



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

## OWF POLICY MEMORANDUM 2020-001

To: Director, Bureau of Land Management  
Director, National Park Service  
Director, U.S. Fish and Wildlife Service  
Director, Bureau of Indian Affairs  
Commissioner, Bureau of Reclamation  
Director, U.S. Geological Survey

From: Jeff Rupert, Director – Office of Wildland Fire

Subject: Preliminary Guidance for Fiscal Year 2020 Funds Execution and Wildland Fire Management Budget Allocations under a Continuing Resolution

**Purpose:** This memorandum provides direction regarding the DOI Wildland Fire Management (WFM) budget allocations for Fiscal Year (FY) 2020, based on Public Law (P.L.) 116-59, the Continuing Appropriations Act, 2020. The Act authorizes continuing appropriations for FY 2020 through November 21, 2019, and provides funding at the daily rate of the FY 2019 funding level.

**Scope:** This memo outlines budget allocation amounts under the Continuing Resolution (CR) for WFM funded programs and activities in the Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), the Fish and Wildlife Service (FWS), the National Park Service (NPS), the Office of Wildland Fire (OWF) and the Department-wide activities. Final guidance will be issued when a full year appropriation is enacted.

**Time Frame:** P.L. 116-59 covers FY 2020 from October 1, 2019 to November 21, 2019. This is a period covering 52 days, which is 14.21 percent of the FY. This Policy Memorandum is effective immediately and remains in effect until rescinded or modified.

**Policy:** Bureaus must follow the CR terms and provisions outlined in the Departmental memo provided as Attachment 1.

Under the terms of the CR, bureaus must manage funding consistent with FY 2019 enacted appropriations and may not assume enactment of the FY 2020 President's Budget, or pending House and Senate FY 2020 marks, including bill or report language. Funds must be managed prudently to maintain ongoing activities in a manner that does not "impinge on final funding prerogatives."

In planning funds execution for the full FY, bureaus should execute the amount provided in the CR but keep in mind the possibility of an additional sequester reduction after January 2020. No funds are being held in the "Parent" account to cover a potential sequester of funds. Bureau allocation amounts for the CR are provided below in Table 1. This includes CR allocation

amounts based on the FY 2019 funding levels for Preparedness, Suppression, Fuels Management, Burned Area Rehabilitation, and the Joint Fire Science Program.

**Table 1: Wildland Fire Management FY 2020 CR #1 Allocation**

*Funding shown in thousands (\$000)*

	<i><b>BIA</b></i>	<i><b>BLM</b></i>	<i><b>FWS</b></i>	<i><b>NPS</b></i>	<i><b>OWF</b></i>	<i><b>Parent</b></i>	<i><b>Total CR Funding</b></i>
<i>Preparedness</i>	\$9,173	\$26,238	\$3,863	\$5,339	\$1,169		\$45,782
<i>Suppression</i>	\$4,988	\$13,027	\$1,218	\$2,828		\$33,093	\$55,154
<i>Fuels Management</i>	\$6,112	\$12,442	\$2,953	\$3,391	\$587	\$1,372	\$26,857
<i>Burned Area Rehabilitation</i>	\$649	\$1,769	\$191	\$299	\$1		\$2,909
<i>Joint Fire Science Program</i>		\$426					\$426
<i>Unallocated – Reserved in Parent Account</i>						\$2,618	\$2,618
<i><b>Total Bureau Allocation</b></i>	<b>\$20,922</b>	<b>\$53,902</b>	<b>\$8,225</b>	<b>\$11,857</b>	<b>\$1,757</b>	<b>\$37,083</b>	<b>\$133,746</b>

The transfer of funds is in progress; OWF will notify bureaus of the Treasury transaction numbers once the transfers are completed.

Under the provisions of P.L. 116-59, funding provided under the CR is only available until November 21, 2019. Accordingly, all bureaus should monitor program expenditures under the CR and return any projected unallocated funds to OWF in a timely manner for re-allocation to other bureaus for the implementation of other priority work.

In addition to the funding levels provided in Table 1, the following budget guidance and direction applies:

***Suppression Operations:*** In accordance with policy, approximately 40 percent of the annual Suppression Operations funding are typically allocated to the bureaus, with the remaining 60 percent held in the Parent account to be allocated based on seasonal activity. The basis for this allocation is the percent share that each bureau has of the ten-year rolling average. If high fire activity requires more funding than is available in your bureau's allocation of Suppression, please contact OWF immediately.

***Emergency Stabilization (ES) and Severity:*** ES and Severity authority levels are capped at ten percent of the ten-year rolling suppression expenditure average for the Department of the Interior (DOI).

