

111TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } 111-316

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

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OCTOBER 28, 2009.—Ordered to be printed
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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:

JOHN ADAMS MEMORIAL AUTHORITY, EXTENSION

SEC. 130. Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by Public Law 107-62 and Public Law 107-315 shall continue to apply through September 30, 2010.

*TITLE II**ENVIRONMENTAL PROTECTION AGENCY**SCIENCE AND TECHNOLOGY*

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$846,049,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$9,000 for official reception and representation expenses, \$2,993,779,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than \$608,441,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$37,001,000, to remain available until expended, of which up to \$500,000 shall be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

upon a showing of serious economic hardship. It is important that EPA structure such a waiver provision similar to the other fuels rules, where parties can apply for and receive a waiver in sufficient time prior to the implementation of the requirements. Finally, EPA should perform a study and issue a report within six months that evaluates the economic impact of the final rule on Great Lakes carriers.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conference agreement provides \$2,993,779,000 for Environmental Programs and Management activities instead of \$3,022,054,000 as proposed by the House and \$2,878,780,000 as proposed by the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Brownfields.—The conference agreement provides the request of \$1,246,000 for the Smart Growth Program. As proposed by the Senate, the agreement does not provide the requested funds for additional personnel. The House had proposed to fund one-half of the increase.

Compliance.—From within the amount provided, the conferees direct \$25,070,000 for compliance assistance and centers and \$9,702,000 for compliance incentives.

Environmental Protection/National Priorities.—The conference agreement provides \$16,950,000 for this program and allocates the funds as proposed by the House instead of a competitive grant program as proposed by the Senate. The conferees have agreed to the following allocation of funds: \$13,000,000 for the National Rural Water Association; \$2,500,000 for the Rural Community Assistance Partnership; \$700,000 for the Water Systems Council/WellCare program; and \$750,000 for the National Biosolids Partnership.

Geographic Programs.—The conference agreement provides \$608,441,000 for this program area instead of \$628,941,000 as proposed by the House and \$478,696,000 as proposed by the Senate. The detailed allocation of funding by specific geographic program area is included in the table at the end of the statement. In addition to these specific amounts, the conference agreement includes the following directives for certain programs.

Great Lakes Restoration Initiative.—The conference agreement provides \$475,000,000 for this new initiative. The conferees support the Administration's efforts to restore the Great Lakes and have agreed to the request to fund an interagency restoration effort, led by the Environmental Protection Agency. In addition, the conferees have agreed to consolidate and expand funding for the Agency's Great Lakes National Program Office and Great Lakes Legacy Act programs within this new program-project.

Bill language has been included to allow the Agency to transfer funding to or establish interagency agreements with other Federal agencies, and to make grants to relevant entities as appropriate. The conferees direct the Agency to work with the other Federal agencies to ensure these funds supplement and expand, not supplant, base Great Lakes programs when compared to fiscal year 2009 levels. The Agency is directed to provide, starting on March

EPA Citation -
Environmental
Programs &
Management Citation in
the Conference Report

1, 2010, annual reports that provide funding allocations by Agency and that identify any adjustments from the request. Beginning in 2011 and each year thereafter, the Agency is directed to provide detailed yearly program accomplishments and compare specific funding levels allocated for participating Federal agencies from fiscal year to fiscal year. This includes programs funded at or below \$500,000 that may not otherwise be identified in cross-cut budgets. The Agency and its Federal partners are expected to limit overhead.

The Agency is directed to use the Great Lakes Regional Collaboration Strategy as a guide to maximize funding for actual restoration activities that achieve measurable results. A substantial portion of the funds shall be provided for restoration activities conducted by non-Federal partners to accomplish restoration objectives where appropriate and cost-effective. The conferees direct the Agency and the other Federal agencies to exercise maximum flexibility to minimize non-Federal match requirements in recognition of the exceptional economic circumstances of the region and the significant ongoing investments made by non-Federal partners.

