

## HR 2996

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Economics and Public Finance

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### Sponsor

**Name:** Rep. Dicks, Norman D. [D-WA-6]

**Party:** Democratic • **State:** WA • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Reported Original Measure	Jun 23, 2009
Appropriations Committee	Senate	Reported By	Jul 7, 2009

### Subjects & Policy Tags

#### Policy Area:

Economics and Public Finance

### Related Bills

Bill	Relationship	Last Action
<a href="#">111 HRES 876</a>	Procedurally related	<b>Oct 29, 2009:</b> Motion to reconsider laid on the table Agreed to without objection.
<a href="#">111 HRES 578</a>	Procedurally related	<b>Jun 25, 2009:</b> Motion to reconsider laid on the table Agreed to without objection.

**(This measure has not been amended since the Conference Report was filed in the House on October 28, 2009. The summary of that version is repeated here.)**

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 - **Division A** - Makes appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), and related agencies for FY2010.

**Title I: Department of the Interior** - Makes appropriations for FY2010 to the Bureau of Land Management (BLM) for: (1) land and resource management; (2) construction; (3) land acquisition; (4) Oregon and California grant lands; (5) range improvements; (6) service charges, deposits, and forfeitures with respect to public lands; and (7) miscellaneous trust funds.

Rescinds an amount made available to BLM for the shipment and storage of oil shale core samples in Colorado, as specified in the table titled "Congressionally Designated Spending" contained in the joint explanatory statement.

Appropriates funds for FY2010 to the U.S. Fish and Wildlife Service for: (1) resource management; (2) construction; (3) land acquisition; (4) expenses related to carrying out the Endangered Species Act of 1973; (5) the National Wildlife Refuge Fund; (6) expenses related to carrying out the North American Wetlands Conservation Act; (7) financial assistance for projects to promote the conservation of neotropical migratory birds; (8) expenses related to carrying out, through the Multinational Species Conservation Fund, the African Elephant Conservation Act, the Asian Elephant Conservation Act of 1997, the Rhinoceros and Tiger Conservation Act of 1994, the Great Ape Conservation Act of 2000, and the Marine Turtle Conservation Act of 2004; and (9) wildlife conservation grants to states, the District of Columbia, U.S. territories, and Indian tribes.

Makes appropriations for FY2010 to the National Park Service (NPS) for: (1) the National Park System (including expenses for carrying out programs of the U.S. Park Police); (2) expenses related to cost share agreements for Park Partnership signature projects and programs; (3) expenses for national recreation and preservation programs; (4) expenses related to carrying out the Historic Preservation Act of 1966 and the Omnibus Parks and Public Lands Management Act of 1996; (5) construction; and (6) land acquisition and state assistance from the Land and Water Conservation Fund.

Rescinds specified contract authority to obligate funds from the Land and Water Conservation Fund for FY2010.

Makes appropriations for FY2010 to: (1) the U.S. Geological Survey for surveys, investigations, and research; (2) the Minerals Management Service (MMS) for royalty and offshore minerals management and oil spill research; (3) the Office of Surface Mining Reclamation and Enforcement for regulation and technology and the Abandoned Mine Reclamation Fund; (4) the Bureau of Indian Affairs (BIA) for operation of Indian programs, (including transfer of funds), construction (including transfer of funds), Indian land and water claim settlements and miscellaneous payments to Indians, a program to consolidate fractional interests in Indian lands by direct expenditure or cooperative agreement, and for Indian guaranteed loans; (5) the Office of the Secretary for departmental offices; (6) provide assistance to U.S. territories and to carry out the Compacts of Free Association with respect to the Marshall Islands, Palau, and Micronesia; (7) the Office of the Solicitor; (8) the Office of Inspector General; (9) provide for the operation of trust programs for Indians (including transfer of funds); (10) wildland fire management, including for wildfire suppression to support federal emergency response actions (including transfers of funds); (11) the FLAME Wildfire Suppression Reserve Fund created in title V of

this Act (including transfers of funds); (12) the Central Hazardous Materials Fund for expenses of the Department of the Interior and its component offices and bureaus for response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); and (13) the Department of the Interior for natural resource damage assessment and restoration.

Sets forth authorized and prohibited uses of specified funds.

Authorizes the use of funds available under title IV (Abandoned Mine Reclamation) of the Surface Mining Control and Reclamation Act of 1977 for any required non-federal share of the cost of projects funded by the federal government for the purpose of environmental restoration related to the treatment or abatement of acid mine drainage from abandoned mines.

(Sec. 108) Directs the U.S. Fish and Wildlife Service, in carrying out responsibilities to protect threatened and endangered species of salmon, to implement a system of mass marketing of salmonid stocks, intended for harvest, that are released from federally operated or financed hatcheries.

(Sec. 109) Authorizes the Secretary of the Interior to acquire lands, waters, or interests therein for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands.

