responsibilities to White House and other executive positions; many of the persons filling these positions have come to be referred to in the media and even within your administration as policy ''czars.'' I heard firsthand about this issue on several occasions from my constituents in recent town hall meetings in Wisconsin.

The Constitution gives the Senate the duty to oversee the appointment of Executive officers through the Appointments Clause in Article II, section 2. The Appointments Clause states that the President ''shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise proved for, and which shall be established by law.'' This clause is an important part of the constitutional scheme of separation of powers, empowering the Senate to weigh in on the appropriateness of significant appointments and assisting in its oversight of the Executive Branch.

As a member of the Senate with the duty to oversee executive appointments and as the Chairman of the Senate Constitution Subcommittee, I respectfully urge you to disclose as much information as you can about these policy advisors and ''czars.'' Specifically, I ask that you identify these individuals' roles and responsibilities, and provide the judgment(s) of your legal advisors as to whether and how these positions are consistent with the Appointments Clause. I hope that this information will help address some of the concerns that have been raised about new positions in the White House and elsewhere in the Executive Branch, and will inform any hearing that the Subcommittee holds on this topic.

Thank you for considering my views on this important matter. I very much appreciate your commitment to transparency and open government and look forward to your prompt response.

Sincerely,

RUSSELL D. FEINGOLD,
United States Senator.

EXHIBIT 3

CZARS

POSITIONS IN THE EXECUTIVE OFFICE OF THE PRESIDENT (10)

Central Region Czar: Dennis Ross
Official Title: Special Assistant to the President and Senior Director for the Central Region
Reports to: National Security Adviser Gen. James L. Jones

Cybersecurity Czar: TBD
Reported Duties: Will have broad authority to develop strategy to protect the nation's government-run and private computer networks.
Reports to: National Security Advisor Gen. James L. Jones and Larry Summers, the President's top economic advisor

Domestic Violence Czar: Lynn Rosenthal
Official Title: White House Advisor on Violence Against Women
Reported Duties: Will advise the President and Vice President on domestic violence and sexual assault issues.
Reports to: President Obama and Vice President Biden

Economic Czar: Paul Volcker
Official Title: Chairman of the President's Economic Recovery Advisory Board
Reported Duties: Charged with offering independent, nonpartisan information, analysis and advice to the President as he formulates and implements his plans for economic recovery.
Reports to: President Obama

Energy and Environment Czar: Carol Browner
Official Title: Assistant to the President for Energy and Climate Change
Reported Duties: Coordinate energy and climate policy, emphasizing regulation and conservation.
Reports to: President Obama

Health Czar: Nancy-Ann DeParle
Official Title: Counselor to the President and Director of the White House Office of Health Reform
Reported Duties: Coordinates the development of the Administration's healthcare policy agenda.
Reports to: President Obama

Senior Director for Information Sharing Policy: Mike Resnick
Reported Duties: Lead a comprehensive review of information sharing and lead an interagency policy process to identify information sharing and access priorities going forward. (Perhaps performing functions statutorily assigned to the Program Manager for the Information Sharing Environment).
Reports to: Unknown

Urban Affairs Czar: Adolfo Carrion Jr.
Official Title: White House Director of Urban Affairs
Reported Duties: Coordinating transportation and housing initiatives, as well as serving as a conduit for federal aid to economically hard-hit cities.
Reports to: President Obama

WMD Policy Czar: Gary Samore
Official Title: White House Coordinator for Weapons of Mass Destruction, Security and Arms Control
Reported Duties: Will coordinate issues related to weapons of mass destruction across the government, including: proliferation, nuclear and conventional arms control, threat reduction, and terrorism involving weapons of mass destruction.
Reports to: National Security Advisor Gen. James L. Jones

Green Jobs Czar: TBD (Van Jones—Resigned)
Official Title: Special Adviser for Green Jobs, Enterprise, and Innovation at the White House Council on Environmental Quality
Reported Duties: Will focus on environmentally-friendly employment within the administration and boost support for the idea nationwide.
Reports to: Head of Council on Environmental Quality

POSITIONS IN A DEPARTMENT OR AGENCY (8)

Afghanistan Czar: Richard Holbrooke
Official Title: Special Representative for Afghanistan and Pakistan
Reported Duties: Will work with CENTCOM head to integrate U.S. civilian and military efforts in the region.
Reports to: Secretary of State (position is within the Department of State)

Auto Recovery Czar: Ed Montgomery
Official Title: Director of Recovery for Auto Communities and Workers
Reported Duties: Will work to leverage government resources to support the workers, communities, and regions that rely on the American auto industry.
Reports to: Labor Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Labor)

Car Czar (Manufacturing Policy): Ron Bloom
Official Title: Counselor to the Secretary of the Treasury
Reported Duties: Leader of the White House task force overseeing auto company bailouts; worked on the restructuring of General Motors and Chrysler LLC.
Reports to: Treasury Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Treasury)

Great Lakes Czar: Cameron Davis
Official Title: Special advisor to the U.S. EPA overseeing its Great Lakes restoration plan
Reported Duties: Oversees the Administration's initiative to restore the Great Lakes' environment.
Reports to: Environmental Protection Agency Administrator (position is within the Environmental Protection Agency)

Pay Czar: Kenneth Feinberg
Official Title: Special Master on executive pay
Reported Duties: Examines compensation practices at companies that have been bailed out more than once by the federal government.
Reports to: Treasury Secretary (position is within the Department of the Treasury)

Guantanamo Closure Czar: Daniel Fried
Official Title: Special Envoy to oversee the closure of the detention center at Guantanamo Bay
Reported Duties: Works to get help of foreign governments in moving toward closure of Guantanamo Bay.
Reports to: Secretary of State (position is within the Department of State)

International Climate Czar: Todd Stern
Official Title: Special Envoy for Climate Change
Reported Duties: Responsible for developing international approaches to reduce the emission of greenhouse gases.
Reports to: Secretary of State (position is within the Department of State)

Special Representative for Border Affairs and Assistant Secretary for International Affairs (dubbed ''Border Czar''): Alan Bersin
Official Title: Assistant Secretary for International Affairs
Reported Duties: Will coordinate all of the Department's border security and law-enforcement efforts.
Reports to: Homeland Security Secretary (position is within the Department of Homeland Security)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am informed that there is 12 minutes remaining on the Democratic side for morning business. I yield back that time.

The ACTING PRESIDENT pro tempore. Time is yielded back, and morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2996, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $965,721,000, to remain available until expended, of which not to exceed $69,336,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $965,721,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $8,626,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $28,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

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

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

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

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: 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 the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

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

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,244,386,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $39,741,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $82,790,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $85,001,000, to remain available until expended, of which $30,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,146,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $54,694,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,500,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $45,147,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $80,000,000, to remain available until expended: Provided, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, after deducting $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall, for fiscal year 2010 and each fiscal year thereafter, be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,261,309,000, of which $9,982,000 for planning and interagency coordination in support of Everglades restoration and $99,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $67,438,000, of which $3,175,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $20,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $219,731,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

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

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $118,586,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $35,000,000 is for the State assistance program and of which $4,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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

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

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

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,104,340,000, to remain available until September 30, 2011, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

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

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $175,217,000, to remain available until September 30, 2011, of which $89,374,000 shall be available for royalty management activities; and an amount not to exceed $156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal year 2010 may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

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

OIL SPILL RESEARCH

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

ADMINISTRATIVE PROVISION

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

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

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

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $39,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

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

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,309,322,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which $25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110–293 (25 U.S.C. 443c); and of which not to exceed $60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and

the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, 109–479, 110–297, and 111–11, and for implementation of other land and water rights settlements, $47,380,000, to remain available until expended.

