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**[House Appropriations Committee Print]**

**Consolidated Appropriations Act, 2008**  
**(H.R. 2764; Public Law 110-161)**

**DIVISION F—DEPARTMENT OF THE INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2008**

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*[CLERK'S NOTE: Six sections which precede division A in the Consolidated Appropriations Act apply to all divisions of the Act, including this one. The text of these sections is as follows:*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Consolidated Appropriations Act, 2008".

**SEC. 2. TABLE OF CONTENTS.**

*[Text omitted for purposes of this note]*

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

**SEC. 4. EXPLANATORY STATEMENT.**

The explanatory statement regarding the consolidated appropriations amendment of the House of Representatives to the amendment of the Senate to H.R. 2764, printed in the House section of the Congressional Record on or about December 17, 2007 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through K of this Act as if it were a joint explanatory statement of a committee of conference.

**SEC. 5. EMERGENCY DESIGNATIONS.**

Any designation in any division of this Act referring to this section is a designation of an amount as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

**SEC. 6. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

*Reproduced below is the text of division F of the Consolidated Appropriations Act, 2008 (H.R. 2764; P.L. 110-161) as presented to the President for signature.]*

tending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

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

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,080,261,000, to remain available until September 30, 2009 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; and of which not to exceed \$80,179,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$149,628,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2008, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$487,500,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2008, and shall remain available until September 30, 2009; and of which not to exceed \$60,222,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$44,060,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2007 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to grantees that enter into grants

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

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$206,983,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2008, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: *Provided further*, That this Appropriation may be reimbursed from the

Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS  
PAYMENTS TO INDIANS

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

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

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

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be avail-

able to support the operation of any elementary or secondary school in the State of Alaska.

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

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

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

#### DEPARTMENTAL OFFICES

#### OFFICE OF THE SECRETARY

#### SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$101,151,000; of which not to exceed \$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

## ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

## (INCLUDING TRANSFERS OF FUNDS)

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

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Pro-*



*vided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

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

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

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

SEC. 106. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, excluding litigation costs. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

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

SEC. 108. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System

charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

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

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,018,624,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$588,515,000 for contract medical care, including \$27,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That no less than \$35,094,000 is provided for maintaining operations of the urban Indian health program: *Provided further*, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That \$14,000,000 is provided for a methamphetamine and suicide prevention and treatment initiative, of which up to \$5,000,000 may be used for mental health, suicide prevention, and behavioral issues associated with methamphetamine use: *Provided further*, That notwithstanding any other provision of law, these funds shall be allocated outside all other distribution methods and formulas at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total

obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$271,636,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2008, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

#### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$380,583,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed \$500,000 shall be used

by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

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

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

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

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a

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

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

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

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

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

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

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

### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

#### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$75,212,000, of which up to \$1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equiva-

## TITLE IV

## GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

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

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

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

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

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for

placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

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

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

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

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

SEC. 411. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar.

to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

(c) **COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.**—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider, no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

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

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

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

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

**SEC. 416.** Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000, regarding the pilot program to enhance Forest Service administration of rights-of-way (as enacted into law by section 1000(a)(3) of Public Law 106-113; 113 Stat. 1501A-196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking “2006” and inserting “2012”; and

(2) in subsection (b) by striking “2006” and inserting “2012”.

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

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

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native vil-



## ABANDONED MINE RECLAMATION FUND

The amended bill provides \$52,774,000 for the abandoned mine reclamation fund as proposed by the House instead of \$52,835,000 as proposed by the Senate.

## ADMINISTRATIVE PROVISION

The amended bill includes the provision recommended by the House and Senate allowing the transfer of title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

## BUREAU OF INDIAN AFFAIRS

## OPERATION OF INDIAN PROGRAMS

## (INCLUDING TRANSFER OF FUNDS)

The amended bill includes \$2,080,261,000 for the operation of Indian programs instead of \$2,093,545,000 as proposed by the House and \$2,046,341,000 as proposed by the Senate. This includes \$862,309,000 for tribal priority allocations instead of \$866,250,000 as proposed by the House and \$838,889,000 as proposed by the Senate. A detailed display of the funding for all programs and activities is included in the back of the statement for this Division.

*Tribal Government.*—The amended bill provides \$406,198,000 for tribal government instead of \$403,009,000 as proposed by the House and \$406,398,000 as proposed by the Senate. The funding distribution follows the Senate proposal except that the funding for the Western Shoshone Claims Distribution Act is \$300,000.

*Human Services.*—The amended bill provides \$141,548,000 instead of \$146,548,000, as proposed by the House and \$134,128,000 as proposed by the Senate. The housing improvement program is funded at \$13,830,000.

*Trust: Natural Resources Management.*—The amended bill provides \$149,489,000 for natural resources management instead of \$152,684,000 as proposed by the House and \$147,489,000 as proposed by the Senate.

The amended bill includes \$12,062,000 for irrigation operations and maintenance instead of \$11,062,000 as proposed by the Senate.

The amended bill includes \$1,740,000 for the Washington Timber-Fish-Wildlife program; \$4,134,000 for the U.S.-Canada Pacific Salmon Treaty; \$350,000 for Lake Roosevelt Management; \$315,000 for Upper Columbia United Tribes; \$600,000 for Circle of Flight; \$1,000,000 for the Inter-Tribal Bison Cooperative; and \$1,247,000 for endangered species management.

The funding provided for the Inter-Tribal Bison Cooperative should be distributed by the cooperative to participating tribes and not used for administrative expenses.

*Trust: Real Estate Services.*—The amended bill includes \$150,722,000 as proposed by the House instead of \$151,722,000 as proposed by the Senate.

*Education.*—The amended bill includes \$700,540,000 instead of \$699,040,000 as proposed by the House and \$685,540,000 as proposed by the Senate.

This includes \$487,500,000 for elementary education; \$75,803,000 for other elementary and secondary programs; \$113,520,000 for post secondary programs; and \$23,717,000 for education management.

The funding for elementary education should follow the distribution as proposed by the House. The funding for other elementary and secondary programs includes \$14,000,000 for Johnson O'Malley Education Assistance Grants. The funding for post secondary programs includes \$57,721,000 for tribal colleges and universities and \$30,050,000 for scholarships and adult education. Also included is \$2,000,000 for the Navajo Technical College and \$4,000,000 for the United Tribes Technical College within the tribal technical colleges program as proposed by the Senate.

*Public Safety and Justice.*—The amended bill includes \$247,518,000 instead of \$250,018,000 as proposed by the House and \$237,818,000 as proposed by the Senate.

This funds law enforcement at \$231,753,000, or proposed by the House, tribal courts at \$14,565,000, and the fire protection program at \$1,200,000.

Methamphetamine use, violence against women, and other serious crimes have reached epidemic levels in certain areas of Indian country. The Bureau is directed to use all available existing authorities to increase the level of law enforcement and criminal prosecution in Indian Country, particularly on remote reservations, including locality pay, retention bonuses and temporary housing for officers. Substantial increases are included for Tribal law enforcement and the Secretary is directed to allocate these additional funds outside the normal allocation methods to reach the areas with the greatest need, particularly remote reservations.

*Community and Economic Development.*—The amended bill includes \$40,061,000 for community and economic development instead of \$47,339,000 as proposed by the House and \$39,061,000 as proposed by the Senate.

This includes \$8,051,000 for job placement and training, \$4,603,000 for economic development, \$25,981,000 for road maintenance and \$1,426,000 for Community Development oversight. Within the increase for economic development funding there is \$600,000 for general development programs and \$400,000 for the National Ironworkers Training Program.

*Executive Direction and Administrative Services.*—The amended bill includes \$244,185,000 as proposed by both the House and the Senate.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

The amended bill includes \$206,983,000 for construction instead of \$207,983,000 as proposed by the House and \$179,012,000 as proposed by the Senate. This includes \$145,200,000 for education construction; \$14,621,000 for public safety and justice construction; \$38,916,000 for resources management construction; \$2,114,000 for general administration; and \$6,132,000 for construction management. Funding distribution follows the House proposal except that irrigation rehabilitation funding is reduced by \$1,000,000.

The Bureau's plan for completing existing education school construction and alleviating current construction shortfalls before beginning new school construction projects is approved.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS  
PAYMENTS TO INDIANS

The amended bill includes \$34,069,000 as proposed by the Senate instead of \$39,136,000 as proposed by the House. The Nez Perce/Snake River settlement is partially funded in the Fish and Wildlife Service, Cooperative Endangered Species Conservation Fund as proposed by the Senate rather than in this account as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The amended bill includes \$6,276,000 for the Indian Guaranteed Loan Program Account as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The amended bill provides \$101,151,000 for salaries and expenses of the Office of the Secretary instead of \$107,413,000 proposed by the House and \$102,151,000 proposed by the Senate. Funding for the financial and business management system (FBMS) is provided in the working capital fund as proposed by the Senate and not in this account. Senate proposed language regarding the working capital fund has been included in the Working Capital Fund appropriation. A total of \$2,000,000 is provided for the Eisenhower Memorial Commission in a separate appropriation in Title III and not in this account as proposed by the Senate or within the National Park Service as proposed by the House.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The amended bill provides \$78,613,000 for Assistance to Territories instead of \$78,292,000 as proposed by the House and \$77,821,000 as proposed by the Senate. Senate recommendations for technical assistance are funded, including \$300,000 for judicial and court education; \$750,000 for population and workforce surveys of the Commonwealth of the Northern Marianas; \$1,000,000 for the Marshall Islands health care program and \$850,000 for the Prior Services Benefits Trust Fund. Funding for the coral reef initiative follows the House recommendation of \$995,000. Funds shall be made available for grants to the Pacific Basin Development Council and for the Close Up Foundation.

The amended bill agrees with the House report concerning the requirement that the Office of Insular Affairs and the Secretary of the Interior work with all territorial governmental bodies and the Congressional Delegate for American Samoa to be sure that the highest priority construction projects receive the covenant funding

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## INDIAN HEALTH SERVICE

## INDIAN HEALTH SERVICES

The amended bill includes \$3,018,624,000 for Indian Health Services instead of \$3,023,532,000 as proposed by the House and \$2,991,924,000 as proposed by the Senate. A detailed display of the funding for all programs and activities is included in the back of the statement for this Division.

The funding distribution follows the House proposal, except that \$27,000,000 is included for the catastrophic health emergency fund; \$14,000,000 is included for the methamphetamine treatment and prevention initiative; \$14,000,000 is included for the Indian health care improvement fund; \$35,094,000 is included for the Urban health program; and \$271,636,000 is included for contract support costs.

The amended bill includes language that allows the director of the Indian Health Service to distribute the funding for the methamphetamine treatment and prevention program to the areas with the greatest need within Indian country. The bill also allows up to \$5,000,000 of these funds to be used for the behavioral health issues associated with methamphetamine use including combating youth suicide. Tele-medicine technology should be used when possible to support remote or isolated communities that would otherwise have difficulty obtaining services.

The Indian Health Service is directed to allocate the Indian Health Care Improvement Act funding to bring those units with the highest level of need up to at least 40 percent of need before allocating any additional funds to units with needs above 40 percent.

The Service is directed to provide technical assistance to the Nevada Indian Health Board, as needed, to facilitate its establishment as an entity that can both adequately address health issues of the Nevada tribes and effectively represent these same issues to the Indian Health Service at both the Phoenix Area and the national headquarters levels.

## INDIAN HEALTH FACILITIES

The amended bill includes \$380,583,000 for Indian health facilities instead of \$360,895,000 as proposed by the House and \$375,475,000 as proposed by the Senate. A detailed display of the funding for all programs and activities is included in the back of the statement for this Division. Funds should be distributed as follows:

	<i>Amount</i>
Maintenance and Improvement .....	\$53,727,000
Sanitation Facilities .....	95,747,000
Health Care Facilities Construction .....	37,164,000
Hospital and Clinic Construction .....	32,664,000
Small Ambulatory .....	2,500,000
Dental Units .....	2,000,000
Facilities and Environmental Health Support .....	172,326,000
Equipment .....	21,619,000
Total .....	\$380,583,000

The amended bill does not include specific recommendations for funding of health facilities construction projects as provided by both the House and the Senate. Instead, it is expected that the Indian Health Service will use the amounts provided within this activity for the highest priority projects from the Service's list, for which construction has already been initiated and for which additional funding is required to keep the project on schedule. The Service may also use construction funds to begin design on not to exceed one project from the current priority list that has met all of the program requirements and is ready to proceed without delay.

The amended bill does not contain funding for the joint venture program as recommended by the Senate instead of \$2,000,000 as recommended by the House. It is understood that sufficient funds remain available from within amounts provided for joint ventures in previous fiscal years to fund an additional two projects from the last solicitation list. These funds are available because of savings achieved by the Service and tribes in negotiating their agreements. In determining priorities for project funding under the joint ventures program for hospitals and clinics, the Service should provide additional credit to tribes that are willing to provide full funding for facility equipment in addition to providing full funding for facility construction.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The amended bill provides \$78,775,000 for the National Institute of Environmental Health Sciences, instead of \$79,117,000 as proposed by the House and \$78,434,000 as proposed by the Senate.

##### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

##### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

The amended bill provides \$75,212,000 for Toxic Substances and Environmental Health, as proposed by the House instead of \$75,004,000 as proposed by the Senate. Senate proposed language to limit the number of toxicological profiles conducted by the Agency is not included.

From within the amount appropriated, ATSDR is expected to assess the extent of children's exposure to mercury from former industrial sites and other sources nationwide, and to issue a report of its findings 12 months after the date of enactment of this bill. ATSDR is further expected, in collaboration with the Centers for Disease Control and Prevention, to continue to provide biomonitoring, exposure assessment, clinical evaluation, and education, as appropriate.

#### OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The amended bill provides \$2,703,000 for the Council on Environmental Quality and the Office of Environmental Quality, as re-

## TITLE IV—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 401: Retains a provision on consulting services as recommended by the Senate; there was a minor technical difference between the House and Senate versions.

Sec. 402: Retains identical House and Senate provisions limiting certain activities related to support or opposition to legislative proposals.

Sec. 403: Retains House provision which provides that appropriations in the bill are available only for the current fiscal year, unless otherwise stated.

Sec. 404: Retains identical House and Senate (Section 403) provision prohibiting funds for certain personal services.

Sec. 405: Retains identical House and Senate (Section 404) provision which limits overhead charges, deductions, reserves or holdbacks for certain functions.

Sec. 406: Retains House provision limiting transfer of funds except as provided in this or other Acts.

Sec. 407: Modifies House and Senate (Section 405) provision prohibiting the sale of giant sequoia trees.

Sec. 408: Retains identical House and Senate (Section 406) provision limiting funds for patents for mining or mill site claims.

Sec. 409: Modifies House provision limiting payments for BIA and IHS contract support costs in past years to the funds available in law.

Sec. 410: Retains identical House and Senate (Section 408) provision regarding Forest Service land management planning.

Sec. 411: Retains Senate provision (Section 409) which specifies how the Forest Service should conduct and report accomplishments for Alaskan timber sales and provides specific direction concerning western redcedar and Alaska yellow cedar.

Sec. 412: Retains identical House (Section 411) and Senate (Section 410) provision limiting certain mineral, oil and gas leasing activities within the boundaries of certain National Monuments.

Sec. 413: Retains identical House (Section 412) and Senate (Section 411) provisions concerning wildfire suppression assistance with foreign countries.

Sec. 414: Retains identical House (Section 413) and Senate (Section 412) provisions pertaining to the awarding of federal contracts by the Secretaries of Agriculture and Interior in certain disadvantaged communities.

Sec. 415: Modifies House Section 414 and Senate provision limiting certain competitive sourcing studies and associated activities at the Department of the Interior and the Forest Service.

Sec. 416: Retains House Section 415 provision to extend the Forest Service pilot rights-of-way administrative program.

Sec. 417: Retains House Section 416 extending a previous provision regarding cooperative agreements with third parties.

Sec. 418: Retains Senate Section 413 which continues a requirement in Alaska that IHS funds be made available only to regional Alaska Native health organizations.

Sec. 419: Retains Senate Section 414 which restricts funding for acquisition of land from being used for declarations of taking or complaints in condemnation.

Sec. 420: Retains Senate Section 417 which extends authority for Utah to work cooperatively on Forest Service lands.

Sec. 421: Modifies Senate Section 419 which extends a previous provision allowing the Forest Service to use categorical exclusions for certain grazing activities, but excludes use of this authority in federally designated wilderness areas.

Sec. 422: Retains Senate Section 420 concerning certain marina fees on the Shasta-Trinity National Forest, CA.

Sec. 423: Modifies Senate Section 421 to direct \$15,000,000 from the timber roads purchaser election fund be distributed to Forest Service regions for certain vegetative, fuels and road treatments.

Sec. 424: Modifies Senate Section 422 requiring the sale of 5200 acres of national grassland parcels in North Dakota to offset the acreage previously purchased at the Elkhorn Ranch in Medora, North Dakota. Provides direction for future management of the Elkhorn Ranch acquired by the Forest Service.

Sec. 425: Retains Senate Section 423 prohibiting Forest Service eligibility requirement changes to grazing permits on the Dakota Prairie Grasslands, ND.

Sec. 426: Retains Senate Section 425 on arts and artifacts domestic indemnity.

Sec. 427: Retains Senate Section 426 transferring three Job Corps centers from the National Park Service to the Forest Service.

Sec. 428: Modifies Senate Section 427 on timber and hazardous fuel reduction projects on the Sequoia and Sierra National Forests, CA.

Sec. 429: Modifies Senate Section 428 which provides permanent authority regarding fire fighter liability insurance. The Forest Service and Department of Interior agencies that participate in fire suppression and management activities are directed to determine the positions within each agency that are eligible to be reimbursed for professional liability insurance, not to exceed one half of the cost of such insurance. Examples of positions which should be considered for eligible for reimbursement include temporary supervision or management of personnel engaged in wildland or managed fire activities, such as a type 1, 2, 3, 4, or 5 incident commander, an operations section chief, a division group supervisor, a fire use manager, a prescribed fire manager or burn boss, a single resource boss, or a squad boss; providing analysis or information that affects a decision by a supervisor or manager about a wildland or managed fire, such as a fire behavior analyst, a safety officer, or a long term analyst; or directing the deployment of equipment for a wildland or managed fire, such as a base camp manager, an equipment manager, a helicopter coordinator, or an initial attack dispatcher.

Sec. 430: Retains House Section 501, expressing the sense of Congress on global climate change.

Sec. 431: Modifies House Section 603 which directs the purchase of Energy Star light bulbs with funds provided by this Act.

Sec. 432: Retains House Section 604 on EPA's proposal to amend the Maximum Achievable Control Technology Standards.

Sec. 433: Retains the provision contained in Section 606 of the House bill concerning the promulgation of rules in conjunction with a commercial oil shale program in Colorado, Utah and Wyoming.

The Appropriations Committees are aware that oil shale has the potential to be an important energy resource, which will be integral to our nation's future energy security. But this development must proceed thoughtfully and with the full support of the states of Colorado, Utah and Wyoming. While industry is still many years away from establishing the commercial viability of new oil shale extraction technologies, there is concern that the Department of the Interior may be moving ahead before the full impacts of such a program are known, and without full and complete cooperation of the affected States. It is essential that these States have a meaningful opportunity to review and comment on the Programmatic Environmental Impact Statement (PEIS), draft proposed commercial leasing rules and regulations, and relevant resource management planning documents. Therefore, the Secretary is directed to provide adequate time after the completion of the PEIS for the Governors of the affected States of Colorado, Utah and Wyoming to review any draft proposed or final commercial leasing regulations, with additional time for public comment as appropriate.

Sec. 434: Includes a new provision extending the Herger-Feinstein Quincy Library Group (QLG) Forest Recovery Act (P.L. 105-277) for an additional three years until 2012; directs the Forest Service to work with stakeholders on a possible alternative course for implementing the extended effort; and amends the QLG Act to clarify that certain Healthy Forest Restoration Act authorities (Sections 104-106 of Public Law 108-148) can be applied to the types of treatments prescribed under the Act.

Sec. 435: Modifies and moves a provision proposed by the Senate in the State and Tribal Assistance Grants account, which authorizes a transfer of \$8,000,000 from the Environmental Protection Agency to the Department of the Navy to fund efforts to monitor and remediate groundwater contamination and other pollution sources at Hunter's Point Naval Shipyard in San Francisco, CA.

Sec. 436: Modifies and moves a provision proposed by the Senate in the State and Tribal Assistance Grants account which authorizes the Administrator to transfer \$3,000,000 to the Oklahoma Department of Environmental Quality to fund high-priority remediation and relocation programs for the Tar Creek and Spring River watersheds in Oklahoma.

Sec. 437: The amended bill includes an across the board rescission of 1.560 percent. This reduction shall be applied to each program, project, and activity, except for Miscellaneous Payments to Indians, which has a different application of the rescission as specified in the statutory language. The bill also requires the Office of Management and Budget to submit a report within 30 days specifying the account and amount of each rescission.

The amended bill does not include the following House provisions:

Sec. 502: Limiting funds for land condemnations. This issue is addressed in section 419.

Sec. 503: Limiting funds for Tongass National Forest timber harvesting.