

111TH CONGRESS
1ST SESSION

H. R. 2996

IN THE SENATE OF THE UNITED STATES

JULY 6, 2009

Received; read twice and referred to the Committee on Appropriations

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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
4 agencies for the fiscal year ending September 30, 2010,
5 and for other purposes, namely:

6 **TITLE I—DEPARTMENT OF THE INTERIOR**

7 **BUREAU OF LAND MANAGEMENT**

8 **MANAGEMENT OF LANDS AND RESOURCES**

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

1 In addition, \$45,500,000 is for the processing of ap-
2 plications for permit to drill and related use authoriza-
3 tions, to remain available until expended, to be reduced
4 by amounts collected by the Bureau and credited to this
5 appropriation that shall be derived from \$6,500 per new
6 application for permit to drill that the Bureau shall collect
7 upon submission of each new application, and in addition,
8 \$36,696,000 is for Mining Law Administration program
9 operations, including the cost of administering the mining
10 claim fee program; to remain available until expended, to
11 be reduced by amounts collected by the Bureau and cred-
12 ited to this appropriation from annual mining claim fees
13 so as to result in a final appropriation estimated at not
14 more than \$950,496,000, and \$2,000,000, to remain
15 available until expended, from communication site rental
16 fees established by the Bureau for the cost of admin-
17 istering communication site activities.

18 CONSTRUCTION

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

22 LAND ACQUISITION

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

1 interests therein, \$26,529,000, to be derived from the
2 Land and Water Conservation Fund and to remain avail-
3 able until expended.

4 OREGON AND CALIFORNIA GRANT LANDS

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

22 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

23 (REVOLVING FUND, SPECIAL ACCOUNT)

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

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

12 RANGE IMPROVEMENTS

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

1 *vided*, That not to exceed \$600,000 shall be available for
2 administrative expenses.

3 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

1 tion are used on the exact lands damaged which led to
2 the action: *Provided further*, That any such moneys that
3 are in excess of amounts needed to repair damage to the
4 exact land for which funds were collected may be used to
5 repair other damaged public lands.

6 MISCELLANEOUS TRUST FUNDS

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

15 ADMINISTRATIVE PROVISIONS

16 Appropriations for the Bureau of Land Management
17 (BLM) shall be available for purchase, erection, and dis-
18 mantlement of temporary structures, and alteration and
19 maintenance of necessary buildings and appurtenant fa-
20 cilities to which the United States has title; up to
21 \$100,000 for payments, at the discretion of the Secretary,
22 for information or evidence concerning violations of laws
23 administered by the Bureau; miscellaneous and emergency
24 expenses of enforcement activities authorized or approved
25 by the Secretary and to be accounted for solely on the

1 Secretary's certificate, not to exceed \$10,000: *Provided*,
2 That notwithstanding 44 U.S.C. 501, the Bureau may,
3 under cooperative cost-sharing and partnership arrange-
4 ments authorized by law, procure printing services from
5 cooperators in connection with jointly produced publica-
6 tions for which the cooperators share the cost of printing
7 either in cash or in services, and the Bureau determines
8 the cooperator is capable of meeting accepted quality
9 standards: *Provided further*, That projects to be funded
10 pursuant to a written commitment by a State government
11 to provide an identified amount of money in support of
12 the project may be carried out by the Bureau on a reim-
13 bursable basis.

14 UNITED STATES FISH AND WILDLIFE SERVICE

15 RESOURCE MANAGEMENT

16 For necessary expenses of the United States Fish and
17 Wildlife Service, as authorized by law, and for scientific
18 and economic studies, general administration, and for the
19 performance of other authorized functions related to such
20 resources by direct expenditure, contracts, grants, cooper-
21 ative agreements and reimbursable agreements with public
22 and private entities, \$1,248,756,000, to remain available
23 until September 30, 2011 except as otherwise provided
24 herein: *Provided*, That \$2,500,000 is for high priority
25 projects, which shall be carried out by the Youth Con-

1 servation Corps: *Provided further*, That not to exceed
2 \$20,603,000 shall be used for implementing subsections
3 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
4 cies Act, as amended (except for processing petitions, de-
5 veloping and issuing proposed and final regulations, and
6 taking any other steps to implement actions described in
7 subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of
8 which not to exceed \$10,632,000 shall be used for any
9 activity regarding the designation of critical habitat, pur-
10 suant to subsection (a)(3), excluding litigation support, for
11 species listed pursuant to subsection (a)(1) prior to Octo-
12 ber 1, 2009: *Provided further*, That of the amount avail-
13 able for law enforcement, up to \$400,000, to remain avail-
14 able until expended, may at the discretion of the Secretary
15 be used for payment for information, rewards, or evidence
16 concerning violations of laws administered by the Service,
17 and miscellaneous and emergency expenses of enforcement
18 activity, authorized or approved by the Secretary and to
19 be accounted for solely on the Secretary's certificate: *Pro-
20 vided further*, That of the amount provided for environ-
21 mental contaminants, up to \$1,000,000 may remain avail-
22 able until expended for contaminant sample analyses.

23 CONSTRUCTION

24 For construction, improvement, acquisition, or re-
25 moval of buildings and other facilities required in the con-

1 servation, management, investigation, protection, and uti-
2 lization of fishery and wildlife resources, and the acquisi-
3 tion of lands and interests therein; \$21,139,000, to remain
4 available until expended.

5 LAND ACQUISITION

6 For expenses necessary to carry out the Land and
7 Water Conservation Fund Act of 1965, as amended (16
8 U.S.C. 460l-4 through 11), including administrative ex-
9 penses, and for acquisition of land or waters, or interest
10 therein, in accordance with statutory authority applicable
11 to the United States Fish and Wildlife Service,
12 \$67,250,000 (increased by \$2,000,000), to be derived
13 from the Land and Water Conservation Fund and to re-
14 main available until expended, of which, notwithstanding
15 16 U.S.C. 460l-9, not more than \$2,000,000 (increased
16 by \$2,000,000) shall be for land conservation partnerships
17 authorized by the Highlands Conservation Act of 2004:
18 *Provided*, That none of the funds appropriated for specific
19 land acquisition projects may be used to pay for any ad-
20 ministrative overhead, planning or other management
21 costs.

22 COOPERATIVE ENDANGERED SPECIES CONSERVATION

23 FUND

24 For expenses necessary to carry out section 6 of the
25 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),

1 as amended, \$100,000,000, to remain available until ex-
2 pended, of which \$34,307,000 is to be derived from the
3 Cooperative Endangered Species Conservation Fund, of
4 which \$5,145,706 shall be for the Idaho Salmon and
5 Clearwater River Basins Habitat Account pursuant to the
6 Snake River Water Rights Act of 2004; and of which
7 \$65,693,000 is to be derived from the Land and Water
8 Conservation Fund.

9 NATIONAL WILDLIFE REFUGE FUND

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

12 NORTH AMERICAN WETLANDS CONSERVATION FUND

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

17 NEOTROPICAL MIGRATORY BIRD CONSERVATION

18 For expenses necessary to carry out the Neotropical
19 Migratory Bird Conservation Act, as amended (16 U.S.C.
20 6101 et seq.), \$5,250,000, to remain available until ex-
21 pended.

22 MULTINATIONAL SPECIES CONSERVATION FUND

23 For expenses necessary to carry out the African Ele-
24 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
25 4214, 4221–4225, 4241–4246, and 1538), the Asian Ele-

1phant Conservation Act of 1997 (16 U.S.C. 4261–4266),
2the Rhinoceros and Tiger Conservation Act of 1994 (16
3U.S.C. 5301–5306), the Great Ape Conservation Act of
42000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
5servation Act of 2004 (16 U.S.C. 6601–6606),
6\$11,500,000, to remain available until expended.

7 STATE AND TRIBAL WILDLIFE GRANTS

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

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

1 of implementation grants shall not exceed 75 percent of
2 the total costs of such projects: *Provided further*, That the
3 non-Federal share of such projects may not be derived
4 from Federal grant programs: *Provided further*, That no
5 State, territory, or other jurisdiction shall receive a grant
6 if its comprehensive wildlife conservation plan is dis-
7 approved and such funds that would have been distributed
8 to such State, territory, or other jurisdiction shall be dis-
9 tributed equitably to States, territories, and other jurisdic-
10 tions with approved plans: *Provided further*, That any
11 amount apportioned in 2010 to any State, territory, or
12 other jurisdiction that remains unobligated as of Sep-
13 tember 30, 2011, shall be reapportioned, together with
14 funds appropriated in 2012, in the manner provided here-
15 in.

16 ADMINISTRATIVE PROVISIONS

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

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

17 NATIONAL PARK SERVICE

18 OPERATION OF THE NATIONAL PARK SYSTEM

19 For expenses necessary for the management, oper-
20 ation, and maintenance of areas and facilities adminis-
21 tered by the National Park Service (including expenses to
22 carry out programs of the United States Park Police), and
23 for the general administration of the National Park Serv-
24 ice, \$2,260,684,000, of which \$9,982,000 for planning
25 and interagency coordination in support of Everglades res-

1 toration and \$98,622,000 for maintenance, repair or reha-
2 bilitation projects for constructed assets, operation of the
3 National Park Service automated facility management
4 software system, and comprehensive facility condition as-
5 sessments shall remain available until September 30,
6 2011.

7 PARK PARTNERSHIP PROJECT GRANTS

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

17 NATIONAL RECREATION AND PRESERVATION

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

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the Historic
3 Preservation Act of 1966, as amended (16 U.S.C. 470),
4 and the Omnibus Parks and Public Lands Management
5 Act of 1996 (Public Law 104-333), \$90,675,000 (in-
6 creased by \$1,000,000), to be derived from the Historic
7 Preservation Fund and to remain available until Sep-
8 tember 30, 2011; of which \$30,000,000 (increased by
9 \$1,000,000) shall be for Save America's Treasures for
10 preservation of nationally significant sites, structures, and
11 artifacts; and of which \$6,175,000 shall be for Preserve
12 America grants to States, federally recognized Indian
13 Tribes, and local communities for projects that preserve
14 important historic resources through the promotion of her-
15 itage tourism: *Provided*, That of the funds provided for
16 Save America's Treasures, \$5,310,000 shall be allocated
17 in the amounts specified for those projects and purposes
18 in accordance with the terms and conditions specified in
19 the explanatory statement accompanying this Act.

20 CONSTRUCTION

21 For construction, improvements, repair or replace-
22 ment of physical facilities, including modifications author-
23 ized by section 104 of the Everglades National Park Pro-
24 tection and Expansion Act of 1989, \$214,691,000 (re-
25 duced by \$1,000,000), to remain available until expended:

1 *Provided*, That the National Park Service shall complete
2 a special resource study along the route of the Mississippi
3 River in the counties contiguous to the river from its head-
4 waters in the State of Minnesota to the Gulf of Mexico.

5 LAND AND WATER CONSERVATION FUND

6 (RESCISSION)

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

9 LAND ACQUISITION AND STATE ASSISTANCE

10 For expenses necessary to carry out the Land and
11 Water Conservation Act of 1965, as amended (16 U.S.C.
12 460l–4 through 11), including administrative expenses,
13 and for acquisition of lands or waters, or interest therein,
14 in accordance with the statutory authority applicable to
15 the National Park Service, \$103,222,000 (increased by
16 \$10,000,000), to be derived from the Land and Water
17 Conservation Fund and to remain available until ex-
18 pended, of which \$30,000,000 (increased by \$10,000,000)
19 is for the State assistance program.

20 ADMINISTRATIVE PROVISIONS

21 In addition to other uses set forth in section 407(d)
22 of Public Law 105–391, franchise fees credited to a sub-
23 account shall be available for expenditure by the Sec-
24 retary, without further appropriation, for use at any unit
25 within the National Park System to extinguish or reduce

1 liability for Possessory Interest or leasehold surrender in-
2 terest. Such funds may only be used for this purpose to
3 the extent that the benefiting unit anticipated franchise
4 fee receipts over the term of the contract at that unit ex-
5 ceed the amount of funds used to extinguish or reduce
6 liability. Franchise fees at the benefiting unit shall be
7 credited to the sub-account of the originating unit over
8 a period not to exceed the term of a single contract at
9 the benefiting unit, in the amount of funds so expended
10 to extinguish or reduce liability.

11 For the costs of administration of the Land and
12 Water Conservation Fund grants authorized by section
13 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
14 of 2006 (Public Law 109-432), the National Park Service
15 may retain up to 3 percent of the amounts which are au-
16 thorized to be disbursed under such section, such retained
17 amounts to remain available until expended.

18 National Park Service funds may be transferred to
19 the Federal Highway Administration (FHWA), Depart-
20 ment of Transportation, for purposes authorized under 23
21 U.S.C. 204. Transfers may include a reasonable amount
22 for FHWA administrative support costs.

1 UNITED STATES GEOLOGICAL SURVEY

2 SURVEYS, INVESTIGATIONS, AND RESEARCH

3 For expenses necessary for the United States Geo-
4 logical Survey to perform surveys, investigations, and re-
5 search covering topography, geology, hydrology, biology,
6 and the mineral and water resources of the United States,
7 its territories and possessions, and other areas as author-
8 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
9 to their mineral and water resources; give engineering su-
10 pervision to power permittees and Federal Energy Regu-
11 latory Commission licensees; administer the minerals ex-
12 ploration program (30 U.S.C. 641); conduct inquiries into
13 the economic conditions affecting mining and materials
14 processing industries (30 U.S.C. 3, 21a, and 1603; 50
15 U.S.C. 98g(1)) and related purposes as authorized by law;
16 and to publish and disseminate data relative to the fore-
17 going activities; \$1,105,744,000, to remain available until
18 September 30, 2011, of which \$65,561,000 shall be avail-
19 able only for cooperation with States or municipalities for
20 water resources investigations; of which \$40,150,000 shall
21 remain available until expended for satellite operations;
22 and of which \$7,321,000 shall be available until expended
23 for deferred maintenance and capital improvement
24 projects that exceed \$100,000 in cost and of which
25 \$2,000,000 shall be available for the United States Geo-

1 logical Survey to fund the operating expenses for the Civil
2 Applications Committee: *Provided*, That none of the funds
3 provided for the biological research activity shall be used
4 to conduct new surveys on private property, unless specifi-
5 cally authorized in writing by the property owner: *Pro-*
6 *vided further*, That no part of this appropriation shall be
7 used to pay more than one-half the cost of topographic
8 mapping or water resources data collection and investiga-
9 tions carried on in cooperation with States and municipali-
10 ties.