(Sec. 110) Bars any proposed new use of the Arizona & California Railroad Company's right-of-way for the conveyance of water from proceeding unless the Secretary of the Interior certifies that such use is within the scope of the right-of-way.

Prohibits funds made available to the Department of the Interior from being used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the BLM, or for carrying out any activities associated with such right-of-way or similar approval.

(Sec. 111) Extends through FY2013 the authority of the MMS to accept contributions of money and services to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources.

(Sec. 112) Authorizes the Secretary of the Interior to enter into cooperative agreements with a state or political subdivision or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. Bars such agreements from being subject to a competitive process, at the Secretary's discretion.

(Sec. 113) Authorizes funds provided in this Act for federal land acquisition by the NPS for the Ice Age National Scenic Trail to be used for a grant to a state, local government, or any other land management entity for land acquisition, without regard to any restriction on the use of federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965.

(Sec. 114) Makes certain civil and criminal penalties under the Federal Oil and Gas Royalty Management Act applicable to leases authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on federal or Indian lands and leases, easements, right of ways, or other agreements for use of the Outer Continental Shelf or certain of its mineral, oil, and natural gas resources to the same extent as if such lease, easement, right of way, or other agreement was an oil and gas lease.

(Sec. 115) Directs the MMS, in FY2010, to collect a non-refundable inspection fee as prescribed by this section, to be deposited in the Royalties and Offshore Minerals Management account, from the designated operator for specified facilities on the Outer Continental Shelf that are subject to inspection by the MMS that are above the waterline, except mobile offshore drilling units, and are in place at the start of such fiscal year.

(Sec. 116) Prohibits funds from being used to further reduce the number of axis or fallow deer at Point Reyes National Seashore in California.

(Sec. 117) Amends Public Law 109-131 (relating to payments to provide for educational services for students attending schools within Yosemite National Park in California) to extend the authorization for the Secretary of the Interior to provide payments to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for such services through FY2013.

(Sec. 118) Amends Public Law 89-565 (relating to the establishment of the San Juan Island National Historical Park in the state of Washington) to increase the amount authorized for the acquisition of lands and interests on San Juan Island in Puget Sound and for the development of the Park.

(Sec. 119) Amends Public Law 109-441 (relating to the preservation of historic confinement sites where Japanese-Americans were detained during World War II) to authorize the Secretary of the Interior to use federal funds made available under such law to acquire Heart Mountain.

(Sec. 120) Amends the Omnibus Public Land Management Act of 2009 to bar any privately owned property from being included in the Northern Plains National Heritage Area in North Dakota unless the owner of the property provides a request to the management entity for such inclusion. Requires private property included in the Heritage Area to be immediately withdrawn when the owner provides a notice to the management entity requesting removal. Requires public property included in the Heritage Area to be immediately withdrawn upon notification from the appropriate state or local government entity.

(Sec. 121) Sets forth provisions regarding the admission of visitors to historic attractions within the Pearl Harbor Naval Complex, including the Battleship Missouri Memorial.

Requires the proceeds of any amounts collected as fees to be used for the World War II Valor in the Pacific National Monument in Hawaii.

Prohibits anything in this section from: (1) regulating or approving rates for admission to a historic attraction; (2) regulating or managing visitor services within the Complex, other than services managed by the NPS as part of the Monument; or (3) charging an entrance fee for admission to the Monument.

Prohibits anything in this section from authorizing the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

(Sec. 122) Provides for FY2010 assistance levels to Palau.

Limits assistance to FY2009 levels. Withholds such assistance if trust fund withdrawals exceed \$5 million.

(Sec. 123) Amends the Consolidated Appropriations Act, 2000 to remove the requirement that Fort Baker, Golden Gate National Recreation Area, California, remain under exclusive federal jurisdiction.

(Sec. 124) Extends, for 10 years, the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit within Drake's Estero at Point Reyes National Seashore in California. Makes such extended authorization subject to annual payments to the United States based on the market value of use of the federal property for the duration of such renewal. Instructs the Secretary of the Interior to take into consideration recommendations of the National Academy of Sciences (NAS) Report pertaining to shellfish agriculture in the Seashore before modifying any terms and conditions of the extended authorization. Prohibits anything in this section from being: (1) construed as having any application to any location other than the Seashore; or (2) cited as precedent for the management of any potential wilderness outside the Seashore.

(Sec. 125) Directs the Secretary of the Interior to conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within Hawaii in the National Park System.

Requires such study to evaluate the Honouliuli Gulch, associated sites on Oahu, and other islands in Hawaii respecting: (1) their significance as a component of World War II; (2) their significance as related to the forcible internment of Japanese Americans, European Americans, and other individuals; and (3) historic resources at those sites.

(Sec. 126) Prohibits the use of any funds in this Act to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands for achieving operational control, as defined under the Secure Fence Act of 2006, over the international land and maritime borders of the United States with respect to the construction of additional fencing and road improvements along the southwest border, as described in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(Sec. 127) Permits any private property owner within an existing or new National Heritage Area to opt out of participating in any plan, project, program, or activity conducted within that Heritage Area when the owner provides a notice to the local coordinating entity of the owner's decision to opt out of participation in such plan, project, program, or activity.

