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# **Conference Report to H.R. 2996, the *Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010***

Summary .....	1
Major Provisions .....	1
Legislative History .....	11
Expected Amendments .....	11
Administration Position.....	11

# Summary

The Senate is expected to soon consider the conference report to **H.R. 2996**, the *Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010*. The conference report to **H.R. 2996** would appropriate \$32.24 billion in non-emergency discretionary spending. This amount is \$85.2 million below the President's budget request and \$4.7 billion above the enacted Fiscal Year 2009 level, when excluding Fiscal Year 2009 emergency spending levels.

The conference report would provide funding for the Department of the Interior, Environmental Protection Agency, the United States Forest Service, Indian Health Service, Smithsonian Institution, the National Endowment for the Arts and National Endowment for the Humanities and several other related agencies. This conference report also contains a continuing resolution that will allow continued government operations through December 18, 2009.

*This Legislative Bulletin draws from the conference report (111-316), a [summary](#) prepared by the Appropriations Committee, as well as the [text and joint explanatory statement](#). Certain appropriations numbers in this report have been rounded.*

## Major Provisions

### ***Division A: Department of the Interior***

Title I of Division A of the conference report would fund the Department of the Interior which includes the Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, United States Geological Survey, Minerals Management Service, and Bureau of Indian Affairs. The major provisions of Title I include:

**Bureau of Land Management.** The Bureau of Land Management (BLM) oversees 256 million acres of publicly owned land and 700 million acres of federally owned sub-surface mineral rights. The conference report would provide \$1.139 billion for the BLM which is \$10 million less than the President's budget request and \$100 million more than the enacted Fiscal Year 2009 level, excluding \$305 million in emergency appropriations. The conference report includes the Administration request to increase the permit to drill fee from \$4,000 to \$6,500—which is closer to the actual cost of issuing a drilling permit. The legislation does not include the Administration request to amend the *Energy Policy Act of 2005* by ending the use of \$21 million in mandatory spending for the pilot oil and gas permitting offices.

**U.S. Fish and Wildlife Service.** The U.S. Fish and Wildlife Service helps to conserve, protect, and enhance the nation's fish, wildlife and plants and their habitats through its management of the nation's 96 million acre National Wildlife Refuge

System and 78,000 square miles of National Marine Monuments. The conference report would allocate \$1.65 billion to the U.S. Fish and Wildlife Service. This amount is \$206.4 million more than the enacted Fiscal Year 2009 level, excluding \$280 million in emergency appropriations, and \$9.3 million more than the President's budget request.

**Land and Water Conservation Fund.** This fund provides federal land management agencies with the financial resources to acquire lands for the national parks, wildlife refuges, forests, and monuments and to help protect other lands through conservation easements. The conference report would allocate \$450.4 million for land acquisition and conservation easements. This amount is \$30.5 million more than the President's budget request and \$158 million more than the enacted Fiscal Year 2009 level.

**National Park Service.** The National Park Service (NPS) is charged with preserving the nation's 390 national park sites which are maintained in 49 States, the District of Columbia, American Samoa, Guam, Puerto Rico, Saipan, and the Virgin Islands for future generations. The conference report would provide \$2.74 billion for the NPS, which is \$47 million more than the President's budget request and \$218.1 million more than the enacted Fiscal Year 2009 level, excluding \$750 million in emergency appropriations.

**United States Geological Survey.** The United States Geological Survey (USGS) studies the nation's lands, water, and biological resources and is the federal government's only integrated natural resources research bureau. The conference report would allocate \$1.1 billion for the USGS, which is \$14 million more than President's budget request and \$67.9 million more than the enacted Fiscal Year 2009 level, excluding \$140 million in emergency appropriations.

**Minerals Management Service.** The Minerals Management Service (MMS) manages 1.76 billion acres of the Outer Continental Shelf which contains energy and mineral resources within important human, marine and coastal environments. The conference report would provide \$136.52 million for the MMS. This amount is \$44.1 million less than the President's budget request and \$19.84 million more than the enacted Fiscal Year 2009 level.

**Office of Surface Mining Reclamation and Enforcement.** The Office of Surface Mining Reclamation and Enforcement (OSM) helps to protect citizens and the environment during mining and works to mitigate the past effects of mining by reclaiming abandoned coal mines. The conference report would allocate \$162.9 million to OSM. This amount is \$3.5 million more than the President's budget request and \$1.8 million less than the enacted Fiscal Year 2009 level.