ADMINISTRATIVE PROVISIONS

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

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

16 MINERALS MANAGEMENT SERVICE

17 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

18 For expenses necessary for minerals leasing and envi-
19 ronmental studies, regulation of industry operations, and
20 collection of royalties, as authorized by law; for enforcing
21 laws and regulations applicable to oil, gas, and other min-
22 erals leases, permits, licenses and operating contracts; for
23 energy-related or other authorized marine-related pur-
24 poses on the Outer Continental Shelf; and for matching
25 grants or cooperative agreements, \$174,317,000, to re-

1 main available until September 30, 2011, of which
2 \$89,374,000 shall be available for royalty management ac-
3 tivities; and an amount not to exceed \$156,730,000, to
4 be credited to this appropriation and to remain available
5 until expended, from additions to receipts resulting from
6 increases to rates in effect on August 5, 1993, and from
7 cost recovery fees: *Provided*, That notwithstanding 31
8 U.S.C. 3302, in fiscal year 2010, such amounts as are
9 assessed under 31 U.S.C. 9701 shall be collected and cred-
10 ited to this account and shall be available until expended
11 for necessary expenses: *Provided further*, That to the ex-
12 tent \$156,730,000 in addition to receipts are not realized
13 from the sources of receipts stated above, the amount
14 needed to reach \$156,730,000 shall be credited to this ap-
15 propriation from receipts resulting from rental rates for
16 Outer Continental Shelf leases in effect before August 5,
17 1993: *Provided further*, That not to exceed \$3,000 shall
18 be available for reasonable expenses related to promoting
19 volunteer beach and marine cleanup activities: *Provided*
20 *further*, That notwithstanding any other provision of law,
21 \$15,000 under this heading shall be available for refunds
22 of overpayments in connection with certain Indian leases
23 in which the Director of MMS concurred with the claimed
24 refund due, to pay amounts owed to Indian allottees or
25 tribes, or to correct prior unrecoverable erroneous pay-

1 ments: *Provided further*, That for the costs of administra-
2 tion of the Coastal Impact Assistance Program authorized
3 by section 31 of the Outer Continental Shelf Lands Act,
4 as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS
5 may retain up to 4 percent of the amounts which are dis-
6 bursed under section 31(b)(1), such retained amounts to
7 remain available until expended.

8 For an additional amount, \$10,000,000, to remain
9 available until expended, which shall be derived from non-
10 refundable inspection fees collected in fiscal year 2010, as
11 provided in this Act: *Provided*, That to the extent that
12 such amounts are not realized from such fees, the amount
13 needed to reach \$10,000,000 shall be credited to this ap-
14 propriation from receipts resulting from rental rates for
15 Outer Continental Shelf leases in effect before August 5,
16 1993.

17 OIL SPILL RESEARCH

18 For necessary expenses to carry out title I, section
19 1016, title IV, sections 4202 and 4303, title VII, and title
20 VIII, section 8201 of the Oil Pollution Act of 1990,
21 \$6,303,000, which shall be derived from the Oil Spill Li-
22 ability Trust Fund, to remain available until expended.

23 ADMINISTRATIVE PROVISION

24 Notwithstanding the provisions of section 35(b) of
25 the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),

1 the Secretary shall deduct 2 percent from the amount pay-
2 able to each State in fiscal year 2010 and deposit the
3 amount deducted to miscellaneous receipts of the Treas-
4 ury.

8 For necessary expenses to carry out the provisions
9 of the Surface Mining Control and Reclamation Act of
10 1977, Public Law 95-87, as amended, \$127,180,000, to
11 remain available until September 30, 2011: *Provided*,
12 That appropriations for the Office of Surface Mining Rec-
13lamation and Enforcement may provide for the travel and
14 per diem expenses of State and tribal personnel attending
15 Office of Surface Mining Reclamation and Enforcement
16 sponsored training.

17 ABANDONED MINE RECLAMATION FUND

18 For necessary expenses to carry out title IV of the
19 Surface Mining Control and Reclamation Act of 1977,
20 Public Law 95-87, as amended, \$32,088,000, to be de-
21 rived from receipts of the Abandoned Mine Reclamation
22 Fund and to remain available until expended: *Provided*,
23 That pursuant to Public Law 97-365, the Department of
24 the Interior is authorized to use up to 20 percent from
25 the recovery of the delinquent debt owed to the United

1 States Government to pay for contracts to collect these
2 debts: *Provided further*, That amounts provided under this
3 heading may be used for the travel and per diem expenses
4 of State and tribal personnel attending Office of Surface
5 Mining Reclamation and Enforcement sponsored training:
6 *Provided further*, That funds made available under title
7 IV of Public Law 95-87 may be used for any required
8 non-Federal share of the cost of projects funded by the
9 Federal Government for the purpose of environmental res-
10 toration related to treatment or abatement of acid mine
11 drainage from abandoned mines: *Provided further*, That
12 such projects must be consistent with the purposes and
13 priorities of the Surface Mining Control and Reclamation
14 Act.

15 ADMINISTRATIVE PROVISION

16 With funds available for the Technical Innovation
17 and Professional Services program in this Act, the Sec-
18 retary may transfer title for computer hardware, software
19 and other technical equipment to State and tribal regu-
20 latory and reclamation programs.

21 BUREAU OF INDIAN AFFAIRS

22 OPERATION OF INDIAN PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses necessary for the operation of Indian
25 programs, as authorized by law, including the Snyder Act

1 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
2 termination and Education Assistance Act of 1975 (25
3 U.S.C. 450 et seq.), as amended, the Education Amend-
4 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
5 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
6 as amended, \$2,300,099,000, to remain available until
7 September 30, 2011 except as otherwise provided herein;
8 of which not to exceed \$8,500 may be for official reception
9 and representation expenses; of which not to exceed
10 \$74,915,000 shall be for welfare assistance payments:
11 *Provided*, That in cases of designated Federal disasters,
12 the Secretary may exceed such cap, from the amounts pro-
13 vided herein, to provide for disaster relief to Indian com-
14 munities affected by the disaster; and of which, notwith-
15 standing any other provision of law, including but not lim-
16 ited to the Indian Self-Determination Act of 1975, as
17 amended, not to exceed \$159,084,000 shall be available
18 for payments for contract support costs associated with
19 ongoing contracts, grants, compacts, or annual funding
20 agreements entered into with the Bureau prior to or dur-
21 ing fiscal year 2010, as authorized by such Act, except
22 that federally recognized tribes, and tribal organizations
23 of federally recognized tribes, may use their tribal priority
24 allocations for unmet contract support costs of ongoing
25 contracts, grants, or compacts, or annual funding agree-

1 ments and for unmet welfare assistance costs; of which
2 not to exceed \$568,702,000 for school operations costs of
3 Bureau-funded schools and other education programs
4 shall become available on July 1, 2010, and shall remain
5 available until September 30, 2011; and of which not to
6 exceed \$59,895,000 shall remain available until expended
7 for housing improvement, road maintenance, attorney
8 fees, litigation support, the Indian Self-Determination
9 Fund, land records improvement, and the Navajo-Hopi
10 Settlement Program: *Provided further*, That notwithstanding
11 any other provision of law, including but not limited to
12 the Indian Self-Determination Act of 1975, as
13 amended, and 25 U.S.C. 2008, not to exceed \$43,373,000
14 within and only from such amounts made available for
15 school operations shall be available for administrative cost
16 grants associated with ongoing grants entered into with
17 the Bureau prior to or during fiscal year 2009 for the
18 operation of Bureau-funded schools, and up to \$500,000
19 within and only from such amounts made available for ad-
20 ministrative cost grants shall be available for the transi-
21 tional costs of initial administrative cost grants to grant-
22 ees that assume operation on or after July 1, 2009, of
23 Bureau-funded schools: *Provided further*, That any for-
24 estry funds allocated to a federally recognized tribe which
25 remain unobligated as of September 30, 2011, may be

1 transferred during fiscal year 2012 to an Indian forest
2 land assistance account established for the benefit of the
3 holder of the funds within the holder's trust fund account:
4 *Provided further*, That any such unobligated balances not
5 so transferred shall expire on September 30, 2012: *Pro-*
6 *vided further*, That in order to enhance the safety of Bu-
7 reau field employees, the Bureau may use funds to pur-
8 chase uniforms or other identifying articles of clothing for
9 personnel.

10 CONSTRUCTION

11 (INCLUDING TRANSFER OF FUNDS)

12 For construction, repair, improvement, and mainte-
13 nance of irrigation and power systems, buildings, utilities,
14 and other facilities, including architectural and engineer-
15 ing services by contract; acquisition of lands, and interests
16 in lands; and preparation of lands for farming, and for
17 construction of the Navajo Indian Irrigation Project pur-
18 suant to Public Law 87-483, \$200,000,000, to remain
19 available until expended: *Provided*, That such amounts as
20 may be available for the construction of the Navajo Indian
21 Irrigation Project may be transferred to the Bureau of
22 Reclamation: *Provided further*, That not to exceed 6 per-
23 cent of contract authority available to the Bureau of In-
24 dian Affairs from the Federal Highway Trust Fund may
25 be used to cover the road program management costs of

1 the Bureau: *Provided further*, That any funds provided for
2 the Safety of Dams program pursuant to 25 U.S.C. 13
3 shall be made available on a nonreimbursable basis: *Pro-*
4 *vided further*, That for fiscal year 2010, in implementing
5 new construction or facilities improvement and repair
6 project grants in excess of \$100,000 that are provided to
7 grant schools under Public Law 100–297, as amended, the
8 Secretary of the Interior shall use the Administrative and
9 Audit Requirements and Cost Principles for Assistance
10 Programs contained in 43 CFR part 12 as the regulatory
11 requirements: *Provided further*, That such grants shall not
12 be subject to section 12.61 of 43 CFR; the Secretary and
13 the grantee shall negotiate and determine a schedule of
14 payments for the work to be performed: *Provided further*,
15 That in considering grant applications, the Secretary shall
16 consider whether such grantee would be deficient in assur-
17 ing that the construction projects conform to applicable
18 building standards and codes and Federal, tribal, or State
19 health and safety standards as required by 25 U.S.C.
20 2005(b), with respect to organizational and financial man-
21 agement capabilities: *Provided further*, That if the Sec-
22 retary declines a grant application, the Secretary shall fol-
23 low the requirements contained in 25 U.S.C. 2504(f): *Pro-*
24 *vided further*, That any disputes between the Secretary
25 and any grantee concerning a grant shall be subject to

1 the disputes provision in 25 U.S.C. 2507(e): *Provided fur-*
2 *ther,* That in order to ensure timely completion of con-
3 struction projects, the Secretary may assume control of
4 a project and all funds related to the project, if, within
5 eighteen months of the date of enactment of this Act, any
6 grantee receiving funds appropriated in this Act or in any
7 prior Act, has not completed the planning and design
8 phase of the project and commenced construction: *Pro-*
9 *vided further,* That this appropriation may be reimbursed
10 from the Office of the Special Trustee for American Indi-
11 ans appropriation for the appropriate share of construc-
12 tion costs for space expansion needed in agency offices to
13 meet trust reform implementation.

14 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND

15 MISCELLANEOUS PAYMENTS TO INDIANS

16 For payments and necessary administrative expenses
17 for implementation of Indian land and water claim settle-
18 ments pursuant to Public Laws 99–264, 100–580, 101–
19 618, 108–447, 109–379, 109–479, 110–297, and 111–11,
20 and for implementation of other land and water rights set-
21 tlements, \$47,380,000, to remain available until expended.

22 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

23 For the cost of guaranteed loans and insured loans,
24 \$8,215,000, of which \$1,629,000 is for administrative ex-
25 penses, as authorized by the Indian Financing Act of

1 1974, as amended: *Provided*, That such costs, including
2 the cost of modifying such loans, shall be as defined in
3 section 502 of the Congressional Budget Act of 1974: *Pro-*
4 *vided further*, That these funds are available to subsidize
5 total loan principal, any part of which is to be guaranteed
6 or insured, not to exceed \$93,807,956.

7 INDIAN LAND CONSOLIDATION

8 For consolidation of fractional interests in Indian
9 lands and expenses associated with redetermining and re-
10 distributing escheated interests in allotted lands, and for
11 necessary expenses to carry out the Indian Land Consoli-
12 dation Act (25 U.S.C. 2201 et seq.), as amended, by direct
13 expenditure or cooperative agreement, \$3,000,000, to re-
14 main available until expended.

15 ADMINISTRATIVE PROVISIONS

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

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

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

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

19 In the event any federally recognized tribe returns ap-
20 propriations made available by this Act to the Bureau of
21 Indian Affairs, this action shall not diminish the Federal
22 Government's trust responsibility to that tribe, or the gov-
23 ernment-to-government relationship between the United
24 States and that tribe, or that tribe's ability to access fu-
25 ture appropriations.

