

Union Calendar No. 111

110TH CONGRESS
1ST SESSION

H. R. 2643

[Report No. 110-187]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2007

Mr. DICKS, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior, environment, and related

1 agencies for the fiscal year ending September 30, 2008,
2 and for other purposes, namely:

3 TITLE I—DEPARTMENT OF THE INTERIOR

4 BUREAU OF LAND MANAGEMENT

5 MANAGEMENT OF LANDS AND RESOURCES

6 For necessary expenses for protection, use, improve-
7 ment, development, disposal, cadastral surveying, classi-
8 fication, acquisition of easements and other interests in
9 lands, and performance of other functions, including main-
10 tenance of facilities, as authorized by law, in the manage-
11 ment of lands and their resources under the jurisdiction
12 of the Bureau of Land Management, including the general
13 administration of the Bureau, and assessment of mineral
14 potential of public lands pursuant to Public Law 96–487
15 (16 U.S.C. 3150(a)), \$888,628,000, to remain available
16 until expended, of which not to exceed \$92,129,000 is
17 available for oil and gas management; and of which
18 \$1,500,000 is for high priority projects, to be carried out
19 by the Youth Conservation Corps; and of which
20 \$2,800,000 shall be available in fiscal year 2008 subject
21 to a match by at least an equal amount by the National
22 Fish and Wildlife Foundation for cost-shared projects sup-
23 porting conservation of Bureau lands; and such funds
24 shall be advanced to the Foundation as a lump sum grant
25 without regard to when expenses are incurred.

1 interests therein, \$18,634,000 to be derived from the
2 Land and Water Conservation Fund and to remain avail-
3 able until expended.

4 OREGON AND CALIFORNIA GRANT LANDS

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

22 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
23 (REVOLVING FUND, SPECIAL ACCOUNT)

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

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

11 RANGE IMPROVEMENTS

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

1 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

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

4 MISCELLANEOUS TRUST FUNDS

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

13 WILDLAND FIRE MANAGEMENT

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for fire preparedness, sup-
16 pression operations, fire science and research, emergency
17 rehabilitation and hazardous fuels reduction by the De-
18 partment of the Interior, \$806,644,000, to remain avail-
19 able until expended, of which not to exceed \$4,000,000
20 shall be for the renovation or construction of fire facilities:
21 *Provided*, That such funds are also available for repay-
22 ment of advances to other appropriation accounts from
23 which funds were previously transferred for such purposes:
24 *Provided further*, That persons hired pursuant to 43
25 U.S.C. 1469 may be furnished subsistence and lodging

1 without cost from funds available from this appropriation:
2 *Provided further*, That notwithstanding 42 U.S.C. 1856d,
3 sums received by a bureau or office of the Department
4 of the Interior for fire protection rendered pursuant to 42
5 U.S.C. 1856 et seq., protection of United States property,
6 may be credited to the appropriation from which funds
7 were expended to provide that protection, and are avail-
8 able without fiscal year limitation: *Provided further*, That
9 using the amounts designated under this title of this Act,
10 the Secretary of the Interior may enter into procurement
11 contracts, grants, or cooperative agreements, for haz-
12 ardous fuels reduction activities, and for training and
13 monitoring associated with such hazardous fuels reduction
14 activities, on Federal land, or on adjacent non-Federal
15 land for activities that benefit resources on Federal land:
16 *Provided further*, That the costs of implementing any co-
17 operative agreement between the Federal Government and
18 any non-Federal entity may be shared, as mutually agreed
19 on by the affected parties: *Provided further*, That notwith-
20 standing requirements of the Competition in Contracting
21 Act, the Secretary, for purposes of hazardous fuels reduc-
22 tion activities, may obtain maximum practicable competi-
23 tion among: (1) local private, nonprofit, or cooperative en-
24 tities; (2) Youth Conservation Corps crews, Public Lands
25 Corps (Public Law 109–154), or related partnerships with

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

1 ADMINISTRATIVE PROVISIONS

2 Appropriations for the Bureau of Land Management
3 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
4 which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information
5 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
6 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
7 connection with jointly produced publications for which the cooperators share the cost of printing either in cash
8 or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

9 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 September"
10 and inserting "shall commence at 12:01 ante meridian on the 1st day of September"; (2) in section 28f(a),
11 by striking the phrase "for years 2004 through 2008";

1 and (3) in section 28g, by striking the phrase “and before
2 September 30, 2008,”.

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

11 UNITED STATES FISH AND WILDLIFE SERVICE

12 RESOURCE MANAGEMENT

13 For necessary expenses of the United States Fish and
14 Wildlife Service, as authorized by law, and for scientific
15 and economic studies, maintenance of the herd of long-
16 horned cattle on the Wichita Mountains Wildlife Refuge,
17 general administration, and for the performance of other
18 authorized functions related to such resources by direct
19 expenditure, contracts, grants, cooperative agreements
20 and reimbursable agreements with public and private enti-
21 ties, \$1,104,572,000, to remain available until September
22 30, 2009 except as otherwise provided herein: *Provided*,
23 That \$2,500,000 is for high priority projects, which shall
24 be carried out by the Youth Conservation Corps: *Provided*
25 *further*, That not to exceed \$18,763,000 shall be used for

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

23 CONSTRUCTION

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

1 servation, management, investigation, protection, and uti-
2 lization of fishery and wildlife resources, and the acquisi-
3 tion of lands and interests therein; \$31,653,000, to remain
4 available until expended.

5 LAND ACQUISITION

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

18 COOPERATIVE ENDANGERED SPECIES CONSERVATION

19 FUND

20 For expenses necessary to carry out section 6 of the
21 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
22 as amended, \$81,001,000, to remain available until ex-
23 pended.

1 NATIONAL WILDLIFE REFUGE FUND

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

4 NORTH AMERICAN WETLANDS CONSERVATION FUND

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

9 NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

14 MULTINATIONAL SPECIES CONSERVATION FUND

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

1 STATE AND TRIBAL WILDLIFE GRANTS

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

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

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

6 ADMINISTRATIVE PROVISIONS

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

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

16 NATIONAL PARK SERVICE

17 OPERATION OF THE NATIONAL PARK SYSTEM

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

1 which \$100,164,000, to remain available until September
2 30, 2009, is for maintenance, repair or rehabilitation
3 projects for constructed assets, operation of the National
4 Park Service automated facility management software sys-
5 tem, environmental studies, and comprehensive facility
6 condition assessments; and of which \$4,000,000 shall be
7 for the Youth Conservation Corps and the Public Lands
8 Corps (Public Law 109–154) for high priority projects.

9 CENTENNIAL CHALLENGE

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

19 NATIONAL RECREATION AND PRESERVATION

20 For expenses necessary to carry out recreation pro-
21 grams, natural programs, cultural programs, heritage
22 partnership programs, environmental compliance and re-
23 view, international park affairs, statutory or contractual
24 aid for other activities, and grant administration, not oth-
25 erwise provided for, \$62,881,000.

1 HISTORIC PRESERVATION FUND

2 (INCLUDING TRANSFERS OF FUNDS)

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

CONSTRUCTION

1
2 For construction, improvements, repair or replace-
3 ment of physical facilities, including the modifications au-
4 thorized by section 104 of the Everglades National Park
5 Protection and Expansion Act of 1989, \$201,580,000, to
6 remain available until expended: *Provided*, That funds pro-
7 vided under this heading for implementation of modified
8 water deliveries to Everglades National Park shall be ex-
9 pended consistent with the requirements of the fifth pro-
10 viso under this heading in Public Law 108–108: *Provided*
11 *further*, That funds provided under this heading for imple-
12 mentation of modified water deliveries to Everglades Na-
13 tional Park shall be available for obligation only if match-
14 ing funds are appropriated to the Army Corps of Engi-
15 neers for the same purpose: *Provided further*, That none
16 of the funds provided under this heading for implementa-
17 tion of modified water deliveries to Everglades National
18 Park shall be available for obligation if any of the funds
19 appropriated to the Army Corps of Engineers for the pur-
20 pose of implementing modified water deliveries, including
21 finalizing detailed engineering and design documents for
22 a bridge or series of bridges for the Tamiami Trail compo-
23 nent of the project, becomes unavailable for obligation.