The distribution of ES authority is based on the rolling ten-year average percentage of acres burned by bureau nationally, excluding Alaska. The percentages for FY 2020 are: BIA, 19.68%; BLM, 64.41%; FWS, 7.71%; and NPS, 8.20%.

Severity authority is capped at \$32 million with the balance held in reserve. The distribution of Severity authority is based on each bureau's base percentage split of the annual Preparedness Appropriation. The percentages are: BIA, 18.48%; BLM, 57.24%; FWS, 10.78%; and NPS, 13.50%.

FY 2020 Funding Authority levels (\$000) are shown below:

<b>Bureau</b>	<b>BIA</b>	<b>BLM</b>	<b>FWS</b>	<b>NPS</b>	<b>Reserve</b>	<b>Total</b>
Emergency Stabilization (ES) (Based on Percentages)	\$7,550	\$24,711	\$2,958	\$3,146		\$38,365
Severity	\$5,913	\$18,317	\$3,450	\$4,320	\$6,365	\$38,365

Obligations, regardless of where the funding comes from, count against the funding authority caps; recoveries do not increase the amount of obligation authority available in a given year. In the event one or more bureau anticipates that it will exceed its ES or Severity authority, OWF, in collaboration with the bureau Fire Directors, will coordinate and approve the redistribution of ES and/or Severity authority between bureaus, as warranted. Any recommended increases to the ES or Severity caps are subject to approval by the Director of OWF in collaboration with the bureau Fire Directors.

**Fuels Management:** Funding allocations for the Fuels Management (FM) program remain at the FY 2019 levels, as calculated for the period under the CR. Bureaus are expected to fund the highest priority projects identified in their FY 2020 Spend Plans with the bureaus' respective CR allocation amounts. Bureaus are reminded that under the CR FM activities undertaken within the WFM account are ongoing and are not prohibited by the Continuing Appropriations Act, 2020, Sec. 104.

Bureaus should ensure adequate funding for staff and necessary program activities and leverage opportunities to utilize their allocations to actively implement fuels treatments. Internal management controls for hiring of personnel should be followed. Bureaus are encouraged to request cross-bureau coordination assistance from OWF as spending approaches the allocation levels provided under the CR.

**Southern Border Fuels Management Initiative Projects:** Bureaus are encouraged to continue implementation of the Southern Border Fuels Management Initiative (SBI). SBI projects that were fully funded in FY 2018 are authorized to use carryover funds to continue project implementation. Additionally, the following projects that were approved in FY 2019 and that have remaining unmet out-year needs are funded at the following levels under the CR:

<b>Project Name</b>	<b>Bureau</b>	<b>CR Allocation</b>
California Border Fuels Project	BLM	\$275,386
Tijuana Slough NWR	FWS	\$2,633
Lower Rio Grande Valley NWR - Fuel Break Maintenance	FWS	\$46,073
Lower Rio Grande Valley NWR - Hazardous Fuel Reduction	FWS	\$173,762
Everglades and Biscayne Coastline	NPS	\$52,642
	<b>Total:</b>	<b>\$550,496</b>

This funding level totals 14.21% of 2019 DOI funds allocated to Southern Border Fuels Management Initiative projects.

***Burned Area Rehabilitation:*** Bureaus should fund their highest priority Burned Area Rehabilitation (BAR) projects as identified in the National Fire Plan Operations and Reporting System (NFPORS) and within their respective CR allocation amounts. Bureaus are requested to submit full-year BAR spend plans by November 1, 2019, in preparation for enactment of a full year FY 2020 appropriations (see Attachment 2). For planning purposes, the full-year FY 2020 BAR funding target level is based on the FY 2019 allocated amounts. All projects must be entered into NFPORS.

***Joint Fire Science Program:*** Under the terms of the CR, only the minimum amount of funding that is needed to continue operations should be expended.

***Facilities:*** No funding is allocated for Facilities since Facilities Construction and Maintenance funding was not requested in the FY 2020 President's Budget and no minimum funding is necessary to continue operations. This funding will instead be reserved in the Parent account for priority projects as needed.

***Carryover:*** Due to the funding uncertainties caused by operating under a CR, OWF is not requesting the return of carryover amounts above 2%. However, bureaus should maximize the use of funding provided under the CR over the use of carryover funds. By November 21, 2019, bureaus should provide OWF with their carryover spend plans for all carryover balances above 2%. Please use the template provided in Attachment 3.

Please contact OWF if bureaus anticipate priority needs above the amount allocated in Table 1.