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

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

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

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

17 DEPARTMENTAL OFFICES

18 OFFICE OF THE SECRETARY

19 SALARIES AND EXPENSES

20 For necessary expenses for management of the De-
21 partment of the Interior, \$118,836,000; of which
22 \$12,136,000 for consolidated appraisal services is to be
23 derived from the Land and Water Conservation Fund and
24 shall remain available until expended; of which not to ex-
25 ceed \$15,000 may be for official reception and representa-

1 tion expenses; and of which up to \$1,000,000 shall be
2 available for workers compensation payments and unem-
3 ployment compensation payments associated with the or-
4 derly closure of the United States Bureau of Mines: *Pro-*
5 *vided*, That for fiscal year 2010 up to \$400,000 of the
6 payments authorized by the Act of October 20, 1976, as
7 amended (31 U.S.C. 6901–6907) may be retained for ad-
8 ministrative expenses of the Payments in Lieu of Taxes
9 Program: *Provided further*, That no payment shall be
10 made pursuant to that Act to otherwise eligible units of
11 local government if the computed amount of the payment
12 is less than \$100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

15 For expenses necessary for assistance to territories
16 under the jurisdiction of the Department of the Interior,
17 \$83,995,000, of which: (1) \$74,715,000 shall remain
18 available until expended for technical assistance, including
19 maintenance assistance, disaster assistance, insular man-
20 agement controls, coral reef initiative activities, and brown
21 tree snake control and research; grants to the judiciary
22 in American Samoa for compensation and expenses, as au-
23 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
24 ment of American Samoa, in addition to current local rev-
25 enues, for construction and support of governmental func-

1 tions; grants to the Government of the Virgin Islands as
2 authorized by law; grants to the Government of Guam,
3 as authorized by law; and grants to the Government of
4 the Northern Mariana Islands as authorized by law (Pub-
5 lic Law 94-241; 90 Stat. 272); and (2) \$9,280,000 shall
6 be available until September 30, 2011 for salaries and ex-
7 penses of the Office of Insular Affairs: *Provided*, That all
8 financial transactions of the territorial and local govern-
9 ments herein provided for, including such transactions of
10 all agencies or instrumentalities established or used by
11 such governments, may be audited by the Government Ac-
12 countability Office, at its discretion, in accordance with
13 chapter 35 of title 31, United States Code: *Provided fur-*
14 *ther*, That Northern Mariana Islands Covenant grant
15 funding shall be provided according to those terms of the
16 Agreement of the Special Representatives on Future
17 United States Financial Assistance for the Northern Mar-
18 iana Islands approved by Public Law 104-134: *Provided*
19 *further*, That of the amounts provided for technical assist-
20 ance, sufficient funds shall be made available for a grant
21 to the Pacific Basin Development Council: *Provided fur-*
22 *ther*, That of the amounts provided for technical assist-
23 ance, sufficient funding shall be made available for a grant
24 to the Close Up Foundation: *Provided further*, That the
25 funds for the program of operations and maintenance im-

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

12 COMPACT OF FREE ASSOCIATION

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

21 ADMINISTRATIVE PROVISIONS

22 (INCLUDING TRANSFER OF FUNDS)

23 At the request of the Governor of Guam, the Sec-
24 retary may transfer discretionary funds or mandatory
25 funds provided under section 104(e) of Public Law 108-

1 188 and Public Law 104-134, that are allocated for
2 Guam, to the Secretary of Agriculture for the subsidy cost
3 of direct or guaranteed loans, plus not to exceed three per-
4 cent of the amount of the subsidy transferred for the cost
5 of loan administration, for the purposes authorized by the
6 Rural Electrification Act of 1936 and section 306(a)(1)
7 of the Consolidated Farm and Rural Development Act for
8 construction and repair projects in Guam, and such funds
9 shall remain available until expended: *Provided*, That such
10 costs, including the cost of modifying such loans, shall be
11 as defined in section 502 of the Congressional Budget Act
12 of 1974: *Provided further*, That such loans or loan guaran-
13 tees may be made without regard to the population of the
14 area, credit elsewhere requirements, and restrictions on
15 the types of eligible entities under the Rural Electrifica-
16 tion Act of 1936 and section 306(a)(1) of the Consolidated
17 Farm and Rural Development Act: *Provided further*, That
18 any funds transferred to the Secretary of Agriculture shall
19 be in addition to funds otherwise made available to make
20 or guarantee loans under such authorities.

21 OFFICE OF THE SOLICITOR

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of the Solicitor,
24 \$65,076,000.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General, \$48,590,000.

5 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

6 INDIANS

7 FEDERAL TRUST PROGRAMS
8 (INCLUDING TRANSFER OF FUNDS)

9 For the operation of trust programs for Indians by
10 direct expenditure, contracts, cooperative agreements,
11 compacts, and grants, \$185,984,000, to remain available
12 until expended, of which not to exceed \$56,536,000 from
13 this or any other Act, shall be available for historical ac-
14 counting: *Provided*, That funds for trust management im-
15 provements and litigation support may, as needed, be
16 transferred to or merged with the Bureau of Indian Af-
17 fairs, “Operation of Indian Programs” account; the Office
18 of the Solicitor, “Salaries and Expenses” account; and the
19 Office of the Secretary, “Salaries and Expenses” account:
20 *Provided further*, That funds made available through con-
21 tracts or grants obligated during fiscal year 2010, as au-
22 thorized by the Indian Self-Determination Act of 1975 (25
23 U.S.C. 450 et seq.), shall remain available until expended
24 by the contractor or grantee: *Provided further*, That, not-
25 withstanding any other provision of law, the statute of lim-

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

1 DEPARTMENT-WIDE PROGRAMS

2 WILDLAND FIRE MANAGEMENT

3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses for fire preparedness, sup-
5 pression operations, fire science and research, emergency
6 rehabilitation, hazardous fuels reduction, and rural fire as-
7 sistance by the Department of the Interior, \$932,780,000,
8 to remain available until expended, of which not to exceed
9 \$6,137,000 shall be for the renovation or construction of
10 fire facilities: *Provided*, That such funds are also available
11 for repayment of advances to other appropriation accounts
12 from which funds were previously transferred for such
13 purposes: *Provided further*, That persons hired pursuant
14 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
15 ing without cost from funds available from this appropria-
16 tion: *Provided further*, That notwithstanding 42 U.S.C.
17 1856d, sums received by a bureau or office of the Depart-
18 ment of the Interior for fire protection rendered pursuant
19 to 42 U.S.C. 1856 et seq., protection of United States
20 property, may be credited to the appropriation from which
21 funds were expended to provide that protection, and are
22 available without fiscal year limitation: *Provided further*,
23 That using the amounts designated under this title of this
24 Act, the Secretary of the Interior may enter into procure-
25 ment contracts, grants, or cooperative agreements, for

1 hazardous fuels reduction activities, and for training and
2 monitoring associated with such hazardous fuels reduction
3 activities, on Federal land, or on adjacent non-Federal
4 land for activities that benefit resources on Federal land:
5 *Provided further*, That the costs of implementing any co-
6 operative agreement between the Federal Government and
7 any non-Federal entity may be shared, as mutually agreed
8 on by the affected parties: *Provided further*, That notwith-
9 standing requirements of the Competition in Contracting
10 Act, the Secretary, for purposes of hazardous fuels reduc-
11 tion activities, may obtain maximum practicable competi-
12 tion among: (1) local private, nonprofit, or cooperative en-
13 tities; (2) Youth Conservation Corps crews, Public Lands
14 Corps (Public Law 109–154), or related partnerships with
15 State, local, or non-profit youth groups; (3) small or
16 micro-businesses; or (4) other entities that will hire or
17 train locally a significant percentage, defined as 50 per-
18 cent or more, of the project workforce to complete such
19 contracts: *Provided further*, That in implementing this sec-
20 tion, the Secretary shall develop written guidance to field
21 units to ensure accountability and consistent application
22 of the authorities provided herein: *Provided further*, That
23 funds appropriated under this head may be used to reim-
24 burse the United States Fish and Wildlife Service and the
25 National Marine Fisheries Service for the costs of carrying

1 out their responsibilities under the Endangered Species
2 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
3 ference, as required by section 7 of such Act, in connection
4 with wildland fire management activities: *Provided further,*
5 That the Secretary of the Interior may use wildland fire
6 appropriations to enter into non-competitive sole source
7 leases of real property with local governments, at or below
8 fair market value, to construct capitalized improvements
9 for fire facilities on such leased properties, including but
10 not limited to fire guard stations, retardant stations, and
11 other initial attack and fire support facilities, and to make
12 advance payments for any such lease or for construction
13 activity associated with the lease: *Provided further,* That
14 the Secretary of the Interior and the Secretary of Agri-
15 culture may authorize the transfer of funds appropriated
16 for wildland fire management, in an aggregate amount not
17 to exceed \$50,000,000, between the Departments when
18 such transfers would facilitate and expedite jointly funded
19 wildland fire management programs and projects.

20 WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE

21 FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses for transfer to “Wildland
24 Fire Management” for fire suppression operations of the
25 Department of the Interior, \$75,000,000, to remain avail-

1 able until expended: *Provided*, That amounts in this para-
2 graph may be transferred and expended only if all funds
3 appropriated for fire suppression operations under the
4 heading “Wildland Fire Management” shall be fully obli-
5 gated within 30 days: *Provided further*, That amounts are
6 available only to the extent the President has issued a
7 finding that the amounts are necessary for emergency fire
8 suppression operations.

9 CENTRAL HAZARDOUS MATERIALS FUND

10 For necessary expenses of the Department of the In-
11 terior and any of its component offices and bureaus for
12 response action, including associated activities, performed
13 pursuant to the Comprehensive Environmental Response,
14 Compensation, and Liability Act of 1980, as amended (42
15 U.S.C. 9601 et seq.), \$10,175,000, to remain available
16 until expended: *Provided*, That Public Law 110–161 (121
17 Stat. 2116) under the heading “Central Hazardous Mate-
18 rials Fund” is amended by striking “in advance of or as
19 reimbursement for remedial action or response activities
20 conducted by the Department pursuant to section 107 or
21 113(f) of such Act” and inserting in lieu thereof “includ-
22 ing any fines or penalties”.

1 NATURAL RESOURCE DAMAGE ASSESSMENT AND

2 RESTORATION

3 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

4 To conduct natural resource damage assessment and
5 restoration activities by the Department of the Interior
6 necessary to carry out the provisions of the Comprehensive
7 Environmental Response, Compensation, and Liability
8 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
9 Water Pollution Control Act, as amended (33 U.S.C. 1251
10 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
11 et seq.), and Public Law 101-337, as amended (16 U.S.C.
12 19jj et seq.), \$6,462,000, to remain available until ex-
13 pended.

14 WORKING CAPITAL FUND

15 For the acquisition of a departmental financial and
16 business management system and information technology
17 improvements of general benefit to the Department,
18 \$85,823,000 (reduced by \$10,000,000), to remain avail-
19 able until expended: *Provided*, That none of the funds in
20 this Act or previous appropriations Acts may be used to
21 establish reserves in the Working Capital Fund account
22 other than for accrued annual leave and depreciation of
23 equipment without prior approval of the House and Senate
24 Committees on Appropriations: *Provided further*, That the
25 Secretary may assess reasonable charges to State, local,

1 and tribal government employees for training services pro-
2 vided by the National Indian Program Training Center,
3 other than training related to Public Law 93-638: *Pro-*
4 *vided further*, That the Secretary may lease or otherwise
5 provide space and related facilities, equipment or profes-
6 sional services of the National Indian Program Training
7 Center to State, local, and tribal government employees
8 or persons or organizations engaged in cultural, edu-
9 cational, or recreational activities (as defined in 40 U.S.C.
10 3306(a)) at the prevailing rate for similar space, facilities,
11 equipment, or services in the vicinity of the National In-
12 dian Program Training Center: *Provided further*, That all
13 funds received pursuant to the two preceding provisos
14 shall be credited to this account, shall be available until
15 expended, and shall be used by the Secretary for necessary
16 expenses of the National Indian Program Training Center.

17 ADMINISTRATIVE PROVISIONS

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

1 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
2 (INCLUDING TRANSFERS OF FUNDS)

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

16 SEC. 102. The Secretary may authorize the expendi-
17 ture or transfer of any no year appropriation in this title,
18 in addition to the amounts included in the budget pro-
19 grams of the several agencies, for the suppression or emer-
20 gency prevention of wildland fires on or threatening lands
21 under the jurisdiction of the Department of the Interior;
22 for the emergency rehabilitation of burned-over lands
23 under its jurisdiction; for emergency actions related to po-
24 tential or actual earthquakes, floods, volcanoes, storms, or
25 other unavoidable causes; for contingency planning subse-

1 quent to actual oil spills; for response and natural resource
2 damage assessment activities related to actual oil spills;
3 for the prevention, suppression, and control of actual or
4 potential grasshopper and Mormon cricket outbreaks on
5 lands under the jurisdiction of the Secretary, pursuant to
6 the authority in section 1773(b) of Public Law 99–198
7 (99 Stat. 1658); for emergency reclamation projects under
8 section 410 of Public Law 95–87; and shall transfer, from
9 any no year funds available to the Office of Surface Min-
10 ing Reclamation and Enforcement, such funds as may be
11 necessary to permit assumption of regulatory authority in
12 the event a primacy State is not carrying out the regu-
13 latory provisions of the Surface Mining Act: *Provided*,
14 That appropriations made in this title for wildland fire
15 operations and shall be available for the payment of obli-
16 gations incurred during the preceding fiscal year, and for
17 reimbursement to other Federal agencies for destruction
18 of vehicles, aircraft, or other equipment in connection with
19 their use for wildland fire operations, such reimbursement
20 to be credited to appropriations currently available at the
21 time of receipt thereof: *Provided further*, That for wildland
22 fire operations, no funds shall be made available under
23 this authority until the Secretary determines that funds
24 appropriated for “wildland fire operations” and “Wildland
25 Fire Suppression Contingency Reserve Fund” shall be ex-

1 exhausted within 30 days: *Provided further*, That all funds
2 used pursuant to this section must be replenished by a
3 supplemental appropriation which must be requested as
4 promptly as possible: *Provided further*, That such replen-
5 ishment funds shall be used to reimburse, on a pro rata
6 basis, accounts from which emergency funds were trans-
7 ferred.

