

109TH CONGRESS
2D SESSION

H. R. 5386

IN THE SENATE OF THE UNITED STATES

MAY 19, 2006

Received; read twice and referred to the Committee on Appropriations

AN ACT

Making appropriations for the Department of the Interior,
environment, and related agencies for the fiscal year
ending September 30, 2007, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of the Interior, environment, and related
4 agencies for the fiscal year ending September 30, 2007,
5 and for other purposes, namely:

6 TITLE I—DEPARTMENT OF THE INTERIOR

7 BUREAU OF LAND MANAGEMENT

8 MANAGEMENT OF LANDS AND RESOURCES

9 For necessary expenses for protection, use, improve-
10 ment, development, disposal, cadastral surveying, classi-
11 fication, acquisition of easements and other interests in
12 lands, and performance of other functions, including main-
13 tenance of facilities, as authorized by law, in the manage-
14 ment of lands and their resources under the jurisdiction
15 of the Bureau of Land Management, including the general
16 administration of the Bureau, and assessment of mineral
17 potential of public lands pursuant to Public Law 96–487
18 (16 U.S.C. 3150(a)), \$867,738,000 (reduced by \$1) (in-
19 creased by \$1), to remain available until expended, of
20 which \$1,250,000 is for high priority projects, to be car-
21 ried out by the Youth Conservation Corps; and of which
22 \$2,750,000 shall be available in fiscal year 2007 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, \$32,696,000 is for Mining Law Adminis-
4 tration program operations, including the cost of admin-
5 istering the mining claim fee program; to remain available
6 until expended, to be reduced by amounts collected by the
7 Bureau and credited to this appropriation from annual
8 mining claim fees so as to result in a final appropriation
9 estimated at not more than \$867,738,000, and
10 \$2,000,000, to remain available until expended, from com-
11 munication site rental fees established by the Bureau for
12 the cost of administering communication site activities.

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, \$769,253,000,
19 to remain available until expended, of which not to exceed
20 \$7,338,000 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-

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

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

1 appropriated for wildland fire management, in an aggregate amount not to exceed \$9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

8 CONSTRUCTION

9 For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$11,476,000, to remain available until expended.

12 LAND ACQUISITION

13 For expenses necessary to carry out sections 205, 14 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or 16 interests therein, \$3,067,000, to be derived from the Land and Water Conservation Fund and to remain available 18 until expended.

19 OREGON AND CALIFORNIA GRANT LANDS

20 For expenses necessary for management, protection, 21 and development of resources and for construction, operation, and maintenance of access roads, reforestation, and 23 other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and 25

1 on adjacent rights-of-way; and acquisition of lands or in-
2 terests therein, including existing connecting roads on or
3 adjacent to such grant lands; \$111,408,000, to remain
4 available until expended: *Provided*, That 25 percent of the
5 aggregate of all receipts during the current fiscal year
6 from the revested Oregon and California Railroad grant
7 lands is hereby made a charge against the Oregon and
8 California land-grant fund and shall be transferred to the
9 General Fund in the Treasury in accordance with the sec-
10 ond paragraph of subsection (b) of title II of the Act of
11 August 28, 1937 (50 Stat. 876).

12 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
13 (REVOLVING FUND, SPECIAL ACCOUNT)

14 In addition to the purposes authorized in Public Law
15 102–381, funds made available in the Forest Ecosystem
16 Health and Recovery Fund can be used for the purpose
17 of planning, preparing, implementing and monitoring sal-
18 vage timber sales and forest ecosystem health and recovery
19 activities, such as release from competing vegetation and
20 density control treatments. The Federal share of receipts
21 (defined as the portion of salvage timber receipts not paid
22 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
23 1181f–1 et seq., and Public Law 106–393) derived from
24 treatments funded by this account shall be deposited into
25 the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to

1 the contrary of section 305(a) of Public Law 94–579 (43
2 U.S.C. 1735(a)), any moneys that have been or will be
3 received pursuant to that section, whether as a result of
4 forfeiture, compromise, or settlement, if not appropriate
5 for refund pursuant to section 305(c) of that Act (43
6 U.S.C. 1735(c)), shall be available and may be expended
7 under the authority of this Act by the Secretary to im-
8 prove, protect, or rehabilitate any public lands adminis-
9 tered through the Bureau of Land Management which
10 have been damaged by the action of a resource developer,
11 purchaser, permittee, or any unauthorized person, without
12 regard to whether all moneys collected from each such ac-
13 tion are used on the exact lands damaged which led to
14 the action: *Provided further*, That any such moneys that
15 are in excess of amounts needed to repair damage to the
16 exact land for which funds were collected may be used to
17 repair other damaged public lands.

18 MISCELLANEOUS TRUST FUNDS

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

ADMINISTRATIVE PROVISIONS

1
2 Appropriations for the Bureau of Land Management
3 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
4
5 which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information
6
7 or evidence concerning violations of laws administered by
8
9 the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate,
10
11 not to exceed \$10,000: *Provided*, That notwithstanding 44
12
13 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with
14
15 jointly produced publications for which the cooperators
16
17 share the cost of printing either in cash or in services,
18
19 and the Bureau determines the cooperator is capable of meeting accepted quality standards.

20 Section 28 of title 30, United States Code, is amended:
21 (1) in section 28 by striking the phrase “shall commence at 12 o’clock meridian on the 1st day of September” and inserting “shall commence at 12:00 ante meridian on the 1st day of September”; (2) in section 28f(a),
22
23
24
25 by striking the phrase “for years 2004 through 2008”;

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

3 Refunds or rebates received on an on-going basis
4 from an information technology (IT) vendor as part of the
5 Bureau of Land Management (BLM) consolidated IT pro-
6 curements for the Department of the Interior and other
7 Federal Government departments hereafter may be depos-
8 ited into the Management of Lands and Resources Fund
9 to be used to offset BLM’s costs incurred in providing this
10 service.

11 UNITED STATES FISH AND WILDLIFE SERVICE

12 RESOURCE MANAGEMENT

13 For necessary expenses of the United States Fish and
14 Wildlife Service, as authorized by law, and for scientific
15 and economic studies, maintenance of the herd of long-
16 horned cattle on the Wichita Mountains Wildlife Refuge,
17 general administration, and for the performance of other
18 authorized functions related to such resources by direct
19 expenditure, contracts, grants, cooperative agreements
20 and reimbursable agreements with public and private enti-
21 ties, \$1,016,669,000, to remain available until September
22 30, 2008, except as otherwise provided herein: *Provided*,
23 That \$2,500,000 is for high priority projects, which shall
24 be carried out by the Youth Conservation Corps: *Provided*
25 *further*, That not to exceed \$17,759,000 shall be used for

1 implementing subsections (a), (b), (c), and (e) of section
2 4 of the Endangered Species Act, as amended, for species
3 that are indigenous to the United States (except for proc-
4 essing petitions, developing and issuing proposed and final
5 regulations, and taking any other steps to implement ac-
6 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
7 (c)(2)(B)(ii)), of which not to exceed \$12,581,000 shall
8 be used for any activity regarding the designation of crit-
9 ical habitat, pursuant to subsection (a)(3), excluding liti-
10 gation support, for species listed pursuant to subsection
11 (a)(1) prior to October 1, 2006: *Provided further*, That
12 of the amount available for law enforcement, up to
13 \$400,000, to remain available until expended, may at the
14 discretion of the Secretary be used for payment for infor-
15 mation, rewards, or evidence concerning violations of laws
16 administered by the Service, and miscellaneous and emer-
17 gency expenses of enforcement activity, authorized or ap-
18 proved by the Secretary and to be accounted for solely on
19 her certificate: *Provided further*, That of the amount pro-
20 vided for environmental contaminants, up to \$1,000,000
21 may remain available until expended for contaminant sam-
22 ple analyses.

23 CONSTRUCTION

24 For construction, improvement, acquisition, or re-
25 moval of buildings and other facilities required in the con-
26 servation, management, investigation, protection, and uti-

1 lization of fishery and wildlife resources, and the acquisi-
2 tion of lands and interests therein; \$39,756,000, to remain
3 available until expended.

4 LAND ACQUISITION

5 For expenses necessary to carry out the Land and
6 Water Conservation Fund Act of 1965, as amended (16
7 U.S.C. 460l-4 through 11), including administrative ex-
8 penses, and for acquisition of land or waters, or interest
9 therein, in accordance with statutory authority applicable
10 to the United States Fish and Wildlife Service,
11 \$19,751,000, to be derived from the Land and Water Con-
12 servation Fund and to remain available until expended:
13 *Provided*, That none of the funds appropriated for specific
14 land acquisition projects can be used to pay for any ad-
15 ministrative overhead, planning or other management
16 costs.

17 LANDOWNER INCENTIVE PROGRAM

18 For expenses necessary to carry out the Land and
19 Water Conservation Fund Act of 1965, as amended (16
20 U.S.C. 460l-4 through 11), including administrative ex-
21 penses, and for private conservation efforts to be carried
22 out on private lands, \$15,000,000, to be derived from the
23 Land and Water Conservation Fund, and to remain avail-
24 able until expended: *Provided*, That the amount provided
25 herein is for a Landowner Incentive Program established
26 by the Secretary that provides matching, competitively

1 awarded grants to States, the District of Columbia, feder-
2 ally-recognized Indian tribes, Puerto Rico, Guam, the
3 United States Virgin Islands, the Northern Mariana Is-
4 lands, and American Samoa, to establish or supplement
5 existing landowner incentive programs that provide tech-
6 nical and financial assistance, including habitat protection
7 and restoration, to private landowners for the protection
8 and management of habitat to benefit federally listed, pro-
9 posed, candidate, or other at-risk species on private lands.

10 PRIVATE STEWARDSHIP GRANTS

11 For expenses necessary to carry out the Land and
12 Water Conservation Fund Act of 1965, as amended (16
13 U.S.C. 460l–4 through 11), including administrative ex-
14 penses, and for private conservation efforts to be carried
15 out on private lands, \$7,000,000, to be derived from the
16 Land and Water Conservation Fund, and to remain avail-
17 able until expended: *Provided*, That the amount provided
18 herein is for the Private Stewardship Grants Program es-
19 tablished by the Secretary to provide grants and other as-
20 sistance to individuals and groups engaged in private con-
21 servation efforts that benefit federally listed, proposed,
22 candidate, or other at-risk species.

23 COOPERATIVE ENDANGERED SPECIES CONSERVATION

24 FUND

25 For expenses necessary to carry out section 6 of the
26 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),

1 as amended, \$80,507,000 to remain available until ex-
2 pended, of which \$20,161,000 is to be derived from the
3 Cooperative Endangered Species Conservation Fund and
4 \$60,346,000 is to be derived from the Land and Water
5 Conservation Fund.

6 NATIONAL WILDLIFE REFUGE FUND

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

9 NORTH AMERICAN WETLANDS CONSERVATION FUND

10 For expenses necessary to carry out the provisions
11 of the North American Wetlands Conservation Act, Public
12 Law 101–233, as amended, \$36,646,000, to remain avail-
13 able until expended.

14 NEOTROPICAL MIGRATORY BIRD CONSERVATION

15 For financial assistance for projects to promote the
16 conservation of neotropical migratory birds in accordance
17 with the Neotropical Migratory Bird Conservation Act,
18 Public Law 106–247 (16 U.S.C. 6101–6109), \$4,000,000,
19 to remain available until expended.

20 MULTINATIONAL SPECIES CONSERVATION FUND

21 For expenses necessary to carry out the African Ele-
22 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
23 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
24 phant Conservation Act of 1997 (Public Law 105–96; 16
25 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
26 tion Act of 1994 (16 U.S.C. 5301–5306), the Great Ape

1 Conservation Act of 2000 (16 U.S.C. 6301), and the Ma-
2 rine Turtle Conservation Act of 2004 (Public Law 108–
3 266; 16 U.S.C. 6601), \$6,057,000, to remain available
4 until expended.

5 STATE AND TRIBAL WILDLIFE GRANTS

6 For wildlife conservation grants to States and to the
7 District of Columbia, Puerto Rico, Guam, the United
8 States Virgin Islands, the Northern Mariana Islands,
9 American Samoa, and federally-recognized Indian tribes
10 under the provisions of the Fish and Wildlife Act of 1956
11 and the Fish and Wildlife Coordination Act, for the devel-
12 opment and implementation of programs for the benefit
13 of wildlife and their habitat, including species that are not
14 hunted or fished, \$50,000,000, to be derived from the
15 Land and Water Conservation Fund, and to remain avail-
16 able until expended: *Provided*, That of the amount pro-
17 vided herein, \$5,000,000 is for a competitive grant pro-
18 gram for Indian tribes, not subject to the remaining provi-
19 sions of this appropriation: *Provided further*, That the Sec-
20 retary shall, after deducting said \$5,000,000 and adminis-
21 trative expenses, apportion the amount provided herein in
22 the following manner: (1) to the District of Columbia and
23 to the Commonwealth of Puerto Rico, each a sum equal
24 to not more than one-half of 1 percent thereof; and (2)
25 to Guam, American Samoa, the United States Virgin Is-

1 lands, and the Commonwealth of the Northern Mariana
2 Islands, each a sum equal to not more than one-fourth
3 of 1 percent thereof: *Provided further*, That the Secretary
4 shall apportion the remaining amount in the following
5 manner: (1) one-third of which is based on the ratio to
6 which the land area of such State bears to the total land
7 area of all such States; and (2) two-thirds of which is
8 based on the ratio to which the population of such State
9 bears to the total population of all such States: *Provided*
10 *further*, That the amounts apportioned under this para-
11 graph shall be adjusted equitably so that no State shall
12 be apportioned a sum which is less than 1 percent of the
13 amount available for apportionment under this paragraph
14 for any fiscal year or more than 5 percent of such amount:
15 *Provided further*, That the Federal share of planning
16 grants shall not exceed 75 percent of the total costs of
17 such projects and the Federal share of implementation
18 grants shall not exceed 50 percent of the total costs of
19 such projects: *Provided further*, That the non-Federal
20 share of such projects may not be derived from Federal
21 grant programs: *Provided further*, That no State, terri-
22 tory, or other jurisdiction shall receive a grant if its com-
23 prehensive wildlife conservation plan is disapproved and
24 such funds that would have been distributed to such State,
25 territory, or other jurisdiction shall be distributed equi-

1 tably to States, territories, and other jurisdictions with ap-
2 proved plans: *Provided further*, That any amount appor-
3 tioned in 2007 to any State, territory, or other jurisdiction
4 that remains unobligated as of September 30, 2008, shall
5 be reapportioned, together with funds appropriated in
6 2009, in the manner provided herein: *Provided further*,
7 That balances from amounts previously appropriated
8 under the heading “State Wildlife Grants” shall be trans-
9 ferred to and merged with this appropriation and shall re-
10 main available until expended.

11 ADMINISTRATIVE PROVISIONS

12 Appropriations and funds available to the United
13 States Fish and Wildlife Service shall be available for pur-
14 chase of not to exceed 54 passenger motor vehicles, of
15 which 54 are for replacement only (including 15 for police-
16 type use); repair of damage to public roads within and
17 adjacent to reservation areas caused by operations of the
18 Service; options for the purchase of land at not to exceed
19 \$1 for each option; facilities incident to such public rec-
20 reational uses on conservation areas as are consistent with
21 their primary purpose; and the maintenance and improve-
22 ment of aquaria, buildings, and other facilities under the
23 jurisdiction of the Service and to which the United States
24 has title, and which are used pursuant to law in connection
25 with management, and investigation of fish and wildlife
26 resources: *Provided*, That notwithstanding 44 U.S.C. 501,

1 the Service may, under cooperative cost sharing and part-
2 nership arrangements authorized by law, procure printing
3 services from cooperators in connection with jointly pro-
4 duced publications for which the cooperators share at least
5 one-half the cost of printing either in cash or services and
6 the Service determines the cooperator is capable of meet-
7 ing accepted quality standards: *Provided further*, That,
8 notwithstanding any other provision of law, the Service
9 may use up to \$2,000,000 from funds provided for con-
10 tracts for employment-related legal services: *Provided fur-*
11 *ther*, That the Service may accept donated aircraft as re-
12 placements for existing aircraft: *Provided further*, That,
13 notwithstanding any other provision of law, the Secretary
14 of the Interior may not spend any of the funds appro-
15 priated in this Act for the purchase of lands or interests
16 in lands to be used in the establishment of any new unit
17 of the National Wildlife Refuge System unless the pur-
18 chase is approved in advance by the House and Senate
19 Committees on Appropriations in compliance with the re-
20 programming procedures contained in the statement of the
21 managers accompanying this Act.

