

Union Calendar No. 97

111TH CONGRESS
1ST SESSION

H. R. 2996

[Report No. 111-180]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2009

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior, environment, and related

1 agencies for the fiscal year ending September 30, 2010,
2 and for other purposes, namely:

3 TITLE I—DEPARTMENT OF THE INTERIOR

4 BUREAU OF LAND MANAGEMENT

5 MANAGEMENT OF LANDS AND RESOURCES

6 For necessary expenses for protection, use, improve-
7 ment, development, disposal, cadastral surveying, classi-
8 fication, acquisition of easements and other interests in
9 lands, and performance of other functions, including main-
10 tenance of facilities, as authorized by law, in the manage-
11 ment of lands and their resources under the jurisdiction
12 of the Bureau of Land Management, including the general
13 administration of the Bureau, and assessment of mineral
14 potential of public lands pursuant to Public Law 96–487
15 (16 U.S.C. 3150(a)), \$950,496,000, to remain available
16 until expended; and of which \$3,000,000 shall be available
17 in fiscal year 2010 subject to a match by at least an equal
18 amount by the National Fish and Wildlife Foundation for
19 cost-shared projects supporting conservation of Bureau
20 lands; and such funds shall be advanced to the Foundation
21 as a lump sum grant without regard to when expenses are
22 incurred.

23 In addition, \$45,500,000 is for the processing of ap-
24 plications for permit to drill and related use authoriza-
25 tions, to remain available until expended, to be reduced

1 by amounts collected by the Bureau and credited to this
2 appropriation that shall be derived from \$6,500 per new
3 application for permit to drill that the Bureau shall collect
4 upon submission of each new application, and in addition,
5 \$36,696,000 is for Mining Law Administration program
6 operations, including the cost of administering the mining
7 claim fee program; to remain available until expended, to
8 be reduced by amounts collected by the Bureau and cred-
9 ited to this appropriation from annual mining claim fees
10 so as to result in a final appropriation estimated at not
11 more than \$950,496,000, and \$2,000,000, to remain
12 available until expended, from communication site rental
13 fees established by the Bureau for the cost of admin-
14 istering communication site activities.

15 CONSTRUCTION

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

19 LAND ACQUISITION

20 For expenses necessary to carry out sections 205,
21 206, and 318(d) of Public Law 94-579, including admin-
22 istrative expenses and acquisition of lands or waters, or
23 interests therein, \$26,529,000, to be derived from the
24 Land and Water Conservation Fund and to remain avail-
25 able until expended.

1 OREGON AND CALIFORNIA GRANT LANDS

2 For expenses necessary for management, protection,
3 and development of resources and for construction, oper-
4 ation, and maintenance of access roads, reforestation, and
5 other improvements on the revested Oregon and California
6 Railroad grant lands, on other Federal lands in the Or-
7 egon and California land-grant counties of Oregon, and
8 on adjacent rights-of-way; and acquisition of lands or in-
9 terests therein, including existing connecting roads on or
10 adjacent to such grant lands; \$111,557,000, to remain
11 available until expended: *Provided*, That 25 percent of the
12 aggregate of all receipts during the current fiscal year
13 from the revested Oregon and California Railroad grant
14 lands is hereby made a charge against the Oregon and
15 California land-grant fund and shall be transferred to the
16 General Fund in the Treasury in accordance with the sec-
17 ond paragraph of subsection (b) of title II of the Act of
18 August 28, 1937 (50 Stat. 876).

19 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

20 (REVOLVING FUND, SPECIAL ACCOUNT)

21 In addition to the purposes authorized in Public Law
22 102–381, funds made available in the Forest Ecosystem
23 Health and Recovery Fund can be used through fiscal year
24 2015 for the purpose of planning, preparing, imple-
25 menting and monitoring salvage timber sales and forest

1 ecosystem health and recovery activities, such as release
2 from competing vegetation and density control treatments.
3 The Federal share of receipts (defined as the portion of
4 salvage timber receipts not paid to the counties under 43
5 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public
6 Law 106-393) derived from treatments funded by this ac-
7 count shall be deposited through fiscal year 2015 into the
8 Forest Ecosystem Health and Recovery Fund.

9 RANGE IMPROVEMENTS

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

14 Appropriations for the Bureau of Land Management
15 (BLM) shall be available for purchase, erection, and dis-
16 mantlement of temporary structures, and alteration and
17 maintenance of necessary buildings and appurtenant fa-
18 cilities to which the United States has title; up to
19 \$100,000 for payments, at the discretion of the Secretary,
20 for information or evidence concerning violations of laws
21 administered by the Bureau; miscellaneous and emergency
22 expenses of enforcement activities authorized or approved
23 by the Secretary and to be accounted for solely on the
24 Secretary's certificate, not to exceed \$10,000: *Provided*,
25 That notwithstanding 44 U.S.C. 501, the Bureau may,

1 under cooperative cost-sharing and partnership arrange-
2 ments authorized by law, procure printing services from
3 cooperators in connection with jointly produced publica-
4 tions for which the cooperators share the cost of printing
5 either in cash or in services, and the Bureau determines
6 the cooperator is capable of meeting accepted quality
7 standards: *Provided further*, That projects to be funded
8 pursuant to a written commitment by a State government
9 to provide an identified amount of money in support of
10 the project may be carried out by the Bureau on a reim-
11 bursable basis.

12 UNITED STATES FISH AND WILDLIFE SERVICE

13 RESOURCE MANAGEMENT

14 For necessary expenses of the United States Fish and
15 Wildlife Service, as authorized by law, and for scientific
16 and economic studies, general administration, and for the
17 performance of other authorized functions related to such
18 resources by direct expenditure, contracts, grants, cooper-
19 ative agreements and reimbursable agreements with public
20 and private entities, \$1,248,756,000, to remain available
21 until September 30, 2011 except as otherwise provided
22 herein: *Provided*, That \$2,500,000 is for high priority
23 projects, which shall be carried out by the Youth Con-
24 servation Corps: *Provided further*, That not to exceed
25 \$20,603,000 shall be used for implementing subsections

1 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
2 cies Act, as amended (except for processing petitions, de-
3 veloping and issuing proposed and final regulations, and
4 taking any other steps to implement actions described in
5 subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of
6 which not to exceed \$10,632,000 shall be used for any
7 activity regarding the designation of critical habitat, pur-
8 suant to subsection (a)(3), excluding litigation support, for
9 species listed pursuant to subsection (a)(1) prior to Octo-
10 ber 1, 2009: *Provided further*, That of the amount avail-
11 able for law enforcement, up to \$400,000, to remain avail-
12 able until expended, may at the discretion of the Secretary
13 be used for payment for information, rewards, or evidence
14 concerning violations of laws administered by the Service,
15 and miscellaneous and emergency expenses of enforcement
16 activity, authorized or approved by the Secretary and to
17 be accounted for solely on the Secretary's certificate: *Pro-*
18 *vided further*, That of the amount provided for environ-
19 mental contaminants, up to \$1,000,000 may remain avail-
20 able until expended for contaminant sample analyses.

21 CONSTRUCTION

22 For construction, improvement, acquisition, or re-
23 moval of buildings and other facilities required in the con-
24 servation, management, investigation, protection, and uti-
25 lization of fishery and wildlife resources, and the acquisi-

1 tion of lands and interests therein; \$21,139,000, to remain
2 available until expended.

3 LAND ACQUISITION

4 For expenses necessary to carry out the Land and
5 Water Conservation Fund Act of 1965, as amended (16
6 U.S.C. 4601–4 through 11), including administrative ex-
7 penses, and for acquisition of land or waters, or interest
8 therein, in accordance with statutory authority applicable
9 to the United States Fish and Wildlife Service,
10 \$67,250,000, to be derived from the Land and Water Con-
11 servation Fund and to remain available until expended,
12 of which, notwithstanding 16 U.S.C. 4601–9, not more
13 than \$2,000,000 shall be for land conservation partner-
14 ships authorized by the Highlands Conservation Act of
15 2004: *Provided*, That none of the funds appropriated for
16 specific land acquisition projects may be used to pay for
17 any administrative overhead, planning or other manage-
18 ment costs.

19 COOPERATIVE ENDANGERED SPECIES CONSERVATION

20 FUND

21 For expenses necessary to carry out section 6 of the
22 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
23 as amended, \$100,000,000, to remain available until ex-
24 pended, of which \$34,307,000 is to be derived from the
25 Cooperative Endangered Species Conservation Fund, of

1 which \$5,145,706 shall be for the Idaho Salmon and
2 Clearwater River Basins Habitat Account pursuant to the
3 Snake River Water Rights Act of 2004; and of which
4 \$65,693,000 is to be derived from the Land and Water
5 Conservation Fund.

6 NATIONAL WILDLIFE REFUGE FUND

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

9 NORTH AMERICAN WETLANDS CONSERVATION FUND

10 For expenses necessary to carry out the provisions
11 of the North American Wetlands Conservation Act, as
12 amended (16 U.S.C. 4401–4414), \$52,647,000, to remain
13 available until expended.

14 NEOTROPICAL MIGRATORY BIRD CONSERVATION

15 For expenses necessary to carry out the Neotropical
16 Migratory Bird Conservation Act, as amended, (16 U.S.C.
17 6101 et seq.), \$5,250,000, to remain available until ex-
18 pended.

19 MULTINATIONAL SPECIES CONSERVATION FUND

20 For expenses necessary to carry out the African Ele-
21 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
22 4214, 4221–4225, 4241–4246, and 1538), the Asian Ele-
23 phant Conservation Act of 1997 (16 U.S.C. 4261–4266),
24 the Rhinoceros and Tiger Conservation Act of 1994 (16
25 U.S.C. 5301–5306), the Great Ape Conservation Act of

1 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
2 servation Act of 2004 (16 U.S.C. 6601–6606),
3 \$11,500,000, to remain available until expended.

4 STATE AND TRIBAL WILDLIFE GRANTS

5 For wildlife conservation grants to States and to the
6 District of Columbia, Puerto Rico, Guam, the United
7 States Virgin Islands, the Northern Mariana Islands,
8 American Samoa, and federally recognized Indian tribes
9 under the provisions of the Fish and Wildlife Act of 1956
10 and the Fish and Wildlife Coordination Act, for the devel-
11 opment and implementation of programs for the benefit
12 of wildlife and their habitat, including species that are not
13 hunted or fished, \$115,000,000, to remain available until
14 expended: *Provided*, That of the amount provided herein,
15 \$7,000,000 is for a competitive grant program for feder-
16 ally recognized Indian tribes not subject to the remaining
17 provisions of this appropriation: *Provided further*, That
18 \$5,000,000 is for a competitive grant program for States,
19 territories, and other jurisdictions with approved plans,
20 not subject to the remaining provisions of this appropria-
21 tion: *Provided further*, That up to \$20,000,000 is for in-
22 corporating wildlife adaptation strategies and actions to
23 address the impacts of climate change into State Wildlife
24 Action plans and implementing these adaptation actions:
25 *Provided further*, That the Secretary shall, after deducting

1 \$32,000,000 and administrative expenses, apportion the
2 amount provided herein in the following manner: (1) to
3 the District of Columbia and to the Commonwealth of
4 Puerto Rico, each a sum equal to not more than one-half
5 of 1 percent thereof; and (2) to Guam, American Samoa,
6 the United States Virgin Islands, and the Commonwealth
7 of the Northern Mariana Islands, each a sum equal to not
8 more than one-fourth of 1 percent thereof: *Provided fur-*
9 *ther*, That the Secretary shall apportion the remaining
10 amount in the following manner: (1) one-third of which
11 is based on the ratio to which the land area of such State
12 bears to the total land area of all such States; and (2)
13 two-thirds of which is based on the ratio to which the pop-
14 ulation of such State bears to the total population of all
15 such States: *Provided further*, That the amounts appor-
16 tioned under this paragraph shall be adjusted equitably
17 so that no State shall be apportioned a sum which is less
18 than 1 percent of the amount available for apportionment
19 under this paragraph for any fiscal year or more than 5
20 percent of such amount: *Provided further*, That the Fed-
21 eral share of planning grants shall not exceed 75 percent
22 of the total costs of such projects and the Federal share
23 of implementation grants shall not exceed 75 percent of
24 the total costs of such projects: *Provided further*, That the
25 non-Federal share of such projects may not be derived

1 from Federal grant programs: *Provided further*, That no
2 State, territory, or other jurisdiction shall receive a grant
3 if its comprehensive wildlife conservation plan is dis-
4 approved and such funds that would have been distributed
5 to such State, territory, or other jurisdiction shall be dis-
6 tributed equitably to States, territories, and other jurisdic-
7 tions with approved plans: *Provided further*, That any
8 amount apportioned in 2010 to any State, territory, or
9 other jurisdiction that remains unobligated as of Sep-
10 tember 30, 2011, shall be reapportioned, together with
11 funds appropriated in 2012, in the manner provided here-
12 in.

13 ADMINISTRATIVE PROVISIONS

14 Appropriations and funds available to the United
15 States Fish and Wildlife Service shall be available for re-
16 pair of damage to public roads within and adjacent to res-
17 ervation areas caused by operations of the Service; options
18 for the purchase of land at not to exceed \$1 for each op-
19 tion; facilities incident to such public recreational uses on
20 conservation areas as are consistent with their primary
21 purpose; and the maintenance and improvement of aquar-
22 ia, buildings, and other facilities under the jurisdiction of
23 the Service and to which the United States has title, and
24 which are used pursuant to law in connection with man-
25 agement, and investigation of fish and wildlife resources:

1 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
2 ice may, under cooperative cost sharing and partnership
3 arrangements authorized by law, procure printing services
4 from cooperators in connection with jointly produced pub-
5 lications for which the cooperators share at least one-half
6 the cost of printing either in cash or services and the Serv-
7 ice determines the cooperator is capable of meeting accept-
8 ed quality standards: *Provided further*, That, notwith-
9 standing any other provision of law, the Service may use
10 up to \$2,000,000 from funds provided for contracts for
11 employment-related legal services: *Provided further*, That
12 the Service may accept donated aircraft as replacements
13 for existing aircraft.

14 NATIONAL PARK SERVICE

15 OPERATION OF THE NATIONAL PARK SYSTEM

16 For expenses necessary for the management, oper-
17 ation, and maintenance of areas and facilities adminis-
18 tered by the National Park Service (including expenses to
19 carry out programs of the United States Park Police), and
20 for the general administration of the National Park Serv-
21 ice, \$2,260,684,000, of which \$9,982,000 for planning
22 and interagency coordination in support of Everglades res-
23 toration and \$98,622,000 for maintenance, repair or reha-
24 bilitation projects for constructed assets, operation of the
25 National Park Service automated facility management

1 software system, and comprehensive facility condition as-
2 sessments shall remain available until September 30,
3 2011.

4 PARK PARTNERSHIP PROJECT GRANTS

5 For expenses necessary to carry out provisions of sec-
6 tion 814(g) of Public Law 104-333 relating to challenge
7 cost-share agreements, \$25,000,000, to remain available
8 until expended for Park Partnership signature projects
9 and programs: *Provided*, That not less than 50 percent
10 of the total cost of each project or program is derived from
11 non-Federal sources in the form of donated cash, assets,
12 or a pledge of donation guaranteed by an irrevocable letter
13 of credit.

14 NATIONAL RECREATION AND PRESERVATION

15 For expenses necessary to carry out recreation pro-
16 grams, natural programs, cultural programs, heritage
17 partnership programs, environmental compliance and re-
18 view, international park affairs, statutory or contractual
19 aid for other activities, and grant administration, not oth-
20 erwise provided for, \$59,386,000.