1 LAND AND WATER CONSERVATION FUND

2 (RESCISSION)

3 The contract authority provided for fiscal year 2008
4 by 16 U.S.C. 4601–10a is rescinded.

5 LAND ACQUISITION AND STATE ASSISTANCE

6 For expenses necessary to carry out the Land and
7 Water Conservation Act of 1965, as amended (16 U.S.C.
8 4601–4 through 11), including administrative expenses,
9 and for acquisition of lands or waters, or interest therein,
10 in accordance with the statutory authority applicable to
11 the National Park Service, \$99,402,000, to be derived
12 from the Land and Water Conservation Fund and to re-
13 main available until expended, of which \$50,000,000 is for
14 the State assistance program.

15 ADMINISTRATIVE PROVISIONS

16 If the Secretary of the Interior considers that the de-
17 cision of any value determination proceeding conducted
18 under a National Park Service concession contract issued
19 prior to November 13, 1998, misinterprets or misapplies
20 relevant contractual requirements or their underlying legal
21 authority, then the Secretary may seek, within 180 days
22 of any such decision, the de novo review of the value deter-
23 mination by the United States Court of Federal Claims.
24 This court may make an order affirming, vacating, modi-
25 fying or correcting the determination.

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

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

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

1 UNITED STATES GEOLOGICAL SURVEY
2 SURVEYS, INVESTIGATIONS, AND RESEARCH

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

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

9 ADMINISTRATIVE PROVISIONS

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

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

14 MINERALS MANAGEMENT SERVICE

15 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

16 For expenses necessary for minerals leasing and envi-
17 ronmental studies, regulation of industry operations, and
18 collection of royalties, as authorized by law; for enforcing
19 laws and regulations applicable to oil, gas, and other min-
20 erals leases, permits, licenses and operating contracts; for
21 energy-related or other authorized marine-related pur-
22 poses on the Outer Continental Shelf; and for matching
23 grants or cooperative agreements, \$153,552,000, to re-
24 main available until September 30, 2009, of which
25 \$82,371,000 shall be available for royalty management ac-

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

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

7 OIL SPILL RESEARCH

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

13 ADMINISTRATIVE PROVISIONS

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

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

1 ventional Natural Gas and Other Petroleum Research
2 Fund.

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

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

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

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

3 ABANDONED MINE RECLAMATION FUND

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

17 ADMINISTRATIVE PROVISION

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

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

4 For expenses necessary for the operation of Indian
5 programs, as authorized by law, including the Snyder Act
6 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
7 termination and Education Assistance Act of 1975 (25
8 U.S.C. 450 et seq.), as amended, the Education Amend-
9 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
10 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
11 as amended, \$2,093,545,000, to remain available until
12 September 30, 2009 except as otherwise provided herein,
13 of which not to exceed \$80,179,000 shall be for welfare
14 assistance payments: *Provided*, That in cases of des-
15 ignated Federal disasters, the Secretary may exceed such
16 cap, from the amounts provided herein, to provide for dis-
17 aster relief to Indian communities affected by the disaster;
18 notwithstanding any other provision of law, including but
19 not limited to the Indian Self-Determination Act of 1975,
20 as amended, not to exceed \$149,628,000 shall be available
21 for payments for contract support costs associated with
22 ongoing contracts, grants, compacts, or annual funding
23 agreements entered into with the Bureau prior to or dur-
24 ing fiscal year 2008, as authorized by such Act, except
25 that federally-recognized tribes may use their tribal pri-

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

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

8 CONSTRUCTION

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

22 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

23 For the cost of guaranteed and insured loans,
24 \$6,276,000, of which \$700,000 is for administrative ex-
25 penses, as authorized by the Indian Financing Act of

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

7 ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

1 appropriated herein and in Public Law 109–54 may be used
2 for costs associated with significant student enrollment in-
3 creases at Bureau-funded schools during the relevant
4 school year.

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

13 DEPARTMENTAL OFFICES

14 OFFICE OF THE SECRETARY

15 SALARIES AND EXPENSES

16 For necessary expenses for management of the Depart-
17 ment of the Interior, \$136,413,000, of which \$35,262,000
18 for activities related to the Financial and Business Man-
19 agement System shall remain available until expended,
20 and of which not to exceed \$15,000 may be for official
21 reception and representation expenses, and of which up
22 to \$1,000,000 shall be available for workers compensation
23 payments and unemployment compensation payments as-
24 sociated with the orderly closure of the United States Bu-
25 reau of Mines.

1 INSULAR AFFAIRS

2 ASSISTANCE TO TERRITORIES

3 For expenses necessary for assistance to territories
4 under the jurisdiction of the Department of the Interior,
5 \$78,292,000, of which: (1) \$69,816,000 shall be available
6 until expended for technical assistance, including mainte-
7 nance assistance, disaster assistance, insular management
8 controls, coral reef initiative activities, and brown tree
9 snake control and research; grants to the judiciary in
10 American Samoa for compensation and expenses, as au-
11 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
12 ment of American Samoa, in addition to current local rev-
13 enues, for construction and support of governmental func-
14 tions; grants to the Government of the Virgin Islands as
15 authorized by law; grants to the Government of Guam,
16 as authorized by law; and grants to the Government of
17 the Northern Mariana Islands as authorized by law (Pub-
18 lic Law 94-241; 90 Stat. 272); and (2) \$8,476,000 shall
19 be available until September 30, 2009 for salaries and ex-
20 penses of the Office of Insular Affairs: *Provided*, That all
21 financial transactions of the territorial and local govern-
22 ments herein provided for, including such transactions of
23 all agencies or instrumentalities established or used by
24 such governments, may be audited by the Government Ac-
25 countability Office, at its discretion, in accordance with

1 chapter 35 of title 31, United States Code: *Provided fur-*
2 *ther*, That Northern Mariana Islands Covenant grant
3 funding shall be provided according to those terms of the
4 Agreement of the Special Representatives on Future
5 United States Financial Assistance for the Northern Mar-
6 iana Islands approved by Public Law 104–134: *Provided*
7 *further*, That of the amounts provided for technical assist-
8 ance, sufficient funds shall be made available for a grant
9 to the Pacific Basin Development Council: *Provided fur-*
10 *ther*, That of the amounts provided for technical assist-
11 ance, sufficient funding shall be made available for a grant
12 to the Close Up Foundation: *Provided further*, That the
13 funds for the program of operations and maintenance im-
14 provement are appropriated to institutionalize routine op-
15 erations and maintenance improvement of capital infra-
16 structure with territorial participation and cost sharing to
17 be determined by the Secretary based on the grantee’s
18 commitment to timely maintenance of its capital assets:
19 *Provided further*, That any appropriation for disaster as-
20 sistance under this heading in this Act or previous appro-
21 priations Acts may be used as non-Federal matching
22 funds for the purpose of hazard mitigation grants provided
23 pursuant to section 404 of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5170e).

1 COMPACT OF FREE ASSOCIATION

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

10 OFFICE OF THE SOLICITOR

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of the Solicitor,
13 \$59,250,000.

14 OFFICE OF INSPECTOR GENERAL

15 SALARIES AND EXPENSES

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

18 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

19 FEDERAL TRUST PROGRAMS

20 For the operation of trust programs by direct expend-
21 iture, contracts, cooperative agreements, compacts, and
22 grants, \$182,542,000, to remain available until expended,
23 of which not to exceed \$56,384,000 from this or any other
24 Act, shall be available for historical accounting: *Provided*,
25 That funds for trust management improvements and liti-

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

1 government if the computed amount of the payment is less
2 than \$100.

3 CENTRAL HAZARDOUS MATERIALS FUND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 TITLE II—ENVIRONMENTAL PROTECTION

6 AGENCY

7 SCIENCE AND TECHNOLOGY

8 For science and technology, including research and
9 development activities, which shall include research and
10 development activities under the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act of
12 1980, as amended; necessary expenses for personnel and
13 related costs and travel expenses, including uniforms, or
14 allowances therefor, as authorized by 5 U.S.C. 5901–
15 5902; services as authorized by 5 U.S.C. 3109, but at
16 rates for individuals not to exceed the per diem rate equiv-
17 alent to the maximum rate payable for senior level posi-
18 tions under 5 U.S.C. 5376; procurement of laboratory
19 equipment and supplies; other operating expenses in sup-
20 port of research and development; construction, alteration,
21 repair, rehabilitation, and renovation of facilities, not to
22 exceed \$85,000 per project, \$788,269,000, to remain
23 available until September 30, 2009.

