 10-year obligation average (GAO-04-612).

Figure 9. DOI Suppression Obligations and 10-Year Average

(millions of nominal dollars)



Source: CRS; data derived from annual agency budget documents.

When wildfire spending began to increase in the 2000s, GAO noted that the agencies' forecasting methods were insufficient in terms of both annual and in-season budgeting.[74] FS reportedly analyzed alternative methods, but FS and DOI still use the 10-year suppression obligation average to formulate budget requests, even though suppression spending surpasses the estimate most years.[75] An earlier proposed version of the FLAME Act would have required the agencies to use a rolling 5-year suppression obligation average to formulate their budget requests.[76] A rolling 5-year average potentially would have predicted future suppression spending more accurately than a 10-year average, since the lower values from earlier years would drop out of the calculation. However, because a rolling 5-year average still would have been based on past spending, it also would have been a lagging indicator and likely would have underestimated suppression spending. The enacted version of the FLAME Act did not contain that provision, however. Instead, the FLAME Act requires the agencies to develop an estimate based on the best available science—the FLAME forecasts discussed below—but does not direct that these estimates or forecasts be used to formulate budget requests.[77]

FS and DOI also must predict suppression spending during a wildfire season to ensure the availability of funds and to determine if and how much additional funding is going to be necessary. In response to FLAME Act requirements, FS and DOI began using regression models that incorporate weather and climate data, among other data, to forecast spending.[78] The models predict a range of suppression spending within a 90% confidence interval (CI) and are published

[74] GAO-04-612.

[75] GAO-09-444T, p. 8.

[76] See §2(c)(2) of H.R. 5541 from the 110th Congress.

[77] 43 U.S.C. §1748a(h)(3)(D).

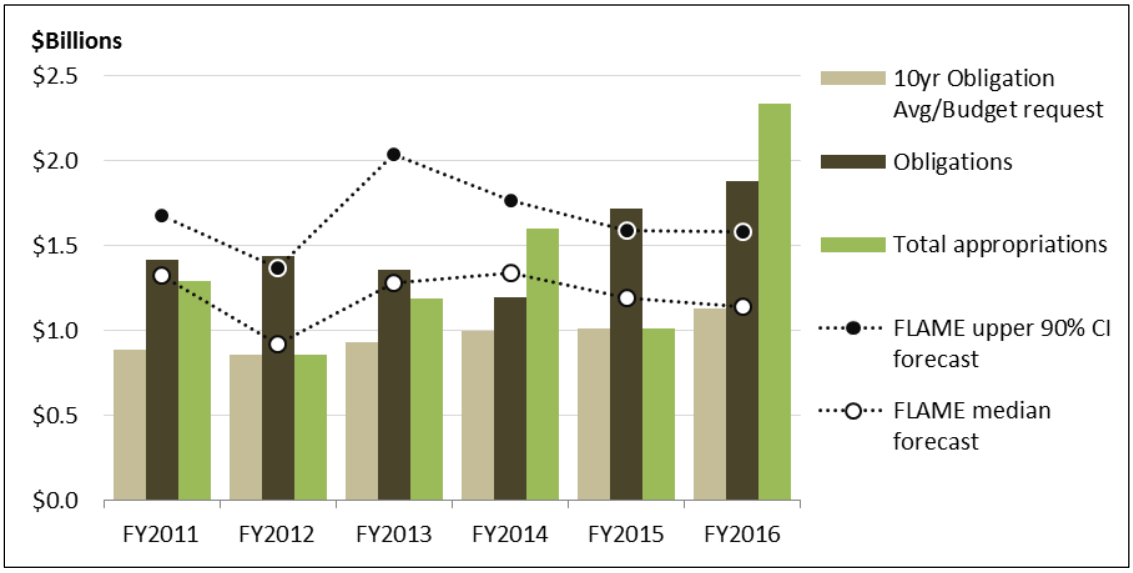
[78] 43 U.S.C. §1748a(h)(3)(D). The FS Southern Research Station runs the regression models for both FS and DOI based on methods developed by J. P. Prestemon, K. L. Abt, and K. Gebert, "Suppression Cost Forecasts in Advance of Wildfire Seasons," *Forest Science*, vol. 54, no. 4 (2008), pp. 381-396; and K. L. Abt, J. P. Prestemon, and K. Gebert, "Wildfire Suppression Cost Forecasts for the U.S. Forest Service," *Journal of Forestry*, vol. 107, no. 4 (2009), pp. 173-178.

four times per year: March, May, and June, with a September outlook for the upcoming year.[79] The FLAME forecasts vary; for example, the estimate for the upper 90% CI ranged from $1.6 billion for FS in the March 2014 forecast to $2.0 billion in the May 2014 forecast three months later. In the six years (FY2011-FY2016) for which data are available, suppression obligations exceeded the annual average FLAME median forecast for the FS five times and DOI four times. Suppression obligations exceeded the average upper 90% CI three times for FS, but not for DOI (see **Figure 10** and **Figure 11**).

The FLAME forecasts generally have not been the basis used for funding requests in the annual budget formulation process, although out-year forecasts are provided to the agencies two fiscal years in advance. The agencies have used the out-year and current-year forecasts to inform congressional decisionmakers about potential spending levels throughout a wildfire season or during budget hearings.

Figure 10. Forest Service Suppression Request, Appropriations, Obligations, and FLAME Forecasts

(billions of nominal dollars)



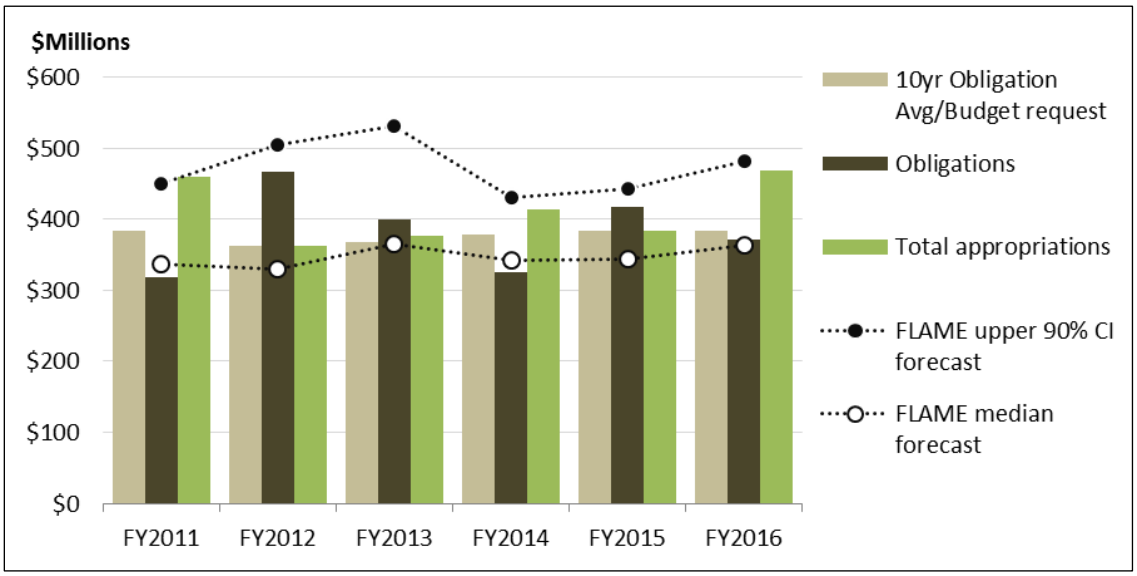
Source: CRS.

