

110TH CONGRESS
1ST SESSION

H. R. 2643

AN ACT

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

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

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of the Interior, environment, and related
4 agencies for the fiscal year ending September 30, 2008,
5 and for other purposes, namely:

6 TITLE I—DEPARTMENT OF THE INTERIOR

7 BUREAU OF LAND MANAGEMENT

8 MANAGEMENT OF LANDS AND RESOURCES

9 For necessary expenses for protection, use, improve-
10 ment, development, disposal, cadastral surveying, classi-
11 fication, acquisition of easements and other interests in
12 lands, and performance of other functions, including main-
13 tenance of facilities, as authorized by law, in the manage-
14 ment of lands and their resources under the jurisdiction
15 of the Bureau of Land Management, including the general
16 administration of the Bureau, and assessment of mineral
17 potential of public lands pursuant to Public Law 96–487
18 (16 U.S.C. 3150(a)), \$888,628,000, to remain available
19 until expended, of which not to exceed \$92,129,000 is
20 available for oil and gas management; and of which
21 \$1,500,000 is for high priority projects, to be carried out
22 by the Youth Conservation Corps; and of which
23 \$2,800,000 shall be available in fiscal year 2008 subject
24 to a match by at least an equal amount by the National
25 Fish and Wildlife Foundation for cost-shared projects sup-

1 LAND ACQUISITION

2 For expenses necessary to carry out sections 205,
3 206, and 318(d) of Public Law 94–579, including admin-
4 istrative expenses and acquisition of lands or waters, or
5 interests therein, \$18,634,000 to be derived from the
6 Land and Water Conservation Fund and to remain avail-
7 able until expended.

8 OREGON AND CALIFORNIA GRANT LANDS

9 For expenses necessary for management, protection,
10 and development of resources and for construction, oper-
11 ation, and maintenance of access roads, reforestation, and
12 other improvements on the revested Oregon and California
13 Railroad grant lands, on other Federal lands in the Or-
14 egon and California land-grant counties of Oregon, and
15 on adjacent rights-of-way; and acquisition of lands or in-
16 terests therein, including existing connecting roads on or
17 adjacent to such grant lands; \$110,242,000, to remain
18 available until expended: *Provided*, That 25 percent of the
19 aggregate of all receipts during the current fiscal year
20 from the revested Oregon and California Railroad grant
21 lands is hereby made a charge against the Oregon and
22 California land-grant fund and shall be transferred to the
23 General Fund in the Treasury in accordance with the sec-
24 ond paragraph of subsection (b) of title II of the Act of
25 August 28, 1937 (50 Stat. 876).

1 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
2 (REVOLVING FUND, SPECIAL ACCOUNT)

3 In addition to the purposes authorized in Public Law
4 102–381, funds made available in the Forest Ecosystem
5 Health and Recovery Fund can be used for the purpose
6 of planning, preparing, implementing and monitoring sal-
7 vage timber sales and forest ecosystem health and recovery
8 activities, such as release from competing vegetation and
9 density control treatments. The Federal share of receipts
10 (defined as the portion of salvage timber receipts not paid
11 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
12 1181f–1 et seq., and Public Law 106–393) derived from
13 treatments funded by this account shall be deposited into
14 the Forest Ecosystem Health and Recovery Fund.

15 RANGE IMPROVEMENTS

16 For rehabilitation, protection, and acquisition of
17 lands and interests therein, and improvement of Federal
18 rangelands pursuant to section 401 of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C. 1701),
20 notwithstanding any other Act, sums equal to 50 percent
21 of all moneys received during the prior fiscal year under
22 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
23 315 et seq.) and the amount designated for range improve-
24 ments from grazing fees and mineral leasing receipts from
25 Bankhead-Jones lands transferred to the Department of

1 the Interior pursuant to law, but not less than
2 \$10,000,000, to remain available until expended: *Pro-*
3 *vided*, That not to exceed \$600,000 shall be available for
4 administrative expenses.

5 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

6 For administrative expenses and other costs related
7 to processing application documents and other authoriza-
8 tions for use and disposal of public lands and resources,
9 for costs of providing copies of official public land docu-
10 ments, for monitoring construction, operation, and termi-
11 nation of facilities in conjunction with use authorizations,
12 and for rehabilitation of damaged property, such amounts
13 as may be collected under Public Law 94–579, as amend-
14 ed, and Public Law 93–153, to remain available until ex-
15 pended: *Provided*, That, notwithstanding any provision to
16 the contrary of section 305(a) of Public Law 94–579 (43
17 U.S.C. 1735(a)), any moneys that have been or will be
18 received pursuant to that section, whether as a result of
19 forfeiture, compromise, or settlement, if not appropriate
20 for refund pursuant to section 305(c) of that Act (43
21 U.S.C. 1735(c)), shall be available and may be expended
22 under the authority of this Act by the Secretary to im-
23 prove, protect, or rehabilitate any public lands adminis-
24 tered through the Bureau of Land Management which
25 have been damaged by the action of a resource developer,

1 purchaser, permittee, or any unauthorized person, without
2 regard to whether all moneys collected from each such ac-
3 tion are used on the exact lands damaged which led to
4 the action: *Provided further*, That any such moneys that
5 are in excess of amounts needed to repair damage to the
6 exact land for which funds were collected may be used to
7 repair other damaged public lands.

8 MISCELLANEOUS TRUST FUNDS

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

17 WILDLAND FIRE MANAGEMENT

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses for fire preparedness, sup-
20 pression operations, fire science and research, emergency
21 rehabilitation and hazardous fuels reduction by the De-
22 partment of the Interior, \$806,644,000, to remain avail-
23 able until expended, of which not to exceed \$4,000,000
24 shall be for the renovation or construction of fire facilities:
25 *Provided*, That such funds are also available for repay-

1 ment of advances to other appropriation accounts from
2 which funds were previously transferred for such purposes:
3 *Provided further*, That persons hired pursuant to 43
4 U.S.C. 1469 may be furnished subsistence and lodging
5 without cost from funds available from this appropriation:
6 *Provided further*, That notwithstanding 42 U.S.C. 1856d,
7 sums received by a bureau or office of the Department
8 of the Interior for fire protection rendered pursuant to 42
9 U.S.C. 1856 et seq., protection of United States property,
10 may be credited to the appropriation from which funds
11 were expended to provide that protection, and are avail-
12 able without fiscal year limitation: *Provided further*, That
13 using the amounts designated under this title of this Act,
14 the Secretary of the Interior may enter into procurement
15 contracts, grants, or cooperative agreements, for haz-
16 ardous fuels reduction activities, and for training and
17 monitoring associated with such hazardous fuels reduction
18 activities, on Federal land, or on adjacent non-Federal
19 land for activities that benefit resources on Federal land:
20 *Provided further*, That the costs of implementing any co-
21 operative agreement between the Federal Government and
22 any non-Federal entity may be shared, as mutually agreed
23 on by the affected parties: *Provided further*, That notwith-
24 standing requirements of the Competition in Contracting
25 Act, the Secretary, for purposes of hazardous fuels reduc-

1 tion activities, may obtain maximum practicable competi-
2 tion among: (1) local private, nonprofit, or cooperative en-
3 tities; (2) Youth Conservation Corps crews, Public Lands
4 Corps (Public Law 109–154), or related partnerships with
5 State, local, or non-profit youth groups; (3) small or
6 micro-businesses; or (4) other entities that will hire or
7 train locally a significant percentage, defined as 50 per-
8 cent or more, of the project workforce to complete such
9 contracts: *Provided further*, That in implementing this sec-
10 tion, the Secretary shall develop written guidance to field
11 units to ensure accountability and consistent application
12 of the authorities provided herein: *Provided further*, That
13 funds appropriated under this head may be used to reim-
14 burse the United States Fish and Wildlife Service and the
15 National Marine Fisheries Service for the costs of carrying
16 out their responsibilities under the Endangered Species
17 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
18 ference, as required by section 7 of such Act, in connection
19 with wildland fire management activities: *Provided further*,
20 That the Secretary of the Interior and the Secretary of
21 Agriculture may authorize the transfer of funds appro-
22 priated for wildland fire management, in an aggregate
23 amount not to exceed \$9,000,000, between the Depart-
24 ments when such transfers would facilitate and expedite
25 jointly funded wildland fire management programs and

1 projects: *Provided further*, That funds provided for wildfire
2 suppression shall be available for support of Federal emer-
3 gency response actions.

4 ADMINISTRATIVE PROVISIONS

5 Appropriations for the Bureau of Land Management
6 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
7 ment of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
8 nance of necessary buildings and appurtenant facilities to
9 which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information
10 ments, at the discretion of the Secretary, for information
11 or evidence concerning violations of laws administered by
12 the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's
13 forcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's
14 retary and to be accounted for solely on the Secretary's
15 certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in
16 standing 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in
17 tive cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in
18 ized by law, procure printing services from cooperators in
19 connection with jointly produced publications for which
20 the cooperators share the cost of printing either in cash
21 or in services, and the Bureau determines the cooperator
22 is capable of meeting accepted quality standards.

23 Section 28 of title 30, United States Code, is amended:
24 ed: (1) in section 28 by striking the phrase “shall commence at 12 o'clock meridian on the 1st day of Sep-

1 tember” and inserting “shall commence at 12:01 ante me-
2 ridian on the 1st day of September”; (2) in section 28f(a),
3 by striking the phrase “for years 2004 through 2008”;
4 and (3) in section 28g, by striking the phrase “and before
5 September 30, 2008,”.

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

14 UNITED STATES FISH AND WILDLIFE SERVICE

15 RESOURCE MANAGEMENT

16 For necessary expenses of the United States Fish and
17 Wildlife Service, as authorized by law, and for scientific
18 and economic studies, maintenance of the herd of long-
19 horned cattle on the Wichita Mountains Wildlife Refuge,
20 general administration, and for the performance of other
21 authorized functions related to such resources by direct
22 expenditure, contracts, grants, cooperative agreements
23 and reimbursable agreements with public and private enti-
24 ties, \$1,104,572,000, to remain available until September
25 30, 2009 except as otherwise provided herein: *Provided,*

1 That \$2,500,000 is for high priority projects, which shall
2 be carried out by the Youth Conservation Corps: *Provided*
3 *further*, That not to exceed \$18,763,000 shall be used for
4 implementing subsections (a), (b), (c), and (e) of section
5 4 of the Endangered Species Act, as amended, for species
6 that are indigenous to the United States (except for proc-
7 essing petitions, developing and issuing proposed and final
8 regulations, and taking any other steps to implement ac-
9 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
10 (c)(2)(B)(ii)), of which not to exceed \$12,926,000 shall
11 be used for any activity regarding the designation of crit-
12 ical habitat, pursuant to subsection (a)(3), excluding liti-
13 gation support, for species listed pursuant to subsection
14 (a)(1) prior to October 1, 2007: *Provided further*, That
15 of the amount available for law enforcement, up to
16 \$400,000, to remain available until expended, may at the
17 discretion of the Secretary be used for payment for infor-
18 mation, rewards, or evidence concerning violations of laws
19 administered by the Service, and miscellaneous and emer-
20 gency expenses of enforcement activity, authorized or ap-
21 proved by the Secretary and to be accounted for solely on
22 the Secretary's certificate: *Provided further*, That of the
23 amount provided for environmental contaminants, up to
24 \$1,000,000 may remain available until expended for con-
25 taminant sample analyses.

1 CONSTRUCTION

2 For construction, improvement, acquisition, or re-
3 moval of buildings and other facilities required in the con-
4 servation, management, investigation, protection, and uti-
5 lization of fishery and wildlife resources, and the acquisi-
6 tion of lands and interests therein; \$31,653,000, to remain
7 available until expended.

8 LAND ACQUISITION

9 For expenses necessary to carry out the Land and
10 Water Conservation Fund Act of 1965, as amended (16
11 U.S.C. 4601–4 through 11), including administrative ex-
12 penses, and for acquisition of land or waters, or interest
13 therein, in accordance with statutory authority applicable
14 to the United States Fish and Wildlife Service,
15 \$43,046,000, to be derived from the Land and Water Con-
16 servation Fund and to remain available until expended:
17 *Provided*, That none of the funds appropriated for specific
18 land acquisition projects can be used to pay for any ad-
19 ministrative overhead, planning or other management
20 costs.

21 COOPERATIVE ENDANGERED SPECIES CONSERVATION

22 FUND

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

1 as amended, \$81,001,000, to remain available until ex-
2 pended.

3 NATIONAL WILDLIFE REFUGE FUND

4 For expenses necessary to implement the Act of Octo-
5 ber 17, 1978 (16 U.S.C. 715s), \$14,202,000.

6 NORTH AMERICAN WETLANDS CONSERVATION FUND

7 For expenses necessary to carry out the provisions
8 of the North American Wetlands Conservation Act, as
9 amended, (16 U.S.C. 4401–4414), \$42,646,000 to remain
10 available until expended.

11 NEOTROPICAL MIGRATORY BIRD CONSERVATION

12 For expenses necessary to carry out the Neotropical
13 Migratory Bird Conservation Act, as amended (16 U.S.C.
14 6101 et seq.), \$5,000,000, to remain available until ex-
15 pended.

