

1 DIVISION F—DEPARTMENT OF THE INTERIOR,
2 ENVIRONMENT, AND RELATED AGENCIES
3 APPROPRIATIONS ACT, 2008

4 TITLE I

5 DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

8 For necessary expenses for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to Public Law 96-487
17 (16 U.S.C. 3150(a)), \$867,463,000, to remain available
18 until expended, of which not to exceed \$91,629,000 is
19 available for oil and gas management; and of which
20 \$1,500,000 is for high priority projects, to be carried out
21 by the Youth Conservation Corps; and of which
22 \$2,900,000 shall be available in fiscal year 2008 subject
23 to a match by at least an equal amount by the National
24 Fish and Wildlife Foundation for cost-shared projects sup-
25 porting conservation of Bureau lands; and such funds

1 shall be advanced to the Foundation as a lump sum grant
2 without regard to when expenses are incurred.

3 In addition, \$25,500,000 is for the processing of ap-
4 plications for permit to drill and related use authoriza-
5 tions, to remain available until expended, to be reduced
6 by amounts collected by the Bureau and credited to this
7 appropriation that shall be derived from \$4,000 per new
8 application for permit to drill that the Bureau shall collect
9 upon submission of each new application, and in addition,
10 \$34,696,000 is for Mining Law Administration program
11 operations, including the cost of administering the mining
12 claim fee program; to remain available until expended, to
13 be reduced by amounts collected by the Bureau and cred-
14 ited to this appropriation from annual mining claim fees
15 so as to result in a final appropriation estimated at not
16 more than \$867,463,000, and \$2,000,000, to remain
17 available until expended, from communication site rental
18 fees established by the Bureau for the cost of admin-
19 istering communication site activities.

20 CONSTRUCTION

21 For construction of buildings, recreation facilities,
22 roads, trails, and appurtenant facilities, \$6,476,000, to re-
23 main available until expended.

24 LAND ACQUISITION

25 For expenses necessary to carry out sections 205,
26 206, and 318(d) of Public Law 94-579, including admin-

1 istrative expenses and acquisition of lands or waters, or
2 interests therein, \$9,081,000, to be derived from the Land
3 and Water Conservation Fund and to remain available
4 until expended.

5 OREGON AND CALIFORNIA GRANT LANDS

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

23 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

24 (REVOLVING FUND, SPECIAL ACCOUNT)

25 In addition to the purposes authorized in Public Law
26 102-381, funds made available in the Forest Ecosystem

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

11 RANGE IMPROVEMENTS

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

1 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

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

4 MISCELLANEOUS TRUST FUNDS

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

13 WILDLAND FIRE MANAGEMENT

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for fire preparedness, sup-
16 pression operations, fire science and research, emergency
17 rehabilitation, hazardous fuels reduction, and rural fire as-
18 sistance by the Department of the Interior, \$820,878,000,
19 to remain available until expended, of which not to exceed
20 \$6,234,000 shall be for the renovation or construction of
21 fire facilities: *Provided*, That such funds are also available
22 for repayment of advances to other appropriation accounts
23 from which funds were previously transferred for such
24 purposes: *Provided further*, That persons hired pursuant
25 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
26 ing without cost from funds available from this appropria-

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

1 micro-businesses; or (4) other entities that will hire or
2 train locally a significant percentage, defined as 50 per-
3 cent or more, of the project workforce to complete such
4 contracts: *Provided further*, That in implementing this sec-
5 tion, the Secretary shall develop written guidance to field
6 units to ensure accountability and consistent application
7 of the authorities provided herein: *Provided further*, That
8 funds appropriated under this head may be used to reim-
9 burse the United States Fish and Wildlife Service and the
10 National Marine Fisheries Service for the costs of carrying
11 out their responsibilities under the Endangered Species
12 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
13 ference, as required by section 7 of such Act, in connection
14 with wildland fire management activities: *Provided further*,
15 That the Secretary of the Interior may use wildland fire
16 appropriations to enter into non-competitive sole source
17 leases of real property with local governments, at or below
18 fair market value, to construct capitalized improvements
19 for fire facilities on such leased properties, including but
20 not limited to fire guard stations, retardant stations, and
21 other initial attack and fire support facilities, and to make
22 advance payments for any such lease or for construction
23 activity associated with the lease: *Provided further*, That
24 the Secretary of the Interior and the Secretary of Agri-
25 culture may authorize the transfer of funds appropriated

1 for wildland fire management, in an aggregate amount not
2 to exceed \$10,000,000, between the Departments when
3 such transfers would facilitate and expedite jointly funded
4 wildland fire management programs and projects: *Pro-*
5 *vided further*, That funds provided for wildfire suppression
6 shall be available for support of Federal emergency re-
7 sponse actions: *Provided further*, That Public Law 110-
8 116, division B, section 157(b)(2) is amended by inserting
9 after "to other accounts" the phrase "and non-suppres-
10 sion budget activities".

11 ADMINISTRATIVE PROVISIONS

12 Appropriations for the Bureau of Land Management
13 shall be available for purchase, erection, and dismantling
14 of temporary structures, and alteration and maintenance
15 of necessary buildings and appurtenant facilities to
16 which the United States has title; up to \$100,000 for pay-
17 ments, at the discretion of the Secretary, for information
18 or evidence concerning violations of laws administered by
19 the Bureau; miscellaneous and emergency expenses of en-
20 forcement activities authorized or approved by the Sec-
21 retary and to be accounted for solely on the Secretary's
22 certificate, not to exceed \$10,000: *Provided*, That notwith-
23 standing 44 U.S.C. 501, the Bureau may, under coopera-
24 tive cost-sharing and partnership arrangements author-
25 ized by law, procure printing services from cooperators in

1 connection with jointly produced publications for which
2 the cooperators share the cost of printing either in cash
3 or in services, and the Bureau determines the cooperator
4 is capable of meeting accepted quality standards.

5 Section 28 of title 30, United States Code, is amend-
6 ed: (1) in section 28 by striking the phrase "shall com-
7 mence at 12 o'clock meridian on the 1st day of Sep-
8 tember" and inserting "shall commence at 12:01 ante me-
9 ridian on the first day of September"; (2) in section
10 28f(a), by striking the phrase "for years 2004 through
11 2008"; and (3) in section 28g, by striking the phrase "and
12 before September 30, 2008,".

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

21 UNITED STATES FISH AND WILDLIFE SERVICE

22 RESOURCE MANAGEMENT

23 For necessary expenses of the United States Fish and
24 Wildlife Service, as authorized by law, and for scientific
25 and economic studies, maintenance of the herd of long-

1 horned cattle on the Wichita Mountains Wildlife Refuge,
2 general administration, and for the performance of other
3 authorized functions related to such resources by direct
4 expenditure, contracts, grants, cooperative agreements
5 and reimbursable agreements with public and private enti-
6 ties, \$1,099,772,000, to remain available until September
7 30, 2009 except as otherwise provided herein: *Provided*,
8 That \$2,500,000 is for high priority projects, which shall
9 be carried out by the Youth Conservation Corps: *Provided*
10 *further*, That not to exceed \$18,263,000 shall be used for
11 implementing subsections (a), (b), (c), and (e) of section
12 4 of the Endangered Species Act, as amended, for species
13 that are indigenous to the United States (except for proc-
14 essing petitions, developing and issuing proposed and final
15 regulations, and taking any other steps to implement ac-
16 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
17 (c)(2)(B)(ii)), of which not to exceed \$9,926,000 shall be
18 used for any activity regarding the designation of critical
19 habitat, pursuant to subsection (a)(3), excluding litigation
20 support, for species listed pursuant to subsection (a)(1)
21 prior to October 1, 2007: *Provided further*, That of the
22 amount available for law enforcement, up to \$400,000, to
23 remain available until expended, may at the discretion of
24 the Secretary be used for payment for information, re-
25 wards, or evidence concerning violations of laws adminis-

1 tered by the Service, and miscellaneous and emergency ex-
2 penses of enforcement activity, authorized or approved by
3 the Secretary and to be accounted for solely on the Sec-
4 retary's certificate: *Provided further*, That of the amount
5 provided for environmental contaminants, up to
6 \$1,000,000 may remain available until expended for con-
7 taminant sample analyses.

8 CONSTRUCTION

9 For construction, improvement, acquisition, or re-
10 moval of buildings and other facilities required in the con-
11 servation, management, investigation, protection, and uti-
12 lization of fishery and wildlife resources, and the acquisi-
13 tion of lands and interests therein; \$33,688,000, to remain
14 available until expended.

15 LAND ACQUISITION

16 For expenses necessary to carry out the Land and
17 Water Conservation Fund Act of 1965, as amended (16
18 U.S.C. 4601-4 through 11), including administrative ex-
19 penses, and for acquisition of land or waters, or interest
20 therein, in accordance with statutory authority applicable
21 to the United States Fish and Wildlife Service,
22 \$35,144,000, to be derived from the Land and Water Con-
23 servation Fund and to remain available until expended,
24 of which, notwithstanding 16 U.S.C. 4601-9, not more
25 than \$1,750,000 shall be for land conservation partner-
26 ships authorized by the Highlands Conservation Act of

1 2004: *Provided*, That none of the funds appropriated for
2 specific land acquisition projects can be used to pay for
3 any administrative overhead, planning or other manage-
4 ment costs.

5 COOPERATIVE ENDANGERED SPECIES CONSERVATION
6 FUND

7 For expenses necessary to carry out section 6 of the
8 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
9 as amended, \$75,001,000, to remain available until ex-
10 pended, of which \$25,228,000 is to be derived from the
11 Cooperative Endangered Species Conservation Fund,
12 \$5,066,666 of which shall be for the Idaho Salmon and
13 Clearwater River Basins Habitat Account pursuant to the
14 Snake River Water Rights Act of 2004; and of which
15 \$49,773,000 is to be derived from the Land and Water
16 Conservation Fund.

17 NATIONAL WILDLIFE REFUGE FUND

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

20 NORTH AMERICAN WETLANDS CONSERVATION FUND

21 For expenses necessary to carry out the provisions
22 of the North American Wetlands Conservation Act, Public
23 Law 101-233, as amended, \$42,646,000, to remain avail-
24 able until expended.

1 NEOTROPICAL MIGRATORY BIRD CONSERVATION

2 For expenses necessary to carry out the Neotropical
3 Migratory Bird Conservation Act, as amended, (16 U.S.C.
4 6101 et seq.), \$4,500,000, to remain available until ex-
5 pended.

6 MULTINATIONAL SPECIES CONSERVATION FUND

7 For expenses necessary to carry out the African Ele-
8 phant Conservation Act (16 U.S.C. 4201-4203, 4211-
9 4213, 4221-4225, 4241-4245, and 1538), the Asian Ele-
10 phant Conservation Act of 1997 (16 U.S.C. 4261-4266),
11 the Rhinoceros and Tiger Conservation Act of 1994 (16
12 U.S.C. 5301-5306), the Great Ape Conservation Act of
13 2000 (16 U.S.C. 6301-6305), and the Marine Turtle Con-
14 servation Act of 2004 (16 U.S.C. 6601-6606),
15 \$8,000,000, to remain available until expended.

16 STATE AND TRIBAL WILDLIFE GRANTS

17 For wildlife conservation grants to States and to the
18 District of Columbia, Puerto Rico, Guam, the United
19 States Virgin Islands, the Northern Mariana Islands,
20 American Samoa, and federally-recognized Indian tribes
21 under the provisions of the Fish and Wildlife Act of 1956
22 and the Fish and Wildlife Coordination Act, for the devel-
23 opment and implementation of programs for the benefit
24 of wildlife and their habitat, including species that are not
25 hunted or fished, \$75,000,000, to remain available until
26 expended: *Provided*, That of the amount provided herein,

1 \$6,282,000 is for a competitive grant program for Indian
2 tribes not subject to the remaining provisions of this ap-
3 propriation: *Provided further*, That \$5,000,000 is for a
4 competitive grant program for States, territories, and
5 other jurisdictions with approved plans, not subject to the
6 remaining provisions of this appropriation: *Provided fur-*
7 *ther*, That the Secretary shall, after deducting said
8 \$11,282,000 and administrative expenses, apportion the
9 amount provided herein in the following manner: (1) to
10 the District of Columbia and to the Commonwealth of
11 Puerto Rico, each a sum equal to not more than one-half
12 of 1 percent thereof; and (2) to Guam, American Samoa,
13 the United States Virgin Islands, and the Commonwealth
14 of the Northern Mariana Islands, each a sum equal to not
15 more than one-fourth of 1 percent thereof: *Provided fur-*
16 *ther*, That the Secretary shall apportion the remaining
17 amount in the following manner: (1) one-third of which
18 is based on the ratio to which the land area of such State
19 bears to the total land area of all such States; and (2)
20 two-thirds of which is based on the ratio to which the pop-
21 ulation of such State bears to the total population of all
22 such States: *Provided further*, That the amounts appor-
23 tioned under this paragraph shall be adjusted equitably
24 so that no State shall be apportioned a sum which is less
25 than 1 percent of the amount available for apportionment

1 under this paragraph for any fiscal year or more than 5
2 percent of such amount: *Provided further*, That the Fed-
3 eral share of planning grants shall not exceed 75 percent
4 of the total costs of such projects and the Federal share
5 of implementation grants shall not exceed 50 percent of
6 the total costs of such projects: *Provided further*, That the
7 non-Federal share of such projects may not be derived
8 from Federal grant programs: *Provided further*, That no
9 State, territory, or other jurisdiction shall receive a grant
10 if its comprehensive wildlife conservation plan is dis-
11 approved and such funds that would have been distributed
12 to such State, territory, or other jurisdiction shall be dis-
13 tributed equitably to States, territories, and other jurisdic-
14 tions with approved plans: *Provided further*, That any
15 amount apportioned in 2008 to any State, territory, or
16 other jurisdiction that remains unobligated as of Sep-
17 tember 30, 2009, shall be reapportioned, together with
18 funds appropriated in 2010, in the manner provided here-
19 in.

20 ADMINISTRATIVE PROVISIONS

21 Appropriations and funds available to the United
22 States Fish and Wildlife Service shall be available for re-
23 pair of damage to public roads within and adjacent to res-
24 ervation areas caused by operations of the Service; options
25 for the purchase of land at not to exceed \$1 for each op-
26 tion; facilities incident to such public recreational uses on

1 conservation areas as are consistent with their primary
2 purpose; and the maintenance and improvement of aquar-
3 ia, buildings, and other facilities under the jurisdiction of
4 the Service and to which the United States has title, and
5 which are used pursuant to law in connection with man-
6 agement, and investigation of fish and wildlife resources:
7 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
8 ice may, under cooperative cost sharing and partnership
9 arrangements authorized by law, procure printing services
10 from cooperators in connection with jointly produced pub-
11 lications for which the cooperators share at least one-half
12 the cost of printing either in cash or services and the Serv-
13 ice determines the cooperator is capable of meeting accept-
14 ed quality standards: *Provided further*, That, notwith-
15 standing any other provision of law, the Service may use
16 up to \$2,000,000 from funds provided for contracts for
17 employment-related legal services: *Provided further*, That
18 the Service may accept donated aircraft as replacements
19 for existing aircraft: *Provided further*, That, notwith-
20 standing any other provision of law, the Secretary of the
21 Interior may not spend any of the funds appropriated in
22 this Act for the purchase of lands or interests in lands
23 to be used in the establishment of any new unit of the
24 National Wildlife Refuge System unless the purchase is
25 approved in advance by the House and Senate Committees

1 on Appropriations in compliance with the reprogramming
2 procedures contained in the statement of the managers ac-
3 companying this Act.

