

111TH CONGRESS
1ST SESSION

H. R. 2996

IN THE SENATE OF THE UNITED STATES

JULY 6, 2009

Received; read twice and referred to the Committee on Appropriations

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SEC. 423. Within the amounts appropriated in this
2 Act, funding shall be allocated in the amounts specified
3 for those projects and purposes delineated in the table ti-
4 tled “Congressionally Directed Spending” included in the
5 explanatory statement accompanying this Act. The pre-
6 ceding sentence shall apply in addition to the allocation
7 requirements specified in this Act under the heading “Na-
8 tional Park Service–Historic Preservation Fund” for Save
9 America’s Treasures and under the heading “Environ-
10 mental Protection Agency–State and Tribal Assistance
11 Grants” for special project grants for the construction of
12 drinking water, wastewater and storm infrastructure and
13 for water quality protection.

14 SEC. 424. Not later than 120 days after the date on
15 which the President’s Fiscal Year 2011 budget request is
16 submitted to Congress, the President shall submit a report
17 to the Committee on Appropriations of the House of Rep-
18 resentatives and the Committee on Appropriations of the
19 Senate describing in detail all Federal agency obligations
20 and expenditures, domestic and international, for climate
21 change programs and activities in fiscal year 2008, fiscal
22 year 2009, and fiscal year 2010, including an accounting
23 of expenditures by agency with each agency identifying cli-
24 mate change activities and associated costs by line item
25 as presented in the President’s Budget Appendix.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATION BILL, 2010

JUNE 23, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. DICKS of Washington, from the Committee on Appropriations,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2996]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior, the Environmental Protection Agency, and Related Agencies for the fiscal year ending September 30, 2010. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation and the Central Utah Project), the Environmental Protection Agency, and for other related agencies, including the Forest Service, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

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interdiction activities, and the siting of surveillance and radio equipment. However, the public lands along the Southwest border contain some of the most environmentally diverse and sensitive habitats in the United States and must be protected and enhanced for future generations. To further protect the environment and improve the situation on the Southwest border, the Committee encourages the Department to work with the DHS to do the following:

- Partner with the DHS to provide training for border patrol agents in the Southwest on the mission and management of Federal public lands that are adjacent to the Southwest border. The Department should also provide training on basic environmental stewardship and natural resource management principles that would benefit border patrol agents in their daily patrol and interdiction activities on environmentally sensitive public lands.

- Work with the DHS to begin section 7 endangered species consultation on the daily operational, patrol and interdiction activities of the border patrol.

- Work with the public lands managers and the Tohono O'odham Nation to develop a plan for removing the massive amounts of trash left behind by undocumented immigrants. The Department should work with DHS to establish a trash removal fund that could be accessed by public land managers and the Tohono O'odham Nation to remove trash in the highest priority environmentally sensitive areas.

- Work to improve radio dispatch and interoperability for Federal law enforcement officers that patrol public lands in the Southwest, including ensuring that there are dispatch services available twenty-four hours a day.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The Office of Insular Affairs (OIA) was established on August 4, 1995, through Secretarial Order No. 3191, which also abolished the former Office of Territorial and International Affairs. The OIA has important responsibilities to help the United States government fulfill its responsibilities to the four U.S. territories of Guam, American Samoa (AS), U.S. Virgin Islands (USVI) and the Commonwealth of the Northern Mariana Islands (CNMI) and also the three freely associated States: the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and the Republic of Palau. The permanent and trust fund payments to the territories and the compact nations provide substantial financial resources to these governments. During fiscal year 2004 new financial arrangements for the Compacts of Free Association with the FSM and the RMI were implemented; this also included mandatory payments for certain activities previously provided in discretionary appropriations as well as Compact impact payments of \$30,000,000 per year split among Guam, CNMI, AS, and Hawaii. During fiscal year 2009 permanent funding of \$359,477,000 will be made available to these governments in addition to the discretionary funding discussed below.

Appropriation enacted, 2009	\$78,665,000
Budget estimate, 2010	81,077,000
Recommended, 2010	83,995,000
Comparison:	
Appropriation, 2009	+5,330,000
Budget estimate, 2010	+2,918,000

The amounts recommended by the Committee for the Office of Insular Affairs appropriations accounts compared with the budget estimates by activity are shown in the following table:

(Amounts in thousands)					
	FY 2009 Enacted	FY 2010 Request	Recommended	Enacted	Recommended versus Request
Insular Affairs					
Assistance to Territories					
Territorial Assistance					
Office of Insular Affairs	8,850	9,280	9,280	+430	---
Technical assistance	11,018	11,000	14,102	+3,084	+3,102
Maintenance assistance fund	2,241	2,241	2,241	---	---
Brown tree snake	2,631	2,631	3,000	+369	+369
Insular management controls	1,453	1,453	---	-1,453	-1,453
Coral reef initiative	1,000	1,000	1,000	---	---
Water and wastewater projects	1,000	1,000	1,900	+900	+900
Guam infrastructure	---	2,000	2,000	+2,000	---
Subtotal, Territorial Assistance	28,193	30,605	33,523	+5,330	+2,918
American Samoa					
Operations grants	22,752	22,752	22,752	---	---
Northern Marianas					
Covenant grants	27,720	27,720	27,720	---	---
Subtotal, discretionary (mandatory)	22,752 (27,720)	22,752 (27,720)	22,752 (27,720)	---	---
Total, Assistance to Territories	78,665	81,077	83,995	+5,330	+2,918

interdiction activities, and the siting of surveillance and radio equipment. However, the public lands along the Southwest border contain some of the most environmentally diverse and sensitive habitats in the United States and must be protected and enhanced for future generations. To further protect the environment and improve the situation on the Southwest border, the Committee encourages the Department to work with the DHS to do the following:

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Total, Assistance to Territories.....	78,665	81,077	83,995	+5,330	+2,918

(Amounts in thousands)				
	FY 2009 Enacted	FY 2010 Request	Recommended	Recommended versus Enacted Request

Compact of Free Association				
Compact of Free Association - Federal services.....	2,818	2,818	2,818	---
Mandatory payments - program grant assistance.....	2,000	2,000	2,000	---
Enewetak support.....	500	500	500	---
	-----	-----	-----	-----
Total, Compact of Free Association.....	5,318	5,318	5,318	---
	-----	-----	-----	-----
Total, Insular Affairs.....	83,983	86,395	89,313	+5,330
	-----	-----	-----	-----
				+2,918

The Committee recommends \$83,995,000 for assistance to territories, \$5,330,000 above the fiscal year 2009 enacted level and \$2,918,000 above the budget request.

Territorial Assistance.—The Committee recommends \$33,523,000 for territorial assistance, \$5,330,000 above the fiscal year 2009 enacted level and \$2,918,000 above the budget request. The Committee recommendation has discontinued specific funding for the Insular management controls subactivity but has transferred the funding to the technical assistance subactivity. The Office of Insular Affairs is encouraged to continue the management controls effort using technical assistance funding as appropriate. The recommendation fully funds the requested increase of \$2,000,000 to begin to respond to the tremendous need for infrastructure in Guam as the military build-up proceeds. The recommendation includes a \$900,000 increase for critically needed wastewater system repairs and improvements in the U.S. Virgin Islands as mandated by consent decree. The Committee has also added \$2,018,000 to the technical assistance subactivity for high priority projects and \$369,000 for the brown tree snake control and research effort, which is vital to protect islands throughout the Pacific.

The Committee supports the Administration proposal to reestablish the position of Assistant Secretary for Insular Affairs; however the funding of this office should not come out of the limited resources of the Office of Insular Affairs. The new officer should be funded in a manner similar to the other Interior Department assistant secretaries.

American Samoa.—The Committee recommends \$22,752,000 for American Samoa operations as requested, the same as the fiscal year 2009 enacted level.

Northern Mariana Islands/Covenant Grants.—The Committee recommends \$27,720,000 for CNMI covenant grants as requested, the same as the budget request.

COMPACT OF FREE ASSOCIATION

Appropriation enacted, 2009	\$5,318,000
Budget estimate, 2010	5,318,000
Recommended, 2010	5,318,000
Comparison:	
Appropriation, 2009	0
Budget estimate, 2010	0

The Committee recommends \$5,318,000 for the Compact of Free Association as requested, the same as the fiscal year 2009 enacted level.

ADMINISTRATIVE PROVISION, INSULAR AFFAIRS

The Committee recommendation includes bill language under this heading which is similar to language requested under both the Assistance to Territories and the Compact of Free Association accounts. This language will allow the Interior Department to transfer certain funds designated for Guam to the U.S. Department of Agriculture, when requested by the Governor of Guam, as a subsidy for direct or guaranteed rural development loans to Guam for construction and repair projects. During the next ten years, the military will be moving major facilities and personnel to Guam, which will result in tremendous impacts on the island's infrastruc-

ture. This language, which does not supplant any existing USDA authority, will help the government of Guam respond to this unprecedented change.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

Appropriation enacted, 2009	\$62,050,000
Budget estimate, 2010	65,076,000
Recommended, 2010	65,076,000
Comparison:	
Appropriation, 2009	+3,026,000
Budget estimate, 2010	0

The Committee recommends \$65,076,000 for salaries and expenses of the Office of the Solicitor, as requested, \$3,026,000 above the fiscal year 2009 enacted level.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriation enacted, 2009*	\$45,953,000
Budget estimate, 2010	48,590,000
Recommended, 2010	48,590,000
Comparison:	
Appropriation, 2009	+2,637,000
Budget estimate, 2010	0

*Total does not include funding provided in the American Recovery and Reinvestment Act of 2009.

The Committee recommends \$48,590,000 for salaries and expenses of the Office of Inspector General, as requested, \$2,637,000 above the fiscal year 2009 enacted level.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The Office of Special Trustee for American Indians was established by the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103-412). The Special Trustee is charged with general oversight of Indian trust asset reform efforts Department-wide to ensure proper and efficient discharge of the Secretary's trust responsibilities to Indian Tribes and individual Indians. The Office of the Special Trustee was created to ensure that the Department of the Interior establishes appropriate policies and procedures, develops necessary systems, and takes affirmative actions to reform the management of Indian trust funds. In carrying out the management and oversight of the Indian trust funds, the Secretary has a responsibility to ensure that trust accounts are properly maintained, invested and reported in accordance with the American Indian Trust Fund Management Reform Act of 1994, Congressional action, and other applicable laws.

The Special Trustee for American Indians also has responsibility for the related financial trust functions including deposit, investment, and disbursement of trust funds. The Department has responsibility for what may be the largest land trust in the world. Indian trust lands today encompass approximately 56 million acres of land—over 10 million acres belonging to individual Indians and nearly 46 million acres owned by Indian Tribes. On these lands, the Interior Department manages over 100,000 leases for indi-

U.S. Geological Survey	Surveys, Investigations & Research	Silvio O. Conte Anadromous Fish Research Lab, Turners Falls, MA	Conte Anadromous Fish Research Lab	\$220,000	Olver
U.S. Geological Survey	Surveys, Investigations & Research	USGS Washington Water Science Center, Tacoma, WA	Hood Canal Dissolved Oxygen Study	\$200,000	Dicks
Insular Affairs	Assistance to Territories	Government of the VI, St. Croix, VI	Critical Wastewater System Repairs and Improvements	\$900,000	Christensen
Environmental Protection Agency	Science & Technology	Water Research Foundation, Denver, CO	Water Research Foundation	\$1,700,000	Kissell; Rehberg; Moran (VA)
Environmental Protection Agency	Science & Technology	The Consortium for Plant Biotechnology Research, Inc., St. Simons Island, GA	Consortium for Plant Biotechnology Research	\$1,000,000	Towns; Rogers (MI); Rehberg; Stupak; Conyers; Price (NC); Abercrombie; Lewis (GA); Rogers (KY)
Environmental Protection Agency	Science & Technology	University of Texas at El Paso, El Paso, TX	Southwest Consortium for Environmental Research and Policy (SCERP)	\$1,000,000	Reyes; Pastor (AZ)
Environmental Protection Agency	Science & Technology	Water Environment Research Foundation, Alexandria, VA	Water Environment Research Foundation	\$2,000,000	Price (NC); Moran (VA)
Environmental Protection Agency	Environmental Programs and Management	Rural Community Assistance Partnership (RCAP), Washington, DC	Rural Community Assistance Partnership	\$2,500,000	Olver; Rogers (KY)
Environmental Protection Agency	Environmental Programs and Management	Water Systems Council, Washington, DC	Water Systems Council Wellcare Program	\$700,000	Langevin; Latham; Arcuri; Boswell
Environmental Protection Agency	Environmental Programs and Management	National Rural Water Association, Duncan, OK	Rural Water Technical Assistance, National Rural Water Association	\$13,000,000	Etheridge; Jones; Kennedy
Environmental Protection Agency	Environmental Programs and Management	Water Environment Federation, Alexandria, VA	National Biosolids Partnership	\$750,000	Moran (VA)
Environmental Protection Agency	Environmental Programs and Management	University of Washington, Seattle, WA	Puget Sound Ecosystem Research Initiative	\$4,000,000	Smith (WA); McDermott; Dicks; Baird
Environmental Protection Agency	STAG—Other	Brownsville, El Paso, TX	El Paso/Brownsville water and wastewater infrastructure	\$2,500,000	Reyes; Ortiz