



COMMITTEES ON APPROPRIATIONS

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United States Senate

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U.S. House of Representatives

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FY2010 CONFERENCE SUMMARY: INTERIOR APPROPRIATIONS

WASHINGTON – The conferees of the Senate and the House of Representatives met today to approve the Interior and Environment Appropriations Bill for fiscal year 2010, which provides the resources necessary to meet Federal stewardship obligations and to help protect the environment, including funding for the Department of the Interior, the Environmental Protection Agency, the Forest Service and other related agencies.

Overall, the Conference Agreement helps communities and public lands by focusing on five priority areas:

1. Water infrastructure and environmental protection needs
2. Firefighting and fuels reduction on Federal lands
3. Bolstering our public land management agencies
4. Protecting public lands through the Land and Water Conservation Fund
5. Helping the most vulnerable in Indian Country

The bill includes \$32.2 billion in discretionary budget authority, a \$4.7 billion increase over the fiscal year 2009 enacted level. The majority of that increase goes to clean and safe drinking water infrastructure (\$2 billion), restoration of the Great Lakes (\$415 million), climate change (\$155 million), wildfire suppression (\$526 million), and meeting Native American needs (\$705.7 million).

Recognizing that the recent increases in the length and severity of wildfire seasons have been accompanied by exponential increases in the cost of wildland fire suppression, the conference agreement includes the Federal Land Assistance, Management and Enhancement (FLAME) Act of 2009, which is intended to help create a dedicated, steady and predictable funding stream for wildfire suppression activities.

Bill Total

| | |
|------------------------------|------------------------|
| 2009 Enacted: | \$27.58 billion |
| 2010 President's Request: | \$32.33 billion |
| House Passed: | \$32.30 billion |
| Senate Passed: | \$32.10 billion |
| Conference Agreement: | \$32.24 billion |

KEY INVESTMENTS

Environmental Protection Agency: \$10.3 billion, \$2.7 billion above 2009, to restore and protect the quality of our nation's air, water and land.

- **Clean Drinking Water & Wastewater:** \$3.6 billion to help nearly 1,500 communities improve their drinking water and wastewater systems, an increase of \$2 billion above 2009. EPA estimates a \$662 billion construction need by 2019 for clean and safe drinking water infrastructure.
 - \$2.1 billion for the Clean Water State Revolving Fund to fund local sewer improvements and help communities meet the goals of the Clean Water Act.
 - \$1.38 billion for the Drinking Water State Revolving Fund to protect public health by improving drinking water systems.
 - \$157 million for direct grants to communities for water infrastructure.
 - In addition, a substantial portion of the State Revolving Funds will be available as grants and subsidized loans to communities that cannot afford to pay back conventional loans.
- **Great Bodies of Water:** \$641 million, \$63 million above the request, to protect the nation's great water bodies including the Great Lakes, San Francisco Bay, Puget Sound, and the Chesapeake Bay.
 - \$475 million for the Great Lakes Restoration Initiative, which will involve the coordination and collaboration of 16 Federal agencies, the States of the Great Lakes Region, local government, and citizens groups in an effort to restore the source of 20 percent of the world's fresh surface water.
- **Hazardous Waste and Toxic Site Cleanup:** \$1.5 billion, \$25 million above 2009, to clean up dangerous toxic waste at sites around the nation. This amount includes:
 - \$605 million for Superfund activities to clean up hazardous substances at more than 1,500 of the nation's worst toxic waste sites.
 - \$113 million to inspect and clean up toxic spills from underground storage tanks.
 - \$100 million for evaluation and cleanup of Brownfields former industrial and commercial sites to make problem properties ready for development and productive community use.

Climate Change: \$385 million, \$155 million above 2009, for programs that address global climate change.

- \$28 million to implement the Energy Independence and Security Act, including \$21 million to meet its requirement that the U.S. produce 36 billion gallons of renewable fuels by 2022, and \$7 million for carbon sequestration research at the U.S. Geological Survey.
- \$51 million for EPA's Energy Star program, which saves consumers \$14 billion a year in energy costs by letting them know appliances' energy efficiency.

