



U . S . SENATE REPUBLICAN POLICY COMMITTEE

Legislative Notice

No. 23

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**H.R. 2996 – Department of the Interior, Environment,
and Related Agencies Appropriations Bill, 2010**

Calendar No. 98

On June 25, the Appropriations Committee reported H.R. 2996 with an amendment in the nature of a substitute by a vote of 30-0; S. Report 111-38.

Noteworthy

- This Notice pertains to the Appropriations Committee-reported substitute amendment to H.R. 2996.
- At press time, it was anticipated that the Senate would begin consideration of the Senate version of H.R. 2996, the Interior appropriations bill, following disposition of H.R. 3288, the Transportation-Housing and Urban Development appropriations bill.
- H.R. 2996 provides \$32.1 billion in discretionary funding for fiscal year (FY) 2010, which is \$203 million less than the House-passed bill, \$225 million less than the President's request, and an increase of 15 percent (\$4.27 billion) over the FY 2009 non-emergency discretionary total. \$11.2 billion in emergency appropriations were provided for Interior, Environment, and related agencies in FY 2009.
- The Department of the Interior receives an increase of nine percent (\$915 million) over the FY09 level. The Environmental Protection Agency (EPA) receives a 33 percent increase (\$2.52 billion) over FY09.
- Oil and gas leasing and other mineral leasing recreation and user fees, timber, and range programs are estimated to generate income to the government of \$14.7 billion in FY10.
- This bill includes a funding restriction on EPA regulation of livestock emissions under the Clean Air Act and exempts manure management systems that emit less than 25,000 tons of carbon dioxide equivalents per year from reporting their greenhouse gas emissions.
- On June 26, the House passed H.R. 2996, its version of the Interior appropriations bill, by a vote of 254-173.

Highlights

(in billions of dollars, includes mandatory spending and rescissions)

Title	FY09 Regular Appropriations	FY09 Emergency Appropriations	President's Request	House	Senate Committee
Title I – Interior					
Department	10.136	2.055	11.040	11.060	11.051
Title II – EPA	7.636	7.220	10.486	10.461	10.157
Title III –Related					
Agencies	9.810	1.925	10.856	11.104	10.928
Total	27.590	11.2	32.382	32.353	32.155

Background

The FY 2010 Interior, Environment, and Related Agencies appropriations bill includes funding for the Department of the Interior (DOI), except for the Bureau of Reclamation, and for four agencies within other departments—the Forest Service within the Department of Agriculture; and the Indian Health Service, the National Institute of Environmental Health Services, and the Agency for Toxic Substances and Disease Registry, all within the Department of Health and Human Services. It also includes funding for arts and cultural agencies; the Environmental Protection Agency; and numerous other entities and agencies. DOI and the Forest Service also generate revenue for the government through oil and gas leasing and other mineral leasing, as well as recreation and user fees. For FY 2010 this revenue is estimated to be \$14.714 billion.

Bill Provisions

Title I – Department of the Interior

Title I provides \$11.05 billion for the Department of the Interior, which is \$11.9 million more than the Administration's request, but nearly \$917.8 million above the FY09 enacted non-emergency level. An additional \$2.06 billion in emergency appropriations were provided in 2009. Significant spending accounts include:

Bureau of Land Management (BLM): Provides \$1.14 billion for the BLM, which is \$3.97 million less than the Administration's request, and \$106 million above the FY09 non-emergency enacted level. An additional \$305 million in emergency appropriations were provided in 2009. Included within this amount is \$965.7 million for **Management of Land and Resources** and \$82.8 million for **land acquisition**.

U.S. Fish and Wildlife Service (FWS): Provides \$1.6 billion for the FWS, which is \$29.4 million below the Administration's request and \$162.6 million above the FY09 non-emergency enacted level. Included within this amount is: \$1.24 billion for **Resource Management**; \$85 million for the **Cooperative Endangered Species Conservation Fund**; \$488.6 million for the **National Wildlife Refuge system**; \$39.7 million for **construction**; \$82.8 million for **land acquisition**; \$5.0 million for **Neotropical Migratory Bird Conservation**; \$11.5 million for the **Multinational Species Conservation Fund**; and \$80 million for **State and Tribal Wildlife grants**.