**Bureau of Indian Affairs.** The Bureau of Indian Affairs (BIA) delivers services to 1.7 million American Indians and Alaska Natives in recognition of the federal government's trust obligations to Native Americans and tribes. The conference report

would provide \$2.62 billion to the BIA, which is \$82.1 million more than President's budget request and \$243.4 million more than the enacted Fiscal Year 2009 level, excluding \$500 million in emergency appropriations. The proposed appropriation level would allocate:

- \$429.8 million for tribal government support. This amount is \$13.2 million more than President's budget request and \$27.2 million more than the enacted Fiscal Year 2009 level.
- \$136.9 million for human services. This amount matches the President's budget request and is \$452,000 less than enacted Fiscal Year 2009 level.
- \$175.6 million for natural resources management. This amount is \$14.9 more than the President's budget request and \$27.9 million more than the enacted Fiscal Year 2009 level.
- \$152.5 million for real estate services. This amount matches the President's budget request and is \$2.4 million more than the enacted Fiscal Year 2009 level.
- \$799.4 million for Bureau-funded schools and colleges and education programs. This amount is \$3.1 million more than the President's budget request and \$83.2 million more than the enacted Fiscal Year 2009 level.
- \$328.9 million for public safety and justice programs. This amount is \$25 million more than the President's budget request and is \$58.1 million more than the enacted Fiscal Year 2009 level.
- \$225 million for construction activities. This amount is \$25 million more than the President's budget request and \$7.3 million than the enacted Fiscal Year 2009 level, excluding the \$450 million in emergency appropriations.

**Wildland fire management.** The Department of the Interior provides funding for extinguishing fires on lands managed by the Department of the Interior as well as hazardous fuel reduction and fire preparedness activities. The conference report would provide \$980.9 million, including the use of prior-year balances, for wildland fire management which is \$6.1 million more than the President's budget request and \$71.4 million more than enacted Fiscal Year 2009 level, excluding the \$15 million in emergency appropriations. The conference report also provides \$61 million for the FLAME wildfire suppression reserve account, as authorized by the *FLAME Act of 2009* in Title V of the conference agreement.

**General Provisions.** In Fiscal Year 2010, the conference report would require MMS to collect a non-refundable inspection fee from operators of Outer Continental Shelf facilities that are above the waterline—except mobile offshore drilling units.

The conference report would not reinstate the Congressional offshore drilling moratorium which expired in the 110<sup>th</sup> Congress upon passage of H.R. 2638, the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act*. The conference report also directs the Minerals Management Service to conduct a Programmatic Environmental Impact Statement within 90 days of enactment on the potential environmental effects that multiple geological and geophysical activities would have on the Atlantic OCS.

The conference report would direct the Department of the Interior, in consultation with the Forest Service, to prepare a report on the development of renewable energy projects on public lands and their impacts on landscapes, water resources, and coastlines.

The conference report would prohibit any funds made available by this Act from impeding, prohibiting, or restricting activities of the Department of Homeland Security from achieving operational control, as defined by section 2(b) of the Secure Fence Act of 2006, over the international land and maritime borders of the United States.

The conference report would allow any owner of private property within an existing National Heritage Area the ability to opt out of participating in any plan, program, or activity conducted within the National Heritage Area if the private property owner provides written notice to the local coordinating entity.

## ***Title II: Environmental Protection Agency***

Title II of the conference report would fund the EPA which includes the Hazardous Substance Superfund, Clean Water and Drinking Water State Revolving Funds, and other State and Tribal Assistance Grants. The conference report provides \$10.289 billion for EPA, an increase of \$2.65 billion over the enacted Fiscal Year 2009 level, excluding \$7.22 billion in emergency appropriations, and \$196 million below the President's request. The major provisions of Title II include:

**Science and Technology.** The EPA's Science and Technology account funds programs that add to the nation's understanding of environmental sciences. The Science and Technology account works to meet these goals by providing contracts, grants, and cooperative agreements with universities, industries, other private commercial firms, nonprofit organizations, state and local governments, and federal agencies, as well as through work performed at EPA's laboratories and various field stations and field offices. The conference report includes \$846.1 million for these activities, an increase of \$3.7 million above the request and \$56 million above the 2009 enacted level. The conference report would allocate:

- \$122.2 million for air toxics and quality research of which \$21.3 million would support the EPA's implementation of the nation's renewable fuel standard enacted by the *Energy Independence and Security Act of 2007*. This amount

matches the President's budget request and is \$17.1 million more than the enacted Fiscal Year 2009 level.

