

Union Calendar No. 97

111TH CONGRESS
1ST SESSION

H. R. 2996

[Report No. 111-180]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2009

Mr. DICKS, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior, environment, and related

1 TITLE II—ENVIRONMENTAL PROTECTION

2 AGENCY

3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980, as amended; necessary expenses for personnel and
9 related costs and travel expenses; procurement of labora-
10 tory equipment and supplies; and other operating expenses
11 in support of research and development, \$849,649,000, to
12 remain available until September 30, 2011.

EPA Citation -
Science and
Technology Citation
in the House Full
Committee Bill

13 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

14 For environmental programs and management, in-
15 cluding necessary expenses, not otherwise provided for, for
16 personnel and related costs and travel expenses; hire of
17 passenger motor vehicles; hire, maintenance, and oper-
18 ation of aircraft; purchase of reprints; library member-
19 ships in societies or associations which issue publications
20 to members only or at a price to members lower than to
21 subscribers who are not members; administrative costs of
22 the brownfields program under the Small Business Liabil-
23 ity Relief and Brownfields Revitalization Act of 2002; and
24 not to exceed \$9,000 for official reception and representa-
25 tion expenses, \$3,022,054,000, to remain available until

111TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } 111-180

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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DISCRETIONARY BUDGET AUTHORITY RECOMMENDED IN BILL BY TITLE

Activity	Budget estimates, fiscal year 2010	Committee bill, fiscal year 2010	Committee bill com- pared with budget estimates
Title I, Department of the Interior: New Budget (obligational) authority	\$10,980,248,000	\$10,998,217,000	\$17,969,000
Title II, Environmental Protection Agency: New Budget (obligational) authority	\$10,486,000,000	\$10,462,962,000	–\$23,038,000
Title III, related agencies: New Budget (obligational) authority	\$10,855,945,000	\$11,104,821,000	+\$248,876,000
Grand total, New Budget (obligational) authority	\$32,325,193,000	\$32,300,000	–\$25,193,000

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sections 101 and 102 provide for emergency transfer authority with the approval of the Secretary, as requested.

Section 103 provides for the use of appropriations for certain services.

Section 104 permits the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians.

Section 105 continues a provision permitting the redistribution of Tribal priority allocation and Tribal base funds to alleviate funding inequities.

Section 106 continues a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System.

Section 107 continues a provision allowing the Secretary to pay private attorney fees for employees and former employees in connection with *Cobell v. Salazar*.

Section 108 continues a provision dealing with the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks.

Section 109 continues a provision authorizing the Secretary of the Interior to acquire lands in support of transportation of visitors to Ellis, Governors, and Liberty Islands, NJ and NY.

Section 110 extends through 2013 a provision in the previous Interior and Environment Appropriations Act that allows the Minerals Management Service to accept contributions to complete environmental documents prior to energy exploration and production.

Section 111 continues a provision permitting the Secretary to enter into cooperative agreements with certain parties. This language allows cooperative agreements with governments and non-profit partners to be awarded non-competitively.

Section 112 continues a provision allowing certain funds provided for land acquisition at the Ice Age National Scenic Trail to be granted to a State, a local government, or any other land management entity.

Section 113 provides the Department of the Interior with civil and criminal penalty authority for revenue collection of solid minerals, geothermal, and offshore alternative energy activities. This authority would correct existing deficiencies in sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (FOGRMA).

Section 114 provides the Department of the Interior with authority, as requested, allowing the Minerals Management Service to charge outer continental shelf oil and gas operators a fee for the required MMS inspections.

Section 115 provides the Department of the Interior with authority to fund land acquisition at the San Juan Islands National Historic Park.

Section 116 provides for an expansion of the Minidoka National Historic Site, ID.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

The Environmental Protection Agency (EPA) was created by Reorganization Plan No. 3 of 1970, which consolidated nine programs

from five different agencies and departments. Major EPA programs include air and water quality, drinking water, hazardous waste, research, pesticides, radiation, toxic substances, enforcement and compliance assurance, pollution prevention, oil spills, Superfund, Brownfields, and the Leaking Underground Storage Tank program. In addition, EPA provides Federal assistance for wastewater treatment, sewer overflow control, drinking water facilities, other water infrastructure projects, and diesel emission reduction projects. The Agency is responsible for conducting research and development, establishing environmental standards through the use of risk assessment and cost-benefit, monitoring pollution conditions, seeking compliance through enforcement actions, managing audits and investigations, and providing technical assistance and grant support to States and Tribes, which are delegated authority for much of the program implementation. Under existing statutory authority, the Agency contributes to specific homeland security efforts and may participate in international environmental activities.

Among the statutes for which the Environmental Protection Agency has sole or significant oversight responsibilities are:

National Environmental Policy Act of 1969, as amended.

Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Toxic Substances Control Act, as amended.

Federal Water Pollution Control Act, as amended.