16 MULTINATIONAL SPECIES CONSERVATION FUND

17 For expenses necessary to carry out the African Ele-
18 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
19 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
20 phant Conservation Act of 1997 (16 U.S.C. 4261–4266),
21 the Rhinoceros and Tiger Conservation Act of 1994 (16
22 U.S.C. 5301–5306), the Great Ape Conservation Act of
23 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
24 servation Act of 2004 (16 U.S.C. 6301–6305),
25 \$10,000,000, to remain available until expended.

1 STATE AND TRIBAL WILDLIFE GRANTS

2 For wildlife conservation grants to States and to the
3 District of Columbia, Puerto Rico, Guam, the United
4 States Virgin Islands, the Northern Mariana Islands,
5 American Samoa, and federally-recognized Indian tribes
6 under the provisions of the Fish and Wildlife Act of 1956
7 and the Fish and Wildlife Coordination Act, for the devel-
8 opment and implementation of programs for the benefit
9 of wildlife and their habitat, including species that are not
10 hunted or fished, \$85,000,000, to remain available until
11 expended: *Provided*, That of the amount provided herein,
12 \$7,000,000 is for a competitive grant program for Indian
13 tribes not subject to the remaining provisions of this ap-
14 propriation: *Provided further*, That \$5,000,000 is for a
15 competitive grant program for States, territories, and
16 other jurisdictions with approved plans, not subject to the
17 remaining provisions of this appropriation: *Provided fur-*
18 *ther*, That the Secretary shall, after deducting said
19 \$12,000,000 and administrative expenses, apportion the
20 amount provided herein in the following manner: (1) to
21 the District of Columbia and to the Commonwealth of
22 Puerto Rico, each a sum equal to not more than one-half
23 of 1 percent thereof; and (2) to Guam, American Samoa,
24 the United States Virgin Islands, and the Commonwealth
25 of the Northern Mariana Islands, each a sum equal to not

1 more than one-fourth of 1 percent thereof: *Provided fur-*
2 *ther*, That the Secretary shall apportion the remaining
3 amount in the following manner: (1) one-third of which
4 is based on the ratio to which the land area of such State
5 bears to the total land area of all such States; and (2)
6 two-thirds of which is based on the ratio to which the pop-
7 ulation of such State bears to the total population of all
8 such States: *Provided further*, That the amounts appor-
9 tioned under this paragraph shall be adjusted equitably
10 so that no State shall be apportioned a sum which is less
11 than 1 percent of the amount available for apportionment
12 under this paragraph for any fiscal year or more than 5
13 percent of such amount: *Provided further*, That the Fed-
14 eral share of planning grants shall not exceed 75 percent
15 of the total costs of such projects and the Federal share
16 of implementation grants shall not exceed 50 percent of
17 the total costs of such projects: *Provided further*, That the
18 non-Federal share of such projects may not be derived
19 from Federal grant programs: *Provided further*, That no
20 State, territory, or other jurisdiction shall receive a grant
21 if its comprehensive wildlife conservation plan is dis-
22 approved and such funds that would have been distributed
23 to such State, territory, or other jurisdiction shall be dis-
24 tributed equitably to States, territories, and other jurisdic-
25 tions with approved plans: *Provided further*, That any

1 amount apportioned in 2008 to any State, territory, or
2 other jurisdiction that remains unobligated as of Sep-
3 tember 30, 2009, shall be reapportioned, together with
4 funds appropriated in 2010, in the manner provided here-
5 in.

6 ADMINISTRATIVE PROVISIONS

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

1 ed quality standards: *Provided further*, That, notwith-
2 standing any other provision of law, the Service may use
3 up to \$2,000,000 from funds provided for contracts for
4 employment-related legal services: *Provided further*, That
5 the Service may accept donated aircraft as replacements
6 for existing aircraft: *Provided further*, That, notwith-
7 standing any other provision of law, the Secretary of the
8 Interior may not spend any of the funds appropriated in
9 this Act for the purchase of lands or interests in lands
10 to be used in the establishment of any new unit of the
11 National Wildlife Refuge System unless the purchase is
12 approved in advance by the House and Senate Committees
13 on Appropriations in compliance with the reprogramming
14 procedures contained in the statement of the managers ac-
15 companying this Act.

16 NATIONAL PARK SERVICE

17 OPERATION OF THE NATIONAL PARK SYSTEM

18 For expenses necessary for the management, oper-
19 ation, and maintenance of areas and facilities adminis-
20 tered by the National Park Service (including expenses to
21 carry out programs of the United States Park Police), and
22 for the general administration of the National Park Serv-
23 ice, \$2,046,809,000 (reduced by \$1,000,000) (increased
24 by \$1,000,000) (increased by \$1,000,000), of which
25 \$9,965,000 is for planning and interagency coordination

1 aid for other activities, and grant administration, not oth-
2 erwise provided for, \$62,881,000.

3 HISTORIC PRESERVATION FUND

4 (INCLUDING TRANSFERS OF FUNDS)

5 For expenses necessary in carrying out the Historic
6 Preservation Act of 1966, as amended (16 U.S.C. 470),
7 and the Omnibus Parks and Public Lands Management
8 Act of 1996 (Public Law 104–333), \$81,500,000, to be
9 derived from the Historic Preservation Fund and to re-
10 main available until September 30, 2009; of which
11 \$20,000,000 shall be for Save America’s Treasures for
12 preservation of nationally significant sites, structures, and
13 artifacts and of which \$10,000,000 shall be for Preserve
14 America grants to States, Tribes, and local communities
15 for projects that preserve important historic resources
16 through the promotion of heritage tourism: *Provided*, That
17 any individual Save America’s Treasures or Preserve
18 America grant shall be matched by non-Federal funds; in-
19 dividual projects shall only be eligible for one grant; and
20 all projects to be funded shall be approved by the Sec-
21 retary of the Interior in consultation with the House and
22 Senate Committees on Appropriations: *Provided further*,
23 That Save America’s Treasures funds allocated for Fed-
24 eral projects, following approval, shall be available by
25 transfer to appropriate accounts of individual agencies.

1 CONSTRUCTION

2 For construction, improvements, repair or replace-
3 ment of physical facilities, including the modifications au-
4 thorized by section 104 of the Everglades National Park
5 Protection and Expansion Act of 1989, \$201,580,000, to
6 remain available until expended: *Provided*, That funds pro-
7 vided under this heading for implementation of modified
8 water deliveries to Everglades National Park shall be ex-
9 pended consistent with the requirements of the fifth pro-
10 viso under this heading in Public Law 108–108: *Provided*
11 *further*, That funds provided under this heading for imple-
12 mentation of modified water deliveries to Everglades Na-
13 tional Park shall be available for obligation only if match-
14 ing funds are appropriated to the Army Corps of Engi-
15 neers for the same purpose: *Provided further*, That none
16 of the funds provided under this heading for implementa-
17 tion of modified water deliveries to Everglades National
18 Park shall be available for obligation if any of the funds
19 appropriated to the Army Corps of Engineers for the pur-
20 pose of implementing modified water deliveries, including
21 finalizing detailed engineering and design documents for
22 a bridge or series of bridges for the Tamiami Trail compo-
23 nent of the project, becomes unavailable for obligation.

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

16 A willing seller from whom the Service acquires title
17 to real property may be considered a “displaced person”
18 for purposes of the Uniform Relocation Assistance and
19 Real Property Acquisition Policy Act and its implementing
20 regulations, whether or not the Service has the authority
21 to acquire such property by eminent domain.

22 Section 3(f) of the Act of August 21, 1935 (16 U.S.C.
23 463(f)), related to the National Park System Advisory
24 Board, is amended in the first sentence by striking
25 “2007” and inserting “2009”.

1 UNITED STATES GEOLOGICAL SURVEY

2 SURVEYS, INVESTIGATIONS, AND RESEARCH

3 For expenses necessary for the United States Geo-
4 logical Survey to perform surveys, investigations, and re-
5 search covering topography, geology, hydrology, biology,
6 and the mineral and water resources of the United States,
7 its territories and possessions, and other areas as author-
8 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
9 to their mineral and water resources; give engineering su-
10 pervision to power permittees and Federal Energy Regu-
11 latory Commission licensees; administer the minerals ex-
12 ploration program (30 U.S.C. 641); conduct inquiries into
13 the economic conditions affecting mining and materials
14 processing industries (30 U.S.C. 3, 21a, and 1603; 50
15 U.S.C. 98g(1)) and related purposes as authorized by law;
16 and to publish and disseminate data relative to the fore-
17 going activities; \$1,032,764,000, to remain available until
18 September 30, 2009, of which \$63,345,000 shall be avail-
19 able only for cooperation with States or municipalities for
20 water resources investigations; of which \$32,150,000 shall
21 remain available until expended for satellite operations; of
22 which \$8,023,000 shall be available until expended for de-
23 ferred maintenance and capital improvement projects; and
24 of which \$187,114,000 shall be for the biological research
25 activity and the operation of the Cooperative Research

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

9 ADMINISTRATIVE PROVISIONS

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

1 plished through the use of contracts, grants, or coopera-
2 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
3 *vided further*, That the United States Geological Survey
4 may enter into contracts or cooperative agreements di-
5 rectly with individuals or indirectly with institutions or
6 nonprofit organizations, without regard to 41 U.S.C. 5,
7 for the temporary or intermittent services of students or
8 recent graduates, who shall be considered employees for
9 the purpose of chapters 57 and 81 of title 5, United States
10 Code, relating to compensation for travel and work inju-
11 ries, and chapter 171 of title 28, United States Code, re-
12 lating to tort claims, but shall not be considered to be Fed-
13 eral 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 pur-
22 poses on the Outer Continental Shelf; and for matching
23 grants or cooperative agreements, \$153,552,000, to re-
24 main available until September 30, 2009, of which
25 \$82,371,000 shall be available for royalty management ac-

1 tivities; and an amount not to exceed \$135,730,000, to
2 be credited to this appropriation and to remain available
3 until expended, from additions to receipts resulting from
4 increases to rates in effect on August 5, 1993, from rate
5 increases to fee collections for Outer Continental Shelf ad-
6 ministrative activities performed by the Minerals Manage-
7 ment Service (MMS) over and above the rates in effect
8 on September 30, 1993, and from additional fees for
9 Outer Continental Shelf administrative activities estab-
10 lished after September 30, 1993: *Provided*, That to the
11 extent \$135,730,000 in addition to receipts are not real-
12 ized from the sources of receipts stated above, the amount
13 needed to reach \$135,730,000 shall be credited to this ap-
14 propriation from receipts resulting from rental rates for
15 Outer Continental Shelf leases in effect before August 5,
16 1993: *Provided further*, That not to exceed \$3,000 shall
17 be available for reasonable expenses related to promoting
18 volunteer beach and marine cleanup activities: *Provided*
19 *further*, That notwithstanding any other provision of law,
20 \$15,000 under this heading shall be available for refunds
21 of overpayments in connection with certain Indian leases
22 in which the Director of MMS concurred with the claimed
23 refund due, to pay amounts owed to Indian allottees or
24 tribes, or to correct prior unrecoverable erroneous pay-
25 ments: *Provided further*, That for the costs of administra-

1 tion of the Coastal Impact Assistance Program authorized
2 by section 31 of the Outer Continental Shelf Lands Act,
3 as amended (43 U.S.C. 1456a), MMS in fiscal years 2008
4 through 2010 may retain up to three percent of the
5 amounts which are disbursed under section 31(b)(1), such
6 retained amounts to remain available until expended.

7 OIL SPILL RESEARCH

8 For necessary expenses to carry out title I, section
9 1016, title IV, sections 4202 and 4303, title VII, and title
10 VIII, section 8201 of the Oil Pollution Act of 1990,
11 \$6,403,000, which shall be derived from the Oil Spill Li-
12 ability Trust Fund, to remain available until expended.

13 ADMINISTRATIVE PROVISIONS

14 The eighth proviso under the heading of “Minerals
15 Management Service” in division E, title I, of the Consoli-
16 dated Appropriations Act, 2005 (Public Law 108–447),
17 is amended by inserting “and Indian accounts” after
18 “States”, replacing the term “provision” with “provi-
19 sions”, and inserting “and (d)” after 30 U.S.C. 1721(b).

20 None of the funds in this Act shall be used to transfer
21 funds from any Federal royalties, rents, and bonuses de-
22 rived from Federal onshore and offshore oil and gas leases
23 issued under the Outer Continental Shelf Lands Act (43
24 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30
25 U.S.C. 181 et seq.) into the Ultra-Deepwater and Uncon-

1 ventional Natural Gas and Other Petroleum Research
2 Fund.

3 Notwithstanding the provisions of section 35(b) of
4 the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),
5 before disbursing a payment to a State, the Secretary shall
6 deduct 2 percent from the amount payable to that State
7 and deposit the amount deducted to miscellaneous receipts
8 of the Treasury.

