

In the Senate of the United States,

September 24, 2009.

Resolved, That the bill from the House of Representatives (H.R. 2996) entitled “An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Department of the Interior, environment, and related agen-*
- 4 *cies for the fiscal year ending September 30, 2010, and for*
- 5 *other purposes, namely:*

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TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improve-
ment, development, disposal, cadastral surveying, classifica-
tion, acquisition of easements and other interests in lands,
and performance of other functions, including maintenance
of facilities, as authorized by law, in the management of
lands and their resources under the jurisdiction of the Bu-
reau of Land Management, including the general adminis-
tration of the Bureau, and assessment of mineral potential
of public lands pursuant to Public Law 96–487 (16 U.S.C.
3150(a)), \$965,721,000, to remain available until expended,
of which not to exceed \$69,336,000 is available for oil and
gas management; and of which \$1,500,000 is for high pri-
ority projects, to be carried out by the Youth Conservation
Corps; and of which \$3,000,000 shall be available in fiscal
year 2010 subject to a match by at least an equal amount
by the National Fish and Wildlife Foundation for cost-
shared projects supporting conservation of Bureau lands;
and such funds shall be advanced to the Foundation as a
lump sum grant without regard to when expenses are in-
curred.

19 *For construction of buildings, recreation facilities,*
20 *roads, trails, and appurtenant facilities, \$8,626,000, to re-*
21 *main available until expended.*

23 *For expenses necessary to carry out sections 205, 206,*
24 *and 318(d) of Public Law 94-579, including administra-*
25 *tive expenses and acquisition of lands or waters, or interests*

1 *therein, \$28,650,000, to be derived from the Land and*
 2 *Water Conservation Fund and to remain available until*
 3 *expended: Provided, That, notwithstanding the joint ex-*
 4 *planatory statement of the Committee on Appropriations*
 5 *of the House of Representatives accompanying Public Law*
 6 *111–8 (123 Stat. 524), the amount of \$2,000,000 made*
 7 *available for the Henry’s Lake ACEC in the State of Idaho*
 8 *(as described in the table entitled “Congressionally Des-*
 9 *ignated Spending” contained in section 430 of that joint*
 10 *explanatory statement) shall be made available for the*
 11 *Upper Snake/South Fork River ACEC/SRMA in the State*
 12 *of Idaho.*

13 *OREGON AND CALIFORNIA GRANT LANDS*

14 *For expenses necessary for management, protection,*
 15 *and development of resources and for construction, oper-*
 16 *ation, and maintenance of access roads, reforestation, and*
 17 *other improvements on the revested Oregon and California*
 18 *Railroad grant lands, on other Federal lands in the Oregon*
 19 *and California land-grant counties of Oregon, and on adja-*
 20 *cent rights-of-way; and acquisition of lands or interests*
 21 *therein, including existing connecting roads on or adjacent*
 22 *to such grant lands; \$111,557,000, to remain available until*
 23 *expended: Provided, That 25 percent of the aggregate of all*
 24 *receipts during the current fiscal year from the revested Or-*
 25 *egon and California Railroad grant lands is hereby made*

1 *a charge against the Oregon and California land-grant*
 2 *fund and shall be transferred to the General Fund in the*
 3 *Treasury in accordance with the second paragraph of sub-*
 4 *section (b) of title II of the Act of August 28, 1937 (50 Stat.*
 5 *876).*

6 *FOREST ECOSYSTEM HEALTH AND RECOVERY FUND*

7 *(REVOLVING FUND, SPECIAL ACCOUNT)*

8 *In addition to the purposes authorized in Public Law*
 9 *102–381, funds made available in the Forest Ecosystem*
 10 *Health and Recovery Fund can be used for the purpose of*
 11 *planning, preparing, implementing and monitoring salvage*
 12 *timber sales and forest ecosystem health and recovery activi-*
 13 *ties, such as release from competing vegetation and density*
 14 *control treatments. The Federal share of receipts (defined*
 15 *as the portion of salvage timber receipts not paid to the*
 16 *counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et*
 17 *seq., and Public Law 106–393) derived from treatments*
 18 *funded by this account shall be deposited into the Forest*
 19 *Ecosystem Health and Recovery Fund.*

20 *RANGE IMPROVEMENTS*

21 *For rehabilitation, protection, and acquisition of lands*
 22 *and interests therein, and improvement of Federal range-*
 23 *lands pursuant to section 401 of the Federal Land Policy*
 24 *and Management Act of 1976 (43 U.S.C. 1701), notwith-*
 25 *standing any other Act, sums equal to 50 percent of all*

1 moneys received during the prior fiscal year under sections
 2 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.)
 3 and the amount designated for range improvements from
 4 grazing fees and mineral leasing receipts from Bankhead-
 5 Jones lands transferred to the Department of the Interior
 6 pursuant to law, but not less than \$10,000,000, to remain
 7 available until expended: Provided, That not to exceed
 8 \$600,000 shall be available for administrative expenses.

9 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

10 For administrative expenses and other costs related to
 11 processing application documents and other authorizations
 12 for use and disposal of public lands and resources, for costs
 13 of providing copies of official public land documents, for
 14 monitoring construction, operation, and termination of fa-
 15 cilities in conjunction with use authorizations, and for re-
 16 habilitation of damaged property, such amounts as may be
 17 collected under Public Law 94–579, as amended, and Public
 18 Law 93–153, to remain available until expended: Provided,
 19 That, notwithstanding any provision to the contrary of sec-
 20 tion 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any
 21 moneys that have been or will be received pursuant to that
 22 section, whether as a result of forfeiture, compromise, or set-
 23 tlement, if not appropriate for refund pursuant to section
 24 305(c) of that Act (43 U.S.C. 1735(c)), shall be available
 25 and may be expended under the authority of this Act by

1 *the Secretary to improve, protect, or rehabilitate any public*
 2 *lands administered through the Bureau of Land Manage-*
 3 *ment which have been damaged by the action of a resource*
 4 *developer, purchaser, permittee, or any unauthorized per-*
 5 *son, without regard to whether all moneys collected from*
 6 *each such action are used on the exact lands damaged which*
 7 *led to the action: Provided further, That any such moneys*
 8 *that are in excess of amounts needed to repair damage to*
 9 *the exact land for which funds were collected may be used*
 10 *to repair other damaged public lands.*

11 MISCELLANEOUS TRUST FUNDS

12 *In addition to amounts authorized to be expended*
 13 *under existing laws, there is hereby appropriated such*
 14 *amounts as may be contributed under section 307 of the*
 15 *Act of October 21, 1976 (43 U.S.C. 1701), and such*
 16 *amounts as may be advanced for administrative costs, sur-*
 17 *veys, appraisals, and costs of making conveyances of omit-*
 18 *ted lands under section 211(b) of that Act, to remain avail-*
 19 *able until expended.*

20 ADMINISTRATIVE PROVISIONS

21 *The Bureau of Land Management may carry out the*
 22 *operations funded under this Act by direct expenditure, con-*
 23 *tracts, grants, cooperative agreements and reimbursable*
 24 *agreements with public and private entities. Projects funded*
 25 *pursuant to a written commitment by a State government*

1 *to provide an identified amount of money in support of*
2 *the project may be carried out by the bureau upon receipt*
3 *of the written commitment. Appropriations for the Bureau*
4 *of Land Management (BLM) shall be available for pur-*
5 *chase, erection, and dismantlement of temporary structures,*
6 *and alteration and maintenance of necessary buildings and*
7 *appurtenant facilities to which the United States has title;*
8 *up to \$100,000 for payments, at the discretion of the Sec-*
9 *retary, for information or evidence concerning violations of*
10 *laws administered by the Bureau; miscellaneous and emer-*
11 *gency expenses of enforcement activities authorized or ap-*
12 *proved by the Secretary and to be accounted for solely on*
13 *the Secretary's certificate, not to exceed \$10,000: Provided,*
14 *That notwithstanding 44 U.S.C. 501, the Bureau may,*
15 *under cooperative cost-sharing and partnership arrange-*
16 *ments authorized by law, procure printing services from co-*
17 *operators in connection with jointly produced publications*
18 *for which the cooperators share the cost of printing either*
19 *in cash or in services, and the Bureau determines the coop-*
20 *erator is capable of meeting accepted quality standards:*
21 *Provided further, That projects to be funded pursuant to*
22 *a written commitment by a State government to provide*
23 *an identified amount of money in support of the project*
24 *may be carried out by the Bureau on a reimbursable basis.*
25 *Appropriations herein made shall not be available for the*

1 *destruction of healthy, unadopted, wild horses and burros*
 2 *in the care of the Bureau of Land Management or its con-*
 3 *tractors or for the sale of wild horses and burros that results*
 4 *in their destruction for processing into commercial prod-*
 5 *ucts.*

6 *UNITED STATES FISH AND WILDLIFE SERVICE*
 7 *RESOURCE MANAGEMENT*

8 *For necessary expenses of the United States Fish and*
 9 *Wildlife Service, as authorized by law, and for scientific*
 10 *and economic studies, general administration, and for the*
 11 *performance of other authorized functions related to such*
 12 *resources, \$1,244,386,000, to remain available until Sep-*
 13 *tember 30, 2011 except as otherwise provided herein: Pro-*
 14 *vided, That \$2,500,000 is for high priority projects, which*
 15 *shall be carried out by the Youth Conservation Corps: Pro-*
 16 *vided further, That not to exceed \$22,103,000 shall be used*
 17 *for implementing subsections (a), (b), (c), and (e) of section*
 18 *4 of the Endangered Species Act, as amended, (except for*
 19 *processing petitions, developing and issuing proposed and*
 20 *final regulations, and taking any other steps to implement*
 21 *actions described in subsection (c)(2)(A), (c)(2)(B)(i), or*
 22 *(c)(2)(B)(ii)), of which not to exceed \$11,632,000 shall be*
 23 *used for any activity regarding the designation of critical*
 24 *habitat, pursuant to subsection (a)(3), excluding litigation*
 25 *support, for species listed pursuant to subsection (a)(1)*

1 *prior to October 1, 2009: Provided further, That of the*
 2 *amount available for law enforcement, up to \$400,000, to*
 3 *remain available until expended, may at the discretion of*
 4 *the Secretary be used for payment for information, rewards,*
 5 *or evidence concerning violations of laws administered by*
 6 *the Service, and miscellaneous and emergency expenses of*
 7 *enforcement activity, authorized or approved by the Sec-*
 8 *retary and to be accounted for solely on the Secretary's cer-*
 9 *tificate: Provided further, That of the amount provided for*
 10 *environmental contaminants, up to \$1,000,000 may remain*
 11 *available until expended for contaminant sample analyses.*

12 CONSTRUCTION

13 *For construction, improvement, acquisition, or re-*
 14 *moval of buildings and other facilities required in the con-*
 15 *servation, management, investigation, protection, and utili-*
 16 *zation of fishery and wildlife resources, and the acquisition*
 17 *of lands and interests therein; \$39,741,000, to remain avail-*
 18 *able until expended.*

19 LAND ACQUISITION

20 *For expenses necessary to carry out the Land and*
 21 *Water Conservation Fund Act of 1965, as amended (16*
 22 *U.S.C. 460l-4 through 11), including administrative ex-*
 23 *penses, and for acquisition of land or waters, or interest*
 24 *therein, in accordance with statutory authority applicable*
 25 *to the United States Fish and Wildlife Service, \$82,790,000,*

1 *to be derived from the Land and Water Conservation Fund*
 2 *and to remain available until expended, of which, notwith-*
 3 *standing 16 U.S.C. 460l–9, not more than \$1,500,000 shall*
 4 *be for land conservation partnerships authorized by the*
 5 *Highlands Conservation Act of 2004: Provided, That none*
 6 *of the funds appropriated for specific land acquisition*
 7 *projects can be used to pay for any administrative over-*
 8 *head, planning or other management costs.*

9 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

10 *For expenses necessary to carry out section 6 of the*
 11 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),*
 12 *as amended, \$85,001,000, to remain available until ex-*
 13 *pended, of which \$30,307,000 is to be derived from the Co-*
 14 *operative Endangered Species Conservation Fund, of which*
 15 *\$5,146,000 shall be for the Idaho Salmon and Clearwater*
 16 *River Basins Habitat Account pursuant to the Snake River*
 17 *Water Rights Act of 2004; and of which \$54,694,000 is to*
 18 *be derived from the Land and Water Conservation Fund.*

19 *NATIONAL WILDLIFE REFUGE FUND*

20 *For expenses necessary to implement the Act of October*
 21 *17, 1978 (16 U.S.C. 715s), \$14,500,000.*

22 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

23 *For expenses necessary to carry out the provisions of*
 24 *the North American Wetlands Conservation Act, as amend-*

1 *ed (16 U.S.C. 4401–4414), \$45,147,000, to remain available*
 2 *until expended.*

3 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

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

8 *MULTINATIONAL SPECIES CONSERVATION FUND*

9 *For expenses necessary to carry out the African Ele-*
 10 *phant Conservation Act (16 U.S.C. 4201–4203, 4211–4214,*
 11 *4221–4225, 4241–4246, and 1538), the Asian Elephant*
 12 *Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhi-*
 13 *noceros and Tiger Conservation Act of 1994 (16 U.S.C.*
 14 *5301–5306), the Great Ape Conservation Act of 2000 (16*
 15 *U.S.C. 6301–6305), and the Marine Turtle Conservation*
 16 *Act of 2004 (16 U.S.C. 6601–6606), \$11,500,000, to remain*
 17 *available until expended.*

18 *STATE AND TRIBAL WILDLIFE GRANTS*

19 *For wildlife conservation grants to States and to the*
 20 *District of Columbia, Puerto Rico, Guam, the United States*
 21 *Virgin Islands, the Northern Mariana Islands, American*
 22 *Samoa, and Indian tribes under the provisions of the Fish*
 23 *and Wildlife Act of 1956 and the Fish and Wildlife Coordi-*
 24 *nation Act, for the development and implementation of pro-*
 25 *grams for the benefit of wildlife and their habitat, including*

1 *species that are not hunted or fished, \$80,000,000, to re-*
 2 *main available until expended: Provided, That of the*
 3 *amount provided herein, \$7,000,000 is for a competitive*
 4 *grant program for Indian tribes not subject to the remain-*
 5 *ing provisions of this appropriation: Provided further, That*
 6 *\$5,000,000 is for a competitive grant program for States,*
 7 *territories, and other jurisdictions with approved plans, not*
 8 *subject to the remaining provisions of this appropriation:*
 9 *Provided further, That the Secretary shall, for fiscal year*
 10 *2010 and each fiscal year thereafter, after deducting*
 11 *\$12,000,000 and administrative expenses, apportion the*
 12 *amount provided herein in the following manner: (1) to the*
 13 *District of Columbia and to the Commonwealth of Puerto*
 14 *Rico, each a sum equal to not more than one-half of 1 per-*
 15 *cent thereof; and (2) to Guam, American Samoa, the United*
 16 *States Virgin Islands, and the Commonwealth of the North-*
 17 *ern Mariana Islands, each a sum equal to not more than*
 18 *one-fourth of 1 percent thereof: Provided further, That the*
 19 *Secretary shall, for fiscal year 2010 and each fiscal year*
 20 *thereafter, apportion the remaining amount in the fol-*
 21 *lowing manner: (1) one-third of which is based on the ratio*
 22 *to which the land area of such State bears to the total land*
 23 *area of all such States; and (2) two-thirds of which is based*
 24 *on the ratio to which the population of such State bears*
 25 *to the total population of all such States: Provided further,*

1 *That the amounts apportioned under this paragraph shall*
 2 *be adjusted equitably so that no State shall, for fiscal year*
 3 *2010 and each fiscal year thereafter, be apportioned a sum*
 4 *which is less than 1 percent of the amount available for*
 5 *apportionment under this paragraph for any fiscal year or*
 6 *more than 5 percent of such amount: Provided further, That*
 7 *the Federal share of planning grants shall not, for fiscal*
 8 *year 2010 and each fiscal year thereafter, exceed 75 percent*
 9 *of the total costs of such projects and the Federal share of*
 10 *implementation grants shall not, for fiscal year 2010 and*
 11 *each fiscal year thereafter, exceed 50 percent of the total*
 12 *costs of such projects: Provided further, That the non-Fed-*
 13 *eral share of such projects may not be derived from Federal*
 14 *grant programs: Provided further, That any amount appor-*
 15 *tioned in 2010 to any State, territory, or other jurisdiction*
 16 *that remains unobligated as of September 30, 2011, shall*
 17 *be reapportioned, together with funds appropriated in 2012,*
 18 *in the manner provided herein.*

19 ADMINISTRATIVE PROVISIONS

20 *The Fish and Wildlife Service may carry out the oper-*
 21 *ations of Service programs by direct expenditure, contracts,*
 22 *grants, cooperative agreements and reimbursable agree-*
 23 *ments with public and private entities. Appropriations and*
 24 *funds available to the United States Fish and Wildlife Serv-*
 25 *ice shall be available for repair of damage to public roads*

1 *within and adjacent to reservation areas caused by oper-*
 2 *ations of the Service; options for the purchase of land at*
 3 *not to exceed \$1 for each option; facilities incident to such*
 4 *public recreational uses on conservation areas as are con-*
 5 *sistent with their primary purpose; and the maintenance*
 6 *and improvement of aquaria, buildings, and other facilities*
 7 *under the jurisdiction of the Service and to which the*
 8 *United States has title, and which are used pursuant to*
 9 *law in connection with management, and investigation of*
 10 *fish and wildlife resources: Provided, That notwithstanding*
 11 *44 U.S.C. 501, the Service may, under cooperative cost*
 12 *sharing and partnership arrangements authorized by law,*
 13 *procure printing services from cooperators in connection*
 14 *with jointly produced publications for which the cooperators*
 15 *share at least one-half the cost of printing either in cash*
 16 *or services and the Service determines the cooperator is ca-*
 17 *pable of meeting accepted quality standards: Provided fur-*
 18 *ther, That the Service may accept donated aircraft as re-*
 19 *placements for existing aircraft.*

20 *NATIONAL PARK SERVICE*

21 *OPERATION OF THE NATIONAL PARK SYSTEM*

22 *For expenses necessary for the management, operation,*
 23 *and maintenance of areas and facilities administered by*
 24 *the National Park Service (including expenses to carry out*
 25 *programs of the United States Park Police), and for the*

1 *general administration of the National Park Service,*
 2 *\$2,261,309,000, of which \$9,982,000 for planning and*
 3 *interagency coordination in support of Everglades restora-*
 4 *tion and \$99,622,000 for maintenance, repair or rehabilita-*
 5 *tion projects for constructed assets, operation of the Na-*
 6 *tional Park Service automated facility management soft-*
 7 *ware system, and comprehensive facility condition assess-*
 8 *ments shall remain available until September 30, 2011.*

9 *NATIONAL RECREATION AND PRESERVATION*

10 *For expenses necessary to carry out recreation pro-*
 11 *grams, natural programs, cultural programs, heritage part-*
 12 *nership programs, environmental compliance and review,*
 13 *international park affairs, statutory or contractual aid for*
 14 *other activities, and grant administration, not otherwise*
 15 *provided for, \$67,438,000, of which \$3,175,000 shall be for*
 16 *Preserve America grants as authorized by section 7302 of*
 17 *the Omnibus Public Land Management Act of 2009 (Public*
 18 *Law 111–11).*

19 *HISTORIC PRESERVATION FUND*

20 *For expenses necessary in carrying out the Historic*
 21 *Preservation Act of 1966, as amended (16 U.S.C. 470), and*
 22 *the Omnibus Parks and Public Lands Management Act of*
 23 *1996 (Public Law 104–333), \$74,500,000, to be derived*
 24 *from the Historic Preservation Fund and to remain avail-*
 25 *able until September 30, 2011; of which \$20,000,000 shall*

1 *be for Save America's Treasures grants as authorized by*
 2 *section 7303 of the Omnibus Public Land Management Act*
 3 *of 2009 (Public Law 111–11) of which \$200,000 may be*
 4 *made available by the Secretary of the Interior to develop,*
 5 *in conjunction with Morehouse College, a program to cata-*
 6 *logue, preserve, provide public access to and research on,*
 7 *develop curriculum and courses based on, provide public ac-*
 8 *cess to, and conduct scholarly forums on the important*
 9 *works and papers of Dr. Martin Luther King, Jr. to provide*
 10 *a better understanding of the message and teachings of Dr.*
 11 *Martin Luther King, Jr..*

12 *CONSTRUCTION*

13 *For construction, improvements, repair or replacement*
 14 *of physical facilities, including a portion of the expense for*
 15 *the modifications authorized by section 104 of the Ever-*
 16 *glades National Park Protection and Expansion Act of*
 17 *1989, \$219,731,000, to remain available until expended.*

18 *LAND AND WATER CONSERVATION FUND*

19 *(RESCISSION)*

20 *The contract authority provided for fiscal year 2010*
 21 *by 16 U.S.C. 460l–10a is rescinded.*

22 *LAND ACQUISITION AND STATE ASSISTANCE*

23 *For expenses necessary to carry out the Land and*
 24 *Water Conservation Act of 1965, as amended (16 U.S.C.*
 25 *460l–4 through 11), including administrative expenses, and*

1 *for acquisition of lands or waters, or interest therein, in*
 2 *accordance with the statutory authority applicable to the*
 3 *National Park Service, \$118,586,000, to be derived from the*
 4 *Land and Water Conservation Fund and to remain avail-*
 5 *able until expended, of which \$35,000,000 is for the State*
 6 *assistance program and of which \$4,000,000 shall be for*
 7 *the American Battlefield Protection Program grants as au-*
 8 *thorized by section 7301 of the Omnibus Public Land Man-*
 9 *agement Act of 2009 (Public Law 111–11).*

10 ADMINISTRATIVE PROVISIONS

11 (INCLUDING TRANSFER OF FUNDS)

12 *In addition to other uses set forth in section 407(d)*
 13 *of Public Law 105–391, franchise fees credited to a sub-*
 14 *account shall be available for expenditure by the Secretary,*
 15 *without further appropriation, for use at any unit within*
 16 *the National Park System to extinguish or reduce liability*
 17 *for Possessory Interest or leasehold surrender interest. Such*
 18 *funds may only be used for this purpose to the extent that*
 19 *the benefiting unit anticipated franchise fee receipts over*
 20 *the term of the contract at that unit exceed the amount of*
 21 *funds used to extinguish or reduce liability. Franchise fees*
 22 *at the benefiting unit shall be credited to the sub-account*
 23 *of the originating unit over a period not to exceed the term*
 24 *of a single contract at the benefiting unit, in the amount*
 25 *of funds so expended to extinguish or reduce liability.*