National Park Service (NPS): Provides \$2.71 billion for NPS programs, which is \$14.9 million above the Administration's request, and \$185.96 million above the FY09 non-emergency enacted level. Included within this amount is: \$2.26 billion for **NPS operations** (\$129.8 million increase); \$67.4 million for **national recreation and preservation** (\$7.8 million increase) including \$17.7 million for **Heritage Partnership Programs**; \$74.5 million for the **Historic Preservation Fund**; and \$219.7 million for **construction**.

U.S. Geological Survey (USGS): Provides \$1.1 billion for the USGS, which is \$6.4 million above the Administration's request and \$60.5 million above the FY09 non-emergency enacted level. An additional \$140 million in emergency appropriations were provided in FY09.

Minerals Management Service (MMS): Provides \$136.5 million for the MMS, which is \$44.1 million below the Administration's request and \$19.8 million above the FY09 enacted level. Included within these funds is \$175.2 million for **Royalty and Offshore Minerals Management** (\$17.8 million increase from FY09) and \$6.3 million for **Oil Spill Research**.

Office of Surface Mining Reclamation and Enforcement: Provides \$166.9 million for the Office of Surface Mining Reclamation and Enforcement, which is \$7.5 million above the Administration's request and \$2.1 million above the FY09 enacted level.

Bureau of Indian Affairs: Provides \$2.6 billion for the Bureau of Indian Affairs, which is \$55.5 million above the Administration's request and \$216.8 million above the FY09 non-emergency enacted level. Included within these funds is: nearly \$2.3 billion for the **Operation of Indian Programs**; \$225 million for **construction**; \$47.3 million for **Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians**; and \$8.2 million for the **Indian guaranteed loan program**.

Assistance to Territories: Provides \$81 million for assistance to territories, which is \$18,000 above the Administration's request and \$2.4 million above the FY09 non-emergency enacted level.

General Provisions: Title I includes a number of general provisions. Most of these are continued from previous years' appropriations bills, however, several are new. Section 113 creates a schedule for inspection fees for drilling operations in the Outer Continental Shelf. Section 115 prevents the designation of a privately owned property as a Heritage Area until the owner of the property has been notified and granted consent. Section 116 allows for the outside management of historical attractions of the Pearl Harbor Naval Complex. Section 117 allows for

grants to the Republic of Palau. Sections 118 through 122 provide for minor measures targeted at a handful of National Parks and Recreation Areas in North Dakota, California, and Hawaii.

Title II – Environmental Protection Agency

Title II provides \$10.2 billion for the Environmental Protection Agency (EPA), which is \$329.3 million below the Administration's request and \$2.52 billion above the FY09 non-emergency enacted level. This is approximately a 33 percent increase in funding. About \$7.22 billion in emergency appropriations were provided in 2009; \$6.4 billion were funds for State and Tribal Assistance Grants. For FY10, State and Tribal Assistance Grants receive a 40 percent increase over the FY09 non-emergency enacted level.

Science and Technology: Provides \$842.8 million for Science and Technology, which is \$450,000 above the Administration's request and \$52.7 million above the FY09 non-emergency enacted level. Included within these funds is \$18.9 million for the **climate protection program** and \$66.3 million for **Homeland Security**.

Environmental Programs and Management: Provides \$2.88 billion for Environmental Programs and Management, which is \$61.8 million below the Administration's request and \$486.7 million above the FY09 enacted level. Included within these funds is: \$23.9 million for **Brownfields**; \$111.6 million for **climate protection**; \$223.9 million for **Enforcement**; \$122.1 million for the **Resource Conservation and Recovery Act (RCRA)**; \$12.4 million for **(Leaking) Underground Storage Tanks (LUST/UST)**; and \$223.8 million for **Water Quality Protection**.