- \$104.1 million for clean air research of which \$20.9 million would support global climate change research. This amount matches the President's budget request and is \$5.646 million more than the enacted Fiscal Year 2009 level.
- \$110.4 million for clean water research. This amount matches the President's budget request and is \$4.2 million more than the enacted Fiscal Year 2009 level.
- \$248.4 million for human health and ecosystem research of which \$19.6 million would be allocated for research in computational toxicology, \$11.4 million for research in endocrine disruptors, and \$10.89 million for research fellowships. The overall amount is \$3 million more than the President's budget request and the total amount is \$18.98 million more than the enacted Fiscal Year 2009 level.

**Environmental programs and management.** The EPA's environmental Programs and Management account funds activities like the development of environmental standards, pollution control, monitoring, surveillance, and technical assistance to pollution control agencies and organizations. The conference report includes \$2.994 billion for these activities, an increase of \$54 million above the request and \$602 million above the 2009 enacted level. The conference report would allocate:

- \$203.3 million for air toxics and quality. This amount matches the President's budget request and is \$8.1 million more than the enacted Fiscal Year 2009 level.
- \$111.6 million for the climate protection program of which \$50.7 would be allocated for the Energy Star program, \$4.58 million for methane to markets, and \$17 million for the development of the greenhouse gas reporting registry. These amounts match the President's budget request and the total amount is \$17.3 million more than the enacted Fiscal Year 2009 level.
- \$223.94 million for enforcement activities. This amount matches the President's budget request and is \$14.8 million more than the enacted Fiscal Year 2009 level.
- \$608.4 million for regional geographic programs to improve environmental quality. The amount is \$57.1 million more than the President's budget request and includes the full \$475 million requested by the President for the Great Lakes restoration initiative.
- \$119.2 million for pesticide licensing. This amount matches the President's budget request and is \$3.126 million more than the enacted Fiscal Year 2009 level.

- \$221.8 million for water quality protection. This amount is \$2 million below the President's budget request and is \$11 million more than the enacted Fiscal Year 2009 level.

**Hazardous Substance Superfund.** The EPA's hazardous substance superfund program provides funding to help address uncontrolled hazardous waste sites and spills. The conference report would provide \$1.306 billion for the Hazardous Substance Superfund, which is \$2 million below the President's budget request and is \$21.5 million more than the enacted Fiscal Year 2009 level, excluding \$600 million in emergency appropriations. The proposed appropriation level would allocate:

- \$196 million for enforcement activities. This amount matches the President's budget request and is \$8.3 million more than the enacted Fiscal Year 2009 level.
- \$202.8 million for emergency response and removal. This amount matches the President's budget request and is \$7.8 million more than the enacted Fiscal Year 2009 level.
- \$605 million for remedial cleanup activities. This amount matches the President's budget request.

**Leaking Underground Storage Tank Trust Fund.** The EPA's leaking underground storage tank program enables states to oversee prior clean-up activities and allows states to conduct clean-up actions of leaking underground storage tanks. The conference report would provide \$113.1 million for the program. This amount matches the President's budget request and is \$524,000 more than the enacted Fiscal Year 2009 level, excluding \$200 million in emergency appropriations.

**Oil spill response.** The EPA's oil spill response program provides funding to prepare for and prevent releases of oil and other petroleum products into navigable waterways. The conference report would allocate \$18.4 million for this program, which matches the President's budget request and is \$692,000 more than the enacted Fiscal Year 2009 level.

**State and Tribal Assistance Grants.** The state and tribal assistance grant program helps to provide funding to state and local governments for implementation of federal environmental laws. The grants funded by the state and tribal assistance grant account support clean and drinking water improvements, beach protection, efforts to protect water from non-point source pollution, brownfield redevelopment, and state and local air quality management. The conference report would provide \$4.97 billion for this program. This amount is \$221 million less than the President's budget request and \$2.002 billion more than the enacted Fiscal Year 2009 level, excluding \$6.4 billion in emergency appropriations. The proposed appropriation level would allocate:

- \$2.1 billion for the clean water state revolving fund. This amount is \$1.41 billion more than the enacted Fiscal Year 2009 level.
- \$1.387 billion for the drinking water state revolving fund. This amount is \$557.97 million more than the enacted Fiscal Year 2009 level.
- \$100 million for brownfield project activities. This amount matches the President's budget request and is \$3 million than the enacted Fiscal Year 2009 level.
- \$60 million for diesel emission reduction grants. This amount matches the President's budget request and the Fiscal Year 2009 enacted level.