1 *For the costs of administration of the Land and Water*
 2 *Conservation Fund grants authorized by section*
 3 *105(a)(2)(B) of the Gulf of Mexico Energy Security Act of*
 4 *2006 (Public Law 109–432), the National Park Service*
 5 *may retain up to 3 percent of the amounts which are au-*
 6 *thorized to be disbursed under such section, such retained*
 7 *amounts to remain available until expended.*

8 *National Park Service funds may be transferred to the*
 9 *Federal Highway Administration (FHWA), Department of*
 10 *Transportation, for purposes authorized under 23 U.S.C.*
 11 *204. Transfers may include a reasonable amount for*
 12 *FHWA administrative support costs.*

13 *UNITED STATES GEOLOGICAL SURVEY*

14 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

15 *For expenses necessary for the United States Geological*
 16 *Survey to perform surveys, investigations, and research cov-*
 17 *ering topography, geology, hydrology, biology, and the min-*
 18 *eral and water resources of the United States, its territories*
 19 *and possessions, and other areas as authorized by 43 U.S.C.*
 20 *31, 1332, and 1340; classify lands as to their mineral and*
 21 *water resources; give engineering supervision to power per-*
 22 *mittees and Federal Energy Regulatory Commission licens-*
 23 *ees; administer the minerals exploration program (30*
 24 *U.S.C. 641); conduct inquiries into the economic conditions*
 25 *affecting mining and materials processing industries (30*

1 *U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related*
 2 *purposes as authorized by law; and to publish and dissemi-*
 3 *nate data relative to the foregoing activities;*
 4 *\$1,104,340,000, to remain available until September 30,*
 5 *2011, of which \$65,561,000 shall be available only for co-*
 6 *operation with States or municipalities for water resources*
 7 *investigations; of which \$40,150,000 shall remain available*
 8 *until expended for satellite operations; and of which*
 9 *\$7,321,000 shall be available until expended for deferred*
 10 *maintenance and capital improvement projects that exceed*
 11 *\$100,000 in cost: Provided, That none of the funds provided*
 12 *for the biological research activity shall be used to conduct*
 13 *new surveys on private property, unless specifically author-*
 14 *ized in writing by the property owner: Provided further,*
 15 *That no part of this appropriation shall be used to pay*
 16 *more than one-half the cost of topographic mapping or*
 17 *water resources data collection and investigations carried*
 18 *on in cooperation with States and municipalities.*

19 *ADMINISTRATIVE PROVISIONS*

20 *From within the amount appropriated for activities*
 21 *of the United States Geological Survey such sums as are*
 22 *necessary shall be available for reimbursement to the Gen-*
 23 *eral Services Administration for security guard services;*
 24 *contracting for the furnishing of topographic maps and for*
 25 *the making of geophysical or other specialized surveys when*

1 *it is administratively determined that such procedures are*
2 *in the public interest; construction and maintenance of nec-*
3 *essary buildings and appurtenant facilities; acquisition of*
4 *lands for gauging stations and observation wells; expenses*
5 *of the United States National Committee on Geology; and*
6 *payment of compensation and expenses of persons on the*
7 *rolls of the Survey duly appointed to represent the United*
8 *States in the negotiation and administration of interstate*
9 *compacts: Provided, That activities funded by appropria-*
10 *tions herein made may be accomplished through the use of*
11 *contracts, grants, or cooperative agreements as defined in*
12 *31 U.S.C. 6302 et seq.: Provided further, That the United*
13 *States Geological Survey may enter into contracts or coop-*
14 *erative agreements directly with individuals or indirectly*
15 *with institutions or nonprofit organizations, without re-*
16 *gard to 41 U.S.C. 5, for the temporary or intermittent serv-*
17 *ices of students or recent graduates, who shall be considered*
18 *employees for the purpose of chapters 57 and 81 of title*
19 *5, United States Code, relating to compensation for travel*
20 *and work injuries, and chapter 171 of title 28, United*
21 *States Code, relating to tort claims, but shall not be consid-*
22 *ered to be Federal employees for any other purposes.*

1 *MINERALS MANAGEMENT SERVICE*

2 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

3 *For expenses necessary for minerals leasing and envi-*
4 *ronmental studies, regulation of industry operations, and*
5 *collection of royalties, as authorized by law; for enforcing*
6 *laws and regulations applicable to oil, gas, and other min-*
7 *erals leases, permits, licenses and operating contracts; for*
8 *energy-related or other authorized marine-related purposes*
9 *on the Outer Continental Shelf; and for matching grants*
10 *or cooperative agreements, \$175,217,000, to remain avail-*
11 *able until September 30, 2011, of which \$89,374,000 shall*
12 *be available for royalty management activities; and an*
13 *amount not to exceed \$156,730,000, to be credited to this*
14 *appropriation and to remain available until expended,*
15 *from additions to receipts resulting from increases to rates*
16 *in effect on August 5, 1993, and from cost recovery fees:*
17 *Provided, That notwithstanding 31 U.S.C. 3302, in fiscal*
18 *year 2010, such amounts as are assessed under 31 U.S.C.*
19 *9701 shall be collected and credited to this account and shall*
20 *be available until expended for necessary expenses: Provided*
21 *further, That to the extent \$156,730,000 in addition to re-*
22 *ceipts are not realized from the sources of receipts stated*
23 *above, the amount needed to reach \$156,730,000 shall be*
24 *credited to this appropriation from receipts resulting from*
25 *rental rates for Outer Continental Shelf leases in effect be-*

1 *fore August 5, 1993: Provided further, That the term “quali-*
2 *fied Outer Continental Shelf revenues”, as defined in sec-*
3 *tion 102(9)(A) of the Gulf of Mexico Energy Security Act,*
4 *division C of Public Law 109–432, shall include only the*
5 *portion of rental revenues that would have been collected*
6 *at the rental rates in effect before August 5, 1993: Provided*
7 *further, That not to exceed \$3,000 shall be available for rea-*
8 *sonable expenses related to promoting volunteer beach and*
9 *marine cleanup activities: Provided further, That notwith-*
10 *standing any other provision of law, \$15,000 under this*
11 *heading shall be available for refunds of overpayments in*
12 *connection with certain Indian leases in which the Director*
13 *of MMS concurred with the claimed refund due, to pay*
14 *amounts owed to Indian allottees or tribes, or to correct*
15 *prior unrecoverable erroneous payments: Provided further,*
16 *That for the costs of administration of the Coastal Impact*
17 *Assistance Program authorized by section 31 of the Outer*
18 *Continental Shelf Lands Act, as amended (43 U.S.C.*
19 *1456a), MMS in fiscal year 2010 may retain up to 4 per-*
20 *cent of the amounts which are disbursed under section*
21 *31(b)(1), such retained amounts to remain available until*
22 *expended.*

23 *For an additional amount, \$10,000,000, to remain*
24 *available until expended, which shall be derived from non-*
25 *refundable inspection fees collected in fiscal year 2010, as*

1 *provided in this Act: Provided, That to the extent that such*
 2 *amounts are not realized from such fees, the amount needed*
 3 *to reach \$10,000,000 shall be credited to this appropriation*
 4 *from receipts resulting from rental rates for Outer Conti-*
 5 *mental Shelf leases in effect before August 5, 1993.*

6 *OIL SPILL RESEARCH*

7 *For necessary expenses to carry out title I, section*
 8 *1016, title IV, sections 4202 and 4303, title VII, and title*
 9 *VIII, section 8201 of the Oil Pollution Act of 1990,*
 10 *\$6,303,000, which shall be derived from the Oil Spill Liabil-*
 11 *ity Trust Fund, to remain available until expended.*

12 *ADMINISTRATIVE PROVISION*

13 *Notwithstanding the provisions of section 35(b) of the*
 14 *Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the*
 15 *Secretary shall deduct 2 percent from the amount payable*
 16 *to each State in fiscal year 2010 and deposit the amount*
 17 *deducted to miscellaneous receipts of the Treasury.*

18 *OFFICE OF SURFACE MINING RECLAMATION AND*

19 *ENFORCEMENT*

20 *REGULATION AND TECHNOLOGY*

21 *For necessary expenses to carry out the provisions of*
 22 *the Surface Mining Control and Reclamation Act of 1977,*
 23 *Public Law 95–87, as amended, \$127,180,000, to remain*
 24 *available until September 30, 2011: Provided, That appro-*
 25 *priations for the Office of Surface Mining Reclamation and*

1 *Enforcement may provide for the travel and per diem ex-*
2 *penses of State and tribal personnel attending Office of Sur-*
3 *face Mining Reclamation and Enforcement sponsored*
4 *training.*

5 *ABANDONED MINE RECLAMATION FUND*

6 *For necessary expenses to carry out title IV of the Sur-*
7 *face Mining Control and Reclamation Act of 1977, Public*
8 *Law 95–87, as amended, \$39,588,000, to be derived from*
9 *receipts of the Abandoned Mine Reclamation Fund and to*
10 *remain available until expended: Provided, That pursuant*
11 *to Public Law 97–365, the Department of the Interior is*
12 *authorized to use up to 20 percent from the recovery of the*
13 *delinquent debt owed to the United States Government to*
14 *pay for contracts to collect these debts: Provided further,*
15 *That funds made available under title IV of Public Law*
16 *95–87 may be used for any required non-Federal share of*
17 *the cost of projects funded by the Federal Government for*
18 *the purpose of environmental restoration related to treat-*
19 *ment or abatement of acid mine drainage from abandoned*
20 *mines: Provided further, That such projects must be con-*
21 *sistent with the purposes and priorities of the Surface Min-*
22 *ing Control and Reclamation Act: Provided further, That*
23 *amounts provided under this heading may be used for the*
24 *travel and per diem expenses of State and tribal personnel*

1 *attending Office of Surface Mining Reclamation and En-*
 2 *forcement sponsored training.*

3 *ADMINISTRATIVE PROVISION*

4 *With funds available for the Technical Innovation and*
 5 *Professional Services program in this Act, the Secretary*
 6 *may transfer title for computer hardware, software and*
 7 *other technical equipment to State and tribal regulatory*
 8 *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 pro-*
 13 *grams, as authorized by law, including the Snyder Act of*
 14 *November 2, 1921 (25 U.S.C. 13), the Indian Self-Deter-*
 15 *mination and Education Assistance Act of 1975 (25 U.S.C.*
 16 *450 et seq.), as amended, the Education Amendments of*
 17 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
 18 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended,*
 19 *\$2,309,322,000, to remain available until September 30,*
 20 *2011 except as otherwise provided herein; of which not to*
 21 *exceed \$8,500 may be for official reception and representa-*
 22 *tion expenses; of which not to exceed \$74,915,000 shall be*
 23 *for welfare assistance payments: Provided, That in cases of*
 24 *designated Federal disasters, the Secretary may exceed such*
 25 *cap, from the amounts provided herein, to provide for dis-*

1 aster relief to Indian communities affected by the disaster;
 2 of which, notwithstanding any other provision of law, in-
 3 cluding but not limited to the Indian Self-Determination
 4 Act of 1975, as amended, not to exceed \$154,794,000 shall
 5 be available for payments for contract support costs associ-
 6 ated with ongoing contracts, grants, compacts, or annual
 7 funding agreements entered into with the Bureau prior to
 8 or during fiscal year 2010, as authorized by such Act, ex-
 9 cept that tribes and tribal organizations may use their trib-
 10 al priority allocations for unmet contract support costs of
 11 ongoing contracts, grants, or compacts, or annual funding
 12 agreements and for unmet welfare assistance costs; of which
 13 not to exceed \$566,702,000 for school operations costs of Bu-
 14 reau-funded schools and other education programs shall be-
 15 come available on July 1, 2010, and shall remain available
 16 until September 30, 2011; of which \$25,000,000 shall be for
 17 public safety and justice programs as authorized by the
 18 Emergency Fund for Indian Safety and Health, established
 19 by section 601 of Public Law 110–293 (25 U.S.C. 443c);
 20 and of which not to exceed \$60,958,000 shall remain avail-
 21 able until expended for housing improvement, road mainte-
 22 nance, attorney fees, litigation support, the Indian Self-De-
 23 termination Fund, land records improvement, and the Nav-
 24 ajo-Hopi Settlement Program: Provided further, That not-
 25 withstanding any other provision of law, including but not

1 *limited to the Indian Self-Determination Act of 1975, as*
2 *amended, and 25 U.S.C. 2008, not to exceed \$43,373,000*
3 *within and only from such amounts made available for*
4 *school operations shall be available for administrative cost*
5 *grants associated with ongoing grants entered into with the*
6 *Bureau prior to or during fiscal year 2009 for the operation*
7 *of Bureau-funded schools, and up to \$500,000 within and*
8 *only from such amounts made available for administrative*
9 *cost grants shall be available for the transitional costs of*
10 *initial administrative cost grants to grantees that assume*
11 *operation on or after July 1, 2009, of Bureau-funded*
12 *schools: Provided further, That any forestry funds allocated*
13 *to a tribe which remain unobligated as of September 30,*
14 *2011, may be transferred during fiscal year 2012 to an In-*
15 *dian forest land assistance account established for the ben-*
16 *efit of the holder of the funds within the holder's trust fund*
17 *account: Provided further, That any such unobligated bal-*
18 *ances not so transferred shall expire on September 30, 2012:*
19 *Provided further, That in order to enhance the safety of Bu-*
20 *reau field employees, the Bureau may use funds to purchase*
21 *uniforms or other identifying articles of clothing for per-*
22 *sonnel.*

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, \$225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in

1 43 CFR part 12 as the regulatory requirements: Provided
2 further, That such grants shall not be subject to section
3 12.61 of 43 CFR; the Secretary and the grantee shall nego-
4 tiate and determine a schedule of payments for the work
5 to be performed: Provided further, That in considering
6 grant applications, the Secretary shall consider whether
7 such grantee would be deficient in assuring that the con-
8 struction projects conform to applicable building standards
9 and codes and Federal, tribal, or State health and safety
10 standards as required by 25 U.S.C. 2005(b), with respect
11 to organizational and financial management capabilities:
12 Provided further, That if the Secretary declines a grant ap-
13 plication, the Secretary shall follow the requirements con-
14 tained in 25 U.S.C. 2504(f): Provided further, That any
15 disputes between the Secretary and any grantee concerning
16 a grant shall be subject to the disputes provision in 25
17 U.S.C. 2507(e): Provided further, That in order to ensure
18 timely completion of construction projects, the Secretary
19 may assume control of a project and all funds related to
20 the project, if, within eighteen months of the date of enact-
21 ment of this Act, any grantee receiving funds appropriated
22 in this Act or in any prior Act, has not completed the plan-
23 ning and design phase of the project and commenced con-
24 struction: Provided further, That this appropriation may
25 be reimbursed from the Office of the Special Trustee for

1 *American Indians appropriation for the appropriate share*
 2 *of construction costs for space expansion needed in agency*
 3 *offices to meet trust reform implementation.*

4 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*
 5 *MISCELLANEOUS PAYMENTS TO INDIANS*

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

12 *INDIAN LAND CONSOLIDATION, BIA*

13 *For consolidation of fractional interests in Indian*
 14 *lands and expenses associated with redetermining and re-*
 15 *distributing escheated interests in allotted lands, and for*
 16 *necessary expenses to carry out the Indian Land Consolida-*
 17 *tion Act of 1983, as amended, by direct expenditure or coop-*
 18 *erative agreement, \$3,000,000, to remain available until ex-*
 19 *pended.*

20 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

21 *For the cost of guaranteed loans and insured loans,*
 22 *\$8,215,000, of which \$1,629,000 is for administrative ex-*
 23 *penses, as authorized by the Indian Financing Act of 1974,*
 24 *as amended: Provided, That such costs, including the cost*
 25 *of modifying such loans, shall be as defined in section 502*

1 *of the Congressional Budget Act of 1974: Provided further,*
 2 *That these funds are available to subsidize total loan prin-*
 3 *cipal, any part of which is to be guaranteed or insured,*
 4 *not to exceed \$93,807,956.*

5 ADMINISTRATIVE PROVISIONS

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

11 *Notwithstanding 25 U.S.C. 15, the Bureau of Indian*
 12 *Affairs may contract for services in support of the manage-*
 13 *ment, operation, and maintenance of the Power Division*
 14 *of the San Carlos Irrigation Project.*

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

22 *Notwithstanding any other provision of law, no funds*
 23 *available to the Bureau of Indian Affairs for central office*
 24 *oversight and Executive Direction and Administrative*
 25 *Services (except executive direction and administrative*

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

7 *In the event any tribe returns appropriations made*
 8 *available by this Act to the Bureau of Indian Affairs, this*
 9 *action shall not diminish the Federal Government’s trust*
 10 *responsibility to that tribe, or the government-to-govern-*
 11 *ment relationship between the United States and that tribe,*
 12 *or that tribe’s ability to access future appropriations.*

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

18 *Appropriations made available in this or any other*
 19 *Act for schools funded by the Bureau shall be available only*
 20 *to the schools in the Bureau school system as of September*
 21 *1, 1996. No funds available to the Bureau shall be used to*
 22 *support expanded grades for any school or dormitory be-*
 23 *yond the grade structure in place or approved by the Sec-*
 24 *retary of the Interior at each school in the Bureau school*
 25 *system as of October 1, 1995. Funds made available under*

1 *this Act may not be used to establish a charter school at*
2 *a Bureau-funded school (as that term is defined in section*
3 *1146 of the Education Amendments of 1978 (25 U.S.C.*
4 *2026)), except that a charter school that is in existence on*
5 *the date of the enactment of this Act and that has operated*
6 *at a Bureau-funded school before September 1, 1999, may*
7 *continue to operate during that period, but only if the char-*
8 *ter school pays to the Bureau a pro rata share of funds*
9 *to reimburse the Bureau for the use of the real and personal*
10 *property (including buses and vans), the funds of the char-*
11 *ter school are kept separate and apart from Bureau funds,*
12 *and the Bureau does not assume any obligation for charter*
13 *school programs of the State in which the school is located*
14 *if the charter school loses such funding. Employees of Bu-*
15 *reau-funded schools sharing a campus with a charter school*
16 *and performing functions related to the charter schools op-*
17 *eration and employees of a charter school shall not be treat-*
18 *ed as Federal employees for purposes of chapter 171 of title*
19 *28, United States Code.*

20 *Notwithstanding any other provision of law, including*
21 *section 113 of title I of appendix C of Public Law 106–*
22 *113, if in fiscal year 2003 or 2004 a grantee received indi-*
23 *rect and administrative costs pursuant to a distribution*
24 *formula based on section 5(f) of Public Law 101–301, the*
25 *Secretary shall continue to distribute indirect and adminis-*

1 *trative cost funds to such grantee using the section 5(f) dis-*
 2 *tribution formula.*

3 *DEPARTMENTAL OFFICES*

4 *OFFICE OF THE SECRETARY*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses for management of the Depart-*
 7 *ment of the Interior, \$118,836,000; of which not to exceed*
 8 *\$25,000 may be for official reception and representation ex-*
 9 *penses; and of which up to \$1,000,000 shall be available*
 10 *for workers compensation payments and unemployment*
 11 *compensation payments associated with the orderly closure*
 12 *of the United States Bureau of Mines: Provided, That, for*
 13 *fiscal year 2010 up to \$400,000 of the payments authorized*
 14 *by the Act of October 20, 1976, as amended (31 U.S.C.*
 15 *6901–6907) may be retained for administrative expenses of*
 16 *the Payments in Lieu of Taxes Program: Provided further,*
 17 *That no payment shall be made pursuant to that Act to*
 18 *otherwise eligible units of local government if the computed*
 19 *amount of the payment is less than \$100: Provided further,*
 20 *That for fiscal years 2008 through 2012 the Secretary may*
 21 *reduce the payment authorized by 31 U.S.C. 6901–6907,*
 22 *as amended, for an individual county by the amount nec-*
 23 *essary to correct prior year overpayments to that county:*
 24 *Provided further, That for fiscal years 2008 through 2012*
 25 *the amount needed to correct a prior year underpayment*

1 *to an individual county shall be paid from any reductions*
 2 *for overpayments to other counties and the amount nec-*
 3 *essary to cover any remaining underpayment is hereby ap-*
 4 *propriated and shall be paid to individual counties using*
 5 *current fiscal year funds.*

6 *INSULAR AFFAIRS*

7 *ASSISTANCE TO TERRITORIES*

8 *For expenses necessary for assistance to territories*
 9 *under the jurisdiction of the Department of the Interior,*
 10 *\$81,095,000, of which: (1) \$71,815,000 shall remain avail-*
 11 *able until expended for technical assistance, including*
 12 *maintenance assistance, disaster assistance, insular man-*
 13 *agement controls, coral reef initiative activities, and brown*
 14 *tree snake control and research; grants to the judiciary in*
 15 *American Samoa for compensation and expenses, as au-*
 16 *thorized by law (48 U.S.C. 1661(c)); grants to the Govern-*
 17 *ment of American Samoa, in addition to current local reve-*
 18 *nues, for construction and support of governmental func-*
 19 *tions; grants to the Government of the Virgin Islands as*
 20 *authorized by law; grants to the Government of Guam, as*
 21 *authorized by law; and grants to the Government of the*
 22 *Northern Mariana Islands as authorized by law (Public*
 23 *Law 94–241; 90 Stat. 272); and (2) \$9,280,000 shall be*
 24 *available until September 30, 2011 for salaries and ex-*
 25 *penses of the Office of Insular Affairs: Provided, That all*

1 *financial transactions of the territorial and local govern-*
2 *ments herein provided for, including such transactions of*
3 *all agencies or instrumentalities established or used by such*
4 *governments, may be audited by the Government Account-*
5 *ability Office, at its discretion, in accordance with chapter*
6 *35 of title 31, United States Code: Provided further, That*
7 *Northern Mariana Islands Covenant grant funding shall be*
8 *provided according to those terms of the Agreement of the*
9 *Special Representatives on Future United States Financial*
10 *Assistance for the Northern Mariana Islands approved by*
11 *Public Law 104–134: Provided further, That the funds for*
12 *the program of operations and maintenance improvement*
13 *are appropriated to institutionalize routine operations and*
14 *maintenance improvement of capital infrastructure with*
15 *territorial participation and cost sharing to be determined*
16 *by the Secretary based on the grantee’s commitment to time-*
17 *ly maintenance of its capital assets: Provided further, That*
18 *any appropriation for disaster assistance under this head-*
19 *ing in this Act or previous appropriations Acts may be used*
20 *as non-Federal matching funds for the purpose of hazard*
21 *mitigation grants provided pursuant to section 404 of the*
22 *Robert T. Stafford Disaster Relief and Emergency Assist-*
23 *ance Act (42 U.S.C. 5170c): Provided further, That at the*
24 *request of the Governor of Guam, the Secretary may trans-*
25 *fer any mandatory or discretionary funds appropriated, in-*