INDIAN LAND CONSOLIDATION, BIA

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $3,000,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

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

ADMINISTRATIVE PROVISIONS

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

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

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

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

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

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

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

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

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,836,000; of which not to exceed $25,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That, for fiscal year 2010 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901–6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $81,095,000, of which: (1) $71,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by

law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c): Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under Public Law 104–134, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188: Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under section 104(e) of Public Law 108–188, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,076,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

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

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

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

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $979,637,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, 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.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the

Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,175,000, to remain available until expended: Provided, That Public Law 110–161 (121 Stat. 2116) under this heading is amended by striking ''in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act'' and inserting in lieu thereof ''including any fines or penalties''.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

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

WORKING CAPITAL FUND

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

(INCLUDING TRANSFERS OF FUNDS)

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

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

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

AUTHORIZED USE OF FUNDS

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

AUTHORIZED USE OF FUNDS

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

REDISTRIBUTION OF FUNDS

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

TWIN CITIES RESEARCH CENTER

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

PAYMENT OF FEES

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

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

PROHIBITION ON USE OF FUNDS

SEC. 109. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

USE OF COOPERATIVE AGREEMENTS

SEC. 110. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

CONFORMING AMENDMENT

SEC. 111. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term ''royalty payment'' shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 112. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 113. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a nonrefundable inspection fee, which shall be deposited in the ''Royalty and Offshore Minerals Management'' account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) $2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) $3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) $6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

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

YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 114. Section 101(a)(1) of Public Law 109–131 is amended by striking ''2009'' and inserting ''2013''.

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (j)''; and

(3) by inserting after subsection (f) the following:

''(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY IN HERITAGE AREA.—

''(1) NOTIFICATION AND CONSENT REQUIREMENT.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the later of the date on which—

''(A) the management entity of the Heritage Area submits to the owner of the private property a written notification of the proposed preservation, conservation, or promotion; and

''(B) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

''(2) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Area shall immediately be withdrawn from the Heritage Area if the owner of the property submits a written notice to the management entity.''.

PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 116. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term ''historic attraction'' mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term ''Monument'' means the World War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) VISITOR CENTER.—The term ''Visitor Center'' means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) USE OF FEES.—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) LIMITATION OF AUTHORITY.—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) PROTECTION OF RESOURCES.—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 117. (a) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the ''Compact'').

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 118. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106–113 is amended by striking the last sentence.

THEODORE ROOSEVELT NATIONAL PARK, ELK REDUCTION

SEC. 119. None of the funds made available in this Act shall be used to establish or implement a plan to reduce the number of elk in Theodore Roosevelt National Park unless such plan, notwithstanding any other provision of law, allows North Dakota residents possessing a State hunting license to be deputized by the Secretary as rangers in such numbers as the Secretary deems sufficient for purposes of culling the elk herd at the Park, and allows each such volunteer to cull one elk and remove its carcass from the Park.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

SEC. 120. (a) Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit (''existing authorization'') within Drake's Estero at Point Reyes National Seashore, the Secretary of the Interior shall extend the existing authorization through a lease (or other legal instrument) with the same terms and conditions, except as provided herein, for a period of 10 years from November 30, 2012: Provided, That such extended authorization is subject to the Company's compliance with all applicable laws and regulations (excepting any that would prohibit the extended authorization) and permit conditions in effect on the date of enactment of this Act with any mutually agreed modifications to such permit conditions, including the maintenance of best practices as outlined in the National Academy of Sciences report expected in fall 2009 regarding (1) shellfish farming in Drake's Estero, (2) minimizing disturbance of marine mammals, and (3) control and removal, to the extent practicable, of the tunicate ''Didemnum'': Provided further, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal.

(b) Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

CONTRIBUTION AUTHORITY

SEC. 121. Title 43 U.S.C. 1473, as amended by Public Law 110–161 and Public Law 111–8, is further amended by deleting ''in fiscal years

2008 and 2009 only'' and inserting ''in fiscal years 2008, 2009 and 2010 only''.

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 122. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) GUIDELINES.—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the State of Hawaii;

(2) appropriate Federal agencies;

(3) Native Hawaiian and local government entities;

(4) private and nonprofit organizations;

(5) private land owners; and

(6) other interested parties.

(d) THEMES.—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

(1) the significance of the site as a component of World War II;

(2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and

(3) historic resources at the site.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $842,799,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,878,780,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than $478,696,000 shall be for the Geographic Programs specified in the committee report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

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

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,308,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,308,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $9,975,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2011, and $26,834,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $114,171,000, to remain available until expended, of which $78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

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

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,954,274,000, to remain available until expended, of which $2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $1,387,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That, for fiscal year 2010, to the extent that there are sufficient applications, not less than 20 percent of the funds made available for the Clean Water State Revolving Fund or Drinking Water State Revolving Fund capitalization grants shall be for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; $10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $15,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $150,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $101,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the committee report accompanying this Act; and $1,111,274,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section

319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That, for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to Tribes: Provided further, That, for fiscal year 2010, notwithstanding any other provision of law, up to a total of 1.5 percent of the funds provided for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to territories of the United States: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8, the $300,000 made available to the Village of Crestwood for water storage improvements (as described in the table entitled ''Congressionally Designated Spending'' in section 430 of that joint explanatory statement) shall be made available to the City of Quincy, Illinois, for drinking water system improvements.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSION OF FUNDS)

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

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

The Administrator is authorized to transfer up to 50 percent of the funds appropriated for the Great Lakes Initiative under the heading ''Environmental Programs and Management'' to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, $40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $307,012,000, to remain available until expended: Provided, That of the funds provided, $66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $276,946,000, to remain available until expended, as authorized by law; and of which $55,145,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,556,329,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $513,418,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That up to $40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $67,784,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

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

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,586,637,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such

funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $350,285,000 is for hazardous fuels reduction activities, $11,500,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $56,250,000 is for State fire assistance, $9,000,000 is for volunteer fire assistance, $17,252,000 is for forest health activities on Federal lands and $9,928,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to $15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

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

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for wildland firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the Committees on Appropriations for the House of Representatives and Senate if the Secretary of Agriculture determines that all emergency fire suppression funds appropriated under the heading ''Wildland Fire Management'' will be fully obligated within 30 days.

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

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

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in title IV of this Act.

Not more than $88,785,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

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

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

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That, of the Federal funds made available to the Foundation, no more than $200,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

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

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

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

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

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

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

should clearly display the sums previously transferred and the requested funding transfers.

Funds provided to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for the 2009–2010 school year of dependents of agency personnel stationed in Puerto Rico, at a cost not in excess of those authorized by the Department of Defense for that same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,639,868,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $779,347,000 for contract medical care, including $48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That $18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $389,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

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

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

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

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

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

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

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

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

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

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

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

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

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

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

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

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,195,000.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

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

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $634,161,000, of which not to exceed $19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which $1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2011; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $125,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, $30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: Provided further, That this appropriation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110–161 and Public Law 111–8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

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

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $54,499,000, to remain available until expended: Provided, That of this amount, up to $40,000,000 shall be available for repair of the National Gallery's East Building façade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $22,500,000.

CAPITAL REPAIR AND RESTORATION

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

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,225,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $161,315,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $161,315,000, to remain available until expended, of which $147,015,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

The Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: Provided, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $9,500,000: Provided, That no organization shall receive a grant in excess of $650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

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

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,507,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $49,122,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $17,230,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $3,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $16,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

LIMITATION ON CONSULTING SERVICES

(INCLUDING TRANSFERS OF FUNDS)

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

RESTRICTION ON USE OF FUNDS

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

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 403. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 404. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 405. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

MINING APPLICATIONS

SEC. 406. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

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

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

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

CONTRACT SUPPORT COSTS

SEC. 407. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), and Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, and 111–8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that for

the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 408. Prior to October 1, 2010, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 409. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 410. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior should not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

CONTRACTING AUTHORITIES

SEC. 411. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

PROHIBITION ON USE OF FUNDS

SEC. 412. None of the funds made available by this or any other Act may be used in fiscal year 2010 for competitive sourcing studies and any related activities involving Forest Service personnel.

LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 414. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

EXTENSION OF GRAZING PERMITS

SEC. 415. Section 325 of Public Law 108–108 is amended by striking ''fiscal years 2004–2008'' and inserting ''fiscal year 2010.''

