

Calendar No. 98

111TH CONGRESS
1ST SESSION**H. R. 2996****[Report No. 111-38]**

IN THE SENATE OF THE UNITED STATES

JULY 6, 2009

Received; read twice and referred to the Committee on Appropriations

JULY 7, 2009

Reported by Mrs. FEINSTEIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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,*
3 ~~That the following sums are appropriated, out of any~~
4 ~~money in the Treasury not otherwise appropriated, for the~~
5 ~~Department of the Interior, environment, and related~~
6 ~~agencies for the fiscal year ending September 30, 2010,~~
7 ~~and for other purposes, namely:~~

1 TITLE I—DEPARTMENT OF THE INTERIOR

2 BUREAU OF LAND MANAGEMENT

3 MANAGEMENT OF LANDS AND RESOURCES

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

21 In addition, \$45,500,000 is for the processing of ap-
22 plications for permit to drill and related use authoriza-
23 tions, to remain available until expended, to be reduced
24 by amounts collected by the Bureau and credited to this
25 appropriation that shall be derived from \$6,500 per new

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

13 CONSTRUCTION

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

17 LAND ACQUISITION

18 For expenses necessary to carry out sections 205,
19 206, and 318(d) of Public Law 94-579, including admin-
20 istrative expenses and acquisition of lands or waters, or
21 interests therein, \$26,529,000, to be derived from the
22 Land and Water Conservation Fund and to remain avail-
23 able until expended.

1 OREGON AND CALIFORNIA GRANT LANDS

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

19 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

20 (REVOLVING FUND, SPECIAL ACCOUNT)

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

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

9 RANGE IMPROVEMENTS

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

1 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

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

4 MISCELLANEOUS TRUST FUNDS

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

13 ADMINISTRATIVE PROVISIONS

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

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

12 UNITED STATES FISH AND WILDLIFE SERVICE

13 RESOURCE MANAGEMENT

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

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

21 CONSTRUCTION

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

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

3 ~~LAND ACQUISITION~~

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

20 ~~COOPERATIVE ENDANGERED SPECIES CONSERVATION~~

21 ~~FUND~~

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

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

7 NATIONAL WILDLIFE REFUGE FUND

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

10 NORTH AMERICAN WETLANDS CONSERVATION FUND

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

15 NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

20 MULTINATIONAL SPECIES CONSERVATION FUND

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

1 U.S.C. 5301–5306), the Great Ape Conservation Act of
2 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
3 servation Act of 2004 (16 U.S.C. 6601–6606),
4 \$11,500,000, to remain available until expended.

5 STATE AND TRIBAL WILDLIFE GRANTS

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

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

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

14 ADMINISTRATIVE PROVISIONS

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

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

15 NATIONAL PARK SERVICE

16 OPERATION OF THE NATIONAL PARK SYSTEM

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

1 National Park Service automated facility management
2 software system, and comprehensive facility condition as-
3 sessments shall remain available until September 30,
4 2011.

5 PARK PARTNERSHIP PROJECT GRANTS

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

15 NATIONAL RECREATION AND PRESERVATION

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

22 HISTORIC PRESERVATION FUND

23 For expenses necessary in carrying out the Historic
24 Preservation Act of 1966, as amended (16 U.S.C. 470),
25 and the Omnibus Parks and Public Lands Management

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

16 CONSTRUCTION

17 For construction, improvements, repair or replace-
18 ment of physical facilities, including modifications author-
19 ized by section 104 of the Everglades National Park Pro-
20 tection and Expansion Act of 1989, \$214,691,000 (re-
21 duced by \$1,000,000), to remain available until expended:
22 *Provided*, That the National Park Service shall complete
23 a special resource study along the route of the Mississippi
24 River in the counties contiguous to the river from its head-
25 waters in the State of Minnesota to the Gulf of Mexico.

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

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

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

19 UNITED STATES GEOLOGICAL SURVEY

20 SURVEYS, INVESTIGATIONS, AND RESEARCH

21 For expenses necessary for the United States Geo-
22 logical Survey to perform surveys, investigations, and re-
23 search covering topography, geology, hydrology, biology,
24 and the mineral and water resources of the United States,
25 its territories and possessions, and other areas as author-

1 ized by ~~43~~ U.S.C. ~~31, 1332, and 1340~~; classify lands as
2 to their mineral and water resources; give engineering su-
3 pervision to power permittees and Federal Energy Regu-
4 latory Commission licensees; administer the minerals ex-
5 ploration program (~~30~~ U.S.C. ~~641~~); conduct inquiries into
6 the economic conditions affecting mining and materials
7 processing industries (~~30~~ U.S.C. ~~3, 21a, and 1603~~; ~~50~~
8 U.S.C. ~~98g(1)~~) and related purposes as authorized by law;
9 and to publish and disseminate data relative to the fore-
10 going activities; \$1,105,744,000, to remain available until
11 September 30, 2011, of which \$65,561,000 shall be avail-
12 able only for cooperation with States or municipalities for
13 water resources investigations; of which \$40,150,000 shall
14 remain available until expended for satellite operations;
15 and of which \$7,321,000 shall be available until expended
16 for deferred maintenance and capital improvement
17 projects that exceed \$100,000 in cost and of which
18 \$2,000,000 shall be available for the United States Geo-
19 logical Survey to fund the operating expenses for the Civil
20 Applications Committee: *Provided*, That none of the funds
21 provided for the biological research activity shall be used
22 to conduct new surveys on private property, unless specifi-
23 cally authorized in writing by the property owner: *Pro-*
24 *vided further*, That no part of this appropriation shall be
25 used to pay more than one-half the cost of topographic

1 mapping or water resources data collection and investiga-
2 tions carried on in cooperation with States and municipali-
3 ties.

4 ADMINISTRATIVE PROVISIONS

5 From within the amount appropriated for activities
6 of the United States Geological Survey such sums as are
7 necessary shall be available for reimbursement to the Gen-
8 eral Services Administration for security guard services;
9 contracting for the furnishing of topographic maps and
10 for the making of geophysical or other specialized surveys
11 when it is administratively determined that such proce-
12 dures are in the public interest; construction and mainte-
13 nance of necessary buildings and appurtenant facilities;
14 acquisition of lands for gauging stations and observation
15 wells; expenses of the United States National Committee
16 on Geology; and payment of compensation and expenses
17 of persons on the rolls of the Survey duly appointed to
18 represent the United States in the negotiation and admin-
19 istration of interstate compacts: *Provided*, That activities
20 funded by appropriations herein made may be accom-
21 plished through the use of contracts, grants, or coopera-
22 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
23 *vided further*, That the United States Geological Survey
24 may enter into contracts or cooperative agreements di-
25 rectly with individuals or indirectly with institutions or

1 nonprofit organizations, without regard to 41 U.S.C. 5,
2 for the temporary or intermittent services of students or
3 recent graduates, who shall be considered employees for
4 the purpose of chapters 57 and 81 of title 5, United States
5 Code, relating to compensation for travel and work inju-
6 ries, and chapter 171 of title 28, United States Code, re-
7 lating to tort claims, but shall not be considered to be Fed-
8 eral employees for any other purposes.

9 MINERALS MANAGEMENT SERVICE

10 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

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

1 U.S.C. 3302, in fiscal year 2010, such amounts as are
2 assessed under 31 U.S.C. 9701 shall be collected and cred-
3 ited to this account and shall be available until expended
4 for necessary expenses: *Provided further*, That to the ex-
5 tent \$156,730,000 in addition to receipts are not realized
6 from the sources of receipts stated above, the amount
7 needed to reach \$156,730,000 shall be credited to this ap-
8 propriation from receipts resulting from rental rates for
9 Outer Continental Shelf leases in effect before August 5,
10 1993: *Provided further*, That not to exceed \$3,000 shall
11 be available for reasonable expenses related to promoting
12 volunteer beach and marine cleanup activities: *Provided*
13 *further*, That notwithstanding any other provision of law,
14 \$15,000 under this heading shall be available for refunds
15 of overpayments in connection with certain Indian leases
16 in which the Director of MMS concurred with the claimed
17 refund due, to pay amounts owed to Indian allottees or
18 tribes, or to correct prior unrecoverable erroneous pay-
19 ments: *Provided further*, That for the costs of administra-
20 tion of the Coastal Impact Assistance Program authorized
21 by section 31 of the Outer Continental Shelf Lands Act,
22 as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS
23 may retain up to 4 percent of the amounts which are dis-
24 bursed under section 31(b)(1), such retained amounts to
25 remain available until expended.

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

10 OIL SPILL RESEARCH

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

16 ADMINISTRATIVE PROVISION

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

1 Mining Reclamation and Enforcement sponsored training:
2 *Provided further,* That funds made available under title
3 IV of Public Law 95–87 may be used for any required
4 non-Federal share of the cost of projects funded by the
5 Federal Government for the purpose of environmental res-
6 toration related to treatment or abatement of acid mine
7 drainage from abandoned mines: *Provided further,* That
8 such projects must be consistent with the purposes and
9 priorities of the Surface Mining Control and Reclamation
10 Act.

11 ADMINISTRATIVE PROVISION

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

17 BUREAU OF INDIAN AFFAIRS

18 OPERATION OF INDIAN PROGRAMS

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary for the operation of Indian
21 programs, as authorized by law, including the Snyder Act
22 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
23 termination and Education Assistance Act of 1975 (25
24 U.S.C. 450 et seq.), as amended, the Education Amend-
25 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally

1 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.);
2 as amended, \$2,300,099,000, to remain available until
3 September 30, 2011 except as otherwise provided herein;
4 of which not to exceed \$8,500 may be for official reception
5 and representation expenses; of which not to exceed
6 \$74,915,000 shall be for welfare assistance payments:
7 *Provided*, That in cases of designated Federal disasters,
8 the Secretary may exceed such cap, from the amounts pro-
9 vided herein, to provide for disaster relief to Indian com-
10 munities affected by the disaster; and of which, notwith-
11 standing any other provision of law, including but not lim-
12 ited to the Indian Self-Determination Act of 1975, as
13 amended, not to exceed \$159,084,000 shall be available
14 for payments for contract support costs associated with
15 ongoing contracts, grants, compacts, or annual funding
16 agreements entered into with the Bureau prior to or dur-
17 ing fiscal year 2010; as authorized by such Act, except
18 that federally recognized tribes, and tribal organizations
19 of federally recognized tribes, may use their tribal priority
20 allocations for unmet contract support costs of ongoing
21 contracts, grants, or compacts, or annual funding agree-
22 ments and for unmet welfare assistance costs; of which
23 not to exceed \$568,702,000 for school operations costs of
24 Bureau-funded schools and other education programs
25 shall become available on July 1, 2010, and shall remain

1 available until September 30, 2011, and of which not to
2 exceed \$59,895,000 shall remain available until expended
3 for housing improvement, road maintenance, attorney
4 fees, litigation support, the Indian Self-Determination
5 Fund, land records improvement, and the Navajo-Hopi
6 Settlement Program: *Provided further*, That notwith-
7 standing any other provision of law, including but not lim-
8 ited to the Indian Self-Determination Act of 1975, as
9 amended, and 25 U.S.C. 2008, not to exceed \$43,373,000
10 within and only from such amounts made available for
11 school operations shall be available for administrative cost
12 grants associated with ongoing grants entered into with
13 the Bureau prior to or during fiscal year 2009 for the
14 operation of Bureau-funded schools, and up to \$500,000
15 within and only from such amounts made available for ad-
16 ministrative cost grants shall be available for the transi-
17 tional costs of initial administrative cost grants to grant-
18 ees that assume operation on or after July 1, 2009, of
19 Bureau-funded schools: *Provided further*, That any for-
20 estry funds allocated to a federally recognized tribe which
21 remain unobligated as of September 30, 2011, may be
22 transferred during fiscal year 2012 to an Indian forest
23 land assistance account established for the benefit of the
24 holder of the funds within the holder's trust fund account:
25 *Provided further*, That any such unobligated balances not

1 so transferred shall expire on September 30, 2012: *Pro-*
2 *vided further*, That in order to enhance the safety of Bu-
3 reau field employees, the Bureau may use funds to pur-
4 chase uniforms or other identifying articles of clothing for
5 personnel.

6 CONSTRUCTION

7 (INCLUDING TRANSFER OF FUNDS)

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

1 new construction or facilities improvement and repair
2 project grants in excess of \$100,000 that are provided to
3 grant schools under Public Law 100-297, as amended, the
4 Secretary of the Interior shall use the Administrative and
5 Audit Requirements and Cost Principles for Assistance
6 Programs contained in ~~43~~ CFR part ~~12~~ as the regulatory
7 requirements: *Provided further*, That such grants shall not
8 be subject to section ~~12.61~~ of ~~43~~ CFR; the Secretary and
9 the grantee shall negotiate and determine a schedule of
10 payments for the work to be performed: *Provided further*,
11 That in considering grant applications, the Secretary shall
12 consider whether such grantee would be deficient in assur-
13 ing that the construction projects conform to applicable
14 building standards and codes and Federal, tribal, or State
15 health and safety standards as required by ~~25~~ U.S.C.
16 ~~2005(b)~~, with respect to organizational and financial man-
17 agement capabilities: *Provided further*, That if the Sec-
18 retary declines a grant application, the Secretary shall fol-
19 low the requirements contained in ~~25~~ U.S.C. ~~2504(f)~~: *Pro-*
20 *vided further*, That any disputes between the Secretary
21 and any grantee concerning a grant shall be subject to
22 the disputes provision in ~~25~~ U.S.C. ~~2507(e)~~: *Provided fur-*
23 *ther*, That in order to ensure timely completion of con-
24 struction projects, the Secretary may assume control of
25 a project and all funds related to the project, if, within

1 eighteen months of the date of enactment of this Act, any
 2 grantee receiving funds appropriated in this Act or in any
 3 prior Act, has not completed the planning and design
 4 phase of the project and commenced construction: *Pro-*
 5 *vided further,* That this appropriation may be reimbursed
 6 from the Office of the Special Trustee for American Indi-
 7 ans appropriation for the appropriate share of construc-
 8 tion costs for space expansion needed in agency offices to
 9 meet trust reform implementation.

10 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
 11 MISCELLANEOUS PAYMENTS TO INDIANS

12 For payments and necessary administrative expenses
 13 for implementation of Indian land and water claim settle-
 14 ments pursuant to Public Laws 99-264, 100-580, 101-
 15 618, 108-447, 109-379, 109-479, 110-297, and 111-11,
 16 and for implementation of other land and water rights set-
 17 tlements, \$47,380,000, to remain available until expended.

18 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

19 For the cost of guaranteed loans and insured loans,
 20 \$8,215,000, of which \$1,629,000 is for administrative ex-
 21 penses, as authorized by the Indian Financing Act of
 22 1974, as amended: *Provided,* That such costs, including
 23 the cost of modifying such loans, shall be as defined in
 24 section 502 of the Congressional Budget Act of 1974: *Pro-*
 25 *vided further,* That these funds are available to subsidize

1 total loan principal, any part of which is to be guaranteed
2 or insured, not to exceed \$93,807,956.

3 ~~INDIAN LAND CONSOLIDATION~~

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

11 ~~ADMINISTRATIVE PROVISIONS~~

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

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

21 Appropriations for the Bureau of Indian Affairs (ex-
22 cept the Revolving Fund for Loans Liquidating Account,
23 Indian Loan Guaranty and Insurance Fund Liquidating
24 Account, Indian Guaranteed Loan Financing Account, In-
25 dian Direct Loan Financing Account, and the Indian

1 Guaranteed Loan Program Account) shall be available for
2 expenses of exhibits.

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

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

21 Notwithstanding any other provision of law, no funds
22 available to the Bureau, other than the amounts provided
23 herein for assistance to public schools under 25 U.S.C.
24 452 et seq., shall be available to support the operation of
25 any elementary or secondary school in the State of Alaska.

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

1 ation and employees of a charter school shall not be treat-
2 ed as Federal employees for purposes of chapter 171 of
3 title 28, United States Code.

4 Notwithstanding any other provision of law, including
5 section 113 of title I of appendix C of Public Law 106-
6 113, if in fiscal year 2003 or 2004 a grantee received indi-
7 rect and administrative costs pursuant to a distribution
8 formula based on section 5(f) of Public Law 101-301, the
9 Secretary shall continue to distribute indirect and admin-
10 istrative cost funds to such grantee using the section 5(f)
11 distribution formula.

12 DEPARTMENTAL OFFICES

13 OFFICE OF THE SECRETARY

14 SALARIES AND EXPENSES

15 For necessary expenses for management of the De-
16 partment of the Interior, \$118,836,000, of which
17 \$12,136,000 for consolidated appraisal services is to be
18 derived from the Land and Water Conservation Fund and
19 shall remain available until expended; of which not to ex-
20 ceed \$15,000 may be for official reception and representa-
21 tion expenses; and of which up to \$1,000,000 shall be
22 available for workers compensation payments and unem-
23 ployment compensation payments associated with the or-
24 derly closure of the United States Bureau of Mines: *Pro-*
25 *vided*, That for fiscal year 2010 up to \$400,000 of the

1 payments authorized by the Act of October 20, 1976, as
2 amended (31 U.S.C. 6901–6907) may be retained for ad-
3 ministrative expenses of the Payments in Lieu of Taxes
4 Program: *Provided further*, That no payment shall be
5 made pursuant to that Act to otherwise eligible units of
6 local government if the computed amount of the payment
7 is less than \$100.

8 INSULAR AFFAIRS

9 ASSISTANCE TO TERRITORIES

10 For expenses necessary for assistance to territories
11 under the jurisdiction of the Department of the Interior,
12 \$83,995,000, of which: (1) \$74,715,000 shall remain
13 available until expended for technical assistance, including
14 maintenance assistance, disaster assistance, insular man-
15 agement controls, coral reef initiative activities, and brown
16 tree snake control and research; grants to the judiciary
17 in American Samoa for compensation and expenses, as au-
18 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
19 ment of American Samoa, in addition to current local rev-
20 enues, for construction and support of governmental func-
21 tions; grants to the Government of the Virgin Islands as
22 authorized by law; grants to the Government of Guam,
23 as authorized by law; and grants to the Government of
24 the Northern Mariana Islands as authorized by law (Pub-
25 lic Law 94–241, 90 Stat. 272); and (2) \$9,280,000 shall

1 be available until September 30, 2011 for salaries and ex-
2 penses of the Office of Insular Affairs: *Provided*, That all
3 financial transactions of the territorial and local govern-
4 ments herein provided for, including such transactions of
5 all agencies or instrumentalities established or used by
6 such governments, may be audited by the Government Ac-
7 countability Office, at its discretion, in accordance with
8 chapter 35 of title 31, United States Code: *Provided fur-*
9 *ther*, That Northern Mariana Islands Covenant grant
10 funding shall be provided according to those terms of the
11 Agreement of the Special Representatives on Future
12 United States Financial Assistance for the Northern Mar-
13 iana Islands approved by Public Law 104-134: *Provided*
14 *further*, That of the amounts provided for technical assist-
15 ance, sufficient funds shall be made available for a grant
16 to the Pacific Basin Development Council: *Provided fur-*
17 *ther*, That of the amounts provided for technical assist-
18 ance, sufficient funding shall be made available for a grant
19 to the Close Up Foundation: *Provided further*, That the
20 funds for the program of operations and maintenance im-
21 provement are appropriated to institutionalize routine op-
22 erations and maintenance improvement of capital infra-
23 structure with territorial participation and cost sharing to
24 be determined by the Secretary based on the grantee's
25 commitment to timely maintenance of its capital assets:

1 *Provided further*, That any appropriation for disaster as-
 2 sistance under this heading in this Act or previous appro-
 3 priations Acts may be used as non-Federal matching
 4 funds for the purpose of hazard mitigation grants provided
 5 pursuant to section 404 of the Robert T. Stafford Disaster
 6 Relief and Emergency Assistance Act (42 U.S.C. 5170e).

7 COMPACT OF FREE ASSOCIATION

8 For grants and necessary expenses, \$5,318,000, to
 9 remain available until expended, as provided for in sec-
 10 tions ~~221(a)(2)~~, ~~221(b)~~, and ~~233~~ of the Compact of Free
 11 Association for the Republic of Palau; and section
 12 ~~221(a)(2)~~ of the Compacts of Free Association for the
 13 Government of the Republic of the Marshall Islands and
 14 the Federated States of Micronesia, as authorized by Pub-
 15 lic Law ~~99-658~~ and Public Law ~~108-188~~.