9 OFFICE OF SURFACE MINING RECLAMATION AND
10 ENFORCEMENT
11 REGULATION AND TECHNOLOGY

12 For necessary expenses to carry out the provisions
13 of the Surface Mining Control and Reclamation Act of
14 1977, Public Law 95–87, as amended, \$117,337,000, to
15 remain available until September 30, 2009: *Provided*,
16 That the Secretary of the Interior, pursuant to regula-
17 tions, may use directly or through grants to States, mon-
18 eys collected in fiscal year 2008 for civil penalties assessed
19 under section 518 of the Surface Mining Control and Rec-
20 lamation Act of 1977 (30 U.S.C. 1268), to reclaim lands
21 adversely affected by coal mining practices after August
22 3, 1977, to remain available until expended: *Provided fur-*
23 *ther*, That appropriations for the Office of Surface Mining
24 Reclamation and Enforcement may provide for the travel
25 and per diem expenses of State and tribal personnel at-

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

3 ABANDONED MINE RECLAMATION FUND

4 For necessary expenses to carry out title IV of the
5 Surface Mining Control and Reclamation Act of 1977,
6 Public Law 95–87, as amended, \$52,774,000, to be de-
7 rived from receipts of the Abandoned Mine Reclamation
8 Fund and to remain available until expended: *Provided*,
9 That pursuant to Public Law 97–365, the Department of
10 the Interior is authorized to use up to 20 percent from
11 the recovery of the delinquent debt owed to the United
12 States Government to pay for contracts to collect these
13 debts: *Provided further*, That amounts provided under this
14 heading may be used for the travel and per diem expenses
15 of State and tribal personnel attending Office of Surface
16 Mining Reclamation and Enforcement sponsored training.

17 ADMINISTRATIVE PROVISION

18 With funds available for the Technical Innovation
19 and Professional Services program in this Act, the Sec-
20 retary may transfer title for computer hardware, software
21 and other technical equipment to State and tribal regu-
22 latory 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
5 programs, as authorized by law, including the Snyder Act
6 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
7 termination and Education Assistance Act of 1975 (25
8 U.S.C. 450 et seq.), as amended, the Education Amend-
9 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
10 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
11 as amended, \$2,093,545,000 (reduced by \$1,000,000) (in-
12 creased by \$1,000,000), to remain available until Sep-
13 tember 30, 2009 except as otherwise provided herein, of
14 which not to exceed \$80,179,000 shall be for welfare as-
15 sistance payments: *Provided*, That in cases of designated
16 Federal disasters, the Secretary may exceed such cap,
17 from the amounts provided herein, to provide for disaster
18 relief to Indian communities affected by the disaster; not-
19 withstanding any other provision of law, including but not
20 limited to the Indian Self-Determination Act of 1975, as
21 amended, not to exceed \$149,628,000 shall be available
22 for payments for contract support costs associated with
23 ongoing contracts, grants, compacts, or annual funding
24 agreements entered into with the Bureau prior to or dur-
25 ing fiscal year 2008, as authorized by such Act, except

1 that federally-recognized tribes may use their tribal pri-
2 ority allocations for unmet contract support costs of ongo-
3 ing contracts, grants, or compacts, or annual funding
4 agreements and for unmet welfare assistance costs; of
5 which not to exceed \$487,500,000 for school operations
6 costs of Bureau-funded schools and other education pro-
7 grams shall become available on July 1, 2008, and shall
8 remain available until September 30, 2009; and of which
9 not to exceed \$66,822,000 shall remain available until ex-
10 pended for housing improvement, road maintenance, at-
11 torney fees, litigation support, the Indian Self-Determina-
12 tion Fund, land records improvement, and the Navajo-
13 Hopi Settlement Program: *Provided further*, That notwith-
14 standing any other provision of law, including but not lim-
15 ited to the Indian Self-Determination Act of 1975, as
16 amended, and 25 U.S.C. 2008, not to exceed \$44,060,000
17 within and only from such amounts made available for
18 school operations shall be available for administrative cost
19 grants associated with ongoing grants entered into with
20 the Bureau prior to or during fiscal year 2007 for the
21 operation of Bureau-funded schools, and up to \$500,000
22 within and only from such amounts made available for
23 school operations shall be available for the transitional
24 costs of initial administrative cost grants to grantees that
25 enter into grants for the operation on or after July 1,

1 2007, of Bureau-operated schools: *Provided further*, That
2 any forestry funds allocated to a federally-recognized tribe
3 which remain unobligated as of September 30, 2009, may
4 be transferred during fiscal year 2010 to an Indian forest
5 land assistance account established for the benefit of the
6 holder of the funds within the tribe's trust fund account:
7 *Provided further*, That any such unobligated balances not
8 so transferred shall expire on September 30, 2010.

9 CONSTRUCTION

10 (INCLUDING TRANSFER OF FUNDS)

11 For construction, repair, improvement, and mainte-
12 nance of irrigation and power systems, buildings, utilities,
13 and other facilities, including architectural and engineer-
14 ing services by contract; acquisition of lands, and interests
15 in lands; and preparation of lands for farming, and for
16 construction of the Navajo Indian Irrigation Project pur-
17 suant to Public Law 87-483, \$207,983,000, to remain
18 available until expended: *Provided*, That such amounts as
19 may be available for the construction of the Navajo Indian
20 Irrigation Project may be transferred to the Bureau of
21 Reclamation: *Provided further*, That not to exceed 6 per-
22 cent of contract authority available to the Bureau of In-
23 dian Affairs from the Federal Highway Trust Fund may
24 be used to cover the road program management costs of
25 the Bureau: *Provided further*, That any funds provided for

1 the Safety of Dams program pursuant to 25 U.S.C. 13
2 shall be made available on a nonreimbursable basis: *Pro-*
3 *vided further*, That for fiscal year 2008, in implementing
4 new construction or facilities improvement and repair
5 project grants in excess of \$100,000 that are provided to
6 grant schools under Public Law 100–297, as amended, the
7 Secretary of the Interior shall use the Administrative and
8 Audit Requirements and Cost Principles for Assistance
9 Programs contained in 43 CFR part 12 as the regulatory
10 requirements: *Provided further*, That such grants shall not
11 be subject to section 12.61 of 43 CFR; the Secretary and
12 the grantee shall negotiate and determine a schedule of
13 payments for the work to be performed: *Provided further*,
14 That in considering applications, the Secretary shall con-
15 sider whether such grantee would be deficient in assuring
16 that the construction projects conform to applicable build-
17 ing standards and codes and Federal, tribal, or State
18 health and safety standards as required by 25 U.S.C.
19 2005(b), with respect to organizational and financial man-
20 agement capabilities: *Provided further*, That if the Sec-
21 retary declines an application, the Secretary shall follow
22 the requirements contained in 25 U.S.C. 2504(f): *Provided*
23 *further*, That any disputes between the Secretary and any
24 grantee concerning a grant shall be subject to the disputes
25 provision in 25 U.S.C. 2507(e): *Provided further*, That in

1 order to ensure timely completion of replacement school
2 construction projects, the Secretary may assume control
3 of a project and all funds related to the project, if, within
4 eighteen months of the date of enactment of this Act, any
5 grantee receiving funds appropriated in this Act or in any
6 prior Act, has not completed the planning and design
7 phase of the project and commenced construction of the
8 replacement school: *Provided further*, That this Appropria-
9 tion may be reimbursed from the Office of the Special
10 Trustee for American Indians Appropriation for the ap-
11 propriate share of construction costs for space expansion
12 needed in agency offices to meet trust reform implementa-
13 tion.

14 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
15 MISCELLANEOUS PAYMENTS TO INDIANS

16 For payments and necessary administrative expenses
17 for implementation of Indian land and water claim settle-
18 ments pursuant to Public Laws 99-264, 100-580, 101-
19 618, 107-331, 108-447, 109-379, 109-429, and 109-
20 479, and for implementation of other land and water
21 rights settlements, \$39,136,000 to remain available until
22 expended.

23 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

24 For the cost of guaranteed and insured loans,
25 \$6,276,000, of which \$700,000 is for administrative ex-

1 penses, as authorized by the Indian Financing Act of
2 1974, as amended: *Provided*, That such costs, including
3 the cost of modifying such loans, shall be as defined in
4 section 502 of the Congressional Budget Act of 1974: *Pro-*
5 *vided further*, That these funds are available to subsidize
6 total loan principal, any part of which is to be guaranteed,
7 not to exceed \$85,506,098.

8 ADMINISTRATIVE PROVISIONS

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

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

18 Appropriations for the Bureau of Indian Affairs (ex-
19 cept the revolving fund for loans, the Indian loan guar-
20 antee and insurance fund, and the Indian Guaranteed
21 Loan Program account) shall be available for expenses of
22 exhibits.

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

1 Services (except executive direction and administrative
2 services funding for Tribal Priority Allocations and re-
3 gional offices) shall be available for contracts, grants, com-
4 pacts, or cooperative agreements with the Bureau of In-
5 dian Affairs under the provisions of the Indian Self-Deter-
6 mination Act or the Tribal Self-Governance Act of 1994
7 (Public Law 103–413).

8 In the event any federally-recognized tribe returns
9 appropriations made available by this Act to the Bureau
10 of Indian Affairs, this action shall not diminish the Fed-
11 eral Government’s trust responsibility to that tribe, or the
12 government-to-government relationship between the
13 United States and that tribe, or that tribe’s ability to ac-
14 cess future appropriations.

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

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

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

23 Notwithstanding 25 U.S.C. 2007(d), and imple-
24 menting regulations, the funds reserved from the Indian
25 Student Equalization Program to meet emergencies and

1 unforeseen contingencies affecting education programs ap-
2 propriated herein and in Public Law 109–54 may be used
3 for costs associated with significant student enrollment in-
4 creases at Bureau-funded schools during the relevant
5 school year.

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

14 DEPARTMENTAL OFFICES

15 OFFICE OF THE SECRETARY

16 SALARIES AND EXPENSES

17 For necessary expenses for management of the Depart-
18 ment of the Interior, \$136,413,000 (reduced by
19 \$1,000,000) (reduced by \$5,000,000) (reduced by
20 \$23,000,000), of which \$35,262,000 (reduced by
21 \$23,000,000) for activities related to the Financial and
22 Business Management System shall remain available until
23 expended, and of which not to exceed \$15,000 may be for
24 official reception and representation expenses, and of
25 which up to \$1,000,000 shall be available for workers com-

1 pension payments and unemployment compensation pay-
2 ments associated with the orderly closure of the United
3 States Bureau of Mines.

4 INSULAR AFFAIRS

5 ASSISTANCE TO TERRITORIES

6 For expenses necessary for assistance to territories
7 under the jurisdiction of the Department of the Interior,
8 \$78,292,000, of which: (1) \$69,816,000 shall be available
9 until expended for technical assistance, including mainte-
10 nance assistance, disaster assistance, insular management
11 controls, coral reef initiative activities, and brown tree
12 snake control and research; grants to the judiciary in
13 American Samoa for compensation and expenses, as au-
14 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
15 ment of American Samoa, in addition to current local rev-
16 enues, for construction and support of governmental func-
17 tions; grants to the Government of the Virgin Islands as
18 authorized by law; grants to the Government of Guam,
19 as authorized by law; and grants to the Government of
20 the Northern Mariana Islands as authorized by law (Pub-
21 lic Law 94-241; 90 Stat. 272); and (2) \$8,476,000 shall
22 be available until September 30, 2009 for salaries and ex-
23 penses of the Office of Insular Affairs: *Provided*, That all
24 financial transactions of the territorial and local govern-
25 ments herein provided for, including such transactions of

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

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

3 COMPACT OF FREE ASSOCIATION

4 For grants and necessary expenses, \$5,362,000 to re-
5 main available until expended, as provided for in sections
6 221(a)(2), 221(b), and 233 of the Compact of Free Asso-
7 ciation for the Republic of Palau; and section 221(a)(2)
8 of the Compacts of Free Association for the Government
9 of the Republic of the Marshall Islands and the Federated
10 States of Micronesia, as authorized by Public Law 99-
11 658 and Public Law 108-188.

12 OFFICE OF THE SOLICITOR

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the Solicitor,
15 \$59,250,000.

16 OFFICE OF INSPECTOR GENERAL

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Inspector
19 General, \$43,822,000.

20 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

21 FEDERAL TRUST PROGRAMS

22 For the operation of trust programs by direct expend-
23 iture, contracts, cooperative agreements, compacts, and
24 grants, \$182,542,000, to remain available until expended,
25 of which not to exceed \$56,384,000 from this or any other

1 Act, shall be available for historical accounting: *Provided*,
2 That funds for trust management improvements and liti-
3 gation support may, as needed, be transferred to or
4 merged with the Bureau of Indian Affairs, “Operation of
5 Indian Programs” account; the Office of the Solicitor,
6 “Salaries and Expenses” account; and the Office of the
7 Secretary, “Salaries and Expenses” account: *Provided fur-*
8 *ther*, That funds made available through contracts or
9 grants obligated during fiscal year 2008, as authorized by
10 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
11 et seq.), shall remain available until expended by the con-
12 tractor or grantee: *Provided further*, That, notwith-
13 standing any other provision of law, the statute of limita-
14 tions shall not commence to run on any claim, including
15 any claim in litigation pending on the date of the enact-
16 ment of this Act, concerning losses to or mismanagement
17 of trust funds, until the affected tribe or individual Indian
18 has been furnished with an accounting of such funds from
19 which the beneficiary can determine whether there has
20 been a loss: *Provided further*, That, notwithstanding any
21 other provision of law, the Secretary shall not be required
22 to provide a quarterly statement of performance for any
23 Indian trust account that has not had activity for at least
24 18 months and has a balance of \$15.00 or less: *Provided*
25 *further*, That the Secretary shall issue an annual account

1 to exceed \$400,000 shall be available for administrative
2 expenses: *Provided*, That no payment shall be made to oth-
3 erwise eligible units of local government if the computed
4 amount of the payment is less than \$100.

