AN ACT

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

**MANAGEMENT OF LANDS AND RESOURCES**

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $950,496,000, to remain available until expended; and of which $3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.
In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $950,496,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or
interests therein, $26,529,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,557,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem
Health and Recovery Fund can be used through fiscal year 2015 for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited through fiscal year 2015 into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

MISCELLANEOUS TRUST FUNDS

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

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management
(BLM) shall be available for purchase, erection, and dis-
mantlement of temporary structures, and alteration and
maintenance of necessary buildings and appurtenant fa-
cilities to which the United States has title; up to
$100,000 for payments, at the discretion of the Secretary,
for information or evidence concerning violations of laws
administered by the Bureau; miscellaneous and emergency
expenses of enforcement activities authorized or approved
by the Secretary and to be accounted for solely on the
Secretary’s certificate, not to exceed $10,000: Provided,

That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,248,756,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Con-
servation Corps: Provided further, That not to exceed
$20,603,000 shall be used for implementing subsections
(a), (b), (c), and (e) of section 4 of the Endangered Spe-
cies Act, as amended (except for processing petitions, de-
veloping and issuing proposed and final regulations, and
taking any other steps to implement actions described in
subsection (e)(2)(A), (e)(2)(B)(i), or (e)(2)(B)(ii)), of
which not to exceed $10,632,000 shall be used for any
activity regarding the designation of critical habitat, pur-
suant to subsection (a)(3), excluding litigation support, for
species listed pursuant to subsection (a)(1) prior to Octo-
ber 1, 2009: Provided further, That of the amount avail-
able for law enforcement, up to $400,000, to remain avail-
able until expended, may at the discretion of the Secretary
be used for payment for information, rewards, or evidence
concerning violations of laws administered by the Service,
and miscellaneous and emergency expenses of enforcement
activity, authorized or approved by the Secretary and to
be accounted for solely on the Secretary’s certificate: Pro-
vided further, That of the amount provided for environ-
mental contaminants, up to $1,000,000 may remain avail-
able until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or re-
moval of buildings and other facilities required in the con-
reservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $21,139,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $67,250,000 (increased by $2,000,000), to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $2,000,000 (increased by $2,000,000) shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004:

Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
as amended, $100,000,000, to remain available until ex-
pended, of which $34,307,000 is to be derived from the
Cooperative Endangered Species Conservation Fund, of
which $5,145,706 shall be for the Idaho Salmon and
Clearwater River Basins Habitat Account pursuant to the
Snake River Water Rights Act of 2004; and of which
$65,693,000 is to be derived from the Land and Water
Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

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

NORTH AMERICAN WETLANDS CONSERVATION FUND

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

NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Ele-
4214, 4221–4225, 4241–4246, and 1538), the Asian Ele-
the Rhinoceros and Tiger Conservation Act of 1994 (16
U.S.C. 5301–5306), the Great Ape Conservation Act of
2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
servation Act of 2004 (16 U.S.C. 6601–6606),
$11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

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

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address the impacts of climate change into State Wildlife
Action plans and implementing these adaptation actions:

Provided further, That the Secretary shall, after deducting
$32,000,000 and administrative expenses, apportion the
amount provided herein in the following manner: (1) to
the District of Columbia and to the Commonwealth of
Puerto Rico, each a sum equal to not more than one-half
of 1 percent thereof; and (2) to Guam, American Samoa,
the United States Virgin Islands, and the Commonwealth
of the Northern Mariana Islands, each a sum equal to not
more than one-fourth of 1 percent thereof: Provided fur-
ther, That the Secretary shall apportion the remaining
amount in the following manner: (1) one-third of which
is based on the ratio to which the land area of such State
bears to the total land area of all such States; and (2)
two-thirds of which is based on the ratio to which the pop-
ulation of such State bears to the total population of all
such States: Provided further, That the amounts appor-
tioned under this paragraph shall be adjusted equitably
so that no State shall be apportioned a sum which is less
than 1 percent of the amount available for apportionment
under this paragraph for any fiscal year or more than 5
percent of such amount: Provided further, That the Fed-
eral share of planning grants shall not exceed 75 percent
of the total costs of such projects and the Federal share
of implementation grants shall not exceed 75 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided hereinafter.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquariums, buildings, and other facilities under the jurisdiction of
the Service and to which the United States has title, and
which are used pursuant to law in connection with man-
agement, and investigation of fish and wildlife resources:
Provided, That notwithstanding 44 U.S.C. 501, the Serv-
ice may, under cooperative cost sharing and partnership
arrangements authorized by law, procure printing services
from cooperators in connection with jointly produced pub-
lications for which the cooperators share at least one-half
the cost of printing either in cash or services and the Serv-
ice determines the cooperator is capable of meeting accept-
ed quality standards: Provided further, That, notwith-
standing any other provision of law, the Service may use
up to $2,000,000 from funds provided for contracts for
employment-related legal services: Provided further, That
the Service may accept donated aircraft as replacements
for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, oper-
ation, and maintenance of areas and facilities adminis-
tered by the National Park Service (including expenses to
carry out programs of the United States Park Police), and
for the general administration of the National Park Serv-
ice, $2,260,684,000, of which $9,982,000 for planning
and interagency coordination in support of Everglades res-
16
toration and $98,622,000 for maintenance, repair or reha-
2 bilitation projects for constructed assets, operation of the
3 National Park Service automated facility management
4 software system, and comprehensive facility condition as-
5 sessments shall remain available until September 30,
6 2011.

PARK PARTNERSHIP PROJECT GRANTS

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

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation pro-
19 grams, natural programs, cultural programs, heritage
20 partnership programs, environmental compliance and re-
21 view, international park affairs, statutory or contractual
22 aid for other activities, and grant administration, not oth-
23 erwise provided for, $59,386,000.
For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $90,675,000 (increased by $1,000,000), to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $30,000,000 (increased by $1,000,000) shall be for Save America’s Treasures for preservation of nationally significant sites, structures, and artifacts; and of which $6,175,000 shall be for Preserve America grants to States, federally recognized Indian Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: Provided, That of the funds provided for Save America’s Treasures, $5,310,000 shall be allocated in the amounts specified for those projects and purposes in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $214,691,000 (reduced by $1,000,000), to remain available until expended:
Provided, That the National Park Service shall complete a special resource study along the route of the Mississippi River in the counties contiguous to the river from its headwaters in the State of Minnesota to the Gulf of Mexico.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

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

LAND ACQUISITION AND STATE ASSISTANCE

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

ADMINISTRATIVE PROVISIONS

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

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

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.
UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,105,744,000, to remain available until September 30, 2011, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost and of which $2,000,000 shall be available for the United States Geo-
logical Survey to fund the operating expenses for the Civil Applications Committee: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

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

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $174,317,000, to re-
main available until September 30, 2011, of which $89,374,000 shall be available for royalty management activities; and an amount not to exceed $156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous pay-
ments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

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

OIL SPILL RESEARCH

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

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),
the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

Office of Surface Mining Reclamation and Enforcement

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

Abandoned Mine Reclamation Fund

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $32,088,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United
States Government to pay for contracts to collect these debts: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

**Administrative Provision**

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

**Bureau of Indian Affairs**

**Operation of Indian Programs**

*(Including Transfer of Funds)*

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

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of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,300,099,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments:

Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $159,084,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that federally recognized tribes, and tribal organizations of federally recognized tribes, may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agree-
ments and for unmet welfare assistance costs; of which not to exceed $568,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; and of which not to exceed $59,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2011, may be
transferred during fiscal year 2012 to an Indian forest
land assistance account established for the benefit of the
holder of the funds within the holder’s trust fund account:

Provided further, That any such unobligated balances not
so transferred shall expire on September 30, 2012: Pro-
vided further, That in order to enhance the safety of Bu-
reau field employees, the Bureau may use funds to pur-
chase uniforms or other identifying articles of clothing for
personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and mainte-
nance of irrigation and power systems, buildings, utilities,
and other facilities, including architectural and engineer-
ing services by contract; acquisition of lands, and interests
in lands; and preparation of lands for farming, and for
construction of the Navajo Indian Irrigation Project pur-
suant to Public Law 87–483, $200,000,000, to remain
available until expended: Provided, That such amounts as
may be available for the construction of the Navajo Indian
Irrigation Project may be transferred to the Bureau of
Reclamation: Provided further, That not to exceed 6 per-
cent of contract authority available to the Bureau of In-
dian Affairs from the Federal Highway Trust Fund may
be used to cover the road program management costs of
Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to
the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS


INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,215,000, of which $1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of
1974, as amended: Provided, That such costs, including
the cost of modifying such loans, shall be as defined in
section 502 of the Congressional Budget Act of 1974: Pro-
vided further, That these funds are available to subsidize
total loan principal, any part of which is to be guaranteed
or insured, not to exceed $93,807,956.

Indian Land Consolidation

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

Administrative Provisions

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

Notwithstanding 25 U.S.C. 15, the Bureau of Indian
Affairs may contract for services in support of the man-
agement, operation, and maintenance of the Power Divi-
sion of the San Carlos Irrigation Project.
Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program Account) shall be available for expenses of exhibits.

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

In the event any federally recognized tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government’s trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe’s ability to access future appropriations.
Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

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

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

DEPARTMENTAL OFFICES

Office of the Secretary

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,836,000; of which $12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $15,000 may be for official reception and representa-
tion expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That for fiscal year 2010 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $83,995,000, of which: (1) $74,715,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(e)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental func-
tions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance im-
provement are appropriated to institutionalize routine op-
erations and maintenance improvement of capital infra-
structure with territorial participation and cost sharing to
be determined by the Secretary based on the grantee’s
commitment to timely maintenance of its capital assets:

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

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to
remain available until expended, as provided for in sec-
tions 221(a)(2), 221(b), and 233 of the Compact of Free
Association for the Republic of Palau; and section
221(a)(2) of the Compacts of Free Association for the
Government of the Republic of the Marshall Islands and
the Federated States of Micronesia, as authorized by Pub-

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Sec-
retary may transfer discretionary funds or mandatory
funds provided under section 104(e) of Public Law 108–
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1 188 and Public Law 104–134, that are allocated for
2 Guam, to the Secretary of Agriculture for the subsidy cost
3 of direct or guaranteed loans, plus not to exceed three per-
4 cent of the amount of the subsidy transferred for the cost
5 of loan administration, for the purposes authorized by the
6 Rural Electrification Act of 1936 and section 306(a)(1)
7 of the Consolidated Farm and Rural Development Act for
8 construction and repair projects in Guam, and such funds
9 shall remain available until expended: Provided, That such
costs, including the cost of modifying such loans, shall be
as defined in section 502 of the Congressional Budget Act
of 1974: Provided further, That such loans or loan guaran-
tees may be made without regard to the population of the
area, credit elsewhere requirements, and restrictions on
the types of eligible entities under the Rural Electrifica-
tion Act of 1936 and section 306(a)(1) of the Consolidated
Farm and Rural Development Act: Provided further, That
any funds transferred to the Secretary of Agriculture shall
be in addition to funds otherwise made available to make
or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor,

$65,076,000.
Office of Inspector General

Salaries and Expenses

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

Office of the Special Trustee for American Indians

Federal Trust Programs

(Including Transfer of Funds)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $185,984,000, to remain available until expended, of which not to exceed $56,536,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, “Operation of Indian Programs” account; the Office of the Solicitor, “Salaries and Expenses” account; and the Office of the Secretary, “Salaries and Expenses” account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of lim-
itations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.
DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $932,780,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for
hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land:

Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying
out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further,* That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

**Wildland Fire Suppression Contingency Reserve Fund**

*(INCLUDING TRANSFER OF FUNDS)*

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

**CENTRAL HAZARDOUS MATERIALS FUND**

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

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

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

WORKING CAPITAL FUND

For the acquisition of a departmental financial and
business management system and information technology
improvements of general benefit to the Department,
$85,823,000 (reduced by $10,000,000), to remain avail-
able until expended: Provided, That none of the funds in
this Act or previous appropriations Acts may be used to
establish reserves in the Working Capital Fund account
other than for accrued annual leave and depreciation of
equipment without prior approval of the House and Senate
Committees on Appropriations: Provided further, That the
Secretary may assess reasonable charges to State, local,
and tribal government employees for training services pro-
vided by the National Indian Program Training Center,
other than training related to Public Law 93–638: Pro-
vided further, That the Secretary may lease or otherwise
provide space and related facilities, equipment or profes-
sional services of the National Indian Program Training
Center to State, local, and tribal government employees
or persons or organizations engaged in cultural, edu-
cational, or recreational activities (as defined in 40 U.S.C.
3306(a)) at the prevailing rate for similar space, facilities,
equipment, or services in the vicinity of the National In-
dian Program Training Center: Provided further, That all
funds received pursuant to the two preceding provisos
shall be credited to this account, shall be available until
expended, and shall be used by the Secretary for necessary
expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISIONS

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

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

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

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

Sec. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the
same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge
System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

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

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all
or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

Sec. 110. Title 43 U.S.C. 1473, as amended by Public Law 111–8, is further amended by striking “in fiscal years 2008 and 2009 only” and inserting “in fiscal years 2010 through 2013”.

Sec. 111. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion
of the Secretary, such agreements shall not be subject to
a competitive process.

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

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

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

(b) Fees for 2010 shall be—

(1) $2,000 for facilities with no wells, but with
processing equipment or gathering lines;
(2) $3,250 for facilities with one to ten wells,
with any combination of active or inactive wells; and
(3) $6,000 for facilities with more than ten
wells, with any combination of active or inactive
wells.

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

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

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

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

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

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses
in support of research and development, $849,649,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $3,022,054,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than $628,941,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

Buildings and Facilities

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $35,001,000 (reduced by $2,000,000), to remain available until expended.

Hazardous Substance Superfund (including transfers of funds)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,306,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,306,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $9,975,000 shall be paid to the “Office of Inspector General” appropriation to remain available until
September 30, 2011, and $26,834,000 shall be paid to the “Science and Technology” appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $113,101,000, to remain available until expended, of which $78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended:

Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

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

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $5,215,446,000, to remain available until expended, of which $2,307,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the “Act’’); of which $1,443,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That $20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico border, after consultation with the appropriate border commission; $10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; and (2) no more than 5 percent of the funds may be used for administrative and
overhead expenses; $160,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, inter-agency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and $1,115,446,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Ad-
ministrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the
Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: Provided further, That for fiscal year 2010, notwithstanding the limitations on amounts specified in
section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further,* That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

**Administrative Provisions, Environmental Protection Agency**

*(including transfer and rescission of funds)*

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency’s function to implement directly Federal environmental programs required or authorized by law in the absence of an
acceptable tribal program, may award cooperative agree-
ments to federally recognized Indian tribes or Intertribal
 consortia, if authorized by their member tribes, to assist
 the Administrator in implementing Federal environmental
 programs for Indian tribes required or authorized by law,
 except that no such cooperative agreements may be award-
ed from funds designated for State financial assistance
 agreements.

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

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

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

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

Not less than 30 percent of the funds made available
under this title to each State for Clean Water State Rev-
volving Fund capitalization grants and not less than 30
percent of the funds made available under this title to each
State for Drinking Water State Revolving Fund capital-
zation grants shall be used by the State to provide addi-
national subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000.

To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water efficiency, or energy efficiency improvements.

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.
For fiscal year 2010 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j–12).

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forest Service

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $308,612,000, to remain available until expended: Provided, That of the funds provided, $61,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as author-
ized, $307,486,000, to remain available until expended, as
authorized by law; and of which $76,215,000 is to be de-
derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $560,637,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $100,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That funds provided herein shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That public comment should be provided before system roads are decommissioned: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to
threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: Provided further, That up to $10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $36,782,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National

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

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

RANGE BETTERMENT FUND

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

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,370,288,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further,
That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $378,086,000 is for hazardous fuels reduction activities, $11,600,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $80,000,000 is for
State fire assistance, $10,000,000 is for volunteer fire assistance, $24,252,000 is for forest health activities on Federal lands and $12,928,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the “State and Private Forestry”, “National Forest System”, and “Forest and Rangeland Research” accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to $25,000,000 of the funds provided under this heading may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That of the funds provided herein, the Secretary of Agriculture may enter into procurement contracts or cooperative agreements, or issue grants, for hazardous fuels reduction activities and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on
adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transfer to “Wildland Fire Management” for emergency fire suppression on National Forest System lands or adjacent lands or other lands under fire protection agreement, $282,000,000, to
remain available until expended: Provided, That amounts in this paragraph may be transferred and expended only if all funds appropriated for fire suppression under the heading “Wildland Fire Management” shall be fully obligated within 30 days: Provided further, That amounts are available only to the extent the President has issued a finding that the amounts are necessary for emergency fire suppression.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings “Wildland Fire Management” and “Wildland Fire Suppression Contingency Reserve Fund” shall be fully obligated within 30 days: Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United
States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

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

Not more than $78,350,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,825,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture’s National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation
Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

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

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.
Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

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

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

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

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,657,618,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $16,251,000 is provided for Head-
quarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That $779,347,000 for contract medical care, including $48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That no less than $43,139,000 is provided for maintaining operations of the urban Indian health program: Provided further, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the
amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $398,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed $5,000,000 may be used for contract support costs associ-
ated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Serv-
ice Act with respect to environmental health and facilities
support activities of the Indian Health Service,
$394,757,000, to remain available until expended: Pro-
vided, That notwithstanding any other provision of law,
funds appropriated for the planning, design, construction
or renovation of health facilities for the benefit of a feder-
ally recognized Indian tribe or tribes may be used to pur-
chase land for sites to construct, improve, or enlarge
health or related facilities: Provided further, That not to
exceed $500,000 shall be used by the Indian Health Serv-
ice to purchase TRANSAM equipment from the Depart-
ment of Defense for distribution to the Indian Health
Service and tribal facilities: Provided further, That none
of the funds appropriated to the Indian Health Service
may be used for sanitation facilities construction for new
homes funded with grants by the housing programs of the
United States Department of Housing and Urban Devel-
opment: Provided further, That not to exceed $2,700,000
from this account and the “Indian Health Services” ac-
count shall be used by the Indian Health Service to obtain
ambulances for the Indian Health Service and tribal facili-
ties in conjunction with an existing interagency agreement
between the Indian Health Service and the General Serv-
cices Administration: Provided further, That not to exceed
$500,000 shall be placed in a Demolition Fund, available
until expended, to be used by the Indian Health Service for demolition of Federal buildings.

**ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE**

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities for which the appropriation is made or otherwise contribute to the improved conduct, supervision, or management of those functions or activities.

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

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

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

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

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

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

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account that provided the funding, with such amounts to remain available until expended.