1 *cluding those provided under Public Law 104–134, to the*
 2 *Secretary of Agriculture for the subsidy cost of direct or*
 3 *guaranteed loans, plus not to exceed 3 percent of the amount*
 4 *of the subsidy transferred for the cost of loan administra-*
 5 *tion, for the purposes authorized by the Rural Electrifica-*
 6 *tion Act of 1936 and section 306(a)(1) of the Consolidated*
 7 *Farm and Rural Development Act for construction and re-*
 8 *pair projects in Guam, and such funds shall remain avail-*
 9 *able until expended: Provided further, That such costs, in-*
 10 *cluding the cost of modifying such loans, shall be as defined*
 11 *in section 502 of the Congressional Budget Act of 1974: Pro-*
 12 *vided further, That such loans or loan guarantees may be*
 13 *made without regard to the population of the area, credit*
 14 *elsewhere requirements, and restrictions on the types of eli-*
 15 *gible entities under the Rural Electrification Act of 1936*
 16 *and section 306(a)(1) of the Consolidated Farm and Rural*
 17 *Development Act: Provided further, That any funds trans-*
 18 *ferred to the Secretary of Agriculture shall be in addition*
 19 *to funds otherwise made available to make or guarantee*
 20 *loans under such authorities.*

21 *COMPACT OF FREE ASSOCIATION*

22 *For grants and necessary expenses, \$5,318,000, to re-*
 23 *main available until expended, as provided for in sections*
 24 *221(a)(2), 221(b), and 233 of the Compact of Free Associa-*
 25 *tion for the Republic of Palau; and section 221(a)(2) of the*

1 *Compacts of Free Association for the Government of the Re-*
 2 *public of the Marshall Islands and the Federated States of*
 3 *Micronesia, as authorized by Public Law 99–658 and Pub-*
 4 *lic Law 108–188: Provided further, That at the request of*
 5 *the Governor of Guam, the Secretary may transfer any*
 6 *mandatory or discretionary funds appropriated, including*
 7 *those provided under section 104(e) of Public Law 108–188,*
 8 *to the Secretary of Agriculture for the subsidy cost of direct*
 9 *or guaranteed loans, plus not to exceed 3 percent of the*
 10 *amount of the subsidy transferred for the cost of loan ad-*
 11 *ministration, for the purposes authorized by the Rural Elec-*
 12 *trification Act of 1936 and section 306(a)(1) of the Consoli-*
 13 *dated Farm and Rural Development Act for construction*
 14 *and repair projects in Guam, and such funds shall remain*
 15 *available until expended: Provided further, That such costs,*
 16 *including the cost of modifying such loans, shall be as de-*
 17 *finied in section 502 of the Congressional Budget Act of*
 18 *1974: Provided further, That such loans or loan guarantees*
 19 *may be made without regard to the population of the area,*
 20 *credit elsewhere requirements, and restrictions on the types*
 21 *of eligible entities under the Rural Electrification Act of*
 22 *1936 and section 306(a)(1) of the Consolidated Farm and*
 23 *Rural Development Act: Provided further, That any funds*
 24 *transferred to the Secretary of Agriculture shall be in addi-*

1 *tion to funds otherwise made available to make or guar-*
 2 *antee loans under such authorities.*

3 *OFFICE OF THE SOLICITOR*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Office of the Solicitor,*
 6 *\$65,076,000.*

7 *OFFICE OF INSPECTOR GENERAL*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Office of Inspector Gen-*
 10 *eral, \$48,590,000.*

11 *OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN*

12 *INDIANS*

13 *FEDERAL TRUST PROGRAMS*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For the operation of trust programs for Indians by di-*
 16 *rect expenditure, contracts, cooperative agreements, com-*
 17 *pacts, and grants, \$185,984,000, to remain available until*
 18 *expended, of which not to exceed \$56,536,000 from this or*
 19 *any other Act, shall be available for historical accounting,*
 20 *and of which \$1,500,000 shall be available for the estate*
 21 *planning assistance program under section 207(f) of the In-*
 22 *dian Land Consolidation Act (25 U.S.C. 2206(f)): Pro-*
 23 *vided, That funds for trust management improvements and*
 24 *litigation support may, as needed, be transferred to or*
 25 *merged with the Bureau of Indian Affairs, "Operation of*

1 *Indian Programs” account; the Office of the Solicitor, “Sal-*
2 *aries and Expenses” account; and the Office of the Sec-*
3 *retary, “Salaries and Expenses” account: Provided further,*
4 *That funds made available through contracts or grants obli-*
5 *gated during fiscal year 2010, as authorized by the Indian*
6 *Self-Determination Act of 1975 (25 U.S.C. 450 et seq.),*
7 *shall remain available until expended by the contractor or*
8 *grantee: Provided further, That, notwithstanding any other*
9 *provision of law, the statute of limitations shall not com-*
10 *mence to run on any claim, including any claim in litiga-*
11 *tion pending on the date of the enactment of this Act, con-*
12 *cerning losses to or mismanagement of trust funds, until*
13 *the affected tribe or individual Indian has been furnished*
14 *with an accounting of such funds from which the bene-*
15 *ficiary can determine whether there has been a loss: Pro-*
16 *vided further, That, notwithstanding any other provision*
17 *of law, the Secretary shall not be required to provide a*
18 *quarterly statement of performance for any Indian trust ac-*
19 *count that has not had activity for at least 18 months and*
20 *has a balance of \$15.00 or less: Provided further, That the*
21 *Secretary shall issue an annual account statement and*
22 *maintain a record of any such accounts and shall permit*
23 *the balance in each such account to be withdrawn upon the*
24 *express written request of the account holder: Provided fur-*
25 *ther, That not to exceed \$50,000 is available for the Sec-*

1 *retary to make payments to correct administrative errors*
 2 *of either disbursements from or deposits to Individual In-*
 3 *dian Money or Tribal accounts after September 30, 2002:*
 4 *Provided further, That erroneous payments that are recov-*
 5 *ered shall be credited to and remain available in this ac-*
 6 *count for this purpose.*

7 *DEPARTMENT-WIDE PROGRAMS*

8 *WILDLAND FIRE MANAGEMENT*

9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *For necessary expenses for fire preparedness, suppres-*
 11 *sion operations, fire science and research, emergency reha-*
 12 *bilitation, hazardous fuels reduction, and rural fire assist-*
 13 *ance by the Department of the Interior, \$904,637,000, to*
 14 *remain available until expended, of which not to exceed*
 15 *\$6,137,000 shall be for the renovation or construction of fire*
 16 *facilities: Provided, That such funds are also available for*
 17 *repayment of advances to other appropriation accounts*
 18 *from which funds were previously transferred for such pur-*
 19 *poses: Provided further, That persons hired pursuant to 43*
 20 *U.S.C. 1469 may be furnished subsistence and lodging with-*
 21 *out cost from funds available from this appropriation: Pro-*
 22 *vided further, That notwithstanding 42 U.S.C. 1856d, sums*
 23 *received by a bureau or office of the Department of the Inte-*
 24 *rior for fire protection rendered pursuant to 42 U.S.C. 1856*
 25 *et seq., protection of United States property, may be cred-*

1 ited to the appropriation from which funds were expended
 2 to provide that protection, and are available without fiscal
 3 year limitation: Provided further, That using the amounts
 4 designated under this title of this Act, the Secretary of the
 5 Interior may enter into procurement contracts, grants, or
 6 cooperative agreements, for hazardous fuels reduction ac-
 7 tivities, and for training and monitoring associated with
 8 such hazardous fuels reduction activities, on Federal land,
 9 or on adjacent non-Federal land for activities that benefit
 10 resources on Federal land: Provided further, That the costs
 11 of implementing any cooperative agreement between the
 12 Federal Government and any non-Federal entity may be
 13 shared, as mutually agreed on by the affected parties: Pro-
 14 vided further, That notwithstanding requirements of the
 15 Competition in Contracting Act, the Secretary, for purposes
 16 of hazardous fuels reduction activities, may obtain max-
 17 imum practicable competition among: (1) local private,
 18 nonprofit, or cooperative entities; (2) Youth Conservation
 19 Corps crews, Public Lands Corps (Public Law 109–154),
 20 or related partnerships with State, local, or non-profit
 21 youth groups; (3) small or micro-businesses; or (4) other
 22 entities that will hire or train locally a significant percent-
 23 age, defined as 50 percent or more, of the project workforce
 24 to complete such contracts: Provided further, That in imple-
 25 menting this section, the Secretary shall develop written

1 *guidance to field units to ensure accountability and con-*
2 *sistent application of the authorities provided herein: Pro-*
3 *vided further, That funds appropriated under this head*
4 *may be used to reimburse the United States Fish and Wild-*
5 *life Service and the National Marine Fisheries Service for*
6 *the costs of carrying out their responsibilities under the En-*
7 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to*
8 *consult and conference, as required by section 7 of such Act,*
9 *in connection with wildland fire management activities:*
10 *Provided further, That the Secretary of the Interior may*
11 *use wildland fire appropriations to enter into non-competi-*
12 *tive sole source leases of real property with local govern-*
13 *ments, at or below fair market value, to construct capital-*
14 *ized improvements for fire facilities on such leased prop-*
15 *erties, including but not limited to fire guard stations, re-*
16 *tardant stations, and other initial attack and fire support*
17 *facilities, and to make advance payments for any such lease*
18 *or for construction activity associated with the lease: Pro-*
19 *vided further, That the Secretary of the Interior and the*
20 *Secretary of Agriculture may authorize the transfer of funds*
21 *appropriated for wildland fire management, in an aggre-*
22 *gate amount not to exceed \$10,000,000, between the Depart-*
23 *ments when such transfers would facilitate and expedite*
24 *jointly funded wildland fire management programs and*
25 *projects: Provided further, That funds provided for wildfire*

1 *suppression shall be available for support of Federal emer-*
 2 *gency response actions.*

3 *CENTRAL HAZARDOUS MATERIALS FUND*

4 *For necessary expenses of the Department of the Inte-*
 5 *rior and any of its component offices and bureaus for the*
 6 *response action, including associated activities, performed*
 7 *pursuant to the Comprehensive Environmental Response,*
 8 *Compensation, and Liability Act, as amended (42 U.S.C.*
 9 *9601 et seq.), \$10,175,000, to remain available until ex-*
 10 *pended: Provided, That Public Law 110–161 (121 Stat.*
 11 *2116) under this heading is amended by striking “in ad-*
 12 *vance of or as reimbursement for remedial action or re-*
 13 *sponse activities conducted by the Department pursuant to*
 14 *section 107 or 113(f) of such Act” and inserting in lieu*
 15 *thereof “including any fines or penalties”.*

16 *NATURAL RESOURCE DAMAGE ASSESSMENT AND*
 17 *RESTORATION*

18 *NATURAL RESOURCE DAMAGE ASSESSMENT FUND*

19 *To conduct natural resource damage assessment and*
 20 *restoration activities by the Department of the Interior nec-*
 21 *essary to carry out the provisions of the Comprehensive En-*
 22 *vironmental Response, Compensation, and Liability Act, as*
 23 *amended (42 U.S.C. 9601 et seq.), the Federal Water Pollu-*
 24 *tion Control Act, as amended (33 U.S.C. 1251 et seq.), the*
 25 *Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Pub-*

1 *lic Law 101–337, as amended (16 U.S.C. 19jj et seq.),*
 2 *\$6,462,000, to remain available until expended.*

3 *WORKING CAPITAL FUND*

4 *For the acquisition of a departmental financial and*
 5 *business management system and information technology*
 6 *improvements of general benefit to the Department,*
 7 *\$85,823,000, to remain available until expended: Provided,*
 8 *That none of the funds in this Act or previous appropria-*
 9 *tions Acts may be used to establish reserves in the Working*
 10 *Capital Fund account other than for accrued annual leave*
 11 *and depreciation of equipment without prior approval of*
 12 *the House and Senate Committees on Appropriations: Pro-*
 13 *vided further, That the Secretary may assess reasonable*
 14 *charges to State, local and tribal government employees for*
 15 *training services provided by the National Indian Program*
 16 *Training Center, other than training related to Public Law*
 17 *93–638: Provided further, That the Secretary may lease or*
 18 *otherwise provide space and related facilities, equipment or*
 19 *professional services of the National Indian Program*
 20 *Training Center to State, local and tribal government em-*
 21 *ployees or persons or organizations engaged in cultural,*
 22 *educational, or recreational activities (as defined in 40*
 23 *U.S.C. 3306(a)) at the prevailing rate for similar space,*
 24 *facilities, equipment, or services in the vicinity of the Na-*
 25 *tional Indian Program Training Center: Provided further,*

1 *That all funds received pursuant to the two preceding pro-*
 2 *visos shall be credited to this account, shall be available*
 3 *until expended, and shall be used by the Secretary for nec-*
 4 *essary expenses of the National Indian Program Training*
 5 *Center.*

6 *ADMINISTRATIVE PROVISION*

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

15 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

16 *EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *SEC. 101. Appropriations made in this title shall be*
 19 *available for expenditure or transfer (within each bureau*
 20 *or office), with the approval of the Secretary, for the emer-*
 21 *gency reconstruction, replacement, or repair of aircraft,*
 22 *buildings, utilities, or other facilities or equipment dam-*
 23 *aged or destroyed by fire, flood, storm, or other unavoidable*
 24 *causes: Provided, That no funds shall be made available*
 25 *under this authority until funds specifically made available*

1 *to the Department of the Interior for emergencies shall have*
 2 *been exhausted.*

3 *EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE*

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

1 ations shall be available for the payment of obligations in-
 2 curred during the preceding fiscal year, and for reimburse-
 3 ment to other Federal agencies for destruction of vehicles,
 4 aircraft, or other equipment in connection with their use
 5 for wildland fire operations, such reimbursement to be cred-
 6 ited to appropriations currently available at the time of
 7 receipt thereof: Provided further, That for wildland fire op-
 8 erations, no funds shall be made available under this au-
 9 thority until the Secretary determines that funds appro-
 10 priated for “wildland fire operations” shall be exhausted
 11 within 30 days: Provided further, That all funds used pur-
 12 suant to this section must be replenished by a supplemental
 13 appropriation which must be requested as promptly as pos-
 14 sible: Provided further, That such replenishment funds shall
 15 be used to reimburse, on a pro rata basis, accounts from
 16 which emergency funds were transferred.

17 *AUTHORIZED USE OF FUNDS*

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

1 *residences in the field, when authorized under regulations*
 2 *approved by the Secretary; and the payment of dues, when*
 3 *authorized by the Secretary, for library membership in soci-*
 4 *eties or associations which issue publications to members*
 5 *only or at a price to members lower than to subscribers*
 6 *who are not members.*

7 *AUTHORIZED USE OF FUNDS*

8 *SEC. 104. Appropriations made in this Act under the*
 9 *headings Bureau of Indian Affairs and Office of the Special*
 10 *Trustee for American Indians and any unobligated bal-*
 11 *ances from prior appropriations Acts made under the same*
 12 *headings shall be available for expenditure or transfer for*
 13 *Indian trust management and reform activities. Total*
 14 *funding for historical accounting activities shall not exceed*
 15 *amounts specifically designated in this Act for such pur-*
 16 *pose.*

17 *REDISTRIBUTION OF FUNDS*

18 *SEC. 105. Notwithstanding any other provision of law,*
 19 *the Secretary of the Interior is authorized to redistribute*
 20 *any Tribal Priority Allocation funds, including tribal base*
 21 *funds, to alleviate tribal funding inequities by transferring*
 22 *funds to address identified, unmet needs, dual enrollment,*
 23 *overlapping service areas or inaccurate distribution meth-*
 24 *odologies. No federally recognized tribe shall receive a reduc-*
 25 *tion in Tribal Priority Allocation funds of more than 10*

1 percent in fiscal year 2010. Under circumstances of dual
 2 enrollment, overlapping service areas or inaccurate dis-
 3 tribution methodologies, the 10 percent limitation does not
 4 apply.

5 *TWIN CITIES RESEARCH CENTER*

6 *SEC. 106. Notwithstanding any other provision of law,*
 7 *in conveying the Twin Cities Research Center under the au-*
 8 *thority provided by Public Law 104–134, as amended by*
 9 *Public Law 104–208, the Secretary may accept and retain*
 10 *land and other forms of reimbursement: Provided, That the*
 11 *Secretary may retain and use any such reimbursement*
 12 *until expended and without further appropriation: (1) for*
 13 *the benefit of the National Wildlife Refuge System within*
 14 *the State of Minnesota; and (2) for all activities authorized*
 15 *by 16 U.S.C. 460zz.*

16 *PAYMENT OF FEES*

17 *SEC. 107. The Secretary of the Interior may use discre-*
 18 *tionary funds to pay private attorney fees and costs for em-*
 19 *ployees and former employees of the Department of the Inte-*
 20 *rior reasonably incurred in connection with Cobell v. Sala-*
 21 *zar to the extent that such fees and costs are not paid by*
 22 *the Department of Justice or by private insurance. In no*
 23 *case shall the Secretary make payments under this section*
 24 *that would result in payment of hourly fees in excess of*

1 *the highest hourly rate approved by the District Court for*
 2 *the District of Columbia for counsel in Cobell v. Salazar.*

3 *ELLIS, GOVERNORS, AND LIBERTY ISLANDS*

4 *SEC. 108. Notwithstanding any other provision of law,*
 5 *the Secretary of the Interior is authorized to acquire lands,*
 6 *waters, or interests therein including the use of all or part*
 7 *of any pier, dock, or landing within the State of New York*
 8 *and the State of New Jersey, for the purpose of operating*
 9 *and maintaining facilities in the support of transportation*
 10 *and accommodation of visitors to Ellis, Governors, and Lib-*
 11 *erty Islands, and of other program and administrative ac-*
 12 *tivities, by donation or with appropriated funds, including*
 13 *franchise fees (and other monetary consideration), or by ex-*
 14 *change; and the Secretary is authorized to negotiate and*
 15 *enter into leases, subleases, concession contracts or other*
 16 *agreements for the use of such facilities on such terms and*
 17 *conditions as the Secretary may determine reasonable.*

18 *PROHIBITION ON USE OF FUNDS*

19 *SEC. 109. (a) Any proposed new use of the Arizona*
 20 *& California Railroad Company's Right of Way for convey-*
 21 *ance of water shall not proceed unless the Secretary of the*
 22 *Interior certifies that the proposed new use is within the*
 23 *scope of the Right of Way.*

24 *(b) No funds appropriated or otherwise made available*
 25 *to the Department of the Interior may be used, in relation*

1 *to any proposal to store water underground for the purpose*
 2 *of export, for approval of any right-of-way or similar au-*
 3 *thorization on the Mojave National Preserve or lands man-*
 4 *aged by the Needles Field Office of the Bureau of Land Man-*
 5 *agement, or for carrying out any activities associated with*
 6 *such right-of-way or similar approval.*

7 *USE OF COOPERATIVE AGREEMENTS*

8 *SEC. 110. For fiscal year 2010, and each fiscal year*
 9 *thereafter, the Secretary of the Interior may enter into coop-*
 10 *erative agreements with a State or political subdivision (in-*
 11 *cluding any agency thereof), or any not-for-profit organiza-*
 12 *tion if the agreement will: (1) serve a mutual interest of*
 13 *the parties to the agreement in carrying out the programs*
 14 *administered by the Department of the Interior; and (2)*
 15 *all parties will contribute resources to the accomplishment*
 16 *of these objectives. At the discretion of the Secretary, such*
 17 *agreements shall not be subject to a competitive process.*

18 *CONFORMING AMENDMENT*

19 *SEC. 111. Sections 109 and 110 of the Federal Oil and*
 20 *Gas Royalty Management Act (30 U.S.C. 1719 and 1720)*
 21 *shall, for fiscal year 2010 and each fiscal year thereafter,*
 22 *apply to any lease authorizing exploration for or develop-*
 23 *ment of coal, any other solid mineral, or any geothermal*
 24 *resource on any Federal or Indian lands and any lease,*
 25 *easement, right of way, or other agreement, regardless of*

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

10 *PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL*
 11 *SEASHORE*

12 *SEC. 112. None of the funds in this Act may be used*
 13 *to further reduce the number of Axis or Fallow deer at Point*
 14 *Reyes National Seashore below the number as of the date*
 15 *of enactment of this Act.*

16 *OUTER CONTINENTAL SHELF INSPECTION FEES*

17 *SEC. 113. (a) In fiscal year 2010, the Minerals Man-*
 18 *agement Service (MMS) shall collect a non-refundable in-*
 19 *spection fee, which shall be deposited in the “Royalty and*
 20 *Offshore Minerals Management” account, from the des-*
 21 *ignated operator for facilities subject to inspection by MMS*
 22 *under 43 U.S.C. 1348(c) that are above the waterline, ex-*
 23 *cept mobile offshore drilling units, and are in place at the*
 24 *start of fiscal year 2010.*

25 *(b) Fees for 2010 shall be:*

SEC. 114. Section 101(a)(1) of Public Law 109-131
is amended by striking “2009” and inserting “2013”.