To guide the activities of the Great Lakes Restoration Initiative through fiscal year 2014, including funding decisions in fiscal year 2011 and future years, the conferees direct the Agency to develop a comprehensive, multi-year restoration action plan that will lead to the restoration of the Great Lakes. The action plan should build upon the foundation of the Great Lakes Regional Collaboration Strategy, utilize input from Great Lakes stakeholders, outline Federal agency actions to help protect and restore the chemical, physical, and biological integrity of the Great Lakes Basin ecosystem, and include targets and measurable objectives expected for fiscal years 2010 through 2014. The Agency should ensure that the goals, objectives, and targets of the Action Plan are aligned with those of the Great Lakes State, local and Tribal governments. The plan should also include a description of the process used to track and measure progress, target restoration priorities and adapt and modify those priorities in the outyears. In addition, the conferees expect the Agency to establish a process that:

(1) Allows the Great Lakes area governors, mayors, Tribal leaders, regional organizations and other stakeholders to provide advice, guidance, and recommendations that will assist the Agency in making annual decisions on restoration priorities, activities, projects, and funding levels that reflect the highest priority needs;

(2) Coordinates restoration activities in the U.S. with those of the Canadian and provincial governments;

(3) Engages an independent, scientific panel to review the scientific credibility of the plan to optimize the likelihood of successful restoration at appropriate scales; and,

(4) Ensures monitoring and reporting on the progress of the Great Lakes Restoration Initiative, using scientific research to revise restoration priorities as needed, and adapt and modify activities beginning in fiscal year 2011.

In considering the appropriate science for the process, the Agency shall consider that independent scientific reviews are the preferred method for some elements and activities to ensure that the best available science guides efforts to restore the Great Lakes.

However, the Agency may selectively use and scale these scientific reviews so that the rate of progress is optimized at the same time scientific validation is ensured. The Agency shall determine those elements for which additional scientific validation is needed to expedite restoration while providing the Agency with the basis for optimizing successful restoration programs and projects to advance the goals, objectives, and restoration priorities of the action plan.

The conferees support funding Habitat and Wildlife Protection and Restoration through the National Oceanic and Atmospheric Administration at the Department of Commerce, as proposed by the Administration, and expect that funds will be expended on land conservation priorities that meaningfully contribute to the goals of the Initiative through the Coastal and Estuarine Land Conservation Program (CELCP). As with the other funds provided for the Great Lakes Restoration Initiative, the conferees further expect that these funds would supplement, rather than replace, CELCP funds provided in any other appropriations bill for priority projects in the Great Lakes region.

Chesapeake Bay.—The conference agreement includes \$50,000,000 for this program. In light of the new Executive Order on the Bay, which places additional demands on and expectations of the Agency and States, the conferees have included an increase above the request. The conferees direct the Agency to report within 30 days of enactment a proposed allocation of the additional funds. The conferees expect this allocation to recognize that the funds are intended to support additional regulatory and accountability programs to control urban, suburban and agricultural runoff in the watershed. The allocation should emphasize increases to State grant programs to support and expand the States' regulatory and enforcement capabilities.

Puget Sound.—The conference agreement includes \$50,000,000 for this program. From within the funds provided, \$4,000,000 is included for the Puget Sound Ecosystem Research Initiative at the University of Washington's College of the Environment. These funds are to conduct, coordinate, and disseminate scientific research to inform policy decisions necessary to carry out the Puget Sound Action Agenda. The remaining funds are for the Agency's intramural costs, cooperative agreements, interagency agreements, contracts and competitive grants, including a competitive grant to manage implementation of the Action Agenda. Prior to announcing any requests for proposals for competitive grants, the conferees expect the Agency to coordinate with the State on priorities for the proposals.

San Francisco Bay.—The conference agreement includes \$7,000,000 to continue its competitive grant program to restore the San Francisco Bay watershed and improve water quality. The Agency shall use no more than five percent of the funds provided for the costs of administering the program.