21 HISTORIC PRESERVATION FUND

22 For expenses necessary in carrying out the Historic
23 Preservation Act of 1966, as amended (16 U.S.C. 470),
24 and the Omnibus Parks and Public Lands Management
25 Act of 1996 (Public Law 104-333), \$90,675,000, to be

1 derived from the Historic Preservation Fund and to re-
2 main available until September 30, 2011; of which
3 \$30,000,000 shall be for Save America's Treasures for
4 preservation of nationally significant sites, structures, and
5 artifacts; and of which \$6,175,000 shall be for Preserve
6 America grants to States, federally recognized Indian
7 Tribes, and local communities for projects that preserve
8 important historic resources through the promotion of her-
9 itage tourism: *Provided*, That of the funds provided for
10 Save America's Treasures, \$5,310,000 shall be allocated
11 in the amounts specified for those projects and purposes
12 in accordance with the terms and conditions specified in
13 the explanatory statement accompanying this Act.

14 CONSTRUCTION

15 For construction, improvements, repair or replace-
16 ment of physical facilities, including modifications author-
17 ized by section 104 of the Everglades National Park Pro-
18 tection and Expansion Act of 1989, \$214,691,000, to re-
19 main available until expended: *Provided*, That the Na-
20 tional Park Service shall complete a special resource study
21 along the route of the Mississippi River in the counties
22 contiguous to the river from its headwaters in the State
23 of Minnesota to the Gulf of Mexico.

1 LAND AND WATER CONSERVATION FUND

2 (RESCISSION)

3 The contract authority provided for fiscal year 2010
4 by 16 U.S.C. 4601–10a is rescinded.

5 LAND ACQUISITION AND STATE ASSISTANCE

6 For expenses necessary to carry out the Land and
7 Water Conservation Act of 1965, as amended (16 U.S.C.
8 4601–4 through 11), including administrative expenses,
9 and for acquisition of lands or waters, or interest therein,
10 in accordance with the statutory authority applicable to
11 the National Park Service, \$103,222,000, to be derived
12 from the Land and Water Conservation Fund and to re-
13 main available until expended, of which \$30,000,000 is for
14 the State assistance program.

15 ADMINISTRATIVE PROVISIONS

16 In addition to other uses set forth in section 407(d)
17 of Public Law 105–391, franchise fees credited to a sub-
18 account shall be available for expenditure by the Sec-
19 retary, without further appropriation, for use at any unit
20 within the National Park System to extinguish or reduce
21 liability for Possessory Interest or leasehold surrender in-
22 terest. Such funds may only be used for this purpose to
23 the extent that the benefiting unit anticipated franchise
24 fee receipts over the term of the contract at that unit ex-
25 ceed the amount of funds used to extinguish or reduce

1 liability. Franchise fees at the benefiting unit shall be
2 credited to the sub-account of the originating unit over
3 a period not to exceed the term of a single contract at
4 the benefiting unit, in the amount of funds so expended
5 to extinguish or reduce liability.

6 For the costs of administration of the Land and
7 Water Conservation Fund grants authorized by section
8 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
9 of 2006 (Public Law 109–432), the National Park Service
10 may retain up to 3 percent of the amounts which are au-
11 thorized to be disbursed under such section, such retained
12 amounts to remain available until expended.

13 National Park Service funds may be transferred to
14 the Federal Highway Administration (FHWA), Depart-
15 ment of Transportation, for purposes authorized under 23
16 U.S.C. 204. Transfers may include a reasonable amount
17 for FHWA administrative support costs.

18 UNITED STATES GEOLOGICAL SURVEY

19 SURVEYS, INVESTIGATIONS, AND RESEARCH

20 For expenses necessary for the United States Geo-
21 logical Survey to perform surveys, investigations, and re-
22 search covering topography, geology, hydrology, biology,
23 and the mineral and water resources of the United States,
24 its territories and possessions, and other areas as author-
25 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as

1 to their mineral and water resources; give engineering su-
2 pervision to power permittees and Federal Energy Regu-
3 latory Commission licensees; administer the minerals ex-
4 ploration program (30 U.S.C. 641); conduct inquiries into
5 the economic conditions affecting mining and materials
6 processing industries (30 U.S.C. 3, 21a, and 1603; 50
7 U.S.C. 98g(1)) and related purposes as authorized by law;
8 and to publish and disseminate data relative to the fore-
9 going activities; \$1,105,744,000, to remain available until
10 September 30, 2011, of which \$65,561,000 shall be avail-
11 able only for cooperation with States or municipalities for
12 water resources investigations; of which \$40,150,000 shall
13 remain available until expended for satellite operations;
14 and of which \$7,321,000 shall be available until expended
15 for deferred maintenance and capital improvement
16 projects that exceed \$100,000 in cost and of which
17 \$2,000,000 shall be available for the United States Geo-
18 logical Survey to fund the operating expenses for the Civil
19 Applications Committee: *Provided*, That none of the funds
20 provided for the biological research activity shall be used
21 to conduct new surveys on private property, unless specifi-
22 cally authorized in writing by the property owner: *Pro-*
23 *vided further*, That no part of this appropriation shall be
24 used to pay more than one-half the cost of topographic
25 mapping or water resources data collection and investiga-

1 tions carried on in cooperation with States and municipali-
2 ties.

3 ADMINISTRATIVE PROVISIONS

4 From within the amount appropriated for activities
5 of the United States Geological Survey such sums as are
6 necessary shall be available for reimbursement to the Gen-
7 eral Services Administration for security guard services;
8 contracting for the furnishing of topographic maps and
9 for the making of geophysical or other specialized surveys
10 when it is administratively determined that such proce-
11 dures are in the public interest; construction and mainte-
12 nance of necessary buildings and appurtenant facilities;
13 acquisition of lands for gauging stations and observation
14 wells; expenses of the United States National Committee
15 on Geology; and payment of compensation and expenses
16 of persons on the rolls of the Survey duly appointed to
17 represent the United States in the negotiation and admin-
18 istration of interstate compacts: *Provided*, That activities
19 funded by appropriations herein made may be accom-
20 plished through the use of contracts, grants, or coopera-
21 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
22 *vided further*, That the United States Geological Survey
23 may enter into contracts or cooperative agreements di-
24 rectly with individuals or indirectly with institutions or
25 nonprofit organizations, without regard to 41 U.S.C. 5,

1 for the temporary or intermittent services of students or
2 recent graduates, who shall be considered employees for
3 the purpose of chapters 57 and 81 of title 5, United States
4 Code, relating to compensation for travel and work inju-
5 ries, and chapter 171 of title 28, United States Code, re-
6 lating to tort claims, but shall not be considered to be Fed-
7 eral employees for any other purposes.

8 MINERALS MANAGEMENT SERVICE

9 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

10 For expenses necessary for minerals leasing and envi-
11 ronmental studies, regulation of industry operations, and
12 collection of royalties, as authorized by law; for enforcing
13 laws and regulations applicable to oil, gas, and other min-
14 erals leases, permits, licenses and operating contracts; for
15 energy-related or other authorized marine-related pur-
16 poses on the Outer Continental Shelf; and for matching
17 grants or cooperative agreements, \$174,317,000, to re-
18 main available until September 30, 2011, of which
19 \$89,374,000 shall be available for royalty management ac-
20 tivities; and an amount not to exceed \$156,730,000, to
21 be credited to this appropriation and to remain available
22 until expended, from additions to receipts resulting from
23 increases to rates in effect on August 5, 1993, and from
24 cost recovery fees: *Provided*, That notwithstanding 31
25 U.S.C. 3302, in fiscal year 2010, such amounts as are

1 assessed under 31 U.S.C. 9701 shall be collected and cred-
2 ited to this account and shall be available until expended
3 for necessary expenses: *Provided further*, That to the ex-
4 tent \$156,730,000 in addition to receipts are not realized
5 from the sources of receipts stated above, the amount
6 needed to reach \$156,730,000 shall be credited to this ap-
7 propriation from receipts resulting from rental rates for
8 Outer Continental Shelf leases in effect before August 5,
9 1993: *Provided further*, That not to exceed \$3,000 shall
10 be available for reasonable expenses related to promoting
11 volunteer beach and marine cleanup activities: *Provided*
12 *further*, That notwithstanding any other provision of law,
13 \$15,000 under this heading shall be available for refunds
14 of overpayments in connection with certain Indian leases
15 in which the Director of MMS concurred with the claimed
16 refund due, to pay amounts owed to Indian allottees or
17 tribes, or to correct prior unrecoverable erroneous pay-
18 ments: *Provided further*, That for the costs of administra-
19 tion of the Coastal Impact Assistance Program authorized
20 by section 31 of the Outer Continental Shelf Lands Act,
21 as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS
22 may retain up to 4 percent of the amounts which are dis-
23 bursed under section 31(b)(1), such retained amounts to
24 remain available until expended.

1 For an additional amount, \$10,000,000, to remain
2 available until expended, which shall be derived from non-
3 refundable inspection fees collected in fiscal year 2010, as
4 provided in this Act: *Provided*, That to the extent that
5 such amounts are not realized from such fees, the amount
6 needed to reach \$10,000,000 shall be credited to this ap-
7 propriation from receipts resulting from rental rates for
8 Outer Continental Shelf leases in effect before August 5,
9 1993.

10 OIL SPILL RESEARCH

11 For necessary expenses to carry out title I, section
12 1016, title IV, sections 4202 and 4303, title VII, and title
13 VIII, section 8201 of the Oil Pollution Act of 1990,
14 \$6,303,000, which shall be derived from the Oil Spill Li-
15 ability Trust Fund, to remain available until expended.

16 ADMINISTRATIVE PROVISION

17 Notwithstanding the provisions of section 35(b) of
18 the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),
19 the Secretary shall deduct 2 percent from the amount pay-
20 able to each State in fiscal year 2010 and deposit the
21 amount deducted to miscellaneous receipts of the Treas-
22 ury.

1 of State and tribal personnel attending Office of Surface
2 Mining Reclamation and Enforcement sponsored training.

3 ADMINISTRATIVE PROVISION

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

9 BUREAU OF INDIAN AFFAIRS

10 OPERATION OF INDIAN PROGRAMS

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses necessary for the operation of Indian
13 programs, as authorized by law, including the Snyder Act
14 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
15 termination and Education Assistance Act of 1975 (25
16 U.S.C. 450 et seq.), as amended, the Education Amend-
17 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
18 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
19 as amended, \$2,300,099,000, to remain available until
20 September 30, 2011 except as otherwise provided herein;
21 of which not to exceed \$8,500 may be for official reception
22 and representation expenses; of which not to exceed
23 \$74,915,000 shall be for welfare assistance payments:
24 *Provided*, That in cases of designated Federal disasters,
25 the Secretary may exceed such cap, from the amounts pro-

1 vided herein, to provide for disaster relief to Indian com-
2 munities affected by the disaster; and of which, notwith-
3 standing any other provision of law, including but not lim-
4 ited to the Indian Self-Determination Act of 1975, as
5 amended, not to exceed \$159,084,000 shall be available
6 for payments for contract support costs associated with
7 ongoing contracts, grants, compacts, or annual funding
8 agreements entered into with the Bureau prior to or dur-
9 ing fiscal year 2010, as authorized by such Act, except
10 that federally recognized tribes, and tribal organizations
11 of federally recognized tribes, may use their tribal priority
12 allocations for unmet contract support costs of ongoing
13 contracts, grants, or compacts, or annual funding agree-
14 ments and for unmet welfare assistance costs; of which
15 not to exceed \$568,702,000 for school operations costs of
16 Bureau-funded schools and other education programs
17 shall become available on July 1, 2010, and shall remain
18 available until September 30, 2011; and of which not to
19 exceed \$59,895,000 shall remain available until expended
20 for housing improvement, road maintenance, attorney
21 fees, litigation support, the Indian Self-Determination
22 Fund, land records improvement, and the Navajo-Hopi
23 Settlement Program: *Provided further*, That notwith-
24 standing any other provision of law, including but not lim-
25 ited to the Indian Self-Determination Act of 1975, as

1 amended, and 25 U.S.C. 2008, not to exceed \$43,373,000
2 within and only from such amounts made available for
3 school operations shall be available for administrative cost
4 grants associated with ongoing grants entered into with
5 the Bureau prior to or during fiscal year 2009 for the
6 operation of Bureau-funded schools, and up to \$500,000
7 within and only from such amounts made available for ad-
8 ministrative cost grants shall be available for the transi-
9 tional costs of initial administrative cost grants to grant-
10 ees that assume operation on or after July 1, 2009, of
11 Bureau-funded schools: *Provided further*, That any for-
12 esty funds allocated to a federally recognized tribe which
13 remain unobligated as of September 30, 2011, may be
14 transferred during fiscal year 2012 to an Indian forest
15 land assistance account established for the benefit of the
16 holder of the funds within the holder's trust fund account:
17 *Provided further*, That any such unobligated balances not
18 so transferred shall expire on September 30, 2012: *Pro-*
19 *vided further*, That in order to enhance the safety of Bu-
20 reau field employees, the Bureau may use funds to pur-
21 chase uniforms or other identifying articles of clothing for
22 personnel.

1 CONSTRUCTION

2 (INCLUDING TRANSFER OF FUNDS)

3 For construction, repair, improvement, and mainte-
4 nance of irrigation and power systems, buildings, utilities,
5 and other facilities, including architectural and engineer-
6 ing services by contract; acquisition of lands, and interests
7 in lands; and preparation of lands for farming, and for
8 construction of the Navajo Indian Irrigation Project pur-
9 suant to Public Law 87-483, \$200,000,000, to remain
10 available until expended: *Provided*, That such amounts as
11 may be available for the construction of the Navajo Indian
12 Irrigation Project may be transferred to the Bureau of
13 Reclamation: *Provided further*, That not to exceed 6 per-
14 cent of contract authority available to the Bureau of In-
15 dian Affairs from the Federal Highway Trust Fund may
16 be used to cover the road program management costs of
17 the Bureau: *Provided further*, That any funds provided for
18 the Safety of Dams program pursuant to 25 U.S.C. 13
19 shall be made available on a nonreimbursable basis: *Pro-*
20 *vided further*, That for fiscal year 2010, in implementing
21 new construction or facilities improvement and repair
22 project grants in excess of \$100,000 that are provided to
23 grant schools under Public Law 100-297, as amended, the
24 Secretary of the Interior shall use the Administrative and
25 Audit Requirements and Cost Principles for Assistance

1 Programs contained in 43 CFR part 12 as the regulatory
2 requirements: *Provided further*, That such grants shall not
3 be subject to section 12.61 of 43 CFR; the Secretary and
4 the grantee shall negotiate and determine a schedule of
5 payments for the work to be performed: *Provided further*,
6 That in considering grant applications, the Secretary shall
7 consider whether such grantee would be deficient in assur-
8 ing that the construction projects conform to applicable
9 building standards and codes and Federal, tribal, or State
10 health and safety standards as required by 25 U.S.C.
11 2005(b), with respect to organizational and financial man-
12 agement capabilities: *Provided further*, That if the Sec-
13 retary declines a grant application, the Secretary shall fol-
14 low the requirements contained in 25 U.S.C. 2504(f): *Pro-*
15 *vided further*, That any disputes between the Secretary
16 and any grantee concerning a grant shall be subject to
17 the disputes provision in 25 U.S.C. 2507(e): *Provided fur-*
18 *ther*, That in order to ensure timely completion of con-
19 struction projects, the Secretary may assume control of
20 a project and all funds related to the project, if, within
21 eighteen months of the date of enactment of this Act, any
22 grantee receiving funds appropriated in this Act or in any
23 prior Act, has not completed the planning and design
24 phase of the project and commenced construction: *Pro-*
25 *vided further*, That this appropriation may be reimbursed

1 from the Office of the Special Trustee for American Indi-
2 ans appropriation for the appropriate share of construc-
3 tion costs for space expansion needed in agency offices to
4 meet trust reform implementation.