- \$10 million for new grants at EPA to encourage local communities to find ways to cut their greenhouse gas emissions.
- \$17 million to continue development of a Greenhouse Gas Registry, a first step in controlling greenhouse gasses.
- \$67 million for priority climate change research at the U.S. Geological Survey, an increase of \$22 million over 2009.
- \$55 million for Interior land management bureaus for on-the-ground monitoring and adaptation to climate change impacts in national parks, national wildlife refuges, and other public lands.
- \$32 million for climate change research at the Forest Service, an increase of \$5 million over 2009, for carbon inventory, experiments and modeling of vegetation response to changing climates and adaptation of habitats to global warming.
- \$15 million, as requested, for the National Global Warming and Wildlife Science Center at the U.S. Geological Survey for wildlife adaptation to climate change.
- \$58 million to promote the development of renewable clean energy sources on Federal lands and waters.

Native American and Alaska Native Programs: \$6.7 billion, \$705.7 million above 2009 and \$91 million above the request, for programs to support and improve health care, education, public safety and human services for Native Americans and Alaska Natives throughout our nation.

- **Indian Health Service:** \$4.1 billion, \$17.8 million above the request and \$471.3 million above 2009, to support both Federal and tribally operated health care programs and facilities.
 - \$381.7 million above 2009 for clinical services, including contract care, urban Indian health programs, domestic violence prevention and substance abuse prevention initiatives.
 - \$4.6 million above 2009 for health facilities construction, sanitation projects and medical equipment.
- **Bureau of Indian Affairs:** \$2.6 billion, \$2.3 million above 2009 and \$82 million above the request for education, law enforcement, and economic development programs that will strengthen Native communities.
 - \$81 million increase for K-12 and tribal college programs, including \$50 million to forward fund tribal colleges so they can better plan for the academic year.
 - \$328.9 million for public safety and justice programs, \$58.1 million above 2009 and \$20 million above the request to support additional law enforcement officers, increase tribal detention center staffing and tribal courts.

Wildland Fire: \$3.5 billion for efforts to prevent and fight wildfires at the Forest Service and the Department of the Interior, including hazardous fuels reduction projects, State and volunteer fire assistance activities, and forest health projects.

- \$1.855 billion for wildfire suppression, \$526 million above 2009, and the largest non-emergency increase for firefighting ever provided.
 - \$474 million for the newly authorized FLAME wildfire suppression reserve accounts.
- \$556.5 million for hazardous fuels reduction projects, \$25 million above 2009, to help prevent, and reduce the severity of, wildfires by reducing available material to burn.
- \$474 million for the newly authorized FLAME Wildfire Suppression Reserve Fund accounts. The FLAME Act of 2009 is included in the bill, as discussed below.
- \$110 million for State Fire Assistance grants, \$20 million above 2009.

National Parks: \$2.7 billion, \$47 million above the request and \$218 million above 2009 for the National Park Service, including:

- \$2.2 billion for operation of the national park system, \$130 million above 2009.
- Funding for the 10-year initiative to restore our national parks before the 100th anniversary of the National Park Service in 2016.
- \$15 million for the new Park Partnership Project Grants Program, which is a 50/50 match program to leverage private dollars committed to enhance our national parks.

National Wildlife Refuge System: \$503.3 million, \$20 million above the request and \$40.4 million above 2009, to provide critically needed staff, implement climate change strategies, and improve conservation efforts.

U.S. Forest Service (non-fire): \$2.78 billion, \$74 million above the request and \$166.4 million above 2009 for the U.S. Forest Service, including:

- \$90 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads.
- \$77 million for the Forest Legacy Land Conservation Program, a \$27 million increase above 2009.
- \$145 million for law enforcement activities, a \$10 million increase above 2009. The increase will be used to help mitigate drug operations on national forest lands.

Bureau of Land Management: \$1.1 billion, \$100 million above 2009, including \$64 million for wild horse and burro management, an increase of \$23 million above enacted, full funding for the oil and gas management programs, and \$31 million for national monuments and conservation areas.

Land and Water Conservation Fund: \$450 million to protect lands for conservation, recreation, and wildlife habitat.

National Foundation for the Arts and Humanities: \$335 million, \$12.4 million above the request and \$25 million above 2009 to support projects of excellence and foster greater access to our nation's cultural heritage, including \$167.5 million for the National Endowment for the Arts and \$167.5 million for the National Endowment for the Humanities.