1 COMMISSION ON CLIMATE CHANGE ADAPTATION AND
2 MITIGATION
3 (INCLUDING TRANSFERS OF FUNDS)

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

24 The Commission established and financed with this
25 appropriation shall consist of the Administrator of the En-
26 vironmental Protection Agency, the Director of the Na-

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

12 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

13 For environmental programs and management, in-
14 cluding necessary expenses, not otherwise provided for, for
15 personnel and related costs and travel expenses, including
16 uniforms, or allowances therefor, as authorized by 5
17 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
18 3109, but at rates for individuals not to exceed the per
19 diem rate equivalent to the maximum rate payable for sen-
20 ior level positions under 5 U.S.C. 5376; hire of passenger
21 motor vehicles; hire, maintenance, and operation of air-
22 craft; purchase of reprints; library memberships in soci-
23 eties or associations which issue publications to members
24 only or at a price to members lower than to subscribers
25 who are not members; construction, alteration, repair, re-

1 habilitation, and renovation of facilities, not to exceed
2 \$85,000 per project; and not to exceed \$9,000 for official
3 reception and representation expenses, \$2,375,582,000, to
4 remain available until September 30, 2009, including ad-
5 ministrative costs of the brownfields program under the
6 Small Business Liability Relief and Brownfields Revital-
7 ization Act of 2002.

8 OFFICE OF INSPECTOR GENERAL

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

15 BUILDINGS AND FACILITIES

16 For construction, repair, improvement, extension, al-
17 teration, and purchase of fixed equipment or facilities of,
18 or for use by, the Environmental Protection Agency,
19 \$34,801,000, to remain available until expended.

20 HAZARDOUS SUBSTANCE SUPERFUND

21 (INCLUDING TRANSFERS OF FUNDS)

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

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

19 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
20 PROGRAM

21 For necessary expenses to carry out leaking under-
22 ground storage tank cleanup activities authorized by sub-
23 title I of the Solid Waste Disposal Act, as amended, and
24 for construction, alteration, repair, rehabilitation, and ren-
25 ovation of Environmental Protection Agency facilities, not

1 to exceed \$85,000 per project, \$117,961,000 to remain
2 available until expended, of which \$82,461,000 shall be
3 for carrying out leaking underground storage tank cleanup
4 activities authorized by section 9003(h) of the Solid Waste
5 Disposal Act, as amended; \$35,500,000 shall be for car-
6 rying out the other provisions of the Solid Waste Disposal
7 Act specified in section 9508(c) of the Internal Revenue
8 Code, as amended: *Provided*, That the Administrator is
9 authorized to use appropriations made available under this
10 heading to implement section 9013 of the Solid Waste Dis-
11 posal Act to provide financial assistance to federally-recog-
12 nized Indian tribes for the development and implementa-
13 tion of programs to manage underground storage tanks.

14

OIL SPILL RESPONSE

15 For expenses necessary to carry out the Environ-
16 mental Protection Agency's responsibilities under the Oil
17 Pollution Act of 1990, \$17,280,000, to be derived from
18 the Oil Spill Liability trust fund, to remain available until
19 expended.

20

STATE AND TRIBAL ASSISTANCE GRANTS

21 For environmental programs and infrastructure as-
22 sistance, including capitalization grants for State revolv-
23 ing funds and performance partnership grants,
24 \$3,391,514,000, to remain available until expended, of
25 which \$1,125,000,000 shall be for making capitalization

1 grants for the Clean Water State Revolving Funds under
2 title VI of the Federal Water Pollution Control Act, as
3 amended (the “Act”); of which up to \$75,000,000 shall
4 be available for loans, including interest free loans as au-
5 thorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-
6 municipal, interstate, or State agencies or nonprofit enti-
7 ties for projects that provide treatment for or that mini-
8 mize sewage or stormwater discharges using one or more
9 approaches which include, but are not limited to, decen-
10 tralized or distributed stormwater controls, decentralized
11 wastewater treatment, low-impact development practices,
12 conservation easements, stream buffers, or wetlands res-
13 toration; \$842,167,000 shall be for capitalization grants
14 for the Drinking Water State Revolving Funds under sec-
15 tion 1452 of the Safe Drinking Water Act, as amended;
16 \$10,000,000 shall be for architectural, engineering, plan-
17 ning, design, construction and related activities in connec-
18 tion with the construction of high priority water and
19 wastewater facilities in the area of the United States-Mex-
20 ico Border, after consultation with the appropriate border
21 commission; \$10,500,000 shall be for grants to the State
22 of Alaska to address drinking water and waste infrastruc-
23 ture needs of rural and Alaska Native Villages: *Provided,*
24 That, of these funds: (1) the State of Alaska shall provide
25 a match of 25 percent; (2) no more than 5 percent of the

1 funds may be used for administrative and overhead ex-
2 penses; and (3) not later than October 1, 2005, the State
3 of Alaska shall make awards consistent with the State-
4 wide priority list established in 2004 for all water, sewer,
5 waste disposal, and similar projects carried out by the
6 State of Alaska that are funded under section 221 of the
7 Federal Water Pollution Control Act (33 U.S.C. 1301) or
8 the Consolidated Farm and Rural Development Act (7
9 U.S.C. 1921 et seq.) which shall allocate not less than 25
10 percent of the funds provided for projects in regional hub
11 communities; \$140,000,000 shall be for making special
12 project grants for the construction of drinking water,
13 wastewater and storm water infrastructure and for water
14 quality protection, and, for purposes of these grants, each
15 grantee shall contribute not less than 45 percent of the
16 cost of the project unless the grantee is approved for a
17 waiver by the Agency; \$100,000,000 shall be to carry out
18 section 104(k) of the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act of 1980
20 (CERCLA), as amended, including grants, interagency
21 agreements, and associated program support costs;
22 \$50,000,000 shall be for grants under title VII, subtitle
23 G of the Energy Policy Act of 2005, as amended; and
24 \$1,113,847,000 shall be for grants, including associated
25 program support costs, to States, federally-recognized

1 tribes, interstate agencies, tribal consortia, and air pollu-
2 tion control agencies for multi-media or single media pol-
3 lution prevention, control and abatement and related ac-
4 tivities, including activities pursuant to the provisions set
5 forth under this heading in Public Law 104–134, and for
6 making grants under section 103 of the Clean Air Act for
7 particulate matter monitoring and data collection activi-
8 ties subject to terms and conditions specified by the Ad-
9 ministrator, of which \$49,495,000 shall be for carrying
10 out section 128 of CERCLA, as amended, \$10,000,000
11 shall be for Environmental Information Exchange Net-
12 work grants, including associated program support costs,
13 \$18,500,000 of the funds available for grants under sec-
14 tion 106 of the Act shall be for water quality monitoring
15 activities, \$25,000,000 shall be for making competitive
16 targeted watershed grants, and, in addition to funds ap-
17 propriated under the heading “Leaking Underground
18 Storage Tank Trust Fund Program” to carry out the pro-
19 visions of the Solid Waste Disposal Act specified in section
20 9508(c) of the Internal Revenue Code other than section
21 9003(h) of the Solid Waste Disposal Act, as amended,
22 \$2,500,000 shall be for financial assistance to States
23 under section 2007(f)(2) of the Solid Waste Disposal Act,
24 as amended: *Provided further*, That notwithstanding sec-
25 tion 603(d)(7) of the Federal Water Pollution Control Act,

1 the limitation on the amounts in a State water pollution
2 control revolving fund that may be used by a State to ad-
3 minister the fund shall not apply to amounts included as
4 principal in loans made by such fund in fiscal year 2008
5 and prior years where such amounts represent costs of ad-
6 ministering the fund to the extent that such amounts are
7 or were deemed reasonable by the Administrator, ac-
8 counted for separately from other assets in the fund, and
9 used for eligible purposes of the fund, including adminis-
10 tration: *Provided further*, That for fiscal year 2008, and
11 notwithstanding section 518(f) of the Act, the Adminis-
12 trator is authorized to use the amounts appropriated for
13 any fiscal year under section 319 of that Act to make
14 grants to federally-recognized Indian tribes pursuant to
15 sections 319(h) and 518(e) of that Act: *Provided further*,
16 That for fiscal year 2008, notwithstanding the limitation
17 on amounts in section 518(c) of the Act, up to a total
18 of 1½ percent of the funds appropriated for State Revolv-
19 ing Funds under title VI of that Act may be reserved by
20 the Administrator for grants under section 518(c) of that
21 Act: *Provided further*, That no funds provided by this ap-
22 propriations Act to address the water, wastewater and
23 other critical infrastructure needs of the colonias in the
24 United States along the United States-Mexico border shall
25 be made available to a county or municipal government

1 unless that government has established an enforceable
2 local ordinance, or other zoning rule, which prevents in
3 that jurisdiction the development or construction of any
4 additional colonia areas, or the development within an ex-
5 isting colonia the construction of any new home, business,
6 or other structure which lacks water, wastewater, or other
7 necessary infrastructure.