15 *SEC. 115. Section 8004 of the Omnibus Public Land*
16 *Management Act of 2009 (Public Law 111–11; 123 Stat.*
17 *1240) is amended—*

† HR 2996 EAS

1 “(g) *REQUIREMENTS FOR INCLUSION AND REMOVAL*
 2 *OF PROPERTY IN HERITAGE AREA.*—

3 “(1) *PRIVATE PROPERTY INCLUSION.*—No pri-
 4 *vately owned property shall be included in the Herit-*
 5 *age Area unless the owner of the private property pro-*
 6 *vides to the management entity a written request for*
 7 *the inclusion.*

8 “(2) *PROPERTY REMOVAL.*—

9 “(A) *PRIVATE PROPERTY.*—At the request of
 10 *an owner of private property included in the*
 11 *Heritage Area pursuant to paragraph (1), the*
 12 *private property shall be immediately with-*
 13 *drawn from the Heritage Area if the owner of*
 14 *the property provides to the management entity*
 15 *a written notice requesting removal.*

16 “(B) *PUBLIC PROPERTY.*—On written no-
 17 *tice from the appropriate State or local govern-*
 18 *ment entity, public property included in the*
 19 *Heritage Area shall be immediately withdrawn*
 20 *from the Heritage Area.”.*

21 *PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING*

22 *SEC. 116. (a) DEFINITIONS.*—In this section:

23 “(1) *HISTORIC ATTRACTION.*—The term “historic
 24 *attraction” mean a historic attraction within the*
 25 *Pearl Harbor Naval Complex, including—*

1 (A) *the USS Bowfin Submarine Museum*
2 *and Park;*

3 (B) *the Battleship Missouri Memorial;*

4 (C) *the Pacific Aviation Museum-Pearl*
5 *Harbor; and*

6 (D) *any other historic attraction within the*
7 *Pearl Harbor Naval Complex that—*

8 (i) *the Secretary identifies as a Pearl*
9 *Harbor historic attraction; and*

10 (ii) *is not administered or managed by*
11 *the Secretary.*

12 (2) *MONUMENT.—The term “Monument” means*
13 *the World War II Valor in the Pacific National Monu-*
14 *ment in the State of Hawaii.*

15 (3) *SECRETARY.—The term “Secretary” means*
16 *the Secretary of the Interior.*

17 (4) *VISITOR CENTER.—The term “Visitor Cen-*
18 *ter” means the visitor center located within the Pearl*
19 *Harbor Naval Complex on land that is—*

20 (A) *within the Monument; and*

21 (B) *managed by the Secretary, acting*
22 *through the Director of the National Park Serv-*
23 *ice.*

24 (b) *FACILITATION OF ADMISSION TO HISTORIC AT-*
25 *TRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—*

1 (1) *IN GENERAL.*—*In managing the Monument,*
 2 *the Secretary may enter into an agreement with any*
 3 *organization that is authorized to administer or man-*
 4 *age a historic attraction—*

5 *(A) to allow visitors to the historic attrac-*
 6 *tion to gain access to the historic attraction by*
 7 *passing through security screening at the Visitor*
 8 *Center; and*

9 *(B) to allow the sale of tickets to a historic*
 10 *attraction within the Visitor Center by—*

11 *(i) employees of the National Park*
 12 *Service; or*

13 *(ii) the organization that administers*
 14 *or manages the historic attraction.*

15 (2) *TERMS AND CONDITIONS.*—*In any agreement*
 16 *entered into under paragraph (1), the Secretary—*

17 *(A) shall require the organization admin-*
 18 *istering or managing the historic attraction to*
 19 *pay to the Secretary a reasonable fee to recover*
 20 *administrative costs of the Secretary associated*
 21 *with the use of the Visitor Center for public ac-*
 22 *cess and ticket sales;*

23 *(B) shall ensure that the liability of the*
 24 *United States is limited with respect to any li-*
 25 *ability arising from—*

1 (i) the admission of the public through
 2 the Visitor Center to a historic attraction;
 3 and

4 (ii) the sale or issuance of any tickets
 5 to the historic attraction; and

6 (C) may include any other terms and con-
 7 ditions that the Secretary determines to be ap-
 8 propriate.

9 (3) *USE OF FEES.*—The proceeds of any amounts
 10 collected as fees under paragraph (2)(A) shall remain
 11 available, without further appropriation, for use by
 12 the Secretary for the Monument.

13 (4) *LIMITATION OF AUTHORITY.*—Nothing in this
 14 section authorizes the Secretary—

15 (A) to regulate or approve the rates for ad-
 16 mission to a historic attraction;

17 (B) to regulate or manage any visitor serv-
 18 ices within the Pearl Harbor Naval Complex
 19 (other than the services managed by the National
 20 Park Service as part of the Monument); or

21 (C) to charge an entrance fee for admission
 22 to the Monument.

23 (5) *PROTECTION OF RESOURCES.*—Nothing in
 24 this section authorizes the Secretary or any organiza-
 25 tion that administers or manages a historic attrac-

1 *tion to take any action in derogation of the preserva-*
 2 *tion and protection of the values and resources of the*
 3 *Monument.*

4 *ASSISTANCE FOR THE REPUBLIC OF PALAU*

5 *SEC. 117. (a) IN GENERAL.—Subject to subsection (c),*
 6 *the Secretary of the Interior shall provide to the Govern-*
 7 *ment of Palau for fiscal year 2010 grants in amounts equal*
 8 *to the annual amounts specified in subsections (a), (c), and*
 9 *(d) of section 211 of the Compact of Free Association be-*
 10 *tween the Government of the United States of America and*
 11 *the Government of Palau (48 U.S.C. 1931 note) (referred*
 12 *to in this section as the “Compact”).*

13 *(b) PROGRAMMATIC ASSISTANCE.—Subject to sub-*
 14 *section (c), the United States shall provide programmatic*
 15 *assistance to the Republic of Palau for fiscal year 2010 in*
 16 *amounts equal to the amounts provided in subsections (a)*
 17 *and (b)(1) of section 221 of the Compact.*

18 *(c) LIMITATIONS ON ASSISTANCE.—*

19 *(1) IN GENERAL.—The grants and programmatic*
 20 *assistance provided under subsections (a) and (b)*
 21 *shall be provided to the same extent and in the same*
 22 *manner as the grants and assistance were provided in*
 23 *fiscal year 2009.*

24 *(2) TRUST FUND.—If the Government of Palau*
 25 *withdraws more than \$5,000,000 from the trust fund*

6 *SEC. 118. Section 120 of title I of H.R. 3423 (Appen-*
7 *dix C) as enacted into law by section 1000(a)(3) of division*
8 *B of Public Law 106–113 is amended by striking the last*
9 *sentence.*

11 *SEC. 119. None of the funds made available in this*
12 *Act shall be used to establish or implement a plan to reduce*
13 *the number of elk in Theodore Roosevelt National Park un-*
14 *less such plan, notwithstanding any other provision of law,*
15 *allows North Dakota residents possessing a State hunting*
16 *license to be deputized by the Secretary as rangers in such*
17 *numbers as the Secretary deems sufficient for purposes of*
18 *culling the elk herd at the Park, and allows each such volun-*
19 *teer to cull one elk and remove its carcass from the Park.*

21 *SEC. 120. Prior to the expiration on November 30,*
22 *2012 of the Drake's Bay Oyster Company's Reservation of*
23 *Use and Occupancy and associated special use permit ("ex-*
24 *isting authorization") within Drake's Estero at Point Reyes*
25 *National Seashore, notwithstanding any other provision of*

1 *law, the Secretary of the Interior is authorized to issue a*
 2 *special use permit with the same terms and conditions as*
 3 *the existing authorization, except as provided herein, for a*
 4 *period of 10 years from November 30, 2012: Provided, That*
 5 *such extended authorization is subject to annual payments*
 6 *to the United States based on the fair market value of the*
 7 *use of the Federal property for the duration of such renewal.*
 8 *The Secretary shall take into consideration recommenda-*
 9 *tions of the National Academy of Sciences Report per-*
 10 *taining to shellfish mariculture in Point Reyes National*
 11 *Seashore before modifying any terms and conditions of the*
 12 *extended authorization.*

13 *CONTRIBUTION AUTHORITY*

14 *SEC. 121. Title 43 U.S.C. 1473, as amended by Public*
 15 *Law 110–161 and Public Law 111–8, is further amended*
 16 *by deleting “in fiscal years 2008 and 2009 only” and in-*
 17 *serting “in fiscal years 2008, 2009 and 2010 only”.*

18 *NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY*

19 *SEC. 122. (a) IN GENERAL.—The Secretary of the In-*
 20 *terior (referred to in this section as the “Secretary”) shall*
 21 *conduct a special resource study of the national signifi-*
 22 *cance, suitability, and feasibility of including the*
 23 *Honouliuli Gulch and associated sites within the State of*
 24 *Hawaii in the National Park System.*

1 (b) *GUIDELINES.*—*In conducting the study, the Sec-*
 2 *retary shall use the criteria for the study of areas for poten-*
 3 *tial inclusion in the National Park System described in sec-*
 4 *tion 8 of Public Law 91–383 (16 U.S.C. 1a–5).*

5 (c) *CONSULTATION.*—*In conducting the study, the Sec-*
 6 *retary shall consult with—*

7 (1) *the State of Hawaii;*

8 (2) *appropriate Federal agencies;*

9 (3) *Native Hawaiian and local government enti-*
 10 *ties;*

11 (4) *private and nonprofit organizations;*

12 (5) *private land owners; and*

13 (6) *other interested parties.*

14 (d) *THEMES.*—*The study shall evaluate the Honouliuli*
 15 *Gulch, associated sites located on Oahu, and other islands*
 16 *located in the State of Hawaii with respect to—*

17 (1) *the significance of the site as a component of*
 18 *World War II;*

19 (2) *the significance of the site as the site related*
 20 *to the forcible internment of Japanese Americans, Eu-*
 21 *ropean Americans, and other individuals; and*

22 (3) *historic resources at the site.*

23 (e) *REPORT.*—*Not later than 2 years after the date of*
 24 *enactment of this Act, the Secretary shall submit to the*
 25 *Committee on Natural Resources of the House of Represent-*

atives and the Committee on Energy and Natural Resources
of the Senate a report describing the findings, conclusions,
and recommendations of the study required under this sec-
tion.

PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL
CONTROL

SEC. 123. None of the funds made available by this
Act may be used to impede, prohibit, or restrict activities
of the Secretary of Homeland Security on public lands to
achieve operational control (as defined in section 2(b) of
the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public
Law 109–367) over the international land and maritime
borders of the United States.

SEC. 124. Any owner of private property within an
existing or new National Heritage Area may opt out of par-
ticipating in any plan, project, program, or activity con-
ducted within the National Heritage Area if the property
owner provides written notice to the local coordinating enti-
ty.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and de-
velopment activities, which shall include research and devel-
opment activities under the Comprehensive Environmental
Response, Compensation, and Liability Act of 1980, as

1 *amended; necessary expenses for personnel and related costs*
2 *and travel expenses; procurement of laboratory equipment*
3 *and supplies; and other operating expenses in support of*
4 *research and development, \$842,799,000, to remain avail-*
5 *able until September 30, 2011.*

6 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

7 *For environmental programs and management, in-*
8 *cluding necessary expenses, not otherwise provided for, for*
9 *personnel and related costs and travel expenses; hire of pas-*
10 *senger motor vehicles; hire, maintenance, and operation of*
11 *aircraft; purchase of reprints; library memberships in soci-*
12 *eties or associations which issue publications to members*
13 *only or at a price to members lower than to subscribers*
14 *who are not members; administrative costs of the*
15 *brownfields program under the Small Business Liability*
16 *Relief and Brownfields Revitalization Act of 2002; and not*
17 *to exceed \$9,000 for official reception and representation*
18 *expenses, \$2,878,780,000, to remain available until Sep-*
19 *tember 30, 2011: Provided, That of the funds included under*
20 *this heading, not less than \$478,696,000 shall be for the Ge-*
21 *ographic Programs specified in the committee report accom-*
22 *panying this Act.*

23 *OFFICE OF INSPECTOR GENERAL*

24 *For necessary expenses of the Office of Inspector Gen-*
25 *eral in carrying out the provisions of the Inspector General*

1 *Act of 1978, as amended, \$44,791,000, to remain available*
 2 *until September 30, 2011.*

3 *BUILDINGS AND FACILITIES*

4 *For construction, repair, improvement, extension, al-*
 5 *teration, and purchase of fixed equipment or facilities of,*
 6 *or for use by, the Environmental Protection Agency,*
 7 *\$35,001,000, to remain available until expended: Provided,*
 8 *That, at the discretion of the Administrator of the Environ-*
 9 *mental Protection Agency, from the funds included under*
 10 *this heading, \$500,000 may be made available for prelimi-*
 11 *nary planning and design of a high-performance green*
 12 *building to consolidate the multiple offices and research fa-*
 13 *cilities of the Environmental Protection Agency in Las*
 14 *Vegas, Nevada.*

15 *HAZARDOUS SUBSTANCE SUPERFUND*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For necessary expenses to carry out the Comprehensive*
 18 *Environmental Response, Compensation, and Liability Act*
 19 *of 1980 (CERCLA), as amended, including sections*
 20 *111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611)*
 21 *\$1,308,541,000, to remain available until expended, con-*
 22 *sisting of such sums as are available in the Trust Fund*
 23 *on September 30, 2009, as authorized by section 517(a) of*
 24 *the Superfund Amendments and Reauthorization Act of*
 25 *1986 (SARA) and up to \$1,308,541,000 as a payment from*

1 *general revenues to the Hazardous Substance Superfund for*
 2 *purposes as authorized by section 517(b) of SARA, as*
 3 *amended: Provided, That funds appropriated under this*
 4 *heading may be allocated to other Federal agencies in ac-*
 5 *cordance with section 111(a) of CERCLA: Provided further,*
 6 *That of the funds appropriated under this heading,*
 7 *\$9,975,000 shall be paid to the “Office of Inspector General”*
 8 *appropriation to remain available until September 30,*
 9 *2011, and \$26,834,000 shall be paid to the “Science and*
 10 *Technology” appropriation to remain available until Sep-*
 11 *tember 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 *\$114,171,000, to remain available until expended, of which*
 18 *\$78,671,000 shall be for carrying out leaking underground*
 19 *storage tank cleanup activities authorized by section*
 20 *9003(h) of the Solid Waste Disposal Act, as amended;*
 21 *\$35,500,000 shall be for carrying out the other provisions*
 22 *of the Solid Waste Disposal Act specified in section 9508(c)*
 23 *of the Internal Revenue Code, as amended: Provided, That*
 24 *the Administrator is authorized to use appropriations made*
 25 *available under this heading to implement section 9013 of*

1 *the Solid Waste Disposal Act to provide financial assistance*
 2 *to federally recognized Indian tribes for the development*
 3 *and implementation of programs to manage underground*
 4 *storage tanks.*

5 *OIL SPILL RESPONSE*

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

10 *STATE AND TRIBAL ASSISTANCE GRANTS*

11 *For environmental programs and infrastructure as-*
 12 *sistance, including capitalization grants for State revolving*
 13 *funds and performance partnership grants, \$4,954,274,000,*
 14 *to remain available until expended, of which*
 15 *\$2,100,000,000 shall be for making capitalization grants for*
 16 *the Clean Water State Revolving Funds under title VI of*
 17 *the Federal Water Pollution Control Act, as amended (the*
 18 *"Act"); of which \$1,387,000,000 shall be for capitalization*
 19 *grants for the Drinking Water State Revolving Funds under*
 20 *section 1452 of the Safe Drinking Water Act, as amended:*
 21 *Provided, That, for fiscal year 2010, to the extent that there*
 22 *are sufficient applications, not less than 20 percent of the*
 23 *funds made available for the Clean Water State Revolving*
 24 *Fund or Drinking Water State Revolving Fund capitaliza-*
 25 *tion grants shall be for projects to address green infrastruc-*

1 *ture, water or energy efficiency improvements, or other en-*
 2 *vironmentally innovative activities; \$10,000,000 shall be for*
 3 *architectural, engineering, planning, design, construction*
 4 *and related activities in connection with the construction*
 5 *of high priority water and wastewater facilities in the area*
 6 *of the United States-Mexico Border, after consultation with*
 7 *the appropriate border commission; \$15,000,000 shall be for*
 8 *grants to the State of Alaska to address drinking water and*
 9 *wastewater infrastructure needs of rural and Alaska Native*
 10 *Villages: Provided further, That, of these funds: (1) the State*
 11 *of Alaska shall provide a match of 25 percent; (2) no more*
 12 *than 5 percent of the funds may be used for administrative*
 13 *and overhead expenses; and (3) the State of Alaska shall*
 14 *make awards consistent with the State-wide priority list*
 15 *established in conjunction with the Agency and the U.S.*
 16 *Department of Agriculture for all water, sewer, waste dis-*
 17 *posal, and similar projects carried out by the State of Alas-*
 18 *ka that are funded under section 221 of the Federal Water*
 19 *Pollution Control Act (33 U.S.C. 1301) or the Consolidated*
 20 *Farm and Rural Development Act (7 U.S.C. 1921 et seq.)*
 21 *which shall allocate not less than 25 percent of the funds*
 22 *provided for projects in regional hub communities;*
 23 *\$150,000,000 shall be for making special project grants for*
 24 *the construction of drinking water, wastewater and storm*
 25 *water infrastructure and for water quality protection in ac-*

1 cordance with the terms and conditions specified for such
 2 grants in the committee report accompanying this Act, and,
 3 for purposes of these grants, each grantee shall contribute
 4 not less than 45 percent of the cost of the project unless
 5 the grantee is approved for a waiver by the Agency;
 6 \$101,000,000 shall be to carry out section 104(k) of the
 7 Comprehensive Environmental Response, Compensation,
 8 and Liability Act of 1980 (CERCLA), as amended, includ-
 9 ing grants, interagency agreements, and associated pro-
 10 gram support costs; \$60,000,000 shall be for grants under
 11 title VII, subtitle G of the Energy Policy Act of 2005, as
 12 amended; \$20,000,000 shall be for targeted airshed grants
 13 in accordance with the terms and conditions of the com-
 14 mittee report accompanying this Act; and \$1,111,274,000
 15 shall be for grants, including associated program support
 16 costs, to States, federally recognized tribes, interstate agen-
 17 cies, tribal consortia, and air pollution control agencies for
 18 multi-media or single media pollution prevention, control
 19 and abatement and related activities, including activities
 20 pursuant to the provisions set forth under this heading in
 21 Public Law 104–134, and for making grants under section
 22 103 of the Clean Air Act for particulate matter monitoring
 23 and data collection activities subject to terms and condi-
 24 tions specified by the Administrator, of which \$49,495,000
 25 shall be for carrying out section 128 of CERCLA, as amend-

1 *ed, \$10,000,000 shall be for Environmental Information*
 2 *Exchange Network grants, including associated program*
 3 *support costs, \$18,500,000 of the funds available for grants*
 4 *under section 106 of the Act shall be for water quality moni-*
 5 *toring activities, and, in addition to funds appropriated*
 6 *under the heading “Leaking Underground Storage Tank*
 7 *Trust Fund Program” to carry out the provisions of the*
 8 *Solid Waste Disposal Act specified in section 9508(c) of the*
 9 *Internal Revenue Code other than section 9003(h) of the*
 10 *Solid Waste Disposal Act, as amended, \$2,500,000 shall be*
 11 *for grants to States under section 2007(f)(2) of the Solid*
 12 *Waste Disposal Act, as amended: Provided further, That*
 13 *notwithstanding section 603(d)(7) of the Federal Water Pol-*
 14 *lution Control Act, the limitation on the amounts in a State*
 15 *water pollution control revolving fund that may be used by*
 16 *a State to administer the fund shall not apply to amounts*
 17 *included as principal in loans made by such fund in fiscal*
 18 *year 2010 and prior years where such amounts represent*
 19 *costs of administering the fund to the extent that such*
 20 *amounts are or were deemed reasonable by the Adminis-*
 21 *trator, accounted for separately from other assets in the*
 22 *fund, and used for eligible purposes of the fund, including*
 23 *administration: Provided further, That for fiscal year 2010,*
 24 *and notwithstanding section 518(f) of the Act, the Adminis-*
 25 *trator is authorized to use the amounts appropriated for*

1 *any fiscal year under section 319 of that Act to make grants*
 2 *to federally recognized Indian tribes pursuant to sections*
 3 *319(h) and 518(e) of that Act: Provided further, That, for*
 4 *fiscal year 2010, notwithstanding the limitation on*
 5 *amounts in section 518(c) of the Federal Water Pollution*
 6 *Control Act and section 1452(i) of the Safe Drinking Water*
 7 *Act, up to a total of 2 percent of the funds appropriated*
 8 *for the Clean Water State Revolving Funds and Drinking*
 9 *Water State Revolving Funds may be reserved by the Ad-*
 10 *ministrator for grants to Tribes: Provided further, That, for*
 11 *fiscal year 2010, notwithstanding any other provision of*
 12 *law, up to a total of 1.5 percent of the funds provided for*
 13 *the Clean Water State Revolving Funds and Drinking*
 14 *Water State Revolving Funds may be reserved by the Ad-*
 15 *ministrator for grants to territories of the United States:*
 16 *Provided further, That no funds provided by this appro-*
 17 *priations Act to address the water, wastewater and other*
 18 *critical infrastructure needs of the colonias in the United*
 19 *States along the United States-Mexico border shall be made*
 20 *available to a county or municipal government unless that*
 21 *government has established an enforceable local ordinance,*
 22 *or other zoning rule, which prevents in that jurisdiction the*
 23 *development or construction of any additional colonia*
 24 *areas, or the development within an existing colonia the*
 25 *construction of any new home, business, or other structure*

1 *which lacks water, wastewater, or other necessary infra-*
 2 *structure: Provided further, That notwithstanding the joint*
 3 *explanatory statement of the Committee on Appropriations*
 4 *of the House of Representatives accompanying Public Law*
 5 *111–8, the \$300,000 made available to the Village of Crest-*
 6 *wood for water storage improvements (as described in the*
 7 *table entitled “Congressionally Designated Spending” in*
 8 *section 430 of that joint explanatory statement) shall be*
 9 *made available to the City of Quincy, Illinois, for drinking*
 10 *water system improvements: Provided further, That, not-*
 11 *withstanding House Report 107–272, the amount of*
 12 *\$1,000,000 made available to the Southeast Alabama Re-*
 13 *gional Water Authority for a water facility project and the*
 14 *amount of \$2,500,000 made available to the Alabama Re-*
 15 *gional Water Authority for the Southwest Alabama Rural/*
 16 *Municipal Water System may, at the discretion of the Ad-*
 17 *ministrator, be made available to the city of Thomasville*
 18 *for those projects: Provided further, That, notwithstanding*
 19 *House Report 108–10, the amount of \$450,000 made avail-*
 20 *able to the Southwest Alabama Regional Water Authority*
 21 *for water infrastructure improvements may, at the discre-*
 22 *tion of the Administrator, be made available to the city of*
 23 *Thomasville for that project: Provided further, That, not-*
 24 *withstanding House Report 108–401, the amount of*
 25 *\$450,000 made available to the Southwest Alabama Re-*

