



REP. TOM PRICE, M.D. (R-GA), CHAIRMAN  
 PAUL TELLER, EXECUTIVE DIRECTOR  
 424 CANNON HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515

rsc.price.house.gov

ph (202) 226-9717 / fax (202) 226-1633

Legislative Bulletin.....October 29, 2009

## H.R. 2996 — FY 2010 Interior, Environment, and Related Agencies Appropriations Act, Conference Report

### BY THE NUMBERS:

*In Millions of Dollars*

	FY09	FY10 Request	FY10 Conf	Conf v. Request	Conf v. FY09
Appropriations	27,579	32,325	32,240	-85	4,661
<i>Emergency Approps</i>	<i>10,950</i>	----	----	----	<i>-10,950</i>
<b>TOTAL</b>	<b>38,529</b>	<b>32,325</b>	<b>32,240</b>	<b>-85</b>	<b>-6,289</b>

**Excluding Emergency Appropriations, the Committee Bill is:**

- \$85 million or 0.3% less than the request
- **\$4.7 billion or 16.9% more than last year**
- **\$5.7 billion or 21.4% more than FY 2008**

**Spending Discussion:** The bill provides \$4.7 billion (16.9%) more than FY 2009 for programs under the Interior-Environment Appropriations Subcommittee. The funding for programs under this bill comes on top of \$10.95 billion of emergency-designated spending in FY 2009. Compared to FY 2008, the bill is a \$5.7 billion or 21.4% increase. Under the Democrats' FY 2010 spending plan, all twelve bills will receive spending increases, with a total spending level of \$1.09 trillion—an increase of \$77 billion or 7.6% compared to last year.

**Order of Business:** The conference report is scheduled to be considered on the House floor on Thursday, October 29, 2009 under a closed rule ([H.Res. 876](#)) that provides one hour of general debate, and waives all points of order (including clause 8 of Rule 22 requiring a 3 day layover of conference reports and the accompanying joint explanatory statement before House consideration).