8 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL

9 PROTECTION AGENCY

10 (INCLUDING RESCISSIONS OF FUNDS)

11 For fiscal year 2008, notwithstanding 31 U.S.C.
12 6303(1) and 6305(1), the Administrator of the Environ-
13 mental Protection Agency, in carrying out the Agency's
14 function to implement directly Federal environmental pro-
15 grams required or authorized by law in the absence of an
16 acceptable tribal program, may award cooperative agree-
17 ments to federally-recognized Indian Tribes or Intertribal
18 consortia, if authorized by their member Tribes, to assist
19 the Administrator in implementing Federal environmental
20 programs for Indian Tribes required or authorized by law,
21 except that no such cooperative agreements may be award-
22 ed from funds designated for State financial assistance
23 agreements.

24 The Administrator of the Environmental Protection
25 Agency is authorized to collect and obligate pesticide reg-

1 istration service fees in accordance with section 33 of the
2 Federal Insecticide, Fungicide, and Rodenticide Act (as
3 added by subsection (f)(2) of the Pesticide Registration
4 Improvement Act of 2003), as amended.

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

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

16 None of the funds made available by this Act may
17 be used in contravention of, or to delay the implementa-
18 tion of, Executive Order No. 12898 of February 11, 1994
19 (59 Fed. Reg. 7629; relating to Federal actions to address
20 environmental justice in minority populations and low-in-
21 come populations).

22 Of the funds provided in the Environmental Pro-
23 grams and Management account, not less than \$2,000,000
24 shall be available to take such actions as are necessary
25 for the proposal of regulations requiring the reduction of

1 greenhouse gas emissions and to publish such proposed
2 regulations.

3 TITLE III—RELATED AGENCIES
4 DEPARTMENT OF AGRICULTURE
5 FOREST SERVICE
6 FOREST AND RANGELAND RESEARCH

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

12 STATE AND PRIVATE FORESTRY

13 For necessary expenses of cooperating with and pro-
14 viding technical and financial assistance to States, terri-
15 tories, possessions, and others, and for forest health man-
16 agement, including treatments of pests, pathogens, and
17 invasive or noxious plants and for restoring and rehabili-
18 tating forests damaged by pests or invasive plants, cooper-
19 ative forestry, and education and land conservation activi-
20 ties and conducting an international program as author-
21 ized, \$280,602,000, to remain available until expended, as
22 authorized by law; of which \$8,000,000 is for the Inter-
23 national Program; and of which \$56,336,000 is to be de-
24 rived from the Land and Water Conservation Fund.

1 NATIONAL FOREST SYSTEM

2 For necessary expenses of the Forest Service, not
3 otherwise provided for, for management, protection, im-
4 provement, and utilization of the National Forest System,
5 \$1,506,502,000, to remain available until expended, which
6 shall include 50 percent of all moneys received during
7 prior fiscal years as fees collected under the Land and
8 Water Conservation Fund Act of 1965, as amended, in
9 accordance with section 4 of the Act (16 U.S.C. 460l-
10 6a(i)): *Provided*, That unobligated balances under this
11 heading available at the start of fiscal year 2008 shall be
12 displayed by budget line item in the fiscal year 2009 budg-
13 et justification.

14 CAPITAL IMPROVEMENT AND MAINTENANCE

15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Forest Service, not
17 otherwise provided for, \$480,197,000, to remain available
18 until expended, for construction, capital improvement,
19 maintenance and acquisition of buildings and other facili-
20 ties, and infrastructure; and for construction, capital im-
21 provement, decommissioning, and maintenance of forest
22 roads and trails by the Forest Service as authorized by
23 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205; and in
24 addition \$40,000,000 to be transferred from the timber
25 roads purchaser election fund and merged with this ac-

1 count, to remain available until expended: *Provided*, That
2 \$65,000,000 shall be designated for urgently needed road
3 decommissioning, road and trail repair and maintenance
4 and associated activities, and removal of fish passage bar-
5 riers, especially in areas where Forest Service roads may
6 be contributing to water quality problems in streams and
7 water bodies which support threatened, endangered or
8 sensitive species or community water sources and for ur-
9 gently needed road repairs required due to recent storm
10 events: *Provided further*, That up to \$65,000,000 of the
11 funds provided herein for road maintenance shall be avail-
12 able for the decommissioning of roads, including unau-
13 thorized roads not part of the transportation system,
14 which are no longer needed: *Provided further*, That the
15 decommissioning of unauthorized roads not part of the of-
16 ficial transportation system shall be expedited in response
17 to threats to public safety, water quality, or natural re-
18 sources: *Provided further*, That funds becoming available
19 in fiscal year 2008 under the Act of March 4, 1913 (16
20 U.S.C. 501) shall be transferred to the General Fund of
21 the Treasury and shall not be available for transfer or obli-
22 gation for any other purpose unless the funds are appro-
23 priated.

1 LAND ACQUISITION

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

10 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
11 ACTS

12 For acquisition of lands within the exterior bound-
13 aries of the Cache, Uinta, and Wasatch National Forests,
14 Utah; the Toiyabe National Forest, Nevada; and the An-
15 geles, San Bernardino, Sequoia, and Cleveland National
16 Forests, California, as authorized by law, \$1,053,000, to
17 be derived from forest receipts.

18 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

19 For acquisition of lands, such sums, to be derived
20 from funds deposited by State, county, or municipal gov-
21 ernments, public school districts, or other public school au-
22 thorities, and for authorized expenditures from funds de-
23 posited by non-Federal parties pursuant to Land Sale and
24 Exchange Acts, pursuant to the Act of December 4, 1967,
25 as amended (16 U.S.C. 484a), to remain available until

1 expended. (16 U.S.C. 4601–516–617a, 555a; Public Law
2 96–586; Public Law 76–589, 76–591; and 78–310.)

3 RANGE BETTERMENT FUND

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

13 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
14 RANGELAND RESEARCH

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

18 MANAGEMENT OF NATIONAL FOREST LANDS FOR
19 SUBSISTENCE USES

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

1 WILDLAND FIRE MANAGEMENT
2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses for forest fire presuppression
4 activities on National Forest System lands, for emergency
5 fire suppression on or adjacent to such lands or other
6 lands under fire protection agreement, hazardous fuels re-
7 duction on or adjacent to such lands, and for emergency
8 rehabilitation of burned-over National Forest System
9 lands and water, \$1,974,648,000, to remain available until
10 expended: *Provided*, That such funds including unobli-
11 gated balances under this heading, are available for repay-
12 ment of advances from other appropriations accounts pre-
13 viously transferred for such purposes: *Provided further*,
14 That such funds shall be available to reimburse State and
15 other cooperating entities for services provided in response
16 to wildfire and other emergencies or disasters to the extent
17 such reimbursements by the Forest Service for non-fire
18 emergencies are fully repaid by the responsible emergency
19 management agency: *Provided further*, That not less than
20 50 percent of any unobligated balances remaining (exclu-
21 sive of amounts for hazardous fuels reduction) at the end
22 of fiscal year 2007 shall be transferred to the fund estab-
23 lished pursuant to section 3 of Public Law 71–319 (16
24 U.S.C. 576 et seq.) if necessary to reimburse the fund for
25 unpaid past advances: *Provided further*, That, notwith-

1 standing any other provision of law, \$8,000,000 of funds
2 appropriated under this appropriation shall be used for
3 Fire Science Research in support of the Joint Fire Science
4 Program: *Provided further*, That all authorities for the use
5 of funds, including the use of contracts, grants, and coop-
6 erative agreements, available to execute the Forest and
7 Rangeland Research appropriation, are also available in
8 the utilization of these funds for Fire Science Research:
9 *Provided further*, That funds provided shall be available
10 for emergency rehabilitation and restoration, hazardous
11 fuels reduction activities in the urban-wildland interface,
12 support to Federal emergency response, and wildfire sup-
13 pression activities of the Forest Service: *Provided further*,
14 That of the funds provided, \$310,258,000 is for hazardous
15 fuels reduction activities, \$18,000,000 is for rehabilitation
16 and restoration, \$23,500,000 is for research activities and
17 to make competitive research grants pursuant to the For-
18 est and Rangeland Renewable Resources Research Act, as
19 amended (16 U.S.C. 1641 et seq.), \$46,221,000 is for
20 State fire assistance, \$10,000,000 is for volunteer fire as-
21 sistance, \$14,252,000 is for forest health activities on
22 Federal lands and \$10,014,000 is for forest health activi-
23 ties on State and private lands: *Provided further*, That
24 amounts in this paragraph may be transferred to the
25 “State and Private Forestry”, “National Forest System”,

1 and “Forest and Rangeland Research” accounts to fund
2 State fire assistance, volunteer fire assistance, forest
3 health management, forest and rangeland research, joint
4 fire sciences, vegetation and watershed management, her-
5 itage site rehabilitation, and wildlife and fish habitat man-
6 agement and restoration: *Provided further*, That transfers
7 of any amounts in excess of those authorized in this para-
8 graph, shall require approval of the House and Senate
9 Committees on Appropriations in compliance with re-
10 programming procedures contained in the report accom-
11 panying this Act: *Provided further*, That the costs of im-
12 plementing any cooperative agreement between the Fed-
13 eral Government and any non-Federal entity may be
14 shared, as mutually agreed on by the affected parties: *Pro-*
15 *vided further*, That in addition to funds provided for State
16 Fire Assistance programs, and subject to all authorities
17 available to the Forest Service under the State and Pri-
18 vate Forestry Appropriation, up to \$10,000,000 may be
19 used on adjacent non-Federal lands for the purpose of pro-
20 tecting communities when hazard reduction activities are
21 planned on national forest lands that have the potential
22 to place such communities at risk: *Provided further*, That
23 included in funding for hazardous fuel reduction is
24 \$5,000,000 for implementing the Community Forest Res-
25 toration Act, Public Law 106–393, title VI, and any por-

1 tion of such funds shall be available for use on non-Fed-
2 eral lands in accordance with authorities available to the
3 Forest Service under the State and Private Forestry Ap-
4 propriation: *Provided further*, That the Secretary of the
5 Interior and the Secretary of Agriculture may authorize
6 the transfer of funds appropriated for wildland fire man-
7 agement, in an aggregate amount not to exceed
8 \$9,000,000, between the Departments when such trans-
9 fers would facilitate and expedite jointly funded wildland
10 fire management programs and projects: *Provided further*,
11 That of the funds provided for hazardous fuels reduction,
12 not to exceed \$7,000,000, may be used to make grants,
13 using any authorities available to the Forest Service under
14 the State and Private Forestry appropriation, for the pur-
15 pose of creating incentives for increased use of biomass
16 from national forest lands: *Provided further*, That funds
17 designated for wildfire suppression shall be assessed for
18 cost pools on the same basis as such assessments are cal-
19 culated against other agency programs.

20 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

21 Appropriations to the Forest Service for the current
22 fiscal year shall be available for: (1) purchase of passenger
23 motor vehicles; acquisition of passenger motor vehicles
24 from excess sources, and hire of such vehicles; purchase,
25 lease, operation, maintenance, and acquisition of aircraft

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

17 Any appropriations or funds available to the Forest
18 Service may be transferred to the Wildland Fire Manage-
19 ment appropriation for forest firefighting, emergency re-
20 habilitation of burned-over or damaged lands or waters
21 under its jurisdiction, and fire preparedness due to severe
22 burning conditions upon notification of the House and
23 Senate Committees on Appropriations and if and only if
24 all previously appropriated emergency contingent funds
25 under the heading “Wildland Fire Management” have

1 been released by the President and apportioned and all
2 wildfire suppression funds under the heading “Wildland
3 Fire Management” are obligated.

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

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

20 None of the funds available to the Forest Service may
21 be reprogrammed without the advance approval of the
22 House and Senate Committees on Appropriations in ac-
23 cordance with the reprogramming procedures contained in
24 the report accompanying this Act.

1 Not more than \$73,285,000 of funds available to the
2 Forest Service shall be transferred to the Working Capital
3 Fund of the Department of Agriculture and not more than
4 \$24,021,000 of funds available to the Forest Service shall
5 be transferred to the Department of Agriculture for De-
6 partment Reimbursable Programs, commonly referred to
7 as Greenbook charges. Nothing in this paragraph shall
8 prohibit or limit the use of reimbursable agreements re-
9 quested by the Forest Service in order to obtain services
10 from the Department of Agriculture's National Informa-
11 tion Technology Center.

12 Funds available to the Forest Service shall be avail-
13 able to conduct a program of not less than \$5,000,000
14 for high priority projects within the scope of the approved
15 budget which shall be carried out by the Youth Conserva-
16 tion Corps or the Public Lands Corps (Public Law 109-
17 154).

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

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

1 regard to when the Foundation incurs expenses, for ad-
2 ministrative expenses or projects on or benefitting Na-
3 tional Forest System lands or related to Forest Service
4 programs: *Provided*, That of the Federal funds made
5 available to the Foundation, no more than \$100,000 shall
6 be available for administrative expenses: *Provided further*,
7 That the Foundation shall obtain, by the end of the period
8 of Federal financial assistance, private contributions to
9 match on at least one-for-one basis funds made available
10 by the Forest Service: *Provided further*, That the Founda-
11 tion may transfer Federal funds to a non-Federal recipient
12 for a project at the same rate that the recipient has ob-
13 tained the non-Federal matching funds: *Provided further*,
14 That authorized investments of Federal funds held by the
15 Foundation may be made only in interest-bearing obliga-
16 tions of the United States or in obligations guaranteed as
17 to both principal and interest by the United States.

18 Pursuant to section 2(b)(2) of Public Law 98-244,
19 \$2,650,000 of the funds available to the Forest Service
20 shall be advanced to the National Fish and Wildlife Foun-
21 dation in a lump sum to aid cost-share conservation
22 projects, without regard to when expenses are incurred,
23 on or benefitting National Forest System lands or related
24 to Forest Service programs: *Provided*, That such funds
25 shall be matched on at least a one-for-one basis by the

1 Foundation or its sub-recipients: *Provided further*, That
2 the Foundation may transfer Federal funds to a Federal
3 or non-Federal recipient for a project at the same rate
4 that the recipient has obtained the non-Federal matching
5 funds.

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

10 Funds appropriated to the Forest Service shall be
11 available for payments to counties within the Columbia
12 River Gorge National Scenic Area, pursuant to sections
13 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
14 663.

15 An eligible individual who is employed in any project
16 funded under title V of the Older American Act of 1965
17 (42 U.S.C. 3056 et seq.) and administered by the Forest
18 Service shall be considered to be a Federal employee for
19 purposes of chapter 171 of title 28, United States Code.

20 Any funds appropriated to the Forest Service may
21 be used to meet the non-Federal share requirement in sec-
22 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
23 3056(c)(2)).

24 Funds available to the Forest Service, not to exceed
25 \$45,000,000, shall be assessed for the purpose of per-

1 forming facilities maintenance. Such assessments shall
2 occur using a square foot rate charged on the same basis
3 the agency uses to assess programs for payment of rent,
4 utilities, and other support services.

5 DEPARTMENT OF HEALTH AND HUMAN
6 SERVICES

7 INDIAN HEALTH SERVICE

8 INDIAN HEALTH SERVICES

9 For expenses necessary to carry out the Act of Au-
10 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
11 tion Act, the Indian Health Care Improvement Act, and
12 titles II and III of the Public Health Service Act with re-
13 spect to the Indian Health Service, \$3,023,532,000, to re-
14 main available until September 30, 2009, except as other-
15 wise provided herein, together with payments received dur-
16 ing the fiscal year pursuant to 42 U.S.C. 238(b) for serv-
17 ices furnished by the Indian Health Service: *Provided*,
18 That funds made available to tribes and tribal organiza-
19 tions through contracts, grant agreements, or any other
20 agreements or compacts authorized by the Indian Self-De-
21 termination and Education Assistance Act of 1975 (25
22 U.S.C. 450), shall be deemed to be obligated at the time
23 of the grant or contract award and thereafter shall remain
24 available to the tribe or tribal organization without fiscal
25 year limitation: *Provided further*, That up to \$18,000,000

1 shall remain available until expended, for the Indian Cata-
2 strophic Health Emergency Fund: *Provided further*, That
3 not less than \$561,515,000 shall be for contract medical
4 care: *Provided further*, That of the funds provided, up to
5 \$32,000,000, to remain available until expended, shall be
6 used to carry out the loan repayment program under sec-
7 tion 108 of the Indian Health Care Improvement Act: *Pro-*
8 *vided further*, That funds provided in this Act may be used
9 for one-year contracts and grants which are to be per-
10 formed in two fiscal years, so long as the total obligation
11 is recorded in the year for which the funds are appro-
12 priated: *Provided further*, That the amounts collected by
13 the Secretary of Health and Human Services under the
14 authority of title IV of the Indian Health Care Improve-
15 ment Act shall remain available until expended for the
16 purpose of achieving compliance with the applicable condi-
17 tions and requirements of titles XVIII and XIX of the So-
18 cial Security Act (exclusive of planning, design, or con-
19 struction of new facilities): *Provided further*, That funding
20 contained herein, and in any earlier appropriations Acts
21 for scholarship programs under the Indian Health Care
22 Improvement Act (25 U.S.C. 1613), shall remain available
23 until expended: *Provided further*, That amounts received
24 by tribes and tribal organizations under title IV of the In-
25 dian Health Care Improvement Act shall be reported and

1 accounted for and available to the receiving tribes and
2 tribal organizations until expended: *Provided further,*
3 That, notwithstanding any other provision of law, of the
4 amounts provided herein, not to exceed \$274,638,000
5 shall be for payments to tribes and tribal organizations
6 for contract or grant support costs associated with con-
7 tracts, grants, self-governance compacts or annual funding
8 agreements between the Indian Health Service and a tribe
9 or tribal organization pursuant to the Indian Self-Deter-
10 mination Act of 1975, as amended, prior to or during fis-
11 cal year 2008, of which not to exceed \$5,000,000 may be
12 used for contract support costs associated with new or ex-
13 panded self-determination contracts, grants, self-govern-
14 ance compacts or annual funding agreements: *Provided*
15 *further,* That the Bureau of Indian Affairs may collect
16 from the Indian Health Service and tribes and tribal orga-
17 nizations operating health facilities pursuant to Public
18 Law 93–638 such individually identifiable health informa-
19 tion relating to disabled children as may be necessary for
20 the purpose of carrying out its functions under the Indi-
21 viduals with Disabilities Education Act, 20 U.S.C. 1400,
22 et seq.

23 INDIAN HEALTH FACILITIES

24 For construction, repair, maintenance, improvement,
25 and equipment of health and related auxiliary facilities,

1 including quarters for personnel; preparation of plans,
2 specifications, and drawings; acquisition of sites, purchase
3 and erection of modular buildings, and purchases of trail-
4 ers; and for provision of domestic and community sanita-
5 tion facilities for Indians, as authorized by section 7 of
6 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
7 Self-Determination Act, and the Indian Health Care Im-
8 provement Act, and for expenses necessary to carry out
9 such Acts and titles II and III of the Public Health Serv-
10 ice Act with respect to environmental health and facilities
11 support activities of the Indian Health Service,
12 \$360,895,000, to remain available until expended: *Pro-*
13 *vided*, That notwithstanding any other provision of law,
14 funds appropriated for the planning, design, construction
15 or renovation of health facilities for the benefit of a feder-
16 ally-recognized Indian tribe or tribes may be used to pur-
17 chase land for sites to construct, improve, or enlarge
18 health or related facilities: *Provided further*, That not to
19 exceed \$500,000 shall be used by the Indian Health Serv-
20 ice to purchase TRANSAM equipment from the Depart-
21 ment of Defense for distribution to the Indian Health
22 Service and tribal facilities: *Provided further*, That none
23 of the funds appropriated to the Indian Health Service
24 may be used for sanitation facilities construction for new
25 homes funded with grants by the housing programs of the

1 United States Department of Housing and Urban Devel-
2 opment: *Provided further*, That not to exceed \$1,000,000
3 from this account and the “Indian Health Services” ac-
4 count shall be used by the Indian Health Service to obtain
5 ambulances for the Indian Health Service and tribal facili-
6 ties in conjunction with an existing interagency agreement
7 between the Indian Health Service and the General Serv-
8 ices Administration: *Provided further*, That not to exceed
9 \$500,000 shall be placed in a Demolition Fund, available
10 until expended, to be used by the Indian Health Service
11 for demolition of Federal buildings.

12 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

13 Appropriations in this Act to the Indian Health Serv-
14 ice shall be available for services as authorized by 5 U.S.C.
15 3109 but at rates not to exceed the per diem rate equiva-
16 lent to the maximum rate payable for senior-level positions
17 under 5 U.S.C. 5376; hire of passenger motor vehicles and
18 aircraft; purchase of medical equipment; purchase of re-
19 prints; purchase, renovation and erection of modular
20 buildings and renovation of existing facilities; payments
21 for telephone service in private residences in the field,
22 when authorized under regulations approved by the Sec-
23 retary; and for uniforms or allowances therefor as author-
24 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
25 ance at meetings which are concerned with the functions

1 or activities for which the appropriation is made or which
2 will contribute to improved conduct, supervision, or man-
3 agement of those functions or activities.

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

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

21 None of the funds made available to the Indian
22 Health Service in this Act shall be used for any assess-
23 ments or charges by the Department of Health and
24 Human Services unless identified in the budget justifica-
25 tion and provided in this Act, or approved by the House

1 and Senate Committees on Appropriations through the re-
2 programming process.

3 Notwithstanding any other provision of law, funds
4 previously or herein made available to a tribe or tribal or-
5 ganization through a contract, grant, or agreement au-
6 thorized by title I or title V of the Indian Self-Determina-
7 tion and Education Assistance Act of 1975 (25 U.S.C.
8 450), may be deobligated and reobligated to a self-deter-
9 mination contract under title I, or a self-governance agree-
10 ment under title V of such Act and thereafter shall remain
11 available to the tribe or tribal organization without fiscal
12 year limitation.

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

23 With respect to functions transferred by the Indian
24 Health Service to tribes or tribal organizations, the Indian
25 Health Service is authorized to provide goods and services

1 to those entities, on a reimbursable basis, including pay-
2 ment in advance with subsequent adjustment. The reim-
3 bursements received therefrom, along with the funds re-
4 ceived from those entities pursuant to the Indian Self-De-
5 termination Act, may be credited to the same or subse-
6 quent appropriation account which provided the funding.
7 Such amounts shall remain available until expended.

8 Reimbursements for training, technical assistance, or
9 services provided by the Indian Health Service will contain
10 total costs, including direct, administrative, and overhead
11 associated with the provision of goods, services, or tech-
12 nical assistance.

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

16 NATIONAL INSTITUTES OF HEALTH

17 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

18 SCIENCES

19 For necessary expenses for the National Institute of
20 Environmental Health Sciences in carrying out activities
21 set forth in section 311(a) of the Comprehensive Environ-
22 mental Response, Compensation, and Liability Act of
23 1980, as amended, and section 126(g) of the Superfund
24 Amendments and Reauthorization Act of 1986,
25 \$79,117,000.

1 not be bound by the deadlines in section 104(i)(6)(A) of
2 CERCLA.

3 OTHER RELATED AGENCIES

4 EXECUTIVE OFFICE OF THE PRESIDENT

5 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

6 ENVIRONMENTAL QUALITY

7 For necessary expenses to continue functions as-
8 signed to the Council on Environmental Quality and Office
9 of Environmental Quality pursuant to the National Envi-
10 ronmental Policy Act of 1969, the Environmental Quality
11 Improvement Act of 1970, and Reorganization Plan No.
12 1 of 1977, and not to exceed \$750 for official reception
13 and representation expenses, \$2,703,000: *Provided*, That
14 notwithstanding section 202 of the National Environ-
15 mental Policy Act of 1970, the Council shall consist of
16 one member, appointed by the President, by and with the
17 advice and consent of the Senate, serving as chairman and
18 exercising all powers, functions, and duties of the Council.

19 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

20 SALARIES AND EXPENSES

21 For necessary expenses in carrying out activities pur-
22 suant to section 112(r)(6) of the Clean Air Act, as amend-
23 ed, including hire of passenger vehicles, uniforms or allow-
24 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
25 for services authorized by 5 U.S.C. 3109 but at rates for

1 individuals not to exceed the per diem equivalent to the
2 maximum rate payable for senior level positions under 5
3 U.S.C. 5376, \$9,549,000: *Provided*, That the Chemical
4 Safety and Hazard Investigation Board shall have not
5 more than three career Senior Executive Service positions:
6 *Provided further*, that notwithstanding any other provision
7 of law, the individual appointed to the position of Inspec-
8 tor General of the Environmental Protection Agency
9 (EPA) shall, by virtue of such appointment, also hold the
10 position of Inspector General of the Board: *Provided fur-*
11 *ther*, That notwithstanding any other provision of law, the
12 Inspector General of the Board shall utilize personnel of
13 the Office of Inspector General of EPA in performing the
14 duties of the Inspector General of the Board, and shall
15 not appoint any individuals to positions within the Board.

16 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION
17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Navajo and
19 Hopi Indian Relocation as authorized by Public Law 93-
20 531, \$9,000,000, to remain available until expended: *Pro-*
21 *vided*, That funds provided in this or any other appropria-
22 tions Act are to be used to relocate eligible individuals and
23 groups including evictees from District 6, Hopi-partitioned
24 lands residents, those in significantly substandard hous-
25 ing, and all others certified as eligible and not included

1 in the preceding categories: *Provided further*, That none
2 of the funds contained in this or any other Act may be
3 used by the Office of Navajo and Hopi Indian Relocation
4 to evict any single Navajo or Navajo family who, as of
5 November 30, 1985, was physically domiciled on the lands
6 partitioned to the Hopi Tribe unless a new or replacement
7 home is provided for such household: *Provided further*,
8 That no relocatee will be provided with more than one new
9 or replacement home: *Provided further*, That the Office
10 shall relocate any certified eligible relocatees who have se-
11 lected and received an approved homesite on the Navajo
12 reservation or selected a replacement residence off the
13 Navajo reservation or on the land acquired pursuant to
14 25 U.S.C. 640d–10.

15 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
16 CULTURE AND ARTS DEVELOPMENT

17 PAYMENT TO THE INSTITUTE

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

22 SMITHSONIAN INSTITUTION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Smithsonian Institu-
25 tion, as authorized by law, including research in the fields

1 of art, science, and history; development, preservation, and
2 documentation of the National Collections; presentation of
3 public exhibits and performances; collection, preparation,
4 dissemination, and exchange of information and publica-
5 tions; conduct of education, training, and museum assist-
6 ance programs; maintenance, alteration, operation, lease
7 (for terms not to exceed 30 years), and protection of build-
8 ings, facilities, and approaches; not to exceed \$100,000
9 for services as authorized by 5 U.S.C. 3109; up to five
10 replacement passenger vehicles; purchase, rental, repair,
11 and cleaning of uniforms for employees, \$536,295,000, of
12 which \$1,578,000 for fellowships and scholarly awards
13 shall remain available until September 30, 2009, including
14 such funds as may be necessary to support American over-
15 seas research centers: *Provided*, That funds appropriated
16 herein are available for advance payments to independent
17 contractors performing research services or participating
18 in official Smithsonian presentations.

19 FACILITIES CAPITAL

20 For necessary expenses of repair, revitalization, and
21 alteration of facilities owned or occupied by the Smithso-
22 nian Institution, by contract or otherwise, as authorized
23 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
24 and for construction, including necessary personnel,
25 \$116,100,000, to remain available until expended, of

1 which not to exceed \$10,000 is for services as authorized
2 by 5 U.S.C. 3109.

3 NATIONAL GALLERY OF ART

4 SALARIES AND EXPENSES

5 For the upkeep and operations of the National Gal-
6 lery of Art, the protection and care of the works of art
7 therein, and administrative expenses incident thereto, as
8 authorized by the Act of March 24, 1937 (50 Stat. 51),
9 as amended by the public resolution of April 13, 1939
10 (Public Resolution 9, Seventy-sixth Congress), including
11 services as authorized by 5 U.S.C. 3109; payment in ad-
12 vance when authorized by the treasurer of the Gallery for
13 membership in library, museum, and art associations or
14 societies whose publications or services are available to
15 members only, or to members at a price lower than to the
16 general public; purchase, repair, and cleaning of uniforms
17 for guards, and uniforms, or allowances therefor, for other
18 employees as authorized by law (5 U.S.C. 5901–5902);
19 purchase or rental of devices and services for protecting
20 buildings and contents thereof, and maintenance, alter-
21 ation, improvement, and repair of buildings, approaches,
22 and grounds; and purchase of services for restoration and
23 repair of works of art for the National Gallery of Art by
24 contracts made, without advertising, with individuals,
25 firms, or organizations at such rates or prices and under

1 such terms and conditions as the Gallery may deem prop-
2 er, \$101,850,000, of which not to exceed \$3,239,000 for
3 the special exhibition program shall remain available until
4 expended.

5 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

6 For necessary expenses of repair, restoration and
7 renovation of buildings, grounds and facilities owned or
8 occupied by the National Gallery of Art, by contract or
9 otherwise, as authorized, \$18,017,000, to remain available
10 until expended: *Provided*, That contracts awarded for envi-
11 ronmental systems, protection systems, and exterior repair
12 or renovation of buildings of the National Gallery of Art
13 may be negotiated with selected contractors and awarded
14 on the basis of contractor qualifications as well as price.

15 JOHN F. KENNEDY CENTER FOR THE PERFORMING

16 ARTS

17 OPERATIONS AND MAINTENANCE

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

21 CAPITAL REPAIR AND RESTORATION

22 For necessary expenses for capital repair and restora-
23 tion of the existing features of the building and site of
24 the John F. Kennedy Center for the Performing Arts,
25 \$23,150,000, to remain available until expended.

1 NATIONAL ENDOWMENT FOR THE HUMANITIES
2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, \$145,500,000, shall be available to the Na-
6 tional Endowment for the Humanities for support of ac-
7 tivities in the humanities, pursuant to section 7(c) of the
8 Act, and for administering the functions of the Act, to
9 remain available until expended.

10 MATCHING GRANTS

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

1 ADMINISTRATIVE PROVISIONS

2 None of the funds appropriated to the National
3 Foundation on the Arts and the Humanities may be used
4 to process any grant or contract documents which do not
5 include the text of 18 U.S.C. 1913: *Provided*, That none
6 of the funds appropriated to the National Foundation on
7 the Arts and the Humanities may be used for official re-
8 ception and representation expenses: *Provided further*,
9 That funds from nonappropriated sources may be used as
10 necessary for official reception and representation ex-
11 penses: *Provided further*, That the Chairperson of the Na-
12 tional Endowment for the Arts may approve grants up to
13 \$10,000, if in the aggregate this amount does not exceed
14 5 percent of the sums appropriated for grant-making pur-
15 poses per year: *Provided further*, That such small grant
16 actions are taken pursuant to the terms of an expressed
17 and direct delegation of authority from the National Coun-
18 cil on the Arts to the Chairperson: *Provided further*, That
19 section 309(1) of division E, Public Law 108–447, is
20 amended by inserting “National Opera Fellowship,” after
21 “National Heritage Fellowship”.

22 COMMISSION OF FINE ARTS

23 SALARIES AND EXPENSES

24 For expenses made necessary by the Act establishing
25 a Commission of Fine Arts (40 U.S.C. 104), \$2,092,000:

1 *Provided*, That the Commission is authorized to charge
2 fees to cover the full costs of its publications, and such
3 fees shall be credited to this account as an offsetting col-
4 lection, to remain available until expended without further
5 appropriation.

6 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

7 For necessary expenses as authorized by Public Law
8 99–190 (20 U.S.C. 956a), as amended, \$10,000,000: *Pro-*
9 *vided*, That no organization shall receive a grant in excess
10 of \$650,000 in a single year.

11 ADVISORY COUNCIL ON HISTORIC PRESERVATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Advisory Council on
14 Historic Preservation (Public Law 89–665, as amended),
15 \$5,348,000: *Provided*, That none of these funds shall be
16 available for compensation of level V of the Executive
17 Schedule or higher positions.

18 NATIONAL CAPITAL PLANNING COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses, as authorized by the Na-
21 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
22 including services as authorized by 5 U.S.C. 3109,
23 \$8,265,000: *Provided*, That one-quarter of 1 percent of
24 the funds provided under this heading may be used for
25 official reception and representational expenses associated

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

3 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

4 HOLOCAUST MEMORIAL MUSEUM

5 For expenses of the Holocaust Memorial Museum, as
6 authorized by Public Law 106–292 (36 U.S.C. 2301–
7 2310), \$44,996,000, of which \$515,000 for the equipment
8 replacement program shall remain available until Sep-
9 tember 30, 2009; and \$1,900,000 for the museum’s repair
10 and rehabilitation program and \$1,264,000 for the muse-
11 um’s exhibition design and production program shall re-
12 main available until expended.

13 PRESIDIO TRUST

14 PRESIDIO TRUST FUND

15 For necessary expenses to carry out title I of the Om-
16 nibus Parks and Public Lands Management Act of 1996,
17 \$22,400,000 shall be available to the Presidio Trust, to
18 remain available until expended.