Notes: CI = confidence interval. Suppression includes appropriations to the WFM suppression activity, FLAME account, and any supplemental or emergency appropriation enacted for suppression purposes. The FLAME median forecast is the average of the four reported median values per year. The FLAME upper 90% confidence interval forecast is the average of the four reported values per year.

[79] Each successive forecast in a year should theoretically more closely predict that year's spending, given increasing data points in the model.

Figure 11. DOI Suppression Request, Appropriations, Obligations, and FLAME Forecasts

(millions of nominal dollars)



Source: CRS.

Notes: CI = confidence interval. Suppression includes appropriations to the WFM suppression activity, FLAME account, and any supplemental or emergency appropriation enacted for suppression purposes. The FLAME median forecast is the average of the four reported median values per year. The FLAME upper 90% confidence interval forecast is the average of the four reported values per year.

Issues for Congress

Congress last enacted changes to the mechanisms for wildfire spending in the 110th Congress with the passage of the FLAME Act.[80] The 115th Congress is exploring several interrelated issues pertaining to funding federal wildland fire management in general—and to wildfire suppression operations in particular.

Appropriation Levels and Forecasts

Each year, Congress considers at what level suppression (and wildland fire management in general) should be appropriated. As discussed previously, suppression costs are difficult to predict and can fluctuate widely. From FY2013 to FY2014, for example, combined FS and DOI obligations decreased by nearly 15%, but between FY2014 and FY2015, obligations increased 40% (see **Figure 12**). These variations make it difficult for Congress to know at what level to appropriate in any given year. As discussed above, the budget formulation process is based on a rolling historic average, which has underestimated suppression spending 8 out of the last 10 years, by nearly 40% annually on average (FY2008-FY2017). As a result, one or both agencies

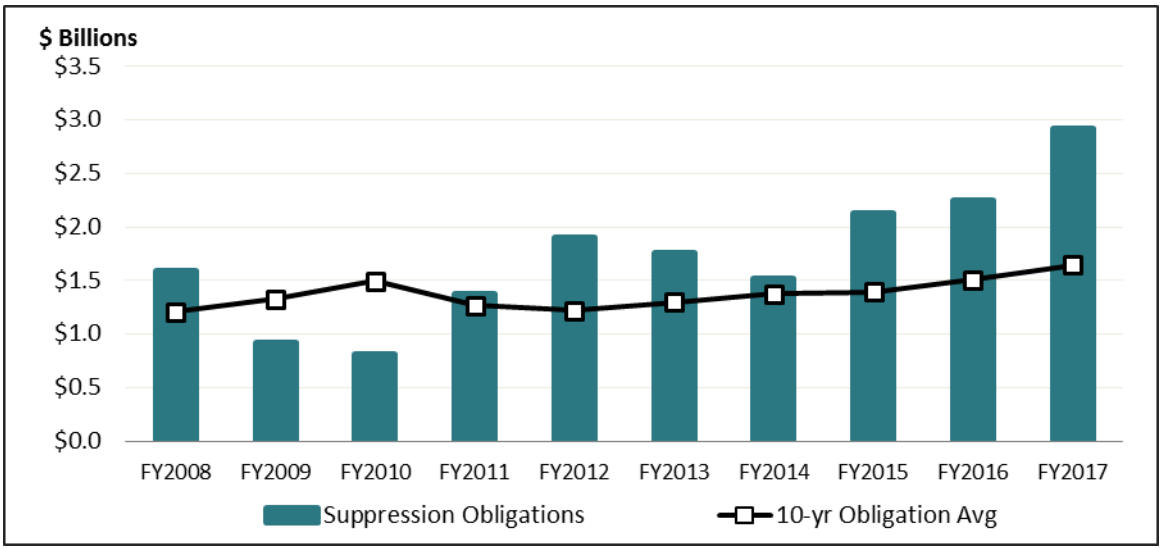
[80] A prior version of the FLAME Act was first introduced in the 109th Congress. The 109th and 110th Congresses also considered other bills to address wildfire spending, such as S. 3729 (109th Congress) and S. 1770 (110th Congress). The Obama Administration proposed the establishment of a suppression reserve fund in FY2010 and FY2011, which was similar to the FLAME Act but with some fundamental differences, including requiring a presidential declaration to access the funds. See FS's FY2011 Budget Justification, p. 13-1, for more information on the proposal.

have borrowed funds from other accounts in 5 of those 10 years, and Congress has appropriated supplemental suppression appropriations in 5 of those years.[81]

The intent of the FLAME accounts was to eliminate the need for fire borrowing or supplemental appropriations by serving as a reserve fund.[82] The FLAME accounts, however, are funded through a definite appropriation (a specified amount). For the first several years after the FLAME accounts were established, the agencies continued to receive suppression appropriations equal to the 10-year suppression obligation average, although the funds were divided in two different accounts (the WFM suppression activity and the FLAME account). The FLAME Act, in essence, created an additional account for suppression operations but did not create access to any additional funds above what was already being provided. In this sense, some may argue the FLAME Act actually created an extra step before the agencies could access a portion of the suppression funds they previously could access freely. Others believe this extra step may encourage judicious fiscal behavior and suppression cost containment.[83]

Figure 12. Combined FS and DOI Suppression Obligations and 10-Year Average

(billions of nominal dollars)



Source: CRS; data derived from annual agency budget documents.

Notes: Until FY2015, the 10-year Obligation Average was generally the requested budget level for Suppression (WFM Suppression and, starting in FY2010, FLAME). For FY2015 through FY2016, the budget request was 70% of the rolling 10-year obligation average, with a request for access to additional suppression funds.

In FY2017, however, Congress appropriated the full suppression budget request (e.g., 100% of the 10-year suppression obligation average) to the agencies' WFM suppression activity, and appropriated additional funds for suppression purposes to their respective FLAME accounts. The FLAME funds were designated as emergency requirements not subject to discretionary spending limits. Thus, FS and DOI had more funds in FY2017 than they had requested for suppression activities, and the FLAME accounts consisted of additional suppression funds that were provided

[81] In the other years, the agencies were able to use unobligated balances carried over from previous fiscal years to cover their annual obligation costs and did not need to borrow funds from other accounts or require a supplemental appropriation. Supplemental appropriations may have been provided in the fiscal year following a fire transfer.

[82] H.Rept. 111-316.

[83] U.S. Congress, *Department of the Interior, Environment, and Related Agencies Appropriations Acts, 2010*, 111th Cong., 1st sess., October 28, 2009, H.Rept. 111-316, p. 104.

outside of discretionary spending caps. In this sense, FY2017 was the first year that the FLAME accounts functioned as reserve accounts with funding in excess of 10-year suppression averages. However, the Forest Service's reserve amount was unable to cover the agency's full suppression needs in FY2017.

While it may be argued that the issue is that suppression costs are not being fully funded—requiring the agencies to deplete other accounts and, potentially, the appropriation of supplemental funds—it should be noted that the ability to access other funding sources has allowed the agencies to honor all suppression obligations incurred during any given fiscal year. However, this may sometimes be at the expense of not fully funding (or delaying funding for) other programs. A more accurate description may be that suppression costs for any given year are not necessarily being fully funded in *advance* for that fiscal year. In this sense, funding for suppression is often reactive, not proactive. This is in part due to the unpredictable nature of wildfires and wildfire spending as well as difficulties in accurately predicting future suppression costs.

Improving the suppression spending forecasts used for budget decisions may alleviate some of the agencies' needs to supplement their suppression accounts during the fiscal year. The FLAME Act directed that the agencies develop a better formula to forecast suppression spending, but it did not mandate that the agencies use that formula to formulate budget requests (although that was debated). Congress may consider directing the agencies to use a different or specified methodology during their budget formulation processes, or it may continue to allow the agencies the discretion to formulate their own budget requests using the methodologies they deem most appropriate.

Funding Pressures

Congress may consider whether or how to address the rising costs of wildfire management and suppression operations. In FY2016, federal spending on wildland fire management was more than three times what it was in the 1990s. A significant portion of that increase is related to rising suppression costs, even during years of relatively mild wildfire activity. For example, the year 2015 saw significant wildfire activity and significant federal spending on wildfire suppression; FS and DOI combined obligated $2.1 billion in 2015. The year 2016 saw less wildfire activity than 2015 but more spending ($2.2 billion combined in 2016). This is in part due to the proximity of many of the wildfires that year to the WUI and the associated costs to protect those resources. FS and DOI spent an estimated $2.9 billion combined on suppression in FY2017, the most spent in one year to date and surpassing the previous high—achieved in the previous year, FY2016—by nearly $700 million. Some are concerned that the rising costs are coming at the expense of funding other agency programs, some of which may potentially reduce future suppression spending (e.g., hazardous fuel management).[84]

Wildfire accounts for an increasing proportion of FS's budget (see **Figure 5**). Over the past 10 years, wildfire has ranged from 45% of the FS's discretionary appropriations (in FY2011) to 61% in FY2016.[85] As wildfire funding has accounted for a larger proportion of total FS appropriations, other FS programs naturally account for a smaller proportion, even though the actual dollar amounts appropriated to those programs may have in some cases increased. For example, the proportion of FS's budget devoted to managing the National Forest System, for state and private

[84] GAO-09-444T; D. E. Calkin, M. P. Thompson, and M. A. Finney, "Negative Consequences of Positive Feedbacks in U.S. Wildfire Management," *Forest Ecosystems*, vol. 2, no. 9 (2015).

[85] Not counting the $700 million in supplemental appropriations, the amount would be 57%, which is still the highest annual percentage over the 10-year period.

forestry, research, and for construction and maintenance decreased between those two years. It is not clear if the declines are attributable entirely to increasing wildfire funding, and the calculations and proportions vary depending on what appropriations are included (e.g., if supplemental wildfire appropriations are included). Congress may consider options that would increase or maintain consistent distributions of funding for other agency programs, although doing so could come at the expense of other agencies or programs funded through the Interior appropriations bill (discussed below).

Congress also may discuss ways to reduce the overall cost of suppression spending. FS, DOI, GAO, and others have argued that increasing current investments in hazardous fuel reduction projects may potentially reduce long-term suppression spending.[86] Others argue that the agencies should place a higher priority on cost containment efforts, perhaps by reducing agency budgets or restricting access to additional funds under certain conditions.[87] Another option Congress may consider is addressing the proportion of wildfire suppression costs borne by the federal government—for example, by developing a consistent federal cost apportionment method, which currently varies by state and often by fire, depending on the terms of the cooperative fire agreement. Other options include providing incentives for nonfederal entities to mitigate their risk of wildfire damages or discourage future WUI development, among others.

Budgetary Constraints

Discretionary spending—including wildfire appropriations—currently is subject to certain procedural and budgetary controls. In the past, Congress has effectively waived some of these controls for certain wildfire spending, but it has not always done so (e.g., for FY2013 and FY2014). This has prompted some to explore ways to effectively provide certain wildfire spending outside of these constraints, although others are concerned about the potential fiscal impacts or policy implications of doing so.

Discretionary Spending Limits Background

Pursuant to the Budget Control Act of 2011 (BCA),[88] discretionary spending currently is subject to statutory limits for each of the fiscal years between FY2012 and FY2021. Specifically, two different limits apply—one to "defense" and the other to "nondefense" spending. The defense category includes all discretionary spending under budget function 050 (defense); the nondefense category includes discretionary spending in all other budget functions.[89] Enacted discretionary spending may not exceed these limits. In the event that spending is enacted that exceeds a limit, the limit is to be enforced through sequestration, which involves the automatic cancellation of budget authority through largely across-the-board reductions of nonexempt programs and

[86] See, for example, Calkin et al., "Negative Consequences"; GAO, *Wildland Fire Management: Lack of a Cohesive Strategy Hinders Agencies' Cost-Containment Efforts*, GAO-07-427T, January 2007; GAO, *Wildland Fire Management: Federal Agencies Have Taken Important Steps Forward, but Additional, Strategic Action Is Needed to Capitalize on Those Steps*, September 2009.

[87] Ingalsbee, *Getting Burned*; and Headwaters Economics, *Solutions to the Rising Costs of Firefighting in the Wildland-Urban Interface*, September 2009.

[88] P.L. 112-25.

[89] For further information on budget functions, see CRS Report 98-280, *Functional Categories of the Federal Budget*, by Bill Heniff Jr.

activities.[90] These reductions would occur to spending in the category of the limit that was breached.

Certain spending is effectively exempt from the discretionary spending limits pursuant to Section 251(b) of the Balanced Budget and Emergency Deficit Control Act (BBEDCA),[91] because those limits are "adjusted" upward to accommodate that spending. For example, these adjustments include budget authority designated as emergency requirements, as well as that designated for disaster relief. The purpose of these designations is, in part, to accommodate the unpredictable nature of disaster assistance and other unanticipated needs. The emergency designation could apply to discretionary spending for any purpose,[92] whereas the disaster relief designation is more narrowly limited to costs of major disasters that have been declared pursuant to Section 102(2) of the Stafford Act.[93] Therefore, spending for federal wildfire suppression operations may be designated as an emergency requirement but may not be designated as being for disaster relief. Prior to the BCA, an emergency designation also was available to effectively avoid the constraints of spending limits associated with the budget resolution. Of the six supplemental appropriations provided for wildfire suppression operations since FY2008 (see **Table 2** for information on the supplemental appropriations provided through FY2017), four were designated as emergency requirements and therefore were provided outside normal budget constraints. Specifically, supplemental appropriations for FY2008, FY2009, FY2016, and FY2018 were designated as emergency requirements, but the supplemental appropriations for FY2013 and FY2014 were not. In addition, the FY2017 FLAME appropriations were designated as emergency requirements and therefore were also provided outside any budgetary constraints.