5 CENTRAL HAZARDOUS MATERIALS FUND

6 For necessary expenses of the Department of the In-
7 terior and any of its component offices and bureaus for
8 the remedial action, including associated activities, of haz-
9 ardous waste substances, pollutants, or contaminants pur-
10 suant to the Comprehensive Environmental Response,
11 Compensation, and Liability Act, as amended (42 U.S.C.
12 9601 et seq.), \$9,954,000, to remain available until ex-
13 pended: *Provided*, That hereafter, notwithstanding 31
14 U.S.C. 3302, sums recovered from or paid by a party in
15 advance of or as reimbursement for remedial action or re-
16 sponse activities conducted by the Department pursuant
17 to section 107 or 113(f) of such Act, shall be credited to
18 this account, to be available until expended without fur-
19 ther appropriation: *Provided further*, That hereafter such
20 sums recovered from or paid by any party are not limited
21 to monetary payments and may include stocks, bonds or
22 other personal or real property, which may be retained,
23 liquidated, or otherwise disposed of by the Secretary and
24 which shall be credited to this account.

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

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

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

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

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

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

21 SEC. 104. No funds provided in this title may be ex-
22 pended by the Department of the Interior for the conduct
23 of offshore preleasing, leasing and related activities placed
24 under restriction in the President's moratorium statement
25 of June 12, 1998, in the areas of northern, central, and

1 southern California; the North Atlantic; Washington and
2 Oregon; and the eastern Gulf of Mexico south of 26 de-
3 grees north latitude and east of 86 degrees west longitude.

4 SEC. 105. No funds provided in this title may be ex-
5 pended by the Department of the Interior to conduct oil
6 and natural gas preleasing, leasing and related activities
7 in the Mid-Atlantic and South Atlantic planning areas.

8 SEC. 106. Appropriations made in this Act under the
9 headings Bureau of Indian Affairs and Office of Special
10 Trustee for American Indians and any unobligated bal-
11 ances from prior appropriations Acts made under the
12 same headings shall be available for expenditure or trans-
13 fer for Indian trust management and reform activities, ex-
14 cept that total funding for historical accounting activities
15 shall not exceed amounts specifically designated in this
16 Act for such purpose.

17 SEC. 107. Notwithstanding any other provision of
18 law, the Secretary of the Interior is authorized to redis-
19 tribute any Tribal Priority Allocation funds, including
20 tribal base funds, to alleviate tribal funding inequities by
21 transferring funds to address identified, unmet needs,
22 dual enrollment, overlapping service areas or inaccurate
23 distribution methodologies. No federally-recognized tribe
24 shall receive a reduction in Tribal Priority Allocation
25 funds of more than 10 percent in fiscal year 2008. Under

1 circumstances of dual enrollment, overlapping service
2 areas or inaccurate distribution methodologies, the 10 per-
3 cent limitation does not apply.

4 SEC. 108. Notwithstanding any other provision of
5 law, in conveying the Twin Cities Research Center under
6 the authority provided by Public Law 104–134, as amend-
7 ed by Public Law 104–208, the Secretary may accept and
8 retain land and other forms of reimbursement: *Provided*,
9 That the Secretary may retain and use any such reim-
10 bursement until expended and without further appropria-
11 tion: (1) for the benefit of the National Wildlife Refuge
12 System within the State of Minnesota; and (2) for all ac-
13 tivities authorized by 16 U.S.C. 460zz.

14 SEC. 109. The Secretary of the Interior may here-
15 after use or contract for the use of helicopters or motor
16 vehicles on the Sheldon and Hart National Wildlife Ref-
17 uges for the purpose of capturing and transporting horses
18 and burros. The provisions of subsection (a) of the Act
19 of September 8, 1959 (18 U.S.C. 47(a)) shall not be appli-
20 cable to such use. Such use shall be in accordance with
21 humane procedures prescribed by the Secretary.

22 SEC. 110. None of the funds in this or any other Act
23 can be used to compensate the Special Master and the
24 Special Master-Monitor, and all variations thereto, ap-
25 pointed by the United States District Court for the Dis-

1 triet of Columbia in the Cobell v. Kempthorne litigation
2 at an annual rate that exceeds 200 percent of the highest
3 Senior Executive Service rate of pay for the Washington-
4 Baltimore locality pay area.

5 SEC. 111. The Secretary of the Interior may use dis-
6 cretionary funds to pay private attorney fees and costs for
7 employees and former employees of the Department of the
8 Interior reasonably incurred in connection with Cobell v.
9 Kempthorne to the extent that such fees and costs are
10 not paid by the Department of Justice or by private insur-
11 ance. In no case shall the Secretary make payments under
12 this section that would result in payment of hourly fees
13 in excess of the highest hourly rate approved by the Dis-
14 triet Court for the District of Columbia for counsel in
15 Cobell v. Kempthorne.

16 SEC. 112. The United States Fish and Wildlife Serv-
17 ice shall, in carrying out its responsibilities to protect
18 threatened and endangered species of salmon, implement
19 a system of mass marking of salmonid stocks, intended
20 for harvest, that are released from federally-operated or
21 federally-financed hatcheries including but not limited to
22 fish releases of coho, chinook, and steelhead species.
23 Marked fish must have a visible mark that can be readily
24 identified by commercial and recreational fishers.

1 SEC. 113. Notwithstanding any implementation of
2 the Department of the Interior’s trust reorganization or
3 reengineering plans, or the implementation of the “To Be”
4 Model, funds appropriated for fiscal year 2008 shall be
5 available to the tribes within the California Tribal Trust
6 Reform Consortium and to the Salt River Pima-Maricopa
7 Indian Community, the Confederated Salish and Kootenai
8 Tribes of the Flathead Reservation and the Chippewa Cree
9 Tribe of the Rocky Boys Reservation through the same
10 methodology as funds were distributed in fiscal year 2003.
11 This Demonstration Project shall continue to operate sep-
12 arate and apart from the Department of the Interior’s
13 trust reform and reorganization and the Department shall
14 not impose its trust management infrastructure upon or
15 alter the existing trust resource management systems of
16 the above referenced tribes having a self-governance com-
17 pact and operating in accordance with the Tribal Self-Gov-
18 ernance Program set forth in 25 U.S.C. 458aa–458hh:
19 *Provided*, That the California Trust Reform Consortium
20 and any other participating tribe agree to carry out their
21 responsibilities under the same written and implemented
22 fiduciary standards as those being carried by the Sec-
23 retary of the Interior: *Provided further*, That they dem-
24 onstrate to the satisfaction of the Secretary that they have
25 the capability to do so: *Provided further*, That the Depart-

1 ment shall provide funds to the federally-recognized tribes
2 in an amount equal to that required by 25 U.S.C.
3 458cc(g)(3), including funds specifically or functionally re-
4 lated to the provision of trust services to the federally-
5 recognized tribes or their members.

6 SEC. 114. Notwithstanding any other provision of
7 law, the Secretary of the Interior is authorized to acquire
8 lands, waters, or interests therein including the use of all
9 or part of any pier, dock, or landing within the State of
10 New York and the State of New Jersey, for the purpose
11 of operating and maintaining facilities in the support of
12 transportation and accommodation of visitors to Ellis,
13 Governors, and Liberty Islands, and of other program and
14 administrative activities, by donation or with appropriated
15 funds, including franchise fees (and other monetary con-
16 sideration), or by exchange; and the Secretary is author-
17 ized to negotiate and enter into leases, subleases, conces-
18 sion contracts or other agreements for the use of such fa-
19 cilities on such terms and conditions as the Secretary may
20 determine reasonable.

21 SEC. 115. None of the funds made available in this
22 Act may be used to issue any new lease that authorizes
23 production of oil or natural gas under the Outer Conti-
24 nental Shelf Lands Act (43 U.S.C. 1331 et seq.) to any
25 lessee under an existing lease issued by the Department

1 of the Interior pursuant to the Outer Continental Shelf
2 Deep Water Royalty Relief Act (43 U.S.C. 1337 note),
3 where such existing lease is not subject to limitations on
4 royalty relief based on market price.

5 TITLE II—ENVIRONMENTAL PROTECTION

6 AGENCY

7 SCIENCE AND TECHNOLOGY

8 For science and technology, including research and
9 development activities, which shall include research and
10 development activities under the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act of
12 1980, as amended; necessary expenses for personnel and
13 related costs and travel expenses, including uniforms, or
14 allowances therefor, as authorized by 5 U.S.C. 5901–
15 5902; services as authorized by 5 U.S.C. 3109, but at
16 rates for individuals not to exceed the per diem rate equiv-
17 alent to the maximum rate payable for senior level posi-
18 tions under 5 U.S.C. 5376; procurement of laboratory
19 equipment and supplies; other operating expenses in sup-
20 port of research and development; construction, alteration,
21 repair, rehabilitation, and renovation of facilities, not to
22 exceed \$85,000 per project, \$788,269,000 (reduced by
23 \$5,000,000) (reduced by \$1,000,000) (increased by
24 \$1,000,000) (reduced by \$3,884,000) (increased by

1 \$3,884,000), to remain available until September 30,
2 2009.

3 COMMISSION ON CLIMATE CHANGE ADAPTATION AND
4 MITIGATION
5 (INCLUDING TRANSFERS OF FUNDS)

6 For expenses necessary for support of the activities
7 of the Commission on Climate Change Adaptation and
8 Mitigation established by this Act, \$50,000,000, to remain
9 available until the termination of the Commission on Sep-
10 tember 30, 2009: *Provided*, That \$5,000,000 shall be
11 available to the Administrator of the Environmental Pro-
12 tection Agency for the direct support of the Commission
13 in reviewing science challenges related to adaptation and
14 mitigation strategies necessitated by climate change, and
15 for identification of specific action steps to address these
16 challenges: *Provided further*, That funding allocated for di-
17 rect support of Commission activities shall include the sal-
18 aries and expenses of Commission staff, travel and related
19 costs of Commission members and for the contractual
20 costs of the National Academy of Sciences: *Provided fur-*
21 *ther*, That, not later than July 1, 2008, the remaining
22 \$45,000,000 shall be transferred by the Administrator to
23 agencies or offices of the Federal Government with climate
24 science responsibilities for implementation of Commission
25 recommendations.

1 The Commission established and financed with this
2 appropriation shall consist of the Administrator of the En-
3 vironmental Protection Agency, the Director of the Na-
4 tional Science Foundation, the Administrator of the Na-
5 tional Aeronautics and Space Administration, the Director
6 of the United States Geological Survey, the Undersecre-
7 tary for Science of the Department of Energy, the Admin-
8 istrator of the National Oceanographic and Atmospheric
9 Administration, the Chief of the United States Forest
10 Service, the President of the National Academy of
11 Sciences, who shall serve as the Commission's Chairman,
12 the President of the National Academy of Engineering,
13 and six additional members with appropriate expertise, to
14 be selected by the Chairman.

15 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

16 For environmental programs and management, in-
17 cluding necessary expenses, not otherwise provided for, for
18 personnel and related costs and travel expenses, including
19 uniforms, or allowances therefor, as authorized by 5
20 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
21 3109, but at rates for individuals not to exceed the per
22 diem rate equivalent to the maximum rate payable for sen-
23 ior level positions under 5 U.S.C. 5376; hire of passenger
24 motor vehicles; hire, maintenance, and operation of air-
25 craft; purchase of reprints; library memberships in soci-

1 eties or associations which issue publications to members
2 only or at a price to members lower than to subscribers
3 who are not members; construction, alteration, repair, re-
4 habilitation, and renovation of facilities, not to exceed
5 \$85,000 per project; and not to exceed \$9,000 for official
6 reception and representation expenses, \$2,375,582,000
7 (reduced by \$5,000,000) (reduced by \$2,500,000) (in-
8 creased by \$2,500,000), to remain available until Sep-
9 tember 30, 2009, including administrative costs of the
10 brownfields program under the Small Business Liability
11 Relief and Brownfields Revitalization Act of 2002.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, as amended, and for construction,
16 alteration, repair, rehabilitation, and renovation of facili-
17 ties, not to exceed \$85,000 per project, \$43,500,000, to
18 remain available until September 30, 2009.

19 BUILDINGS AND FACILITIES

20 For construction, repair, improvement, extension, al-
21 teration, and purchase of fixed equipment or facilities of,
22 or for use by, the Environmental Protection Agency,
23 \$34,801,000, to remain available until expended.

1 HAZARDOUS SUBSTANCE SUPERFUND
2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses to carry out the Comprehen-
4 sive Environmental Response, Compensation, and Liabil-
5 ity Act of 1980 (CERCLA), as amended, including sec-
6 tions 111(e)(3), (e)(5), (e)(6), and (e)(4) (42 U.S.C.
7 9611), and for construction, alteration, repair, rehabilita-
8 tion, and renovation of facilities, not to exceed \$85,000
9 per project; \$1,272,008,000, to remain available until ex-
10 pended, consisting of such sums as are available in the
11 Trust Fund on September 30, 2007, as authorized by sec-
12 tion 517(a) of the Superfund Amendments and Reauthor-
13 ization Act of 1986 (SARA) and up to \$1,272,008,000,
14 as a payment from general revenues to the Hazardous
15 Substance Superfund for purposes as authorized by sec-
16 tion 517(b) of SARA, as amended: *Provided*, That funds
17 appropriated under this heading may be allocated to other
18 Federal agencies in accordance with section 111(a) of
19 CERCLA: *Provided further*, That of the funds appro-
20 priated under this heading, \$10,000,000 shall be paid to
21 the “Office of Inspector General” appropriation to remain
22 available until September 30, 2009, and \$26,126,000 shall
23 be paid to the “Science and Technology” appropriation,
24 to remain available until September 30, 2009.

1 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
2 PROGRAM

3 For necessary expenses to carry out leaking under-
4 ground storage tank cleanup activities authorized by sub-
5 title I of the Solid Waste Disposal Act, as amended, and
6 for construction, alteration, repair, rehabilitation, and ren-
7 ovation of Environmental Protection Agency facilities, not
8 to exceed \$85,000 per project, \$117,961,000 to remain
9 available until expended, of which \$82,461,000 shall be
10 for carrying out leaking underground storage tank cleanup
11 activities authorized by section 9003(h) of the Solid Waste
12 Disposal Act, as amended; \$35,500,000 shall be for car-
13 rying out the other provisions of the Solid Waste Disposal
14 Act specified in section 9508(c) of the Internal Revenue
15 Code, as amended: *Provided*, That the Administrator is
16 authorized to use appropriations made available under this
17 heading to implement section 9013 of the Solid Waste Dis-
18 posal Act to provide financial assistance to federally-recog-
19 nized Indian tribes for the development and implementa-
20 tion of programs to manage underground storage tanks.

21 OIL SPILL RESPONSE

22 For expenses necessary to carry out the Environ-
23 mental Protection Agency's responsibilities under the Oil
24 Pollution Act of 1990, \$17,280,000, to be derived from

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

3 STATE AND TRIBAL ASSISTANCE GRANTS

4 For environmental programs and infrastructure as-
5 sistance, including capitalization grants for State revol-
6 ving funds and performance partnership grants,
7 \$3,391,514,000 (increased by \$15,000,000), to remain
8 available until expended, of which \$1,125,000,000 shall be
9 for making capitalization grants for the Clean Water State
10 Revolving Funds under title VI of the Federal Water Pol-
11 lution Control Act, as amended (the “Act”); of which up
12 to \$75,000,000 shall be available for loans, including in-
13 terest free loans as authorized by 33 U.S.C.
14 1383(d)(1)(A), to municipal, inter-municipal, interstate,
15 or State agencies or nonprofit entities for projects that
16 provide treatment for or that minimize sewage or
17 stormwater discharges using one or more approaches
18 which include, but are not limited to, decentralized or dis-
19 tributed stormwater controls, decentralized wastewater
20 treatment, low-impact development practices, conservation
21 easements, stream buffers, or wetlands restoration;
22 \$842,167,000 shall be for capitalization grants for the
23 Drinking Water State Revolving Funds under section
24 1452 of the Safe Drinking Water Act, as amended;
25 \$10,000,000 (increased by \$15,000,000) shall be for ar-

1 chitectural, engineering, planning, design, construction
2 and related activities in connection with the construction
3 of high priority water and wastewater facilities in the area
4 of the United States-Mexico Border, after consultation
5 with the appropriate border commission; \$10,500,000
6 shall be for grants to the State of Alaska to address drink-
7 ing water and waste infrastructure needs of rural and
8 Alaska Native Villages: *Provided*, That, of these funds: (1)
9 the State of Alaska shall provide a match of 25 percent;
10 (2) no more than 5 percent of the funds may be used for
11 administrative and overhead expenses; and (3) not later
12 than October 1, 2005, the State of Alaska shall make
13 awards consistent with the State-wide priority list estab-
14 lished in 2004 for all water, sewer, waste disposal, and
15 similar projects carried out by the State of Alaska that
16 are funded under section 221 of the Federal Water Pollu-
17 tion Control Act (33 U.S.C. 1301) or the Consolidated
18 Farm and Rural Development Act (7 U.S.C. 1921 et seq.)
19 which shall allocate not less than 25 percent of the funds
20 provided for projects in regional hub communities;
21 \$140,000,000 shall be for making special project grants
22 for the construction of drinking water, wastewater and
23 storm water infrastructure and for water quality protec-
24 tion, and, for purposes of these grants, each grantee shall
25 contribute not less than 45 percent of the cost of the

1 project unless the grantee is approved for a waiver by the
2 Agency; \$100,000,000 shall be to carry out section 104(k)
3 of the Comprehensive Environmental Response, Com-
4 pensation, and Liability Act of 1980 (CERCLA), as
5 amended, including grants, interagency agreements, and
6 associated program support costs; \$50,000,000 shall be
7 for grants under title VII, subtitle G of the Energy Policy
8 Act of 2005, as amended; and \$1,113,847,000 shall be
9 for grants, including associated program support costs, to
10 States, federally-recognized tribes, interstate agencies,
11 tribal consortia, and air pollution control agencies for
12 multi-media or single media pollution prevention, control
13 and abatement and related activities, including activities
14 pursuant to the provisions set forth under this heading
15 in Public Law 104–134, and for making grants under sec-
16 tion 103 of the Clean Air Act for particulate matter moni-
17 toring and data collection activities subject to terms and
18 conditions specified by the Administrator, of which
19 \$49,495,000 shall be for carrying out section 128 of
20 CERCLA, as amended, \$10,000,000 shall be for Environ-
21 mental Information Exchange Network grants, including
22 associated program support costs, \$18,500,000 of the
23 funds available for grants under section 106 of the Act
24 shall be for water quality monitoring activities,
25 \$25,000,000 shall be for making competitive targeted wa-

1 tershed grants, and, in addition to funds appropriated
2 under the heading “Leaking Underground Storage Tank
3 Trust Fund Program” to carry out the provisions of the
4 Solid Waste Disposal Act specified in section 9508(e) of
5 the Internal Revenue Code other than section 9003(h) of
6 the Solid Waste Disposal Act, as amended, \$2,500,000
7 shall be for financial assistance to States under section
8 2007(f)(2) of the Solid Waste Disposal Act, as amended:
9 *Provided further,* That notwithstanding section 603(d)(7)
10 of the Federal Water Pollution Control Act, the limitation
11 on the amounts in a State water pollution control revolving
12 fund that may be used by a State to administer the
13 fund shall not apply to amounts included as principal in
14 loans made by such fund in fiscal year 2008 and prior
15 years where such amounts represent costs of administering
16 the fund to the extent that such amounts are or
17 were deemed reasonable by the Administrator, accounted
18 for separately from other assets in the fund, and used for
19 eligible purposes of the fund, including administration:
20 *Provided further,* That for fiscal year 2008, and notwithstanding
21 section 518(f) of the Act, the Administrator is
22 authorized to use the amounts appropriated for any fiscal
23 year under section 319 of that Act to make grants to federally-
24 recognized Indian tribes pursuant to sections 319(h)
25 and 518(e) of that Act: *Provided further,* That for fiscal

1 year 2008, notwithstanding the limitation on amounts in
2 section 518(c) of the Act, up to a total of 1½ percent
3 of the funds appropriated for State Revolving Funds
4 under title VI of that Act may be reserved by the Adminis-
5 trator for grants under section 518(c) of that Act: *Pro-*
6 *vided further,* That no funds provided by this appropria-
7 tions Act to address the water, wastewater and other crit-
8 ical infrastructure needs of the colonias in the United
9 States along the United States-Mexico border shall be
10 made available to a county or municipal government un-
11 less that government has established an enforceable local
12 ordinance, or other zoning rule, which prevents in that ju-
13 risdiction the development or construction of any addi-
14 tional colonia areas, or the development within an existing
15 colonia the construction of any new home, business, or
16 other structure which lacks water, wastewater, or other
17 necessary infrastructure.

18 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL

19 PROTECTION AGENCY

20 (INCLUDING RESCISSIONS OF FUNDS)

21 For fiscal year 2008, notwithstanding 31 U.S.C.
22 6303(1) and 6305(1), the Administrator of the Environ-
23 mental Protection Agency, in carrying out the Agency's
24 function to implement directly Federal environmental pro-
25 grams required or authorized by law in the absence of an

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

9 The Administrator of the Environmental Protection
10 Agency is authorized to collect and obligate pesticide reg-
11 istration service fees in accordance with section 33 of the
12 Federal Insecticide, Fungicide, and Rodenticide Act (as
13 added by subsection (f)(2) of the Pesticide Registration
14 Improvement Act of 2003), as amended.

15 None of the funds provided in this Act may be used,
16 directly or through grants, to pay or to provide reimburse-
17 ment for payment of the salary of a consultant (whether
18 retained by the Federal Government or a grantee) at more
19 than the daily equivalent of the rate paid for level IV of
20 the Executive Schedule, unless specifically authorized by
21 law.

22 From unobligated balances to carry out projects and
23 activities authorized under section 206(a) of the Federal
24 Water Pollution Control Act, \$5,000,000 are hereby re-
25 scinded.

1 None of the funds made available by this Act may
2 be used in contravention of, or to delay the implementa-
3 tion of, Executive Order No. 12898 of February 11, 1994
4 (59 Fed. Reg. 7629; relating to Federal actions to address
5 environmental justice in minority populations and low-in-
6 come populations).

7 Of the funds provided in the Environmental Pro-
8 grams and Management account, not less than \$2,000,000
9 shall be available to take such actions as are necessary
10 for the proposal of regulations requiring the reduction of
11 greenhouse gas emissions and to publish such proposed
12 regulations.

13 TITLE III—RELATED AGENCIES

14 DEPARTMENT OF AGRICULTURE

15 FOREST SERVICE

16 FOREST AND RANGELAND RESEARCH

17 For necessary expenses of forest and rangeland re-
18 search as authorized by law, \$295,937,000, to remain
19 available until expended: *Provided*, That of the funds pro-
20 vided, \$62,329,000 is for the forest inventory and analysis
21 program.

22 STATE AND PRIVATE FORESTRY

23 For necessary expenses of cooperating with and pro-
24 viding technical and financial assistance to States, terri-
25 tories, possessions, and others, and for forest health man-

1 agement, including treatments of pests, pathogens, and
2 invasive or noxious plants and for restoring and rehabili-
3 tating forests damaged by pests or invasive plants, cooper-
4 ative forestry, and education and land conservation activi-
5 ties and conducting an international program as author-
6 ized, \$280,602,000, to remain available until expended, as
7 authorized by law; of which \$8,000,000 is for the Inter-
8 national Program; and of which \$56,336,000 is to be de-
9 rived from the Land and Water Conservation Fund.

10 NATIONAL FOREST SYSTEM

11 For necessary expenses of the Forest Service, not
12 otherwise provided for, for management, protection, im-
13 provement, and utilization of the National Forest System,
14 \$1,506,502,000, to remain available until expended, which
15 shall include 50 percent of all moneys received during
16 prior fiscal years as fees collected under the Land and
17 Water Conservation Fund Act of 1965, as amended, in
18 accordance with section 4 of the Act (16 U.S.C. 460l-
19 6a(i)): *Provided*, That unobligated balances under this
20 heading available at the start of fiscal year 2008 shall be
21 displayed by budget line item in the fiscal year 2009 budg-
22 et justification.

1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses of the Forest Service, not
4 otherwise provided for, \$480,197,000, to remain available
5 until expended, for construction, capital improvement,
6 maintenance and acquisition of buildings and other facili-
7 ties, and infrastructure; and for construction, capital im-
8 provement, decommissioning, and maintenance of forest
9 roads and trails by the Forest Service as authorized by
10 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205; and in
11 addition \$40,000,000 to be transferred from the timber
12 roads purchaser election fund and merged with this ac-
13 count, to remain available until expended: *Provided*, That
14 \$65,000,000 shall be designated for urgently needed road
15 decommissioning, road and trail repair and maintenance
16 and associated activities, and removal of fish passage bar-
17 riers, especially in areas where Forest Service roads may
18 be contributing to water quality problems in streams and
19 water bodies which support threatened, endangered or
20 sensitive species or community water sources and for ur-
21 gently needed road repairs required due to recent storm
22 events: *Provided further*, That up to \$65,000,000 of the
23 funds provided herein for road maintenance shall be avail-
24 able for the decommissioning of roads, including unau-
25 thorized roads not part of the transportation system,

1 which are no longer needed: *Provided further*, That the
2 decommissioning of unauthorized roads not part of the of-
3 ficial transportation system shall be expedited in response
4 to threats to public safety, water quality, or natural re-
5 sources: *Provided further*, That funds becoming available
6 in fiscal year 2008 under the Act of March 4, 1913 (16
7 U.S.C. 501) shall be transferred to the General Fund of
8 the Treasury and shall not be available for transfer or obli-
9 gation for any other purpose unless the funds are appro-
10 priated.

11 LAND ACQUISITION

12 For expenses necessary to carry out the provisions
13 of the Land and Water Conservation Fund Act of 1965,
14 as amended (16 U.S.C. 4601–4 through 11), including ad-
15 ministrative expenses, and for acquisition of land or wa-
16 ters, or interest therein, in accordance with statutory au-
17 thority applicable to the Forest Service, \$44,485,000, to
18 be derived from the Land and Water Conservation Fund
19 and to remain available until expended.

20 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

21 ACTS

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

1 Forests, California, as authorized by law, \$1,053,000, to
2 be derived from forest receipts.

3 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

13 RANGE BETTERMENT FUND

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

1 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
2 RANGELAND RESEARCH

3 For expenses authorized by 16 U.S.C. 1643(b),
4 \$56,000, to remain available until expended, to be derived
5 from the fund established pursuant to the above Act.

6 MANAGEMENT OF NATIONAL FOREST LANDS FOR
7 SUBSISTENCE USES

8 For necessary expenses of the Forest Service to man-
9 age Federal lands in Alaska for subsistence uses under
10 title VIII of the Alaska National Interest Lands Conserva-
11 tion Act (Public Law 96-487), \$5,053,000, to remain
12 available until expended.

13 WILDLAND FIRE MANAGEMENT
14 (INCLUDING TRANSFERS OF FUNDS)

15 For necessary expenses for forest fire presuppression
16 activities on National Forest System lands, for emergency
17 fire suppression on or adjacent to such lands or other
18 lands under fire protection agreement, hazardous fuels re-
19 duction on or adjacent to such lands, and for emergency
20 rehabilitation of burned-over National Forest System
21 lands and water, \$1,974,648,000, to remain available until
22 expended: *Provided*, That such funds including unobli-
23 gated balances under this heading, are available for repay-
24 ment of advances from other appropriations accounts pre-
25 viously transferred for such purposes: *Provided further*,

1 That such funds shall be available to reimburse State and
2 other cooperating entities for services provided in response
3 to wildfire and other emergencies or disasters to the extent
4 such reimbursements by the Forest Service for non-fire
5 emergencies are fully repaid by the responsible emergency
6 management agency: *Provided further*, That not less than
7 50 percent of any unobligated balances remaining (exclu-
8 sive of amounts for hazardous fuels reduction) at the end
9 of fiscal year 2007 shall be transferred to the fund estab-
10 lished pursuant to section 3 of Public Law 71–319 (16
11 U.S.C. 576 et seq.) if necessary to reimburse the fund for
12 unpaid past advances: *Provided further*, That, notwith-
13 standing any other provision of law, \$8,000,000 of funds
14 appropriated under this appropriation shall be used for
15 Fire Science Research in support of the Joint Fire Science
16 Program: *Provided further*, That all authorities for the use
17 of funds, including the use of contracts, grants, and coop-
18 erative agreements, available to execute the Forest and
19 Rangeland Research appropriation, are also available in
20 the utilization of these funds for Fire Science Research:
21 *Provided further*, That funds provided shall be available
22 for emergency rehabilitation and restoration, hazardous
23 fuels reduction activities in the urban-wildland interface,
24 support to Federal emergency response, and wildfire sup-
25 pression activities of the Forest Service: *Provided further*,

1 That of the funds provided, \$310,258,000 is for hazardous
2 fuels reduction activities, \$18,000,000 is for rehabilitation
3 and restoration, \$23,500,000 is for research activities and
4 to make competitive research grants pursuant to the For-
5 est and Rangeland Renewable Resources Research Act, as
6 amended (16 U.S.C. 1641 et seq.), \$46,221,000 is for
7 State fire assistance, \$10,000,000 is for volunteer fire as-
8 sistance, \$14,252,000 is for forest health activities on
9 Federal lands and \$10,014,000 is for forest health activi-
10 ties on State and private lands: *Provided further*, That
11 amounts in this paragraph may be transferred to the
12 “State and Private Forestry”, “National Forest System”,
13 and “Forest and Rangeland Research” accounts to fund
14 State fire assistance, volunteer fire assistance, forest
15 health management, forest and rangeland research, joint
16 fire sciences, vegetation and watershed management, her-
17 itage site rehabilitation, and wildlife and fish habitat man-
18 agement and restoration: *Provided further*, That transfers
19 of any amounts in excess of those authorized in this para-
20 graph, shall require approval of the House and Senate
21 Committees on Appropriations in compliance with re-
22 programming procedures contained in the report accom-
23 panying this Act: *Provided further*, That the costs of im-
24 plementing any cooperative agreement between the Fed-
25 eral Government and any non-Federal entity may be

1 shared, as mutually agreed on by the affected parties: *Pro-*
2 *vided further*, That in addition to funds provided for State
3 Fire Assistance programs, and subject to all authorities
4 available to the Forest Service under the State and Pri-
5 vate Forestry Appropriation, up to \$10,000,000 may be
6 used on adjacent non-Federal lands for the purpose of pro-
7 tecting communities when hazard reduction activities are
8 planned on national forest lands that have the potential
9 to place such communities at risk: *Provided further*, That
10 included in funding for hazardous fuel reduction is
11 \$5,000,000 for implementing the Community Forest Res-
12 toration Act, Public Law 106–393, title VI, and any por-
13 tion of such funds shall be available for use on non-Fed-
14 eral lands in accordance with authorities available to the
15 Forest Service under the State and Private Forestry Ap-
16 propriation: *Provided further*, That the Secretary of the
17 Interior and the Secretary of Agriculture may authorize
18 the transfer of funds appropriated for wildland fire man-
19 agement, in an aggregate amount not to exceed
20 \$9,000,000, between the Departments when such trans-
21 fers would facilitate and expedite jointly funded wildland
22 fire management programs and projects: *Provided further*,
23 That of the funds provided for hazardous fuels reduction,
24 not to exceed \$7,000,000, may be used to make grants,
25 using any authorities available to the Forest Service under

1 the State and Private Forestry appropriation, for the pur-
2 pose of creating incentives for increased use of biomass
3 from national forest lands: *Provided further*, That funds
4 designated for wildfire suppression shall be assessed for
5 cost pools on the same basis as such assessments are cal-
6 culated against other agency programs.

7 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

8 Appropriations to the Forest Service for the current
9 fiscal year shall be available for: (1) purchase of passenger
10 motor vehicles; acquisition of passenger motor vehicles
11 from excess sources, and hire of such vehicles; purchase,
12 lease, operation, maintenance, and acquisition of aircraft
13 from excess sources to maintain the operable fleet for use
14 in Forest Service wildland fire programs and other Forest
15 Service programs; notwithstanding other provisions of law,
16 existing aircraft being replaced may be sold, with proceeds
17 derived or trade-in value used to offset the purchase price
18 for the replacement aircraft; (2) services pursuant to 7
19 U.S.C. 2225, and not to exceed \$100,000 for employment
20 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
21 ation of buildings and other public improvements (7
22 U.S.C. 2250); (4) acquisition of land, waters, and inter-
23 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
24 pursuant to the Volunteers in the National Forest Act of
25 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost

1 of uniforms as authorized by 5 U.S.C. 5901–5902; and
2 (7) for debt collection contracts in accordance with 31
3 U.S.C. 3718(c).

4 Any appropriations or funds available to the Forest
5 Service may be transferred to the Wildland Fire Manage-
6 ment appropriation for forest firefighting, emergency re-
7 habilitation of burned-over or damaged lands or waters
8 under its jurisdiction, and fire preparedness due to severe
9 burning conditions upon notification of the House and
10 Senate Committees on Appropriations and if and only if
11 all previously appropriated emergency contingent funds
12 under the heading “Wildland Fire Management” have
13 been released by the President and apportioned and all
14 wildfire suppression funds under the heading “Wildland
15 Fire Management” are obligated.

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

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

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

13 Not more than \$73,285,000 of funds available to the
14 Forest Service shall be transferred to the Working Capital
15 Fund of the Department of Agriculture and not more than
16 \$24,021,000 of funds available to the Forest Service shall
17 be transferred to the Department of Agriculture for De-
18 partment Reimbursable Programs, commonly referred to
19 as Greenbook charges. Nothing in this paragraph shall
20 prohibit or limit the use of reimbursable agreements re-
21 quested by the Forest Service in order to obtain services
22 from the Department of Agriculture’s National Informa-
23 tion Technology Center.

24 Funds available to the Forest Service shall be avail-
25 able to conduct a program of not less than \$5,000,000

1 for high priority projects within the scope of the approved
2 budget which shall be carried out by the Youth Conserva-
3 tion Corps or the Public Lands Corps (Public Law 109-
4 154).

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

8 Pursuant to sections 405(b) and 410(b) of Public
9 Law 101-593, of the funds available to the Forest Service,
10 \$3,000,000 may be advanced in a lump sum to the Na-
11 tional Forest Foundation to aid conservation partnership
12 projects in support of the Forest Service mission, without
13 regard to when the Foundation incurs expenses, for ad-
14 ministrative expenses or projects on or benefitting Na-
15 tional Forest System lands or related to Forest Service
16 programs: *Provided*, That of the Federal funds made
17 available to the Foundation, no more than \$100,000 shall
18 be available for administrative expenses: *Provided further*,
19 That the Foundation shall obtain, by the end of the period
20 of Federal financial assistance, private contributions to
21 match on at least one-for-one basis funds made available
22 by the Forest Service: *Provided further*, That the Founda-
23 tion may transfer Federal funds to a non-Federal recipient
24 for a project at the same rate that the recipient has ob-
25 tained the non-Federal matching funds: *Provided further*,

1 That authorized investments of Federal funds held by the
2 Foundation may be made only in interest-bearing obliga-
3 tions of the United States or in obligations guaranteed as
4 to both principal and interest by the United States.

5 Pursuant to section 2(b)(2) of Public Law 98-244,
6 \$2,650,000 of the funds available to the Forest Service
7 shall be advanced to the National Fish and Wildlife Foun-
8 dation in a lump sum to aid cost-share conservation
9 projects, without regard to when expenses are incurred,
10 on or benefitting National Forest System lands or related
11 to Forest Service programs: *Provided*, That such funds
12 shall be matched on at least a one-for-one basis by the
13 Foundation or its sub-recipients: *Provided further*, That
14 the Foundation may transfer Federal funds to a Federal
15 or non-Federal recipient for a project at the same rate
16 that the recipient has obtained the non-Federal matching
17 funds.

18 Funds appropriated to the Forest Service shall be
19 available for interactions with and providing technical as-
20 sistance to rural communities for sustainable rural devel-
21 opment purposes.

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

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

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

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

12 Funds available to the Forest Service, not to exceed
13 \$45,000,000, shall be assessed for the purpose of per-
14 forming facilities maintenance. Such assessments shall
15 occur using a square foot rate charged on the same basis
16 the agency uses to assess programs for payment of rent,
17 utilities, and other support services.

18 DEPARTMENT OF HEALTH AND HUMAN

19 SERVICES

20 INDIAN HEALTH SERVICE

21 INDIAN HEALTH SERVICES

22 For expenses necessary to carry out the Act of Au-
23 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
24 tion Act, the Indian Health Care Improvement Act, and
25 titles II and III of the Public Health Service Act with re-

1 spect to the Indian Health Service, \$3,023,532,000, to re-
2 main available until September 30, 2009, except as other-
3 wise provided herein, together with payments received dur-
4 ing the fiscal year pursuant to 42 U.S.C. 238(b) for serv-
5 ices furnished by the Indian Health Service: *Provided*,
6 That funds made available to tribes and tribal organiza-
7 tions through contracts, grant agreements, or any other
8 agreements or compacts authorized by the Indian Self-De-
9 termination and Education Assistance Act of 1975 (25
10 U.S.C. 450), shall be deemed to be obligated at the time
11 of the grant or contract award and thereafter shall remain
12 available to the tribe or tribal organization without fiscal
13 year limitation: *Provided further*, That up to \$18,000,000
14 shall remain available until expended, for the Indian Cata-
15 strophic Health Emergency Fund: *Provided further*, That
16 not less than \$561,515,000 shall be for contract medical
17 care: *Provided further*, That of the funds provided, up to
18 \$32,000,000, to remain available until expended, shall be
19 used to carry out the loan repayment program under sec-
20 tion 108 of the Indian Health Care Improvement Act: *Pro-*
21 *vided further*, That funds provided in this Act may be used
22 for one-year contracts and grants which are to be per-
23 formed in two fiscal years, so long as the total obligation
24 is recorded in the year for which the funds are appro-
25 priated: *Provided further*, That the amounts collected by

1 the Secretary of Health and Human Services under the
2 authority of title IV of the Indian Health Care Improve-
3 ment Act shall remain available until expended for the
4 purpose of achieving compliance with the applicable condi-
5 tions and requirements of titles XVIII and XIX of the So-
6 cial Security Act (exclusive of planning, design, or con-
7 struction of new facilities): *Provided further*, That funding
8 contained herein, and in any earlier appropriations Acts
9 for scholarship programs under the Indian Health Care
10 Improvement Act (25 U.S.C. 1613), shall remain available
11 until expended: *Provided further*, That amounts received
12 by tribes and tribal organizations under title IV of the In-
13 dian Health Care Improvement Act shall be reported and
14 accounted for and available to the receiving tribes and
15 tribal organizations until expended: *Provided further*,
16 That, notwithstanding any other provision of law, of the
17 amounts provided herein, not to exceed \$274,638,000
18 shall be for payments to tribes and tribal organizations
19 for contract or grant support costs associated with con-
20 tracts, grants, self-governance compacts or annual funding
21 agreements between the Indian Health Service and a tribe
22 or tribal organization pursuant to the Indian Self-Deter-
23 mination Act of 1975, as amended, prior to or during fis-
24 cal year 2008, of which not to exceed \$5,000,000 may be
25 used for contract support costs associated with new or ex-

1 panded self-determination contracts, grants, self-govern-
2 ance compacts or annual funding agreements: *Provided*
3 *further*, That the Bureau of Indian Affairs may collect
4 from the Indian Health Service and tribes and tribal orga-
5 nizations operating health facilities pursuant to Public
6 Law 93–638 such individually identifiable health informa-
7 tion relating to disabled children as may be necessary for
8 the purpose of carrying out its functions under the Indi-
9 viduals with Disabilities Education Act, 20 U.S.C. 1400,
10 et seq.

11 INDIAN HEALTH FACILITIES

12 For construction, repair, maintenance, improvement,
13 and equipment of health and related auxiliary facilities,
14 including quarters for personnel; preparation of plans,
15 specifications, and drawings; acquisition of sites, purchase
16 and erection of modular buildings, and purchases of trail-
17 ers; and for provision of domestic and community sanita-
18 tion facilities for Indians, as authorized by section 7 of
19 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
20 Self-Determination Act, and the Indian Health Care Im-
21 provement Act, and for expenses necessary to carry out
22 such Acts and titles II and III of the Public Health Serv-
23 ice Act with respect to environmental health and facilities
24 support activities of the Indian Health Service,
25 \$360,895,000, to remain available until expended: *Pro-*

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

1 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

18 In accordance with the provisions of the Indian
19 Health Care Improvement Act, non-Indian patients may
20 be extended health care at all tribally administered or In-
21 dian Health Service facilities, subject to charges, and the
22 proceeds along with funds recovered under the Federal
23 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
24 be credited to the account of the facility providing the
25 service and shall be available without fiscal year limitation.

1 Notwithstanding any other law or regulation, funds trans-
2 ferred from the Department of Housing and Urban Devel-
3 opment to the Indian Health Service shall be administered
4 under Public Law 86–121 (the Indian Sanitation Facili-
5 ties Act) and Public Law 93–638, as amended.

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

10 None of the funds made available to the Indian
11 Health Service in this Act shall be used for any assess-
12 ments or charges by the Department of Health and
13 Human Services unless identified in the budget justifica-
14 tion and provided in this Act, or approved by the House
15 and Senate Committees on Appropriations through the re-
16 programming process.

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

1 available to the tribe or tribal organization without fiscal
2 year limitation.

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

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

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

1 associated with the provision of goods, services, or tech-
2 nical assistance.

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

6 NATIONAL INSTITUTES OF HEALTH

7 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

8 SCIENCES

9 For necessary expenses for the National Institute of
10 Environmental Health Sciences in carrying out activities
11 set forth in section 311(a) of the Comprehensive Environ-
12 mental Response, Compensation, and Liability Act of
13 1980, as amended, and section 126(g) of the Superfund
14 Amendments and Reauthorization Act of 1986,
15 \$79,117,000.

16 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

17 REGISTRY

18 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

19 HEALTH

20 For necessary expenses for the Agency for Toxic Sub-
21 stances and Disease Registry (ATSDR) in carrying out
22 activities set forth in sections 104(i), 111(c)(4), and
23 111(c)(14) of the Comprehensive Environmental Re-
24 sponse, Compensation, and Liability Act of 1980
25 (CERCLA), as amended; section 118(f) of the Superfund

1 Amendments and Reauthorization Act of 1986 (SARA),
2 as amended; and section 3019 of the Solid Waste Disposal
3 Act, as amended, \$75,212,000 (increased by \$1,000,000)
4 (reduced by \$1,000,000), of which up to \$1,500,000, to
5 remain available until expended, is for Individual Learning
6 Accounts for full-time equivalent employees of the Agency
7 for Toxic Substances and Disease Registry: *Provided*,
8 That notwithstanding any other provision of law, in lieu
9 of performing a health assessment under section 104(i)(6)
10 of CERCLA, the Administrator of ATSDR may conduct
11 other appropriate health studies, evaluations, or activities,
12 including, without limitation, biomedical testing, clinical
13 evaluations, medical monitoring, and referral to accredited
14 health care providers: *Provided further*, That in per-
15 forming any such health assessment or health study, eval-
16 uation, or activity, the Administrator of ATSDR shall not
17 be bound by the deadlines in section 104(i)(6)(A) of
18 CERCLA.

19 OTHER RELATED AGENCIES

20 EXECUTIVE OFFICE OF THE PRESIDENT

21 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

22 ENVIRONMENTAL QUALITY

23 For necessary expenses to continue functions as-
24 signed to the Council on Environmental Quality and Office
25 of Environmental Quality pursuant to the National Envi-

1 ronmental Policy Act of 1969, the Environmental Quality
2 Improvement Act of 1970, and Reorganization Plan No.
3 1 of 1977, and not to exceed \$750 for official reception
4 and representation expenses, \$2,703,000: *Provided*, That
5 notwithstanding section 202 of the National Environ-
6 mental Policy Act of 1970, the Council shall consist of
7 one member, appointed by the President, by and with the
8 advice and consent of the Senate, serving as chairman and
9 exercising all powers, functions, and duties of the Council.

10 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses in carrying out activities pur-
13 suant to section 112(r)(6) of the Clean Air Act, as amend-
14 ed, including hire of passenger vehicles, uniforms or allow-
15 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
16 for services authorized by 5 U.S.C. 3109 but at rates for
17 individuals not to exceed the per diem equivalent to the
18 maximum rate payable for senior level positions under 5
19 U.S.C. 5376, \$9,549,000: *Provided*, That the Chemical
20 Safety and Hazard Investigation Board shall have not
21 more than three career Senior Executive Service positions:
22 *Provided further*, that notwithstanding any other provision
23 of law, the individual appointed to the position of Inspec-
24 tor General of the Environmental Protection Agency
25 (EPA) shall, by virtue of such appointment, also hold the

1 position of Inspector General of the Board: *Provided fur-*
2 *ther*, That notwithstanding any other provision of law, the
3 Inspector General of the Board shall utilize personnel of
4 the Office of Inspector General of EPA in performing the
5 duties of the Inspector General of the Board, and shall
6 not appoint any individuals to positions within the Board.

7 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

8 SALARIES AND EXPENSES

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

1 shall relocate any certified eligible relocatees who have se-
2 lected and received an approved homesite on the Navajo
3 reservation or selected a replacement residence off the
4 Navajo reservation or on the land acquired pursuant to
5 25 U.S.C. 640d–10.

6 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
7 CULTURE AND ARTS DEVELOPMENT

8 PAYMENT TO THE INSTITUTE

9 For payment to the Institute of American Indian and
10 Alaska Native Culture and Arts Development, as author-
11 ized by title XV of Public Law 99–498, as amended (20
12 U.S.C. 56 part A), \$7,297,000.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

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

1 replacement passenger vehicles; purchase, rental, repair,
2 and cleaning of uniforms for employees, \$536,295,000, of
3 which \$1,578,000 for fellowships and scholarly awards
4 shall remain available until September 30, 2009, including
5 such funds as may be necessary to support American over-
6 seas research centers: *Provided*, That funds appropriated
7 herein are available for advance payments to independent
8 contractors performing research services or participating
9 in official Smithsonian presentations.

10 FACILITIES CAPITAL

11 For necessary expenses of repair, revitalization, and
12 alteration of facilities owned or occupied by the Smithso-
13 nian Institution, by contract or otherwise, as authorized
14 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
15 and for construction, including necessary personnel,
16 \$116,100,000, to remain available until expended, of
17 which not to exceed \$10,000 is for services as authorized
18 by 5 U.S.C. 3109.

19 NATIONAL GALLERY OF ART

20 SALARIES AND EXPENSES

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

1 (Public Resolution 9, Seventy-sixth Congress), including
2 services as authorized by 5 U.S.C. 3109; payment in ad-
3 vance when authorized by the treasurer of the Gallery for
4 membership in library, museum, and art associations or
5 societies whose publications or services are available to
6 members only, or to members at a price lower than to the
7 general public; purchase, repair, and cleaning of uniforms
8 for guards, and uniforms, or allowances therefor, for other
9 employees as authorized by law (5 U.S.C. 5901–5902);
10 purchase or rental of devices and services for protecting
11 buildings and contents thereof, and maintenance, alter-
12 ation, improvement, and repair of buildings, approaches,
13 and grounds; and purchase of services for restoration and
14 repair of works of art for the National Gallery of Art by
15 contracts made, without advertising, with individuals,
16 firms, or organizations at such rates or prices and under
17 such terms and conditions as the Gallery may deem prop-
18 er, \$101,850,000, of which not to exceed \$3,239,000 for
19 the special exhibition program shall remain available until
20 expended.

21 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

22 For necessary expenses of repair, restoration and
23 renovation of buildings, grounds and facilities owned or
24 occupied by the National Gallery of Art, by contract or
25 otherwise, as authorized, \$18,017,000, to remain available

1 until expended: *Provided*, That contracts awarded for envi-
2 ronmental systems, protection systems, and exterior repair
3 or renovation of buildings of the National Gallery of Art
4 may be negotiated with selected contractors and awarded
5 on the basis of contractor qualifications as well as price.

6 JOHN F. KENNEDY CENTER FOR THE PERFORMING
7 ARTS

8 OPERATIONS AND MAINTENANCE

9 For necessary expenses for the operation, mainte-
10 nance and security of the John F. Kennedy Center for
11 the Performing Arts, \$20,200,000.

12 CAPITAL REPAIR AND RESTORATION

13 For necessary expenses for capital repair and restora-
14 tion of the existing features of the building and site of
15 the John F. Kennedy Center for the Performing Arts,
16 \$23,150,000, to remain available until expended.

17 WOODROW WILSON INTERNATIONAL CENTER FOR
18 SCHOLARS

19 SALARIES AND EXPENSES

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

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, \$160,000,000 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, \$145,500,000, shall be available to the Na-
22 tional Endowment for the Humanities for support of ac-
23 tivities in the humanities, pursuant to section 7(c) of the
24 Act, and for administering the functions of the Act, to
25 remain available until expended.

MATCHING GRANTS

1
2 To carry out the provisions of section 10(a)(2) of the
3 National Foundation on the Arts and the Humanities Act
4 of 1965, as amended, \$14,500,000, to remain available
5 until expended, of which \$9,500,000 shall be available to
6 the National Endowment for the Humanities for the pur-
7 poses of section 7(h): *Provided*, That this appropriation
8 shall be available for obligation only in such amounts as
9 may be equal to the total amounts of gifts, bequests, and
10 devises of money, and other property accepted by the
11 chairman or by grantees of the Endowment under the pro-
12 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
13 the current and preceding fiscal years for which equal
14 amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

15
16 None of the funds appropriated to the National
17 Foundation on the Arts and the Humanities may be used
18 to process any grant or contract documents which do not
19 include the text of 18 U.S.C. 1913: *Provided*, That none
20 of the funds appropriated to the National Foundation on
21 the Arts and the Humanities may be used for official re-
22 ception and representation expenses: *Provided further*,
23 That funds from nonappropriated sources may be used as
24 necessary for official reception and representation ex-
25 penses: *Provided further*, That the Chairperson of the Na-

1 tional Endowment for the Arts may approve grants up to
2 \$10,000, if in the aggregate this amount does not exceed
3 5 percent of the sums appropriated for grant-making pur-
4 poses per year: *Provided further*, That such small grant
5 actions are taken pursuant to the terms of an expressed
6 and direct delegation of authority from the National Coun-
7 cil on the Arts to the Chairperson: *Provided further*, That
8 section 309(1) of division E, Public Law 108–447, is
9 amended by inserting “National Opera Fellowship,” after
10 “National Heritage Fellowship”.

11 COMMISSION OF FINE ARTS

12 SALARIES AND EXPENSES

13 For expenses made necessary by the Act establishing
14 a Commission of Fine Arts (40 U.S.C. 104), \$2,092,000:
15 *Provided*, That the Commission is authorized to charge
16 fees to cover the full costs of its publications, and such
17 fees shall be credited to this account as an offsetting col-
18 lection, to remain available until expended without further
19 appropriation.

20 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

21 For necessary expenses as authorized by Public Law
22 99–190 (20 U.S.C. 956a), as amended, \$10,000,000: *Pro-*
23 *vided*, That no organization shall receive a grant in excess
24 of \$650,000 in a single year.

1 ADVISORY COUNCIL ON HISTORIC PRESERVATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Advisory Council on
4 Historic Preservation (Public Law 89–665, as amended),
5 \$5,348,000: *Provided*, That none of these funds shall be
6 available for compensation of level V of the Executive
7 Schedule or higher positions.

8 NATIONAL CAPITAL PLANNING COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses, as authorized by the Na-
11 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
12 including services as authorized by 5 U.S.C. 3109,
13 \$8,265,000: *Provided*, That one-quarter of 1 percent of
14 the funds provided under this heading may be used for
15 official reception and representational expenses associated
16 with hosting international visitors engaged in the planning
17 and physical development of world capitals.

18 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

19 HOLOCAUST MEMORIAL MUSEUM

20 For expenses of the Holocaust Memorial Museum, as
21 authorized by Public Law 106–292 (36 U.S.C. 2301–
22 2310), \$44,996,000, of which \$515,000 for the equipment
23 replacement program shall remain available until Sep-
24 tember 30, 2009; and \$1,900,000 for the museum’s repair
25 and rehabilitation program and \$1,264,000 for the muse-

1 um’s exhibition design and production program shall re-
2 main available until expended.

3 PRESIDIO TRUST

4 PRESIDIO TRUST FUND

5 For necessary expenses to carry out title I of the Om-
6 nibus Parks and Public Lands Management Act of 1996,
7 \$22,400,000 shall be available to the Presidio Trust, to
8 remain available until expended.

9 WHITE HOUSE COMMISSION ON THE NATIONAL

10 MOMENT OF REMEMBRANCE

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses of the White House Commis-
14 sion on the National Moment of Remembrance, \$200,000,
15 which shall be transferred to the Department of Veterans
16 Affairs, “Departmental Administration, General Oper-
17 ating Expenses” account and be administered by the Sec-
18 retary of Veterans Affairs.

19 TITLE IV—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

8 SEC. 407. None of the funds in this Act may be used
9 to plan, prepare, or offer for sale timber from trees classi-
10 fied as giant sequoia (*Sequoiadendron giganteum*) which
11 are located on National Forest System or Bureau of Land
12 Management lands in a manner different than such sales
13 were conducted in fiscal year 2005.

14 SEC. 408. (a) LIMITATION OF FUNDS.—None of the
15 funds appropriated or otherwise made available pursuant
16 to this Act shall be obligated or expended to accept or
17 process applications for a patent for any mining or mill
18 site claim located under the general mining laws.

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

1 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
2 37) for placer claims, and section 2337 of the Revised
3 Statutes (30 U.S.C. 42) for mill site claims, as the case
4 may be, were fully complied with by the applicant by that
5 date.

6 (c) REPORT.—On September 30, 2008, the Secretary
7 of the Interior shall file with the House and Senate Com-
8 mittees on Appropriations and the Committee on Re-
9 sources of the House of Representatives and the Com-
10 mittee on Energy and Natural Resources of the Senate
11 a report on actions taken by the Department under the
12 plan submitted pursuant to section 314(c) of the Depart-
13 ment of the Interior and Related Agencies Appropriations
14 Act, 1997 (Public Law 104–208).

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

1 standard procedures employed by the Bureau of Land
2 Management in the retention of third-party contractors.

3 SEC. 409. Notwithstanding any other provision of
4 law, amounts appropriated in committee reports for the
5 Bureau of Indian Affairs and the Indian Health Service
6 by Public Laws 103–138, 103–332, 104–134, 104–208,
7 105–83, 105–277, 106–113, 106–291, 107–63, 108–7,
8 108–108, 108–447, 109–54, 109–289, division B and
9 Continuing Appropriations Resolution, 2007 (division B of
10 Public Law 109–289, as amended by Public Law 110–
11 5) for payments for contract support costs associated with
12 self-determination or self-governance contracts, grants,
13 compacts, or annual funding agreements with the Bureau
14 of Indian Affairs or the Indian Health Service as funded
15 by such Acts, are the total amounts available for fiscal
16 years 1994 through 2007 for such purposes, except that
17 the Bureau of Indian Affairs and federally-recognized
18 tribes may use their tribal priority allocations for unmet
19 contract support costs of ongoing contracts, grants, self-
20 governance compacts or annual funding agreements.

21 SEC. 410. Prior to October 1, 2008, the Secretary
22 of Agriculture shall not be considered to be in violation
23 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
24 Renewable Resources Planning Act of 1974 (16 U.S.C.
25 1604(f)(5)(A)) solely because more than 15 years have

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

11 SEC. 411. No funds provided in this Act may be ex-
12 pended to conduct preleasing, leasing and related activities
13 under either the Mineral Leasing Act (30 U.S.C. 181 et
14 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
15 1331 et seq.) within the boundaries of a National Monu-
16 ment established pursuant to the Act of June 8, 1906 (16
17 U.S.C. 431 et seq.) as such boundary existed on January
18 20, 2001, except where such activities are allowed under
19 the Presidential proclamation establishing such monu-
20 ment.

21 SEC. 412. In entering into agreements with foreign
22 countries pursuant to the Wildfire Suppression Assistance
23 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
24 the Secretary of the Interior are authorized to enter into
25 reciprocal agreements in which the individuals furnished

1 under said agreements to provide wildfire services are con-
2 sidered, for purposes of tort liability, employees of the
3 country receiving said services when the individuals are
4 engaged in fire suppression: *Provided*, That the Secretary
5 of Agriculture or the Secretary of the Interior shall not
6 enter into any agreement under this provision unless the
7 foreign country (either directly or through its fire organi-
8 zation) agrees to assume any and all liability for the acts
9 or omissions of American firefighters engaged in fire-
10 fighting in a foreign country: *Provided further*, That when
11 an agreement is reached for furnishing fire fighting serv-
12 ices, the only remedies for acts or omissions committed
13 while fighting fires shall be those provided under the laws
14 of the host country, and those remedies shall be the exclu-
15 sive remedies for any claim arising out of fighting fires
16 in a foreign country: *Provided further*, That neither the
17 sending country nor any legal organization associated with
18 the firefighter shall be subject to any legal action whatso-
19 ever pertaining to or arising out of the firefighter's role
20 in fire suppression.

21 SEC. 413. In awarding a Federal contract with funds
22 made available by this Act, notwithstanding Federal Gov-
23 ernment procurement and contracting laws, the Secretary
24 of Agriculture and the Secretary of the Interior (the "Sec-
25 retaries") may, in evaluating bids and proposals, give con-

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

1 SEC. 414. (a) LIMITATION ON COMPETITIVE
2 SOURCING STUDIES.—

3 (1) Of the funds made available by this or any
4 other Act to the Department of the Interior for fis-
5 cal year 2008, not more than \$3,450,000 may be
6 used by the Secretary of the Interior to initiate or
7 continue competitive sourcing studies in fiscal year
8 2008 for programs, projects, and activities for which
9 funds are appropriated by this Act.

10 (2) None of the funds available to the Forest
11 Service may be used in fiscal year 2008 for competi-
12 tive sourcing studies and related activities.

13 (b) COMPETITIVE SOURCING STUDY DEFINED.—In
14 this section, the term “competitive sourcing study” means
15 a study on subjecting work performed by Federal Govern-
16 ment employees or private contractors to public-private
17 competition or on converting the Federal Government em-
18 ployees or the work performed by such employees to pri-
19 vate contractor performance under the Office of Manage-
20 ment and Budget Circular A-76 or any other administra-
21 tive regulation, directive, or policy.

22 (c) In preparing any reports to the Committees on
23 Appropriations on competitive sourcing activities, agencies
24 funded in this Act shall include the incremental cost di-
25 rectly attributable to conducting the competitive sourcing

1 competitions, including costs attributable to paying out-
2 side consultants and contractors and, in accordance with
3 full cost accounting principles, all costs attributable to de-
4 veloping, implementing, supporting, managing, moni-
5 toring, and reporting on competitive sourcing, including
6 personnel, consultant, travel, and training costs associated
7 with program management.

8 (d) In carrying out any competitive sourcing study
9 involving Department of the Interior employees, the Sec-
10 retary of the Interior shall—

11 (1) determine whether any of the employees
12 concerned are also qualified to participate in
13 wildland fire management activities; and

14 (2) take into consideration the effect that con-
15 tracting with a private sector source would have on
16 the ability of the Department of the Interior to ef-
17 fectively and efficiently fight and manage wildfires.

18 SEC. 415. Section 331 of the Department of the Inte-
19 rior and Related Agencies Appropriations Act, 2000, re-
20 garding the pilot program to enhance Forest Service ad-
21 ministration of rights-of-way (as enacted into law by sec-
22 tion 1000(a)(3) of Public Law 106–113; 113 Stat.
23 1501A–196; 16 U.S.C. 497 note), as amended, is amend-
24 ed—

1 (1) in subsection (a) by striking “2006” and in-
2 serting “2012”; and

3 (2) in subsection (b) by striking “2006” and in-
4 serting “2012”.

5 SEC. 416. Section 321 of the Department of the Inte-
6 rior and Related Agencies Appropriations Act, 2003, re-
7 garding Forest Service cooperative agreements with third
8 parties that are of mutually significant benefit (division
9 F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–
10 1 note) is amended by striking “September 30, 2007” and
11 inserting “September 30, 2010”.

12 TITLE V—GLOBAL CLIMATE CHANGE

13 SEC. 501. (a) The Congress finds that—

14 (1) greenhouse gases accumulating in the at-
15 mosphere are causing average temperatures to rise
16 at a rate outside the range of natural variability and
17 are posing a substantial risk of rising sea-levels, al-
18 tered patterns of atmospheric and oceanic circula-
19 tion, and increased frequency and severity of floods,
20 droughts, and wildfires;

21 (2) there is a growing scientific consensus that
22 human activity is a substantial cause of greenhouse
23 gas accumulation in the atmosphere; and

1 (3) mandatory steps will be required to slow or
2 stop the growth of greenhouse gas emissions into the
3 atmosphere.

4 (b) It is the sense of the Congress that there should
5 be enacted a comprehensive and effective national pro-
6 gram of mandatory, market-based limits and incentives on
7 emissions of greenhouse gases that slow, stop, and reverse
8 the growth of such emissions at a rate and in a manner
9 that: (1) will not significantly harm the United States
10 economy; and (2) will encourage comparable action by
11 other nations that are major trading partners and key con-
12 tributors to global emissions.

13 SEC. 502. No funds made available by this Act shall
14 be used to condemn land.

15 SEC. 503. None of the funds made available in this
16 Act may be used to plan, design, study, or construct, for
17 the purpose of harvesting timber by private entities or in-
18 dividuals, a forest development road in the Tongass Na-
19 tional Forest.

20 SEC. 504. The amount otherwise provided in this Act
21 for the “The Historic Preservation Fund” is hereby re-
22 duced by \$1,000,000 and increased by \$1,000,000.

1 TITLE VI—ADDITIONAL GENERAL PROVISIONS

2 SEC. 601. None of the funds made available in the
3 Act may be used to eliminate or restrict programs that
4 are for the reforestation of urban areas.

5 SEC. 602. None of the funds made available in the
6 Act may be used to limit outreach programs administered
7 by the Smithsonian Institution.

8 SEC. 603. None of the funds made available in this
9 Act may be used to purchase light bulbs unless the light
10 bulbs have the “ENERGY STAR” or “Federal Energy
11 Management Program” designation.

12 SEC. 604. None of the funds made available under
13 this Act may be used to promulgate or implement the En-
14 vironmental Protection Agency proposed regulations pub-
15 lished in the Federal Register on January 3, 2007 (72
16 Fed. Reg. 69).

17 SEC. 605. None of the Funds made available in this
18 Act for the Division of Criminal Investigation of the Envi-
19 ronmental Protection Agency may be used in contraven-
20 tion of the criminal investigator requirements of the Pollu-
21 tion Prevention Act of 1990 (Public Law 101–593).

22 SEC. 606. None of the funds made available by this
23 Act shall be used to prepare or publish final regulations
24 regarding a commercial leasing program for oil shale re-
25 sources on public lands pursuant to section 369(d) of the

1 Energy Policy Act of 2005 (Public Law 109–58) or to con-
2 duct an oil shale lease sale pursuant to subsection 369(e)
3 of such Act.

4 This Act may be cited as the “Department of the In-
5 terior, Environment, and Related Agencies Appropriations
6 Act, 2008”.

Passed the House of Representatives June 27, 2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 2643

AN ACT

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.