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.  

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $888,628,000, to remain available until expended, of which not to exceed $92,129,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $2,800,000 shall be available in fiscal year 2008 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects sup-

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porting conservation of Bureau lands; and such funds
shall be advanced to the Foundation as a lump sum grant
without regard to when expenses are incurred.

In addition, $20,000,000 is for the processing of ap-
plications for permit to drill and related use authoriza-
tions, to remain available until expended, to be reduced
by amounts collected by the Bureau and credited to this
appropriation that shall be derived from $1,866 per new
application for permit to drill that the Bureau shall collect
upon submission of each new application, and in addition,

$34,696,000 is for Mining Law Administration program
operations, including the cost of administering the mining
claim fee program; to remain available until expended, to
be reduced by amounts collected by the Bureau and cred-
ited to this appropriation from annual mining claim fees
so as to result in a final appropriation estimated at not
more than $888,628,000, and $2,000,000, to remain
available until expended, from communication site rental
fees established by the Bureau for the cost of admin-
istering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities,
roads, trails, and appurtenant facilities, $6,476,000 to re-
main available until expended.
LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $18,634,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,242,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).
FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
(REVOLVING FUND, SPECIAL ACCOUNT)

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

RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer,
purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $806,644,000, to remain available until expended, of which not to exceed $4,000,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repay-
ment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduc-
tion activities, may obtain maximum practicable competi-
tion among: (1) local private, nonprofit, or cooperative en-
tities; (2) Youth Conservation Corps crews, Public Lands
Corps (Public Law 109–154), or related partnerships with
State, local, or non-profit youth groups; (3) small or
micro-businesses; or (4) other entities that will hire or
train locally a significant percentage, defined as 50 per-
cent or more, of the project workforce to complete such
contracts: Provided further, That in implementing this sec-
tion, the Secretary shall develop written guidance to field
units to ensure accountability and consistent application
of the authorities provided herein: Provided further, That
funds appropriated under this head may be used to reim-
burse the United States Fish and Wildlife Service and the
National Marine Fisheries Service for the costs of carrying
out their responsibilities under the Endangered Species
Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
ference, as required by section 7 of such Act, in connection
with wildland fire management activities: Provided further,
That the Secretary of the Interior and the Secretary of
Agriculture may authorize the transfer of funds appro-
priated for wildland fire management, in an aggregate
amount not to exceed $9,000,000, between the Depart-
ments when such transfers would facilitate and expedite
jointly funded wildland fire management programs and
projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by 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 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 connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28 of title 30, United States Code, is amended: (1) in section 28 by striking the phrase “shall commence at 12 o’clock meridian on the 1st day of Sep-
tember’’ and inserting ‘‘shall commence at 12:01 ante meridiun on the 1st day of September’’; (2) in section 28f(a), by striking the phrase ‘‘for years 2004 through 2008’’; and (3) in section 28g, by striking the phrase ‘‘and before September 30, 2008,’’.

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

United States Fish and Wildlife Service

Resource Management

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,104,572,000, to remain available until September 30, 2009 except as otherwise provided herein: Provided,
That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $18,763,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,926,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2007: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.
CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $31,653,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $43,046,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
as amended, $81,001,000, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND
For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,202,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND
For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended, (16 U.S.C. 4401–4414), $42,646,000 to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION
For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND
STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $85,000,000, to remain available until expended: Provided, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not
more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: Provided further, That any
amount apportioned in 2008 to any State, territory, or
er other jurisdiction that remains unobligated as of Sep-
tember 30, 2009, shall be reapportioned, together with
funds appropriated in 2010, in the manner provided here-
in.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United
States Fish and Wildlife Service shall be available for re-
pair of damage to public roads within and adjacent to res-
ervation areas caused by operations of the Service; options
for the purchase of land at not to exceed $1 for each op-
tion; facilities incident to such public recreational uses on
conservation areas as are consistent with their primary
purpose; and the maintenance and improvement of aquar-
ia, buildings, and other facilities under the jurisdiction of
the Service and to which the United States has title, and
which are used pursuant to law in connection with man-
agement, and investigation of fish and wildlife resources:
Provided, That notwithstanding 44 U.S.C. 501, the Serv-
ice may, under cooperative cost sharing and partnership
arrangements authorized by law, procure printing services
from cooperators in connection with jointly produced pub-
lications for which the cooperators share at least one-half
the cost of printing either in cash or services and the Serv-
ice determines the cooperator is capable of meeting accept-
ed quality standards: *Provided further,* That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further,* That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further,* That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

**NATIONAL PARK SERVICE**

**OPERATION OF THE NATIONAL PARK SYSTEM**

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,046,809,000 (reduced by $1,000,000) (increased by $1,000,000) (increased by $1,000,000), of which $9,965,000 is for planning and interagency coordination
in support of Everglades restoration and shall remain available until expended; of which $100,164,000, to remain available until September 30, 2009, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, environmental studies, and comprehensive facility condition assessments; and of which $4,000,000 shall be for the Youth Conservation Corps and the Public Lands Corps (Public Law 109–154) for high priority projects.