16 ADMINISTRATIVE PROVISIONS

17 (INCLUDING TRANSFER OF FUNDS)

18 At the request of the Governor of Guam, the Sec-
 19 retary may transfer discretionary funds or mandatory
 20 funds provided under section 104(e) of Public Law ~~108-~~
 21 ~~188~~ and Public Law ~~104-134~~, that are allocated for
 22 Guam, to the Secretary of Agriculture for the subsidy cost
 23 of direct or guaranteed loans, plus not to exceed three per-
 24 cent of the amount of the subsidy transferred for the cost
 25 of loan administration, for the purposes authorized by the

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

16 OFFICE OF THE SOLICITOR

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of the Solicitor,
 19 ~~\$65,076,000.~~

20 OFFICE OF INSPECTOR GENERAL

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of Inspector
 23 General, ~~\$48,590,000.~~

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

19 DEPARTMENT-WIDE PROGRAMS

20 WILDLAND FIRE MANAGEMENT

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses for fire preparedness, sup-
 23 pression operations, fire science and research, emergency
 24 rehabilitation, hazardous fuels reduction, and rural fire as-
 25 sistance by the Department of the Interior, \$932,780,000,

1 to remain available until expended, of which not to exceed
2 \$6,137,000 shall be for the renovation or construction of
3 fire facilities: *Provided*, That such funds are also available
4 for repayment of advances to other appropriation accounts
5 from which funds were previously transferred for such
6 purposes: *Provided further*, That persons hired pursuant
7 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
8 ing without cost from funds available from this appropria-
9 tion: *Provided further*, That notwithstanding 42 U.S.C.
10 1856d, sums received by a bureau or office of the Depart-
11 ment of the Interior for fire protection rendered pursuant
12 to 42 U.S.C. 1856 et seq., protection of United States
13 property, may be credited to the appropriation from which
14 funds were expended to provide that protection, and are
15 available without fiscal year limitation: *Provided further*,
16 That using the amounts designated under this title of this
17 Act, the Secretary of the Interior may enter into procure-
18 ment contracts, grants, or cooperative agreements, for
19 hazardous fuels reduction activities, and for training and
20 monitoring associated with such hazardous fuels reduction
21 activities, on Federal land, or on adjacent non-Federal
22 land for activities that benefit resources on Federal land:
23 *Provided further*, That the costs of implementing any co-
24 operative agreement between the Federal Government and
25 any non-Federal entity may be shared, as mutually agreed

1 on by the affected parties: *Provided further*, That notwith-
2 standing requirements of the Competition in Contracting
3 Act, the Secretary, for purposes of hazardous fuels reduc-
4 tion activities, may obtain maximum practicable competi-
5 tion among: (1) local private, nonprofit, or cooperative en-
6 tities; (2) Youth Conservation Corps crews, Public Lands
7 Corps (Public Law 109-154), or related partnerships with
8 State, local, or non-profit youth groups; (3) small or
9 micro-businesses; or (4) other entities that will hire or
10 train locally a significant percentage, defined as 50 per-
11 cent or more, of the project workforce to complete such
12 contracts: *Provided further*, That in implementing this sec-
13 tion, the Secretary shall develop written guidance to field
14 units to ensure accountability and consistent application
15 of the authorities provided herein: *Provided further*, That
16 funds appropriated under this head may be used to reim-
17 burse the United States Fish and Wildlife Service and the
18 National Marine Fisheries Service for the costs of carrying
19 out their responsibilities under the Endangered Species
20 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
21 ference, as required by section 7 of such Act, in connection
22 with wildland fire management activities: *Provided further*,
23 That the Secretary of the Interior may use wildland fire
24 appropriations to enter into non-competitive sole source
25 leases of real property with local governments, at or below

1 fair market value, to construct capitalized improvements
2 for fire facilities on such leased properties, including but
3 not limited to fire guard stations, retardant stations, and
4 other initial attack and fire support facilities, and to make
5 advance payments for any such lease or for construction
6 activity associated with the lease: *Provided further*, That
7 the Secretary of the Interior and the Secretary of Agri-
8 culture may authorize the transfer of funds appropriated
9 for wildland fire management, in an aggregate amount not
10 to exceed \$50,000,000, between the Departments when
11 such transfers would facilitate and expedite jointly funded
12 wildland fire management programs and projects.

13 WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE
14 FUND

15 (INCLUDING TRANSFER OF FUNDS)

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

1 et seq.); the Oil Pollution Act of 1990 (33 U.S.C. 2701
2 et seq.); and Public Law 101-337, as amended (16 U.S.C.
3 1911 et seq.); \$6,462,000; to remain available until ex-
4 pended.

5 WORKING CAPITAL FUND

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

1 3306(a)) at the prevailing rate for similar space, facilities,
 2 equipment, or services in the vicinity of the National In-
 3 dian Program Training Center: *Provided further*, That all
 4 funds received pursuant to the two preceding provisos
 5 shall be credited to this account, shall be available until
 6 expended, and shall be used by the Secretary for necessary
 7 expenses of the National Indian Program Training Center.

8 ADMINISTRATIVE PROVISIONS

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

17 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

18 (INCLUDING TRANSFERS OF FUNDS)

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

1 able under this authority until funds specifically made
2 available to the Department of the Interior for emer-
3 gencies shall have been exhausted: *Provided further*, That
4 all funds used pursuant to this section must be replenished
5 by a supplemental appropriation which must be requested
6 as promptly as possible.

7 SEC. 102. The Secretary may authorize the expendi-
8 ture or transfer of any no year appropriation in this title,
9 in addition to the amounts included in the budget pro-
10 grams of the several agencies, for the suppression or emer-
11 gency prevention of wildland fires on or threatening lands
12 under the jurisdiction of the Department of the Interior;
13 for the emergency rehabilitation of burned-over lands
14 under its jurisdiction; for emergency actions related to po-
15 tential or actual earthquakes, floods, volcanoes, storms, or
16 other unavoidable causes; for contingency planning subse-
17 quent to actual oil spills; for response and natural resource
18 damage assessment activities related to actual oil spills;
19 for the prevention, suppression, and control of actual or
20 potential grasshopper and Mormon cricket outbreaks on
21 lands under the jurisdiction of the Secretary, pursuant to
22 the authority in section 1773(b) of Public Law 99-198
23 (99 Stat. 1658); for emergency reclamation projects under
24 section 410 of Public Law 95-87; and shall transfer, from
25 any no year funds available to the Office of Surface Min-

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

24 SEC. 103. Appropriations made to the Department
25 of the Interior in this title shall be available for services

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

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

22 SEC. 105. Notwithstanding any other provision of
23 law, the Secretary of the Interior is authorized to redis-
24 tribute any Tribal Priority Allocation funds, including
25 tribal base funds, to alleviate tribal funding inequities by

1 transferring funds to address identified, unmet needs,
2 dual enrollment, overlapping service areas or inaccurate
3 distribution methodologies. No federally recognized tribe
4 shall receive a reduction in Tribal Priority Allocation
5 funds of more than 10 percent in fiscal year 2010. Under
6 circumstances of dual enrollment, overlapping service
7 areas or inaccurate distribution methodologies, the 10 per-
8 cent limitation does not apply.

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

19 SEC. 107. The Secretary of the Interior may use dis-
20 cretionary funds to pay private attorney fees and costs for
21 employees and former employees of the Department of the
22 Interior reasonably incurred in connection with *Cobell v.*
23 *Salazar* to the extent that such fees and costs are not paid
24 by the Department of Justice or by private insurance. In
25 no case shall the Secretary make payments under this sec-

1 tion that would result in payment of hourly fees in excess
2 of the highest hourly rate approved by the District Court
3 for the District of Columbia for counsel in *Cobell v. Sala-*
4 *zar*.

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

14 SEC. 109. Notwithstanding any other provision of
15 law, the Secretary of the Interior is authorized to acquire
16 lands, waters, or interests therein including the use of all
17 or part of any pier, dock, or landing within the State of
18 New York and the State of New Jersey, for the purpose
19 of operating and maintaining facilities in the support of
20 transportation and accommodation of visitors to Ellis,
21 Governors, and Liberty Islands, and of other program and
22 administrative activities, by donation or with appropriated
23 funds, including franchise fees (and other monetary con-
24 sideration), or by exchange; and the Secretary is author-
25 ized to negotiate and enter into leases, subleases, conces-

1 sion contracts or other agreements for the use of such fa-
2 cilities on such terms and conditions as the Secretary may
3 determine reasonable.

4 SEC. 110. Title 43 U.S.C. 1473, as amended by Pub-
5 lic Law 111-8, is further amended by striking “in fiscal
6 years 2008 and 2009 only” and inserting “in fiscal years
7 2010 through 2013”.

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

18 SEC. 112. Funds provided in this Act for Federal
19 land acquisition by the National Park Service for Ice Age
20 National Scenic Trail may be used for a grant to a State,
21 a local government, or any other land management entity
22 for the acquisition of lands without regard to any restric-
23 tion on the use of Federal land acquisition funds provided
24 through the Land and Water Conservation Fund Act of
25 1965 as amended.

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

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

1 (b) Fees for 2010 shall be—

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

4 (2) \$3,250 for facilities with one to ten wells,
5 with any combination of active or inactive wells; and

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

9 (c) MMS will bill designated operators within 60 days
10 of enactment of this bill, with payment required within
11 30 days of billing.

12 SEC. 115. Section 4 of Public Law 89-565, as
13 amended (16 U.S.C. 282c), relating to San Juan Island
14 National Historic Park, is amended by striking
15 “\$5,575,000” and inserting “\$13,575,000”.

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

19 “(E) Minidoka, depicted in a map entitled
20 ‘Minidoka National Historic Site and Environs
21 - Draft Document’, dated May 27, 2009. The
22 Secretary is authorized to accept a donation of
23 land or interest in land acquired with funds
24 provided under this section, as an addition to
25 the Minidoka National Historic Site and admin-

1 the brownfields program under the Small Business Liabil-
2 ity Relief and Brownfields Revitalization Act of 2002; and
3 not to exceed \$9,000 for official reception and representa-
4 tion expenses, \$3,022,054,000, to remain available until
5 September 30, 2011: *Provided*, That of the funds included
6 under this heading, not less than \$628,941,000 shall be
7 for the Geographic Programs specified in the explanatory
8 statement accompanying this Act.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, as amended, \$44,791,000, to remain
13 available until September 30, 2011.

14 BUILDINGS AND FACILITIES

15 For construction, repair, improvement, extension, al-
16 teration, and purchase of fixed equipment or facilities of,
17 or for use by, the Environmental Protection Agency,
18 \$35,001,000 (reduced by \$2,000,000), to remain available
19 until expended.

20 HAZARDOUS SUBSTANCE SUPERFUND

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses to carry out the Comprehen-
23 sive Environmental Response, Compensation, and Liabil-
24 ity Act of 1980 (CERCLA), as amended, including sec-
25 tions 111(e)(3), (e)(5), (e)(6), and (e)(4) (42 U.S.C.

1 9611) \$1,306,541,000, to remain available until expended,
2 consisting of such sums as are available in the Trust Fund
3 on September 30, 2009, as authorized by section 517(a)
4 of the Superfund Amendments and Reauthorization Act
5 of 1986 (SARA) and up to \$1,306,541,000 as a payment
6 from general revenues to the Hazardous Substance Super-
7 fund for purposes as authorized by section 517(b) of
8 SARA, as amended: *Provided*, That funds appropriated
9 under this heading may be allocated to other Federal
10 agencies in accordance with section 111(a) of CERCLA:
11 *Provided further*, That of the funds appropriated under
12 this heading, \$9,975,000 shall be paid to the “Office of
13 Inspector General” appropriation to remain available until
14 September 30, 2011, and \$26,834,000 shall be paid to the
15 “Science and Technology” appropriation to remain avail-
16 able until September 30, 2011.

17 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
18 PROGRAM

19 For necessary expenses to carry out leaking under-
20 ground storage tank cleanup activities authorized by sub-
21 title I of the Solid Waste Disposal Act, as amended,
22 \$113,101,000, to remain available until expended, of
23 which \$78,671,000 shall be for carrying out leaking un-
24 derground storage tank cleanup activities authorized by
25 section 9003(h) of the Solid Waste Disposal Act, as

1 amended; ~~\$34,430,000~~ shall be for carrying out the other
2 provisions of the Solid Waste Disposal Act specified in sec-
3 tion ~~9508(c)~~ of the Internal Revenue Code, as amended:
4 *Provided*, That the Administrator is authorized to use ap-
5 propriations made available under this heading to imple-
6 ment section ~~9013~~ of the Solid Waste Disposal Act to pro-
7 vide financial assistance to federally recognized Indian
8 tribes for the development and implementation of pro-
9 grams to manage underground storage tanks.

10 OIL SPILL RESPONSE

11 For expenses necessary to carry out the Environ-
12 mental Protection Agency's responsibilities under the Oil
13 Pollution Act of 1990, ~~\$18,379,000~~, to be derived from
14 the Oil Spill Liability trust fund, to remain available until
15 expended.

16 STATE AND TRIBAL ASSISTANCE GRANTS

17 For environmental programs and infrastructure as-
18 sistance, including capitalization grants for State revolv-
19 ing funds and performance partnership grants,
20 ~~\$5,215,446,000~~, to remain available until expended, of
21 which ~~\$2,307,000,000~~ shall be for making capitalization
22 grants for the Clean Water State Revolving Funds under
23 title VI of the Federal Water Pollution Control Act, as
24 amended (the "Act"); of which ~~\$1,443,000,000~~ shall be
25 for making capitalization grants for the Drinking Water

1 State Revolving Funds under section 1452 of the Safe
2 Drinking Water Act, as amended: *Provided*, That
3 \$20,000,000 shall be for architectural, engineering, plan-
4 ning, design, construction and related activities in connec-
5 tion with the construction of high priority water and
6 wastewater facilities in the area of the United States-Mex-
7 ico border, after consultation with the appropriate border
8 commission; \$10,000,000 shall be for grants to the State
9 of Alaska to address drinking water and wastewater infra-
10 structure needs of rural and Alaska Native Villages: *Pro-*
11 *vided further*, That, of these funds: (1) the State of Alaska
12 shall provide a match of 25 percent; and (2) no more than
13 5 percent of the funds may be used for administrative and
14 overhead expenses; \$160,000,000 shall be for making spe-
15 cial project grants for the construction of drinking water,
16 wastewater and storm water infrastructure and for water
17 quality protection in accordance with the terms and condi-
18 tions specified for such grants in the explanatory state-
19 ment accompanying this Act, and, for purposes of these
20 grants, each grantee shall contribute not less than 45 per-
21 cent of the cost of the project unless the grantee is ap-
22 proved for a waiver by the Agency; \$100,000,000 shall be
23 to carry out section 104(k) of the Comprehensive Environ-
24 mental Response, Compensation, and Liability Act of
25 1980 (CERCLA), as amended, including grants, inter-

1 agency agreements, and associated program support costs;
2 \$60,000,000 shall be for grants under title VII, subtitle
3 G of the Energy Policy Act of 2005, as amended; and
4 \$1,115,446,000 shall be for grants, including associated
5 program support costs, to States, federally recognized
6 tribes, interstate agencies, tribal consortia, and air pollu-
7 tion control agencies for multi-media or single media pol-
8 lution prevention, control and abatement and related ac-
9 tivities, including activities pursuant to the provisions set
10 forth under this heading in Public Law 104-134, and for
11 making grants under section 103 of the Clean Air Act for
12 particulate matter monitoring and data collection activi-
13 ties subject to terms and conditions specified by the Ad-
14 ministrators, of which \$49,495,000 shall be for carrying
15 out section 128 of CERCLA, as amended, \$10,000,000
16 shall be for Environmental Information Exchange Net-
17 work grants, including associated program support costs,
18 \$18,500,000 of the funds available for grants under sec-
19 tion 106 of the Act shall be for water quality monitoring
20 activities, \$10,000,000 shall be for competitive grants to
21 communities to develop plans and demonstrate and imple-
22 ment projects which reduce greenhouse gas emissions,
23 and, in addition to funds appropriated under the heading
24 “Leaking Underground Storage Tank Trust Fund Pro-
25 gram” to carry out the provisions of the Solid Waste Dis-

1 disposal Act specified in section 9508(e) of the Internal Rev-
2 enue Code other than section 9003(h) of the Solid Waste
3 Disposal Act, as amended, \$2,500,000 shall be for grants
4 to States under section 2007(f)(2) of the Solid Waste Dis-
5 posal Act, as amended: *Provided further*, That notwith-
6 standing section 603(d)(7) of the Federal Water Pollution
7 Control Act, the limitation on the amounts in a State
8 water pollution control revolving fund that may be used
9 by a State to administer the fund shall not apply to
10 amounts included as principal in loans made by such fund
11 in fiscal year 2010 and prior years where such amounts
12 represent costs of administering the fund to the extent
13 that such amounts are or were deemed reasonable by the
14 Administrator, accounted for separately from other assets
15 in the fund, and used for eligible purposes of the fund,
16 including administration: *Provided further*, That for fiscal
17 year 2010, and notwithstanding section 518(f) of the Act,
18 the Administrator is authorized to use the amounts appro-
19 priated for any fiscal year under section 319 of that Act
20 to make grants to federally recognized Indian tribes pur-
21 suant to sections 319(h) and 518(e) of that Act: *Provided*
22 *further*, That for fiscal year 2010, notwithstanding the
23 limitation on amounts in section 518(e) of the Federal
24 Water Pollution Control Act and section 1452(i) of the
25 Safe Drinking Water Act, up to a total of 2 percent of

1 the funds appropriated for State Revolving Funds under
2 such Acts may be reserved by the Administrator for grants
3 under section 518(e) and section 1452(i) of such Acts:
4 *Provided further*, That for fiscal year 2010, in addition
5 to the amounts specified in section 205(e) of the Federal
6 Water Pollution Control Act, up to 1.2486 percent of the
7 funds appropriated for the Clean Water State Revolving
8 Fund program under the Act may be reserved by the Ad-
9 ministrator for grants made under title II of the Clean
10 Water Act for American Samoa, Guam, the Common-
11 wealth of the Northern Marianas, and United States Vir-
12 gin Islands: *Provided further*, That for fiscal year 2010,
13 notwithstanding the limitations on amounts specified in
14 section 1452(j) of the Safe Drinking Water Act, up to 1.5
15 percent of the funds appropriated for the Drinking Water
16 State Revolving Fund programs under the Safe Drinking
17 Water Act may be reserved by the Administrator for
18 grants made under section 1452(j) of the Safe Drinking
19 Water Act: *Provided further*, That no funds provided by
20 this appropriations Act to address the water, wastewater
21 and other critical infrastructure needs of the colonies in
22 the United States along the United States-Mexico border
23 shall be made available to a county or municipal govern-
24 ment unless that government has established an enforce-
25 able local ordinance, or other zoning rule, which prevents

1 amended by Public Law 110-94, the Pesticide Registra-
2 tion Improvement Renewal Act.

3 Title II of Public Law 109-54, as amended by title
4 II of division E of Public Law 111-8 (123 Stat.729), is
5 amended in the fourth paragraph under the heading “Ad-
6 ministrative Provisions” by striking “2011” and inserting
7 “2015”.

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

16 The Administrator is authorized to transfer up to
17 \$475,000,000 from the “Environmental Programs and
18 Management” account to the head of any other Federal
19 department or agency (including but not limited to the De-
20 partments of Agriculture, Army, Commerce, Health and
21 Human Services, Homeland Security, the Interior, State,
22 and Transportation), with the concurrence of such head,
23 to carry out activities that would support the Great Lakes
24 Restoration Initiative and Great Lakes Water Quality
25 Agreement programs, projects, or activities; to enter into

1 an interagency agreement with the head of such Federal
2 department or agency to carry out these activities; and
3 to make grants to governmental entities, nonprofit organi-
4 zations, institutions, and individuals for planning, re-
5 search, monitoring, outreach, and implementation in fur-
6 therance of the Great Lakes Restoration Initiative and the
7 Great Lakes Water Quality Agreement.

8 Not less than 30 percent of the funds made available
9 under this title to each State for Clean Water State Re-
10 volving Fund capitalization grants and not less than 30
11 percent of the funds made available under this title to each
12 State for Drinking Water State Revolving Fund capital-
13 ization grants shall be used by the State to provide addi-
14 tional subsidy to eligible recipients in the form of forgive-
15 ness of principal, negative interest loans, or grants (or any
16 combination of these), except that for the Clean Water
17 State Revolving Fund capitalization grant appropriation
18 this section shall only apply to the portion that exceeds
19 \$1,000,000,000.

20 To the extent there are sufficient eligible project ap-
21 plications, not less than 20 percent of the funds made
22 available under this title to each State for Clean Water
23 State Revolving Fund capitalization grants and not less
24 than 20 percent of the funds made available under this
25 title to each State for Drinking Water State Revolving

1 Fund capitalization grants shall be used by the State for
2 projects to address green infrastructure, water efficiency,
3 or energy efficiency improvements.

4 For fiscal year 2010 and each fiscal year thereafter,
5 the requirements of section 513 of the Federal Water Pol-
6 lution Control Act (~~33 U.S.C. 1372~~) shall apply to the
7 construction of treatment works carried out in whole or
8 in part with assistance made available by a State water
9 pollution control revolving fund as authorized by title VI
10 of that Act (~~33 U.S.C. 1381 et seq.~~), or with assistance
11 made available under section 205(m) of that Act (~~33~~
12 ~~U.S.C. 1285(m)~~), or both.

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

20 TITLE III—RELATED AGENCIES
21 DEPARTMENT OF AGRICULTURE
22 FOREST SERVICE
23 FOREST AND RANGELAND RESEARCH

24 For necessary expenses of forest and rangeland re-
25 search as authorized by law, \$308,612,000, to remain

1 available until expended: *Provided*, That of the funds pro-
2 vided, \$61,939,000 is for the forest inventory and analysis
3 program.

4 STATE AND PRIVATE FORESTRY

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

16 NATIONAL FOREST SYSTEM

17 (INCLUDING TRANSFERS OF FUNDS)

18 For necessary expenses of the Forest Service, not
19 otherwise provided for, for management, protection, im-
20 provement, and utilization of the National Forest System,
21 \$1,564,801,000 (reduced by \$25,000,000) (increased by
22 \$25,000,000), to remain available until expended, which
23 shall include 50 percent of all moneys received during
24 prior fiscal years as fees collected under the Land and
25 Water Conservation Fund Act of 1965, as amended, in

1 accordance with section 4 of the Act (~~16 U.S.C. 4601-~~
2 ~~6a(i)~~): *Provided*, That, the Secretary may authorize the
3 expenditure or transfer of up to \$10,000,000 to the De-
4 partment of the Interior, Bureau of Land Management,
5 for removal, preparation, and adoption of excess wild
6 horses and burros from National Forest System lands,
7 and for the performance of cadastral surveys to designate
8 the boundaries of such lands: *Provided further*, That up
9 to \$10,000,000 may be transferred to and made a part
10 of other Forest Service accounts if the transfer enhances
11 the efficiency or effectiveness of Federal activities.