1 gional Water supply District for regional water supply dis-
 2 tribution in Thomasville, Alabama, may, at the discretion
 3 of the Administrator, be made available to the city of Thom-
 4 asville for that project: Provided further, That, notwith-
 5 standing House Report 108–401, the amount of \$2,000,000
 6 made available to the Tom Beville Reservoir Management
 7 Area Authority for construction of a drinking water res-
 8 ervoir in Fayette County, Alabama, may, at the discretion
 9 of the Administrator, be made available to Fayette County,
 10 Alabama, for water system upgrades: Provided further,
 11 That, notwithstanding the joint explanatory statement of
 12 the Committee on Appropriations of the House of Rep-
 13 resentatives accompanying Public Law 111–8 (123 Stat.
 14 524), the amount of \$500,000 made available to the San
 15 Bernardino Municipal Water District for the Inland Em-
 16 pire alternative water supply project (as described in the
 17 table entitled “Congressionally Designated Spending” con-
 18 tained in section 430 of that joint explanatory statement)
 19 may, at the discretion of the Administrator, be made avail-
 20 able to the city of San Bernardino municipal water depart-
 21 ment for that project: Provided further, That, notwith-
 22 standing the joint explanatory statement of the Committee
 23 on Appropriations of the House of Representatives accom-
 24 panying the Consolidated Appropriations Act, 2008 (Public
 25 Law 110–161; 121 Stat. 1844), from funds made available

1 *by that Act for the State and Tribal Assistance Grants pro-*
2 *gram, \$170,800 may, at the discretion of the Administrator,*
3 *be made available to the city of Prescott for a wastewater*
4 *treatment plant construction project and \$129,200 may, at*
5 *the discretion of the Administrator, be made available to*
6 *the city of Wichita for a storm water technology pilot*
7 *project: Provided further, That, notwithstanding the joint*
8 *explanatory statement of the Committee on Appropriations*
9 *of the House of Representatives accompanying the Omnibus*
10 *Appropriations Act, 2009 (Public Law 111–8; 123 Stat.*
11 *524), the amount of \$185,000 made available to the city*
12 *of Manhattan for the sewer mainline extension project (as*
13 *described in the table entitled “Congressionally Designated*
14 *Spending” contained in section 430 of that joint explana-*
15 *tory statement) may, at the discretion of the Administrator,*
16 *be made available to the city of Manhattan for a water*
17 *mainline extension project: Provided further, That, notwith-*
18 *standing the joint explanatory statement of the Committee*
19 *on Appropriations of the House of Representatives accom-*
20 *panying the Omnibus Appropriations Act, 2009 (Public*
21 *Law 111–8; 123 Stat. 524), the amount of \$290,000 made*
22 *available to the Riley County Board of Commissioners for*
23 *the Konza Sewer Main Extension project (as described in*
24 *the table entitled “Congressionally Designated Spending”*
25 *contained in section 430 of that joint explanatory state-*

1 ment) may, at the discretion of the Administrator, be made
 2 available to the city of Manhattan for the Konza Water
 3 Main Extension project: Provided further, That, notwith-
 4 standing the joint explanatory statement of the Committee
 5 on Appropriations of the House of Representatives accom-
 6 panying Public Law 111–8 (123 Stat. 524), the amount
 7 of \$1,300,000 made available to the City of Warrensburg,
 8 Missouri for a drinking water and wastewater infrastruc-
 9 ture project (as described in the table entitled “Congression-
 10 ally Designated Spending” contained in section 430 of that
 11 joint explanatory statement) may, at the discretion of the
 12 Administrator, be made available to Johnson County, Mis-
 13 souri for that project: Provided further, That, notwith-
 14 standing the joint explanatory statement of the Committee
 15 on Appropriations of the House of Representatives accom-
 16 panying Public Law 111–8 (123 Stat. 524), the amount
 17 of \$1,000,000 made available to the City of Gravois Mills
 18 for wastewater infrastructure (as described in the table enti-
 19 tled “Congressionally Designated Spending” contained in
 20 section 430 of that joint explanatory statement) may, at
 21 the discretion of the Administrator, be made available to
 22 the Gravois Arm Sewer District for that project: Provided
 23 further, That, notwithstanding the joint explanatory state-
 24 ment of the Committee on Appropriations of the House of
 25 Representatives accompanying Public Law 111–8 (123

1 *Stat. 524), the amount of \$500,000 made available to*
 2 *McDonald County, Missouri for a wastewater infrastruc-*
 3 *ture expansion project (as described in the table entitled*
 4 *“Congressionally Designated Spending” contained in sec-*
 5 *tion 430 of that joint explanatory statement) may, at the*
 6 *discretion of the Administrator, be made available to*
 7 *PWSD #1 of McDonald County, Missouri for that project:*
 8 *Provided further, That, notwithstanding the joint explana-*
 9 *tory statement of the Committee on Appropriations of the*
 10 *House of Representatives accompanying Public Law 110–*
 11 *161 (121 Stat. 1844), the amount of \$150,000 made avail-*
 12 *able to the City of Hayti, Pemiscot Consolidated Public*
 13 *Water Supply District 1 for a Water Storage Tank (as de-*
 14 *scribed in the section entitled “STAG Infrastructure*
 15 *Grants/Congressional Priorities” on page 1264 of the joint*
 16 *explanatory statement) may, at the discretion of the Ad-*
 17 *ministrator, be made available to Pemiscot Consolidated*
 18 *Public Water Supply District 1 for a drinking water source*
 19 *protection infrastructure project: Provided further, That,*
 20 *notwithstanding the joint explanatory statement of the*
 21 *Committee on Appropriations of the House of Representa-*
 22 *tives accompanying Public Law 111–8 (123 Stat. 524), the*
 23 *amount of \$400,000 made available to the City of Lake*
 24 *Norden, South Dakota, for wastewater infrastructure im-*
 25 *provements (as described in the table entitled “Congression-*

1 *ally Designated Spending” contained in section 430 of that*
 2 *joint explanatory statement) may, at the discretion of the*
 3 *Administrator, be made available to the City of Lake*
 4 *Norden, South Dakota, for drinking water infrastructure*
 5 *improvements.*

6 *ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL*
 7 *PROTECTION AGENCY*

8 *(INCLUDING RESCISSION OF FUNDS)*

9 *For fiscal year 2010, notwithstanding 31 U.S.C.*
 10 *6303(1) and 6305(1), the Administrator of the Environ-*
 11 *mental Protection Agency, in carrying out the Agency’s*
 12 *function to implement directly Federal environmental pro-*
 13 *grams required or authorized by law in the absence of an*
 14 *acceptable tribal program, may award cooperative agree-*
 15 *ments to federally recognized Indian Tribes or Intertribal*
 16 *consortia, if authorized by their member Tribes, to assist*
 17 *the Administrator in implementing Federal environmental*
 18 *programs for Indian Tribes required or authorized by law,*
 19 *except that no such cooperative agreements may be awarded*
 20 *from funds designated for State financial assistance agree-*
 21 *ments.*

22 *The Administrator of the Environmental Protection*
 23 *Agency is authorized to collect and obligate pesticide reg-*
 24 *istration service fees in accordance with section 33 of the*
 25 *Federal Insecticide, Fungicide, and Rodenticide Act, as*

1 *amended by Public Law 110–94, the Pesticide Registration*
2 *Improvement Renewal Act.*

3 *The Administrator is authorized to transfer up to 50*
4 *percent of the funds appropriated for the Great Lakes Ini-*
5 *tiative under the heading “Environmental Programs and*
6 *Management” to the head of any Federal department or*
7 *agency, with the concurrence of such head, to carry out ac-*
8 *tivities that would support the Great Lakes Restoration Ini-*
9 *tiative and Great Lakes Water Quality Agreement pro-*
10 *grams, projects, or activities; to enter into an interagency*
11 *agreement with the head of such Federal department or*
12 *agency to carry out these activities; and to make grants*
13 *to governmental entities, nonprofit organizations, institu-*
14 *tions, and individuals for planning, research, monitoring,*
15 *outreach, and implementation in furtherance of the Great*
16 *Lakes Restoration Initiative and the Great Lakes Water*
17 *Quality Agreement.*

18 *From unobligated balances to carry out projects and*
19 *activities funded through the State and Tribal Assistance*
20 *Grants Account, \$40,000,000 are permanently rescinded:*
21 *Provided, That no amounts may be rescinded from amounts*
22 *that were designated by Congress as an emergency require-*
23 *ment pursuant to the Concurrent Resolution on the Budget*
24 *or the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985, as amended.*

1 *GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION*2 *AGENCY*3 *BLACK CARBON*

4 *SEC. 201. (a) Not later than 18 months after the date*
5 *of enactment of this Act, the Administrator, in consultation*
6 *with other Federal agencies, may carry out and submit to*
7 *Congress the results of a study to define black carbon, assess*
8 *the impacts of black carbon on global and regional climate,*
9 *and identify the most cost-effective ways to reduce black car-*
10 *bon emissions—*

11 *(1) to improve global and domestic public health;*

12 *and*

13 *(2) to mitigate the climate impacts of black car-*

14 *bon.*

15 *(b) In carrying out the study, the Administrator*

16 *shall—*

17 *(1) identify global and domestic black carbon*

18 *sources, the quantities of emissions from those sources,*

19 *and cost-effective mitigation technologies and strate-*

20 *gies;*

21 *(2) evaluate the public health, climate, and eco-*

22 *nom ic impacts of black carbon;*

23 *(3) identify current and practicable future op-*

24 *portunities to provide financial, technical, and re-*

1 *lated assistance to reduce domestic and international*
 2 *black carbon emissions; and*

3 *(4) identify opportunities for future research and*
 4 *development to reduce black carbon emissions and*
 5 *protect public health in the United States and inter-*
 6 *nationally.*

7 *(c) Of the amounts made available under this title*
 8 *under the heading “ENVIRONMENTAL PROGRAMS AND MAN-*
 9 *AGEMENT” for operations and administration, up to*
 10 *\$2,000,000 shall be—*

11 *(1) transferred to the account used to fund the*
 12 *Office of Air Quality Planning and Standards of the*
 13 *Environmental Protection Agency; and*

14 *(2) used by the Administrator to carry out this*
 15 *section.*

16 *TITLE III*

17 *RELATED AGENCIES*

18 *DEPARTMENT OF AGRICULTURE*

19 *FOREST SERVICE*

20 *FOREST AND RANGELAND RESEARCH*

21 *For necessary expenses of forest and rangeland re-*
 22 *search as authorized by law, \$307,012,000, to remain avail-*
 23 *able until expended: Provided, That of the funds provided,*
 24 *\$66,939,000 is for the forest inventory and analysis pro-*
 25 *gram.*

1 *STATE AND PRIVATE FORESTRY*

2 *For necessary expenses of cooperating with and pro-*
3 *viding technical and financial assistance to States, terri-*
4 *ories, possessions, and others, and for forest health manage-*
5 *ment, 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, coopera-*
8 *tive forestry, and education and land conservation activi-*
9 *ties and conducting an international program as author-*
10 *ized, \$276,946,000, to remain available until expended, as*
11 *authorized by law; and of which \$55,145,000 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 other-*
16 *wise provided for, for management, protection, improve-*
17 *ment, and utilization of the National Forest System,*
18 *\$1,552,429,000, to remain available until expended, which*
19 *shall include 50 percent of all moneys received during prior*
20 *fiscal years as fees collected under the Land and Water Con-*
21 *servation Fund Act of 1965, as amended, in accordance*
22 *with section 4 of the Act (16 U.S.C. 460l–6a(i)) and of*
23 *which \$2,000,000 may be made available to the Pest and*
24 *Disease Revolving Loan Fund established by section*
25 *10205(b) of the Food, Conservation, and Energy Act of 2008*

1 *(16 U.S.C. 2104a(b)): Provided, That, through fiscal year*
 2 *2014, the Secretary of Agriculture may authorize the ex-*
 3 *penditure or transfer of such sums as are necessary to the*
 4 *Secretary of the Interior for removal, preparation and*
 5 *adoption of excess wild horses and burros from National*
 6 *Forest System lands and for the performance of cadastral*
 7 *surveys to designate the boundaries of such lands: Provided*
 8 *further, That \$282,617,000 shall be made available for*
 9 *recreation, heritage, and wilderness.*

10 *CAPITAL IMPROVEMENT AND MAINTENANCE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For necessary expenses of the Forest Service, not other-*
 13 *wise provided for, \$513,418,000, to remain available until*
 14 *expended, for construction, capital improvement, mainte-*
 15 *nance and acquisition of buildings and other facilities and*
 16 *infrastructure; and for construction, capital improvement,*
 17 *decommissioning, and maintenance of forest roads and*
 18 *trails by the Forest Service as authorized by 16 U.S.C. 532–*
 19 *538 and 23 U.S.C. 101 and 205: Provided, That*
 20 *\$50,000,000 shall be designated for urgently needed road*
 21 *decommissioning, road and trail repair and maintenance*
 22 *and associated activities, and removal of fish passage bar-*
 23 *riers, especially in areas where Forest Service roads may*
 24 *be contributing to water quality problems in streams and*
 25 *water bodies which support threatened, endangered or sen-*

1 *sitive species or community water sources: Provided further,*
 2 *That up to \$40,000,000 of the funds provided herein for*
 3 *road maintenance shall be available for the decommis-*
 4 *sioning of roads, including unauthorized roads not part of*
 5 *the transportation system, which are no longer needed: Pro-*
 6 *vided further, That no funds shall be expended to decommis-*
 7 *sion any system road until notice and an opportunity for*
 8 *public comment has been provided on each decommissioning*
 9 *project: Provided further, That the decommissioning of un-*
 10 *authorized roads not part of the official transportation sys-*
 11 *tem shall be expedited in response to threats to public safety,*
 12 *water quality, or natural resources: Provided further, That*
 13 *funds becoming available in fiscal year 2010 under the Act*
 14 *of March 4, 1913 (16 U.S.C. 501) shall be transferred to*
 15 *the General Fund of the Treasury and shall not be available*
 16 *for transfer or obligation for any other purpose unless the*
 17 *funds are appropriated.*

18 *LAND ACQUISITION*

19 *For expenses necessary to carry out the provisions of*
 20 *the Land and Water Conservation Fund Act of 1965, as*
 21 *amended (16 U.S.C. 460l–4 through 11), including admin-*
 22 *istrative expenses, and for acquisition of land or waters,*
 23 *or interest therein, in accordance with statutory authority*
 24 *applicable to the Forest Service, \$67,784,000, to be derived*

1 *from the Land and Water Conservation Fund and to re-*
 2 *main available until expended.*

3 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*
 4 *ACTS*

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

11 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

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

21 *RANGE BETTERMENT FUND*

22 *For necessary expenses of range rehabilitation, protec-*
 23 *tion, and improvement, 50 percent of all moneys received*
 24 *during the prior fiscal year, as fees for grazing domestic*
 25 *livestock on lands in National Forests in the 16 Western*

1 *States, pursuant to section 401(b)(1) of Public Law 94–*
 2 *579, as amended, to remain available until expended, of*
 3 *which not to exceed 6 percent shall be available for adminis-*
 4 *trative expenses associated with on-the-ground range reha-*
 5 *bilitation, 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 manage*
 14 *Federal lands in Alaska for subsistence uses under title VIII*
 15 *of the Alaska National Interest Lands Conservation Act*
 16 *(Public Law 96–487), \$2,582,000, to remain available until*
 17 *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 lands*
 23 *under fire protection agreement, hazardous fuels reduction*
 24 *on or adjacent to such lands, and for emergency rehabilita-*
 25 *tion of burned-over National Forest System lands and*

1 *water, \$1,817,637,000, to remain available until expended:*
2 *Provided, That such funds including unobligated balances*
3 *under this heading, are available for repayment of advances*
4 *from other appropriations accounts previously transferred*
5 *for such purposes: Provided further, That such funds shall*
6 *be available to reimburse State and other cooperating enti-*
7 *ties for services provided in response to wildfire and other*
8 *emergencies or disasters to the extent such reimbursements*
9 *by the Forest Service for non-fire emergencies are fully re-*
10 *paid by the responsible emergency management agency:*
11 *Provided further, That, notwithstanding any other provi-*
12 *sion of law, \$8,000,000 of funds appropriated under this*
13 *appropriation shall be used for Fire Science Research in*
14 *support of the Joint Fire Science Program: Provided fur-*
15 *ther, That all authorities for the use of funds, including the*
16 *use of contracts, grants, and cooperative agreements, avail-*
17 *able to execute the Forest and Rangeland Research appro-*
18 *priation, are also available in the utilization of these funds*
19 *for Fire Science Research: Provided further, That funds*
20 *provided shall be available for emergency rehabilitation and*
21 *restoration, hazardous fuels reduction activities in the*
22 *urban-wildland interface, support to Federal emergency re-*
23 *sponse, and wildfire suppression activities of the Forest*
24 *Service: Provided further, That of the funds provided,*
25 *\$340,285,000 is for hazardous fuels reduction activities,*

1 \$11,500,000 is for rehabilitation and restoration,
 2 \$23,917,000 is for research activities and to make competi-
 3 tive research grants pursuant to the Forest and Rangeland
 4 Renewable Resources Research Act, as amended (16 U.S.C.
 5 1641 et seq.), \$56,250,000 is for State fire assistance,
 6 \$9,000,000 is for volunteer fire assistance, \$17,252,000 is
 7 for forest health activities on Federal lands and \$9,928,000
 8 is for forest health activities on State and private lands:
 9 Provided further, That amounts in this paragraph may be
 10 transferred to the “State and Private Forestry”, “National
 11 Forest System”, and “Forest and Rangeland Research” ac-
 12 counts to fund State fire assistance, volunteer fire assist-
 13 ance, forest health management, forest and rangeland re-
 14 search, the Joint Fire Science Program, vegetation and wa-
 15 tershed management, heritage site rehabilitation, and wild-
 16 life and fish habitat management and restoration: Provided
 17 further, That up to \$15,000,000 of the funds provided under
 18 this heading for hazardous fuels treatments may be trans-
 19 ferred to and made a part of the “National Forest System”
 20 account at the sole discretion of the Chief of the Forest Serv-
 21 ice 30 days after notifying the House and the Senate Com-
 22 mittees on Appropriations: Provided further, That the costs
 23 of implementing any cooperative agreement between the
 24 Federal Government and any non-Federal entity may be
 25 shared, as mutually agreed on by the affected parties: Pro-

1 *vided further, That in addition to funds provided for State*
2 *Fire Assistance programs, and subject to all authorities*
3 *available to the Forest Service under the State and Private*
4 *Forestry Appropriation, up to \$15,000,000 may be used on*
5 *adjacent non-Federal lands for the purpose of protecting*
6 *communities when hazard reduction activities are planned*
7 *on national forest lands that have the potential to place*
8 *such communities at risk: Provided further, That funds*
9 *made available to implement the Community Forest Res-*
10 *toration Act, Public Law 106–393, title VI, shall be avail-*
11 *able for use on non-Federal lands in accordance with au-*
12 *thorities available to the Forest Service under the State and*
13 *Private Forestry Appropriation: Provided further, That the*
14 *Secretary of the Interior and the Secretary of Agriculture*
15 *may authorize the transfer of funds appropriated for*
16 *wildland fire management, in an aggregate amount not to*
17 *exceed \$10,000,000, between the Departments when such*
18 *transfers would facilitate and expedite jointly funded*
19 *wildland fire management programs and projects: Provided*
20 *further, That of the funds provided for hazardous fuels re-*
21 *duction, not to exceed \$10,000,000, may be used to make*
22 *grants, using any authorities available to the Forest Service*
23 *under the State and Private Forestry appropriation, for the*
24 *purpose of creating incentives for increased use of biomass*
25 *from national forest lands: Provided further, That funds*

1 *designated for wildfire suppression shall be assessed for cost*
 2 *pools on the same basis as such assessments are calculated*
 3 *against other agency programs.*

4 *COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND*

5 *For expenses authorized by section 4003(f) of the Om-*
 6 *nibus Public Land Management Act of 2009 (16 U.S.C.*
 7 *7303(f)), \$10,000,000, to remain available until expended.*

8 *ADMINISTRATIVE PROVISIONS, FOREST SERVICE*

9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *Appropriations to the Forest Service for the current*
 11 *fiscal year shall be available for: (1) purchase of passenger*
 12 *motor vehicles; acquisition of passenger motor vehicles from*
 13 *excess sources, and hire of such vehicles; purchase, lease, op-*
 14 *eration, maintenance, and acquisition of aircraft from ex-*
 15 *cess sources to maintain the operable fleet for use in Forest*
 16 *Service wildland fire programs and other Forest Service*
 17 *programs; notwithstanding other provisions of law, existing*
 18 *aircraft being replaced may be sold, with proceeds derived*
 19 *or trade-in value used to offset the purchase price for the*
 20 *replacement aircraft; (2) services pursuant to 7 U.S.C.*
 21 *2225, and not to exceed \$100,000 for employment under 5*
 22 *U.S.C. 3109; (3) purchase, erection, and alteration of build-*
 23 *ings and other public improvements (7 U.S.C. 2250); (4)*
 24 *acquisition of land, waters, and interests therein pursuant*
 25 *to 7 U.S.C. 428a; (5) for expenses pursuant to the Volun-*

1 *teers in the National Forest Act of 1972 (16 U.S.C. 558a,*
 2 *558d, and 558a note); (6) the cost of uniforms as authorized*
 3 *by 5 U.S.C. 5901–5902; and (7) for debt collection contracts*
 4 *in accordance with 31 U.S.C. 3718(c).*

5 *Any appropriations or funds available to the Forest*
 6 *Service may be transferred to the Wildland Fire Manage-*
 7 *ment appropriation for wildland firefighting, emergency re-*
 8 *habilitation of burned-over or damaged lands or waters*
 9 *under its jurisdiction, and fire preparedness due to severe*
 10 *burning conditions upon notification of the Committees on*
 11 *Appropriations for the House of Representatives and Senate*
 12 *if the Secretary of Agriculture determines that all emer-*
 13 *gency fire suppression funds appropriated under the head-*
 14 *ing “Wildland Fire Management” will be fully obligated*
 15 *within 30 days.*