Long Island Sound.—The conferees direct the Agency to work with the appropriate stakeholders to determine the proper allocation of funds between the Long Island Sound Restoration Act and the Long Island Sound Stewardship Act. The Agency is directed to report to the Committees on the final distribution of the funds.

Other Geographic Activities.—The conference agreement includes \$2,000,000 for a competitive grant program to protect the Potomac Highlands. The conferees recognize the Agency's commitment to protecting the Potomac Highlands through conservation and ecological restoration initiatives. The Agency shall use no more than 10 percent of the funds for intramural costs, with the remaining funds awarded on a competitive basis for projects identified in the Highlands Action Plan.

Information Exchange/Outreach.—The conference agreement provides \$129,972,000 for this program area. Within this amount, the conferees direct the following levels: \$6,515,000 for children and other sensitive populations; \$50,480,000 for Congressional, intergovernmental, external relations; \$9,038,000 for environmental education; and, \$16,860,000 for the exchange network. The conference agreement does not include additional funding for the Office of Children's Health Protection as proposed by the House.

IT/Data Management/Security.—The conference agreement provides \$104,320,000 for this program. The conferees direct that funding for the Agency's library system be exempted from this reduction.

Legal/Science/Regulatory/Economic Review.—The conference agreement provides \$123,788,000 for this program. The conferees have not provided funds for the Performance Track program. The conferees direct the Agency to provide, at a minimum, the requested level for the Smart Growth Program. The conference agreement reflects the reduction to the Regulatory/Economic-Management and Analysis program as proposed by the House.

Operations and Administration.—The conference agreement provides \$501,895,000 for this program, which includes a \$5,000,000 reduction to the request for the Financial System Modernization Project. The Agency may take the remaining \$5,000,000 reduction from rent, utilities and/or security savings.

Water: Ecosystems.—From within the amount provided, the conference agreement includes \$22,400,000 for the National Estuary Grant Program instead of \$28,000,000 proposed by the House and \$16,800,000 proposed by the Senate. This increase will provide \$800,000 to each National Estuary Program funded under section 320 of the Clean Water Act.

Water Quality Protection.—From within the amount provided, the conference agreement includes \$208,437,000 for the Surface Water Protection program.

Bill Language.—Language is included which mandates the amount allocated to the Geographic Programs.

National Vehicle Mercury Switch Recovery Program.—The conferees are aware that the National Vehicle Mercury Switch Recovery Program is an effective way to reduce mercury emissions from end-of-life vehicles. The conferees have not included bill language as proposed by the Senate; however, the conferees remain concerned that the program's operating fund and bounty fund have both been depleted since August, 2009. The conferees urge the Agency to assist program stakeholders in exploring all options to ensure the program's continued operation.

OCS Air Permits.—The conferees are concerned about the ability of the Agency to effectively carry out its responsibilities to proc-

ess oil and gas permits in the Outer Continental Shelf (OCS) in Alaska and the Eastern Gulf of Mexico. The Agency is directed to allocate sufficient funds and personnel to process OCS air permits in a timely manner consistent with all environmental laws. Within 90 days of enactment of this Act, the Agency is directed to report to the House and Senate Appropriations Committees on its progress to comply with this directive, provide a detailed timeline for issuance of the pending permits, and submit its plan to address this issue consistently among all affected regional offices. Lastly, the conferees expect the Agency to set clear, reasonable national guidelines for issuing OCS air permits.

Gulf of Maine.—The conferees urge the Agency to undertake a study of pollution and water quality issues in the Gulf of Maine with the assistance of regional stakeholders to determine whether a comprehensive restoration plan should be developed for this region.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$44,791,000 for the Office of Inspector General as requested and as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes \$9,975,000 to be transferred from the Hazardous Substance Superfund account to this account.