## DIVISION A: FY 2010 Interior-Environment

### Funding Summaries:

*In thousands*

	FY 2009 Enacted	FY 2010 Request	FY 2010 Conf	Conf Vs. FY 2009	Conf Vs. Request	Conf Vs. FY 2009	Conf Vs. Request
<b>I. Department of Interior</b>							
<b>Bureau of Land Management.....</b>							
Management of Lands & Resources.....	890,194	975,351	958,571	68,377	-16,780	7.7%	-1.7%
Construction.....	6,590	6,590	8,626	2,036	2,036	30.9%	30.9%
Land Acquisition.....	14,775	25,029	24,650	13,225	-379	9.0%	-1.5%
Oregon & California Grant Lands.....	109,949	111,557	111,557	1,608	----	1.5%	----
<b>U.S. Fish &amp; Wildlife Service.....</b>							
Resource Management.....	1,140,962	1,218,206	1,108,404	99,938	-109,802	8.8%	-9.0%
Construction.....	35,587	29,791	37,438	1,852	7,647	5.2%	25.7%
Land Acquisition.....	42,455	65,000	86,340	43,685	21,340	102.9%	32.8%
Cooperative Endangered Species Fund.....	80,001	100,000	85,000	4,999	-15,000	6.2%	-15.0%
National Wildlife Refuge Fund.....	14,100	14,100	14,500	400	400	2.8%	2.8%
North American Wetlands Conservation Fund.....	42,647	52,647	47,647	5,000	-5,000	11.7%	-9.5%
Neotropical Migratory Birds Conservation Fund.....	4,750	4,750	5,000	250	2,500	5.3%	52.6%
Multinational Species Conservation Fund.....	10,000	10,000	11,500	1,500	1,500	15.0%	15.0%
State and Tribal Wildlife Grants.....	75,000	115,000	90,000	15,000	-25,000	20.0%	-21.7%
<b>National Park Service.....</b>							
Operations.....	2,131,529	2,266,016	2,261,599	130,030	-4,417	0.6%	-0.2%
Park Partnerships Project Grants.....	----	25,000	15,000	15,000	-10,000	----	-40.0%
National Recreation & Preservation.....	59,684	53,908	68,436	8,752	14,528	14.7%	26.9%
Historic Preservation Fund.....	69,500	77,675	79,500	10,516	1,825	15.1%	2.3%
Construction.....	233,158	205,991	232,959	-189	26,968	-0.0%	13.1%
Land Acquisition and State Assistance.....	65,190	98,000	126,266	62,076	28,266	9.5%	28.8%
<b>U.S. Geological Survey.....</b>							
Minerals Management Service.....	116,676	180,620	136,520	19,844	-44,100	17.0%	-24.4%
Office of Surface Mining Reclamation.....	164,702	159,368	162,868	-1,834	3,500	-1.1%	2.2%
<b>Bureau of Indian Affairs.....</b>							
Operations.....	2,128,630	2,278,809	2,335,965	207,335	57,155	9.7%	-2.5%
Construction.....	217,688	200,000	225,000	7,312	25,000	3.3%	12.5%
Indian Land and Water Claim Settlements.....	21,627	47,380	47,380	25,753	----	119.1%	----
Indian Guaranteed Loan Program Account.....	8,186	8,215	8,215	29	----	-0.3%	----
Insular Affairs.....	78,665	81,077	85,195	6,530	4,118	8.3%	5.1%
Departmental Management.....	480,790	504,881	508,999	13,209	4,118	2.7%	0.8%
Wildland Fire Management.....	859,453	899,780	794,897	-64,558	-104,883	-7.5%	-11.7%
<b>II. EPA</b>							
Science and Technology	790,051	842,349	846,049	55,998	3,700	7.1%	0.4%
Environmental Programs and Management.....	2,392,079	2,940,564	2,993,779	601,700	53,215	25.2%	1.8%
Office of Inspector General.....	44,791	44,791	44,791	----	----	----	----
Buildings and Facilities.....	35,001	37,001	37,001	2,000	----	5.7%	----
Hazardous Substance Superfund.....	1,285,024	1,308,541	1,306,541	21,517	-2,000	1.7%	-0.2%
Leaking Underground Storage Tank Program.....	112,577	113,101	113,101	524	----	0.5%	----
Oil Spill Response.....	17,687	18,379	18,379	692	----	3.9%	----
State and Tribal Assistance Grants.....	2,968,464	5,191,274	4,970,223	2,001,759	-221,051	67.4%	-0.4%
<b>III. Related Agencies</b>							
Forest Service (USDA).....							

Forest and Rangeland Research.....	296,380	300,612	312,012	15,632	11,400	5.2%	3.8%
State and Private Forestry.....	265,861	306,111	308,061	42,200	1,950	15.9%	0.6%
National Forest System.....	1,509,805	1,506,564	1,551,339	41,534	44,775	2.8%	3.0%
Capital Improvement and Maintenance.....	482,393	556,962	538,053	55,660	-18,909	11.5%	-3.4%
Land Acquisition.....	49,775	28,684	63,552	13,747	34,868	27.6%	121.6%
Management for Subsistence Uses.....	5,000	2,582	2,582	-2,418	----	-48.4%	----
Wildland Fire Management.....	2,131,630	2,238,147	2,178,737	47,107	-59,410	2.2%	-2.7%
Wildland Fire Suppression Contingency Reserve Fund..	4,745,794	5,226,612	5,297,256	551,462	70,644	11.6%	1.4%
<b>Other Agencies.....</b>							
Indian Health Services.....	3,581,124	4,034,625	4,052,375	471,251	17,750	13.2%	0.4%
Council on Environmental Quality.....	2,703	3,159	3,159	458	----	16.9%	----
Chemical Safety and Hazard Investigation Board.....	10,199	10,547	11,147	948	600	9.3%	5.7%
Navajo & Hopi Relocation.....	7,530	8,000	8,000	470	----	6.2%	----
Inst of Amer Ind & Alas Nat Culture & Arts.....	7,900	8,300	8,300	400	----	5.1%	----
Smithsonian.....	731,400	759,161	761,395	4,995	2,234	0.7%	0.3%
National Gallery of Art.....	122,756	165,245	167,005	44,249	1,760	36.0%	1.1%
Kennedy Center.....	36,364	39,947	40,447	4,083	500	11.2%	1.3%
Woodrow Wilson Center.....	10,000	10,225	12,225	2,225	2,000	22.3%	19.6%
NEA.....	155,000	171,315	167,500	12,500	-3,815	8.1%	-2.2%
NEH.....	155,000	171,315	167,500	12,500	-3,815	8.1%	-2.2%
Commission of Fine Arts.....	2,234	2,294	2,294	60	----	2.7%	----
National Capital Arts & Culture.....	9,500	10,000	9,500	----	-500	----	-5.0%
Advisory Council on Historic Preservation.....	5,498	5,908	5,908	410	----	7.5%	----
National Capital Planning Commission.....	8,328	8,507	8,507	179	----	2.1%	----
Holocaust Memorial.....	47,260	48,551	49,122	1,862	571	3.9%	1.2%
Presidio Trust.....	17,450	17,230	23,200	5,750	5,970	32.9%	34.6%

### **Items of Note:**

**Environmental Protection Agency (EPA):** \$10.3 billion—\$2.9 billion or 37.7% above last year. In addition to the large increase in regular appropriations funding, the EPA also received \$7.2 billion of emergency-designated spending in FY 2009 (in the so-called “stimulus” bill).

**National Endowment for the Arts (NEA):** \$167.5 million—\$12.5 million or 8.1% above last year.

**National Endowment for the Humanities (NEH):** \$167.5 million—\$12.5 million or 8.1% above last year.

**National Park Service:** \$2.7 billion—\$130.0 million or 5.7% above last year.

**Indian Health Service:** \$3.7 billion—\$466.7 million or 14.6% above last year.

**Save America’s Treasures:** \$25.0 million—\$5.0 million or 25.0% above last year. The Save America’s Treasures program was created by an Executive Order from President Clinton in 1998. The program was designed as a public-private effort to protect threatened cultural and historical treasures in America. During its tenure the program has endeavored to protect the Liberty Bell, the flag that inspired the “Star Spangled Banner,” and the writings of James Madison. In spite of its stated intent to protect only legitimate

American historical treasures, the program now funds a wide array of pet projects with no broad historical significance. By 2006, Save America's Treasures was conducting 1,500 distinct projects. The projects ranged from remodeling local theaters, to renovating courthouses, to converting firehouses into art galleries.

### **Other Items of Note:**

**Greenhouse Gas Regulations:** Section 424 of the bill prohibits funds from being used to promulgate or implement any regulation requiring the issuance of permits for carbon dioxide, nitrous oxide, water vapor, or methane emissions *resulting from biological processes associated with livestock production*. Section 425 prohibits funds from being used to implement any rule that requires reporting of "greenhouse gas emissions from manure management systems."

Many conservatives oppose allowing the EPA to issue regulations on greenhouse gases for any purpose (whether related to agriculture or not). Representative Marsha Blackburn (R-TN) has introduced H.R. 391, which would prohibit the EPA from issuing greenhouse regulations under the Clean Air Act.

**ACORN:** Prohibits funds under this act from being distributed to the Association of Community Organizations for Reform Now (ACORN).

**Guantanamo Bay:** Prohibits funds from being used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba into the United States. The conference report also prohibits funds from being used to transfer an individual who is detained at Guantanamo Bay, Cuba into the U.S. for the purposes of detaining or prosecuting such an individual, until 45 days after the President submits in writing "a comprehensive plan regarding the proposed disposition of each individual who is detained..."

**Davis-Bacon:** The legislation extends Davis-Bacon wage requirements to the Clean Water and Drinking Water State Revolving Funds.

**EPA Regulations on Ship Emissions:** The conference report prohibits funds made available for the Environmental Protection Agency (EPA) from being used to issue a final rule that would impact existing steamships that operate exclusively within the Great Lakes (and their tributary waters). A proposed EPA rule would require emissions from new marine compression-litigation engines operating at or above 30 liters per cylinder to be regulated. This rider in the conference report would exempt 13 ships from this rule. Leading House Democrats, including Chairman David Obey, have concerns with the EPA regulations.

## DIVISION B: FY 2010 CONTINUING RESOLUTION

**Extension of FY 2010 Continuing Resolution:** The conference report extends the FY 2010 continuing resolution (otherwise set to expire at the end of this month) through December 18, 2009.

The formula used to determine spending levels under the continuing resolution (that the conference report extends) is based on FY 2009 spending levels, including FY 2009 defense emergency spending.

