

Appropriation: Service Charges, Deposits, and Forfeitures (Indefinite)

APPROPRIATION LANGUAGE SHEET

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That notwithstanding any provisions to the contrary of section 305(a) of *Public Law 94-579* (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damage to which led to the action: *Provided further*, That any such monies that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands. (P.L. 106-133, *Department of the Interior and Related Agencies Appropriations Act, 2000 as enacted by section 1000 (a)(3) of the Consolidated Appropriations Act, 2000.*)

APPROPRIATION LANGUAGE CITATIONS

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That notwithstanding any provisions to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damage to which led to the action: *Provided further*, That any such monies that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

30 U.S.C. 185(1)
43 U.S.C. 1652(c)
43 U.S.C. 1719(b)
43 U.S.C. 1734(a)
43 U.S.C. 1734(b)
43 U.S.C. 1735(a)
43 U.S.C. 1737
43 U.S.C. 1764(g)
P.L. 105-83

30 U.S.C. 185(1) states that the applicant for a right of way shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right of way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance and termination of any pipeline and related facilities on such right of way.

43 U.S.C. 1652(c) provides for the cost recovery provision of the Mineral Leasing Act to apply to rights of way, leases, permits and other authorizations issued pursuant to this title.

43 U.S.C. 1719(b) (FLPMA §209(b)) provides for conveyance of mineral interests upon payment of administrative costs and that the "moneys paid . . . for administrative costs . . . shall be paid to the agency which rendered the service and deposited to the appropriation then current."

43 U.S.C. 1734(a) (FLPMA §304(a)) provides that the Secretary may establish reasonable filing and service fees and reasonable charges, and commissions with respect to applications and other documents relating to the Public Land.

43 U.S.C. 1734(b) (FLPMA §304(b)) provides that the Secretary is authorized to require a deposit of any payments intended to reimburse the United States for reasonable costs with

respect to applications and other documents relating to such lands. The moneys shall be deposited with the Treasury in a special account and are authorized to be appropriated and made available until expended.

43 U.S.C. 1735(a) (FLPMA §305(a)) provides that any money received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary, or in contract involving present or potential damage to the Public Land, shall be credited to a separate account in the Treasury and is authorized to be appropriated and made available until expended.

43 U.S.C. 1737 (FLPMA §307(c)) provides that the Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the public land, including the acquisition of rights of way for such purposes.

43 U.S.C. 1764(g) (FLPMA §504(g)) provides for payment of rental fees for rights of way and for reimbursement of all reasonable administrative and other costs incurred in processing an application for a right of way; inspecting and monitoring construction and operations; and terminating the facility pursuant to the right of way.

(Department of Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105-277, section 101(e).)

AUTHORIZATIONS

The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764)

Authorizes collection of service charges and deposits to finance the costs of certain rights-of-way applications, permitting, and restoration activities; authorizes collection for damages, forfeiture of performance bonds, and receipt of deposits to finance the costs of certain land restoration activities. The provision is amended by the appropriations act language for "Services Charges, Deposits and Forfeitures."

The Mineral Leasing Act of 1920, as amended by the Trans-Alaska Pipeline Act of 1973, §101 (30 U.S.C. 185)

Authorizes rights-of-way for oil, gas, and other fuels. It further authorizes the Secretary to issue Rights-of-Way and other land use authorizations related to the Trans-Alaska Pipeline. Rights of way applicants and permittees are to reimburse the United States for all costs associated with processing applications and monitoring pipeline construction and operations.

The Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719)

Authorizes the granting of certificates, rights-of-way permits, and leases.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321, 4331-4335, 4341-4347)

Requires preparation of environmental impact statements for Federal projects that may have a significant effect on the environment.

The Wild Free Roaming Horse and Burro Act of 1971, as amended by the Public Rangelands Improvement Act of 1978 (16 U.S.C. 1331-1340)

Authorizes adoption of wild horses and burros by private individuals under cooperative agreements with the Government.

The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901-1908)

Establishes the policy of improving the Federal rangeland conditions and facilitates the humane adoption or disposal of excess wild free-roaming horses and burros.

SUMMARY OF REQUIREMENTS

(dollars in thousands)

| Comparison by Activity/ Subactivity | 1999 Actual | | 2000 Estimate | | Uncontrollable & Related Changes (+/-) | | Program Changes (+/-) | | 2001 Budget Requests | | Inc(+) Dec(-) from 2000 | |
|---|----------------|---------------|------------------|--------------|--|----------|-----------------------------|---------------|----------------------------|--------------|-------------------------------|---------------|
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Service Charges, Deposits, & Forfeitures | 84 | 11,923 | 84 | 8,800 | 0 | 0 | 0 | -1,300 | 84 | 7,500 | 0 | -1,300 |
| Rights-Of-Way Processing | 56 | 6,181 | 56 | 4,200 | 0 | 0 | 0 | -800 | 56 | 3,400 | 0 | -800 |
| Adopt-A-Horse Program | 0 | 956 | 0 | 950 | 0 | 0 | 0 | 0 | 0 | 950 | 0 | 0 |
| Repair of Damaged Lands | 7 | 1,812 | 7 | 1,250 | 0 | 0 | 0 | 0 | 7 | 1,250 | 0 | 0 |
| Cost Recoverable Realty Cases | 5 | 647 | 5 | 420 | 0 | 0 | 0 | 0 | 5 | 420 | 0 | 0 |
| Timber Contract Expenses | 1 | 171 | 1 | 180 | 0 | 0 | 0 | 0 | 1 | 180 | 0 | 0 |
| Copy Fees | 15 | 2,156 | 15 | 1,800 | 0 | 0 | 0 | -500 | 15 | 1,300 | 0 | -500 |