Smithsonian: \$761.4 million, \$2.2 million above the request and \$5 million above 2009, to support the world's largest museum and research complex, including:

- \$30 million previously appropriated for the Smithsonian Legacy Fund, a public-private partnership has been redirected to facilitate renovation of the historic Arts and Industries Building on the National Mall, which has been closed since 2005.
- \$20 million for planning and design of the new National Museum of African American History and Culture to be built on the National Mall.

SIGNIFICANT ADJUSTMENTS

The bill contains over \$149 million in program terminations, reductions and other savings from the fiscal year 2009 level and over \$214 million from the budget request. Included in this amount is a \$40 million rescission from EPA prior-year STAG account funds and \$19 million in reductions from a number of requested increases for EPA administrative functions. The bill does not fund the new Protecting National Forests initiative, a reduction of \$50 million below the request, because it appears to be largely duplicative of the proven legacy road and trail remediation program. The bill also denies \$28 million requested for a new initiative in Federal aid in wildlife restoration program due to concerns about implementation of the program.

IMPORTANT POLICY ITEMS

FLAME Act of 2009: The conference agreement includes the Federal Land Assistance, Management and Enhancement Act (FLAME) of 2009. As provided in the agreement, 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.

MMS Outer Continental Shelf Inspection Fee: Language is included, as requested, to implement a new fee for inspections of offshore oil and gas facilities. This nominal fee of \$2,000 to \$6,000 per facility per year, will provide \$10 million to partially offset the cost of the inspection program.

MMS State Royalty Revenue Sharing: Language is included, as in previous years, which takes 2 percent of the Federal royalties from oil, gas, and mineral extraction (\$45 million) to partially offset the cost of administering the program. This provision was not included in the request.

Greenhouse Gas Emissions Reporting: Language is included that prohibits EPA from requiring mandatory greenhouse gas emissions reporting from manure management systems.

Davis-Bacon: Language is included that applies Davis-Bacon prevailing wage requirements to the Clean Water and Drinking Water State Revolving Funds.

Guantanamo Detainees: Language is included that 1) Prohibits current detainees from being released into the continental United States, Alaska, Hawaii, DC, or any U.S. territory. 2) Prohibits current detainees from being transferred to the continental United States, Alaska, Hawaii, DC, or any U.S. territory, except to be prosecuted and only 45 days after Congress receives a plan detailing: risks involved

and a plan for mitigating such risk; cost of the transfer; legal rationale and court demands; and a copy of the notification provided to the Governor of the receiving State 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk. 3) Current detainees cannot be transferred or released to another country (including freely associated states) unless the President submits to Congress 15 days prior to such transfer: the name of the individual and the country the individual will be transferred to; an assessment of risks posed and actions taken to mitigate such risks; and the terms of the transfer agreement with the other country, including any financial assistance. 4) Requires the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed.

Continuing Resolution

Highlights of the continuing resolution (CR) to allow continued government operations through December 18, 2009:

Ongoing programs: The CR continues funding at FY2009 levels for most programs in the 2009 Omnibus Appropriations Act; the 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act; and all supplemental appropriations for defense in fiscal year 2009; and continues all measures that were included under the last continuing resolution that have not been superseded by legislative action.

SBA 7(a) Loan Program: The CR allows the Small Business Administration to use additional budget authority to prevent a termination of loan guarantees for small businesses under the 7(a) Loan Program during the period of the CR. The 7(a) Loan Program is SBA's primary program to help start-up and existing small businesses obtain financing when they might not be eligible for business loans through normal lending channels.

Maintaining Housing Loan Limits: The CR maintains loan limits for FHA, GSE and HECM single family mortgages at \$729,750 through end of calendar year 2010. While those loan limits aren't scheduled to go down to \$625,500 until January 1, if not maintained at the higher level now, the mortgage industry will begin to plan for loans at the lower amount. This could result in major disruptions in the mortgage origination market for large loan sizes as early as November.

Tenant-Based Housing Vouchers: The CR allows public housing agencies to use funding provided in the 2009 Omnibus for Tenant-Based Housing Vouchers to prevent termination of assistance to families. Without that funding, housing voucher termination notices will go out to an estimated 10,000 families.