22 NATIONAL PARK SERVICE

23 OPERATION OF THE NATIONAL PARK SYSTEM

24 For expenses necessary for the management, oper-
25 ation, and maintenance of areas and facilities adminis-

1 tered by the National Park Service (including special road
2 maintenance service to trucking permittees on a reimburs-
3 able basis), and for the general administration of the Na-
4 tional Park Service, \$1,754,317,000 (increased by
5 \$1,000,000), of which \$9,829,000 is for planning and
6 interagency coordination in support of Everglades restora-
7 tion and shall remain available until expended; of which
8 \$86,164,000, to remain available until September 30,
9 2008, is for maintenance, repair or rehabilitation projects
10 for constructed assets, operation of the National Park
11 Service automated facility management software system,
12 and comprehensive facility condition assessments; and of
13 which \$1,909,000 is for the Youth Conservation Corps for
14 high priority projects: *Provided*, That the only funds in
15 this account which may be made available to support
16 United States Park Police are those funds approved for
17 emergency law and order incidents pursuant to established
18 National Park Service procedures, those funds needed to
19 maintain and repair United States Park Police adminis-
20 trative facilities, and those funds necessary to reimburse
21 the United States Park Police account for the unbudgeted
22 overtime and travel costs associated with special events for
23 an amount not to exceed \$10,000 per event subject to the
24 review and concurrence of the Washington headquarters
25 office: *Provided further*, That funds in this account may

1 be spent without regard to the “no net loss” of law en-
2 forcement personnel policy.

3 UNITED STATES PARK POLICE

4 For expenses necessary to carry out the programs of
5 the United States Park Police, \$84,775,000.

6 NATIONAL RECREATION AND PRESERVATION

7 For expenses necessary to carry out recreation pro-
8 grams, natural programs, cultural programs, heritage
9 partnership programs, environmental compliance and re-
10 view, international park affairs, and grant administration,
11 not otherwise provided for, \$47,161,000: *Provided*, That
12 none of the funds in this Act for the Rivers, Trails and
13 Conservation Assistance program may be used for cash
14 agreements, or for cooperative agreements that are incon-
15 sistent with the program’s final strategic plan.

16 HISTORIC PRESERVATION FUND

17 For expenses necessary in carrying out the Historic
18 Preservation Act of 1966, as amended (16 U.S.C. 470),
19 and the Omnibus Parks and Public Lands Management
20 Act of 1996 (Public Law 104–333), \$58,658,000, to be
21 derived from the Historic Preservation Fund and to re-
22 main available until September 30, 2008, of which
23 \$15,000,000 shall be for Save America’s Treasures for
24 preservation of nationally significant sites, structures, and
25 artifacts and of which \$3,000,000 shall be for Preserve
26 America grants to States, Tribes, and local communities

1 for projects that preserve important historic resources
2 through the promotion of heritage tourism: *Provided fur-*
3 *ther*, That any individual Save America's Treasures or
4 Preserve America grant shall be matched by non-Federal
5 funds: *Provided further*, That individual projects shall only
6 be eligible for one grant: *Provided further*, That competi-
7 tive projects to be funded shall be approved by the Sec-
8 retary of the Interior in consultation with the House and
9 Senate Committees on Appropriations and with the Advi-
10 sory Council on Historic Preservation prior to the commit-
11 ment of Preserve America grant funds.

12 CONSTRUCTION

13 For construction, improvements, repair or replace-
14 ment of physical facilities, including the modifications au-
15 thorized by section 104 of the Everglades National Park
16 Protection and Expansion Act of 1989, \$229,934,000, to
17 remain available until expended: *Provided*, That none of
18 the funds available to the National Park Service may be
19 used to plan, design, or construct any partnership project
20 with a total value in excess of \$5,000,000, without ad-
21 vance approval of the House and Senate Committees on
22 Appropriations: *Provided further*, That notwithstanding
23 any other provision of law, the National Park Service may
24 not accept donations or services associated with the plan-
25 ning, design, or construction of such new facilities without
26 advance approval of the House and Senate Committees on

1 Appropriations: *Provided further*, That funds provided
2 under this heading for implementation of modified water
3 deliveries to Everglades National Park shall be expended
4 consistent with the requirements of the fifth proviso under
5 this heading in Public Law 108–108: *Provided further*,
6 That funds provided under this heading for implementa-
7 tion of modified water deliveries to Everglades National
8 Park shall be available for obligation only if matching
9 funds are appropriated to the Army Corps of Engineers
10 for the same purpose: *Provided further*, That none of the
11 funds provided under this heading for implementation of
12 modified water deliveries to Everglades National Park
13 shall be available for obligation if any of the funds appro-
14 priated to the Army Corps of Engineers for the purpose
15 of implementing modified water deliveries, including final-
16 izing detailed engineering and design documents for a
17 bridge or series of bridges for the Tamiami Trail compo-
18 nent of the project, becomes unavailable for obligation:
19 *Provided further*, That none of the funds provided under
20 this heading for implementation of modified water deliv-
21 eries to Everglades National Park shall be available for
22 obligation if the consent decree in United States v. South
23 Florida Water Management District is terminated prior
24 to the achievement of the requirements of the consent de-
25 cree as set forth in Appendix A and Appendix B, including

1 achievement of the 10 parts per billion numeric phos-
2 phorus criterion throughout the A.R.M. Loxahatchee Na-
3 tional Wildlife Refuge and Everglades National Park: *Pro-*
4 *vided further*, That hereafter, notwithstanding any other
5 provision of law, procurements for the National Mall and
6 Memorial Park, Ford’s Theatre National Historical Site
7 accessibility and infrastructure improvements may be
8 issued which include the full scope of the project: *Provided*
9 *further*, That the solicitation and contract shall contain the
10 clause “availability of funds” found at 48 CFR 52.232.18.

11 LAND AND WATER CONSERVATION FUND

12 (RESCISSION)

13 The contract authority provided for fiscal year 2007
14 by 16 U.S.C. 460l–10a is rescinded.

15 LAND ACQUISITION AND STATE ASSISTANCE

16 For expenses necessary to carry out the Land and
17 Water Conservation Act of 1965, as amended (16 U.S.C.
18 460l–4 through 11), including administrative expenses,
19 and for acquisition of lands or waters, or interest therein,
20 in accordance with the statutory authority applicable to
21 the National Park Service, \$29,995,000, to be derived
22 from the Land and Water Conservation Fund and to re-
23 main available until expended, of which \$1,625,000 is for
24 the State assistance program administration: *Provided*,

1 That none of the funds provided for the State assistance
2 program may be used to establish a contingency fund.

3 ADMINISTRATIVE PROVISIONS

4 Appropriations for the National Park Service shall be
5 available for the purchase of not to exceed 233 passenger
6 motor vehicles, of which 193 shall be for replacement only,
7 including not to exceed 190 for police-type use, 11 buses,
8 and 6 ambulances: *Provided*, That none of the funds ap-
9 propriated to the National Park Service may be used to
10 implement an agreement for the redevelopment of the
11 southern end of Ellis Island until such agreement has been
12 submitted to the Congress and shall not be implemented
13 prior to the expiration of 30 calendar days (not including
14 any day in which either House of Congress is not in ses-
15 sion because of adjournment of more than 3 calendar days
16 to a day certain) from the receipt by the Speaker of the
17 House of Representatives and the President of the Senate
18 of a full and comprehensive report on the development of
19 the southern end of Ellis Island, including the facts and
20 circumstances relied upon in support of the proposed
21 project: *Provided further*, That not to exceed \$66,000 of
22 funds available to the National Park Service in this Act
23 may be used to provide a grant to the Washington Tennis
24 and Education Foundation for recreation and education
25 programs to be offered to at-risk school children in the
26 District of Columbia.

1 None of the funds in this Act may be spent by the
2 National Park Service for activities taken in direct re-
3 sponse to the United Nations Biodiversity Convention.

4 The National Park Service may distribute to oper-
5 ating units based on the safety record of each unit the
6 costs of programs designed to improve workplace and em-
7 ployee safety, and to encourage employees receiving work-
8 ers' compensation benefits pursuant to chapter 81 of title
9 5, United States Code, to return to appropriate positions
10 for which they are medically able.

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

21 In addition to other uses set forth in section 407(d)
22 of Public Law 105–391, franchise fees credited to a sub-
23 account shall be available for expenditure by the Sec-
24 retary, without further appropriation, for use at any unit
25 within the National Park System to extinguish or reduce

1 liability for Possessory Interest or leasehold surrender in-
2 terest. Such funds may only be used for this purpose to
3 the extent that the benefiting unit anticipated franchise
4 fee receipts over the term of the contract at that unit ex-
5 ceed the amount of funds used to extinguish or reduce
6 liability. Franchise fees at the benefiting unit shall be
7 credited to the sub-account of the originating unit over
8 a period not to exceed the term of a single contract at
9 the benefiting unit, in the amount of funds so expended
10 to extinguish or reduce liability.

11 UNITED STATES GEOLOGICAL SURVEY

12 SURVEYS, INVESTIGATIONS, AND RESEARCH

13 For expenses necessary for the United States Geo-
14 logical Survey to perform surveys, investigations, and re-
15 search covering topography, geology, hydrology, biology,
16 and the mineral and water resources of the United States,
17 its territories and possessions, and other areas as author-
18 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
19 to their mineral and water resources; give engineering su-
20 pervision to power permittees and Federal Energy Regu-
21 latory Commission licensees; administer the minerals ex-
22 ploration program (30 U.S.C. 641); conduct inquiries into
23 the economic conditions affecting mining and materials
24 processing industries (30 U.S.C. 3, 21a, and 1603; 50
25 U.S.C. 98g(1)) and related purposes as authorized by law;

1 and to publish and disseminate data relative to the fore-
2 going activities; \$991,447,000 (reduced by \$5,000,000),
3 of which \$64,171,000 shall be available only for coopera-
4 tion with States or municipalities for water resources in-
5 vestigations; of which \$7,882,000 shall remain available
6 until expended for satellite operations; of which
7 \$21,083,000 shall be available until September 30, 2008,
8 for the operation and maintenance of facilities and de-
9 ferred maintenance; of which \$2,000,000 shall be available
10 until expended for deferred maintenance and capital im-
11 provement projects that exceed \$100,000 in cost; of which
12 \$175,597,000 shall be available until September 30, 2008,
13 for the biological research activity and the operation of
14 the Cooperative Research Units; and of which,
15 \$13,000,000 shall be available only for the Mid-Continent
16 Mapping Center (MCMC) in Rolla, Missouri to continue
17 functioning as a full service mapping organization: *Pro-*
18 *vided*, That none of the funds made available under this
19 Act may be used to consolidate the functions, activities,
20 operations, or archives of the Mid-Continent Mapping
21 Center (MCMC), located in Rolla, Missouri, into the Na-
22 tional Geospatial Technical Operations Center (NGTOC):
23 *Provided further*, That none of the funds provided for the
24 biological research activity shall be used to conduct new
25 surveys on private property, unless specifically authorized

1 in writing by the property owner: *Provided further*, That
2 no part of this appropriation shall be used to pay more
3 than one-half the cost of topographic mapping or water
4 resources data collection and investigations carried on in
5 cooperation with States and municipalities.

6 ADMINISTRATIVE PROVISIONS

7 From within the amount appropriated for activities
8 of the United States Geological Survey such sums as are
9 necessary shall be available for the purchase and replace-
10 ment of passenger motor vehicles; reimbursement to the
11 General Services Administration for security guard serv-
12 ices; contracting for the furnishing of topographic maps
13 and for the making of geophysical or other specialized sur-
14 veys when it is administratively determined that such pro-
15 cedures are in the public interest; construction and main-
16 tenance of necessary buildings and appurtenant facilities;
17 acquisition of lands for gauging stations and observation
18 wells; expenses of the United States National Committee
19 on Geology; and payment of compensation and expenses
20 of persons on the rolls of the Survey duly appointed to
21 represent the United States in the negotiation and admin-
22 istration of interstate compacts: *Provided*, That activities
23 funded by appropriations herein made may be accom-
24 plished through the use of contracts, grants, or coopera-
25 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
26 *vided further*, That the United States Geological Survey

1 may enter into contracts or cooperative agreements di-
2 rectly with individuals or indirectly with institutions or
3 nonprofit organizations, without regard to 41 U.S.C. 5,
4 for the temporary or intermittent services of students or
5 recent graduates, who shall be considered employees for
6 the purpose of chapters 57 and 81 of title 5, United States
7 Code, relating to compensation for travel and work inju-
8 ries, and chapter 171 of title 28, United States Code, re-
9 lating to tort claims, but shall not be considered to be Fed-
10 eral employees for any other purposes.

11 MINERALS MANAGEMENT SERVICE

12 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

13 For expenses necessary for minerals leasing and envi-
14 ronmental studies, regulation of industry operations, and
15 collection of royalties, as authorized by law; for enforcing
16 laws and regulations applicable to oil, gas, and other min-
17 erals leases, permits, licenses and operating contracts; and
18 for matching grants or cooperative agreements; including
19 the purchase of not to exceed eight passenger motor vehi-
20 cles for replacement only, \$157,496,000 (increased by
21 \$1,000,000) (reduced by \$1,000,000), of which
22 \$79,158,000 shall be available for royalty management ac-
23 tivities; and an amount not to exceed \$128,730,000, to
24 be credited to this appropriation and to remain available
25 until expended, from additions to receipts resulting from

1 increases to rates in effect on August 5, 1993, from rate
2 increases to fee collections for Outer Continental Shelf ad-
3 ministrative activities performed by the Minerals Manage-
4 ment Service (MMS) over and above the rates in effect
5 on September 30, 1993, and from additional fees for
6 Outer Continental Shelf administrative activities estab-
7 lished after September 30, 1993: *Provided*, That to the
8 extent \$128,730,000 in additions to receipts are not real-
9 ized from the sources of receipts stated above, the amount
10 needed to reach \$128,730,000 shall be credited to this ap-
11 propriation from receipts resulting from rental rates for
12 Outer Continental Shelf leases in effect before August 5,
13 1993: *Provided further*, That \$3,000,000 for computer ac-
14 quisitions shall remain available until September 30,
15 2008: *Provided further*, That not to exceed \$3,000 shall
16 be available for reasonable expenses related to promoting
17 volunteer beach and marine cleanup activities: *Provided*
18 *further*, That notwithstanding any other provision of law,
19 \$15,000 under this heading shall be available for refunds
20 of overpayments in connection with certain Indian leases
21 in which the Director of MMS concurred with the claimed
22 refund due, to pay amounts owed to Indian allottees or
23 tribes, or to correct prior unrecoverable erroneous pay-
24 ments: *Provided further*, That for the costs of administra-
25 tion of the Coastal Impact Assistance Program authorized

1 by section 31 of the Outer Continental Shelf Lands Act,
2 as amended (43 U.S.C. 1456a), MMS in fiscal years 2007
3 through 2010 may retain three percent of the amounts
4 which are disbursed under section 31 (b)(1), such retained
5 amounts to remain available until expended.

6 OIL SPILL RESEARCH

7 For necessary expenses to carry out title I, section
8 1016, title IV, sections 4202 and 4303, title VII, and title
9 VIII, section 8201 of the Oil Pollution Act of 1990,
10 \$6,903,000, which shall be derived from the Oil Spill Li-
11 ability Trust Fund, to remain available until expended.

12 OFFICE OF SURFACE MINING RECLAMATION AND

13 ENFORCEMENT

14 REGULATION AND TECHNOLOGY

15 For necessary expenses to carry out the provisions
16 of the Surface Mining Control and Reclamation Act of
17 1977, Public Law 95–87, as amended, including the pur-
18 chase of not to exceed 10 passenger motor vehicles, for
19 replacement only; \$112,109,000: *Provided*, That the Sec-
20 retary of the Interior, pursuant to regulations, may use
21 directly or through grants to States, moneys collected in
22 fiscal year 2007 for civil penalties assessed under section
23 518 of the Surface Mining Control and Reclamation Act
24 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
25 fected by coal mining practices after August 3, 1977, to
26 remain available until expended: *Provided further*, That

1 appropriations for the Office of Surface Mining Reclama-
2 tion and Enforcement may provide for the travel and per
3 diem expenses of State and tribal personnel attending Of-
4 fice of Surface Mining Reclamation and Enforcement
5 sponsored training.