Appropriation: Service Charges, Deposits and Forfeitures, (Indefinite)

Activity Summary (000's)

| Activity | 1999 Actual | 2000 Enacted to Date | Uncontrollable & Related Charges (+/-) | Program Changes (+/-) | 2001 Budget Request | Change From 2000 (+/-) |
|-------------------------------|-------------|----------------------|--|-----------------------|---------------------|------------------------|
| Rights-of-Way Processing | \$ 6,181 | 4,200 | 0 | -800 | 3,400 | -800 |
| <i>FTE</i> | 56 | 56 | 0 | 0 | 56 | 0 |
| Adopt-A-Horse Program | \$ 956 | 950 | 0 | 0 | 950 | 0 |
| <i>FTE</i> | 0 | 0 | 0 | 0 | 0 | 0 |
| Repair of Damaged Lands | \$ 1,812 | 1,250 | 0 | 0 | 1,250 | 0 |
| <i>FTE</i> | 7 | 7 | 0 | 0 | 7 | 0 |
| Cost Recoverable Realty Cases | \$ 647 | 420 | 0 | 0 | 420 | 0 |
| <i>FTE</i> | 5 | 5 | 0 | 0 | 5 | 0 |
| Timber Contract Expenses | \$ 171 | 180 | 0 | 0 | 180 | 0 |
| <i>FTE</i> | 1 | 1 | 0 | 0 | 1 | 0 |
| Copy Fees | \$ 2,156 | 1,800 | 0 | -500 | 1,300 | -500 |
| <i>FTE</i> | 15 | 15 | 0 | 0 | 15 | 0 |
| Total Dollars | 11,923 | 8,800 | 0 | -1,300 | 7,500 | -1,300 |
| Total FTE | 84 | 84 | 0 | 0 | 84 | 0 |

2001 PROGRAM OVERVIEW

Activity: Rights-Of-Way Process (ROW)

- C The ROW program is funded through a combination of applicant deposits made into this indefinite appropriation and a direct appropriation of funds in the Management of Lands and Resources appropriation--Lands and Realty Management subactivity.
- C BLM charges a processing fee to applicants and grant holders before processing a ROW application. The fee varies according to type and size.
- C Only those costs directly associated from filing an application or the issuance of a ROW grant are charged to an individual project. Those ROWs which are not cost reimbursable by

statutory provisions are funded entirely from the MLR appropriation including those costs that are not reimbursable for FLPMA cases.

- C The BLM maintains more than 100,000 existing authorizations, and will continue to expedite the granting of ROWs by processing applications, issuing permits, and monitoring construction involved with the operation and termination of cost recoverable ROWs on the public land as authorized by the *Federal Land Policy and Management Act* and the 1973 amendment to the *Mineral Leasing Act of 1920*.

Activity: Adopt-a-Horse Program

- C The BLM conducts adoptions throughout the year for wild horses and burros on public lands. In 2001 an estimated 9,000 animals will be available for adoption to qualified applicants.
- C The BLM adopts animals primarily through a competitive bidding process receiving a minimum of \$125 per horse or burro to offset veterinary, transportation, and animal maintenance costs.

Activity: Repair of Damaged Lands

- C Under the *Federal Land Policy and Management Act of 1976*, BLM is authorized to collect for land damaged by users who have not fulfilled the requirements of contracts or bonds.
- C If a funding excess exists after repair has been made to the exact land for which funds were collected or forfeited, then BLM may use these funds to improve, protect, or rehabilitate any damaged public land in the state where the funds originated.

Activity: Cost Recoverable Realty Cases

- C The BLM performs certain types of realty work on a cost recoverable basis. BLM's customers may deposit money in an approved account for BLM's use in completing specific realty work. These dollars become immediately available to BLM without further appropriation. These services are as follows:
 - ✓ *Expenses, Conveyance of Federally Owned Mineral Interests* - Funds are used to cover administrative costs, including costs of conducting an exploratory program to determine type and amount of mineral deposits, to establish fair market value of the mineral interests to be conveyed, and to prepare conveyance documents.
 - ✓ *Expenses, Recordable Disclaimers of Interest* - Funds are used for administrative costs, including if the United States has an interest in the property or boundary definitions, as well as for the preparation of the riparian specialist's report, or preparation and issuance of the document of disclaimer.
 - ✓ *Expenses, Leases, Permits, and Easements* - Funds are used for land use authorizations and to cover administrative costs, including the cost of processing applications, monitoring construction, operating and maintaining authorized facilities, and monitoring rehabilitation and restoration of the land.

Activity: Timber Contract Expenses

- C Many BLM timber contracts have provisions that allow the purchaser to make cash payments to the BLM in lieu of performing specified work directly. BLM uses these funds as required by the contract.

- C Most of the work involves performing timber slash disposal and reforestation in Western Oregon, and on public domain forested lands. Site preparation through slash disposal is often necessary to enable reforestation.

Activity: Copy Fees

- C The BLM is the custodian of the official public land records of the United States. There are nearly 500,000 requests annually for copies of these official records.

- C The BLM charges a fee for copies of these documents (maps, plats, field notes, copies of use authorization, reservations of easements and right-of-way, serial register pages and master title plats) to industry, user organizations and the general public. This fee covers the cost of research, time, and printing.