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

22 SEC. 104. Appropriations made in this Act under the
23 headings Bureau of Indian Affairs and Office of the Spe-
24 cial Trustee for American Indians and any unobligated
25 balances from prior appropriations Acts made under the

1 same headings shall be available for expenditure or trans-
2 fer for Indian trust management and reform activities.
3 Total funding for historical accounting activities shall not
4 exceed amounts specifically designated in this Act for such
5 purpose.

6 SEC. 105. Notwithstanding any other provision of
7 law, the Secretary of the Interior is authorized to redis-
8 tribute any Tribal Priority Allocation funds, including
9 tribal base funds, to alleviate tribal funding inequities by
10 transferring funds to address identified, unmet needs,
11 dual enrollment, overlapping service areas or inaccurate
12 distribution methodologies. No federally recognized tribe
13 shall receive a reduction in Tribal Priority Allocation
14 funds of more than 10 percent in fiscal year 2010. Under
15 circumstances of dual enrollment, overlapping service
16 areas or inaccurate distribution methodologies, the 10 per-
17 cent limitation does not apply.

18 SEC. 106. Notwithstanding any other provision of
19 law, in conveying the Twin Cities Research Center under
20 the authority provided by Public Law 104–134, as amend-
21 ed by Public Law 104–208, the Secretary may accept and
22 retain land and other forms of reimbursement: *Provided*,
23 That the Secretary may retain and use any such reim-
24 bursement until expended and without further appropria-
25 tion: (1) for the benefit of the National Wildlife Refuge

1 System within the State of Minnesota; and (2) for all ac-
2 tivities authorized by 16 U.S.C. 460zz.

3 SEC. 107. The Secretary of the Interior may use dis-
4 cretionary funds to pay private attorney fees and costs for
5 employees and former employees of the Department of the
6 Interior reasonably incurred in connection with Cobell v.
7 Salazar to the extent that such fees and costs are not paid
8 by the Department of Justice or by private insurance. In
9 no case shall the Secretary make payments under this sec-
10 tion that would result in payment of hourly fees in excess
11 of the highest hourly rate approved by the District Court
12 for the District of Columbia for counsel in Cobell v.
13 Salazar.

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

23 SEC. 109. Notwithstanding any other provision of
24 law, the Secretary of the Interior is authorized to acquire
25 lands, waters, or interests therein including the use of all

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

13 SEC. 110. Title 43 U.S.C. 1473, as amended by Pub-
14 lic Law 111-8, is further amended by striking “in fiscal
15 years 2008 and 2009 only” and inserting “in fiscal years
16 2010 through 2013”.

17 SEC. 111. The Secretary of the Interior may enter
18 into cooperative agreements with a State or political sub-
19 division (including any agency thereof), or any not-for-
20 profit organization if the agreement will: (1) serve a mu-
21 tual interest of the parties to the agreement in carrying
22 out the programs administered by the Department of the
23 Interior; and (2) all parties will contribute resources to
24 the accomplishment of these objectives. At the discretion

1 of the Secretary, such agreements shall not be subject to
2 a competitive process.

3 SEC. 112. Funds provided in this Act for Federal
4 land acquisition by the National Park Service for Ice Age
5 National Scenic Trail may be used for a grant to a State,
6 a local government, or any other land management entity
7 for the acquisition of lands without regard to any restric-
8 tion on the use of Federal land acquisition funds provided
9 through the Land and Water Conservation Fund Act of
10 1965 as amended.

11 SEC. 113. Notwithstanding any other provision of
12 law, for fiscal year 2010 and each fiscal year thereafter,
13 sections 109 and 110 of the Federal Oil and Gas Royalty
14 Management Act (30 U.S.C. 1719 and 1720) shall apply
15 to any lease authorizing exploration for or development of
16 coal, any other solid mineral, or any geothermal resource
17 on any Federal or Indian lands and any lease, easement,
18 right of way, or other agreement, regardless of form, for
19 use of the Outer Continental Shelf or any of its resources
20 under section 8(k) or 8(p) of the Outer Continental Shelf
21 Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same
22 extent as if such lease, easement, right of way, or other
23 agreement, regardless of form, were an oil and gas lease,
24 except that in such cases the term “royalty payment” shall
25 include any payment required by such lease, easement,

- 1 right of way or other agreement, regardless of form, or
- 2 by applicable regulation.

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

11 (b) Fees for 2010 shall be—

12 (1) \$2,000 for facilities with no wells, but with
13 processing equipment or gathering lines;

14 (2) \$3,250 for facilities with one to ten wells,
15 with any combination of active or inactive wells; and

16 (3) \$6,000 for facilities with more than ten
17 wells, with any combination of active or inactive
18 wells.

19 (c) MMS will bill designated operators within 60 days
20 of enactment of this bill, with payment required within
21 30 days of billing.

22 SEC. 115. Section 4 of Public Law 89–565, as
23 amended (16 U.S.C. 282c), relating to San Juan Island
24 National Historic Park, is amended by striking
25 “\$5,575,000” and inserting “\$13,575,000”.

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

4 “(E) Minidoka, depicted in a map entitled
5 ‘Minidoka National Historic Site and Environs
6 - Draft Document’, dated May 27, 2009. The
7 Secretary is authorized to accept a donation of
8 land or interest in land acquired with funds
9 provided under this section, as an addition to
10 the Minidoka National Historic Site and admin-
11 istered in accordance with section 313(c)(5) of
12 Public Law 110–229.

13 “(F) Heart Mountain, depicted in Figure
14 6.3 of the Site Document.”.

15 **TITLE II—ENVIRONMENTAL PROTECTION**

16 **AGENCY**

17 **SCIENCE AND TECHNOLOGY**

18 For science and technology, including research and
19 development activities, which shall include research and
20 development activities under the Comprehensive Environ-
21 mental Response, Compensation, and Liability Act of
22 1980, as amended; necessary expenses for personnel and
23 related costs and travel expenses; procurement of labora-
24 tory equipment and supplies; and other operating expenses

- 1 in support of research and development, \$849,649,000, to
- 2 remain available until September 30, 2011.

3 **ENVIRONMENTAL PROGRAMS AND MANAGEMENT**

4 For environmental programs and management, in-
5 cluding necessary expenses, not otherwise provided for, for
6 personnel and related costs and travel expenses; hire of
7 passenger motor vehicles; hire, maintenance, and oper-
8 ation of aircraft; purchase of reprints; library member-
9 ships in societies or associations which issue publications
10 to members only or at a price to members lower than to
11 subscribers who are not members; administrative costs of
12 the brownfields program under the Small Business Liabil-
13 ity Relief and Brownfields Revitalization Act of 2002; and
14 not to exceed \$9,000 for official reception and representa-
15 tion expenses, \$3,022,054,000, to remain available until
16 September 30, 2011: *Provided*, That of the funds included
17 under this heading, not less than \$628,941,000 shall be
18 for the Geographic Programs specified in the explanatory
19 statement accompanying this Act.

20 **OFFICE OF INSPECTOR GENERAL**

21 For necessary expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, as amended, \$44,791,000, to remain
24 available until September 30, 2011.

1 BUILDINGS AND FACILITIES

2 For construction, repair, improvement, extension, al-
3 teration, and purchase of fixed equipment or facilities of,
4 or for use by, the Environmental Protection Agency,
5 \$35,001,000 (reduced by \$2,000,000), to remain available
6 until expended.

7 HAZARDOUS SUBSTANCE SUPERFUND

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses to carry out the Comprehen-
10 sive Environmental Response, Compensation, and Liabil-
11 ity Act of 1980 (CERCLA), as amended, including sec-
12 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
13 9611) \$1,306,541,000, to remain available until expended,
14 consisting of such sums as are available in the Trust Fund
15 on September 30, 2009, as authorized by section 517(a)
16 of the Superfund Amendments and Reauthorization Act
17 of 1986 (SARA) and up to \$1,306,541,000 as a payment
18 from general revenues to the Hazardous Substance Super-
19 fund for purposes as authorized by section 517(b) of
20 SARA, as amended: *Provided*, That funds appropriated
21 under this heading may be allocated to other Federal
22 agencies in accordance with section 111(a) of CERCLA:
23 *Provided further*, That of the funds appropriated under
24 this heading, \$9,975,000 shall be paid to the “Office of
25 Inspector General” appropriation to remain available until

1 September 30, 2011, and \$26,834,000 shall be paid to the
2 "Science and Technology" appropriation to remain avail-
3 able until September 30, 2011.

4 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
5 PROGRAM

6 For necessary expenses to carry out leaking under-
7 ground storage tank cleanup activities authorized by sub-
8 title I of the Solid Waste Disposal Act, as amended,
9 \$113,101,000, to remain available until expended, of
10 which \$78,671,000 shall be for carrying out leaking un-
11 derground storage tank cleanup activities authorized by
12 section 9003(h) of the Solid Waste Disposal Act, as
13 amended; \$34,430,000 shall be for carrying out the other
14 provisions of the Solid Waste Disposal Act specified in sec-
15 tion 9508(c) of the Internal Revenue Code, as amended:
16 *Provided*, That the Administrator is authorized to use ap-
17 propriations made available under this heading to imple-
18 ment section 9013 of the Solid Waste Disposal Act to pro-
19 vide financial assistance to federally recognized Indian
20 tribes for the development and implementation of pro-
21 grams to manage underground storage tanks.

22 OIL SPILL RESPONSE

23 For expenses necessary to carry out the Environ-
24 mental Protection Agency's responsibilities under the Oil
25 Pollution Act of 1990, \$18,379,000, to be derived from

1 the Oil Spill Liability trust fund, to remain available until
2 expended.

3 STATE AND TRIBAL ASSISTANCE GRANTS

4 For environmental programs and infrastructure as-
5 sistance, including capitalization grants for State revolv-
6 ing funds and performance partnership grants,
7 \$5,215,446,000, to remain available until expended, of
8 which \$2,307,000,000 shall be for making capitalization
9 grants for the Clean Water State Revolving Funds under
10 title VI of the Federal Water Pollution Control Act, as
11 amended (the “Act”); of which \$1,443,000,000 shall be
12 for making capitalization grants for the Drinking Water
13 State Revolving Funds under section 1452 of the Safe
14 Drinking Water Act, as amended: *Provided*, That
15 \$20,000,000 shall be for architectural, engineering, plan-
16 ning, design, construction and related activities in connec-
17 tion with the construction of high priority water and
18 wastewater facilities in the area of the United States-Mex-
19 ico border, after consultation with the appropriate border
20 commission; \$10,000,000 shall be for grants to the State
21 of Alaska to address drinking water and wastewater infra-
22 structure needs of rural and Alaska Native Villages: *Pro-*
23 *vided further*, That, of these funds: (1) the State of Alaska
24 shall provide a match of 25 percent; and (2) no more than
25 5 percent of the funds may be used for administrative and

1 overhead expenses; \$160,000,000 shall be for making spe-
2 cial project grants for the construction of drinking water,
3 wastewater and storm water infrastructure and for water
4 quality protection in accordance with the terms and condi-
5 tions specified for such grants in the explanatory state-
6 ment accompanying this Act, and, for purposes of these
7 grants, each grantee shall contribute not less than 45 per-
8 cent of the cost of the project unless the grantee is ap-
9 proved for a waiver by the Agency; \$100,000,000 shall be
10 to carry out section 104(k) of the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act of
12 1980 (CERCLA), as amended, including grants, inter-
13 agency agreements, and associated program support costs;
14 \$60,000,000 shall be for grants under title VII, subtitle
15 G of the Energy Policy Act of 2005, as amended; and
16 \$1,115,446,000 shall be for grants, including associated
17 program support costs, to States, federally recognized
18 tribes, interstate agencies, tribal consortia, and air pollu-
19 tion control agencies for multi-media or single media pol-
20 lution prevention, control and abatement and related ac-
21 tivities, including activities pursuant to the provisions set
22 forth under this heading in Public Law 104–134, and for
23 making grants under section 103 of the Clean Air Act for
24 particulate matter monitoring and data collection activi-
25 ties subject to terms and conditions specified by the Ad-

1 ministrator, of which \$49,495,000 shall be for carrying
2 out section 128 of CERCLA, as amended, \$10,000,000
3 shall be for Environmental Information Exchange Net-
4 work grants, including associated program support costs,
5 \$18,500,000 of the funds available for grants under sec-
6 tion 106 of the Act shall be for water quality monitoring
7 activities, \$10,000,000 shall be for competitive grants to
8 communities to develop plans and demonstrate and imple-
9 ment projects which reduce greenhouse gas emissions,
10 and, in addition to funds appropriated under the heading
11 “Leaking Underground Storage Tank Trust Fund Pro-
12 gram” to carry out the provisions of the Solid Waste Dis-
13 posal Act specified in section 9508(c) of the Internal Rev-
14 enue Code other than section 9003(h) of the Solid Waste
15 Disposal Act, as amended, \$2,500,000 shall be for grants
16 to States under section 2007(f)(2) of the Solid Waste Dis-
17 posal Act, as amended: *Provided further*, That notwith-
18 standing section 603(d)(7) of the Federal Water Pollution
19 Control Act, the limitation on the amounts in a State
20 water pollution control revolving fund that may be used
21 by a State to administer the fund shall not apply to
22 amounts included as principal in loans made by such fund
23 in fiscal year 2010 and prior years where such amounts
24 represent costs of administering the fund to the extent
25 that such amounts are or were deemed reasonable by the