CENTENNIAL CHALLENGE

For expenses necessary to carry out provisions of section 814(g) of Public Law 104–333 relating to challenge cost share agreements, $50,000,000, to remain available until expended for Centennial Challenge signature projects and programs: Provided, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, in-kind services, or a pledge of donation guaranteed by an irrevocable letter of credit.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual
aid for other activities, and grant administration, not otherwise provided for, $62,881,000.

HISTORIC PRESERVATION FUND

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $81,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2009; of which $20,000,000 shall be for Save America’s Treasures for preservation of nationally significant sites, structures, and artifacts and of which $10,000,000 shall be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: Provided, That any individual Save America’s Treasures or Preserve America grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: Provided further, That Save America’s Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.
CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $201,580,000, to remain available until expended: Provided, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: Provided further, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation.
LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2008 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $99,402,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $50,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

If the Secretary of the Interior considers that the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, misinterprets or misapplies relevant contractual requirements or their underlying legal authority, then the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims. This court may make an order affirming, vacating, modifying or correcting the determination.
In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for possessory interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

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

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

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UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,032,764,000, to remain available until September 30, 2009, of which $63,345,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $32,150,000 shall remain available until expended for satellite operations; of which $8,023,000 shall be available until expended for deferred maintenance and capital improvement projects; and of which $187,114,000 shall be for the biological research activity and the operation of the Cooperative Research
Units: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accom-
plished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $153,552,000, to remain available until September 30, 2009, of which $82,371,000 shall be available for royalty management ac-
tivities; and an amount not to exceed $135,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $135,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $135,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administra-
tion of the Coastal Impact Assistance Program authorized
by section 31 of the Outer Continental Shelf Lands Act,
as amended (43 U.S.C. 1456a), MMS in fiscal years 2008
through 2010 may retain up to three percent of the
amounts which are disbursed under section 31(b)(1), such
retained amounts to remain available until expended.

OIL SPILL RESEARCH

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

ADMINISTRATIVE PROVISIONS

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

None of the funds in this Act shall be used to transfer
funds from any Federal royalties, rents, and bonuses de-
ferred from Federal onshore and offshore oil and gas leases
issued under the Outer Continental Shelf Lands Act (43
U.S.C. 1331 et seq.) and the Mineral Leasing Act (30
U.S.C. 181 et seq.) into the Ultra-Deepwater and Uncon-
ventional Natural Gas and Other Petroleum Research Fund.

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

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $117,337,000, to remain available until September 30, 2009: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, mon-
ey collected in fiscal year 2008 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel at-
tending Office of Surface Mining Reclamation and En-
forcement sponsored training.

ABANDONED MINE RECLAMATION FUND

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

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation
and Professional Services program in this Act, the Sec-
retary may transfer title for computer hardware, software
and other technical equipment to State and tribal regu-
lar and reclamation programs.
For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,093,545,000 (reduced by $1,000,000) (increased by $1,000,000), to remain available until September 30, 2009 except as otherwise provided herein, of which not to exceed $80,179,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $149,628,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2008, as authorized by such Act, except
that federally-recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $487,500,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2008, and shall remain available until September 30, 2009; and of which not to exceed $66,822,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,060,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2007 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to grantees that enter into grants for the operation on or after July 1,
2007, of Bureau-operated schools: Provided further, That any forestry funds allocated to a federally-recognized tribe which remain unobligated as of September 30, 2009, may be transferred during fiscal year 2010 to an Indian forest land assistance account established for the benefit of the holder of the funds within the tribe’s trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2010.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $207,983,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for
the Safety of Dams program pursuant to 25 U.S.C. 13
shall be made available on a nonreimbursable basis: Pro-
vided further, That for fiscal year 2008, in implementing
new construction or facilities improvement and repair
project grants in excess of $100,000 that are provided to
grant schools under Public Law 100–297, as amended, the
Secretary of the Interior shall use the Administrative and
Audit Requirements and Cost Principles for Assistance
Programs contained in 43 CFR part 12 as the regulatory
requirements: Provided further, That such grants shall not
be subject to section 12.61 of 43 CFR; the Secretary and
the grantee shall negotiate and determine a schedule of
payments for the work to be performed: Provided further,
That in considering applications, the Secretary shall con-
sider whether such grantee would be deficient in assuring
that the construction projects conform to applicable build-
ing standards and codes and Federal, tribal, or State
health and safety standards as required by 25 U.S.C.
2005(b), with respect to organizational and financial man-
agement capabilities: Provided further, That if the Sec-
retary declines an application, the Secretary shall follow
the requirements contained in 25 U.S.C. 2504(f): Provided
further, That any disputes between the Secretary and any
grantee concerning a grant shall be subject to the disputes
 provision in 25 U.S.C. 2507(e): Provided further, That in
order to ensure timely completion of replacement school
construction projects, the Secretary may assume control
of a project and all funds related to the project, if, within
eighteen months of the date of enactment of this Act, any
grantee receiving funds appropriated in this Act or in any
prior Act, has not completed the planning and design
phase of the project and commenced construction of the
replacement school: *Provided further,* That this Appropria-
tion may be reimbursed from the Office of the Special
Trustee for American Indians Appropriation for the ap-
propriate share of construction costs for space expansion
needed in agency offices to meet trust reform implementa-
tion.