6 ABANDONED MINE RECLAMATION FUND

7 For necessary expenses to carry out title IV of the
8 Surface Mining Control and Reclamation Act of 1977,
9 Public Law 95–87, as amended, including the purchase
10 of not more than 10 passenger motor vehicles for replace-
11 ment only, \$185,936,000, to be derived from receipts of
12 the Abandoned Mine Reclamation Fund and to remain
13 available until expended; of which up to \$10,000,000, to
14 be derived from the Federal Expenses Share of the Fund,
15 shall be for supplemental grants to States for the reclama-
16 tion of abandoned sites with acid mine rock drainage from
17 coal mines, and for associated activities, through the Ap-
18 palachian Clean Streams Initiative: *Provided*, That grants
19 to minimum program States will be \$1,500,000 per State
20 in fiscal year 2007: *Provided further*, That pursuant to
21 Public Law 97–365, the Department of the Interior is au-
22 thorized to use up to 20 percent from the recovery of the
23 delinquent debt owed to the United States Government to
24 pay for contracts to collect these debts: *Provided further*,
25 That funds made available under title IV of Public Law
26 95–87 may be used for any required non-Federal share

1 of the cost of projects funded by the Federal Government
2 for the purpose of environmental restoration related to
3 treatment or abatement of acid mine drainage from aban-
4 doned mines: *Provided further*, That such projects must
5 be consistent with the purposes and priorities of the Sur-
6 face Mining Control and Reclamation Act: *Provided fur-*
7 *ther*, That amounts allocated under section 402(g)(2) of
8 such Act as of September 30, 2006, but not appropriated
9 as of that date, are reallocated to the allocation estab-
10 lished in section 402(g)(3) of the Act: *Provided further*,
11 That amounts provided under this heading may be used
12 for the travel and per diem expenses of State and tribal
13 personnel attending Office of Surface Mining Reclamation
14 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 For expenses necessary for the operation of Indian
24 programs, as authorized by law, including the Snyder Act
25 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
26 termination and Education Assistance Act of 1975 (25

1 U.S.C. 450 et seq.), as amended, the Education Amend-
2 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
3 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
4 as amended, \$1,973,403,000, to remain available until
5 September 30, 2008 except as otherwise provided herein,
6 of which not to exceed \$74,179,000 shall be for welfare
7 assistance payments and, notwithstanding any other provi-
8 sion of law, including but not limited to the Indian Self-
9 Determination Act of 1975, as amended, not to exceed
10 \$151,628,000 shall be available for payments to tribes and
11 tribal organizations for contract support costs associated
12 with ongoing contracts, grants, compacts, or annual fund-
13 ing agreements entered into with the Bureau prior to or
14 during fiscal year 2007, as authorized by such Act, except
15 that tribes and tribal organizations may use their tribal
16 priority allocations for unmet contract support costs of on-
17 going contracts, grants, or compacts, or annual funding
18 agreements and for unmet welfare assistance costs; and
19 of which not to exceed \$457,352,000 for school operations
20 costs of Bureau-funded schools and other education pro-
21 grams shall become available on July 1, 2007, and shall
22 remain available until September 30, 2008; and of which
23 not to exceed \$66,277,000 shall remain available until ex-
24 pended for housing improvement, road maintenance, at-
25 torney fees, litigation support, the Indian Self-Determina-

tion Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed the welfare assistance payments cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *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 to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2006 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 tribes and tribal organizations that enter into grants for the operation on or after July 1, 2006, of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2008, may be transferred during fiscal year 2009 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided fur-*

1 *ther*, That any such unobligated balances not so trans-
2 ferred shall expire on September 30, 2009.

3 CONSTRUCTION

4 For construction, repair, improvement, and mainte-
5 nance of irrigation and power systems, buildings, utilities,
6 and other facilities, including architectural and engineer-
7 ing services by contract; acquisition of lands, and interests
8 in lands; and preparation of lands for farming, and for
9 construction of the Navajo Indian Irrigation Project pur-
10 suant to Public Law 87–483, \$215,799,000, to remain
11 available until expended: *Provided*, That such amounts as
12 may be available for the construction of the Navajo Indian
13 Irrigation Project may be transferred to the Bureau of
14 Reclamation: *Provided further*, That not to exceed 6 per-
15 cent of contract authority available to the Bureau of In-
16 dian Affairs from the Federal Highway Trust Fund may
17 be used to cover the road program management costs of
18 the Bureau: *Provided further*, That any funds provided for
19 the Safety of Dams program pursuant to 25 U.S.C. 13
20 shall be made available on a nonreimbursable basis: *Pro-*
21 *vided further*, That for fiscal year 2007, in implementing
22 new construction or facilities improvement and repair
23 project grants in excess of \$100,000 that are provided to
24 tribally controlled grant schools under Public Law 100–
25 297, as amended, the Secretary of the Interior shall use
26 the Administrative and Audit Requirements and Cost

1 Principles for Assistance Programs contained in 43 CFR
2 part 12 as the regulatory requirements: *Provided further*,
3 That such grants shall not be subject to section 12.61 of
4 43 CFR; the Secretary and the grantee shall negotiate and
5 determine a schedule of payments for the work to be per-
6 formed: *Provided further*, That in considering applications,
7 the Secretary shall consider whether such grantee would
8 be deficient in assuring that the construction projects con-
9 form to applicable building standards and codes and Fed-
10 eral, tribal, or State health and safety standards as re-
11 quired by 25 U.S.C. 2005(b), with respect to organiza-
12 tional and financial management capabilities: *Provided*
13 *further*, That if the Secretary declines an application, the
14 Secretary shall follow the requirements contained in 25
15 U.S.C. 2504(f): *Provided further*, That any disputes be-
16 tween the Secretary and any grantee concerning a grant
17 shall be subject to the disputes provision in 25 U.S.C.
18 2507(e): *Provided further*, That in order to ensure timely
19 completion of replacement school construction projects,
20 the Secretary may assume control of a project and all
21 funds related to the project, if, within eighteen months
22 of the date of enactment of this Act, any tribe or tribal
23 organization receiving funds appropriated in this Act or
24 in any prior Act, has not completed the planning and de-
25 sign phase of the project and commenced construction of

1 the replacement school: *Provided further*, That this Appro-
 2 priation may be reimbursed from the Office of the Special
 3 Trustee for American Indians Appropriation for the ap-
 4 propriate share of construction costs for space expansion
 5 needed in agency offices to meet trust reform implementa-
 6 tion.

7 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
 8 MISCELLANEOUS PAYMENTS TO INDIANS
 9 (INCLUDING TRANSFER OF FUNDS)

10 For miscellaneous payments to Indian tribes and in-
 11 dividuals and for necessary administrative expenses,
 12 \$39,213,000, to remain available until expended, for im-
 13 plementation of Indian land and water claim settlements
 14 pursuant to Public Laws 99–264, 100–580, 101–618,
 15 107–331, and 108–477, and for implementation of other
 16 land and water rights settlements, of which \$316,000 shall
 17 be available for payment to the Quinault Indian Nation
 18 pursuant to the terms of the North Boundary Settlement
 19 Agreement dated July 14, 2000, providing for the acquisi-
 20 tion of perpetual conservation easements from the Nation
 21 and of which \$5,067,000 shall be for the Idaho Salmon
 22 and Clearwater River Basins Habitat Account pursuant
 23 to the Snake River Water Rights Act of 2004 and of which
 24 \$200,000 shall be transferred to the “Bureau of Land
 25 Management, Management of Lands and Resources” ac-

1 count for mitigation of land transfers associated with the
2 Snake River Water Rights Act of 2004.

3 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

4 For the cost of guaranteed and insured loans,
5 \$6,262,000, of which \$626,000 is for administrative ex-
6 penses, as authorized by the Indian Financing Act of
7 1974, as amended: *Provided*, That such costs, including
8 the cost of modifying such loans, shall be as defined in
9 section 502 of the Congressional Budget Act of 1974: *Pro-*
10 *vided further*, That these funds are available to subsidize
11 total loan principal, any part of which is to be guaranteed,
12 not to exceed \$87,376,744.

13 ADMINISTRATIVE PROVISIONS

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

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

23 Appropriations for the Bureau of Indian Affairs (ex-
24 cept the revolving fund for loans, the Indian loan guar-
25 antee and insurance fund, and the Indian Guaranteed
26 Loan Program account) shall be available for expenses of

1 exhibits, and purchase and replacement of passenger
2 motor vehicles.

3 Notwithstanding any other provision of law, no funds
4 available to the Bureau of Indian Affairs for central office
5 oversight and executive direction and administrative serv-
6 ices (except executive direction and administrative services
7 funding for Tribal Priority Allocations and regional of-
8 fices) shall be available for tribal contracts, grants, com-
9 pacts, or cooperative agreements with the Bureau of In-
10 dian Affairs under the provisions of the Indian Self-Deter-
11 mination Act or the Tribal Self-Governance Act of 1994
12 (Public Law 103–413).

13 In the event any tribe returns appropriations made
14 available by this Act to the Bureau of Indian Affairs for
15 distribution to other tribes, this action shall not diminish
16 the Federal Government’s trust responsibility to that
17 tribe, or the government-to-government relationship be-
18 tween the United States and that tribe, or that tribe’s abil-
19 ity to access future appropriations.

20 Notwithstanding any other provision of law, no funds
21 available to the Bureau, other than the amounts provided
22 herein for assistance to public schools under 25 U.S.C.
23 452 et seq., shall be available to support the operation of
24 any elementary or secondary school in the State of Alaska.

1 Appropriations made available in this or any other
2 Act for schools funded by the Bureau shall be available
3 only to the schools in the Bureau school system as of Sep-
4 tember 1, 1996. No funds available to the Bureau shall
5 be used to support expanded grades for any school or dor-
6 mitory beyond the grade structure in place or approved
7 by the Secretary of the Interior at each school in the Bu-
8 reau school system as of October 1, 1995. Funds made
9 available under this Act may not be used to establish a
10 charter school at a Bureau-funded school (as that term
11 is defined in section 1146 of the Education Amendments
12 of 1978 (25 U.S.C. 2026)), except that a charter school
13 that is in existence on the date of the enactment of this
14 Act and that has operated at a Bureau-funded school be-
15 fore September 1, 1999, may continue to operate during
16 that period, but only if the charter school pays to the Bu-
17 reau a pro rata share of funds to reimburse the Bureau
18 for the use of the real and personal property (including
19 buses and vans), the funds of the charter school are kept
20 separate and apart from Bureau funds, and the Bureau
21 does not assume any obligation for charter school pro-
22 grams of the State in which the school is located if the
23 charter school loses such funding. Employees of Bureau-
24 funded schools sharing a campus with a charter school and
25 performing functions related to the charter school's oper-

1 ation and employees of a charter school shall not be treat-
2 ed as Federal employees for purposes of chapter 171 of
3 title 28, United States Code.

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

12 Notwithstanding any other provision of law, including
13 section 113 of title I of appendix C of Public Law 106–
14 113, if a tribe or tribal organization in fiscal year 2003
15 or 2004 received indirect and administrative costs pursu-
16 ant to a distribution formula based on section 5(f) of Pub-
17 lic Law 101–301, the Secretary shall continue to dis-
18 tribute indirect and administrative cost funds to such tribe
19 or tribal organization using the section 5(f) distribution
20 formula.

21 DEPARTMENTAL OFFICES

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For expenses necessary for assistance to territories
25 under the jurisdiction of the Department of the Interior,

1 \$77,561,000, of which: (1) \$69,537,000 shall remain
2 available until expended for technical assistance, including
3 maintenance assistance, disaster assistance, insular man-
4 agement controls, coral reef initiative activities, and brown
5 tree snake control and research; grants to the judiciary
6 in American Samoa for compensation and expenses, as au-
7 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
8 ment of American Samoa, in addition to current local rev-
9 enues, for construction and support of governmental func-
10 tions; grants to the Government of the Virgin Islands as
11 authorized by law; grants to the Government of Guam,
12 as authorized by law; and grants to the Government of
13 the Northern Mariana Islands as authorized by law (Pub-
14 lic Law 94-241; 90 Stat. 272); and (2) \$8,024,000 shall
15 remain available until September 30, 2008, for salaries
16 and expenses of the Office of Insular Affairs: *Provided*,
17 That all financial transactions of the territorial and local
18 governments herein provided for, including such trans-
19 actions of all agencies or instrumentalities established or
20 used by such governments, may be audited by the Govern-
21 ment Accountability Office, at its discretion, in accordance
22 with chapter 35 of title 31, United States Code: *Provided*
23 *further*, That Northern Mariana Islands Covenant grant
24 funding shall be provided according to those terms of the
25 Agreement of the Special Representatives on Future

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

21 COMPACT OF FREE ASSOCIATION

22 For grants and necessary expenses, \$5,362,000, to
23 remain available until expended, as provided for in sec-
24 tions 221(a)(2), 221(b), and 233 of the Compact of Free
25 Association for the Republic of Palau; and section

1 221(a)(2) of the Compacts of Free Association for the
2 Government of the Republic of the Marshall Islands and
3 the Federated States of Micronesia, as authorized by Pub-
4 lic Law 99–658 and Public Law 108–188.

5 DEPARTMENTAL MANAGEMENT

6 SALARIES AND EXPENSES

7 For necessary expenses for management of the De-
8 partment of the Interior, \$118,303,000 (reduced by
9 \$3,000,000) (reduced by \$1,000,000) (reduced by
10 \$18,000,000) (reduced by \$1,800,000); of which
11 \$7,915,000 for appraisal services and Take Pride in
12 America activities is to be derived from the Land and
13 Water Conservation Fund and shall remain available until
14 expended; of which not to exceed \$8,500 may be for offi-
15 cial reception and representation expenses; and of which
16 up to \$1,000,000 shall be available for workers compensa-
17 tion payments and unemployment compensation payments
18 associated with the orderly closure of the United States
19 Bureau of Mines: *Provided*, That none of the funds in this
20 Act or previous appropriations Acts may be used to estab-
21 lish reserves in the Working Capital Fund account other
22 than for accrued annual leave and depreciation of equip-
23 ment without prior approval of the House and Senate
24 Committees on Appropriations.

1 PAYMENTS IN LIEU OF TAXES

2 For expenses necessary to implement the Act of Octo-
3 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
4 \$228,000,000 (increased by \$16,000,000), of which not
5 to exceed \$400,000 shall be available for administrative
6 expenses: *Provided*, That no payment shall be made to oth-
7 erwise eligible units of local government if the computed
8 amount of the payment is less than \$100.

9 CENTRAL HAZARDOUS MATERIALS FUND

10 For necessary expenses of the Department of the In-
11 terior and any of its component offices and bureaus for
12 the remedial action, including associated activities, of haz-
13 ardous waste substances, pollutants, or contaminants pur-
14 suant to the Comprehensive Environmental Response,
15 Compensation, and Liability Act, as amended (42 U.S.C.
16 9601 et seq.), \$9,923,000, to remain available until ex-
17 pended.

18 OFFICE OF THE SOLICITOR

19 SALARIES AND EXPENSES

20 For necessary expenses of the Office of the Solicitor,
21 \$56,755,000.

22 OFFICE OF INSPECTOR GENERAL

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Inspector
25 General, \$39,688,000.