While there is no limit on the amount of budget authority that can be designated as emergency requirements each fiscal year, the amount that can be designated using the disaster relief designation is capped each year, through FY2021.[94] This cap is equal to the average annual funding provided for disaster relief over the last 10 years, excluding the highest and lowest amounts, plus any unused amount of the 10-year average from the previous year.[95] For example, if the average allows for $10 billion in disaster relief-designated spending, but only $6 billion is appropriated and designated, then the amount of the allowable disaster relief adjustment for the following fiscal year will be the average plus the $4 billion in carryover from the previous fiscal year. This total amount—average plus carryover, if any—is sometimes referred to as the *disaster cap*.

Since FY2012, when the BCA discretionary spending limits were first implemented, three different types of discretionary spending have been provided to respond to natural disasters—

[90] The sequestration mechanism to enforce the statutory discretionary spending limits is provided by the BBEDCA, as amended by the BCA. For further information about these procedures, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan. The Congressional Budget Act of 1974 (Titles I-IX of P.L. 93-344, 2 U.S.C. §§601-688) provides for procedural enforcement consistent with the statutory spending limits, including the adjustments to those limits.

[91] Title II of P.L. 99-177, 2 U.S.C. §§900-922, as amended by the BCA.

[92] Although Congress may apply the emergency designation at its discretion, the BBEDCA, §250(c)(20), defines *emergency* to mean "a situation that—(A) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and (B) is unanticipated."

[93] 42 U.S.C. §5122(2).

[94] As specified by the BCA, the disaster relief adjustment applies through FY2021 (2 U.S.C. §901(b)(2)(D)(i)).

[95] For additional discussion on the BCA and disaster spending, see CRS Report R42352, *An Examination of Federal Disaster Relief Under the Budget Control Act*.

spending that is subject to the discretionary spending limits, spending designated as for disaster relief, and spending designated as for emergency requirements.

- Spending subject to the limits has been provided each fiscal year in regular appropriations measures to respond to disaster events, including wildfires, in a number of different appropriations subaccounts, such as in FEMA's DRF and the Small Business Administration appropriations for disaster loans.[96]
- Disaster-designated spending has been provided each fiscal year since FY2012 through the regular appropriations process for response and recovery work for presidentially declared events, which has not included federal wildfire suppression spending thus far. In previous practice, the great majority of such spending also has been appropriated to the FEMA DRF to be used for the response to major disasters. However, in some instances, disaster-designated funding also has been provided to address the unmet needs created by major disasters beyond those provided to the DRF, such as for the Community Development Block Grant program at the Department of Housing and Urban Development and the Civil Works Program of the U.S. Army Corps of Engineers.
- Emergency spending has been provided to supplement disaster-designated spending, as well as spending that is subject to the discretionary spending limits, in response to events that have already occurred, including wildfires.

Legislative Proposals

The 115th Congress is considering several questions in addressing wildfire suppression spending issues, which include

- what level to appropriate for suppression activities;
- how to provide for unpredictable costs quickly;
- where the money should come from; and
- whether suppression money should be subject to or outside of certain statutory budget controls.

This section of the report discusses four proposals—H.R. 2862, S. 1842, H.R. 2936, and S. 1571—that have been introduced to address issues related to wildfire funding.[97] (Similar versions of these bills were also introduced in the 114th Congress; see the **Appendix** for more information.)

All four bills contain provisions that are intended to provide FS and DOI with access to emergency wildfire suppression funds, although each bill takes a slightly different approach (see **Table 5**). H.R. 2936 and S. 1571 would expand the definition of major disasters under the Stafford Act to include wildfires on federal land. This would potentially provide for some wildfire suppression funds, subject to certain conditions, to be designated as disaster relief and not subject to statutory and procedural discretionary spending limits. H.R. 2862 and S. 1842 would also exempt some wildfire suppression funds from the discretionary spending limits, but would do so

[96] The DRF provides funding for all open disasters, disasters currently affecting the nation, and retains a balance for possible future disaster events.

[97] These bills are summarized and analyzed as illustrative examples of different legislative approaches to address wildfire suppression funding issues. Other bills from the 115th Congress may also address wildfire funding.

by amending the BBEDCA to create a new wildfire suppression cap adjustment. All of the proposals would modify the existing disaster relief designation to interact with the additional and varying amounts of wildfire spending that was provided pursuant to these new procedures.

Stakeholder support for these proposals is mixed. Conservation, timber, recreation, and sportsmen groups have expressed general support for the overall approach of funding federal wildfire suppression in a manner consistent with responding to other disasters.[98] In contrast, emergency management organizations have expressed concerns about the potential impact these approaches may have on the overall funding for disaster response and recovery.[99] Others may be concerned about the potential impact these proposals may have on overall federal spending.

H.R. 2862 and S. 1842 (The Wildfire Disaster Funding Act)

Two versions of the Wildfire Disaster Funding Act have been introduced in the 115th Congress (H.R. 2862 and S. 1842). H.R. 2862 was referred to the House Committees on Natural Resources, Agriculture, and the Budget; S. 1842 was referred to the Senate Committee on the Budget. Somewhat similar proposals have been introduced in prior Congresses; however, both H.R. 2862 and S. 1842 differ from earlier versions of the bill. This section of the report provides an analysis of the proposals as introduced in the 115th Congress.

Summary

H.R. 2862 and S. 1842 would amend the BBEDCA to add a new adjustment to the nondefense discretionary spending limit for "wildfire suppression operations," which would include spending for the purposes of

- the emergency and unpredictable aspects of wildland firefighting, including support, response, and emergency stabilization activities;
- other emergency management activities; and
- funds necessary to repay any transfers needed for these costs.

There is a precondition for using this adjustment—that an amount equal to the 10-year average spending level for wildfire suppression operations as calculated in FY2015 must be appropriated subject to the statutory discretionary spending limits. Once that precondition is met, the amount of the adjustment for the additional wildfire suppression operations funding is capped each fiscal year, starting at $1.41 billion in FY2017 and gradually increasing to $2.69 billion in FY2026.[100]

These proposals also would affect the calculation of the maximum amount for the existing disaster relief adjustment—the *disaster cap*—because its calculation would interact with the proposed wildfire adjustment in two ways. First, starting in FY2018, the calculation of the 10-year rolling average for the disaster cap would include any budget authority provided using the wildfire designation in previous fiscal years. As a consequence, the amounts provided under the wildfire adjustment would gradually be incorporated into the calculation of the 10-year rolling average for disaster relief. Second, after the disaster cap for a fiscal year is calculated (including incorporating the amount of the prior-year wildfire adjustments into the calculation), the amount

[98] See, for example, Partner Caucus on Fire Suppression Funding Solutions, *Broad Coalition Praises Introduction of Bipartisan Wildfire Disaster Funding Bill*, June 2017, at http://www.stateforesters.org/coalition-praises-introduction-bipartisan-wildfire-disaster-funding-bill#sthash.nkuJ4wvw.dpbs.