5 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
6 MISCELLANEOUS PAYMENTS TO INDIANS

7 For payments and necessary administrative expenses
8 for implementation of Indian land and water claim settle-
9 ments pursuant to Public Laws 99-264, 100-580, 101-
10 618, 108-447, 109-379, 109-479, 110-297, and 111-11,
11 and for implementation of other land and water rights set-
12 tlements, \$47,380,000, to remain available until expended.

13 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

14 For the cost of guaranteed loans and insured loans,
15 \$8,215,000, of which \$1,629,000 is for administrative ex-
16 penses, as authorized by the Indian Financing Act of
17 1974, as amended: *Provided*, That such costs, including
18 the cost of modifying such loans, shall be as defined in
19 section 502 of the Congressional Budget Act of 1974: *Pro-*
20 *vided further*, That these funds are available to subsidize
21 total loan principal, any part of which is to be guaranteed
22 or insured, not to exceed \$93,807,956.

23 INDIAN LAND CONSOLIDATION

24 For consolidation of fractional interests in Indian
25 lands and expenses associated with redetermining and re-

1 distributing escheated interests in allotted lands, and for
2 necessary expenses to carry out the Indian Land Consoli-
3 dation Act (25 U.S.C. 2201 et seq.), as amended, by direct
4 expenditure or cooperative agreement, \$3,000,000, to re-
5 main available until expended.

6 ADMINISTRATIVE PROVISIONS

7 The Bureau of Indian Affairs may carry out the oper-
8 ation of Indian programs by direct expenditure, contracts,
9 cooperative agreements, compacts and grants, either di-
10 rectly or in cooperation with States and other organiza-
11 tions.

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

16 Appropriations for the Bureau of Indian Affairs (ex-
17 cept the Revolving Fund for Loans Liquidating Account,
18 Indian Loan Guaranty and Insurance Fund Liquidating
19 Account, Indian Guaranteed Loan Financing Account, In-
20 dian Direct Loan Financing Account, and the Indian
21 Guaranteed Loan Program Account) shall be available for
22 expenses of exhibits.

23 Notwithstanding any other provision of law, no funds
24 available to the Bureau of Indian Affairs for central office
25 oversight and Executive Direction and Administrative

1 Services (except executive direction and administrative
2 services funding for Tribal Priority Allocations, regional
3 offices, and facilities operations and maintenance) shall be
4 available for contracts, grants, compacts, or cooperative
5 agreements with the Bureau of Indian Affairs under the
6 provisions of the Indian Self-Determination Act or the
7 Tribal Self-Governance Act of 1994 (Public Law 103–
8 413).

9 In the event any federally recognized tribe returns ap-
10 propriations made available by this Act to the Bureau of
11 Indian Affairs, this action shall not diminish the Federal
12 Government’s trust responsibility to that tribe, or the gov-
13 ernment-to-government relationship between the United
14 States and that tribe, or that tribe’s ability to access fu-
15 ture appropriations.

16 Notwithstanding any other provision of law, no funds
17 available to the Bureau, other than the amounts provided
18 herein for assistance to public schools under 25 U.S.C.
19 452 et seq., shall be available to support the operation of
20 any elementary or secondary school in the State of Alaska.

21 Appropriations made available in this or any other
22 Act for schools funded by the Bureau shall be available
23 only to the schools in the Bureau school system as of Sep-
24 tember 1, 1996. No funds available to the Bureau shall
25 be used to support expanded grades for any school or dor-

1 mitory beyond the grade structure in place or approved
2 by the Secretary of the Interior at each school in the Bu-
3 reau school system as of October 1, 1995. Funds made
4 available under this Act may not be used to establish a
5 charter school at a Bureau-funded school (as that term
6 is defined in section 1146 of the Education Amendments
7 of 1978 (25 U.S.C. 2026)), except that a charter school
8 that is in existence on the date of the enactment of this
9 Act and that has operated at a Bureau-funded school be-
10 fore September 1, 1999, may continue to operate during
11 that period, but only if the charter school pays to the Bu-
12 reau a pro rata share of funds to reimburse the Bureau
13 for the use of the real and personal property (including
14 buses and vans), the funds of the charter school are kept
15 separate and apart from Bureau funds, and the Bureau
16 does not assume any obligation for charter school pro-
17 grams of the State in which the school is located if the
18 charter school loses such funding. Employees of Bureau-
19 funded schools sharing a campus with a charter school and
20 performing functions related to the charter schools oper-
21 ation and employees of a charter school shall not be treat-
22 ed as Federal employees for purposes of chapter 171 of
23 title 28, United States Code.

24 Notwithstanding any other provision of law, including
25 section 113 of title I of appendix C of Public Law 106–

1 113, if in fiscal year 2003 or 2004 a grantee received indi-
2 rect and administrative costs pursuant to a distribution
3 formula based on section 5(f) of Public Law 101–301, the
4 Secretary shall continue to distribute indirect and admin-
5 istrative cost funds to such grantee using the section 5(f)
6 distribution formula.

7 DEPARTMENTAL OFFICES

8 OFFICE OF THE SECRETARY

9 SALARIES AND EXPENSES

10 For necessary expenses for management of the De-
11 partment of the Interior, \$118,836,000; of which
12 \$12,136,000 for consolidated appraisal services is to be
13 derived from the Land and Water Conservation Fund and
14 shall remain available until expended; of which not to ex-
15 ceed \$15,000 may be for official reception and representa-
16 tion expenses; and of which up to \$1,000,000 shall be
17 available for workers compensation payments and unem-
18 ployment compensation payments associated with the or-
19 derly closure of the United States Bureau of Mines: *Pro-*
20 *vided*, That for fiscal year 2010 up to \$400,000 of the
21 payments authorized by the Act of October 20, 1976, as
22 amended (31 U.S.C. 6901–6907) may be retained for ad-
23 ministrative expenses of the Payments in Lieu of Taxes
24 Program: *Provided further*, That no payment shall be
25 made pursuant to that Act to otherwise eligible units of

1 local government if the computed amount of the payment
2 is less than \$100.

3 INSULAR AFFAIRS

4 ASSISTANCE TO TERRITORIES

5 For expenses necessary for assistance to territories
6 under the jurisdiction of the Department of the Interior,
7 \$83,995,000, of which: (1) \$74,715,000 shall remain
8 available until expended for technical assistance, including
9 maintenance assistance, disaster assistance, insular man-
10 agement controls, coral reef initiative activities, and brown
11 tree snake control and research; grants to the judiciary
12 in American Samoa for compensation and expenses, as au-
13 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
14 ment of American Samoa, in addition to current local rev-
15 enues, for construction and support of governmental func-
16 tions; grants to the Government of the Virgin Islands as
17 authorized by law; grants to the Government of Guam,
18 as authorized by law; and grants to the Government of
19 the Northern Mariana Islands as authorized by law (Pub-
20 lic Law 94-241; 90 Stat. 272); and (2) \$9,280,000 shall
21 be available until September 30, 2011 for salaries and ex-
22 penses of the Office of Insular Affairs: *Provided*, That all
23 financial transactions of the territorial and local govern-
24 ments herein provided for, including such transactions of
25 all agencies or instrumentalities established or used by

1 such governments, may be audited by the Government Ac-
2 countability Office, at its discretion, in accordance with
3 chapter 35 of title 31, United States Code: *Provided fur-*
4 *ther*, That Northern Mariana Islands Covenant grant
5 funding shall be provided according to those terms of the
6 Agreement of the Special Representatives on Future
7 United States Financial Assistance for the Northern Mar-
8 iana Islands approved by Public Law 104–134: *Provided*
9 *further*, That of the amounts provided for technical assist-
10 ance, sufficient funds shall be made available for a grant
11 to the Pacific Basin Development Council: *Provided fur-*
12 *ther*, That of the amounts provided for technical assist-
13 ance, sufficient funding shall be made available for a grant
14 to the Close Up Foundation: *Provided further*, That the
15 funds for the program of operations and maintenance im-
16 provement are appropriated to institutionalize routine op-
17 erations and maintenance improvement of capital infra-
18 structure with territorial participation and cost sharing to
19 be determined by the Secretary based on the grantee’s
20 commitment to timely maintenance of its capital assets:
21 *Provided further*, That any appropriation for disaster as-
22 sistance under this heading in this Act or previous appro-
23 priations Acts may be used as non-Federal matching
24 funds for the purpose of hazard mitigation grants provided

1 pursuant to section 404 of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

3 COMPACT OF FREE ASSOCIATION

4 For grants and necessary expenses, \$5,318,000, to
5 remain available until expended, as provided for in sec-
6 tions 221(a)(2), 221(b), and 233 of the Compact of Free
7 Association for the Republic of Palau; and section
8 221(a)(2) of the Compacts of Free Association for the
9 Government of the Republic of the Marshall Islands and
10 the Federated States of Micronesia, as authorized by Pub-
11 lic Law 99–658 and Public Law 108–188.

12 ADMINISTRATIVE PROVISIONS

13 (INCLUDING TRANSFER OF FUNDS)

14 At the request of the Governor of Guam, the Sec-
15 retary may transfer discretionary funds or mandatory
16 funds provided under section 104(e) of Public Law 108-
17 188 and Public Law 104-134, that are allocated for
18 Guam, to the Secretary of Agriculture for the subsidy cost
19 of direct or guaranteed loans, plus not to exceed three per-
20 cent of the amount of the subsidy transferred for the cost
21 of loan administration, for the purposes authorized by the
22 Rural Electrification Act of 1936 and section 306(a)(1)
23 of the Consolidated Farm and Rural Development Act for
24 construction and repair projects in Guam, and such funds
25 shall remain available until expended: *Provided*, That such

1 costs, including the cost of modifying such loans, shall be
 2 as defined in section 502 of the Congressional Budget Act
 3 of 1974: *Provided further*, That such loans or loan guaran-
 4 tees may be made without regard to the population of the
 5 area, credit elsewhere requirements, and restrictions on
 6 the types of eligible entities under the Rural Electrifica-
 7 tion Act of 1936 and section 306(a)(1) of the Consolidated
 8 Farm and Rural Development Act: *Provided further*, That
 9 any funds transferred to the Secretary of Agriculture shall
 10 be in addition to funds otherwise made available to make
 11 or guarantee loans under such authorities.

12 OFFICE OF THE SOLICITOR

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the Solicitor,
 15 \$65,076,000.

16 OFFICE OF INSPECTOR GENERAL

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Inspector
 19 General, \$48,590,000.

20 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

21 INDIANS

22 FEDERAL TRUST PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For the operation of trust programs for Indians by
 25 direct expenditure, contracts, cooperative agreements,

1 compacts, and grants, \$185,984,000, to remain available
2 until expended, of which not to exceed \$56,536,000 from
3 this or any other Act, shall be available for historical ac-
4 counting: *Provided*, That funds for trust management im-
5 provements and litigation support may, as needed, be
6 transferred to or merged with the Bureau of Indian Af-
7 fairs, “Operation of Indian Programs” account; the Office
8 of the Solicitor, “Salaries and Expenses” account; and the
9 Office of the Secretary, “Salaries and Expenses” account:
10 *Provided further*, That funds made available through con-
11 tracts or grants obligated during fiscal year 2010, as au-
12 thorized by the Indian Self-Determination Act of 1975 (25
13 U.S.C. 450 et seq.), shall remain available until expended
14 by the contractor or grantee: *Provided further*, That, not-
15 withstanding any other provision of law, the statute of lim-
16 itations shall not commence to run on any claim, including
17 any claim in litigation pending on the date of the enact-
18 ment of this Act, concerning losses to or mismanagement
19 of trust funds, until the affected tribe or individual Indian
20 has been furnished with an accounting of such funds from
21 which the beneficiary can determine whether there has
22 been a loss: *Provided further*, That, notwithstanding any
23 other provision of law, the Secretary shall not be required
24 to provide a quarterly statement of performance for any
25 Indian trust account that has not had activity for at least

1 18 months and has a balance of \$15.00 or less: *Provided*
2 *further*, That the Secretary shall issue an annual account
3 statement and maintain a record of any such accounts and
4 shall permit the balance in each such account to be with-
5 drawn upon the express written request of the account
6 holder: *Provided further*, That not to exceed \$50,000 is
7 available for the Secretary to make payments to correct
8 administrative errors of either disbursements from or de-
9 posits to Individual Indian Money or Tribal accounts after
10 September 30, 2002: *Provided further*, That erroneous
11 payments that are recovered shall be credited to and re-
12 main available in this account for this purpose.

13 DEPARTMENT-WIDE PROGRAMS

14 WILDLAND FIRE MANAGEMENT

15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses for fire preparedness, sup-
17 pression operations, fire science and research, emergency
18 rehabilitation, hazardous fuels reduction, and rural fire as-
19 sistance by the Department of the Interior, \$932,780,000,
20 to remain available until expended, of which not to exceed
21 \$6,137,000 shall be for the renovation or construction of
22 fire facilities: *Provided*, That such funds are also available
23 for repayment of advances to other appropriation accounts
24 from which funds were previously transferred for such
25 purposes: *Provided further*, That persons hired pursuant

1 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
2 ing without cost from funds available from this appropria-
3 tion: *Provided further*, That notwithstanding 42 U.S.C.
4 1856d, sums received by a bureau or office of the Depart-
5 ment of the Interior for fire protection rendered pursuant
6 to 42 U.S.C. 1856 et seq., protection of United States
7 property, may be credited to the appropriation from which
8 funds were expended to provide that protection, and are
9 available without fiscal year limitation: *Provided further*,
10 That using the amounts designated under this title of this
11 Act, the Secretary of the Interior may enter into procure-
12 ment contracts, grants, or cooperative agreements, for
13 hazardous fuels reduction activities, and for training and
14 monitoring associated with such hazardous fuels reduction
15 activities, on Federal land, or on adjacent non-Federal
16 land for activities that benefit resources on Federal land:
17 *Provided further*, That the costs of implementing any co-
18 operative agreement between the Federal Government and
19 any non-Federal entity may be shared, as mutually agreed
20 on by the affected parties: *Provided further*, That notwith-
21 standing requirements of the Competition in Contracting
22 Act, the Secretary, for purposes of hazardous fuels reduc-
23 tion activities, may obtain maximum practicable competi-
24 tion among: (1) local private, nonprofit, or cooperative en-
25 tities; (2) Youth Conservation Corps crews, Public Lands

1 Corps (Public Law 109–154), or related partnerships with
2 State, local, or non-profit youth groups; (3) small or
3 micro-businesses; or (4) other entities that will hire or
4 train locally a significant percentage, defined as 50 per-
5 cent or more, of the project workforce to complete such
6 contracts: *Provided further*, That in implementing this sec-
7 tion, the Secretary shall develop written guidance to field
8 units to ensure accountability and consistent application
9 of the authorities provided herein: *Provided further*, That
10 funds appropriated under this head may be used to reim-
11 burse the United States Fish and Wildlife Service and the
12 National Marine Fisheries Service for the costs of carrying
13 out their responsibilities under the Endangered Species
14 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
15 ference, as required by section 7 of such Act, in connection
16 with wildland fire management activities: *Provided further*,
17 That the Secretary of the Interior may use wildland fire
18 appropriations to enter into non-competitive sole source
19 leases of real property with local governments, at or below
20 fair market value, to construct capitalized improvements
21 for fire facilities on such leased properties, including but
22 not limited to fire guard stations, retardant stations, and
23 other initial attack and fire support facilities, and to make
24 advance payments for any such lease or for construction
25 activity associated with the lease: *Provided further*, That

1 the Secretary of the Interior and the Secretary of Agri-
2 culture may authorize the transfer of funds appropriated
3 for wildland fire management, in an aggregate amount not
4 to exceed \$50,000,000, between the Departments when
5 such transfers would facilitate and expedite jointly funded
6 wildland fire management programs and projects.