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

1 *None of the funds made available to the Forest Service*
2 *in this Act or any other Act with respect to any fiscal year*
3 *shall be subject to transfer under the provisions of section*
4 *702(b) of the Department of Agriculture Organic Act of*
5 *1944 (7 U.S.C. 2257), section 442 of Public Law 106–224*
6 *(7 U.S.C. 7772), or section 10417(b) of Public Law 107–*
7 *107 (7 U.S.C. 8316(b)).*

8 *None of the funds available to the Forest Service may*
9 *be reprogrammed without the advance approval of the*
10 *House and Senate Committees on Appropriations in ac-*
11 *cordance with the reprogramming procedures contained in*
12 *title IV of this Act.*

13 *Not more than \$88,785,000 of funds available to the*
14 *Forest Service shall be transferred to the Working Capital*
15 *Fund of the Department of Agriculture and not more than*
16 *\$19,400,000 of funds available to the Forest Service shall*
17 *be transferred to the Department of Agriculture for Depart-*
18 *ment Reimbursable Programs, commonly referred to as*
19 *Greenbook charges. Nothing in this paragraph shall pro-*
20 *hibit or limit the use of reimbursable agreements requested*
21 *by the Forest Service in order to obtain services from the*
22 *Department of Agriculture’s National Information Tech-*
23 *nology Center.*

24 *Funds available to the Forest Service shall be available*
25 *to conduct a program of up to \$5,000,000 for priority*

1 *projects within the scope of the approved budget, of which*
2 *\$2,500,000 shall be carried out by the Youth Conservation*
3 *Corps and \$2,500,000 shall be carried out under the author-*
4 *ity of the Public Lands Corps Healthy Forests Restoration*
5 *Act of 2005, Public Law 109–154.*

6 *Of the funds available to the Forest Service, \$4,000 is*
7 *available to the Chief of the Forest Service for official recep-*
8 *tion and representation expenses.*

9 *Pursuant to sections 405(b) and 410(b) of Public Law*
10 *101–593, of the funds available to the Forest Service, up*
11 *to \$2,000,000 may be advanced in a lump sum to the Na-*
12 *tional Forest Foundation to aid conservation partnership*
13 *projects in support of the Forest Service mission, without*
14 *regard to when the Foundation incurs expenses, for admin-*
15 *istrative expenses or projects on or benefitting National*
16 *Forest System lands or related to Forest Service programs:*
17 *Provided, That, of the Federal funds made available to the*
18 *Foundation, no more than \$200,000 shall be available for*
19 *administrative expenses: Provided further, That the Foun-*
20 *dation shall obtain, by the end of the period of Federal fi-*
21 *nancial assistance, private contributions to match on at*
22 *least one-for-one basis funds made available by the Forest*
23 *Service: Provided further, That the Foundation may trans-*
24 *fer Federal funds to Federal or a non-Federal recipient for*
25 *a project at the same rate that the recipient has obtained*

1 *the non-Federal matching funds: Provided further, That au-*
 2 *thorized investments of Federal funds held by the Founda-*
 3 *tion may be made only in interest-bearing obligations of*
 4 *the United States or in obligations guaranteed as to both*
 5 *principal and interest by the United States.*

6 *Pursuant to section 2(b)(2) of Public Law 98-244,*
 7 *\$2,650,000 of the funds available to the Forest Service shall*
 8 *be advanced to the National Fish and Wildlife Foundation*
 9 *in a lump sum to aid cost-share conservation projects, with-*
 10 *out regard to when expenses are incurred, on or benefitting*
 11 *National Forest System lands or related to Forest Service*
 12 *programs: Provided, That such funds shall be matched on*
 13 *at least a one-for-one basis by the Foundation or its sub-*
 14 *recipients: Provided further, That the Foundation may*
 15 *transfer Federal funds to a Federal or non-Federal recipient*
 16 *for a project at the same rate that the recipient has obtained*
 17 *the non-Federal matching funds.*

18 *Funds appropriated to the Forest Service shall be*
 19 *available for interactions with and providing technical as-*
 20 *sistance to rural communities and natural resource-based*
 21 *businesses for sustainable rural development purposes.*

22 *Funds appropriated to the Forest Service shall be*
 23 *available for payments to counties within the Columbia*
 24 *River Gorge National Scenic Area, pursuant to section*

1 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
2 663.

3 *An eligible individual who is employed in any project*
4 *funded under title V of the Older American Act of 1965*
5 *(42 U.S.C. 3056 et seq.) and administered by the Forest*
6 *Service shall be considered to be a Federal employee for pur-*
7 *poses of chapter 171 of title 28, United States Code.*

8 *Any funds appropriated to the Forest Service may be*
9 *used to meet the non-Federal share requirement in section*
10 *502(c) of the Older American Act of 1965 (42 U.S.C.*
11 *3056(c)(2)).*

12 *Funds available to the Forest Service, not to exceed*
13 *\$55,000,000, shall be assessed for the purpose of performing*
14 *fire, administrative and other facilities maintenance. Such*
15 *assessments shall occur using a square foot rate charged on*
16 *the same basis the agency uses to assess programs for pay-*
17 *ment of rent, utilities, and other support services.*

18 *Notwithstanding any other provision of law, any ap-*
19 *propriations or funds available to the Forest Service not*
20 *to exceed \$500,000 may be used to reimburse the Office of*
21 *the General Counsel (OGC), Department of Agriculture, for*
22 *travel and related expenses incurred as a result of OGC as-*
23 *sistance or participation requested by the Forest Service at*
24 *meetings, training sessions, management reviews, land pur-*
25 *chase negotiations and similar non-litigation related mat-*

1 *ters. Future budget justifications for both the Forest Service*
 2 *and the Department of Agriculture should clearly display*
 3 *the sums previously transferred and the requested funding*
 4 *transfers.*

5 *Funds provided to the Forest Service in this Act may*
 6 *be used for the purpose of expenses associated with primary*
 7 *and secondary schooling for the 2009–2010 school year of*
 8 *dependents of agency personnel stationed in Puerto Rico,*
 9 *at a cost not in excess of those authorized by the Department*
 10 *of Defense for that same area, when it is determined by*
 11 *the Chief of the Forest Service that public schools available*
 12 *in the locality are unable to provide adequately for the edu-*
 13 *cation of such dependents.*

14 *DEPARTMENT OF HEALTH AND HUMAN*
 15 *SERVICES*

16 *INDIAN HEALTH SERVICE*

17 *INDIAN HEALTH SERVICES*

18 *For expenses necessary to carry out the Act of August*
 19 *5, 1954 (68 Stat. 674), the Indian Self-Determination Act,*
 20 *the Indian Health Care Improvement Act, and titles II and*
 21 *III of the Public Health Service Act with respect to the In-*
 22 *dian Health Service, \$3,639,868,000, together with pay-*
 23 *ments received during the fiscal year pursuant to 42 U.S.C.*
 24 *238(b) and 238b for services furnished by the Indian Health*
 25 *Service: Provided, That funds made available to tribes and*

1 *tribal organizations through contracts, grant agreements, or*
2 *any other agreements or compacts authorized by the Indian*
3 *Self-Determination and Education Assistance Act of 1975*
4 *(25 U.S.C. 450), shall be deemed to be obligated at the time*
5 *of the grant or contract award and thereafter shall remain*
6 *available to the tribe or tribal organization without fiscal*
7 *year limitation: Provided further, That \$779,347,000 for*
8 *contract medical care, including \$48,000,000 for the Indian*
9 *Catastrophic Health Emergency Fund, shall remain avail-*
10 *able until expended: Provided further, That \$18,251,000 is*
11 *provided for Headquarters operations and information*
12 *technology activities and, notwithstanding any other provi-*
13 *sion of law, the amount available under this proviso shall*
14 *be allocated at the discretion of the Director of the Indian*
15 *Health Service: Provided further, That of the funds pro-*
16 *vided, up to \$32,000,000 shall remain available until ex-*
17 *pended for implementation of the loan repayment program*
18 *under section 108 of the Indian Health Care Improvement*
19 *Act: Provided further, That \$16,391,000 is provided for the*
20 *methamphetamine and suicide prevention and treatment*
21 *initiative and \$7,500,000 is provided for the domestic vio-*
22 *lence prevention initiative and, notwithstanding any other*
23 *provision of law, the amounts available under this proviso*
24 *shall be allocated at the discretion of the Director of the*
25 *Indian Health Service and shall remain available until ex-*

1 *pended: Provided further, That funds provided in this Act*
2 *may be used for annual contracts and grants that fall with-*
3 *in two fiscal years, provided the total obligation is recorded*
4 *in the year the funds are appropriated: Provided further,*
5 *That the amounts collected by the Secretary of Health and*
6 *Human Services under the authority of title IV of the In-*
7 *dian Health Care Improvement Act shall remain available*
8 *until expended for the purpose of achieving compliance with*
9 *the applicable conditions and requirements of titles XVIII*
10 *and XIX of the Social Security Act, except for those related*
11 *to the planning, design, or construction of new facilities:*
12 *Provided further, That funding contained herein for schol-*
13 *arship programs under the Indian Health Care Improve-*
14 *ment Act (25 U.S.C. 1613) shall remain available until ex-*
15 *pended: Provided further, That amounts received by tribes*
16 *and tribal organizations under title IV of the Indian Health*
17 *Care Improvement Act shall be reported and accounted for*
18 *and available to the receiving tribes and tribal organiza-*
19 *tions until expended: Provided further, That, notwith-*
20 *standing any other provision of law, of the amounts pro-*
21 *vided herein, not to exceed \$389,490,000 shall be for pay-*
22 *ments to tribes and tribal organizations for contract or*
23 *grant support costs associated with contracts, grants, self-*
24 *governance compacts, or annual funding agreements be-*
25 *tween the Indian Health Service and a tribe or tribal orga-*

1 nization pursuant to the Indian Self-Determination Act of
 2 1975, as amended, prior to or during fiscal year 2010, of
 3 which not to exceed \$5,000,000 may be used for contract
 4 support costs associated with new or expanded self-deter-
 5 mination contracts, grants, self-governance compacts, or
 6 annual funding agreements: Provided further, That the Bu-
 7 reau of Indian Affairs may collect from the Indian Health
 8 Service, tribes and tribal organizations operating health fa-
 9 cilities pursuant to Public Law 93–638, such individually
 10 identifiable health information relating to disabled children
 11 as may be necessary for the purpose of carrying out its
 12 functions under the Individuals with Disabilities Edu-
 13 cation Act (20 U.S.C. 1400, et seq.): Provided further, That
 14 the Indian Health Care Improvement Fund may be used,
 15 as needed, to carry out activities typically funded under
 16 the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

18 For construction, repair, maintenance, improvement,
 19 and equipment of health and related auxiliary facilities, in-
 20 cluding quarters for personnel; preparation of plans, speci-
 21 fications, and drawings; acquisition of sites, purchase and
 22 erection of modular buildings, and purchases of trailers;
 23 and for provision of domestic and community sanitation
 24 facilities for Indians, as authorized by section 7 of the Act
 25 of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-

1 *mination Act, and the Indian Health Care Improvement*
 2 *Act, and for expenses necessary to carry out such Acts and*
 3 *titles II and III of the Public Health Service Act with re-*
 4 *spect to environmental health and facilities support activi-*
 5 *ties of the Indian Health Service, \$394,757,000, to remain*
 6 *available until expended: Provided, That notwithstanding*
 7 *any other provision of law, funds appropriated for the plan-*
 8 *ning, design, construction, renovation or expansion of*
 9 *health facilities for the benefit of an Indian tribe or tribes*
 10 *may be used to purchase land on which such facilities will*
 11 *be located: Provided further, That not to exceed \$500,000*
 12 *shall be used by the Indian Health Service to purchase*
 13 *TRANSAM equipment from the Department of Defense for*
 14 *distribution to the Indian Health Service and tribal facili-*
 15 *ties: Provided further, That none of the funds appropriated*
 16 *to the Indian Health Service may be used for sanitation*
 17 *facilities construction for new homes funded with grants by*
 18 *the housing programs of the United States Department of*
 19 *Housing and Urban Development: Provided further, That*
 20 *not to exceed \$2,700,000 from this account and the “Indian*
 21 *Health Services” account shall be used by the Indian Health*
 22 *Service to obtain ambulances for the Indian Health Service*
 23 *and tribal facilities in conjunction with an existing inter-*
 24 *agency agreement between the Indian Health Service and*
 25 *the General Services Administration: Provided further,*

1 *That not to exceed \$500,000 shall be placed in a Demolition*
 2 *Fund, to remain available until expended, and be used by*
 3 *the Indian Health Service for the demolition of Federal*
 4 *buildings.*

5 *ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE*

6 *Appropriations provided in this Act to the Indian*
 7 *Health Service shall be available for services as authorized*
 8 *by 5 U.S.C. 3109 at rates not to exceed the per diem rate*
 9 *equivalent to the maximum rate payable for senior-level po-*
 10 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*
 11 *cles and aircraft; purchase of medical equipment; purchase*
 12 *of reprints; purchase, renovation and erection of modular*
 13 *buildings and renovation of existing facilities; payments for*
 14 *telephone service in private residences in the field, when au-*
 15 *thorized under regulations approved by the Secretary; uni-*
 16 *forms or allowances therefor as authorized by 5 U.S.C.*
 17 *5901–5902; and for expenses of attendance at meetings that*
 18 *relate to the functions or activities of the Indian Health*
 19 *Service.*

20 *In accordance with the provisions of the Indian Health*
 21 *Care Improvement Act, non-Indian patients may be ex-*
 22 *tended health care at all tribally administered or Indian*
 23 *Health Service facilities, subject to charges, and the pro-*
 24 *ceeds along with funds recovered under the Federal Medical*
 25 *Care Recovery Act (42 U.S.C. 2651–2653) shall be credited*

1 *to the account of the facility providing the service and shall*
2 *be available without fiscal year limitation. Notwith-*
3 *standing any other law or regulation, funds transferred*
4 *from the Department of Housing and Urban Development*
5 *to the Indian Health Service shall be administered under*
6 *Public Law 86–121, the Indian Sanitation Facilities Act*
7 *and Public Law 93–638, as amended.*

8 *Funds appropriated to the Indian Health Service in*
9 *this Act, except those used for administrative and program*
10 *direction purposes, shall not be subject to limitations di-*
11 *rected at curtailing Federal travel and transportation.*

12 *None of the funds made available to the Indian Health*
13 *Service in this Act shall be used for any assessments or*
14 *charges by the Department of Health and Human Services*
15 *unless identified in the budget justification and provided*
16 *in this Act, or approved by the House and Senate Commit-*
17 *tees on Appropriations through the reprogramming process.*

18 *Notwithstanding any other provision of law, funds*
19 *previously or herein made available to a tribe or tribal or-*
20 *ganization through a contract, grant, or agreement author-*
21 *ized by title I or title V of the Indian Self-Determination*
22 *and Education Assistance Act of 1975 (25 U.S.C. 450), may*
23 *be deobligated and reobligated to a self-determination con-*
24 *tract under title I, or a self-governance agreement under*
25 *title V of such Act and thereafter shall remain available*

1 *to the tribe or tribal organization without fiscal year limi-*
2 *tation.*

3 *None of the funds made available to the Indian Health*
4 *Service in this Act shall be used to implement the final rule*
5 *published in the Federal Register on September 16, 1987,*
6 *by the Department of Health and Human Services, relating*
7 *to the eligibility for the health care services of the Indian*
8 *Health Service until the Indian Health Service has sub-*
9 *mitted a budget request reflecting the increased costs associ-*
10 *ated with the proposed final rule, and such request has been*
11 *included in an appropriations Act and enacted into law.*

12 *With respect to functions transferred by the Indian*
13 *Health Service to tribes or tribal organizations, the Indian*
14 *Health Service is authorized to provide goods and services*
15 *to those entities on a reimbursable basis, including pay-*
16 *ments in advance with subsequent adjustment. The reim-*
17 *bursements received therefrom, along with the funds received*
18 *from those entities pursuant to the Indian Self-Determina-*
19 *tion Act, may be credited to the same or subsequent appro-*
20 *priation account from which the funds were originally de-*
21 *rived, with such amounts to remain available until ex-*
22 *pended.*

23 *Reimbursements for training, technical assistance, or*
24 *services provided by the Indian Health Service will contain*
25 *total costs, including direct, administrative, and overhead*

1 *associated with the provision of goods, services, or technical*
 2 *assistance.*

3 *The appropriation structure for the Indian Health*
 4 *Service may not be altered without advance notification to*
 5 *the House and Senate Committees on Appropriations.*

6 *NATIONAL INSTITUTES OF HEALTH*

7 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*

8 *SCIENCES*

9 *For necessary expenses for the National Institute of*
 10 *Environmental Health Sciences in carrying out activities*
 11 *set forth in section 311(a) of the Comprehensive Environ-*
 12 *mental Response, Compensation, and Liability Act of 1980,*
 13 *as amended, and section 126(g) of the Superfund Amend-*
 14 *ments and Reauthorization Act of 1986, \$79,212,000.*

15 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*

16 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

17 *For necessary expenses for the Agency for Toxic Sub-*
 18 *stances and Disease Registry (ATSDR) in carrying out ac-*
 19 *tivities set forth in sections 104(i) and 111(c)(4) of the*
 20 *Comprehensive Environmental Response, Compensation,*
 21 *and Liability Act of 1980 (CERCLA), as amended; section*
 22 *118(f) of the Superfund Amendments and Reauthorization*
 23 *Act of 1986 (SARA), as amended; and section 3019 of the*
 24 *Solid Waste Disposal Act, as amended, \$76,792,000, of*
 25 *which up to \$1,000 to remain available until expended, is*

1 *for Individual Learning Accounts for full-time equivalent*
 2 *employees of the Agency for Toxic Substances and Disease*
 3 *Registry: Provided, That notwithstanding any other provi-*
 4 *sion of law, in lieu of performing a health assessment under*
 5 *section 104(i)(6) of CERCLA, the Administrator of ATSDR*
 6 *may conduct other appropriate health studies, evaluations,*
 7 *or activities, including, without limitation, biomedical test-*
 8 *ing, clinical evaluations, medical monitoring, and referral*
 9 *to accredited health care providers: Provided further, That*
 10 *in performing any such health assessment or health study,*
 11 *evaluation, or activity, the Administrator of ATSDR shall*
 12 *not be bound by the deadlines in section 104(i)(6)(A) of*
 13 *CERCLA: Provided further, That none of the funds appro-*
 14 *priated under this heading shall be available for ATSDR*
 15 *to issue in excess of 40 toxicological profiles pursuant to*
 16 *section 104(i) of CERCLA during fiscal year 2010, and ex-*
 17 *isting profiles may be updated as necessary.*

18 *OTHER RELATED AGENCIES*

19 *EXECUTIVE OFFICE OF THE PRESIDENT*

20 *COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF*

21 *ENVIRONMENTAL QUALITY*

22 *For necessary expenses to continue functions assigned*
 23 *to the Council on Environmental Quality and Office of En-*
 24 *vironmental Quality pursuant to the National Environ-*
 25 *mental Policy Act of 1969, the Environmental Quality Im-*

1 *provement Act of 1970, and Reorganization Plan No. 1 of*
 2 *1977, and not to exceed \$750 for official reception and rep-*
 3 *resentation expenses, \$3,159,000: Provided, That notwith-*
 4 *standing section 202 of the National Environmental Policy*
 5 *Act of 1970, the Council shall consist of one member, ap-*
 6 *pointed by the President, by and with the advice and con-*
 7 *sent of the Senate, serving as chairman and exercising all*
 8 *powers, functions, and duties of the Council.*

9 *CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD*

10 *SALARIES AND EXPENSES*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For necessary expenses in carrying out activities pur-*
 13 *suant to section 112(r)(6) of the Clean Air Act, as amended,*
 14 *including hire of passenger vehicles, uniforms or allowances*
 15 *therefor, as authorized by 5 U.S.C. 5901–5902, and for serv-*
 16 *ices authorized by 5 U.S.C. 3109 but at rates for individ-*
 17 *uals not to exceed the per diem equivalent to the maximum*
 18 *rate payable for senior level positions under 5 U.S.C. 5376,*
 19 *\$11,195,000.*

20 *OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Office of Navajo and*
 23 *Hopi Indian Relocation as authorized by Public Law 93–*
 24 *531, \$8,000,000, to remain available until expended: Pro-*
 25 *vided, That funds provided in this or any other appropria-*

1 *tions Act are to be used to relocate eligible individuals and*
 2 *groups including evictees from District 6, Hopi-partitioned*
 3 *lands residents, those in significantly substandard housing,*
 4 *and all others certified as eligible and not included in the*
 5 *preceding categories: Provided further, That none of the*
 6 *funds contained in this or any other Act may be used by*
 7 *the Office of Navajo and Hopi Indian Relocation to evict*
 8 *any single Navajo or Navajo family who, as of November*
 9 *30, 1985, was physically domiciled on the lands partitioned*
 10 *to the Hopi Tribe unless a new or replacement home is pro-*
 11 *vided for such household: Provided further, That no*
 12 *relocatee will be provided with more than one new or re-*
 13 *placement home: Provided further, That the Office shall re-*
 14 *locate any certified eligible relocatees who have selected and*
 15 *received an approved homesite on the Navajo reservation*
 16 *or selected a replacement residence off the Navajo reserva-*
 17 *tion or on the land acquired pursuant to 25 U.S.C. 640d-*
 18 *10.*

19 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*
 20 *CULTURE AND ARTS DEVELOPMENT*

21 *PAYMENT TO THE INSTITUTE*

22 *For payment to the Institute of American Indian and*
 23 *Alaska Native Culture and Arts Development, as authorized*
 24 *by title XV of Public Law 99-498, as amended (20 U.S.C.*
 25 *56 part A), \$8,300,000.*

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$634,161,000, of which not to exceed \$19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which \$1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2011; of which \$250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended; and including such funds as may be necessary to support American overseas research centers:

1 *Provided, That funds appropriated herein are available for*
 2 *advance payments to independent contractors performing*
 3 *research services or participating in official Smithsonian*
 4 *presentations.*

5 *FACILITIES CAPITAL*

6 *For necessary expenses of repair, revitalization, and*
 7 *alteration of facilities owned or occupied by the Smithso-*
 8 *nian Institution, by contract or otherwise, as authorized by*
 9 *section 2 of the Act of August 22, 1949 (63 Stat. 623), and*
 10 *for construction, including necessary personnel,*
 11 *\$125,000,000, to remain available until expended, of which*
 12 *not to exceed \$10,000 is for services as authorized by 5*
 13 *U.S.C. 3109.*

14 *LEGACY FUND*

15 *(INCLUDING RESCISSION OF FUNDS)*

16 *For the purpose of developing a public-private part-*
 17 *nership to facilitate the reopening of the Arts and Industries*
 18 *Building of the Smithsonian Institution, \$30,000,000, to re-*
 19 *main available until expended, for repair, renovation and*
 20 *revitalization of the building: Provided, That such funds*
 21 *shall be matched on a 1:1 basis by private donations: Pro-*
 22 *vided further, That major in-kind donations that contribute*
 23 *significantly to the redesign and purpose of the reopened*
 24 *building be considered to qualify toward the total private*
 25 *match: Provided further, That privately contributed endow-*

1 ments, which are designated for the care and renewal of
 2 permanent exhibitions installed in the Arts and Industries
 3 Building, be considered as qualifying toward the total pri-
 4 vate match: Provided further, That this appropriation may
 5 be made available to the Smithsonian Institution incremen-
 6 tally as private funding becomes available: Provided fur-
 7 ther, That any other provision of law that adjusts the over-
 8 all amount of the Federal appropriation for this account
 9 shall also apply to the privately contributed requirement:
 10 Provided further, That the unobligated balances provided
 11 under this heading in Public Law 110–161 and Public Law
 12 111–8 are hereby rescinded.