4 NATIONAL PARK SERVICE

5 OPERATION OF THE NATIONAL PARK SYSTEM

6 For expenses necessary for the management, oper-
7 ation, and maintenance of areas and facilities adminis-
8 tered by the National Park Service (including expenses to
9 carry out programs of the United States Park Police), and
10 for the general administration of the National Park Serv-
11 ice, \$2,001,809,000, of which \$9,965,000 is for planning
12 and interagency coordination in support of Everglades res-
13 toration and shall remain available until expended; of
14 which \$101,164,000, to remain available until September
15 30, 2009, is for maintenance, repair or rehabilitation
16 projects for constructed assets, operation of the National
17 Park Service automated facility management software sys-
18 tem, and comprehensive facility condition assessments;
19 and of which \$3,000,000 shall be for the Youth Conserva-
20 tion Corps for high priority projects.

21 CENTENNIAL CHALLENGE

22 For expenses necessary to carry out provisions of sec-
23 tion 814(g) of Public Law 104-333 relating to challenge
24 cost share agreements, \$25,000,000, to remain available
25 until expended for Centennial Challenge signature projects
26 and programs: *Provided*, That not less than 50 percent

1 of the total cost of each project or program is derived from
2 non-Federal sources in the form of donated cash, assets,
3 in-kind services, or a pledge of donation guaranteed by
4 an irrevocable letter of credit.

5 NATIONAL RECREATION AND PRESERVATION

6 For expenses necessary to carry out recreation pro-
7 grams, natural programs, cultural programs, heritage
8 partnership programs, environmental compliance and re-
9 view, international park affairs, statutory or contractual
10 aid for other activities, and grant administration, not oth-
11 erwise provided for, \$68,481,000, of which not to exceed
12 \$7,500,000 may be for Preserve America grants to States,
13 Tribes, and local communities for projects that preserve
14 important historic resources through the promotion of her-
15 itage tourism: *Provided*, That any individual Preserve
16 America grant shall be matched by non-Federal funds:
17 *Provided further*, That individual projects shall only be eli-
18 gible for one grant: *Provided further*, That grants shall
19 be approved by the Secretary of the Interior in consulta-
20 tion with the House and Senate Committees on Appropria-
21 tions, and in consultation with the Advisory Council on
22 Historic Preservation prior to the commitment of grant
23 funds.

1 HISTORIC PRESERVATION FUND

2 (INCLUDING TRANSFERS OF FUNDS)

3 For expenses necessary in carrying out the Historic
4 Preservation Act of 1966, as amended (16 U.S.C. 470),
5 and the Omnibus Parks and Public Lands Management
6 Act of 1996 (Public Law 104-333), \$71,500,000, to be
7 derived from the Historic Preservation Fund and to re-
8 main available until September 30, 2009; of which
9 \$25,000,000 shall be for Save America's Treasures for
10 preservation of nationally significant sites, structures, and
11 artifacts: *Provided*, That any individual Save America's
12 Treasures grant shall be matched by non-Federal funds;
13 individual projects shall only be eligible for one grant; and
14 all projects to be funded shall be approved by the Sec-
15 retary of the Interior in consultation with the House and
16 Senate Committees on Appropriations: *Provided further*,
17 That Save America's Treasures funds allocated for Fed-
18 eral projects, following approval, shall be available by
19 transfer to appropriate accounts of individual agencies.

20 CONSTRUCTION

21 For construction, improvements, repair or replace-
22 ment of physical facilities, including the modifications au-
23 thorized by section 104 of the Everglades National Park
24 Protection and Expansion Act of 1989, \$221,985,000, to
25 remain available until expended: *Provided*, That funds
26 provided under this heading for implementation of modi-

1 fied water deliveries to Everglades National Park shall be
2 expended consistent with the requirements of the fifth pro-
3 viso under this heading in Public Law 108-108: *Provided*
4 *further*, That funds provided under this heading for imple-
5 mentation of modified water deliveries to Everglades Na-
6 tional Park shall be available for obligation only if match-
7 ing funds are appropriated to the Army Corps of Engi-
8 neers for the same purpose: *Provided further*, That none
9 of the funds provided under this heading for implementa-
10 tion of modified water deliveries to Everglades National
11 Park shall be available for obligation if any of the funds
12 appropriated to the Army Corps of Engineers for the pur-
13 pose of implementing modified water deliveries, including
14 finalizing detailed engineering and design documents for
15 a bridge or series of bridges for the Tamiami Trail compo-
16 nent of the project, becomes unavailable for obligation:
17 *Provided further*, That of the funds made available under
18 this heading, not to exceed \$3,800,000 is authorized to
19 be used for the National Park Service's proportionate cost
20 of upgrading the West Yellowstone/Hebgen Basin (Gal-
21 latin County, Montana) municipal solid waste disposal sys-
22 tem for the processing and disposal of municipal solid
23 waste generated within Yellowstone National Park: *Pro-*
24 *vided further*, That future fees paid by the National Park
25 Service to the West Yellowstone/Hebgen Basin Solid

1 Waste District will be restricted to operations and mainte-
2 nance costs of the facility, given the capital contribution
3 made by the National Park Service.

4 LAND AND WATER CONSERVATION FUND

5 (RESCISSION)

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

8 LAND ACQUISITION AND STATE ASSISTANCE

9 For expenses necessary to carry out the Land and
10 Water Conservation Act of 1965, as amended (16 U.S.C.
11 460l-4 through 11), including administrative expenses,
12 and for acquisition of lands or waters, or interest therein,
13 in accordance with the statutory authority applicable to
14 the National Park Service, \$70,070,000, to be derived
15 from the Land and Water Conservation Fund and to re-
16 main available until expended, of which \$25,000,000 is for
17 the State assistance program.

18 ADMINISTRATIVE PROVISIONS

19 For fiscal year 2008 and hereafter, if the Secretary
20 of the Interior, or either party to a value determination
21 proceeding conducted under a National Park Service con-
22 cession contract issued prior to November 13, 1998, con-
23 siders that the value determination decision issued pursu-
24 ant to the proceeding misinterprets or misapplies relevant
25 contractual requirements or their underlying legal author-
26 ity, the Secretary or either party may seek, within 180

1 days of any such decision, the de novo review of the value
2 determination decision by the United States Court of Fed-
3 eral Claims. This court may make an order affirming,
4 vacating, modifying or correcting the determination deci-
5 sion.

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

21 A willing seller from whom the Service acquires title
22 to real property may be considered a "displaced person"
23 for purposes of the Uniform Relocation Assistance and
24 Real Property Acquisition Policy Act and its implementing

1 regulations, whether or not the Service has the authority
2 to acquire such property by eminent domain.

3 Section 3(f) of the Act of August 21, 1935 (16 U.S.C.
4 463(f)), related to the National Park System Advisory
5 Board, is amended in the first sentence by striking
6 "2007" and inserting "2009".

7 UNITED STATES GEOLOGICAL SURVEY

8 SURVEYS, INVESTIGATIONS, AND RESEARCH

9 For expenses necessary for the United States Geo-
10 logical Survey to perform surveys, investigations, and re-
11 search covering topography, geology, hydrology, biology,
12 and the mineral and water resources of the United States,
13 its territories and possessions, and other areas as author-
14 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
15 to their mineral and water resources; give engineering su-
16 pervision to power permittees and Federal Energy Regu-
17 latory Commission licensees; administer the minerals ex-
18 ploration program (30 U.S.C. 641); conduct inquiries into
19 the economic conditions affecting mining and materials
20 processing industries (30 U.S.C. 3, 21a, and 1603; 50
21 U.S.C. 98g(1)) and related purposes as authorized by law;
22 and to publish and disseminate data relative to the fore-
23 going activities; \$1,022,430,000, to remain available until
24 September 30, 2009, of which \$63,845,000 shall be avail-
25 able only for cooperation with States or municipalities for

1 water resources investigations; of which \$40,150,000 shall
2 remain available until expended for satellite operations;
3 and of which \$8,023,000 shall be available until expended
4 for deferred maintenance and capital improvement
5 projects: *Provided*, That none of the funds provided for
6 the biological research activity shall be used to conduct
7 new surveys on private property, unless specifically au-
8 thorized in writing by the property owner: *Provided fur-*
9 *ther*, That no part of this appropriation shall be used to
10 pay more than one-half the cost of topographic mapping
11 or water resources data collection and investigations car-
12 ried on in cooperation with States and municipalities.

13

ADMINISTRATIVE PROVISIONS

14 From within the amount appropriated for activities
15 of the United States Geological Survey such sums as are
16 necessary shall be available for reimbursement to the Gen-
17 eral Services Administration for security guard services;
18 contracting for the furnishing of topographic maps and
19 for the making of geophysical or other specialized surveys
20 when it is administratively determined that such proce-
21 dures are in the public interest; construction and mainte-
22 nance of necessary buildings and appurtenant facilities;
23 acquisition of lands for gauging stations and observation
24 wells; expenses of the United States National Committee
25 on Geology; and payment of compensation and expenses

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

18 MINERALS MANAGEMENT SERVICE

19 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

20 For expenses necessary for minerals leasing and envi-
21 ronmental studies, regulation of industry operations, and
22 collection of royalties, as authorized by law; for enforcing
23 laws and regulations applicable to oil, gas, and other min-
24 erals leases, permits, licenses and operating contracts; for
25 energy-related or other authorized marine-related pur-

1 poses on the Outer Continental Shelf; and for matching
2 grants or cooperative agreements, \$157,202,000, to re-
3 main available until September 30, 2009, of which
4 \$82,371,000 shall be available for royalty management ac-
5 tivities; and an amount not to exceed \$135,730,000, to
6 be credited to this appropriation and to remain available
7 until expended, from additions to receipts resulting from
8 increases to rates in effect on August 5, 1993, from rate
9 increases to fee collections for Outer Continental Shelf ad-
10 ministrative activities performed by the Minerals Manage-
11 ment Service (MMS) over and above the rates in effect
12 on September 30, 1993, and from additional fees for
13 Outer Continental Shelf administrative activities estab-
14 lished after September 30, 1993 that the Secretary of the
15 Interior shall collect in fiscal year 2008 and retain and
16 use for the necessary expenses of this appropriation: *Pro-*
17 *vided*, That to the extent \$135,730,000 in addition to re-
18 ceipts are not realized from the sources of receipts stated
19 above, the amount needed to reach \$135,730,000 shall be
20 credited to this appropriation from receipts resulting from
21 rental rates for Outer Continental Shelf leases in effect
22 before August 5, 1993: *Provided further*, That not to ex-
23 ceed \$3,000 shall be available for reasonable expenses re-
24 lated to promoting volunteer beach and marine cleanup
25 activities: *Provided further*, That notwithstanding any

1 other provision of law, \$15,000 under this heading shall
2 be available for refunds of overpayments in connection
3 with certain Indian leases in which the Director of MMS
4 concurred with the claimed refund due, to pay amounts
5 owed to Indian allottees or tribes, or to correct prior unre-
6 coverable erroneous payments: *Provided further*, That for
7 the costs of administration of the Coastal Impact Assist-
8 ance Program authorized by section 31 of the Outer Con-
9 tinental Shelf Lands Act, as amended (43 U.S.C. 1456a),
10 MMS in fiscal years 2008 through 2010 may retain up
11 to three percent of the amounts which are disbursed under
12 section 31(b)(1), such retained amounts to remain avail-
13 able until expended.

14 OIL SPILL RESEARCH

15 For necessary expenses to carry out title I, section
16 1016, title IV, sections 4202 and 4303, title VII, and title
17 VIII, section 8201 of the Oil Pollution Act of 1990,
18 \$6,403,000, which shall be derived from the Oil Spill Li-
19 ability Trust Fund, to remain available until expended.

20 ADMINISTRATIVE PROVISIONS

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

1 Notwithstanding the provisions of section 35(b) of
2 the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),
3 the Secretary shall deduct 2 percent from the amount pay-
4 able to each State in fiscal year 2008 and deposit the
5 amount deducted to miscellaneous receipts of the Treas-
6 ury.

7 OFFICE OF SURFACE MINING RECLAMATION AND
8 ENFORCEMENT
9 REGULATION AND TECHNOLOGY

10 For necessary expenses to carry out the provisions
11 of the Surface Mining Control and Reclamation Act of
12 1977, Public Law 95-87, as amended, \$120,237,000, to
13 remain available until September 30, 2009: *Provided,*
14 That the Secretary of the Interior, pursuant to regula-
15 tions, may use directly or through grants to States, mon-
16 eys collected in fiscal year 2008 for civil penalties assessed
17 under section 518 of the Surface Mining Control and Rec-
18 lamation Act of 1977 (30 U.S.C. 1268), to reclaim lands
19 adversely affected by coal mining practices after August
20 3, 1977, to remain available until expended: *Provided fur-*
21 *ther,* That appropriations for the Office of Surface Mining
22 Reclamation and Enforcement may provide for the travel
23 and per diem expenses of State and tribal personnel at-
24 tending Office of Surface Mining Reclamation and En-
25 forcement sponsored training.

1 ABANDONED MINE RECLAMATION FUND

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

15 ADMINISTRATIVE PROVISION

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

21 BUREAU OF INDIAN AFFAIRS

22 OPERATION OF INDIAN PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

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

1 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
2 termination and Education Assistance Act of 1975 (25
3 U.S.C. 450 et seq.), as amended, the Education Amend-
4 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
5 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
6 as amended, \$2,080,261,000, to remain available until
7 September 30, 2009 except as otherwise provided herein;
8 of which not to exceed \$8,500 may be for official reception
9 and representation expenses; and of which not to exceed
10 \$80,179,000 shall be for welfare assistance payments:
11 *Provided*, That in cases of designated Federal disasters,
12 the Secretary may exceed such cap, from the amounts pro-
13 vided herein, to provide for disaster relief to Indian com-
14 munities affected by the disaster; notwithstanding any
15 other provision of law, including but not limited to the
16 Indian Self-Determination Act of 1975, as amended, not
17 to exceed \$149,628,000 shall be available for payments
18 for contract support costs associated with ongoing con-
19 tracts, grants, compacts, or annual funding agreements
20 entered into with the Bureau prior to or during fiscal year
21 2008, as authorized by such Act, except that tribes and
22 tribal organizations may use their tribal priority alloca-
23 tions for unmet contract support costs of ongoing con-
24 tracts, grants, or compacts, or annual funding agreements
25 and for unmet welfare assistance costs; of which not to

1 exceed \$487,500,000 for school operations costs of Bu-
2 reau-funded schools and other education programs shall
3 become available on July 1, 2008, and shall remain avail-
4 able until September 30, 2009; and of which not to exceed
5 \$60,222,000 shall remain available until expended for
6 housing improvement, road maintenance, attorney fees,
7 litigation support, the Indian Self-Determination Fund,
8 land records improvement, and the Navajo-Hopi Settle-
9 ment Program: *Provided further*, That notwithstanding
10 any other provision of law, including but not limited to
11 the Indian Self-Determination Act of 1975, as amended,
12 and 25 U.S.C. 2008, not to exceed \$44,060,000 within
13 and only from such amounts made available for school op-
14 erations shall be available for administrative cost grants
15 associated with ongoing grants entered into with the Bu-
16 reau prior to or during fiscal year 2007 for the operation
17 of Bureau-funded schools, and up to \$500,000 within and
18 only from such amounts made available for school oper-
19 ations shall be available for the transitional costs of initial
20 administrative cost grants to grantees that enter into
21 grants for the operation on or after July 1, 2007, of Bu-
22 reau-operated schools: *Provided further*, That any forestry
23 funds allocated to a tribe which remain unobligated as of
24 September 30, 2009, may be transferred during fiscal year
25 2010 to an Indian forest land assistance account estab-

1 lished for the benefit of the holder of the funds within
2 the tribe's trust fund account: *Provided further*, That any
3 such unobligated balances not so transferred shall expire
4 on September 30, 2010.

5 CONSTRUCTION

6 (INCLUDING TRANSFER OF FUNDS)

7 For construction, repair, improvement, and mainte-
8 nance of irrigation and power systems, buildings, utilities,
9 and other facilities, including architectural and engineer-
10 ing services by contract; acquisition of lands, and interests
11 in lands; and preparation of lands for farming, and for
12 construction of the Navajo Indian Irrigation Project pur-
13 suant to Public Law 87-483, \$206,983,000, to remain
14 available until expended: *Provided*, That such amounts as
15 may be available for the construction of the Navajo Indian
16 Irrigation Project may be transferred to the Bureau of
17 Reclamation: *Provided further*, That not to exceed 6 per-
18 cent of contract authority available to the Bureau of In-
19 dian Affairs from the Federal Highway Trust Fund may
20 be used to cover the road program management costs of
21 the Bureau: *Provided further*, That any funds provided for
22 the Safety of Dams program pursuant to 25 U.S.C. 13
23 shall be made available on a nonreimbursable basis: *Pro-*
24 *vided further*, That for fiscal year 2008, in implementing
25 new construction or facilities improvement and repair

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

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

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

12 For payments and necessary administrative expenses
13 for implementation of Indian land and water claim settle-
14 ments pursuant to Public Laws 99-264, 100-580, 101-
15 618, 107-331, 108-447, 109-379, and 109-479, and for
16 implementation of other land and water rights settle-
17 ments, \$34,069,000, to remain available until expended.

18 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

19 For the cost of guaranteed and insured loans,
20 \$6,276,000, of which \$700,000 is for administrative ex-
21 penses, as authorized by the Indian Financing Act of
22 1974, as amended: *Provided*, That such costs, including
23 the cost of modifying such loans, shall be as defined in
24 section 502 of the Congressional Budget Act of 1974: *Pro-*
25 *vided further*, That these funds are available to subsidize

1 total loan principal, any part of which is to be guaranteed,
2 not to exceed \$85,506,098.

3 ADMINISTRATIVE PROVISIONS

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

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

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

18 Notwithstanding any other provision of law, no funds
19 available to the Bureau of Indian Affairs for central office
20 oversight and Executive Direction and Administrative
21 Services (except executive direction and administrative
22 services funding for Tribal Priority Allocations and re-
23 gional offices) shall be available for contracts, grants, com-
24 pacts, or cooperative agreements with the Bureau of In-
25 dian Affairs under the provisions of the Indian Self-Deter-

1 mination Act or the Tribal Self-Governance Act of 1994
2 (Public Law 103-413).

3 In the event any tribe returns appropriations made
4 available by this Act to the Bureau of Indian Affairs, this
5 action shall not diminish the Federal Government's trust
6 responsibility to that tribe, or the government-to-govern-
7 ment relationship between the United States and that
8 tribe, or that tribe's ability to access future appropria-
9 tions.

10 Notwithstanding any other provision of law, no funds
11 available to the Bureau, other than the amounts provided
12 herein for assistance to public schools under 25 U.S.C.
13 452 et seq., shall be available to support the operation of
14 any elementary or secondary school in the State of Alaska.

15 Appropriations made available in this or any other
16 Act for schools funded by the Bureau shall be available
17 only to the schools in the Bureau school system as of Sep-
18 tember 1, 1996. No funds available to the Bureau shall
19 be used to support expanded grades for any school or dor-
20 mitory beyond the grade structure in place or approved
21 by the Secretary of the Interior at each school in the Bu-
22 reau school system as of October 1, 1995. Funds made
23 available under this Act may not be used to establish a
24 charter school at a Bureau-funded school (as that term
25 is defined in section 1146 of the Education Amendments

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

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

1 Notwithstanding any other provision of law, including
2 section 113 of title I of appendix C of Public Law 106-
3 113, if in fiscal year 2003 or 2004 a grantee received indi-
4 rect and administrative costs pursuant to a distribution
5 formula based on section 5(f) of Public Law 101-301, the
6 Secretary shall continue to distribute indirect and admin-
7 istrative cost funds to such grantee using the section 5(f)
8 distribution formula.

9 DEPARTMENTAL OFFICES

10 OFFICE OF THE SECRETARY

11 SALARIES AND EXPENSES

12 For necessary expenses for management of the De-
13 partment of the Interior, \$101,151,000; of which not to
14 exceed \$15,000 may be for official reception and represen-
15 tation expenses; and of which up to \$1,000,000 shall be
16 available for workers compensation payments and unem-
17 ployment compensation payments associated with the or-
18 derly closure of the United States Bureau of Mines.

19 INSULAR AFFAIRS

20 ASSISTANCE TO TERRITORIES

21 For expenses necessary for assistance to territories
22 under the jurisdiction of the Department of the Interior,
23 \$78,613,000, of which: (1) \$70,137,000 shall remain
24 available until expended for technical assistance, including
25 maintenance assistance, disaster assistance, insular man-

1 agement controls, coral reef initiative activities, and brown
2 tree snake control and research; grants to the judiciary
3 in American Samoa for compensation and expenses, as au-
4 thorized by law (48 U.S.C. 1661(e)); grants to the Govern-
5 ment of American Samoa, in addition to current local rev-
6 enues, for construction and support of governmental func-
7 tions; grants to the Government of the Virgin Islands as
8 authorized by law; grants to the Government of Guam,
9 as authorized by law; and grants to the Government of
10 the Northern Mariana Islands as authorized by law (Pub-
11 lic Law 94-241; 90 Stat. 272); and (2) \$8,476,000 shall
12 be available until September 30, 2009 for salaries and ex-
13 penses of the Office of Insular Affairs: *Provided*, That all
14 financial transactions of the territorial and local govern-
15 ments herein provided for, including such transactions of
16 all agencies or instrumentalities established or used by
17 such governments, may be audited by the Government Ac-
18 countability Office, at its discretion, in accordance with
19 chapter 35 of title 31, United States Code: *Provided fur-*
20 *ther*, That Northern Mariana Islands Covenant grant
21 funding shall be provided according to those terms of the
22 Agreement of the Special Representatives on Future
23 United States Financial Assistance for the Northern Mar-
24 iana Islands approved by Public Law 104-134: *Provided*
25 *further*, That of the amounts provided for technical assist-

1 ance, sufficient funds shall be made available for a grant
2 to the Pacific Basin Development Council: *Provided fur-*
3 *ther*, That of the amounts provided for technical assist-
4 ance, sufficient funding shall be made available for a grant
5 to the Close Up Foundation: *Provided further*, That the
6 funds for the program of operations and maintenance im-
7 provement are appropriated to institutionalize routine op-
8 erations and maintenance improvement of capital infra-
9 structure with territorial participation and cost sharing to
10 be determined by the Secretary based on the grantee's
11 commitment to timely maintenance of its capital assets:
12 *Provided further*, That any appropriation for disaster as-
13 sistance under this heading in this Act or previous appro-
14 priations Acts may be used as non-Federal matching
15 funds for the purpose of hazard mitigation grants provided
16 pursuant to section 404 of the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

18 COMPACT OF FREE ASSOCIATION

19 For grants and necessary expenses, \$5,362,000, to
20 remain available until expended, as provided for in sec-
21 tions 221(a)(2), 221(b), and 233 of the Compact of Free
22 Association for the Republic of Palau; and section
23 221(a)(2) of the Compacts of Free Association for the
24 Government of the Republic of the Marshall Islands and
25 the Federated States of Micronesia, as authorized by Pub-
26 lic Law 99-658 and Public Law 108-188.

1 OFFICE OF THE SOLICITOR

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of the Solicitor,
4 \$59,250,000.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
8 General, \$44,572,000.

9 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

10 FEDERAL TRUST PROGRAMS

11 For the operation of trust programs for Indians by
12 direct expenditure, contracts, cooperative agreements,
13 compacts, and grants, \$182,331,000, to remain available
14 until expended, of which not to exceed \$56,384,000 from
15 this or any other Act, shall be available for historical ac-
16 counting: *Provided*, That funds for trust management im-
17 provements and litigation support may, as needed, be
18 transferred to or merged with the Bureau of Indian Af-
19 fairs, "Operation of Indian Programs" account; the Office
20 of the Solicitor, "Salaries and Expenses" account; and the
21 Office of the Secretary, "Salaries and Expenses" account:
22 *Provided further*, That funds made available through con-
23 tracts or grants obligated during fiscal year 2008, as au-
24 thorized by the Indian Self-Determination Act of 1975 (25
25 U.S.C. 450 et seq.), shall remain available until expended

1 by the contractor or grantee: *Provided further*, That, not-
2 withstanding any other provision of law, the statute of lim-
3 itations shall not commence to run on any claim, including
4 any claim in litigation pending on the date of the enact-
5 ment of this Act, concerning losses to or mismanagement
6 of trust funds, until the affected tribe or individual Indian
7 has been furnished with an accounting of such funds from
8 which the beneficiary can determine whether there has
9 been a loss: *Provided further*, That, notwithstanding any
10 other provision of law, the Secretary shall not be required
11 to provide a quarterly statement of performance for any
12 Indian trust account that has not had activity for at least
13 18 months and has a balance of \$15.00 or less: *Provided*
14 *further*, That the Secretary shall issue an annual account
15 statement and maintain a record of any such accounts and
16 shall permit the balance in each such account to be with-
17 drawn upon the express written request of the account
18 holder: *Provided further*, That not to exceed \$50,000 is
19 available for the Secretary to make payments to correct
20 administrative errors of either disbursements from or de-
21 posits to Individual Indian Money or Tribal accounts after
22 September 30, 2002: *Provided further*, That erroneous
23 payments that are recovered shall be credited to and re-
24 main available in this account for this purpose.

1 INDIAN LAND CONSOLIDATION

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

11 DEPARTMENT-WIDE PROGRAMS

12 PAYMENTS IN LIEU OF TAXES

13 For expenses necessary to implement the Act of Octo-
14 ber 20, 1976, as amended (31 U.S.C. 6901-6907),
15 \$232,528,000, of which not to exceed \$400,000 shall be
16 available for administrative expenses: *Provided*, That no
17 payment shall be made to otherwise eligible units of local
18 government if the computed amount of the payment is less
19 than \$100.

20 CENTRAL HAZARDOUS MATERIALS FUND

21 For necessary expenses of the Department of the In-
22 terior and any of its component offices and bureaus for
23 the remedial action, including associated activities, of haz-
24 ardous waste substances, pollutants, or contaminants pur-
25 suant to the Comprehensive Environmental Response,

1 Compensation, and Liability Act, as amended (42 U.S.C.
2 9601 et seq.), \$9,954,000, to remain available until ex-
3 pended: *Provided*, That hereafter, notwithstanding 31
4 U.S.C. 3302, sums recovered from or paid by a party in
5 advance of or as reimbursement for remedial action or re-
6 sponse activities conducted by the Department pursuant
7 to section 107 or 113(f) of such Act, shall be credited to
8 this account, to be available until expended without fur-
9 ther appropriation: *Provided further*, That hereafter such
10 sums recovered from or paid by any party are not limited
11 to monetary payments and may include stocks, bonds or
12 other personal or real property, which may be retained,
13 liquidated, or otherwise disposed of by the Secretary and
14 which shall be credited to this account.

15 NATURAL RESOURCE DAMAGE ASSESSMENT AND

16 RESTORATION

17 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

18 To conduct natural resource damage assessment and
19 restoration activities by the Department of the Interior
20 necessary to carry out the provisions of the Comprehensive
21 Environmental Response, Compensation, and Liability
22 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
23 Water Pollution Control Act, as amended (33 U.S.C. 1251
24 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
25 et seq.), and Public Law 101-337, as amended (16 U.S.C.

1 19jj et seq.), \$6,300,000, to remain available until ex-
2 pended.

3 WORKING CAPITAL FUND

4 For the acquisition of a departmental financial and
5 business management system, \$40,727,000, to remain
6 available until expended: *Provided*, That none of the funds
7 in this Act or previous appropriations Acts may be used
8 to establish reserves in the Working Capital Fund account
9 other than for accrued annual leave and depreciation of
10 equipment without prior approval of the House and Senate
11 Committees on Appropriations.

12 ADMINISTRATIVE PROVISIONS

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

21 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

22 (INCLUDING TRANSFERS OF FUNDS)

23 SEC. 101. Appropriations made in this title shall be
24 available for expenditure or transfer (within each bureau
25 or office), with the approval of the Secretary, for the emer-
26 gency reconstruction, replacement, or repair of aircraft,

1 buildings, utilities, or other facilities or equipment dam-
2 aged or destroyed by fire, flood, storm, or other unavoi-
3 dable causes: *Provided*, That no funds shall be made avail-
4 able under this authority until funds specifically made
5 available to the Department of the Interior for emer-
6 gencies shall have been exhausted: *Provided further*, That
7 all funds used pursuant to this section must be replenished
8 by a supplemental appropriation which must be requested
9 as promptly as possible.

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

1 (99 Stat. 1658); for emergency reclamation projects under
2 section 410 of Public Law 95-87; and shall transfer, from
3 any no year funds available to the Office of Surface Min-
4 ing Reclamation and Enforcement, such funds as may be
5 necessary to permit assumption of regulatory authority in
6 the event a primacy State is not carrying out the regu-
7 latory provisions of the Surface Mining Act: *Provided,*
8 That appropriations made in this title for wildland fire
9 operations shall be available for the payment of obligations
10 incurred during the preceding fiscal year, and for reim-
11 bursement to other Federal agencies for destruction of ve-
12 hicles, aircraft, or other equipment in connection with
13 their use for wildland fire operations, such reimbursement
14 to be credited to appropriations currently available at the
15 time of receipt thereof: *Provided further,* That for wildland
16 fire operations, no funds shall be made available under
17 this authority until the Secretary determines that funds
18 appropriated for "wildland fire operations" shall be ex-
19 hausted within 30 days: *Provided further,* That all funds
20 used pursuant to this section must be replenished by a
21 supplemental appropriation which must be requested as
22 promptly as possible: *Provided further,* That such replen-
23 ishment funds shall be used to reimburse, on a pro rata
24 basis, accounts from which emergency funds were trans-
25 ferred.

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

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

23 SEC. 105. No funds provided in this title may be ex-
24 pended by the Department of the Interior to conduct oil

1 and natural gas preleasing, leasing and related activities
2 in the Mid-Atlantic and South Atlantic planning areas.

3 SEC. 106. Appropriations made in this Act under the
4 headings Bureau of Indian Affairs and Office of Special
5 Trustee for American Indians and any unobligated bal-
6 ances from prior appropriations Acts made under the
7 same headings shall be available for expenditure or trans-
8 fer for Indian trust management and reform activities, ex-
9 cluding litigation costs. Total funding for historical ac-
10 counting activities shall not exceed amounts specifically
11 designated in this Act for such purpose.

12 SEC. 107. Notwithstanding any other provision of
13 law, the Secretary of the Interior is authorized to redis-
14 tribute any Tribal Priority Allocation funds, including
15 tribal base funds, to alleviate tribal funding inequities by
16 transferring funds to address identified, unmet needs,
17 dual enrollment, overlapping service areas or inaccurate
18 distribution methodologies. No tribe shall receive a reduc-
19 tion in Tribal Priority Allocation funds of more than 10
20 percent in fiscal year 2008. Under circumstances of dual
21 enrollment, overlapping service areas or inaccurate dis-
22 tribution methodologies, the 10 percent limitation does not
23 apply.

24 SEC. 108. Notwithstanding any other provision of
25 law, in conveying the Twin Cities Research Center under

1 the authority provided by Public Law 104-134, as amend-
2 ed by Public Law 104-208, the Secretary may accept and
3 retain land and other forms of reimbursement: *Provided,*
4 That the Secretary may retain and use any such reim-
5 bursement until expended and without further appropria-
6 tion: (1) for the benefit of the National Wildlife Refuge
7 System within the State of Minnesota; and (2) for all ac-
8 tivities authorized by 16 U.S.C. 460zz.

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

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

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

12 SEC. 112. No funds appropriated for the Department
13 of the Interior by this Act or any other Act shall be used
14 to study or implement any plan to drain Lake Powell or
15 to reduce the water level of the lake below the range of
16 water levels required for the operation of the Glen Canyon
17 Dam.

18 SEC. 113. The United States Fish and Wildlife Serv-
19 ice shall, in carrying out its responsibilities to protect
20 threatened and endangered species of salmon, implement
21 a system of mass marking of salmonid stocks, intended
22 for harvest, that are released from federally-operated or
23 federally-financed hatcheries including but not limited to
24 fish releases of coho, chinook, and steelhead species.