12 CAPITAL IMPROVEMENT AND MAINTENANCE

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of the Forest Service, not
15 otherwise provided for, \$560,637,000, to remain available
16 until expended, for construction, capital improvement,
17 maintenance and acquisition of buildings and other facili-
18 ties and infrastructure; and for construction, capital im-
19 provement, decommissioning, and maintenance of forest
20 roads and trails by the Forest Service as authorized by
21 ~~16 U.S.C. 532-538~~ and ~~23 U.S.C. 101 and 205~~: *Provided*,
22 That \$100,000,000 shall be designated for urgently need-
23 ed road decommissioning, road and trail repair and main-
24 tenance and associated activities, and removal of fish pas-
25 sage barriers, especially in areas where Forest Service

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

22 LAND ACQUISITION

23 For expenses necessary to carry out the provisions
24 of the Land and Water Conservation Fund Act of 1965,
25 as amended (16 U.S.C. 4601-4 through 11), including ad-

1 ministrative expenses, and for acquisition of land or
2 waters, or interest therein, in accordance with statutory
3 authority applicable to the Forest Service, \$36,782,000,
4 to be derived from the Land and Water Conservation
5 Fund and to remain available until expended.

6 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
7 ACTS

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

14 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

15 For acquisition of lands, such sums, to be derived
16 from funds deposited by State, county, or municipal gov-
17 ernments, public school districts, or other public school au-
18 thorities, and for authorized expenditures from funds de-
19 posited by non-Federal parties pursuant to Land Sale and
20 Exchange Acts, pursuant to the Act of December 4, 1967,
21 as amended (16 U.S.C. 484a), to remain available until
22 expended (16 U.S.C. 4601-516-617a, 555a; Public Law
23 96-586; Public Law 76-589, 76-591; and Public Law
24 78-310).

1 RANGE BETTERMENT FUND

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

11 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

12 RANGELAND RESEARCH

13 For expenses authorized by 16 U.S.C. 1643(b),
14 \$50,000, to remain available until expended, to be derived
15 from the fund established pursuant to the above Act.

16 MANAGEMENT OF NATIONAL FOREST LANDS FOR

17 SUBSISTENCE USES

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

1 WILDLAND FIRE MANAGEMENT

2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses for forest fire presuppression
4 activities on National Forest System lands, for emergency
5 fire suppression on or adjacent to such lands or other
6 lands under fire protection agreement, hazardous fuels re-
7 duction on or adjacent to such lands, and for emergency
8 rehabilitation of burned-over National Forest System
9 lands and water, \$2,370,288,000, to remain available until
10 expended: *Provided*, That such funds including unobli-
11 gated balances under this heading, are available for repay-
12 ment of advances from other appropriations accounts pre-
13 viously transferred for such purposes: *Provided further*,
14 That such funds shall be available to reimburse State and
15 other cooperating entities for services provided in response
16 to wildfire and other emergencies or disasters to the extent
17 such reimbursements by the Forest Service for non-fire
18 emergencies are fully repaid by the responsible emergency
19 management agency: *Provided further*, That, notwith-
20 standing any other provision of law, \$8,000,000 of funds
21 appropriated under this appropriation shall be used for
22 Fire Science Research in support of the Joint Fire Science
23 Program: *Provided further*, That all authorities for the use
24 of funds, including the use of contracts, grants, and coop-
25 erative agreements, available to execute the Forest and

1 Rangeland Research appropriation, are also available in
2 the utilization of these funds for Fire Science Research:
3 *Provided further*, That funds provided shall be available
4 for emergency rehabilitation and restoration, hazardous
5 fuels reduction activities in the urban-wildland interface,
6 support to Federal emergency response, and wildfire sup-
7 pression activities of the Forest Service: *Provided further*,
8 That of the funds provided, \$378,086,000 is for hazardous
9 fuels reduction activities, \$11,600,000 is for rehabilitation
10 and restoration, \$23,917,000 is for research activities and
11 to make competitive research grants pursuant to the For-
12 est and Rangeland Renewable Resources Research Act, as
13 amended (16 U.S.C. 1641 et seq.), \$80,000,000 is for
14 State fire assistance, \$10,000,000 is for volunteer fire as-
15 sistance, \$24,252,000 is for forest health activities on
16 Federal lands and \$12,928,000 is for forest health activi-
17 ties on State and private lands: *Provided further*, That
18 amounts in this paragraph may be transferred to the
19 “State and Private Forestry”, “National Forest System”,
20 and “Forest and Rangeland Research” accounts to fund
21 State fire assistance, volunteer fire assistance, forest
22 health management, forest and rangeland research, the
23 Joint Fire Science Program, vegetation and watershed
24 management, heritage site rehabilitation, and wildlife and
25 fish habitat management and restoration: *Provided fur-*

1 *ther*, That up to \$25,000,000 of the funds provided under
2 this heading may be transferred to and made a part of
3 other Forest Service accounts if the transfer enhances the
4 efficiency or effectiveness of Federal activities: *Provided*
5 *further*, That the costs of implementing any cooperative
6 agreement between the Federal Government and any non-
7 Federal entity may be shared, as mutually agreed on by
8 the affected parties: *Provided further*, That of the funds
9 provided herein, the Secretary of Agriculture may enter
10 into procurement contracts or cooperative agreements, or
11 issue grants, for hazardous fuels reduction activities and
12 for training and monitoring associated with such haz-
13 ardous fuels reduction activities, on Federal land, or on
14 adjacent non-Federal land for activities that benefit re-
15 sources on Federal land: *Provided further*, That the Sec-
16 retary of the Interior and the Secretary of Agriculture
17 may authorize the transfer of funds appropriated for
18 wildland fire management, in an aggregate amount not to
19 exceed \$50,000,000, between the Departments when such
20 transfers would facilitate and expedite jointly funded
21 wildland fire management programs and projects: *Pro-*
22 *vided further*, That of the funds provided for hazardous
23 fuels reduction, not to exceed \$5,000,000, may be used
24 to make grants, using any authorities available to the For-
25 est Service under the State and Private Forestry appro-

1 priation, for the purpose of creating incentives for in-
 2 creased use of biomass from national forest lands: *Pro-*
 3 *vided further,* That funds designated for wildfire suppres-
 4 sion shall be assessed for cost pools on the same basis
 5 as such assessments are calculated against other agency
 6 programs.

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

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

22 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

23 Appropriations to the Forest Service for the current
 24 fiscal year shall be available for: (1) purchase of passenger
 25 motor vehicles; acquisition of passenger motor vehicles

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

19 Any appropriations or funds available to the Forest
20 Service may be transferred to the Wildland Fire Manage-
21 ment appropriation for forest firefighting, emergency re-
22 habilitation of burned-over or damaged lands or waters
23 under its jurisdiction, and fire preparedness due to severe
24 burning conditions five days after the Secretary notifies
25 the House and Senate Committees on Appropriations that

1 all fire suppression funds appropriated under the headings
2 “Wildland Fire Management” and “Wildland Fire Sup-
3 pression Contingency Reserve Fund” shall be fully obli-
4 gated within 30 days: *Provided*, That all funds used pursu-
5 ant to this paragraph must be replenished by a supple-
6 mental appropriation which must be requested as prompt-
7 ly as possible.

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

17 None of the funds made available to the Forest Serv-
18 ice in this Act or any other Act with respect to any fiscal
19 year shall be subject to transfer under the provisions of
20 section 702(b) of the Department of Agriculture Organic
21 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
22 106-224 (7 U.S.C. 7772), or section 10417(b) of Public
23 Law 107-107 (7 U.S.C. 8316(b)).

24 Not more than \$78,350,000 of funds available to the
25 Forest Service shall be transferred to the Working Capital

1 Fund of the Department of Agriculture and not more than
2 \$19,825,000 of funds available to the Forest Service shall
3 be transferred to the Department of Agriculture for De-
4 partment Reimbursable Programs, commonly referred to
5 as Greenbook charges. Nothing in this paragraph shall
6 prohibit or limit the use of reimbursable agreements re-
7 quested by the Forest Service in order to obtain services
8 from the Department of Agriculture's National Informa-
9 tion Technology Center.

10 Funds available to the Forest Service shall be avail-
11 able to conduct a program of up to \$5,000,000 for priority
12 projects within the scope of the approved budget, of which
13 \$2,500,000 shall be carried out by the Youth Conservation
14 Corps and \$2,500,000 shall be carried out under the au-
15 thority of the Public Lands Corps Healthy Forests Res-
16 toration Act of 2005, Public Law 109-154.

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

20 Pursuant to sections 405(b) and 410(b) of Public
21 Law 101-593, of the funds available to the Forest Service,
22 \$3,000,000 may be advanced in a lump sum to the Na-
23 tional Forest Foundation to aid conservation partnership
24 projects in support of the Forest Service mission, without
25 regard to when the Foundation incurs expenses, for

1 projects on or benefitting National Forest System lands
2 or related to Forest Service programs: *Provided*, That the
3 Foundation shall obtain, by the end of the period of Fed-
4 eral financial assistance, private contributions to match on
5 at least one-for-one basis funds made available by the For-
6 est Service: *Provided further*, That the Foundation may
7 transfer Federal funds to Federal or a non-Federal recipi-
8 ent for a project at the same rate that the recipient has
9 obtained the non-Federal matching funds: *Provided fur-*
10 *ther*, That authorized investments of Federal funds held
11 by the Foundation may be made only in interest-bearing
12 obligations of the United States or in obligations guaran-
13 teed as to both principal and interest by the United States.

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

1 that the recipient has obtained the non-Federal matching
2 funds.

3 Funds appropriated to the Forest Service shall be
4 available for interactions with and providing technical as-
5 sistance to rural communities and natural resource-based
6 businesses for sustainable rural development purposes.

7 Funds appropriated to the Forest Service shall be
8 available for payments to counties within the Columbia
9 River Gorge National Scenic Area, pursuant to section
10 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
11 663.

12 An eligible individual who is employed in any project
13 funded under title V of the Older American Act of 1965
14 (42 U.S.C. 3056 et seq.) and administered by the Forest
15 Service shall be considered to be a Federal employee for
16 purposes of chapter 171 of title 28, United States Code.

17 Any funds appropriated to the Forest Service may
18 be used to meet the non-Federal share requirement in sec-
19 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
20 3056(e)(2)).

21 Funds available to the Forest Service, not to exceed
22 \$55,000,000, shall be assessed for the purpose of per-
23 forming fire, administrative and other facilities mainte-
24 nance. Such assessments shall occur using a square foot
25 rate charged on the same basis the agency uses to assess

1 programs for payment of rent, utilities, and other support
2 services.

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

15 The 19th unnumbered paragraph under heading
16 “Administrative Provisions, Forest Service” in title III of
17 the Department of the Interior, Environment, and Related
18 Agencies Appropriations Act, 2006, Public Law 109-54,
19 is amended by striking “2009” and inserting “2014”.

20 DEPARTMENT OF HEALTH AND HUMAN
21 SERVICES

22 INDIAN HEALTH SERVICE

23 INDIAN HEALTH SERVICES

24 For expenses necessary to carry out the Act of Au-
25 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-

1 tion Act, the Indian Health Care Improvement Act, and
2 titles II and III of the Public Health Service Act with re-
3 spect to the Indian Health Service, \$3,657,618,000, to-
4 gether with payments received during the fiscal year pur-
5 suant to 42 U.S.C. 238(b) and 238b for services furnished
6 by the Indian Health Service: *Provided*, That funds made
7 available to tribes and tribal organizations through con-
8 tracts, grant agreements, or any other agreements or com-
9 pacts authorized by the Indian Self-Determination and
10 Education Assistance Act of 1975 (25 U.S.C. 450), shall
11 be deemed to be obligated at the time of the grant or con-
12 tract award and thereafter shall remain available to the
13 tribe or tribal organization without fiscal year limitation:
14 *Provided further*, That \$16,251,000 is provided for Head-
15 quarters operations and information technology activities
16 and, notwithstanding any other provision of law, the
17 amount available under this proviso shall be allocated at
18 the discretion of the Director of the Indian Health Service:
19 *Provided further*, That \$779,347,000 for contract medical
20 care, including \$48,000,000 for the Indian Catastrophic
21 Health Emergency Fund, shall remain available until ex-
22 pended: *Provided further*, That no less than \$43,139,000
23 is provided for maintaining operations of the urban Indian
24 health program: *Provided further*, That of the funds pro-
25 vided, up to \$32,000,000 shall remain available until ex-

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

1 amounts received by tribes and tribal organizations under
2 title IV of the Indian Health Care Improvement Act shall
3 be reported and accounted for and available to the receiv-
4 ing tribes and tribal organizations until expended: *Pro-*
5 *vided further*, That, notwithstanding any other provision
6 of law, of the amounts provided herein, not to exceed
7 ~~\$298,490,000~~ shall be for payments to tribes and tribal
8 organizations for contract or grant support costs associ-
9 ated with contracts, grants, self-governance compacts, or
10 annual funding agreements between the Indian Health
11 Service and a tribe or tribal organization pursuant to the
12 Indian Self-Determination Act of 1975, as amended, prior
13 to or during fiscal year 2010, of which not to exceed
14 \$5,000,000 may be used for contract support costs associ-
15 ated with new or expanded self-determination contracts,
16 grants, self-governance compacts, or annual funding
17 agreements: *Provided further*, That the Bureau of Indian
18 Affairs may collect from the Indian Health Service, tribes
19 and tribal organizations operating health facilities pursu-
20 ant to Public Law 93-638, such individually identifiable
21 health information relating to disabled children as may be
22 necessary for the purpose of carrying out its functions
23 under the Individuals with Disabilities Education Act (20
24 U.S.C. 1400 et seq.): *Provided further*, That the Indian
25 Health Care Improvement Fund may be used, as needed,

1 to carry out activities typically funded under the Indian
2 Health Facilities account.

3 INDIAN HEALTH FACILITIES

4 For construction, repair, maintenance, improvement,
5 and equipment of health and related auxiliary facilities,
6 including quarters for personnel; preparation of plans,
7 specifications, and drawings; acquisition of sites; purchase
8 and erection of modular buildings, and purchases of trail-
9 ers; and for provision of domestic and community sanita-
10 tion facilities for Indians, as authorized by section 7 of
11 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
12 Self-Determination Act, and the Indian Health Care Im-
13 provement Act, and for expenses necessary to carry out
14 such Acts and titles II and III of the Public Health Serv-
15 ice Act with respect to environmental health and facilities
16 support activities of the Indian Health Service,
17 \$394,757,000, to remain available until expended: *Pro-*
18 *vided*, That notwithstanding any other provision of law,
19 funds appropriated for the planning, design, construction
20 or renovation of health facilities for the benefit of a feder-
21 ally recognized Indian tribe or tribes may be used to pur-
22 chase land for sites to construct, improve, or enlarge
23 health or related facilities: *Provided further*, That not to
24 exceed \$500,000 shall be used by the Indian Health Serv-
25 ice to purchase TRANSAM equipment from the Depart-

1 ment of Defense for distribution to the Indian Health
2 Service and tribal facilities: *Provided further*, That none
3 of the funds appropriated to the Indian Health Service
4 may be used for sanitation facilities construction for new
5 homes funded with grants by the housing programs of the
6 United States Department of Housing and Urban Devel-
7 opment: *Provided further*, That not to exceed \$2,700,000
8 from this account and the "Indian Health Services" ac-
9 count shall be used by the Indian Health Service to obtain
10 ambulances for the Indian Health Service and tribal facili-
11 ties in conjunction with an existing interagency agreement
12 between the Indian Health Service and the General Serv-
13 ices Administration: *Provided further*, That not to exceed
14 \$500,000 shall be placed in a Demolition Fund, available
15 until expended, to be used by the Indian Health Service
16 for demolition of Federal buildings.

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

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

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

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

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

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

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

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

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

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

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

21 NATIONAL INSTITUTES OF HEALTH

22 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

23 SCIENCES

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

1 set forth in section 311(a) of the Comprehensive Environ-
2 mental Response, Compensation, and Liability Act of
3 1980, as amended, and section 126(g) of the Superfund
4 Amendments and Reauthorization Act of 1986,
5 \$79,212,000.

6 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

7 REGISTRY

8 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

9 HEALTH

10 For necessary expenses for the Agency for Toxic Sub-
11 stances and Disease Registry (ATSDR) in carrying out
12 activities set forth in sections 104(i) and 111(c)(4) of the
13 Comprehensive Environmental Response, Compensation,
14 and Liability Act of 1980 (CERCLA), as amended; section
15 118(f) of the Superfund Amendments and Reauthoriza-
16 tion Act of 1986 (SARA), as amended; and section 3019
17 of the Solid Waste Disposal Act, as amended,
18 \$76,792,000, of which up to \$1,000 per eligible employee
19 of the Agency for Toxic Substance and Disease Registry
20 shall remain available until expended for Individual Learn-
21 ing Accounts: *Provided*, That notwithstanding any other
22 provision of law, in lieu of performing a health assessment
23 under section 104(i)(6) of CERCLA, the Administrator
24 of ATSDR may conduct other appropriate health studies,
25 evaluations, or activities, including, without limitation,

1 biomedical testing, clinical evaluations, medical moni-
2 toring, and referral to accredited health care providers:
3 *Provided further,* That in performing any such health as-
4 sessment or health study, evaluation, or activity, the Ad-
5 ministrator of ATSDR shall not be bound by the deadlines
6 in section 104(i)(6)(A) of CERCLA: *Provided further,*
7 That none of the funds appropriated under this heading
8 shall be available for ATSDR to issue in excess of 40 toxic-
9 ological profiles pursuant to section 104(i) of CERCLA
10 during fiscal year 2010, and existing profiles may be up-
11 dated as necessary.

12 OTHER RELATED AGENCIES

13 EXECUTIVE OFFICE OF THE PRESIDENT

14 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF 15 ENVIRONMENTAL QUALITY

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

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

3 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

4 SALARIES AND EXPENSES

5 (INCLUDING TRANSFER OF FUNDS)

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

1 within the Board: *Provided further*, That of the funds ap-
 2 propriated under this heading, \$150,000 shall be paid to
 3 the "Office of Inspector General" appropriation of the En-
 4 vironmental Protection Agency.

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

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

1 reservation or selected a replacement residence off the
2 Navajo reservation or on the land acquired pursuant to
3 ~~25 U.S.C. 640d-10.~~

4 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
5 CULTURE AND ARTS DEVELOPMENT

6 PAYMENT TO THE INSTITUTE

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

11 SMITHSONIAN INSTITUTION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Smithsonian Institu-
14 tion, as authorized by law, including research in the fields
15 of art, science, and history; development, preservation, and
16 documentation of the National Collections; presentation of
17 public exhibits and performances; collection, preparation,
18 dissemination, and exchange of information and publica-
19 tions; conduct of education, training, and museum assist-
20 ance programs; maintenance, alteration, operation, lease
21 (for terms not to exceed 30 years), and protection of build-
22 ings, facilities, and approaches; not to exceed \$100,000
23 for services as authorized by ~~5~~ U.S.C. 3109; and purchase,
24 rental, repair, and cleaning of uniforms for employees,
25 \$634,161,000, to remain available until September 30,

1 2011, except as otherwise provided herein; of which not
2 to exceed \$19,117,000 for the instrumentation program;
3 collections acquisition; exhibition reinstallation; the Na-
4 tional Museum of African American History and Culture;
5 and the repatriation of skeletal remains program shall re-
6 main available until expended; and of which \$1,553,000
7 is for fellowships and scholarly awards; and including such
8 funds as may be necessary to support American overseas
9 research centers: *Provided*, That funds appropriated here-
10 in are available for advance payments to independent con-
11 tractors performing research services or participating in
12 official Smithsonian presentations.

13 FACILITIES CAPITAL

14 For necessary expenses of repair, revitalization, and
15 alteration of facilities owned or occupied by the Smithso-
16 nian Institution, by contract or otherwise, as authorized
17 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
18 and for construction, including necessary personnel,
19 \$140,000,000, to remain available until expended, of
20 which not to exceed \$10,000 is for services as authorized
21 by 5 U.S.C. 3109.

22 ADMINISTRATIVE PROVISION, SMITHSONIAN INSTITUTION

23 Notwithstanding any provision of the Department of
24 the Interior, Environment, and Related Agencies Appro-
25 priations Act, 2008 (Public Law 110-161; 121 Stat.

1 2140), the funds provided for “Smithsonian Institution;
2 Legacy Fund” under such Act may be transferred to and
3 made a part of the appropriation for “Smithsonian Insti-
4 tution, Facilities Capital” in this Act and utilized by the
5 Smithsonian Institution under the same terms and condi-
6 tions that apply to other funds contained in such appro-
7 priation.