1 Administrator, accounted for separately from other assets
2 in the fund, and used for eligible purposes of the fund,
3 including administration: *Provided further*, That for fiscal
4 year 2010, and notwithstanding section 518(f) of the Act,
5 the Administrator is authorized to use the amounts appro-
6 priated for any fiscal year under section 319 of that Act
7 to make grants to federally recognized Indian tribes pur-
8 suant to sections 319(h) and 518(e) of that Act: *Provided*
9 *further*, That for fiscal year 2010, notwithstanding the
10 limitation on amounts in section 518(c) of the Federal
11 Water Pollution Control Act and section 1452(i) of the
12 Safe Drinking Water Act, up to a total of 2 percent of
13 the funds appropriated for State Revolving Funds under
14 such Acts may be reserved by the Administrator for grants
15 under section 518(c) and section 1452(i) of such Acts:
16 *Provided further*, That for fiscal year 2010, in addition
17 to the amounts specified in section 205(c) of the Federal
18 Water Pollution Control Act, up to 1.2486 percent of the
19 funds appropriated for the Clean Water State Revolving
20 Fund program under the Act may be reserved by the Ad-
21 ministrator for grants made under title II of the Clean
22 Water Act for American Samoa, Guam, the Common-
23 wealth of the Northern Marianas, and United States Vir-
24 gin Islands: *Provided further*, That for fiscal year 2010,
25 notwithstanding the limitations on amounts specified in

1 section 1452(j) of the Safe Drinking Water Act, up to 1.5
2 percent of the funds appropriated for the Drinking Water
3 State Revolving Fund programs under the Safe Drinking
4 Water Act may be reserved by the Administrator for
5 grants made under section 1452(j) of the Safe Drinking
6 Water Act: *Provided further*, That no funds provided by
7 this appropriations Act to address the water, wastewater
8 and other critical infrastructure needs of the colonias in
9 the United States along the United States-Mexico border
10 shall be made available to a county or municipal govern-
11 ment unless that government has established an enforce-
12 able local ordinance, or other zoning rule, which prevents
13 in that jurisdiction the development or construction of any
14 additional colonia areas, or the development within an ex-
15 isting colonia the construction of any new home, business,
16 or other structure which lacks water, wastewater, or other
17 necessary infrastructure.

18 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL

19 PROTECTION AGENCY

20 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

21 For fiscal year 2010, notwithstanding 31 U.S.C.
22 6303(1) and 6305(1), the Administrator of the Environ-
23 mental Protection Agency, in carrying out the Agency's
24 function to implement directly Federal environmental pro-
25 grams required or authorized by law in the absence of an

1 acceptable tribal program, may award cooperative agree-
2 ments to federally recognized Indian tribes or Intertribal
3 consortia, if authorized by their member tribes, to assist
4 the Administrator in implementing Federal environmental
5 programs for Indian tribes required or authorized by law,
6 except that no such cooperative agreements may be award-
7 ed from funds designated for State financial assistance
8 agreements.

9 The Administrator of the Environmental Protection
10 Agency is authorized to collect and obligate pesticide reg-
11 istration service fees in accordance with section 33 of the
12 Federal Insecticide, Fungicide, and Rodenticide Act, as
13 amended by Public Law 110–94, the Pesticide Registra-
14 tion Improvement Renewal Act.

15 Title II of Public Law 109–54, as amended by title
16 II of division E of Public Law 111–8 (123 Stat.729), is
17 amended in the fourth paragraph under the heading “Ad-
18 ministrative Provisions” by striking “2011” and inserting
19 “2015”.

20 From unobligated balances to carry out projects and
21 activities funded through the “State and Tribal Assistance
22 Grants” account, \$142,000,000 are hereby permanently
23 rescinded: *Provided*, That no amounts may be cancelled
24 from amounts that were designated by the Congress as
25 an emergency requirement pursuant to the Concurrent

1 Resolution on the Budget or the Balanced Budget and
2 Emergency Deficit Control Act of 1985, as amended.

3 The Administrator is authorized to transfer up to
4 \$475,000,000 from the “Environmental Programs and
5 Management” account to the head of any other Federal
6 department or agency (including but not limited to the De-
7 partments of Agriculture, Army, Commerce, Health and
8 Human Services, Homeland Security, the Interior, State,
9 and Transportation), with the concurrence of such head,
10 to carry out activities that would support the Great Lakes
11 Restoration Initiative and Great Lakes Water Quality
12 Agreement programs, projects, or activities; to enter into
13 an interagency agreement with the head of such Federal
14 department or agency to carry out these activities; and
15 to make grants to governmental entities, nonprofit organi-
16 zations, institutions, and individuals for planning, re-
17 search, monitoring, outreach, and implementation in fur-
18 therance of the Great Lakes Restoration Initiative and the
19 Great Lakes Water Quality Agreement.

20 Not less than 30 percent of the funds made available
21 under this title to each State for Clean Water State Re-
22 volving Fund capitalization grants and not less than 30
23 percent of the funds made available under this title to each
24 State for Drinking Water State Revolving Fund capital-
25 ization grants shall be used by the State to provide addi-

1 tional subsidy to eligible recipients in the form of forgive-
2 ness of principal, negative interest loans, or grants (or any
3 combination of these), except that for the Clean Water
4 State Revolving Fund capitalization grant appropriation
5 this section shall only apply to the portion that exceeds
6 \$1,000,000,000.

7 To the extent there are sufficient eligible project ap-
8 plications, not less than 20 percent of the funds made
9 available under this title to each State for Clean Water
10 State Revolving Fund capitalization grants and not less
11 than 20 percent of the funds made available under this
12 title to each State for Drinking Water State Revolving
13 Fund capitalization grants shall be used by the State for
14 projects to address green infrastructure, water efficiency,
15 or energy efficiency improvements.

16 For fiscal year 2010 and each fiscal year thereafter,
17 the requirements of section 513 of the Federal Water Pol-
18 lution Control Act (33 U.S.C. 1372) shall apply to the
19 construction of treatment works carried out in whole or
20 in part with assistance made available by a State water
21 pollution control revolving fund as authorized by title VI
22 of that Act (33 U.S.C. 1381 et seq.), or with assistance
23 made available under section 205(m) of that Act (33
24 U.S.C. 1285(m)), or both.

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

8 TITLE III—RELATED AGENCIES

9 DEPARTMENT OF AGRICULTURE

10 FOREST SERVICE

11 FOREST AND RANGELAND RESEARCH

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

17 STATE AND PRIVATE FORESTRY

18 For necessary expenses of cooperating with and pro-
19 viding technical and financial assistance to States, terri-
20 tories, possessions, and others, and for forest health man-
21 agement, including treatments of pests, pathogens, and
22 invasive or noxious plants and for restoring and rehabili-
23 tating forests damaged by pests or invasive plants, cooper-
24 ative forestry, and education and land conservation activi-
25 ties and conducting an international program as author-

1 ized, \$307,486,000, to remain available until expended, as
2 authorized by law; and of which \$76,215,000 is to be de-
3 rived from the Land and Water Conservation Fund.

4 NATIONAL FOREST SYSTEM

5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses of the Forest Service, not
7 otherwise provided for, for management, protection, im-
8 provement, and utilization of the National Forest System,
9 \$1,564,801,000 (reduced by \$25,000,000) (increased by
10 \$25,000,000), to remain available until expended, which
11 shall include 50 percent of all moneys received during
12 prior fiscal years as fees collected under the Land and
13 Water Conservation Fund Act of 1965, as amended, in
14 accordance with section 4 of the Act (16 U.S.C. 460l–
15 6a(i)): *Provided*, That, the Secretary may authorize the
16 expenditure or transfer of up to \$10,000,000 to the De-
17 partment of the Interior, Bureau of Land Management,
18 for removal, preparation, and adoption of excess wild
19 horses and burros from National Forest System lands,
20 and for the performance of cadastral surveys to designate
21 the boundaries of such lands: *Provided further*, That up
22 to \$10,000,000 may be transferred to and made a part
23 of other Forest Service accounts if the transfer enhances
24 the efficiency or effectiveness of Federal activities.

1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Forest Service, not
4 otherwise provided for, \$560,637,000, to remain available
5 until expended, for construction, capital improvement,
6 maintenance and acquisition of buildings and other facili-
7 ties and infrastructure; and for construction, capital im-
8 provement, decommissioning, and maintenance of forest
9 roads and trails by the Forest Service as authorized by
10 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*,
11 That \$100,000,000 shall be designated for urgently need-
12 ed road decommissioning, road and trail repair and main-
13 tenance and associated activities, and removal of fish pas-
14 sage barriers, especially in areas where Forest Service
15 roads may be contributing to water quality problems in
16 streams and water bodies which support threatened, en-
17 dangered or sensitive species or community water sources:
18 *Provided further*, That funds provided herein shall be
19 available for the decommissioning of roads, including un-
20 authorized roads not part of the transportation system,
21 which are no longer needed: *Provided further*, That public
22 comment should be provided before system roads are de-
23 commissioned: *Provided further*, That the decommis-
24 sioning of unauthorized roads not part of the official
25 transportation system shall be expedited in response to

1 threats to public safety, water quality, or natural re-
2 sources: *Provided further*, That funds becoming available
3 in fiscal year 2010 under the Act of March 4, 1913 (16
4 U.S.C. 501) shall be transferred to the General Fund of
5 the Treasury and shall not be available for transfer or obli-
6 gation for any other purpose unless the funds are appro-
7 priated: *Provided further*, That up to \$10,000,000 may be
8 transferred to and made a part of other Forest Service
9 accounts if the transfer enhances the efficiency or effec-
10 tiveness of Federal activities.

11 LAND ACQUISITION

12 For expenses necessary to carry out the provisions
13 of the Land and Water Conservation Fund Act of 1965,
14 as amended (16 U.S.C. 460l-4 through 11), including ad-
15 ministrative expenses, and for acquisition of land or wa-
16 ters, or interest therein, in accordance with statutory au-
17 thority applicable to the Forest Service, \$36,782,000, to
18 be derived from the Land and Water Conservation Fund
19 and to remain available until expended.

20 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

21 ACTS

22 For acquisition of lands within the exterior bound-
23 aries of the Cache, Uinta, and Wasatch National Forests,
24 Utah; the Toiyabe National Forest, Nevada; and the An-
25 geles, San Bernardino, Sequoia, and Cleveland National

1 Forests, California, as authorized by law, \$1,050,000, to
2 be derived from forest receipts.

3 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

4 For acquisition of lands, such sums, to be derived
5 from funds deposited by State, county, or municipal gov-
6 ernments, public school districts, or other public school au-
7 thorities, and for authorized expenditures from funds de-
8 posited by non-Federal parties pursuant to Land Sale and
9 Exchange Acts, pursuant to the Act of December 4, 1967,
10 as amended (16 U.S.C. 484a), to remain available until
11 expended (16 U.S.C. 460l–516–617a, 555a; Public Law
12 96–586; Public Law 76–589, 76–591; and Public Law
13 78–310).

14 RANGE BETTERMENT FUND

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

1 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

2 RANGELAND RESEARCH

3 For expenses authorized by 16 U.S.C. 1643(b),
4 \$50,000, to remain available until expended, to be derived
5 from the fund established pursuant to the above Act.

6 MANAGEMENT OF NATIONAL FOREST LANDS FOR

7 SUBSISTENCE USES

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

13 WILDLAND FIRE MANAGEMENT

14 (INCLUDING TRANSFERS OF FUNDS)

15 For necessary expenses for forest fire presuppression
16 activities on National Forest System lands, for emergency
17 fire suppression on or adjacent to such lands or other
18 lands under fire protection agreement, hazardous fuels re-
19 duction on or adjacent to such lands, and for emergency
20 rehabilitation of burned-over National Forest System
21 lands and water, \$2,370,288,000, to remain available until
22 expended: *Provided*, That such funds including unobli-
23 gated balances under this heading, are available for repay-
24 ment of advances from other appropriations accounts pre-
25 viously transferred for such purposes: *Provided further*,

1 That such funds shall be available to reimburse State and
2 other cooperating entities for services provided in response
3 to wildfire and other emergencies or disasters to the extent
4 such reimbursements by the Forest Service for non-fire
5 emergencies are fully repaid by the responsible emergency
6 management agency: *Provided further*, That, notwith-
7 standing any other provision of law, \$8,000,000 of funds
8 appropriated under this appropriation shall be used for
9 Fire Science Research in support of the Joint Fire Science
10 Program: *Provided further*, That all authorities for the use
11 of funds, including the use of contracts, grants, and coop-
12 erative agreements, available to execute the Forest and
13 Rangeland Research appropriation, are also available in
14 the utilization of these funds for Fire Science Research:
15 *Provided further*, That funds provided shall be available
16 for emergency rehabilitation and restoration, hazardous
17 fuels reduction activities in the urban-wildland interface,
18 support to Federal emergency response, and wildfire sup-
19 pression activities of the Forest Service: *Provided further*,
20 That of the funds provided, \$378,086,000 is for hazardous
21 fuels reduction activities, \$11,600,000 is for rehabilitation
22 and restoration, \$23,917,000 is for research activities and
23 to make competitive research grants pursuant to the For-
24 est and Rangeland Renewable Resources Research Act, as
25 amended (16 U.S.C. 1641 et seq.), \$80,000,000 is for

1 State fire assistance, \$10,000,000 is for volunteer fire as-
2 sistance, \$24,252,000 is for forest health activities on
3 Federal lands and \$12,928,000 is for forest health activi-
4 ties on State and private lands: *Provided further*, That
5 amounts in this paragraph may be transferred to the
6 “State and Private Forestry”, “National Forest System”,
7 and “Forest and Rangeland Research” accounts to fund
8 State fire assistance, volunteer fire assistance, forest
9 health management, forest and rangeland research, the
10 Joint Fire Science Program, vegetation and watershed
11 management, heritage site rehabilitation, and wildlife and
12 fish habitat management and restoration: *Provided fur-*
13 *ther*, That up to \$25,000,000 of the funds provided under
14 this heading may be transferred to and made a part of
15 other Forest Service accounts if the transfer enhances the
16 efficiency or effectiveness of Federal activities: *Provided*
17 *further*, That the costs of implementing any cooperative
18 agreement between the Federal Government and any non-
19 Federal entity may be shared, as mutually agreed on by
20 the affected parties: *Provided further*, That of the funds
21 provided herein, the Secretary of Agriculture may enter
22 into procurement contracts or cooperative agreements, or
23 issue grants, for hazardous fuels reduction activities and
24 for training and monitoring associated with such haz-
25 ardous fuels reduction activities, on Federal land, or on

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

19 WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE

20 FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for transfer to “Wildland
23 Fire Management” for emergency fire suppression on Na-
24 tional Forest System lands or adjacent lands or other
25 lands under fire protection agreement, \$282,000,000, to

1 remain available until expended: *Provided*, That amounts
2 in this paragraph may be transferred and expended only
3 if all funds appropriated for fire suppression under the
4 heading “Wildland Fire Management” shall be fully obli-
5 gated within 30 days: *Provided further*, That amounts are
6 available only to the extent the President has issued a
7 finding that the amounts are necessary for emergency fire
8 suppression.