13 NATIONAL GALLERY OF ART

14 SALARIES AND EXPENSES

15 For the upkeep and operations of the National Gallery
 16 of Art, the protection and care of the works of art therein,
 17 and administrative expenses incident thereto, as authorized
 18 by the Act of March 24, 1937 (50 Stat. 51), as amended
 19 by the public resolution of April 13, 1939 (Public Resolu-
 20 tion 9, Seventy-sixth Congress), including services as au-
 21 thorized by 5 U.S.C. 3109; payment in advance when au-
 22 thorized by the treasurer of the Gallery for membership in
 23 library, museum, and art associations or societies whose
 24 publications or services are available to members only, or
 25 to members at a price lower than to the general public; pur-

1 chase, repair, and cleaning of uniforms for guards, and uni-
 2 forms, or allowances therefor, for other employees as author-
 3 ized by law (5 U.S.C. 5901–5902); purchase or rental of
 4 devices and services for protecting buildings and contents
 5 thereof, and maintenance, alteration, improvement, and re-
 6 pair of buildings, approaches, and grounds; and purchase
 7 of services for restoration and repair of works of art for
 8 the National Gallery of Art by contracts made, without ad-
 9 vertising, with individuals, firms, or organizations at such
 10 rates or prices and under such terms and conditions as the
 11 Gallery may deem proper, \$110,746,000, of which not to
 12 exceed \$3,386,000 for the special exhibition program shall
 13 remain available until expended.

14 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

15 For necessary expenses of repair, restoration and ren-
 16 ovation of buildings, grounds and facilities owned or occu-
 17 pied by the National Gallery of Art, by contract or other-
 18 wise, as authorized, \$54,499,000, to remain available until
 19 expended: Provided, That of this amount, up to \$40,000,000
 20 shall be available for repair of the National Gallery’s East
 21 Building façade: Provided further, That notwithstanding
 22 any other provision of law, a single procurement for the
 23 foregoing Major Critical Project may be issued which in-
 24 cludes the full scope of the project: Provided further, That
 25 the solicitation and contract shall contain the clause “avail-

1 ability of funds” found at 48 CFR 52.232.18: Provided fur-
 2 ther, That contracts awarded for environmental systems,
 3 protection systems, and exterior repair or renovation of
 4 buildings of the National Gallery of Art may be negotiated
 5 with selected contractors and awarded on the basis of con-
 6 tractor qualifications as well as price.

7 JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS
 8 OPERATIONS AND MAINTENANCE

9 For necessary expenses for the operation, maintenance
 10 and security of the John F. Kennedy Center for the Per-
 11 forming Arts, \$22,500,000.

12 CAPITAL REPAIR AND RESTORATION

13 For necessary expenses for capital repair and restora-
 14 tion of the existing features of the building and site of the
 15 John F. Kennedy Center for the Performing Arts,
 16 \$17,447,000, to remain available until expended.

17 WOODROW WILSON INTERNATIONAL CENTER FOR
 18 SCHOLARS

19 SALARIES AND EXPENSES

20 For expenses necessary in carrying out the provisions
 21 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
 22 1356) including hire of passenger vehicles and services as
 23 authorized by 5 U.S.C. 3109, \$10,225,000.

3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

16 NATIONAL ENDOWMENT FOR THE HUMANITIES
17 GRANTS AND ADMINISTRATION

18 *For necessary expenses to carry out the National Foun-*
19 *ation on the Arts and the Humanities Act of 1965, as*
20 *amended, \$161,315,000, to remain available until ex-*
21 *pended, of which \$147,015,000 shall be available for support*
22 *of activities in the humanities, pursuant to section 7(c) of*
23 *the Act and for administering the functions of the Act; and*
24 *\$14,300,000 shall be available to carry out the matching*
25 *grants program pursuant to section 10(a)(2) of the Act in-*

1 cluding \$9,500,000 for the purposes of section 7(h): Pro-
 2 vided, That appropriations for carrying out section
 3 10(a)(2) shall be available for obligation only in such
 4 amounts as may be equal to the total amounts of gifts, be-
 5 quests, and devises of money, and other property accepted
 6 by the chairman or by grantees of the Endowment under
 7 the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B)
 8 during the current and preceding fiscal years for which
 9 equal amounts have not previously been appropriated.

10 ADMINISTRATIVE PROVISIONS

11 None of the funds appropriated to the National Foun-
 12 dation on the Arts and the Humanities may be used to
 13 process any grant or contract documents which do not in-
 14 clude the text of 18 U.S.C. 1913.

15 None of the funds appropriated to the National Foun-
 16 dation on the Arts and the Humanities may be used for
 17 official reception and representation expenses: Provided,
 18 That funds from nonappropriated sources may be used as
 19 necessary for official reception and representation expenses.

20 The Chairperson of the National Endowment for the
 21 Arts may approve grants of up to \$10,000, if in the aggre-
 22 gate this amount does not exceed 5 percent of the sums ap-
 23 propriated for grant-making purposes per year: Provided,
 24 That such small grant actions are taken pursuant to the

1 *terms of an expressed and direct delegation of authority*
 2 *from the National Council on the Arts to the Chairperson.*

3 *COMMISSION OF FINE ARTS*

4 *SALARIES AND EXPENSES*

5 *For expenses made necessary by the Act establishing*
 6 *a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000:*
 7 *Provided, That the Commission is authorized to charge fees*
 8 *to cover the full costs of its publications, and such fees shall*
 9 *be credited to this account as an offsetting collection, to re-*
 10 *main available until expended without further appropria-*
 11 *tion: Provided further, That the Commission is authorized*
 12 *to accept gifts, including objects, papers, artwork, drawings*
 13 *and artifacts, that pertain to the history and design of the*
 14 *Nation's Capital or the history and activities of the Com-*
 15 *mission of Fine Arts, for the purpose of artistic display,*
 16 *study or education.*

17 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

18 *For necessary expenses as authorized by Public Law*
 19 *99–190 (20 U.S.C. 956a), as amended, \$9,500,000: Pro-*
 20 *vided, That no organization shall receive a grant in excess*
 21 *of \$650,000 in a single year.*

22 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the Advisory Council on His-*
 25 *toric 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 Sched-*
 3 *ule or higher positions.*

4 *NATIONAL CAPITAL PLANNING COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses, as authorized by the National*
 7 *Capital Planning Act of 1952 (40 U.S.C. 71–71i), includ-*
 8 *ing services as authorized by 5 U.S.C. 3109, \$8,507,000:*
 9 *Provided, That one-quarter of 1 percent of the funds pro-*
 10 *vided under this heading may be used for official reception*
 11 *and representational expenses associated with hosting inter-*
 12 *national visitors engaged in the planning and physical de-*
 13 *velopment 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. 2301–2310),*
 18 *\$49,122,000, of which \$515,000 for the Museum’s equipment*
 19 *replacement program, \$1,900,000 for the museum’s repair*
 20 *and rehabilitation program and \$1,264,000 for the muse-*
 21 *um’s exhibition design and production program shall re-*
 22 *main available until expended.*

1 *PRESIDIO TRUST*

2 *PRESIDIO TRUST FUND*

3 *For necessary expenses to carry out title I of the Omni-*
 4 *bus Parks and Public Lands Management Act of 1996,*
 5 *\$17,230,000 shall be available to the Presidio Trust, to re-*
 6 *main available until expended.*

7 *DWIGHT D. EISENHOWER MEMORIAL COMMISSION*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses, including the costs of construc-*
 10 *tion design, of the Dwight D. Eisenhower Memorial Com-*
 11 *mission, \$3,000,000, to remain available until expended.*

12 *CAPITAL CONSTRUCTION*

13 *For necessary expenses of the Dwight D. Eisenhower*
 14 *Memorial Commission for design and construction of a me-*
 15 *morial in honor of Dwight D. Eisenhower, as authorized*
 16 *by Public Law 106–79, \$16,000,000, to remain available*
 17 *until expended.*

18 *TITLE IV*

19 *GENERAL PROVISIONS*

20 *LIMITATION ON CONSULTING SERVICES*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *SEC. 401. The expenditure of any appropriation under*
 23 *this Act for any consulting service through procurement*
 24 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
 25 *those contracts where such expenditures are a matter of pub-*

1 *lic record and available for public inspection, except where*
 2 *otherwise provided under existing law, or under existing*
 3 *Executive Order issued pursuant to existing law.*

4 *RESTRICTION ON USE OF FUNDS*

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

12 *PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES*

13 *SEC. 403. 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 serv-*
 16 *ants to any officer or employee of such department or agen-*
 17 *cy except as otherwise provided by law.*

18 *DISCLOSURE OF ADMINISTRATIVE EXPENSES*

19 *SEC. 404. Estimated overhead charges, deductions, re-*
 20 *serves or holdbacks from programs, projects, activities and*
 21 *subactivities to support government-wide, departmental,*
 22 *agency or bureau administrative functions or headquarters,*
 23 *regional or central operations shall be presented in annual*
 24 *budget justifications and subject to approval by the Com-*
 25 *mittees on Appropriations. Changes to such estimates shall*

1 *be presented to the Committees on Appropriations for ap-*
 2 *proval.*

3 *GIANT SEQUOIA*

4 *SEC. 405. None of the funds in this Act may be used*
 5 *to plan, prepare, or offer for sale timber from trees classified*
 6 *as giant sequoia (Sequoiadendron giganteum) which are lo-*
 7 *cated on National Forest System or Bureau of Land Man-*
 8 *agement lands in a manner different than such sales were*
 9 *conducted in fiscal year 2009.*

10 *MINING APPLICATIONS*

11 *SEC. 406. (a) None of the funds appropriated or other-*
 12 *wise made available pursuant to this Act shall be obligated*
 13 *or expended to accept or process applications for a patent*
 14 *for any mining or mill site claim located under the general*
 15 *mining laws.*

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

1 *(30 U.S.C. 42) for mill site claims, as the case may be,*
2 *were fully complied with by the applicant by that date.*

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

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

1 *CONTRACT SUPPORT COSTS*

2 *SEC. 407. Notwithstanding any other provision of law,*
3 *amounts appropriated to or otherwise designated in com-*
4 *mittee reports for the Bureau of Indian Affairs and the In-*
5 *dian Health Service by Public Laws 103–138, 103–332,*
6 *104–134, 104–208, 105–83, 105–277, 106–113, 106–291,*
7 *107–63, 108–7, 108–108, 108–447, 109–54, 109–289, divi-*
8 *sion B and Continuing Appropriations Resolution, 2007*
9 *(division B of Public Law 109–289, as amended by Public*
10 *Laws 110–5 and 110–28), and Public Laws 110–92, 110–*
11 *116, 110–137, 110–149, 110–161, 110–329, 111–6, and*
12 *111–8 for payments for contract support costs associated*
13 *with self-determination or self-governance contracts, grants,*
14 *compacts, or annual funding agreements with the Bureau*
15 *of Indian Affairs or the Indian Health Service as funded*
16 *by such Acts, are the total amounts available for fiscal years*
17 *1994 through 2009 for such purposes, except that for the*
18 *Bureau of Indian Affairs, tribes and tribal organizations*
19 *may use their tribal priority allocations for unmet contract*
20 *support costs of ongoing contracts, grants, self-governance*
21 *compacts, or annual funding agreements.*

22 *FOREST MANAGEMENT PLANS*

23 *SEC. 408. Prior to October 1, 2010, the Secretary of*
24 *Agriculture shall not be considered to be in violation of sub-*
25 *paragraph 6(f)(5)(A) of the Forest and Rangeland Renew-*

1 *able Resources Planning Act of 1974 (16 U.S.C.*
 2 *1604(f)(5)(A)) solely because more than 15 years have*
 3 *passed without revision of the plan for a unit of the Na-*
 4 *tional Forest System. Nothing in this section exempts the*
 5 *Secretary from any other requirement of the Forest and*
 6 *Rangeland Renewable Resources Planning Act (16 U.S.C.*
 7 *1600 et seq.) or any other law: Provided, That if the Sec-*
 8 *retary is not acting expeditiously and in good faith, within*
 9 *the funding available, to revise a plan for a unit of the*
 10 *National Forest System, this section shall be void with re-*
 11 *spect to such plan and a court of proper jurisdiction may*
 12 *order completion of the plan on an accelerated basis.*

13 *PROHIBITION WITHIN NATIONAL MONUMENTS*

14 *SEC. 409. No funds provided in this Act may be ex-*
 15 *pende to conduct preleasing, leasing and related activities*
 16 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
 17 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
 18 *et seq.) within the boundaries of a National Monument es-*
 19 *tablished pursuant to the Act of June 8, 1906 (16 U.S.C.*
 20 *431 et seq.) as such boundary existed on January 20, 2001,*
 21 *except where such activities are allowed under the Presi-*
 22 *dential proclamation establishing such monument.*

23 *INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS*

24 *SEC. 410. In entering into agreements with foreign*
 25 *countries pursuant to the Wildfire Suppression Assistance*

1 *Act (42 U.S.C. 1856m) the Secretary of Agriculture and*
 2 *the Secretary of the Interior are authorized to enter into*
 3 *reciprocal agreements in which the individuals furnished*
 4 *under said agreements to provide wildfire services are con-*
 5 *sidered, for purposes of tort liability, employees of the coun-*
 6 *try receiving said services when the individuals are engaged*
 7 *in fire suppression: Provided, That the Secretary of Agri-*
 8 *culture or the Secretary of the Interior should not enter into*
 9 *any agreement under this provision unless the foreign coun-*
 10 *try (either directly or through its fire organization) agrees*
 11 *to assume any and all liability for the acts or omissions*
 12 *of American firefighters engaged in firefighting in a foreign*
 13 *country: Provided further, That when an agreement is*
 14 *reached for furnishing fire fighting services, the only rem-*
 15 *edies for acts or omissions committed while fighting fires*
 16 *shall be those provided under the laws of the host country,*
 17 *and those remedies shall be the exclusive remedies for any*
 18 *claim arising out of fighting fires in a foreign country: Pro-*
 19 *vided further, That neither the sending country nor any*
 20 *legal organization associated with the firefighter shall be*
 21 *subject to any legal action whatsoever pertaining to or aris-*
 22 *ing out of the firefighter's role in fire suppression.*

23 *CONTRACTING AUTHORITIES*

24 *SEC. 411. In awarding a Federal contract with funds*
 25 *made available by this Act, notwithstanding Federal Gov-*

1 ernment procurement and contracting laws, the Secretary
 2 of Agriculture and the Secretary of the Interior (the “Secre-
 3 taries”) may, in evaluating bids and proposals, give consid-
 4 eration to local contractors who are from, and who provide
 5 employment and training for, dislocated and displaced
 6 workers in an economically disadvantaged rural commu-
 7 nity, including those historically timber-dependent areas
 8 that have been affected by reduced timber harvesting on
 9 Federal lands and other forest-dependent rural communities
 10 isolated from significant alternative employment opportu-
 11 nities: Provided, That notwithstanding Federal Government
 12 procurement and contracting laws the Secretaries may
 13 award contracts, grants or cooperative agreements to local
 14 non-profit entities, Youth Conservation Corps or related
 15 partnerships with State, local or non-profit youth groups,
 16 or small or micro-business or disadvantaged business: Pro-
 17 vided further, That the contract, grant, or cooperative agree-
 18 ment is for forest hazardous fuels reduction, watershed or
 19 water quality monitoring or restoration, wildlife or fish
 20 population monitoring, or habitat restoration or manage-
 21 ment: Provided further, That the terms “rural community”
 22 and “economically disadvantaged” shall have the same
 23 meanings as in section 2374 of Public Law 101–624: Pro-
 24 vided further, That the Secretaries shall develop guidance
 25 to implement this section: Provided further, That nothing

1 *in this section shall be construed as relieving the Secretaries*
 2 *of any duty under applicable procurement laws, except as*
 3 *provided in this section.*

4 *PROHIBITION ON USE OF FUNDS*

5 *SEC. 412. None of the funds made available by this*
 6 *or any other Act may be used in fiscal year 2010 for com-*
 7 *petitive sourcing studies and any related activities involv-*
 8 *ing Forest Service personnel.*

9 *LIMITATION ON TAKINGS*

10 *SEC. 413. Unless otherwise provided herein, no funds*
 11 *appropriated in this Act for the acquisition of lands or in-*
 12 *terests in lands may be expended for the filing of declara-*
 13 *tions of taking or complaints in condemnation without the*
 14 *approval of the House and Senate Committees on Appro-*
 15 *priations: Provided, That this provision shall not apply to*
 16 *funds appropriated to implement the Everglades National*
 17 *Park Protection and Expansion Act of 1989, or to funds*
 18 *appropriated for Federal assistance to the State of Florida*
 19 *to acquire lands for Everglades restoration purposes.*

20 *HUNTERS POINT ENVIRONMENTAL CLEANUP*

21 *SEC. 414. In addition to the amounts otherwise pro-*
 22 *vided to the Environmental Protection Agency in this Act,*
 23 *\$8,000,000, to remain available until expended, is provided*
 24 *to EPA to be transferred to the Department of the Navy*

1 *for clean-up activities at the Treasure Island Naval Sta-*
 2 *tion—Hunters Point Annex.*

3 *EXTENSION OF GRAZING PERMITS*

4 *SEC. 415. Section 325 of Public Law 108–108 is*
 5 *amended by striking “fiscal years 2004–2008” and insert-*
 6 *ing “fiscal year 2010.”*

7 *ALASKA NATIVE HEALTH CARE SERVICES*

8 *SEC. 416. (a) Notwithstanding any other provision of*
 9 *law and until October 1, 2011, the Indian Health Service*
 10 *may not disburse funds for the provision of health care serv-*
 11 *ices pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.)*
 12 *to any Alaska Native village or Alaska Native village cor-*
 13 *poration that is located within the area served by an Alaska*
 14 *Native regional health entity.*

15 *(b) Nothing in this section shall be construed to pro-*
 16 *hibit the disbursal of funds to any Alaska Native village*
 17 *or Alaska Native village corporation under any contract or*
 18 *compact entered into prior to May 1, 2006, or to prohibit*
 19 *the renewal of any such agreement.*

20 *(c) For the purpose of this section, Eastern Aleutian*
 21 *Tribes, Inc., the Council of Athabascan Tribal Governments,*
 22 *and the Native Village of Eyak shall be treated as Alaska*
 23 *Native regional health entities to which funds may be dis-*
 24 *bursed under this section.*

TIMBER SALE REQUIREMENTS

1 *SEC. 417. No timber sale in Region 10 shall be adver-*
2 *tised if the indicated rate is deficit when appraised using*
3 *a residual value approach that assigns domestic Alaska val-*
4 *ues for western red cedar. Program accomplishments shall*
5 *be based on volume sold. Should Region 10 sell, in the cur-*
6 *rent fiscal year, the annual average portion of the decadal*
7 *allowable sale quantity called for in the current Tongass*
8 *Land Management Plan in sales which are not deficit when*
9 *appraised using a residual value approach that assigns do-*
10 *mestic Alaska values for western red cedar, all of the west-*
11 *ern red cedar timber from those sales which is surplus to*
12 *the needs of domestic processors in Alaska, shall be made*
13 *available to domestic processors in the contiguous 48 United*
14 *States at prevailing domestic prices. Should Region 10 sell,*
15 *in the current fiscal year, less than the annual average por-*
16 *tion of the decadal allowable sale quantity called for in the*
17 *Tongass Land Management Plan in sales which are not def-*
18 *icit when appraised using a residual value approach that*
19 *assigns domestic Alaska values for western red cedar, the*
20 *volume of western red cedar timber available to domestic*
21 *processors at prevailing domestic prices in the contiguous*
22 *48 United States shall be that volume: (1) which is surplus*
23 *to the needs of domestic processors in Alaska; and (2) is*
24 *that percent of the surplus western red cedar volume deter-*
25

1 mined by calculating the ratio of the total timber volume
 2 which has been sold on the Tongass to the annual average
 3 portion of the decadal allowable sale quantity called for in
 4 the current Tongass Land Management Plan. The percent-
 5 age shall be calculated by Region 10 on a rolling basis as
 6 each sale is sold (for purposes of this amendment, a “rolling
 7 basis” shall mean that the determination of how much west-
 8 ern red cedar is eligible for sale to various markets shall
 9 be made at the time each sale is awarded). Western red
 10 cedar shall be deemed “surplus to the needs of domestic
 11 processors in Alaska” when the timber sale holder has pre-
 12 sented to the Forest Service documentation of the inability
 13 to sell western red cedar logs from a given sale to domestic
 14 Alaska processors at a price equal to or greater than the
 15 log selling value stated in the contract. All additional west-
 16 ern red cedar volume not sold to Alaska or contiguous 48
 17 United States domestic processors may be exported to for-
 18 eign markets at the election of the timber sale holder. All
 19 Alaska yellow cedar may be sold at prevailing export prices
 20 at the election of the timber sale holder.

21 COLORADO COOPERATIVE CONSERVATION AUTHORITY

22 SEC. 418. Section 331 of the Department of the Inte-
 23 rior and Related Agencies Appropriations Act, 2001, as
 24 amended, is amended in subsection (e) by striking “Sep-
 25 tember 30, 2009,” and inserting “September 30, 2014,”.