8 NATIONAL GALLERY OF ART

9 SALARIES AND EXPENSES

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

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

10 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

11 For necessary expenses of repair, restoration and
12 renovation of buildings, grounds and facilities owned or
13 occupied by the National Gallery of Art, by contract or
14 otherwise, as authorized, \$56,259,000, to remain available
15 until expended: *Provided*, That of this amount,
16 \$40,000,000 shall be available to repair the National Gal-
17 lery's East Building facade: *Provided further*, That con-
18 tracts awarded for environmental systems, protection sys-
19 tems, and exterior repair or renovation of buildings of the
20 National Gallery of Art may be negotiated with selected
21 contractors and awarded on the basis of contractor quali-
22 fications as well as price.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

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

17 NATIONAL ENDOWMENT FOR THE HUMANITIES
18 GRANTS AND ADMINISTRATION

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

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

12 ADMINISTRATIVE PROVISION

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

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

5 COMMISSION OF FINE ARTS

6 SALARIES AND EXPENSES

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

19 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

22 ADVISORY COUNCIL ON HISTORIC PRESERVATION

23 SALARIES AND EXPENSES

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

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

4 NATIONAL CAPITAL PLANNING COMMISSION

5 SALARIES AND EXPENSES

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

14 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

15 HOLOCAUST MEMORIAL MUSEUM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 SEC. 412. In awarding a Federal contract with funds
7 made available by this Act, notwithstanding Federal Gov-
8 ernment procurement and contracting laws, the Secretary
9 of Agriculture and the Secretary of the Interior (the "Sec-
10 retaries") may, in evaluating bids and proposals, give con-
11 sideration to local contractors who are from, and who pro-
12 vide employment and training for, dislocated and displaced
13 workers in an economically disadvantaged rural commu-
14 nity, including those historically timber-dependent areas
15 that have been affected by reduced timber harvesting on
16 Federal lands and other forest-dependent rural commu-
17 nities isolated from significant alternative employment op-
18 portunities: *Provided*, That notwithstanding Federal Gov-
19 ernment procurement and contracting laws the Secretaries
20 may award contracts, grants or cooperative agreements to
21 local non-profit entities, Youth Conservation Corps or re-
22 lated partnerships with State, local or non-profit youth
23 groups, or small or micro-business or disadvantaged busi-
24 ness: *Provided further*, That the contract, grant, or cooper-
25 ative agreement is for forest hazardous fuels reduction;

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

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

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

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

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

4 (2) in the second sentence of subsection (d)(1);
5 by striking “Eight” and inserting in lieu thereof
6 “Ten”.

7 SEC. 416. The item relating to “National Capital
8 Arts and Cultural Affairs” in the Department of the Inte-
9 rior and Related Agencies Appropriations Act, 1986, as
10 enacted into law by section 101(d) of Public Law 99–190
11 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

12 (1) in the second sentence of the first para-
13 graph, by striking “\$7,500,000” and inserting
14 “\$10,000,000”; and

15 (2) in the second sentence of the fourth para-
16 graph, by striking “\$500,000” and inserting
17 “\$650,000”.

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

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

4 SEC. 419. All monies received by the United States
5 in fiscal year 2010 from sales, bonuses, rentals, and royal-
6 ties under the Geothermal Steam Act of 1970 shall be dis-
7 posed of as provided by section 20 of that Act (30 U.S.C.
8 1019), as in effect immediately before enactment of the
9 Energy Policy Act of 2005 (Public Law 109-58), and
10 without regard to the amendments contained in sections
11 224(b) and section 234 of the Energy Policy Act of 2005
12 (42 U.S.C. 17673).

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

21 SEC. 421. None of the funds in this or any other Act
22 shall be used to deposit funds from any Federal royalties,
23 rents, and bonuses derived from Federal onshore and off-
24 shore oil and gas leases issued under the Outer Conti-
25 nental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the

1 Mineral Leasing Act (30 U.S.C. 181 et seq.) into the
2 Ultra-Deepwater and Unconventional Natural Gas and
3 Other Petroleum Research Fund.

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

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

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

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

17 SEC. 423. Within the amounts appropriated in this
18 Act, funding shall be allocated in the amounts specified
19 for those projects and purposes delineated in the table ti-
20 tled “Congressionally Directed Spending” included in the
21 explanatory statement accompanying this Act. The pre-
22 ceding sentence shall apply in addition to the allocation
23 requirements specified in this Act under the heading “Na-
24 tional Park Service—Historic Preservation Fund” for Save
25 America’s Treasures and under the heading “Environ-

1 mental Protection Agency—State and Tribal Assistance
2 Grants²² for special project grants for the construction of
3 drinking water, wastewater and storm infrastructure and
4 for water quality protection.

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

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

22 SEC. 426. (a) None of the funds made available in
23 this or any prior Act may be used to release an individual
24 who is detained, as of April 30, 2009, at Naval Station,
25 Guantanamo Bay, Cuba, into any of the United States

1 territories of Guam, American Samoa (AS), the United
2 States Virgin Islands (USVI), the Commonwealth of Puer-
3 to Rico and the Commonwealth of the Northern Mariana
4 Islands (CNMI).

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

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

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

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

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

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

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

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

1 (1) The name of any individual to be trans-
2 ferred or released and the freely associated State to
3 which such individual is to be transferred or re-
4 leased.

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

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

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

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

1 Corps; and of which \$3,000,000 shall be available in fiscal
2 year 2010 subject to a match by at least an equal amount
3 by the National Fish and Wildlife Foundation for cost-
4 shared projects supporting conservation of Bureau lands;
5 and such funds shall be advanced to the Foundation as a
6 lump sum grant without regard to when expenses are in-
7 curred.

8 In addition, \$45,500,000 is for the processing of appli-
9 cations for permit to drill and related use authorizations,
10 to remain available until expended, to be reduced by
11 amounts collected by the Bureau and credited to this appro-
12 priation that shall be derived from \$6,500 per new applica-
13 tion for permit to drill that the Bureau shall collect upon
14 submission of each new application, and in addition,
15 \$36,696,000 is for Mining Law Administration program
16 operations, including the cost of administering the mining
17 claim fee program; to remain available until expended, to
18 be reduced by amounts collected by the Bureau and credited
19 to this appropriation from annual mining claim fees so as
20 to result in a final appropriation estimated at not more
21 than \$965,721,000, and \$2,000,000, to remain available
22 until expended, from communication site rental fees estab-
23 lished by the Bureau for the cost of administering commu-
24 nication site activities.

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

5 *FOREST ECOSYSTEM HEALTH AND RECOVERY FUND*
6 *(REVOLVING FUND, SPECIAL ACCOUNT)*

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

19 *RANGE IMPROVEMENTS*

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

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

8 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

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

10 *MISCELLANEOUS TRUST FUNDS*

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

19 *ADMINISTRATIVE PROVISIONS*

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

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

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

5 *UNITED STATES FISH AND WILDLIFE SERVICE*

6 *RESOURCE MANAGEMENT*

7 *For necessary expenses of the United States Fish and*
8 *Wildlife Service, as authorized by law, and for scientific*
9 *and economic studies, general administration, and for the*
10 *performance of other authorized functions related to such*
11 *resources, \$1,244,386,000, to remain available until Sep-*
12 *tember 30, 2011 except as otherwise provided herein: Pro-*
13 *vided, That \$2,500,000 is for high priority projects, which*
14 *shall be carried out by the Youth Conservation Corps: Pro-*
15 *vided further, That not to exceed \$22,103,000 shall be used*
16 *for implementing subsections (a), (b), (c), and (e) of section*
17 *4 of the Endangered Species Act, as amended, (except for*
18 *processing petitions, developing and issuing proposed and*
19 *final regulations, and taking any other steps to implement*
20 *actions described in subsection (c)(2)(A), (c)(2)(B)(i), or*
21 *(c)(2)(B)(ii)), of which not to exceed \$11,632,000 shall be*
22 *used for any activity regarding the designation of critical*
23 *habitat, pursuant to subsection (a)(3), excluding litigation*
24 *support, for species listed pursuant to subsection (a)(1)*
25 *prior to October 1, 2009: Provided further, That of the*

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

11 CONSTRUCTION

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

18 LAND ACQUISITION

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

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

8 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

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

18 *NATIONAL WILDLIFE REFUGE FUND*

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

21 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

22 *For expenses necessary to carry out the provisions of*
23 *the North American Wetlands Conservation Act, as amend-*
24 *ed (16 U.S.C. 4401–4414), \$45,147,000, to remain available*
25 *until expended.*

1 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

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

6 *MULTINATIONAL SPECIES CONSERVATION FUND*

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

16 *STATE AND TRIBAL WILDLIFE GRANTS*

17 *For wildlife conservation grants to States and to the*
18 *District of Columbia, Puerto Rico, Guam, the United States*
19 *Virgin Islands, the Northern Mariana Islands, American*
20 *Samoa, and Indian tribes under the provisions of the Fish*
21 *and Wildlife Act of 1956 and the Fish and Wildlife Coordi-*
22 *nation Act, for the development and implementation of pro-*
23 *grams for the benefit of wildlife and their habitat, including*
24 *species that are not hunted or fished, \$80,000,000, to re-*
25 *main available until expended: Provided, That of the*

1 amount provided herein, \$7,000,000 is for a competitive
2 grant program for Indian tribes not subject to the remain-
3 ing provisions of this appropriation: Provided further, That
4 \$5,000,000 is for a competitive grant program for States,
5 territories, and other jurisdictions with approved plans, not
6 subject to the remaining provisions of this appropriation:
7 Provided further, That the Secretary shall, for fiscal year
8 2010 and each fiscal year thereafter, after deducting
9 \$12,000,000 and administrative expenses, apportion the
10 amount provided herein in the following manner: (1) to the
11 District of Columbia and to the Commonwealth of Puerto
12 Rico, each a sum equal to not more than one-half of 1 per-
13 cent thereof; and (2) to Guam, American Samoa, the United
14 States Virgin Islands, and the Commonwealth of the North-
15 ern Mariana Islands, each a sum equal to not more than
16 one-fourth of 1 percent thereof: Provided further, That the
17 Secretary shall, for fiscal year 2010 and each fiscal year
18 thereafter, apportion the remaining amount in the fol-
19 lowing manner: (1) one-third of which is based on the ratio
20 to which the land area of such State bears to the total land
21 area of all such States; and (2) two-thirds of which is based
22 on the ratio to which the population of such State bears
23 to the total population of all such States: Provided further,
24 That the amounts apportioned under this paragraph shall
25 be adjusted equitably so that no State shall, for fiscal year

1 2010 and each fiscal year thereafter, be apportioned a sum
2 which is less than 1 percent of the amount available for
3 apportionment under this paragraph for any fiscal year or
4 more than 5 percent of such amount: Provided further, That
5 the Federal share of planning grants shall not, for fiscal
6 year 2010 and each fiscal year thereafter, exceed 75 percent
7 of the total costs of such projects and the Federal share of
8 implementation grants shall not, for fiscal year 2010 and
9 each fiscal year thereafter, exceed 50 percent of the total
10 costs of such projects: Provided further, That the non-Fed-
11 eral share of such projects may not be derived from Federal
12 grant programs: Provided further, That any amount appor-
13 tioned in 2010 to any State, territory, or other jurisdiction
14 that remains unobligated as of September 30, 2011, shall
15 be reapportioned, together with funds appropriated in 2012,
16 in the manner provided herein.

17 *ADMINISTRATIVE PROVISIONS*

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

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

18 *NATIONAL PARK SERVICE*

19 *OPERATION OF THE NATIONAL PARK SYSTEM*

20 *For expenses necessary for the management, operation,*
21 *and maintenance of areas and facilities administered by*
22 *the National Park Service (including expenses to carry out*
23 *programs of the United States Park Police), and for the*
24 *general administration of the National Park Service,*
25 *\$2,261,309,000, of which \$9,982,000 for planning and*

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

7 *NATIONAL RECREATION AND PRESERVATION*

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

17 *HISTORIC PRESERVATION FUND*

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

1 *section 7303 of the Omnibus Public Land Management Act*
2 *of 2009 (Public Law 111–11).*

3 *CONSTRUCTION*

4 *For construction, improvements, repair or replacement*
5 *of physical facilities, including a portion of the expense for*
6 *the modifications authorized by section 104 of the Ever-*
7 *glades National Park Protection and Expansion Act of*
8 *1989, \$219,731,000, to remain available until expended.*

9 *LAND AND WATER CONSERVATION FUND*

10 *(RESCISSION)*

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

13 *LAND ACQUISITION AND STATE ASSISTANCE*

14 *For expenses necessary to carry out the Land and*
15 *Water Conservation Act of 1965, as amended (16 U.S.C.*
16 *460l–4 through 11), including administrative expenses, and*
17 *for acquisition of lands or waters, or interest therein, in*
18 *accordance with the statutory authority applicable to the*
19 *National Park Service, \$118,586,000, to be derived from the*
20 *Land and Water Conservation Fund and to remain avail-*
21 *able until expended, of which \$35,000,000 is for the State*
22 *assistance program and of which \$4,000,000 shall be for*
23 *the American Battlefield Protection Program grants as au-*
24 *thorized by section 7301 of the Omnibus Public Land Man-*
25 *agement Act of 2009 (Public Law 111–11).*

1 ADMINISTRATIVE PROVISIONS

2 (INCLUDING TRANSFER OF FUNDS)

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

17 *For the costs of administration of the Land and Water*
18 *Conservation Fund grants authorized by section*
19 *105(a)(2)(B) of the Gulf of Mexico Energy Security Act of*
20 *2006 (Public Law 109–432), the National Park Service*
21 *may retain up to 3 percent of the amounts which are au-*
22 *thorized to be disbursed under such section, such retained*
23 *amounts to remain available until expended.*

24 *National Park Service funds may be transferred to the*
25 *Federal Highway Administration (FHWA), Department of*

1 *Transportation, for purposes authorized under 23 U.S.C.*
2 *204. Transfers may include a reasonable amount for*
3 *FHWA administrative support costs.*

4 *UNITED STATES GEOLOGICAL SURVEY*

5 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

6 *For expenses necessary for the United States Geological*
7 *Survey to perform surveys, investigations, and research cov-*
8 *ering topography, geology, hydrology, biology, and the min-*
9 *eral and water resources of the United States, its territories*
10 *and possessions, and other areas as authorized by 43 U.S.C.*
11 *31, 1332, and 1340; classify lands as to their mineral and*
12 *water resources; give engineering supervision to power per-*
13 *mittees and Federal Energy Regulatory Commission licens-*
14 *ees; administer the minerals exploration program (30*
15 *U.S.C. 641); conduct inquiries into the economic conditions*
16 *affecting mining and materials processing industries (30*
17 *U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related*
18 *purposes as authorized by law; and to publish and dissemi-*
19 *nate data relative to the foregoing activities;*
20 *\$1,104,340,000, to remain available until September 30,*
21 *2011, of which \$65,561,000 shall be available only for co-*
22 *operation with States or municipalities for water resources*
23 *investigations; of which \$40,150,000 shall remain available*
24 *until expended for satellite operations; and of which*
25 *\$7,321,000 shall be available until expended for deferred*

1 *maintenance and capital improvement projects that exceed*
2 *\$100,000 in cost: Provided, That none of the funds provided*
3 *for the biological research activity shall be used to conduct*
4 *new surveys on private property, unless specifically author-*
5 *ized in writing by the property owner: Provided further,*
6 *That no part of this appropriation shall be used to pay*
7 *more than one-half the cost of topographic mapping or*
8 *water resources data collection and investigations carried*
9 *on in cooperation with States and municipalities.*

10 *ADMINISTRATIVE PROVISIONS*

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

1 *tions herein made may be accomplished through the use of*
2 *contracts, grants, or cooperative agreements as defined in*
3 *31 U.S.C. 6302 et seq.: Provided further, That the United*
4 *States Geological Survey may enter into contracts or coop-*
5 *erative agreements directly with individuals or indirectly*
6 *with institutions or nonprofit organizations, without re-*
7 *gard to 41 U.S.C. 5, for the temporary or intermittent serv-*
8 *ices of students or recent graduates, who shall be considered*
9 *employees for the purpose of chapters 57 and 81 of title*
10 *5, United States Code, relating to compensation for travel*
11 *and work injuries, and chapter 171 of title 28, United*
12 *States Code, relating to tort claims, but shall not be consid-*
13 *ered to be Federal employees for any other purposes.*

14 *MINERALS MANAGEMENT SERVICE*

15 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

16 *For expenses necessary for minerals leasing and envi-*
17 *ronmental studies, regulation of industry operations, and*
18 *collection of royalties, as authorized by law; for enforcing*
19 *laws and regulations applicable to oil, gas, and other min-*
20 *erals leases, permits, licenses and operating contracts; for*
21 *energy-related or other authorized marine-related purposes*
22 *on the Outer Continental Shelf; and for matching grants*
23 *or cooperative agreements, \$175,217,000, to remain avail-*
24 *able until September 30, 2011, of which \$89,374,000 shall*
25 *be available for royalty management activities; and an*

1 amount not to exceed \$156,730,000, to be credited to this
2 appropriation and to remain available until expended,
3 from additions to receipts resulting from increases to rates
4 in effect on August 5, 1993, and from cost recovery fees:
5 Provided, That notwithstanding 31 U.S.C. 3302, in fiscal
6 year 2010, such amounts as are assessed under 31 U.S.C.
7 9701 shall be collected and credited to this account and shall
8 be available until expended for necessary expenses: Provided
9 further, That to the extent \$156,730,000 in addition to re-
10 ceipts are not realized from the sources of receipts stated
11 above, the amount needed to reach \$156,730,000 shall be
12 credited to this appropriation from receipts resulting from
13 rental rates for Outer Continental Shelf leases in effect be-
14 fore August 5, 1993: Provided further, That the term “quali-
15 fied Outer Continental Shelf revenues”, as defined in sec-
16 tion 102(9)(A) of the Gulf of Mexico Energy Security Act,
17 division C of Public Law 109–432, shall include only the
18 portion of rental revenues that would have been collected
19 at the rental rates in effect before August 5, 1993: Provided
20 further, That not to exceed \$3,000 shall be available for rea-
21 sonable expenses related to promoting volunteer beach and
22 marine cleanup activities: Provided further, That notwith-
23 standing any other provision of law, \$15,000 under this
24 heading shall be available for refunds of overpayments in
25 connection with certain Indian leases in which the Director

1 of MMS concurred with the claimed refund due, to pay
2 amounts owed to Indian allottees or tribes, or to correct
3 prior unrecoverable erroneous payments: Provided further,
4 That for the costs of administration of the Coastal Impact
5 Assistance Program authorized by section 31 of the Outer
6 Continental Shelf Lands Act, as amended (43 U.S.C.
7 1456a), MMS in fiscal year 2010 may retain up to 4 per-
8 cent of the amounts which are disbursed under section
9 31(b)(1), such retained amounts to remain available until
10 expended.

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

19 OIL SPILL RESEARCH

20 For necessary expenses to carry out title I, section
21 1016, title IV, sections 4202 and 4303, title VII, and title
22 VIII, section 8201 of the Oil Pollution Act of 1990,
23 \$6,303,000, which shall be derived from the Oil Spill Liabil-
24 ity Trust Fund, to remain available until expended.