9 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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
13 from excess sources, and hire of such vehicles; purchase,
14 lease, operation, maintenance, and acquisition of aircraft
15 from excess sources to maintain the operable fleet for use
16 in Forest Service wildland fire programs and other Forest
17 Service programs; notwithstanding other provisions of law,
18 existing aircraft being replaced may be sold, with proceeds
19 derived or trade-in value used to offset the purchase price
20 for the replacement aircraft; (2) services pursuant to 7
21 U.S.C. 2225, and not to exceed \$100,000 for employment
22 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
23 ation of buildings and other public improvements (7
24 U.S.C. 2250); (4) acquisition of land, waters, and inter-
25 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses

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

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

20 Funds appropriated to the Forest Service shall be
21 available for assistance to or through the Agency for Inter-
22 national Development in connection with forest and range-
23 land research, technical information, and assistance in for-
24 eign countries, and shall be available to support forestry
25 and related natural resource activities outside the United

1 States and its territories and possessions, including tech-
2 nical assistance, education and training, and cooperation
3 with United States and international organizations.

4 None of the funds made available to the Forest Serv-
5 ice in this Act or any other Act with respect to any fiscal
6 year shall be subject to transfer under the provisions of
7 section 702(b) of the Department of Agriculture Organic
8 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
9 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
10 Law 107–107 (7 U.S.C. 8316(b)).

11 Not more than \$78,350,000 of funds available to the
12 Forest Service shall be transferred to the Working Capital
13 Fund of the Department of Agriculture and not more than
14 \$19,825,000 of funds available to the Forest Service shall
15 be transferred to the Department of Agriculture for De-
16 partment Reimbursable Programs, commonly referred to
17 as Greenbook charges. Nothing in this paragraph shall
18 prohibit or limit the use of reimbursable agreements re-
19 quested by the Forest Service in order to obtain services
20 from the Department of Agriculture's National Informa-
21 tion Technology Center.

22 Funds available to the Forest Service shall be avail-
23 able to conduct a program of up to \$5,000,000 for priority
24 projects within the scope of the approved budget, of which
25 \$2,500,000 shall be carried out by the Youth Conservation

1 Corps and \$2,500,000 shall be carried out under the au-
2 thority of the Public Lands Corps Healthy Forests Res-
3 toration Act of 2005, Public Law 109–154.

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

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

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

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

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

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

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

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

7 Funds available to the Forest Service, not to exceed
8 \$55,000,000, shall be assessed for the purpose of per-
9 forming fire, administrative and other facilities mainte-
10 nance. Such assessments shall occur using a square foot
11 rate charged on the same basis the agency uses to assess
12 programs for payment of rent, utilities, and other support
13 services.

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

1 The 19th unnumbered paragraph under heading
2 “Administrative Provisions, Forest Service” in title III of
3 the Department of the Interior, Environment, and Related
4 Agencies Appropriations Act, 2006, Public Law 109–54,
5 is amended by striking “2009” and inserting “2014”.

6 DEPARTMENT OF HEALTH AND HUMAN
7 SERVICES

8 INDIAN HEALTH SERVICE

9 INDIAN HEALTH SERVICES

10 For expenses necessary to carry out the Act of Au-
11 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
12 tion Act, the Indian Health Care Improvement Act, and
13 titles II and III of the Public Health Service Act with re-
14 spect to the Indian Health Service, \$3,657,618,000, to-
15 gether with payments received during the fiscal year pur-
16 suant to 42 U.S.C. 238(b) and 238b for services furnished
17 by the Indian Health Service: *Provided*, That funds made
18 available to tribes and tribal organizations through con-
19 tracts, grant agreements, or any other agreements or com-
20 pacts authorized by the Indian Self-Determination and
21 Education Assistance Act of 1975 (25 U.S.C. 450), shall
22 be deemed to be obligated at the time of the grant or con-
23 tract award and thereafter shall remain available to the
24 tribe or tribal organization without fiscal year limitation:
25 *Provided further*, That \$16,251,000 is provided for Head-

1 quarters operations and information technology activities
2 and, notwithstanding any other provision of law, the
3 amount available under this proviso shall be allocated at
4 the discretion of the Director of the Indian Health Service:
5 *Provided further*, That \$779,347,000 for contract medical
6 care, including \$48,000,000 for the Indian Catastrophic
7 Health Emergency Fund, shall remain available until ex-
8 pended: *Provided further*, That no less than \$43,139,000
9 is provided for maintaining operations of the urban Indian
10 health program: *Provided further*, That of the funds pro-
11 vided, up to \$32,000,000 shall remain available until ex-
12 pended for implementation of the loan repayment program
13 under section 108 of the Indian Health Care Improvement
14 Act: *Provided further*, That \$16,391,000 is provided for
15 the methamphetamine and suicide prevention and treat-
16 ment initiative and \$10,000,000 is provided for the do-
17 mestic violence prevention initiative and, notwithstanding
18 any other provision of law, the amounts available under
19 this proviso shall be allocated at the discretion of the Di-
20 rector of the Indian Health Service and shall remain avail-
21 able until expended: *Provided further*, That funds provided
22 in this Act may be used for 1-year contracts and grants
23 which are to be performed in two fiscal years, so long as
24 the total obligation is recorded in the year for which the
25 funds are appropriated: *Provided further*, That the

1 amounts collected by the Secretary of Health and Human
2 Services under the authority of title IV of the Indian
3 Health Care Improvement Act shall remain available until
4 expended for the purpose of achieving compliance with the
5 applicable conditions and requirements of titles XVIII and
6 XIX of the Social Security Act (exclusive of planning, de-
7 sign, or construction of new facilities): *Provided further,*
8 That funding contained herein, and in any earlier appro-
9 priations Acts for scholarship programs under the Indian
10 Health Care Improvement Act (25 U.S.C. 1613) shall re-
11 main available until expended: *Provided further,* That
12 amounts received by tribes and tribal organizations under
13 title IV of the Indian Health Care Improvement Act shall
14 be reported and accounted for and available to the receiv-
15 ing tribes and tribal organizations until expended: *Pro-
16 vided further,* That, notwithstanding any other provision
17 of law, of the amounts provided herein, not to exceed
18 \$398,490,000 shall be for payments to tribes and tribal
19 organizations for contract or grant support costs associ-
20 ated with contracts, grants, self-governance compacts, or
21 annual funding agreements between the Indian Health
22 Service and a tribe or tribal organization pursuant to the
23 Indian Self-Determination Act of 1975, as amended, prior
24 to or during fiscal year 2010, of which not to exceed
25 \$5,000,000 may be used for contract support costs associ-

1 ated with new or expanded self-determination contracts,
2 grants, self-governance compacts, or annual funding
3 agreements: *Provided further*, That the Bureau of Indian
4 Affairs may collect from the Indian Health Service, tribes
5 and tribal organizations operating health facilities pursu-
6 ant to Public Law 93–638, such individually identifiable
7 health information relating to disabled children as may be
8 necessary for the purpose of carrying out its functions
9 under the Individuals with Disabilities Education Act (20
10 U.S.C. 1400 et seq.): *Provided further*, That the Indian
11 Health Care Improvement Fund may be used, as needed,
12 to carry out activities typically funded under the Indian
13 Health Facilities account.

14 INDIAN HEALTH FACILITIES

15 For construction, repair, maintenance, improvement,
16 and equipment of health and related auxiliary facilities,
17 including quarters for personnel; preparation of plans,
18 specifications, and drawings; acquisition of sites, purchase
19 and erection of modular buildings, and purchases of trail-
20 ers; and for provision of domestic and community sanita-
21 tion facilities for Indians, as authorized by section 7 of
22 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
23 Self-Determination Act, and the Indian Health Care Im-
24 provement Act, and for expenses necessary to carry out
25 such Acts and titles II and III of the Public Health Serv-

1 ice Act with respect to environmental health and facilities
2 support activities of the Indian Health Service,
3 \$394,757,000, to remain available until expended: *Pro-*
4 *vided*, That notwithstanding any other provision of law,
5 funds appropriated for the planning, design, construction
6 or renovation of health facilities for the benefit of a feder-
7 ally recognized Indian tribe or tribes may be used to pur-
8 chase land for sites to construct, improve, or enlarge
9 health or related facilities: *Provided further*, That not to
10 exceed \$500,000 shall be used by the Indian Health Serv-
11 ice to purchase TRANSAM equipment from the Depart-
12 ment of Defense for distribution to the Indian Health
13 Service and tribal facilities: *Provided further*, That none
14 of the funds appropriated to the Indian Health Service
15 may be used for sanitation facilities construction for new
16 homes funded with grants by the housing programs of the
17 United States Department of Housing and Urban Devel-
18 opment: *Provided further*, That not to exceed \$2,700,000
19 from this account and the "Indian Health Services" ac-
20 count shall be used by the Indian Health Service to obtain
21 ambulances for the Indian Health Service and tribal facili-
22 ties in conjunction with an existing interagency agreement
23 between the Indian Health Service and the General Serv-
24 ices Administration: *Provided further*, That not to exceed
25 \$500,000 shall be placed in a Demolition Fund, available

1 until expended, to be used by the Indian Health Service
2 for demolition of Federal buildings.

3 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

4 Appropriations in this Act to the Indian Health Serv-
5 ice shall be available for services as authorized by 5 U.S.C.
6 3109 but at rates not to exceed the per diem rate equiva-
7 lent to the maximum rate payable for senior-level positions
8 under 5 U.S.C. 5376; hire of passenger motor vehicles and
9 aircraft; purchase of medical equipment; purchase of re-
10 prints; purchase, renovation and erection of modular
11 buildings and renovation of existing facilities; payments
12 for telephone service in private residences in the field,
13 when authorized under regulations approved by the Sec-
14 retary; and for uniforms or allowances therefor as author-
15 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
16 ance at meetings that relate to the functions or activities
17 for which the appropriation is made or otherwise con-
18 tribute to the improved conduct, supervision, or manage-
19 ment of those functions or activities.

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

1 be credited to the account of the facility providing the
2 service and shall be available without fiscal year limitation.
3 Notwithstanding any other law or regulation, funds trans-
4 ferred from the Department of Housing and Urban Develop-
5 opment to the Indian Health Service shall be administered
6 under Public Law 86-121, the Indian Sanitation Facilities
7 Act 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
13 Health Service in this Act shall be used for any assess-
14 ments or charges by the Department of Health and
15 Human Services unless identified in the budget justifica-
16 tion and provided in this Act, or approved by the House
17 and Senate Committees on Appropriations through the re-
18 programming process.

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

1 under title V of such Act and thereafter shall remain avail-
2 able to the tribe or tribal organization without fiscal year
3 limitation.

4 None of the funds made available to the Indian
5 Health Service in this Act shall be used to implement the
6 final rule published in the Federal Register on September
7 16, 1987, by the Department of Health and Human Serv-
8 ices, relating to the eligibility for the health care services
9 of the Indian Health Service until the Indian Health Serv-
10 ice has submitted a budget request reflecting the increased
11 costs associated with the proposed final rule, and such re-
12 quest has been included in an appropriations Act and en-
13 acted into law.

14 With respect to functions transferred by the Indian
15 Health Service to tribes or tribal organizations, the Indian
16 Health Service is authorized to provide goods and services
17 to those entities, on a reimbursable basis, including pay-
18 ment in advance with subsequent adjustment. The reim-
19 bursements received therefrom, along with the funds re-
20 ceived from those entities pursuant to the Indian Self-De-
21 termination Act, may be credited to the same or subse-
22 quent appropriation account that provided the funding,
23 with such amounts to remain available until expended.

24 Reimbursements for training, technical assistance, or
25 services provided by the Indian Health Service will contain

1 total costs, including direct, administrative, and overhead
2 associated with the provision of goods, services, or tech-
3 nical assistance.

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

7 NATIONAL INSTITUTES OF HEALTH

8 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

9 SCIENCES

10 For necessary expenses for the National Institute of
11 Environmental Health Sciences in carrying out activities
12 set forth in section 311(a) of the Comprehensive Environ-
13 mental Response, Compensation, and Liability Act of
14 1980, as amended, and section 126(g) of the Superfund
15 Amendments and Reauthorization Act of 1986,
16 \$79,212,000.