7 WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE
8 FUND
9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses for transfer to “Wildland
11 Fire Management” for fire suppression operations of the
12 Department of the Interior, \$75,000,000, to remain avail-
13 able until expended: *Provided*, That amounts in this para-
14 graph may be transferred and expended only if all funds
15 appropriated for fire suppression operations under the
16 heading “Wildland Fire Management” shall be fully obli-
17 gated within 30 days: *Provided further*, That amounts are
18 available only to the extent the President has issued a
19 finding that the amounts are necessary for emergency fire
20 suppression operations.

21 CENTRAL HAZARDOUS MATERIALS FUND

22 For necessary expenses of the Department of the In-
23 terior and any of its component offices and bureaus for
24 response action, including associated activities, performed
25 pursuant to the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980, as amended (42
2 U.S.C. 9601 et seq.), \$10,175,000, to remain available
3 until expended: *Provided*, That Public Law 110–161 (121
4 Stat. 2116) under the heading “Central Hazardous Mate-
5 rials Fund” is amended by striking “in advance of or as
6 reimbursement for remedial action or response activities
7 conducted by the Department pursuant to section 107 or
8 113(f) of such Act” and inserting in lieu thereof “includ-
9 ing any fines or penalties”.

10 NATURAL RESOURCE DAMAGE ASSESSMENT AND
11 RESTORATION

12 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

13 To conduct natural resource damage assessment and
14 restoration activities by the Department of the Interior
15 necessary to carry out the provisions of the Comprehensive
16 Environmental Response, Compensation, and Liability
17 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
18 Water Pollution Control Act, as amended (33 U.S.C. 1251
19 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
20 et seq.), and Public Law 101–337, as amended (16 U.S.C.
21 19jj et seq.), \$6,462,000, to remain available until ex-
22 pended.

23 WORKING CAPITAL FUND

24 For the acquisition of a departmental financial and
25 business management system and information technology

1 improvements of general benefit to the Department,
2 \$85,823,000, to remain available until expended: *Pro-*
3 *vided*, That none of the funds in this Act or previous ap-
4 propriations Acts may be used to establish reserves in the
5 Working Capital Fund account other than for accrued an-
6 nual leave and depreciation of equipment without prior ap-
7 proval of the House and Senate Committees on Appropria-
8 tions: *Provided further*, That the Secretary may assess
9 reasonable charges to State, local, and tribal government
10 employees for training services provided by the National
11 Indian Program Training Center, other than training re-
12 lated to Public Law 93–638: *Provided further*, That the
13 Secretary may lease or otherwise provide space and related
14 facilities, equipment or professional services of the Na-
15 tional Indian Program Training Center to State, local, and
16 tribal government employees or persons or organizations
17 engaged in cultural, educational, or recreational activities
18 (as defined in 40 U.S.C. 3306(a)) at the prevailing rate
19 for similar space, facilities, equipment, or services in the
20 vicinity of the National Indian Program Training Center:
21 *Provided further*, That all funds received pursuant to the
22 two preceding provisos shall be credited to this account,
23 shall be available until expended, and shall be used by the
24 Secretary for necessary expenses of the National Indian
25 Program Training Center.

1 ADMINISTRATIVE PROVISIONS

2 There is hereby authorized for acquisition from avail-
3 able resources within the Working Capital Fund, 15 air-
4 craft, 10 of which shall be for replacement and which may
5 be obtained by donation, purchase or through available ex-
6 cess surplus property: *Provided*, That existing aircraft
7 being replaced may be sold, with proceeds derived or
8 trade-in value used to offset the purchase price for the
9 replacement aircraft.

10 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

11 (INCLUDING TRANSFERS OF FUNDS)

12 SEC. 101. Appropriations made in this title shall be
13 available for expenditure or transfer (within each bureau
14 or office), with the approval of the Secretary, for the emer-
15 gency reconstruction, replacement, or repair of aircraft,
16 buildings, utilities, or other facilities or equipment dam-
17 aged or destroyed by fire, flood, storm, or other unavoid-
18 able causes: *Provided*, That no funds shall be made avail-
19 able under this authority until funds specifically made
20 available to the Department of the Interior for emer-
21 gencies shall have been exhausted: *Provided further*, That
22 all funds used pursuant to this section must be replenished
23 by a supplemental appropriation which must be requested
24 as promptly as possible.

1 SEC. 102. The Secretary may authorize the expendi-
2 ture or transfer of any no year appropriation in this title,
3 in addition to the amounts included in the budget pro-
4 grams of the several agencies, for the suppression or emer-
5 gency prevention of wildland fires on or threatening lands
6 under the jurisdiction of the Department of the Interior;
7 for the emergency rehabilitation of burned-over lands
8 under its jurisdiction; for emergency actions related to po-
9 tential or actual earthquakes, floods, volcanoes, storms, or
10 other unavoidable causes; for contingency planning subse-
11 quent to actual oil spills; for response and natural resource
12 damage assessment activities related to actual oil spills;
13 for the prevention, suppression, and control of actual or
14 potential grasshopper and Mormon cricket outbreaks on
15 lands under the jurisdiction of the Secretary, pursuant to
16 the authority in section 1773(b) of Public Law 99–198
17 (99 Stat. 1658); for emergency reclamation projects under
18 section 410 of Public Law 95–87; and shall transfer, from
19 any no year funds available to the Office of Surface Min-
20 ing Reclamation and Enforcement, such funds as may be
21 necessary to permit assumption of regulatory authority in
22 the event a primacy State is not carrying out the regu-
23 latory provisions of the Surface Mining Act: *Provided*,
24 That appropriations made in this title for wildland fire
25 operations and shall be available for the payment of obli-

1 gations incurred during the preceding fiscal year, and for
2 reimbursement to other Federal agencies for destruction
3 of vehicles, aircraft, or other equipment in connection with
4 their use for wildland fire operations, such reimbursement
5 to be credited to appropriations currently available at the
6 time of receipt thereof: *Provided further*, That for wildland
7 fire operations, no funds shall be made available under
8 this authority until the Secretary determines that funds
9 appropriated for “wildland fire operations” and “Wildland
10 Fire Suppression Contingency Reserve Fund” shall be ex-
11 hausted within 30 days: *Provided further*, That all funds
12 used pursuant to this section must be replenished by a
13 supplemental appropriation which must be requested as
14 promptly as possible: *Provided further*, That such replen-
15 ishment funds shall be used to reimburse, on a pro rata
16 basis, accounts from which emergency funds were trans-
17 ferred.

18 SEC. 103. Appropriations made to the Department
19 of the Interior in this title shall be available for services
20 as authorized by 5 U.S.C. 3109, when authorized by the
21 Secretary, in total amount not to exceed \$500,000; pur-
22 chase and replacement of motor vehicles, including spe-
23 cially equipped law enforcement vehicles; hire, mainte-
24 nance, and operation of aircraft; hire of passenger motor
25 vehicles; purchase of reprints; payment for telephone serv-

1 ice in private residences in the field, when authorized
2 under regulations approved by the Secretary; and the pay-
3 ment of dues, when authorized by the Secretary, for li-
4 brary membership in societies or associations which issue
5 publications to members only or at a price to members
6 lower than to subscribers who are not members.

7 SEC. 104. Appropriations made in this Act under the
8 headings Bureau of Indian Affairs and Office of the Spe-
9 cial Trustee for American Indians and any unobligated
10 balances from prior appropriations Acts made under the
11 same headings shall be available for expenditure or trans-
12 fer for Indian trust management and reform activities.
13 Total funding for historical accounting activities shall not
14 exceed amounts specifically designated in this Act for such
15 purpose.

16 SEC. 105. Notwithstanding any other provision of
17 law, the Secretary of the Interior is authorized to redis-
18 tribute any Tribal Priority Allocation funds, including
19 tribal base funds, to alleviate tribal funding inequities by
20 transferring funds to address identified, unmet needs,
21 dual enrollment, overlapping service areas or inaccurate
22 distribution methodologies. No federally recognized tribe
23 shall receive a reduction in Tribal Priority Allocation
24 funds of more than 10 percent in fiscal year 2010. Under
25 circumstances of dual enrollment, overlapping service

1 areas or inaccurate distribution methodologies, the 10 per-
2 cent limitation does not apply.

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

13 SEC. 107. The Secretary of the Interior may use dis-
14 cretionary funds to pay private attorney fees and costs for
15 employees and former employees of the Department of the
16 Interior reasonably incurred in connection with *Cobell v.*
17 *Salazar* to the extent that such fees and costs are not paid
18 by the Department of Justice or by private insurance. In
19 no case shall the Secretary make payments under this sec-
20 tion that would result in payment of hourly fees in excess
21 of the highest hourly rate approved by the District Court
22 for the District of Columbia for counsel in *Cobell v.*
23 *Salazar*.

24 SEC. 108. The United States Fish and Wildlife Serv-
25 ice shall, in carrying out its responsibilities to protect

1 threatened and endangered species of salmon, implement
2 a system of mass marking of salmonid stocks, intended
3 for harvest, that are released from federally operated or
4 federally financed hatcheries including but not limited to
5 fish releases of coho, chinook, and steelhead species.
6 Marked fish must have a visible mark that can be readily
7 identified by commercial and recreational fishers.

8 SEC. 109. Notwithstanding any other provision of
9 law, the Secretary of the Interior is authorized to acquire
10 lands, waters, or interests therein including the use of all
11 or part of any pier, dock, or landing within the State of
12 New York and the State of New Jersey, for the purpose
13 of operating and maintaining facilities in the support of
14 transportation and accommodation of visitors to Ellis,
15 Governors, and Liberty Islands, and of other program and
16 administrative activities, by donation or with appropriated
17 funds, including franchise fees (and other monetary con-
18 sideration), or by exchange; and the Secretary is author-
19 ized to negotiate and enter into leases, subleases, conces-
20 sion contracts or other agreements for the use of such fa-
21 cilities on such terms and conditions as the Secretary may
22 determine reasonable.

23 SEC. 110. Title 43 U.S.C. 1473, as amended by Pub-
24 lic Law 111–8, is further amended by striking “in fiscal

1 years 2008 and 2009 only” and inserting “in fiscal years
2 2010 through 2013”.

3 SEC. 111. The Secretary of the Interior may enter
4 into cooperative agreements with a State or political sub-
5 division (including any agency thereof), or any not-for-
6 profit organization if the agreement will: (1) serve a mu-
7 tual interest of the parties to the agreement in carrying
8 out the programs administered by the Department of the
9 Interior; and (2) all parties will contribute resources to
10 the accomplishment of these objectives. At the discretion
11 of the Secretary, such agreements shall not be subject to
12 a competitive process.

13 SEC. 112. Funds provided in this Act for Federal
14 land acquisition by the National Park Service for Ice Age
15 National Scenic Trail may be used for a grant to a State,
16 a local government, or any other land management entity
17 for the acquisition of lands without regard to any restric-
18 tion on the use of Federal land acquisition funds provided
19 through the Land and Water Conservation Fund Act of
20 1965 as amended.

21 SEC. 113. Notwithstanding any other provision of
22 law, for fiscal year 2010 and each fiscal year thereafter,
23 sections 109 and 110 of the Federal Oil and Gas Royalty
24 Management Act (30 U.S.C. 1719 and 1720) shall apply
25 to any lease authorizing exploration for or development of

1 coal, any other solid mineral, or any geothermal resource
2 on any Federal or Indian lands and any lease, easement,
3 right of way, or other agreement, regardless of form, for
4 use of the Outer Continental Shelf or any of its resources
5 under sections 8(k) or 8(p) of the Outer Continental Shelf
6 Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same
7 extent as if such lease, easement, right of way, or other
8 agreement, regardless of form, were an oil and gas lease,
9 except that in such cases the term “royalty payment” shall
10 include any payment required by such lease, easement,
11 right of way or other agreement, regardless of form, or
12 by applicable regulation.

13 SEC. 114. (a) In fiscal year 2010, the Minerals Man-
14 agement Service (MMS) shall collect a non-refundable in-
15 spection fee, which shall be deposited in the “Royalty and
16 Offshore Minerals Management” account, from the des-
17 ignated operator for facilities subject to inspection by
18 MMS under 43 U.S.C. 1348(c) that are above the water-
19 line, except mobile offshore drilling units, and are in place
20 at the start of fiscal year 2010.

21 (b) Fees for 2010 shall be:

22 (1) \$2,000 for facilities with no wells, but with
23 processing equipment or gathering lines;

24 (2) \$3,250 for facilities with one to ten wells,
25 with any combination of active or inactive wells; and

1 (3) \$6,000 for facilities with more than ten
2 wells, with any combination of active or inactive
3 wells.

4 (c) MMS will bill designated operators within 60 days
5 of enactment of this bill, with payment required within
6 30 days of billing.

7 SEC. 115. Section 4 of Public Law 89-565, as amend-
8 ed, (16 U.S.C. 282c), relating to San Juan Island Na-
9 tional Historic Park, is amended by striking “\$5,575,000”
10 and inserting “\$13,575,000”.

11 SEC. 116. Section 1(c)(2) of Public Law 109-441 is
12 amended by adding after subparagraph (D) the following
13 new subparagraphs:

14 “(E) Minidoka, depicted in a map entitled
15 ‘Minidoka National Historic Site and Environs
16 - Draft Document’, dated May 27, 2009. The
17 Secretary is authorized to accept a donation of
18 land or interest in land acquired with funds
19 provided under this section, as an addition to
20 the Minidoka National Historic Site and admin-
21 istered in accordance with section 313(c)(5) of
22 Public Law 110-229.

23 “(F) Heart Mountain, depicted in Figure
24 6.3 of the Site Document.”.

1 TITLE II—ENVIRONMENTAL PROTECTION
2 AGENCY
3 SCIENCE AND TECHNOLOGY

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

13 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

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

1 September 30, 2011: *Provided*, That of the funds included
2 under this heading, not less than \$628,941,000 shall be
3 for the Geographic Programs specified in the explanatory
4 statement accompanying this Act.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, \$44,791,000, to remain
9 available until September 30, 2011.

10 BUILDINGS AND FACILITIES

11 For construction, repair, improvement, extension, al-
12 teration, and purchase of fixed equipment or facilities of,
13 or for use by, the Environmental Protection Agency,
14 \$35,001,000, to remain available until expended.