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

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section
118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,792,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.
OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,159,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the
maximum rate payable for senior level positions under 5
U.S.C. 5376, $10,547,000: Provided, That the Chemical
Safety and Hazard Investigation Board (Board) shall have
not more than three career Senior Executive Service posi-
tions: Provided further, That notwithstanding any other
provision of law, the individual appointed to the position
of Inspector General of the Environmental Protection
Agency (EPA) shall, by virtue of such appointment, also
hold the position of Inspector General of the Board: Pro-
vided further, That notwithstanding any other provision
of law, the Inspector General of the Board shall utilize
personnel of the Office of Inspector General of EPA in
performing the duties of the Inspector General of the
Board, and shall not appoint any individuals to positions
within the Board: Provided further, That of the funds ap-
propriated under this heading, $150,000 shall be paid to
the “Office of Inspector General” appropriation of the En-
vironmental Protection Agency.

Office of Navajo and Hopi Indian Relocation
Salaries and Expenses
For necessary expenses of the Office of Navajo and
Hopi Indian Relocation as authorized by Public Law 93–
531, $8,000,000, to remain available until expended: Pro-
vided, That funds provided in this or any other appropri-
tions Act are to be used to relocate eligible individuals and
groups including evictees from District 6, Hopi-partitioned
lands residents, those in significantly substandard hous-
ing, and all others certified as eligible and not included
in the preceding categories: Provided further, That none
of the funds contained in this or any other Act may be
used by the Office of Navajo and Hopi Indian Relocation
to evict any single Navajo or Navajo family who, as of
November 30, 1985, was physically domiciled on the lands
partitioned to the Hopi Tribe unless a new or replacement
home is provided for such household: Provided further,
That no relocatee will be provided with more than one new
or replacement home: Provided further, That the Office
shall relocate any certified eligible relocatees who have se-
lected and received an approved homesite on the Navajo
reservation or selected a replacement residence off the
Navajo reservation or on the land acquired pursuant to

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

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

Salaries and Expenses

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $634,161,000, to remain available until September 30, 2011, except as otherwise provided herein; of which not to exceed $19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,553,000 is for fellowships and scholarly awards; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent con-
tractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

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

ADMINISTRATIVE PROVISION, SMITHSONIAN INSTITUTION

Notwithstanding any provision of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2140), the funds provided for “Smithsonian Institution, Legacy Fund” under such Act may be transferred to and made a part of the appropriation for “Smithsonian Institution, Facilities Capital” in this Act and utilized by the Smithsonian Institution under the same terms and conditions that apply to other funds contained in such appropriation.
NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $110,746,000, of which not to exceed $3,386,000 for
the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $56,259,000, to remain available until expended: Provided, That of this amount, $40,000,000 shall be available to repair the National Gallery’s East Building facade: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $25,000,000: Provided, That of the funds included under this heading, $2,500,000 is available until expended to implement a program to train arts managers throughout the United States.
CAPITAL REPAIR AND RESTORATION

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

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

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

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $170,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of
the Act, to remain available until expended: Provided,
That funds appropriated herein shall be expended in ac-
cordance with sections 309 and 311 of Public Law 108–
447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

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

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

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

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

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

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the Na-
including services as authorized by 5 U.S.C. 3109,
$8,507,000: Provided, That one-quarter of 1 percent of
the funds provided under this heading may be used for
official reception and representational expenses associated
with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM
HOLOCAUST MEMORIAL MUSEUM
For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $48,551,000, of which $515,000 for the Museum’s equipment replacement program, $1,900,000 for the museum’s repair and rehabilitation program, and $1,243,000 for the museum’s exhibition design and production program shall remain available until expended.

PRESIDIO TRUST
PRESIDIO TRUST FUND
For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,200,000 shall be available to the Presidio Trust, to remain available until expended.

Dwight D. Eisenhower Memorial Commission
SALARIES AND EXPENSES
For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000 to remain available until expended.
For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $10,000,000, to remain available until expended.