[99] See, for example, National Emergency Management Association, *Wildfire Issue Memo*, July 2017, available from http://nemaweb.org/.

[100] The BCA spending limits are currently through FY2021.

of the disaster cap is to be reduced by the full amount of the previous fiscal year's wildfire adjustment. For example, if $1.0 billion was provided using the wildfire adjustment in FY2018, the FY2019 disaster cap (as calculated after incorporating the $1.0 billion into the average) would be lowered by $1.0 billion.

Potential Implications

H.R. 2862 and S. 1842 would remove some budget process barriers to providing additional wildfire suppression funds, either through the annual appropriations process or through supplemental appropriations. Whatever amount, if any, Congress elects to appropriate for wildfire suppression over the FY2015 baseline ($1.394 billion combined)[101] effectively would not be subject to the discretionary spending limits established in the BCA each year, up to the specified maximum. For example, if these proposals were to be in effect for FY2018, Congress could appropriate the minimum FY2015 baseline of $1.394 billion for suppression operations. This amount would be subject to the BCA discretionary limits. But then Congress could appropriate up to an additional $1.460 billion in FY2018, effectively outside of the discretionary limits. This means the agencies could be appropriated up to $2.855 billion in total in FY2018, for the same discretionary budget "score" as $1.394 billion. For reference, the FS and DOI have requested $1.446 billion combined for wildfire suppression operations for FY2018. Under H.R. 2862 and S. 1842, the agencies could potentially have access to an additional $1.408 billion above the requested FY2018 levels for wildfire suppression, most of which would not be subject to discretionary spending limits. However, because these proposals leave actual funding decisions to future Congresses, Congress could choose to appropriate less than the minimum FY2015 threshold, in which case the adjustments allowed would not be triggered.

Other potential budgetary and policy effects of H.R. 2862 and S. 1842 are unknown. H.R. 2862 and S. 1842 are silent as to fire borrowing. If these proposals were to be enacted, it is unclear if fire borrowing authorities would continue to be provided in appropriations laws. However, some might argue that insofar as the bill results in the availability of increased appropriations, fire borrowing might occur less if its provisions were enacted. It is not also clear how these proposals would interact with the FLAME accounts.

H.R. 2862 and S. 1842 would require the USDA and DOI Secretaries to continue to report the rolling 10-year average of suppression obligations to formulate their suppression budget requests. The Secretaries of Agriculture and the Interior also are directed to "promptly" submit any request to Congress for supplemental wildfire suppression operations funding, and to submit a plan to Congress explaining how the supplemental appropriations would be obligated within 30 days of receiving them. These proposals would largely codify recent agency practices, with some modifications. This may give Congress more advance notice about the need for supplemental wildfire suppression operations appropriations, as well as information on how the agencies propose to use those additional appropriations. Both this advance notice and additional information may aid Congress in appropriations decisionmaking and oversight. They also might add to the workload of both the FS and DOI during a critical time of providing wildfire assistance.

[101] The $1.394 billion combined FS and DOI 10-year suppression obligation average uses the FS figure as reported in the agency's FY2015 budget justification ($1.011 billion). The FS rebaselined their 10-year obligation average formula in FY2018. If this proposal were to be enacted, Congress may need to clarify if the minimum threshold should be based on the FY2015 figure as reported in FY2015 budget documents, or if the figure should be rebaselined to align with the FY2018 calculation. Congress could also propose a different baseline altogether.

The interaction between the proposed wildfire and existing disaster relief adjustments has a number of potential implications for the amount of the disaster cap in the future. However, because these potential implications are highly sensitive to future appropriations decisions made by Congress and the President each fiscal year, the extent to which the calculation for the disaster cap would be affected by the use of the wildfire adjustment cannot be determined definitively. Assuming that the wildfire adjustment is first used in FY2018, for the first several years, the disaster formula would be based on 10 fiscal years of funding for disaster relief (minus the highest and lowest fiscal year), but fewer than 10 fiscal years of the wildfire adjustment would be available to be incorporated into the base calculation. In addition, the disaster relief adjustment would be reduced by the full amount designated for wildfire suppression operations in the previous year. This would have the potential to make the amount available for the disaster cap lower than it otherwise might have been. Another factor that affects these considerations is the amount that is assumed to be appropriated using the wildfire adjustment each fiscal year, because either the full amount allowed or a lesser amount might be appropriated.

Legislative Action

Neither of these proposals has received committee consideration as of the date of this report.

H.R. 2936 (The Resilient Federal Forests Act)

The Resilient Federal Forests Act of 2017 was introduced in the 115th Congress as H.R. 2936 and referred to the House Committees on Natural Resources, Agriculture, Education and the Workforce, and Transportation and Infrastructure.[102] The bill passed the House on November 1, 2017. This section of the report provides an analysis of the wildfire suppression provisions contained in Titles X and XI of H.R. 2936, as referred to the Senate Committee on Agriculture, Nutrition, and Forestry.[103]

Summary

Title X of H.R. 2936 would broaden the definition of major disaster under the Stafford Act to include "wildfires on federal lands" (§1001),[104] and it would create a related budgetary mechanism that potentially could be used to fund the response to each wildfire on federal land that had been declared to be a major disaster (§1002). Under this proposal, the Secretary in charge of the affected federal land management agency (either the Secretary of the Interior or the Secretary of Agriculture) may request a presidential declaration of a major disaster for wildfire on federal lands if the following requirements are satisfied:

- The Secretary must make the request in writing.
- The Secretary must certify that wildfire suppression operations appropriations that have been enacted for that fiscal year equal or exceed a certain minimum level, which is the rolling 10-fiscal-year average cost of wildfire suppression

[102] See U.S. Congress, House Committee on Agriculture, *Resilient Federal Forests Act of 2017*, report to accompany H.R. 2936, 115th Cong., 1st sess., October 25, 2017, H.Rept. 115-370 Part 1 and U.S. Congress, House Committee on Natural Resources, *Resilient Federal Forests Act of 2017*, report to accompany H.R. 2936, 115th Cong., 1st sess., October 25, 2017, H.Rept. 115-370 Part 2.

[103] H.R. 2936 also contains additional titles addressing other federal forestry issues, which are not discussed in this report.