1 Marked fish must have a visible mark that can be readily
2 identified by commercial and recreational fishers.

3 SEC. 114. Notwithstanding any implementation of
4 the Department of the Interior's trust reorganization or
5 reengineering plans, or the implementation of the "To Be"
6 Model, funds appropriated for fiscal year 2008 shall be
7 available to the tribes within the California Tribal Trust
8 Reform Consortium and to the Salt River Pima-Maricopa
9 Indian Community, the Confederated Salish and Kootenai
10 Tribes of the Flathead Reservation and the Chippewa Cree
11 Tribe of the Rocky Boys Reservation through the same
12 methodology as funds were distributed in fiscal year 2003.
13 This Demonstration Project shall continue to operate sep-
14 arate and apart from the Department of the Interior's
15 trust reform and reorganization and the Department shall
16 not impose its trust management infrastructure upon or
17 alter the existing trust resource management systems of
18 the above referenced tribes having a self-governance com-
19 pact and operating in accordance with the Tribal Self-Gov-
20 ernance Program set forth in 25 U.S.C. 458aa-458hh:
21 *Provided*, That the California Trust Reform Consortium
22 and any other participating tribe agree to carry out their
23 responsibilities under the same written and implemented
24 fiduciary standards as those being carried by the Sec-
25 retary of the Interior: *Provided further*, That they dem-

1 onstrate to the satisfaction of the Secretary that they have
2 the capability to do so: *Provided further*, That the Depart-
3 ment shall provide funds to the tribes in an amount equal
4 to that required by 25 U.S.C. 458cc(g)(3), including funds
5 specifically or functionally related to the provision of trust
6 services to the tribes or their members.

7 SEC. 115. Notwithstanding any other provision of
8 law, the Secretary of the Interior is authorized to acquire
9 lands, waters, or interests therein including the use of all
10 or part of any pier, dock, or landing within the State of
11 New York and the State of New Jersey, for the purpose
12 of operating and maintaining facilities in the support of
13 transportation and accommodation of visitors to Ellis,
14 Governors, and Liberty Islands, and of other program and
15 administrative activities, by donation or with appropriated
16 funds, including franchise fees (and other monetary con-
17 sideration), or by exchange; and the Secretary is author-
18 ized to negotiate and enter into leases, subleases, conces-
19 sion contracts or other agreements for the use of such fa-
20 cilities on such terms and conditions as the Secretary may
21 determine reasonable.

22 SEC. 116. Notwithstanding any other provision of
23 law, including 42 U.S.C. 4321 et seq., nonrenewable graz-
24 ing permits authorized in the Jarbidge Field Office, Bu-
25 reau of Land Management since March 1, 1997 shall be

1 renewed. The Animal Unit Months, authorized in any non-
2 renewable grazing permit from March 1, 1997 to present
3 shall continue in effect under the renewed permit. Nothing
4 in this section shall be deemed to extend the renewed per-
5 mit beyond the standard 1-year term. The period of this
6 provision will be until all of the grazing permits in the
7 Jarbidge Field Office are renewed after the completion of
8 the Record of Decision for the Jarbidge Resource Manage-
9 ment Plan/Final Environmental Impact Statement.

10 SEC. 117. OIL AND GAS LEASING INTERNET PILOT
11 PROGRAM. Notwithstanding section 17(b)(1)(A) of the
12 Mineral Leasing Act (30 U.S.C 226(b)(1)(A)), the Sec-
13 retary of the Interior shall establish an oil and gas leasing
14 Internet pilot program, under which the Secretary may
15 conduct lease sales through methods other than oral bid-
16 ding. To carry out the pilot program, the Secretary of the
17 Interior may use not more than \$250,000 of funds in the
18 BLM Permit Processing Improvement Fund described in
19 section 35(c)(2)(B) of the Mineral Leasing Act (30 U.S.C.
20 191(c)(2)(B)).

21 SEC. 118. Notwithstanding any other provision of
22 law, the Secretary of the Interior is directed to sell prop-
23 erty within the Protection Island National Wildlife Refuge
24 and the Dungeness National Wildlife Refuge to the Wash-
25 ington State Department of Transportation.

1 SEC. 119. No funds appropriated or otherwise made
2 available to the Department of the Interior may be used,
3 in relation to any proposal to store water for the purpose
4 of export, for approval of any right-of-way or similar au-
5 thorization on the Mojave National Preserve or lands man-
6 aged by the Needles Field Office of the Bureau of Land
7 Management, or for carrying out any activities associated
8 with such right-of-way or similar approval.

9 SEC. 120. Section 460ccc-4 of the Red Rock Canyon
10 National Conservation Area Establishment Act authoriza-
11 tion (16 U.S.C. 460ccc) is amended—

12 (1) in section (a)(1), by striking “with donated
13 or appropriated funds”;

14 (2) by striking section (a)(2);

15 (3) in section (a)(3), by striking “(3)” and re-
16 placing with “(2)”;

17 (4) in section (a)(4), by striking “(4)” and re-
18 placing with “(3)”.

19 SEC. 121. Title 43 U.S.C. 1473 is amended by insert-
20 ing at the end of that section before the period the fol-
21 lowing: “, including, in fiscal year 2008 only, contributions
22 of money and services to conduct work in support of the
23 orderly exploration and development of Outer Continental
24 Shelf resources, including but not limited to, preparation

1 of environmental documents such as impact statements
2 and assessments, studies, and related research”.

3 SEC. 122. Section 1077(c) of Public Law 109-364
4 is repealed.

5 SEC. 123. Section 144 of division E of Public Law
6 108-447, as amended, is amended in paragraph (b)(2) by
7 striking “November 12, 2004” and inserting “May 4,
8 2005.”

9 SEC. 124. Section 105(f)(1)(B) of the Compact of
10 Free Association Amendments Act of 2003 (48 U.S.C.
11 1921d(f)(1)(B)) is amended in clause (ix) by—

12 (1) striking “Republic” both places it appears
13 and inserting “government, institutions, and peo-
14 ple”;

15 (2) striking “2007” and inserting “2009”; and

16 (3) striking “was” and inserting “were”.

17 SEC. 125. The Secretary of the Interior may enter
18 into cooperative agreements with a State or political sub-
19 division (including any agency thereof), or any not-for-
20 profit organization if the agreement will: (1) serve a mu-
21 tual interest of the parties to the agreement in carrying
22 out the programs administered by the Department of the
23 Interior; and (2) all parties will contribute resources to
24 the accomplishment of these objectives. At the discretion

1 of the Secretary, such agreements shall not be subject to
2 a competitive process.

3 SEC. 126. The Federal properties commonly referred
4 to as the Barnes Ranch and Agency Lake Ranch (the
5 properties) in Klamath County, Oregon, managed by the
6 Bureau of Reclamation shall be transferred to the Upper
7 Klamath National Wildlife Refuge (Refuge) in accordance
8 with the Memorandum of Understanding between the U.S.
9 Fish and Wildlife Service Klamath Basin National Wild-
10 life Refuge Complex and the Bureau of Reclamation
11 Klamath Basin Area Office and The Nature Conservancy
12 dated March 2, 2007, as expeditiously as possible and no
13 later than December 2008: *Provided*, That these Federal
14 properties and all Federal refuge lands within the adjusted
15 boundary area for the Refuge, as approved by the U.S.
16 Fish and Wildlife Service (Service) in June 2005 under
17 the Land Protection Plan of 2005, shall be made a part
18 of the Refuge and shall be managed by the Service as
19 such: *Provided further*, That each year after the properties
20 become part of the Refuge, those increments of water pas-
21 sively stored on the properties shall be applied and cred-
22 ited toward the requirements of any consultation or recon-
23 sultation over Klamath Project operations pursuant to
24 section 7 of the Endangered Species Act, consistent with
25 Federal law and State water law.

1 SEC. 127. CORINTH UNIT OF SHILOH NATIONAL
2 MILITARY PARK BOUNDARY EXPANSION. The Corinth
3 Battlefield Preservation Act of 2000 (16 U.S.C. 430f-6
4 et seq.) is amended—

5 (1) in section 3(1) (16 U.S.C. 430f-7(1)), by
6 striking “304/80,007, and dated October 1998” and
7 inserting “304A/80009, and dated April 2007”;

8 (2) in section 4(b) (16 U.S.C. 430f-8(b)), by
9 striking paragraph (1) and inserting the following:

10 “(1) approximately 950 acres, as generally de-
11 picted on the Map; and”;

12 (3) in section 5(a) (16 U.S.C. 430f-9(a)), by
13 striking “as depicted on the Map” and inserting
14 “described in section 4(b)”;

15 (4) by striking section 7 (16 U.S.C. 430f-11);
16 and

17 (5) by redesignating section 8 (16 U.S.C. 430f-
18 12) as section 7.

19 SEC. 128. In section 5(8) of Public Law 107-226,
20 strike “acquire” and all that follows and insert, “acquire
21 the land or interests in land for the memorial by donation,
22 purchase with donated or appropriated funds, exchange or
23 condemnation with donated or appropriated funds; and”.

24 SEC. 129. CLARIFICATION OF CONCESSIONAIRE HIS-
25 TORIC RIGHTS. (a) In implementing section 1307 of Public

1 Law 96-487 (96 Stat. 2479), the Secretary shall deem
2 Denali National Park Wilderness Centers, Ltd., a corpora-
3 tion organized and existing under the laws of the State
4 of Alaska, to be a person who, on or before January 1,
5 1979, was engaged in adequately providing the following
6 scope and level of visitor services within what is currently
7 Denali National Park and Preserve:

8 (1) Guided interpretive hiking services in the
9 Kantishna area new park additions (i.e. park area
10 added in 1980 to former Mount McKinley National
11 Park), not to exceed 14 guided interpretive hikes per
12 week.

13 (2) Gold panning outings in the Kantishna area
14 new park additions, not to exceed 3 gold panning
15 outings per week.

16 (3) Guided interpretive trips, including an aver-
17 age of four vehicle trips per day, not to exceed 28
18 trips per week, into the Old Park (i.e. former Mount
19 McKinley National Park).

20 (4) Guided and unguided canoeing on Wonder
21 Lake, including the storage of five canoes on Won-
22 der Lake.

23 (5) Transportation over the road between the
24 north boundary of the Old Park and Wonder Lake,

1 including Wonder Lake Campground, for an average
2 of 10 trips per day not to exceed 70 trips per week.

3 (b) For purpose of implementing this section, the
4 term "person" means the person who has a controlling
5 interest in the entity described under subsection (a) or his
6 lineal descendants born prior to January 1, 1979.

7 SEC. 130. Section 16 of the Colorado Ute Indian
8 Water Rights Settlement Act of 1988 (Public Law 100-
9 585; 102 Stat. 2913; 114 Stat. 2763A-263) is amend-
10 ed—

11 (1) in subsection (c)(3)(B)(iii), by striking "by
12 requiring" and all that follows through "enhance-
13 ment" and inserting the following: ", the plan shall
14 provide that not less than $\frac{1}{3}$ of the funds referred
15 to in clause (i) shall be expended for municipal or
16 rural water development and that annual expendi-
17 tures under that provision shall be reported to the
18 Secretary each year"; and

19 (2) in the third sentence of subsection (f), by
20 striking "December 31, 2012" and inserting "the
21 date that is 5 years after the date of the final settle-
22 ment of the tribal claims under section 18".

23 SEC. 131. Funds provided in this Act for Federal
24 land acquisition by the National Park Service for Shen-
25 andoah Valley Battlefields National Historic District and

1 Ice Age National Scenic Trail may be used for a grant
2 to a State, a local government, or any other land manage-
3 ment entity for the acquisition of lands without regard to
4 any restriction on the use of Federal land acquisition
5 funds provided through the Land and Water Conservation
6 Fund Act of 1965 as amended.

7 SEC. 132. From within amounts provided to the Na-
8 tional Park Service Land Acquisition account by this Act,
9 \$2,000,000 shall be made available to the State of Mis-
10 sissippi pursuant to a grant agreement with the National
11 Park Service, in order that the State may acquire land
12 or interests in land on Cat Island, which is located within
13 the Gulf Islands National Seashore. Funds provided to the
14 State of Mississippi through such grant agreement shall
15 not be contingent upon matching funds provided by the
16 State. Any lands or interests acquired with funds under
17 this section shall be owned by the federal government and
18 administered as part of the National Seashore.

19 SEC. 133. MESA VERDE NATIONAL PARK BOUNDARY
20 CHANGE. (a) ACQUISITION OF LAND.—

21 (1) IN GENERAL.—The Secretary may acquire
22 the land or an interest in the land described in sub-
23 section (b) for addition to the Mesa Verde National
24 Park.

1 (2) MEANS.—An acquisition of land under
2 paragraph (1) may be made by donation, purchase
3 from a willing seller with donated or appropriated
4 funds, or exchange.

5 (b) DESCRIPTION OF LAND.—The land referred to in
6 subsection (a)(1) is the approximately 360 acres of land
7 adjacent to the Park, as generally depicted on the map,
8 entitled “Mesa Verde National Park Proposed Boundary
9 Adjustment”, numbered 307/80,180, and dated March 1,
10 2007.

11 (c) AVAILABILITY OF MAP.—The map shall be on file
12 and available for inspection in the appropriate offices of
13 the National Park Service.

14 (d) BOUNDARY MODIFICATION.—The boundary of
15 the Park shall be revised to reflect the acquisition of the
16 land under subsection (a).

17 (e) ADMINISTRATION.—The Secretary shall admin-
18 ister any land or interest in land acquired under sub-
19 section (a)(1) as part of the Park in accordance with the
20 laws (including regulations) applicable to the Park.

21 SEC. 134. In implementing section 1307 of Public
22 Law 96-487 (4 Stat. 2479), the Secretary shall deem the
23 present holders of entry permit CP-GLBA005-00 and
24 entry permit CP-GLBA004-00 each to be a person who,
25 on or before January 1, 1979, was engaged in adequately

1 providing visitor services of the type authorized in said
2 permit within Glacier Bay National Park.

3 SEC. 135. Funds provided under Public Law 109-
4 54 may be granted to the Alice Ferguson Foundation for
5 site planning and design and rehabilitation of the Potomac
6 River Habitat Study Complex and the Wareham Lodge.

7 TITLE II

8 ENVIRONMENTAL PROTECTION AGENCY

9 SCIENCE AND TECHNOLOGY

10 For science and technology, including research and
11 development activities, which shall include research and
12 development activities under the Comprehensive Environ-
13 mental Response, Compensation, and Liability Act of
14 1980, as amended; necessary expenses for personnel and
15 related costs and travel expenses, including uniforms, or
16 allowances therefor, as authorized by 5 U.S.C. 5901-
17 5902; services as authorized by 5 U.S.C. 3109, but at
18 rates for individuals not to exceed the per diem rate equiv-
19 alent to the maximum rate payable for senior level posi-
20 tions under 5 U.S.C. 5376; procurement of laboratory
21 equipment and supplies; other operating expenses in sup-
22 port of research and development; construction, alteration,
23 repair, rehabilitation, and renovation of facilities, not to
24 exceed \$85,000 per project, \$772,129,000, to remain
25 available until September 30, 2009.

1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For environmental programs and management, in-
3 cluding necessary expenses, not otherwise provided for, for
4 personnel and related costs and travel expenses, including
5 uniforms, or allowances therefor, as authorized by 5
6 U.S.C. 5901-5902; services as authorized by 5 U.S.C.
7 3109, but at rates for individuals not to exceed the per
8 diem rate equivalent to the maximum rate payable for sen-
9 ior level positions under 5 U.S.C. 5376; hire of passenger
10 motor vehicles; hire, maintenance, and operation of air-
11 craft; purchase of reprints; library memberships in soci-
12 eties or associations which issue publications to members
13 only or at a price to members lower than to subscribers
14 who are not members; construction, alteration, repair, re-
15 habilitation, and renovation of facilities, not to exceed
16 \$85,000 per project; and not to exceed \$9,000 for official
17 reception and representation expenses, \$2,364,854,000, to
18 remain available until September 30, 2009, including ad-
19 ministrative costs of the brownfields program under the
20 Small Business Liability Relief and Brownfields Revital-
21 ization Act of 2002.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, as amended, and for construction,

1 alteration, repair, rehabilitation, and renovation of facili-
2 ties, not to exceed \$85,000 per project, \$41,750,000, to
3 remain available until September 30, 2009.