**Contacts:** All questions regarding this Policy Memorandum can be directed to Thao Tran, Budget Officer, Office of Wildland Fire at (202) 606-0518, or Craig Leff, Deputy Director, Office of Wildland Fire, at (202) 606-3053.

cc: Interior Fire Executives  
Interior Fire Directors

Attachments:

- Attachment 1 – Departmental 2020 CR Guidance through November 21
- Attachment 2 – BAR Spend Plan Template
- Attachment 3 – Carryover Spend Plan Template



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Director of Budget

SEP 3 0 2019

Memorandum

To: Bureau Budget Officers

From: Denise Flanagan, Director  
Office of Budget

*Adrianne Shinn for DF*

Subject: Guidance for FY 2020 Funds Execution Under H.R. 4378, the *Continuing Appropriations Act, 2020, and Health Extenders Act of 2019*

Purpose: To provide available funding amounts and guidance implementing the *Continuing Appropriations Act, 2020, and Health Extenders Act of 2019*; and preliminary guidance regarding the implementation of continuing sequestration provisions of the Budget Control Act.

Background: On September 27, 2019, the President signed into law H.R. 4378, making continuing appropriations from October 1, 2019 through **November 21, 2019**. The bill provides funding at the daily rate of the FY 2019 funding level. Under the terms of the Continuing Resolution (CR), agencies must manage funding consistent with the FY 2019 enacted appropriations and may not assume enactment of the FY 2020 request or pending House and Senate FY 2020 marks. Funds must be managed prudently to maintain ongoing activities in a manner which does not "impinge on final funding prerogatives."

To remain consistent with the terms of the CR, bureaus are advised to avoid making "one-time" payments in full during the first quarter. This is warranted by the lack of certainty of final Congressional action on the FY 2020 Appropriation and uncertainty regarding whether or not a discretionary sequester will be required. If you have a payment which cannot be delayed, please let your POB analyst know as soon as possible.

Sequestration amounts, if required for discretionary funding, will not be identified by OMB until January 2020. In the absence of overriding Congressional action, the law requires OMB to issue a final sequestration report for 2020. This report will include the final estimates of enacted appropriations and any reductions needed to meet the legislated budget caps. If needed, the final report would include a Presidential Order to implement sequestration of non-exempt discretionary accounts.

No legislation has been enacted to change the automatic reductions in mandatory funding accounts triggered by the Balanced Budget and Emergency Deficit Control Act (BBEDCA) as amended. These requirements remain applicable. The Office of Management and Budget has identified an estimate of the **FY 2020 sequestration reduction for non-exempt mandatory**

**spending to be 5.9 percent.** This estimate was transmitted on March 18, 2019, in the “OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2020.”

### **Operating Under a Continuing Resolution**

A CR provides a formula for calculating the amounts available to continue programs at minimal levels. The formula is generally based on the number of days covered by the CR, assuming a spending rate based on the net amount enacted in the prior year, subtracting any recurring rescissions and adjusting for any transfers mandated by law. This formula is applied by OMB in apportioning funds under the CR.

H.R. 4378 covers a period of 52 days, which is 14.21 percent of the fiscal year. OMB issued an automatic apportionment memo (OMB Bulletin No. 19-04) dated September 30, 2019 (attachment A). The automatic apportionment provides 14.21 percent of the FY 2019 level of funding with adjustments required by the CR. A table providing the amounts available under the CR is provided in attachment B. Bureaus/Offices are responsible for calculating their amounts by TAS and period of availability for the CR.

Under a CR, if either the House or Senate has reported out of Committee or passed an appropriations bill for the current fiscal year that zeroes out an account, the automatic apportionment will not apply, even if that account received funding during the prior year. A written apportionment must be submitted to OMB to request funds for the account during the period of the CR. Please note this applies at the account level and not at the program, project or activity (PPA) level. If a PPA is zeroed out within an account, the account will receive the automatic apportionment and the agency must allocate the minimum necessary to continue operations consistent with Section 102 of the CR, described below. Please coordinate with your POB analyst if you have this circumstance.

For FY 2020, both the House and Senate reported the FY 2020 Interior Appropriations Bill out of Committee, and the House completed floor action. No accounts were zeroed out.

The current CR includes the following provisions which address the execution of funds during the period of availability:

- Section 103 requires that appropriations “shall be available to the extent and in the manner that would be provided by the pertinent Appropriations Act.” Under this provision programs, projects, or activities may not be terminated under a CR. If the President's request proposes no funding for an activity, bureaus may not eliminate the program under a CR but should provide the minimum needed to continue operations.
- Section 104 provides that no funds which are made available “shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2019.” This means bureaus and offices may not start new projects or activities during the CR.