1 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS
2 FEDERAL TRUST PROGRAMS

3 For the operation of trust programs for Indians by
4 direct expenditure, contracts, cooperative agreements,
5 compacts, and grants, \$150,036,000, to remain available
6 until expended, of which not to exceed \$45,000,000 from
7 this or any other Act, shall be available for historical ac-
8 counting: *Provided*, That funds for trust management im-
9 provements and litigation support may, as needed, be
10 transferred to or merged with the Bureau of Indian Af-
11 fairs, “Operation of Indian Programs” account; the Office
12 of the Solicitor, “Salaries and Expenses” account; and the
13 Departmental Management, “Salaries and Expenses” ac-
14 count: *Provided further*, That funds made available to
15 Tribes and Tribal organizations through contracts or
16 grants obligated during fiscal year 2007, as authorized by
17 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
18 et seq.), shall remain available until expended by the con-
19 tractor or grantee: *Provided further*, That, notwith-
20 standing any other provision of law, the statute of limita-
21 tions shall not commence to run on any claim, including
22 any claim in litigation pending on the date of the enact-
23 ment of this Act, concerning losses to or mismanagement
24 of trust funds, until the affected tribe or individual Indian
25 has been furnished with an accounting of such funds from

1 which the beneficiary can determine whether there has
2 been a loss: *Provided further*, That, notwithstanding any
3 other provision of law, the Secretary shall not be required
4 to provide a quarterly statement of performance for any
5 Indian trust account that has not had activity for at least
6 18 months and has a balance of \$15.00 or less: *Provided*
7 *further*, That the Secretary shall issue an annual account
8 statement and maintain a record of any such accounts and
9 shall permit the balance in each such account to be with-
10 drawn upon the express written request of the account
11 holder: *Provided further*, That not to exceed \$50,000 is
12 available for the Secretary to make payments to correct
13 administrative errors of either disbursements from or de-
14 posits to Individual Indian Money or Tribal accounts after
15 September 30, 2002: *Provided further*, That erroneous
16 payments that are recovered shall be credited to and re-
17 main available in this account for this purpose.

18 INDIAN LAND CONSOLIDATION

19 For consolidation of fractional interests in Indian
20 lands and expenses associated with redetermining and re-
21 distributing escheated interests in allotted lands, and for
22 necessary expenses to carry out the Indian Land Consoli-
23 dation Act of 1983, as amended, by direct expenditure or
24 cooperative agreement, \$34,006,000, to remain available
25 until expended, and which may be transferred to the Bu-

1 reau of Indian Affairs and Departmental Management ac-
 2 counts: *Provided*, That funds provided under this heading
 3 may be expended pursuant to the authorities contained in
 4 the provisos under the heading, “Office of Special Trustee
 5 for American Indians, Indian Land Consolidation” of the
 6 Interior and Related Agencies Appropriations Act, 2001
 7 (Public Law 106–291).

8 NATURAL RESOURCE DAMAGE ASSESSMENT AND
 9 RESTORATION

10 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

11 To conduct natural resource damage assessment and
 12 restoration activities by the Department of the Interior
 13 necessary to carry out the provisions of the Comprehensive
 14 Environmental Response, Compensation, and Liability
 15 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
 16 Water Pollution Control Act, as amended (33 U.S.C. 1251
 17 et seq.), the Oil Pollution Act of 1990 (Public Law 101–
 18 380) (33 U.S.C. 2701 et seq.), and Public Law 101–337,
 19 as amended (16 U.S.C. 19jj et seq.), \$6,109,000, to re-
 20 main available until expended.

21 ADMINISTRATIVE PROVISIONS

22 There is hereby authorized for acquisition from avail-
 23 able resources within the Working Capital Fund, 15 air-
 24 craft, 10 of which shall be for replacement and which may
 25 be obtained by donation, purchase or through available ex-

cess surplus property: *Provided*, That existing aircraft
being replaced may be sold, with proceeds derived or
trade-in value used to offset the purchase price for the
replacement aircraft: *Provided further*, That no programs
funded with appropriated funds in the “Departmental
Management”, “Office of the Solicitor”, and “Office of In-
specter General” may be augmented through the Working
Capital Fund: *Provided further*, That the annual budget
justification for Departmental Management shall describe
estimated Working Capital Fund charges to bureaus and
offices, including the methodology on which charges are
based: *Provided further*, That departures from the Work-
ing Capital Fund estimates contained in the Departmental
Management budget justification shall be presented to the
Committees on Appropriations for approval: *Provided fur-
ther*, That the Secretary shall provide a semi-annual re-
port to the Committees on Appropriations on reimbursable
support agreements between the Office of the Secretary
and the National Business Center and the bureaus and
offices of the Department, including the amounts billed
pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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 emer-

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

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

1 the authority in section 1773(b) of Public Law 99–198
2 (99 Stat. 1658); for emergency reclamation projects under
3 section 410 of Public Law 95–87; and shall transfer, from
4 any no year funds available to the Office of Surface Min-
5 ing Reclamation and Enforcement, such funds as may be
6 necessary to permit assumption of regulatory authority in
7 the event a primacy State is not carrying out the regu-
8 latory provisions of the Surface Mining Act: *Provided*,
9 That appropriations made in this title for wildland fire
10 operations shall be available for the payment of obligations
11 incurred during the preceding fiscal year, and for reim-
12 bursement to other Federal agencies for destruction of ve-
13 hicles, aircraft, or other equipment in connection with
14 their use for wildland fire operations, such reimbursement
15 to be credited to appropriations currently available at the
16 time of receipt thereof: *Provided further*, That for wildland
17 fire operations, no funds shall be made available under
18 this authority until the Secretary determines that funds
19 appropriated for “wildland fire operations” shall be ex-
20 hausted within 30 days: *Provided further*, That all funds
21 used pursuant to this section must be replenished by a
22 supplemental appropriation, which must be requested as
23 promptly as possible: *Provided further*, That such replen-
24 ishment funds shall be used to reimburse, on a pro rata

1 basis, accounts from which emergency funds were trans-
2 ferred.

3 SEC. 103. Appropriations made to the Department
4 of the Interior in this title shall be available for services
5 as authorized by 5 U.S.C. 3109, when authorized by the
6 Secretary, in total amount not to exceed \$500,000; hire,
7 maintenance, and operation of aircraft; hire of passenger
8 motor vehicles; purchase of reprints; payment for tele-
9 phone service in private residences in the field, when au-
10 thorized under regulations approved by the Secretary; and
11 the payment of dues, when authorized by the Secretary,
12 for library membership in societies or associations which
13 issue publications to members only or at a price to mem-
14 bers 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 oil preleasing, leasing and related activities
18 placed under restriction in the President's moratorium
19 statement of June 12, 1998, in the areas of northern, cen-
20 tral, and southern California; the North Atlantic; Wash-
21 ington and Oregon; and the eastern Gulf of Mexico south
22 of 26 degrees north latitude and east of 86 degrees west
23 longitude.

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

1 shore oil preleasing, leasing and related activities in the
2 eastern Gulf of Mexico planning area for any lands located
3 outside Sale 181, as identified in the final Outer Conti-
4 nental Shelf 5-Year Oil and Gas Leasing Program, 1997–
5 2002.

6 SEC. 106. No funds provided in this title may be ex-
7 pended by the Department of the Interior to conduct oil
8 preleasing, leasing and related activities in the Mid-Atlan-
9 tic and South Atlantic planning areas.

10 SEC. 107. Appropriations made in this Act under the
11 headings Bureau of Indian Affairs and Office of Special
12 Trustee for American Indians and any unobligated bal-
13 ances from prior appropriations Acts made under the
14 same headings shall be available for expenditure or trans-
15 fer for Indian trust management and reform activities, ex-
16 cept that total funding for historical accounting activities
17 shall not exceed amounts specifically designated in this
18 Act for such purpose.

19 SEC. 108. Notwithstanding any other provision of
20 law, the Secretary of the Interior is authorized to redis-
21 tribute any Tribal Priority Allocation funds, including
22 tribal base funds, to alleviate tribal funding inequities by
23 transferring funds to address identified, unmet needs,
24 dual enrollment, overlapping service areas or inaccurate
25 distribution methodologies. No tribe shall receive a reduc-

1 tion in Tribal Priority Allocation funds of more than 10
2 percent in fiscal year 2007. Under circumstances of dual
3 enrollment, overlapping service areas or inaccurate dis-
4 tribution methodologies, the 10 percent limitation does not
5 apply.

6 SEC. 109. Notwithstanding any other provision of
7 law, in conveying the Twin Cities Research Center under
8 the authority provided by Public Law 104–134, as amend-
9 ed by Public Law 104–208, the Secretary may accept and
10 retain land and other forms of reimbursement: *Provided*,
11 That the Secretary may retain and use any such reim-
12 bursement until expended and without further appropria-
13 tion: (1) for the benefit of the National Wildlife Refuge
14 System within the State of Minnesota; and (2) for all ac-
15 tivities authorized by Public Law 100–696; 16 U.S.C.
16 460zz.

17 SEC. 110. The Secretary of the Interior may use or
18 contract for the use of helicopters or motor vehicles on
19 the Sheldon and Hart National Wildlife Refuges for the
20 purpose of capturing and transporting horses and burros.
21 The provisions of subsection (a) of the Act of September
22 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
23 use. Such use shall be in accordance with humane proce-
24 dures prescribed by the Secretary.

1 SEC. 111. Funds provided in this Act for Federal
2 land acquisition by the National Park Service for Shen-
3 andoah Valley Battlefields National Historic District and
4 Ice Age National Scenic Trail, and funds provided in divi-
5 sion E of Public Law 108–447 (118 Stat. 3050) for land
6 acquisition at the Niobrara National Scenic River, may be
7 used for a grant to a State, a local government, or any
8 other land management entity for the acquisition of lands
9 without regard to any restriction on the use of Federal
10 land acquisition funds provided through the Land and
11 Water Conservation Fund Act of 1965 as amended.

12 SEC. 112. None of the funds made available by this
13 Act may be obligated or expended by the National Park
14 Service to enter into or implement a concession contract
15 which permits or requires the removal of the underground
16 lunchroom at the Carlsbad Caverns National Park.

17 SEC. 113. None of the funds made available in this
18 Act may be used: (1) to demolish the bridge between Jer-
19 sey City, New Jersey, and Ellis Island; or (2) to prevent
20 pedestrian use of such bridge, when such pedestrian use
21 is consistent with generally accepted safety standards.

22 SEC. 114. None of the funds in this or any other Act
23 can be used to compensate the Special Master and the
24 Special Master-Monitor, and all variations thereto, ap-
25 pointed by the United States District Court for the Dis-

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

5 SEC. 115. The Secretary of the Interior may use dis-
6 cretionary funds to pay private attorney fees and costs for
7 employees and former employees of the Department of the
8 Interior reasonably incurred in connection with Cobell v.
9 Norton to the extent that such fees and costs are not paid
10 by the Department of Justice or by private insurance. In
11 no case shall the Secretary make payments under this sec-
12 tion that would result in payment of hourly fees in excess
13 of the highest hourly rate approved by the District Court
14 for the District of Columbia for counsel in Cobell v. Nor-
15 ton.

16 SEC. 116. The United States Fish and Wildlife Serv-
17 ice shall, in carrying out its responsibilities to protect
18 threatened and endangered species of salmon, implement
19 a system of mass marking of salmonid stocks, intended
20 for harvest, that are released from Federally operated or
21 Federally financed hatcheries including but not limited to
22 fish releases of coho, chinook, and steelhead species.
23 Marked fish must have a visible mark that can be readily
24 identified by commercial and recreational fishers.

1 SEC. 117. (a) IN GENERAL.—Nothing in section 134
2 of the Department of the Interior and Related Agencies
3 Appropriations Act, 2002 (115 Stat. 443) affects the deci-
4 sion of the United States Court of Appeals for the 10th
5 Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250
6 (2001).

7 (b) USE OF CERTAIN INDIAN LAND.—Nothing in this
8 section permits the conduct of gaming under the Indian
9 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land
10 described in section 123 of the Department of the Interior
11 and Related Agencies Appropriations Act, 2001 (114 Stat.
12 944), or land that is contiguous to that land, regardless
13 of whether the land or contiguous land has been taken
14 into trust by the Secretary of the Interior.

15 SEC. 118. No funds appropriated for the Department
16 of the Interior by this Act or any other Act shall be used
17 to study or implement any plan to drain Lake Powell or
18 to reduce the water level of the lake below the range of
19 water levels required for the operation of the Glen Canyon
20 Dam.

21 SEC. 119. Notwithstanding the limitation in subpara-
22 graph (2)(B) of section 18(a) of the Indian Gaming Regu-
23 latory Act (25 U.S.C. 2717(a)), in fiscal year 2008, the
24 total amount of all fees imposed by the National Indian
25 Gaming Commission shall not exceed \$13,000,000.

1 SEC. 120. Notwithstanding any implementation of
2 the Department of the Interior's trust reorganization or
3 reengineering plans, or the implementation of the "To Be"
4 Model, funds appropriated for fiscal year 2007 shall be
5 available to the tribes within the California Tribal Trust
6 Reform Consortium and to the Salt River Pima-Maricopa
7 Indian Community, the Confederated Salish and Kootenai
8 Tribes of the Flathead Reservation and the Chippewa Cree
9 Tribe of the Rocky Boys Reservation through the same
10 methodology as funds were distributed in fiscal year 2003.
11 This Demonstration Project shall continue to operate sep-
12 arate and apart from the Department of the Interior's
13 trust reform and reorganization and the Department shall
14 not impose its trust management infrastructure upon or
15 alter the existing trust resource management systems of
16 the above referenced tribes having a self-governance com-
17 pact and operating in accordance with the Tribal Self-Gov-
18 ernance Program set forth in 25 U.S.C. 458aa-458hh.
19 The California Trust Reform Consortium and any other
20 participating tribe agree to carry out their responsibilities
21 under the same written and implemented fiduciary stand-
22 ards as those being carried by the Secretary of the Inte-
23 rior. The Consortium shall demonstrate to the satisfaction
24 of the Secretary that they have the capability to do so.
25 The Department shall provide funds to the tribes in an

1 amount equal to that required by 25 U.S.C. 458cc(g)(3),
2 including funds specifically or functionally related to the
3 provision of trust services to the tribes or their members.

4 SEC. 121. Notwithstanding any provision of law, in-
5 cluding 42 U.S.C. 4321 et seq., nonrenewable grazing per-
6 mits authorized in the Jarbidge Field Office, Bureau of
7 Land Management within the past 9 years, shall be re-
8 newed. The Animal Unit Months authorized in any non-
9 renewable grazing permit between March 1, 1997, and
10 February 28, 2005, shall continue in effect under the re-
11 newed permit. Nothing in this section shall be deemed to
12 extend the renewed permit beyond the standard 1-year
13 term.

14 SEC. 122. Notwithstanding any other provision of
15 law, the Secretary of the Interior is authorized to acquire
16 lands, waters, or interests therein including the use of all
17 or part of any pier, dock, or landing within the State of
18 New York and the State of New Jersey, for the purpose
19 of operating and maintaining facilities in the support of
20 transportation and accommodation of visitors to Ellis,
21 Governors, and Liberty Islands, and of other program and
22 administrative activities, by donation or with appropriated
23 funds, including franchise fees (and other monetary con-
24 sideration), or by exchange; and the Secretary is author-
25 ized to negotiate and enter into leases, subleases, conces-

1 sion contracts or other agreements for the use of such fa-
2 cilities on such terms and conditions as the Secretary may
3 determine reasonable.

4 SEC. 123. Upon the request of the permittee for the
5 Clark Mountain Allotment lands adjacent to the Mojave
6 National Preserve, the Secretary shall also issue a special
7 use permit for that portion of the grazing allotment lo-
8 cated within the Preserve. The special use permit shall be
9 issued with the same terms and conditions as the most
10 recently-issued permit for that allotment and the Sec-
11 retary shall consider the permit to be one transferred in
12 accordance with section 325 of Public Law 108–108.

13 SEC. 124. Notwithstanding any other provision of
14 law, the National Park Service final winter use rules pub-
15 lished in Part VII of the Federal Register for November
16 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force
17 and effect for the winter use season of 2006–2007 that
18 commences on or about December 15, 2006.

19 SEC. 125. None of the funds in this or any other Act
20 may be used to set up Centers of Excellence and Partner-
21 ship Skills Bank training without prior approval of the
22 House and Senate Committees on Appropriations.

1 TITLE II—ENVIRONMENTAL PROTECTION

2 AGENCY

3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980, as amended; necessary expenses for personnel and
9 related costs and travel expenses, including uniforms, or
10 allowances therefor, as authorized by 5 U.S.C. 5901–
11 5902; services as authorized by 5 U.S.C. 3109, but at
12 rates for individuals not to exceed the per diem rate equiv-
13 alent to the maximum rate payable for senior level posi-
14 tions under 5 U.S.C. 5376; procurement of laboratory
15 equipment and supplies; other operating expenses in sup-
16 port of research and development; construction, alteration,
17 repair, rehabilitation, and renovation of facilities, not to
18 exceed \$85,000 per project, \$808,044,000, to remain
19 available until September 30, 2008.

20 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

21 For environmental programs and management, in-
22 cluding necessary expenses not otherwise provided for, for
23 personnel and related costs and travel expenses, including
24 uniforms, or allowances therefor, as authorized by 5
25 U.S.C. 5901–5902; services as authorized by 5 U.S.C.

1 3109, but at rates for individuals not to exceed the per
2 diem rate equivalent to the maximum rate payable for sen-
3 ior level positions under 5 U.S.C. 5376; hire of passenger
4 motor vehicles; hire, maintenance, and operation of air-
5 craft; purchase of reprints; library memberships in soci-
6 eties or associations which issue publications to members
7 only or at a price to members lower than to subscribers
8 who are not members; construction, alteration, repair, re-
9 habilitation, and renovation of facilities, not to exceed
10 \$85,000 per project; and not to exceed \$9,000 for official
11 reception and representation expenses, \$2,336,442,000
12 (increased by \$1,800,000), to remain available until Sep-
13 tember 30, 2008, including administrative costs of the
14 brownfields program under the Small Business Liability
15 Relief and Brownfields Revitalization Act of 2002.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, as amended, and for construction,
20 alteration, repair, rehabilitation, and renovation of facili-
21 ties, not to exceed \$85,000 per project, \$35,100,000, to
22 remain available until September 30, 2008: *Provided*,
23 That in fiscal year 2007 and thereafter, notwithstanding
24 any other provision of law, the Inspector General shall not

1 serve as the Inspector General for the Chemical Safety
2 and Hazard Investigation Board.

3 BUILDINGS AND FACILITIES

4 For construction, repair, improvement, extension, al-
5 teration, and purchase of fixed equipment or facilities of,
6 or for use by, the Environmental Protection Agency,
7 \$39,816,000, to remain available until expended.

8 HAZARDOUS SUBSTANCE SUPERFUND

9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses to carry out the Comprehen-
11 sive Environmental Response, Compensation, and Liabil-
12 ity Act of 1980 (CERCLA), as amended, including sec-
13 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
14 9611), and for construction, alteration, repair, rehabilita-
15 tion, and renovation of facilities, not to exceed \$85,000
16 per project; \$1,256,855,000, to remain available until ex-
17 pended, consisting of such sums as are available in the
18 Trust Fund on September 30, 2006, as authorized by sec-
19 tion 517(a) of the Superfund Amendments and Reauthor-
20 ization Act of 1986 (SARA) and up to \$1,256,855,000
21 as a payment from general revenues to the Hazardous
22 Substance Superfund for purposes as authorized by sec-
23 tion 517(b) of SARA, as amended: *Provided*, That funds
24 appropriated under this heading may be allocated to other
25 Federal agencies in accordance with section 111(a) of

1 CERCLA: *Provided further*, That of the funds appro-
2 priated under this heading, \$13,316,000 shall be trans-
3 ferred to the “Office of Inspector General” appropriation
4 to remain available until September 30, 2008, and
5 \$30,011,000 shall be transferred to the “Science and
6 Technology” appropriation to remain available until Sep-
7 tember 30, 2008.

8 LEAKING UNDERGROUND STORAGE TANK PROGRAM

9 For necessary expenses to carry out leaking under-
10 ground storage tank cleanup activities authorized by sec-
11 tion 205 of the Superfund Amendments and Reauthoriza-
12 tion Act of 1986, and for construction, alteration, repair,
13 rehabilitation, and renovation of facilities, not to exceed
14 \$85,000 per project, \$72,759,000, to remain available
15 until expended.

16 OIL SPILL RESPONSE

17 For expenses necessary to carry out the Environ-
18 mental Protection Agency’s responsibilities under the Oil
19 Pollution Act of 1990, \$16,506,000, to be derived from
20 the Oil Spill Liability trust fund, to remain available until
21 expended.

22 STATE AND TRIBAL ASSISTANCE GRANTS

23 (INCLUDING RESCISSION OF FUNDS)

24 For environmental programs and infrastructure as-
25 sistance, including capitalization grants for State revolv-

1 ing funds and performance partnership grants,
2 \$3,009,348,000 to remain available until expended, of
3 which \$687,555,000 shall be for making capitalization
4 grants for the Clean Water State Revolving Funds under
5 title VI of the Federal Water Pollution Control Act, as
6 amended (the “Act”); of which up to \$50,000,000 shall
7 be available for loans, including interest free loans as au-
8 thorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-
9 municipal, interstate, or State agencies or nonprofit enti-
10 ties for projects that provide treatment for or that mini-
11 mize sewage or stormwater discharges using one or more
12 approaches which include, but are not limited to, decen-
13 tralized or distributed stormwater controls, decentralized
14 wastewater treatment, low-impact development practices,
15 conservation easements, stream buffers, or wetlands res-
16 toration; \$841,500,000 shall be for capitalization grants
17 for the Drinking Water State Revolving Funds under sec-
18 tion 1452 of the Safe Drinking Water Act, as amended;
19 \$24,750,000 shall be for architectural, engineering, plan-
20 ning, design, construction and related activities in connec-
21 tion with the construction of high priority water and
22 wastewater facilities in the area of the United States-Mex-
23 ico border, after consultation with the appropriate border
24 commission; \$14,850,000 shall be for grants to the State
25 of Alaska to address drinking water and waste infrastruc-

1 ture needs of rural and Alaska Native Villages: *Provided*,
2 That, of these funds: (1) the State of Alaska shall provide
3 a match of 25 percent; (2) no more than 5 percent of the
4 funds may be used for administrative and overhead ex-
5 penses; and (3) the State of Alaska shall make awards
6 consistent with the State-wide priority list established in
7 2004 for all water, sewer, waste disposal, and similar
8 projects carried out by the State of Alaska that are funded
9 under section 221 of the Federal Water Pollution Control
10 Act (33 U.S.C. 1301) or the Consolidated Farm and Rural
11 Development Act (7 U.S.C. 1921 et seq.) which shall allo-
12 cate not less than 25 percent of the funds provided for
13 projects in regional hub communities; \$200,000,000 shall
14 be for making special project grants for the construction
15 of drinking water, wastewater and storm water infrastruc-
16 ture and for water quality protection in accordance with
17 the terms and conditions specified for such grants in the
18 joint explanatory statement of the managers accom-
19 panying this Act, and, for purposes of these grants, each
20 grantee shall contribute not less than 45 percent of the
21 cost of the project unless the grantee is approved for a
22 waiver by the Agency; \$89,119,000 shall be to carry out
23 section 104(k) of the Comprehensive Environmental Re-
24 sponse, Compensation, and Liability Act of 1980
25 (CERCLA), as amended, including grants, interagency

1 agreements, and associated program support costs;
2 \$28,000,000 shall be for the national grant and loan pro-
3 gram authorized by section 792 of the Energy Policy Act
4 of 2005 for the National Clean Diesel Initiative; and
5 \$1,122,584,000 shall be for grants, including associated
6 program support costs, to States, federally-recognized
7 tribes, interstate agencies, tribal consortia, and air pollu-
8 tion control agencies for multi-media or single media pol-
9 lution prevention, control and abatement and related ac-
10 tivities, including activities pursuant to the provisions set
11 forth under this heading in Public Law 104–134, and for
12 making grants under section 103 of the Clean Air Act for
13 particulate matter monitoring and data collection activi-
14 ties subject to terms and conditions specified by the Ad-
15 ministrator, of which \$49,495,000 shall be for carrying
16 out section 128 of CERCLA, as amended, \$14,850,000
17 shall be for Environmental Information Exchange Net-
18 work grants, including associated program support costs,
19 not less than \$18,500,000 of the funds available for grants
20 under section 106 of the Act shall be for the water quality
21 monitoring initiative that meet EPA standards for statis-
22 tically representative monitoring programs, \$17,567,000
23 to make grants to States under section 2007(f)(2) of the
24 Solid Waste Disposal Act, as amended, and to federally-
25 recognized tribes under Public Law 105–276, and to pro-

1 vide financial assistance to States and federally-recognized
2 tribes for the purposes authorized by Title XV, Subtitle
3 B of the Energy Policy Act of 2005, with the exception
4 of leaking underground storage tank cleanup activities
5 that are authorized by section 205 of Superfund Amend-
6 ments and Reauthorization Act of 1986, and \$15,930,000
7 shall be for making competitive targeted watershed grants:
8 *Provided further*, That notwithstanding section 603(d)(7)
9 of the Federal Water Pollution Control Act, the limitation
10 on the amounts in a State water pollution control revolv-
11 ing fund that may be used by a State to administer the
12 fund shall not apply to amounts included as principal in
13 loans made by such fund in fiscal year 2007 and prior
14 years where such amounts represent costs of admin-
15 istering the fund to the extent that such amounts are or
16 were deemed reasonable by the Administrator, accounted
17 for separately from other assets in the fund, and used for
18 eligible purposes of the fund, including administration:
19 *Provided further*, That for fiscal year 2007, and notwith-
20 standing section 518(f) of the Act, the Administrator is
21 authorized to use the amounts appropriated for any fiscal
22 year under section 319 of that Act to make grants to fed-
23 erally-recognized Indian tribes pursuant to sections 319(h)
24 and 518(e) of that Act: *Provided further*, That for fiscal
25 year 2007, notwithstanding the limitation on amounts in

1 section 518(c) of the Act, up to a total of 1½ percent
2 of the funds appropriated for State Revolving Funds
3 under title VI of that Act may be reserved by the Adminis-
4 trator for grants under section 518(c) of that Act: *Pro-*
5 *vided further*, That no funds provided by this Act to ad-
6 dress the water, wastewater and other critical infrastruc-
7 ture needs of the colonias in the United States along the
8 United States-Mexico border shall be made available to a
9 county or municipal government unless that government
10 has established an enforceable local ordinance, or other
11 zoning rule, which prevents in that jurisdiction the devel-
12 opment or construction of any additional colonia areas, or
13 the development within an existing colonia the construc-
14 tion of any new home, business, or other structure which
15 lacks water, wastewater, or other necessary infrastructure:
16 *Provided further*, That of the funds made available under
17 this heading in Division I of Public Law 108–447,
18 \$500,000 is for Monticello, AR water and wastewater in-
19 frastructure improvements and \$500,000 is for Pine
20 Bluff, AR water and wastewater infrastructure improve-
21 ments: *Provided further*, That funds that were appro-
22 priated under this heading for special project grants in
23 fiscal year 2001 or earlier that have not been obligated
24 on an approved grant by September 1, 2007, are re-
25 scinded.

1 ADMINISTRATIVE PROVISIONS

2 For fiscal year 2007, notwithstanding 31 U.S.C.
3 6303(1) and 6305(1), the Administrator of the Environ-
4 mental Protection Agency, in carrying out the Agency's
5 function to implement directly Federal environmental pro-
6 grams required or authorized by law in the absence of an
7 acceptable tribal program, may award cooperative agree-
8 ments to federally-recognized Indian Tribes or Intertribal
9 consortia, if authorized by their member Tribes, to assist
10 the Administrator in implementing Federal environmental
11 programs for Indian Tribes required or authorized by law,
12 except that no such cooperative agreements may be award-
13 ed from funds designated for State financial assistance
14 agreements.

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

21 None of the funds provided in this Act may be used,
22 directly or through grants, to pay or to provide reimburse-
23 ment for payment of the salary of a consultant (whether
24 retained by the Federal Government or a grantee) at more
25 than the daily equivalent of the rate paid for level IV of

1 the Executive Schedule, unless specifically authorized by
2 law.

3 None of the funds made available in this Act may
4 be used to promulgate in final form, issue, implement, or
5 enforce the Environmental Protection Agency's Toxics Re-
6 lease Inventory Burden Reduction Proposed Rule pub-
7 lished in the Federal Register on October 4, 2005 (Volume
8 70, Number 191) at pages 57822 and following or the
9 Toxics Release Inventory 2006 Burden Reduction Pro-
10 posed Rule published in the Federal Register on October
11 4, 2005 (Volume 70, Number 191) at pages 57871
12 through 57872.

13 GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION
14 AGENCY

SEC. 201. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

SEC. 202. None of the funds made available in this Act may be used in contravention of 15 U.S.C. 2682(c)(3) or to delay the implementation of that section.

1 TITLE III—RELATED AGENCIES
2 DEPARTMENT OF AGRICULTURE
3 FOREST SERVICE
4 FOREST AND RANGELAND RESEARCH

5 For necessary expenses of forest and rangeland re-
6 search as authorized by law, \$280,318,000, to remain
7 available until expended: *Provided*, That of the funds pro-
8 vided, \$62,329,000 is for the forest inventory and analysis
9 program.

10 STATE AND PRIVATE FORESTRY

11 For necessary expenses of cooperating with and pro-
12 viding technical and financial assistance to States, terri-
13 tories, possessions, and others, and for forest health man-
14 agement, including treatments of pests, pathogens, and
15 invasive or noxious plants and for restoring and rehabili-
16 tating forests damaged by pests or invasive plants, cooper-
17 ative forestry, and education and land conservation activi-
18 ties and conducting an international program as author-
19 ized, \$228,608,000, to remain available until expended, as
20 authorized by law of which \$9,280,000 is to be derived
21 from the Land and Water Conservation Fund: *Provided*,
22 That none of the funds provided under this heading for
23 the acquisition of lands or interests in lands shall be avail-
24 able until the Forest Service notifies the House Committee
25 on Appropriations and the Senate Committee on Appro-

1 priations, in writing, of specific contractual and grant de-
2 tails including the non-Federal cost share.

3 NATIONAL FOREST SYSTEM

4 For necessary expenses of the Forest Service, not
5 otherwise provided for, for management, protection, im-
6 provement, and utilization of the National Forest System,
7 \$1,445,659,000 (reduced by \$2,000,000), to remain avail-
8 able until expended, which shall include 50 percent of all
9 moneys received during prior fiscal years as fees collected
10 under the Land and Water Conservation Fund Act of
11 1965, as amended, in accordance with section 4 of the Act
12 (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated bal-
13 ances under this heading available at the start of fiscal
14 year 2007 shall be displayed by budget line item in the
15 fiscal year 2008 budget justification.