Within the State and Tribal Assistance Grant program, EPA's categorical grant program also helps to provide funding to state and local governments for implementation of federal environmental laws. The Senate to provide funding to state and local governments for implementation of federal environmental laws. The conference report would provide \$1.12 billion for categorical grants which is \$5 million more than the President's budget request and is \$21.6 million more than the enacted Fiscal Year 2009 level. The proposed appropriation level would allocate:

- \$9.9 million for beach protection activities. This amount matches the President's request and the enacted Fiscal Year 2009 level.
- \$103.3 million for hazardous waste financial assistance. This amount is \$3 million below the President's request and is \$2 million more than the enacted Fiscal Year 2009 level.
- \$200.9 million for nonpoint source pollution grants. This amount matches the President's budget request and the enacted Fiscal Year 2009 level.
- \$226.6 million for state and local air quality management. This amount matches the President's budget request and is \$2.5 million more than the enacted Fiscal Year 2009 level.

**General Provisions.** The conference agreement includes a legislative provision exempting 13 steamships that operate exclusively on the Great Lakes from pending emission reduction regulations. Consistent with existing EPA rulemaking procedures, the agreement also provides additional direction in the statement of managers regarding the development of a hardship waiver process for other large vessels on the Great Lakes in the case of serious economic hardship or difficulty accessing fuel to comply with requirements.

### ***Title III: Related Agencies***

Title III of the conference report would fund the United States Forest Service, Indian Health Service, and certain programs within the National Institutes of Health. The major provisions of Title III include:

**Forest Service.** The United States Forest Service (USFS) manages 193 million acres of forests and grasslands and is the largest forestry research organization in the world. The conference report would provide \$5.3 billion for the USFS, which is \$71 million more than the President's budget request and \$551.46 million more than the enacted Fiscal Year 2009 level, excluding \$1.35 billion in emergency appropriations. The proposed appropriation level would allocate:

- \$312 million for forest and rangeland research. The total amount is \$11.4 million more than the President's budget request and \$15.6 million more than the enacted Fiscal Year 2009 level.
- \$308.1 million for state and private forestry. The total amount is \$1.95 million more than the President's budget request and \$42.2 million more than enacted Fiscal Year 2009 level.
- \$1.551 billion for the National Forest System to support operating programs for 155 national forests and 20 national grasslands across the country. The total amount is \$44.8 million more than the President's budget request and \$41.5 million more than the enacted Fiscal Year 2009 level.
- \$538.1 million for capital improvement and maintenance. This amount is \$18.9 million less than the President's budget request and \$55.7 million more than the enacted Fiscal Year 2009 level, excluding \$650 million in emergency appropriations and the deferral of road and trail trust fund payment.
- \$2.591 billion for wildland fire programs, including the use of prior-year balances. This amount is \$72 million more than the President's budget request and \$460 million more than the enacted Fiscal Year 2009 level, excluding \$650 million in emergency appropriations. The conference report would provide \$413 million for the FLAME Wildfire suppression reserve account, as authorized by the *FLAME Act of 2009* in Title V of the conference agreement.

**Indian Health Service.** The Indian Health Service is responsible for providing federal health services to approximately 1.9 million American Indians and Alaska Natives. The conference report would allocate \$4.052 billion to the Indian Health Service. This amount is \$17.8 million more than the President's budget request and is \$471.3 million more than the enacted Fiscal Year 2009 level, excluding \$500 million in emergency appropriations. The proposed appropriation level would allocate:

- \$1.754 billion for hospital and health clinic programs. This amount is \$2.5 million more than the President's budget request and is \$156.8 million more than the enacted Fiscal Year 2009 level, excluding \$85 million in emergency appropriations.
- \$779 million for contract care. This amount matches the President's budget request and is \$144.9 million more than the enacted Fiscal Year 2009 level.
- \$398.5 million for contract supports costs. This amount is \$9 million more than the President's budget request and is \$116.1 million more than the enacted Fiscal Year 2009 level.
- \$394.8 million for Indian health facilities. This amount matches the President's budget request and is \$4.6 million more than the enacted Fiscal Year 2009 level, excluding \$415 million in emergency appropriations.
- \$43.1 million for Urban Indian Health program. This amount is \$5 million more than the President's budget request and is \$7 million more than the enacted Fiscal Year 2009 level.

**National Institute of Environmental Health Sciences.** The National Institute of Environmental Health Services trains and educates workers that are or may engage in hazardous waste removal, containment, or emergency response. The conference report would allocate \$79.2 million for this program, which matches the President's budget request and is \$1.1 million more than enacted Fiscal Year 2009 level.