- Section 106 provides that funds are available until an appropriation is enacted into law or until November 21, 2019, whichever is first.
- Section 109 provides that for programs with high initial rates of operation at the beginning of the fiscal year, “such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.” Under the terms of this provision, bureaus and offices must not complete distribution of appropriations at the beginning of the year including distributions to States, grantees, or others. Bureaus and offices may not obligate funds under the CR that would impinge on the funding prerogatives of Congress, including funding for specific new projects such as land acquisition, construction and grants. Please coordinate with your POB analyst if you have this circumstance.
- Section 110 requires implementation under the CR “so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.” Plan conservatively to defer or accommodate large payments in the first quarter. Available budget authority under a CR is limited to carryover funding plus new budget authority for the specified portion of the year.
- Section 111 authorizes continuation of mandatory payments whose budget authority was provided in Appropriations Acts for fiscal year 2019. For Interior, this provision includes current mandatory funding for BLM Range Improvements, BLM Miscellaneous Trust Funds, and OIA Assistance to Territories.

The CR includes the following provisions specific to the Department of the Interior:

- Section 126 extends the Calfed Bay-Delta Authorization Act for the period of the CR.

The OMB Bulletin 19-04 continues the following rescissions and changes in mandatory programs (CHIMPs) included in the FY 2019 appropriation which effect the calculation of the amount available under the daily rate during the CR:

- Bureau of Land Management, Management of Lands and Resources Rescission, -\$0.142 million
- Fish and Wildlife Service, Construction Rescission, -\$1.2 million
- Fish and Wildlife Service, Cooperative Endangered Species Conservation Fund Rescission, -\$7.5 million
- Fish and Wildlife Service, Coastal Impact Assistance Program, CHIMP, -\$0.819 million

H.R. 4378 does not require agencies to submit an Operating Plan for the period of the CR and therefore any additional flexibility afforded in an Operating Plan is not available. Under a CR, funding is provided at the account level and bureaus and offices have flexibility to manage cash flow within the account by prioritizing obligations. Any proposed reallocation which would impact the annualized level of activities remains limited to the current reprogramming and transfer authorities which apply during the CR and are the only flexibilities available. As

always, bureaus and offices seeking to reprogram funds in excess of the thresholds must first coordinate such action with the Office of Budget.

### **Contract Obligations Under A Continuing Resolution**

Bureaus and offices are reminded to use good contracting practices consistent with current contracting requirements and to monitor prudent funds control measures during the period of the CR. The terms and conditions of the CR do not limit the ability to fully fund contract actions; only the total amount of funding available under the period of the CR is limited by the daily rate. Contract actions subject to full funding requirements may be executed during this period, though full funding may require reductions in other expenses to stay within the 14.21 percent overall funding limitation. Bureaus and offices have latitude to determine how to best allocate funds available during the CR within accounts, based on mission and other necessary requirements.

### **2020 Sequestration**

The current annual apportionments reflect sequester reductions at the TAFS or Treasury Account level for mandatory accounts only. Bureaus and offices are reminded that sequestration reductions must be applied below this level uniformly, to each program, project and activity level (PPA). For the purposes of sequestration, PPAs for mandatory funding are defined as the detail below the account level displayed in the President's Budget Appendix. Bureaus should ensure positive funds control in the financial system to reserve expected sequester amounts at the PPA level.

*Non-exempt Mandatory Funding:* The sequestration reductions for mandatory programs are effective beginning October 1, 2019 (FY 2020). The initial apportionments for FY 2020 reflect a 5.9 percent reduction from the mandatory funding estimates. As such, bureaus and offices should assume 5.9 percent of actual mandatory funding will be unavailable for programs or for distribution as payments. Sequestration reductions **must be rounded to the nearest whole dollar.**

As a reminder, the basis for the calculation of the sequestered amounts will be against actual mandatory funding received and not on the estimates assumed in reports or previous budget submissions. For accounts where the final available authority will not be known until the end of the fiscal year, for example in mineral receipt accounts, the sequester percentage shall be withheld against actual payments as they are made.

To ensure the proper coordination, bureaus and offices with mandatory payments (BLM, ONRR, OSM, and FWS) are asked to submit a schedule of planned awards/payments to the Office of Budget before making awards or payments in FY 2020. For each authorized award or payment activity, the schedule should identify the TAFS account, when payments or awards are typically made, whether awards or payments are recurring or one-time, and whether or not they have a statutorily required deadline.

*Non-Exempt Discretionary Funding:* The amount of or need for a 2020 sequestration of discretionary funding will not be known until after adjournment of this session of Congress. OMB will then calculate funding against the caps and if needed, the President would issue a Sequestration Order. Bureaus and offices should anticipate this would occur in January.

In planning funds execution for the full fiscal year, bureaus and offices should execute the amount provided in the CR but keep in mind the possibility of an additional sequester reduction after January 2020. The amount available under the CR may not reflect the annualized amount appropriated for the full year and annual program planning should anticipate the possible need to ramp down activities after the first quarter.

Attachments

## **Attachment 2. Burned Area Rehabilitation Spend Plan Template**

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