[104] Currently, "fire" is an eligible event under the Stafford Act. This proposal extends that authority to federal lands.

operations incurred by the federal land management agencies. This minimum level includes any concurrently enacted rescissions. The unobligated balance of wildfire suppression operations funding, presumably from previous fiscal years, also may be credited to that minimum level for the purposes of this requirement.[105]

- The Secretary must certify that the amount available to the agency for anticipated and ongoing suppression operations for the wildfire on which the declaration request has been made will be obligated not later than 30 days after the notification.
- The Secretary must specify the amount of the current fiscal year funds that are required for suppression operations related to the wildfire for which the declaration is requested.

In sum, the legislation, if enacted, would allow for additional resources to be provided for wildfire suppression operations, outside the statutory discretionary spending limits, to respond to a wildfire when appropriations provided based on the 10-year rolling average of suppression costs are insufficient.

Title X of H.R. 2936 would require that the President establish a specific account from which available funds could be transferred to the Secretary of the Interior or Secretary of Agriculture to conduct wildfire suppression operations if a declaration of a major disaster is made.[106] This account may be used only to fund assistance for major disaster declarations for wildfires on federal lands and nonfederal lands pursuant to a fire protection agreement or cooperative agreement. The bill would establish reimbursement procedures from the nonfederal entity if any of the funds transferred from this account were used for wildfires on nonfederal lands under a fire protection agreement. This account could be funded in anticipation of one or more such major disasters, or in response to them, through regular or supplemental appropriations.

Within 90 days after the end of a fiscal year in which a major disaster for wildfire on federal lands has been declared, the affected Secretaries would have to submit reports detailing their wildland fire management decisions and cost expenditures to several congressional committees. These reports would have to include the risk-based factors that influenced management decisions; an analysis of the effectiveness of management decisions and cost factors across a statistically significant sample of large fires; suppression operations expenditures broken out by fire size, cost, regional location, and other factors as deemed appropriate by each Secretary; and lessons learned.

Title XI of H.R. 2936 would change the calculation for the disaster relief adjustment ceiling in several ways. The new formula would be the 10-year average, excluding the highest and lowest years, of the sum of the following amounts: (1) appropriations for disaster relief as previously defined (e.g., excluding wildfire suppression appropriations); (2) non-emergency appropriations for FS's and DOI's WFM and FLAME accounts; and (3) 10% of the funding for disaster relief that was designated as emergency requirements. Title XI would direct the Office of Management and Budget (OMB) to recalculate the previous 10 years of disaster relief spending using the new formula and report the new calculation to Congress within 30 days of enactment. Title XI also would modify the definition of "disaster relief" for purposes of adjustments to the discretionary

[105] It is not clear as of what date during the fiscal year that the amounts of these unobligated balances were to be calculated for the purposes of this precondition.

[106] In the case of each declaration for which a transfer of funds is to occur, the President has the authority to decide where to establish the account. In addition, the amount of the transfer is limited to the amount that was requested by the agency as part of the request for the disaster declaration, and shall not exceed the amount in the account.

budget caps to include funds made available pursuant to a major disaster declaration as provided for in Title X.

Section 1003 of H.R. 2936 would also prohibit the agencies from transferring funds from their other accounts for suppression purposes, potentially eliminating the agencies' fire borrowing.

Potential Implications

The budgetary mechanism under this proposal (and S. 1571, discussed in the following section) potentially could provide an additional discretionary spending option for wildfire suppression operations funding related to the disaster relief designation. As previously discussed, spending designated as "disaster relief," which is effectively exempt from the BCA limits, may be provided only for activities carried out pursuant to a determination of a major disaster under Section 102(2) of the Stafford Act.[107] Because H.R. 2936 would amend the Stafford Act to include wildfires on federal land as an incident for which major disasters could be declared, these changes might allow appropriations for such activities to be disaster-designated under certain circumstances:

- First, the preconditions for requesting a major disaster declaration for wildfires on federal land would need to be fulfilled. These preconditions include a minimum level of budgetary resources for wildfire suppression operations, and that minimum amount would need to have been appropriated (and therefore would be subject to the statutory discretionary spending limits).
- Second, even if disaster-designated funds were appropriated in anticipation of a major disaster for wildfires on federal lands, they could not be transferred and made available to the requesting agency until a major disaster had been declared by the President. They would not be available to the agencies prior to that time.

In addition to allowing wildfires that meet certain criteria to be eligible for funding using the disaster designation, H.R. 2936 would change the calculation of the disaster relief adjustment ceiling. The calculation would include all appropriations to FS's and DOI's WFM and FLAME accounts, in addition to any funds provided for any major disaster declarations for wildfires on federal lands, through the expiration of the adjustment in FY2021. The calculation would also include a portion of emergency-designated spending for disaster relief. Because the legislation would direct OMB to recalculate the allowable adjustment for disaster relief, and more funding would be included in the calculation each year, H.R. 2936 would appear to increase the amount available under the disaster relief adjustment. However, the exact magnitude of this change is unclear and would depend on how OMB would implement the recalculation. Although all appropriations to the FS's and DOI's WFM and FLAME accounts would be included in the calculation of the amount available for the disaster relief designation, only the funds provided pursuant to the new major wildfire disaster designation (as provided in Title X) would appear to be eligible for the disaster relief adjustment (i.e., provided outside the statutory discretionary limits). Because the amount available under the disaster designation is highly sensitive to future appropriations decisions, CRS cannot determine the extent to which the calculation for the disaster cap would be affected by these modifications.

Other considerations also affect the budgetary implications of this proposal for DOI and FS. The bill would prohibit fire borrowing, although it was unclear if fire borrowing authorities would continue to be provided in appropriations laws. It was also unclear how H.R. 2936 would affect the agencies' budget formulation process. The precondition to appropriate a minimum amount is

[107] §251(b)(2)(D) of the BBEDCA.

based on the rolling 10-year suppression obligation average, but the rescissions and unobligated balances might complicate that calculation.

H.R. 2936 would require the agencies to provide Congress and the public with reports analyzing cost expenditures and management decisions. These reporting requirements could provide Congress—and the agencies—with more information on agency decisionmaking and spending to aid in future appropriations decisions and oversight. However, the development and production of these reports and the required analyses potentially could require substantial investments from the agencies.

Legislative Action

H.R. 2936 was reported by the House Committee on Natural Resources and the House Committee on Agriculture on October 25, 2017.[108] The bill passed the House on November 1, 2017 and was subsequently received in the Senate and referred to the Senate Committee on Agriculture, Nutrition, and Forestry.

S. 1571 (National Flood Insurance Program Reauthorization Act of 2017)

The National Flood Insurance Program Reauthorization Act of 2017 was introduced in the 115th Congress as S. 1571 and referred to the Senate Committee on Banking, Housing, and Urban Affairs. This section of the report provides an analysis of the wildfire suppression provisions contained in Section 102 of the measure, as introduced in the Senate.

Summary

Similar to H.R. 2936, S. 1571 would provide a process, under the Stafford Act, by which the President may declare a "major disaster for wildfire on Federal lands" and make available additional resources for wildfire suppression operations. Any declaration, however, would be contingent upon certain minimum amounts being appropriated for wildfire suppression operations and other purposes.