The conference agreement again includes bill language which authorizes the Agency's Inspector General (IG) to serve as the IG for the Chemical Safety and Hazards Investigation Board (the Board). The conferees have not included language in the Board's section of the bill to transfer funds from the Board's account to this account, as proposed by the House. The Office of the Inspector General (OIG) has confirmed that it has sufficient funds in fiscal year 2010 to perform its duties as IG for the Board. The conferees expect the OIG to continue to expand reviews of the Board beyond those mandated in law to include follow up on earlier GAO recommendations.

The conferees also are concerned by the numerous reorganization proposals submitted by the Agency's OIG and the lack of sufficient notice regarding such proposals. The conferees direct the IG to submit a report describing any proposed reorganization within the OIG at least 90 days before any reorganization is to take effect. Any report filed shall describe the purpose and need for the reorganization, the impact to personnel and anticipated costs. The submission also should contain charts of the current and proposed organizational structure.

The conferees have included language in the Administrative Provisions section expressing their displeasure with the inadequate OIG analysis of the Agency's unliquidated balances.

BUILDINGS AND FACILITIES

The conference agreement provides \$37,001,000 for Buildings and Facilities activities instead of \$33,001,000 as proposed by the House and \$35,001,000 as proposed by the Senate. The detailed al-

Environmental Protection Agency	Environmental Programs and Management	DC	Rural Community Assistance Partnership	\$2,500,000	Olver, Rogers (KY)	Baucus; Begich; Bingham; Brown; Collins; Crapo; Johanns; Johnson; Klobuchar; Leahy; Lincoln; Merkley; Risch; Rockefeller; Shaheen; Tester; Udall, Mark; Udall, Tom; Wyden
Environmental Protection Agency	Environmental Programs and Management	DC	Water Systems Council Welfare Program	\$700,000	Langevin; Latham; Arcuri; Boswell	Baucus; Bingham; Grassley; Harkin; Reed; Whitehouse
Environmental Protection Agency	Environmental Programs and Management	OK	National Rural Water Association	\$13,000,000	Etheridge; Jones; Kennedy	Barrasso; Bingham; Bond; Burr; Cantwell; Casey; Chambliss; Collins; Conrad; Corker; Crapo; Dorgan; Durbin; Enzi; Gillibrand; Graham; Grassley; Hagan; Hatch; Inhofe; Isakson; Johanns; Johnson; Kennedy; Kerry; Leahy; Levin; Lieberman; Lincoln; Menendez; Piro; Reed; Risch; Roberts; Sanders; Schumer; Shaheen; Snowe; Specter; Stabenow; Thune; Udall, Mark; Udall, Tom; Vitter; Webb; Whitehouse; Wicker; Wyden

EPA Citation - Environmental Programs & Management Citation in the Conference Report Table

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	Environmental Programs and Management	VA	National Biosolids Partnership	\$750,000	Moran (VA)	
Environmental Protection Agency	Environmental Programs and Management	WA	Puget Sound Ecosystem Research Initiative at the University of Washington	\$4,000,000	Smith (WA); McDermott; Dicks; Baird	
Environmental Protection Agency	Buildings and Facilities	NV	Las Vegas Facilities Consolidation Study	\$500,000		Reid
Environmental Protection Agency	Other	CA	Hunters Point Naval Shipyard environmental cleanup	\$8,000,000		Feinstein
Environmental Protection Agency	STAG—Other	CA	Emissions Reduction Grants to the South Coast Air Quality Management District and San Joaquin Air Pollution Control District	\$10,000,000	Cardoza; McInerney; Costa	Boxer; Feinstein
Environmental Protection Agency	STAG—Other	TX	The cities of El Paso and Brownsville for water and wastewater infrastructure	\$2,500,000	Reyes; Ortiz	Cornyn; Hutchison
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Buckland for construction of a piped water and sewer system	\$500,000		Begich; Murkowski
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Homer for planning and design of a new drinking water system	\$500,000		Murkowski
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Kodiak for water and sewer improvements	\$300,000	Young (AK)	Begich
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Soldotna for a water and wastewater improvements project	\$500,000		Begich; Murkowski