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

For payments and necessary administrative expenses
for implementation of Indian land and water claim settle-
ments pursuant to Public Laws 99–264, 100–580, 101–
479, and for implementation of other land and water
rights settlements, $39,136,000 to remain available until
expended.

**INDIAN GUARANTEED LOAN PROGRAM ACCOUNT**

For the cost of guaranteed and insured loans,
$6,276,000, of which $700,000 is for administrative ex-
penses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $85,506,098.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

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

In the event any federally-recognized tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government’s trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe’s ability to access future appropriations.

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

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved
by the Secretary of the Interior at each school in the Bu-
reau school system as of October 1, 1995. Funds made
available under this Act may not be used to establish a
charter school at a Bureau-funded school (as that term
is defined in section 1146 of the Education Amendments
of 1978 (25 U.S.C. 2026)), except that a charter school
that is in existence on the date of the enactment of this
Act and that has operated at a Bureau-funded school be-
fore September 1, 1999, may continue to operate during
that period, but only if the charter school pays to the Bu-
reau a pro rata share of funds to reimburse the Bureau
for the use of the real and personal property (including
buses and vans), the funds of the charter school are kept
separate and apart from Bureau funds, and the Bureau
does not assume any obligation for charter school pro-
grams of the State in which the school is located if the
charter school loses such funding. Employees of Bureau-
funded schools sharing a campus with a charter school and
performing functions related to the charter school’s oper-
ation and employees of a charter school shall not be treat-
ed as Federal employees for purposes of chapter 171 of
title 28, United States Code.

Notwithstanding 25 U.S.C. 2007(d), and imple-
menting regulations, the funds reserved from the Indian
Student Equalization Program to meet emergencies and
unforeseen contingencies affecting education programs appropriated herein and in Public Law 109–54 may be used for costs associated with significant student enrollment increases at Bureau-funded schools during the relevant school year.

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

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $136,413,000 (reduced by $1,000,000) (reduced by $5,000,000) (reduced by $23,000,000), of which $35,262,000 (reduced by $23,000,000) for activities related to the Financial and Business Management System shall remain available until expended, and of which not to exceed $15,000 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers com-
pensation payments and unemployment compensation pay-
ments associated with the orderly closure of the United
States Bureau of Mines.

**INSULAR AFFAIRS**

**ASSISTANCE TO TERRITORIES**

For expenses necessary for assistance to territories
under the jurisdiction of the Department of the Interior,
$78,292,000, of which: (1) $69,816,000 shall be available
until expended for technical assistance, including mainte-
nance assistance, disaster assistance, insular management
controls, coral reef initiative activities, and brown tree
snake control and research; grants to the judiciary in
American Samoa for compensation and expenses, as au-
thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
ment of American Samoa, in addition to current local rev-
enues, for construction and support of governmental func-
tions; grants to the Government of the Virgin Islands as
authorized by law; grants to the Government of Guam,
as authorized by law; and grants to the Government of
the Northern Mariana Islands as authorized by law (Pub-
lic Law 94–241; 90 Stat. 272); and (2) $8,476,000 shall
be available until September 30, 2009 for salaries and ex-
penses of the Office of Insular Affairs: **Provided, That all
financial transactions of the territorial and local govern-
ments herein provided for, including such transactions of
all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided
pursuant to section 404 of the Robert T. Stafford Disaster
Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

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

Office of the Solicitor

Salaries and Expenses

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

Office of Inspector General

Salaries and Expenses

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

Office of Special Trustee for American Indians

Federal Trust Programs

For the operation of trust programs by direct expend-
iture, contracts, cooperative agreements, compacts, and
grants, $182,542,000, to remain available until expended,
of which not to exceed $56,384,000 from this or any other
Act, shall be available for historical accounting: *Provided*,

That funds for trust management improvements and liti-
gation support may, as needed, be transferred to or
merged with the Bureau of Indian Affairs, “Operation of
Indian Programs” account; the Office of the Solicitor,
“Salaries and Expenses” account; and the Office of the
Secretary, “Salaries and Expenses” account: *Provided fur-
ther*, That funds made available through contracts or
grants obligated during fiscal year 2008, as authorized by
et seq.), shall remain available until expended by the con-
tractor or grantee: *Provided further*, That, notwith-
standing any other provision of law, the statute of limita-
tions shall not commence to run on any claim, including
any claim in litigation pending on the date of the enact-
ment of this Act, concerning losses to or mismanagement
of trust funds, until the affected tribe or individual Indian
has been furnished with an accounting of such funds from
which the beneficiary can determine whether there has
been a loss: *Provided further*, That, notwithstanding any
other provision of law, the Secretary shall not be required
to provide a quarterly statement of performance for any
Indian trust account that has not had activity for at least
18 months and has a balance of $15.00 or less: *Provided
further*, That the Secretary shall issue an annual account
statement and maintain a record of any such accounts and
shall permit the balance in each such account to be with-
drawn upon the express written request of the account
holder: Provided further, That not to exceed $50,000 is
available for the Secretary to make payments to correct
administrative errors of either disbursements from or de-
posits to Individual Indian Money or Tribal accounts after
September 30, 2002: Provided further, That erroneous
payments that are recovered shall be credited to and re-
main available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian
lands and expenses associated with redetermining and re-
distributing escheated interests in allotted lands, and for
necessary expenses to carry out the Indian Land Consoli-
dation Act of 1983, as amended, by direct expenditure or
cooperative agreement, $10,000,000, to remain available
until expended, and which may be transferred to the Bu-
reau of Indian Affairs and Office of the Secretary ac-
counts.