15 HAZARDOUS SUBSTANCE SUPERFUND

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses to carry out the Comprehen-
18 sive Environmental Response, Compensation, and Liabil-
19 ity Act of 1980 (CERCLA), as amended, including sec-
20 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
21 9611) \$1,306,541,000, to remain available until expended,
22 consisting of such sums as are available in the Trust Fund
23 on September 30, 2009, as authorized by section 517(a)
24 of the Superfund Amendments and Reauthorization Act
25 of 1986 (SARA) and up to \$1,306,541,000 as a payment

1 from general revenues to the Hazardous Substance Super-
2 fund for purposes as authorized by section 517(b) of
3 SARA, as amended: *Provided*, That funds appropriated
4 under this heading may be allocated to other Federal
5 agencies in accordance with section 111(a) of CERCLA:
6 *Provided further*, That of the funds appropriated under
7 this heading, \$9,975,000 shall be paid to the “Office of
8 Inspector General” appropriation to remain available until
9 September 30, 2011, and \$26,834,000 shall be paid to the
10 “Science and Technology” appropriation to remain avail-
11 able until September 30, 2011.

12 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
13 PROGRAM

14 For necessary expenses to carry out leaking under-
15 ground storage tank cleanup activities authorized by sub-
16 title I of the Solid Waste Disposal Act, as amended,
17 \$113,101,000, to remain available until expended, of
18 which \$78,671,000 shall be for carrying out leaking un-
19 derground storage tank cleanup activities authorized by
20 section 9003(h) of the Solid Waste Disposal Act, as
21 amended; \$34,430,000 shall be for carrying out the other
22 provisions of the Solid Waste Disposal Act specified in sec-
23 tion 9508(e) of the Internal Revenue Code, as amended:
24 *Provided*, That the Administrator is authorized to use ap-
25 propriations made available under this heading to imple-

1 ment section 9013 of the Solid Waste Disposal Act to pro-
2 vide financial assistance to federally recognized Indian
3 tribes for the development and implementation of pro-
4 grams to manage underground storage tanks.

5 OIL SPILL RESPONSE

6 For expenses necessary to carry out the Environ-
7 mental Protection Agency's responsibilities under the Oil
8 Pollution Act of 1990, \$18,379,000, to be derived from
9 the Oil Spill Liability trust fund, to remain available until
10 expended.

11 STATE AND TRIBAL ASSISTANCE GRANTS

12 For environmental programs and infrastructure as-
13 sistance, including capitalization grants for State revolv-
14 ing funds and performance partnership grants,
15 \$5,215,446,000, to remain available until expended, of
16 which \$2,307,000,000 shall be for making capitalization
17 grants for the Clean Water State Revolving Funds under
18 title VI of the Federal Water Pollution Control Act, as
19 amended (the "Act"); of which \$1,443,000,000 shall be
20 for making capitalization grants for the Drinking Water
21 State Revolving Funds under section 1452 of the Safe
22 Drinking Water Act, as amended: *Provided*, That
23 \$20,000,000 shall be for architectural, engineering, plan-
24 ning, design, construction and related activities in connec-
25 tion with the construction of high priority water and

1 wastewater facilities in the area of the United States-Mex-
2 ico border, after consultation with the appropriate border
3 commission; \$10,000,000 shall be for grants to the State
4 of Alaska to address drinking water and wastewater infra-
5 structure needs of rural and Alaska Native Villages: *Pro-*
6 *vided further*, That, of these funds: (1) the State of Alaska
7 shall provide a match of 25 percent; and (2) no more than
8 5 percent of the funds may be used for administrative and
9 overhead expenses; \$160,000,000 shall be for making spe-
10 cial project grants for the construction of drinking water,
11 wastewater and storm water infrastructure and for water
12 quality protection in accordance with the terms and condi-
13 tions specified for such grants in the explanatory state-
14 ment accompanying this Act, and, for purposes of these
15 grants, each grantee shall contribute not less than 45 per-
16 cent of the cost of the project unless the grantee is ap-
17 proved for a waiver by the Agency; \$100,000,000 shall be
18 to carry out section 104(k) of the Comprehensive Environ-
19 mental Response, Compensation, and Liability Act of
20 1980 (CERCLA), as amended, including grants, inter-
21 agency agreements, and associated program support costs;
22 \$60,000,000 shall be for grants under title VII, subtitle
23 G of the Energy Policy Act of 2005, as amended; and
24 \$1,115,446,000 shall be for grants, including associated
25 program support costs, to States, federally recognized

1 tribes, interstate agencies, tribal consortia, and air pollu-
2 tion control agencies for multi-media or single media pol-
3 lution prevention, control and abatement and related ac-
4 tivities, including activities pursuant to the provisions set
5 forth under this heading in Public Law 104–134, and for
6 making grants under section 103 of the Clean Air Act for
7 particulate matter monitoring and data collection activi-
8 ties subject to terms and conditions specified by the Ad-
9 ministrator, of which \$49,495,000 shall be for carrying
10 out section 128 of CERCLA, as amended, \$10,000,000
11 shall be for Environmental Information Exchange Net-
12 work grants, including associated program support costs,
13 \$18,500,000 of the funds available for grants under sec-
14 tion 106 of the Act shall be for water quality monitoring
15 activities, \$10,000,000 shall be for competitive grants to
16 communities to develop plans and demonstrate and imple-
17 ment projects which reduce greenhouse gas emissions,
18 and, in addition to funds appropriated under the heading
19 “Leaking Underground Storage Tank Trust Fund Pro-
20 gram” to carry out the provisions of the Solid Waste Dis-
21 posal Act specified in section 9508(c) of the Internal Rev-
22 enue Code other than section 9003(h) of the Solid Waste
23 Disposal Act, as amended, \$2,500,000 shall be for grants
24 to States under section 2007(f)(2) of the Solid Waste Dis-
25 posal Act, as amended: *Provided further*, That notwith-

1 standing section 603(d)(7) of the Federal Water Pollution
2 Control Act, the limitation on the amounts in a State
3 water pollution control revolving fund that may be used
4 by a State to administer the fund shall not apply to
5 amounts included as principal in loans made by such fund
6 in fiscal year 2010 and prior years where such amounts
7 represent costs of administering the fund to the extent
8 that such amounts are or were deemed reasonable by the
9 Administrator, accounted for separately from other assets
10 in the fund, and used for eligible purposes of the fund,
11 including administration: *Provided further*, That for fiscal
12 year 2010, and notwithstanding section 518(f) of the Act,
13 the Administrator is authorized to use the amounts appro-
14 priated for any fiscal year under section 319 of that Act
15 to make grants to federally recognized Indian tribes pur-
16 suant to sections 319(h) and 518(e) of that Act: *Provided*
17 *further*, That for fiscal year 2010, notwithstanding the
18 limitation on amounts in section 518(c) of the Federal
19 Water Pollution Control Act and section 1452(i) of the
20 Safe Drinking Water Act, up to a total of 2 percent of
21 the funds appropriated for State Revolving Funds under
22 such Acts may be reserved by the Administrator for grants
23 under section 518(c) and section 1452(i) of such Acts:
24 *Provided further*, That for fiscal year 2010, in addition
25 to the amounts specified in section 205(c) of the Federal

1 Water Pollution Control Act, up to 1.2486 percent of the
2 funds appropriated for the Clean Water State Revolving
3 Fund program under the Act may be reserved by the Ad-
4 ministrator for grants made under Title II of the Clean
5 Water Act for American Samoa, Guam, the Common-
6 wealth of the Northern Marianas, and United States Vir-
7 gin Islands: *Provided further*, That for fiscal year 2010,
8 notwithstanding the limitations on amounts specified in
9 section 1452(j) of the Safe Drinking Water Act, up to 1.5
10 percent of the funds appropriated for the Drinking Water
11 State Revolving Fund programs under the Safe Drinking
12 Water Act may be reserved by the Administrator for
13 grants made under section 1452(j) of the Safe Drinking
14 Water Act: *Provided further*, That no funds provided by
15 this appropriations Act to address the water, wastewater
16 and other critical infrastructure needs of the colonias in
17 the United States along the United States-Mexico border
18 shall be made available to a county or municipal govern-
19 ment unless that government has established an enforce-
20 able local ordinance, or other zoning rule, which prevents
21 in that jurisdiction the development or construction of any
22 additional colonia areas, or the development within an ex-
23 isting colonia the construction of any new home, business,
24 or other structure which lacks water, wastewater, or other
25 necessary infrastructure.

1 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL
2 PROTECTION AGENCY
3 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

4 For fiscal year 2010, 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 Title II of Public Law 109-54, as amended by title
24 II of division E of Public Law 111-8 (123 Stat.729), is
25 amended in the fourth paragraph under the heading "Ad-

1 ministrative Provisions” by striking “2011” and inserting
2 “2015”.

3 From unobligated balances to carry out projects and
4 activities funded through the “State and Tribal Assistance
5 Grants” account, \$142,000,000 are hereby permanently
6 rescinded: *Provided*, That no amounts may be cancelled
7 from amounts that were designated by the Congress as
8 an emergency requirement pursuant to the Concurrent
9 Resolution on the Budget or the Balanced Budget and
10 Emergency Deficit Control Act of 1985, as amended.

11 The Administrator is authorized to transfer up to
12 \$475,000,000 from the “Environmental Programs and
13 Management” account to the head of any other Federal
14 department or agency (including but not limited to the De-
15 partments of Agriculture, Army, Commerce, Health and
16 Human Services, Homeland Security, the Interior, State,
17 and Transportation), with the concurrence of such head,
18 to carry out activities that would support the Great Lakes
19 Restoration Initiative and Great Lakes Water Quality
20 Agreement programs, projects, or activities; to enter into
21 an interagency agreement with the head of such Federal
22 department or agency to carry out these activities; and
23 to make grants to governmental entities, nonprofit organi-
24 zations, institutions, and individuals for planning, re-
25 search, monitoring, outreach, and implementation in fur-

1 therance of the Great Lakes Restoration Initiative and the
2 Great Lakes Water Quality Agreement.

3 Not less than 30 percent of the funds made available
4 under this title to each State for Clean Water State Re-
5 volving Fund capitalization grants and not less than 30
6 percent of the funds made available under this title to each
7 State for Drinking Water State Revolving Fund capital-
8 ization grants shall be used by the State to provide addi-
9 tional subsidy to eligible recipients in the form of forgive-
10 ness of principal, negative interest loans, or grants (or any
11 combination of these), except that for the Clean Water
12 State Revolving Fund capitalization grant appropriation
13 this section shall only apply to the portion that exceeds
14 \$1,000,000,000.

15 To the extent there are sufficient eligible project ap-
16 plications, not less than 20 percent of the funds made
17 available under this title to each State for Clean Water
18 State Revolving Fund capitalization grants and not less
19 than 20 percent of the funds made available under this
20 title to each State for Drinking Water State Revolving
21 Fund capitalization grants shall be used by the State for
22 projects to address green infrastructure, water efficiency,
23 or energy efficiency improvements.

24 For fiscal year 2010 and each fiscal year thereafter,
25 the requirements of section 513 of the Federal Water Pol-

1 lution Control Act (33 U.S.C. 1372) shall apply to the
2 construction of treatment works carried out in whole or
3 in part with assistance made available by a State water
4 pollution control revolving fund as authorized by title VI
5 of that Act (33 U.S.C. 1381 et seq.), or with assistance
6 made available under section 205(m) of that Act (33
7 U.S.C. 1285(m)), or both.

8 For fiscal year 2010 and each fiscal year thereafter,
9 the requirements of section 1450(e) of the Safe Drinking
10 Water Act (42 U.S.C. 300j-9(e)) shall apply to any con-
11 struction project carried out in whole or in part with as-
12 sistance made available by a drinking water treatment re-
13 volving loan fund as authorized by section 1452 of that
14 Act (42 U.S.C. 300j-12).

15

16 TITLE III—RELATED AGENCIES

17 DEPARTMENT OF AGRICULTURE

18 FOREST SERVICE

19 FOREST AND RANGELAND RESEARCH

20 For necessary expenses of forest and rangeland re-
21 search as authorized by law, \$308,612,000, to remain
22 available until expended: *Provided*, That of the funds pro-
23 vided, \$61,939,000 is for the forest inventory and analysis
24 program.

1 STATE AND PRIVATE FORESTRY

2 For necessary expenses of cooperating with and pro-
3 viding technical and financial assistance to States, terri-
4 tories, possessions, and others, and for forest health man-
5 agement, including treatments of pests, pathogens, and
6 invasive or noxious plants and for restoring and rehabili-
7 tating forests damaged by pests or invasive plants, cooper-
8 ative forestry, and education and land conservation activi-
9 ties and conducting an international program as author-
10 ized, \$307,486,000, to remain available until expended, as
11 authorized by law; and of which \$76,215,000 is to be de-
12 rived from the Land and Water Conservation Fund.

13 NATIONAL FOREST SYSTEM

14 (INCLUDING TRANSFERS OF FUNDS)

15 For necessary expenses of the Forest Service, not
16 otherwise provided for, for management, protection, im-
17 provement, and utilization of the National Forest System,
18 \$1,564,801,000, to remain available until expended, which
19 shall include 50 percent of all moneys received during
20 prior fiscal years as fees collected under the Land and
21 Water Conservation Fund Act of 1965, as amended, in
22 accordance with section 4 of the Act (16 U.S.C. 460l-
23 6a(i)): *Provided*, That, the Secretary may authorize the
24 expenditure or transfer of up to \$10,000,000 to the De-
25 partment of the Interior, Bureau of Land Management,

1 for removal, preparation, and adoption of excess wild
2 horses and burros from National Forest System lands,
3 and for the performance of cadastral surveys to designate
4 the boundaries of such lands: *Provided further*, That up
5 to \$10,000,000 may be transferred to and made a part
6 of other Forest Service accounts if the transfer enhances
7 the efficiency or effectiveness of Federal activities.

8 CAPITAL IMPROVEMENT AND MAINTENANCE

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of the Forest Service, not
11 otherwise provided for, \$560,637,000, to remain available
12 until expended, for construction, capital improvement,
13 maintenance and acquisition of buildings and other facili-
14 ties and infrastructure; and for construction, capital im-
15 provement, decommissioning, and maintenance of forest
16 roads and trails by the Forest Service as authorized by
17 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*,
18 That \$100,000,000 shall be designated for urgently need-
19 ed road decommissioning, road and trail repair and main-
20 tenance and associated activities, and removal of fish pas-
21 sage barriers, especially in areas where Forest Service
22 roads may be contributing to water quality problems in
23 streams and water bodies which support threatened, en-
24 dangered or sensitive species or community water sources:
25 *Provided further*, That funds provided herein shall be

1 available for the decommissioning of roads, including un-
2 authorized roads not part of the transportation system,
3 which are no longer needed: *Provided further*, That public
4 comment should be provided before system roads are de-
5 commissioned: *Provided further*, That the decommis-
6 sioning of unauthorized roads not part of the official
7 transportation system shall be expedited in response to
8 threats to public safety, water quality, or natural re-
9 sources: *Provided further*, That funds becoming available
10 in fiscal year 2010 under the Act of March 4, 1913 (16
11 U.S.C. 501) shall be transferred to the General Fund of
12 the Treasury and shall not be available for transfer or obli-
13 gation for any other purpose unless the funds are appro-
14 priated: *Provided further*, That up to \$10,000,000 may be
15 transferred to and made a part of other Forest Service
16 accounts if the transfer enhances the efficiency or effec-
17 tiveness of Federal activities.

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 wa-
23 ters, or interest therein, in accordance with statutory au-
24 thority applicable to the Forest Service, \$36,782,000, to

1 be derived from the Land and Water Conservation Fund
2 and to remain available until expended.

3 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
4 ACTS

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

11 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

12 For acquisition of lands, such sums, to be derived
13 from funds deposited by State, county, or municipal gov-
14 ernments, public school districts, or other public school au-
15 thorities, and for authorized expenditures from funds de-
16 posited by non-Federal parties pursuant to Land Sale and
17 Exchange Acts, pursuant to the Act of December 4, 1967,
18 as amended (16 U.S.C. 484a), to remain available until
19 expended. (16 U.S.C. 4601–516–617a, 555a; Public Law
20 96–586; Public Law 76–589, 76–591; and 78–310).