Office of the Inspector General: Provides \$44.8 million for the Office of the Inspector General, which is equal to the Administration's request and the FY09 non-emergency enacted level.

Buildings and Facilities: Provides \$35 million for Buildings and Facilities, which is \$2 million less than the Administration's request and equal to the FY09 enacted level.

Hazardous Substance Superfund: Provides \$1.3 billion for the Hazardous Substance Fund, which is equal to the Administration's request, but \$23.5 million above the FY09 non-emergency enacted level. Included within these funds is: \$196 million for **Enforcement**; \$56.6 million for **Homeland Security**; and \$856.4 million for **Superfund Cleanup**, which is \$9.1 million above the FY09 enacted level.

Leaking Underground Storage Tank Trust Fund: Provides \$114.2 million for the Leaking Underground Storage Tank Program, which is equal to the Administration's request and \$1.6 million above the FY09 non-emergency enacted level.

Oil Spill Response: Provides \$18.4 million for Oil Spill Response, which is equal to the Administration's request, but slightly above the FY09 non-emergency enacted level.

State and Tribal Assistance Grants (STAG): Provides \$4.94 billion for State and Tribal Assistance Grants, which is \$237 million less than the Administration’s request, but nearly \$1.98 billion (a 40 percent increase) above the FY09 non-emergency enacted level. Included in this funding is \$2.1 billion for the **Clean Water State Revolving Fund**, which is \$300 million below the Administration’s request but \$1.4 billion above the FY09 non-emergency enacted level.

Title III – Related Agencies

Title III provides \$10.9 billion for related agencies, which is \$71.999 million more than the Administration’s request and over \$1.1 billion more than the FY09 non-emergency enacted level. Nearly \$2 billion in emergency appropriations were provided in FY09.

Forest Service (U.S. Department of Agriculture): Provides \$5.3 billion for the Forest Service, which is over \$71 million more than the Administration’s request and nearly \$551.9 million more than the FY09 non-emergency enacted level. Included within these funds is: nearly \$2.6 billion for **Wildland Fire Management**, which is \$66.5 million more than the Administration’s request¹ and a 21 percent or \$455 million increase over FY09; \$307 million for **forest and rangeland research**, which is \$10.6 million above the FY09 non-emergency enacted level; nearly \$277 million for **state and private forestry**, which is \$29 million less than the Administration’s request and \$11 million more than the FY09 enacted level; \$1.6 billion for the **National Forest System**, which is nearly \$50 million more than the Administration’s request and \$46.5 million more than the FY09 enacted level; \$495.4 million for **Capital Improvement and Maintenance**; and \$67.8 million for **Land Acquisition**, which is \$39 million above the Administration’s request and \$18 million more than the FY09 enacted level, a 36 percent increase.

Department of Health and Human Services: Provides \$4.19 billion for the Department of Health and Human Services, which is equal to the Administration’s request and \$457.4 million more than the FY09 enacted level. Included within these funds is: \$4 billion for **Indian Health Services**, which is equal to the Administration’s request but an 11 percent increase (nearly \$454 million) over the FY09 enacted level; and \$79.2 million for the **National Institute of Environmental Health Services**, which is equal to the Administration’s request and \$1.1 million above the FY09 enacted level.

Chemical Safety and Hazard Investigation Board: Provides \$11.2 million for the Chemical Safety and Hazard Investigation Board, which is \$648,000 more than the Administration’s request and \$996,000 above the FY09 enacted level.

Office of Navajo and Hopi Indian Relocation: Provides \$8 million for the Office of Navajo and Hopi Indian Relocation, which is equal to the Administration’s request and \$470,000 more than the FY09 enacted level.