DEPARTMENT-WIDE PROGRAMS

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of Octo-
ber 20, 1976, as amended (31 U.S.C. 6901–6907),
$232,528,000 (increased by $20,148,000), of which not
to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,954,000, to remain available until expended: Provided, That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.
NATURAL RESOURCE DAMAGE ASSESSMENT AND

RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and
restoration activities by the Department of the Interior
necessary to carry out the provisions of the Comprehensive
Environmental Response, Compensation, and Liability
Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
Pollution Control Act, as amended (33 U.S.C. 1251 et
seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et
seq.), and Public Law 101–337, as amended (16 U.S.C.
19jj et seq.), $6,224,000, to remain available until ex-
pended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from avail-
able resources within the Working Capital Fund, 15 air-
craft, 10 of which shall be for replacement and which may
be obtained by donation, purchase or through available ex-
cess surplus property: Provided, That existing aircraft
being replaced may be sold, with proceeds derived or
trade-in value used to offset the purchase price for the
replacement aircraft.
SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subse-
quent to actual oil spills; for response and natural resource
damage assessment activities related to actual oil spills;
for the prevention, suppression, and control of actual or
potential grasshopper and Mormon cricket outbreaks on
lands under the jurisdiction of the Secretary, pursuant to
the authority in section 1773(b) of Public Law 99–198
(99 Stat. 1658); for emergency reclamation projects under
section 410 of Public Law 95–87; and shall transfer, from
any no year funds available to the Office of Surface Min-
ing Reclamation and Enforcement, such funds as may be
necessary to permit assumption of regulatory authority in
the event a primacy State is not carrying out the regu-
latory provisions of the Surface Mining Act: Provided,
That appropriations made in this title for wildland fire
operations shall be available for the payment of obligations
incurred during the preceding fiscal year, and for reim-
bursement to other Federal agencies for destruction of ve-
hicles, aircraft, or other equipment in connection with
their use for wildland fire operations, such reimbursement
to be credited to appropriations currently available at the
time of receipt thereof: Provided further, That for wildland
fire operations, no funds shall be made available under
this authority until the Secretary determines that funds
appropriated for “wildland fire operations” shall be ex-
hausted within 30 days: Provided further, That all funds
used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President’s moratorium statement of June 12, 1998, in the areas of northern, central, and
southern California; the North Atlantic; Washington and
Oregon; and the eastern Gulf of Mexico south of 26 de-
grees north latitude and east of 86 degrees west longitude.

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

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

SEC. 107. Notwithstanding any other provision of
law, the Secretary of the Interior is authorized to redis-
tribute any Tribal Priority Allocation funds, including
tribal base funds, to alleviate tribal funding inequities by
transferring funds to address identified, unmet needs,
dual enrollment, overlapping service areas or inaccurate
distribution methodologies. No federally-recognized tribe
shall receive a reduction in Tribal Priority Allocation
funds of more than 10 percent in fiscal year 2008. Under
circumstances of dual enrollment, overlapping service
areas or inaccurate distribution methodologies, the 10 per-
cent limitation does not apply.

SEC. 108. Notwithstanding any other provision of
law, in conveying the Twin Cities Research Center under
the authority provided by Public Law 104–134, as amend-
ed by Public Law 104–208, the Secretary may accept and
retain land and other forms of reimbursement: Provided,
That the Secretary may retain and use any such reim-
bursement until expended and without further appropria-
tion: (1) for the benefit of the National Wildlife Refuge
System within the State of Minnesota; and (2) for all ac-

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

SEC. 110. None of the funds in this or any other Act
can be used to compensate the Special Master and the
Special Master-Monitor, and all variations thereto, ap-
pointed by the United States District Court for the Dis-
strict of Columbia in the Cobell v. Kempthorne litigation
at an annual rate that exceeds 200 percent of the highest
Senior Executive Service rate of pay for the Washington-
Baltimore locality pay area.

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

SEC. 112. The United States Fish and Wildlife Serv-
ice shall, in carrying out its responsibilities to protect
threatened and endangered species of salmon, implement
a system of mass marking of salmonid stocks, intended
for harvest, that are released from federally-operated or
federally-financed hatcheries including but not limited to
fish releases of coho, chinook, and steelhead species.
Marked fish must have a visible mark that can be readily
identified by commercial and recreational fishers.
SEC. 113. Notwithstanding any implementation of the Department of the Interior’s trust reorganization or reengineering plans, or the implementation of the “To Be” Model, funds appropriated for fiscal year 2008 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior’s trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Depart-
ment shall provide funds to the federally-recognized tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the federally-recognized tribes or their members.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 115. None of the funds made available in this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to any lessee under an existing lease issued by the Department
of the Interior pursuant to the Outer Continental Shelf
Deep Water Royalty Relief Act (43 U.S.C. 1337 note),
where such existing lease is not subject to limitations on
royalty relief based on market price.