21 RANGE BETTERMENT FUND

22 For necessary expenses of range rehabilitation, pro-
23 tection, and improvement, 50 percent of all moneys re-
24 ceived during the prior fiscal year, as fees for grazing do-
25 mestic livestock on lands in National Forests in the 16

1 Western States, pursuant to section 401(b)(1) of Public
2 Law 94–579, as amended, to remain available until ex-
3 pended, of which not to exceed 6 percent shall be available
4 for administrative expenses associated with on-the-ground
5 range rehabilitation, protection, and improvements.

6 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
7 RANGELAND RESEARCH

8 For expenses authorized by 16 U.S.C. 1643(b),
9 \$50,000, to remain available until expended, to be derived
10 from the fund established pursuant to the above Act.

11 MANAGEMENT OF NATIONAL FOREST LANDS FOR
12 SUBSISTENCE USES

13 For necessary expenses of the Forest Service to man-
14 age Federal lands in Alaska for subsistence uses under
15 title VIII of the Alaska National Interest Lands Conserva-
16 tion Act (Public Law 96–487), \$2,582,000, to remain
17 available until expended.

18 WILDLAND FIRE MANAGEMENT
19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses for forest fire presuppression
21 activities on National Forest System lands, for emergency
22 fire suppression on or adjacent to such lands or other
23 lands under fire protection agreement, hazardous fuels re-
24 duction on or adjacent to such lands, and for emergency
25 rehabilitation of burned-over National Forest System

1 lands and water, \$2,370,288,000, to remain available until
2 expended: *Provided*, That such funds including unobli-
3 gated balances under this heading, are available for repay-
4 ment of advances from other appropriations accounts pre-
5 viously transferred for such purposes: *Provided further*,
6 That such funds shall be available to reimburse State and
7 other cooperating entities for services provided in response
8 to wildfire and other emergencies or disasters to the extent
9 such reimbursements by the Forest Service for non-fire
10 emergencies are fully repaid by the responsible emergency
11 management agency: *Provided further*, That, notwith-
12 standing any other provision of law, \$8,000,000 of funds
13 appropriated under this appropriation shall be used for
14 Fire Science Research in support of the Joint Fire Science
15 Program: *Provided further*, That all authorities for the use
16 of funds, including the use of contracts, grants, and coop-
17 erative agreements, available to execute the Forest and
18 Rangeland Research appropriation, are also available in
19 the utilization of these funds for Fire Science Research:
20 *Provided further*, That funds provided shall be available
21 for emergency rehabilitation and restoration, hazardous
22 fuels reduction activities in the urban-wildland interface,
23 support to Federal emergency response, and wildfire sup-
24 pression activities of the Forest Service: *Provided further*,
25 That of the funds provided, \$378,086,000 is for hazardous

1 fuels reduction activities, \$11,600,000 is for rehabilitation
2 and restoration, \$23,917,000 is for research activities and
3 to make competitive research grants pursuant to the For-
4 est and Rangeland Renewable Resources Research Act, as
5 amended (16 U.S.C. 1641 et seq.), \$80,000,000 is for
6 State fire assistance, \$10,000,000 is for volunteer fire as-
7 sistance, \$24,252,000 is for forest health activities on
8 Federal lands and \$12,928,000 is for forest health activi-
9 ties on State and private lands: *Provided further*, That
10 amounts in this paragraph may be transferred to the
11 “State and Private Forestry”, “National Forest System”,
12 and “Forest and Rangeland Research” accounts to fund
13 State fire assistance, volunteer fire assistance, forest
14 health management, forest and rangeland research, the
15 Joint Fire Science Program, vegetation and watershed
16 management, heritage site rehabilitation, and wildlife and
17 fish habitat management and restoration: *Provided fur-*
18 *ther*, That up to \$25,000,000 of the funds provided under
19 this heading may be transferred to and made a part of
20 other Forest Service accounts if the transfer enhances the
21 efficiency or effectiveness of Federal activities: *Provided*
22 *further*, That the costs of implementing any cooperative
23 agreement between the Federal Government and any non-
24 Federal entity may be shared, as mutually agreed on by
25 the affected parties: *Provided further*, That of the funds

1 provided herein, the Secretary of Agriculture may enter
2 into procurement contracts or cooperative agreements, or
3 issue grants, for hazardous fuels reduction activities and
4 for training and monitoring associated with such haz-
5 ardous fuels reduction activities, on Federal land, or on
6 adjacent non-Federal land for activities that benefit re-
7 sources on Federal land: *Provided further*, That the Sec-
8 retary of the Interior and the Secretary of Agriculture
9 may authorize the transfer of funds appropriated for
10 wildland fire management, in an aggregate amount not to
11 exceed \$50,000,000, between the Departments when such
12 transfers would facilitate and expedite jointly funded
13 wildland fire management programs and projects: *Pro-*
14 *vided further*, That of the funds provided for hazardous
15 fuels reduction, not to exceed \$5,000,000, may be used
16 to make grants, using any authorities available to the For-
17 est Service under the State and Private Forestry appro-
18 priation, for the purpose of creating incentives for in-
19 creased use of biomass from national forest lands: *Pro-*
20 *vided further*, That funds designated for wildfire suppres-
21 sion shall be assessed for cost pools on the same basis
22 as such assessments are calculated against other agency
23 programs.

1 WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE
2 FUND

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for transfer to “Wildland
5 Fire Management” for emergency fire suppression on Na-
6 tional Forest System lands or adjacent lands or other
7 lands under fire protection agreement, \$282,000,000, to
8 remain available until expended: *Provided*, That amounts
9 in this paragraph may be transferred and expended only
10 if all funds appropriated for fire suppression under the
11 heading “Wildland Fire Management” shall be fully obli-
12 gated within 30 days: *Provided further*, That amounts are
13 available only to the extent the President has issued a
14 finding that the amounts are necessary for emergency fire
15 suppression.

16 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

17 Appropriations to the Forest Service for the current
18 fiscal year shall be available for: (1) purchase of passenger
19 motor vehicles; acquisition of passenger motor vehicles
20 from excess sources, and hire of such vehicles; purchase,
21 lease, operation, maintenance, and acquisition of aircraft
22 from excess sources to maintain the operable fleet for use
23 in Forest Service wildland fire programs and other Forest
24 Service programs; notwithstanding other provisions of law,
25 existing aircraft being replaced may be sold, with proceeds

1 derived or trade-in value used to offset the purchase price
2 for the replacement aircraft; (2) services pursuant to 7
3 U.S.C. 2225, and not to exceed \$100,000 for employment
4 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
5 ation of buildings and other public improvements (7
6 U.S.C. 2250); (4) acquisition of land, waters, and inter-
7 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
8 pursuant to the Volunteers in the National Forest Act of
9 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
10 of uniforms as authorized by 5 U.S.C. 5901–5902; and
11 (7) for debt collection contracts in accordance with 31
12 U.S.C. 3718(c).

13 Any appropriations or funds available to the Forest
14 Service may be transferred to the Wildland Fire Manage-
15 ment appropriation for forest firefighting, emergency re-
16 habilitation of burned-over or damaged lands or waters
17 under its jurisdiction, and fire preparedness due to severe
18 burning conditions five days after the Secretary notifies
19 the House and Senate Committees on Appropriations that
20 all fire suppression funds appropriated under the headings
21 “Wildland Fire Management” and “Wildland Fire Sup-
22 pression Contingency Reserve Fund” shall be fully obli-
23 gated within 30 days: *Provided*, That all funds used pursu-
24 ant to this paragraph must be replenished by a supple-

1 mental appropriation which must be requested as prompt-
2 ly as possible.

3 Funds appropriated to the Forest Service shall be
4 available for assistance to or through the Agency for Inter-
5 national Development in connection with forest and range-
6 land research, technical information, and assistance in for-
7 eign countries, and shall be available to support forestry
8 and related natural resource activities outside the United
9 States and its territories and possessions, including tech-
10 nical assistance, education and training, and cooperation
11 with United States and international organizations.

12 None of the funds made available to the Forest Serv-
13 ice in this Act or any other Act with respect to any fiscal
14 year shall be subject to transfer under the provisions of
15 section 702(b) of the Department of Agriculture Organic
16 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
17 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
18 Law 107–107 (7 U.S.C. 8316(b)).

19 Not more than \$78,350,000 of funds available to the
20 Forest Service shall be transferred to the Working Capital
21 Fund of the Department of Agriculture and not more than
22 \$19,825,000 of funds available to the Forest Service shall
23 be transferred to the Department of Agriculture for De-
24 partment Reimbursable Programs, commonly referred to
25 as Greenbook charges. Nothing in this paragraph shall

1 prohibit or limit the use of reimbursable agreements re-
2 quested by the Forest Service in order to obtain services
3 from the Department of Agriculture's National Informa-
4 tion Technology Center.

5 Funds available to the Forest Service shall be avail-
6 able to conduct a program of up to \$5,000,000 for priority
7 projects within the scope of the approved budget, of which
8 \$2,500,000 shall be carried out by the Youth Conservation
9 Corps and \$2,500,000 shall be carried out under the au-
10 thority of the Public Lands Corps Healthy Forests Res-
11 toration Act of 2005, Public Law 109-154.

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

15 Pursuant to sections 405(b) and 410(b) of Public
16 Law 101-593, of the funds available to the Forest Service,
17 \$3,000,000 may be advanced in a lump sum to the Na-
18 tional Forest Foundation to aid conservation partnership
19 projects in support of the Forest Service mission, without
20 regard to when the Foundation incurs expenses, for
21 projects on or benefitting National Forest System lands
22 or related to Forest Service programs: *Provided*, That the
23 Foundation shall obtain, by the end of the period of Fed-
24 eral financial assistance, private contributions to match on
25 at least one-for-one basis funds made available by the For-

1 est Service: *Provided further*, That the Foundation may
2 transfer Federal funds to Federal or a non-Federal recipi-
3 ent for a project at the same rate that the recipient has
4 obtained the non-Federal matching funds: *Provided fur-*
5 *ther*, That authorized investments of Federal funds held
6 by the Foundation may be made only in interest-bearing
7 obligations of the United States or in obligations guaran-
8 teed as to both principal and interest by the United States.

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

22 Funds appropriated to the Forest Service shall be
23 available for interactions with and providing technical as-
24 sistance to rural communities and natural resource-based
25 businesses for sustainable rural development purposes.

1 Funds appropriated to the Forest Service shall be
2 available for payments to counties within the Columbia
3 River Gorge National Scenic Area, pursuant to section
4 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
5 663.

6 An eligible individual who is employed in any project
7 funded under title V of the Older American Act of 1965
8 (42 U.S.C. 3056 et seq.) and administered by the Forest
9 Service shall be considered to be a Federal employee for
10 purposes of chapter 171 of title 28, United States Code.

11 Any funds appropriated to the Forest Service may
12 be used to meet the non-Federal share requirement in sec-
13 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
14 3056(c)(2)).

15 Funds available to the Forest Service, not to exceed
16 \$55,000,000, shall be assessed for the purpose of per-
17 forming fire, administrative and other facilities mainte-
18 nance. Such assessments shall occur using a square foot
19 rate charged on the same basis the agency uses to assess
20 programs for payment of rent, utilities, and other support
21 services.

22 Notwithstanding any other provision of law, any ap-
23 propriations or funds available to the Forest Service not
24 to exceed \$500,000 may be used to reimburse the Office
25 of the General Counsel (OGC), Department of Agri-

1 available to tribes and tribal organizations through con-
2 tracts, grant agreements, or any other agreements or com-
3 pacts authorized by the Indian Self-Determination and
4 Education Assistance Act of 1975 (25 U.S.C. 450), shall
5 be deemed to be obligated at the time of the grant or con-
6 tract award and thereafter shall remain available to the
7 tribe or tribal organization without fiscal year limitation:
8 *Provided further*, That \$16,251,000 is provided for Head-
9 quarters operations and information technology activities
10 and, notwithstanding any other provision of law, the
11 amount available under this proviso shall be allocated at
12 the discretion of the Director of the Indian Health Service:
13 *Provided further*, That \$779,347,000 for contract medical
14 care, including \$48,000,000 for the Indian Catastrophic
15 Health Emergency Fund, shall remain available until ex-
16 pended: *Provided further*, That no less than \$43,139,000
17 is provided for maintaining operations of the urban Indian
18 health program: *Provided further*, That of the funds pro-
19 vided, up to \$32,000,000 shall remain available until ex-
20 pended for implementation of the loan repayment program
21 under section 108 of the Indian Health Care Improvement
22 Act: *Provided further*, That \$16,391,000 is provided for
23 the methamphetamine and suicide prevention and treat-
24 ment initiative and \$10,000,000 is provided for the do-
25 mestic violence prevention initiative and, notwithstanding

1 any other provision of law, the amounts available under
2 this proviso shall be allocated at the discretion of the Di-
3 rector of the Indian Health Service and shall remain avail-
4 able until expended: *Provided further*, That funds provided
5 in this Act may be used for one-year contracts and grants
6 which are to be performed in two fiscal years, so long as
7 the total obligation is recorded in the year for which the
8 funds are appropriated: *Provided further*, That the
9 amounts collected by the Secretary of Health and Human
10 Services under the authority of title IV of the Indian
11 Health Care Improvement Act shall remain available until
12 expended for the purpose of achieving compliance with the
13 applicable conditions and requirements of titles XVIII and
14 XIX of the Social Security Act (exclusive of planning, de-
15 sign, or construction of new facilities): *Provided further*,
16 That funding contained herein, and in any earlier appro-
17 priations Acts for scholarship programs under the Indian
18 Health Care Improvement Act (25 U.S.C. 1613) shall re-
19 main available until expended: *Provided further*, That
20 amounts received by tribes and tribal organizations under
21 title IV of the Indian Health Care Improvement Act shall
22 be reported and accounted for and available to the receiv-
23 ing tribes and tribal organizations until expended: *Pro-*
24 *vided further*, That, notwithstanding any other provision
25 of law, of the amounts provided herein, not to exceed

1 \$398,490,000 shall be for payments to tribes and tribal
2 organizations for contract or grant support costs associ-
3 ated with contracts, grants, self-governance compacts, or
4 annual funding agreements between the Indian Health
5 Service and a tribe or tribal organization pursuant to the
6 Indian Self-Determination Act of 1975, as amended, prior
7 to or during fiscal year 2010, of which not to exceed
8 \$5,000,000 may be used for contract support costs associ-
9 ated with new or expanded self-determination contracts,
10 grants, self-governance compacts, or annual funding
11 agreements: *Provided further*, That the Bureau of Indian
12 Affairs may collect from the Indian Health Service, tribes
13 and tribal organizations operating health facilities pursu-
14 ant to Public Law 93–638, such individually identifiable
15 health information relating to disabled children as may be
16 necessary for the purpose of carrying out its functions
17 under the Individuals with Disabilities Education Act (20
18 U.S.C. 1400, et seq.): *Provided further*, That the Indian
19 Health Care Improvement Fund may be used, as needed,
20 to carry out activities typically funded under the Indian
21 Health Facilities account.