(Sec. 128) Directs the Secretary of the Interior to install a plaque in the area of the World War II Memorial in the District of Columbia to commemorate the leadership of former U.S. Senator Robert J. Dole in making the Memorial a reality on the National Mall.

(Sec. 129) Amends the Omnibus Parks and Public Lands Management Act of 1996 to extend until September 30, 2010, the authority to permit the establishment of a memorial in the District of Columbia to honor Martin Luther King, Jr.

(Sec. 130) Extends the legislative authority relating to the establishment and location of a commemorative work on federal land in the District of Columbia in honor of President John Adams and his family's legacy through September 30, 2010.

**Title II: Environmental Protection Agency** - Makes appropriations for FY2010 to EPA for: (1) science and technology; (2) environmental programs and management; (3) the Office of Inspector General; (4) buildings and facilities; (5) the Hazardous Substance Superfund (including transfers of funds); (6) the Leaking Underground Storage Tank Trust Fund Program; (7) expenses to carry out EPA's responsibilities under the Oil Pollution Act of 1990 concerning oil spill response; and (8) state and tribal assistance grants for environmental programs and infrastructure assistance.

Extends until FY2015 the authority of the EPA Administrator to employ up to 30 persons at any one time in the Office of Research and Development under the authority provided respecting the appointment of personnel to the Regular and Reserve Corps of the Public Health Service.

Authorizes the EPA Administrator to: (1) transfer a specified amount from funds appropriated for the Great Lakes Initiative (1995) under the heading Environmental Programs and Management to any federal department or agency for carrying out activities that would support the Great Lakes Restoration Initiative (proposed in the FY2010 budget submission of the President) and Great Lakes Water Quality Agreement programs, projects, or activities; (2) enter into an interagency agreement with the head of such department or agency to carry out these activities; and (3) make grants to specified entities for planning, research, monitoring, outreach, and implementation to further the Restoration Initiative and the Agreement.

Rescinds permanently a specified amount from unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants and Hazardous Substance Superfund accounts. Prohibits any amounts from being rescinded from amounts designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Authorizes the EPA Administrator to carry out and submit to Congress the results of a study on domestic and international black carbon emissions, including an inventory of the major sources of black carbon, assessments on its impacts on global and regional climate and potential metrics and approaches for quantifying the climatic effects of black carbon emissions (including its radiative forcing and warming effects) and comparing those effects to the effects of carbon dioxide and other greenhouse gases, an identification of the cost-effective approaches to reducing such emissions, and an analysis of the climatic effects and other environmental and public health benefits of those approaches.

**Title III: Related Agencies** - Makes appropriations for FY2010 to the Department of Agriculture for the Forest Service for: (1) forest and rangeland research; (2) state and private forestry; (3) the National Forest System (including transfers of funds); (4) land acquisitions, including specified National Forest areas in Utah, Nevada, and California; (5) range rehabilitation, protection, and improvement; (6) gifts, donations, and bequests for forest and rangeland research; (7) federal land management in Alaska; (8) wildland fire management (including transfers of funds); and (9) the FLAME Wildfire Suppression Reserve Fund (including transfers of funds).

Makes appropriations for FY2010 to the Department of Health and Human Services (HHS) for: (1) the Indian Health Service (IHS) and Indian health facilities; and (2) the National Institutes of Health (NIH) for the National Institute of Environmental Health Sciences and the Agency for Toxic Substances and Disease Registry.

Makes appropriations for FY2010 in specified amounts for various purposes to the: (1) Executive Office of the President; (2) Chemical Safety and Hazard Investigation Board; (3) Office of Navajo and Hopi Indian Relocation; (4) Institute of American Indian and Alaska Native Culture and Arts Development; (5) Smithsonian Institution, including for carrying out activities under the Civil Rights History Project Act of 2009; (6) National Gallery of Art; (7) John F. Kennedy Center for the Performing Arts; (8) Woodrow Wilson International Center for Scholars; (9) National Foundation on the Arts and the Humanities, including the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH); (10) Commission of Fine Arts, including expenses for National Capital Arts and Cultural Affairs; (11) Advisory Council on Historic Preservation; (12) National Capital Planning Commission; (13) U.S. Holocaust Memorial Museum; (14) Presidio Trust; and (15) Dwight D. Eisenhower Memorial Commission.

**Title IV: General Provisions** - Sets forth limitations on the use of funds under this Act.

(Sec. 404) Prohibits funds from being used to provide specified personal services.

(Sec. 405) Requires: (1) estimated overhead charges, deductions, reserves or holdbacks from programs, projects,

activities and subactivities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central operations to be presented in annual budget justifications and subject to approval by the House and Senate Committees on Appropriations; and (2) changes to such estimates to be presented to such Committees for approval.

(Sec. 406) Prohibits funds from being used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or BLM lands in a manner different than such sales were conducted in FY2009.

(Sec. 408) Prohibits funds from being used to accept or process applications for a patent for any mining or mill site claim, subject to exception. Requires a report.

(Sec. 409) Regulates contract support costs.

(Sec. 411) Prohibits funds provided in this Act from being used to conduct preleasing, leasing, and related activities under either the Mineral Leasing Act or the Outer Continental Shelf Lands Act within the boundaries of a National Monument as such boundary existed on January 20, 2001, except where such activities are allowed under the presidential proclamation establishing the monument.

(Sec. 412) Permits the Secretaries of Agriculture and of the Interior to make reciprocal agreements with foreign fire organizations in which the individuals furnished under such agreements to provide fire management services are considered, for tort liability, employees of the foreign country receiving the services when the individuals are engaged in fire suppression or presuppression. Prohibits the Secretaries from making any agreement in which a foreign country does not assume any and all responsibility for acts or omissions of American firefighters who are firefighting in such foreign country.

(Sec. 413) Allows the Secretaries, in awarding a federal contract for any of specified purposes with funds made available by this Act, to give consideration to local contractors who are from economically disadvantaged rural communities and who provide employment and training for dislocated and displaced workers.

(Sec. 414) Prohibits: (1) unless otherwise provided in this Act, any funds appropriated in this Act for the acquisition of lands or interests in lands from being spent for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations; and (2) applying this provision to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the state of Florida to acquire lands for Everglades restoration.

(Sec. 415) Provides a specified amount to EPA for transfer to the Department of the Navy for clean-up activities at Treasure Island Naval Station--Hunters Point Annex, California, in addition to the amounts otherwise provided to EPA in this Act.

(Sec. 416) Keeps in effect for FY2010 the terms and conditions of section 325 of P.L. 108-108 (Department of the Interior and Related Agencies Appropriations Act, 2004) regarding the renewal of certain National Forest System lands grazing permits that have expired or were transferred or waived during FY2004-FY2008.

(Sec. 417) Amends the National Foundation on the Arts and the Humanities Act of 1965 to increase the number of members of the National Council on the Arts who shall: (1) serve on the Council; and (2) constitute a quorum.

(Sec. 418) Amends the item relating to National Capital Arts and Cultural Affairs in the Department of the Interior and

Related Agencies Appropriations Act, 1986 to increase: (1) the annual amount authorized to provide grants for general operating support for eligible arts organizations in the District of Columbia; and (2) the maximum amount such an organization can receive as a grant in a single year.

(Sec. 419) Bars the IHS, until October 1, 2011, from disbursing funds for the provision of health care services pursuant to the Indian Self-Determination and Education Assistance Act to any Alaska Native village or Alaska Native village corporation located within an area served by an Alaska Native regional health entity. Treats Eastern Aleutian Tribes Inc. the Council of Athabaskan Tribal Governments, and the Native Village of Eyak as such entities to which funds may be disbursed.

(Sec. 420) Amends the Department of the Interior and Related Agencies Appropriations Act, 2000 concerning a pilot program for the sale of forest botanical products by the Forest Service, to extend the authority of the Secretary of Agriculture to collect fees until September 30, 2014, from persons who harvest such products on National Forest System lands.

(Sec. 421) Regulates specified Alaskan timber sales.

(Sec. 422) Amends the Department of the Interior and Related Agencies Appropriations Act, 2001 to extend the authority of the Secretaries of Agriculture and of the Interior to enter into cooperative forestry agreements and contracts for watershed restoration and protection services in Colorado until September 30, 2014.

(Sec. 423) Requires the disposal of all monies received by the United States in FY2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 as provided by such Act, as in effect immediately before enactment of the Energy Policy Act of 2005 and without regard to the amendments contained in that Act.

(Sec. 424) Prohibits funds in this Act or any other Act from being used to promulgate or implement any regulation requiring the issuance of permits under the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

(Sec. 425) Prohibits the use of any funds in this or any other Act to implement any provision in a rule if such provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

(Sec. 426) Directs the President, within 120 days of submission of the President's FY2011 budget to Congress, to submit a report to the House and Senate Appropriations Committees detailing all federal agency obligations and expenditures, domestic, and international, for climate change programs and activities in FY2009-FY2010, including an accounting of expenditures identifying climate change activities and associated costs.

(Sec. 427) Prohibits the distribution of any funds under this Act to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(Sec. 428) Prohibits the use of funds in this or any prior Act to release an individual detained at Naval Station, Guantanamo Bay, Cuba (detainee), into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the U.S. territories of Guam, American Samoa (AS), U.S. Virgin Islands (USVI), Commonwealth of Puerto Rico, and Commonwealth of the Northern Mariana Islands (CNMI).

Prohibits funds in this or any prior Act from being used to transfer such a detainee into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of those territories to prosecute such detainee or detain them during legal proceedings, until 45 days after the President submits a specified comprehensive plan to Congress regarding the



proposed disposition of any such detainee.

Prohibits funds in this or any other Act from being used to transfer or release a detainee to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), or the Republic of Palau, unless the President submits classified, specified information to Congress at least 15 days prior to such transfer or release.

Directs the President to submit to Congress a classified report on the disposition or legal status of each individual detained at the Naval Station prior to the termination of detention operations there.

(Sec. 429) Authorizes the Director of the Geological Survey, using funds under this Act, to conduct a specified evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada.

(Sec. 430) Encourages the EPA Administrator to consider all appropriate criteria relating to the buyout and relocation of residents of properties in Treece, Kansas, subject to risks related to chat (waste material formed in the course of milling operations employed to recover lead and zinc from metal-bearing ore minerals in the Tri-State Mining District of Southwest Missouri, Southeast Kansas and Northeast Oklahoma). Prohibits, for the purpose of the remedial action under CERCLA that includes permanent relocation of residents of Treece, any such relocation from being subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(Sec. 431) Amends the Agricultural Research, Extension, and Education Reform Act of 1998 to authorize the Secretary of Agriculture to: (1) enter into cooperative agreements with certain private entities, as described in that Act, under which the facilities and technical expertise of the Agricultural Research Service and the Forest Service (under current law, the Agricultural Research Service) shall be made available for the operation of pilot plants and other large-scale preparation facilities in bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application; and (2) rent equipment to such entities.

(Sec. 432) Amends the National Forest Foundation Act to increase the number of members of the governing Board of Directors of the National Forest Foundation from 15 to up to 30 Directors.

(Sec. 433) Prohibits the use of any funds made available by this Act or any other Act to increase recreation residence user fees by more than 25% in 2010.

(Sec. 434) Prohibits any funds appropriated or otherwise made available by this Act to executive agencies from being used to enter into a federal contract unless the contract is entered into in accordance with provisions and regulations relating to civilian and military contracts, except when: (1) federal law specifically authorizes a contract to be entered into without regard to such provisions and regulations, including formula grants for states or federally recognized Indian tribes; (2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act or by any other federal laws that specifically authorize a contract within a tribe; or (3) the contract was awarded prior to enactment of this Act.

(Sec. 435) Requires agencies receiving funds in this Act to post on their public websites any report required to be submitted by Congress in this or any other Act if it shall serve the national interest. Makes such requirement non-applicable to a report if the public posting of such report compromises national security or the report contains proprietary information.

(Sec. 437) Requires any purchases of chat from the Tar Creek Superfund Site to be: (1) counted at twice their purchase price; and (2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside

on federally funded projects in order to expedite the cleanup of federal and Indian land at the Site. Makes such requirement applicable only if the purchase of chat is made from at least one restricted Indian owner or an Indian tribe.

(Sec. 441) Requires specific projects contained in the report of the House Committee on Appropriations accompanying this Act (H. Report 111-180) that are considered congressional earmarks, when intended to be awarded to a for-profit entity, to be awarded under a full and open competition.

(Sec. 442) Prohibits funds made available for the EPA in this Act from being used by the EPA Administrator 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.

(Sec. 443) Authorizes the EPA Administrator to 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 of up to one year.

(Sec. 444) Allocates funding, within amounts appropriated in this Act, in the amounts specified for those projects and purposes delineated in the table titled "Incorporation of Congressionally Requested Projects" included in the joint explanatory statement of the managers accompanying this Act, with the exception of permitting, if approved by the House and Senate Appropriations Committees, such funding appropriated for: (1) land acquisition, construction, and capital improvement and maintenance to be reallocated to other projects in that table funded by the same appropriation account; and (2) National Park Service--Historic Preservation Fund for Save America's Treasures grants to be reallocated for use for competitive grants under the Save America's Treasures program.

**Title V: FLAME Act of 2009** - Federal Land Assistance, Management, and Enhancement Act of 2009 or FLAME Act of 2009 - (Sec. 502) Establishes in the Treasury separate FLAME Wildfire Suppression Reserve Funds for the Departments of the Interior and Agriculture to be available to cover the costs of large or complex wildfires and as a reserve when amounts for wildfire suppression and federal emergency response in the Wildland Fire Management appropriation accounts are exhausted.

Authorizes appropriations for the Flame Funds. Expresses the intent of Congress with respect to the expenditure of amounts appropriated to the Flame Funds.

Expresses the sense of Congress that: (1) amounts appropriated to a FLAME Fund in excess of the amount estimated as necessary for a fiscal year for wildfire suppression activities that meet the declaration criteria specified in this title should be designated as necessary to meet emergency needs; (2) the Secretaries of the Interior and of Agriculture (the Secretaries) should promptly make a supplemental request for additional funds to replenish their FLAME Funds when it will be exhausted within 30 days; and (3) funding through the FLAME Funds should be used to supplement the funding otherwise appropriated for wildfire suppression and federal emergency response in the Wildland Fire Management appropriation accounts.

Instructs the Secretaries to notify the relevant congressional committees whenever only an estimated 60 days worth of funding remains in their Flame Funds.

Permits the transfer of amounts between the Flame Funds whenever such a Fund has insufficient funds. Limits the amount that may be transferred from a FLAME Fund during any fiscal year under this authority.

Requires amounts in the Flame Funds to be made available to the Secretaries for transfer to their Wildland Fire

Management appropriations accounts to pay the costs of wildfire suppression activities that are separate from amounts annually appropriated for such activities under those accounts.

Makes amounts in a Flame Fund available to the Secretary concerned only after that Secretary issues a declaration that a wildland fire suppression event is eligible for funding from such Fund. Permits a declaration to be issued only if certain conditions are met with respect to the fire's size and severity, or the costs of suppression and federal emergency response will exceed, within 30 days, specified appropriated amounts, including amounts appropriated under an emergency designation.

Instructs the Secretaries to request annually funds for their Wildland Fire Management appropriation accounts for regular wildfire suppression activities that do not meet certain of the criteria specified above in order for such a declaration to be issued.

Bars the Secretaries from transferring funds from non-fire accounts to their Wildland Fire Management appropriation accounts unless amounts in their Flame Funds and any amounts appropriated for wildfire suppression will be exhausted within 30 days.

Requires the Secretaries to account and report on amounts transferred from their respective FLAME Funds in a manner consistent with existing National Fire Plan reporting procedures.

Requires the Secretaries to report annually to the relevant committees on the use of amounts transferred from the Flame Funds, and recommendations to improve administrative control and oversight of their Funds. Requires such report to be made available to the public. Requires the Secretaries to submit estimates of anticipated wildfire suppression costs in order to improve budgeting and funding. Subjects the methodology for the development of the estimates to independent review to ensure that they were developed using the best available climate, weather, and other relevant data and models and other analytic tools. Prescribes a schedule for submission of such estimates.

(Sec. 503) Requires the Secretaries to submit a report to Congress that contains a cohesive wildfire management strategy, consistent with the recommendations of recent Government Accountability Office (GAO) reports regarding management strategies.

Sets forth required elements of the strategy, including that the strategy provide for: (1) the identification of the most cost-effective means for allocating fire management budget resources; (2) the reinvestment by the Secretaries in non-fire programs; (3) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects; (3) assessing the impacts of climate change on the frequency and severity of wildfire; and (4) studying the effects of invasive species on wildfire risk.

Directs the Secretaries, at least once during every five-year period beginning on the date of submission of the strategy, to revise it to address any changes affecting it, including changes respecting landscape, vegetation, climate, and weather.

**Division B: Further Continuing Appropriations, 2010** - (Sec. 101) Amends the Continuing Appropriations Resolution, 2010 (Division B of P.L. 111-68) to extend until December 18, 2009, specified continuing appropriations for FY2010.

(Sec. 102) Amends the Resolution to continue through December 18, 2009, the authority of the Administrator of the Federal Emergency Management Agency (FEMA) to issue notes or other obligations to carry out the flood insurance program. Extends the program through such date.

(Sec. 103) Amends the Internal Revenue Code to extend through December 18, 2009, authority to make expenditures

from the Highway Trust Fund (including the Mass Transit Account), the Sport Fish Restoration and Boating Trust Fund, the Dingell-Johnson Sport Fish Restoration Act, the Transportation Equity Act for the 21st Century, and the Coastal Wetlands Planning, Protection and Restoration Act.

(Sec. 104) Amends the Resolution to: (1) provide additional appropriations for the purpose of guaranteed loans as authorized by section 7(a) of the Small Business Act, at a rate for operations of \$80 million; (2) maintain current Federal Housing Authority (FHA), Fannie Mae, and Freddie Mac mortgage loan limits; (3) limit reverse mortgage insurance benefits to 150% of the loan maximum; and (4) allow up to \$200 million of funds provided by the Omnibus Appropriations Act, 2009 that are available on October 1, 2009, in the Tenant-Based Rental Assistance account to be available to adjust allocations for public housing agencies to prevent termination of assistance to families.

## Actions Timeline

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- **Oct 30, 2009:** Presented to President.
- **Oct 30, 2009:** Signed by President.
- **Oct 30, 2009:** Became Public Law No: 111-88.
- **Oct 29, 2009:** Rule H. Res. 876 passed House.
- **Oct 29, 2009:** Mr. Dicks brought up conference report H. Rept. 111-316 for consideration under the provisions of H. Res. 876. (consideration: CR H12057-12068)
- **Oct 29, 2009:** DEBATE - The House proceeded with one hour of debate on the conference report to accompany H.R. 2996.
- **Oct 29, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H12068)
- **Oct 29, 2009:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 247 - 178 (Roll no. 826).
- **Oct 29, 2009:** On agreeing to the conference report Agreed to by the Yeas and Nays: 247 - 178 (Roll no. 826).
- **Oct 29, 2009:** Motions to reconsider laid on the table Agreed to without objection.
- **Oct 29, 2009:** Conference papers: message on House action held at the desk in Senate.
- **Oct 29, 2009:** Conference report considered in Senate. (consideration: CR S10893-10908)
- **Oct 29, 2009:** Point of order that the conference report violates Rule XXVIII raised in Senate.
- **Oct 29, 2009:** Motion to waive Rule XXVIII with respect to the conference report raised in Senate.
- **Oct 29, 2009:** Motion to waive Rule XXVIII with respect to the conference report agreed to by Yea-Nay Vote. 60 - 40. Record Vote Number: 330.
- **Oct 29, 2009:** Conference report agreed to in Senate: Senate agreed to conference report by Yea-Nay Vote. 72 - 28. Record Vote Number: 331.
- **Oct 29, 2009:** Senate agreed to conference report by Yea-Nay Vote. 72 - 28. Record Vote Number: 331.
- **Oct 29, 2009:** Message on Senate action sent to the House.
- **Oct 29, 2009:** Cleared for White House.
- **Oct 28, 2009:** Conference report filed: Conference report H. Rept. 111-316 filed.(text of conference report: CR H11871-11983)
- **Oct 28, 2009:** Conference report H. Rept. 111-316 filed. (text of conference report: CR H11871-11983)
- **Oct 28, 2009:** Rules Committee Resolution H. Res. 876 Reported to House. Rule provides for consideration of the conference report to H.R. 2996 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. The conference report shall be considered as read. All points of order against the conference report are waived.
- **Oct 27, 2009:** On motion that the House instruct conferees Agreed to by the Yeas and Nays: 267 - 147 (Roll no. 816). (consideration: CR H11824, H11826)
- **Oct 27, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 27, 2009:** The Speaker appointed conferees: Dicks, Moran (VA), Mollohan, Chandler, Hinchey, Olver, Pastor (AZ), Price (NC), Obey, Simpson, Calvert, LaTourette, Cole, and Lewis (CA). (consideration: CR H11826)
- **Oct 27, 2009:** Conference committee actions: Conferees agreed to file conference report.
- **Oct 27, 2009:** Conferees agreed to file conference report.
- **Oct 26, 2009:** Mr. Dicks moved that the House disagree to the Senate amendment, and agree to a conference. (consideration: CR H11756-11759)
- **Oct 26, 2009:** On motion that the House disagree to the Senate amendment, and agree to a conference Agreed to by voice vote.
- **Oct 26, 2009:** Mr. Simpson moved that the House instruct conferees. (consideration: CR H11756-11759; text: CR H11756)
- **Oct 26, 2009:** The House proceeded with one hour of debate on the Simpson motion to instruct conferees on H.R. 2996. The instructions contained in the motion seek to require the managers on the part of the House to insist on section 425 of the House bill and to not record their approval of the final conference agreement unless text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.
- **Oct 26, 2009:** The previous question was ordered without objection. (consideration: CR H11759)
- **Oct 26, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the motion to instruct conferees on H.R. 2996, the Chair put the question on adoption of the motion to instruct conferees and by voice vote, announced that the

noes had prevailed. Mr. Simpson demanded the yeas and nays and the Chair postponed further proceedings on the question of adoption of the motion to instruct conferees on H.R. 2996 until a time to be announced.

- **Sep 29, 2009:** Message on Senate action sent to the House.
- **Sep 24, 2009:** Considered by Senate. (consideration: CR S9769-9812)
- **Sep 24, 2009:** Cloture motion on the committee substitute amendment withdrawn by unanimous consent in Senate. (consideration: CR S9769)
- **Sep 24, 2009:** Cloture motion on the bill withdrawn by unanimous consent in Senate. (consideration: CR S9769)
- **Sep 24, 2009:** Motion by Senator Ensign to recommit to Senate Committee on Appropriations with instructions tabled in Senate by Yea-Nay Vote. 64 - 34. Record Vote Number: 296. (consideration: CR S9806)
- **Sep 24, 2009:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 77 - 21. Record Vote Number: 298. (text: CR 9/25/2009 S9873-9889)
- **Sep 24, 2009:** Passed Senate with an amendment by Yea-Nay Vote. 77 - 21. Record Vote Number: 298. (text: CR 9/25/2009 S9873-9889)
- **Sep 24, 2009:** Senate insists on its amendment, asks for a conference, appoints conferees Feinstein; Byrd; Leahy; Dorgan; Mikulski; Kohl; Johnson; Reed; Nelson NE; Tester; Inouye; Alexander; Cochran; Bennett; Gregg; Murkowski; Collins; Bond. (consideration: CR S9812)
- **Sep 23, 2009:** Considered by Senate. (consideration: CR S9706-9727)
- **Sep 23, 2009:** Motion by Senator Vitter to recommit to Senate Committee on Appropriations tabled in Senate by Yea-Nay Vote. 56 - 42. Record Vote Number: 293. (consideration: CR S9706, S9724)
- **Sep 22, 2009:** Considered by Senate. (consideration: CR S9634-9635, S9635-9648, S9690)
- **Sep 22, 2009:** Motion by Senator DeMint to recommit to Senate Committee on Appropriations with instructions that the committee report back forthwith the following amendment (SA2500) made in Senate. (consideration: CR S9641; text: CR S9641)
- **Sep 22, 2009:** Motion by Senator DeMint to recommit to Senate Committee on Appropriations with instructions that the committee report back forthwith with the following amendment (SA 2500) tabled in Senate by Yea-Nay Vote. 61 - 36. Record Vote Number: 292.
- **Sep 22, 2009:** Motion by Senator Vitter to recommit to Senate Committee on Appropriations with instructions to report back forthwith with the following amendment (SA 2508) made in Senate. (consideration: CR S9646)
- **Sep 22, 2009:** Cloture motion on the committee substitute amendment presented in Senate. (consideration: CR S9690)
- **Sep 22, 2009:** Cloture motion on the bill presented in Senate. (consideration: CR S9690; text: CR S9690)
- **Sep 21, 2009:** Considered by Senate. (consideration: CR S9578-9583)
- **Sep 17, 2009:** Measure laid before Senate by unanimous consent. (consideration: CR S9499-9520, S9541-9545; text of measure as reported in Senate: CR S9500-9514)
- **Jul 7, 2009:** Committee on Appropriations. Reported by Senator Feinstein with an amendment in the nature of a substitute. With written report No. 111-38.
- **Jul 7, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 98.
- **Jul 6, 2009:** Received in the Senate and Read twice and referred to the Committee on Appropriations.
- **Jun 26, 2009:** Considered as unfinished business. (consideration: CR H7463-7471)
- **Jun 26, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jun 26, 2009:** Mr. Simpson asked unanimous consent that the demand for a recorded vote on the Dicks amendment be withdrawn. Agreed to without objection and the Dicks amendment was adopted based upon the previous voice vote.
- **Jun 26, 2009:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2996.
- **Jun 26, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H7470-7471)
- **Jun 26, 2009:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Jun 26, 2009:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 254 - 173 (Roll no. 475).
- **Jun 26, 2009:** On passage Passed by the Yeas and Nays: 254 - 173 (Roll no. 475).
- **Jun 26, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 25, 2009:** Rule H. Res. 578 passed House.
- **Jun 25, 2009:** Considered under the provisions of rule H. Res. 578. (consideration: CR H7401-7437; text of Title I as reported in House: CR H7410, H7411-7412, H7413-7418; text of Title II as reported in House: CR H7418-7420; text of Title III as reported in House: CR H7420, H742-7427, CR 6/26/2009 H7470)

**Jun 25, 2009:** Rule provides for consideration of H.R. 2996 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be read by paragraph. Specified amendments are in order. The resolution waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The resolution waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

- **Jun 25, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 578 and Rule XVIII.
- **Jun 25, 2009:** The Speaker designated the Honorable Gerald E. "Gerry" Connolly to act as Chairman of the Committee.
- **Jun 25, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2996.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H.Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Dicks amendment.
- **Jun 25, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Dicks amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Simpson demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H.Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Gerrett (NJ) amendment.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H.Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Smith (TX) amendment.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H.Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Heller amendment.
- **Jun 25, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Heller amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Heller demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H.Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Jordan amendment.
- **Jun 25, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jordan amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Jordan demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H.Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Stearns amendment.
- **Jun 25, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Stearns amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Stearns demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H.Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Campbell amendment.
- **Jun 25, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Campbell (CA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Campbell (CA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H. Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Campbell of California Part D amendment No. 3.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H. Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Campbell amendment.
- **Jun 25, 2009:** DEBATE - Pursuant to the provisions of H. Res. 578, the Committee of the Whole proceeded with 10 minutes of debate on the Campbell of California amendment.
- **Jun 25, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Campbell amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Campbell demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.

**Jun 25, 2009:** Mr. Dicks moved that the Committee rise.

- **Jun 25, 2009:** On motion that the Committee rise Agreed to by voice vote.
- **Jun 25, 2009:** Committee of the Whole House on the state of the Union rises leaving H.R. 2996 as unfinished business.
- **Jun 24, 2009:** Rules Committee Resolution H. Res. 578 Reported to House. Rule provides for consideration of H.R. 2996 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be read by paragraph. Specified amendments are in order. The resolution waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The resolution waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.
- **Jun 23, 2009:** Introduced in House
- **Jun 23, 2009:** The House Committee on Appropriations reported an original measure, H. Rept. 111-180, by Mr. Dicks.
- **Jun 23, 2009:** Placed on the Union Calendar, Calendar No. 97.