¹ Of this increase, \$281.0 million is explained by keeping the hazardous fuels reduction program in the fire account instead of moving it to the National Forest System appropriation as proposed by the Administration.

Smithsonian Institution: Provides \$759.4 million for the Smithsonian Institution, which is \$234,000 above the Administration's request and \$57.7 million above the FY09 non-emergency enacted level.

National Gallery of Art: Provides \$165.2 million for the National Gallery of Art, which is equal to the Administration's request and \$42.4 million above the FY09 enacted level.

John F. Kennedy Center for the Performing Arts: Provides \$39.9 million for the John F. Kennedy Center for the Performing Arts, which is equal to the Administration's request and \$3.6 million more than the FY09 non-emergency enacted level.

Woodrow Wilson International Center for Scholars: Provides \$10.2 million for the Woodrow Wilson International Center for Scholars, which is equal to the Administration's request and \$225,000 more than the FY09 enacted level.

National Foundation on the Arts and Humanities: Provides \$322.6 million for the National Foundation on the Arts and Humanities, which is equal to the Administration's request and \$12.6 million above the FY09 enacted level. Included within these funds is an equal \$161.3 million for both the **National Endowment for the Arts** and the **National Endowment for the Humanities**.

United States Holocaust Memorial Museum: Provides \$49 million for the United States Holocaust Memorial Museum, which is \$571,000 more than the Administration's request and \$1.8 million more than the FY09 enacted level.

Title IV – General Provisions

Title IV is composed of General Provisions, which are largely the same as general provisions included in previous years' Interior appropriations bills. New provisions include: \$8 million provided for transfer to the Department of the Navy for clean-up activities at the Treasury Island Naval Station Hunters Point Annex (Section 414); a prohibition on disbursement of Indian Health Service funds for Alaska Native villages served by an Alaska Native regional health entity (Section 416); a prohibition on timber sales in Region 10 under certain circumstances (Section 417); an extension of the Colorado Cooperative Conservation Authority (Section 418); modification to the rules governing the National Council on the Arts membership (Section 419); and a funding prohibition on regulations requiring permits for biological emissions associated with livestock production or rules that require reporting of greenhouse gas emissions for small manure management systems (Section 420 and 421).

Administration Position

A statement of Administration Policy (SAP) concerning H.R. 2996 as reported by the Senate Appropriations Committee was not available at press time.

On June 25, the Administration released a SAP on the House-reported bill, H.R. 2996. The SAP indicates strong support for the House version and thanks the House for fully funding many Administration priorities. The SAP urges the House not to cancel \$142 million in unobligated balances from the State and Tribal Assistance Grants account, and requests that funds for the Protecting National Forests Initiative not be merged with the Legacy Road and Trail Remediation program. The SAP also requests the House not add \$2.5 million to train arts managers throughout the U.S. as the program is currently funded through private donations.

President's Program Terminations and Reductions

(in millions of dollars)²

Program	Type	2009 Enacted	2010 Request	Committee Recommendation
Economic Action Program	Termination	5	0	5
California Diesel Emissions Reduction Grants	Termination	15	0	10
Homeland Security Grants	Termination	5	0	0
Local Government Climate Change Grants	Termination	10	0	0
Water Infrastructure Earmarks	Termination	145	0	150
Targeted Funding for Alaska Native Villages Infrastructure	Reduction	19	10	15
Abandoned Mine Lands Discretionary Grants	Reduction	20	7	6

Cost

H.R. 2996 would result in the following outlays:

FY 2010	\$20.151 billion
FY 2011	\$6.983 billion
FY 2012	\$2.884 billion

² From the Terminations, Reductions, and Savings volume of the FY2010 Budget of the U.S. Government, Office of Management and Budget and the Senate Budget Committee Minority Staff.

FY 2013	\$1.092 billion
FY 2014 (and future years)	\$0.745 billion

Possible Amendments

No amendments were known at press time. However, amendments are possible in relation to earmarks and federal spending, similar to previous appropriations bills this year.