TITLE II—ENVIRONMENTAL PROTECTION

AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and
development activities, which shall include research and
development activities under the Comprehensive Environ-
mental Response, Compensation, and Liability Act of
1980, as amended; necessary expenses for personnel and
related costs and travel expenses, including uniforms, or
allowances therefor, as authorized by 5 U.S.C. 5901–
5902; services as authorized by 5 U.S.C. 3109, but at
rates for individuals not to exceed the per diem rate equiv-
alent to the maximum rate payable for senior level posi-
tions under 5 U.S.C. 5376; procurement of laboratory
equipment and supplies; other operating expenses in sup-
port of research and development; construction, alteration,
repair, rehabilitation, and renovation of facilities, not to
exceed $85,000 per project, $788,269,000 (reduced by
$5,000,000) (reduced by $1,000,000) (increased by
$1,000,000) (reduced by $3,884,000) (increased by
For expenses necessary for support of the activities of the Commission on Climate Change Adaptation and Mitigation established by this Act, $50,000,000, to remain available until the termination of the Commission on September 30, 2009: Provided, That $5,000,000 shall be available to the Administrator of the Environmental Protection Agency for the direct support of the Commission in reviewing science challenges related to adaptation and mitigation strategies necessitated by climate change, and for identification of specific action steps to address these challenges: Provided further, That funding allocated for direct support of Commission activities shall include the salaries and expenses of Commission staff, travel and related costs of Commission members and for the contractual costs of the National Academy of Sciences: Provided further, That, not later than July 1, 2008, the remaining $45,000,000 shall be transferred by the Administrator to agencies or offices of the Federal Government with climate science responsibilities for implementation of Commission recommendations.
The Commission established and financed with this appropriation shall consist of the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Director of the United States Geological Survey, the Undersecretary for Science of the Department of Energy, the Administrator of the National Oceanographic and Atmospheric Administration, the Chief of the United States Forest Service, the President of the National Academy of Sciences, who shall serve as the Commission’s Chairman, the President of the National Academy of Engineering, and six additional members with appropriate expertise, to be selected by the Chairman.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in soci-

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ettes or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,375,582,000 (reduced by $5,000,000) (reduced by $2,500,000) (increased by $2,500,000), to remain available until September 30, 2009, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $43,500,000, to remain available until September 30, 2009.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,801,000, to remain available until expended.
HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,272,008,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2007, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,272,008,000, as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2009, and $26,126,000 shall be paid to the “Science and Technology” appropriation, to remain available until September 30, 2009.
LEAKING UNDERGROUND STORAGE TANK TRUST FUND

PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, and for construction, alteration, repair, rehabilitation, and renovation of Environmental Protection Agency facilities, not to exceed $85,000 per project, $117,961,000 to remain available until expended, of which $82,461,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally-recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, $17,280,000, to be derived from
the Oil Spill Liability trust fund, to remain available until
expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assis-
tance, including capitalization grants for State revolv-
ing funds and performance partnership grants,
$3,391,514,000 (increased by $15,000,000), to remain
available until expended, of which $1,125,000,000 shall be
for making capitalization grants for the Clean Water State
Revolving Funds under title VI of the Federal Water Pol-
lution Control Act, as amended (the “Act’’); of which up
to $75,000,000 shall be available for loans, including in-
terest free loans as authorized by 33 U.S.C.
1383(d)(1)(A), to municipal, inter-municipal, interstate,
or State agencies or nonprofit entities for projects that
provide treatment for or that minimize sewage or
stormwater discharges using one or more approaches
which include, but are not limited to, decentralized or dis-
tributed stormwater controls, decentralized wastewater
treatment, low-impact development practices, conservation
casements, stream buffers, or wetlands restoration;
$842,167,000 shall be for capitalization grants for the
Drinking Water State Revolving Funds under section
1452 of the Safe Drinking Water Act, as amended;
$10,000,000 (increased by $15,000,000) shall be for ar-
chitectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $10,500,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, 2005, the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $140,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the
project unless the grantee is approved for a waiver by the
Agency; $100,000,000 shall be to carry out section 104(k)
of the Comprehensive Environmental Response, Com-
pensation, and Liability Act of 1980 (CERCLA), as
amended, including grants, interagency agreements, and
associated program support costs; $50,000,000 shall be
for grants under title VII, subtitle G of the Energy Policy
Act of 2005, as amended; and $1,113,847,000 shall be
for grants, including associated program support costs, to
States, federally-recognized tribes, interstate agencies,
tribal consortia, and air pollution control agencies for
multi-media or single media pollution prevention, control
and abatement and related activities, including activities
pursuant to the provisions set forth under this heading
in Public Law 104–134, and for making grants under sec-
tion 103 of the Clean Air Act for particulate matter moni-
toring and data collection activities subject to terms and
conditions specified by the Administrator, of which
$49,495,000 shall be for carrying out section 128 of
CERCLA, as amended, $10,000,000 shall be for Environ-
mental Information Exchange Network grants, including
associated program support costs, $18,500,000 of the
funds available for grants under section 106 of the Act
shall be for water quality monitoring activities,
$25,000,000 shall be for making competitive targeted wa-
tershed grants, and, in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(e) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for financial assistance to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2008 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2008, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally-recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal
year 2008, notwithstanding the limitation on amounts in
section 518(e) of the Act, up to a total of 1\(\frac{1}{2}\) percent
of the funds appropriated for State Revolving Funds
under title VI of that Act may be reserved by the Adminis-
trator for grants under section 518(e) of that Act: Pro-
vided further, That no funds provided by this appropria-
tions Act to address the water, wastewater and other crit-
ical infrastructure needs of the colonias in the United
States along the United States-Mexico border shall be
made available to a county or municipal government un-
less that government has established an enforceable local
ordinance, or other zoning rule, which prevents in that ju-
risdiction the development or construction of any addi-
tional colonia areas, or the development within an existing
colonia the construction of any new home, business, or
other structure which lacks water, wastewater, or other
necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL
PROTECTION AGENCY