Specifically, S. 1571 would require the Secretary of Agriculture or the Secretary of the Interior certify the following:

- an amount equal to or greater than 70% of the 10-year suppression obligation average has been appropriated, net any rescissions, in the current fiscal year for wildfire suppression operations;[109]

[108] See U.S. Congress, House Committee on Agriculture, *Resilient Federal Forests Act of 2017*, report to accompany H.R. 2936, 115th Cong., 1st sess., October 25, 2017, H.Rept. 115-370 Part 1 and U.S. Congress, House Committee on Natural Resources, *Resilient Federal Forests Act of 2017*, report to accompany H.R. 2936, 115th Cong., 1st sess., October 25, 2017, H.Rept. 115-370 Part 2. Also, in preparation for floor consideration, the House Committees on Education and the Workforce, and Transportation and Infrastructure, were discharged from consideration of the bill on October 25, 2017.

[109] The unobligated balance of wildfire suppression operations funding, presumably from previous fiscal years, also may be credited to that minimum level for the purposes of this requirement, although it is not clear as of what date during the fiscal year that the amount of these unobligated balances are to be calculated.

- an amount equal to or greater than 30% of the 10-year suppression obligation average has been appropriated in the current fiscal year for certain forest restoration projects and activities;[110]
- an amount equal to or greater than the 10-year suppression obligation average has been appropriated in the current fiscal year for the above two purposes; and
- the amount certified for forest restoration projects is "in addition to and supplements" other appropriations for such purposes that is equal to or greater than the amount appropriated for such purposes in FY2017 (adjusted for inflation beginning with FY2019).

In addition, before a presidential declaration could be made, the respective Secretary would be required to submit a written request for a specific amount for suppression operations related to the wildfire. Lastly, the respective Secretary would need to certify that the existing amount available for wildfire suppression operations would be obligated within 30 days.

The declaration of a "major disaster for wildfire on Federal lands" would allow the President to transfer additional funds from a new "wildfire suppression operations disaster account," established for such purposes, to the Secretary of the Interior or the Secretary of Agriculture to conduct suppression operations related to the wildfire.[111] The amount of funds transferred would be limited to the amount requested and the amount appropriated to the wildfire suppression operations disaster account; the total amount appropriated to and transferred from the new disaster account would be limited to $1.647 billion each fiscal year.

S. 1571 would also prohibit transfers from non-wildfire suppression accounts, with the intent presumably to eliminate fire borrowing to fund unanticipated wildfire suppression operations. If enacted, it is unclear if fire borrowing authorities would continue to be provided in appropriations laws.

Lastly, if additional assistance is provided pursuant to a declaration, S. 1571 would require an annual report that includes specified information related to the wildfire suppression operations, identical to the reporting requirements in H.R. 2936.

Potential Implications

The budgetary mechanism proposed under S. 1571 (i.e., to potentially provide disaster-designated funding for wildfire suppression operations) is nearly identical to the budgetary mechanism proposed by H.R. 2936. Thus, the budget process and Stafford Act implications discussed above in relation to Title X H.R. 2936 would generally also apply to S. 1571.

The proposals differ, however, on two points. First, S. 1571 would establish an annual limit on the maximum adjustment available for wildfire suppression ($1.647 billion), whereas H.R. 2936 does not contain any specified maximum limit. Second, the proposals would require different

[110] The bill specifies these activities as either restoration and resiliency projects or "improvements to the fire regime." A *fire regime* is a term that describes the relative frequency and severity of fire in an ecosystem but does not imply any normative judgments, and therefore is not typically referred to as needing improvement. Fire regimes are often classified based on the degree of relative change between the historical (prior to modern human intervention) and current fire patterns; this is called the *fire regime condition class*. Fire regimes classified as anything other than condition class 1 indicate degrees of declining ecological integrity, which could be improved. It is possible that the text in S. 1571 meant to read "projects and activities on Federal land that improve the fire regime condition class." For more information see S. Barrett et al., *Interagency Fire Regime Condition (FRCC) Guidebook Version 3.0,* 2010, https://www.frames.gov/frcc.

[111] Specifically, the funds would be transferred to the wildfire suppression subactivity of the FS's or DOI's Wildland Fire Management Account.

preconditions—such as minimum appropriations levels—be met prior to requesting a designation of a "major disaster for wildfire on federal lands." Both H.R. 2936 and S. 1571 would require that an amount equal to at least 100% of the 10-year suppression obligation average is appropriated within the discretionary spending limits every fiscal year, but the proposals would require the funds be used for different purposes. While H.R. 2936 specifies that the funds be used for wildfire suppression operations, S. 1571 would require the funds be split between wildfire suppression operations (70%) and specified forest restoration projects (30%).

S. 1571 also would require that a minimum level of appropriations be provided for forest restoration projects every year as an additional precondition. This minimum, which would initially be equal to the same amount appropriated for those purposes in FY2017 and would be adjusted for inflation starting in FY2019, would not include the appropriations provided for those purposes to satisfy the other precondition (30% of the 10-year obligation average). However, determining the FY2017 baseline and future minimum threshold may be complicated because appropriations for qualified forest restoration projects and activities, as specified in the bill, are currently provided for FS and DOI through multiple budget line items. For example, funds appropriated to the FS's Hazardous Fuels Management program (within their WFM account), Forest Health Management program (within the State and Private Forestry account), and Vegetation and Watershed Management program (within the NFS account) may be used for qualified forest restoration projects as specified in the bill.

Legislative Action

S. 1571 has not received committee consideration as of the date of this report.

Table 5. Comparison of Selected Attributes of H.R. 2936, S. 1571, H.R. 2862, and S. 1842

Select Provisions	H.R. 2936 (Title X)	S. 1571 (Section 102)	H.R. 2862 and S. 1842
Establishes a mechanism for providing funds for wildfire suppression that is effectively not subject to statutory discretionary limits	Yes; amends the definition of major disaster under the Stafford Act to include wildfires on federal land	Yes; amends the definition of major disaster under the Stafford Act to include wildfires on federal land	Yes; amends the BBEDCA to add an adjustment for wildfire spending
Precondition(s) for accessing the additional wildfire suppression funds	Yes 100% of the 10-year suppression obligation average, net rescissions, must be appropriated for wildfire suppression activities within discretionary statutory limits annually	Yes 100% of the 10-year suppression obligation average must be appropriated for wildfire suppression activities within discretionary statutory limits annually, split between • 70% for wildfire suppression purposes; and • 30% for specified forest restoration activities An amount equal to the appropriations provided in FY2017 (and adjusted for inflation annually) for those specified forest restoration activities also must be appropriated	Yes An amount equal to the 10-year suppression obligation average as calculated in FY2015 must be appropriated within discretionary statutory limits annually
Procedure for requesting additional wildfire suppression funds	Request must be submitted by the respective Secretary in writing to the President and must certify the preconditions have been met and must also include • certification that the respective suppression accounts are within 30 days of depletion; and • the amount of funds required for suppression operations related to the wildfire for which the declaration was requested	Same as H.R. 2936	The respective Secretary must submit a request for supplement funds to Congress
Maximum amount of additional funds available for wildfire suppression	No maximum specified	$1.65 billion annually	Increases annually: $1.41 billion in FY2017 to $2.69 billion in FY2026
Interacts with disaster cap adjustment/DRF formula	Yes	Yes	Yes

Select Provisions	H.R. 2936 (Title X)	S. 1571 (Section 102)	H.R. 2862 and S. 1842
Suppression Forecasting	Requires that the 10-year suppression obligation average continue to be used for suppression budgeting	Requires that the 10-year suppression obligation average continue to be used for suppression budgeting	Requires that the 10-year suppression obligation average be used for suppression budgeting
Fire Transfers	Prohibited	Prohibited	Not addressed

Source: CRS.

Appendix. Legislative Proposals Considered by the 114th Congress

Similar versions of the proposals being considered by the 115th Congress were also considered by previous Congresses. This section describes how those versions differ, and also describes one other legislative proposal considered by the 114th Congress (S. 508).[112] See **Table A-1** for a comparison of the wildfire suppression spending provisions in selected bills from the 114th Congress.

Two similar versions of the Wildfire Disaster Funding Act (H.R. 2862) were introduced in the 114th Congress: H.R. 167 and S. 235. In addition, the Senate Appropriations Committee recommended a similar proposal in the committee-reported versions of the FY2017 Interior, Environment, and Related Agencies appropriations bill (S. 3068, Title V). The wildfire provisions in H.R. 2862 and S. 1842 differ from those bills structurally and would take effect in different years, but there is also one primary substantive difference: the minimum amount of wildfire suppression funds required to be appropriated within discretionary spending limits before being able to use the adjustment. The 114th Congress bills would have required either 70% (H.R. 167 and S. 235) or 100% (S. 3068) of the 10-year suppression obligation average to have been appropriated in the current fiscal year within statutory discretionary limits. This would have meant that the minimum requirement would have varied and likely increased every year. Under H.R. 2862 and S. 1842, the minimum required appropriation is tied to the FY2015 obligation average, a static figure.

Earlier versions of the Resilient Federal Forests Act (H.R. 2936) were also considered by the 114th Congress (H.R. 2647). The wildfire spending provisions in the House-passed version of H.R. 2647 and the Senate-reported version of the same bill were nearly identical to each other and to H.R. 2936, although the provisions are in different titles in all three bills. Similar provisions were also included in the House version of S. 2012, the North American Energy Security and Infrastructure Act of 2016. S. 2012 was in conference to resolve differences between the House and Senate versions when the 114th Congress adjourned.[113]

The 114th Congress also considered The FLAME Act Amendments bill, S. 508. A version of this bill has not been introduced in the 115th Congress as of the date of this report. Similar to the other legislative proposals, S. 508 would have amended the BBEDCA to add a new adjustment for "wildfire suppression operations" spending. However, this proposal would have imposed two different sets of preconditions to access the adjustment. First, the bill required that a minimum amount subject to the statutory discretionary spending limits be appropriated to the DOI and FS Wildland Fire Management accounts. This minimum amount was the greater of 100% of the average costs for wildfire suppression operations over the previous five years; or the estimated amount of anticipated wildfire suppression costs at the upper bound of the 90% confidence interval for that fiscal year calculated in accordance with the FLAME Act. In addition, an amount equal to at least 50% of that minimum amount would be appropriated for specified forest management activities intended to mitigate future fire risk. Second, S. 508 would have required that all amounts in the FLAME fund be expended prior to the enactment of an appropriation subject to the wildfire adjustment.

[112] See also CRS Report R44082, *Wildfire Suppression Spending: Issues and Legislation in the 114th Congress*.

[113] For more information, see CRS Report R44569, *Energy Legislation: Comparable Provisions in S. 2012 as Passed by the House and Senate*, by Mark Holt and Brent D. Yacobucci.

Once those preconditions were met, the measure would have provided an adjustment for wildfire suppression operations of up to $1 billion in additional new budget authority in each of FY2016 through FY2022. S. 508 also contained provisions that would have affected the wildfire adjustment with the existing disaster designation. The formula for the disaster cap would have still involved the 10-year rolling average for disaster relief spending, minus the high and low fiscal years, plus any prior year carryover. The amount of the wildfire adjustment from the previous fiscal year would also have been subtracted from that calculation. However, the 10-year rolling average for the disaster relief designation would not have incorporated amounts appropriated pursuant to the wildfire adjustment.

Table A-1. Comparison of Selected Attributes H.R. 167, S. 235, S. 508, and H.R. 2647 (114th Congress)

Selected Provisions	H.R. 167	S. 235	S. 508	H.R. 2647 (Title IX)
Would have established a mechanism for providing funds for wildfire suppression that is effectively not subject to statutory discretionary limits	Yes; would have amended the BBEDCA to add an adjustment for wildfire spending	Yes; would have amended the BBEDCA to add an adjustment for wildfire spending	Yes; would have amended the BBEDCA to add an adjustment for wildfire spending	Yes; amends the definition of major disaster under the Stafford Act to include wildfires on federal land
Precondition(s) for accessing the additional wildfire suppression funds	Yes 70% 10-year suppression obligation average must be appropriated within discretionary statutory limits annually	Same as H.R. 167	Yes The maximum of • 100% 5-year suppression obligation average; or • FLAME upper 90% CI must be appropriated within discretionary statutory limits annually An amount equal to at least 50% of the above amount must also be appropriated for specified forest management activities Funds in FLAME account must be expended	Yes 100% of the 10-year suppression obligation average, net rescissions, must be appropriated for wildfire suppression activities within discretionary statutory limits annually

Selected Provisions	H.R. 167	S. 235	S. 508	H.R. 2647 (Title IX)
Procedure for requesting additional wildfire suppression funds	The respective Secretary of must submit a request for supplement funds to Congress	Same as H.R. 167	The respective Secretary must issue a declaration that a wildfire is eligible for the funds and notify Congress	Request must be submitted by the respective Secretary in writing to the President and must include • certification that the respective suppression accounts are within 30 days of depletion; and • the amount of funds required for suppression operations related to the wildfire for which the declaration was requested
Maximum amount of additional funds that would have been available for wildfire suppression	$2.689 billion/FY through FY2023	Increased annually: $1.410 billion FY2016 to $2.690 in FY2025	$1 billion/FY through FY2022	None specified
Interacted with disaster cap adjustment/DRF formula	Yes	Yes	Yes	Yes
Suppression Forecasting	Would have required that the 10-year suppression obligation average continue to be used for suppression budgeting	Same as H.R. 167	Would have required that the 5-year suppression obligation average be used for suppression budgeting	Same as H.R. 167
Fire Transfers	Not addressed	Not addressed	Prohibited	Prohibited

Source: CRS.

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