TITLE IV—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

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

Sec. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.
SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

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

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

SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.
(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

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

federally recognized tribes, and tribal organizations of federal- 
erally recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

Sec. 409. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

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

SEC. 411. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: Provided further, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the
fire organization receiving the fire suppression or
presuppression services, and those remedies shall be the
exclusive remedies for any claim arising out of fire sup-
pression or presuppression activities in a foreign country:

Provided further, That neither the sending country nor
any legal organization associated with the firefighter shall
be subject to any legal action, consistent with the applicable
laws governing sovereign immunity, pertaining to or
arising out of the firefighter’s role in fire suppression or
presuppression, except that if the foreign fire organization
is unable to provide such protection under laws applicable
to it, it shall assume any and all liability for the United
States or for any legal organization associated with the
American firefighter, and for any and all costs incurred
or assessed, including legal fees, for any act or omission
pertaining to or arising out of the firefighter’s role in fire
suppression or presuppression.

Sec. 412. In awarding a Federal contract with funds
made available by this Act, notwithstanding Federal Gov-
ernment procurement and contracting laws, the Secretary
of Agriculture and the Secretary of the Interior (the “Sec-
retaries”) may, in evaluating bids and proposals, give con-
sideration to local contractors who are from, and who pro-
vide employment and training for, dislocated and displaced
workers in an economically disadvantaged rural commu-
nity, including those historically timber-dependent areas
that have been affected by reduced timber harvesting on
Federal lands and other forest-dependent rural commu-
nities isolated from significant alternative employment op-
portunities: Provided, That notwithstanding Federal Gov-
ernment procurement and contracting laws the Secretaries
may award contracts, grants or cooperative agreements to
local non-profit entities, Youth Conservation Corps or re-
lated partnerships with State, local or non-profit youth
groups, or small or micro-business or disadvantaged busi-
ness: Provided further, That the contract, grant, or coop-
active agreement is for forest hazardous fuels reduction,
watershed or water quality monitoring or restoration, wild-
life or fish population monitoring, or habitat restoration
or management: Provided further, That the terms "rural
community" and "economically disadvantaged" shall have
the same meanings as in section 2374 of Public Law 101–
624: Provided further, That the Secretaries shall develop
guidance to implement this section: Provided further, That
nothing in this section shall be construed as relieving the
Secretaries of any duty under applicable procurement
laws, except as provided in this section.

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

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

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

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

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

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

(1) in the second sentence of the first para-
graph, by striking “$7,500,000” and inserting
“$10,000,000”; and
(2) in the second sentence of the fourth paragraph, by striking “$500,000” and inserting “$650,000”.

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

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

Sec. 419. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109–58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

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

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

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

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

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

(3) by inserting after paragraph (3), the fol-
lowing: “(4) to reimburse all or part of the costs in-
curred by the county to pay the salaries and benefits
of county employees who supervise adults or juve-
niles performing mandatory community service on
Federal lands.”.
SEC. 423. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled “Congressionally Directed Spending” included in the explanatory statement accompanying this Act. The preceding sentence shall apply in addition to the allocation requirements specified in this Act under the heading “National Park Service–Historic Preservation Fund” for Save America’s Treasures and under the heading “Environmental Protection Agency–State and Tribal Assistance Grants” for special project grants for the construction of drinking water, wastewater and storm infrastructure and for water quality protection.

SEC. 424. Not later than 120 days after the date on which the President’s Fiscal Year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2008, fiscal year 2009, and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President’s Budget Appendix.
SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems.

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

(b) None of the funds made available in this or any other prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of detaining or prosecuting such individual, until 2 months after the plan described in subsection (c) is received.

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

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

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

(3) The legal rationale and associated court demands for transfer.

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

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.
(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to a freely associated State, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(e) In this section, the term “freely associated States” means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.
SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010”.


Attest:

Clerk.
AN ACT

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

For other purposes for the fiscal year ending September 30, 2010, and for the purposes set forth in the Department of Interior, environment, and related agencies Appropriations Act, 2009, Public Law 111-5.