1 *NATIONAL COUNCIL ON THE ARTS MEMBERSHIP*

2 *SEC. 419. Section 6 of the National Foundation on the*
 3 *Arts and the Humanities Act of 1965 (Public Law 89–209,*
 4 *20 U.S.C. 955), as amended, is further amended as follows:*

5 *(1) In the first sentence of subsection (b)(1)(C),*
 6 *by striking “14” and inserting in lieu thereof “18”;*
 7 *and*

8 *(2) In the second sentence of subsection (d)(1), by*
 9 *striking “Eight” and inserting in lieu thereof “Ten”.*

10 *PROHIBITION ON USE OF FUNDS*

11 *SEC. 420. Notwithstanding any other provision of law,*
 12 *none of the funds made available in this Act or any other*
 13 *Act may be used to promulgate or implement any regula-*
 14 *tion requiring the issuance of permits under title V of the*
 15 *Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide,*
 16 *nitrous oxide, water vapor, or methane emissions resulting*
 17 *from biological processes associated with livestock produc-*
 18 *tion.*

19 *GREENHOUSE GAS REPORTING RESTRICTIONS*

20 *SEC. 421. Notwithstanding any other provision of law,*
 21 *none of the funds made available in this Act or any other*
 22 *Act may be used to implement any rule that requires man-*
 23 *datory reporting of greenhouse gas emissions from manure*
 24 *management systems emitting less than 25,000 tons of car-*
 25 *bon dioxide equivalent per year.*

1 *CONGRESSIONALLY DIRECTED SPENDING*

2 *SEC. 422. Within the amounts appropriated in this*
 3 *Act, funding shall be allocated in the amounts specified for*
 4 *those projects and purposes delineated in the table titled*
 5 *“Congressionally Directed Spending” included in the com-*
 6 *mittee report accompanying this Act.*

7 *PROHIBITION ON USE OF FUNDS*

8 *SEC. 423. None of the funds made available under this*
 9 *Act may be distributed to the Association of Community*
 10 *Organizations for Reform Now (ACORN) or its subsidi-*
 11 *aries.*

12 *PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT*

13 *STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA*

14 *SEC. 424. Notwithstanding any other provision of law,*
 15 *none of the funds made available under the American Re-*
 16 *covery and Reinvestment Act of 2009 (Public Law 111–5;*
 17 *123 Stat. 115) for wildland fire management shall be used*
 18 *in the District of Columbia.*

19 *JUNGO DISPOSAL SITE EVALUATION*

20 *SEC. 425. Using funds made available under this Act,*
 21 *the Director of the United States Geological Survey may*
 22 *conduct an evaluation of the aquifers in the area of the*
 23 *Jungo Disposal Site in Humboldt County, Nevada (referred*
 24 *to in this section as the “site”), to evaluate—*

25 *(1) how long it would take waste seepage (in-*
 26 *cluding asbestos, discarded tires, and sludge from*

1 *water treatment plants) from the site to contaminate*
 2 *local underground water resources;*

3 *(2) the distance that contamination from the site*
 4 *would travel in each of—*

5 *(A) 95 years; and*

6 *(B) 190 years;*

7 *(3) the potential impact of expected waste seep-*
 8 *age from the site on nearby surface water resources,*
 9 *including Rye Patch Reservoir and the Humboldt*
 10 *River;*

11 *(4) the size and elevation of the aquifers; and*

12 *(5) any impact that the waste seepage from the*
 13 *site would have on the municipal water resources of*
 14 *Winnemucca, Nevada.*

15 *BUYOUT AND RELOCATION*

16 *SEC. 426. (a) As soon as practicable after the date of*
 17 *enactment of this Act, the Administrator of the Environ-*
 18 *mental Protection Agency (referred to in this section as the*
 19 *“Administrator”) is encouraged to consider all appropriate*
 20 *criteria, including cost-effectiveness, relating to the buyout*
 21 *and relocation of residents of properties in Treece, Kansas,*
 22 *that are subject to risk relating to, and that may endanger*
 23 *the health of occupants as a result of risks posed by, chat*
 24 *(as defined in section 278.1(b) of title 40, Code of Federal*
 25 *Regulations (as in effect on the date of enactment of this*
 26 *Act)).*

1 (b) *For the purpose of the remedial action under the*
 2 *Comprehensive Environmental Response, Compensation,*
 3 *and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that in-*
 4 *cludes permanent relocation of residents of Treece, Kansas,*
 5 *any such relocation shall not be subject to the Uniform Relo-*
 6 *cation Assistance and Real Property Acquisition Policies*
 7 *Act of 1970 (42 U.S.C. 4601 et seq.).*

8 (c) *Nothing in this section shall in any way affect,*
 9 *impede, or change the relocation or remediation activities*
 10 *pursuant to the Record of Decision Operable Unit 4, Chat*
 11 *Piles, Other Mine and Mill Waste, and Smelter Waste, Tar*
 12 *Creek Superfund Site, Ottawa County, Oklahoma*
 13 *(OKD980629844) issued by the Environmental Protection*
 14 *Agency Region 6 on February 20, 2008, or any other pre-*
 15 *vious Record of Decision at the Tar Creek, Oklahoma, Na-*
 16 *tional Priority List Site, by any Federal agency or through*
 17 *any funding by any Federal agency.*

18 SEC. 427. *Section 404(c) of the Agricultural Research,*
 19 *Extension, and Education Reform Act of 1998 (7 U.S.C.*
 20 *7624(c)) is amended—*

21 (1) *in paragraph (1), by striking “Agricultural*
 22 *Research Service” and inserting “Department of Ag-*
 23 *riculture”; and*

24 (2) *by adding at the end the following:*

1 “(3) *AUTHORITY OF SECRETARY.*—To carry out
 2 a cooperative agreement with a private entity under
 3 paragraph (1), the Secretary may rent to the private
 4 entity equipment, the title of which is held by the
 5 Federal Government.”.

6 *SEC. 428. It is the sense of the Senate that the Sen-*
 7 *ate—*

8 (1) *supports the National Vehicle Mercury*
 9 *Switch Recovery Program as an effective way to re-*
 10 *duce mercury pollution from electric arc furnaces*
 11 *used by the steel industry to melt scrap metal from*
 12 *old vehicles; and*

13 (2) *urges the founders of the Program to secure*
 14 *private sector financial support so that the successful*
 15 *efforts of the Program to reduce mercury pollution*
 16 *may continue.*

17 *NATIONAL FOREST FOUNDATION*

18 *SEC. 429. Section 403(a) of the National Forest Foun-*
 19 *ation Act (16 U.S.C. 583j–1(a)) is amended, in the first*
 20 *sentence, by striking “fifteen Directors” and inserting “not*
 21 *more than 30 Directors”.*

22 *CABIN USER FEES*

23 *SEC. 430. Notwithstanding any other provision of law,*
 24 *none of the funds made available by this Act shall be used*
 25 *to increase the amount of cabin user fees under section 608*
 26 *of the Cabin User Fee Fairness Act of 2000 (16 U.S.C.*

1 6207) to an amount beyond the amount levied on December
 2 31, 2009.

3 *FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION*

4 *ACTIVITIES*

5 *SEC. 431. (a) DEFINITIONS.—In this section:*

6 *(1) FEDERAL LAND.—The term “Federal land”*
 7 *means—*

8 *(A) public land, as defined in section 103 of*
 9 *the Federal Land Policy and Management Act of*
 10 *1976 (43 U.S.C. 1702);*

11 *(B) units of the National Park System;*

12 *(C) refuges of the National Wildlife Refuge*
 13 *System;*

14 *(D) land held in trust by the United States*
 15 *for the benefit of Indian tribes or members of an*
 16 *Indian tribe; and*

17 *(E) land in the National Forest System, as*
 18 *defined in section 11(a) of the Forest and Range-*
 19 *land Renewable Resources Planning Act of 1974*
 20 *(16 U.S.C. 1609(a)).*

21 *(2) FLAME FUND.—The term “Flame Fund”*
 22 *means the Federal Land Assistance, Management,*
 23 *and Enhancement Fund established by subsection (b).*

24 *(3) SECRETARIES.—The term “Secretaries”*
 25 *means the Secretary of the Interior and the Secretary*
 26 *of Agriculture, acting jointly.*

1 (4) *SECRETARY CONCERNED.*—*The term “Sec-*
2 *retary concerned” means—*

3 (A) *the Secretary of the Interior, with re-*
4 *spect to Federal land described in subparagraphs*
5 *(A), (B), (C), and (D) of paragraph (1); and*

6 (B) *the Secretary of Agriculture, with re-*
7 *spect to National Forest System land.*

8 (b) *ESTABLISHMENT OF FLAME FUND.*—*There is es-*
9 *tablished in the Treasury of the United States a fund to*
10 *be known as the “Federal Land Assistance, Management,*
11 *and Enhancement Fund”, consisting of—*

12 (1) *such amounts as are appropriated to the*
13 *Flame Fund; and*

14 (2) *such amounts as are transferred to the Flame*
15 *Fund under subsection (d).*

16 (c) *FUNDING.*—

17 (1) *AUTHORIZATION OF APPROPRIATIONS.*—

18 (A) *IN GENERAL.*—*There are authorized to*
19 *be appropriated to the Flame Fund such*
20 *amounts as are necessary to carry out this sec-*
21 *tion.*

22 (B) *CONGRESSIONAL INTENT.*—*It is the in-*
23 *tent of Congress that the amounts appropriated*
24 *to the Flame Fund for each fiscal year should be*
25 *not less than the combined average amount ex-*

1 *pended by each Secretary concerned for emer-*
 2 *gency wildfire suppression activities over the 5*
 3 *fiscal years preceding the fiscal year for which*
 4 *amounts are appropriated.*

5 (C) *AVAILABILITY.*—*Amounts appropriated*
 6 *to the Flame Fund shall remain available until*
 7 *expended.*

8 (2) *APPROPRIATION.*—*There is appropriated to*
 9 *the Flame Fund, out of funds of the Treasury not oth-*
 10 *erwise appropriated, \$834,000,000.*

11 (3) *SENSE OF CONGRESS ON DESIGNATION OF*
 12 *FLAME FUND APPROPRIATIONS AS EMERGENCY RE-*
 13 *QUIREMENT.*—*It is the sense of Congress that further*
 14 *amounts appropriated to the Flame Fund should be*
 15 *designated as amounts necessary to meet emergency*
 16 *needs.*

17 (4) *NOTICE OF INSUFFICIENT FUNDS.*—*The Sec-*
 18 *retaries shall notify the congressional committees de-*
 19 *scribed in subsection (h)(2) if the Secretaries estimate*
 20 *that only 60 days worth of funding remains in the*
 21 *Flame Fund.*

22 (d) *TRANSFER OF EXCESS WILDFIRE SUPPRESSION*
 23 *AMOUNTS INTO FLAME FUND.*—*At the end of each fiscal*
 24 *year, the Secretary concerned shall transfer to the Flame*
 25 *Fund amounts that—*

1 (1) *are appropriated to the Secretary concerned*
 2 *for wildfire suppression activities for the fiscal year;*
 3 *but*

4 (2) *are not obligated for wildfire suppression ac-*
 5 *tivities before the end of the fiscal year.*

6 (e) *USE OF FLAME FUND.—*

7 (1) *IN GENERAL.—Subject to paragraphs (2),*
 8 *(3), and (4), amounts in the Flame Fund shall be*
 9 *available to the Secretary concerned to pay the costs*
 10 *of emergency wildfire suppression activities that are*
 11 *separate from amounts annually appropriated to the*
 12 *Secretary concerned for routine wildfire suppression*
 13 *activities.*

14 (2) *DECLARATION REQUIRED.—*

15 (A) *IN GENERAL.—Amounts in the Flame*
 16 *Fund shall be made available to the Secretary*
 17 *concerned only after the Secretaries issue a dec-*
 18 *laration that a wildfire suppression activity is*
 19 *eligible for funding from the Flame Fund.*

20 (B) *DECLARATION CRITERIA.—A declara-*
 21 *tion by the Secretaries under subparagraph (A)*
 22 *may be issued only if—*

23 (i) *in the case of an individual wild-*
 24 *fire incident—*

1 (I) the fire covers 300 or more
2 acres; and

3 (II) the Secretaries determine that
4 the fire has required an emergency
5 Federal response based on the signifi-
6 cant complexity, severity, or threat
7 posed by the fire to human life, prop-
8 erty, or resources; or

9 (ii) the cumulative costs of wildfire
10 suppression activities for the Secretary con-
11 cerned have exceeded the amounts appro-
12 priated to the Secretary concerned for those
13 activities (not including funds deposited in
14 the Flame Fund).

15 (3) *TRANSFER OF AMOUNTS TO SECRETARY CON-*
16 *CERNED.*—After issuance of a declaration under
17 paragraph (2) and on request of the Secretary con-
18 cerned, the Secretary of the Treasury shall transfer
19 from the Flame Fund to the Secretary concerned such
20 amounts as the Secretaries determine are necessary
21 for wildfire suppression activities associated with the
22 declaration.

23 (4) *STATE, PRIVATE, AND TRIBAL LAND.*—Use of
24 the Flame Fund for emergency wildfire suppression
25 activities on State land, private land, and tribal land

1 *shall be consistent with any existing agreements in*
 2 *which the Secretary concerned has agreed to assume*
 3 *responsibility for wildfire suppression activities on*
 4 *the land.*

5 (f) *TREATMENT OF ANTICIPATED AND PREDICTED AC-*
 6 *TIVITIES.—*

7 (1) *IN GENERAL.—Subject to subsection*
 8 *(e)(2)(B)(ii), the Secretary concerned shall continue*
 9 *to fund routine wildfire suppression activities within*
 10 *the appropriate agency budget for each fiscal year.*

11 (2) *CONGRESSIONAL INTENT.—It is the intent of*
 12 *Congress that funding made available through the*
 13 *Flame Fund be used—*

14 (A) *to supplement the funding otherwise ap-*
 15 *propriated to the Secretary concerned; and*

16 (B) *only for purposes in, and instances con-*
 17 *sistent with, this section.*

18 (g) *PROHIBITION ON OTHER TRANSFERS.—Any*
 19 *amounts in the Flame Fund and any amounts appro-*
 20 *priated for the purpose of wildfire suppression on Federal*
 21 *land shall be obligated before the Secretary concerned may*
 22 *transfer funds from non-fire accounts for wildfire suppres-*
 23 *sion.*

24 (h) *ACCOUNTING AND REPORTS.—*

1 (1) *ACCOUNTING AND REPORTING SYSTEM.*—*The*
 2 *Secretaries shall establish an accounting and report-*
 3 *ing system for the Flame Fund that is compatible*
 4 *with existing National Fire Plan reporting proce-*
 5 *dures.*

6 (2) *ANNUAL REPORT.*—*Annually, the Secretaries*
 7 *shall submit to the Committee on Natural Resources,*
 8 *the Committee on Agriculture, and the Committee on*
 9 *Appropriations of the House of Representatives and*
 10 *the Committee on Energy and Natural Resources, the*
 11 *Committee on Indian Affairs, and the Committee on*
 12 *Appropriations of the Senate and make available to*
 13 *the public a report that—*

14 (A) *describes the use of amounts from the*
 15 *Flame Fund; and*

16 (B) *includes any recommendations that the*
 17 *Secretaries may have to improve the administra-*
 18 *tive control and oversight of the Flame Fund.*

19 (3) *ESTIMATES OF WILDFIRE SUPPRESSION*
 20 *COSTS TO IMPROVE BUDGETING AND FUNDING.*—

21 (A) *IN GENERAL.*—*Consistent with the*
 22 *schedule provided in subparagraph (C), the Sec-*
 23 *retaries shall submit to the committees described*
 24 *in paragraph (2) an estimate of anticipated*

1 *wildfire suppression costs for the applicable fis-*
2 *cal year and the subsequent fiscal year.*

3 (B) *PEER REVIEW.*—*The methodology for*
4 *developing the estimates under subparagraph (A)*
5 *shall be subject to periodic peer review to ensure*
6 *compliance with subparagraph (D).*

7 (C) *SCHEDULE.*—*The Secretaries shall sub-*
8 *mit an estimate under subparagraph (A) dur-*
9 *ing—*

10 (i) *the first week of February of each*
11 *year;*

12 (ii) *the first week of April of each year;*

13 (iii) *the first week of July of each year;*

14 *and*

15 (iv) *if a bill making appropriations*
16 *for the Department of the Interior and the*
17 *Forest Service for the following fiscal year*
18 *has not been enacted by September 1, the*
19 *first week of September of each year.*

20 (D) *REQUIREMENTS.*—*An estimate of an-*
21 *anticipated wildfire suppression costs shall be de-*
22 *veloped using the best available—*

23 (i) *climate, weather, and other relevant*
24 *data; and*

25 (ii) *models and other analytic tools.*

1 (i) *TERMINATION OF AUTHORITY.*—*The authority*
 2 *under this section shall terminate at the end of the third*
 3 *fiscal year in which no appropriations to or withdrawals*
 4 *from the Flame Fund have been made for a period of 3*
 5 *consecutive fiscal years.*

6 *COHESIVE WILDFIRE MANAGEMENT STRATEGY*

7 *SEC. 432. (a) STRATEGY REQUIRED.*—*Not later than*
 8 *1 year after the date of enactment of this Act, the Secretary*
 9 *of the Interior and the Secretary of Agriculture, acting*
 10 *jointly, shall submit to Congress a report that contains a*
 11 *cohesive wildfire management strategy, consistent with the*
 12 *recommendations described in recent reports of the Govern-*
 13 *ment Accountability Office regarding management strate-*
 14 *gies.*

15 (i) *ELEMENTS OF STRATEGY.*—*The strategy required*
 16 *by subsection (a) shall provide for—*

17 (1) *the identification of the most cost-effective*
 18 *means for allocating fire management budget re-*
 19 *sources;*

20 (2) *the reinvestment in non-fire programs by the*
 21 *Secretary of the Interior and the Secretary of Agri-*
 22 *culture;*

23 (3) *employing the appropriate management re-*
 24 *sponse to wildfires;*

25 (4) *assessing the level of risk to communities;*

1 (5) *the allocation of hazardous fuels reduction*
 2 *funds based on the priority of hazardous fuels reduc-*
 3 *tion projects;*

4 (6) *assessing the impacts of climate change on*
 5 *the frequency and severity of wildfire; and*

6 (7) *studying the effects of invasive species on*
 7 *wildfire risk.*

8 (c) *REVISION.*—*At least once during each 5-year pe-*
 9 *riod beginning on the date of the submission of the cohesive*
 10 *wildfire management strategy under subsection (a), the Sec-*
 11 *retaries shall revise the strategy submitted under that sub-*
 12 *section to address any changes affecting the strategy, in-*
 13 *cluding changes with respect to landscape, vegetation, cli-*
 14 *mate, and weather.*

15 *PROHIBITION ON NO-BID CONTRACTS AND GRANTS*

16 SEC. 433. (a) *Notwithstanding any other provision of*
 17 *this Act, none of the funds appropriated or otherwise made*
 18 *available by this Act may be—*

19 (1) *used to make any payment in connection*
 20 *with a contract not awarded using competitive proce-*
 21 *dures in accordance with the requirements of section*
 22 *303 of the Federal Property and Administrative Serv-*
 23 *ices Act of 1949 (41 U.S.C. 253), section 2304 of title*
 24 *10, United States Code, and the Federal Acquisition*
 25 *Regulation; or*

1 (2) awarded by grant not subjected to merit-
 2 based competitive procedures, needs-based criteria, or
 3 other procedures specifically authorized by law to se-
 4 lect the grantee or award recipient.

5 (b) This prohibition shall not apply to the awarding
 6 of contracts or grants with respect to which—

7 (1) no more than one applicant submits a bid
 8 for a contract or grant; or

9 (2) Federal law specifically authorizes a grant or
 10 contract to be entered into without regard for these re-
 11 quirements, including formula grants for States, or
 12 Federally recognized Indian tribes; or

13 (3) such contracts or grants are authorized by
 14 the Indian Self-Determination and Education and
 15 Assistance Act (Public Law 93–638, 25 U.S.C. 450 *et*
 16 *seq.*, as amended) or by any other Federal laws that
 17 specifically authorize a grant or contract with an In-
 18 dian tribe as defined in section 4(e) of that Act (25
 19 U.S.C. 450b (e)).

20 SEC. 434. (a) Notwithstanding any other provision of
 21 this Act and except as provided in subsection (b), any re-
 22 port required to be submitted by a Federal agency or de-
 23 partment to the Committee on Appropriations of either the
 24 Senate or the House of Representatives in this Act shall

1 *be posted on the public website of that agency upon receipt*
 2 *by the committee.*

3 *(b) Subsection (a) shall not apply to a report if—*

4 *(1) the public posting of the report compromises*
 5 *national security; or*

6 *(2) the report contains proprietary information.*

7 *SEC. 435. Section 1971(1) of the Omnibus Public Land*
 8 *Management Act of 2009 (16 U.S.C. 460www note; Public*
 9 *Law 111–11) is amended by striking “December 18, 2008”*
 10 *and inserting “September 20, 2009”.*

11 *TAR CREEK SUPERFUND SITE*

12 *SEC. 436. (a) IN GENERAL.—To expedite the cleanup*
 13 *of the Federal land and Indian land at the Tar Creek*
 14 *Superfund Site (referred to in this section as the “site”),*
 15 *any purchase of chat (as defined in section 278.1(b) of title*
 16 *40, Code of Federal Regulations (or a successor regulation)),*
 17 *from the site shall be—*

18 *(1) counted at twice the purchase price of the*
 19 *chat; and*

20 *(2) eligible to be counted toward meeting the fed-*
 21 *erally required disadvantaged business enterprise set-*
 22 *aside on federally funded projects.*

23 *(b) RESTRICTED INDIAN OWNERS.—Subsection (a)*
 24 *shall only apply if the purchase of chat is made from 1*
 25 *or more restricted Indian owners or an Indian tribe.*

1 (c) *APPLICABLE LAW*.—*The use of chat acquired under*
2 *subsection (a) shall conform with applicable laws (includ-*
3 *ing the regulations for the use of chat promulgated by the*
4 *Administrator of the Environmental Protection Agency).*

5 *This Act may be cited as the “Department of the Inte-*
6 *rior, Environment, and Related Agencies Appropriations*
7 *Act, 2010”.*

Attest:

Secretary.

11TH CONGRESS
1ST SESSION

H.R. 2996

AMENDMENT