22 INDIAN HEALTH FACILITIES

23 For construction, repair, maintenance, improvement,
24 and equipment of health and related auxiliary facilities,
25 including quarters for personnel; preparation of plans,

1 specifications, and drawings; acquisition of sites, purchase
2 and erection of modular buildings, and purchases of trail-
3 ers; and for provision of domestic and community sanita-
4 tion facilities for Indians, as authorized by section 7 of
5 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
6 Self-Determination Act, and the Indian Health Care Im-
7 provement Act, and for expenses necessary to carry out
8 such Acts and titles II and III of the Public Health Serv-
9 ice Act with respect to environmental health and facilities
10 support activities of the Indian Health Service,
11 \$394,757,000, to remain available until expended: *Pro-*
12 *vided*, That notwithstanding any other provision of law,
13 funds appropriated for the planning, design, construction
14 or renovation of health facilities for the benefit of a feder-
15 ally recognized Indian tribe or tribes may be used to pur-
16 chase land for sites to construct, improve, or enlarge
17 health or related facilities: *Provided further*, That not to
18 exceed \$500,000 shall be used by the Indian Health Serv-
19 ice to purchase TRANSAM equipment from the Depart-
20 ment of Defense for distribution to the Indian Health
21 Service and tribal facilities: *Provided further*, That none
22 of the funds appropriated to the Indian Health Service
23 may be used for sanitation facilities construction for new
24 homes funded with grants by the housing programs of the
25 United States Department of Housing and Urban Devel-

1 opment: *Provided further*, That not to exceed \$2,700,000
2 from this account and the “Indian Health Services” ac-
3 count shall be used by the Indian Health Service to obtain
4 ambulances for the Indian Health Service and tribal facili-
5 ties in conjunction with an existing interagency agreement
6 between the Indian Health Service and the General Serv-
7 ices Administration: *Provided further*, That not to exceed
8 \$500,000 shall be placed in a Demolition Fund, available
9 until expended, to be used by the Indian Health Service
10 for demolition of Federal buildings.

11 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

12 Appropriations in this Act to the Indian Health Serv-
13 ice shall be available for services as authorized by 5 U.S.C.
14 3109 but at rates not to exceed the per diem rate equiva-
15 lent to the maximum rate payable for senior-level positions
16 under 5 U.S.C. 5376; hire of passenger motor vehicles and
17 aircraft; purchase of medical equipment; purchase of re-
18 prints; purchase, renovation and erection of modular
19 buildings and renovation of existing facilities; payments
20 for telephone service in private residences in the field,
21 when authorized under regulations approved by the Sec-
22 retary; and for uniforms or allowances therefor as author-
23 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
24 ance at meetings that relate to the functions or activities
25 for which the appropriation is made or otherwise con-

1 tribute to the improved conduct, supervision, or manage-
2 ment of those functions or activities.

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

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

20 None of the funds made available to the Indian
21 Health Service in this Act shall be used for any assess-
22 ments or charges by the Department of Health and
23 Human Services unless identified in the budget justifica-
24 tion and provided in this Act, or approved by the House

1 and Senate Committees on Appropriations through the re-
2 programming process.

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

13 None of the funds made available to the Indian
14 Health Service in this Act shall be used to implement the
15 final rule published in the Federal Register on September
16 16, 1987, by the Department of Health and Human Serv-
17 ices, relating to the eligibility for the health care services
18 of the Indian Health Service until the Indian Health Serv-
19 ice has submitted a budget request reflecting the increased
20 costs associated with the proposed final rule, and such re-
21 quest has been included in an appropriations Act and en-
22 acted into law.

23 With respect to functions transferred by the Indian
24 Health Service to tribes or tribal organizations, the Indian
25 Health Service is authorized to provide goods and services

1 to those entities, on a reimbursable basis, including pay-
2 ment in advance with subsequent adjustment. The reim-
3 bursements received therefrom, along with the funds re-
4 ceived from those entities pursuant to the Indian Self-De-
5 termination Act, may be credited to the same or subse-
6 quent appropriation account that provided the funding,
7 with such amounts to remain available until expended.

8 Reimbursements for training, technical assistance, or
9 services provided by the Indian Health Service will contain
10 total costs, including direct, administrative, and overhead
11 associated with the provision of goods, services, or tech-
12 nical assistance.

13 The appropriation structure for the Indian Health
14 Service may not be altered without advance notification
15 to the House and Senate Committees on Appropriations.

16 NATIONAL INSTITUTES OF HEALTH

17 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

18 SCIENCES

19 For necessary expenses for the National Institute of
20 Environmental Health Sciences in carrying out activities
21 set forth in section 311(a) of the Comprehensive Environ-
22 mental Response, Compensation, and Liability Act of
23 1980, as amended, and section 126(g) of the Superfund
24 Amendments and Reauthorization Act of 1986,
25 \$79,212,000.

1 in section 104(i)(6)(A) of CERCLA: *Provided further*,
2 That none of the funds appropriated under this heading
3 shall be available for ATSDR to issue in excess of 40 toxi-
4 cological profiles pursuant to section 104(i) of CERCLA
5 during fiscal year 2010, and existing profiles may be up-
6 dated as necessary.

7 OTHER RELATED AGENCIES

8 EXECUTIVE OFFICE OF THE PRESIDENT

9 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
10 ENVIRONMENTAL QUALITY

11 For necessary expenses to continue functions as-
12 signed to the Council on Environmental Quality and Office
13 of Environmental Quality pursuant to the National Envi-
14 ronmental Policy Act of 1969, the Environmental Quality
15 Improvement Act of 1970, and Reorganization Plan No.
16 1 of 1977, and not to exceed \$750 for official reception
17 and representation expenses, \$3,159,000: *Provided*, That
18 notwithstanding section 202 of the National Environ-
19 mental Policy Act of 1970, the Council shall consist of
20 one member, appointed by the President, by and with the
21 advice and consent of the Senate, serving as chairman and
22 exercising all powers, functions, and duties of the Council.

1 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses in carrying out activities pur-
5 suant to section 112(r)(6) of the Clean Air Act, as amend-
6 ed, including hire of passenger vehicles, uniforms or allow-
7 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
8 for services authorized by 5 U.S.C. 3109 but at rates for
9 individuals not to exceed the per diem equivalent to the
10 maximum rate payable for senior level positions under 5
11 U.S.C. 5376, \$10,547,000: *Provided*, That the Chemical
12 Safety and Hazard Investigation Board (Board) shall have
13 not more than three career Senior Executive Service posi-
14 tions: *Provided further*, That notwithstanding any other
15 provision of law, the individual appointed to the position
16 of Inspector General of the Environmental Protection
17 Agency (EPA) shall, by virtue of such appointment, also
18 hold the position of Inspector General of the Board: *Pro-*
19 *vided further*, That notwithstanding any other provision
20 of law, the Inspector General of the Board shall utilize
21 personnel of the Office of Inspector General of EPA in
22 performing the duties of the Inspector General of the
23 Board, and shall not appoint any individuals to positions
24 within the Board: *Provided further*, That of the funds ap-
25 propriated under this heading, \$150,000 shall be paid to

1 the “Office of Inspector General” appropriation of the En-
2 vironmental Protection Agency.

3 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of Navajo and
6 Hopi Indian Relocation as authorized by Public Law 93-
7 531, \$8,000,000, to remain available until expended: *Pro-*
8 *vided*, That funds provided in this or any other appropria-
9 tions Act are to be used to relocate eligible individuals and
10 groups including evictees from District 6, Hopi-partitioned
11 lands residents, those in significantly substandard hous-
12 ing, and all others certified as eligible and not included
13 in the preceding categories: *Provided further*, That none
14 of the funds contained in this or any other Act may be
15 used by the Office of Navajo and Hopi Indian Relocation
16 to evict any single Navajo or Navajo family who, as of
17 November 30, 1985, was physically domiciled on the lands
18 partitioned to the Hopi Tribe unless a new or replacement
19 home is provided for such household: *Provided further*,
20 That no relocatee will be provided with more than one new
21 or replacement home: *Provided further*, That the Office
22 shall relocate any certified eligible relocatees who have se-
23 lected and received an approved homesite on the Navajo
24 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), \$8,300,000.

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 \$634,161,000, to remain available until September 30,
25 2011 except as otherwise provided herein; of which not

1 to exceed \$19,117,000 for the instrumentation program,
2 collections acquisition, exhibition reinstallation, the Na-
3 tional Museum of African American History and Culture,
4 and the repatriation of skeletal remains program shall re-
5 main available until expended; and of which \$1,553,000
6 is for fellowships and scholarly awards; and including such
7 funds as may be necessary to support American overseas
8 research centers: *Provided*, That funds appropriated here-
9 in are available for advance payments to independent con-
10 tractors performing research services or participating in
11 official Smithsonian presentations.

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 \$140,000,000, 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 ADMINISTRATIVE PROVISION, SMITHSONIAN INSTITUTION

22 Notwithstanding any provision of the Department of
23 the Interior, Environment, and Related Agencies Appro-
24 priations Act, 2008 (Public Law 110—161; 121 Stat.
25 2140), the funds provided for “Smithsonian Institution,

1 Legacy Fund” under such Act may be transferred to and
2 made a part of the appropriation for “Smithsonian Insti-
3 tution, Facilities Capital” in this Act and utilized by the
4 Smithsonian Institution under the same terms and condi-
5 tions that apply to other funds contained in such appro-
6 priation.

7 NATIONAL GALLERY OF ART

8 SALARIES AND EXPENSES

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

1 and grounds; and purchase of services for restoration and
2 repair of works of art for the National Gallery of Art by
3 contracts made, without advertising, with individuals,
4 firms, or organizations at such rates or prices and under
5 such terms and conditions as the Gallery may deem prop-
6 er, \$110,746,000, of which not to exceed \$3,386,000 for
7 the special exhibition program shall remain available until
8 expended.

9 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

10 For necessary expenses of repair, restoration and
11 renovation of buildings, grounds and facilities owned or
12 occupied by the National Gallery of Art, by contract or
13 otherwise, as authorized, \$56,259,000, to remain available
14 until expended: *Provided*, That of this amount,
15 \$40,000,000 shall be available to repair the National Gal-
16 lery's East Building facade: *Provided further*, That con-
17 tracts awarded for environmental systems, protection sys-
18 tems, and exterior repair or renovation of buildings of the
19 National Gallery of Art may be negotiated with selected
20 contractors and awarded on the basis of contractor quali-
21 fications 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, \$25,000,000: *Provided*, That of the
7 funds included under this heading, \$2,500,000 is available
8 until expended to implement a program to train arts man-
9 agers throughout the United States.

10 CAPITAL REPAIR AND RESTORATION

11 For necessary expenses for capital repair and restora-
12 tion of the existing features of the building and site of
13 the John F. Kennedy Center for the Performing Arts,
14 \$17,447,000, to remain available until expended.

15 WOODROW WILSON INTERNATIONAL CENTER FOR
16 SCHOLARS

17 SALARIES AND EXPENSES

18 For expenses necessary in carrying out the provisions
19 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
20 1356) including hire of passenger vehicles and services as
21 authorized by 5 U.S.C. 3109, \$12,225,000, to remain
22 available until September 30, 2011.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 as amended, \$170,000,000 shall be available to the Na-
8 tional Endowment for the Arts for the support of projects
9 and productions in the arts, including arts education and
10 public outreach activities, through assistance to organiza-
11 tions and individuals pursuant to section 5 of the Act, for
12 program support, and for administering the functions of
13 the Act, to remain available until expended: *Provided*,
14 That funds appropriated herein shall be expended in ac-
15 cordance with sections 309 and 311 of Public Law 108-
16 447.

17 NATIONAL ENDOWMENT FOR THE HUMANITIES
18 GRANTS AND ADMINISTRATION

19 For necessary expenses to carry out the National
20 Foundation on the Arts and the Humanities Act of 1965,
21 as amended, \$170,000,000, to remain available until ex-
22 pended, of which \$155,700,000 shall be available for sup-
23 port of activities in the humanities, pursuant to section
24 7(c) of the Act and for administering the functions of the
25 Act; and \$14,300,000 shall be available to carry out the

1 matching grants program pursuant to section 10(a)(2) of
2 the Act including \$9,500,000 for the purposes of section
3 7(h): *Provided*, That appropriations for carrying out sec-
4 tion 10(a)(2) shall be available for obligation only in such
5 amounts as may be equal to the total amounts of gifts,
6 bequests, and devises of money, and other property accept-
7 ed by the chairman or by grantees of the Endowment
8 under the provisions of subsections 11(a)(2)(B) and
9 11(a)(3)(B) during the current and preceding fiscal years
10 for which equal amounts have not previously been appro-
11 priated.

12 ADMINISTRATIVE PROVISION

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

1 purposes per year: *Provided further*, That such small grant
2 actions are taken pursuant to the terms of an expressed
3 and direct delegation of authority from the National Coun-
4 cil on the Arts to the Chairperson.

5 COMMISSION OF FINE ARTS

6 SALARIES AND EXPENSES

7 For expenses made necessary by the Act establishing
8 a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000:
9 *Provided*, That the Commission is authorized to charge
10 fees to cover the full costs of its publications, and such
11 fees shall be credited to this account as an offsetting col-
12 lection, to remain available until expended without further
13 appropriation: *Provided further*, That the Commission is
14 authorized to accept gifts, including objects, papers, art-
15 work, drawings and artifacts, that pertain to the history
16 and design of the national capital or the history and activi-
17 ties of the Commission of Fine Arts, and may be used
18 only for artistic display, study, or education.

19 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

20 For necessary expenses as authorized by Public Law
21 99–190 (20 U.S.C. 956a), as amended, \$10,000,000.

22 ADVISORY COUNCIL ON HISTORIC PRESERVATION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Advisory Council on
25 Historic Preservation (Public Law 89–665, as amended),

1 \$5,908,000: *Provided*, That none of these funds shall be
2 available for compensation of level V of the Executive
3 Schedule or higher positions.

4 NATIONAL CAPITAL PLANNING COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses, as authorized by the Na-
7 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
8 including services as authorized by 5 U.S.C. 3109,
9 \$8,507,000: *Provided*, That one-quarter of 1 percent of
10 the funds provided under this heading may be used for
11 official reception and representational expenses associated
12 with hosting international visitors engaged in the planning
13 and physical development of world capitals.

14 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

15 HOLOCAUST MEMORIAL MUSEUM

16 For expenses of the Holocaust Memorial Museum, as
17 authorized by Public Law 106–292 (36 U.S.C. 2301–
18 2310), \$48,551,000, of which \$515,000 for the Museum’s
19 equipment replacement program, \$1,900,000 for the mu-
20 seum’s repair and rehabilitation program, and \$1,243,000
21 for the museum’s exhibition design and production pro-
22 gram shall remain available until expended.

1 PRESIDIO TRUST

2 PRESIDIO TRUST FUND

3 For necessary expenses to carry out title I of the Om-
4 nibus Parks and Public Lands Management Act of 1996,
5 \$23,200,000 shall be available to the Presidio Trust, to
6 remain available until expended.

7 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses, including the costs of con-
10 struction design, of the Dwight D. Eisenhower Memorial
11 Commission, \$2,000,000 to remain available until ex-
12 pended.

13 CAPITAL CONSTRUCTION

14 For necessary expenses of the Dwight D. Eisenhower
15 Memorial Commission for design and construction of a
16 memorial in honor of Dwight D. Eisenhower, as author-
17 ized by Public Law 106–79, \$10,000,000, to remain avail-
18 able until expended.

19 TITLE IV—GENERAL PROVISIONS

20 (INCLUDING TRANSFERS OF FUNDS)

21 SEC. 401. The expenditure of any appropriation
22 under this Act for any consulting service through procure-
23 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
24 to those contracts where such expenditures are a matter
25 of public record and available for public inspection, except

1 where otherwise provided under existing law, or under ex-
2 isting Executive Order issued pursuant to existing law.

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

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

13 SEC. 404. None of the funds provided in this Act to
14 any department or agency shall be obligated or expended
15 to provide a personal cook, chauffeur, or other personal
16 servants to any officer or employee of such department
17 or agency except as otherwise provided by law.

18 SEC. 405. Estimated overhead charges, deductions,
19 reserves or holdbacks from programs, projects, activities
20 and subactivities to support government-wide, depart-
21 mental, agency or bureau administrative functions or
22 headquarters, regional or central operations shall be pre-
23 sented in annual budget justifications and subject to ap-
24 proval by the Committees on Appropriations. Changes to

1 such estimates shall be presented to the Committees on
2 Appropriations for approval.

3 SEC. 406. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer provided in,
7 this Act or any other Act.

8 SEC. 407. (a) LIMITATION OF FUNDS.—None of the
9 funds appropriated or otherwise made available pursuant
10 to this Act shall be obligated or expended to accept or
11 process applications for a patent for any mining or mill
12 site claim located under the general mining laws.

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

1 (c) REPORT.—On September 30, 2010, the Secretary
2 of the Interior shall file with the House and Senate Com-
3 mittees on Appropriations and the Committee on Natural
4 Resources of the House of Representatives and the Com-
5 mittee on Energy and Natural Resources of the Senate
6 a report on actions taken by the Department under the
7 plan submitted pursuant to section 314(e) of the Depart-
8 ment of the Interior and Related Agencies Appropriations
9 Act, 1997 (Public Law 104–208).

10 (d) MINERAL EXAMINATIONS.—In order to process
11 patent applications in a timely and responsible manner,
12 upon the request of a patent applicant, the Secretary of
13 the Interior shall allow the applicant to fund a qualified
14 third-party contractor to be selected by the Bureau of
15 Land Management to conduct a mineral examination of
16 the mining claims or mill sites contained in a patent appli-
17 cation as set forth in subsection (b). The Bureau of Land
18 Management shall have the sole responsibility to choose
19 and pay the third-party contractor in accordance with the
20 standard procedures employed by the Bureau of Land
21 Management in the retention of third-party contractors.

22 SEC. 408. Notwithstanding any other provision of
23 law, amounts appropriated to or otherwise designated in
24 committee reports for the Bureau of Indian Affairs and
25 the Indian Health Service by Public Laws 103–138, 103–

1 332, 104–134, 104–208, 105–83, 105–277, 106–113,
2 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
3 109–289, division B and Continuing Appropriations Reso-
4 lution, 2007 (division B of Public Law 109–289, as
5 amended by Public Laws 110–5 and 110–28), Public
6 Laws 110–92, 110–116, 110–137, 110–149, 110–161,
7 110–329, 111–6, and 111–8 for payments for contract
8 support costs associated with self-determination or self-
9 governance contracts, grants, compacts, or annual funding
10 agreements with the Bureau of Indian Affairs or the In-
11 dian Health Service as funded by such Acts, are the total
12 amounts available for fiscal years 1994 through 2009 for
13 such purposes, except that the Bureau of Indian Affairs,
14 federally recognized tribes, and tribal organizations of fed-
15 erally recognized tribes may use their tribal priority alloca-
16 tions for unmet contract support costs of ongoing con-
17 tracts, grants, self-governance compacts, or annual fund-
18 ing agreements.

19 SEC. 409. The Secretary of Agriculture shall not be
20 considered to be in violation of subparagraph 6(f)(5)(A)
21 of the Forest and Rangeland Renewable Resources Plan-
22 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
23 more than 15 years have passed without revision of the
24 plan for a unit of the National Forest System. Nothing
25 in this section exempts the Secretary from any other re-

1 quirement of the Forest and Rangeland Renewable Re-
2 sources Planning Act (16 U.S.C. 1600 et seq.) or any
3 other law: *Provided*, That if the Secretary is not acting
4 expeditiously and in good faith, within the funding avail-
5 able, to revise a plan for a unit of the National Forest
6 System, this section shall be void with respect to such plan
7 and a court of proper jurisdiction may order completion
8 of the plan on an accelerated basis.

9 SEC. 410. No funds provided in this Act may be ex-
10 pended to conduct preleasing, leasing and related activities
11 under either the Mineral Leasing Act (30 U.S.C. 181 et
12 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
13 1331 et seq.) within the boundaries of a National Monu-
14 ment established pursuant to the Act of June 8, 1906 (16
15 U.S.C. 431 et seq.) as such boundary existed on January
16 20, 2001, except where such activities are allowed under
17 the Presidential proclamation establishing such monu-
18 ment.

19 SEC. 411. In entering into agreements with foreign
20 fire organizations pursuant to the Temporary Emergency
21 Wildfire Suppression Act (42 U.S.C. 1856m-1856o), the
22 Secretary of Agriculture and the Secretary of the Interior
23 are authorized to enter into reciprocal agreements in
24 which the individuals furnished under said agreements to
25 provide wildfire services are considered, for purposes of

1 tort liability, employees of the fire organization receiving
2 said services when the individuals are engaged in fire sup-
3 pression or presuppression: *Provided*, That the Secretary
4 of Agriculture or the Secretary of the Interior shall not
5 enter into any agreement under this provision unless the
6 foreign fire organization agrees to assume any and all li-
7 ability for the acts or omissions of American firefighters
8 engaged in fire suppression or presuppression in a foreign
9 country: *Provided further*, That when an agreement is
10 reached for furnishing fire suppression or presuppression
11 services, the only remedies for acts or omissions com-
12 mitted while engaged in fire suppression or presuppression
13 shall be those provided under the laws applicable to the
14 fire organization receiving the fire suppression or
15 presuppression services, and those remedies shall be the
16 exclusive remedies for any claim arising out of fire sup-
17 pression or presuppression activities in a foreign country:
18 *Provided further*, That neither the sending country nor
19 any legal organization associated with the firefighter shall
20 be subject to any legal action, consistent with the applica-
21 ble laws governing sovereign immunity, pertaining to or
22 arising out of the firefighter's role in fire suppression or
23 presuppression, except that if the foreign fire organization
24 is unable to provide such protection under laws applicable
25 to it, it shall assume any and all liability for the United

1 States or for any legal organization associated with the
2 American firefighter, and for any and all costs incurred
3 or assessed, including legal fees, for any act or omission
4 pertaining to or arising out of the firefighter's role in fire
5 suppression or presuppression.

6 SEC. 412. 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. 413. Unless otherwise provided herein, no funds
12 appropriated in this Act for the acquisition of lands or
13 interests in lands may be expended for the filing of dec-
14 larations of taking or complaints in condemnation without
15 the approval of the House and Senate Committees on Ap-
16 propriations.

17 SEC. 414. The terms and conditions of section 325
18 of Public Law 108–108, regarding grazing permits at the
19 Department of the Interior and the Forest Service shall
20 remain in effect for fiscal year 2010.

21 SEC. 415. Section 6 of the National Foundation on
22 the Arts and the Humanities Act of 1965 (Public Law
23 89–209, 20 U.S.C. 955), as amended, is further amended
24 as follows:

1 (a) in the first sentence of subsection (b)(1)(C), by
2 striking “14” and inserting in lieu thereof “18”; and

3 (b) in the second sentence of subsection (d)(1), by
4 striking “Eight” and inserting in lieu thereof “Ten”.

5 SEC. 416. The item relating to “National Capital
6 Arts and Cultural Affairs” in the Department of the Inte-
7 rior and Related Agencies Appropriations Act, 1986, as
8 enacted into law by section 101(d) of Public Law 99-190
9 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

10 (1) in the second sentence of the first para-
11 graph, by striking “\$7,500,000” and inserting
12 “\$10,000,000”; and

13 (2) in the second sentence of the fourth para-
14 graph, by striking “\$500,000” and inserting
15 “\$650,000”.

16 SEC. 417. Section 339(h) of the Department of the
17 Interior and Related Agencies Appropriations Act, 2000,
18 as amended, concerning a pilot program for the sale of
19 forest botanical products by the Forest Service, is further
20 amended by striking “September 30, 2009” and inserting
21 “September 30, 2014”.

22 SEC. 418. The second sentence of section 2 (a)(1)
23 of the Mineral Leasing Act (30 U.S.C. 201(a)(1); relating
24 to coal bonus bids) does not apply for fiscal year 2010.

1 SEC. 419. All monies received by the United States
2 in fiscal year 2010 from sales, bonuses, rentals, and royal-
3 ties under the Geothermal Steam Act of 1970 shall be dis-
4 posed of as provided by section 20 of that Act (30 U.S.C.
5 1019), as in effect immediately before enactment of the
6 Energy Policy Act of 2005 (Public Law 109-58), and
7 without regard to the amendments contained in sections
8 224(b) and section 234 of the Energy Policy Act of 2005
9 (42 U.S.C. 17673).

10 SEC. 420. Section 331(e) of the Department of the
11 Interior and Related Agencies Appropriations Act, 2001,
12 (Public Law 106-291), as added by section 336 of division
13 E of the Consolidated Appropriations Act, 2005 (Public
14 Law 108-447), concerning cooperative forestry agree-
15 ments known as the Colorado Good Neighbor Act Author-
16 ity is amended by striking “September 30, 2009” and in-
17 serting “September 30, 2013”.

18 SEC. 421. None of the funds in this or any other Act
19 shall be used to deposit funds from any Federal royalties,
20 rents, and bonuses derived from Federal onshore and off-
21 shore oil and gas leases issued under the Outer Conti-
22 nental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the
23 Mineral Leasing Act (30 U.S.C. 181 et seq.) into the
24 Ultra-Deepwater and Unconventional Natural Gas and
25 Other Petroleum Research Fund.

1 SEC. 422. Section 302(a) of the Secure Rural Schools
2 and Community Self-Determination Act of 2000 (16
3 U.S.C. 7142(a)) is amended—

4 (1) in paragraph (2)(B), by striking “; and”
5 and inserting a semicolon;

6 (2) in paragraph (3), by striking the period and
7 inserting “; and”; and

8 (3) by inserting after paragraph (3), the fol-
9 lowing: “(4) to reimburse all or part of the costs in-
10 curred by the county to pay the salaries and benefits
11 of county employees who supervise adults or juve-
12 niles performing mandatory community service on
13 Federal lands.”.

14 SEC. 423. Within the amounts appropriated in this
15 Act, funding shall be allocated in the amounts specified
16 for those projects and purposes delineated in the table ti-
17 tled “Congressionally Directed Spending” included in the
18 explanatory statement accompanying this Act. The pre-
19 ceding sentence shall apply in addition to the allocation
20 requirements specified in this Act under the heading “Na-
21 tional Park Service–Historic Preservation Fund” for Save
22 America’s Treasures and under the heading “Environ-
23 mental Protection Agency–State and Tribal Assistance
24 Grants” for special project grants for the construction of

1 drinking water, wastewater and storm infrastructure and
2 for water quality protection.

3 SEC. 424. Not later than 120 days after the date on
4 which the President's Fiscal Year 2011 budget request is
5 submitted to Congress, the President shall submit a report
6 to the Committee on Appropriations of the House of Rep-
7 resentatives and the Committee on Appropriations of the
8 Senate describing in detail all Federal agency obligations
9 and expenditures, domestic and international, for climate
10 change programs and activities in fiscal year 2008, fiscal
11 year 2009, and fiscal year 2010, including an accounting
12 of expenditures by agency with each agency identifying cli-
13 mate change activities and associated costs by line item
14 as presented in the President's Budget Appendix.

15 SEC. 425. Notwithstanding any other provision of
16 law, none of the funds made available in this or any other
17 Act may be used to implement any rule that requires man-
18 datory reporting of greenhouse gas emissions from manure
19 management systems.

20 SEC. 426. (a) None of the funds made available in
21 this or any prior Act may be used to release an individual
22 who is detained, as of April 30, 2009, at Naval Station,
23 Guantanamo Bay, Cuba, into any of the United States
24 territories of Guam, American Samoa (AS), the United
25 States Virgin Islands (USVI), the Commonwealth of Puer-

1 to Rico and the Commonwealth of the Northern Mariana
2 Islands (CNMI).

3 (b) None of the funds made available in this or any
4 other prior Act may be used to transfer an individual who
5 is detained, as of April 30, 2009, at Naval Station, Guan-
6 tanamo Bay, Cuba, into any of the United States terri-
7 tories of Guam, American Samoa (AS), the United States
8 Virgin Islands (USVI), the Commonwealth of Puerto Rico
9 and the Commonwealth of the Northern Mariana Islands
10 (CNMI), for the purposes of detaining or prosecuting such
11 individual, until 2 months after the plan described in sub-
12 section (c) is received.

13 (c) The President shall submit to the Congress, in
14 writing, a comprehensive plan regarding the proposed dis-
15 position of each individual who is detained, as of April 30,
16 2009, at Naval Station, Guantanamo Bay, Cuba, who is
17 not covered under subsection (d). Such plan shall include,
18 at a minimum, each of the following for each such indi-
19 vidual:

20 (1) The findings of an analysis regarding any
21 risk to the national security of the United States
22 that is posed by the transfer of the individual.

23 (2) The costs associated with not transferring
24 the individual in question.

1 (3) The legal rationale and associated court de-
2 mands for transfer.

3 (4) A certification by the President that any
4 risk described in paragraph (1) has been mitigated,
5 together with a full description of the plan for such
6 mitigation.

7 (5) A certification by the President that the
8 President has submitted to the Governor and legisla-
9 ture of the State or territory (or, in the case of the
10 District of Columbia, to the Mayor of the District of
11 Columbia) to which the President intends to transfer
12 the individual a certification in writing at least 30
13 days prior to such transfer (together with supporting
14 documentation and justification) that the individual
15 does not pose a security risk to the United States.

16 (d) None of the funds made available in this or any
17 prior Act may be used to transfer or release an individual
18 detained at Naval Station, Guantanamo Bay, Cuba, as of
19 April 30, 2009, to a freely associated State, unless the
20 President submits to the Congress, in writing, at least 30
21 days prior to such transfer or release, the following infor-
22 mation:

23 (1) The name of any individual to be trans-
24 ferred or released and the freely associated State to

1 which such individual is to be transferred or re-
2 leased.

3 (2) An assessment of any risk to the national
4 security of the United States or its citizens, includ-
5 ing members of the Armed Services or the United
6 States, that is posed by such transfer or release and
7 the actions taken to mitigate such risk.

8 (3) The terms of any agreement with the freely
9 associated State for the acceptance of such indi-
10 vidual, including the amount of any financial assist-
11 ance related to such agreement.

12 (e) In this section, the term “freely associated
13 States” means the Federated States of Micronesia (FSM),
14 the Republic of the Marshall Islands (RMI), and the Re-
15 public of Palau.

16 SEC. 427. Notwithstanding any other provision of
17 law, none of the funds made available in this or any other
18 Act may be used to promulgate or implement any regula-
19 tion requiring the issuance of permits under title V of the
20 Clean Air Act for carbon dioxide, nitrous oxide, water
21 vapor, or methane emissions resulting from biological
22 processes associated with livestock production.

23 This Act may be cited as the “Department of the In-
24 terior, Environment, and Related Agencies Appropriations
25 Act, 2010”.

Union Calendar No. 97

111TH CONGRESS
1ST Session

H. R. 2996

[Report No. 111-180]

A BILL

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

JUNE 23, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed