

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

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

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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:*

*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.*

*HAZARDOUS SUBSTANCE SUPERFUND**(INCLUDING TRANSFERS OF FUNDS)*

*For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,306,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,306,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2011, and \$26,834,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2011.*

*LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM*

*For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$113,101,000, to remain available until expended, of which \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.*

*OIL SPILL RESPONSE*

*For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.*

*STATE AND TRIBAL ASSISTANCE GRANTS*

*For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,970,223,000, to remain available until expended, of which \$2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$1,387,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That*

*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 state-*

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Conference Report

ment 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 Agriculture.

(b) **ESTABLISHMENT OF FLAME FUNDS.**—There is established in the Treasury of the United States the following accounts:

(1) The FLAME Wildfire Suppression Reserve Fund for the Department of the Interior.

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 Conference Report  
 Table

Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WW	Ohio River Valley Sanitation Commission of organic detection system improvements	\$1,200,000	Brown; Byrd
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WW	The Town of Rowlesburg for drinking water infrastructure improvements	\$500,000	Molohan
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WW	Town of Moorefield for wastewater treatment facility upgrades	\$2,500,000	Byrd
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	Fayette County for water system upgrades		Shelby
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for a water facility project		Shelby; Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for regional water supply distribution		Shelby; Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for the Southwest Alabama Rural/Municipal Water System		Shelby; Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for water infrastructure improvements		Shelby; Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	San Bernardino Municipal Water Department for the Inland Empire alternative water supply project		Feinstein
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IL	The City of Quincy for drinking water system improvements		Durbin
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	KS	City of Manhattan for a water mainline extension project		Brownback; Roberts
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	KS	The City of Manhattan for the Konza Water Main Extension project		Brownback; Roberts
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	KS	The City of Prescott for a wastewater treatment plant construction		Brownback; Roberts

**INTERIOR AND ENVIRONMENT—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	KS	The City of Wichita for a storm water technology pilot project			Brownback, Roberts
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	Johnson County for a drinking water and wastewater infrastructure project			Bond
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project			Bond
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	PWSD #1 of McDonald County for wastewater infrastructure expansion		Blunt	Bond
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	The Gravois Arm Sewer District for a wastewater infrastructure project			Bond
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	SD	The City of Lake Norden for drinking water infrastructure improvements			Johnson
US Forest Service	State & Private Forestry	CA	Blue Mountain Community Renewable Council for the Calaveras Healthy Impact Product Solutions biomass utilization project	\$500,000		Feinstein
US Forest Service	State & Private Forestry	CA	Region 5, USFS for small forest products infrastructure assistance grants	\$2,500,000		Feinstein
US Forest Service	State & Private Forestry	MD	Baltimore Urban Forestry Watershed Demonstration Cooperative Project	\$150,000	Cummings	
US Forest Service	State & Private Forestry	MO	Missouri Forest Foundation for biomass demonstration project	\$300,000		Bond