4 BUILDINGS AND FACILITIES

5 For construction, repair, improvement, extension, al-
6 teration, and purchase of fixed equipment or facilities of,
7 or for use by, the Environmental Protection Agency,
8 \$34,801,000, to remain available until expended.

9 HAZARDOUS SUBSTANCE SUPERFUND

10 (INCLUDING TRANSFERS OF FUNDS)

11 For necessary expenses to carry out the Comprehen-
12 sive Environmental Response, Compensation, and Liabil-
13 ity Act of 1980 (CERCLA), as amended, including sec-
14 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
15 9611), and for construction, alteration, repair, rehabilita-
16 tion, and renovation of facilities, not to exceed \$85,000
17 per project; \$1,273,871,000, to remain available until ex-
18 pended, consisting of such sums as are available in the
19 Trust Fund on September 30, 2007, as authorized by sec-
20 tion 517(a) of the Superfund Amendments and Reauthor-
21 ization Act of 1986 (SARA) and up to \$1,273,871,000
22 as a payment from general revenues to the Hazardous
23 Substance Superfund for purposes as authorized by sec-
24 tion 517(b) of SARA, as amended: *Provided*, That funds
25 appropriated under this heading may be allocated to other

1 Federal agencies in accordance with section 111(a) of
2 CERCLA: *Provided further*, That of the funds appro-
3 priated under this heading, \$11,668,000 shall be paid to
4 the "Office of Inspector General" appropriation to remain
5 available until September 30, 2009, and \$26,126,000 shall
6 be paid to the "Science and Technology" appropriation to
7 remain available until September 30, 2009.

8 LEAKING UNDERGROUND STORAGE TANK TRUST FUND

9 PROGRAM

10 For necessary expenses to carry out leaking under-
11 ground storage tank cleanup activities authorized by sub-
12 title I of the Solid Waste Disposal Act, as amended, and
13 for construction, alteration, repair, rehabilitation, and ren-
14 novation of Environmental Protection Agency facilities, not
15 to exceed \$85,000 per project, \$107,493,000, to remain
16 available until expended, of which \$76,493,000 shall be
17 for carrying out leaking underground storage tank cleanup
18 activities authorized by section 9003(h) of the Solid Waste
19 Disposal Act, as amended; \$31,000,000 shall be for car-
20 rying out the other provisions of the Solid Waste Disposal
21 Act specified in section 9508(c) of the Internal Revenue
22 Code, as amended: *Provided*, That the Administrator is
23 authorized to use appropriations made available under this
24 heading to implement section 9013 of the Solid Waste Dis-
25 posal Act to provide financial assistance to federally-recog-

1 nized Indian tribes for the development and implementa-
2 tion of programs to manage underground storage tanks.

3 OIL SPILL RESPONSE

4 For expenses necessary to carry out the Environ-
5 mental Protection Agency's responsibilities under the Oil
6 Pollution Act of 1990, \$17,326,000, to be derived from
7 the Oil Spill Liability trust fund, to remain available until
8 expended.

9 STATE AND TRIBAL ASSISTANCE GRANTS

10 For environmental programs and infrastructure as-
11 sistance, including capitalization grants for State revolving
12 ing funds and performance partnership grants,
13 \$2,972,595,000, to remain available until expended, of
14 which \$700,000,000 shall be for making capitalization
15 grants for the Clean Water State Revolving Funds under
16 title VI of the Federal Water Pollution Control Act, as
17 amended (the "Act"); of which up to \$75,000,000 shall
18 be available for loans, including interest free loans as au-
19 thorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-
20 municipal, interstate, or State agencies or nonprofit enti-
21 ties for projects that provide treatment for or that mini-
22 mize sewage or stormwater discharges using one or more
23 approaches which include, but are not limited to, decen-
24 tralized or distributed stormwater controls, decentralized
25 wastewater treatment, low-impact development practices,

1 conservation easements, stream buffers, or wetlands res-
2 toration; \$842,167,000 shall be for capitalization grants
3 for the Drinking Water State Revolving Funds under sec-
4 tion 1452 of the Safe Drinking Water Act, as amended;
5 \$20,000,000 shall be for architectural, engineering, plan-
6 ning, design, construction and related activities in connec-
7 tion with the construction of high priority water and
8 wastewater facilities in the area of the United States-Mex-
9 ico Border, after consultation with the appropriate border
10 commission; \$25,000,000 shall be for grants to the State
11 of Alaska to address drinking water and waste infrastruc-
12 ture needs of rural and Alaska Native Villages: *Provided,*
13 That, of these funds: (1) the State of Alaska shall provide
14 a match of 25 percent; (2) no more than 5 percent of the
15 funds may be used for administrative and overhead ex-
16 penses; and (3) not later than October 1, 2005, the State
17 of Alaska shall make awards consistent with the State-
18 wide priority list established in 2004 for all water, sewer,
19 waste disposal, and similar projects carried out by the
20 State of Alaska that are funded under section 221 of the
21 Federal Water Pollution Control Act (33 U.S.C. 1301) or
22 the Consolidated Farm and Rural Development Act (7
23 U.S.C. 1921 et seq.) which shall allocate not less than 25
24 percent of the funds provided for projects in regional hub
25 communities; \$135,000,000 shall be for making special

1 project grants for the construction of drinking water,
2 wastewater and storm water infrastructure and for water
3 quality protection in accordance with the terms and condi-
4 tions specified for such grants in the explanatory state-
5 ment accompanying this Act, and, for purposes of these
6 grants, each grantee shall contribute not less than 45 per-
7 cent of the cost of the project unless the grantee is ap-
8 proved for a waiver by the Agency; \$95,000,000 shall be
9 to carry out section 104(k) of the Comprehensive Environ-
10 mental Response, Compensation, and Liability Act of
11 1980 (CERCLA), as amended, including grants, inter-
12 agency agreements, and associated program support costs;
13 \$50,000,000 shall be for grants under title VII, subtitle
14 G of the Energy Policy Act of 2005, as amended;
15 \$10,000,000 shall be for grants for cost-effective emission
16 reduction projects in accordance with the terms and condi-
17 tions of the explanatory statement accompanying this Act;
18 and \$1,095,428,000 shall be for grants, including associ-
19 ated program support costs, to States, federally-recog-
20 nized tribes, interstate agencies, tribal consortia, and air
21 pollution control agencies for multi-media or single media
22 pollution prevention, control and abatement and related
23 activities, including activities pursuant to the provisions
24 set forth under this heading in Public Law 104-134, and
25 for making grants under section 103 of the Clean Air Act

1 for particulate matter monitoring and data collection ac-
2 tivities subject to terms and conditions specified by the
3 Administrator, of which \$49,495,000 shall be for carrying
4 out section 128 of CERCLA, as amended, \$10,000,000
5 shall be for Environmental Information Exchange Net-
6 work grants, including associated program support costs,
7 \$18,500,000 of the funds available for grants under sec-
8 tion 106 of the Act shall be for water quality monitoring
9 activities, \$10,000,000 shall be for making competitive
10 targeted watershed grants, and, in addition to funds ap-
11 propriated under the heading "Leaking Underground
12 Storage Tank Trust Fund Program" to carry out the pro-
13 visions of the Solid Waste Disposal Act specified in section
14 9508(c) of the Internal Revenue Code other than section
15 9003(h) of the Solid Waste Disposal Act, as amended,
16 \$2,500,000 shall be for financial assistance to States
17 under section 2007(f)(2) of the Solid Waste Disposal Act,
18 as amended: *Provided further*, That notwithstanding sec-
19 tion 603(d)(7) of the Federal Water Pollution Control Act,
20 the limitation on the amounts in a State water pollution
21 control revolving fund that may be used by a State to ad-
22 minister the fund shall not apply to amounts included as
23 principal in loans made by such fund in fiscal year 2008
24 and prior years where such amounts represent costs of ad-
25 ministering the fund to the extent that such amounts are

1 or were deemed reasonable by the Administrator, ac-
2 counted for separately from other assets in the fund, and
3 used for eligible purposes of the fund, including adminis-
4 tration: *Provided further*, That for fiscal year 2008, and
5 notwithstanding section 518(f) of the Act, the Adminis-
6 trator is authorized to use the amounts appropriated for
7 any fiscal year under section 319 of that Act to make
8 grants to federally-recognized Indian tribes pursuant to
9 sections 319(h) and 518(e) of that Act: *Provided further*,
10 That for fiscal year 2008, notwithstanding the limitation
11 on amounts in section 518(c) of the Act, up to a total
12 of 1½ percent of the funds appropriated for State Revolv-
13 ing Funds under title VI of that Act may be reserved by
14 the Administrator for grants under section 518(c) of that
15 Act: *Provided further*, That no funds provided by this ap-
16 propriations Act to address the water, wastewater and
17 other critical infrastructure needs of the colonias in the
18 United States along the United States-Mexico border shall
19 be made available to a county or municipal government
20 unless that government has established an enforceable
21 local ordinance, or other zoning rule, which prevents in
22 that jurisdiction the development or construction of any
23 additional colonia areas, or the development within an ex-
24 isting colonia the construction of any new home, business,

1 or other structure which lacks water, wastewater, or other
2 necessary infrastructure.

3 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL
4 PROTECTION AGENCY
5 (INCLUDING RESCISSION OF FUNDS)

6 For fiscal year 2008, notwithstanding 31 U.S.C.
7 6303(1) and 6305(1), the Administrator of the Environ-
8 mental Protection Agency, in carrying out the Agency's
9 function to implement directly Federal environmental pro-
10 grams required or authorized by law in the absence of an
11 acceptable tribal program, may award cooperative agree-
12 ments to federally-recognized Indian Tribes or Intertribal
13 consortia, if authorized by their member Tribes, to assist
14 the Administrator in implementing Federal environmental
15 programs for Indian Tribes required or authorized by law,
16 except that no such cooperative agreements may be award-
17 ed from funds designated for State financial assistance
18 agreements.

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

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

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

12 None of the funds made available by this Act may
13 be used in contravention of, or to delay the implementa-
14 tion of, Executive Order No. 12898 of February 11, 1994
15 (59 Fed. Reg. 7629; relating to Federal actions to address
16 environmental justice in minority populations and low-in-
17 come populations).

18 Of the funds provided in the Environmental Pro-
19 grams and Management account, not less than \$3,500,000
20 shall be provided for activities to develop and publish a
21 draft rule not later than 9 months after the date of enact-
22 ment of this Act, and a final rule not later than 18 months
23 after the date of enactment of this Act, to require manda-
24 tory reporting of greenhouse gas emissions above appro-

1 priate thresholds in all sectors of the economy of the
2 United States.

3 TITLE III

4 RELATED AGENCIES

5 DEPARTMENT OF AGRICULTURE

6 FOREST SERVICE

7 FOREST AND RANGELAND RESEARCH

8 For necessary expenses of forest and rangeland re-
9 search as authorized by law, \$290,457,000, to remain
10 available until expended: *Provided*, That of the funds pro-
11 vided, \$61,329,000 is for the forest inventory and analysis
12 program.

13 STATE AND PRIVATE FORESTRY

14 For necessary expenses of cooperating with and pro-
15 viding technical and financial assistance to States, terri-
16 tories, possessions, and others, and for forest health man-
17 agement, including treatments of pests, pathogens, and
18 invasive or noxious plants and for restoring and rehabili-
19 tating forests damaged by pests or invasive plants, cooper-
20 ative forestry, and education and land conservation activi-
21 ties and conducting an international program as author-
22 ized, \$266,974,000, to remain available until expended, as
23 authorized by law; of which \$7,500,000 is for the Inter-
24 national Program; and of which \$53,146,000 is to be de-
25 rived from the Land and Water Conservation Fund.

1 NATIONAL FOREST SYSTEM

2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses of the Forest Service, not
4 otherwise provided for, for management, protection, im-
5 provement, and utilization of the National Forest System,
6 \$1,492,868,000, to remain available until expended, which
7 shall include 50 percent of all moneys received during
8 prior fiscal years as fees collected under the Land and
9 Water Conservation Fund Act of 1965, as amended, in
10 accordance with section 4 of the Act (16 U.S.C. 4601-
11 6a(i)): *Provided*, That unobligated balances under this
12 heading available at the start of fiscal year 2008 shall be
13 displayed by budget line item in the fiscal year 2009 budg-
14 et justification: *Provided further*, That of the funds pro-
15 vided under this heading for Forest Products, \$4,000,000
16 shall be allocated to the Alaska Region, in addition to its
17 normal allocation for the purposes of preparing additional
18 timber for sale, to establish a 3-year timber supply and
19 such funds may be transferred to other appropriations ac-
20 counts as necessary to maximize accomplishment.

21 CAPITAL IMPROVEMENT AND MAINTENANCE

22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses of the Forest Service, not
24 otherwise provided for, \$456,895,000, to remain available
25 until expended, for construction, capital improvement,
26 maintenance and acquisition of buildings and other facili-

1 ties, and infrastructure; and for construction, capital im-
2 provement, decommissioning, and maintenance of forest
3 roads and trails by the Forest Service as authorized by
4 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205; and in
5 addition \$25,000,000 to be transferred from the timber
6 roads purchaser election fund and merged with this ac-
7 count, to remain available until expended: *Provided, That*
8 \$40,000,000 shall be designated for urgently needed road
9 decommissioning, road and trail repair and maintenance
10 and associated activities, and removal of fish passage bar-
11 riers, especially in areas where Forest Service roads may
12 be contributing to water quality problems in streams and
13 water bodies which support threatened, endangered or
14 sensitive species or community water sources and for ur-
15 gently needed road repairs required due to recent storm
16 events: *Provided further, That* up to \$40,000,000 of the
17 funds provided herein for road maintenance shall be avail-
18 able for the decommissioning of roads, including unau-
19 thorized roads not part of the transportation system,
20 which are no longer needed: *Provided further, That* no
21 funds shall be expended to decommission any system road
22 until notice and an opportunity for public comment has
23 been provided on each decommissioning project: *Provided*
24 *further, That* the decommissioning of unauthorized roads
25 not part of the official transportation system shall be expe-

1 dited in response to threats to public safety, water quality,
2 or natural resources: *Provided further*, That funds becom-
3 ing available in fiscal year 2008 under the Act of March
4 4, 1913 (16 U.S.C. 501) shall be transferred to the Gen-
5 eral Fund of the Treasury and shall not be available for
6 transfer or obligation for any other purpose unless the
7 funds are appropriated: *Provided further*, That notwith-
8 standing any other provision of law, the Forest Service
9 shall provide \$1,197,000 appropriated in Public Law 110-
10 5 within the Capital Improvement and Maintenance ap-
11 propriation as an advance direct lump sum payment to
12 West Virginia University for the planning and construc-
13 tion of a research greenhouse facility as the Federal share
14 in the construction of the new facility.

15 LAND ACQUISITION

16 For expenses necessary to carry out the provisions
17 of the Land and Water Conservation Fund Act of 1965,
18 as amended (16 U.S.C. 4601-4 through 11), including ad-
19 ministrative expenses, and for acquisition of land or wa-
20 ters, or interest therein, in accordance with statutory au-
21 thority applicable to the Forest Service, \$42,490,000, to
22 be derived from the Land and Water Conservation Fund
23 and to remain available until expended.

1 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
2 ACTS

3 For acquisition of lands within the exterior bound-
4 aries of the Cache, Uinta, and Wasatch National Forests,
5 Utah; the Toiyabe National Forest, Nevada; and the An-
6 geles, San Bernardino, Sequoia, and Cleveland National
7 Forests, California, as authorized by law, \$1,053,000, to
8 be derived from forest receipts.

9 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

19 RANGE BETTERMENT FUND

20 For necessary expenses of range rehabilitation, pro-
21 tection, and improvement, 50 percent of all moneys re-
22 ceived during the prior fiscal year, as fees for grazing do-
23 mestic livestock on lands in National Forests in the 16
24 Western States, pursuant to section 401(b)(1) of Public
25 Law 94-579, as amended, to remain available until ex-
26 pended, of which not to exceed 6 percent shall be available

1 for administrative expenses associated with on-the-ground
2 range rehabilitation, protection, and improvements.

3 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
4 RANGELAND RESEARCH

5 For expenses authorized by 16 U.S.C. 1643(b),
6 \$56,000, to remain available until expended, to be derived
7 from the fund established pursuant to the above Act.

8 MANAGEMENT OF NATIONAL FOREST LANDS FOR
9 SUBSISTENCE USES

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

15 WILDLAND FIRE MANAGEMENT
16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses for forest fire presuppression
18 activities on National Forest System lands, for emergency
19 fire suppression on or adjacent to such lands or other
20 lands under fire protection agreement, hazardous fuels re-
21 duction on or adjacent to such lands, and for emergency
22 rehabilitation of burned-over National Forest System
23 lands and water, \$1,974,276,000, to remain available until
24 expended: *Provided*, That such funds including unobli-
25 gated balances under this heading, are available for repay-
26 ment of advances from other appropriations accounts pre-

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

1 pression activities of the Forest Service: *Provided further,*
2 That of the funds provided, \$315,000,000 is for hazardous
3 fuels reduction activities, \$11,000,000 is for rehabilitation
4 and restoration, \$23,892,000 is for research activities and
5 to make competitive research grants pursuant to the For-
6 est and Rangeland Renewable Resources Research Act, as
7 amended (16 U.S.C. 1641 et seq.), \$48,727,000 is for
8 State fire assistance, \$8,000,000 is for volunteer fire as-
9 sistance, \$14,252,000 is for forest health activities on
10 Federal lands and \$10,014,000 is for forest health activi-
11 ties on State and private lands: *Provided further,* That
12 amounts in this paragraph may be transferred to the
13 “State and Private Forestry”, “National Forest System”,
14 and “Forest and Rangeland Research” accounts to fund
15 State fire assistance, volunteer fire assistance, forest
16 health management, forest and rangeland research, the
17 Joint Fire Science Program, vegetation and watershed
18 management, heritage site rehabilitation, and wildlife and
19 fish habitat management and restoration: *Provided fur-*
20 *ther,* That transfers of any amounts in excess of those au-
21 thorized in this paragraph, shall require approval of the
22 House and Senate Committees on Appropriations in com-
23 pliance with reprogramming procedures contained in the
24 explanatory statement accompanying this Act: *Provided*
25 *further,* That up to \$10,000,000 of the funds provided

1 under this heading for hazardous fuels treatments may be
2 transferred to and made a part of the "National Forest
3 System" account at the sole discretion of the Chief of the
4 Forest Service thirty days after notifying the House and
5 the Senate Committees on Appropriations: *Provided fur-*
6 *ther*, That the costs of implementing any cooperative
7 agreement between the Federal Government and any non-
8 Federal entity may be shared, as mutually agreed on by
9 the affected parties: *Provided further*, That in addition to
10 funds provided for State Fire Assistance programs, and
11 subject to all authorities available to the Forest Service
12 under the State and Private Forestry Appropriation, up
13 to \$15,000,000 may be used on adjacent non-Federal
14 lands for the purpose of protecting communities when haz-
15 ard reduction activities are planned on national forest
16 lands that have the potential to place such communities
17 at risk: *Provided further*, That funds made available to im-
18 plement the Community Forest Restoration Act, Public
19 Law 106-393, title VI, shall be available for use on non-
20 Federal lands in accordance with authorities available to
21 the Forest Service under the State and Private Forestry
22 Appropriation: *Provided further*, That the Secretary of the
23 Interior and the Secretary of Agriculture may authorize
24 the transfer of funds appropriated for wildland fire man-
25 agement, in an aggregate amount not to exceed

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

13 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

14 Appropriations to the Forest Service for the current
15 fiscal year shall be available for: (1) purchase of passenger
16 motor vehicles; acquisition of passenger motor vehicles
17 from excess sources, and hire of such vehicles; purchase,
18 lease, operation, maintenance, and acquisition of aircraft
19 from excess sources to maintain the operable fleet for use
20 in Forest Service wildland fire programs and other Forest
21 Service programs; notwithstanding other provisions of law,
22 existing aircraft being replaced may be sold, with proceeds
23 derived or trade-in value used to offset the purchase price
24 for the replacement aircraft; (2) services pursuant to 7
25 U.S.C. 2225, and not to exceed \$100,000 for employment

1 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
2 ation of buildings and other public improvements (7
3 U.S.C. 2250); (4) acquisition of land, waters, and inter-
4 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
5 pursuant to the Volunteers in the National Forest Act of
6 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
7 of uniforms as authorized by 5 U.S.C. 5901-5902; and
8 (7) for debt collection contracts in accordance with 31
9 U.S.C. 3718(e).

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

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

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

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

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

18 Not more than \$73,285,000 of funds available to the
19 Forest Service shall be transferred to the Working Capital
20 Fund of the Department of Agriculture and not more than
21 \$24,021,000 of funds available to the Forest Service shall
22 be transferred to the Department of Agriculture for De-
23 partment Reimbursable Programs, commonly referred to
24 as Greenbook charges. Nothing in this paragraph shall
25 prohibit or limit the use of reimbursable agreements re-

1 requested by the Forest Service in order to obtain services
2 from the Department of Agriculture's National Informa-
3 tion Technology Center.

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

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

14 Pursuant to sections 405(b) and 410(b) of Public
15 Law 101-593, of the funds available to the Forest Service,
16 \$3,000,000 may be advanced in a lump sum to the Na-
17 tional Forest Foundation to aid conservation partnership
18 projects in support of the Forest Service mission, without
19 regard to when the Foundation incurs expenses, for ad-
20 ministrative expenses or projects on or benefitting Na-
21 tional Forest System lands or related to Forest Service
22 programs: *Provided*, That the Foundation shall obtain, by
23 the end of the period of Federal financial assistance, pri-
24 vate contributions to match on at least one-for-one basis
25 funds made available by the Forest Service: *Provided fur-*

1 *ther*, That the Foundation may transfer Federal funds to
2 a non-Federal recipient for a project at the same rate that
3 the recipient has obtained the non-Federal matching
4 funds: *Provided further*, That authorized investments of
5 Federal funds held by the Foundation may be made only
6 in interest-bearing obligations of the United States or in
7 obligations guaranteed as to both principal and interest
8 by the United States.

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

22 Funds appropriated to the Forest Service shall be
23 available for interactions with and providing technical as-
24 sistance to rural communities and natural resource-based
25 businesses for sustainable rural development purposes.

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

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

11 Any funds appropriated to the Forest Service may
12 be used to meet the non-Federal share requirement in sec-
13 tion 502(e) of the Older American Act of 1965 (42 U.S.C.
14 3056(c)(2)).

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

21 Notwithstanding any other provision of law, any ap-
22 propriations or funds available to the Forest Service not
23 to exceed \$500,000 may be used to reimburse the Office
24 of the General Counsel (OGC), Department of Agri-
25 culture, for travel and related expenses incurred as a re-

1 sult of OGC assistance or participation requested by the
2 Forest Service at meetings, training sessions, management
3 reviews, land purchase negotiations and similar non-litiga-
4 tion related matters. Future budget justifications for both
5 the Forest Service and the Department of Agriculture
6 should clearly display the sums previously transferred and
7 the requested funding transfers.

8 None of the funds made available under this Act shall
9 be obligated or expended to abolish any region, to move
10 or close any regional office for National Forest System
11 administration of the Forest Service, Department of Agri-
12 culture without the consent of the House and Senate Com-
13 mittees on Appropriations.

14 DEPARTMENT OF HEALTH AND HUMAN

15 SERVICES

16 INDIAN HEALTH SERVICE

17 INDIAN HEALTH SERVICES

18 For expenses necessary to carry out the Act of Au-
19 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
20 tion Act, the Indian Health Care Improvement Act, and
21 titles II and III of the Public Health Service Act with re-
22 spect to the Indian Health Service, \$3,018,624,000, to-
23 gether with payments received during the fiscal year pur-
24 suant to 42 U.S.C. 238(b) for services furnished by the
25 Indian Health Service: *Provided*, That funds made avail-

1 able to tribes and tribal organizations through contracts,
2 grant agreements, or any other agreements or compacts
3 authorized by the Indian Self-Determination and Edu-
4 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
5 deemed to be obligated at the time of the grant or contract
6 award and thereafter shall remain available to the tribe
7 or tribal organization without fiscal year limitation: *Pro-*
8 *vided further*, That \$588,515,000 for contract medical
9 care, including \$27,000,000 for the Indian Catastrophic
10 Health Emergency Fund, shall remain available until ex-
11 pended: *Provided further*, That no less than \$35,094,000
12 is provided for maintaining operations of the urban Indian
13 health program: *Provided further*, That of the funds pro-
14 vided, up to \$32,000,000 shall remain available until ex-
15 pended for implementation of the loan repayment program
16 under section 108 of the Indian Health Care Improvement
17 Act: *Provided further*, That \$14,000,000 is provided for
18 a methamphetamine and suicide prevention and treatment
19 initiative, of which up to \$5,000,000 may be used for men-
20 tal health, suicide prevention, and behavioral issues associ-
21 ated with methamphetamine use: *Provided further*, That
22 notwithstanding any other provision of law, these funds
23 shall be allocated outside all other distribution methods
24 and formulas at the discretion of the Director of the In-
25 dian Health Service and shall remain available until ex-

1 pended: *Provided further*, That funds provided in this Act
2 may be used for one-year contracts and grants which are
3 to be performed in two fiscal years, so long as the total
4 obligation is recorded in the year for which the funds are
5 appropriated: *Provided further*, That the amounts collected
6 by the Secretary of Health and Human Services under the
7 authority of title IV of the Indian Health Care Improve-
8 ment Act shall remain available until expended for the
9 purpose of achieving compliance with the applicable condi-
10 tions and requirements of titles XVIII and XIX of the So-
11 cial Security Act (exclusive of planning, design, or con-
12 struction of new facilities): *Provided further*, That funding
13 contained herein, and in any earlier appropriations Acts
14 for scholarship programs under the Indian Health Care
15 Improvement Act (25 U.S.C. 1613) shall remain available
16 until expended: *Provided further*, That amounts received
17 by tribes and tribal organizations under title IV of the In-
18 dian Health Care Improvement Act shall be reported and
19 accounted for and available to the receiving tribes and
20 tribal organizations until expended: *Provided further*,
21 That, notwithstanding any other provision of law, of the
22 amounts provided herein, not to exceed \$271,636,000
23 shall be for payments to tribes and tribal organizations
24 for contract or grant support costs associated with con-
25 tracts, grants, self-governance compacts or annual funding

1 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
2 Self-Determination Act, and the Indian Health Care Im-
3 provement Act, and for expenses necessary to carry out
4 such Acts and titles II and III of the Public Health Serv-
5 ice Act with respect to environmental health and facilities
6 support activities of the Indian Health Service,
7 \$380,583,000, to remain available until expended: *Pro-*
8 *vided*, That notwithstanding any other provision of law,
9 funds appropriated for the planning, design, construction
10 or renovation of health facilities for the benefit of an In-
11 dian tribe or tribes may be used to purchase land for sites
12 to construct, improve, or enlarge health or related facili-
13 ties: *Provided further*, That not to exceed \$500,000 shall
14 be used by the Indian Health Service to purchase
15 TRANSAM equipment from the Department of Defense
16 for distribution to the Indian Health Service and tribal
17 facilities: *Provided further*, That none of the funds appro-
18 priated to the Indian Health Service may be used for sani-
19 tation facilities construction for new homes funded with
20 grants by the housing programs of the United States De-
21 partment of Housing and Urban Development: *Provided*
22 *further*, That not to exceed \$1,000,000 from this account
23 and the "Indian Health Services" account shall be used
24 by the Indian Health Service to obtain ambulances for the
25 Indian Health Service and tribal facilities in conjunction

1 with an existing interagency agreement between the In-
2 dian Health Service and the General Services Administra-
3 tion: *Provided further*, That not to exceed \$500,000 shall
4 be placed in a Demolition Fund, available until expended,
5 to be used by the Indian Health Service for demolition
6 of Federal buildings.

7 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

24 In accordance with the provisions of the Indian
25 Health Care Improvement Act, non-Indian patients may
26 be extended health care at all tribally administered or In-

1 dian Health Service facilities, subject to charges, and the
2 proceeds along with funds recovered under the Federal
3 Medical Care Recovery Act (42 U.S.C. 2651-2653) shall
4 be credited to the account of the facility providing the
5 service and shall be available without fiscal year limitation.
6 Notwithstanding any other law or regulation, funds trans-
7 ferred from the Department of Housing and Urban Devel-
8 opment to the Indian Health Service shall be administered
9 under Public Law 86-121 (the Indian Sanitation Facili-
10 ties Act) and Public Law 93-638, as amended.

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

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

22 Notwithstanding any other provision of law, funds
23 previously or herein made available to a tribe or tribal or-
24 ganization through a contract, grant, or agreement au-
25 thorized by title I or title V of the Indian Self-Determina-

1 tion and Education Assistance Act of 1975 (25 U.S.C.
2 450), may be deobligated and reobligated to a self-deter-
3 mination contract under title I, or a self-governance agree-
4 ment under title V of such Act and thereafter shall remain
5 available to the tribe or tribal organization without fiscal
6 year limitation.

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

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

1 quent appropriation account that provided the funding,
2 with such amounts to remain available until expended.

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

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

11 NATIONAL INSTITUTES OF HEALTH

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

13 SCIENCES

14 For necessary expenses for the National Institute of
15 Environmental Health Sciences in carrying out activities
16 set forth in section 311(a) of the Comprehensive Environ-
17 mental Response, Compensation, and Liability Act of
18 1980, as amended, and section 126(g) of the Superfund
19 Amendments and Reauthorization Act of 1986,
20 \$78,775,000.

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

3 OTHER RELATED AGENCIES

4 EXECUTIVE OFFICE OF THE PRESIDENT

5 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

6 ENVIRONMENTAL QUALITY

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

19 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

20 SALARIES AND EXPENSES

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

1 individuals not to exceed the per diem equivalent to the
2 maximum rate payable for senior level positions under 5
3 U.S.C. 5376, \$9,410,000: *Provided*, That the Chemical
4 Safety and Hazard Investigation Board (Board) shall have
5 not more than three career Senior Executive Service posi-
6 tions: *Provided further*, that notwithstanding any other
7 provision of law, the individual appointed to the position
8 of Inspector General of the Environmental Protection
9 Agency (EPA) shall, by virtue of such appointment, also
10 hold the position of Inspector General of the Board: *Pro-*
11 *vided further*, That notwithstanding any other provision of
12 law, the Inspector General of the Board shall utilize per-
13 sonnel of the Office of Inspector General of EPA in per-
14 forming the duties of the Inspector General of the Board,
15 and shall not appoint any individuals to positions within
16 the Board.

17 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Navajo and
20 Hopi Indian Relocation as authorized by Public Law 93-
21 531, \$9,000,000, to remain available until expended: *Pro-*
22 *vided*, That funds provided in this or any other appropria-
23 tions Act are to be used to relocate eligible individuals and
24 groups including evictees from District 6, Hopi-partitioned
25 lands residents, those in significantly substandard hous-

1 ing, and all others certified as eligible and not included
2 in the preceding categories: *Provided further*, That none
3 of the funds contained in this or any other Act may be
4 used by the Office of Navajo and Hopi Indian Relocation
5 to evict any single Navajo or Navajo family who, as of
6 November 30, 1985, was physically domiciled on the lands
7 partitioned to the Hopi Tribe unless a new or replacement
8 home is provided for such household: *Provided further*,
9 That no relocatee will be provided with more than one new
10 or replacement home: *Provided further*, That the Office
11 shall relocate any certified eligible relocatees who have se-
12 lected and received an approved homesite on the Navajo
13 reservation or selected a replacement residence off the
14 Navajo reservation or on the land acquired pursuant to
15 25 U.S.C. 640d-10.

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

18 PAYMENT TO THE INSTITUTE

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

1 SMITHSONIAN INSTITUTION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Smithsonian Institu-
4 tion, as authorized by law, including research in the fields
5 of art, science, and history; development, preservation, and
6 documentation of the National Collections; presentation of
7 public exhibits and performances; collection, preparation,
8 dissemination, and exchange of information and publica-
9 tions; conduct of education, training, and museum assist-
10 ance programs; maintenance, alteration, operation, lease
11 (for terms not to exceed 30 years), and protection of build-
12 ings, facilities, and approaches; not to exceed \$100,000
13 for services as authorized by 5 U.S.C. 3109; up to five
14 replacement passenger vehicles; purchase, rental, repair,
15 and cleaning of uniforms for employees, \$571,347,000, of
16 which not to exceed \$19,968,000 for the instrumentation
17 program, collections acquisition, exhibition reinstallation,
18 the National Museum of African American History and
19 Culture, and the repatriation of skeletal remains program
20 shall remain available until expended; and of which
21 \$1,578,000 for fellowships and scholarly awards shall re-
22 main available until September 30, 2009; and including
23 such funds as may be necessary to support American over-
24 seas research centers: *Provided*, That funds appropriated
25 herein are available for advance payments to independent

1 contractors performing research services or participating
2 in official Smithsonian presentations.

3 FACILITIES CAPITAL

4 For necessary expenses of repair, revitalization, and
5 alteration of facilities owned or occupied by the Smithso-
6 nian Institution, by contract or otherwise, as authorized
7 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
8 and for construction, including necessary personnel,
9 \$107,100,000, to remain available until expended, of
10 which not to exceed \$10,000 is for services as authorized
11 by 5 U.S.C. 3109.

12 LEGACY FUND

13 For major restoration, renovation, and rehabilitation
14 of existing Smithsonian facilities, \$15,000,000, to remain
15 available until expended: *Provided*, That funds shall only
16 be available after being matched by no less than
17 \$30,000,000 in private donations, which shall not include
18 in-kind contributions: *Provided further*, That none of the
19 funds made available under this heading or any required
20 matching funds shall be used for day-to-day maintenance,
21 general salaries and expenses, or programmatic purposes.

22 NATIONAL GALLERY OF ART

23 SALARIES AND EXPENSES

24 For the upkeep and operations of the National Gal-
25 lery of Art, the protection and care of the works of art

1 therein, and administrative expenses incident thereto, as
2 authorized by the Act of March 24, 1937 (50 Stat. 51),
3 as amended by the public resolution of April 13, 1939
4 (Public Resolution 9, Seventy-sixth Congress), including
5 services as authorized by 5 U.S.C. 3109; payment in ad-
6 vance when authorized by the treasurer of the Gallery for
7 membership in library, museum, and art associations or
8 societies whose publications or services are available to
9 members only, or to members at a price lower than to the
10 general public; purchase, repair, and cleaning of uniforms
11 for guards, and uniforms, or allowances therefor, for other
12 employees as authorized by law (5 U.S.C. 5901-5902);
13 purchase or rental of devices and services for protecting
14 buildings and contents thereof, and maintenance, alter-
15 ation, improvement, and repair of buildings, approaches,
16 and grounds; and purchase of services for restoration and
17 repair of works of art for the National Gallery of Art by
18 contracts made, without advertising, with individuals,
19 firms, or organizations at such rates or prices and under
20 such terms and conditions as the Gallery may deem prop-
21 er, \$101,718,000, of which not to exceed \$3,350,000 for
22 the special exhibition program shall remain available until
23 expended.

24 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

25 For necessary expenses of repair, restoration and
26 renovation of buildings, grounds and facilities owned or

1 occupied by the National Gallery of Art, by contract or
2 otherwise, as authorized, \$18,017,000, to remain available
3 until expended: *Provided*, That contracts awarded for envi-
4 ronmental systems, protection systems, and exterior repair
5 or renovation of buildings of the National Gallery of Art
6 may be negotiated with selected contractors and awarded
7 on the basis of contractor qualifications as well as price.

8 JOHN F. KENNEDY CENTER FOR THE PERFORMING
9 ARTS

10 OPERATIONS AND MAINTENANCE

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

14 CAPITAL REPAIR AND RESTORATION

15 For necessary expenses for capital repair and restora-
16 tion of the existing features of the building and site of
17 the John F. Kennedy Center for the Performing Arts,
18 \$23,150,000, to remain available until expended.

19 WOODROW WILSON INTERNATIONAL CENTER FOR

20 SCHOLARS

21 SALARIES AND EXPENSES

22 For expenses necessary in carrying out the provisions
23 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
24 1356) including hire of passenger vehicles and services as
25 authorized by 5 U.S.C. 3109, \$10,000,000.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES
3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 as amended, \$147,000,000 shall be available to the Na-
8 tional Endowment for the Arts for the support of projects
9 and productions in the arts, including arts education and
10 public outreach activities, through assistance to organiza-
11 tions and individuals pursuant to section 5 of the Act, for
12 program support, and for administering the functions of
13 the Act, to remain available until expended: *Provided*,
14 That funds appropriated herein shall be expended in ac-
15 cordance with sections 309 and 311 of Public Law 108-
16 447.

17 NATIONAL ENDOWMENT FOR THE HUMANITIES
18 GRANTS AND ADMINISTRATION

19 For necessary expenses to carry out the National
20 Foundation on the Arts and the Humanities Act of 1965,
21 as amended, \$132,490,000, shall be available to the Na-
22 tional Endowment for the Humanities for support of ac-
23 tivities in the humanities, pursuant to section 7(c) of the
24 Act, and for administering the functions of the Act, to
25 remain available until expended.

1 MATCHING GRANTS

2 To carry out the provisions of section 10(a)(2) of the
3 National Foundation on the Arts and the Humanities Act
4 of 1965, as amended, \$14,510,000, to remain available
5 until expended, of which \$9,479,000 shall be available to
6 the National Endowment for the Humanities for the pur-
7 poses of section 7(h): *Provided*, That this appropriation
8 shall be available for obligation only in such amounts as
9 may be equal to the total amounts of gifts, bequests, and
10 devises of money, and other property accepted by the
11 chairman or by grantees of the Endowment under the pro-
12 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
13 the current and preceding fiscal years for which equal
14 amounts have not previously been appropriated.

15 ADMINISTRATIVE PROVISIONS

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

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

11 COMMISSION OF FINE ARTS

12 SALARIES AND EXPENSES

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

20 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

21 For necessary expenses as authorized by Public Law
22 99-190 (20 U.S.C. 956a), as amended, \$8,500,000.

110

1 ADVISORY COUNCIL ON HISTORIC PRESERVATION

2 SALARIES AND EXPENSES

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

8 NATIONAL CAPITAL PLANNING COMMISSION

9 SALARIES AND EXPENSES

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

18 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

19 HOLOCAUST MEMORIAL MUSEUM

20 For expenses of the Holocaust Memorial Museum, as
21 authorized by Public Law 106-292 (36 U.S.C. 2301-
22 2310), \$45,496,000, of which \$515,000 for the equipment
23 replacement program shall remain available until Sep-
24 tember 30, 2010; and \$1,900,000 for the museum's repair
25 and rehabilitation program and \$1,264,000 for the muse-

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

3 PRESIDIO TRUST

4 PRESIDIO TRUST FUND

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

9 WHITE HOUSE COMMISSION ON THE NATIONAL

10 MOMENT OF REMEMBRANCE

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

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

19 DWIGHT D. EISENHOWER MEMORIAL

20 COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses, including the costs of con-
23 struction design, of the Dwight D. Eisenhower Memorial
24 Commission, \$2,000,000, to remain available until ex-
25 pended.

1

TITLE IV

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFERS OF FUNDS)

4

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.

11

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.

18

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.

21

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.

25

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

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

15 SEC. 407. None of the funds in this Act may be used
16 to plan, prepare, or offer for sale timber from trees classi-
17 fied as giant sequoia (*Sequoiadendron giganteum*) which
18 are located on National Forest System or Bureau of Land
19 Management lands in a manner different than such sales
20 were conducted in fiscal year 2006.

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

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

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

22 (d) MINERAL EXAMINATIONS.—In order to process
23 patent applications in a timely and responsible manner,
24 upon the request of a patent applicant, the Secretary of
25 the Interior shall allow the applicant to fund a qualified

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

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

1 going contracts, grants, self-governance compacts or an-
2 nual funding agreements.

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

18 SEC. 411. No timber sale in Region 10 shall be adver-
19 tised if the indicated rate is deficit when appraised using
20 a residual value approach that assigns domestic Alaska
21 values for western redcedar. Program accomplishments
22 shall be based on volume sold. Should Region 10 sell, in
23 the current fiscal year, the annual average portion of the
24 decadal allowable sale quantity called for in the current
25 Tongass Land Management Plan in sales which are not

1 deficit when appraised using a residual value approach
2 that assigns domestic Alaska values for western redcedar,
3 all of the western redcedar timber from those sales which
4 is surplus to the needs of domestic processors in Alaska,
5 shall be made available to domestic processors in the con-
6 tiguous 48 United States at prevailing domestic prices.
7 Should Region 10 sell, in the current fiscal year, less than
8 the annual average portion of the decadal allowable sale
9 quantity called for in the Tongass Land Management Plan
10 in sales which are not deficit when appraised using a resid-
11 ual value approach that assigns domestic Alaska values
12 for western redcedar, the volume of western redcedar tim-
13 ber available to domestic processors at prevailing domestic
14 prices in the contiguous 48 United States shall be that
15 volume: (1) which is surplus to the needs of domestic proc-
16 essors in Alaska; and (2) is that percent of the surplus
17 western redcedar volume determined by calculating the
18 ratio of the total timber volume which has been sold on
19 the Tongass to the annual average portion of the decadal
20 allowable sale quantity called for in the current Tongass
21 Land Management Plan. The percentage shall be cal-
22 culated by Region 10 on a rolling basis as each sale is
23 sold (for purposes of this amendment, a "rolling basis"
24 shall mean that the determination of how much western
25 redcedar is eligible for sale to various markets shall be

1 made at the time each sale is awarded). Western redcedar
2 shall be deemed "surplus to the needs of domestic proc-
3 essors in Alaska" when the timber sale holder has pre-
4 sented to the Forest Service documentation of the inability
5 to sell western redcedar logs from a given sale to domestic
6 Alaska processors at a price equal to or greater than the
7 log selling value stated in the contract. All additional west-
8 ern redcedar volume not sold to Alaska or contiguous 48
9 United States domestic processors may be exported to for-
10 eign markets at the election of the timber sale holder. All
11 Alaska yellow cedar may be sold at prevailing export prices
12 at the election of the timber sale holder.

13 SEC. 412. No funds provided in this Act may be ex-
14 pended to conduct preleasing, leasing and related activities
15 under either the Mineral Leasing Act (30 U.S.C. 181 et
16 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
17 1331 et seq.) within the boundaries of a National Monu-
18 ment established pursuant to the Act of June 8, 1906 (16
19 U.S.C. 431 et seq.) as such boundary existed on January
20 20, 2001, except where such activities are allowed under
21 the Presidential proclamation establishing such monu-
22 ment.

23 SEC. 413. In entering into agreements with foreign
24 countries pursuant to the Wildfire Suppression Assistance
25 Act (42 U.S.C. 1856m) the Secretary of Agriculture and

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

23 SEC. 414. In awarding a Federal contract with funds
24 made available by this Act, notwithstanding Federal Gov-
25 ernment procurement and contracting laws, the Secretary

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

1 Secretaries of any duty under applicable procurement
2 laws, except as provided in this section.

3 SEC. 415. (a) LIMITATION ON COMPETITIVE
4 SOURCING STUDIES.—

5 (1) Of the funds made available by this or any
6 other Act to the Department of the Interior for fis-
7 cal year 2008, not more than \$3,450,000 may be
8 used by the Secretary of the Interior to initiate or
9 continue competitive sourcing studies in fiscal year
10 2008 for programs, projects, and activities for which
11 funds are appropriated by this Act.

12 (2) None of the funds made available by this or
13 any other Act may be used in fiscal year 2008 for
14 competitive sourcing studies and any related activi-
15 ties involving Forest Service personnel.

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

1 (c) COMPETITIVE SOURCING EXEMPTION FOR FOR-
2 EST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL
3 YEAR 2006.—The Forest Service is hereby exempted from
4 implementing the Letter of Obligation and post-competi-
5 tion accountability guidelines where a competitive sourcing
6 study involved 65 or fewer full-time equivalents, the per-
7 formance decision was made in favor of the agency pro-
8 vider, no net savings was achieved by conducting the
9 study, and the study was completed prior to the date of
10 this Act.

11 (d) In preparing any reports to the Committees on
12 Appropriations on competitive sourcing activities, agencies
13 funded in this Act shall include all costs attributable to
14 conducting the competitive sourcing competitions and
15 staff work to prepare for competitions or to determine the
16 feasibility of starting competitions, including costs attrib-
17 utable to paying outside consultants and contractors and,
18 in accordance with full cost accounting principles, all costs
19 attributable to developing, implementing, supporting,
20 managing, monitoring, and reporting on competitive
21 sourcing, including personnel, consultant, travel, and
22 training costs associated with program management.

23 (e) In carrying out any competitive sourcing study
24 involving Department of the Interior employees, the Sec-
25 retary of the Interior shall—

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

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

8 SEC. 416. Section 331 of the Department of the Inte-
9 rior and Related Agencies Appropriations Act, 2000, re-
10 garding the pilot program to enhance Forest Service ad-
11 ministration of rights-of-way (as enacted into law by sec-
12 tion 1000(a)(3) of Public Law 106-113; 113 Stat.
13 1501A-196; 16 U.S.C. 497 note), as amended, is amend-
14 ed—

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

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

19 SEC. 417. Section 321 of the Department of the Inte-
20 rior and Related Agencies Appropriations Act, 2003, re-
21 garding Forest Service cooperative agreements with third
22 parties that are of mutually significant benefit (division
23 F of Public Law 108-7; 117 Stat. 274; 16 U.S.C. 565a-
24 1 note) is amended by striking “September 30, 2007” and
25 inserting “September 30, 2010”.

1 SEC. 418. (a) Notwithstanding any other provision
2 of law and until October 1, 2009, the Indian Health Serv-
3 ice may not disburse funds for the provision of health care
4 services pursuant to Public Law 93-638 (25 U.S.C. 450
5 et seq.) to any Alaska Native village or Alaska Native vil-
6 lage corporation that is located within the area served by
7 an Alaska Native regional health entity.

8 (b) Nothing in this section shall be construed to pro-
9 hibit the disbursal of funds to any Alaska Native village
10 or Alaska Native village corporation under any contract
11 or compact entered into prior to May 1, 2006, or to pro-
12 hibit the renewal of any such agreement.

13 (c) For the purpose of this section, Eastern Aleutian
14 Tribes, Inc. and the Council of Athabascan Tribal Govern-
15 ments shall be treated as Alaska Native regional health
16 entities to which funds may be disbursed under this sec-
17 tion.

18 SEC. 419. Unless otherwise provided herein, no funds
19 appropriated in this Act for the acquisition of lands or
20 interests in lands may be expended for the filing of dec-
21 larations of taking or complaints in condemnation without
22 the approval of the House and Senate Committees on Ap-
23 propriations: *Provided*, That this provision shall not apply
24 to funds appropriated to implement the Everglades Na-
25 tional Park Protection and Expansion Act of 1989, or to

1 funds appropriated for Federal assistance to the State of
2 Florida to acquire lands for Everglades restoration pur-
3 poses.

4 SEC. 420. Section 337(a) of the Department of the
5 Interior and Related Agencies Appropriations Act, 2005
6 (Public Law 108-447; 118 Stat. 3012) is amended by
7 striking "September 30, 2006" and inserting "September
8 30, 2008".

9 SEC. 421. Section 339 of division E of the Consoli-
10 dated Appropriations Act, 2005 (Public Law 108-447;
11 118 Stat. 3103) is amended—

12 (1) by striking "2005 through 2007" and insert-
13 ing "2005 through 2008"; and

14 (2) by adding at the end the following new sen-
15 tence: "The categorical exclusion under this section
16 shall not apply with respect to any allotment in a
17 federally designated wilderness area."

18 SEC. 422. A permit fee collected during fiscal year
19 2007 by the Secretary of Agriculture under the Act of
20 March 4, 1915 (16 U.S.C. 497) for a marina on the Shas-
21 ta-Trinity National Forest shall be deposited in a special
22 account in the Treasury established for the Secretary of
23 Agriculture, and shall remain available to the Secretary
24 of Agriculture until expended, without further appropria-
25 tion, for purposes stated in section 808(a)(3)(A-D) of title

1 VIII of division J of Public Law 108-447 (16 U.S.C.
2 6807), and for direct operating or capital costs associated
3 with the issuance of a marina permit.

4 SEC. 423. The Forest Service shall allocate to the Re-
5 gions of the Forest Service, \$15,000,000 from the current
6 balance in the "timber roads purchaser election fund", to
7 remain available until expended, for the following pur-
8 poses: vegetative treatments in timber stands at high risk
9 of fire due to insect, disease, or drought; road work in
10 support of vegetative treatments to support forest health
11 objectives; and maintaining infrastructure for the proc-
12 essing of woody fiber in Regions where it is critical to sus-
13 taining local economies and fulfilling the forest health ob-
14 jectives of the Forest Service.

15 SEC. 424. (a) LAND SALE AUTHORIZATION.—To off-
16 set the acreage acquired by the Federal Government upon
17 the acquisition of the Elkhorn Ranch in Medora, North
18 Dakota, the Secretary of Agriculture (in this section re-
19 ferred to as the "Secretary") shall sell all right, title, and
20 interest of the United States to between 5,195 or 5,205
21 acres of National Forest System lands located in Billings
22 County, North Dakota. It is the intent of Congress that
23 there will be no net gain in federally owned land in North
24 Dakota as a result of these land conveyances.

1 (b) LAND SALES.—The Secretary may prescribe res-
2 ervations, terms, and conditions of sale under this section,
3 and may configure the descriptions of the land to be sold
4 under this section to enhance the marketability of the land
5 or for management purposes. The Secretary may utilize
6 brokers or other third parties in the sale of land and, from
7 the proceeds of the sale, may pay reasonable commissions
8 or fees for services rendered.

9 (c) CONSIDERATION.—As consideration for the pur-
10 chase of land sold under this section, the purchaser shall
11 pay to the Secretary an amount, in cash, equal to the fair
12 market value of the land, as determined by the Secretary
13 by appraisal or competitive sale consistent with Federal
14 law applicable to land sales. The Secretary may reject any
15 offer made under this section if the Secretary determines,
16 in the absolute discretion of the Secretary, that the offer
17 is not adequate or not in the public interest;

18 (d) INITIAL OFFER.—Under such terms, conditions,
19 and procedures as the Secretary may prescribe, any base
20 property landowner holding a current permit to graze any
21 land authorized for sale under this section shall have a
22 non-assignable first right to buy the land, provided that
23 right must be exercised within 6 months after the date
24 of the offer from the Secretary;

1 (e) TREATMENT OF PROCEEDS.—Using the proceeds
2 from the sale of land under this section, the Secretary
3 shall cover direct expenses incurred by the Secretary in
4 conducting the sale. Any remaining proceeds shall be de-
5 posited into the fund established by the Act of December
6 4, 1967 (commonly known as the Sisk Act; 16 U.S.C.
7 484a), and shall be available, until expended, for the ac-
8 quisition of land for inclusion in the National Forest Sys-
9 tem.

10 (f) LAND TRANSFERS.—The lands are to be conveyed
11 from fiscal years 2008 to 2009. In the conveyance of any
12 land authorized by this section, the Secretary shall not be
13 required to conduct additional environmental analysis, in-
14 cluding heritage resource analysis, and no sale, offer to
15 sell, or conveyance shall be subject to administrative ap-
16 peal.

17 (g) ELKHORN RANCH.—The grazing land lease terms
18 in effect on the date of the enactment of this Act relating
19 to the acquired Elkhorn Ranch in Medora, North Dakota,
20 shall remain in effect until December 31, 2009. After that
21 date, Federal land grazing use of the Elkhorn Ranch shall
22 be managed through the grazing agreement between the
23 Medora Grazing Association and the Forest Service. The
24 Animal Unit Months (AUMs) for both Federal and private
25 lands encompassing the Elkhorn Ranch shall become part

1 of the grazing agreement held by Medora Grazing Associa-
2 tion to be reallocated to its members in accordance with
3 their rules in effect as of the date of the enactment of
4 this Act.

5 (h) The multiple uses of the acquired Elkhorn Ranch
6 shall continue.

7 SEC. 425. In fiscal year 2008 and thereafter, the For-
8 est Service shall not change the eligibility requirements for
9 base property, and livestock ownership as they relate to
10 leasing of base property and shared livestock agreements
11 for grazing permits on the Dakota Prairie Grasslands that
12 were in effect as of July 18, 2005.

13 SEC. 426. The Arts and Artifacts Indemnity Act
14 (Public Law 94-158) is amended—

15 (1) in section 3(a) by striking “(B) the exhi-
16 bition of which is” and inserting in lieu thereof “(B)
17 in the case of international exhibitions,”; and

18 (2) in section 5(b), by inserting before the pe-
19 riod “for international exhibitions, and
20 \$5,000,000,000 at any one time for domestic exhibi-
21 tions”; and

22 (3) in section 5(c), by inserting before the pe-
23 riod “for international exhibitions, or \$750,000,000
24 for domestic exhibitions”.

1 SEC. 427. In accordance with authorities available in
2 section 428, of Public Law 109–54, the Secretary of Agri-
3 culture and the Secretary of the Interior shall execute an
4 agreement that transfers management and oversight of
5 the Great Onyx, Harper’s Ferry, and Oconaluftee Job
6 Corps Centers to the Forest Service. These Job Corps cen-
7 ters shall continue to be administered as described in sec-
8 tion 147(c) of Public Law 105–220, Workforce Invest-
9 ment Act of 1998.

10 SEC. 428. The United States Department of Agri-
11 culture, Forest Service shall seek to collaborate with
12 stakeholders or parties in Sierra Forest Legacy, et al v.
13 Weingardt, et al, Civil No. C 07–001654 (E.D. Cal.), and
14 Sierra Club, et al v. Bosworth, et al, Civil No. C 05–00397
15 (N.D. Cal.), regarding harvest operations outside of the
16 Giant Sequoia National Monument in relation to the deci-
17 sions approving the Revised Ice Timber Sale and Fuels
18 Reduction Project and the Frog Project, and taking into
19 account the terms of the contracts for those projects, and
20 in relation to the Record of Decision for the Kings River
21 Project, and as appropriate in regard to other disputed
22 fuel reduction projects in the area.

23 SEC. 429. (a) IN GENERAL.—Section 636 of division
24 A of the Treasury, Postal Service, and General Govern-

1 ment Appropriations Act, 1997 (5 U.S.C. prec. 5941 note;
2 Public Law 104-208), is amended—

3 (1) in subsection (b)—

4 (A) in paragraph (1), by striking “or”;

5 (B) in paragraph (2), by striking the pe-
6 riod and inserting “; or”; and

7 (C) by adding at the end the following:

8 “(3) a temporary fire line manager.”; and

9 (2) in subsection (c)—

10 (A) in paragraph (3), by striking “, and”
11 and inserting a semicolon;

12 (B) in paragraph (4)(B), by striking the
13 period at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(5) notwithstanding the definition of the terms
16 ‘supervisor’ and ‘management official’ under section
17 7103(a) of title 5, United States Code, the term
18 ‘temporary fire line manager’ means an employee of
19 the Forest Service or the Department of the Inte-
20 rior, whose duties include, as determined by the em-
21 ploying agency—

22 “(A) temporary supervision or manage-
23 ment of personnel engaged in wildland or man-
24 aged fire activities;

1 “(B) providing analysis or information that
2 affects a decision by a supervisor or manager
3 about a wildland or managed fire; or

4 (C) directing the deployment of equipment
5 for a wildland or managed fire.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall take effect on the date of enactment
8 of this Act.

9 SEC. 430. GLOBAL CLIMATE CHANGE. (a) The Con-
10 gress finds that—

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

18 (2) there is a growing scientific consensus that
19 human activity is a substantial cause of greenhouse
20 gas accumulation in the atmosphere; and

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

24 (b) It is the sense of the Congress that there should
25 be enacted a comprehensive and effective national pro-

1 gram of mandatory, market-based limits and incentives on
2 emissions of greenhouse gases that slow, stop, and reverse
3 the growth of such emissions at a rate and in a manner
4 that: (1) will not significantly harm the United States
5 economy; and (2) will encourage comparable action by
6 other nations that are major trading partners and key con-
7 tributors to global emissions.

8 SEC. 431. None of the funds made available in this
9 Act may be used to purchase light bulbs unless the light
10 bulbs have the "ENERGY STAR" or "Federal Energy
11 Management Program" designation, except in instances
12 where the agency determines that ENERGY STAR or
13 FEMP designated light bulbs are not cost-effective over
14 the life of the light bulbs or are not reasonably available
15 to meet the functional requirements of the agency.

16 SEC. 432. None of the funds made available under
17 this Act may be used to promulgate or implement the En-
18 vironmental Protection Agency proposed regulations pub-
19 lished in the Federal Register on January 3, 2007 (72
20 Fed. Reg. 69).

21 SEC. 433. None of the funds made available by this
22 Act shall be used to prepare or publish final regulations
23 regarding a commercial leasing program for oil shale re-
24 sources on public lands pursuant to section 369(d) of the
25 Energy Policy Act of 2005 (Public Law 109-58) or to con-

1 duct an oil shale lease sale pursuant to subsection 369(e)
2 of such Act.

3 SEC. 434. Section 401 of the Herger-Feinstein Quin-
4 cy Library Group Forest Recovery Act, Public Law 105-
5 277, division A, § 101(e) [title IV], 112 Stat. 2681-305,
6 is amended—

7 (1) In section (g) by striking “until” and all
8 that follows and inserting “until September 30,
9 2012.”;

10 (2) By deleting section (i) and inserting: “By
11 June 1, 2008, the Forest Service shall initiate a col-
12 laborative process with the Plaintiffs in Sierra Ne-
13 vada Forest Prot. Campaign v. Rey, Case No. CIV-
14 S-05-0205 MCE/GGH (E.D. Cal.), appeal docketed
15 sub nom. Sierra Forest Legacy v. Rey, No. 07-
16 16892 (9th Cir. Oct. 23, 2007) and the Quincy Li-
17 brary Group to determine whether modifications to
18 the Pilot Project are appropriate for the remainder
19 of the Pilot Project.”; and

20 (3) By adding at the end the following:

21 “(m) Sections 104-106 of Public Law 108-148 shall
22 apply to projects authorized by this Act.”.

23 SEC. 435. In addition to the amounts otherwise pro-
24 vided to the Environmental Protection Agency in this Act,
25 \$8,000,000, to remain available until expended, is pro-

1 vided to EPA to be transferred to the Department of the
2 Navy for clean-up activities at the Treasure Island Naval
3 Station—Hunters Point Annex.

4 SEC. 436. In addition to amounts provided to the En-
5 vironmental Protection Agency in this Act, the Oklahoma
6 Department of Environmental Quality is provided the
7 amount of \$3,000,000 for a grant to the Oklahoma De-
8 partment of Environmental Quality for ongoing relocation
9 assistance as administered by the Lead Impacted Commu-
10 nities Relocation Assistance Trust and as conducted con-
11 sistent with the use of prior unexpended funding for relo-
12 cation assistance, including buy outs of properties, in ac-
13 cordance with section 2301 of Public Law 109-234 (120
14 Stat. 455-466).

15 SEC. 437. (a) ACROSS-THE-BOARD RESCISSIONS.—
16 There is hereby rescinded an amount equal to 1.56 percent
17 of the budget authority provided for fiscal year 2008 for
18 any discretionary appropriation in titles I through IV of
19 this Act.

20 (b) PROPORTIONATE APPLICATION.—Any rescission
21 made by subsection (a) shall be applied proportionately—

22 (1) to each discretionary account and each item
23 of budget authority described in subsection (a); and

24 (2) within each such account and item, to each
25 program, project, and activity (with programs,

1 projects, and activities as delineated in the appro-
2 priation Act or accompanying reports for the rel-
3 evant fiscal year covering such account or item, or
4 for accounts and items not included in appropriation
5 Acts, as delineated in the most recently submitted
6 President's budget).

7 (c) INDIAN LAND AND WATER CLAIM SETTLE-
8 MENTS.—Under the heading “Bureau of Indian Affairs,
9 Indian Land and Water Claim Settlements and Miscella-
10 neous Payments to Indians”, the across-the-board rescis-
11 sion in this section, and any subsequent across-the-board
12 rescission for fiscal year 2008, shall apply only to the first
13 dollar amount in the paragraph and the distribution of
14 the rescission shall be at the discretion of the Secretary
15 of the Interior who shall submit a report on such distribu-
16 tion and the rationale therefor to the House and Senate
17 Committees on Appropriations.

18 (d) OMB REPORT.—Within 30 days after the date
19 of the enactment of this section the Director of the Office
20 of Management and Budget shall submit to the Commit-
21 tees on Appropriations of the House of Representatives
22 and the Senate a report specifying the account and
23 amount of each rescission made pursuant to this section.

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1

TITLE V

2

WILDFIRE SUPPRESSION EMERGENCY

3

APPROPRIATIONS

4

DEPARTMENT OF THE INTERIOR

5

BUREAU OF LAND MANAGEMENT

6

WILDLAND FIRE MANAGEMENT

7

(INCLUDING TRANSFERS OF FUNDS)

8

For an additional amount for "Wildland Fire Man-

9

agement", \$78,000,000, to remain available until ex-

10

ended, for urgent wildland fire suppression activities:

11

Provided, That such funds shall only become available if

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funds previously provided for wildland fire suppression will

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be exhausted imminently and the Secretary of the Interior

14

notifies the House and Senate Committees on Appropria-

15

tions in writing of the need for these additional funds: *Pro-*

16

vided further, That such funds are also available for repay-

17

ment to other appropriations accounts from which funds

18

were transferred for wildfire suppression: *Provided further*,

19

That the amount provided by this paragraph is designated

20

as described in section 5 (in the matter preceding division

21

A of this consolidated Act).

1 DEPARTMENT OF AGRICULTURE
2 FOREST SERVICE
3 WILDLAND FIRE MANAGEMENT
4 (INCLUDING TRANSFERS OF FUNDS)

5 For an additional amount for “Wildland Fire Man-
6 agement”, \$222,000,000, to remain available until ex-
7 pended, for urgent wildland fire suppression activities:
8 *Provided*, That such funds shall only become available if
9 funds provided previously for wildland fire suppression will
10 be exhausted imminently and the Secretary of Agriculture
11 notifies the House and Senate Committees on Appropria-
12 tions in writing of the need for these additional funds: *Pro-*
13 *vided further*, That such funds are also available for repay-
14 ment to other appropriation accounts from which funds
15 were transferred for wildfire suppression: *Provided further*,
16 That the amount provided by this paragraph is designated
17 as described in section 5 (in the matter preceding division
18 A of this consolidated Act).

19 This division may be cited as the “Department of the
20 Interior, Environment, and Related Agencies Appropria-
21 tions Act, 2008”.