The CR specifies a higher level than the FY 2009 funding level in some cases as follows:

- **Census, Periodic Census and Programs:** \$7.1 billion—\$3.9 billion or 120.9% above last year.
- **Veterans Medical Programs (in the Military Construction-Veterans bill):** Set at the *lower* of the amount in the President's FY 2010 Budget, the amounts in the FY 2010 House-passed Military Construction-Veterans bill ([H.R. 3082](#)), and the FY 2010 Senate Military Construction Veterans bill (S. 1407), as reported out of the Senate Appropriations Committee. According to the House Appropriations Committee, this provides an annual operating level of \$44.3 billion (\$3.85 billion or 9.5% above last year).

**Extensions of Authorizations:** The CR also extends certain authorizations (for the life of the CR), otherwise set to expire. These include, among other things: Child Nutrition programs, Surface Transportation programs (as opposed to the three-month extension provided by [H.R. 3617](#)), FAA programs (as opposed to the three-month extension provided by [H.R. 3607](#)), the National Flood insurance Program, E-Verify, and the Ryan White Program.

**Small Business Administration Loan Limits:** Provides a rate of operations for the Small Business Administration—Business Loans Program Account, for guaranteed loans, of \$80 million.

**Extension of Values Riders:** The CR extends all of the pro-life riders in effect for FY 2009. But of note, the FY 2009 omnibus weakened the Kemp-Kasten language with regard to the United Nations Population Fund, thus allowing U.S. dollars to go toward organizations that may support coercive abortion or sterilization.

**Possible Conservative Concerns:** Some conservatives may be concerned with various aspects of this legislation, including, but not limited to:

Higher Spending for Interior-Environment Programs. H.R. 2996 provides a total spending level of \$32.2 billion—a **\$4.7 billion** or **16.9%** increase compared to last year. And compared to FY 2008, this legislation represents a **\$5.7 billion** or **21.4%** increase. In addition, the programs funded by this legislation have also received **\$11 billion** of emergency-designated spending during the current fiscal year. Virtually every account in

the bill receives an increase compared to last year—no effort was made to prioritize spending, even with our current fiscal challenges. And the Interior-Environment bill is just one installment of the Majority’s overall spending plan for FY 2010, which provides a spending increase of \$77 billion (or 7.6%) compared to last year.

Spending Authority Under the Continuing Resolution. Some conservatives may believe that the FY 2009 spending levels are excessive, and that the continuing resolution should be tied to a lower spending level. For example, Representative Jim Jordan offered an amendment to the original continuing resolution (not made in order) that would have provided an FY 2008 equivalent operating rate for the 9 domestic appropriations bills. Compared to the Democrats’ FY 2010 spending plan, this amendment proposes a policy that would save \$84 billion.

Questionable Spending Priorities. Notable spending choices in this bill: \$10.3 billion for the **EPA** (a \$2.8 billion or 38% increase compared to last year—the EPA also received \$7.2 billion of emergency-designated spending in FY 2009), \$167.5 million for the **National Endowment for the Arts** (a \$12.5 million or 8.1% increase), \$167.5 million for the **National Endowment for the Humanities** (a \$12.5 million or 8.1% increase), and \$25 million for **Save America’s Treasures** (a \$5 million or 25% increases).

Expands Davis-Bacon. The legislation extends Davis-Bacon wage requirements to the Clean Water and Drinking Water State Revolving Funds.

Earmarks: The [Joint Explanatory Statement](#) includes a list of earmarks beginning on page 294.

Committee Action: H.R. 2996 was reported out of the House Appropriations Committee as an original measure on June 23, 2009 by voice vote. It went on the pass the House on June 26, 2009 by a vote of [254-173](#). The Senate passed its version of the legislation by a vote of 77-21 on September 24, 2009.

Cost to Taxpayers: The bill appropriates a total of \$32.2 billion in FY 2010.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases spending for programs in the FY 2010 Interior-Environment bill by \$4.7 billion or 16.9% over FY 2009.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score is available listing any possible mandates.

Constitutional Authority: The Joint Explanatory Statement does not include a statement of constitutional authority.

RSC Staff Contact: Brad Watson, [brad.watson@mail.house.gov](mailto:brad.watson@mail.house.gov), (202) 226-9719