(INCLUDING RESCISSIONS OF FUNDS)

For fiscal year 2008, notwithstanding 31 U.S.C.
6303(1) and 6305(1), the Administrator of the Environ-
mental Protection Agency, in carrying out the Agency’s
function to implement directly Federal environmental pro-
grams required or authorized by law in the absence of an
acceptable tribal program, may award cooperative agree-
ments to federally-recognized Indian Tribes or Intertribal
consortia, if authorized by their member Tribes, to assist
the Administrator in implementing Federal environmental
programs for Indian Tribes required or authorized by law,
except that no such cooperative agreements may be award-
ed from funds designated for State financial assistance
agreements.

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

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

From unobligated balances to carry out projects and
activities authorized under section 206(a) of the Federal
Water Pollution Control Act, $5,000,000 are hereby re-
scinded.
None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Of the funds provided in the Environmental Programs and Management account, not less than $2,000,000 shall be available to take such actions as are necessary for the proposal of regulations requiring the reduction of greenhouse gas emissions and to publish such proposed regulations.

### TITLE III—RELATED AGENCIES

#### DEPARTMENT OF AGRICULTURE

**Forest Service**

**FOREST AND RANGELAND RESEARCH**

For necessary expenses of forest and rangeland research as authorized by law, $295,937,000, to remain available until expended: *Provided, That of the funds provided, $62,329,000 is for the forest inventory and analysis program.*

**STATE AND PRIVATE FORESTRY**

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health man-
agement, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $280,602,000, to remain available until expended, as authorized by law; of which $8,000,000 is for the International Program; and of which $56,336,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,506,502,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances under this heading available at the start of fiscal year 2008 shall be displayed by budget line item in the fiscal year 2009 budget justification.
CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $480,197,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities, and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205; and in addition $40,000,000 to be transferred from the timber roads purchaser election fund and merged with this account, to remain available until expended: Provided, That $65,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources and for urgently needed road repairs required due to recent storm events: Provided further, That up to $65,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system,
which are no longer needed: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2008 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $44,485,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National
Forests, California, as authorized by law, $1,053,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.
GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,053,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,974,648,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further,
That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2007 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further,
That of the funds provided, $310,258,000 is for hazardous fuels reduction activities, $18,000,000 is for rehabilitation and restoration, $23,500,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,221,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $14,252,000 is for forest health activities on Federal lands and $10,014,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the “State and Private Forestry”, “National Forest System”, and “Forest and Rangeland Research” accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, joint fire sciences, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be
shared, as mutually agreed on by the affected parties: \textit{Provided further}, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $10,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: \textit{Provided further}, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: \textit{Provided further}, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: \textit{Provided further}, That of the funds provided for hazardous fuels reduction, not to exceed $7,000,000, may be used to make grants, using any authorities available to the Forest Service under
the State and Private Forestry appropriation, for the pur-
pose of creating incentives for increased use of biomass
from national forest lands: Provided further, That funds
designated for wildfire suppression shall be assessed for
cost pools on the same basis as such assessments are cal-
culated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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

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

Funds appropriated to the Forest Service shall be
available for assistance to or through the Agency for Inter-
national Development in connection with forest and range-
land research, technical information, and assistance in for-
eign countries, and shall be available to support forestry
and related natural resource activities outside the United
States and its territories and possessions, including tech-
nical assistance, education and training, and cooperation
with United States and international organizations.
None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than $73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $24,021,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture’s National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $5,000,000.
for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps or the Public Lands Corps (Public Law 109–154).

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

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $100,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further,
That authorized investments of Federal funds held by the
Foundation may be made only in interest-bearing obliga-
tions of the United States or in obligations guaranteed as
to both principal and interest by the United States.

