

1 DIVISION E—DEPARTMENT OF THE INTERIOR,
2 ENVIRONMENT, AND RELATED AGENCIES
3 APPROPRIATIONS ACT, 2009

4 TITLE I

5 DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

8 For necessary expenses for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to Public Law 96-487
17 (16 U.S.C. 3150(a)), \$890,194,000, to remain available
18 until expended, of which not to exceed \$79,478,000 is
19 available for oil and gas management; and of which
20 \$1,500,000 is for high priority projects, to be carried out
21 by the Youth Conservation Corps; and of which
22 \$3,000,000 shall be available in fiscal year 2009 subject
23 to a match by at least an equal amount by the National
24 Fish and Wildlife Foundation for cost-shared projects sup-
25 porting conservation of Bureau lands; and such funds

1 shall be advanced to the Foundation as a lump sum grant
2 without regard to when expenses are incurred.

3 In addition, \$36,400,000 is for the processing of ap-
4 plications for permit to drill and related use authoriza-
5 tions, to remain available until expended, to be reduced
6 by amounts collected by the Bureau and credited to this
7 appropriation that shall be derived from \$4,000 per new
8 application for permit to drill that the Bureau shall collect
9 upon submission of each new application, and in addition,
10 \$34,696,000 is for Mining Law Administration program
11 operations, including the cost of administering the mining
12 claim fee program; to remain available until expended, to
13 be reduced by amounts collected by the Bureau and cred-
14 ited to this appropriation from annual mining claim fees
15 so as to result in a final appropriation estimated at not
16 more than \$890,194,000, and \$2,000,000, to remain
17 available until expended, from communication site rental
18 fees established by the Bureau for the cost of admin-
19 istering communication site activities.

20 CONSTRUCTION

21 For construction of buildings, recreation facilities,
22 roads, trails, and appurtenant facilities, \$6,590,000, to re-
23 main available until expended.

24 LAND ACQUISITION

25 For expenses necessary to carry out sections 205,
26 206, and 318(d) of Public Law 94-579, including admin-

1 istrative expenses and acquisition of lands or waters, or
2 interests therein, \$14,775,000, to be derived from the
3 Land and Water Conservation Fund and to remain avail-
4 able until expended.

5 OREGON AND CALIFORNIA GRANT LANDS

6 For expenses necessary for management, protection,
7 and development of resources and for construction, oper-
8 ation, and maintenance of access roads, reforestation, and
9 other improvements on the revested Oregon and California
10 Railroad grant lands, on other Federal lands in the Or-
11 egon and California land-grant counties of Oregon, and
12 on adjacent rights-of-way; and acquisition of lands or in-
13 terests therein, including existing connecting roads on or
14 adjacent to such grant lands; \$109,949,000, to remain
15 available until expended: *Provided*, That 25 percent of the
16 aggregate of all receipts during the current fiscal year
17 from the revested Oregon and California Railroad grant
18 lands is hereby made a charge against the Oregon and
19 California land-grant fund and shall be transferred to the
20 General Fund in the Treasury in accordance with the sec-
21 ond paragraph of subsection (b) of title II of the Act of
22 August 28, 1937 (50 Stat. 876).

23 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
24 (REVOLVING FUND, SPECIAL ACCOUNT)

25 In addition to the purposes authorized in Public Law
26 102-381, funds made available in the Forest Ecosystem

1 Health and Recovery Fund can be used for the purpose
2 of planning, preparing, implementing and monitoring sal-
3 vage timber sales and forest ecosystem health and recovery
4 activities, such as release from competing vegetation and
5 density control treatments. The Federal share of receipts
6 (defined as the portion of salvage timber receipts not paid
7 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
8 1181f-1 et seq., and Public Law 106-393) derived from
9 treatments funded by this account shall be deposited into
10 the Forest Ecosystem Health and Recovery Fund.

11 RANGE IMPROVEMENTS

12 For rehabilitation, protection, and acquisition of
13 lands and interests therein, and improvement of Federal
14 rangelands pursuant to section 401 of the Federal Land
15 Policy and Management Act of 1976 (43 U.S.C. 1701),
16 notwithstanding any other Act, sums equal to 50 percent
17 of all moneys received during the prior fiscal year under
18 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
19 315 et seq.) and the amount designated for range improve-
20 ments from grazing fees and mineral leasing receipts from
21 Bankhead-Jones lands transferred to the Department of
22 the Interior pursuant to law, but not less than
23 \$10,000,000, to remain available until expended: *Pro-*
24 *vided*, That not to exceed \$600,000 shall be available for
25 administrative expenses.

1 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

2 For administrative expenses and other costs related
3 to processing application documents and other authoriza-
4 tions for use and disposal of public lands and resources,
5 for costs of providing copies of official public land docu-
6 ments, for monitoring construction, operation, and termi-
7 nation of facilities in conjunction with use authorizations,
8 and for rehabilitation of damaged property, such amounts
9 as may be collected under Public Law 94-579, as amend-
10 ed, and Public Law 93-153, to remain available until ex-
11 pended: *Provided*, That, notwithstanding any provision to
12 the contrary of section 305(a) of Public Law 94-579 (43
13 U.S.C. 1735(a)), any moneys that have been or will be
14 received pursuant to that section, whether as a result of
15 forfeiture, compromise, or settlement, if not appropriate
16 for refund pursuant to section 305(c) of that Act (43
17 U.S.C. 1735(c)), shall be available and may be expended
18 under the authority of this Act by the Secretary to im-
19 prove, protect, or rehabilitate any public lands adminis-
20 tered through the Bureau of Land Management which
21 have been damaged by the action of a resource developer,
22 purchaser, permittee, or any unauthorized person, without
23 regard to whether all moneys collected from each such ac-
24 tion are used on the exact lands damaged which led to
25 the action: *Provided further*, That any such moneys that

1 are in excess of amounts needed to repair damage to the
2 exact land for which funds were collected may be used to
3 repair other damaged public lands.

4 MISCELLANEOUS TRUST FUNDS

5 In addition to amounts authorized to be expended
6 under existing laws, there is hereby appropriated such
7 amounts as may be contributed under section 307 of the
8 Act of October 21, 1976 (43 U.S.C. 1701), and such
9 amounts as may be advanced for administrative costs, sur-
10 veys, appraisals, and costs of making conveyances of omit-
11 ted lands under section 211(b) of that Act, to remain
12 available until expended.

13 PAYMENTS FROM PROCEEDS, SALE OF WATER

14 (RESCISSION)

15 The unobligated balances available under this head-
16 ing on the date of enactment of this Act are permanently
17 rescinded.

18 USE OF RECEIPTS FROM MINERAL LEASING ACTIVITIES

19 ON CERTAIN NAVAL OIL SHALE RESERVES

20 (RESCISSION)

21 Of the unobligated balances available under this
22 heading, \$12,996,000 are permanently rescinded.

23 ADMINISTRATIVE PROVISIONS

24 Appropriations for the Bureau of Land Management
25 (BLM) shall be available for purchase, erection, and dis-
26 mantlement of temporary structures, and alteration and

1 maintenance of necessary buildings and appurtenant fa-
2 cilities to which the United States has title; up to
3 \$100,000 for payments, at the discretion of the Secretary,
4 for information or evidence concerning violations of laws
5 administered by the Bureau; miscellaneous and emergency
6 expenses of enforcement activities authorized or approved
7 by the Secretary and to be accounted for solely on the
8 Secretary's certificate, not to exceed \$10,000: *Provided*,
9 That notwithstanding 44 U.S.C. 501, the Bureau may,
10 under cooperative cost-sharing and partnership arrange-
11 ments authorized by law, procure printing services from
12 cooperators in connection with jointly produced publica-
13 tions for which the cooperators share the cost of printing
14 either in cash or in services, and the Bureau determines
15 the cooperator is capable of meeting accepted quality
16 standards: *Provided further*, That projects to be funded
17 pursuant to a written commitment by a State government
18 to provide an identified amount of money in support of
19 the project may be carried out by the Bureau on a reim-
20 bursable basis.

21 In fiscal year 2009 and each fiscal year thereafter,
22 the Bureau of Land Management shall collect mining law
23 administration fees; such fees shall be collected in the
24 same manner as those authorized by 30 U.S.C. 28f and

1 28g only to the extent provided in advance in appropria-
2 tions Acts.

3 The provisions of law codified at sections 28f(a) and
4 28g of title 30, United States Code, are amended to re-
5 move the modifications made under the heading “adminis-
6 trative provisions”, under the heading “Bureau of Land
7 Management” in title I of the Department of the Interior,
8 Environment, and Related Agencies Appropriations Act,
9 2008 (division F of Public Law 110–161; 121 Stat. 2101).

10 Sums not to exceed 1 percent of the total value of
11 procurements received by the Bureau of Land Manage-
12 ment from vendors under enterprise information tech-
13 nology-procurements that the Department of the Interior
14 and other Federal Government agencies may use to order
15 information technology hereafter may be deposited into
16 the Management of Lands and Resources account to offset
17 costs incurred in conducting the procurement.

18 UNITED STATES FISH AND WILDLIFE SERVICE

19 RESOURCE MANAGEMENT

20 For necessary expenses of the United States Fish and
21 Wildlife Service, as authorized by law, and for scientific
22 and economic studies, maintenance of the herd of long-
23 horned cattle on the Wichita Mountains Wildlife Refuge,
24 general administration, and for the performance of other
25 authorized functions related to such resources by direct

1 expenditure, contracts, grants, cooperative agreements
2 and reimbursable agreements with public and private enti-
3 ties, \$1,140,962,000, to remain available until September
4 30, 2010 except as otherwise provided herein: *Provided*,
5 That \$2,500,000 is for high priority projects, which shall
6 be carried out by the Youth Conservation Corps: *Provided*
7 *further*, That not to exceed \$19,266,000 shall be used for
8 implementing subsections (a), (b), (c), and (e) of section
9 4 of the Endangered Species Act, as amended, for species
10 that are indigenous to the United States (except for proc-
11 essing petitions, developing and issuing proposed and final
12 regulations, and taking any other steps to implement ac-
13 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
14 (c)(2)(B)(ii)), of which not to exceed \$10,458,000 shall
15 be used for any activity regarding the designation of crit-
16 ical habitat, pursuant to subsection (a)(3), excluding liti-
17 gation support, for species listed pursuant to subsection
18 (a)(1) prior to October 1, 2008: *Provided further*, That
19 of the amount available for law enforcement, up to
20 \$400,000, to remain available until expended, may at the
21 discretion of the Secretary be used for payment for infor-
22 mation, rewards, or evidence concerning violations of laws
23 administered by the Service, and miscellaneous and emer-
24 gency expenses of enforcement activity, authorized or ap-
25 proved by the Secretary and to be accounted for solely on

1 the Secretary's certificate: *Provided further*, That of the
2 amount provided for environmental contaminants, up to
3 \$1,000,000 may remain available until expended for con-
4 taminant sample analyses.

5

CONSTRUCTION

6

(INCLUDING RESCISSION OF FUNDS)

7 For construction, improvement, acquisition, or re-
8 moval of buildings and other facilities required in the con-
9 servation, management, investigation, protection, and uti-
10 lization of fishery and wildlife resources, and the acquisi-
11 tion of lands and interests therein; \$35,587,000, to remain
12 available until expended: *Provided*, That of the unobli-
13 gated balances made available in Public Law 101-512 to
14 carry out the Anadromous Fish Conservation Act, all re-
15 maining amounts are permanently rescinded.

16

LAND ACQUISITION

17 For expenses necessary to carry out the Land and
18 Water Conservation Fund Act of 1965, as amended (16
19 U.S.C. 4601-4 through 11), including administrative ex-
20 penses, and for acquisition of land or waters, or interest
21 therein, in accordance with statutory authority applicable
22 to the United States Fish and Wildlife Service,
23 \$42,455,000, to be derived from the Land and Water Con-
24 servation Fund and to remain available until expended,
25 of which, notwithstanding 16 U.S.C. 4601-9, not more
26 than \$1,500,000 shall be for land conservation partner-

1 ships authorized by the Highlands Conservation Act of
2 2004: *Provided*, That none of the funds appropriated for
3 specific land acquisition projects can be used to pay for
4 any administrative overhead, planning or other manage-
5 ment costs.

6 COOPERATIVE ENDANGERED SPECIES CONSERVATION

7 FUND

8 (INCLUDING RESCISSION OF FUNDS)

9 For expenses necessary to carry out section 6 of the
10 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
11 as amended, \$80,001,000, to remain available until ex-
12 pended, of which \$25,307,000 is to be derived from the
13 Cooperative Endangered Species Conservation Fund, of
14 which \$5,145,706 shall be for the Idaho Salmon and
15 Clearwater River Basins Habitat Account pursuant to the
16 Snake River Water Rights Act of 2004; and of which
17 \$54,694,000 is to be derived from the Land and Water
18 Conservation Fund: *Provided*, That of the unobligated bal-
19 ances available under this heading, \$4,500,000 are perma-
20 nently rescinded.

21 NATIONAL WILDLIFE REFUGE FUND

22 For expenses necessary to implement the Act of Octo-
23 ber 17, 1978 (16 U.S.C. 715s), \$14,100,000.

24 NORTH AMERICAN WETLANDS CONSERVATION FUND

25 For expenses necessary to carry out the provisions
26 of the North American Wetlands Conservation Act, as

1 amended (16 U.S.C. 4401–4414), \$42,647,000, to remain
2 available until expended.

3 NEOTROPICAL MIGRATORY BIRD CONSERVATION

4 For expenses necessary to carry out the Neotropical
5 Migratory Bird Conservation Act, as amended, (16 U.S.C.
6 6101 et seq.), \$4,750,000, to remain available until ex-
7 pended.

8 MULTINATIONAL SPECIES CONSERVATION FUND

9 For expenses necessary to carry out the African Ele-
10 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
11 4214, 4221–4225, 4241–4246, and 1538), the Asian Ele-
12 phant Conservation Act of 1997 (16 U.S.C. 4261–4266),
13 the Rhinoceros and Tiger Conservation Act of 1994 (16
14 U.S.C. 5301–5306), the Great Ape Conservation Act of
15 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
16 servation Act of 2004 (16 U.S.C. 6601–6606),
17 \$10,000,000, to remain available until expended.

18 STATE AND TRIBAL WILDLIFE GRANTS

19 For wildlife conservation grants to States and to the
20 District of Columbia, Puerto Rico, Guam, the United
21 States Virgin Islands, the Northern Mariana Islands,
22 American Samoa, and federally-recognized Indian tribes
23 under the provisions of the Fish and Wildlife Act of 1956
24 and the Fish and Wildlife Coordination Act, for the devel-
25 opment and implementation of programs for the benefit
26 of wildlife and their habitat, including species that are not

1 hunted or fished, \$75,000,000, to remain available until
2 expended: *Provided*, That of the amount provided herein,
3 \$7,000,000 is for a competitive grant program for Indian
4 tribes not subject to the remaining provisions of this ap-
5 propriation: *Provided further*, That \$5,000,000 is for a
6 competitive grant program for States, territories, and
7 other jurisdictions with approved plans, not subject to the
8 remaining provisions of this appropriation: *Provided fur-*
9 *ther*, That the Secretary shall, after deducting
10 \$11,106,000 and administrative expenses, apportion the
11 amount provided herein in the following manner: (1) to
12 the District of Columbia and to the Commonwealth of
13 Puerto Rico, each a sum equal to not more than one-half
14 of 1 percent thereof; and (2) to Guam, American Samoa,
15 the United States Virgin Islands, and the Commonwealth
16 of the Northern Mariana Islands, each a sum equal to not
17 more than one-fourth of 1 percent thereof: *Provided fur-*
18 *ther*, That the Secretary shall apportion the remaining
19 amount in the following manner: (1) one-third of which
20 is based on the ratio to which the land area of such State
21 bears to the total land area of all such States; and (2)
22 two-thirds of which is based on the ratio to which the pop-
23 ulation of such State bears to the total population of all
24 such States: *Provided further*, That the amounts appor-
25 tioned under this paragraph shall be adjusted equitably

1 so that no State shall be apportioned a sum which is less
2 than 1 percent of the amount available for apportionment
3 under this paragraph for any fiscal year or more than 5
4 percent of such amount: *Provided further*, That the Fed-
5 eral share of planning grants shall not exceed 75 percent
6 of the total costs of such projects and the Federal share
7 of implementation grants shall not exceed 50 percent of
8 the total costs of such projects: *Provided further*, That the
9 non-Federal share of such projects may not be derived
10 from Federal grant programs: *Provided further*, That no
11 State, territory, or other jurisdiction shall receive a grant
12 if its comprehensive wildlife conservation plan is dis-
13 approved and such funds that would have been distributed
14 to such State, territory, or other jurisdiction shall be dis-
15 tributed equitably to States, territories, and other jurisdic-
16 tions with approved plans: *Provided further*, That any
17 amount apportioned in 2009 to any State, territory, or
18 other jurisdiction that remains unobligated as of Sep-
19 tember 30, 2010, shall be reapportioned, together with
20 funds appropriated in 2011, in the manner provided here-
21 in.

22 WILDLIFE CONSERVATION AND APPRECIATION FUND

23 (RESCISSION)

24 Of the unobligated balances available under this
25 heading from prior year appropriations, all remaining
26 amounts are permanently rescinded.

1 ADMINISTRATIVE PROVISIONS

2 Appropriations and funds available to the United
3 States Fish and Wildlife Service shall be available for re-
4 pair of damage to public roads within and adjacent to res-
5 ervation areas caused by operations of the Service; options
6 for the purchase of land at not to exceed \$1 for each op-
7 tion; facilities incident to such public recreational uses on
8 conservation areas as are consistent with their primary
9 purpose; and the maintenance and improvement of aquar-
10 ia, buildings, and other facilities under the jurisdiction of
11 the Service and to which the United States has title, and
12 which are used pursuant to law in connection with man-
13 agement, and investigation of fish and wildlife resources:
14 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
15 ice may, under cooperative cost sharing and partnership
16 arrangements authorized by law, procure printing services
17 from cooperators in connection with jointly produced pub-
18 lications for which the cooperators share at least one-half
19 the cost of printing either in cash or services and the Serv-
20 ice determines the cooperator is capable of meeting accept-
21 ed quality standards: *Provided further*, That, notwith-
22 standing any other provision of law, the Service may use
23 up to \$2,000,000 from funds provided for contracts for
24 employment-related legal services: *Provided further*, That

1 the Service may accept donated aircraft as replacements
2 for existing aircraft.

3 NATIONAL PARK SERVICE

4 OPERATION OF THE NATIONAL PARK SYSTEM

5 For expenses necessary for the management, oper-
6 ation, and maintenance of areas and facilities adminis-
7 tered by the National Park Service (including expenses to
8 carry out programs of the United States Park Police), and
9 for the general administration of the National Park Serv-
10 ice, \$2,131,529,000, of which \$9,851,000 for planning
11 and interagency coordination in support of Everglades res-
12 toration and \$99,586,000 for maintenance, repair or reha-
13 bilitation projects for constructed assets, operation of the
14 National Park Service automated facility management
15 software system, and comprehensive facility condition as-
16 sessments shall remain available until September 30,
17 2010.

18 NATIONAL RECREATION AND PRESERVATION

19 For expenses necessary to carry out recreation pro-
20 grams, natural programs, cultural programs, heritage
21 partnership programs, environmental compliance and re-
22 view, international park affairs, statutory or contractual
23 aid for other activities, and grant administration, not oth-
24 erwise provided for, \$59,684,000.

1 HISTORIC PRESERVATION FUND
2 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

3 For expenses necessary in carrying out the Historic
4 Preservation Act of 1966, as amended (16 U.S.C. 470),
5 and the Omnibus Parks and Public Lands Management
6 Act of 1996 (Public Law 104-333), \$69,500,000, to be
7 derived from the Historic Preservation Fund and to re-
8 main available until September 30, 2010; of which
9 \$20,000,000 shall be for Save America's Treasures for
10 preservation of nationally significant sites, structures, and
11 artifacts: *Provided*, That any individual Save America's
12 Treasures grant shall be matched by non-Federal funds;
13 individual projects shall only be eligible for one grant; and
14 all projects to be funded shall be approved by the Sec-
15 retary of the Interior in consultation with the House and
16 Senate Committees on Appropriations: *Provided further*,
17 That Save America's Treasures funds allocated for Fed-
18 eral projects, following approval, shall be available by
19 transfer to appropriate accounts of individual agencies:
20 *Provided further*, That of the unobligated balances in this
21 account, \$516,000 are permanently rescinded.

22 CONSTRUCTION
23 (INCLUDING RESCISSION OF FUNDS)

24 For construction, improvements, repair or replace-
25 ment of physical facilities, including a portion of the ex-
26 pense for the modifications authorized by section 104 of

1 the Everglades National Park Protection and Expansion
2 Act of 1989, \$233,158,000, to remain available until ex-
3 pended: *Provided*, That funds appropriated in this Act, or
4 in any prior Act of Congress, for the implementation of
5 the Modified Water Deliveries to Everglades National
6 Park Project, shall be made available to the Army Corps
7 of Engineers which shall, notwithstanding any other provi-
8 sion of law, immediately and without further delay con-
9 struct or cause to be constructed Alternative 3.2.2.a to
10 U.S. Highway 41 (the Tamiami Trail) consistent with the
11 Limited Reevaluation Report with Integrated Environ-
12 mental Assessment and addendum, approved August
13 2008: *Provided further*, That the Secretary of the Interior,
14 acting through the National Park Service, is directed to
15 immediately evaluate the feasibility of additional bridge
16 length, beyond that to be constructed pursuant to the
17 Modified Water Deliveries to Everglades National Park
18 Project (16 U.S.C. § 410r-8), including a continuous
19 bridge, or additional bridges or some combination thereof,
20 for the Tamiami Trail (U.S. Highway 41) to restore more
21 natural water flow to Everglades National Park and Flor-
22 ida Bay and for the purpose of restoring habitat within
23 the Park and the ecological connectivity between the Park
24 and the Water Conservation Areas. The feasibility study
25 and the recommendation of the Secretary shall be sub-

1 mitted to the Congress no later than 12 months from the
2 date of enactment of this Act: *Provided further*, That for
3 fiscal year 2009 and hereafter, fees paid by the National
4 Park Service to the West Yellowstone/Hebgen Basin Solid
5 Waste District will be restricted to operations and mainte-
6 nance costs of the facility, given the capital contribution
7 made by the National Park Service: *Provided further*,
8 That, notwithstanding any other provision of law, a single
9 procurement for the construction project at the Jefferson
10 Memorial plaza and seawall in Washington, DC, may be
11 issued which includes the full scope of the project: *Pro-*
12 *vided further*, That the solicitation and the contract shall
13 contain the clause “availability of funds” found at 48 CFR
14 52.232.18: *Provided further*, That the National Park Serv-
15 ice shall grant funds not to exceed \$3,000,000 to the St.
16 Louis Metropolitan Park and Recreation District for the
17 purpose of planning and constructing a pedestrian bridge
18 to provide safe visitor access to the Jefferson National Ex-
19 pansion Memorial Arch: *Provided further*, That the unobli-
20 gated balances in the Federal Infrastructure Improvement
21 Fund under this heading are permanently rescinded.

22 LAND AND WATER CONSERVATION FUND

23 (RESCISSION)

24 The contract authority provided for fiscal year 2009
25 by 16 U.S.C. 4601-10a is rescinded.

1 LAND ACQUISITION AND STATE ASSISTANCE
2 (INCLUDING RESCISSION OF FUNDS)

3 For expenses necessary to carry out the Land and
4 Water Conservation Act of 1965, as amended (16 U.S.C.
5 4601-4 through 11), including administrative expenses,
6 and for acquisition of lands or waters, or interest therein,
7 in accordance with the statutory authority applicable to
8 the National Park Service, \$65,190,000, to be derived
9 from the Land and Water Conservation Fund and to re-
10 main available until expended, of which \$20,000,000 is for
11 the State assistance program and of which \$4,000,000 is
12 available for grants, subject to a match by at least an
13 equal amount, to States, regional entities, local commu-
14 nities, and the private sector for cost-shared fee simple
15 acquisition of land or permanent, protective interests in
16 land, to preserve, conserve, and enhance nationally signifi-
17 cant Civil War Battlefields: *Provided*, That of the unobli-
18 gated balances under this heading for State Assistance,
19 \$1,000,000 are permanently rescinded.

20 URBAN PARK AND RECREATION FUND
21 (RESCISSION)

22 Of the unobligated balances available under this
23 heading, \$1,300,000 are rescinded.

24 ADMINISTRATIVE PROVISIONS

25 In addition to other uses set forth in section 407(d)
26 of Public Law 105-391, franchise fees credited to a sub-

1 account shall be available for expenditure by the Sec-
2 retary, without further appropriation, for use at any unit
3 within the National Park System to extinguish or reduce
4 liability for Possessory Interest or leasehold surrender in-
5 terest. Such funds may only be used for this purpose to
6 the extent that the benefiting unit anticipated franchise
7 fee receipts over the term of the contract at that unit ex-
8 ceed the amount of funds used to extinguish or reduce
9 liability. Franchise fees at the benefiting unit shall be
10 credited to the sub-account of the originating unit over
11 a period not to exceed the term of a single contract at
12 the benefiting unit, in the amount of funds so expended
13 to extinguish or reduce liability.

14 For fiscal year 2009 and hereafter, a willing seller
15 from whom the Service acquires title to real property may
16 be considered a "displaced person" for purposes of the
17 Uniform Relocation Assistance and Real Property Acquisi-
18 tion Policy Act and its implementing regulations, whether
19 or not the Service has the authority to acquire such prop-
20 erty by eminent domain.

21 For the costs of administration of the Land and
22 Water Conservation Fund grants authorized by section
23 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
24 of 2006 (Public Law 109-432), the National Park Service
25 may retain up to 3 percent of the amounts which are au-

1 thORIZED to be disbursed under such section, such retained
2 amounts to remain available until expended.

3 Section 3(f) of the Act of August 21, 1935 (16 U.S.C.
4 463(f)), related to the National Park System Advisory
5 Board, is amended in the first sentence by striking
6 "2009" and inserting "2010".

7 UNITED STATES GEOLOGICAL SURVEY
8 SURVEYS, INVESTIGATIONS, AND RESEARCH

9 For expenses necessary for the United States Geo-
10 logical Survey to perform surveys, investigations, and re-
11 search covering topography, geology, hydrology, biology,
12 and the mineral and water resources of the United States,
13 its territories and possessions, and other areas as author-
14 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
15 to their mineral and water resources; give engineering su-
16 pervision to power permittees and Federal Energy Regu-
17 latory Commission licensees; administer the minerals ex-
18 ploration program (30 U.S.C. 641); conduct inquiries into
19 the economic conditions affecting mining and materials
20 processing industries (30 U.S.C. 3, 21a, and 1603; 50
21 U.S.C. 98g(1)) and related purposes as authorized by law;
22 and to publish and disseminate data relative to the fore-
23 going activities; \$1,043,803,000, to remain available until
24 September 30, 2010, of which \$64,078,000 shall be avail-
25 able only for cooperation with States or municipalities for

1 water resources investigations; of which \$40,150,000 shall
2 remain available until expended for satellite operations;
3 and of which \$7,321,000 shall be available until expended
4 for deferred maintenance and capital improvement
5 projects that exceed \$100,000 in cost: *Provided*, That
6 none of the funds provided for the biological research ac-
7 tivity shall be used to conduct new surveys on private
8 property, unless specifically authorized in writing by the
9 property owner: *Provided further*, That no part of this ap-
10 propriation shall be used to pay more than one-half the
11 cost of topographic mapping or water resources data col-
12 lection and investigations carried on in cooperation with
13 States and municipalities.

14 ADMINISTRATIVE PROVISIONS

15 From within the amount appropriated for activities
16 of the United States Geological Survey such sums as are
17 necessary shall be available for reimbursement to the Gen-
18 eral Services Administration for security guard services;
19 contracting for the furnishing of topographic maps and
20 for the making of geophysical or other specialized surveys
21 when it is administratively determined that such proce-
22 dures are in the public interest; construction and mainte-
23 nance of necessary buildings and appurtenant facilities;
24 acquisition of lands for gauging stations and observation
25 wells; expenses of the United States National Committee

1 on Geology; and payment of compensation and expenses
2 of persons on the rolls of the Survey duly appointed to
3 represent the United States in the negotiation and admin-
4 istration of interstate compacts: *Provided*, That activities
5 funded by appropriations herein made may be accom-
6 plished through the use of contracts, grants, or coopera-
7 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
8 *vided further*, That the United States Geological Survey
9 may enter into contracts or cooperative agreements di-
10 rectly with individuals or indirectly with institutions or
11 nonprofit organizations, without regard to 41 U.S.C. 5,
12 for the temporary or intermittent services of students or
13 recent graduates, who shall be considered employees for
14 the purpose of chapters 57 and 81 of title 5, United States
15 Code, relating to compensation for travel and work inju-
16 ries, and chapter 171 of title 28, United States Code, re-
17 lating to tort claims, but shall not be considered to be Fed-
18 eral employees for any other purposes.

19 MINERALS MANAGEMENT SERVICE

20 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

21 For expenses necessary for minerals leasing and envi-
22 ronmental studies, regulation of industry operations, and
23 collection of royalties, as authorized by law; for enforcing
24 laws and regulations applicable to oil, gas, and other min-
25 erals leases, permits, licenses and operating contracts; for

1 energy-related or other authorized marine-related pur-
2 poses on the Outer Continental Shelf; and for matching
3 grants or cooperative agreements, \$157,373,000, to re-
4 main available until September 30, 2010, of which
5 \$86,684,000 shall be available for royalty management ac-
6 tivities; and an amount not to exceed \$146,730,000, to
7 be credited to this appropriation and to remain available
8 until expended, from additions to receipts resulting from
9 increases to rates in effect on August 5, 1993, and from
10 cost recovery fees: *Provided*, That in fiscal year 2009 and
11 each fiscal year thereafter, fees and charges authorized by
12 31 U.S.C. 9701 may be collected only to the extent pro-
13 vided in advance in appropriations Acts: *Provided further*,
14 That notwithstanding 31 U.S.C. 3302, in fiscal year 2009,
15 such amounts as are assessed under 31 U.S.C. 9701 shall
16 be collected and credited to this account and shall be avail-
17 able until expended for necessary expenses: *Provided fur-*
18 *ther*, That to the extent \$146,730,000 in addition to re-
19 ceipts are not realized from the sources of receipts stated
20 above, the amount needed to reach \$146,730,000 shall be
21 credited to this appropriation from receipts resulting from
22 rental rates for Outer Continental Shelf leases in effect
23 before August 5, 1993: *Provided further*, That the term
24 “qualified Outer Continental Shelf revenues”, as defined
25 in section 102(9)(A) of the Gulf of Mexico Energy Secu-

1 rity Act, division C of Public Law 109-432, shall include
2 only the portion of rental revenues that would have been
3 collected at the rental rates in effect before August 5,
4 1993: *Provided further*, That not to exceed \$3,000 shall
5 be available for reasonable expenses related to promoting
6 volunteer beach and marine cleanup activities: *Provided*
7 *further*, That notwithstanding any other provision of law,
8 \$15,000 under this heading shall be available for refunds
9 of overpayments in connection with certain Indian leases
10 in which the Director of MMS concurred with the claimed
11 refund due, to pay amounts owed to Indian allottees or
12 tribes, or to correct prior unrecoverable erroneous pay-
13 ments.

14 OIL SPILL RESEARCH

15 For necessary expenses to carry out title I, section
16 1016, title IV, sections 4202 and 4303, title VII, and title
17 VIII, section 8201 of the Oil Pollution Act of 1990,
18 \$6,303,000, which shall be derived from the Oil Spill Li-
19 ability Trust Fund, to remain available until expended.

20 ADMINISTRATIVE PROVISION

21 Notwithstanding the provisions of section 35(b) of
22 the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),
23 the Secretary shall deduct 2 percent from the amount pay-
24 able to each State in fiscal year 2009 and deposit the
25 amount deducted to miscellaneous receipts of the Treas-
26 ury.

1 Fund and to remain available until expended: *Provided,*
2 That pursuant to Public Law 97-365, the Department of
3 the Interior is authorized to use up to 20 percent from
4 the recovery of the delinquent debt owed to the United
5 States Government to pay for contracts to collect these
6 debts: *Provided further,* That in fiscal year 2009 and here-
7 after, the State of Maryland may set aside the greater of
8 \$1,000,000 or 10 percent of the total of the grants made
9 available to the State under title IV of the Act, if the
10 amount set aside is deposited in an acid mine drainage
11 abatement and treatment fund established under a State
12 law, pursuant to which law the amount, together with all
13 interest earned on the amount, is expended by the State
14 to undertake acid mine drainage abatement and treatment
15 projects, except that before any amounts greater than 10
16 percent of its title IV grants are deposited in an acid mine
17 drainage abatement and treatment fund, the State of
18 Maryland must first complete all Surface Mining Control
19 and Reclamation Act priority one projects: *Provided fur-*
20 *ther,* That of the unobligated balances available under this
21 heading, \$8,500,000 are permanently rescinded: *Provided*
22 *further,* That amounts provided under this heading may
23 be used for the travel and per diem expenses of State and
24 tribal personnel attending Office of Surface Mining Rec-
25 lamation and Enforcement sponsored training.

1 ADMINISTRATIVE PROVISION

2 With funds available for the Technical Innovation
3 and Professional Services program in this Act, the Sec-
4 retary may transfer title for computer hardware, software
5 and other technical equipment to State and tribal regu-
6 latory and reclamation programs.

7 BUREAU OF INDIAN AFFAIRS

8 OPERATION OF INDIAN PROGRAMS

9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses necessary for the operation of Indian
11 programs, as authorized by law, including the Snyder Act
12 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
13 termination and Education Assistance Act of 1975 (25
14 U.S.C. 450 et seq.), as amended, the Education Amend-
15 ments of 1978 (25 U.S.C. 2001-2019), and the Tribally
16 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
17 as amended, \$2,128,630,000, to remain available until
18 September 30, 2010 except as otherwise provided herein;
19 of which not to exceed \$8,500 may be for official reception
20 and representation expenses; of which not to exceed
21 \$74,915,000 shall be for welfare assistance payments:
22 *Provided*, That in cases of designated Federal disasters,
23 the Secretary may exceed such cap, from the amounts pro-
24 vided herein, to provide for disaster relief to Indian com-
25 munities affected by the disaster; notwithstanding any

1 other provision of law, including but not limited to the
2 Indian Self-Determination Act of 1975, as amended, not
3 to exceed \$147,294,000 shall be available for payments
4 for contract support costs associated with ongoing con-
5 tracts, grants, compacts, or annual funding agreements
6 entered into with the Bureau prior to or during fiscal year
7 2009, as authorized by such Act, except that tribes and
8 tribal organizations may use their tribal priority alloca-
9 tions for unmet contract support costs of ongoing con-
10 tracts, grants, or compacts, or annual funding agreements
11 and for unmet welfare assistance costs; of which not to
12 exceed \$499,470,000 for school operations costs of Bu-
13 reau-funded schools and other education programs shall
14 become available on July 1, 2009, and shall remain avail-
15 able until September 30, 2010; and of which not to exceed
16 \$58,623,000 shall remain available until expended for
17 housing improvement, road maintenance, attorney fees,
18 litigation support, the Indian Self-Determination Fund,
19 land records improvement, and the Navajo-Hopi Settle-
20 ment Program: *Provided further*, That notwithstanding
21 any other provision of law, including but not limited to
22 the Indian Self-Determination Act of 1975, as amended,
23 and 25 U.S.C. 2008, not to exceed \$43,373,000 within
24 and only from such amounts made available for school op-
25 erations shall be available for administrative cost grants

1 associated with ongoing grants entered into with the Bu-
2 reau prior to or during fiscal year 2008 for the operation
3 of Bureau-funded schools, and up to \$500,000 within and
4 only from such amounts made available for administrative
5 cost grants shall be available for the transitional costs of
6 initial administrative cost grants to grantees that assume
7 operation on or after July 1, 2008, of Bureau-funded
8 schools: *Provided further*, That any forestry funds allo-
9 cated to a tribe which remain unobligated as of September
10 30, 2010, may be transferred during fiscal year 2011 to
11 an Indian forest land assistance account established for
12 the benefit of the holder of the funds within the holder's
13 trust fund account: *Provided further*, That any such unob-
14 ligated balances not so transferred shall expire on Sep-
15 tember 30, 2011.

16 CONSTRUCTION

17 (INCLUDING TRANSFER OF FUNDS)

18 For construction, repair, improvement, and mainte-
19 nance of irrigation and power systems, buildings, utilities,
20 and other facilities, including architectural and engineer-
21 ing services by contract; acquisition of lands, and interests
22 in lands; and preparation of lands for farming, and for
23 construction of the Navajo Indian Irrigation Project pur-
24 suant to Public Law 87-483, \$217,688,000, to remain
25 available until expended: *Provided*, That such amounts as

1 may be available for the construction of the Navajo Indian
2 Irrigation Project may be transferred to the Bureau of
3 Reclamation: *Provided further*, That not to exceed 6 per-
4 cent of contract authority available to the Bureau of In-
5 dian Affairs from the Federal Highway Trust Fund may
6 be used to cover the road program management costs of
7 the Bureau: *Provided further*, That any funds provided for
8 the Safety of Dams program pursuant to 25 U.S.C. 13
9 shall be made available on a nonreimbursable basis: *Pro-*
10 *vided further*, That for fiscal year 2009, in implementing
11 new construction or facilities improvement and repair
12 project grants in excess of \$100,000 that are provided to
13 grant schools under Public Law 100-297, as amended, the
14 Secretary of the Interior shall use the Administrative and
15 Audit Requirements and Cost Principles for Assistance
16 Programs contained in 43 CFR part 12 as the regulatory
17 requirements: *Provided further*, That such grants shall not
18 be subject to section 12.61 of 43 CFR; the Secretary and
19 the grantee shall negotiate and determine a schedule of
20 payments for the work to be performed: *Provided further*,
21 That in considering grant applications, the Secretary shall
22 consider whether such grantee would be deficient in assur-
23 ing that the construction projects conform to applicable
24 building standards and codes and Federal, tribal, or State
25 health and safety standards as required by 25 U.S.C.

1 2005(b), with respect to organizational and financial man-
2 agement capabilities: *Provided further*, That if the Sec-
3 retary declines a grant application, the Secretary shall fol-
4 low the requirements contained in 25 U.S.C. 2504(f): *Pro-*
5 *vided further*, That any disputes between the Secretary
6 and any grantee concerning a grant shall be subject to
7 the disputes provision in 25 U.S.C. 2507(e): *Provided fur-*
8 *ther*, That in order to ensure timely completion of con-
9 struction projects, the Secretary may assume control of
10 a project and all funds related to the project, if, within
11 eighteen months of the date of enactment of this Act, any
12 grantee receiving funds appropriated in this Act or in any
13 prior Act, has not completed the planning and design
14 phase of the project and commenced construction: *Pro-*
15 *vided further*, That this appropriation may be reimbursed
16 from the Office of the Special Trustee for American Indi-
17 ans appropriation for the appropriate share of construc-
18 tion costs for space expansion needed in agency offices to
19 meet trust reform implementation.

20 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND

21 MISCELLANEOUS PAYMENTS TO INDIANS

22 For payments and necessary administrative expenses
23 for implementation of Indian land and water claim settle-
24 ments pursuant to Public Laws 99-264, 100-580, 101-
25 618, 108-447, 109-379, and 109-479, and for implemen-

1 tation of other land and water rights settlements,
2 \$21,627,000, to remain available until expended.

3 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

4 For the cost of guaranteed loans, \$8,186,000, of
5 which \$1,600,000 is for administrative expenses, as au-
6 thorized by the Indian Financing Act of 1974, as amend-
7 ed: *Provided*, That of the amounts provided herein for ad-
8 ministrative expenses, \$500,000 is for the modernization
9 of a management and accounting system: *Provided further*,
10 That such costs, including the cost of modifying such
11 loans, shall be as defined in section 502 of the Congres-
12 sional Budget Act of 1974: *Provided further*, That these
13 funds are available to subsidize total loan principal, any
14 part of which is to be guaranteed, not to exceed
15 \$85,200,517.

16 ADMINISTRATIVE PROVISIONS

17 The Bureau of Indian Affairs may carry out the oper-
18 ation of Indian programs by direct expenditure, contracts,
19 cooperative agreements, compacts and grants, either di-
20 rectly or in cooperation with States and other organiza-
21 tions.

22 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
23 Affairs may contract for services in support of the man-
24 agement, operation, and maintenance of the Power Divi-
25 sion of the San Carlos Irrigation Project.

1 Appropriations for the Bureau of Indian Affairs (ex-
2 cept the Revolving Fund for Loans Liquidating Account,
3 Indian Loan Guaranty and Insurance Fund Liquidating
4 Account, Indian Guaranteed Loan Financing Account, In-
5 dian Direct Loan Financing Account, and the Indian
6 Guaranteed Loan Program account) shall be available for
7 expenses of exhibits.

8 Notwithstanding any other provision of law, no funds
9 available to the Bureau of Indian Affairs for central office
10 oversight and Executive Direction and Administrative
11 Services (except executive direction and administrative
12 services funding for Tribal Priority Allocations, regional
13 offices, and facilities operations and maintenance) shall be
14 available for contracts, grants, compacts, or cooperative
15 agreements with the Bureau of Indian Affairs under the
16 provisions of the Indian Self-Determination Act or the
17 Tribal Self-Governance Act of 1994 (Public Law 103-
18 413).

19 In the event any tribe returns appropriations made
20 available by this Act to the Bureau of Indian Affairs, this
21 action shall not diminish the Federal Government's trust
22 responsibility to that tribe, or the government-to-govern-
23 ment relationship between the United States and that
24 tribe, or that tribe's ability to access future appropria-
25 tions.

1 Notwithstanding any other provision of law, no funds
2 available to the Bureau, other than the amounts provided
3 herein for assistance to public schools under 25 U.S.C.
4 452 et seq., shall be available to support the operation of
5 any elementary or secondary school in the State of Alaska.

6 Appropriations made available in this or any other
7 Act for schools funded by the Bureau shall be available
8 only to the schools in the Bureau school system as of Sep-
9 tember 1, 1996. No funds available to the Bureau shall
10 be used to support expanded grades for any school or dor-
11 mitory beyond the grade structure in place or approved
12 by the Secretary of the Interior at each school in the Bu-
13 reau school system as of October 1, 1995. Funds made
14 available under this Act may not be used to establish a
15 charter school at a Bureau-funded school (as that term
16 is defined in section 1146 of the Education Amendments
17 of 1978 (25 U.S.C. 2026)), except that a charter school
18 that is in existence on the date of the enactment of this
19 Act and that has operated at a Bureau-funded school be-
20 fore September 1, 1999, may continue to operate during
21 that period, but only if the charter school pays to the Bu-
22 reau a pro rata share of funds to reimburse the Bureau
23 for the use of the real and personal property (including
24 buses and vans), the funds of the charter school are kept
25 separate and apart from Bureau funds, and the Bureau

1 does not assume any obligation for charter school pro-
2 grams of the State in which the school is located if the
3 charter school loses such funding. Employees of Bureau-
4 funded schools sharing a campus with a charter school and
5 performing functions related to the charter schools oper-
6 ation and employees of a charter school shall not be treat-
7 ed as Federal employees for purposes of chapter 171 of
8 title 28, United States Code.

9 Notwithstanding any other provision of law, including
10 section 113 of title I of appendix C of Public Law 106-
11 113, if in fiscal year 2003 or 2004 a grantee received indi-
12 rect and administrative costs pursuant to a distribution
13 formula based on section 5(f) of Public Law 101-301, the
14 Secretary shall continue to distribute indirect and admin-
15 istrative cost funds to such grantee using the section 5(f)
16 distribution formula.

17 DEPARTMENTAL OFFICES

18 OFFICE OF THE SECRETARY

19 SALARIES AND EXPENSES

20 For necessary expenses for management of the De-
21 partment of the Interior, \$107,264,000; of which not to
22 exceed \$15,000 may be for official reception and represen-
23 tation expenses; and of which up to \$1,000,000 shall be
24 available for workers compensation payments and unem-
25 ployment compensation payments associated with the or-

1 derly closure of the United States Bureau of Mines: *Pro-*
2 *vided*, That, for fiscal year 2009 up to \$400,000 of the
3 payments authorized by the Act of October 20, 1976, as
4 amended (31 U.S.C. 6901-6907) may be retained for ad-
5 ministrative expenses of the Payments in Lieu of Taxes
6 Program: *Provided further*, That no payment shall be
7 made pursuant to that Act to otherwise eligible units of
8 local government if the computed amount of the payment
9 is less than \$100.

10 MANAGEMENT OF FEDERAL LANDS FOR SUBSISTENCE

11 USES

12 (RESCISSION)

13 The unobligated balances under this heading as of
14 the date of enactment of this provision are permanently
15 rescinded.

16 INSULAR AFFAIRS

17 ASSISTANCE TO TERRITORIES

18 For expenses necessary for assistance to territories
19 under the jurisdiction of the Department of the Interior,
20 \$78,665,000, of which: (1) \$69,815,000 shall remain
21 available until expended for technical assistance, including
22 maintenance assistance, disaster assistance, insular man-
23 agement controls, coral reef initiative activities, and brown
24 tree snake control and research; grants to the judiciary
25 in American Samoa for compensation and expenses, as au-

1 thORIZED BY LAW (48 U.S.C. 1661(c)); GRANTS TO THE GOVERN-
2 MENT OF AMERICAN SAMOA, IN ADDITION TO CURRENT LOCAL REV-
3 ENUES, FOR CONSTRUCTION AND SUPPORT OF GOVERNMENTAL FUNC-
4 TIONS; GRANTS TO THE GOVERNMENT OF THE VIRGIN ISLANDS AS
5 AUTHORIZED BY LAW; GRANTS TO THE GOVERNMENT OF GUAM,
6 AS AUTHORIZED BY LAW; AND GRANTS TO THE GOVERNMENT OF
7 THE NORTHERN MARIANA ISLANDS AS AUTHORIZED BY LAW (Pub-
8 LIC LAW 94-241; 90 STAT. 272); AND (2) \$8,850,000 SHALL
9 BE AVAILABLE UNTIL SEPTEMBER 30, 2010 FOR SALARIES AND EX-
10 PENSES OF THE OFFICE OF INSULAR AFFAIRS: *Provided*, That all
11 FINANCIAL TRANSACTIONS OF THE TERRITORIAL AND LOCAL GOVERN-
12 MENTS HEREIN PROVIDED FOR, INCLUDING SUCH TRANSACTIONS OF
13 ALL AGENCIES OR INSTRUMENTALITIES ESTABLISHED OR USED BY
14 SUCH GOVERNMENTS, MAY BE AUDITED BY THE GOVERNMENT AC-
15 COUNTABILITY OFFICE, AT ITS DISCRETION, IN ACCORDANCE WITH
16 CHAPTER 35 OF TITLE 31, UNITED STATES CODE: *Provided fur-*
17 *ther*, That Northern Mariana Islands Covenant grant
18 FUNDING SHALL BE PROVIDED ACCORDING TO THOSE TERMS OF THE
19 AGREEMENT OF THE SPECIAL REPRESENTATIVES ON FUTURE
20 UNITED STATES FINANCIAL ASSISTANCE FOR THE NORTHERN MAR-
21 IANA ISLANDS APPROVED BY PUBLIC LAW 104-134: *Provided*
22 *further*, That of the amounts provided for technical assist-
23 ANCE, SUFFICIENT FUNDS SHALL BE MADE AVAILABLE FOR A GRANT
24 TO THE PACIFIC BASIN DEVELOPMENT COUNCIL: *Provided fur-*
25 *ther*, That of the amounts provided for technical assist-

1 ance, sufficient funding shall be made available for a grant
2 to the Close Up Foundation: *Provided further*, That the
3 funds for the program of operations and maintenance im-
4 provement are appropriated to institutionalize routine op-
5 erations and maintenance improvement of capital infra-
6 structure with territorial participation and cost sharing to
7 be determined by the Secretary based on the grantee's
8 commitment to timely maintenance of its capital assets:
9 *Provided further*, That any appropriation for disaster as-
10 sistance under this heading in this Act or previous appro-
11 priations Acts may be used as non-Federal matching
12 funds for the purpose of hazard mitigation grants provided
13 pursuant to section 404 of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

15 COMPACT OF FREE ASSOCIATION

16 For grants and necessary expenses, \$5,318,000, to
17 remain available until expended, as provided for in sec-
18 tions 221(a)(2), 221(b), and 233 of the Compact of Free
19 Association for the Republic of Palau; and section
20 221(a)(2) of the Compacts of Free Association for the
21 Government of the Republic of the Marshall Islands and
22 the Federated States of Micronesia, as authorized by Pub-
23 lic Law 99-658 and Public Law 108-188.

1 OFFICE OF THE SOLICITOR

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of the Solicitor,
4 \$62,050,000.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
8 General, \$45,953,000.

9 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

10 INDIANS

11 FEDERAL TRUST PROGRAMS

12 (INCLUDING TRANSFER OF FUNDS)

13 For the operation of trust programs for Indians by
14 direct expenditure, contracts, cooperative agreements,
15 compacts, and grants, \$181,648,000, to remain available
16 until expended, of which not to exceed \$56,445,000 from
17 this or any other Act, shall be available for historical ac-
18 counting: *Provided*, That funds for trust management im-
19 provements and litigation support may, as needed, be
20 transferred to or merged with the Bureau of Indian Af-
21 fairs, "Operation of Indian Programs" account; the Office
22 of the Solicitor, "Salaries and Expenses" account; and the
23 Office of the Secretary, "Salaries and Expenses" account:
24 *Provided further*, That funds made available through con-
25 tracts or grants obligated during fiscal year 2009, as au-
26 thorized by the Indian Self-Determination Act of 1975 (25

1 U.S.C. 450 et seq.), shall remain available until expended
2 by the contractor or grantee: *Provided further*, That, not-
3 withstanding any other provision of law, the statute of lim-
4 itations shall not commence to run on any claim, including
5 any claim in litigation pending on the date of the enact-
6 ment of this Act, concerning losses to or mismanagement
7 of trust funds, until the affected tribe or individual Indian
8 has been furnished with an accounting of such funds from
9 which the beneficiary can determine whether there has
10 been a loss: *Provided further*, That, notwithstanding any
11 other provision of law, the Secretary shall not be required
12 to provide a quarterly statement of performance for any
13 Indian trust account that has not had activity for at least
14 18 months and has a balance of \$15.00 or less: *Provided*
15 *further*, That the Secretary shall issue an annual account
16 statement and maintain a record of any such accounts and
17 shall permit the balance in each such account to be with-
18 drawn upon the express written request of the account
19 holder: *Provided further*, That not to exceed \$50,000 is
20 available for the Secretary to make payments to correct
21 administrative errors of either disbursements from or de-
22 posits to Individual Indian Money or Tribal accounts after
23 September 30, 2002: *Provided further*, That erroneous
24 payments that are recovered shall be credited to and re-
25 main available in this account for this purpose: *Provided*

1 *further*, That not to exceed \$6,000,000 may be transferred
2 from unobligated balances (Treasury Accounts 14X6039,
3 14X6803 and 14X8030) for the purpose of one-time ac-
4 counting reconciliations of the balances, as sanctioned by
5 the Chief Financial Officers Act of 1990, American Indian
6 Trust Fund Management Reform Act of 1994 and the
7 Federal Managers' Financial Integrity Act (FMFIA).

8 DEPARTMENT-WIDE PROGRAMS

9 WILDLAND FIRE MANAGEMENT

10 (INCLUDING TRANSFERS OF FUNDS)

11 For necessary expenses for fire preparedness, sup-
12 pression operations, fire science and research, emergency
13 rehabilitation, hazardous fuels reduction, and rural fire as-
14 sistance by the Department of the Interior, \$859,453,000,
15 to remain available until expended, of which not to exceed
16 \$6,137,000 shall be for the renovation or construction of
17 fire facilities: *Provided*, That such funds are also available
18 for repayment of advances to other appropriation accounts
19 from which funds were previously transferred for such
20 purposes: *Provided further*, That persons hired pursuant
21 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
22 ing without cost from funds available from this appropria-
23 tion: *Provided further*, That notwithstanding 42 U.S.C.
24 1856d, sums received by a bureau or office of the Depart-
25 ment of the Interior for fire protection rendered pursuant
26 to 42 U.S.C. 1856 et seq., protection of United States

1 property, may be credited to the appropriation from which
2 funds were expended to provide that protection, and are
3 available without fiscal year limitation: *Provided further,*
4 That using the amounts designated under this title of this
5 Act, the Secretary of the Interior may enter into procure-
6 ment contracts, grants, or cooperative agreements, for
7 hazardous fuels reduction activities, and for training and
8 monitoring associated with such hazardous fuels reduction
9 activities, on Federal land, or on adjacent non-Federal
10 land for activities that benefit resources on Federal land:
11 *Provided further,* That the costs of implementing any co-
12 operative agreement between the Federal Government and
13 any non-Federal entity may be shared, as mutually agreed
14 on by the affected parties: *Provided further,* That notwith-
15 standing requirements of the Competition in Contracting
16 Act, the Secretary, for purposes of hazardous fuels reduc-
17 tion activities, may obtain maximum practicable competi-
18 tion among: (1) local private, nonprofit, or cooperative en-
19 tities; (2) Youth Conservation Corps crews, Public Lands
20 Corps (Public Law 109-154), or related partnerships with
21 State, local, or non-profit youth groups; (3) small or
22 micro-businesses; or (4) other entities that will hire or
23 train locally a significant percentage, defined as 50 per-
24 cent or more, of the project workforce to complete such
25 contracts: *Provided further,* That in implementing this sec-

1 tion, the Secretary shall develop written guidance to field
2 units to ensure accountability and consistent application
3 of the authorities provided herein: *Provided further*, That
4 funds appropriated under this head may be used to reim-
5 burse the United States Fish and Wildlife Service and the
6 National Marine Fisheries Service for the costs of carrying
7 out their responsibilities under the Endangered Species
8 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
9 ference, as required by section 7 of such Act, in connection
10 with wildland fire management activities: *Provided further*,
11 That the Secretary of the Interior may use wildland fire
12 appropriations to enter into non-competitive sole source
13 leases of real property with local governments, at or below
14 fair market value, to construct capitalized improvements
15 for fire facilities on such leased properties, including but
16 not limited to fire guard stations, retardant stations, and
17 other initial attack and fire support facilities, and to make
18 advance payments for any such lease or for construction
19 activity associated with the lease: *Provided further*, That
20 the Secretary of the Interior and the Secretary of Agri-
21 culture may authorize the transfer of funds appropriated
22 for wildland fire management, in an aggregate amount not
23 to exceed \$10,000,000, between the Departments when
24 such transfers would facilitate and expedite jointly funded
25 wildland fire management programs and projects: *Pro-*

1 *vided further*, That funds provided for wildfire suppression
2 shall be available for support of Federal emergency re-
3 sponse actions.

4 CENTRAL HAZARDOUS MATERIALS FUND

5 For necessary expenses of the Department of the In-
6 terior and any of its component offices and bureaus for
7 the remedial action, including associated activities, of haz-
8 ardous waste substances, pollutants, or contaminants pur-
9 suant to the Comprehensive Environmental Response,
10 Compensation, and Liability Act, as amended (42 U.S.C.
11 9601 et seq.), \$10,148,000, to remain available until ex-
12 pended.

13 NATURAL RESOURCE DAMAGE ASSESSMENT AND

14 RESTORATION

15 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

16 To conduct natural resource damage assessment and
17 restoration activities by the Department of the Interior
18 necessary to carry out the provisions of the Comprehensive
19 Environmental Response, Compensation, and Liability
20 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
21 Water Pollution Control Act, as amended (33 U.S.C. 1251
22 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
23 et seq.), and Public Law 101-337, as amended (16 U.S.C.
24 19jj et seq.), \$6,338,000, to remain available until ex-
25 pended.

1 WORKING CAPITAL FUND

2 For the acquisition of a departmental financial and
3 business management system, \$73,435,000, to remain
4 available until expended: *Provided*, That none of the funds
5 in this Act or previous appropriations Acts may be used
6 to establish reserves in the Working Capital Fund account
7 other than for accrued annual leave and depreciation of
8 equipment without prior approval of the House and Senate
9 Committees on Appropriations.

10 ADMINISTRATIVE PROVISIONS

11 There is hereby authorized for acquisition from avail-
12 able resources within the Working Capital Fund, 15 air-
13 craft, 10 of which shall be for replacement and which may
14 be obtained by donation, purchase or through available ex-
15 cess surplus property: *Provided*, That existing aircraft
16 being replaced may be sold, with proceeds derived or
17 trade-in value used to offset the purchase price for the
18 replacement aircraft.

19 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

20 (INCLUDING TRANSFERS OF FUNDS)

21 SEC. 101. Appropriations made in this title shall be
22 available for expenditure or transfer (within each bureau
23 or office), with the approval of the Secretary, for the emer-
24 gency reconstruction, replacement, or repair of aircraft,
25 buildings, utilities, or other facilities or equipment dam-

1 aged or destroyed by fire, flood, storm, or other unavail-
2 able causes: *Provided*, That no funds shall be made avail-
3 able under this authority until funds specifically made
4 available to the Department of the Interior for emer-
5 gencies shall have been exhausted: *Provided further*, That
6 all funds used pursuant to this section must be replenished
7 by a supplemental appropriation which must be requested
8 as promptly as possible.

9 SEC. 102. The Secretary may authorize the expendi-
10 ture or transfer of any no year appropriation in this title,
11 in addition to the amounts included in the budget pro-
12 grams of the several agencies, for the suppression or emer-
13 gency prevention of wildland fires on or threatening lands
14 under the jurisdiction of the Department of the Interior;
15 for the emergency rehabilitation of burned-over lands
16 under its jurisdiction; for emergency actions related to po-
17 tential or actual earthquakes, floods, volcanoes, storms, or
18 other unavoidable causes; for contingency planning subse-
19 quent to actual oil spills; for response and natural resource
20 damage assessment activities related to actual oil spills;
21 for the prevention, suppression, and control of actual or
22 potential grasshopper and Mormon cricket outbreaks on
23 lands under the jurisdiction of the Secretary, pursuant to
24 the authority in section 1773(b) of Public Law 99-198
25 (99 Stat. 1658); for emergency reclamation projects under

1 section 410 of Public Law 95-87; and shall transfer, from
2 any no year funds available to the Office of Surface Min-
3 ing Reclamation and Enforcement, such funds as may be
4 necessary to permit assumption of regulatory authority in
5 the event a primacy State is not carrying out the regu-
6 latory provisions of the Surface Mining Act: *Provided*,
7 That appropriations made in this title for wildland fire
8 operations shall be available for the payment of obligations
9 incurred during the preceding fiscal year, and for reim-
10 bursement to other Federal agencies for destruction of ve-
11 hicles, aircraft, or other equipment in connection with
12 their use for wildland fire operations, such reimbursement
13 to be credited to appropriations currently available at the
14 time of receipt thereof: *Provided further*, That for wildland
15 fire operations, no funds shall be made available under
16 this authority until the Secretary determines that funds
17 appropriated for "wildland fire operations" shall be ex-
18 hausted within 30 days: *Provided further*, That all funds
19 used pursuant to this section must be replenished by a
20 supplemental appropriation which must be requested as
21 promptly as possible: *Provided further*, That such replen-
22 ishment funds shall be used to reimburse, on a pro rata
23 basis, accounts from which emergency funds were trans-
24 ferred.

1 SEC. 103. Appropriations made to the Department
2 of the Interior in this title shall be available for services
3 as authorized by 5 U.S.C. 3109, when authorized by the
4 Secretary, in total amount not to exceed \$500,000; pur-
5 chase and replacement of motor vehicles, including spe-
6 cially equipped law enforcement vehicles; hire, mainte-
7 nance, and operation of aircraft; hire of passenger motor
8 vehicles; purchase of reprints; payment for telephone serv-
9 ice in private residences in the field, when authorized
10 under regulations approved by the Secretary; and the pay-
11 ment of dues, when authorized by the Secretary, for li-
12 brary membership in societies or associations which issue
13 publications to members only or at a price to members
14 lower than to subscribers who are not members.

15 SEC. 104. Appropriations made in this Act under the
16 headings Bureau of Indian Affairs and Office of the Spe-
17 cial Trustee for American Indians and any unobligated
18 balances from prior appropriations Acts made under the
19 same headings shall be available for expenditure or trans-
20 fer for Indian trust management and reform activities.
21 Total funding for historical accounting activities shall not
22 exceed amounts specifically designated in this Act for such
23 purpose.

24 SEC. 105. Notwithstanding any other provision of
25 law, the Secretary of the Interior is authorized to redis-

1 tribute any Tribal Priority Allocation funds, including
2 tribal base funds, to alleviate tribal funding inequities by
3 transferring funds to address identified, unmet needs,
4 dual enrollment, overlapping service areas or inaccurate
5 distribution methodologies. No tribe shall receive a reduc-
6 tion in Tribal Priority Allocation funds of more than 10
7 percent in fiscal year 2009. Under circumstances of dual
8 enrollment, overlapping service areas or inaccurate dis-
9 tribution methodologies, the 10 percent limitation does not
10 apply.

11 SEC. 106. Notwithstanding any other provision of
12 law, in conveying the Twin Cities Research Center under
13 the authority provided by Public Law 104-134, as amend-
14 ed by Public Law 104-208, the Secretary may accept and
15 retain land and other forms of reimbursement: *Provided,*
16 That the Secretary may retain and use any such reim-
17 bursement until expended and without further appropria-
18 tion: (1) for the benefit of the National Wildlife Refuge
19 System within the State of Minnesota; and (2) for all ac-
20 tivities authorized by 16 U.S.C. 460zz.

21 SEC. 107. The Secretary of the Interior may use dis-
22 cretionary funds to pay private attorney fees and costs for
23 employees and former employees of the Department of the
24 Interior reasonably incurred in connection with Cobell v.
25 Kempthorne to the extent that such fees and costs are

1 not paid by the Department of Justice or by private insur-
2 ance. In no case shall the Secretary make payments under
3 this section that would result in payment of hourly fees
4 in excess of the highest hourly rate approved by the Dis-
5 trict Court for the District of Columbia for counsel in
6 Cobell v. Kempthorne.

7 SEC. 108. The United States Fish and Wildlife Serv-
8 ice shall, in carrying out its responsibilities to protect
9 threatened and endangered species of salmon, implement
10 a system of mass marking of salmonid stocks, intended
11 for harvest, that are released from federally operated or
12 federally financed hatcheries including but not limited to
13 fish releases of coho, chinook, and steelhead species.
14 Marked fish must have a visible mark that can be readily
15 identified by commercial and recreational fishers.

16 SEC. 109. No funds appropriated for the Department
17 of the Interior by this Act or any other Act shall be used
18 to study or implement any plan to drain Lake Powell or
19 to reduce the water level of the lake below the range of
20 water levels required for the operation of the Glen Canyon
21 Dam.

22 SEC. 110. Notwithstanding any other provision of
23 law, the Secretary of the Interior is authorized to acquire
24 lands, waters, or interests therein including the use of all
25 or part of any pier, dock, or landing within the State of

1 New York and the State of New Jersey, for the purpose
2 of operating and maintaining facilities in the support of
3 transportation and accommodation of visitors to Ellis,
4 Governors, and Liberty Islands, and of other program and
5 administrative activities, by donation or with appropriated
6 funds, including franchise fees (and other monetary con-
7 sideration), or by exchange; and the Secretary is author-
8 ized to negotiate and enter into leases, subleases, conces-
9 sion contracts or other agreements for the use of such fa-
10 cilities on such terms and conditions as the Secretary may
11 determine reasonable.

12 SEC. 111. Title 43 U.S.C. 1473, as amended by Pub-
13 lic Law 110-161, is further amended by deleting the
14 phrase "in fiscal year 2008 only" and inserting in lieu
15 thereof "in fiscal years 2008 and 2009 only".

16 SEC. 112. No funds appropriated or otherwise made
17 available to the Department of the Interior may be used,
18 in relation to any proposal to store water for the purpose
19 of export, for approval of any right-of-way or similar au-
20 thorization on the Mojave National Preserve or lands man-
21 aged by the Needles Field Office of the Bureau of Land
22 Management, or for carrying out any activities associated
23 with such right-of-way or similar approval.

24 SEC. 113. The Secretary of the Interior may enter
25 into cooperative agreements with a State or political sub-

1 division (including any agency thereof), or any not-for-
2 profit organization if the agreement will: (1) serve a mu-
3 tual interest of the parties to the agreement in carrying
4 out the programs administered by the Department of the
5 Interior; and (2) all parties will contribute resources to
6 the accomplishment of these objectives. At the discretion
7 of the Secretary, such agreements shall not be subject to
8 a competitive process.

9 SEC. 114. Funds provided in this Act for Federal
10 land acquisition by the National Park Service for Shen-
11 andoah Valley Battlefields National Historic District and
12 Ice Age National Scenic Trail may be used for a grant
13 to a State, a local government, or any other land manage-
14 ment entity for the acquisition of lands without regard to
15 any restriction on the use of Federal land acquisition
16 funds provided through the Land and Water Conservation
17 Fund Act of 1965 as amended.

18 SEC. 115. Sections 109 and 110 of the Federal Oil
19 and Gas Royalty Management Act (30 U.S.C. 1719 and
20 1720) shall apply to any lease authorizing exploration for
21 or development of coal, any other solid mineral, or any
22 geothermal resource on any Federal or Indian lands and
23 any lease, easement, right of way, or other agreement, re-
24 gardless of form, for use of the Outer Continental Shelf
25 or any of its resources under sections 8(k) or 8(p) of the

1 Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)
2 and 1337(p)) to the same extent as if such lease, ease-
3 ment, right of way, or other agreement, regardless of
4 form, were an oil and gas lease, except that in such cases
5 the term “royalty payment” shall include any payment re-
6 quired by such lease, easement, right of way or other
7 agreement, regardless of form, or by applicable regulation.

8 SEC. 116. The Pittsford National Fish Hatchery in
9 Chittenden, Vermont is hereby renamed the Dwight D. Ei-
10 senhower National Fish Hatchery.

11 SEC. 117. Section 6 of the Great Sand Dunes Na-
12 tional Park and Preserve Act of 2000 (16 U.S.C. 410hhh-
13 4) is amended—

14 (1) in subsection (a)—

15 (A) by striking “(a) ESTABLISHMENT.—

16 (1) When” and inserting the following:

17 “(a) ESTABLISHMENT AND PURPOSE.—

18 “(1) ESTABLISHMENT.—

19 “(A) IN GENERAL.—When”;

20 (B) in paragraph (2), by striking “(2)

21 Such establishment” and inserting the fol-
22 lowing:

23 “(B) EFFECTIVE DATE.—The establish-
24 ment of the refuge under subparagraph (A)”;

25 and

1 (C) by adding at the end the following:

2 “(2) PURPOSE.—The purpose of the Baca Na-
3 tional Wildlife Refuge shall be to restore, enhance,
4 and maintain wetland, upland, riparian, and other
5 habitats for native wildlife, plant, and fish species in
6 the San Luis Valley.”;

7 (2) in subsection (c)—

8 (A) by striking “The Secretary” and in-
9 serting the following:

10 “(1) IN GENERAL.—The Secretary”; and

11 (B) by adding at the end the following:

12 “(2) REQUIREMENTS.—In administering the
13 Baca National Wildlife Refuge, the Secretary shall,
14 to the maximum extent practicable—

15 “(A) emphasize migratory bird conserva-
16 tion; and

17 “(B) take into consideration the role of the
18 Refuge in broader landscape conservation ef-
19 forts.”; and

20 (3) in subsection (d)—

21 (A) in paragraph (1), by striking “and” at
22 the end;

23 (B) in paragraph (2), by striking the pe-
24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 personnel and related costs and travel expenses; hire of
2 passenger motor vehicles; hire, maintenance, and oper-
3 ation of aircraft; purchase of reprints; library member-
4 ships in societies or associations which issue publications
5 to members only or at a price to members lower than to
6 subscribers who are not members; administrative costs of
7 the brownfields program under the Small Business Liabil-
8 ity Relief and Brownfields Revitalization Act of 2002; and
9 not to exceed \$19,000 for official reception and represen-
10 tation expenses, \$2,392,079,000, to remain available until
11 September 30, 2010: *Provided*, That of the funds included
12 under this heading, not less than \$95,846,000 shall be for
13 the Geographic Programs specified in the explanatory
14 statement described in section 4 (in the matter preceding
15 division A of this consolidated Act).

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, as amended, \$44,791,000, to remain
20 available until September 30, 2010.

21 BUILDINGS AND FACILITIES

22 For construction, repair, improvement, extension, al-
23 teration, and purchase of fixed equipment or facilities of,
24 or for use by, the Environmental Protection Agency,
25 \$35,001,000, to remain available until expended.

1 HAZARDOUS SUBSTANCE SUPERFUND

2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses to carry out the Comprehen-
4 sive Environmental Response, Compensation, and Liabil-
5 ity Act of 1980 (CERCLA), as amended, including sec-
6 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
7 9611) \$1,285,024,000, to remain available until expended,
8 consisting of such sums as are available in the Trust Fund
9 on September 30, 2008, as authorized by section 517(a)
10 of the Superfund Amendments and Reauthorization Act
11 of 1986 (SARA) and up to \$1,285,024,000 as a payment
12 from general revenues to the Hazardous Substance Super-
13 fund for purposes as authorized by section 517(b) of
14 SARA, as amended: *Provided*, That funds appropriated
15 under this heading may be allocated to other Federal
16 agencies in accordance with section 111(a) of CERCLA:
17 *Provided further*, That of the funds appropriated under
18 this heading, \$9,975,000 shall be paid to the "Office of
19 Inspector General" appropriation to remain available until
20 September 30, 2010, and \$26,417,000 shall be paid to the
21 "Science and Technology" appropriation to remain avail-
22 able until September 30, 2010.

1 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
2 PROGRAM

3 For necessary expenses to carry out leaking under-
4 ground storage tank cleanup activities authorized by sub-
5 title I of the Solid Waste Disposal Act, as amended,
6 \$112,577,000, to remain available until expended, of
7 which \$77,077,000 shall be for carrying out leaking un-
8 derground storage tank cleanup activities authorized by
9 section 9003(h) of the Solid Waste Disposal Act, as
10 amended; \$35,500,000 shall be for carrying out the other
11 provisions of the Solid Waste Disposal Act specified in sec-
12 tion 9508(c) of the Internal Revenue Code, as amended:
13 *Provided*, That the Administrator is authorized to use ap-
14 propriations made available under this heading to imple-
15 ment section 9013 of the Solid Waste Disposal Act to pro-
16 vide financial assistance to federally recognized Indian
17 tribes for the development and implementation of pro-
18 grams to manage underground storage tanks.

19 OIL SPILL RESPONSE

20 For expenses necessary to carry out the Environ-
21 mental Protection Agency's responsibilities under the Oil
22 Pollution Act of 1990, \$17,687,000, to be derived from
23 the Oil Spill Liability trust fund, to remain available until
24 expended.

1 STATE AND TRIBAL ASSISTANCE GRANTS

2 For environmental programs and infrastructure as-
3 sistance, including capitalization grants for State revolv-
4 ing funds and performance partnership grants,
5 \$2,968,464,000, to remain available until expended, of
6 which \$689,080,000 shall be for making capitalization
7 grants for the Clean Water State Revolving Funds under
8 title VI of the Federal Water Pollution Control Act, as
9 amended (the "Act"); of which up to \$75,000,000 shall
10 be available for loans, including interest free loans as au-
11 thorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-
12 municipal, interstate, or State agencies or nonprofit enti-
13 ties for projects that provide treatment for or that mini-
14 mize sewage or stormwater discharges using one or more
15 approaches which include, but are not limited to, decen-
16 tralized or distributed stormwater controls, decentralized
17 wastewater treatment, low-impact development practices,
18 conservation easements, stream buffers, or wetlands res-
19 toration; \$829,029,000 shall be for capitalization grants
20 for the Drinking Water State Revolving Funds under sec-
21 tion 1452 of the Safe Drinking Water Act, as amended;
22 \$20,000,000 shall be for architectural, engineering, plan-
23 ning, design, construction and related activities in connec-
24 tion with the construction of high priority water and
25 wastewater facilities in the area of the United States-Mex-

1 ico Border, after consultation with the appropriate border
2 commission; \$18,500,000 shall be for grants to the State
3 of Alaska to address drinking water and waste infrastruc-
4 ture needs of rural and Alaska Native Villages: *Provided,*
5 That, of these funds: (1) the State of Alaska shall provide
6 a match of 25 percent; (2) no more than 5 percent of the
7 funds may be used for administrative and overhead ex-
8 penses; and (3) the State of Alaska shall make awards
9 consistent with the State-wide priority list established in
10 conjunction with the Agency and the U.S. Department of
11 Agriculture for all water, sewer, waste disposal, and simi-
12 lar projects carried out by the State of Alaska that are
13 funded under section 221 of the Federal Water Pollution
14 Control Act (33 U.S.C. 1301) or the Consolidated Farm
15 and Rural Development Act (7 U.S.C. 1921 et seq.) which
16 shall allocate not less than 25 percent of the funds pro-
17 vided for projects in regional hub communities;
18 \$145,000,000 shall be for making special project grants
19 for the construction of drinking water, wastewater and
20 storm water infrastructure and for water quality protec-
21 tion in accordance with the terms and conditions specified
22 for such grants in the explanatory statement described in
23 section 4 (in the matter preceding division A of this con-
24 solidated Act), and, for purposes of these grants, each
25 grantee shall contribute not less than 45 percent of the

1 cost of the project unless the grantee is approved for a
2 waiver by the Agency; \$97,000,000 shall be to carry out
3 section 104(k) of the Comprehensive Environmental Re-
4 sponse, Compensation, and Liability Act of 1980
5 (CERCLA), as amended, including grants, interagency
6 agreements, and associated program support costs;
7 \$60,000,000 shall be for grants under title VII, subtitle
8 G of the Energy Policy Act of 2005, as amended;
9 \$15,000,000 shall be for grants for cost-effective emission
10 reduction projects in accordance with the terms and condi-
11 tions of the explanatory statement described in section 4
12 (in the matter preceding division A of this consolidated
13 Act); and \$1,094,855,000 shall be for grants, including
14 associated program support costs, to States, federally rec-
15 ognized tribes, interstate agencies, tribal consortia, and air
16 pollution control agencies for multi-media or single media
17 pollution prevention, control and abatement and related
18 activities, including activities pursuant to the provisions
19 set forth under this heading in Public Law 104-134, and
20 for making grants under section 103 of the Clean Air Act
21 for particulate matter monitoring and data collection ac-
22 tivities subject to terms and conditions specified by the
23 Administrator, of which \$49,495,000 shall be for carrying
24 out section 128 of CERCLA, as amended, \$10,000,000
25 shall be for Environmental Information Exchange Net-

1 work grants, including associated program support costs,
2 \$18,500,000 of the funds available for grants under sec-
3 tion 106 of the Act shall be for water quality monitoring
4 activities, \$10,000,000 shall be for competitive grants to
5 communities to develop plans and demonstrate and imple-
6 ment projects which reduce greenhouse gas emissions,
7 and, in addition to funds appropriated under the heading
8 "Leaking Underground Storage Tank Trust Fund Pro-
9 gram" to carry out the provisions of the Solid Waste Dis-
10 posal Act specified in section 9508(c) of the Internal Rev-
11 enue Code other than section 9003(h) of the Solid Waste
12 Disposal Act, as amended, \$2,500,000 shall be for grants
13 to States under section 2007(f)(2) of the Solid Waste Dis-
14 posal Act, as amended: *Provided further*, That notwith-
15 standing section 603(d)(7) of the Federal Water Pollution
16 Control Act, the limitation on the amounts in a State
17 water pollution control revolving fund that may be used
18 by a State to administer the fund shall not apply to
19 amounts included as principal in loans made by such fund
20 in fiscal year 2009 and prior years where such amounts
21 represent costs of administering the fund to the extent
22 that such amounts are or were deemed reasonable by the
23 Administrator, accounted for separately from other assets
24 in the fund, and used for eligible purposes of the fund,
25 including administration: *Provided further*, That for fiscal

1 year 2009, and notwithstanding section 518(f) of the Act,
2 the Administrator is authorized to use the amounts appro-
3 priated for any fiscal year under section 319 of that Act
4 to make grants to federally recognized Indian tribes pur-
5 suant to sections 319(h) and 518(e) of that Act: *Provided*
6 *further*, That for fiscal year 2009, notwithstanding the
7 limitation on amounts in section 518(c) of the Act, up to
8 a total of 1½ percent of the funds appropriated for State
9 Revolving Funds under title VI of that Act may be re-
10 served by the Administrator for grants under section
11 518(c) of that Act: *Provided further*, That no funds pro-
12 vided by this appropriations Act to address the water,
13 wastewater and other critical infrastructure needs of the
14 colonias in the United States along the United States-
15 Mexico border shall be made available to a county or mu-
16 nicipal government unless that government has established
17 an enforceable local ordinance, or other zoning rule, which
18 prevents in that jurisdiction the development or construc-
19 tion of any additional colonia areas, or the development
20 within an existing colonia the construction of any new
21 home, business, or other structure which lacks water,
22 wastewater, or other necessary infrastructure.

1 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL

2 PROTECTION AGENCY

3 (INCLUDING RESCISSION OF FUNDS)

4 For fiscal year 2009, notwithstanding 31 U.S.C.
5 6303(1) and 6305(1), the Administrator of the Environ-
6 mental Protection Agency, in carrying out the Agency's
7 function to implement directly Federal environmental pro-
8 grams required or authorized by law in the absence of an
9 acceptable tribal program, may award cooperative agree-
10 ments to federally recognized Indian Tribes or Intertribal
11 consortia, if authorized by their member Tribes, to assist
12 the Administrator in implementing Federal environmental
13 programs for Indian Tribes required or authorized by law,
14 except that no such cooperative agreements may be award-
15 ed from funds designated for State financial assistance
16 agreements.

17 The Administrator of the Environmental Protection
18 Agency is authorized to collect and obligate pesticide reg-
19 istration service fees in accordance with section 33 of the
20 Federal Insecticide, Fungicide, and Rodenticide Act, as
21 amended by Public Law 110-94, the Pesticide Registra-
22 tion Improvement Renewal Act.

23 For fiscal year 2009 and thereafter, the Science and
24 Technology and Environmental Programs and Manage-
25 ment Accounts are available for uniforms, or allowances

1 therefore, as authorized by 5 U.S.C. 5901-02 and for
2 services as authorized by 5 U.S.C. 3109, but at rates for
3 individuals not to exceed the daily equivalent of the rate
4 paid for level IV of the Executive Schedule. Unless specifi-
5 cally authorized by law, for fiscal year 2009 and there-
6 after, none of the funds available under this title for
7 grants may be used to pay for the salaries of individual
8 consultants at more than the daily equivalent of the rate
9 paid for level IV of the Executive Schedule.

10 None of the funds made available by this Act may
11 be used in contravention of, or to delay the implementa-
12 tion of, Executive Order No. 12898 of February 11, 1994
13 (59 Fed. Reg. 7629; relating to Federal actions to address
14 environmental justice in minority populations and low-in-
15 come populations).

16 Title II of Public Law 109-54, under the heading
17 Administrative Provisions, is amended: in the fourth para-
18 graph, strike "make not to exceed five appointments in
19 any fiscal year under the authority provided in 42 U.S.C.
20 209 for the Office of Research and Development" and in-
21 sert "employ up to thirty persons at any one time in the
22 Office of Research and Development under the authority
23 provided in 42 U.S.C. 209".

1 From unobligated balances to carry out projects and
2 activities funded through the State and Tribal Assistance
3 Grants Account, \$10,000,000 are permanently rescinded.

4 Of the funds provided in the Environmental Pro-
5 grams and Management Account, not less than
6 \$6,500,000 shall be used for activities to develop and pub-
7 lish a final rule not later than June 26, 2009, and to begin
8 implementation, to require mandatory reporting of green-
9 house gas emissions above appropriate thresholds in all
10 sectors of the economy of the United States, as required
11 by Public Law 110-161.

12 For fiscal year 2009 and thereafter, the Science and
13 Technology, Environmental Programs and Management,
14 Office of Inspector General, Hazardous Substance Super-
15 fund, and Leaking Underground Storage Tank Trust
16 Fund Program Accounts, are available for the construc-
17 tion, alteration, repair, rehabilitation, and renovation of
18 facilities provided that the cost does not exceed \$85,000
19 per project.

1 TITLE III
2 RELATED AGENCIES
3 DEPARTMENT OF AGRICULTURE
4 FOREST SERVICE
5 FOREST AND RANGELAND RESEARCH

6 For necessary expenses of forest and rangeland re-
7 search as authorized by law, \$296,380,000, to remain
8 available until expended: *Provided*, That of the funds pro-
9 vided, \$60,770,000 is for the forest inventory and analysis
10 program.

11 STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-
13 viding technical and financial assistance to States, terri-
14 tories, possessions, and others, and for forest health man-
15 agement, including treatments of pests, pathogens, and
16 invasive or noxious plants and for restoring and rehabili-
17 tating forests damaged by pests or invasive plants, cooper-
18 ative forestry, and education and land conservation activi-
19 ties and conducting an international program as author-
20 ized, \$265,861,000, to remain available until expended, as
21 authorized by law; and of which \$49,445,000 is to be de-
22 rived from the Land and Water Conservation Fund.

23 NATIONAL FOREST SYSTEM
24 (INCLUDING RESCISSION OF FUNDS)

25 For necessary expenses of the Forest Service, not
26 otherwise provided for, for management, protection, im-

1 provement, and utilization of the National Forest System,
2 \$1,514,805,000, to remain available until expended, which
3 shall include 50 percent of all moneys received during
4 prior fiscal years as fees collected under the Land and
5 Water Conservation Fund Act of 1965, as amended, in
6 accordance with section 4 of the Act (16 U.S.C. 4601-
7 6a(i)): *Provided*, That of the unobligated balances in this
8 account, \$5,000,000 are rescinded.

9 CAPITAL IMPROVEMENT AND MAINTENANCE

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of the Forest Service, not
12 otherwise provided for, \$495,393,000, to remain available
13 until expended, for construction, capital improvement,
14 maintenance and acquisition of buildings and other facili-
15 ties and infrastructure; and for construction, capital im-
16 provement, decommissioning, and maintenance of forest
17 roads and trails by the Forest Service as authorized by
18 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*,
19 That \$50,000,000 shall be designated for urgently needed
20 road decommissioning, road and trail repair and mainte-
21 nance and associated activities, and removal of fish pas-
22 sage barriers, especially in areas where Forest Service
23 roads may be contributing to water quality problems in
24 streams and water bodies which support threatened, en-
25 dangered or sensitive species or community water sources:

1 *Provided further*, That up to \$40,000,000 of the funds
2 provided herein for road maintenance shall be available for
3 the decommissioning of roads, including unauthorized
4 roads not part of the transportation system, which are no
5 longer needed: *Provided further*, That no funds shall be
6 expended to decommission any system road until notice
7 and an opportunity for public comment has been provided
8 on each decommissioning project: *Provided further*, That
9 the decommissioning of unauthorized roads not part of the
10 official transportation system shall be expedited in re-
11 sponse to threats to public safety, water quality, or natural
12 resources: *Provided further*, That funds becoming available
13 in fiscal year 2009 under the Act of March 4, 1913 (16
14 U.S.C. 501) shall be transferred to the General Fund of
15 the Treasury and shall not be available for transfer or obli-
16 gation for any other purpose unless the funds are appro-
17 priated.

18

LAND ACQUISITION

19 For expenses necessary to carry out the provisions
20 of the Land and Water Conservation Fund Act of 1965,
21 as amended (16 U.S.C. 4601-4 through 11), including ad-
22 ministrative expenses, and for acquisition of land or
23 waters, or interest therein, in accordance with statutory
24 authority applicable to the Forest Service, \$49,775,000,
25 to be derived from the Land and Water Conservation
26 Fund and to remain available until expended.

1 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
2 ACTS

3 For acquisition of lands within the exterior bound-
4 aries of the Cache, Uinta, and Wasatch National Forests,
5 Utah; the Toiyabe National Forest, Nevada; and the An-
6 geles, San Bernardino, Sequoia, and Cleveland National
7 Forests, California, as authorized by law, \$1,050,000, to
8 be derived from forest receipts.

9 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

10 For acquisition of lands, such sums, to be derived
11 from funds deposited by State, county, or municipal gov-
12 ernments, public school districts, or other public school au-
13 thorities, and for authorized expenditures from funds de-
14 posited by non-Federal parties pursuant to Land Sale and
15 Exchange Acts, pursuant to the Act of December 4, 1967,
16 as amended (16 U.S.C. 484a), to remain available until
17 expended. (16 U.S.C. 4601-516-617a, 555a; Public Law
18 96-586; Public Law 76-589, 76-591; and 78-310).

19 RANGE BETTERMENT FUND

20 For necessary expenses of range rehabilitation, pro-
21 tection, and improvement, 50 percent of all moneys re-
22 ceived during the prior fiscal year, as fees for grazing do-
23 mestic livestock on lands in National Forests in the 16
24 Western States, pursuant to section 401(b)(1) of Public
25 Law 94-579, as amended, to remain available until ex-
26 pended, of which not to exceed 6 percent shall be available

1 for administrative expenses associated with on-the-ground
2 range rehabilitation, protection, and improvements.

3 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

4 RANGELAND RESEARCH

5 For expenses authorized by 16 U.S.C. 1643(b),
6 \$50,000, to remain available until expended, to be derived
7 from the fund established pursuant to the above Act.

8 MANAGEMENT OF NATIONAL FOREST LANDS FOR

9 SUBSISTENCE USES

10 For necessary expenses of the Forest Service to man-
11 age Federal lands in Alaska for subsistence uses under
12 title VIII of the Alaska National Interest Lands Conserva-
13 tion Act (Public Law 96-487), \$5,000,000, to remain
14 available until expended.

15 WILDLAND FIRE MANAGEMENT

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses for forest fire presuppression
18 activities on National Forest System lands, for emergency
19 fire suppression on or adjacent to such lands or other
20 lands under fire protection agreement, hazardous fuels re-
21 duction on or adjacent to such lands, and for emergency
22 rehabilitation of burned-over National Forest System
23 lands and water, \$2,131,630,000, to remain available until
24 expended: *Provided*, That such funds including unobli-
25 gated balances under this heading, are available for repay-
26 ment of advances from other appropriations accounts pre-

1 viously transferred for such purposes: *Provided further,*
2 That such funds shall be available to reimburse State and
3 other cooperating entities for services provided in response
4 to wildfire and other emergencies or disasters to the extent
5 such reimbursements by the Forest Service for non-fire
6 emergencies are fully repaid by the responsible emergency
7 management agency: *Provided further,* That, notwith-
8 standing any other provision of law, \$8,000,000 of funds
9 appropriated under this appropriation shall be used for
10 Fire Science Research in support of the Joint Fire Science
11 Program: *Provided further,* That all authorities for the use
12 of funds, including the use of contracts, grants, and coop-
13 erative agreements, available to execute the Forest and
14 Rangeland Research appropriation, are also available in
15 the utilization of these funds for Fire Science Research:
16 *Provided further,* That funds provided shall be available
17 for emergency rehabilitation and restoration, hazardous
18 fuels reduction activities in the urban-wildland interface,
19 support to Federal emergency response, and wildfire sup-
20 pression activities of the Forest Service: *Provided further,*
21 That of the funds provided, \$328,086,000 is for hazardous
22 fuels reduction activities, \$11,500,000 is for rehabilitation
23 and restoration, \$23,917,000 is for research activities and
24 to make competitive research grants pursuant to the For-
25 est and Rangeland Renewable Resources Research Act, as

1 amended (16 U.S.C. 1641 et seq.), \$55,000,000 is for
2 State fire assistance, \$9,000,000 is for volunteer fire as-
3 sistance, \$17,252,000 is for forest health activities on
4 Federal lands and \$9,928,000 is for forest health activities
5 on State and private lands: *Provided further*, That
6 amounts in this paragraph may be transferred to the
7 "State and Private Forestry", "National Forest System",
8 and "Forest and Rangeland Research" accounts to fund
9 State fire assistance, volunteer fire assistance, forest
10 health management, forest and rangeland research, the
11 Joint Fire Science Program, vegetation and watershed
12 management, heritage site rehabilitation, and wildlife and
13 fish habitat management and restoration: *Provided fur-*
14 *ther*, That up to \$15,000,000 of the funds provided under
15 this heading for hazardous fuels treatments may be trans-
16 ferred to and made a part of the "National Forest Sys-
17 tem" account at the sole discretion of the Chief of the
18 Forest Service 30 days after notifying the House and the
19 Senate Committees on Appropriations: *Provided further*,
20 That the costs of implementing any cooperative agreement
21 between the Federal Government and any non-Federal en-
22 tity may be shared, as mutually agreed on by the affected
23 parties: *Provided further*, That in addition to funds pro-
24 vided for State Fire Assistance programs, and subject to
25 all authorities available to the Forest Service under the

1 State and Private Forestry Appropriation, up to
2 \$15,000,000 may be used on adjacent non-Federal lands
3 for the purpose of protecting communities when hazard
4 reduction activities are planned on national forest lands
5 that have the potential to place such communities at risk:
6 *Provided further*, That funds made available to implement
7 the Community Forest Restoration Act, Public Law 106-
8 393, title VI, shall be available for use on non-Federal
9 lands in accordance with authorities available to the For-
10 est Service under the State and Private Forestry Appro-
11 priation: *Provided further*, That the Secretary of the Inte-
12 rior and the Secretary of Agriculture may authorize the
13 transfer of funds appropriated for wildland fire manage-
14 ment, in an aggregate amount not to exceed \$10,000,000,
15 between the Departments when such transfers would fa-
16 cilitate and expedite jointly funded wildland fire manage-
17 ment programs and projects: *Provided further*, That of the
18 funds provided for hazardous fuels reduction, not to ex-
19 ceed \$5,000,000, may be used to make grants, using any
20 authorities available to the Forest Service under the State
21 and Private Forestry appropriation, for the purpose of
22 creating incentives for increased use of biomass from na-
23 tional forest lands: *Provided further*, That funds des-
24 ignated for wildfire suppression shall be assessed for cost

1 pools on the same basis as such assessments are calculated
2 against other agency programs.

3 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

4 Appropriations to the Forest Service for the current
5 fiscal year shall be available for: (1) purchase of passenger
6 motor vehicles; acquisition of passenger motor vehicles
7 from excess sources, and hire of such vehicles; purchase,
8 lease, operation, maintenance, and acquisition of aircraft
9 from excess sources to maintain the operable fleet for use
10 in Forest Service wildland fire programs and other Forest
11 Service programs; notwithstanding other provisions of law,
12 existing aircraft being replaced may be sold, with proceeds
13 derived or trade-in value used to offset the purchase price
14 for the replacement aircraft; (2) services pursuant to 7
15 U.S.C. 2225, and not to exceed \$100,000 for employment
16 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
17 ation of buildings and other public improvements (7
18 U.S.C. 2250); (4) acquisition of land, waters, and inter-
19 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
20 pursuant to the Volunteers in the National Forest Act of
21 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
22 of uniforms as authorized by 5 U.S.C. 5901-5902; and
23 (7) for debt collection contracts in accordance with 31
24 U.S.C. 3718(e).

25 Any appropriations or funds available to the Forest
26 Service may be transferred to the Wildland Fire Manage-

1 ment appropriation for forest firefighting, emergency re-
2 habilitation of burned-over or damaged lands or waters
3 under its jurisdiction, and fire preparedness due to severe
4 burning conditions upon notification of the House and
5 Senate Committees on Appropriations and if and only if
6 all previously appropriated emergency contingent funds
7 under the heading "Wildland Fire Management" have
8 been released by the President and apportioned and all
9 wildfire suppression funds under the heading "Wildland
10 Fire Management" are obligated.

11 Funds appropriated to the Forest Service shall be
12 available for assistance to or through the Agency for Inter-
13 national Development in connection with forest and range-
14 land research, technical information, and assistance in for-
15 eign countries, and shall be available to support forestry
16 and related natural resource activities outside the United
17 States and its territories and possessions, including tech-
18 nical assistance, education and training, and cooperation
19 with United States and international organizations.

20 None of the funds made available to the Forest Serv-
21 ice in this Act or any other Act with respect to any fiscal
22 year shall be subject to transfer under the provisions of
23 section 702(b) of the Department of Agriculture Organic
24 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law

1 106-224 (7 U.S.C. 7772), or section 10417(b) of Public
2 Law 107-107 (7 U.S.C. 8316(b)).

3 None of the funds available to the Forest Service may
4 be reprogrammed without the advance approval of the
5 House and Senate Committees on Appropriations in ac-
6 cordance with the reprogramming procedures contained in
7 the explanatory statement described in section 4 (in the
8 matter preceding division A of this consolidated Act).

9 Not more than \$73,285,000 of funds available to the
10 Forest Service shall be transferred to the Working Capital
11 Fund of the Department of Agriculture and not more than
12 \$19,400,000 of funds available to the Forest Service shall
13 be transferred to the Department of Agriculture for De-
14 partment Reimbursable Programs, commonly referred to
15 as Greenbook charges. Nothing in this paragraph shall
16 prohibit or limit the use of reimbursable agreements re-
17 quested by the Forest Service in order to obtain services
18 from the Department of Agriculture's National Informa-
19 tion Technology Center.

20 Funds available to the Forest Service shall be avail-
21 able to conduct a program of up to \$5,000,000 for priority
22 projects within the scope of the approved budget, of which
23 \$2,500,000 shall be carried out by the Youth Conservation
24 Corps and \$2,500,000 shall be carried out under the au-

1 thority of the Public Lands Corps Healthy Forests Res-
2 toration Act of 2005, Public Law 109-154.

3 Of the funds available to the Forest Service, \$4,000
4 is available to the Chief of the Forest Service for official
5 reception and representation expenses.

6 Pursuant to sections 405(b) and 410(b) of Public
7 Law 101-593, of the funds available to the Forest Service,
8 \$3,000,000 may be advanced in a lump sum to the Na-
9 tional Forest Foundation to aid conservation partnership
10 projects in support of the Forest Service mission, without
11 regard to when the Foundation incurs expenses, for ad-
12 ministrative expenses or projects on or benefitting Na-
13 tional Forest System lands or related to Forest Service
14 programs: *Provided*, That the Foundation shall obtain, by
15 the end of the period of Federal financial assistance, pri-
16 vate contributions to match on at least one-for-one basis
17 funds made available by the Forest Service: *Provided fur-*
18 *ther*, That the Foundation may transfer Federal funds to
19 Federal or a non-Federal recipient for a project at the
20 same rate that the recipient has obtained the non-Federal
21 matching funds: *Provided further*, That authorized invest-
22 ments of Federal funds held by the Foundation may be
23 made only in interest-bearing obligations of the United
24 States or in obligations guaranteed as to both principal
25 and interest by the United States.

1 Pursuant to section 2(b)(2) of Public Law 98-244,
2 \$3,000,000 of the funds available to the Forest Service
3 shall be advanced to the National Fish and Wildlife Foun-
4 dation in a lump sum to aid cost-share conservation
5 projects, without regard to when expenses are incurred,
6 on or benefitting National Forest System lands or related
7 to Forest Service programs: *Provided*, That such funds
8 shall be matched on at least a one-for-one basis by the
9 Foundation or its sub-recipients: *Provided further*, That
10 the Foundation may transfer Federal funds to a Federal
11 or non-Federal recipient for a project at the same rate
12 that the recipient has obtained the non-Federal matching
13 funds.

14 Funds appropriated to the Forest Service shall be
15 available for interactions with and providing technical as-
16 sistance to rural communities and natural resource-based
17 businesses for sustainable rural development purposes.

18 Funds appropriated to the Forest Service shall be
19 available for payments to counties within the Columbia
20 River Gorge National Scenic Area, pursuant to section
21 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
22 663.

23 An eligible individual who is employed in any project
24 funded under title V of the Older American Act of 1965
25 (42 U.S.C. 3056 et seq.) and administered by the Forest

1 Service shall be considered to be a Federal employee for
2 purposes of chapter 171 of title 28, United States Code.

3 Any funds appropriated to the Forest Service may
4 be used to meet the non-Federal share requirement in sec-
5 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
6 3056(c)(2)).

7 Funds available to the Forest Service, not to exceed
8 \$50,000,000, shall be assessed for the purpose of per-
9 forming facilities maintenance. Such assessments shall
10 occur using a square foot rate charged on the same basis
11 the agency uses to assess programs for payment of rent,
12 utilities, and other support services.

13 Notwithstanding any other provision of law, any ap-
14 propriations or funds available to the Forest Service not
15 to exceed \$500,000 may be used to reimburse the Office
16 of the General Counsel (OGC), Department of Agri-
17 culture, for travel and related expenses incurred as a re-
18 sult of OGC assistance or participation requested by the
19 Forest Service at meetings, training sessions, management
20 reviews, land purchase negotiations and similar non-litiga-
21 tion related matters. Future budget justifications for both
22 the Forest Service and the Department of Agriculture
23 should clearly display the sums previously transferred and
24 the requested funding transfers.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES

3 INDIAN HEALTH SERVICE

4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion Act, the Indian Health Care Improvement Act, and
8 titles II and III of the Public Health Service Act with re-
9 spect to the Indian Health Service, \$3,190,956,000, to-
10 gether with payments received during the fiscal year pur-
11 suant to 42 U.S.C. 238(b) and 238b for services furnished
12 by the Indian Health Service: *Provided*, That funds made
13 available to tribes and tribal organizations through con-
14 tracts, grant agreements, or any other agreements or com-
15 pacts authorized by the Indian Self-Determination and
16 Education Assistance Act of 1975 (25 U.S.C. 450), shall
17 be deemed to be obligated at the time of the grant or con-
18 tract award and thereafter shall remain available to the
19 tribe or tribal organization without fiscal year limitation:
20 *Provided further*, That \$634,477,000 for contract medical
21 care, including \$31,000,000 for the Indian Catastrophic
22 Health Emergency Fund, shall remain available until ex-
23 pended: *Provided further*, That no less than \$36,189,000
24 is provided for maintaining operations of the urban Indian
25 health program: *Provided further*, That of the funds pro-

1 vided, up to \$32,000,000 shall remain available until ex-
2 pended for implementation of the loan repayment program
3 under section 108 of the Indian Health Care Improvement
4 Act: *Provided further*, That \$16,391,000 is provided for
5 the methamphetamine and suicide prevention and treat-
6 ment initiative and \$7,500,000 is provided for the domes-
7 tic violence prevention initiative and, notwithstanding any
8 other provision of law, the amounts available under this
9 proviso shall be allocated at the discretion of the Director
10 of the Indian Health Service and shall remain available
11 until expended: *Provided further*, That funds provided in
12 this Act may be used for one-year contracts and grants
13 which are to be performed in two fiscal years, so long as
14 the total obligation is recorded in the year for which the
15 funds are appropriated: *Provided further*, That the
16 amounts collected by the Secretary of Health and Human
17 Services under the authority of title IV of the Indian
18 Health Care Improvement Act shall remain available until
19 expended for the purpose of achieving compliance with the
20 applicable conditions and requirements of titles XVIII and
21 XIX of the Social Security Act (exclusive of planning, de-
22 sign, or construction of new facilities): *Provided further*,
23 That funding contained herein, and in any earlier appro-
24 priations Acts for scholarship programs under the Indian
25 Health Care Improvement Act (25 U.S.C. 1613) shall re-

1 main available until expended: *Provided further*, That
2 amounts received by tribes and tribal organizations under
3 title IV of the Indian Health Care Improvement Act shall
4 be reported and accounted for and available to the receiv-
5 ing tribes and tribal organizations until expended: *Pro-*
6 *vided further*, That, notwithstanding any other provision
7 of law, of the amounts provided herein, not to exceed
8 \$282,398,000 shall be for payments to tribes and tribal
9 organizations for contract or grant support costs associ-
10 ated with contracts, grants, self-governance compacts, or
11 annual funding agreements between the Indian Health
12 Service and a tribe or tribal organization pursuant to the
13 Indian Self-Determination Act of 1975, as amended, prior
14 to or during fiscal year 2009, of which not to exceed
15 \$5,000,000 may be used for contract support costs associ-
16 ated with new or expanded self-determination contracts,
17 grants, self-governance compacts, or annual funding
18 agreements: *Provided further*, That the Bureau of Indian
19 Affairs may collect from the Indian Health Service, tribes
20 and tribal organizations operating health facilities pursu-
21 ant to Public Law 93-638, such individually identifiable
22 health information relating to disabled children as may be
23 necessary for the purpose of carrying out its functions
24 under the Individuals with Disabilities Education Act (20
25 U.S.C. 1400, et seq.): *Provided further*, That the Indian

1 Health Care Improvement Fund may be used, as needed,
2 to carry out activities typically funded under the Indian
3 Health Facilities account.

4 INDIAN HEALTH FACILITIES

5 For construction, repair, maintenance, improvement,
6 and equipment of health and related auxiliary facilities,
7 including quarters for personnel; preparation of plans,
8 specifications, and drawings; acquisition of sites, purchase
9 and erection of modular buildings, and purchases of trail-
10 ers; and for provision of domestic and community sanita-
11 tion facilities for Indians, as authorized by section 7 of
12 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
13 Self-Determination Act, and the Indian Health Care Im-
14 provement Act, and for expenses necessary to carry out
15 such Acts and titles II and III of the Public Health Serv-
16 ice Act with respect to environmental health and facilities
17 support activities of the Indian Health Service,
18 \$390,168,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 funds appropriated for the planning, design, construction
21 or renovation of health facilities for the benefit of an In-
22 dian tribe or tribes may be used to purchase land for sites
23 to construct, improve, or enlarge health or related facili-
24 ties: *Provided further*, That not to exceed \$500,000 shall
25 be used by the Indian Health Service to purchase
26 TRANSAM equipment from the Department of Defense

1 for distribution to the Indian Health Service and tribal
2 facilities: *Provided further*, That none of the funds appro-
3 priated to the Indian Health Service may be used for sani-
4 tation facilities construction for new homes funded with
5 grants by the housing programs of the United States De-
6 partment of Housing and Urban Development: *Provided*
7 *further*, That not to exceed \$2,700,000 from this account
8 and the "Indian Health Services" account shall be used
9 by the Indian Health Service to obtain ambulances for the
10 Indian Health Service and tribal facilities in conjunction
11 with an existing interagency agreement between the In-
12 dian Health Service and the General Services Administra-
13 tion: *Provided further*, That not to exceed \$500,000 shall
14 be placed in a Demolition Fund, available until expended,
15 to be used by the Indian Health Service for demolition
16 of Federal buildings.

17 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

18 Appropriations in this Act to the Indian Health Serv-
19 ice shall be available for services as authorized by 5 U.S.C.
20 3109 but at rates not to exceed the per diem rate equiva-
21 lent to the maximum rate payable for senior-level positions
22 under 5 U.S.C. 5376; hire of passenger motor vehicles and
23 aircraft; purchase of medical equipment; purchase of re-
24 prints; purchase, renovation and erection of modular
25 buildings and renovation of existing facilities; payments
26 for telephone service in private residences in the field,

1 when authorized under regulations approved by the Sec-
2 retary; and for uniforms or allowances therefor as author-
3 ized by 5 U.S.C. 5901-5902; and for expenses of attend-
4 ance at meetings that relate to the functions or activities
5 for which the appropriation is made or otherwise con-
6 tribute to the improved conduct, supervision, or manage-
7 ment of those functions or activities.

8 In accordance with the provisions of the Indian
9 Health Care Improvement Act, non-Indian patients may
10 be extended health care at all tribally administered or In-
11 dian Health Service facilities, subject to charges, and the
12 proceeds along with funds recovered under the Federal
13 Medical Care Recovery Act (42 U.S.C. 2651-2653) shall
14 be credited to the account of the facility providing the
15 service and shall be available without fiscal year limitation.
16 Notwithstanding any other law or regulation, funds trans-
17 ferred from the Department of Housing and Urban Devel-
18 opment to the Indian Health Service shall be administered
19 under Public Law 86-121, the Indian Sanitation Facilities
20 Act and Public Law 93-638, as amended.

21 Funds appropriated to the Indian Health Service in
22 this Act, except those used for administrative and program
23 direction purposes, shall not be subject to limitations di-
24 rected at curtailing Federal travel and transportation.

1 None of the funds made available to the Indian
2 Health Service in this Act shall be used for any assess-
3 ments or charges by the Department of Health and
4 Human Services unless identified in the budget justifica-
5 tion and provided in this Act, or approved by the House
6 and Senate Committees on Appropriations through the re-
7 programming process.

8 Notwithstanding any other provision of law, funds
9 previously or herein made available to a tribe or tribal or-
10 ganization through a contract, grant, or agreement au-
11 thorized by title I or title V of the Indian Self-Determina-
12 tion and Education Assistance Act of 1975 (25 U.S.C.
13 450), may be deobligated and reobligated to a self-deter-
14 mination contract under title I, or a self-governance agree-
15 ment under title V of such Act and thereafter shall remain
16 available to the tribe or tribal organization without fiscal
17 year limitation.

18 None of the funds made available to the Indian
19 Health Service in this Act shall be used to implement the
20 final rule published in the Federal Register on September
21 16, 1987, by the Department of Health and Human Serv-
22 ices, relating to the eligibility for the health care services
23 of the Indian Health Service until the Indian Health Serv-
24 ice has submitted a budget request reflecting the increased
25 costs associated with the proposed final rule, and such re-

1 quest has been included in an appropriations Act and en-
2 acted into law.

3 With respect to functions transferred by the Indian
4 Health Service to tribes or tribal organizations, the Indian
5 Health Service is authorized to provide goods and services
6 to those entities, on a reimbursable basis, including pay-
7 ment in advance with subsequent adjustment. The reim-
8 bursements received therefrom, along with the funds re-
9 ceived from those entities pursuant to the Indian Self-De-
10 termination Act, may be credited to the same or subse-
11 quent appropriation account that provided the funding,
12 with such amounts to remain available until expended.

13 Reimbursements for training, technical assistance, or
14 services provided by the Indian Health Service will contain
15 total costs, including direct, administrative, and overhead
16 associated with the provision of goods, services, or tech-
17 nical assistance.

18 The appropriation structure for the Indian Health
19 Service may not be altered without advance notification
20 to the House and Senate Committees on Appropriations.

21 NATIONAL INSTITUTES OF HEALTH

22 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

23 SCIENCES

24 For necessary expenses for the National Institute of
25 Environmental Health Sciences in carrying out activities

1 set forth in section 311(a) of the Comprehensive Environ-
2 mental Response, Compensation, and Liability Act of
3 1980, as amended, and section 126(g) of the Superfund
4 Amendments and Reauthorization Act of 1986,
5 \$78,074,000.

6 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

7 REGISTRY

8 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

9 HEALTH

10 For necessary expenses for the Agency for Toxic Sub-
11 stances and Disease Registry (ATSDR) in carrying out
12 activities set forth in sections 104(i) and 111(c)(4) of the
13 Comprehensive Environmental Response, Compensation,
14 and Liability Act of 1980 (CERCLA), as amended; section
15 118(f) of the Superfund Amendments and Reauthoriza-
16 tion Act of 1986 (SARA), as amended; and section 3019
17 of the Solid Waste Disposal Act, as amended,
18 \$74,039,000, of which up to \$1,000 to remain available
19 until expended, is for Individual Learning Accounts for
20 full-time equivalent employees of the Agency for Toxic
21 Substances and Disease Registry: *Provided*, That notwith-
22 standing any other provision of law, in lieu of performing
23 a health assessment under section 104(i)(6) of CERCLA,
24 the Administrator of ATSDR may conduct other appro-
25 priate health studies, evaluations, or activities, including,

1 without limitation, biomedical testing, clinical evaluations,
2 medical monitoring, and referral to accredited health care
3 providers: *Provided further*, That in performing any such
4 health assessment or health study, evaluation, or activity,
5 the Administrator of ATSDR shall not be bound by the
6 deadlines in section 104(i)(6)(A) of CERCLA: *Provided*
7 *further*, That none of the funds appropriated under this
8 heading shall be available for ATSDR to issue in excess
9 of 40 toxicological profiles pursuant to section 104(i) of
10 CERCLA during fiscal year 2009, and existing profiles
11 may be updated as necessary.

12 OTHER RELATED AGENCIES

13 EXECUTIVE OFFICE OF THE PRESIDENT

14 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

15 ENVIRONMENTAL QUALITY

16 For necessary expenses to continue functions as-
17 signed to the Council on Environmental Quality and Office
18 of Environmental Quality pursuant to the National Envi-
19 ronmental Policy Act of 1969, the Environmental Quality
20 Improvement Act of 1970, and Reorganization Plan No.
21 1 of 1977, and not to exceed \$750 for official reception
22 and representation expenses, \$2,703,000: *Provided*, That
23 notwithstanding section 202 of the National Environ-
24 mental Policy Act of 1970, the Council shall consist of
25 one member, appointed by the President, by and with the

1 advice and consent of the Senate, serving as chairman and
2 exercising all powers, functions, and duties of the Council.

3 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

4 SALARIES AND EXPENSES

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses in carrying out activities pur-
7 suant to section 112(r)(6) of the Clean Air Act, as amend-
8 ed, including hire of passenger vehicles, uniforms or allow-
9 ances therefor, as authorized by 5 U.S.C. 5901-5902, and
10 for services authorized by 5 U.S.C. 3109 but at rates for
11 individuals not to exceed the per diem equivalent to the
12 maximum rate payable for senior level positions under 5
13 U.S.C. 5376, \$10,199,000: *Provided*, That the Chemical
14 Safety and Hazard Investigation Board (Board) shall have
15 not more than three career Senior Executive Service posi-
16 tions: *Provided further*, That notwithstanding any other
17 provision of law, the individual appointed to the position
18 of Inspector General of the Environmental Protection
19 Agency (EPA) shall, by virtue of such appointment, also
20 hold the position of Inspector General of the Board: *Pro-*
21 *vided further*, That notwithstanding any other provision
22 of law, the Inspector General of the Board shall utilize
23 personnel of the Office of Inspector General of EPA in
24 performing the duties of the Inspector General of the
25 Board, and shall not appoint any individuals to positions
26 within the Board: *Provided further*, That of the funds ap-

1 propriated under this heading, \$300,000 shall be paid to
2 the "Office of Inspector General" appropriation of the En-
3 vironmental Protection Agency.

4 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION
5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of Navajo and
7 Hopi Indian Relocation as authorized by Public Law 93--
8 531, \$7,530,000, to remain available until expended: *Pro-*
9 *vided*, That funds provided in this or any other appropria-
10 tions Act are to be used to relocate eligible individuals and
11 groups including evictees from District 6, Hopi-partitioned
12 lands residents, those in significantly substandard hous-
13 ing, and all others certified as eligible and not included
14 in the preceding categories: *Provided further*, That none
15 of the funds contained in this or any other Act may be
16 used by the Office of Navajo and Hopi Indian Relocation
17 to evict any single Navajo or Navajo family who, as of
18 November 30, 1985, was physically domiciled on the lands
19 partitioned to the Hopi Tribe unless a new or replacement
20 home is provided for such household: *Provided further*,
21 That no relocatee will be provided with more than one new
22 or replacement home: *Provided further*, That the Office
23 shall relocate any certified eligible relocatees who have se-
24 lected and received an approved homesite on the Navajo
25 reservation or selected a replacement residence off the

1 Navajo reservation or on the land acquired pursuant to
2 25 U.S.C. 640d-10.

3 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
4 CULTURE AND ARTS DEVELOPMENT
5 PAYMENT TO THE INSTITUTE

6 For payment to the Institute of American Indian and
7 Alaska Native Culture and Arts Development, as author-
8 ized by title XV of Public Law 99-498, as amended (20
9 U.S.C. 56 part A), \$7,900,000.

10 SMITHSONIAN INSTITUTION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Smithsonian Institu-
13 tion, as authorized by law, including research in the fields
14 of art, science, and history; development, preservation, and
15 documentation of the National Collections; presentation of
16 public exhibits and performances; collection, preparation,
17 dissemination, and exchange of information and publica-
18 tions; conduct of education, training, and museum assist-
19 ance programs; maintenance, alteration, operation, lease
20 (for terms not to exceed 30 years), and protection of build-
21 ings, facilities, and approaches; not to exceed \$100,000
22 for services as authorized by 5 U.S.C. 3109; and purchase,
23 rental, repair, and cleaning of uniforms for employees,
24 \$593,400,000, of which not to exceed \$19,352,000 for the
25 instrumentation program, collections acquisition, exhi-

1 bition reinstallation, the National Museum of African
2 American History and Culture, and the repatriation of
3 skeletal remains program shall remain available until ex-
4 pended; and of which \$1,553,000 for fellowships and
5 scholarly awards shall remain available until September
6 30, 2010; and including such funds as may be necessary
7 to support American overseas research centers: *Provided,*
8 That funds appropriated herein are available for advance
9 payments to independent contractors performing research
10 services or participating in official Smithsonian presen-
11 tations.

12 FACILITIES CAPITAL

13 For necessary expenses of repair, revitalization, and
14 alteration of facilities owned or occupied by the Smithso-
15 nian Institution, by contract or otherwise, as authorized
16 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
17 and for construction, including necessary personnel,
18 \$123,000,000, to remain available until expended, of
19 which not to exceed \$10,000 is for services as authorized
20 by 5 U.S.C. 3109.

21 LEGACY FUND

22 For major restoration, renovation, and rehabilitation
23 of existing Smithsonian facilities, \$15,000,000, to remain
24 available until expended: *Provided,* That such funds may
25 be made available in incremental amounts for individual
26 projects after being matched by an equal amount in pri-

1 vate donations, which shall not include in-kind contribu-
2 tions: *Provided further*, That none of the funds made avail-
3 able under this heading, or any required matching funds,
4 shall be used for day-to-day maintenance, general salaries
5 and expenses, or programmatic purposes: *Provided further*,
6 That the total amount of private contributions may be ad-
7 justed to reflect any provision in this or any other appro-
8 priations Act that affects the overall amount of the Fed-
9 eral appropriation for this Fund.

10 NATIONAL GALLERY OF ART

11 SALARIES AND EXPENSES

12 For the upkeep and operations of the National Gal-
13 lery of Art, the protection and care of the works of art
14 therein, and administrative expenses incident thereto, as
15 authorized by the Act of March 24, 1937 (50 Stat. 51),
16 as amended by the public resolution of April 13, 1939
17 (Public Resolution 9, Seventy-sixth Congress), including
18 services as authorized by 5 U.S.C. 3109; payment in ad-
19 vance when authorized by the treasurer of the Gallery for
20 membership in library, museum, and art associations or
21 societies whose publications or services are available to
22 members only, or to members at a price lower than to the
23 general public; purchase, repair, and cleaning of uniforms
24 for guards, and uniforms, or allowances therefor, for other
25 employees as authorized by law (5 U.S.C. 5901-5902);

1 purchase or rental of devices and services for protecting
2 buildings and contents thereof, and maintenance, alter-
3 ation, improvement, and repair of buildings, approaches,
4 and grounds; and purchase of services for restoration and
5 repair of works of art for the National Gallery of Art by
6 contracts made, without advertising, with individuals,
7 firms, or organizations at such rates or prices and under
8 such terms and conditions as the Gallery may deem prop-
9 er, \$105,388,000, of which not to exceed \$3,350,000 for
10 the special exhibition program shall remain available until
11 expended.

12 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

13 For necessary expenses of repair, restoration and
14 renovation of buildings, grounds and facilities owned or
15 occupied by the National Gallery of Art, by contract or
16 otherwise, as authorized, \$17,368,000, to remain available
17 until expended: *Provided*, That contracts awarded for envi-
18 ronmental systems, protection systems, and exterior repair
19 or renovation of buildings of the National Gallery of Art
20 may be negotiated with selected contractors and awarded
21 on the basis of contractor qualifications as well as price.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE

4 For necessary expenses for the operation, mainte-
5 nance and security of the John F. Kennedy Center for
6 the Performing Arts, \$21,300,000.

7 CAPITAL REPAIR AND RESTORATION

8 For necessary expenses for capital repair and restora-
9 tion of the existing features of the building and site of
10 the John F. Kennedy Center for the Performing Arts,
11 \$15,064,000, to remain available until expended.

12 WOODROW WILSON INTERNATIONAL CENTER FOR
13 SCHOLARS

14 SALARIES AND EXPENSES

15 For expenses necessary in carrying out the provisions
16 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
17 1356) including hire of passenger vehicles and services as
18 authorized by 5 U.S.C. 3109, \$10,000,000.

19 NATIONAL FOUNDATION ON THE ARTS AND THE
20 HUMANITIES

21 NATIONAL ENDOWMENT FOR THE ARTS

22 GRANTS AND ADMINISTRATION

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses to carry out the National
25 Foundation on the Arts and the Humanities Act of 1965,
26 as amended, \$155,000,000 shall be available to the Na-

1 tional Endowment for the Arts for the support of projects
2 and productions in the arts, including arts education and
3 public outreach activities, through assistance to organiza-
4 tions and individuals pursuant to section 5 of the Act, for
5 program support, and for administering the functions of
6 the Act, to remain available until expended: *Provided*,
7 That funds appropriated herein shall be expended in ac-
8 cordance with sections 309 and 311 of Public Law 108-
9 447: *Provided further*, That hereinafter funds previously
10 appropriated to the National Endowment for the Arts
11 "Challenge America" account may be transferred to and
12 merged with this account.

13 NATIONAL ENDOWMENT FOR THE HUMANITIES

14 GRANTS AND ADMINISTRATION

15 For necessary expenses to carry out the National
16 Foundation on the Arts and the Humanities Act of 1965,
17 as amended, \$155,000,000, to remain available until ex-
18 pended, of which \$140,700,000 shall be available for sup-
19 port of activities in the humanities, pursuant to section
20 7(c) of the Act and for administering the functions of the
21 Act; and \$14,300,000 shall be available to carry out the
22 matching grants program pursuant to section 10(a)(2) of
23 the Act including \$9,300,000 for the purposes of section
24 7(h): *Provided*, That appropriations for carrying out sec-
25 tion 10(a)(2) shall be available for obligation only in such

1 amounts as may be equal to the total amounts of gifts,
2 bequests, and devises of money, and other property accept-
3 ed by the chairman or by grantees of the Endowment
4 under the provisions of subsections 11(a)(2)(B) and
5 11(a)(3)(B) during the current and preceding fiscal years
6 for which equal amounts have not previously been appro-
7 priated.

8

ADMINISTRATIVE PROVISION

9 None of the funds appropriated to the National
10 Foundation on the Arts and the Humanities may be used
11 to process any grant or contract documents which do not
12 include the text of 18 U.S.C. 1913: *Provided*, That none
13 of the funds appropriated to the National Foundation on
14 the Arts and the Humanities may be used for official re-
15 ception and representation expenses: *Provided further*,
16 That funds from nonappropriated sources may be used as
17 necessary for official reception and representation ex-
18 penses: *Provided further*, That the Chairperson of the Na-
19 tional Endowment for the Arts may approve grants of up
20 to \$10,000, if in the aggregate this amount does not ex-
21 ceed 5 percent of the sums appropriated for grant-making
22 purposes per year: *Provided further*, That such small grant
23 actions are taken pursuant to the terms of an expressed
24 and direct delegation of authority from the National Coun-
25 cil on the Arts to the Chairperson.

1 COMMISSION OF FINE ARTS

2 SALARIES AND EXPENSES

3 For expenses made necessary by the Act establishing
4 a Commission of Fine Arts (40 U.S.C. 104), \$2,234,000:
5 *Provided*, That the Commission is authorized to charge
6 fees to cover the full costs of its publications, and such
7 fees shall be credited to this account as an offsetting col-
8 lection, to remain available until expended without further
9 appropriation.

10 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

11 For necessary expenses as authorized by Public Law
12 99-190 (20 U.S.C. 956a), as amended, \$9,500,000: *Pro-*
13 *vided*, That no organization shall receive a grant in excess
14 of \$650,000 in a single year.

15 ADVISORY COUNCIL ON HISTORIC PRESERVATION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Advisory Council on
18 Historic Preservation (Public Law 89-665, as amended),
19 \$5,498,000: *Provided*, That none of these funds shall be
20 available for compensation of level V of the Executive
21 Schedule or higher positions.

22 NATIONAL CAPITAL PLANNING COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses, as authorized by the Na-
25 tional Capital Planning Act of 1952 (40 U.S.C. 71-71i),
26 including services as authorized by 5 U.S.C. 3109,

1 \$8,328,000: *Provided*, That one-quarter of 1 percent of
2 the funds provided under this heading may be used for
3 official reception and representational expenses associated
4 with hosting international visitors engaged in the planning
5 and physical development of world capitals.

6 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

7 HOLOCAUST MEMORIAL MUSEUM

8 For expenses of the Holocaust Memorial Museum, as
9 authorized by Public Law 106-292 (36 U.S.C. 2301-
10 2310), \$47,260,000, of which \$515,000 for the Museum's
11 equipment replacement program, \$1,900,000 for the mu-
12 seum's repair and rehabilitation program and \$1,264,000
13 for the museum's exhibition design and production pro-
14 gram shall remain available until expended.

15 PRESIDIO TRUST

16 PRESIDIO TRUST FUND

17 For necessary expenses to carry out title I of the Om-
18 nibus Parks and Public Lands Management Act of 1996,
19 \$17,450,000 shall be available to the Presidio Trust, to
20 remain available until expended.

21 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses, including the costs of con-
24 struction design, of the Dwight D. Eisenhower Memorial

1 Commission, \$2,000,000, to remain available until ex-
2 pended.

3 TITLE IV

4 GENERAL PROVISIONS

5 (INCLUDING TRANSFERS OF FUNDS)

6 SEC. 401. The expenditure of any appropriation
7 under this Act for any consulting service through procure-
8 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
9 to those contracts where such expenditures are a matter
10 of public record and available for public inspection, except
11 where otherwise provided under existing law, or under ex-
12 isting Executive Order issued pursuant to existing law.

13 SEC. 402. No part of any appropriation contained in
14 this Act shall be available for any activity or the publica-
15 tion or distribution of literature that in any way tends to
16 promote public support or opposition to any legislative
17 proposal on which Congressional action is not complete
18 other than to communicate to Members of Congress as
19 described in 18 U.S.C. 1913.

20 SEC. 403. No part of any appropriation contained in
21 this Act shall remain available for obligation beyond the
22 current fiscal year unless expressly so provided herein.

23 SEC. 404. None of the funds provided in this Act to
24 any department or agency shall be obligated or expended
25 to provide a personal cook, chauffeur, or other personal

1 servants to any officer or employee of such department
2 or agency except as otherwise provided by law.

3 SEC. 405. Estimated overhead charges, deductions,
4 reserves or holdbacks from programs, projects, activities
5 and subactivities to support government-wide, depart-
6 mental, agency or bureau administrative functions or
7 headquarters, regional or central operations shall be pre-
8 sented in annual budget justifications and subject to ap-
9 proval by the Committees on Appropriations. Changes to
10 such estimates shall be presented to the Committees on
11 Appropriations for approval.

12 SEC. 406. None of the funds made available in this
13 Act may be transferred to any department, agency, or in-
14 strumentality of the United States Government except
15 pursuant to a transfer made by, or transfer provided in,
16 this Act or any other Act.

17 SEC. 407. None of the funds in this Act may be used
18 to plan, prepare, or offer for sale timber from trees classi-
19 fied as giant sequoia (*Sequoiadendron giganteum*) which
20 are located on National Forest System or Bureau of Land
21 Management lands in a manner different than such sales
22 were conducted in fiscal year 2006.

23 SEC. 408. (a) LIMITATION OF FUNDS.—None of the
24 funds appropriated or otherwise made available pursuant
25 to this Act shall be obligated or expended to accept or

1 process applications for a patent for any mining or mill
2 site claim located under the general mining laws.

3 (b) EXCEPTIONS.—The provisions of subsection (a)
4 shall not apply if the Secretary of the Interior determines
5 that, for the claim concerned: (1) a patent application was
6 filed with the Secretary on or before September 30, 1994;
7 and (2) all requirements established under sections 2325
8 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
9 for vein or lode claims and sections 2329, 2330, 2331,
10 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
11 37) for placer claims, and section 2337 of the Revised
12 Statutes (30 U.S.C. 42) for mill site claims, as the case
13 may be, were fully complied with by the applicant by that
14 date.

15 (c) REPORT.—On September 30, 2009, the Secretary
16 of the Interior shall file with the House and Senate Com-
17 mittees on Appropriations and the Committee on Natural
18 Resources of the House of Representatives and the Com-
19 mittee on Energy and Natural Resources of the Senate
20 a report on actions taken by the Department under the
21 plan submitted pursuant to section 314(c) of the Depart-
22 ment of the Interior and Related Agencies Appropriations
23 Act, 1997 (Public Law 104–208).

24 (d) MINERAL EXAMINATIONS.—In order to process
25 patent applications in a timely and responsible manner,

1 upon the request of a patent applicant, the Secretary of
2 the Interior shall allow the applicant to fund a qualified
3 third-party contractor to be selected by the Bureau of
4 Land Management to conduct a mineral examination of
5 the mining claims or mill sites contained in a patent appli-
6 cation as set forth in subsection (b). The Bureau of Land
7 Management shall have the sole responsibility to choose
8 and pay the third-party contractor in accordance with the
9 standard procedures employed by the Bureau of Land
10 Management in the retention of third-party contractors.

11 SEC. 409. Notwithstanding any other provision of
12 law, amounts appropriated to or otherwise designated in
13 committee reports for the Bureau of Indian Affairs and
14 the Indian Health Service by Public Laws 103-138, 103-
15 332, 104-134, 104-208, 105-83, 105-277, 106-113,
16 106-291, 107-63, 108-7, 108-108, 108-447, 109-54,
17 109-289, division B and Continuing Appropriations Reso-
18 lution, 2007 (division B of Public Law 109-289, as
19 amended by Public Laws 110-5 and 110-28), and Public
20 Law 110-161 for payments for contract support costs as-
21 sociated with self-determination or self-governance con-
22 tracts, grants, compacts, or annual funding agreements
23 with the Bureau of Indian Affairs or the Indian Health
24 Service as funded by such Acts, are the total amounts
25 available for fiscal years 1994 through 2008 for such pur-

1 poses, except that for the Bureau of Indian Affairs, tribes
2 and tribal organizations may use their tribal priority allo-
3 cations for unmet contract support costs of ongoing con-
4 tracts, grants, self-governance compacts, or annual fund-
5 ing agreements.

6 SEC. 410. Prior to October 1, 2009, the Secretary
7 of Agriculture shall not be considered to be in violation
8 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
9 Renewable Resources Planning Act of 1974 (16 U.S.C.
10 1604(f)(5)(A)) solely because more than 15 years have
11 passed without revision of the plan for a unit of the Na-
12 tional Forest System. Nothing in this section exempts the
13 Secretary from any other requirement of the Forest and
14 Rangeland Renewable Resources Planning Act (16 U.S.C.
15 1600 et seq.) or any other law: *Provided*, That if the Sec-
16 retary is not acting expeditiously and in good faith, within
17 the funding available, to revise a plan for a unit of the
18 National Forest System, this section shall be void with re-
19 spect to such plan and a court of proper jurisdiction may
20 order completion of the plan on an accelerated basis.

21 SEC. 411. No funds provided in this Act may be ex-
22 pended to conduct preleasing, leasing and related activities
23 under either the Mineral Leasing Act (30 U.S.C. 181 et
24 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
25 1331 et seq.) within the boundaries of a National Monu-

1 ment established pursuant to the Act of June 8, 1906 (16
2 U.S.C. 431 et seq.) as such boundary existed on January
3 20, 2001, except where such activities are allowed under
4 the Presidential proclamation establishing such monu-
5 ment.

6 SEC. 412. In entering into agreements with foreign
7 countries pursuant to the Wildfire Suppression Assistance
8 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
9 the Secretary of the Interior are authorized to enter into
10 reciprocal agreements in which the individuals furnished
11 under said agreements to provide wildfire services are con-
12 sidered, for purposes of tort liability, employees of the
13 country receiving said services when the individuals are
14 engaged in fire suppression: *Provided*, That the Secretary
15 of Agriculture or the Secretary of the Interior shall not
16 enter into any agreement under this provision unless the
17 foreign country (either directly or through its fire organi-
18 zation) agrees to assume any and all liability for the acts
19 or omissions of American firefighters engaged in fire-
20 fighting in a foreign country: *Provided further*, That when
21 an agreement is reached for furnishing fire fighting serv-
22 ices, the only remedies for acts or omissions committed
23 while fighting fires shall be those provided under the laws
24 of the host country, and those remedies shall be the exclu-
25 sive remedies for any claim arising out of fighting fires

1 in a foreign country: *Provided further*, That neither the
2 sending country nor any legal organization associated with
3 the firefighter shall be subject to any legal action whatso-
4 ever pertaining to or arising out of the firefighter's role
5 in fire suppression.

6 SEC. 413. In awarding a Federal contract with funds
7 made available by this Act, notwithstanding Federal Gov-
8 ernment procurement and contracting laws, the Secretary
9 of Agriculture and the Secretary of the Interior (the "Sec-
10 retaries") may, in evaluating bids and proposals, give con-
11 sideration to local contractors who are from, and who pro-
12 vide employment and training for, dislocated and displaced
13 workers in an economically disadvantaged rural commu-
14 nity, including those historically timber-dependent areas
15 that have been affected by reduced timber harvesting on
16 Federal lands and other forest-dependent rural commu-
17 nities isolated from significant alternative employment op-
18 portunities: *Provided*, That notwithstanding Federal Gov-
19 ernment procurement and contracting laws the Secretaries
20 may award contracts, grants or cooperative agreements to
21 local non-profit entities, Youth Conservation Corps or re-
22 lated partnerships with State, local or non-profit youth
23 groups, or small or micro-business or disadvantaged busi-
24 ness: *Provided further*, That the contract, grant, or cooper-
25 ative agreement is for forest hazardous fuels reduction,

1 watershed or water quality monitoring or restoration, wild-
2 life or fish population monitoring, or habitat restoration
3 or management: *Provided further*, That the terms “rural
4 community” and “economically disadvantaged” shall have
5 the same meanings as in section 2374 of Public Law 101-
6 624: *Provided further*, That the Secretaries shall develop
7 guidance to implement this section: *Provided further*, That
8 nothing in this section shall be construed as relieving the
9 Secretaries of any duty under applicable procurement
10 laws, except as provided in this section.

11 SEC. 414. None of the funds made available by this
12 or any other Act may be used in fiscal year 2009 for com-
13 petitive sourcing studies and any related activities involv-
14 ing Forest Service personnel.

15 SEC. 415. Unless otherwise provided herein, no funds
16 appropriated in this Act for the acquisition of lands or
17 interests in lands may be expended for the filing of dec-
18 larations of taking or complaints in condemnation without
19 the approval of the House and Senate Committees on Ap-
20 propriations: *Provided*, That this provision shall not apply
21 to funds appropriated to implement the Everglades Na-
22 tional Park Protection and Expansion Act of 1989, or to
23 funds appropriated for Federal assistance to the State of
24 Florida to acquire lands for Everglades restoration pur-
25 poses.

1 SEC. 416. None of the funds made available under
2 this Act may be used to promulgate or implement the En-
3 vironmental Protection Agency proposed regulations pub-
4 lished in the Federal Register on January 3, 2007 (72
5 Fed. Reg. 69).

6 SEC. 417. Section 337(a) of the Department of the
7 Interior and Related Agencies Appropriations Act, 2005
8 (Public Law 108-447; 118 Stat. 3012) is amended by
9 striking "September 30, 2006" and inserting "September
10 30, 2010".

11 SEC. 418. Section 330 of Public Law 106-291 con-
12 cerning Service First authorities (114 Stat. 996), as
13 amended by section 428 of Public Law 109-54 (119 Stat.
14 555-556), is further amended by striking "2008" and in-
15 serting in lieu thereof "2011".

16 SEC. 419. Section 422 of title IV of division F of
17 Public Law 110-161 is amended by inserting after "fiscal
18 year 2007" the following: "and subsequent fiscal years
19 through fiscal year 2014".

20 SEC. 420. In addition to the amounts otherwise pro-
21 vided to the Environmental Protection Agency in this Act,
22 \$8,000,000, to remain available until expended, is pro-
23 vided to EPA to be transferred to the Department of the
24 Navy for clean-up activities at the Treasure Island Naval
25 Station—Hunters Point Annex.

1 SEC. 421. The boundaries of the Tongass National
2 Forest in the State of Alaska are modified to include the
3 approximately 1,043.38 acres of land acquired by the
4 United States from the Alaska Mental Health Trust Au-
5 thority, which is more particularly described as lots 1-B
6 and 1-C, Mt. Verstovia-Gavan Hill Subdivision of U.S.
7 Survey No. 3858 and U.S. Survey No. 3849.

8 SEC. 422. Title V of the Forest Service Realignment
9 and Enhancement Act, 2005, Public Law 109-54, 119
10 Stat. 559-563; 16 U.S.C. 580d note, is amended as fol-
11 lows:

12 (1) In section 503, subsection (f) by striking
13 “2008” and inserting in lieu thereof “2011” and;

14 (2) In section 504—

15 (A) in subsection (a)(3) by striking in
16 whole, and inserting in lieu thereof “TERMS,
17 CONDITIONS, AND RESERVATIONS.—The con-
18 veyance of an administrative site under this
19 title shall be subject to such terms, conditions,
20 and reservations as the Secretary determines to
21 be necessary to protect the public interest”;

22 (B) in subsection (d)(1) by striking “Sub-
23 chapter I of chapter 5”, and inserting in lieu
24 thereof “Chapter 5 of subtitle I”; and

1 (C) in subsection (d)(4)(B) by striking in
2 whole, and inserting in lieu thereof “determine
3 whether to include terms, conditions, and res-
4 ervations under subsection (a)(3); and”.

5 Sec. 423. LAKE TAHOE BASIN HAZARDOUS FUEL
6 REDUCTION PROJECTS. (a) Hereafter, subject to sub-
7 section (b), a proposal to authorize a hazardous fuel re-
8 duction project, not to exceed 5,000 acres, including no
9 more than 1,500 acres of mechanical thinning, on the
10 Lake Tahoe Basin Management Unit may be categorically
11 excluded from documentation in an environmental impact
12 statement or an environmental assessment under the Na-
13 tional Environmental Policy Act of 1969 (NEPA) (42
14 U.S.C. 4321 et seq.) if the project:

15 (1) is consistent with the Lake Tahoe Basin
16 Multi-Jurisdictional Fuel Reduction and Wildfire
17 Prevention Strategy published in December 2007
18 and any subsequent revisions to the Strategy;

19 (2) is not conducted in any wilderness areas;
20 and

21 (3) does not involve any new permanent roads.

22 (b) A proposal that is categorically excluded under
23 this section shall be subject to—

1 (1) the extraordinary circumstances procedures
2 established by the Forest Service pursuant to section
3 1508.4 of title 40, Code of Federal Regulations; and

4 (2) an opportunity for public input.

5 SEC. 424. Not later than June 30, 2009, the Admin-
6 istrator of the Environmental Protection Agency shall re-
7 consider, and confirm or reverse, the decision to deny the
8 request of the State of California to regulate greenhouse
9 gas emissions from new motor vehicles.

10 SEC. 425. TOXICS RELEASE INVENTORY REPORTING.

11 Notwithstanding any other provision of law—

12 (1) none of the funds made available by this or
13 any other Act may, hereafter, be used to implement
14 the final rule promulgated by the Administrator of
15 the Environmental Protection Agency entitled
16 “Toxics Release Inventory Burden Reduction Final
17 Rule” (71 Fed. Reg. 76932); and

18 (2) the final rule described in paragraph (1)
19 shall have no force or effect. The affected regulatory
20 text shall revert to what it was before the final rule
21 described in paragraph (1) became effective, until
22 any future action taken by the Administrator.

23 SEC. 426. Section 325 of Public Law 108-108 is
24 amended by striking “fiscal years 2004-2008” and insert-
25 ing “fiscal year 2009.”

1 SEC. 427. The Secretary of Agriculture and the Sec-
2 retary of the Interior shall execute an agreement that
3 transfers management and oversight including transfer of
4 function for the workforce, of the Centennial, Collbran,
5 Columbia Basin, Fort Simcoe, Treasure Lake, and Weber
6 Basin Job Corps Centers to the Forest Service. These Job
7 Corps centers shall continue to be administered as de-
8 scribed in section 147(e) of Public Law 105-220, Work-
9 force Investment Act of 1998.

10 SEC. 428. Section 434 of division F of Public Law
11 110-161 is amended by striking paragraph (3) and insert-
12 ing a new paragraph (3) as follows:

13 “(3) By adding at the end the following:

14 “(m) Section 106 of Public Law 108-148 shall
15 apply to all projects authorized by this Act. Sections 104
16 and 105 of Public Law 108-148 may be applied to
17 projects authorized by this Act.’”.

18 SEC. 429. (a) During the 60-day period beginning on
19 the date of the enactment of this Act—

20 (1) the Secretary of the Interior and the Sec-
21 retary of Commerce may withdraw or reissue the
22 rule described in subsection (c)(1) without regard to
23 any provision of statute or regulation that estab-
24 lishes a requirement for such withdrawal; and

1 (2) the Secretary of the Interior may withdraw
2 or reissue the rule referred to in subsection (c)(2)
3 without regard to any provision of statute or regula-
4 tion that establishes a requirement for such with-
5 drawal.

6 (b) If the Secretary of the Interior or the Secretary
7 of Commerce (or both) withdraws a rule under subsection
8 (a), such Secretary shall implement the provisions of law
9 under which the rule was issued in accordance with the
10 regulations in effect under such provisions immediately be-
11 fore the effective date of such rule, except as otherwise
12 provided by any Act or rule that takes effect after the ef-
13 fective date of the rule that is withdrawn.

14 (c) The rules referred to in subsection (a) are the
15 following:

16 (1) The final rule relating to "Interagency Co-
17 operation under the Endangered Species Act",
18 issued by the United States Fish and Wildlife Serv-
19 ice and the National Marine Fisheries Service and
20 signed November 26, 2008, by the Assistant Sec-
21 retary of Fish and Wildlife and Parks of the Depart-
22 ment of the Interior and the Deputy Assistant Ad-
23 ministrator for the Regulatory Programs of the Na-
24 tional Marine Fisheries Service.

1 (2) The final rule relating to “Endangered and
2 Threatened Wildlife and Plants; Special Rule for the
3 Polar Bear”, issued by the Assistant Secretary of
4 Fish and Wildlife and Parks of the Department of
5 the Interior on December 10, 2008.

6 SEC. 430. Within the amounts appropriated in this
7 division, funding shall be allocated in the amounts speci-
8 fied for those projects and purposes delineated in the table
9 titled “Congressionally Directed Spending” included in the
10 explanatory statement accompanying this Act (as de-
11 scribed in section 4, in the matter preceding division A
12 of this consolidated Act).

13 This division may be cited as the “Department of the
14 Interior, Environment, and Related Agencies Appropria-
15 tions Act, 2009”.