ALASKA NATIVE HEALTH CARE SERVICES

SEC. 416. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

TIMBER SALE REQUIREMENTS

SEC. 417. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 418. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001, as amended, is amended in subsection (e) by striking ''September 30, 2009,'' and inserting ''September 30, 2014,''.

NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 419. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89–209, 20 U.S.C. 955), as amended, is further amended as follows:

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

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

PROHIBITION ON USE OF FUNDS

SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems emitting less than 25,000 tons of carbon dioxide equivalent per year.

CONGRESSIONALLY DIRECTED SPENDING

SEC. 422. Within the amounts appropriated in this Act, funding shall be allocated in the

amounts specified for those projects and purposes delineated in the table titled ''Congressionally Directed Spending'' included in the committee report accompanying this Act.

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

Mrs. FEINSTEIN. Madam President, I am pleased to join my colleague, Senator ALEXANDER, in presenting the fiscal year 2010 Interior and related agencies appropriations bill. This is the first year Senator ALEXANDER and I have worked together as chairmen and ranking member of the Interior Appropriations Subcommittee. I am very pleased to report that it could not have been a better experience. We have consulted on several occasions and worked through several different issues. As a result, I think we have produced a fair, balanced, and workable bill. I thank him very much, and his able staff, for all their hard work and cooperation.

In total, the fiscal year 2010 Interior appropriations bill provides $32.1 billion in nonemergency discretionary spending. That amount is $4.5 billion above the equivalent 2009 enacted level but $225 million below the President's request. I wish to stress that. This bill is $225 million below the President's request.

The reason is to make it consistent with the subcommittee's 302(b) allocation for both budget authority and outlays. Our allocation is substantially lower than that of the House of Representatives. Therefore, our bill is necessarily constrained. We cannot spend above our allocation. So there are going to be several items that will be conferenced in that regard.

Because the committee's report, which spells out all of the funding details, has been publicly available for more than 2 months, I won't go through each and every line item. But I would like to emphasize the great strides we have been able to make in five critical areas: water and sewer infrastructure, wildfire suppression and prevention on public land, bolstering our public land management agencies, investment in the Land and Water Conservation Fund, and helping the most vulnerable in Indian Country.

First, in these five key areas, the bill provides $3.6 billion for water and sewer infrastructure projects. I am proud of this. That is a significant increase over last year's level of $1.6 billion. In fact, this is the largest single commitment of funds that has ever been provided in an annual appropriations bill.

Let me say something about this. When we look at America's infrastructure, I can say that I am old enough, regretfully—I guess I am delighted I have survived—to remember when everyone could drink water out of every tap anywhere in America. You can imagine what I thought when I saw the front of the New York Times with the young lad from West Virginia with fillings all over his mouth because he couldn't drink water properly out of the tap, when there was other evidence of people in that great State bathing in water that created skin lesions. That should not be the case in the United States. Therefore, this significant increase in water and sewer infrastructure is extraordinarily important.

Additionally, I hope we will have report language in our bill in consultation with the ranking member that will instruct EPA to put much more regulatory authority in the area of water quality so we don't run into these areas. This is something I have not yet had a chance to talk with the ranking member about, but I do intend to do that.

When we factor in the $6 billion included in the stimulus bill in February, we are providing nearly $10 billion this calendar year to State and local water authorities. This is a major investment in public infrastructure and one that, as a former mayor, I strongly support and am very pleased to be able, along with my ranking member, to accomplish.

This money will allow State and local water authorities to begin to tackle 1,327 wastewater and drinking water projects all across the Nation. For those who may not be aware, the Environmental Protection Agency, which administers these grants, has estimated that over a 20-year period communities will need to spend $660 billion—not million—for drinking water and wastewater infrastructure repairs and renovations. Obviously, we can't provide that level of funding during these tough budgetary times. But what we were able to provide, with a reduced allocation, will go a long way toward helping communities tackle their crumbling infrastructure and provide residents with more reliable and cleaner water. It will also have the benefit of creating thousands of construction jobs to put more Americans back to work.

Secondly, the bill provides $1.8 billion for wildland fire suppression activities. It is very important that we are providing that level of funding because that is the same amount that has been spent on average in each of the last 3 fiscal years. So for the first time in more than 10 years, we will be providing Federal firefighters the resources they need well before they run out of money. The fact that we are providing this level of funding is extremely important. By appropriating up front what we know is actually going to be needed based on prior experience, we allow the Forest Service and the Interior Department to break the cycle of borrowing from other accounts and then hoping Congress agrees to repay that money. We have been criticized for doing it. It is good, solid criticism. In this bill, it has been remedied.

The bill also includes $107 million in grants to help State and local cooperators fund their own firefighting and fuels reduction efforts. That is a 2-percent increase over the 2009 level, and it provides $556 million for hazardous fuels reduction projects on Federal lands nationwide, a 7-percent increase over last year. That is critical.

My State is burning up, as are other States in the West. We lost 1.5 million acres last year from fire. Hazardous mitigation of fuels becomes very critical.

As important as it is to provide our Federal firefighters with the funds they need for suppression, it is just as important that we make these fuel reduction funds available so these agencies can begin to get in front of the problem and prevent these catastrophic wildland fires or at least reduce their catastrophic potential.

The money provided in this bill will allow the Forest Service and the Interior Department to treat 3.5 million acres of fire-prone Federal lands. That is 3.5 million acres of fire-prone Federal land. This will reduce the risk of catastrophic wildfires such as the one being fought right now in southern California.

Let me say something about that fire. The Station fire in southern California is still burning in the foothills of Los Angeles. The fire has swept through canyons that are drowning under decades' worth of dense vegetation. As of Tuesday, the fire has burned 160,000 acres, destroyed 183 homes and other buildings, and cost more than $90 million to fight. More than 8,000 firefighters have battled the blaze, and, tragically, two firefighters have lost their lives.

The Station fire is now the largest fire in Los Angeles County history. It is also a reminder of how important it is to increase funding for fuels reduction and fire suppression. I am very proud this bill accomplishes both.

Third, the bill shores up our public land management agencies by providing a total of $6 billion for basic operations and backlog maintenance of our national parks, national forests, national wildlife refuges, and on Bureau of Land Management land.

For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur every year. In this bill, fixed costs are fully funded. That is important. Included in these funds are $2.2 billion for basic operations of our 391 national parks, an increase of $130 million. These funds will allow the Park Service to continue utilizing the 3,000 seasonal employees who have made a real difference in the condition and enjoyment of our parks. Additional maintenance personnel, additional law enforcement officers, and additional park rangers will all be brought back as a way of enhancing the visitor experience now and preparing our parks for the centennial in 2016.

Our national parks are jewels throughout the United States of America. They cannot be allowed to grow into poor condition. They must be maintained, and they must be operated properly.

Also, I wish to point out that the funding being provided in this bill will

allow the Park Service to continue the drug eradication program started last year. I can tell you, in California, this has become a major problem, with literally hundreds of thousands of acres in our national parks taken over by Mexican cartels that have moved into the back areas and set up marijuana production facilities. They are armed. They are dangerous. It has taken the resources of combined task forces—of local, Federal, and State officers—to go in and root out these areas and also to eradicate the planting that has been done. More than $10 million is being made available so law enforcement personnel can work with other Federal and State agencies to extricate the illegal drug operations that are increasingly invading our national parks.

This effort is not just limited to the Park Service. Included in the $1.56 billion that this bill provides for operations of the national forests is a new $10 million increase for the Forest Service's law enforcement program. These funds mean the Service will be able to hire up to 50 new law enforcement officers to battle the epidemic of these marijuana gardens on our public lands.

The bill also contains a $5 million increase to begin cleaning up more than 25,000 acres of forest lands nationwide that have suffered environmental damage because of these drug—the word is ''gardens.'' I hate that word applied to these drug projects, so I will say ''drug projects.''