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

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

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

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

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with re-
respect to the Indian Health Service, $3,023,532,000, to re-
main available until September 30, 2009, except as other-
wise provided herein, together with payments received dur-
ing the fiscal year pursuant to 42 U.S.C. 238(b) for serv-
ices furnished by the Indian Health Service: Provided,
That funds made available to tribes and tribal organiza-
tions through contracts, grant agreements, or any other
agreements or compacts authorized by the Indian Self-Del-
termination and Education Assistance Act of 1975 (25
U.S.C. 450), shall be deemed to be obligated at the time
of the grant or contract award and thereafter shall remain
available to the tribe or tribal organization without fiscal
year limitation: Provided further, That up to $18,000,000
shall remain available until expended, for the Indian Cata-
strophic Health Emergency Fund: Provided further, That
not less than $561,515,000 shall be for contract medical
care: Provided further, That of the funds provided, up to
$32,000,000, to remain available until expended, shall be
used to carry out the loan repayment program under sec-
tion 108 of the Indian Health Care Improvement Act: Pro-
vided further, That funds provided in this Act may be used
for one-year contracts and grants which are to be per-
formed in two fiscal years, so long as the total obligation
is recorded in the year for which the funds are appro-
priated: Provided further, That the amounts collected by
the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613), shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $274,638,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2008, of which not to exceed $5,000,000 may be used for contract support costs associated with new or ex-
panded self-determination contracts, grants, self-govern-
ance compacts or annual funding agreements: Provided

further, That the Bureau of Indian Affairs may collect
from the Indian Health Service and tribes and tribal orga-
nizations operating health facilities pursuant to Public
Law 93–638 such individually identifiable health informa-
tion relating to disabled children as may be necessary for
the purpose of carrying out its functions under the Indi-
viduals with Disabilities Education Act, 20 U.S.C. 1400,
et seq.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement,
and equipment of health and related auxiliary facilities,
including quarters for personnel; preparation of plans,
specifications, and drawings; acquisition of sites, purchase
and erection of modular buildings, and purchases of trail-
ers; and for provision of domestic and community sanita-
tion facilities for Indians, as authorized by section 7 of
the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
Self-Determination Act, and the Indian Health Care Im-
provement Act, and for expenses necessary to carry out
such Acts and titles II and III of the Public Health Serv-
ice Act with respect to environmental health and facilities
support activities of the Indian Health Service,
$360,895,000, to remain available until expended: Pro-
vided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of a federally-recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the “Indian Health Services” account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.
Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation.
Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain
available to the tribe or tribal organization without fiscal
year limitation.

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

With respect to functions transferred by the Indian
Health Service to tribes or tribal organizations, the Indian
Health Service is authorized to provide goods and services
to those entities, on a reimbursable basis, including pay-
ment in advance with subsequent adjustment. The reim-
bursements received therefrom, along with the funds re-
ceived from those entities pursuant to the Indian Self-Dé-
termination Act, may be credited to the same or subse-
quently appropriation account which provided the funding.

Such amounts shall remain available until expended.

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

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,117,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund
Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,212,000 (increased by $1,000,000) (reduced by $1,000,000), of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Envi-
ronmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,703,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,549,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, that notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the
position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $9,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office
shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

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

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five
replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $536,295,000, of which $1,578,000 for fellowships and scholarly awards shall remain available until September 30, 2009, including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

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

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939.
(Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $101,850,000, of which not to exceed $3,239,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $18,017,000, to remain available
until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

**JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS**

**OPERATIONS AND MAINTENANCE**

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $20,200,000.

**CAPITAL REPAIR AND RESTORATION**

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $23,150,000, to remain available until expended.

**WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS**

**SALARIES AND EXPENSES**

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,000,000.
NATIONAL FOUNDATION ON THE ARTS AND THE

HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $160,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $145,500,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.
To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,500,000, to remain available until expended, of which $9,500,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the Na-
nitional Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further,* That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson: *Provided further,* That section 309(1) of division E, Public Law 108–447, is amended by inserting “National Opera Fellowship,” after “National Heritage Fellowship”.

**COMMISSION OF FINE ARTS**

**SALARIES AND EXPENSES**

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

**NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS**

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $10,000,000: *Provided,* That no organization shall receive a grant in excess of $650,000 in a single year.
ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

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

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

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

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $44,996,000, of which $515,000 for the equipment replacement program shall remain available until September 30, 2009; and $1,900,000 for the museum’s repair and rehabilitation program and $1,264,000 for the muse-
um’s exhibition design and production program shall re-
main available until expended.

Presidio Trust

Presidio Trust Fund

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

White House Commission on the National
Moment of Remembrance
Salaries and Expenses
(Including Transfer of Funds)

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

Title IV—General Provisions

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

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

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

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

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

Sec. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transferred provided in, this Act or any other Act.

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

Sec. 408. (a) Limitation of funds.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

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

(c) REPORT.—On September 30, 2008, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

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

SEC. 409. Notwithstanding any other provision of
law, amounts appropriated in committee reports for the
Bureau of Indian Affairs and the Indian Health Service
by Public Laws 103–138, 103–332, 104–134, 104–208,
Continuing Appropriations Resolution, 2007 (division B of
Public Law 109–289, as amended by Public Law 110–
5) for payments for contract support costs associated with
self-determination or self-governance contracts, grants,
compacts, or annual funding agreements with the Bureau
of Indian Affairs or the Indian Health Service as funded
by such Acts, are the total amounts available for fiscal
years 1994 through 2007 for such purposes, except that
the Bureau of Indian Affairs and federally-recognized
tribes may use their tribal priority allocations for unmet
contract support costs of ongoing contracts, grants, self-
governance compacts or annual funding agreements.