Federal Food, Drug and Cosmetic Act, as amended.

Marine Protection, Research, and Sanctuaries Act of 1972, as amended.

Oil Pollution Act of 1990.

Public Health Service Act (Title XIV), as amended.

Solid Waste Disposal Act, as amended.

Clean Air Act, as amended.

Safe Drinking Water Act, as amended.

Great Lakes Legacy Act of 2002.

Bioterrorism Act of 2002.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended.

Small Business Liability Relief and Brownfields Revitalization Act of 2002 (amending CERCLA).

Emergency Planning and Community Right-to-Know Act of 1986.

Pollution Prevention Act of 1990.

Resource Conservation and Recovery Act, as amended.

Pollution Prosecution Act of 1990.

Pesticide Registration Improvement Act of 2003.

Energy Policy Act of 2005.

Energy Independence and Security Act of 2007.

For fiscal year 2010, the Committee recommends \$10,569,962,000 for the Environmental Protection Agency, \$2,934,288,000 above the fiscal year 2009 enacted level and \$83,962,000 above the budget request. The Committee is pleased to see that the request sustains many of the important increases it added to the Agency's budget in fiscal years 2008 and 2009. The amounts recommended by the Committee are changes to the request. Comparison to the budget request and 2009 enacted levels are shown by account, program area and selected activity in the following table.

Reprogrammings.—The Agency is held to the bill-wide reprogramming limitation of \$1,000,000. This limitation will be applied to each program area in every account at the levels provided in the detailed table above. This will allow the Agency the flexibility to reprogram funds within a set program area. However, where the Committee has cited funding levels for certain program-projects or activities within a program area, the reprogramming limitation continues to apply to those funding levels. The other guidelines laid out in the “Reprogramming Guidelines” section of the Committee’s Report continue to be in effect.

Congressional Budget Justification.—The Committee directs the Agency to include in future Justifications the following items: (1) a comprehensive index of programs and activities within the program-projects; (2) the requested bill language, with changes highlighted, at the beginning of each account section; and, (3) a justification for every program/project, including those proposed for elimination.

Workforce Planning.—The Committee notes that EPA has not systematically sought to align changes in workload with its staff allocations. The Government Accountability Office reported to the Committee that “. . . in preparing requests for funding and staffing, EPA makes incremental adjustments, largely based on an antiquated workforce planning system that does not reflect a bottom-up review of the nature or distribution of the current workload.” Given the work facing the Agency over the next few years, the Committee believes it is imperative that the Agency improve its funding and staffing models. The Committee directs the Agency to identify the factors that derive the national and regional workload and develop more realistic allocation systems for deploying staff with the requisite skills and capabilities to areas of the country where they are most needed to address the highest-priority needs. The Agency is also directed to provide quarterly updates on its progress in meeting this directive.

SCIENCE AND TECHNOLOGY

The Science and Technology (S&T) account funds all Environmental Protection Agency research (including Superfund research activities paid with funds moved into this account from the Hazardous Substance Superfund account). This account includes programs carried out through grants, contracts, and cooperative agreements with other Federal agencies, States, universities, and private business, as well as in-house research. It also funds personnel compensation and benefits, travel, supplies and operating expenses, including rent, utilities and security, for all Agency research. Research addresses a wide range of environmental and health concerns across all environmental media and encompasses both long-term basic and near-term applied research to provide the scientific knowledge and technologies necessary for preventing, regulating, and abating pollution, and to anticipate emerging environmental issues.

Appropriation enacted, 2009	\$790,051,000
Budget estimate, 2010	842,349,000
Recommended, 2010	849,649,000
Comparison:	
Appropriation, 2009	+59,598,000
Budget estimate, 2010	+7,300,000

The Committee recommends \$849,649,000 for science and technology, \$59,598,000 above the fiscal 2009 enacted level and \$7,300,000 above the budget request. The Committee recommends that \$26,834,000, as requested by the President, be paid to this account from the Hazardous Substance Superfund account for ongoing research activities consistent with the intent of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended. The changes to the request, as recommended by the Committee, appear in the table at the beginning of this title. The Committee provides the following additional detail by program area.

Air Toxics and Quality.—The Committee recommends \$122,256,000 as requested, \$17,124,000 above the fiscal year 2009 enacted level. Within this amount, the Committee has provided the requested levels for the CASTNET program (\$3,951,000) and the TIME-LTM program (\$720,000), which has moved from the Research: Human Health and Ecosystems program into this program. The Committee supports the Agency's work on the renewable fuels standard, and has provided the request of \$21,327,000. The Committee directs that at least \$10,300,000 be available for lab capacity and upgrades and \$5,000,000 for implementation and compliance of the rule.

Climate Protection Program.—The Committee recommends \$20,575,000 for the Clean Automotive Technology and Fuel Cell and Hydrogen programs, \$3,747,000 above the 2009 enacted level and \$1,600,000 above the request. The Committee continues to support this important program and looks forward to the hydraulic hybrid technology achieving initial commercialization in 2010.