1 *authorized to use up to 20 percent from the recovery of the*
2 *delinquent debt owed to the United States Government to*
3 *pay for contracts to collect these debts: Provided further,*
4 *That funds made available under title IV of Public Law*
5 *95–87 may be used for any required non-Federal share of*
6 *the cost of projects funded by the Federal Government for*
7 *the purpose of environmental restoration related to treat-*
8 *ment or abatement of acid mine drainage from abandoned*
9 *mines: Provided further, That such projects must be con-*
10 *sistent with the purposes and priorities of the Surface Min-*
11 *ing Control and Reclamation Act: Provided further, That*
12 *amounts provided under this heading may be used for the*
13 *travel and per diem expenses of State and tribal personnel*
14 *attending Office of Surface Mining Reclamation and En-*
15 *forcement sponsored training.*

16 *ADMINISTRATIVE PROVISION*

17 *With funds available for the Technical Innovation and*
18 *Professional Services program in this Act, the Secretary*
19 *may transfer title for computer hardware, software and*
20 *other technical equipment to State and tribal regulatory*
21 *and reclamation programs.*

1 *BUREAU OF INDIAN AFFAIRS*2 *OPERATION OF INDIAN PROGRAMS*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For expenses necessary for the operation of Indian pro-*
5 *grams, as authorized by law, including the Snyder Act of*
6 *November 2, 1921 (25 U.S.C. 13), the Indian Self-Deter-*
7 *mination and Education Assistance Act of 1975 (25 U.S.C.*
8 *450 et seq.), as amended, the Education Amendments of*
9 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
10 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended,*
11 *\$2,309,322,000, to remain available until September 30,*
12 *2011 except as otherwise provided herein; of which not to*
13 *exceed \$8,500 may be for official reception and representa-*
14 *tion expenses; of which not to exceed \$74,915,000 shall be*
15 *for welfare assistance payments: Provided, That in cases of*
16 *designated Federal disasters, the Secretary may exceed such*
17 *cap, from the amounts provided herein, to provide for dis-*
18 *aster relief to Indian communities affected by the disaster;*
19 *of which, notwithstanding any other provision of law, in-*
20 *cluding but not limited to the Indian Self-Determination*
21 *Act of 1975, as amended, not to exceed \$154,794,000 shall*
22 *be available for payments for contract support costs associ-*
23 *ated with ongoing contracts, grants, compacts, or annual*
24 *funding agreements entered into with the Bureau prior to*
25 *or during fiscal year 2010, as authorized by such Act, ex-*

1 *cept that tribes and tribal organizations may use their trib-*
2 *al priority allocations for unmet contract support costs of*
3 *ongoing contracts, grants, or compacts, or annual funding*
4 *agreements and for unmet welfare assistance costs; of which*
5 *not to exceed \$566,702,000 for school operations costs of Bu-*
6 *reau-funded schools and other education programs shall be-*
7 *come available on July 1, 2010, and shall remain available*
8 *until September 30, 2011; of which \$25,000,000 shall be for*
9 *public safety and justice programs as authorized by the*
10 *Emergency Fund for Indian Safety and Health, established*
11 *by section 601 of Public Law 110–293 (25 U.S.C. 443c);*
12 *and of which not to exceed \$60,958,000 shall remain avail-*
13 *able until expended for housing improvement, road mainte-*
14 *nance, attorney fees, litigation support, the Indian Self-De-*
15 *termination Fund, land records improvement, and the Nav-*
16 *ajo-Hopi Settlement Program: Provided further, That not-*
17 *withstanding any other provision of law, including but not*
18 *limited to the Indian Self-Determination Act of 1975, as*
19 *amended, and 25 U.S.C. 2008, not to exceed \$43,373,000*
20 *within and only from such amounts made available for*
21 *school operations shall be available for administrative cost*
22 *grants associated with ongoing grants entered into with the*
23 *Bureau prior to or during fiscal year 2009 for the operation*
24 *of Bureau-funded schools, and up to \$500,000 within and*
25 *only from such amounts made available for administrative*

1 *cost grants shall be available for the transitional costs of*
2 *initial administrative cost grants to grantees that assume*
3 *operation on or after July 1, 2009, of Bureau-funded*
4 *schools: Provided further, That any forestry funds allocated*
5 *to a tribe which remain unobligated as of September 30,*
6 *2011, may be transferred during fiscal year 2012 to an In-*
7 *dian forest land assistance account established for the ben-*
8 *efit of the holder of the funds within the holder's trust fund*
9 *account: Provided further, That any such unobligated bal-*
10 *ances not so transferred shall expire on September 30, 2012:*
11 *Provided further, That in order to enhance the safety of Bu-*
12 *reau field employees, the Bureau may use funds to purchase*
13 *uniforms or other identifying articles of clothing for per-*
14 *sonnel.*

15 *CONSTRUCTION*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For construction, repair, improvement, and mainte-*
18 *nance of irrigation and power systems, buildings, utilities,*
19 *and other facilities, including architectural and engineering*
20 *services by contract; acquisition of lands, and interests in*
21 *lands; and preparation of lands for farming, and for con-*
22 *struction of the Navajo Indian Irrigation Project pursuant*
23 *to Public Law 87-483, \$225,000,000, to remain available*
24 *until expended: Provided, That such amounts as may be*
25 *available for the construction of the Navajo Indian Irriga-*

1 tion Project may be transferred to the Bureau of Reclama-
2 tion: Provided further, That not to exceed 6 percent of con-
3 tract authority available to the Bureau of Indian Affairs
4 from the Federal Highway Trust Fund may be used to cover
5 the road program management costs of the Bureau: Pro-
6 vided further, That any funds provided for the Safety of
7 Dams program pursuant to 25 U.S.C. 13 shall be made
8 available on a nonreimbursable basis: Provided further,
9 That for fiscal year 2010, in implementing new construc-
10 tion or facilities improvement and repair project grants in
11 excess of \$100,000 that are provided to grant schools under
12 Public Law 100–297, as amended, the Secretary of the Inte-
13 rior shall use the Administrative and Audit Requirements
14 and Cost Principles for Assistance Programs contained in
15 43 CFR part 12 as the regulatory requirements: Provided
16 further, That such grants shall not be subject to section
17 12.61 of 43 CFR; the Secretary and the grantee shall nego-
18 tiate and determine a schedule of payments for the work
19 to be performed: Provided further, That in considering
20 grant applications, the Secretary shall consider whether
21 such grantee would be deficient in assuring that the con-
22 struction projects conform to applicable building standards
23 and codes and Federal, tribal, or State health and safety
24 standards as required by 25 U.S.C. 2005(b), with respect
25 to organizational and financial management capabilities:

1 *Provided further, That if the Secretary declines a grant ap-*
2 *plication, the Secretary shall follow the requirements con-*
3 *tained in 25 U.S.C. 2504(f): Provided further, That any*
4 *disputes between the Secretary and any grantee concerning*
5 *a grant shall be subject to the disputes provision in 25*
6 *U.S.C. 2507(e): Provided further, That in order to ensure*
7 *timely completion of construction projects, the Secretary*
8 *may assume control of a project and all funds related to*
9 *the project, if, within eighteen months of the date of enact-*
10 *ment of this Act, any grantee receiving funds appropriated*
11 *in this Act or in any prior Act, has not completed the plan-*
12 *ning and design phase of the project and commenced con-*
13 *struction: Provided further, That this appropriation may*
14 *be reimbursed from the Office of the Special Trustee for*
15 *American Indians appropriation for the appropriate share*
16 *of construction costs for space expansion needed in agency*
17 *offices to meet trust reform implementation.*

18 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*

19 *MISCELLANEOUS PAYMENTS TO INDIANS*

20 *For payments and necessary administrative expenses*
21 *for implementation of Indian land and water claim settle-*
22 *ments pursuant to Public Laws 99–264, 100–580, 101–618,*
23 *108–447, 109–379, 109–479, 110–297, and 111–11, and for*
24 *implementation of other land and water rights settlements,*
25 *\$47,380,000, to remain available until expended.*

1 *INDIAN LAND CONSOLIDATION, BIA*

2 *For consolidation of fractional interests in Indian*
3 *lands and expenses associated with redetermining and re-*
4 *distributing escheated interests in allotted lands, and for*
5 *necessary expenses to carry out the Indian Land Consolida-*
6 *tion Act of 1983, as amended, by direct expenditure or coop-*
7 *erative agreement, \$3,000,000, to remain available until ex-*
8 *pended.*

9 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

10 *For the cost of guaranteed loans and insured loans,*
11 *\$8,215,000, of which \$1,629,000 is for administrative ex-*
12 *penses, as authorized by the Indian Financing Act of 1974,*
13 *as amended: Provided, That such costs, including the cost*
14 *of modifying such loans, shall be as defined in section 502*
15 *of the Congressional Budget Act of 1974: Provided further,*
16 *That these funds are available to subsidize total loan prin-*
17 *cipal, any part of which is to be guaranteed or insured,*
18 *not to exceed \$93,807,956.*

19 *ADMINISTRATIVE PROVISIONS*

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

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

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

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

22 *In the event any tribe returns appropriations made*
23 *available by this Act to the Bureau of Indian Affairs, this*
24 *action shall not diminish the Federal Government's trust*
25 *responsibility to that tribe, or the government-to-govern-*

1 *ment relationship between the United States and that tribe,*
2 *or that tribe's ability to access future appropriations.*

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

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

1 *ter school are kept separate and apart from Bureau funds,*
2 *and the Bureau does not assume any obligation for charter*
3 *school programs of the State in which the school is located*
4 *if the charter school loses such funding. Employees of Bu-*
5 *reau-funded schools sharing a campus with a charter school*
6 *and performing functions related to the charter schools op-*
7 *eration and employees of a charter school shall not be treat-*
8 *ed as Federal employees for purposes of chapter 171 of title*
9 *28, United States Code.*

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

18 *DEPARTMENTAL OFFICES*

19 *OFFICE OF THE SECRETARY*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses for management of the Depart-*
22 *ment of the Interior, \$118,836,000; of which not to exceed*
23 *\$25,000 may be for official reception and representation ex-*
24 *penses; and of which up to \$1,000,000 shall be available*
25 *for workers compensation payments and unemployment*

1 *compensation payments associated with the orderly closure*
2 *of the United States Bureau of Mines: Provided, That, for*
3 *fiscal year 2010 up to \$400,000 of the payments authorized*
4 *by the Act of October 20, 1976, as amended (31 U.S.C.*
5 *6901–6907) may be retained for administrative expenses of*
6 *the Payments in Lieu of Taxes Program: Provided further,*
7 *That no payment shall be made pursuant to that Act to*
8 *otherwise eligible units of local government if the computed*
9 *amount of the payment is less than \$100: Provided further,*
10 *That for fiscal years 2008 through 2012 the Secretary may*
11 *reduce the payment authorized by 31 U.S.C. 6901–6907,*
12 *as amended, for an individual county by the amount nec-*
13 *essary to correct prior year overpayments to that county:*
14 *Provided further, That for fiscal years 2008 through 2012*
15 *the amount needed to correct a prior year underpayment*
16 *to an individual county shall be paid from any reductions*
17 *for overpayments to other counties and the amount nec-*
18 *essary to cover any remaining underpayment is hereby ap-*
19 *propriated and shall be paid to individual counties using*
20 *current fiscal year funds.*

21 *INSULAR AFFAIRS*

22 *ASSISTANCE TO TERRITORIES*

23 *For expenses necessary for assistance to territories*
24 *under the jurisdiction of the Department of the Interior,*
25 *\$81,095,000, of which: (1) \$71,815,000 shall remain avail-*

1 *able until expended for technical assistance, including*
2 *maintenance assistance, disaster assistance, insular man-*
3 *agement controls, coral reef initiative activities, and brown*
4 *tree snake control and research; grants to the judiciary in*
5 *American Samoa for compensation and expenses, as au-*
6 *thorized by law (48 U.S.C. 1661(c)); grants to the Govern-*
7 *ment of American Samoa, in addition to current local reve-*
8 *nues, for construction and support of governmental func-*
9 *tions; grants to the Government of the Virgin Islands as*
10 *authorized by law; grants to the Government of Guam, as*
11 *authorized by law; and grants to the Government of the*
12 *Northern Mariana Islands as authorized by law (Public*
13 *Law 94–241; 90 Stat. 272); and (2) \$9,280,000 shall be*
14 *available until September 30, 2011 for salaries and ex-*
15 *penses of the Office of Insular Affairs: Provided, That all*
16 *financial transactions of the territorial and local govern-*
17 *ments herein provided for, including such transactions of*
18 *all agencies or instrumentalities established or used by such*
19 *governments, may be audited by the Government Account-*
20 *ability Office, at its discretion, in accordance with chapter*
21 *35 of title 31, United States Code: Provided further, That*
22 *Northern Mariana Islands Covenant grant funding shall be*
23 *provided according to those terms of the Agreement of the*
24 *Special Representatives on Future United States Financial*
25 *Assistance for the Northern Mariana Islands approved by*

1 *Public Law 104–134: Provided further, That the funds for*
2 *the program of operations and maintenance improvement*
3 *are appropriated to institutionalize routine operations and*
4 *maintenance improvement of capital infrastructure with*
5 *territorial participation and cost sharing to be determined*
6 *by the Secretary based on the grantee’s commitment to time-*
7 *ly maintenance of its capital assets: Provided further, That*
8 *any appropriation for disaster assistance under this head-*
9 *ing in this Act or previous appropriations Acts may be used*
10 *as non-Federal matching funds for the purpose of hazard*
11 *mitigation grants provided pursuant to section 404 of the*
12 *Robert T. Stafford Disaster Relief and Emergency Assist-*
13 *ance Act (42 U.S.C. 5170c): Provided further, That at the*
14 *request of the Governor of Guam, the Secretary may trans-*
15 *fer any mandatory or discretionary funds appropriated, in-*
16 *cluding those provided under Public Law 104–134, to the*
17 *Secretary of Agriculture for the subsidy cost of direct or*
18 *guaranteed loans, plus not to exceed 3 percent of the amount*
19 *of the subsidy transferred for the cost of loan administra-*
20 *tion, for the purposes authorized by the Rural Electrifica-*
21 *tion Act of 1936 and section 306(a)(1) of the Consolidated*
22 *Farm and Rural Development Act for construction and re-*
23 *pair projects in Guam, and such funds shall remain avail-*
24 *able until expended: Provided further, That such costs, in-*
25 *cluding the cost of modifying such loans, shall be as defined*

1 *in section 502 of the Congressional Budget Act of 1974: Pro-*
2 *vided further, That such loans or loan guarantees may be*
3 *made without regard to the population of the area, credit*
4 *elsewhere requirements, and restrictions on the types of eli-*
5 *gible entities under the Rural Electrification Act of 1936*
6 *and section 306(a)(1) of the Consolidated Farm and Rural*
7 *Development Act: Provided further, That any funds trans-*
8 *ferred to the Secretary of Agriculture shall be in addition*
9 *to funds otherwise made available to make or guarantee*
10 *loans under such authorities.*

11 *COMPACT OF FREE ASSOCIATION*

12 *For grants and necessary expenses, \$5,318,000, to re-*
13 *main available until expended, as provided for in sections*
14 *221(a)(2), 221(b), and 233 of the Compact of Free Associa-*
15 *tion for the Republic of Palau; and section 221(a)(2) of the*
16 *Compacts of Free Association for the Government of the Re-*
17 *public of the Marshall Islands and the Federated States of*
18 *Micronesia, as authorized by Public Law 99-658 and Pub-*
19 *lic Law 108-188: Provided further, That at the request of*
20 *the Governor of Guam, the Secretary may transfer any*
21 *mandatory or discretionary funds appropriated, including*
22 *those provided under section 104(e) of Public Law 108-188,*
23 *to the Secretary of Agriculture for the subsidy cost of direct*
24 *or guaranteed loans, plus not to exceed 3 percent of the*
25 *amount of the subsidy transferred for the cost of loan ad-*

1 *ministration, for the purposes authorized by the Rural Elec-*
2 *trification Act of 1936 and section 306(a)(1) of the Consoli-*
3 *dated Farm and Rural Development Act for construction*
4 *and repair projects in Guam, and such funds shall remain*
5 *available until expended: Provided further, That such costs,*
6 *including the cost of modifying such loans, shall be as de-*
7 *finied in section 502 of the Congressional Budget Act of*
8 *1974: Provided further, That such loans or loan guarantees*
9 *may be made without regard to the population of the area,*
10 *credit elsewhere requirements, and restrictions on the types*
11 *of eligible entities under the Rural Electrification Act of*
12 *1936 and section 306(a)(1) of the Consolidated Farm and*
13 *Rural Development Act: Provided further, That any funds*
14 *transferred to the Secretary of Agriculture shall be in addi-*
15 *tion to funds otherwise made available to make or guar-*
16 *antee loans under such authorities.*

17 *OFFICE OF THE SOLICITOR*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Office of the Solicitor,*
20 *\$65,076,000.*

21 *OFFICE OF INSPECTOR GENERAL*

22 *SALARIES AND EXPENSES*

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

1 *with an accounting of such funds from which the bene-*
2 *ficiary can determine whether there has been a loss: Pro-*
3 *vided further, That, notwithstanding any other provision*
4 *of law, the Secretary shall not be required to provide a*
5 *quarterly statement of performance for any Indian trust ac-*
6 *count that has not had activity for at least 18 months and*
7 *has a balance of \$15.00 or less: Provided further, That the*
8 *Secretary shall issue an annual account statement and*
9 *maintain a record of any such accounts and shall permit*
10 *the balance in each such account to be withdrawn upon the*
11 *express written request of the account holder: Provided fur-*
12 *ther, That not to exceed \$50,000 is available for the Sec-*
13 *retary to make payments to correct administrative errors*
14 *of either disbursements from or deposits to Individual In-*
15 *dian Money or Tribal accounts after September 30, 2002:*
16 *Provided further, That erroneous payments that are recov-*
17 *ered shall be credited to and remain available in this ac-*
18 *count for this purpose.*

19 *DEPARTMENT-WIDE PROGRAMS*

20 *WILDLAND FIRE MANAGEMENT*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *For necessary expenses for fire preparedness, suppres-*
23 *sion operations, fire science and research, emergency reha-*
24 *bilitation, hazardous fuels reduction, and rural fire assist-*
25 *ance by the Department of the Interior, \$979,637,000, to*

1 *remain available until expended, of which not to exceed*
2 *\$6,137,000 shall be for the renovation or construction of fire*
3 *facilities: Provided, That such funds are also available for*
4 *repayment of advances to other appropriation accounts*
5 *from which funds were previously transferred for such pur-*
6 *poses: Provided further, That persons hired pursuant to 43*
7 *U.S.C. 1469 may be furnished subsistence and lodging with-*
8 *out cost from funds available from this appropriation: Pro-*
9 *vided further, That notwithstanding 42 U.S.C. 1856d, sums*
10 *received by a bureau or office of the Department of the Inte-*
11 *rior for fire protection rendered pursuant to 42 U.S.C. 1856*
12 *et seq., protection of United States property, may be cred-*
13 *ited to the appropriation from which funds were expended*
14 *to provide that protection, and are available without fiscal*
15 *year limitation: Provided further, That using the amounts*
16 *designated under this title of this Act, the Secretary of the*
17 *Interior may enter into procurement contracts, grants, or*
18 *cooperative agreements, for hazardous fuels reduction ac-*
19 *tivities, and for training and monitoring associated with*
20 *such hazardous fuels reduction activities, on Federal land,*
21 *or on adjacent non-Federal land for activities that benefit*
22 *resources on Federal land: Provided further, That the costs*
23 *of implementing any cooperative agreement between the*
24 *Federal Government and any non-Federal entity may be*
25 *shared, as mutually agreed on by the affected parties: Pro-*

1 *vided further, That notwithstanding requirements of the*
2 *Competition in Contracting Act, the Secretary, for purposes*
3 *of hazardous fuels reduction activities, may obtain max-*
4 *imum practicable competition among: (1) local private,*
5 *nonprofit, or cooperative entities; (2) Youth Conservation*
6 *Corps crews, Public Lands Corps (Public Law 109–154),*
7 *or related partnerships with State, local, or non-profit*
8 *youth groups; (3) small or micro-businesses; or (4) other*
9 *entities that will hire or train locally a significant percent-*
10 *age, defined as 50 percent or more, of the project workforce*
11 *to complete such contracts: Provided further, That in imple-*
12 *menting this section, the Secretary shall develop written*
13 *guidance to field units to ensure accountability and con-*
14 *sistent application of the authorities provided herein: Pro-*
15 *vided further, That funds appropriated under this head*
16 *may be used to reimburse the United States Fish and Wild-*
17 *life Service and the National Marine Fisheries Service for*
18 *the costs of carrying out their responsibilities under the En-*
19 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to*
20 *consult and conference, as required by section 7 of such Act,*
21 *in connection with wildland fire management activities:*
22 *Provided further, That the Secretary of the Interior may*
23 *use wildland fire appropriations to enter into non-competi-*
24 *tive sole source leases of real property with local govern-*
25 *ments, at or below fair market value, to construct capital-*

1 ized improvements for fire facilities on such leased prop-
2 erties, including but not limited to fire guard stations, re-
3 tardant stations, and other initial attack and fire support
4 facilities, and to make advance payments for any such lease
5 or for construction activity associated with the lease: Pro-
6 vided further, That the Secretary of the Interior and the
7 Secretary of Agriculture may authorize the transfer of funds
8 appropriated for wildland fire management, in an aggre-
9 gate amount not to exceed \$10,000,000, between the Depart-
10 ments when such transfers would facilitate and expedite
11 jointly funded wildland fire management programs and
12 projects: Provided further, That funds provided for wildfire
13 suppression shall be available for support of Federal emer-
14 gency response actions.