**Toxic substances and environmental public health.** The toxic substances and environmental public health program surveys and screens programs to determine relationships between exposure to toxic substances and illness. The conference report would provide \$76.8 million for this program, which matches the President's budget request and is \$2.75 million more than the enacted Fiscal Year 2009 level.

**Smithsonian Institution.** The Smithsonian Institution is the world's largest museum and research complex, housing approximately 144 million objects and specimens and receiving an estimated 25 million visitors annually. The conference report would provide the Smithsonian \$761.4 million, which is \$2.2 million more than the President's budget request and \$5 million more than enacted Fiscal Year 2009 level, excluding \$25 million in emergency appropriations. The legislation would target the Smithsonian Legacy Fund specifically to the renovation and reopening of the Arts and Industries Building, and provide that \$30 million in previously appropriated dollars to the Fund would be subject to the new guidelines.

**National Gallery of Art.** The National Gallery of Art (National Gallery) houses one of the world's premier art collections and federal funds have been appropriated to ensure the operation, maintenance, protection, and care of its collection. The

conference report would provide \$167 million for the National Gallery, which is \$1.76 million more than the President's budget request and is \$44.2 million more than enacted Fiscal Year 2009 level. An increase of \$40 million has been provided for repair of the stone façade of the National Gallery's East Building.

**National Endowment for the Arts.** The National Endowment for the Arts (NEA) is the largest annual funder of the arts in the United States, helping to sustain regional theater, opera, ballet, symphony orchestras, museums and other arts organizations. The conference report would provide \$167.5 million for the NEA, which is \$6.2 million more than the President's budget request and is \$12.5 million more than enacted Fiscal Year 2009 level, excluding \$50 million in emergency appropriations.

**National Endowment for the Humanities.** The National Endowment for the Humanities (NEH) is the largest funder of the humanities in the nation, supporting research, education, preservation and public programs in the humanities. The conference report would provide \$167.5 million for the NEH, which is \$6.2 million more than the President's budget request and is \$12.5 million more than enacted Fiscal Year 2009 level.

#### ***Title IV: General Provisions***

Title IV of the conference report contains recommendations and gives authority to the Secretaries of Agriculture, Interior and the Administrator of the Environmental Protection Agency to carry out various acts within their departments.

One provision would prohibit the Administrator of the EPA from implementing any provision in a rule if it requires mandatory reporting of greenhouse gas emissions for manure management systems.

#### ***Title V: FLAME Act of 2009***

The conference agreement includes the *Federal Land Assistance, Management and Enhancement Act (FLAME) of 2009*. The FLAME Act includes a number of firefighting budget reforms to help create a dedicated, steady and predictable funding stream for wildfire suppression activities. FLAME Funds have been established for the Forest Service and Department of the Interior to cover the costs of large or complex wildfire events and as a reserve when amounts provided for wildfire suppression and Federal emergency response in the regular Wildland Fire Management appropriation accounts are exhausted.

#### ***Division B: Further Continuing Resolution***

Division B of the conference report would amend *The Continuing Resolution of 2010* (Division B of P.L. 111-68) by extending its applicability for all on-going agencies and

activities that would be covered by the regular Fiscal Year 2010 appropriations bills not yet enacted into law through December 18, 2009.

Division B of the conference report would allow the Small Business Administration to use additional budget authority to prevent a termination of loans guarantees for small businesses.

Division B of the conference report would help maintain the loan limits for single family mortgages provided by the Federal Housing Authority, Government Sponsored Enterprises, and Home Equity Conversion Mortgages at \$729,750.

Division B of the conference report would also allow public housing agencies to use funding provided in the 2009 Omnibus for Tenant-Based Housing Vouchers to prevent termination of assistance to families.

## Legislative History

The Senate Appropriations Committee reported the Senate amendment to **H.R. 2996** on July 7, 2009, by a vote of 30 to 0. Senate Report 111-38, which accompanies **H.R. 2996**, was also filed on July 7, 2009. On September 24, 2009, the Senate passed the bill by a vote of 77 to 21.

The House Committee on Appropriations reported H.R. 2996, its version of the *Department of the Interior, Environment, and Related Agencies Appropriations Bill 2010* on June 18, 2009 by voice vote. On June 26, 2009, the House of Representatives passed the bill by a vote of 254 to 173.

The conference report to **H.R. 2996** is expected to be considered by the House of Representatives before October 31, 2009.

## Expected Amendments

The consideration of a conference report is privileged and cannot be amended.

## Administration Position

At the time of publication, no Statement of Administration Policy has been issued on the conference report to **H.R. 2996**.