Homeland Security.—The Committee recommends \$66,332,000 for Homeland Security, \$2,614,000 above the fiscal year 2009 enacted level and \$5,000,000 below the request. Within this amount, the Committee provides \$18,726,000 for the Water Security Initiative, which is a 25 percent increase above the fiscal year 2009 enacted level.

Research: Clean Air.—The Committee recommends \$104,073,000 as requested, \$5,646,000 above the fiscal year 2009 enacted level. This includes the requested level of \$20,909,000 for Global Change Research. The Committee supports the Agency's efforts to expand its projections on the effects of climate change on air and water quality and how it will affect attainment of air and water quality standards nation-wide. The Committee expects the Agency to use a portion of these funds to evaluate alternative strategies for reducing greenhouse gas emissions.

Research: Clean Water.—The Committee recommends \$110,363,000 as requested, \$4,199,000 above the fiscal year 2009 enacted level. The Committee directs the Agency to use the majority of the increase above the prior year to expand research on green (water) infrastructure, including assessment and development of scientifically rigorous tools and models for use by EPA and State water programs. Because 20 percent of the State Revolving Funds

provided in the American Recovery and Reinvestment Act (ARRA) and in this bill are targeted to green infrastructure, it is important that the Agency develop technical information to help quantify the environmental benefits of various types of green infrastructure and their contribution towards compliance with environmental standards.

Research: Priorities.—The Committee recommends \$5,700,000 to support a select number of programs, which provide significant national or regional benefits, and provides funding for the following grants:

Water Environment Research Foundation, \$2,000,000;
 Water Research Foundation, \$1,700,000;
 Southwest Consortium for Environmental Research,
 \$1,000,000; and,
 Consortium for Plant Biotechnology Research, \$1,000,000.

Research: Human Health and Ecosystems.—The Committee recommends \$250,381,000, which is \$20,978,000 above the fiscal year 2009 enacted level and \$5,000,000 above the budget request. Within the total provided, the Committee directs that at least \$11,422,000 be for Endocrine Disruptor Research. The Committee also has included an additional \$2,000,000 to fund four new centers of excellence for children’s environmental health. These funds will allow the Agency to fully fund its request for proposals at approximately \$500,000 a year, rather than the lower amount planned. Because many children spend more than 40 hours a week in child care, the Committee urges that one of the four centers focus on child care settings. The Committee directs the Agency to use the remaining \$3,000,000 increase to accelerate research on the effects on children from environmental chemicals and toxins.

The Committee heard testimony this year concerning the need to more fully consider impacts to children when developing environmental policy and setting public health standards. Every day, children are exposed to a mix of chemicals, most of which have not been tested specifically for effects on children’s still developing systems. Because children are more vulnerable than adults to toxic chemicals, the Committee believes it is important to address this issue and commends the Agency for its initiative to monitor air toxics around schools. The Committee directs the Agency to continue its efforts to protect children from environmental hazards, such as expanding its knowledge of children’s exposure in child care and school settings and the impact of these exposures on children’s health and development.

The Committee notes that it also has provided the requested level for the Human Health Risk Assessments program, which includes a \$5,783,000 and 10 FTE increase above the fiscal year 2009 enacted level for the Integrated Risk Information System (IRIS) Health Assessments. The Committee directs the Agency to use a portion of these funds to expedite its risk assessment for trichloroethylene (TCE). The Committee expects that the increase, coupled with the revised IRIS process announced by the Administrator on May 21, 2009, will allow the Agency to expedite these long delayed reviews. The Committee supports the new process which it believes will increase transparency and reduce delays in finalizing assessments.

EPA Citation -
 Science & Technology
 Citation in the House
 Full Committee Report

House Full Committee Report Table

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

EPA Citation - Science & Technology Citation in the House Full Committee Report

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 in support of research and development, \$849,649,000, to
2 remain available until September 30, 2011.

3 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

4 For environmental programs and management, in-
5 cluding necessary expenses, not otherwise provided for, for
6 personnel and related costs and travel expenses; hire of
7 passenger motor vehicles; hire, maintenance, and oper-
8 ation of aircraft; purchase of reprints; library member-
9 ships in societies or associations which issue publications
10 to members only or at a price to members lower than to
11 subscribers who are not members; administrative costs of
12 the brownfields program under the Small Business Liabil-
13 ity Relief and Brownfields Revitalization Act of 2002; and
14 not to exceed \$9,000 for official reception and representa-
15 tion expenses, \$3,022,054,000, to remain available until
16 September 30, 2011: *Provided*, That of the funds included
17 under this heading, not less than \$628,941,000 shall be
18 for the Geographic Programs specified in the explanatory
19 statement accompanying this Act.

20 OFFICE OF INSPECTOR GENERAL

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