15 CENTRAL HAZARDOUS MATERIALS FUND

16 For necessary expenses of the Department of the Inte-
17 rior and any of its component offices and bureaus for the
18 response action, including associated activities, performed
19 pursuant to the Comprehensive Environmental Response,
20 Compensation, and Liability Act, as amended (42 U.S.C.
21 9601 et seq.), \$10,175,000, to remain available until ex-
22 pended: Provided, That Public Law 110–161 (121 Stat.
23 2116) under this heading is amended by striking “in ad-
24 vance of or as reimbursement for remedial action or re-
25 sponse activities conducted by the Department pursuant to

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

18 *ADMINISTRATIVE PROVISION*

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

1 *in value used to offset the purchase price for the replacement*
2 *aircraft.*

3 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*
4 *EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU*
5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *SEC. 101. Appropriations made in this title shall be*
7 *available for expenditure or transfer (within each bureau*
8 *or office), with the approval of the Secretary, for the emer-*
9 *gency reconstruction, replacement, or repair of aircraft,*
10 *buildings, utilities, or other facilities or equipment dam-*
11 *aged or destroyed by fire, flood, storm, or other unavoidable*
12 *causes: Provided, That no funds shall be made available*
13 *under this authority until funds specifically made available*
14 *to the Department of the Interior for emergencies shall have*
15 *been exhausted.*

16 *EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE*
17 *SEC. 102. The Secretary may authorize the expendi-*
18 *ture or transfer of any no year appropriation in this title,*
19 *for the suppression or emergency prevention of wildland*
20 *fires on or threatening lands under the jurisdiction of the*
21 *Department of the Interior; for the emergency rehabilitation*
22 *of burned-over lands under its jurisdiction; for emergency*
23 *actions related to potential or actual earthquakes, floods,*
24 *volcanoes, storms, or other unavoidable causes; for contin-*
25 *gency planning subsequent to actual oil spills; for response*

1 *and natural resource damage assessment activities related*
2 *to actual oil spills; for the prevention, suppression, and con-*
3 *trol of actual or potential grasshopper and Mormon cricket*
4 *outbreaks on lands under the jurisdiction of the Secretary,*
5 *pursuant to the authority in section 1773(b) of Public Law*
6 *99–198 (99 Stat. 1658); for emergency reclamation projects*
7 *under section 410 of Public Law 95–87; and shall transfer,*
8 *from any no year funds available to the Office of Surface*
9 *Mining Reclamation and Enforcement, such funds as may*
10 *be necessary to permit assumption of regulatory authority*
11 *in the event a primacy State is not carrying out the regu-*
12 *latory provisions of the Surface Mining Act: Provided, That*
13 *appropriations made in this title for wildland fire oper-*
14 *ations shall be available for the payment of obligations in-*
15 *curred during the preceding fiscal year, and for reimburse-*
16 *ment to other Federal agencies for destruction of vehicles,*
17 *aircraft, or other equipment in connection with their use*
18 *for wildland fire operations, such reimbursement to be cred-*
19 *ited to appropriations currently available at the time of*
20 *receipt thereof: Provided further, That for wildland fire op-*
21 *erations, no funds shall be made available under this au-*
22 *thority until the Secretary determines that funds appro-*
23 *priated for “wildland fire operations” shall be exhausted*
24 *within 30 days: Provided further, That all funds used pur-*
25 *suant to this section must be replenished by a supplemental*

1 *appropriation which must be requested as promptly as pos-*
2 *sible: Provided further, That such replenishment funds shall*
3 *be used to reimburse, on a pro rata basis, accounts from*
4 *which emergency funds were transferred.*

5 *AUTHORIZED USE OF FUNDS*

6 *SEC. 103. Appropriations made to the Department of*
7 *the Interior in this title shall be available for services as*
8 *authorized by 5 U.S.C. 3109, when authorized by the Sec-*
9 *retary, in total amount not to exceed \$500,000; purchase*
10 *and replacement of motor vehicles, including specially*
11 *equipped law enforcement vehicles; hire, maintenance, and*
12 *operation of aircraft; hire of passenger motor vehicles; pur-*
13 *chase of reprints; payment for telephone service in private*
14 *residences in the field, when authorized under regulations*
15 *approved by the Secretary; and the payment of dues, when*
16 *authorized by the Secretary, for library membership in soci-*
17 *eties or associations which issue publications to members*
18 *only or at a price to members lower than to subscribers*
19 *who are not members.*

20 *AUTHORIZED USE OF FUNDS*

21 *SEC. 104. Appropriations made in this Act under the*
22 *headings Bureau of Indian Affairs and Office of the Special*
23 *Trustee for American Indians and any unobligated bal-*
24 *ances from prior appropriations Acts made under the same*
25 *headings shall be available for expenditure or transfer for*

1 *Indian trust management and reform activities. Total*
2 *funding for historical accounting activities shall not exceed*
3 *amounts specifically designated in this Act for such pur-*
4 *pose.*

5 *REDISTRIBUTION OF FUNDS*

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

18 *TWIN CITIES RESEARCH CENTER*

19 *SEC. 106. Notwithstanding any other provision of law,*
20 *in conveying the Twin Cities Research Center under the au-*
21 *thority provided by Public Law 104–134, as amended by*
22 *Public Law 104–208, the Secretary may accept and retain*
23 *land and other forms of reimbursement: Provided, That the*
24 *Secretary may retain and use any such reimbursement*
25 *until expended and without further appropriation: (1) for*

1 *the benefit of the National Wildlife Refuge System within*
2 *the State of Minnesota; and (2) for all activities authorized*
3 *by 16 U.S.C. 4602z.*

4 *PAYMENT OF FEES*

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

15 *ELLIS, GOVERNORS, AND LIBERTY ISLANDS*

16 *SEC. 108. Notwithstanding any other provision of law,*
17 *the Secretary of the Interior is authorized to acquire lands,*
18 *waters, or interests therein including the use of all or part*
19 *of any pier, dock, or landing within the State of New York*
20 *and the State of New Jersey, for the purpose of operating*
21 *and maintaining facilities in the support of transportation*
22 *and accommodation of visitors to Ellis, Governors, and Lib-*
23 *erty Islands, and of other program and administrative ac-*
24 *tivities, by donation or with appropriated funds, including*
25 *franchise fees (and other monetary consideration), or by ex-*

1 *change; and the Secretary is authorized to negotiate and*
2 *enter into leases, subleases, concession contracts or other*
3 *agreements for the use of such facilities on such terms and*
4 *conditions as the Secretary may determine reasonable.*

5 *PROHIBITION ON USE OF FUNDS*

6 *SEC. 109. (a) Any proposed new use of the Arizona*
7 *& California Railroad Company's Right of Way for convey-*
8 *ance of water shall not proceed unless the Secretary of the*
9 *Interior certifies that the proposed new use is within the*
10 *scope of the Right of Way.*

11 *(b) No funds appropriated or otherwise made available*
12 *to the Department of the Interior may be used, in relation*
13 *to any proposal to store water underground for the purpose*
14 *of export, for approval of any right-of-way or similar au-*
15 *thorization on the Mojave National Preserve or lands man-*
16 *aged by the Needles Field Office of the Bureau of Land Man-*
17 *agement, or for carrying out any activities associated with*
18 *such right-of-way or similar approval.*

19 *USE OF COOPERATIVE AGREEMENTS*

20 *SEC. 110. For fiscal year 2010, and each fiscal year*
21 *thereafter, the Secretary of the Interior may enter into coop-*
22 *erative agreements with a State or political subdivision (in-*
23 *cluding any agency thereof), or any not-for-profit organiza-*
24 *tion if the agreement will: (1) serve a mutual interest of*
25 *the parties to the agreement in carrying out the programs*

1 *administered by the Department of the Interior; and (2)*
2 *all parties will contribute resources to the accomplishment*
3 *of these objectives. At the discretion of the Secretary, such*
4 *agreements shall not be subject to a competitive process.*

5 *CONFORMING AMENDMENT*

6 *SEC. 111. Sections 109 and 110 of the Federal Oil and*
7 *Gas Royalty Management Act (30 U.S.C. 1719 and 1720)*
8 *shall, for fiscal year 2010 and each fiscal year thereafter,*
9 *apply to any lease authorizing exploration for or develop-*
10 *ment of coal, any other solid mineral, or any geothermal*
11 *resource on any Federal or Indian lands and any lease,*
12 *easement, right of way, or other agreement, regardless of*
13 *form, for use of the Outer Continental Shelf or any of its*
14 *resources under sections 8(k) or 8(p) of the Outer Conti-*
15 *mental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p))*
16 *to the same extent as if such lease, easement, right of way,*
17 *or other agreement, regardless of form, were an oil and gas*
18 *lease, except that in such cases the term “royalty payment”*
19 *shall include any payment required by such lease, easement,*
20 *right of way or other agreement, regardless of form, or by*
21 *applicable regulation.*

22 *PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL*
23 *SEASHORE*

24 *SEC. 112. None of the funds in this Act may be used*
25 *to further reduce the number of Axis or Fallow deer at Point*

1 *Reyes National Seashore below the number as of the date*
2 *of enactment of this Act.*

3 *OUTER CONTINENTAL SHELF INSPECTION FEES*

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

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

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

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

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

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

22 *YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS,*

23 *AMENDMENT*

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

1 *NORTHERN PLAINS HERITAGE AREA, AMENDMENT*

2 *SEC. 115. Section 8004 of the Omnibus Public Land*
3 *Management Act of 2009 (Public Law 111–11; 123 Stat.*
4 *1240) is amended—*

5 *(1) by redesignating subsections (g) through (i)*
6 *as subsections (h) through (j), respectively;*

7 *(2) in subsection (h)(1) (as redesignated by*
8 *paragraph (1)), in the matter preceding subpara-*
9 *graph (A), by striking “subsection (i)” and inserting*
10 *“subsection (j)”;* and

11 *(3) by inserting after subsection (f) the following:*

12 *“(g) REQUIREMENTS FOR INCLUSION OF PRIVATE*
13 *PROPERTY IN HERITAGE AREA.—*

14 *“(1) NOTIFICATION AND CONSENT REQUIRE-*
15 *MENT.—No privately owned property shall be pre-*
16 *served, conserved, or promoted by the management*
17 *plan for the Heritage Area until the later of the date*
18 *on which—*

19 *“(A) the management entity of the Heritage*
20 *Area submits to the owner of the private prop-*
21 *erty a written notification of the proposed pres-*
22 *ervation, conservation, or promotion; and*

23 *“(B) the owner of the private property pro-*
24 *vides to the management entity written consent*
25 *for the preservation, conservation, or promotion.*

1 “(2) *LANDOWNER WITHDRAWAL.*—*Private prop-*
2 *erty included within the boundary of the Heritage*
3 *Area shall immediately be withdrawn from the Herit-*
4 *age Area if the owner of the property submits a writ-*
5 *ten notice to the management entity.*”.

6 *PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING*

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

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

11 (A) *the USS Bowfin Submarine Museum*
12 *and Park;*

13 (B) *the Battleship Missouri Memorial;*

14 (C) *the Pacific Aviation Museum-Pearl*
15 *Harbor; and*

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

18 (i) *the Secretary identifies as a Pearl*
19 *Harbor historic attraction; and*

20 (ii) *is not administered or managed by*
21 *the Secretary.*

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

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

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

6 (A) *within the Monument; and*

7 (B) *managed by the Secretary, acting*
8 *through the Director of the National Park Serv-*
9 *ice.*

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

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

16 (A) *to allow visitors to the historic attrac-*
17 *tion to gain access to the historic attraction by*
18 *passing through security screening at the Visitor*
19 *Center; and*

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

22 (i) *employees of the National Park*
23 *Service; or*

24 (ii) *the organization that administers*
25 *or manages the historic attraction.*

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

3 (A) *shall require the organization admin-*
4 *istering or managing the historic attraction to*
5 *pay to the Secretary a reasonable fee to recover*
6 *administrative costs of the Secretary associated*
7 *with the use of the Visitor Center for public ac-*
8 *cess and ticket sales;*

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

12 (i) *the admission of the public through*
13 *the Visitor Center to a historic attraction;*
14 *and*

15 (ii) *the sale or issuance of any tickets*
16 *to the historic attraction; and*

17 (C) *may include any other terms and con-*
18 *ditions that the Secretary determines to be ap-*
19 *propriate.*

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

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

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

3 (B) to regulate or manage any visitor serv-
4 ices within the Pearl Harbor Naval Complex
5 (other than the services managed by the National
6 Park Service as part of the Monument); or

7 (C) to charge an entrance fee for admission
8 to the Monument.

9 (5) *PROTECTION OF RESOURCES.*—Nothing in
10 this section authorizes the Secretary or any organiza-
11 tion that administers or manages a historic attrac-
12 tion to take any action in derogation of the preserva-
13 tion and protection of the values and resources of the
14 Monument.

15 *ASSISTANCE FOR THE REPUBLIC OF PALAU*

16 *SEC. 117. (a) IN GENERAL.*—Subject to subsection (c),
17 the Secretary of the Interior shall provide to the Govern-
18 ment of Palau for fiscal year 2010 grants in amounts equal
19 to the annual amounts specified in subsections (a), (c), and
20 (d) of section 211 of the Compact of Free Association be-
21 tween the Government of the United States of America and
22 the Government of Palau (48 U.S.C. 1931 note) (referred
23 to in this section as the “Compact”).

24 (b) *PROGRAMMATIC ASSISTANCE.*—Subject to sub-
25 section (c), the United States shall provide programmatic

1 *assistance to the Republic of Palau for fiscal year 2010 in*
2 *amounts equal to the amounts provided in subsections (a)*
3 *and (b)(1) of section 221 of the Compact.*

4 *(c) LIMITATIONS ON ASSISTANCE.—*

5 *(1) IN GENERAL.—The grants and programmatic*
6 *assistance provided under subsections (a) and (b)*
7 *shall be provided to the same extent and in the same*
8 *manner as the grants and assistance were provided in*
9 *fiscal year 2009.*

10 *(2) TRUST FUND.—If the Government of Palau*
11 *withdraws more than \$5,000,000 from the trust fund*
12 *established under section 211(f) of the Compact,*
13 *amounts to be provided under subsections (a) and (b)*
14 *shall be withheld from the Government of Palau.*

15 *GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER*

16 *AMENDMENT*

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

21 *THEODORE ROOSEVELT NATIONAL PARK, ELK REDUCTION*

22 *SEC. 119. None of the funds made available in this*
23 *Act shall be used to establish or implement a plan to reduce*
24 *the number of elk in Theodore Roosevelt National Park un-*
25 *less such plan, notwithstanding any other provision of law,*

1 *allows North Dakota residents possessing a State hunting*
2 *license to be deputized by the Secretary as rangers in such*
3 *numbers as the Secretary deems sufficient for purposes of*
4 *culling the elk herd at the Park, and allows each such volun-*
5 *teer to cull one elk and remove its carcass from the Park.*
6 *POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT*
7 *SEC. 120. (a) Prior to the expiration on November 30,*
8 *2012 of the Drake's Bay Oyster Company's Reservation of*
9 *Use and Occupancy and associated special use permit ("ex-*
10 *isting authorization") within Drake's Estero at Point Reyes*
11 *National Seashore, the Secretary of the Interior shall extend*
12 *the existing authorization through a lease (or other legal*
13 *instrument) with the same terms and conditions, except as*
14 *provided herein, for a period of 10 years from November*
15 *30, 2012: Provided, That such extended authorization is*
16 *subject to the Company's compliance with all applicable*
17 *laws and regulations (excepting any that would prohibit*
18 *the extended authorization) and permit conditions in effect*
19 *on the date of enactment of this Act with any mutually*
20 *agreed modifications to such permit conditions, including*
21 *the maintenance of best practices as outlined in the Na-*
22 *tional Academy of Sciences report expected in fall 2009 re-*
23 *garding (1) shellfish farming in Drake's Estero, (2) mini-*
24 *mizing disturbance of marine mammals, and (3) control*
25 *and removal, to the extent practicable, of the tunicate*

1 *“Didemnum”*: Provided further, That such extended author-
2 ization is subject to annual payments to the United States
3 based on the fair market value of the use of the Federal
4 property for the duration of such renewal.

5 (b) Nothing in this section shall be construed to have
6 any application to any location other than Point Reyes Na-
7 tional Seashore; nor shall anything in this section be cited
8 as precedent for management of any potential wilderness
9 outside the Seashore.

10 *CONTRIBUTION AUTHORITY*

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

15 *NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY*

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

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

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

3 (1) *the State of Hawaii;*

4 (2) *appropriate Federal agencies;*

5 (3) *Native Hawaiian and local government enti-*
6 *ties;*

7 (4) *private and nonprofit organizations;*

8 (5) *private land owners; and*

9 (6) *other interested parties.*

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

13 (1) *the significance of the site as a component of*
14 *World War II;*

15 (2) *the significance of the site as the site related*
16 *to the forcible internment of Japanese Americans, Eu-*
17 *ropean Americans, and other individuals; and*

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

19 (e) *REPORT.*—*Not later than 2 years after the date of*
20 *enactment of this Act, the Secretary shall submit to the*
21 *Committee on Natural Resources of the House of Represent-*
22 *atives and the Committee on Energy and Natural Resources*
23 *of the Senate a report describing the findings, conclusions,*
24 *and recommendations of the study required under this sec-*
25 *tion.*

1 *tember 30, 2011: Provided, That of the funds included under*
2 *this heading, not less than \$478,696,000 shall be for the Ge-*
3 *ographic Programs specified in the committee report accom-*
4 *panying this Act.*

5 *OFFICE OF INSPECTOR GENERAL*

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

10 *BUILDINGS AND FACILITIES*

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

15 *HAZARDOUS SUBSTANCE SUPERFUND*

16 *(INCLUDING TRANSFERS OF FUNDS)*

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

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

12 *LEAKING UNDERGROUND STORAGE TANK TRUST FUND*

13 *PROGRAM*

14 *For necessary expenses to carry out leaking under-*
15 *ground storage tank cleanup activities authorized by sub-*
16 *title I of the Solid Waste Disposal Act, as amended,*
17 *\$114,171,000, to remain available until expended, of which*
18 *\$78,671,000 shall be for carrying out leaking underground*
19 *storage tank cleanup activities authorized by section*
20 *9003(h) of the Solid Waste Disposal Act, as amended;*
21 *\$35,500,000 shall be for carrying out the other provisions*
22 *of the Solid Waste Disposal Act specified in section 9508(c)*
23 *of the Internal Revenue Code, as amended: Provided, That*
24 *the Administrator is authorized to use appropriations made*
25 *available under this heading to implement section 9013 of*

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

5 *OIL SPILL RESPONSE*

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

10 *STATE AND TRIBAL ASSISTANCE GRANTS*

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

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

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

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

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

1 *which lacks water, wastewater, or other necessary infra-*
2 *structure: Provided further, That notwithstanding the joint*
3 *explanatory statement of the Committee on Appropriations*
4 *of the House of Representatives accompanying Public Law*
5 *111–8, the \$300,000 made available to the Village of Crest-*
6 *wood for water storage improvements (as described in the*
7 *table entitled “Congressionally Designated Spending” in*
8 *section 430 of that joint explanatory statement) shall be*
9 *made available to the City of Quincy, Illinois, for drinking*
10 *water system improvements.*

11 *ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL*

12 *PROTECTION AGENCY*

13 *(INCLUDING RESCISSION OF FUNDS)*

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

1 *from funds designated for State financial assistance agree-*
2 *ments.*

3 *The Administrator of the Environmental Protection*
4 *Agency is authorized to collect and obligate pesticide reg-*
5 *istration service fees in accordance with section 33 of the*
6 *Federal Insecticide, Fungicide, and Rodenticide Act, as*
7 *amended by Public Law 110–94, the Pesticide Registration*
8 *Improvement Renewal Act.*

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

24 *From unobligated balances to carry out projects and*
25 *activities funded through the State and Tribal Assistance*

1 *Grants Account, \$40,000,000 are permanently rescinded:*
2 *Provided, That no amounts may be rescinded from amounts*
3 *that were designated by Congress as an emergency require-*
4 *ment pursuant to the Concurrent Resolution on the Budget*
5 *or the Balanced Budget and Emergency Deficit Control Act*
6 *of 1985, as amended.*

7 *TITLE III*

8 *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, \$307,012,000, to remain avail-*
14 *able until expended: Provided, That of the funds provided,*
15 *\$66,939,000 is for the forest inventory and analysis pro-*
16 *gram.*

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 manage-*
21 *ment, 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, coopera-*
24 *tive forestry, and education and land conservation activi-*
25 *ties and conducting an international program as author-*

1 ized, \$276,946,000, to remain available until expended, as
2 authorized by law; and of which \$55,145,000 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 other-
7 wise provided for, for management, protection, improve-
8 ment, and utilization of the National Forest System,
9 \$1,556,329,000, to remain available until expended, which
10 shall include 50 percent of all moneys received during prior
11 fiscal years as fees collected under the Land and Water Con-
12 servation Fund Act of 1965, as amended, in accordance
13 with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided,
14 That, through fiscal year 2014, the Secretary of Agriculture
15 may authorize the expenditure or transfer of such sums as
16 are necessary to the Secretary of the Interior for removal,
17 preparation and adoption of excess wild horses and burros
18 from National Forest System lands and for the performance
19 of cadastral surveys to designate the boundaries of such
20 lands.

21 CAPITAL IMPROVEMENT AND MAINTENANCE

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Forest Service, not other-
24 wise provided for, \$513,418,000, to remain available until
25 expended, for construction, capital improvement, mainte-

1 nance and acquisition of buildings and other facilities and
2 infrastructure; and for construction, capital improvement,
3 decommissioning, and maintenance of forest roads and
4 trails by the Forest Service as authorized by 16 U.S.C. 532–
5 538 and 23 U.S.C. 101 and 205: Provided, That
6 \$50,000,000 shall be designated for urgently needed road
7 decommissioning, road and trail repair and maintenance
8 and associated activities, and removal of fish passage bar-
9 riers, especially in areas where Forest Service roads may
10 be contributing to water quality problems in streams and
11 water bodies which support threatened, endangered or sen-
12 sitive species or community water sources: Provided further,
13 That up to \$40,000,000 of the funds provided herein for
14 road maintenance shall be available for the decommis-
15 sioning of roads, including unauthorized roads not part of
16 the transportation system, which are no longer needed: Pro-
17 vided further, That no funds shall be expended to decommis-
18 sion any system road until notice and an opportunity for
19 public comment has been provided on each decommissioning
20 project: Provided further, That the decommissioning of un-
21 authorized roads not part of the official transportation sys-
22 tem shall be expedited in response to threats to public safety,
23 water quality, or natural resources: Provided further, That
24 funds becoming available in fiscal year 2010 under the Act
25 of March 4, 1913 (16 U.S.C. 501) shall be transferred to

1 *the General Fund of the Treasury and shall not be available*
2 *for transfer or obligation for any other purpose unless the*
3 *funds are appropriated.*

4 *LAND ACQUISITION*

5 *For expenses necessary to carry out the provisions of*
6 *the Land and Water Conservation Fund Act of 1965, as*
7 *amended (16 U.S.C. 460l-4 through 11), including admin-*
8 *istrative expenses, and for acquisition of land or waters,*
9 *or interest therein, in accordance with statutory authority*
10 *applicable to the Forest Service, \$67,784,000, to be derived*
11 *from the Land and Water Conservation Fund and to re-*
12 *main available until expended.*

13 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*

14 *ACTS*

15 *For acquisition of lands within the exterior boundaries*
16 *of the Cache, Uinta, and Wasatch National Forests, Utah;*
17 *the Toiyabe National Forest, Nevada; and the Angeles, San*
18 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
19 *fornia, as authorized by law, \$1,050,000, to be derived from*
20 *forest receipts.*

21 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

22 *For acquisition of lands, such sums, to be derived from*
23 *funds deposited by State, county, or municipal govern-*
24 *ments, public school districts, or other public school authori-*
25 *ties, and for authorized expenditures from funds deposited*

1 *by non-Federal parties pursuant to Land Sale and Ex-*
 2 *change Acts, pursuant to the Act of December 4, 1967, as*
 3 *amended (16 U.S.C. 484a), to remain available until ex-*
 4 *pended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–*
 5 *586; Public Law 76–589, 76–591; and 78–310).*

6 *RANGE BETTERMENT FUND*

7 *For necessary expenses of range rehabilitation, protec-*
 8 *tion, and improvement, 50 percent of all moneys received*
 9 *during the prior fiscal year, as fees for grazing domestic*
 10 *livestock on lands in National Forests in the 16 Western*
 11 *States, pursuant to section 401(b)(1) of Public Law 94–*
 12 *579, as amended, to remain available until expended, of*
 13 *which not to exceed 6 percent shall be available for adminis-*
 14 *trative expenses associated with on-the-ground range reha-*
 15 *bilitation, protection, and improvements.*

16 *GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND*

17 *RANGELAND RESEARCH*

18 *For expenses authorized by 16 U.S.C. 1643(b),*
 19 *\$50,000, to remain available until expended, to be derived*
 20 *from the fund established pursuant to the above Act.*

21 *MANAGEMENT OF NATIONAL FOREST LANDS FOR*

22 *SUBSISTENCE USES*

23 *For necessary expenses of the Forest Service to manage*
 24 *Federal lands in Alaska for subsistence uses under title VIII*
 25 *of the Alaska National Interest Lands Conservation Act*

1 *(Public Law 96-487), \$2,582,000, to remain available until*
2 *expended.*

3 *WILDLAND FIRE MANAGEMENT*

4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For necessary expenses for forest fire presuppression*
6 *activities on National Forest System lands, for emergency*
7 *fire suppression on or adjacent to such lands or other lands*
8 *under fire protection agreement, hazardous fuels reduction*
9 *on or adjacent to such lands, and for emergency rehabilita-*
10 *tion of burned-over National Forest System lands and*
11 *water, \$2,586,637,000, to remain available until expended:*
12 *Provided, That such funds including unobligated balances*
13 *under this heading, are available for repayment of advances*
14 *from other appropriations accounts previously transferred*
15 *for such purposes: Provided further, That such funds shall*
16 *be available to reimburse State and other cooperating enti-*
17 *ties for services provided in response to wildfire and other*
18 *emergencies or disasters to the extent such reimbursements*
19 *by the Forest Service for non-fire emergencies are fully re-*
20 *paid by the responsible emergency management agency:*
21 *Provided further, That, notwithstanding any other provi-*
22 *sion of law, \$8,000,000 of funds appropriated under this*
23 *appropriation shall be used for Fire Science Research in*
24 *support of the Joint Fire Science Program: Provided fur-*
25 *ther, That all authorities for the use of funds, including the*

1 *use of contracts, grants, and cooperative agreements, avail-*
2 *able to execute the Forest and Rangeland Research appro-*
3 *priation, are also available in the utilization of these funds*
4 *for Fire Science Research: Provided further, That funds*
5 *provided shall be available for emergency rehabilitation and*
6 *restoration, hazardous fuels reduction activities in the*
7 *urban-wildland interface, support to Federal emergency re-*
8 *sponse, and wildfire suppression activities of the Forest*
9 *Service: Provided further, That of the funds provided,*
10 *\$350,285,000 is for hazardous fuels reduction activities,*
11 *\$11,500,000 is for rehabilitation and restoration,*
12 *\$23,917,000 is for research activities and to make competi-*
13 *tive research grants pursuant to the Forest and Rangeland*
14 *Renewable Resources Research Act, as amended (16 U.S.C.*
15 *1641 et seq.), \$56,250,000 is for State fire assistance,*
16 *\$9,000,000 is for volunteer fire assistance, \$17,252,000 is*
17 *for forest health activities on Federal lands and \$9,928,000*
18 *is for forest health activities on State and private lands:*
19 *Provided further, That amounts in this paragraph may be*
20 *transferred to the “State and Private Forestry”, “National*
21 *Forest System”, and “Forest and Rangeland Research” ac-*
22 *counts to fund State fire assistance, volunteer fire assist-*
23 *ance, forest health management, forest and rangeland re-*
24 *search, the Joint Fire Science Program, vegetation and wa-*
25 *tershed management, heritage site rehabilitation, and wild-*

1 *life and fish habitat management and restoration: Provided*
2 *further, That up to \$15,000,000 of the funds provided under*
3 *this heading for hazardous fuels treatments may be trans-*
4 *ferred to and made a part of the “National Forest System”*
5 *account at the sole discretion of the Chief of the Forest Serv-*
6 *ice 30 days after notifying the House and the Senate Com-*
7 *mittees on Appropriations: Provided further, That the costs*
8 *of implementing any cooperative agreement between the*
9 *Federal Government and any non-Federal entity may be*
10 *shared, as mutually agreed on by the affected parties: Pro-*
11 *vided further, That in addition to funds provided for State*
12 *Fire Assistance programs, and subject to all authorities*
13 *available to the Forest Service under the State and Private*
14 *Forestry Appropriation, up to \$15,000,000 may be used on*
15 *adjacent non-Federal lands for the purpose of protecting*
16 *communities when hazard reduction activities are planned*
17 *on national forest lands that have the potential to place*
18 *such communities at risk: Provided further, That funds*
19 *made available to implement the Community Forest Res-*
20 *toration Act, Public Law 106–393, title VI, shall be avail-*
21 *able for use on non-Federal lands in accordance with au-*
22 *thorities available to the Forest Service under the State and*
23 *Private Forestry Appropriation: Provided further, That the*
24 *Secretary of the Interior and the Secretary of Agriculture*
25 *may authorize the transfer of funds appropriated for*

1 *wildland fire management, in an aggregate amount not to*
2 *exceed \$10,000,000, between the Departments when such*
3 *transfers would facilitate and expedite jointly funded*
4 *wildland fire management programs and projects: Provided*
5 *further, That of the funds provided for hazardous fuels re-*
6 *duction, not to exceed \$10,000,000, may be used to make*
7 *grants, using any authorities available to the Forest Service*
8 *under the State and Private Forestry appropriation, for the*
9 *purpose of creating incentives for increased use of biomass*
10 *from national forest lands: Provided further, That funds*
11 *designated for wildfire suppression shall be assessed for cost*
12 *pools on the same basis as such assessments are calculated*
13 *against other agency programs.*

14 *ADMINISTRATIVE PROVISIONS, FOREST SERVICE*

15 *(INCLUDING TRANSFERS OF FUNDS)*

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

1 *replacement aircraft; (2) services pursuant to 7 U.S.C.*
2 *2225, and not to exceed \$100,000 for employment under 5*
3 *U.S.C. 3109; (3) purchase, erection, and alteration of build-*
4 *ings and other public improvements (7 U.S.C. 2250); (4)*
5 *acquisition of land, waters, and interests therein pursuant*
6 *to 7 U.S.C. 428a; (5) for expenses pursuant to the Volun-*
7 *teers in the National Forest Act of 1972 (16 U.S.C. 558a,*
8 *558d, and 558a note); (6) the cost of uniforms as authorized*
9 *by 5 U.S.C. 5901–5902; and (7) for debt collection contracts*
10 *in accordance with 31 U.S.C. 3718(c).*

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

22 *Funds appropriated to the Forest Service shall be*
23 *available for assistance to or through the Agency for Inter-*
24 *national Development in connection with forest and range-*
25 *land research, technical information, and assistance in for-*

1 *eign countries, and shall be available to support forestry*
2 *and related natural resource activities outside the United*
3 *States and its territories and possessions, including tech-*
4 *nical assistance, education and training, and cooperation*
5 *with United States and international organizations.*

6 *None of the funds made available to the Forest Service*
7 *in this Act or any other Act with respect to any fiscal year*
8 *shall be subject to transfer under the provisions of section*
9 *702(b) of the Department of Agriculture Organic Act of*
10 *1944 (7 U.S.C. 2257), section 442 of Public Law 106–224*
11 *(7 U.S.C. 7772), or section 10417(b) of Public Law 107–*
12 *107 (7 U.S.C. 8316(b)).*

13 *None of the funds available to the Forest Service may*
14 *be reprogrammed without the advance approval of the*
15 *House and Senate Committees on Appropriations in ac-*
16 *cordance with the reprogramming procedures contained in*
17 *title IV of this Act.*

18 *Not more than \$88,785,000 of funds available to the*
19 *Forest Service shall be transferred to the Working Capital*
20 *Fund of the Department of Agriculture and not more than*
21 *\$19,400,000 of funds available to the Forest Service shall*
22 *be transferred to the Department of Agriculture for Depart-*
23 *ment Reimbursable Programs, commonly referred to as*
24 *Greenbook charges. Nothing in this paragraph shall pro-*
25 *hibit or limit the use of reimbursable agreements requested*

1 *by the Forest Service in order to obtain services from the*
2 *Department of Agriculture's National Information Tech-*
3 *nology Center.*

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

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

14 *Pursuant to sections 405(b) and 410(b) of Public Law*
15 *101-593, of the funds available to the Forest Service, up*
16 *to \$2,000,000 may be advanced in a lump sum to the Na-*
17 *tional Forest Foundation to aid conservation partnership*
18 *projects in support of the Forest Service mission, without*
19 *regard to when the Foundation incurs expenses, for admin-*
20 *istrative expenses or projects on or benefitting National*
21 *Forest System lands or related to Forest Service programs:*
22 *Provided, That, of the Federal funds made available to the*
23 *Foundation, no more than \$200,000 shall be available for*
24 *administrative expenses: Provided further, That the Foun-*
25 *dition shall obtain, by the end of the period of Federal fi-*

1 nancial assistance, private contributions to match on at
2 least one-for-one basis funds made available by the Forest
3 Service: Provided further, That the Foundation may trans-
4 fer Federal funds to Federal or a non-Federal recipient for
5 a project at the same rate that the recipient has obtained
6 the non-Federal matching funds: Provided further, That au-
7 thorized investments of Federal funds held by the Founda-
8 tion may be made only in interest-bearing obligations of
9 the United States or in obligations guaranteed as to both
10 principal and interest by the United States.

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

23 Funds appropriated to the Forest Service shall be
24 available for interactions with and providing technical as-

1 *sistance to rural communities and natural resource-based*
2 *businesses for sustainable rural development purposes.*

3 *Funds appropriated to the Forest Service shall be*
4 *available for payments to counties within the Columbia*
5 *River Gorge National Scenic Area, pursuant to section*
6 *14(c)(1) and (2), and section 16(a)(2) of Public Law 99–*
7 *663.*

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

13 *Any funds appropriated to the Forest Service may be*
14 *used to meet the non-Federal share requirement in section*
15 *502(c) of the Older American Act of 1965 (42 U.S.C.*
16 *3056(c)(2)).*

17 *Funds available to the Forest Service, not to exceed*
18 *\$55,000,000, shall be assessed for the purpose of performing*
19 *fire, administrative and other facilities maintenance. Such*
20 *assessments shall occur using a square foot rate charged on*
21 *the same basis the agency uses to assess programs for pay-*
22 *ment of rent, utilities, and other support services.*

23 *Notwithstanding any other provision of law, any ap-*
24 *propriations or funds available to the Forest Service not*
25 *to exceed \$500,000 may be used to reimburse the Office of*

1 *the General Counsel (OGC), Department of Agriculture, for*
2 *travel and related expenses incurred as a result of OGC as-*
3 *sistance or participation requested by the Forest Service at*
4 *meetings, training sessions, management reviews, land pur-*
5 *chase negotiations and similar non-litigation related mat-*
6 *ters. Future budget justifications for both the Forest Service*
7 *and the Department of Agriculture should clearly display*
8 *the sums previously transferred and the requested funding*
9 *transfers.*

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

19 *DEPARTMENT OF HEALTH AND HUMAN*
20 *SERVICES*

21 *INDIAN HEALTH SERVICE*

22 *INDIAN HEALTH SERVICES*

23 *For expenses necessary to carry out the Act of August*
24 *5, 1954 (68 Stat. 674), the Indian Self-Determination Act,*
25 *the Indian Health Care Improvement Act, and titles II and*

1 *III of the Public Health Service Act with respect to the In-*
2 *dian Health Service, \$3,639,868,000, together with pay-*
3 *ments received during the fiscal year pursuant to 42 U.S.C.*
4 *238(b) and 238b for services furnished by the Indian Health*
5 *Service: Provided, That funds made available to tribes and*
6 *tribal organizations through contracts, grant agreements, or*
7 *any other agreements or compacts authorized by the Indian*
8 *Self-Determination and Education Assistance Act of 1975*
9 *(25 U.S.C. 450), shall be deemed to be obligated at the time*
10 *of the grant or contract award and thereafter shall remain*
11 *available to the tribe or tribal organization without fiscal*
12 *year limitation: Provided further, That \$779,347,000 for*
13 *contract medical care, including \$48,000,000 for the Indian*
14 *Catastrophic Health Emergency Fund, shall remain avail-*
15 *able until expended: Provided further, That \$18,251,000 is*
16 *provided for Headquarters operations and information*
17 *technology activities and, notwithstanding any other provi-*
18 *sion of law, the amount available under this proviso shall*
19 *be allocated at the discretion of the Director of the Indian*
20 *Health Service: Provided further, That of the funds pro-*
21 *vided, up to \$32,000,000 shall remain available until ex-*
22 *pended for implementation of the loan repayment program*
23 *under section 108 of the Indian Health Care Improvement*
24 *Act: Provided further, That \$16,391,000 is provided for the*
25 *methamphetamine and suicide prevention and treatment*

1 *initiative and \$7,500,000 is provided for the domestic vio-*
2 *lence prevention initiative and, notwithstanding any other*
3 *provision of law, the amounts available under this proviso*
4 *shall be allocated at the discretion of the Director of the*
5 *Indian Health Service and shall remain available until ex-*
6 *pended: Provided further, That funds provided in this Act*
7 *may be used for annual contracts and grants that fall with-*
8 *in two fiscal years, provided the total obligation is recorded*
9 *in the year the funds are appropriated: Provided further,*
10 *That the amounts collected by the Secretary of Health and*
11 *Human Services under the authority of title IV of the In-*
12 *dian Health Care Improvement Act shall remain available*
13 *until expended for the purpose of achieving compliance with*
14 *the applicable conditions and requirements of titles XVIII*
15 *and XIX of the Social Security Act, except for those related*
16 *to the planning, design, or construction of new facilities:*
17 *Provided further, That funding contained herein for schol-*
18 *arship programs under the Indian Health Care Improve-*
19 *ment Act (25 U.S.C. 1613) shall remain available until ex-*
20 *pended: Provided further, That amounts received by tribes*
21 *and tribal organizations under title IV of the Indian Health*
22 *Care Improvement Act shall be reported and accounted for*
23 *and available to the receiving tribes and tribal organiza-*
24 *tions until expended: Provided further, That, notwith-*
25 *standing any other provision of law, of the amounts pro-*

1 *vided herein, not to exceed \$389,490,000 shall be for pay-*
2 *ments to tribes and tribal organizations for contract or*
3 *grant support costs associated with contracts, grants, self-*
4 *governance compacts, or annual funding agreements be-*
5 *tween the Indian Health Service and a tribe or tribal orga-*
6 *nization pursuant to the Indian Self-Determination Act of*
7 *1975, as amended, prior to or during fiscal year 2010, of*
8 *which not to exceed \$5,000,000 may be used for contract*
9 *support costs associated with new or expanded self-deter-*
10 *mination contracts, grants, self-governance compacts, or*
11 *annual funding agreements: Provided further, That the Bu-*
12 *reau of Indian Affairs may collect from the Indian Health*
13 *Service, tribes and tribal organizations operating health fa-*
14 *cilities pursuant to Public Law 93-638, such individually*
15 *identifiable health information relating to disabled children*
16 *as may be necessary for the purpose of carrying out its*
17 *functions under the Individuals with Disabilities Edu-*
18 *cation Act (20 U.S.C. 1400, et seq.): Provided further, That*
19 *the Indian Health Care Improvement Fund may be used,*
20 *as needed, to carry out activities typically funded under*
21 *the Indian Health Facilities account.*

22 *INDIAN HEALTH FACILITIES*

23 *For construction, repair, maintenance, improvement,*
24 *and equipment of health and related auxiliary facilities, in-*
25 *cluding quarters for personnel; preparation of plans, speci-*

1 *fications, and drawings; acquisition of sites, purchase and*
2 *erection of modular buildings, and purchases of trailers;*
3 *and for provision of domestic and community sanitation*
4 *facilities for Indians, as authorized by section 7 of the Act*
5 *of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-*
6 *mination Act, and the Indian Health Care Improvement*
7 *Act, and for expenses necessary to carry out such Acts and*
8 *titles II and III of the Public Health Service Act with re-*
9 *spect to environmental health and facilities support activi-*
10 *ties of the Indian Health Service, \$394,757,000, to remain*
11 *available until expended: Provided, That notwithstanding*
12 *any other provision of law, funds appropriated for the plan-*
13 *ning, design, construction, renovation or expansion of*
14 *health facilities for the benefit of an Indian tribe or tribes*
15 *may be used to purchase land on which such facilities will*
16 *be located: Provided further, That not to exceed \$500,000*
17 *shall be used by the Indian Health Service to purchase*
18 *TRANSAM equipment from the Department of Defense for*
19 *distribution to the Indian Health Service and tribal facili-*
20 *ties: Provided further, That none of the funds appropriated*
21 *to the Indian Health Service may be used for sanitation*
22 *facilities construction for new homes funded with grants by*
23 *the housing programs of the United States Department of*
24 *Housing and Urban Development: Provided further, That*
25 *not to exceed \$2,700,000 from this account and the “Indian*

1 *Health Services” account shall be used by the Indian Health*
2 *Service to obtain ambulances for the Indian Health Service*
3 *and tribal facilities in conjunction with an existing inter-*
4 *agency agreement between the Indian Health Service and*
5 *the General Services Administration: Provided further,*
6 *That not to exceed \$500,000 shall be placed in a Demolition*
7 *Fund, to remain available until expended, and be used by*
8 *the Indian Health Service for the demolition of Federal*
9 *buildings.*

10 *ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE*

11 *Appropriations provided in this Act to the Indian*
12 *Health Service shall be available for services as authorized*
13 *by 5 U.S.C. 3109 at rates not to exceed the per diem rate*
14 *equivalent to the maximum rate payable for senior-level po-*
15 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*
16 *cles and aircraft; purchase of medical equipment; purchase*
17 *of reprints; purchase, renovation and erection of modular*
18 *buildings and renovation of existing facilities; payments for*
19 *telephone service in private residences in the field, when au-*
20 *thorized under regulations approved by the Secretary; uni-*
21 *forms or allowances therefor as authorized by 5 U.S.C.*
22 *5901–5902; and for expenses of attendance at meetings that*
23 *relate to the functions or activities of the Indian Health*
24 *Service.*

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

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

18 *None of the funds made available to the Indian Health*
19 *Service in this Act shall be used for any assessments or*
20 *charges by the Department of Health and Human Services*
21 *unless identified in the budget justification and provided*
22 *in this Act, or approved by the House and Senate Commit-*
23 *tees on Appropriations through the reprogramming process.*

24 *Notwithstanding any other provision of law, funds*
25 *previously or herein made available to a tribe or tribal or-*

1 *ganization through a contract, grant, or agreement author-*
2 *ized by title I or title V of the Indian Self-Determination*
3 *and Education Assistance Act of 1975 (25 U.S.C. 450), may*
4 *be deobligated and reobligated to a self-determination con-*
5 *tract under title I, or a self-governance agreement under*
6 *title V of such Act and thereafter shall remain available*
7 *to the tribe or tribal organization without fiscal year limi-*
8 *tation.*

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

18 *With respect to functions transferred by the Indian*
19 *Health Service to tribes or tribal organizations, the Indian*
20 *Health Service is authorized to provide goods and services*
21 *to those entities on a reimbursable basis, including pay-*
22 *ments in advance with subsequent adjustment. The reim-*
23 *bursements received therefrom, along with the funds received*
24 *from those entities pursuant to the Indian Self-Determina-*
25 *tion Act, may be credited to the same or subsequent appro-*

1 *priation account from which the funds were originally de-*
2 *rived, with such amounts to remain available until ex-*
3 *pended.*

4 *Reimbursements for training, technical assistance, or*
5 *services provided by the Indian Health Service will contain*
6 *total costs, including direct, administrative, and overhead*
7 *associated with the provision of goods, services, or technical*
8 *assistance.*

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

12 *NATIONAL INSTITUTES OF HEALTH*

13 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*

14 *SCIENCES*

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

21 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*

22 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

23 *For necessary expenses for the Agency for Toxic Sub-*
24 *stances and Disease Registry (ATSDR) in carrying out ac-*
25 *tivities set forth in sections 104(i) and 111(c)(4) of the*

1 *Comprehensive Environmental Response, Compensation,*
2 *and Liability Act of 1980 (CERCLA), as amended; section*
3 *118(f) of the Superfund Amendments and Reauthorization*
4 *Act of 1986 (SARA), as amended; and section 3019 of the*
5 *Solid Waste Disposal Act, as amended, \$76,792,000, of*
6 *which up to \$1,000 to remain available until expended, is*
7 *for Individual Learning Accounts for full-time equivalent*
8 *employees of the Agency for Toxic Substances and Disease*
9 *Registry: Provided, That notwithstanding any other provi-*
10 *sion of law, in lieu of performing a health assessment under*
11 *section 104(i)(6) of CERCLA, the Administrator of ATSDR*
12 *may conduct other appropriate health studies, evaluations,*
13 *or activities, including, without limitation, biomedical test-*
14 *ing, clinical evaluations, medical monitoring, and referral*
15 *to accredited health care providers: Provided further, That*
16 *in performing any such health assessment or health study,*
17 *evaluation, or activity, the Administrator of ATSDR shall*
18 *not be bound by the deadlines in section 104(i)(6)(A) of*
19 *CERCLA: Provided further, That none of the funds appro-*
20 *priated under this heading shall be available for ATSDR*
21 *to issue in excess of 40 toxicological profiles pursuant to*
22 *section 104(i) of CERCLA during fiscal year 2010, and ex-*
23 *isting 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 assigned*
6 *to the Council on Environmental Quality and Office of En-*
7 *vironmental Quality pursuant to the National Environ-*
8 *mental Policy Act of 1969, the Environmental Quality Im-*
9 *provement Act of 1970, and Reorganization Plan No. 1 of*
10 *1977, and not to exceed \$750 for official reception and rep-*
11 *resentation expenses, \$3,159,000: Provided, That notwith-*
12 *standing section 202 of the National Environmental Policy*
13 *Act of 1970, the Council shall consist of one member, ap-*
14 *pointed by the President, by and with the advice and con-*
15 *sent of the Senate, serving as chairman and exercising all*
16 *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 amended,*
22 *including hire of passenger vehicles, uniforms or allowances*
23 *therefor, as authorized by 5 U.S.C. 5901–5902, and for serv-*
24 *ices authorized by 5 U.S.C. 3109 but at rates for individ-*
25 *uals not to exceed the per diem equivalent to the maximum*

1 *rate payable for senior level positions under 5 U.S.C. 5376,*
2 *\$11,195,000.*

3 *OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION*

4 *SALARIES AND EXPENSES*

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

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

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

6 *For payment to the Institute of American Indian and*
7 *Alaska Native Culture and Arts Development, as authorized*
8 *by title XV of Public Law 99-498, as amended (20 U.S.C.*
9 *56 part A), \$8,300,000.*

10 *SMITHSONIAN INSTITUTION*
11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Smithsonian Institution,*
13 *as authorized by law, including research in the fields of art,*
14 *science, and history; development, preservation, and docu-*
15 *mentation of the National Collections; presentation of pub-*
16 *lic exhibits and performances; collection, preparation, dis-*
17 *semination, and exchange of information and publications;*
18 *conduct of education, training, and museum assistance pro-*
19 *grams; maintenance, alteration, operation, lease agreements*
20 *of no more than 30 years, and protection of buildings, fa-*
21 *cilities, and approaches; not to exceed \$100,000 for services*
22 *as authorized by 5 U.S.C. 3109; and purchase, rental, re-*
23 *pair, and cleaning of uniforms for employees, \$634,161,000,*
24 *of which not to exceed \$19,117,000 for the instrumentation*
25 *program, collections acquisition, exhibition reinstallation,*

1 *the National Museum of African American History and*
2 *Culture, and the repatriation of skeletal remains program*
3 *shall remain available until expended; of which \$1,553,000*
4 *for fellowships and scholarly awards shall remain available*
5 *until September 30, 2011; and including such funds as may*
6 *be necessary to support American overseas research centers:*
7 *Provided, That funds appropriated herein are available for*
8 *advance payments to independent contractors performing*
9 *research services or participating in official Smithsonian*
10 *presentations.*

11 *FACILITIES CAPITAL*

12 *For necessary expenses of repair, revitalization, and*
13 *alteration of facilities owned or occupied by the Smithso-*
14 *nian Institution, by contract or otherwise, as authorized by*
15 *section 2 of the Act of August 22, 1949 (63 Stat. 623), and*
16 *for construction, including necessary personnel,*
17 *\$125,000,000, to remain available until expended, of which*
18 *not to exceed \$10,000 is for services as authorized by 5*
19 *U.S.C. 3109.*

20 *LEGACY FUND*

21 *(INCLUDING RESCISSION OF FUNDS)*

22 *For the purpose of developing a public-private part-*
23 *nership to facilitate the reopening of the Arts and Industries*
24 *Building of the Smithsonian Institution, \$30,000,000, to re-*
25 *main available until expended, for repair, renovation and*

1 *revitalization of the building: Provided, That such funds*
2 *shall be matched on a 1:1 basis by private donations: Pro-*
3 *vided further, That major in-kind donations that contribute*
4 *significantly to the redesign and purpose of the reopened*
5 *building be considered to qualify toward the total private*
6 *match: Provided further, That privately contributed endow-*
7 *ments, which are designated for the care and renewal of*
8 *permanent exhibitions installed in the Arts and Industries*
9 *Building, be considered as qualifying toward the total pri-*
10 *vate match: Provided further, That this appropriation may*
11 *be made available to the Smithsonian Institution incremen-*
12 *tally as private funding becomes available: Provided fur-*
13 *ther, That any other provision of law that adjusts the over-*
14 *all amount of the Federal appropriation for this account*
15 *shall also apply to the privately contributed requirement:*
16 *Provided further, That the unobligated balances provided*
17 *under this heading in Public Law 110–161 and Public Law*
18 *111–8 are hereby rescinded.*

19 *NATIONAL GALLERY OF ART*

20 *SALARIES AND EXPENSES*

21 *For the upkeep and operations of the National Gallery*
22 *of Art, the protection and care of the works of art therein,*
23 *and administrative expenses incident thereto, as authorized*
24 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
25 *by the public resolution of April 13, 1939 (Public Resolu-*

1 tion 9, Seventy-sixth Congress), including services as au-
2 thorized by 5 U.S.C. 3109; payment in advance when au-
3 thorized by the treasurer of the Gallery for membership in
4 library, museum, and art associations or societies whose
5 publications or services are available to members only, or
6 to members at a price lower than to the general public; pur-
7 chase, repair, and cleaning of uniforms for guards, and uni-
8 forms, or allowances therefor, for other employees as author-
9 ized by law (5 U.S.C. 5901–5902); purchase or rental of
10 devices and services for protecting buildings and contents
11 thereof, and maintenance, alteration, improvement, and re-
12 pair of buildings, approaches, and grounds; and purchase
13 of services for restoration and repair of works of art for
14 the National Gallery of Art by contracts made, without ad-
15 vertising, with individuals, firms, or organizations at such
16 rates or prices and under such terms and conditions as the
17 Gallery may deem proper, \$110,746,000, of which not to
18 exceed \$3,386,000 for the special exhibition program shall
19 remain available until expended.

20 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

21 For necessary expenses of repair, restoration and ren-
22 ovation of buildings, grounds and facilities owned or occu-
23 pied by the National Gallery of Art, by contract or other-
24 wise, as authorized, \$54,499,000, to remain available until
25 expended: Provided, That of this amount, up to \$40,000,000

1 *shall be available for repair of the National Gallery's East*
2 *Building façade: Provided further, That notwithstanding*
3 *any other provision of law, a single procurement for the*
4 *foregoing Major Critical Project may be issued which in-*
5 *cludes the full scope of the project: Provided further, That*
6 *the solicitation and contract shall contain the clause "avail-*
7 *ability of funds" found at 48 CFR 52.232.18: Provided fur-*
8 *ther, That contracts awarded for environmental systems,*
9 *protection systems, and exterior repair or renovation of*
10 *buildings of the National Gallery of Art may be negotiated*
11 *with selected contractors and awarded on the basis of con-*
12 *tractor qualifications as well as price.*

13 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*
14 *OPERATIONS AND MAINTENANCE*

15 *For necessary expenses for the operation, maintenance*
16 *and security of the John F. Kennedy Center for the Per-*
17 *forming Arts, \$22,500,000.*

18 *CAPITAL REPAIR AND RESTORATION*

19 *For necessary expenses for capital repair and restora-*
20 *tion of the existing features of the building and site of the*
21 *John F. Kennedy Center for the Performing Arts,*
22 *\$17,447,000, to remain available until expended.*

1 *NATIONAL ENDOWMENT FOR THE HUMANITIES*2 *GRANTS AND ADMINISTRATION*

3 *For necessary expenses to carry out the National Foun-*
4 *ation on the Arts and the Humanities Act of 1965, as*
5 *amended, \$161,315,000, to remain available until ex-*
6 *pended, of which \$147,015,000 shall be available for support*
7 *of activities in the humanities, pursuant to section 7(c) of*
8 *the Act and for administering the functions of the Act; and*
9 *\$14,300,000 shall be available to carry out the matching*
10 *grants program pursuant to section 10(a)(2) of the Act in-*
11 *cluding \$9,500,000 for the purposes of section 7(h): Pro-*
12 *vided, That appropriations for carrying out section*
13 *10(a)(2) shall be available for obligation only in such*
14 *amounts as may be equal to the total amounts of gifts, be-*
15 *quests, and devises of money, and other property accepted*
16 *by the chairman or by grantees of the Endowment under*
17 *the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B)*
18 *during the current and preceding fiscal years for which*
19 *equal amounts have not previously been appropriated.*

20 *ADMINISTRATIVE PROVISIONS*

21 *None of the funds appropriated to the National Foun-*
22 *ation on the Arts and the Humanities may be used to*
23 *process any grant or contract documents which do not in-*
24 *clude the text of 18 U.S.C. 1913.*

1 *mission of Fine Arts, for the purpose of artistic display,*
2 *study or education.*

3 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

4 *For necessary expenses as authorized by Public Law*
5 *99–190 (20 U.S.C. 956a), as amended, \$9,500,000: Pro-*
6 *vided, That no organization shall receive a grant in excess*
7 *of \$650,000 in a single year.*

8 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Advisory Council on His-*
11 *toric Preservation (Public Law 89–665, as amended),*
12 *\$5,908,000: Provided, That none of these funds shall be*
13 *available for compensation of level V of the Executive Sched-*
14 *ule or higher positions.*

15 *NATIONAL CAPITAL PLANNING COMMISSION*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses, as authorized by the National*
18 *Capital Planning Act of 1952 (40 U.S.C. 71–71i), includ-*
19 *ing services as authorized by 5 U.S.C. 3109, \$8,507,000:*
20 *Provided, That one-quarter of 1 percent of the funds pro-*
21 *vided under this heading may be used for official reception*
22 *and representational expenses associated with hosting inter-*
23 *national visitors engaged in the planning and physical de-*
24 *velopment of world capitals.*

1 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*2 *HOLOCAUST MEMORIAL MUSEUM*

3 *For expenses of the Holocaust Memorial Museum, as*
4 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
5 *\$49,122,000, of which \$515,000 for the Museum’s equipment*
6 *replacement program, \$1,900,000 for the museum’s repair*
7 *and rehabilitation program and \$1,264,000 for the muse-*
8 *um’s exhibition design and production program shall re-*
9 *main available until expended.*

10 *PRESIDIO TRUST*11 *PRESIDIO TRUST FUND*

12 *For necessary expenses to carry out title I of the Omni-*
13 *bus Parks and Public Lands Management Act of 1996,*
14 *\$17,230,000 shall be available to the Presidio Trust, to re-*
15 *main available until expended.*

16 *DWIGHT D. EISENHOWER MEMORIAL COMMISSION*17 *SALARIES AND EXPENSES*

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

21 *CAPITAL CONSTRUCTION*

22 *For necessary expenses of the Dwight D. Eisenhower*
23 *Memorial Commission for design and construction of a me-*
24 *morial in honor of Dwight D. Eisenhower, as authorized*

1 *by Public Law 106–79, \$16,000,000, to remain available*
2 *until expended.*

3 *TITLE IV*

4 *GENERAL PROVISIONS*

5 *LIMITATION ON CONSULTING SERVICES*

6 *(INCLUDING TRANSFERS OF FUNDS)*

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

14 *RESTRICTION ON USE OF FUNDS*

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

22 *PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES*

23 *SEC. 403. None of the funds provided in this Act to*
24 *any department or agency shall be obligated or expended*
25 *to provide a personal cook, chauffeur, or other personal serv-*

1 *ants to any officer or employee of such department or agen-*
2 *cy except as otherwise provided by law.*

3 *DISCLOSURE OF ADMINISTRATIVE EXPENSES*

4 *SEC. 404. Estimated overhead charges, deductions, re-*
5 *serves or holdbacks from programs, projects, activities and*
6 *subactivities to support government-wide, departmental,*
7 *agency or bureau administrative functions or headquarters,*
8 *regional or central operations shall be presented in annual*
9 *budget justifications and subject to approval by the Com-*
10 *mittees on Appropriations. Changes to such estimates shall*
11 *be presented to the Committees on Appropriations for ap-*
12 *proval.*

13 *GIANT SEQUOIA*

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

20 *MINING APPLICATIONS*

21 *SEC. 406. (a) None of the funds appropriated or other-*
22 *wise made available pursuant to this Act shall be obligated*
23 *or expended to accept or process applications for a patent*
24 *for any mining or mill site claim located under the general*
25 *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, and*
8 *2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37)*
9 *for placer claims, and section 2337 of the Revised Statutes*
10 *(30 U.S.C. 42) for mill site claims, as the case may be,*
11 *were fully complied with by the applicant by that date.*

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

21 (d) *MINERAL EXAMINATIONS.*—*In order to process*
22 *patent applications in a timely and responsible manner,*
23 *upon the request of a patent applicant, the Secretary of the*
24 *Interior shall allow the applicant to fund a qualified third-*
25 *party contractor to be selected by the Bureau of Land Man-*

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

8 *CONTRACT SUPPORT COSTS*

9 *SEC. 407. Notwithstanding any other provision of law,*
10 *amounts appropriated to or otherwise designated in com-*
11 *mittee reports for the Bureau of Indian Affairs and the In-*
12 *dian Health Service by Public Laws 103-138, 103-332,*
13 *104-134, 104-208, 105-83, 105-277, 106-113, 106-291,*
14 *107-63, 108-7, 108-108, 108-447, 109-54, 109-289, divi-*
15 *sion B and Continuing Appropriations Resolution, 2007*
16 *(division B of Public Law 109-289, as amended by Public*
17 *Laws 110-5 and 110-28), and Public Laws 110-92, 110-*
18 *116, 110-137, 110-149, 110-161, 110-329, 111-6, and*
19 *111-8 for payments for contract support costs associated*
20 *with self-determination or self-governance contracts, grants,*
21 *compacts, or annual funding agreements with the Bureau*
22 *of Indian Affairs or the Indian Health Service as funded*
23 *by such Acts, are the total amounts available for fiscal years*
24 *1994 through 2009 for such purposes, except that for the*
25 *Bureau of Indian Affairs, tribes and tribal organizations*

1 *may use their tribal priority allocations for unmet contract*
2 *support costs of ongoing contracts, grants, self-governance*
3 *compacts, or annual funding agreements.*

4 *FOREST MANAGEMENT PLANS*

5 *SEC. 408. Prior to October 1, 2010, the Secretary of*
6 *Agriculture shall not be considered to be in violation of sub-*
7 *paragraph 6(f)(5)(A) of the Forest and Rangeland Renew-*
8 *able Resources Planning Act of 1974 (16 U.S.C.*
9 *1604(f)(5)(A)) solely because more than 15 years have*
10 *passed without revision of the plan for a unit of the Na-*
11 *tional Forest System. Nothing in this section exempts the*
12 *Secretary from any other requirement of the Forest and*
13 *Rangeland Renewable Resources Planning Act (16 U.S.C.*
14 *1600 et seq.) or any other law: Provided, That if the Sec-*
15 *retary is not acting expeditiously and in good faith, within*
16 *the funding available, to revise a plan for a unit of the*
17 *National Forest System, this section shall be void with re-*
18 *spect to such plan and a court of proper jurisdiction may*
19 *order completion of the plan on an accelerated basis.*

20 *PROHIBITION WITHIN NATIONAL MONUMENTS*

21 *SEC. 409. No funds provided in this Act may be ex-*
22 *pende d to conduct preleasing, leasing and related activities*
23 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
24 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
25 *et seq.) within the boundaries of a National Monument es-*

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

5 *INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS*

6 *SEC. 410. In entering into agreements with foreign*
7 *countries pursuant to the Wildfire Suppression Assistance*
8 *Act (42 U.S.C. 1856m) the Secretary of Agriculture and*
9 *the Secretary of the Interior are authorized to enter into*
10 *reciprocal agreements in which the individuals furnished*
11 *under said agreements to provide wildfire services are con-*
12 *sidered, for purposes of tort liability, employees of the coun-*
13 *try receiving said services when the individuals are engaged*
14 *in fire suppression: Provided, That the Secretary of Agri-*
15 *culture or the Secretary of the Interior should not enter into*
16 *any agreement under this provision unless the foreign coun-*
17 *try (either directly or through its fire organization) agrees*
18 *to assume any and all liability for the acts or omissions*
19 *of American firefighters engaged in firefighting in a foreign*
20 *country: Provided further, That when an agreement is*
21 *reached for furnishing fire fighting services, the only rem-*
22 *edies for acts or omissions committed while fighting fires*
23 *shall be those provided under the laws of the host country,*
24 *and those remedies shall be the exclusive remedies for any*
25 *claim arising out of fighting fires in a foreign country: Pro-*

1 *vided further, That neither the sending country nor any*
2 *legal organization associated with the firefighter shall be*
3 *subject to any legal action whatsoever pertaining to or aris-*
4 *ing out of the firefighter's role in fire suppression.*

5 *CONTRACTING AUTHORITIES*

6 *SEC. 411. In awarding a Federal contract with funds*
7 *made available by this Act, notwithstanding Federal Gov-*
8 *ernment procurement and contracting laws, the Secretary*
9 *of Agriculture and the Secretary of the Interior (the "Secre-*
10 *taries") may, in evaluating bids and proposals, give consid-*
11 *eration to local contractors who are from, and who provide*
12 *employment and training for, dislocated and displaced*
13 *workers in an economically disadvantaged rural commu-*
14 *nity, including those historically timber-dependent areas*
15 *that have been affected by reduced timber harvesting on*
16 *Federal lands and other forest-dependent rural communities*
17 *isolated from significant alternative employment opportu-*
18 *nities: Provided, That notwithstanding Federal Government*
19 *procurement and contracting laws the Secretaries may*
20 *award contracts, grants or cooperative agreements to local*
21 *non-profit entities, Youth Conservation Corps or related*
22 *partnerships with State, local or non-profit youth groups,*
23 *or small or micro-business or disadvantaged business: Pro-*
24 *vided further, That the contract, grant, or cooperative agree-*
25 *ment is for forest hazardous fuels reduction, watershed or*

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

11 *PROHIBITION ON USE OF FUNDS*

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

16 *LIMITATION ON TAKINGS*

17 *SEC. 413. Unless otherwise provided herein, no funds*
18 *appropriated in this Act for the acquisition of lands or in-*
19 *terests in lands may be expended for the filing of declara-*
20 *tions of taking or complaints in condemnation without the*
21 *approval of the House and Senate Committees on Appro-*
22 *priations: Provided, That this provision shall not apply to*
23 *funds appropriated to implement the Everglades National*
24 *Park Protection and Expansion Act of 1989, or to funds*

1 *appropriated for Federal assistance to the State of Florida*
2 *to acquire lands for Everglades restoration purposes.*

3 *HUNTERS POINT ENVIRONMENTAL CLEANUP*

4 *SEC. 414. In addition to the amounts otherwise pro-*
5 *vided to the Environmental Protection Agency in this Act,*
6 *\$8,000,000, to remain available until expended, is provided*
7 *to EPA to be transferred to the Department of the Navy*
8 *for clean-up activities at the Treasure Island Naval Sta-*
9 *tion—Hunters Point Annex.*

10 *EXTENSION OF GRAZING PERMITS*

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

14 *ALASKA NATIVE HEALTH CARE SERVICES*

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

22 *(b) Nothing in this section shall be construed to pro-*
23 *hibit the disbursal of funds to any Alaska Native village*
24 *or Alaska Native village corporation under any contract or*

1 compact entered into prior to May 1, 2006, or to prohibit
2 the renewal of any such agreement.

3 (c) For the purpose of this section, Eastern Aleutian
4 Tribes, Inc., the Council of Athabascan Tribal Governments,
5 and the Native Village of Eyak shall be treated as Alaska
6 Native regional health entities to which funds may be dis-
7 bursed under this section.

8 *TIMBER SALE REQUIREMENTS*

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

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

1 *Alaska yellow cedar may be sold at prevailing export prices*
2 *at the election of the timber sale holder.*

3 *COLORADO COOPERATIVE CONSERVATION AUTHORITY*

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

8 *NATIONAL COUNCIL ON THE ARTS MEMBERSHIP*

9 *SEC. 419. Section 6 of the National Foundation on the*
10 *Arts and the Humanities Act of 1965 (Public Law 89–209,*
11 *20 U.S.C. 955), as amended, is further amended as follows:*

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), by*
16 *striking “Eight” and inserting in lieu thereof “Ten”.*

17 *PROHIBITION ON USE OF FUNDS*

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

1 *GREENHOUSE GAS REPORTING RESTRICTIONS*

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

8 *CONGRESSIONALLY DIRECTED SPENDING*

9 *SEC. 422. Within the amounts appropriated in this*
10 *Act, funding shall be allocated in the amounts specified for*
11 *those projects and purposes delineated in the table titled*
12 *“Congressionally Directed Spending” included in the com-*
13 *mittee report accompanying this Act.*

14 *This Act may be cited as the “Department of the Inte-*
15 *rior, Environment, and Related Agencies Appropriations*
16 *Act, 2010”.*

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[Report No. 111-38]

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.

JULY 6, 2009

Received; read twice and referred to the Committee on Appropriations

JULY 7, 2009

Reported with an amendment