

One Hundred Eleventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the sixth day of January, two thousand and nine*

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

REFERENCES

SECTION 1. Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), \$959,571,000, to remain available until expended; of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

ENERGY AND WATER DEVELOPMENT, TECHNICAL CORRECTION

SEC. 440. Section 208(a)(2)(E) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 is amended by striking “\$45,000,000” and inserting “\$5,000,000”.

AWARDS TO FOR-PROFIT ENTITIES

SEC. 441. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–180) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

PROHIBITION ON USE OF FUNDS

SEC. 442. None of the funds made available for the Environmental Protection Agency in this Act may be expended by the Administrator of the Environmental Protection Agency to issue a final rule that includes fuel sulfur standards applicable to existing steamships that operate exclusively within the Great Lakes, and their connecting and tributary waters.

AUTHORIZATION FOR REFINANCING

SEC. 443. The Administrator of the Environmental Protection Agency shall allow the State of Mississippi to refinance the Clean Water State Revolving Loans made to the Hancock Water and Sewer District and the Hancock Utility Authority for a period not to exceed one year with the payment schedule amortized over that additional period.

INCORPORATION OF CONGRESSIONALLY REQUESTED PROJECTS

SEC. 444. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and

purposes delineated in the table titled “Incorporation of Congressionally Requested Projects” included in the joint explanatory statement of the managers accompanying this Act, except that such funding appropriated for land acquisition, construction, and capital improvement and maintenance may be reallocated to other projects in that table funded by the same appropriation account if such reallocation has been approved by the House and Senate Committees on Appropriations; and, such funding appropriated for “National Park Service—Historic Preservation Fund” for Save America’s Treasures grants may be reallocated to be used for competitive grants under the Save America’s Treasures program if such reallocation has been approved by the House and Senate Committees on Appropriations.

TITLE V—FLAME ACT OF 2009

SEC. 501. SHORT TITLE.

This title may be cited as the “Federal Land Assistance, Management, and Enhancement Act of 2009” or “FLAME Act of 2009”.

SEC. 502. FLAME WILDFIRE SUPPRESSION RESERVE FUNDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term “FLAME Fund” means a FLAME Wildfire Suppression Reserve Fund established by subsection (b).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives and the Committee on Appropriations, the Committee on Energy and Natural Resources, and the Committee on Indian Affairs of the Senate.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to—

(i) Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(ii) the FLAME Fund established for the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to—

(i) National Forest System land; and

(ii) the FLAME Fund established for the Department of the Agriculture.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2010

—————
OCTOBER 28, 2009.—Ordered to be printed
—————

Mr. DICKS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2996]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows;

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

REFERENCES

SECTION 1. Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, Environment and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2996 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 111–180 or Senate Report 111–38 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

Except as expressly provided otherwise, any reference to “this Act” or “at the end of this statement” shall be treated as referring only to the provisions of this division.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

REPROGRAMMING GUIDELINES

The following are the procedures governing reprogramming actions for programs and activities funded in the Department of the Interior, Environment and Related Agencies Appropriations Act.

Definitions.—“Reprogramming,” as defined in these procedures, includes the reallocation of funds from one budget activity, budget line-item or program area, to another within any appropriation funded in this Act. In cases where either the House or Senate Committee report displays an allocation of an appropriation below those levels, that more detailed level shall be the basis for reprogramming.

For construction, land acquisition and forest legacy accounts, a reprogramming constitutes the reallocation of funds, including unobligated balances, from one construction, land acquisition, or forest legacy project to another such project. The construction, land acquisition and forest legacy projects and amounts identified in the “Incorporation of Congressionally Requested Projects” table at the end of this statement of managers may be reprogrammed, but only pursuant to Section 444 of this Act.

hubs, and intra- and extra-mural research. The NCCWSC should oversee and coordinate research on the potential effects of climate change on wildlife, fish, and flora including both terrestrial and aquatic habitats. Locations for the regional centers are to be selected through a collaborative process that engages other Federal, State and Tribal agencies, universities, and other partners. Additional direction concerning the adoption of an integrated approach to climate change science and management is in the front of this statement.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement includes \$175,217,000 for Royalty and Offshore Minerals Management, as proposed by the Senate instead of \$174,317,000 as proposed by the House. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

In addition, the use of \$166,730,000 in receipts and cost recovery fees is included, as proposed by both the House and the Senate. The conference agreement includes \$900,000 to continue the Center for Marine Resources and Environmental Technology project in Mississippi.

The conferees support the Administration's efforts to secure a balanced energy portfolio that carefully weighs what is in the best interest of our energy-dependent nation with what is in the best interest of our natural environment. Future coordinated efforts to pursue additional oil and gas resources in the Outer Continental Shelf (OCS) must include the opportunity to apply advanced technologies, be based on the best available science, and take into account the potential environmental impacts of such potential development. Therefore, the conferees direct the Minerals Management Service, pursuant to the National Environmental Policy Act, to conduct a Programmatic Environmental Impact Statement (PEIS) to evaluate potential significant environmental effects of multiple geological and geophysical activities in the Atlantic OCS and provide a detailed timeline for completion of the PEIS no later than 90 days after enactment of this Act. The conferees believe this request is consistent with the Department's stated desire to fill in information gaps relating to resource potential in the OCS.