SEC. 410. Prior to October 1, 2008, the Secretary
of Agriculture shall not be considered to be in violation
of subparagraph 6(f)(5)(A) of the Forest and Rangeland
1604(f)(5)(A)) solely because more than 15 years have
passed without revision of the plan for a unit of the Na-
tional Forest System. Nothing in this section exempts the
Secretary from any other requirement of the Forest and
Rangeland Renewable Resources Planning Act (16 U.S.C.
1600 et seq.) or any other law: Provided, That if the Sec-
etary is not acting expeditiously and in good faith, within
the funding available, to revise a plan for a unit of the
National Forest System, this section shall be void with re-
spect to such plan and a court of proper jurisdiction may
order completion of the plan on an accelerated basis.

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

Sec. 412. In entering into agreements with foreign
countries pursuant to the Wildfire Suppression Assistance
Act (42 U.S.C. 1856m) the Secretary of Agriculture and
the Secretary of the Interior are authorized to enter into
reciprocal agreements in which the individuals furnished
under said agreements to provide wildfire services are con-
sidered, for purposes of tort liability, employees of the
country receiving said services when the individuals are
engaged in fire suppression: Provided, That the Secretary
of Agriculture or the Secretary of the Interior shall not
enter into any agreement under this provision unless the
foreign country (either directly or through its fire organi-
zation) agrees to assume any and all liability for the acts
or omissions of American firefighters engaged in fire-
fighting in a foreign country: Provided further, That when
an agreement is reached for furnishing fire fighting serv-
ices, the only remedies for acts or omissions committed
while fighting fires shall be those provided under the laws
of the host country, and those remedies shall be the exclu-
sive remedies for any claim arising out of fighting fires
in a foreign country: Provided further, That neither the
sending country nor any legal organization associated with
the firefighter shall be subject to any legal action whatso-
ever pertaining to or arising out of the firefighter’s role
in fire suppression.

Sec. 413. In awarding a Federal contract with funds
made available by this Act, notwithstanding Federal Gov-
ernment procurement and contracting laws, the Secretary
of Agriculture and the Secretary of the Interior (the “Sec-
retaries”) may, in evaluating bids and proposals, give con-
sideration to local contractors who are from, and who pro-
vide employment and training for, dislocated and displaced
workers in an economically disadvantaged rural commu-
nity, including those historically timber-dependent areas
that have been affected by reduced timber harvesting on
Federal lands and other forest-dependent rural commu-
nities isolated from significant alternative employment op-
portunities: Provided, That notwithstanding Federal Gov-
ernment procurement and contracting laws the Secretaries
may award contracts, grants or cooperative agreements to
local non-profit entities, Youth Conservation Corps or re-
lated partnerships with State, local or non-profit youth
groups, or small or micro-business or disadvantaged busi-
ness: Provided further, That the contract, grant, or cooper-
ative agreement is for forest hazardous fuels reduction,
watershed or water quality monitoring or restoration, wild-
life or fish population monitoring, or habitat restoration
or management: Provided further, That the terms “rural
community” and “economically disadvantaged” shall have
the same meanings as in section 2374 of Public Law 101–
624: Provided further, That the Secretaries shall develop
guidance to implement this section: Provided further, That
nothing in this section shall be construed as relieving the
Secretaries of any duty under applicable procurement
laws, except as provided in this section.
SEC. 414. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

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

(2) None of the funds available to the Forest Service may be used in fiscal year 2008 for competitive sourcing studies and related activities.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing
competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

(d) In carrying out any competitive sourcing study involving Department of the Interior employees, the Secretary of the Interior shall—

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

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Department of the Interior to effectively and efficiently fight and manage wildfires.

Sec. 415. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000, regarding the pilot program to enhance Forest Service administration of rights-of-way (as enacted into law by section 1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as amended, is amended—
(1) in subsection (a) by striking “2006” and insert­-ing “2012”; and

(2) in subsection (b) by striking “2006” and insert­-ing “2012”.


TITLE V—GLOBAL CLIMATE CHANGE

Sec. 501. (a) The Congress finds that—

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

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and
(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

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

Sec. 502. No funds made available by this Act shall be used to condemn land.

Sec. 503. None of the funds made available in this Act may be used to plan, design, study, or construct, for the purpose of harvesting timber by private entities or individuals, a forest development road in the Tongass National Forest.

Sec. 504. The amount otherwise provided in this Act for the “The Historic Preservation Fund” is hereby reduced by $1,000,000 and increased by $1,000,000.
TITLE VI—ADDITIONAL GENERAL PROVISIONS

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

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

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

Sec. 604. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

Sec. 605. None of the Funds made available in this Act for the Division of Criminal Investigation of the Environmental Protection Agency may be used in contravention of the criminal investigator requirements of the Pollution Prevention Act of 1990 (Public Law 101–593).

Sec. 606. None of the funds made available by this Act shall be used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to section 369(d) of the
Energy Policy Act of 2005 (Public Law 109–58) or to conduct an oil shale lease sale pursuant to subsection 369(e) of such Act.

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008”.


Attest:

Clerk.
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.

For other purposes.

the fiscal year ending September 30, 2008, and

AN ACT

H. R. 2643