16 WILDLAND FIRE MANAGEMENT

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses for forest fire presuppression
19 activities on National Forest System lands, for emergency
20 fire suppression on or adjacent to such lands or other
21 lands under fire protection agreement, hazardous fuels re-
22 duction on or adjacent to such lands, and for emergency
23 rehabilitation of burned-over National Forest System
24 lands and water, \$1,810,566,000, to remain available until
25 expended: *Provided*, That such funds including unobli-

1 gated balances under this heading, are available for repay-
2 ment of advances from other appropriations accounts pre-
3 viously transferred for such purposes: *Provided further*,
4 That such funds shall be available to reimburse State and
5 other cooperating entities for services provided in response
6 to wildfire and other emergencies or disasters to the extent
7 such reimbursements by the Forest Service for non-fire
8 emergencies are fully repaid by the responsible emergency
9 management agency: *Provided further*, That not less than
10 50 percent of any unobligated balances remaining (exclu-
11 sive of amounts for hazardous fuels reduction) at the end
12 of fiscal years 2006 and 2007 shall be transferred to the
13 fund established pursuant to section 3 of Public Law 71-
14 319 (16 U.S.C. 576 et seq.) if necessary to reimburse the
15 fund for unpaid past advances: *Provided further*, That,
16 notwithstanding any other provision of law, \$8,000,000 of
17 funds appropriated under this appropriation shall be used
18 for Fire Science Research in support of the Joint Fire
19 Science Program: *Provided further*, That all authorities for
20 the use of funds, including the use of contracts, grants,
21 and cooperative agreements, available to execute the For-
22 est and Rangeland Research appropriation, are also avail-
23 able in the utilization of these funds for Fire Science Re-
24 search: *Provided further*, That funds provided shall be
25 available for emergency rehabilitation and restoration,

1 hazardous fuels reduction activities in the urban-wildland
2 interface, support to Federal emergency response, and
3 wildfire suppression activities of the Forest Service: *Pro-*
4 *vided further*, That of the funds provided, \$296,792,000
5 is for hazardous fuels reduction activities, \$5,000,000 is
6 for rehabilitation and restoration, \$22,800,000 is for re-
7 search activities and to make competitive research grants
8 pursuant to the Forest and Rangeland Renewable Re-
9 sources Research Act, as amended (16 U.S.C. 1641 et
10 seq.), \$43,000,000 is for State fire assistance,
11 \$12,810,000 is for volunteer fire assistance, \$14,800,000
12 is for forest health activities on Federal lands and
13 \$10,000,000 is for forest health activities on State and
14 private lands: *Provided further*, That amounts in this para-
15 graph may be transferred to the “State and Private For-
16 estry”, “National Forest System”, and “Forest and
17 Rangeland Research” accounts to fund State fire assist-
18 ance, volunteer fire assistance, forest health management,
19 forest and rangeland research, vegetation and watershed
20 management, heritage site rehabilitation, and wildlife and
21 fish habitat management and restoration: *Provided fur-*
22 *ther*, That transfers of any amounts in excess of those au-
23 thorized in this paragraph, shall require approval of the
24 House and Senate Committees on Appropriations in com-
25 pliance with reprogramming procedures contained in the

1 report accompanying this Act: *Provided further*, That the
2 costs of implementing any cooperative agreement between
3 the Federal Government and any non-Federal entity may
4 be shared, as mutually agreed on by the affected parties:
5 *Provided further*, That in addition to funds provided for
6 State Fire Assistance programs, and subject to all au-
7 thorities available to the Forest Service under the State
8 and Private Forestry Appropriation, up to \$15,000,000
9 may be used on adjacent non-Federal lands for the pur-
10 pose of protecting communities when hazard reduction ac-
11 tivities are planned on national forest lands that have the
12 potential to place such communities at risk: *Provided fur-*
13 *ther*, That included in funding for hazardous fuel reduc-
14 tion is \$5,000,000 for implementing the Community For-
15 est Restoration Act, Public Law 106–393, title VI, and
16 any portion of such funds shall be available for use on
17 non-Federal lands in accordance with authorities available
18 to the Forest Service under the State and Private Forestry
19 appropriation: *Provided further*, That the Secretary of the
20 Interior and the Secretary of Agriculture may authorize
21 the transfer of funds appropriated for wildland fire man-
22 agement, in an aggregate amount not to exceed
23 \$9,000,000, between the Departments when such trans-
24 fers would facilitate and expedite jointly funded wildland
25 fire management programs and projects: *Provided further*,

1 That of the funds provided for hazardous fuels reduction,
2 not to exceed \$5,000,000, may be used to make grants,
3 using any authorities available to the Forest Service under
4 the State and Private Forestry appropriation, for the pur-
5 pose of creating incentives for increased use of biomass
6 from national forest lands: *Provided further*, That funds
7 designated for wildfire suppression shall be assessed for
8 indirect costs on the same basis as such assessments are
9 calculated against other agency programs.

10 CAPITAL IMPROVEMENT AND MAINTENANCE

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Forest Service, not
13 otherwise provided for, \$411,025,000, to remain available
14 until expended for construction, reconstruction, mainte-
15 nance, and acquisition of, buildings and other facilities,
16 and for construction, reconstruction, repair, decommis-
17 sioning, and maintenance of forest roads and trails by the
18 Forest Service as authorized by 16 U.S.C. 532–538 and
19 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
20 of the funds provided herein for road maintenance shall
21 be available for the decommissioning of roads, including
22 unauthorized roads not part of the transportation system,
23 which are no longer needed: *Provided further*, That no
24 funds shall be expended to decommission any system road
25 until notice and an opportunity for public comment has

1 been provided on each decommissioning project: *Provided*
2 *further*, That \$7,400,000 of the funds made available in
3 section 8098(b) of Public Law 108–287, to construct a
4 wildfire management training facility in San Bernardino
5 County, shall be transferred within 15 days of the enact-
6 ment of this Act to the Forest Service, “Wildland Fire
7 Management” account and shall be available for haz-
8 ardous fuels reduction, hazard mitigation, and rehabilita-
9 tion activities of the Forest Service in the San Bernardino
10 National Forest so long as this funding is used in addition
11 to, and not in place of, all normal funding allocated to
12 this Forest.

13 LAND ACQUISITION

14 For expenses necessary to carry out the provisions
15 of the Land and Water Conservation Fund Act of 1965,
16 as amended (16 U.S.C. 460l–4 through 11), including ad-
17 ministrative expenses, and for acquisition of land or wa-
18 ters, or interest therein, in accordance with statutory au-
19 thority applicable to the Forest Service, \$7,500,000, to be
20 derived from the Land and Water Conservation Fund and
21 to remain available until expended: *Provided*, That the
22 Forest Service may not use funds in fiscal year 2007, in-
23 cluding funds made available in Public Law 96–586 or
24 any other Act, to purchase land for the Homewood Con-
25 servation Project in Lake Tahoe, California.

1 ACQUISITION OF LANDS FOR NATIONAL FORESTS

2 SPECIAL 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 (16 U.S.C. 4601–516–617a, 555a; Public
16 Law 96–586; Public Law 76–589, 76–591; and 78–310),
17 pursuant to the Act of December 4, 1967, as amended
18 (16 U.S.C. 484a), to remain available until expended.

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 \$63,000, 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), \$5,311,000, to remain
14 available until expended.

15 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

16 Appropriations to the Forest Service for the current
17 fiscal year shall be available for: (1) purchase of passenger
18 motor vehicles; acquisition of passenger motor vehicles
19 from excess sources, and hire of such vehicles; purchase,
20 lease, operation, maintenance, and acquisition of aircraft
21 from excess sources to maintain the operable fleet for use
22 in Forest Service wildland fire programs and other Forest
23 Service programs; notwithstanding other provisions of law,
24 existing aircraft being replaced may be sold, with proceeds
25 derived or trade-in value used to offset the purchase price
26 for the replacement aircraft; (2) services pursuant to 7

1 U.S.C. 2225, and not to exceed \$100,000 for employment
2 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
3 ation of buildings and other public improvements (7
4 U.S.C. 2250); (4) acquisition of land, waters, and inter-
5 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
6 pursuant to the Volunteers in the National Forest Act of
7 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
8 of uniforms as authorized by 5 U.S.C. 5901–5902; and
9 (7) for debt collection contracts in accordance with 31
10 U.S.C. 3718(c).

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

23 The first transfer of funds into the Wildland Fire
24 Management account shall include unobligated funds, if
25 available, from the Land Acquisition account and the For-

1 est Legacy program within the State and Private Forestry
2 account.

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

12 None of the funds made available to the Forest Serv-
13 ice under this Act shall be subject to transfer under the
14 provisions of section 702(b) of the Department of Agri-
15 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
16 147b.

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

22 Not more than \$73,052,000 of funds available to the
23 Forest Service shall be transferred to the Working Capital
24 Fund of the Department of Agriculture. Nothing in this
25 paragraph shall prohibit or limit the use of reimbursable

1 agreements requested by the Forest Service in order to
2 obtain services from the Department of Agriculture's Na-
3 tional Information Technology Center.

4 Funds available to the Forest Service shall be avail-
5 able to conduct a program of not less than \$2,500,000
6 for high priority projects within the scope of the approved
7 budget which shall be carried out by the Youth Conserva-
8 tion Corps.

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

12 Pursuant to sections 405(b) and 410(b) of Public
13 Law 101-593, of the funds available to the Forest Service,
14 \$2,500,000 may be advanced in a lump sum to the Na-
15 tional Forest Foundation to aid conservation partnership
16 projects in support of the Forest Service mission, without
17 regard to when the Foundation incurs expenses, for ad-
18 ministrative expenses or projects on or benefitting Na-
19 tional Forest System lands or related to Forest Service
20 programs: *Provided*, That of the Federal funds made
21 available to the Foundation, no more than \$100,000 shall
22 be available for administrative expenses: *Provided further*,
23 That the Foundation shall obtain, by the end of the period
24 of Federal financial assistance, private contributions to
25 match on at least one-for-one basis funds made available

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

9 Pursuant to section 2(b)(2) of Public Law 98-244,
10 \$2,250,000 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. Such funds shall be matched
16 on at least a one-for-one basis by the Foundation or its
17 subrecipients.

18 Funds appropriated to the Forest Service shall be
19 available for payments to counties within the Columbia
20 River Gorge National Scenic Area, pursuant to sections
21 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
22 663.

23 Notwithstanding any other provision of law, any ap-
24 propriations or funds available to the Forest Service not
25 to exceed \$500,000 may be used to reimburse the Office

1 of the General Counsel (OGC), Department of Agri-
2 culture, for travel and related expenses incurred as a re-
3 sult of OGC assistance or participation requested by the
4 Forest Service at meetings, training sessions, management
5 reviews, land purchase negotiations and similar non-litiga-
6 tion related matters. Future budget justifications for both
7 the Forest Service and the Department of Agriculture
8 should clearly display the sums previously transferred and
9 the requested funding transfers.

10 Any appropriations or funds available to the Forest
11 Service may be used for necessary expenses in the event
12 of law enforcement emergencies as necessary to protect
13 natural resources and public or employee safety: *Provided*,
14 That such amounts shall not exceed \$500,000.

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

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

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

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

5 DEPARTMENT OF HEALTH AND HUMAN
6 SERVICES

7 INDIAN HEALTH SERVICE

8 INDIAN HEALTH SERVICES

9 For expenses necessary to carry out the Act of Au-
10 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
11 tion Act, the Indian Health Care Improvement Act, and
12 titles II and III of the Public Health Service Act with re-
13 spect to the Indian Health Service, \$2,830,136,000, to-
14 gether with payments received during the fiscal year pur-
15 suant to 42 U.S.C. 238(b) for services furnished by the
16 Indian Health Service: *Provided*, That funds made avail-
17 able to tribes and tribal organizations through contracts,
18 grant agreements, or any other agreements or compacts
19 authorized by the Indian Self-Determination and Edu-
20 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
21 deemed to be obligated at the time of the grant or contract
22 award and thereafter shall remain available to the tribe
23 or tribal organization without fiscal year limitation: *Pro-*
24 *vided further*, That up to \$18,000,000 shall remain avail-
25 able until expended, for the Indian Catastrophic Health

1 Emergency Fund: *Provided further*, That \$536,259,000
2 for contract medical care shall remain available until Sep-
3 tember 30, 2008: *Provided further*, That of the funds pro-
4 vided, up to \$27,000,000, to remain available until ex-
5 pended, shall be used to carry out the loan repayment pro-
6 gram under section 108 of the Indian Health Care Im-
7 provement Act: *Provided further*, That funds provided in
8 this Act may be used for one-year contracts and grants
9 which are to be performed in two fiscal years, so long as
10 the total obligation is recorded in the year for which the
11 funds are appropriated: *Provided further*, That the
12 amounts collected by the Secretary of Health and Human
13 Services under the authority of title IV of the Indian
14 Health Care Improvement Act shall remain available until
15 expended for the purpose of achieving compliance with the
16 applicable conditions and requirements of titles XVIII and
17 XIX of the Social Security Act (exclusive of planning, de-
18 sign, or construction of new facilities): *Provided further*,
19 That funding contained herein, and in any earlier appro-
20 priations Acts for scholarship programs under the Indian
21 Health Care Improvement Act (25 U.S.C. 1613) shall re-
22 main available until expended: *Provided further*, That
23 amounts received by tribes and tribal organizations under
24 title IV of the Indian Health Care Improvement Act shall
25 be reported and accounted for and available to the receiv-

1 ing tribes and tribal organizations until expended: *Pro-*
2 *vided further*, That, notwithstanding any other provision
3 of law, of the amounts provided herein, not to exceed
4 \$270,316,000 shall be for payments to tribes and tribal
5 organizations for contract or grant support costs associ-
6 ated with contracts, grants, self-governance compacts or
7 annual funding agreements between the Indian Health
8 Service and a tribe or tribal organization pursuant to the
9 Indian Self-Determination Act of 1975, as amended, prior
10 to or during fiscal year 2007, of which not to exceed
11 \$5,000,000 may be used for contract support costs associ-
12 ated with new or expanded self-determination contracts,
13 grants, self-governance compacts or annual funding agree-
14 ments: *Provided further*, That the Bureau of Indian Af-
15 fairs may collect from the Indian Health Service and
16 tribes and tribal organizations operating health facilities
17 pursuant to Public Law 93–638 such individually identifi-
18 able health information relating to disabled children as
19 may be necessary for the purpose of carrying out its func-
20 tions under the Individuals with Disabilities Education
21 Act (20 U.S.C. 1400 et seq.).

22 INDIAN HEALTH FACILITIES

23 For construction, repair, maintenance, improvement,
24 and equipment of health and related auxiliary facilities,
25 including quarters for personnel; preparation of plans,
26 specifications, and drawings; acquisition of sites, purchase

1 and erection of modular buildings, and purchases of trail-
2 ers; and for provision of domestic and community sanita-
3 tion facilities for Indians, as authorized by section 7 of
4 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
5 Self-Determination Act, and the Indian Health Care Im-
6 provement Act, and for expenses necessary to carry out
7 such Acts and titles II and III of the Public Health Serv-
8 ice Act with respect to environmental health and facilities
9 support activities of the Indian Health Service,
10 \$363,573,000, to remain available until expended: *Pro-*
11 *vided*, That notwithstanding any other provision of law,
12 funds appropriated for the planning, design, construction
13 or renovation of health facilities for the benefit of an In-
14 dian tribe or tribes may be used to purchase land for sites
15 to construct, improve, or enlarge health or related facili-
16 ties: *Provided further*, That not to exceed \$500,000 shall
17 be used by the Indian Health Service to purchase
18 TRANSAM equipment from the Department of Defense
19 for distribution to the Indian Health Service and tribal
20 facilities: *Provided further*, That none of the funds appro-
21 priated to the Indian Health Service may be used for sani-
22 tation facilities construction for new homes funded with
23 grants by the housing programs of the United States De-
24 partment of Housing and Urban Development: *Provided*
25 *further*, That not to exceed \$1,000,000 from this account

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

10 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

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

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

18 None of the funds made available to the Indian
19 Health Service in this Act shall be used for any assess-
20 ments or charges by the Department of Health and
21 Human Services unless identified in the budget justifica-
22 tion and provided in this Act, or approved by the House
23 and Senate Committees on Appropriations through the re-
24 programming process. Personnel ceilings may not be im-
25 posed on the Indian Health Service nor may any action

1 be taken to reduce the full time equivalent level of the
2 Indian Health Service below the level in fiscal year 2002
3 adjusted upward for the staffing of new and expanded fa-
4 cilities, funding provided for staffing at the Lawton, Okla-
5 homa hospital in fiscal years 2003 and 2004, critical posi-
6 tions not filled in fiscal year 2002, and staffing necessary
7 to carry out the intent of Congress with regard to program
8 increases.

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

19 None of the funds made available to the Indian
20 Health Service in this Act shall be used to implement the
21 final rule published in the Federal Register on September
22 16, 1987, by the Department of Health and Human Serv-
23 ices, relating to the eligibility for the health care services
24 of the Indian Health Service until the Indian Health Serv-
25 ice has submitted a budget request reflecting the increased

1 costs associated with the proposed final rule, and such re-
2 quest has been included in an appropriations Act and en-
3 acted into law.

4 With respect to functions transferred by the Indian
5 Health Service to tribes or tribal organizations, the Indian
6 Health Service is authorized to provide goods and services
7 to those entities, on a reimbursable basis, including pay-
8 ment in advance with subsequent adjustment. The reim-
9 bursements received therefrom, along with the funds re-
10 ceived from those entities pursuant to the Indian Self-De-
11 termination Act, may be credited to the same or subse-
12 quent appropriation account which provided the funding.
13 Such amounts shall remain available until expended.

14 Reimbursements for training, technical assistance, or
15 services provided by the Indian Health Service will contain
16 total costs, including direct, administrative, and overhead
17 associated with the provision of goods, services, or tech-
18 nical assistance.

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

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

3 SCIENCES

4 For necessary expenses for the National Institute of
5 Environmental Health Sciences in carrying out activities
6 set forth in section 311(a) of the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980, as amended, and section 126(g) of the Superfund
9 Amendments and Reauthorization Act of 1986,
10 \$79,414,000, of which \$3,000,000 for individual project
11 grants shall remain available until September 30, 2008.

12 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

13 REGISTRY

14 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

15 HEALTH

16 For necessary expenses for the Agency for Toxic Sub-
17 stances and Disease Registry (ATSDR) in carrying out
18 activities set forth in sections 104(i), 111(c)(4), and
19 111(c)(14) of the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act of 1980
21 (CERCLA), as amended; section 118(f) of the Superfund
22 Amendments and Reauthorization Act of 1986, as amend-
23 ed; and section 3019 of the Solid Waste Disposal Act, as
24 amended, \$76,754,000, of which up to \$1,500,000, to re-
25 main available until expended, is for Individual Learning

1 Accounts for full-time equivalent employees of the Agency
2 for Toxic Substances and Disease Registry: *Provided*,
3 That notwithstanding any other provision of law, in lieu
4 of performing a health assessment under section 104(i)(6)
5 of CERCLA, the Administrator of ATSDR may conduct
6 other appropriate health studies, evaluations, or activities,
7 including, without limitation, biomedical testing, clinical
8 evaluations, medical monitoring, and referral to accredited
9 health care providers: *Provided further*, That in per-
10 forming any such health assessment or health study, eval-
11 uation, or activity, the Administrator of ATSDR shall not
12 be bound by the deadlines in section 104(i)(6)(A) of
13 CERCLA: *Provided further*, That funds paid for adminis-
14 trative costs to the Centers of Disease Control and Preven-
15 tion shall not exceed 7.5 percent of the funding provided
16 under this heading: *Provided further*, That none of the
17 funds appropriated under this heading shall be available
18 for ATSDR to issue in excess of 40 toxicological profiles
19 pursuant to section 104(i) of CERCLA during fiscal year
20 2007, and existing profiles may be updated as necessary.

1 OTHER RELATED AGENCIES

2 EXECUTIVE OFFICE OF THE PRESIDENT

3 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
4 ENVIRONMENTAL QUALITY

5 For necessary expenses to continue functions as-
6 signed to the Council on Environmental Quality and Office
7 of Environmental Quality pursuant to the National Envi-
8 ronmental Policy Act of 1969, the Environmental Quality
9 Improvement Act of 1970, and Reorganization Plan No.
10 1 of 1977, and not to exceed \$750 for official reception
11 and representation expenses, \$2,627,000: *Provided*, That
12 notwithstanding section 202 of the National Environ-
13 mental Policy Act of 1970, the Council shall consist of
14 one member, appointed by the President, by and with the
15 advice and consent of the Senate, serving as chairman and
16 exercising all powers, functions, and duties of the Council.

17 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

18 SALARIES AND EXPENSES

19 For necessary expenses in carrying out activities pur-
20 suant to section 112(r)(6) of the Clean Air Act, as amend-
21 ed, including hire of passenger vehicles, uniforms or allow-
22 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
23 for services authorized by 5 U.S.C. 3109 but at rates for
24 individuals not to exceed the per diem equivalent to the
25 maximum rate payable for senior level positions under 5

1 U.S.C. 5376, \$9,208,000: *Provided*, That the Chemical
2 Safety and Hazard Investigation Board (Board) shall have
3 not more than three career Senior Executive Service posi-
4 tions: *Provided further*, That in fiscal year 2007 and there-
5 after, notwithstanding any other provision of law, the En-
6 vironmental Protection Agency Inspector General shall not
7 serve as the Inspector General for the Board: *Provided*
8 *further*, That up to \$600,000 of the funds provided herein
9 may be used for personnel compensation and benefits for
10 the Members of the Board.

11 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Office of Navajo and
14 Hopi Indian Relocation as authorized by Public Law 93–
15 531, \$5,940,000, to remain available until expended: *Pro-*
16 *vided*, That funds provided in this or any other appropria-
17 tions Act are to be used to relocate eligible individuals and
18 groups including evictees from District 6, Hopi-partitioned
19 lands residents, those in significantly substandard hous-
20 ing, and all others certified as eligible and not included
21 in the preceding categories: *Provided further*, That none
22 of the funds contained in this or any other Act may be
23 used by the Office of Navajo and Hopi Indian Relocation
24 to evict any single Navajo or Navajo family who, as of
25 November 30, 1985, was physically domiciled on the lands

1 partitioned to the Hopi Tribe unless a new or replacement
2 home is provided for such household: *Provided further*,
3 That no relocatee will be provided with more than one new
4 or replacement home: *Provided further*, That the Office
5 shall relocate any certified eligible relocatees who have se-
6 lected and received an approved homesite on the Navajo
7 reservation or selected a replacement residence off the
8 Navajo reservation or on the land acquired pursuant to
9 25 U.S.C. 640d–10.

10 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
11 CULTURE AND ARTS DEVELOPMENT

12 PAYMENT TO THE INSTITUTE

13 For payment to the Institute of American Indian and
14 Alaska Native Culture and Arts Development, as author-
15 ized by title XV of Public Law 99–498, as amended (20
16 U.S.C. 56 part A), \$6,703,000.

17 SMITHSONIAN INSTITUTION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Smithsonian Institu-
20 tion, as authorized by law, including research in the fields
21 of art, science, and history; development, preservation, and
22 documentation of the National Collections; presentation of
23 public exhibits and performances; collection, preparation,
24 dissemination, and exchange of information and publica-
25 tions; conduct of education, training, and museum assist-

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623),

1 and for construction, including necessary personnel,
2 \$107,000,000, to remain available until expended, of
3 which \$20,000,000 is for maintenance, repair, rehabilita-
4 tion, and construction of facilities at the National Zoolog-
5 ical Park, and of which not to exceed \$10,000 is for serv-
6 ices as authorized by 5 U.S.C. 3109: *Provided*, That con-
7 tracts awarded for environmental systems, protection sys-
8 tems, and repair or restoration of facilities of the Smithso-
9 nian Institution may be negotiated with selected contrac-
10 tors and awarded on the basis of contractor qualifications
11 as well as price.

12 ADMINISTRATIVE PROVISIONS, SMITHSONIAN

13 INSTITUTION

14 None of the funds in this or any other Act may be
15 used to make any changes to the existing Smithsonian
16 science programs including closure of facilities, relocation
17 of staff or redirection of functions and programs without
18 the advance approval of the House and Senate Committees
19 on Appropriations.

20 None of the funds in this or any other Act may be
21 used to initiate the design for any proposed expansion of
22 current space or new facility without consultation with the
23 House and Senate Committees on Appropriations.

24 None of the funds in this or any other Act may be
25 used for the Holt House located at the National Zoological
26 Park in Washington, D.C., unless identified as repairs to

1 minimize water damage, monitor structure movement, or
2 provide interim structural support.

3 None of the funds available to the Smithsonian may
4 be reprogrammed without the advance approval of the
5 House and Senate Committees on Appropriations in ac-
6 cordance with the reprogramming procedures contained in
7 the statement of the managers accompanying this Act.

8 None of the funds in this or any other Act may be
9 used to purchase any additional buildings without prior
10 consultation with the House and Senate Committees on
11 Appropriations.

12 None of the funds made available by this Act may
13 be used to execute any contract or legal agreement with
14 a for-profit entity which has the effect of significantly lim-
15 iting access by the public to Smithsonian personnel or to
16 Smithsonian collections unless such agreement has been
17 publicly noticed at least 30 days prior to entering into
18 such contract or agreement and has been approved by the
19 Regents of the Smithsonian Institution after reviewing
20 any public comments that have been received during the
21 public comment period. This section does not limit the
22 Smithsonian's existing authority to grant or deny any spe-
23 cific request, by any organization or individual for access,
24 based on its judgment of the appropriateness of the use

1 of Smithsonian resources being proposed in a specific ap-
2 plication.

3 None of the funds in the Act shall be used to admin-
4 ister or otherwise facilitate the payment of compensation
5 to any officer or employee of the Smithsonian or any of
6 its subsidiary organizations at an annual rate of pay, in-
7 cluding any bonuses or similar cash or in-kind amounts,
8 in excess of the rate of pay of the President of the United
9 States.

10 NATIONAL GALLERY OF ART

11 SALARIES AND EXPENSES

12 For the upkeep and operations of the National Gal-
13 lery of Art, the protection and care of the works of art
14 therein, and administrative expenses incident thereto, as
15 authorized by the Act of March 24, 1937 (50 Stat. 51),
16 as amended by the public resolution of April 13, 1939
17 (Public Resolution 9, Seventy-sixth Congress), including
18 services as authorized by 5 U.S.C. 3109; payment in ad-
19 vance when authorized by the treasurer of the Gallery for
20 membership in library, museum, and art associations or
21 societies whose publications or services are available to
22 members only, or to members at a price lower than to the
23 general public; purchase, repair, and cleaning of uniforms
24 for guards, and uniforms, or allowances therefor, for other
25 employees as authorized by law (5 U.S.C. 5901–5902);

1 purchase or rental of devices and services for protecting
2 buildings and contents thereof, and maintenance, alter-
3 ation, improvement, and repair of buildings, approaches,
4 and grounds; and purchase of services for restoration and
5 repair of works of art for the National Gallery of Art by
6 contracts made, without advertising, with individuals,
7 firms, or organizations at such rates or prices and under
8 such terms and conditions as the Gallery may deem prop-
9 er, \$101,794,000, of which not to exceed \$3,239,000 for
10 the special exhibition program shall remain available until
11 expended.

12 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

13 For necessary expenses of repair, restoration and
14 renovation of buildings, grounds and facilities owned or
15 occupied by the National Gallery of Art, by contract or
16 otherwise, as authorized, \$14,949,000, to remain available
17 until expended: *Provided*, That contracts awarded for envi-
18 ronmental systems, protection systems, and exterior repair
19 or renovation of buildings of the National Gallery of Art
20 may be negotiated with selected contractors and awarded
21 on the basis of contractor qualifications as well as price:
22 *Provided further*, That, notwithstanding any other provi-
23 sion of law, a single procurement for the Master Facilities
24 Plan renovation project at the National Gallery of Art may
25 be issued which includes the full scope of the Work Area
26 #3 project: *Provided further*, That the solicitation and the

1 contract shall contain the clause “availability of funds”
2 found at 48 CFR 52.232.18.

3 JOHN F. KENNEDY CENTER FOR THE PERFORMING
4 ARTS
5 OPERATIONS AND MAINTENANCE

6 For necessary expenses for the operation, mainte-
7 nance and security of the John F. Kennedy Center for
8 the Performing Arts, \$18,909,000.

9 CONSTRUCTION

10 For necessary expenses for capital repair and restora-
11 tion of the existing features of the building and site of
12 the John F. Kennedy Center for the Performing Arts,
13 \$19,800,000, to remain available until expended.

14 WOODROW WILSON INTERNATIONAL CENTER FOR
15 SCHOLARS

16 SALARIES AND EXPENSES

17 For expenses necessary in carrying out the provisions
18 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
19 1356) including hire of passenger vehicles and services as
20 authorized by 5 U.S.C. 3109, \$9,438,000.

21 NATIONAL FOUNDATION ON THE ARTS AND THE
22 HUMANITIES

23 NATIONAL ENDOWMENT FOR THE ARTS
24 GRANTS AND ADMINISTRATION

25 For necessary expenses to carry out the National
26 Foundation on the Arts and the Humanities Act of 1965,

1 as amended, \$124,412,000 (increased by \$5,000,000)
2 shall be available to the National Endowment for the Arts
3 for the support of projects and productions in the arts,
4 including arts education and public outreach activities,
5 through assistance to organizations and individuals pursu-
6 ant to section 5 of the Act, including \$14,097,000 for sup-
7 port of arts education and public outreach activities
8 through the Challenge America program, for program sup-
9 port, and for administering the functions of the Act, to
10 remain available until expended: *Provided*, That funds pre-
11 viously appropriated to the National Endowment for the
12 Arts “Matching Grants” account and “Challenge Amer-
13 ica” account may be transferred to and merged with this
14 account: *Provided further*, That funds appropriated herein
15 shall be expended in accordance with sections 309 and 311
16 of Public Law 108–108.

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, \$126,049,000 (increased by \$5,000,000),
22 shall be available to the National Endowment for the Hu-
23 manities for support of activities in the humanities, pursu-
24 ant to section 7(c) of the Act, and for administering the
25 functions of the Act, to remain available until expended.

MATCHING GRANTS

1
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, \$14,906,000, to remain available
5 until expended, of which \$9,648,000 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.

ADMINISTRATIVE PROVISIONS

15
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 up to
2 \$10,000, if in the aggregate this amount does not exceed
3 5 percent of the sums appropriated for grant-making pur-
4 poses 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 20 U.S.C. 954(e) shall not apply to grants and contracts
9 funded solely with nonappropriated monies.

10 COMMISSION OF FINE ARTS

11 SALARIES AND EXPENSES

12 For expenses made necessary by the Act establishing
13 a Commission of Fine Arts (40 U.S.C. 104), \$1,951,000:
14 *Provided*, That the Commission is authorized to charge
15 fees to cover the full costs of its publications, and such
16 fees shall be credited to this account as an offsetting col-
17 lection, to remain available until expended without further
18 appropriation.

19 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

20 For necessary expenses as authorized by Public Law
21 99–190 (20 U.S.C. 956a), as amended, \$6,534,000.

22 ADVISORY COUNCIL ON HISTORIC PRESERVATION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Advisory Council on
25 Historic Preservation (Public Law 89–665, as amended),
26 \$5,118,000: *Provided*, That none of these funds shall be

1 available for compensation of level V of the Executive
2 Schedule or higher positions.

3 NATIONAL CAPITAL PLANNING COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, as authorized by the Na-
6 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
7 including services as authorized by 5 U.S.C. 3109,
8 \$7,623,000: *Provided*, That one-quarter of 1 percent of
9 the funds provided under this heading may be used for
10 official reception and representational expenses associated
11 with hosting international visitors engaged in the planning
12 and physical development of world capitals.

13 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

14 HOLOCAUST MEMORIAL MUSEUM

15 For expenses of the Holocaust Memorial Museum, as
16 authorized by Public Law 106–292 (36 U.S.C. 2301–
17 2310), \$43,415,000, of which \$515,000 for the equipment
18 replacement program shall remain available until Sep-
19 tember 30, 2009; and \$1,900,000 for the museum’s repair
20 and rehabilitation program and \$1,264,000 for the muse-
21 um’s exhibition design and production program shall re-
22 main available until expended.

1 PRESIDIO TRUST

2 PRESIDIO TRUST FUND

3 For necessary expenses to carry out title I of the Om-
4 nibus Parks and Public Lands Management Act of 1996,
5 \$19,256,000 shall be available to the Presidio Trust, to
6 remain available until expended.

7 WHITE HOUSE COMMISSION ON THE NATIONAL

8 MOMENT OF REMEMBRANCE

9 SALARIES AND EXPENSES

10 For necessary expenses of the White House Commis-
11 sion on the National Moment of Remembrance, \$200,000.

12 TITLE IV—GENERAL PROVISIONS

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

20 SEC. 402. No part of any appropriation contained in
21 this Act shall be available for any activity or the publica-
22 tion or distribution of literature that in any way tends to
23 promote public support or opposition to any legislative
24 proposal on which Congressional action is not complete

1 other than to communicate to Members of Congress as
2 described in 18 U.S.C. 1913.

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

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

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

20 SEC. 406. None of the funds made available in this
21 Act may be transferred to any department, agency, or in-
22 strumentality of the United States Government except
23 pursuant to a transfer made by, or transfer provided in,
24 this Act or any other Act.

1 SEC. 407. None of the funds available to the Forest
2 Service or the Bureau of Land Management may be used
3 in fiscal year 2007 or fiscal year 2008 to plan, prepare,
4 or offer for sale timber from trees classified as giant se-
5 quoa (*Sequoiadendron giganteum*) which are located on
6 National Forest System or Bureau of Land Management
7 lands in a manner different than such sales were con-
8 ducted in fiscal year 2005.

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

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

1 (c) REPORT.—On September 30, 2007, the Secretary
2 of the Interior shall file with the House and Senate Com-
3 mittees on Appropriations and the Committee on Re-
4 sources of the House of Representatives and the Com-
5 mittee on Energy and Natural Resources of the Senate
6 a report on actions taken by the Department under the
7 plan submitted pursuant to section 314(c) of the Depart-
8 ment of the Interior and Related Agencies Appropriations
9 Act, 1997 (Public Law 104–208).

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

22 SEC. 409. Notwithstanding any other provision of
23 law, amounts appropriated to or earmarked in committee
24 reports for the Bureau of Indian Affairs and the Indian
25 Health Service by Public Laws 103–138, 103–332, 104–

1 134, 104–208, 105–83, 105–277, 106–113, 106–291,
2 107–63, 108–7, 108–108, 108–447, and 109–54 for pay-
3 ments to tribes and tribal organizations for contract sup-
4 port costs associated with self-determination or self-gov-
5 ernance contracts, grants, compacts, or annual funding
6 agreements with the Bureau of Indian Affairs or the In-
7 dian Health Service as funded by such Acts, are the total
8 amounts available for fiscal years 1994 through 2006 for
9 such purposes, except that, for the Bureau of Indian Af-
10 fairs, tribes and tribal organizations may use their tribal
11 priority allocations for unmet contract support costs of on-
12 going contracts, grants, self-governance compacts or an-
13 nual funding agreements.

14 SEC. 410. No part of any appropriation contained in
15 this Act shall be expended or obligated to complete and
16 issue the 5-year program under the Forest and Rangeland
17 Renewable Resources Planning Act.

18 SEC. 411. Amounts deposited during fiscal year 2006
19 in the roads and trails fund provided for in the 14th para-
20 graph under the heading “FOREST SERVICE” of the
21 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
22 be used by the Secretary of Agriculture, without regard
23 to the State in which the amounts were derived, to repair
24 or reconstruct roads, bridges, and trails on National For-
25 est System lands or to carry out and administer projects

1 to improve forest health conditions, which may include the
2 repair or reconstruction of roads, bridges, and trails on
3 National Forest System lands in the wildland-community
4 interface where there is an abnormally high risk of fire.
5 The projects shall emphasize reducing risks to human
6 safety and public health and property and enhancing eco-
7 logical functions, long-term forest productivity, and bio-
8 logical integrity. The projects may be completed in a sub-
9 sequent fiscal year. Funds shall not be expended under
10 this section to replace funds which would otherwise appro-
11 priately be expended from the timber salvage sale fund.
12 Nothing in this section shall be construed to exempt any
13 project from any environmental law.

14 SEC. 412. Other than in emergency situations, none
15 of the funds in this Act may be used to operate telephone
16 answering machines during core business hours unless
17 such answering machines include an option that enables
18 callers to reach promptly an individual on-duty with the
19 agency being contacted.

20 SEC. 413. Prior to October 1, 2008, the Secretary
21 of Agriculture shall not be considered to be in violation
22 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
23 Renewable Resources Planning Act of 1974 (16 U.S.C.
24 1604(f)(5)(A)) solely because more than 15 years have
25 passed without revision of the plan for a unit of the Na-

1 tional Forest System. Nothing in this section exempts the
2 Secretary from any other requirement of the Forest and
3 Rangeland Renewable Resources Planning Act (16 U.S.C.
4 1600 et seq.) or any other law: *Provided*, That if the Sec-
5 retary is not acting expeditiously and in good faith, within
6 the funding available, to revise a plan for a unit of the
7 National Forest System, this section shall be void with re-
8 spect to such plan and a court of proper jurisdiction may
9 order completion of the plan on an accelerated basis.

10 SEC. 414. No funds provided in this Act may be ex-
11 pended to conduct preleasing, leasing and related activities
12 under either the Mineral Leasing Act (30 U.S.C. 181 et
13 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
14 1331 et seq.) within the boundaries of a National Monu-
15 ment established pursuant to the Act of June 8, 1906 (16
16 U.S.C. 431 et seq.) as such boundary existed on January
17 20, 2001, except where such activities are allowed under
18 the Presidential proclamation establishing such monu-
19 ment.

20 SEC. 415. In entering into agreements with foreign
21 countries pursuant to the Wildfire Suppression Assistance
22 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
23 the Secretary of the Interior are authorized through the
24 end of fiscal year 2010 to enter into reciprocal agreements
25 in which the individuals furnished under said agreements

1 to provide wildfire services are considered, for purposes
2 of tort liability, employees of the country receiving said
3 services when the individuals are engaged in fire suppres-
4 sion. The Secretary of Agriculture or the Secretary of the
5 Interior shall not enter into any agreement under this pro-
6 vision unless the foreign country (either directly or
7 through its fire organization) agrees to assume any and
8 all liability for the acts or omissions of American fire-
9 fighters engaged in firefighting in a foreign country. When
10 an agreement is reached for furnishing fire fighting serv-
11 ices, the only remedies for acts or omissions committed
12 while fighting fires shall be those provided under the laws
13 of the host country, and those remedies shall be the exclu-
14 sive remedies for any claim arising out of fighting fires
15 in a foreign country. Neither the sending country nor any
16 legal organization associated with the firefighter shall be
17 subject to any legal action whatsoever pertaining to or
18 arising out of the firefighter's role in fire suppression.

19 SEC. 416. In awarding a Federal contract with funds
20 made available by this Act, notwithstanding Federal Gov-
21 ernment procurement and contracting laws, the Secretary
22 of Agriculture and the Secretary of the Interior (the "Sec-
23 retaries") may, in evaluating bids and proposals, give con-
24 sideration to local contractors who are from, and who pro-
25 vide employment and training for, dislocated and displaced

1 workers in an economically disadvantaged rural commu-
2 nity, including those historically timber-dependent areas
3 that have been affected by reduced timber harvesting on
4 Federal lands and other forest-dependent rural commu-
5 nities isolated from significant alternative employment op-
6 portunities. Notwithstanding Federal Government pro-
7 curement and contracting laws the Secretaries may award
8 contracts, grants or cooperative agreements to local non-
9 profit entities, Youth Conservation Corps or related part-
10 nerships with State, local or non-profit youth groups, or
11 small or micro-business or disadvantaged business. The
12 contract, grant, or cooperative agreement is for forest haz-
13 ardous fuels reduction, watershed or water quality moni-
14 toring or restoration, wildlife or fish population moni-
15 toring, or habitat restoration or management. The terms
16 “rural community” and “economically disadvantaged”
17 shall have the same meanings as in section 2374 of Public
18 Law 101–624. The Secretaries shall develop guidance to
19 implement this section. Nothing in this section shall be
20 construed as relieving the Secretaries of any duty under
21 applicable procurement laws, except as provided in this
22 section.

23 SEC. 417. No funds appropriated in this Act for the
24 acquisition of lands or interests in lands may be expended
25 for the filing of declarations of taking or complaints in

1 condemnation without the approval of the House and Sen-
2 ate Committees on Appropriations: *Provided*, That this
3 provision shall not apply to funds appropriated to imple-
4 ment the Everglades National Park Protection and Ex-
5 pansion Act of 1989, or to funds appropriated for Federal
6 assistance to the State of Florida to acquire lands for Ev-
7 erglades restoration purposes.

8 SEC. 418. (a) LIMITATION ON COMPETITIVE
9 SOURCING STUDIES.—

10 (1) Of the funds made available by this or any
11 other Act to the Department of the Interior for fis-
12 cal year 2007, not more than \$3,450,000 may be
13 used by the Secretary of the Interior to initiate or
14 continue competitive sourcing studies in fiscal year
15 2007 for programs, projects, and activities for which
16 funds are appropriated by this Act until such time
17 as the Secretary concerned submits a reprogram-
18 ming proposal to the Committees on Appropriations
19 of the Senate and the House of Representatives, and
20 such proposal has been processed consistent with the
21 reprogramming guidelines included in the report ac-
22 companying this Act.

23 (2) Of the funds appropriated by this Act, not
24 more than \$2,500,000 may be used in fiscal year

1 2007 for competitive sourcing studies and related
2 activities by the Forest Service.

3 (b) COMPETITIVE SOURCING STUDY DEFINED.—In
4 this section, the term “competitive sourcing study” means
5 a study on subjecting work performed by Federal Govern-
6 ment employees or private contractors to public-private
7 competition or on converting the Federal Government em-
8 ployees or the work performed by such employees to pri-
9 vate contractor performance under the Office of Manage-
10 ment and Budget Circular A–76 or any other administra-
11 tive regulation, directive, or policy.

12 (c) COMPETITIVE SOURCING EXEMPTION FOR FOR-
13 EST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL
14 YEAR 2006.—The Forest Service is hereby exempted from
15 implementing the Letter of Obligation and post-competi-
16 tion accountability guidelines where a competitive sourcing
17 study involved 65 or fewer full-time equivalents, the per-
18 formance decision was made in favor of the agency pro-
19 vider, no net savings was achieved by conducting the
20 study, and the study was completed prior to the date of
21 this Act.

22 (d) In preparing any reports to the Committees on
23 Appropriations on competitive sourcing activities, agencies
24 funded in this Act shall include all costs attributable to
25 conducting the competitive sourcing competitions and

1 staff work to prepare for competitions or to determine the
2 feasibility of starting competitions, including costs attrib-
3 utable to paying outside consultants and contractors and,
4 in accordance with full cost accounting principles, all costs
5 attributable to developing, implementing, supporting,
6 managing, monitoring, and reporting on competitive
7 sourcing, including personnel, consultant, travel, and
8 training costs associated with program management.

9 (e) In carrying out any competitive sourcing study
10 involving Forest Service employees, the Secretary of Agri-
11 culture shall—

12 (1) determine whether any of the employees con-
13 cerned are also qualified to participate in wildland
14 fire management activities; and

15 (2) take into consideration the effect that con-
16 tracting with a private sector source would have on
17 the ability of the Forest Service to effectively and ef-
18 ficiently fight and manage wildfires.

19 SEC. 419. None of the funds in this Act or prior Acts
20 making appropriations for the Department of the Interior
21 and Related Agencies may be provided to the managing
22 partners or their agents for the SAFECOM or Disaster
23 Management projects.

24 SEC. 420. Section 331 of the Department of the Inte-
25 rior and Related Agencies Appropriations Act, 2000 (as

1 enacted into law by section 1000(a)(3) of Public Law 106–
2 113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as
3 amended, is amended—

4 (1) in subsection (a) by striking “2006” and in-
5 serting “2007”; and

6 (2) in subsection (b) by striking “2006” and in-
7 serting “2007”.

8 SEC. 421. The Secretary of Agriculture may acquire,
9 by exchange or otherwise, a parcel of real property, includ-
10 ing improvements thereon, of the Inland Valley Develop-
11 ment Agency of San Bernardino, California, or its succes-
12 sors and assigns, generally comprising Building No. 3 and
13 Building No. 4 of the former Defense Finance and Ac-
14 counting Services complex located at the southwest corner
15 of Tippecanoe Avenue and Mill Street in San Bernardino,
16 California, adjacent to the former Norton Air Force Base.
17 As full consideration for the property to be acquired, the
18 Secretary of Agriculture may terminate the leasehold
19 rights of the United States received pursuant to section
20 8121(a)(2) of the Department of Defense Appropriations
21 Act, 2005 (Public Law 108–287; 118 Stat. 999). The ac-
22 quisition of the property shall be on such terms and condi-
23 tions as the Secretary of Agriculture considers appropriate
24 and may be carried out without appraisals, environmental

1 or administrative surveys, consultations, analyses, or other
2 considerations of the condition of the property.

3 SEC. 422. None of the funds made available in this
4 Act may be used to study, complete a study of, or enter
5 into a contract with a private party to carry out, without
6 specific authorization in a subsequent Act of Congress, a
7 competitive sourcing activity of the Secretary of Agri-
8 culture or the Secretary of the Interior, including support
9 personnel of the Department of Agriculture and the De-
10 partment of the Interior, relating to wildfire management
11 or wildfire suppression programs.

12 SEC. 423. None of the funds made available in this
13 Act may be used to work on or enter into a contract with
14 a private party to carry out, the Fire Program Analysis
15 system, unless both the Secretary of Agriculture and the
16 Secretary of the Interior certify, in writing to the Comp-
17 troller General, that this funding will accomplish the exist-
18 ing work plan, as determined by the Wildland Fire Lead-
19 ership Council, and that State wildfire agencies will be full
20 participants in the use and development of the system.

21 SEC. 424. Notwithstanding any other provision of
22 law, no officer or employee of the Smithsonian Institution
23 or any of its subsidiary organizations shall be compensated
24 directly or indirectly at an annual rate of pay in excess

1 of the statutorily established rate of pay of the President
2 of the United States.

3 **SEC. 425. LIMITATION ON USE OF FUNDS FOR SALE OR**
4 **SLAUGHTER OF FREE-ROAMING HORSES AND**
5 **BURROS.**

6 None of the funds made available by this Act may
7 be used for the sale or slaughter of wild free-roaming
8 horses and burros (as defined in Public Law 92–195).

9 **TITLE V—ADDITIONAL GENERAL PROVISIONS**

10 **SEC. 501.** None of the funds made available by this
11 Act shall be used in contravention of the Federal buildings
12 performance and reporting requirements of Executive
13 Order No. 13123, part 3 of title V of the National Energy
14 Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-
15 title A of title I of the Energy Policy Act of 2005 (includ-
16 ing the amendments made thereby).

17 **SEC. 502.** None of the funds made available in this
18 Act may be used to issue any new lease that authorizes
19 production of oil or natural gas under the Outer Conti-
20 nental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any
21 lessee under an existing lease issued by the Department
22 of the Interior pursuant to the Outer Continental Shelf
23 Deep Water Royalty Relief Act (43 U.S.C. 1337 note),
24 where such existing lease is not subject to limitations on
25 royalty relief based on market price.

1 SEC. 503. None of the funds made available in this
2 Act may be used to plan, design, study, or construct, for
3 the purpose of harvesting timber by private entities or in-
4 dividuals, a forest development road in the Tongass Na-
5 tional Forest.

6 SEC. 504. None of the funds made available in this
7 Act may be used to send or otherwise pay for the attend-
8 ance of more than 50 employees from a Federal depart-
9 ment or agency at any single conference occurring outside
10 the United States.

11 SEC. 505. No funds made available by this Act may
12 be obligated or expended to conduct the San Gabriel Wa-
13 tershed and Mountains Special Resource Study (author-
14 ized by the San Gabriel River Watershed Study Act (Pub-
15 lic Law 108–42)) in the cities of Diamond Bar, La Habra,
16 Industry, Chino Hills, and the community of Rowland
17 Heights in Los Angeles County, California (as defined by
18 the following boundaries: the City of Industry on the
19 north, Orange County on the south, the City of Diamond
20 Bar and California State Route 57 on the east, and the
21 City of La Habra Heights and Schabarum Regional Park
22 on the west.).

23 SEC. 506. None of the funds made available in this
24 Act may be used to eliminate or restrict programs that
25 are for the reforestation of urban areas.

1 SEC. 507. None of the funds made available in this
2 Act may be used to limit outreach programs administered
3 by the Smithsonian Institution.

4 SEC. 508. None of the funds in this Act may be used
5 by the Administrator of the Environmental Protection
6 Agency to implement or enforce the Joint Memorandum
7 published in the Federal Register on January 15, 2003
8 (68 Fed. Reg. 1995).

9 SEC. 509. No funds provided in title I may be ex-
10 pended by the Department of the Interior—

11 (1) for the conduct of offshore natural gas
12 preleasing, leasing, and related activities placed
13 under restriction in the President's moratorium
14 statement of June 12, 1998, in the areas of north-
15 ern, central, and southern California; the North At-
16 lantic; Washington and Oregon; and the eastern
17 Gulf of Mexico south of 26 degrees north latitude
18 and east of 86 degrees west longitude;

19 (2) to conduct offshore natural gas preleasing,
20 leasing, and related activities in the eastern Gulf of
21 Mexico planning area for any lands located outside
22 Sale 181, as identified in the final Outer Continental
23 Shelf 5-Year Oil and Gas Leasing Program, 1997–
24 2002; or

1 (3) to conduct natural gas preleasing, leasing,
2 and related activities in the Mid-Atlantic and South
3 Atlantic planning areas.

4 This Act may be cited as the “Department of the In-
5 terior, Environment, and Related Agencies Appropriations
6 Act, 2007”.

 Passed the House of Representatives May 18, 2006.

Attest:

KAREN L. HAAS,

Clerk.