17 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

18 REGISTRY

19 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
20 HEALTH

21 For necessary expenses for the Agency for Toxic Sub-
22 stances and Disease Registry (ATSDR) in carrying out
23 activities set forth in sections 104(i) and 111(c)(4) of the
24 Comprehensive Environmental Response, Compensation,
25 and Liability Act of 1980 (CERCLA), as amended; section

1 118(f) of the Superfund Amendments and Reauthorization
2 Act of 1986 (SARA), as amended; and section 3019
3 of the Solid Waste Disposal Act, as amended,
4 \$76,792,000, of which up to \$1,000 per eligible employee
5 of the Agency for Toxic Substance and Disease Registry
6 shall remain available until expended for Individual Learning
7 Accounts: *Provided*, That notwithstanding any other
8 provision of law, in lieu of performing a health assessment
9 under section 104(i)(6) of CERCLA, the Administrator
10 of ATSDR may conduct other appropriate health studies,
11 evaluations, or activities, including, without limitation,
12 biomedical testing, clinical evaluations, medical monitoring,
13 and referral to accredited health care providers:
14 *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

1 OTHER RELATED AGENCIES

2 EXECUTIVE OFFICE OF THE PRESIDENT

3 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

4 ENVIRONMENTAL QUALITY

5 For necessary expenses to continue functions as-

6 signed to the Council on Environmental Quality and Office

7 of Environmental Quality pursuant to the National Envi-

8 ronmental Policy Act of 1969, the Environmental Quality

9 Improvement Act of 1970, and Reorganization Plan No.

10 1 of 1977, and not to exceed \$750 for official reception

11 and representation expenses, \$3,159,000: *Provided*, That

12 notwithstanding section 202 of the National Environ-

13 mental Policy Act of 1970, the Council shall consist of

14 one member, appointed by the President, by and with the

15 advice and consent of the Senate, serving as chairman and

16 exercising all powers, functions, and duties of the Council.

17 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses in carrying out activities pur-

21 suant to section 112(r)(6) of the Clean Air Act, as amend-

22 ed, including hire of passenger vehicles, uniforms or allow-

23 ances therefor, as authorized by 5 U.S.C. 5901–5902, and

24 for services authorized by 5 U.S.C. 3109 but at rates for

25 individuals not to exceed the per diem equivalent to the

1 maximum rate payable for senior level positions under 5
2 U.S.C. 5376, \$10,547,000: *Provided*, That the Chemical
3 Safety and Hazard Investigation Board (Board) shall have
4 not more than three career Senior Executive Service posi-
5 tions: *Provided further*, That notwithstanding any other
6 provision of law, the individual appointed to the position
7 of Inspector General of the Environmental Protection
8 Agency (EPA) shall, by virtue of such appointment, also
9 hold the position of Inspector General of the Board: *Pro-*
10 *vided further*, That notwithstanding any other provision
11 of law, the Inspector General of the Board shall utilize
12 personnel of the Office of Inspector General of EPA in
13 performing the duties of the Inspector General of the
14 Board, and shall not appoint any individuals to positions
15 within the Board: *Provided further*, That of the funds ap-
16 propriated under this heading, \$150,000 shall be paid to
17 the “Office of Inspector General” appropriation of the En-
18 vironmental Protection Agency.

19 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

20 SALARIES AND EXPENSES

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

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

18 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

19 CULTURE AND ARTS DEVELOPMENT

20 PAYMENT TO THE INSTITUTE

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

1 SMITHSONIAN INSTITUTION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Smithsonian Institu-
4 tion, as authorized by law, including research in the fields
5 of art, science, and history; development, preservation, and
6 documentation of the National Collections; presentation of
7 public exhibits and performances; collection, preparation,
8 dissemination, and exchange of information and publica-
9 tions; conduct of education, training, and museum assist-
10 ance programs; maintenance, alteration, operation, lease
11 (for terms not to exceed 30 years), and protection of build-
12 ings, facilities, and approaches; not to exceed \$100,000
13 for services as authorized by 5 U.S.C. 3109; and purchase,
14 rental, repair, and cleaning of uniforms for employees,
15 \$634,161,000, to remain available until September 30,
16 2011, except as otherwise provided herein; of which not
17 to exceed \$19,117,000 for the instrumentation program,
18 collections acquisition, exhibition reinstallation, the Na-
19 tional Museum of African American History and Culture,
20 and the repatriation of skeletal remains program shall re-
21 main available until expended; and of which \$1,553,000
22 is for fellowships and scholarly awards; and including such
23 funds as may be necessary to support American overseas
24 research centers: *Provided*, That funds appropriated here-
25 in are available for advance payments to independent con-

1 tractors performing research services or participating in
2 official Smithsonian presentations.

3 FACILITIES CAPITAL

4 For necessary expenses of repair, revitalization, and
5 alteration of facilities owned or occupied by the Smithso-
6 nian Institution, by contract or otherwise, as authorized
7 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
8 and for construction, including necessary personnel,
9 \$140,000,000, to remain available until expended, of
10 which not to exceed \$10,000 is for services as authorized
11 by 5 U.S.C. 3109.

12 ADMINISTRATIVE PROVISION, SMITHSONIAN INSTITUTION

13 Notwithstanding any provision of the Department of
14 the Interior, Environment, and Related Agencies Approp-
15 priations Act, 2008 (Public Law 110-161; 121 Stat.
16 2140), the funds provided for “Smithsonian Institution,
17 Legacy Fund” under such Act may be transferred to and
18 made a part of the appropriation for “Smithsonian Insti-
19 tution, Facilities Capital” in this Act and utilized by the
20 Smithsonian Institution under the same terms and condi-
21 tions that apply to other funds contained in such appro-
22 priation.

1 NATIONAL GALLERY OF ART

2 SALARIES AND EXPENSES

3 For the upkeep and operations of the National Gal-
4 lery of Art, the protection and care of the works of art
5 therein, and administrative expenses incident thereto, as
6 authorized by the Act of March 24, 1937 (50 Stat. 51),
7 as amended by the public resolution of April 13, 1939
8 (Public Resolution 9, Seventy-sixth Congress), including
9 services as authorized by 5 U.S.C. 3109; payment in ad-
10 vance when authorized by the treasurer of the Gallery for
11 membership in library, museum, and art associations or
12 societies whose publications or services are available to
13 members only, or to members at a price lower than to the
14 general public; purchase, repair, and cleaning of uniforms
15 for guards, and uniforms, or allowances therefor, for other
16 employees as authorized by law (5 U.S.C. 5901–5902);
17 purchase or rental of devices and services for protecting
18 buildings and contents thereof, and maintenance, alter-
19 ation, improvement, and repair of buildings, approaches,
20 and grounds; and purchase of services for restoration and
21 repair of works of art for the National Gallery of Art by
22 contracts made, without advertising, with individuals,
23 firms, or organizations at such rates or prices and under
24 such terms and conditions as the Gallery may deem prop-
25 er, \$110,746,000, of which not to exceed \$3,386,000 for

1 the special exhibition program shall remain available until
2 expended.

3 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

4 For necessary expenses of repair, restoration and
5 renovation of buildings, grounds and facilities owned or
6 occupied by the National Gallery of Art, by contract or
7 otherwise, as authorized, \$56,259,000, to remain available
8 until expended: *Provided*, That of this amount,
9 \$40,000,000 shall be available to repair the National Gal-
10 lery's East Building facade: *Provided further*, That con-
11 tracts awarded for environmental systems, protection sys-
12 tems, and exterior repair or renovation of buildings of the
13 National Gallery of Art may be negotiated with selected
14 contractors and awarded on the basis of contractor quali-
15 fications as well as price.

16 JOHN F. KENNEDY CENTER FOR THE PERFORMING
17 ARTS

18 OPERATIONS AND MAINTENANCE

19 For necessary expenses for the operation, mainte-
20 nance and security of the John F. Kennedy Center for
21 the Performing Arts, \$25,000,000: *Provided*, That of the
22 funds included under this heading, \$2,500,000 is available
23 until expended to implement a program to train arts man-
24 agers throughout the United States.

1 CAPITAL REPAIR AND RESTORATION

2 For necessary expenses for capital repair and restoration
3 of the existing features of the building and site of
4 the John F. Kennedy Center for the Performing Arts,
5 \$17,447,000, to remain available until expended.

6 WOODROW WILSON INTERNATIONAL CENTER FOR

7 SCHOLARS

8 SALARIES AND EXPENSES

9 For expenses necessary in carrying out the provisions
10 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
11 1356) including hire of passenger vehicles and services as
12 authorized by 5 U.S.C. 3109, \$12,225,000, to remain
13 available until September 30, 2011.

14 NATIONAL FOUNDATION ON THE ARTS AND THE
15 HUMANITIES

16 NATIONAL ENDOWMENT FOR THE ARTS

17 GRANTS AND ADMINISTRATION

18 For necessary expenses to carry out the National
19 Foundation on the Arts and the Humanities Act of 1965,
20 as amended, \$170,000,000 shall be available to the Na-
21 tional Endowment for the Arts for the support of projects
22 and productions in the arts, including arts education and
23 public outreach activities, through assistance to organiza-
24 tions and individuals pursuant to section 5 of the Act, for
25 program support, and for administering the functions of

1 the Act, to remain available until expended: *Provided*,
2 That funds appropriated herein shall be expended in ac-
3 cordance with sections 309 and 311 of Public Law 108–
4 447.

5 NATIONAL ENDOWMENT FOR THE HUMANITIES

6 GRANTS AND ADMINISTRATION

7 For necessary expenses to carry out the National
8 Foundation on the Arts and the Humanities Act of 1965,
9 as amended, \$170,000,000, to remain available until ex-
10 pended, of which \$155,700,000 shall be available for sup-
11 port of activities in the humanities, pursuant to section
12 7(c) of the Act and for administering the functions of the
13 Act; and \$14,300,000 shall be available to carry out the
14 matching grants program pursuant to section 10(a)(2) of
15 the Act including \$9,500,000 for the purposes of section
16 7(h): *Provided*, That appropriations for carrying out sec-
17 tion 10(a)(2) shall be available for obligation only in such
18 amounts as may be equal to the total amounts of gifts,
19 bequests, and devises of money, and other property accept-
20 ed by the chairman or by grantees of the Endowment
21 under the provisions of subsections 11(a)(2)(B) and
22 11(a)(3)(B) during the current and preceding fiscal years
23 for which equal amounts have not previously been appro-
24 priated.

1 ADMINISTRATIVE PROVISION

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

19 COMMISSION OF FINE ARTS

20 SALARIES AND EXPENSES

21 For expenses made necessary by the Act establishing
22 a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000:
23 *Provided*, That the Commission is authorized to charge
24 fees to cover the full costs of its publications, and such
25 fees shall be credited to this account as an offsetting col-

1 lection, to remain available until expended without further
2 appropriation: *Provided further*, That the Commission is
3 authorized to accept gifts, including objects, papers, art-
4 work, drawings and artifacts, that pertain to the history
5 and design of the national capital or the history and activi-
6 ties of the Commission of Fine Arts, and may be used
7 only for artistic display, study, or education.

8 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

11 ADVISORY COUNCIL ON HISTORIC PRESERVATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Advisory Council on
14 Historic Preservation (Public Law 89–665, as amended),
15 \$5,908,000: *Provided*, That none of these funds shall be
16 available for compensation of level V of the Executive
17 Schedule or higher positions.

18 NATIONAL CAPITAL PLANNING COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses, as authorized by the Na-
21 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
22 including services as authorized by 5 U.S.C. 3109,
23 \$8,507,000: *Provided*, That one-quarter of 1 percent of
24 the funds provided under this heading may be used for
25 official reception and representational expenses associated

1 with hosting international visitors engaged in the planning
2 and physical development of world capitals.

3 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

4 HOLOCAUST MEMORIAL MUSEUM

5 For expenses of the Holocaust Memorial Museum, as
6 authorized by Public Law 106-292 (36 U.S.C. 2301–
7 2310), \$48,551,000, of which \$515,000 for the Museum's
8 equipment replacement program, \$1,900,000 for the mu-
9 seum's repair and rehabilitation program, and \$1,243,000
10 for the museum's exhibition design and production pro-
11 gram shall remain available until expended.

12 PRESIDIO TRUST

13 PRESIDIO TRUST FUND

14 For necessary expenses to carry out title I of the Om-
15 nibus Parks and Public Lands Management Act of 1996,
16 \$23,200,000 shall be available to the Presidio Trust, to
17 remain available until expended.

18 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses, including the costs of con-
21 struction design, of the Dwight D. Eisenhower Memorial
22 Commission, \$2,000,000 to remain available until ex-
23 pended.

1 CAPITAL CONSTRUCTION

2 For necessary expenses of the Dwight D. Eisenhower
3 Memorial Commission for design and construction of a
4 memorial in honor of Dwight D. Eisenhower, as author-
5 ized by Public Law 106-79, \$10,000,000, to remain avail-
6 able until expended.

7 TITLE IV—GENERAL PROVISIONS

8 (INCLUDING TRANSFERS OF FUNDS)

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

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

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

1 SEC. 404. None of the funds provided in this Act to
2 any department or agency shall be obligated or expended
3 to provide a personal cook, chauffeur, or other personal
4 servants to any officer or employee of such department
5 or agency except as otherwise provided by law.

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

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

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

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

13 (c) REPORT.—On September 30, 2010, the Secretary
14 of the Interior shall file with the House and Senate Com-
15 mittees on Appropriations and the Committee on Natural
16 Resources of the House of Representatives and the Com-
17 mittee on Energy and Natural Resources of the Senate
18 a report on actions taken by the Department under the
19 plan submitted pursuant to section 314(c) of the Depart-
20 ment of the Interior and Related Agencies Appropriations
21 Act, 1997 (Public Law 104–208).