Fourth, the bill increases the protection and conservation of sensitive lands by providing $419 million through the Land and Water Conservation Fund. Of that amount, $262 million is set aside for four Federal land management agencies for conservation of sensitive lands that provide habitat to wildlife and recreation to visitors; $55 million is for conservation easements through the Forest Legacy Program; $54 million is for acquisitions associated with habitat conservation plans; and $35 million is for State grants through the Park Service's State Assistance Program.

Finally, the bill helps some of the most vulnerable among us by providing a total of $6.6 billion for the Indian Health Service and the Bureau of Indian Affairs. That is an 11-percent increase over the 2009 enacted level. The bill includes increases of $450 million in direct health care services; $81 million in K–12 and college education programs; and $83 million in law enforcement programs, which will allow for additional police officer staffing on the streets and in detention centers.

With these funds, more than 10,000 additional doctor visits will take place that would not otherwise happen. This means additional well-baby care to prevent problems before they happen. It means additional alcohol and substance abuse treatment, which is truly a plague in Indian Country. It means additional public health nursing visits so those rural areas are not left out.

Funding provided through the Bureau of Indian Affairs will improve programs and infrastructure at the Bureau's 183 schools. The $81 million increase in education programs will allow the Bureau to substantially increase the number of schools that meet the Adequate Yearly Progress goals spelled out in No Child Left Behind. For the first time—and I am proud of this—nearly half of all schools will meet this milestone. Additional funding for law enforcement programs will allow the Bureau to increase staffing throughout Indian Country.

But it is not just funding for staff that is going to make a real difference. The bill includes a threefold increase in funds for repair and rehabilitation of detention facilities. Too often, Bureau police officers are forced to spend useless time transporting detainees, sometimes hundreds of miles, to be incarcerated in adequate detention facilities. These funds will allow the Bureau to repair several local facilities so less time is spent in transit.

All in all, I believe Senator ALEXANDER and I have been fair and conscientious in crafting this bill. I urge my colleagues to let us move forward with this measure as soon as possible.

I want my ranking member to know I am very proud of this bill, not only because it is a good bill, it is the first start we have had together. I look forward to more years where we can build our fire suppression, our care and concern for our national parks, the Smithsonian, all the 19 institutions it represents, the Kennedy Center, and all the various Departments we are concerned with in this appropriations bill.

It is necessarily dull to put forward figures, but as both of us have learned from our prior lives, budgets and appropriations condition policy. So I think this is not only a good appropriations bill, but it is a very good policy bill for the Departments that are included within the bill.

It has been a sheer delight for me to work with you, I say to Senator ALEXANDER. Now I would like to defer to the Senator for any comments he might care to make.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from California.

It is a joy for me to work on this legislation because, first, I care so much about it, as she does—this is about the great American outdoors, which is an essential part of our American character—and because of the privilege of working with Senator FEINSTEIN. She has the great advantage of having been a mayor of a big city and she is capable of making a decision and she is results oriented, so we are able to work easily together. It is the way I liked to work when I was Governor. She is broad-gauged and cares about this country and about its environment and its outdoors and about not only protecting and conserving the outdoors but making it possible for Americans—300 million of us—and the people who visit us to enjoy that great American outdoors.

It is always a privilege to be in the Senate, but it is a special privilege to work on the outdoors—the great American outdoors—with Senator FEINSTEIN from California.

Last week, we celebrated the 75th anniversary of the Great Smoky Mountains National Park. I am not objective at all about the Great Smoky Mountains National Park. I grew up there, went hiking there, and I live 2 miles from its border. One reason I care about the trails so much is because I have hiked them. One reason I care about the quality of the air so much is because I breathe it. One reason I care about having enough rangers and making sure their salaries are paid is because I know them. So that helps in my objective.

But there was also a reminder. It was a beautiful day up on Newfound Gap, right on the border of North Carolina and Tennessee. Our mountains in the East are not as big as the mountains in the West. They are older, more mature. But the largest of the mountains in the Eastern United States are along the North Carolina and Tennessee border, 71 miles along the Appalachian Trail, in the Great Smoky Mountains National Park.

So there we were, at about 5,500 feet, at the place where President Franklin Delano Roosevelt, on the same day in 1940, a few years after the park was formed, dedicated the Great Smokies. But among other things on that beautiful day—and the Secretary of the Interior was there, Ken Salazar. It is good for our Western Secretary to get a good look at the Eastern park. Dolly Parton was there. She grew up in the next county, so she is our special ambassador for the Great Smokies, and there were all the Members of the Congress who were there from the area.

But when we look back 75 years, what did we see? It was 1934. So here we were, in the middle of the greatest depression in our country's history, and what were we doing? Well, in Tennessee, we had the State legislature appropriating $2 million to buy land from families and from lumber companies to create a park. In North Carolina, they did the same thing. That only made $4 million. Madam President, $10 million was needed. So they collected another million dollars from the people of the area.

Schoolchildren put pennies in jars. It is a wonderful story of how they got up to $5 million. Then one of the early leaders of the group organizing the Great Smoky Mountains National Park convinced John D. Rockefeller, Jr.,—who, I guess, is the grandfather of our Senator ROCKEFELLER—to come; and the Rockefellers gave $5 million in honor of Laura Spelman Rockefeller, to match the $5 million the two States and all the people had contributed.

That $10 million bought the park and gave it to the country. This was not like almost every other park. It was

not just carved out of land the people already owned. It was given to the country in the midst of the Great Depression.

The reason I bring up that today is because it is a reminder that even in difficult times we kept our priorities right. India has its Taj Mahal. Rome has its art. England has its history. But we have the great American outdoors. If, as Ken Burns has said, our national parks are America's best idea, we in Tennessee and North Carolina think that must mean the Great Smoky Mountains are the very best idea because so many more people visit it than visit any other park in America.

But what those people did—whether it was the schoolchildren with the pennies, the Governors of the States, the legislators, the people in Asheville, NC, and Knoxville, TN, the civic leaders, whether it was the Rockefeller family—what they did also shows us the foresight of thinking ahead for the benefit of future generations.

In 1934, the assistant chief ranger of this big, new park wrote a memo to the superintendent outlining the wildlife he found there. There were 100 black bears in 1934. There are 1,600 today. There were 315 wild turkeys in 1934. The other day I saw 21 outside my window 2 miles from the park.

Seventy-five years ago in the Park, there were 12 whitetail deer in Tennessee and only 6 in North Carolina. They are all over the place today. There were no peregrine falcons, no river otters, no elk. They are there today. Twenty-five years ago, when as Governor of Tennessee I spoke at the 50th anniversary of the Great Smoky Mountains National Park, there was no Federal law controlling acid rain, there was no organization called Friends of the Smokies, but both are great successes today. Those Federal laws were passed and Friends of the Smokies has contributed $30 million. So that celebration two weeks ago reminded us of the foresight 75 years ago. Those examples are everywhere in our culture today.

I am reading Douglas Brinkley's book about Teddy Roosevelt called ''The Wilderness Warrior.'' It is so thick, it will break your back if you carry it around, but it is a wonderful story of how our President, Teddy Roosevelt, during his relatively short term in office, had the foresight to make sure we have many of the wildlife refuges, the national parks, the national forests, and the others we enjoy today. This bill Senator FEINSTEIN so ably described is the responsibility we have as stewards of that great tradition today, to look ahead to the future about preserving and protecting the great American outdoors; looking to the future as Teddy Roosevelt did, as the schoolchildren did in Tennessee, as John Muir did when Yosemite was created, as Lady Bird Johnson did half a century ago. As we look ahead, we should remember that we are custodians of that tradition.

What should we hope for as we work on this bill and we plan ahead? My hope of the future is that we finish cleaning up the air, so in the Great Smokies, we can celebrate the gray haze about which the Cherokee sang instead of seeing smog. I hope we do more to use our nearly 400 national park properties to teach about what it means to be an American so our children and our immigrants can know that story. I hope we can become better students of the remarkable environmental diversity of our country. Just within our Great Smoky Mountains National Park, we have 128 species of trees, as many as they have in all of Europe. I hope we do a better job of creating picturesque entrances and conservation easements to protect the wildlife and the stunning viewscapes that are not only in our parks but near our parks.

I am going to do my best—and Senator FEINSTEIN and I have talked about our concern about this, and I have shared that concern with Secretary Salazar on many occasions, including last week when he visited Tennessee—I am going to make sure we pay attention to the perils of what some conservationists are calling energy sprawl, so that in our enthusiasm for renewable energy and alternative energy, which we need, we don't place 50-story wind turbines and acres of square miles of solar thermal plants in areas that damage the treasured landscapes we have spent a century trying to protect. It doesn't make sense to destroy the environment in the name of saving the environment.

I hope we can build on the legislation, too, that Congress enacted in 2007 when we expanded exploration for natural gas and oil in the Gulf of Mexico and for the first time created what I like to call a conservation royalty that contributes one-eighth of the revenues that are collected from that drilling. One-eighth of those revenues go to the Land and Water Conservation Fund. In this case, it goes to the State side portion, which is used by communities for local parks and local greenways. Suffice it to say, the most popular parks in America are not the Great Smokies and Yosemite; the most popular parks are the city parks and the community parks and the suburban parks, the parks down the street. The Land and Water Conservation Fund is the source of funding for many of those parks and much of that open space.

In the 1960s, Congress, as a result of a report by the first Commission on American Outdoors that was chaired by Lawrence Rockefeller, recommended that we take some of the money we receive from offshore drilling and exploration and use it for the Land and Water Conservation Fund. We had never really done that, but it makes good sense. It is good stewardship. Where there is an environmental burden, which we sometimes have to authorize, we should pay for it with an environmental benefit. That is the trade between offshore exploration and money for land and water conservation funding to create city parks.

One other thing. I hope we find additional ways, through increased private contributions as well as the kinds of Federal appropriations we talk about today, to support and care for the nearly 400 different national parks properties we have, as well as our other public lands and treasured landscapes and national forests and along our coastlines and our ridgelines in this country.

The Senator from California gave a very thorough statement of the various programs in our bill. I won't repeat all of those numbers, but I do have a handful of observations I wish to make. Obviously, we don't agree on every detail. But we are not here to agree on every detail, we are here to see whether we can produce a result. I believe we have done that. In the process, I thank Senator FEINSTEIN for addressing a number of the concerns I and many of our colleagues on the Republican side of the aisle have. She has been terrific to work with in that respect.

As she said, this bill is $225 million below the President's budget request, even though it is substantially higher than last year's funding levels. I suppose if I were doing this all by myself, I would have spent less money, but that is not the way our system works. We each make our arguments, fight our spending battles, decide on a budget resolution, and we go from there. So I believe Chairman INOUYE and the vice chairman, THAD COCHRAN, have allocated the funds made available to the Appropriations Committee by the Senate in a fair and responsible way.

Similarly, with the funds we have had to work with on the Interior bill, Chairman FEINSTEIN and I have made our best judgment and done our best to meet the many competing priorities for the varied programs here. She mentioned some of the good things in the bill, and I wish to underscore just a few.

We have continued the Centennial Initiative started under President Bush by adding over $130 million to increase park operations in preparation for the national park centennial in 2016. This is a good time to think about the condition of our national parks. Many of us visit them, so we are familiar with their maintenance needs and their personnel needs.

Some are reading the book I mentioned about Teddy Roosevelt, and millions more, starting September 27, will see Ken Burns' film about the national parks called ''The National Parks: America's Best Idea.'' I am confident the film will remind us of how important those parks are to our national character and how determined we are to make sure that over the next several years, as we approach the centennial, we support them properly. That includes the law enforcement rangers who ensure the safety of the public in our parks, the interpreters who explain

its history and America's history, and the biologists and scientists who teach us about the plants and animals that live there. This bill helps to expand and improve that experience.

We have also provided necessary increases to pay for the rangers who keep visitors to all of our national forests, wildlife refuges, and other public lands safe; health care professionals who provide medical care; the Indian Health Service teachers who provide education in the Indian community—Senator FEINSTEIN described that. Simply keeping pace with the inflationary pay costs and health benefits for park and forest rangers, Indian health care professionals, and other critical personnel required a $540 million increase in funding over the last year.

Senator FEINSTEIN talked about fires. It seems as though when we read about fires or see them on television they are all in California, and our hearts go out to the families who have lost their homes and, a few, their lives as a result of these fires.

But the fires are not all in California. The national Forest Service is busy spending too much of its time on fire protection. It has an effective fire protection unit that is part of its job, but what we have been doing is paying for firefighting the way we used to pay for the Iraq war. We did it off budget. We did it a little later. I congratulate the administration and Senator FEINSTEIN for putting into this budget the amount of money we think we will actually need to fight fires this year. We have added over $570 million compared to last year for firefighting and fire prevention programs. I hope that is enough. I hope we have made a budget that allows us to deal with that so we don't find ourselves coming back with supplementary appropriations and so we don't disrupt all of the other important programs in the Forest Service and in the Department of the Interior. As important as the firefighting function is to the U.S. Forest Service, we don't want to turn the U.S. Forest Service into the U.S. fire service.

Let me make one comment about our process. One of the major criticisms of the appropriations process in recent years has been the failure of the Senate to take up each bill individually. This denies the Members of this body an opportunity to offer amendments and help shape the final bill.

It is important to note that this is the first time in 4 years that the Interior bill has been brought to the floor of the Senate as a stand-alone measure for purposes of examination and amendment by all Senators. This is a tribute to Chairman INOUYE and Vice Chairman COCHRAN, and I thank Senator REID and Senator MCCONNELL for the fact that we are here today and Senators should now come forward to offer their amendments.

This is the sixth appropriations bill to complete Senate floor action. We are nearly halfway through the process. I believe all of my colleagues share my desire that we are able to complete all 12 individual appropriations bills through the normal order and send them to the President for his signature. It is a much fairer way to operate. It gives those of us who are elected a chance to have our say, and it saves the taxpayer a lot of money by permitting the efficient operation of the government on an orderly, budgeted basis.

Let me close by saying again how much I have enjoyed working with Senator FEINSTEIN and how much I look forward to that privilege in the future.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, if I may, I wish to thank the ranking member for those very gracious remarks. They are reciprocated in whole. I think his expressions about the bill are very well taken, and we will just proceed from there.

I would like Senators to be fully aware that any amendment which proposes to increase spending in one area of the bill will need to be offset with a commensurate cut in another area. The bill is at its allocation level, and the overall effect of the bill's bottom line must remain neutral. Not to do so is to create a 60-vote point of order against the amendment. So everyone who wishes to offer an amendment should bear that in mind. I think both of us will fight vociferously to see that the financial integrity of our bill is continued.

I very much appreciate Senator ALEXANDER pointing out that this is the first time since 2005 that the full Senate has had an opportunity to consider this bill. Considering the landmarks, the vital aspects of this American government of which people are singularly proud—I mean, we don't hear much criticism about the Federal Government providing national parks or a forest service or an environmental protection agency. So this is a bill of which we are very proud.

I, too, wish to encourage Senators to come to the floor now. We wish to pass this bill as quickly as we can. The floor should be open to amendments.

With that in mind, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

AMENDMENT NO. 2394

Mr. JOHANNS. Madam President, I call up amendment No. 2394.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNS] proposes an amendment numbered 2394.

Mr. JOHANNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

On page 240, between lines 13 and 14, insert the following:

PROHIBITION ON USE OF FUNDS

SEC. 4___. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Mr. JOHANNS. Madam President, I compliment both Senators who just spoke, the Senator from California and the Senator from Tennessee. You underscore why we are so proud to live in this great country and the importance of these resources.

Also, as a former Secretary of Agriculture, I know the importance of adequate funding for firefighting. Without it, our forests are in serious jeopardy. I wanted to express that.

I rise today to talk about something that is enormously important. Three days ago, I was here on the Senate floor urging my colleagues to vote in favor of an amendment I offered to another appropriations bill, the Transportation and Housing Appropriations bill. The amendment had a very specific purpose. The purpose was to prohibit funds from going to the Association of Community Organizations for Reform Now, known as ACORN.

I am very pleased to report that, in a true display of bipartisanship, 82 of my colleagues joined with me in voting in favor of protecting taxpayer dollars by voting for the amendment.

This was a significant and important vote in this body for a number of reasons. Such a strong bipartisan vote sent a very powerful message that the Senate is serious about eliminating the flow of taxpayer funds to an organization that can best be described as being in an absolute free fall when it comes to allegations of illegal activity—illegal activity that, in many respects, is funded with taxpayer dollars. Senators came to this floor a couple of days ago and they threw aside partisan loyalty in favor of prohibiting funds to an organization besieged by allegations of fraud and corruption and employee wrongdoing.

Bottom line: My colleagues—I am so proud of them—answered the call to defend taxpayers against waste, fraud, and abuse. But because of the limitations of that amendment, our job simply is not complete. Of course, in order to comply with the germaneness rules, we could only do so much with that amendment. Therefore, I come here again today to offer the same amendment to this bill.

The amendment to the T–HUD bill was a first step. The overwhelming vote on Monday stopped the flow of funds for transportation or housing funding that would otherwise go to ACORN.

At least in terms of Senate action, there is more process left there. Unfortunately, ACORN is still eligible to receive Federal dollars from innumerable sources in the Federal budget. That is

why I am here today to offer the identical amendment to the Interior Appropriations bill and to call on my colleagues again to stand up for the American taxpayers.

There is unbelievable evidence that ACORN or its estimated 360-plus affiliates could be eligible for Department of Interior funding. The following words appear in the text of this bill 193 times: contracts, grants, nonprofits, and cooperative agreements.

There are so many ways ACORN can receive funds from the Interior bill. For example, ACORN's subsidiaries openly publicize their advocacy for environmental causes.

ACORN groups are heavily involved in community redevelopment, and so is the Department of the Interior. The links are obvious. They are undeniable.

In fact, on page 66 of the bill, you can—just to pull out specific language there included for the Great Lakes restoration project that would give money to nonprofits for ''planning, monitoring, and implementing.''

This is a project that President Obama has appointed a specific person to oversee. Do any of us have a certainty that ACORN won't receive any of that money? I certainly don't.

ACORN is able to tap into taxpayer moneys from so many other ways besides competitive grants. They or their web of affiliates are able to work out memoranda of understanding, cooperative agreements, and even subcontracts with the Federal Government.

Additionally, States that receive grants from the Federal Government can funnel money to ACORN affiliates, and there is very little oversight. My amendment will stop that. It will stop the money—the taxpayer dollars—being directed to this group.

The question before us today is whether my colleagues will again come to the floor and say this activity is wrong, it is damning. We need to stand and say that no money will go to a group engaged in this activity.

Last night, I was watching a news program, and yet another videotape surfaced of ACORN employee activity. It was shocking. This videotape displayed someone saying to an ACORN employee that they intended to bring underage minors into this country from other countries for the purpose of engaging in prostitution. There was active involvement by the ACORN employee in how this might happen, even to the extent of describing the contacts that this person had.

I want to say that we cannot relent, just because some taxpayer money was safeguarded, until a full government investigation is launched and completed, and if it turns out with no problem, so be it, but we cannot rest until that is done and we are assured and we can assure our citizens back home that no taxpayer money is being used in this organization.

It doesn't make sense to just stop with the Transportation and Housing Appropriations bill. We need to stand up and prohibit all sources of Federal funding and any possibility of Federal funding going to ACORN.

I will wrap up with a statement of deep respect for what my colleagues did on Monday. I believe it was the right thing to do. It was the right thing to step in here to the floor and cast a vote and say: Enough is enough, it stops here, it stops today.

We need to do everything we can to assure our taxpayers that there is no possibility somebody can access this funding from ACORN. My hope is we will come together as we did Monday and that we will do the right thing.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I will respond to the Senator from Nebraska. My belief is that we had an amendment yesterday that was passed overwhelmingly by this body, prohibiting the use of Federal funds for ACORN, period. The staff has been researching this bill. We do not believe there are any Federal funds in this bill. I believe if there were a rollcall vote, it would come out essentially the same as it did yesterday.

So I say to the distinguished Senator, both the ranking member and I would be prepared to take this amendment by unanimous consent.

Mr. JOHANNS. Madam President, this is such an important issue. This is an issue that people all across the country are watching on the Senate floor. Therefore, I feel very strongly that if there were ever an opportunity for Senators to come to the floor and cast a vote in a rollcall fashion, this is one to make a very strong statement again about ACORN not receiving this funding.

I appreciate the offer of the Senator from California, but I must insist, because of the nature of what we are dealing with—the claims of alleged wrongdoing, the history of wrongdoing with employees from this organization, the videotapes, the potential to access the funding—that we need a rollcall vote on this issue.

Mrs. FEINSTEIN. If I may, through the Chair to the Senator, to the best of our knowledge, there is no funding in this bill for ACORN. The staff is looking and has found no funding in the bill for ACORN. Therefore, there is a redundancy, and this will have to be done on every single appropriations bill, which doesn't seem to me to make very good sense. I think an 80-plus vote yesterday is a very substantial vote. I think everybody who is interested has access to know—we are trying very hard—and I hope the Senator will not be upset by what I am saying, but we are trying to move our bill, and we will take the Senator's amendment so that the amendment—if there is any funding, it still cannot be used, even without this amendment. So the Senator is covered.

Mr. JOHANNS. Madam President, speaking to my colleague from California, let me say that I appreciate the Senator's offer of accepting this by unanimous consent. I appreciate the Senator's claim that she believes there is no way they can access funding. But I will tell you that I have operated a Federal Department myself—a very large department—where we administered millions and billions of dollars of grants and loans, et cetera. Once that appropriations bill is passed, the Senator knows and I know that unless there is some real trouble, we are free at the departmental level to pretty much administer the money. So there cannot be a guarantee that they won't get money out of this program.

The second thing I will offer here is this: This is not one of those issues that just comes along. This involves an organization that has had a history of very serious problems. I could not feel more strongly that the American people want us to come to the floor and cast a vote on this issue.

The final thing I want to say is this: I feel this is an important issue. There is a way to solve this problem so that I don't have to come down on every appropriations bill. We will be introducing a bill today—and we have reached out in a very bipartisan way to Democrats and Republicans, asking for people to join in this bill—that says simply that across the entire Federal Government no money for ACORN. My hope is we can pass that bill expeditiously and we can get that into effect.

I would like nothing more than to avoid having to come down here on each and every appropriations bill. Again, I appreciate the offer, but this is an important vote to constituents all across the United States. I think we owe it to them to show how we are going to vote on this issue.

Mrs. FEINSTEIN. Madam President, I wish to signal to all Members that the floor is open. Amendments will be received to this bill. I say to my colleagues, if you have an amendment to the Interior Appropriations bill, please come to the floor.

ORDER OF PROCEDURE

Madam President, I ask unanimous consent that the September 16 order with respect to H.R. 3288 be modified to provide that the Senate resume consideration of the bill at 2:30 p.m., with the remaining provisions still in effect. That is the housing and transportation bill. Further, as in executive session, I ask unanimous consent that at 12:30 p.m. today, the Senate proceed to executive session to consider the nomination of Gerard E. Lynch to be a U.S. Circuit Court judge for the Second Circuit; that there be 2 hours of debate with respect to the nomination, with the time equally divided and controlled by Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the nomination be set aside to recur upon passage of H.R. 3288; that prior to the vote on confirmation of the nomination and the Senate resuming executive session,

there be 2 minutes of debate equally divided and controlled; that upon confirmation, the motion to reconsider the vote be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the vote in relation to the Johanns amendment No. 2394 occur upon disposition of the nomination of Gerard Lynch and that no amendment be in order to the amendment prior to the vote, with 2 minutes of debate equally divided prior to the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have just checked with the manager of the bill, Senator FEINSTEIN, and asked to speak for 5 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. DORGAN. Madam President, the other day when our colleagues were talking about our departed colleague, Senator Ted Kennedy, I was not able to be on the Senate floor, and I did want to say just a few words about my friend Ted Kennedy.

I had the pleasure of serving in this Chamber with him for 16 years. He sat back at that desk in the row behind me, and I had many opportunities to spend time and swap stories and talk about public policy with him. I knew him before I came to the Senate. As a very young man, I worked on his brother Robert Kennedy's campaign for the Presidency, and I met Ted Kennedy then. And, I supported Ted Kennedy in his 1980 Presidential campaign and met him then.

When I came to the Senate, from time to time I was invited to go to Hyannis Port to the Kennedy compound and visited there with Senator Kennedy and his family and went sailing with him. To sail with Senator Ted Kennedy was an extraordinary experience. He was a wonderful sailor.

Many things have been said and written about Ted Kennedy over the years, and especially in recent weeks since his death. I don't need to repeat his many accomplishments here in the Senate; my colleagues have done a great job doing that. Those accomplishments spanned 47 years and would take far too long and too much time to detail, and many have done it, as I said.

I will not repeat his love of all things Irish. Everyone understood that. He was a great Irish storyteller. No prouder Irishman in the world, I daresay, than Ted Kennedy.

I don't need to tell of his many acts of thoughtfulness and kindness, large and small, for the powerful and the powerless. They are well-known already as well and, already, much missed.

Many have talked about his wit and his love of storytelling and a good joke. That, too, was Ted Kennedy. Laughing and making people laugh was part of the hallmark of his character. Often when I think of him I think of a booming laughter that filled the entire room when he was full of joy.

I need not talk about his doggedness or his tireless work ethic or his determination, for they, too, were well-known to all of us who worked with him. Those were the pillars upon which he built success after success, often small, but then building and building, step by step, until it was consequential and often big.

Those were also the pillars on which he built decades of relationships. I think those relationships were the keys to understanding the man with whom we served—Ted Kennedy.

It didn't matter whether you were a Republican or a Democrat or an Independent. It didn't matter if you were a businessman or a janitor, young or old, White or Black, rich or poor, powerful or powerless. Ted Kennedy wanted to work with you to try to reach a compromise and see what could be achieved together. He just never, ever stopped; never gave up.

The great American essayist and author, Ralph Waldo Emerson, once said:

> The characteristic of heroism is in its persistency. All men have wandering impulses, fits and starts of generosity. But when you have chosen your part, abide by it, and do not weakly try to reconcile yourself with the world.

No one I know in this Chamber was more persistent than Ted Kennedy. He chose his part; he abided by it; he didn't try to reconcile his principles to the moment or to the world; and, he fought and fought for what he believed in and what he thought was right. Sometimes it was very controversial, but he was persistent and fought long and hard until the end.

Even when he was sick and tired and worn out he fought on because he loved his country and he knew his colleagues and others loved this country as much as he did. He knew there was always that common ground, love of country, and he knew that people of good faith, regardless of party and regardless of position, could achieve great things for the country they all loved.

When he was done, he had cast more than 15,000 votes, more than 300 laws bear the name of Senator Ted Kennedy, and he cosponsored more than 2,000 others. That doesn't include the thousands of laws he merely influenced. Much of that work was done on the Senate floor. It was his life's work.

If the Senate was his home, this Senate floor surely was his front porch, where he would let everyone know what was on his mind. When Senator Ted Kennedy, at that desk, was on the Senate floor, you may not have agreed with him, you might not have even cared about the subject before he began to speak, but you had to listen, you had to respond, and you had to take sides.

He was called the lion of the Senate by many. When he was on the floor roaring, it was quite a sight and sound to behold, a sound that moved hearts. It moved minds. It moved this very institution and, indeed, the country itself. He could be quietly persuasive, but on the Senate floor his passion literally poured out of him.

It was said long ago of Daniel Webster, another famous Senator from Massachusetts, that he was ''a great cannon loaded to the lips.'' Well, Senator Kennedy was a great cannon loaded to the lips, and this institution will long miss that passion, those words, his spirit, his love of life, and his love of this institution and our country.

There is an old saying that all men die, but not all men live. Well, surely Ted Kennedy lived. Senator Ted Kennedy lives in our hearts and in his good works and in his life's work, and I just wanted today to join my colleagues in saying: Ted, Godspeed, rest in peace, and all Members of this Senate miss you dearly.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I note that no colleagues are on the Senate floor. The floor is open for amendments, and I would like to urge our colleagues on both sides of the aisle, if you have an amendment, please bring it to the floor.

I thank the Chair. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Madam President, we are on another spending bill, one of the spending bills we must address during

this Congress. I compliment Senator FEINSTEIN and Senator ALEXANDER for their work on this very important bill.

I also want to comment on something that was in the news today, stemming from a comment I made yesterday about some spending issues. I will do it very briefly.

This deals with the issue of the economic recovery or the stimulus package. I voted for that. I didn't vote for the TARP funds, $700 billion for the financial bailout last fall. But I did vote for the economic recovery or the stimulus program early this year because I believed it was necessary to give the economy a boost.

Frankly, I think this economy is showing signs of beginning to recover, and that is going to be good for all Americans. There are a lot of important investments being made in this economic recovery program, investments in building and repairing roads and bridges and many other investments in infrastructure around this country that at the end of the day will both put people to work and result in important assets for this country.

Yesterday, I made a point about one particular project that is being funded with stimulus funds, and I want to make sure everyone understands the point I made. Part of some stimulus funds were dedicated to the northern border ports of entry, smaller ports of entry between the United States and Canada. The specifications for these ports of entry were developed in 2002 and 2006, under the previous administration, by the Department of Homeland Security. So when money began to be allowed under the stimulus program to invest in the northern border ports of entry, the specifications created by the previous administration were going to drive how much was spent.

As I looked into it, I realized that these requirements were completely out of balance. The requirements would create a common footprint at small ports of entry and require the expenditure of, on average, $15 million for a small port of entry in circumstances where, on average, only five vehicles an hour were coming through the port of entry. I believed that was excessive.

That was not Secretary Napolitano's call. That was not something she did. That comes from the requirements from that agency that were developed in 2002 and 2006. So I asked Secretary Napolitano to take a look at that, and suspend the projects pending a review, and she immediately said, yesterday, let's review that, let's do a 30-day review.

First of all, I want to say thanks to the Secretary. I think that is exactly the right action. I didn't know these were the set of requirements that were going to drive that kind of funding. But, frankly, waste is waste.

Of the 22 northern border ports of entry that are slated to be demolished and rebuilt, 9 of them are in my State. Much of this money would be spent in my State. But I do not think that much of this spending is justified because I believe those requirements must change.

I agree that we should ensure that small port of entry have adequate security. I will support investment to upgrade those facilities where it is really necessary to do so. But I do not believe it is appropriate, nor do I believe Secretary Napolitano nor my colleagues here in the Congress believe it will be appropriate upon review, to spend $15 million on average at ports of entry where you have five vehicles an hour coming through the port. That is way out of balance. It makes no sense to me.

My comments were portrayed in some press accounts as some sort of criticism of the Congress for passing stimulus legislation aimed at economic recovery. It is not a criticism of that. A lot of that stimulus spending is necessary and is lifting the economy and creating an asset and people in jobs or putting people back to work. I think that makes sense. But it also makes a lot of sense for all of us to very carefully scrutinize how this is done, where it is done, whether it is a good investment, and whether it is fair to the taxpayers.

I will say again, I appreciate the fact that the Secretary is doing this review. I give her credit for doing that. My hope is that at the end of the review, she will conclude, as I do, that we cannot spend money that way. Those requirements that were created in 2002 or 2006 were excessive. You can have adequate security at these small ports that have five vehicles coming through per hour, without spending $15 million to demolish and rebuild each of these facilities. It is simply too much money.

I understand that perhaps some people in my State will be a little upset if they stood to gain from nine of those ports being upgraded. I am all for making investments that are the right kinds of investments, to upgrade ports at the northern border. But I do not believe we ought to waste money, and I think that is what would happen with the requirements that were created in 2002 and 2006.

Let me make one final point. I can understand, perhaps, why someone might be tempted to create extraordinary requirements. In 2002, we were in the shadow of the terrorist attacks of 2001. I understand how that might have made somebody create a set of requirements that now seem to be way out of whack.

The fact is that we need to have a secure Northern border, but we also have to use common sense. If in 2002 and 2006 there were design specifications drawn up that today would cost $15 million per port of entry, at facilities that receive only a few vehicles per day, I say this needs to be carefully reviewed. Let's now review those judgments and make sure that we are truly increasing border security, and that we are not wasting the taxpayers' money.

I wanted to reiterate that my statements yesterday were not a general comment on the Economic Recovery Act. A lot of good, important investments are being made that create jobs and create real assets for this country. But I think all of us should be vigilant and look at situations such as this and where change is necessary, to require and make those changes. In this case, I believe the right kind of change could save a couple of hundred million dollars, and I think that is important. Even if that saving and less spending comes in my State, I believe that is important.

Years and years ago, a Federal courthouse was to be built in my State. I believed the amount of money that was proposed to build it was twice as much as was necessary, and here in Congress I cut the money in half. In the end, they built a perfectly good courthouse for slightly less than half of the funds that had been originally proposed. I think all of us have stewardship requirements to the taxpayer, and that is why I wanted to amplify on what I talked about yesterday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering H.R. 2996, Interior Department appropriations.

Mr. LEAHY. Am I correct that at 12:30 we will go to the nomination of Judge Gerard Lynch to the U.S. Court of Appeals for the Second Circuit?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, prior to going to that, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAROLD HOWRIGAN

Mr. LEAHY. Mr. President, I rise today to remember one of Vermont's greatest citizens, dairy farmer, and American, my good friend, Harold Howrigan.

Harold passed away at the age of 85 at his home in Fairfield, VT, on September 7, 2009. He was surrounded by his loving family, long and extended and wonderful family.

Harold was a family man. This large extended family included his wife of 56 years, Ann, and three sons and two daughters, 12 grandchildren. He had an optimist's outlook on life. He had a knack for storytelling that cast a spell over everyone in his presence.

Many of his stories were about growing up in a family with nine other siblings, reared by William and Margaret

Howrigan on their hillside farm in Vermont. I can think of more than one occasion when Marcelle and I would be there. We would be listening to one of these stories, and I knew that we might be late for the next thing, but I didn't want it to end. I wanted to hear what else he had to say.

Harold was a man who seemed to accomplish more each year than most of us do in a lifetime. He built his Fairfield, VT farm to over 1,000 acres, including the land that had been worked by his family since the mid 1800s.

It is now tended by the next generation of Howrigans. I remember him as a dynamic man, as genuinely comfortable in his public duties as he was in the dairy parlor or out splitting wood. In addition to running the farm and tending to the family he loved so much, he accepted leadership roles in dozens of civic and agricultural organizations from local to national in scope. He moderated the Fairfield town meeting right up to this year. The town meeting is a sacred institution in Vermont. A town wants to make sure they have the very best and the fairest and the most knowledgeable to be their moderator. It also helps when you have somebody with an Irish sense of humor. This is a position of distinction in any Vermont town.

He was director of the St. Alban's Cooperative Creamery for 25 years and president for another 20. He was appointed by three Governors, both parties, to the Vermont Milk Commission. He was also a local and national leader among maple sugar makers. He served on University of Vermont advisory boards and on county commissions. All the while he tended the fire in the Fairfield sugar house each year and he got the cows milked each day and sang for 60 years on the choir at church. The church, of course, is named, as you would expect in a town full of Irish immigrants and descendants, St. Patrick's.

Nationally, he was a director of the National Milk Producers Federation for 20 years and chairman of the National Dairy Board. In addition to his work on dairy, he was a local and national leader for the maple industry, a prolific sugar maker. I know Marcelle and I and our children, when we were having something at the farm that called for maple syrup—and in our family, that is just about anything from English muffins to pancakes—everybody's eyes would light up if we knew it was Howrigan syrup.

Notwithstanding his prodigious service to his community, his profession and his country, his greatest impact was probably felt through his personal relationships with his family and what he considered, I think, all of Vermont, his extended family. As a friend, he was a trusted adviser on agricultural issues over several decades. I know Senator Jeffords also valued his friendship and advice and Governors consulted him regularly. But as dad and grandpa to a large, active family, he cultivated two new generations of Vermont dairy farmers and maple sugar makers.

We could talk about all the different things he did, but it still does not give a picture of the man. He was known for a deep and spirited Irish pride, a sentiment I obviously share. I find myself comparing that other great Irish American and dear friend, Teddy Kennedy, whose recent loss I also mourn. But I also treasure the trip my wife Marcelle and I took with Harold to Ireland. There he felt he was truly in the Promised Land. We would walk about the streets of Dublin or small towns nearby. He was so proud of his family's Irish heritage, he never stopped smiling throughout his visit.

The day of his funeral, last week, Marcelle wore an Irish pin we purchased with him in Ireland. I, of course, wore a green tie in his honor. I watched his grandsons wearing some of the Irish ties Harold had owned. I listened to his son and daughter and grandchildren talk about him, capturing him in his stories and his nature. I think about the very last conversation I had with him just weeks before he died. In all these things, he never asked for anything for himself. He always asked me to watch out for other people. He led by quiet example and hard work and kindness and love.

I, along with the State of Vermont and many across the United States and across the Atlantic, will miss Harold. He was a dear friend, truly a great American. Similar to all Vermonters, I express my sympathy to his family and I say: Goodbye, Harold, my dear friend.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF GERARD E. LYNCH TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate, equally divided, between the Senator from Vermont and the Senator from Alabama or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate finally considers the nomination of Gerard Lynch to the Second Circuit. I take particular interest in this because my own State of Vermont is part of the Second Circuit. I am a member of that bar, and I have argued cases before that court.

This is a nomination reported out of the Judiciary Committee over 3 months ago, on June 11 unanimously by voice vote. There were no dissents. When that occurred and the ranking Republican member said such glowing things about Judge Lynch, I assumed his nomination was going to be confirmed right away as we did with President Bush's nominations in similar situations. Now it is nearly 3 months later. In almost unprecedented fashion, someone who has had the strong support of both the chairman and ranking Republican of the committee is still on the Executive Calendar.

Judge Lynch has served as a highly respected Federal judge from New York for almost a decade. He has impeccable legal credentials. His nomination received the highest possible rating from the ABA's standing committee on the Federal judiciary, unanimously voted ''well qualified.''

The Senate can and must do a better job of restoring our tradition, a tradition followed with Republican Presidents and Democratic Presidents, of regularly considering qualified, noncontroversial nominees to fill vacancies on the Federal bench without needless and harmful delays. We should not have to overcome filibusters and spend months seeking time agreements to consider these nominations. The American public wonders what is going on here.

It is imperative that we move to fill the growing number of vacancies throughout the Federal courts. These vacancies have already risen to over 90, including 21 on the circuit courts. I have been here with six Presidents. I cannot remember a time we have been this late in the year and, even though nominations have been made, nobody has been confirmed, all because of holds by the Republicans. Do they object so much to having President Obama as President that they will hold up well-qualified judges? These are supposed to be nonpartisan, outside the political area.

This alarming spike in vacancies is only further fueled by delays and inaction. In addition, 26 future vacancies have been announced. At this rate, as I said at the judicial conference this week with the Chief Justice and leaders of the Federal judiciary, the Federal judicial vacancies will soon be close to 120 unless we start acting on these nominations in a responsible and fair manner. These nominations should not be something where Republicans or Democrats might score political points. Our inaction on these nominations hurts the average American. They do not care about the politics. They want Federal courts that are going to work. They do not want cases delayed because we have vacancies in