The conferees note that over the last several years there have been expanded areas available for oil and gas leasing in the Beaufort and Chukchi Seas and approved exploration plans involving seismic testing and exploratory drilling in these waters. These waters currently host a rich diversity of wildlife and fish resources and are critical to the survival of the subsistence culture of the Inupiat people of Arctic Alaska. To ensure sound science-based planning with regard to these important resources, a continuing comprehensive assessment of the health, biodiversity, and functioning of Arctic marine and coastal ecosystems, including the impacts of industrial activities and of climate change is needed. To inform this continuing assessment, the conferees believe that there should be scientific analysis conducted by an independent entity to assess existing scientific information and identify any relevant ad-

ditional information to ensure adequate environmental review of proposed industrial activities in the region. This assessment should also include recommendations for obtaining the identified relevant scientific information.

OIL SPILL RESEARCH

The conference agreement includes \$6,303,000 for Oil Spill Research as proposed by both the House and Senate.

ADMINISTRATIVE PROVISION

The conference agreement continues language from the fiscal year 2009 enacted bill on a legislative matter which deducts two percent of State royalties to help cover Federal administrative costs, resulting in a \$45,000,000 scoring credit for the bill.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement includes \$127,180,000 for Regulation and Technology as proposed by both the House and the Senate. In addition, there is also an indefinite appropriation estimated to be \$100,000 for civil penalties for a total program level of \$127,280,000. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

ABANDONED MINE RECLAMATION FUND

The conference agreement includes \$35,588,000 for the Abandoned Mine Reclamation Fund instead of \$32,088,000 as proposed by the House and \$39,588,000 as proposed by the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$2,335,965,000 for the Operation of Indian Programs instead of \$2,300,099,000 as proposed by the House and \$2,309,322,000 as proposed by the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement. In addition to the directions included in the House and Senate Committee reports, the conference agreement includes the following directions:

Tribal Government.—The conference agreement includes \$429,778,000 instead of \$422,862,000 as proposed by the House and \$418,572,000 as proposed by the Senate. Within the funds for Tribal government, there is \$166,000,000 for contract support costs, an increase of \$18,706,000 over the fiscal year 2009 enacted level.

Human Services.—The conference agreement includes \$136,996,000 as proposed by the House instead of \$138,059,000 as proposed by the Senate.

Trust—Natural Resource Management.—The conference agreement includes \$175,618,000 instead of \$174,768,000 as proposed by

**DISCLOSURE OF EARMARKS AND CONGRESSIONALLY
DIRECTED SPENDING ITEMS**

Following is a list of Congressional earmarks and Congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the Rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any Congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

U.S. Geological Survey	Surveys, Investigations & Research	MD	Coastal plain & fractured rock study	\$500,000
U.S. Geological Survey	Surveys, Investigations & Research	NV	Nye County minerals assessment project	\$650,000
U.S. Geological Survey	Surveys, Investigations & Research	VT	Lake Champlain Basin streamflow monitoring/toxic studies	\$346,000
U.S. Geological Survey	Surveys, Investigations & Research	WA	Columbia River Basin, design/test monitoring protocols-invasive species	\$350,000
U.S. Geological Survey	Surveys, Investigations & Research	WA	Hood Canal Dissolved Oxygen Study	\$200,000
Minerals Management Service	Royalty and Offshore Minerals Management	MS	Center for Marine Resources and Environmental Technology	\$900,000
Bureau of Indian Affairs	Operation of Indian Programs	Multi	Upper Columbia United Tribes, resource management program	\$350,000
Bureau of Indian Affairs	Operation of Indian Programs	ND	United Tribes Technical College	\$400,000
Bureau of Indian Affairs	Operation of Indian Programs	NM	Navajo Technical College	\$200,000
Bureau of Indian Affairs	Operation of Indian Programs	SD	Cheyenne River Sioux Tribe, prairie management program	\$500,000
Insular Affairs	Assistance to Territories	VI	Critical Wastewater System Repairs and Improvements	\$900,000
Environmental Protection Agency	Science & Technology	CO	Water Research Foundation	\$1,700,000
Environmental Protection Agency	Science & Technology	GA	Consortium for Plant Biotechnology Research	\$1,000,000
Environmental Protection Agency	Science & Technology	TX	Southwest Consortium for Environmental Research and Policy (SCERP)	\$1,000,000
Environmental Protection Agency	Science & Technology	VA	Water Environment Research Foundation	\$2,000,000
Environmental Protection Agency	Environmental Programs and Management	CA	San Francisco Bay competitive grant program	\$7,000,000
Environmental Protection Agency	Environmental Programs and Management	DC	Rural Community Assistance Partnership	\$2,500,000
Environmental Protection Agency	Environmental Programs and Management	DC	Water Systems Council Wellcare Program	\$700,000
Environmental Protection Agency	Environmental Programs and Management	OK	National Rural Water Association	\$13,000,000
Environmental Protection Agency	Environmental Programs and Management	VA	National Biosolids Partnership	\$750,000