22 (d) MINERAL EXAMINATIONS.—In order to process
23 patent applications in a timely and responsible manner,
24 upon the request of a patent applicant, the Secretary of
25 the Interior shall allow the applicant to fund a qualified

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

9 SEC. 408. Notwithstanding any other provision of
10 law, amounts appropriated to or otherwise designated in
11 committee reports for the Bureau of Indian Affairs and
12 the Indian Health Service by Public Laws 103–138, 103–
13 332, 104–134, 104–208, 105–83, 105–277, 106–113,
14 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
15 109–289, division B and Continuing Appropriations Reso-
16 lution, 2007 (division B of Public Law 109–289, as
17 amended by Public Laws 110–5 and 110–28), Public
18 Laws 110–92, 110–116, 110–137, 110–149, 110–161,
19 110–329, 111–6, and 111–8 for payments for contract
20 support costs associated with self-determination or self-
21 governance contracts, grants, compacts, or annual funding
22 agreements with the Bureau of Indian Affairs or the In-
23 dian Health Service as funded by such Acts, are the total
24 amounts available for fiscal years 1994 through 2009 for
25 such purposes, except that the Bureau of Indian Affairs,

1 federally recognized tribes, and tribal organizations of fed-
2 erally recognized tribes may use their tribal priority alloca-
3 tions for unmet contract support costs of ongoing con-
4 tracts, grants, self-governance compacts, or annual fund-
5 ing agreements.

6 SEC. 409. The Secretary of Agriculture shall not be
7 considered to be in violation of subparagraph 6(f)(5)(A)
8 of the Forest and Rangeland Renewable Resources Plan-
9 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
10 more than 15 years have passed without revision of the
11 plan for a unit of the National Forest System. Nothing
12 in this section exempts the Secretary from any other re-
13 quirement of the Forest and Rangeland Renewable Re-
14 sources Planning Act (16 U.S.C. 1600 et seq.) or any
15 other law: *Provided*, That if the Secretary is not acting
16 expeditiously and in good faith, within the funding avail-
17 able, to revise a plan for a unit of the National Forest
18 System, this section shall be void with respect to such plan
19 and a court of proper jurisdiction may order completion
20 of the plan on an accelerated basis.

21 SEC. 410. No funds provided in this Act may be ex-
22 pended to conduct preleasing, leasing and related activities
23 under either the Mineral Leasing Act (30 U.S.C. 181 et
24 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
25 1331 et seq.) within the boundaries of a National Monu-

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

6 SEC. 411. In entering into agreements with foreign
7 fire organizations pursuant to the Temporary Emergency
8 Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the
9 Secretary of Agriculture and the Secretary of the Interior
10 are authorized to enter into reciprocal agreements in
11 which the individuals furnished under said agreements to
12 provide wildfire services are considered, for purposes of
13 tort liability, employees of the fire organization receiving
14 said services when the individuals are engaged in fire sup-
15 pression or presuppression: *Provided*, That the Secretary
16 of Agriculture or the Secretary of the Interior shall not
17 enter into any agreement under this provision unless the
18 foreign fire organization agrees to assume any and all li-
19 ability for the acts or omissions of American firefighters
20 engaged in fire suppression or presuppression in a foreign
21 country: *Provided further*, That when an agreement is
22 reached for furnishing fire suppression or presuppression
23 services, the only remedies for acts or omissions com-
24 mitted while engaged in fire suppression or presuppression
25 shall be those provided under the laws applicable to the

1 fire organization receiving the fire suppression or
2 presuppression services, and those remedies shall be the
3 exclusive remedies for any claim arising out of fire sup-
4 pression or presuppression activities in a foreign country:
5 *Provided further*, That neither the sending country nor
6 any legal organization associated with the firefighter shall
7 be subject to any legal action, consistent with the applica-
8 ble laws governing sovereign immunity, pertaining to or
9 arising out of the firefighter's role in fire suppression or
10 presuppression, except that if the foreign fire organization
11 is unable to provide such protection under laws applicable
12 to it, it shall assume any and all liability for the United
13 States or for any legal organization associated with the
14 American firefighter, and for any and all costs incurred
15 or assessed, including legal fees, for any act or omission
16 pertaining to or arising out of the firefighter's role in fire
17 suppression or presuppression.

18 SEC. 412. In awarding a Federal contract with funds
19 made available by this Act, notwithstanding Federal Gov-
20 ernment procurement and contracting laws, the Secretary
21 of Agriculture and the Secretary of the Interior (the "Sec-
22 retaries") may, in evaluating bids and proposals, give con-
23 sideration to local contractors who are from, and who pro-
24 vide employment and training for, dislocated and displaced
25 workers in an economically disadvantaged rural commu-

1 nity, including those historically timber-dependent areas
2 that have been affected by reduced timber harvesting on
3 Federal lands and other forest-dependent rural commu-
4 nities isolated from significant alternative employment op-
5 portunities: *Provided*, That notwithstanding Federal Gov-
6 ernment procurement and contracting laws the Secretaries
7 may award contracts, grants or cooperative agreements to
8 local non-profit entities, Youth Conservation Corps or re-
9 lated partnerships with State, local or non-profit youth
10 groups, or small or micro-business or disadvantaged busi-
11 ness: *Provided further*, That the contract, grant, or cooper-
12 ative agreement is for forest hazardous fuels reduction,
13 watershed or water quality monitoring or restoration, wild-
14 life or fish population monitoring, or habitat restoration
15 or management: *Provided further*, That the terms “rural
16 community” and “economically disadvantaged” shall have
17 the same meanings as in section 2374 of Public Law 101–
18 624: *Provided further*, That the Secretaries shall develop
19 guidance to implement this section: *Provided further*, That
20 nothing in this section shall be construed as relieving the
21 Secretaries of any duty under applicable procurement
22 laws, except as provided in this section.

23 SEC. 413. Unless otherwise provided herein, no funds
24 appropriated in this Act for the acquisition of lands or
25 interests in lands may be expended for the filing of dec-

1 larations of taking or complaints in condemnation without
2 the approval of the House and Senate Committees on Ap-
3 propriations.

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

8 SEC. 415. Section 6 of the National Foundation on
9 the Arts and the Humanities Act of 1965 (Public Law
10 89–209, 20 U.S.C. 955), as amended, is further amend-
11 ed—

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

15 (2) in the second sentence of subsection (d)(1),
16 by striking “Eight” and inserting in lieu thereof
17 “Ten”.

18 SEC. 416. The item relating to “National Capital
19 Arts and Cultural Affairs” in the Department of the Inte-
20 rior and Related Agencies Appropriations Act, 1986, as
21 enacted into law by section 101(d) of Public Law 99–190
22 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

23 (1) in the second sentence of the first para-
24 graph, by striking “\$7,500,000” and inserting
25 “\$10,000,000”; and

4 SEC. 417. Section 339(h) of the Department of the
5 Interior and Related Agencies Appropriations Act, 2000,
6 as amended, concerning a pilot program for the sale of
7 forest botanical products by the Forest Service, is further
8 amended by striking “September 30, 2009” and inserting
9 “September 30, 2014”.

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

13 SEC. 419. All monies received by the United States
14 in fiscal year 2010 from sales, bonuses, rentals, and royal-
15 ties under the Geothermal Steam Act of 1970 shall be dis-
16 posed of as provided by section 20 of that Act (30 U.S.C.
17 1019), as in effect immediately before enactment of the
18 Energy Policy Act of 2005 (Public Law 109-58), and
19 without regard to the amendments contained in sections
20 224(b) and section 234 of the Energy Policy Act of 2005
21 (42 U.S.C. 17673).

22 SEC. 420. Section 331(e) of the Department of the
23 Interior and Related Agencies Appropriations Act, 2001,
24 (Public Law 106–291), as added by section 336 of division
25 E of the Consolidated Appropriations Act, 2005 (Public

1 Law 108–447), concerning cooperative forestry agree-
2 ments known as the Colorado Good Neighbor Act Author-
3 ity is amended by striking “September 30, 2009” and in-
4 serting “September 30, 2013”.

5 SEC. 421. None of the funds in this or any other Act
6 shall be used to deposit funds from any Federal royalties,
7 rents, and bonuses derived from Federal onshore and off-
8 shore oil and gas leases issued under the Outer Conti-
9 nental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the
10 Mineral Leasing Act (30 U.S.C. 181 et seq.) into the
11 Ultra-Deepwater and Unconventional Natural Gas and
12 Other Petroleum Research Fund.

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

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

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

20 (3) by inserting after paragraph (3), the fol-
21 lowing: “(4) to reimburse all or part of the costs in-
22 curred by the county to pay the salaries and benefits
23 of county employees who supervise adults or juve-
24 niles performing mandatory community service on
25 Federal lands.”.

1 SEC. 423. Within the amounts appropriated in this
2 Act, funding shall be allocated in the amounts specified
3 for those projects and purposes delineated in the table ti-
4 tled “Congressionally Directed Spending” included in the
5 explanatory statement accompanying this Act. The pre-
6 ceding sentence shall apply in addition to the allocation
7 requirements specified in this Act under the heading “Na-
8 tional Park Service—Historic Preservation Fund” for Save
9 America’s Treasures and under the heading “Environ-
10 mental Protection Agency—State and Tribal Assistance
11 Grants” for special project grants for the construction of
12 drinking water, wastewater and storm infrastructure and
13 for water quality protection.

14 SEC. 424. Not later than 120 days after the date on
15 which the President’s Fiscal Year 2011 budget request is
16 submitted to Congress, the President shall submit a report
17 to the Committee on Appropriations of the House of Rep-
18 resentatives and the Committee on Appropriations of the
19 Senate describing in detail all Federal agency obligations
20 and expenditures, domestic and international, for climate
21 change programs and activities in fiscal year 2008, fiscal
22 year 2009, and fiscal year 2010, including an accounting
23 of expenditures by agency with each agency identifying cli-
24 mate change activities and associated costs by line item
25 as presented in the President’s Budget Appendix.

1 SEC. 425. Notwithstanding any other provision of
2 law, none of the funds made available in this or any other
3 Act may be used to implement any rule that requires man-
4 datory reporting of greenhouse gas emissions from manure
5 management systems.

6 SEC. 426. (a) None of the funds made available in
7 this or any prior Act may be used to release an individual
8 who is detained, as of April 30, 2009, at Naval Station,
9 Guantanamo Bay, Cuba, into any of the United States
10 territories of Guam, American Samoa (AS), the United
11 States Virgin Islands (USVI), the Commonwealth of Puer-
12 to Rico and the Commonwealth of the Northern Mariana
13 Islands (CNMI).

14 (b) None of the funds made available in this or any
15 other prior Act may be used to transfer an individual who
16 is detained, as of April 30, 2009, at Naval Station, Guan-
17 tanamo Bay, Cuba, into any of the United States terri-
18 tories of Guam, American Samoa (AS), the United States
19 Virgin Islands (USVI), the Commonwealth of Puerto Rico
20 and the Commonwealth of the Northern Mariana Islands
21 (CNMI), for the purposes of detaining or prosecuting such
22 individual, until 2 months after the plan described in sub-
23 section (c) is received.

24 (c) The President shall submit to the Congress, in
25 writing, a comprehensive plan regarding the proposed dis-

1 position of each individual who is detained, as of April 30,
2 2009, at Naval Station, Guantanamo Bay, Cuba, who is
3 not covered under subsection (d). Such plan shall include,
4 at a minimum, each of the following for each such indi-
5 vidual:

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

9 (2) The costs associated with not transferring
10 the individual in question.

11 (3) The legal rationale and associated court de-
12 mands for transfer.

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

17 (5) A certification by the President that the
18 President has submitted to the Governor and legisla-
19 ture of the State or territory (or, in the case of the
20 District of Columbia, to the Mayor of the District of
21 Columbia) to which the President intends to transfer
22 the individual a certification in writing at least 30
23 days prior to such transfer (together with supporting
24 documentation and justification) that the individual
25 does not pose a security risk to the United States.

1 (d) None of the funds made available in this or any
2 prior Act may be used to transfer or release an individual
3 detained at Naval Station, Guantanamo Bay, Cuba, as of
4 April 30, 2009, to a freely associated State, unless the
5 President submits to the Congress, in writing, at least 30
6 days prior to such transfer or release, the following infor-
7 mation:

8 (1) The name of any individual to be trans-
9 ferred or released and the freely associated State to
10 which such individual is to be transferred or re-
11 leased.

12 (2) An assessment of any risk to the national
13 security of the United States or its citizens, includ-
14 ing members of the Armed Services or the United
15 States, that is posed by such transfer or release and
16 the actions taken to mitigate such risk.

17 (3) The terms of any agreement with the freely
18 associated State for the acceptance of such indi-
19 vidual, including the amount of any financial assist-
20 ance related to such agreement.

21 (e) In this section, the term “freely associated
22 States” means the Federated States of Micronesia (FSM),
23 the Republic of the Marshall Islands (RMI), and the Re-
24 public of Palau.

1 SEC. 427. Notwithstanding any other provision of
2 law, none of the funds made available in this or any other
3 Act may be used to promulgate or implement any regula-
4 tion requiring the issuance of permits under title V of the
5 Clean Air Act for carbon dioxide, nitrous oxide, water
6 vapor, or methane emissions resulting from biological
7 processes associated with livestock production.

8 This Act may be cited as the “Department of the In-
9 terior, Environment, and Related Agencies Appropriations
10 Act, 2010”.

Passed the House of Representatives June 26, 2009.

Attest: **LORRAINE C. MILLER,**

Clerk.