19 WHITE HOUSE COMMISSION ON THE NATIONAL

20 MOMENT OF REMEMBRANCE

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the White House Commis-
24 sion on the National Moment of Remembrance, \$200,000,
25 which shall be transferred to the Department of Veterans

1 Affairs, “Departmental Administration, General Oper-
2 ating Expenses” account and be administered by the Sec-
3 retary of Veterans Affairs.

4 TITLE IV—GENERAL PROVISIONS

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

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

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

22 SEC. 404. None of the funds provided in this Act to
23 any department or agency shall be obligated or expended
24 to provide a personal cook, chauffeur, or other personal

1 servants to any officer or employee of such department
2 or agency except as otherwise provided by law.

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

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

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

23 SEC. 408. (a) LIMITATION OF FUNDS.—None of the
24 funds appropriated or otherwise made available pursuant
25 to this Act shall be obligated or expended to accept or

1 process applications for a patent for any mining or mill
2 site claim located under the general mining laws.

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

15 (c) REPORT.—On September 30, 2008, the Secretary
16 of the Interior shall file with the House and Senate Com-
17 mittees on Appropriations and the Committee on Re-
18 sources of the House of Representatives and the Com-
19 mittee on Energy and Natural Resources of the Senate
20 a report on actions taken by the Department under the
21 plan submitted pursuant to section 314(c) of the Depart-
22 ment of the Interior and Related Agencies Appropriations
23 Act, 1997 (Public Law 104–208).

24 (d) MINERAL EXAMINATIONS.—In order to process
25 patent applications in a timely and responsible manner,

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

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

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

4 SEC. 410. Prior to October 1, 2008, the Secretary
5 of Agriculture shall not be considered to be in violation
6 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
7 Renewable Resources Planning Act of 1974 (16 U.S.C.
8 1604(f)(5)(A)) solely because more than 15 years have
9 passed without revision of the plan for a unit of the Na-
10 tional Forest System. Nothing in this section exempts the
11 Secretary from any other requirement of the Forest and
12 Rangeland Renewable Resources Planning Act (16 U.S.C.
13 1600 et seq.) or any other law: *Provided*, That if the Sec-
14 retary is not acting expeditiously and in good faith, within
15 the funding available, to revise a plan for a unit of the
16 National Forest System, this section shall be void with re-
17 spect to such plan and a court of proper jurisdiction may
18 order completion of the plan on an accelerated basis.

19 SEC. 411. No funds provided in this Act may be ex-
20 pended to conduct preleasing, leasing and related activities
21 under either the Mineral Leasing Act (30 U.S.C. 181 et
22 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
23 1331 et seq.) within the boundaries of a National Monu-
24 ment established pursuant to the Act of June 8, 1906 (16
25 U.S.C. 431 et seq.) as such boundary existed on January

1 20, 2001, except where such activities are allowed under
2 the Presidential proclamation establishing such monu-
3 ment.

4 SEC. 412. In entering into agreements with foreign
5 countries pursuant to the Wildfire Suppression Assistance
6 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
7 the Secretary of the Interior are authorized to enter into
8 reciprocal agreements in which the individuals furnished
9 under said agreements to provide wildfire services are con-
10 sidered, for purposes of tort liability, employees of the
11 country receiving said services when the individuals are
12 engaged in fire suppression: *Provided*, That the Secretary
13 of Agriculture or the Secretary of the Interior shall not
14 enter into any agreement under this provision unless the
15 foreign country (either directly or through its fire organi-
16 zation) agrees to assume any and all liability for the acts
17 or omissions of American firefighters engaged in fire-
18 fighting in a foreign country: *Provided further*, That when
19 an agreement is reached for furnishing fire fighting serv-
20 ices, the only remedies for acts or omissions committed
21 while fighting fires shall be those provided under the laws
22 of the host country, and those remedies shall be the exclu-
23 sive remedies for any claim arising out of fighting fires
24 in a foreign country: *Provided further*, That neither the
25 sending country nor any legal organization associated with

1 the firefighter shall be subject to any legal action whatso-
2 ever pertaining to or arising out of the firefighter's role
3 in fire suppression.

4 SEC. 413. In awarding a Federal contract with funds
5 made available by this Act, notwithstanding Federal Gov-
6 ernment procurement and contracting laws, the Secretary
7 of Agriculture and the Secretary of the Interior (the "Sec-
8 retaries") may, in evaluating bids and proposals, give con-
9 sideration to local contractors who are from, and who pro-
10 vide employment and training for, dislocated and displaced
11 workers in an economically disadvantaged rural commu-
12 nity, including those historically timber-dependent areas
13 that have been affected by reduced timber harvesting on
14 Federal lands and other forest-dependent rural commu-
15 nities isolated from significant alternative employment op-
16 portunities: *Provided*, That notwithstanding Federal Gov-
17 ernment procurement and contracting laws the Secretaries
18 may award contracts, grants or cooperative agreements to
19 local non-profit entities, Youth Conservation Corps or re-
20 lated partnerships with State, local or non-profit youth
21 groups, or small or micro-business or disadvantaged busi-
22 ness: *Provided further*, That the contract, grant, or cooper-
23 ative agreement is for forest hazardous fuels reduction,
24 watershed or water quality monitoring or restoration, wild-
25 life or fish population monitoring, or habitat restoration

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

9 SEC. 414. (a) LIMITATION ON COMPETITIVE
10 SOURCING STUDIES.—

11 (1) Of the funds made available by this or any
12 other Act to the Department of the Interior for fis-
13 cal year 2008, not more than \$3,450,000 may be
14 used by the Secretary of the Interior to initiate or
15 continue competitive sourcing studies in fiscal year
16 2008 for programs, projects, and activities for which
17 funds are appropriated by this Act.

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

21 (b) COMPETITIVE SOURCING STUDY DEFINED.—In
22 this section, the term “competitive sourcing study” means
23 a study on subjecting work performed by Federal Govern-
24 ment employees or private contractors to public-private
25 competition or on converting the Federal Government em-

1 ployees or the work performed by such employees to pri-
2 vate contractor performance under the Office of Manage-
3 ment and Budget Circular A-76 or any other administra-
4 tive regulation, directive, or policy.

5 (c) In preparing any reports to the Committees on
6 Appropriations on competitive sourcing activities, agencies
7 funded in this Act shall include the incremental cost di-
8 rectly attributable to conducting the competitive sourcing
9 competitions, including costs attributable to paying out-
10 side consultants and contractors and, in accordance with
11 full cost accounting principles, all costs attributable to de-
12 veloping, implementing, supporting, managing, moni-
13 toring, and reporting on competitive sourcing, including
14 personnel, consultant, travel, and training costs associated
15 with program management.

16 (d) In carrying out any competitive sourcing study
17 involving Department of the Interior employees, the Sec-
18 retary of the Interior shall—

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

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

1 SEC. 415. Section 331 of the Department of the Inte-
2 rior and Related Agencies Appropriations Act, 2000, re-
3 garding the pilot program to enhance Forest Service ad-
4 ministration of rights-of-way (as enacted into law by sec-
5 tion 1000(a)(3) of Public Law 106–113; 113 Stat.
6 1501A–196; 16 U.S.C. 497 note), as amended, is amend-
7 ed—

8 (1) in subsection (a) by striking “2006” and in-
9 sserting “2012”; and

10 (2) in subsection (b) by striking “2006” and in-
11 sserting “2012”.

12 SEC. 416. Section 321 of the Department of the Inte-
13 rior and Related Agencies Appropriations Act, 2003, re-
14 garding Forest Service cooperative agreements with third
15 parties that are of mutually significant benefit (division
16 F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–
17 1 note) is amended by striking “September 30, 2007” and
18 inserting “September 30, 2010”.

19 TITLE V—GLOBAL CLIMATE CHANGE

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

21 (1) greenhouse gases accumulating in the at-
22 mosphere are causing average temperatures to rise
23 at a rate outside the range of natural variability and
24 are posing a substantial risk of rising sea-levels, al-
25 tered patterns of atmospheric and oceanic circula-

1 tion, and increased frequency and severity of floods,
2 droughts, and wildfires;

3 (2) there is a growing scientific consensus that
4 human activity is a substantial cause of greenhouse
5 gas accumulation in the atmosphere; and

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

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

18 This Act may be cited as the “Department of the In-
19 terior, Environment, and Related Agencies Appropriations
20 Act, 2008”.

Union Calendar No. 111

110TH CONGRESS
1ST Session

H. R. 2643

[Report No. 110-187]

A BILL

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

JUNE 11, 2007

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed