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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1750

So the resolution was agreed to.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. KOSMAS) at 9 p.m.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
 HOUSE OF REPRESENTATIVES,
 Washington, DC, June 23, 2009.

Hon. NANCY PELOSI,
*Speaker of the House, House of Representatives,
 U.S. Capitol, Washington, DC.*

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the House Permanent Select Committee on Intelligence, effective today.

Sincerely,

JOHN KLINE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. KING, New York

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group:

Mr. OBERSTAR, Minnesota, Chairman
 Mr. MEEKS, New York, Vice Chairman
 Ms. SLAUGHTER, New York
 Mr. STUPAK, Michigan
 Ms. KILPATRICK, Michigan
 Mr. HODES, New Hampshire
 Mr. WELCH, Vermont

Mr. MANZULLO, Illinois
 Mr. STEARNS, Florida
 Mr. BROWN, South Carolina
 Mrs. MILLER, Michigan

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. CHANDLER, Kentucky, Chairman
 Mr. SIRES, New Jersey, Vice Chairman
 Mr. CLYBURN, South Carolina
 Mr. ETHERIDGE, North Carolina
 Mrs. DAVIS, California
 Mr. BISHOP, New York
 Mr. MILLER, North Carolina
 Mr. PETRI, Wisconsin
 Mr. BOOZMAN, Arkansas
 Mr. CRENSHAW, Florida
 Mr. ADERHOLT, Alabama
 Mr. LATTA, Ohio

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2996, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2996.

□ 2105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the 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, with Mr. CONNOLLY of Virginia in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. DICKS) and the gentleman from Idaho (Mr. SIMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

It is my privilege and pleasure to present the fiscal year 2010 Interior, Environment and Related Agencies Appropriations bill to you today. This very fine bill is the product of many hours of hearings and briefings, always with bipartisan input and excellent participation. I am particularly pleased to present the bill with my friend, MIKE SIMPSON.

The bill before us provides historic increases for the environment, natural resources, and Native American programs, especially Indian health. It also includes significant allocations to protect our public lands, invest in science, and support important cultural agencies.

At a total of \$32.3 billion, this bill is an increase of 17 percent above last year. Chairman OBEY recognizes that the programs funded through this bill have been chronically underfunded and provided the allocation necessary to reverse that trend.

From 2001 through 2009, when adjusted for inflation, the budget request for the Interior Department went down by 16 percent, the EPA went down by 29 percent, and the nonfire Forest Service accounts went down by 35 percent. This bill invests taxpayers' dollars in our natural resources, and for this investment all Americans will see great returns.

Some will argue that we are spending too much in this bill, but let's look at the facts. The largest increase by far is for drinking water and wastewater infrastructure. The demand for assistance to repair, rehabilitate, or build new infrastructure is immense. This subcommittee received 1,200 requests for such assistance from both sides of the aisle.

Every one of us wants clean and safe drinking water for our constituents. This increase is long overdue. In fact, the first administrator, Christine Todd Whitman, under President Bush in 2002 did a study that showed that there was a \$668 billion backlog for these kinds of programs. This kind of infrastructure is desperately needed. That's why we added money here and added money in the stimulus package.

Yes, this bill includes a \$4.7 billion increase above the 2009 level, but let me remind my colleagues that the programs in this bill will return more than \$14.5 billion to the Treasury next year. That's revenue. The Department of the Interior alone is estimated to return more than \$13 billion to the Treasury through oil, gas and coal revenues, grazing, timber, recreation fees, and the revenues from the sale of the duck stamps.

I should also note that the EPA's Leaking Underground Storage Tank program, financed by a 0.1 percent tax per gallon of gas sold, has a balance of more than \$3 billion that offsets the deficit. Clearly, the programs in this bill go a long way towards paying for themselves.

But let me be clear. This bill is not all increases. We had to make difficult choices. Through hearings and briefings, we carefully reviewed the proposed budget and have recommended a number of reductions and terminations. Some of these were the result of recommendations made by the GAO and the Inspector General. In total, we recommend program reductions or terminations of over \$320 million from the 2009 levels and \$300 million from the budget request.

The bill before us today provides historic increases and focused funding to protect the environment. Clean water and drinking water infrastructure received \$3.9 billion, enough to provide assistance to more than 1,500 communities.

We included authority for subsidized assistance to those cities and towns which cannot afford conventional loans. These funds would provide drinking water that meets public health standards and clean water to restore important ecosystems. The bill invests \$667 million to restore major American lakes, estuaries, and bays. It fully funds the President's request of \$475 million for the Great Lakes Restoration Initiative and makes significant investments to protect other great American water bodies such as Puget Sound, Long Island Sound, the Gulf of Mexico, and the Chesapeake Bay.

To address global climate change, this bill provides \$420 million for climate change adaptation and scientific study. This includes \$178 million for research, planning and conservation efforts within the Department of the Interior and \$195 million for EPA science, technology development and regulatory programs, including grants to local communities to cut greenhouse gas emissions. I am especially proud that the bill includes \$15 million for the National Global Warming and Wildlife Science Center at the U.S. Geological Survey.

The bill also addresses our Nation's commitment to Native Americans with increases for health care, law enforcement, and education in Indian country. This bill provides a total of \$6.8 billion for Indian programs, an increase of \$654 million above the 2009 level.

We recommend an historic increase of \$471 million above 2009 for the Indian Health Service to improve the quality and availability of critical health care services. It also includes \$182 million above 2009 for the Bureau of Indian Affairs to support justice, law enforcement, education, and social services in Native American communities.

We recommend a major investment in Forest Service and Department of the Interior programs that fight and reduce wildfires. The bill has an unprecedented total of \$3.66 billion for all of the fire accounts. We have increased overall wildfire suppression funding by 39 percent over 2009, including \$357 million for the new wildfire suppression contingency reserve accounts.

In response to testimony received at a number of hearings, we also recommend a \$611 million investment in hazardous fuels reduction. It is clear that focused fuels reduction is important if we hope to reduce the number and severity of wildfires in the future and protect communities and watersheds.

The bill provides a \$198 million increase above 2009 for the National Park Service to invest in the iconic lands and infrastructure that comprise our national heritage. I am also particularly proud of our efforts to improve the National Wildlife Refuge System. We have provided \$503 million, a \$40 million increase over 2009, for the refuge system to reduce critical staffing shortages, implement climate change strategies, and improve conservation efforts.

The bill also supports land management, State assistance, and science programs at the Forest Service by increasing nonfire programs by \$160 million above 2009. The bill provides \$100 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads. This is a key part of our effort to protect the national forests and grasslands.

And finally, we have provided an increase of \$86 million above the 2009 level for the cultural agencies supported by this bill. We recommend \$170 million for both the National Endowment for the Arts and the National Endowment for the Humanities. The endowments are vital for preserving and encouraging America's creative and cultural heritage.

□ 2115

The bill also supports the Smithsonian Institution, the world's largest museum complex, with an increase of \$43 million above 2009.

I'm especially proud of the way we produced this bill. Mr. SIMPSON has been an outstanding ranking member whose thoughtful contributions over the course of 20 hearings has helped us to make this a better bill. During those hearings, we heard from 37 government witnesses and 99 members of the public. We received written testimony from an additional 94 witnesses. I was most impressed with the minority's attendance at those hearings. This bill is the product of a bipartisan effort, and I truly believe it is a better bill because of that.

I want to take a moment to thank our staff who have worked long hours without weekend breaks to help prepare this bill. Delia Scott, our clerk; Chris Topik, Greg Knadle, Beth Houser, Juliette Falkner, Melissa Squire, and Greg Scott on the majority staff have worked in a bipartisan manner with David LesStrang and Darren Benjamin on the minority staff.

In addition, Pete Modaff and Ryan Shauers on my staff, and Malissah Small and Megan Milam from Mr. SIMPSON's staff have worked hard and

have been a great help to the subcommittee staff.

In closing, I want to remind members that although the increases I have outlined are substantial, their impacts will be even greater. Our subcommittee funds programs that span a broad spectrum of issues, from our cultural and historic heritage to the water we drink and the land we walk on. Our agencies fight fires, protect great water bodies, and tend to the needs of the first Americans.

These programs are vital to every American. They will improve the environment for everyone. And they work to fulfill our Nation's trust responsibilities.

I'm proud of this bill and ask that you support it.

I reserve the balance of my time.

Mr. SIMPSON. I yield myself such time as I may consume.

Madam Chairwoman, let me begin my remarks by expressing thanks to Chairman DICKS for the reasonable and evenhanded manner in which he's conducted the business of the Interior Subcommittee this year. While we may disagree about the needed 17 percent increase in our subcommittee allocation, our work together has been a bipartisan, collaborative effort. We are certainly not going to agree on every issue, but even when we disagree, Chairman DICKS and I continue to work well together, and I thank him for that.

I'd also like to commend the chairman for the extraordinary oversight activity of our subcommittee this year. As he mentioned, oversight is one of the committee's most important functions, and we have upheld that responsibility by holding 20 subcommittee hearings since the beginning of the year involving over 100 witnesses. I don't know many other subcommittees that can match that record.

I also want to applaud the chairman's decision to provide full pay and fixed costs for each of the agencies under this subcommittee's jurisdiction.

We're both concerned by the fact the President's budget submission for the U.S. Forest Service covered only 60 percent of the pay and fixed costs, while the budget request for the Department of Interior included 100 percent of pay and fixed costs. To date, the committee has received no explanation or justification from the administration for this discrepancy.

I'm also pleased by the needed attention this legislation provides our Native American brothers and sisters. There are many unmet needs within Indian country—in education, health care, law enforcement, drug abuse prevention, and other areas—and this bill does a great deal to address these issues.

Chairman DICKS and I agree on many things, including our obligation to be good stewards of our environment and public lands for future generations. However, we part when it comes to the need for an allocation as generous as

the one Chairman OBEY has provided in this bill.

The 302(b) allocation for this bill is \$32.3 billion, a \$4.7 billion, or 17 percent, increase over last year's enacted level. This increase comes on the heels of historic increases in this subcommittee's spending in recent years.

Interior and the Environment spending between 2007 and 2009—including base bills, emergency supplementals, and the American Recovery and Reinvestment Act—has increased by 41 percent—and that's before this year's 17 percent increase.

Chairman OBEY is fond of saying, Show me a smaller problem and I'll show you a smaller solution. While I may not be able to show him a smaller problem, I can show him a historically bigger problem where the "solution" of more and more deficit spending has not worked—including the Great Depression of the 1930s and Japan in the 1990s.

But it isn't just the spending that concerns me. This legislation is funding large increases in programs without having clearly defined goals or sufficient processes in place to measure the return on our investment. We are making rapid investments in water, climate change, renewable energy, and other areas—all of them worthy endeavors—but with relatively little planning and coordination across multiple agencies and the rest of government.

Our country has some serious environmental challenges that need to be addressed. And this bill has an overly generous allocation to meet many of those needs. But, with all due respect to Chairman OBEY, too often we believe that our commitment to an issue is measured by the amount of money we spend rather than how we're spending that money. History has shown us that bigger budgets do not necessarily produce better results.

The climate change issue is an illustration of this point. "Climate change" is today what the term "homeland security" was in the days and months following the terrorist attacks of September 11th. Anyone who came into our offices, any of our offices, to discuss an issue, spoke of it in the context of "homeland security." The argument was, We have to do X, Y, or Z, for our homeland security depends upon it.

Well, today many of our priorities are related to climate change. I agree with Chairman DICKS this is an issue we need to study carefully and know more about. It's affecting the intensity of our fires and even the duration of our fire season.

But what have we learned from the money this subcommittee and other committees have already provided? Are we spending \$420 million on climate change next year to learn something new or relearn what we already know?

I'm also concerned that many climate change functions within this bill won't be coordinated with similar efforts undertaken by other Federal agencies, resulting in a duplicating of

effort. We ought to require coordination across the entire Federal Government on an issue as important as this, and one on which we are spending as much money government-wide as we are.

It's for this reason that the minority offered an amendment—adopted during the full committee consideration—requiring the President to report to Congress 120 days after submission of the 2011 budget request on all obligations and expenditures across government on climate change programs and activities for FY 2008, 2009, and 2010. It's not because we're opposed to climate change programs, but because they need to be coordinated government-wide.

Given the uncertain economic times our country is facing, I'm also troubled by the unsustainable pattern of spending in this legislation. This subcommittee and Congress ought to be as concerned about the impact of too much spending as we are about the potential impact of climate change and other issues.

Chairman DICKS has spoken on many occasions about what he describes as "the dark days" and "the misguided policies and priorities of the previous administration." Still, for any perceived or real inadequacies of past policies or budgets, it would be a mistake for any of us to believe we can spend our way to a solution to every challenge we face.

The Federal Reserve Chairman, Ben Bernanke, recently told Congress that it's time for the Obama administration to develop a strategy to address record deficits or risk long-term damage to our economy. He said, "Unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor healthy economic growth."

A good bill is a balanced bill. But providing a disproportionate level of funding to one agency creates an imbalance that undermines the legitimate needs of other deserving agencies. That is why I question a \$10.6 billion budget for the EPA—a 38 percent increase from last year. This is on top of the \$7.2 billion the agency received in the stimulus package and the \$7.6 billion it received in the enacted 2009 Interior bill.

Taken together, the EPA will receive over \$25 billion this calendar year alone. That's about the size of this subcommittee's entire budget just 2 years ago.

While the EPA will receive an extraordinary, historic funding increase, it's worth noting the U.S. Forest Service was recently rated as one of the worst places to work in the Federal Government by a study conducted by the Office of Personnel Management. It isn't clear why Forest Service employees feel as they do, but it may be linked to the incredible funding challenges the Service has faced in recent years due to the growing cost of fire suppressions.

From our hearings, we know that almost 50 percent of the Forest Service

budget is now consumed by the cost fighting wildfires. In past years, the Forest Service has had to borrow hundreds of millions of dollars from other accounts just to pay for fire suppression. Without any question, this creates uncertainty among Forest Service employees.

President Obama is to be commended for tackling the issue of budgeting for fire suppression by proposing a fully funded fire suppression budget as well as a contingency reserve fund. And I commend Chairman DICKS for providing the Forest Service with resources to address many fire-related needs.

Still, based upon recent fire patterns and the monumental increase in demand for fire suppression dollars, I feel strongly that the wildfire contingency reserve fund should be funded at the President's request level of \$357 million. This reserve fund is similar to the emergency fund source contained in the FLAME Act, which passed the House in March on an overwhelming 412-3 vote.

That is why the minority offered an amendment—adopted during full committee consideration—which increased the fire contingency reserve fund from \$250 million in the chairman's mark to the President's requested level of \$357 million. If virtually every other item in this legislation is funded at or above the President's request level, there should be no justifiable reason to exclude fire suppression. And I want to thank the chairman for accepting that amendment in the full committee.

We paid for this increase by rescinding \$107 million from the EPA's prior year balances. According to the May, 2009 report issued by the EPA's Inspector General's office, the EPA presently has \$163 million on the books that have been sitting there unspent since 1999. The EPA does some good work, but if those dollars haven't been spent in 10 years, we ought to put them to good use fighting fires.

While Chairman DICKS has done a good job addressing many critical issues in this bill, I don't believe that a \$4.7 billion, or 17 percent, increase over the FY 2009 enacted level is justified or warranted. This unprecedented increase follows a \$3.2 billion, or 13 percent, increase between FY 2008 and FY 2009 spending bills, as well as an \$11 billion infusion from the American Recovery and Reinvestment Act. Frankly, we just can't afford this.

In closing, I would again like to thank Chairman DICKS for the evenhandedness that he has shown in working with us. We work well together, and I think this bill shows that.

In closing, I'd like to thank both majority and minority staff for their long hours and fine work in producing this legislation. On the majority side, this includes Delia Scott, Chris Topik, Julie Falkner, Greg Knadle, Beth Houser, Melissa Squire, Ryan Shauers, and Pete Modaff.

On the minority side, let me thank my staff—Missy Small, Megan Milam,

Kaylyn Bessey, and Lindsay Slater, as well as the committee staffers, Darren Benjamin and David LesStrang. If the Members of this House worked as well together as the majority and minority staffers do, we'd get a lot more done in this place.

I reserve the balance of my time.

Mr. DICKS. I'd like to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT) for the purpose of a colloquy.

Mr. TIAHRT. I thank the chairman of the committee, Chairman DICKS, for the opportunity to discuss this important issue. After serving with Chairman DICKS as ranking member of this subcommittee during the 110th Congress, I know how hard he has worked to make sure that communities have access to EPA grants to help with their State and tribal assistance grants and clean water needs.

It has come to my attention that the fiscal year 2009 Appropriations Act contained money for the city of Manhattan and Riley County for the Konza sewer line. However, with the delay in getting the money, the city had to go ahead with construction of the sewer line and now needs to use the money for a water line. EPA is supportive of the correction.

I will include in the RECORD a letter from the EPA Region 7 office expressing their support for the correction.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
Kansas City, June 25, 2009.

Re Technical Correction to STAG Earmark Grant Authorization for Riley Co, Kansas.

HON. TODD TIAHRT,
Rayburn House Office Building,
Washington DC.

DEAR REPRESENTATIVE TIAHRT: Representative Boyda requested funding for Riley Co. for the Konza sewer main extension in a letter to the Chairmen Obey dated March 14, 2008. By the time that grant was authorized, the sewer project was nearly completed.

EPA does not normally approve construction completed before a grant is awarded because the procurement action would not comply with EPA grant regulations. If the grantee has additional water or wastewater construction pending, we prefer to direct the grant funds to a pending project. We discussed this with the County and suggested that they contact Representative Jenkins office to request a technical correction so that the grant could be used to fund the construction of the Konza waterline extension project. Since the County and the City of Manhattan are sharing costs on the project, and since Manhattan has agreed to do the contracting for the water line, I also suggested that the grant name be changed from Riley Co. to the City of Manhattan so that EPA could award the grant funds directly to Manhattan.

Although these changes are a Congressional decision, EPA does support using the funds for the waterline project, so that an area adjacent to Manhattan which currently has an inadequate source of drinking water, can receive high quality drinking water from Manhattan to help protect the public health of those living in the Konza area.

Please do not hesitate to contact me at (913) 551-7417 or gibbins.don@epa.gov if you

have any questions or need additional information.

Sincerely,

DONALD E. GIBBINS,
EPA Grant Project Officer, Wastewater &
Infrastructure Management Branch, Water,
Wetlands & Pesticides Division.

Mr. DICKS. Will the gentleman yield?

Mr. TIAHRT. I would be glad to yield.

Mr. DICKS. It is my understanding the community went forward with the necessary work in light of the Federal delay and now would like to use the money for a waterline. Is that correct?

Mr. TIAHRT. It is correct. My fellow Kansan, the distinguished Member of the 2nd District of Congress, Ms. Lynn Jenkins, has worked hard on this issue. It is a critical need of her constituents. The region is experiencing high growth due to the ongoing troop buildup at Fort Riley with the return of the Big Red One.

The City of Manhattan, Kansas, and Riley County are cooperating to provide municipal-level services along the K-177 corridor near Fort Riley. Strong interest has been expressed in the area by the development community, and there have been limitations on future growth on Manhattan's west side.

The 2003 update of the Manhattan Urban Area Comprehensive Plan, which was a joint planning initiative with the city and the county, specifically identifies the K-177 gateway area as a potential urban growth corridor if municipal level services are provided. That's why the city could not wait on the sewer line project. It is already underway and being managed by the county.

The city will be responsible for the design, bidding, and overseeing of the water project. The cost of both the water and sewer projects will be shared by the Federal Government, the city of Manhattan, and Riley County.

Clearly, it was congressional intent that Manhattan's needs be funded. I understand the committee is not making technical corrections on EPA projects in this bill and is working out a new policy to do so in the future.

□ 2130

I hope that the chairman will take into consideration Manhattan's need and as the process moves forward work with Ms. JENKINS and myself to correct the issue. The delegation has been working with the EPA regional office in Kansas City, but in order to proceed the project description in Public Law 111-8 should read, "The city of Manhattan for water line extension project."

I thank the chairman for his consideration on this important issue.

Mr. DICKS. I understand my colleague's problem. We're going to work with him and try to work this out with the other body. But I realize how serious this is, and we'll work with him until we get a satisfactory solution.

Mr. TIAHRT. I thank the chairman.

Mr. DICKS. Madam Chair, if I could be recognized again, I want to yield 2 minutes to Congressman GERALD E. CONNOLLY of Virginia for the purposes of a colloquy.

Mr. CONNOLLY of Virginia. I thank my distinguished friend, the chairman of the subcommittee.

Heritage programs have proven to be effective vehicles for increasing tourism and conservation. Many citizens have worked with their Members of Congress to designate new heritage areas. Thanks largely to the work of my colleague Frank Wolf, one of these new areas is the Journey Through Hallowed Ground National Heritage Area. I appreciate the chairman including funding for this and other new heritage areas in this markup as well as that of the ranking member, Mr. SIMPSON, and I ask if he foresees an opportunity to revisit that financial support in appropriations cycles.

I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman from Virginia for acknowledging this important program. Would the gentleman agree that a critical component to freeing up additional dollars for the partnership program would be to have our existing heritage areas move towards self-sufficiency?

Mr. CONNOLLY of Virginia. Yes, I agree with the distinguished chairman. In order to maintain and expand upon the existing program, we must ensure that existing heritage areas establish independent funding resources as originally envisioned. My district is the prime example of the importance of Federal funding. The historic village of Buckland is home to a Native American step mound, the home of a Jefferson-era northern Virginia Congressman, homes of an antebellum freeman community, and a Civil War battleground. It is one of the best preserved examples of a village planned on the traditional British axial layout. Many of the local residents have worked together to acquire and protect the historic structures and landscapes in Buckland. However, they cannot do it alone with development pressure in the National Capital Region threatening to degrade this fully intact historic site. This is a prime example of where additional funding could be used to augment substantial private funds to preserve an entire village in this case and surrounding landscape representing American history from the Native Americans to the Civil War and beyond. Madam Chairman, I thank the chairman for his interest and commitment to the heritage partner programs and look forward to working with him in the future.

Mr. DICKS. Madam Chairman, I look forward to working with the gentleman from Virginia on this very important issue.

Mr. SIMPSON. Madam Chairwoman, I would yield 2 minutes to my good friend from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

I must begin by expressing two reservations about the legislation in front of us. The first is the manner in which it arrived at the floor. Like my col-

leagues on my side, we're used to and treasure the idea that appropriations bills should come to this floor under an open rule so every Member can come forward and offer good suggestions, and the product can be improved. We didn't do that in this case, and I think that's regrettable. The bill would have been better; and frankly, I think the process a little less rancorous.

Second, I want to express my sentiments in agreement with Mr. SIMPSON about the spending levels here. There's a lot of good projects in this bill. But whether or not we can sustain them over the long term I think is a very legitimate question that we're going to have to wrestle with again and again in bill after bill.

Having said that, Madam Chairwoman, I'd like to balance my comments with three very positive observations about this product. The first is the process under which we arrived at a bill. I have to echo Mr. SIMPSON's appreciation for Chairman DICKS' wonderful cooperation and open process. Certainly the chairman and the ranking member worked together well. They included all of this, and I'm very grateful for that.

Second, I agree with the chairman and the ranking member's emphasis on the importance of water projects. I too represent many small communities that struggle to have sufficient revenue to actually build the water systems they need. That's an appropriate focus, and I am grateful for that. And finally, Madam Chairwoman, all too often in this body the First Americans have been the last Americans. That's certainly not the case in this bill. The chairman, in particular, deserves extraordinary credit for the effort and resources he's put behind Native American concerns in health care, law enforcement and education. I am personally very grateful for it. It's one of the best efforts we've seen certainly in over a decade.

In conclusion, Madam Chairwoman, I hope we can do a little bit better going forward in working on the spending and the prioritization. But I appreciate the process, and I'm confident we can improve this bill as we work it through.

Mr. DICKS. I would like to yield myself 2 minutes for the purpose of having a colloquy with the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Thank you, Mr. Chairman.

I am here today to seek the chairman's assistance with an important matter involving the Choctaw Nation of Oklahoma, a matter with which he has been most helpful and understanding. I am also proud my friend Mr. COLE from Oklahoma, who is a Chickasaw, a great friend of the Choctaw people, is here and helping me as well.

The issue is the effect of the moratorium on school participation in the BIA academic funding system and its effect of preventing the Choctaw Na-

tion of Oklahoma from carrying out its plan to operate a first through sixth grade school program. The original moratorium was to be temporary to afford the BIA a chance to control its construction policy; yet it, in fact, precluded the Choctaws from reconstituting their program, which was unilaterally cut by the termination policy of the 1950s, in spite of the fact that the tribe built a new school and, thus, saved the government considerable expense.

I appreciate your pledge to work with me and the Choctaw Nation of Oklahoma to address this problem. And I deeply appreciate the committee including language in your report accompanying H.R. 2996, now under consideration, directing the Bureau of Indian Affairs "to study and report to the committee within 180 days after the enactment of this Act on the impacts of allowing reinstatement of termination-era academic programs or schools that were removed from the Bureau School System between 1951 and 1972." This includes the reestablishment of Jones Academy of Oklahoma as part of the Bureau School System.

Mr. Chairman, the Choctaw Nation has paid all construction and maintenance costs, and Jones Academy has received extensive positive recognition from multiple sources, yet the tribe is prohibited from operating Jones as a Federal grant school or for reestablishing their preexisting program. I would like to submit for the RECORD a prescription of the current Jones Academy program.

It is to meet this concern that I ask for a clarification, Mr. Chairman. Is it the chairman's understanding that the study and report should be done in consultation with the tribes involved, as required by Public Law 95-561, and that the costs to be provided are to be those associated with the current tribal programs and practices and the current state of the school programs involved as opposed to the rural farm-based boarding programs of the 1950s?

Mr. DICKS. Reclaiming my time, it is our understanding that the Member's statement of our intent is correct.

Mr. BOREN. If I may ask one more question, is it the committee's intention at this time, absent a timely report by BIA directly responsive to the committee report language, to work to include Jones Academy as part of the Bureau School System?

The Acting CHAIR (Ms. EDWARDS of Maryland). The time of the gentleman has expired.

Mr. DICKS. I yield myself 1 additional minute.

The gentleman from Oklahoma has contacted me, and I have assured him, Chief Pyle and the Choctaw Nation of Oklahoma that the ranking member and I share with the entire subcommittee his desire to support these efforts to provide quality educational opportunities for the students from many tribes nationwide who attend

Jones Academy. I will work towards inclusion of the Jones Academy, should the BIA be untimely or unresponsive to the committee's directive. But I doubt that they will be.

Mr. BOREN. Thank you, Mr. Chairman.

JONES ACADEMY INTRODUCTION

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The boarding school is located in southeast Oklahoma and houses co-ed students grades 1 through 12. Established in 1891, the facility is under the auspices of the Choctaw Nation of Oklahoma. The campus sits on 540 acres five miles east of Hartshorne, OK on Highway 270.

STUDENT POPULATION

150 to 190 students attend Jones Academy—50 to 60 elementary students (1st–6th)—100 to 130 junior high & high school students (7th–12th)

25 to 30 tribes are represented at Jones Academy

10 to 15 states are represented at Jones Academy

ACADEMICS

August 2005, grades 1st–6th began being taught at Jones Academy—School years 2005–06 & 2006–07: Jones Academy achieved a perfect API (Academic Performance Index) on state achievement tests

August 2008, Choctaw Nation opened \$10.2 million elementary school at Jones Academy Jones Academy has an alternative school for students (7th–12th), that are behind in their credits (self-paced curriculum)

Approximately 120 students (7th–12th) attend the Hartshorne Public school System

Tutoring is offered five nights a week for all students

Several academic software programs are utilized to enhance student academic achievement

Rewards for academic achievement provided by Jones Academy and the Choctaw Nation STAR program plus the Jones Academy Scholarship for former students enrolled in postsecondary institutions of higher learning and/or training

Vocational Training through the Kiamichi Technology Center

Choctaw Language is offered

MEDICAL

Health Screenings—including physicals and dental services for all students—provided by the Choctaw Nation Health Services and follow-up appointments as needed

All students receive eye checks with follow-up and glasses purchased as needed

Nutritional Classes/Activities including a school health fair sponsored by the Choctaw Nation

Students are provided with a school nurse in the evenings—offered through CNHS, as well as access to the health clinic in McAlester and Talihina Hospital

COUNSELING

Counseling Services—two licensed professional counselors, four part-time mental health professionals with masters degrees, one certified drug and alcohol, an academic/guidance counselor and a school-based social worker

ACT prep courses for college bound students as well as visits to post-secondary institutions of higher learning and/or training Oaks peer/group intervention provided at the alternative school

Prevention and dorm meetings are held weekly

RECREATION/ACTIVITIES

Students participate in athletics at Jones Academy and at the Hartshorne Public

School (baseball, softball, football, volleyball, basketball, cheerleading, weightlifting, etc.)

Horseback riding, archery, ROPES course, paint ball, over-night camping, social and cultural dances, movies, swimming and fishing

Outings to museums, area lakes, parks and zoo, sporting and cultural events

Six Flags Over Texas and Frontier City trips

Raising & showing swine projects
Summer youth work program

ENRICHMENT PROGRAM

Journalism class which produces a newsletter for parent/guardians/supporters

Guitar & piano lessons

Horseback riding

Archery activities

Ceramics, arts & crafts, pottery and art lessons

Social skills training

Community service projects

OTHER SERVICES

Student senior high school graduation expenses paid for by Jones Academy (sr. pictures, announcements, sr. jacket, class ring)

Family day at Jones Academy

Purchase hygiene products as well as clothing for students as needed

Provide three meals and snacks each day

Provide safe secure environment for students and staff

Provide transportation home to and from Jones Academy

Provide adult supervision for students 24/7

Assist student in getting driver's license

Motivational speakers (including Miss OK/Miss America)

LOCATION AND HISTORY

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The facility is located in southeast Oklahoma and houses about 190 co-ed students grades 1 through 12. Established in 1891 by the Choctaw Nation of Oklahoma, the campus sits on 540 acres of rolling pasture 5 miles east of Hartshorne, OK on Highway 270. Named after Wilson N. Jones, Principal Chief of the Choctaws from 1890 to 1894, the school has served generations of Native American children while under the oversight of the Choctaw Nation or the Bureau of Indian Affairs.

STUDENT BODY

Initially, the facility was an all boys school. In 1955, Wheelock, a non-reservation school for Indian girls, was closed; approximately 55 female students then were transferred to Jones Academy. In April of 1985, the Choctaw Nation contracted the boarding school operation from the Bureau of Indian Affairs. In 1988, Jones Academy became a tribally controlled school.

Our students represent a cross-section much like most other areas of the country. Jones Academy's maximum enrollment is 190. In the past, the school has enrolled students from 29 different tribes. Students come from parts of Oklahoma, Texas, Mississippi, New Mexico, Nevada, South Dakota, and several other states. Each student is a member of a federally recognized Indian tribe.

FACILITIES/PHYSICAL RESOURCES

The physical layout of the campus includes two dormitory buildings, each divided into elementary and secondary wings. There is a cafeteria, an after-school tutorial building, and a counseling center. A gym houses two classrooms for 20 alternative school students, a basketball court, and a weight room. The campus grounds also include a museum, an administration building, and a library/learning center with an underground storm shelter. The boys' dorm and the cafeteria

were completely renovated in 2000. The girls' dorm was built in 1994 and is a modern, bright, home away from home. All four dorms have communal living rooms with areas for entertainment.

ACADEMIC PROGRAM

The long-range goals of our academic program are to develop capable students who can read and write proficiently and perform math functions necessary in life. We believe that building a strong foundation for our children will lead to success.

Our students attend the Hartshorne Public Schools. They are fully supported in their academic endeavors as well as extra-curricular activities. Grades are monitored weekly to insure that the student is performing to the best of his/her ability and receiving proper instruction. Tutorial services are offered to students in all grades. Students receive incentives for academic achievements. High school students are provided career counseling for postsecondary education such as college or vocational training.

Jones Academy houses an alternative school for students whose needs have not been met in the traditional classroom or who are behind in grade level. The limited class size and self-paced curriculum allow the teachers to give the students individualized academic attention.

The Choctaw Nation has begun the process of operating its own school at Jones Academy. Grades first through sixth are presently held on our campus. Construction of the new elementary school began in 2006.

CULTURAL/RECREATIONAL ACTIVITIES

A goal of Jones Academy is to involve all students in cultural, educational and recreational activities. Our facility offers a wide variety of services to the student. Students are encouraged to participate in our cultural and traditional programs. These activities include the Indian Club, traditional dance, drum and singing groups, pow-wows, visits to ancient burial mounds and tribal festivals/museums.

Recreational activities include intramural sports, camping, swimming, fishing, social dances, bowling, skating, movies, picnics, horseback riding, and many other services. Jones Academy offers a strong well-rounded program of activities to meet the individual needs of our youth.

MEDICAL SERVICES

With the support of Choctaw Nation Health Services, Jones Academy is able to provide health care for our students. Our youth receive complete physical exams soon after school begins. Throughout the year, a registered nurse and physician's assistant are on site four days of the week. Other medical services are referred to the Choctaw Nation Indian Health Clinic at McAlester and the Choctaw Nation Indian Hospital at Talihina.

STUDENT ACTIVITIES

Indian Club
Drum, Dance, Singing Groups
Jones Academy Rangers
Girl Scouts
Choctaw Language Classes
Student Council
Ropes Course
Weight-Lifting
Livestock Shows
Dances and Prom
Overnight Camping
Paint Ball, Go-Cart Racing
Horseback Riding, Skating
Movies, Swimming, Fishing,
Arts & Crafts, Flute Making
Outings to Area Lakes/Parks, Zoos, Museums, Sporting and Cultural Events, Shopping Trips

Six Flags, Frontier City Trips
RESIDENTIAL PROGRAM

Jones Academy provides the following services to our students:

Tutorial Assistance for All Grades
Rewards for Academic Achievement
Work Program for Clothing
Summer JTPA Work Program
Drug and Alcohol Education
Library Learning Center with Computers and Internet/E-mail Access
Career Counseling
College and ACT Tests Preparation
Senior Graduation Expenses Paid
Jones Academy Scholarship Program
Vocational Training through the Kiamichi Technological Center
Alternative School Program
Agriculture Program
Driver's License
Jones Academy Yearbook
Family Day
Nutritional Education
Complete Physical Exams
Medical Services Provided
Mental Health Services
Health Fair
Walking Program & Aerobics Class
Project Fit America
Life Skills Curriculum
Social Services Staff
Campus Security

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to my good friend from Indiana, the former chairman and now ranking member of the Veterans' Affairs Committee, Mr. BUYER.

Mr. BUYER. I thank both gentlemen for their leadership.

In the spring of 2007, it came to my attention that the condition in the 14 national cemeteries under the jurisdiction of the National Park Service are not maintained at the same high level as the national cemeteries administered by the Department of Veterans Affairs. Of these 14 cemeteries, only two of them, Andersonville in Georgia and Andrew Johnson in Tennessee, are still open and regularly inter veterans.

While on active duty as a colonel in the Army Reserves, I visited Andersonville with a cadre of JAG officers. I then discovered the conditions of the cemetery to be unacceptable and not up to the standards that these heroes have earned. The grave markers had not been washed in some time, as you can see on this photo. The markers are completely out of line. The weeds have grown up all around the markers. Shrubbery had not been cared for in the manner that it should, and it appears that the attention had not been given to these graves that I believe should have been.

I had an amendment that should have been ruled in order, but it was not under the rule. It would have required the Secretary of the Interior to contract with an independent organization to conduct a study of all National Park Service cemeteries and identify the improvements that are necessary for these cemeteries to meet the same high standard of the VA's National Shrine Program that's in the cemetery system. I modeled this amendment after the successful VA shrine commitment legislation in Public Law 106-117.

It's because of this study the VA has raised the standards of all VA cemeteries to make them national cemeteries of which we can all be proud.

While I'm encouraged by the National Park Service's response in addressing this problem since I brought it to the Nation's attention in 2007, we still have a little ways to go. You can see what Andersonville looked like then. Here is Normandy. Normandy comes under the Battle Monuments Commission. This is like a putting green. It is extraordinary what the Battle Monuments Commission does. Then we have Arlington, under the jurisdiction of the United States Army, then oversight by the VA—a beautiful cemetery worthy of these heroes. Then we have a VA cemetery, a picture here in San Diego under the National Shrine Program—excellent. But what happened when I complained about, Let's get rid of the weeds around the stones? They took a weed whacker, and they removed all the weeds, and now we've got dirt around all the stones. That is not the shrine program that we're talking about.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. Please.

Mr. DICKS. Mr. BUYER, I would like to thank you for bringing this issue to light and I would like to work with you to improve the standards of these cemeteries. I do agree that we must improve these cemeteries to ensure that our appreciation for our veterans' sacrifices is appropriately expressed by maintaining their final resting place to the highest standards. I want to assure the gentleman that the National Park Service is taking steps towards better maintenance of the cemeteries. The national office of the Park Service is assembling a team with expertise and cultural resource preservation and maintenance. This team will conduct a review of these two active cemeteries and make recommendations to the national office regarding appropriate corrective actions where deficiencies are found. I would follow up this effort to ensure that the services provide a level of care befitting a national shrine. I look forward to working with you to address this issue.

Mr. SIMPSON. Will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Idaho.

Mr. SIMPSON. I would like to echo the words of Chairman DICKS and thank the gentleman from Indiana for bringing this to our attention, the importance of improving the standards of these cemeteries. Mr. BUYER's amendment—though not made in order, and it should have been made in order—has made us aware of this situation that must be addressed. I will continue to work with Chairman DICKS and Mr. BUYER to ensure that these veterans' cemeteries are brought up to the standard consistent with other veterans' cemeteries.

Mr. BUYER. I would ask the chairman—this team shouldn't just go to

two cemeteries, NORM. It should go to all 14 cemeteries, not just the two that are presently interring. The Department of the Interior, they have made progress; but Chairman DICKS, we can take care of this right now. You and I sat there, along with the ranking member, in discussions in the Rules Committee as to why this should be an open rule; and the three of us should be able to work in the interest of the country right now. And I would appeal to you, Mr. Chairman. We can take care of this right now. You can move that the committee do rise, and I could offer this amendment. We can voice vote it. You can accept it. We can go back to the Committee of the Whole.

I would yield to the gentleman for consideration.

Mr. DICKS. I cannot do that.

The Acting CHAIR. All Members are reminded to address the Chair.

Mr. DICKS. I appreciate the gentleman yielding. Unfortunately I can't do that. But I will do everything I can, not only to address the two that you've mentioned, but all 14; and we'll work together on this. If it isn't to the gentleman's satisfaction, we will address it with legislation next year.

The Acting CHAIR. The time of the gentleman from Indiana has expired.

Mr. SIMPSON. I yield the gentleman 1 additional minute.

□ 2145

Mr. BUYER. What I had hoped to do, instead of saying let's fence off money and do this type of requirement, what I had hoped to do is make it clean and clear. Maybe there's an arrangement whereby the three of us can work with Secretary Salazar and we can ask him that he do the initiative, do the study, move to the National Shrine Program, bring it into next year's budget.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. I yield.

Mr. DICKS. I'm prepared to have a meeting with officials from the Interior Department, with Mr. SIMPSON, and yourself to address this issue. That's the best I can do today. But we will follow through and make sure it happens.

Mr. BUYER. Your word is solid with me.

Mr. SIMPSON. I thank the gentleman for bringing this to our attention, and I can guarantee that the National Park Service is now aware of it also.

Mr. BUYER. Thank you, gentlemen.

Mr. SIMPSON. Madam Chairwoman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I welcome a colloquy with my distinguished colleague, Mr. LATOURETTE, and yield him 2 minutes.

Mr. LATOURETTE. I thank the distinguished chairman.

First I would like to begin by expressing my appreciation to the chairman for his work on this bill, especially his commitment to investing in

the new Great Lakes Restoration Initiative, which I believe will significantly accelerate the pace of Great Lakes cleanup and protection efforts.

I would like to clarify one important aspect of this effort, however, regarding the committee's intent for a portion of the funding included in this vital initiative.

Mr. DICKS. Will the gentleman yield?

Mr. LATOURETTE. Happily.

Mr. DICKS. I appreciate the gentleman's remarks. We were pleased to include funding for this important program in the bill, based on the administration's budget request and the broad bipartisan support of my colleagues including my colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Reclaiming my time, thank you, Mr. Chairman.

To accomplish the ambitious goals of the Great Lakes Restoration Initiative, a variety of approaches and strategies will be required. Among these is the targeted conservation of key coastal natural resource lands. Along the shores of the Great Lakes and elsewhere across the Nation, a number of these coastal landscapes are being protected through the National Oceanic and Atmospheric Administration's Coastal and Estuarine Land Conservation Program, or CELCP. With the program's 50 percent matching requirement and the engagement of coastal communities and States, the program leverages Federal investment in remarkable ways. In my own State of Ohio, CELCP has been instrumental in securing key properties and conserving ecological resources at the Mentor Marsh and along East Sandusky Bay. I understand that the chairman's own involvement in the program has helped to conserve vital coastal resources along the Puget Sound.

Under the Great Lakes Restoration Initiative, \$15 million would be available to NOAA for habitat restoration and protection. I understand that an underlying expectation for these funds is that at least half of them would be expended through CELCP on land conservation priorities that contribute to the goals of the initiative and these funds would supplement rather than replace CELCP funds provided in other legislation for priorities in the Great Lakes region. Is this correct?

I yield to the gentleman.

Mr. DICKS. The gentleman from Ohio is indeed correct. In my district I have seen the importance of the partnerships in the CELCP to our fragile coastal resources. The committee expects NOAA to invest in Great Lakes conservation through CELCP, as the gentleman has outlined; and I would be happy to work with him to ensure that the funds will be used for this purpose.

Mr. LATOURETTE. Reclaiming my time, I thank the Chair.

Mr. DICKS. Madam Chair, I reserve the balance of my time.

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Madam Chairman, the House is now considering the Department of Interior, Environment, and Related Agencies Appropriations Act of 2010.

Appropriations bills have traditionally been brought to the floor under an open rule where all relevant amendments are allowed to be offered to the bill. Sadly, the majority has decided to reject precedent. We're once again operating under a structured rule on an appropriations bill.

And what is the reason given for silencing the representatives of millions of Americans? Time. In their push to get through massive spending bills, the leadership in this House have decided that doing so quickly is more important than having a quality debate on how the taxpayers' money is being spent. Not allowing votes on relevant amendments is a historic blow against the rights of all Members of this great institution. More importantly, this Democratic stunt muzzles the voices of the American people. Only 13 amendments out of 105 that were offered in the Rules Committee were made in order. I personally offered 12 without a single one made in order. And to think that we Republicans are the ones being called "childish." Come on.

At a time when our Nation faces an economic crisis, record debt, rising unemployment, this year's Interior Appropriations bill spends a whopping 17 percent more than last year.

One of my amendments that was not allowed would have simply reduced the amount appropriated under this act by a mere half of a percent, 0.5 percent. That's half a penny for every dollar that the Federal Government spends. Another amendment of mine would have reduced the amount of appropriations in this bill by the amount of unobligated stimulus funds that was given earlier this year.

The Founding Fathers gave Congress the sole power of the purse. In article I, section 9, clause 7 of the Constitution it specifies that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." Many of the Founding Fathers believed that the power of the purse is the most important power of Congress.

In Federalist No. 58, James Madison wrote: "This power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure."

Whether you believe that the Federal Government is spending too much money, as I do, or not enough, the American people deserve an open process that allows votes on how we spend their money, regardless of how much time it takes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SIMPSON. Madam Chairwoman, I yield the gentleman an additional 30 seconds.

Mr. BROUN of Georgia. The appropriations process is one of the primary ways that Congress exercises that power given to us by the Constitution.

I ask that the majority leadership reconsider this dangerous path we are headed down. All Members of Congress must be allowed to offer all relevant amendments on all appropriations bills and let the people's voices be heard. Please let their voices be heard on the floor of this House.

Mr. DICKS. Madam Chair, I yield 5 minutes to the distinguished gentleman from Kentucky, who is a distinguished member of our subcommittee (Mr. CHANDLER).

Mr. CHANDLER. I would first like to express my gratitude to our chairman, Mr. DICKS, who has provided tremendous leadership on this bill, tremendous leadership throughout the year on the Interior Appropriations bill, a bill that I believe is extremely important to the future of our country. I'd also like to thank our ranking member, Mr. SIMPSON, for the way that he has in a very bipartisan way conducted himself and the business of the committee. It's been a committee that has worked tremendously well together throughout the year.

Madam Chairman, I want to rise to express my strong support for this bill. This bill is an extremely important one, as I mentioned a moment ago; and I believe that we have had the opportunity this year, as a result of our chairman's efforts, to hear hundreds of witnesses in extensive hearings. I believe this is one of the most hard-working subcommittees of the Appropriations Committee. We have discovered some very real needs across this country. We discovered, of course, the fact that many of the needs in our country have languished over quite a number of years, and this subcommittee has made a great effort, I believe, in this bill to address some of those needs.

We're all struggling in this country today with a troubled economy. Therefore, the investments made in this bill are all the more important to the people and to the communities that we all serve. And I would like to mention a few of the things in this bill that I believe are particularly important.

Deteriorating water infrastructure across the country endangers the health of our citizens and of our environment. At the same time, our State and local governments are faced, as we all know, with enormous budget shortfalls, preventing them from adequately addressing the problem. Federal support for drinking water and wastewater infrastructure is necessary. This bill provides nearly \$4 billion in grants and loans for this purpose, a small down payment on the need, estimated at some \$300 billion over the next 20 years.

In the area of conservation, this bill does great things for public lands and wildlife conservation. Funding for the National Park Service, our wildlife refuges, and our national forests will help

maintain these national treasures for the enjoyment of all Americans. Our public lands are key to preserving habitats and biodiversity, which have positive impacts on our quality of life and the health of our ecosystems.

And in the area of environmental protection, Madam Chairman, in this legislation we make strong investments in programs that protect our environment. The Superfund program cleans up our Nation's most contaminated sites and readies them for new economic development. The Energy Star program conserves energy and saves the consumer money. This bill provides increases to both the Superfund and Energy Star.

This bill also helps preserve our cultural heritage and educates our citizens about our history. State Historic Preservation Offices are funded at \$46.5 million. The projects these organizations undertake in all 50 States not only protect our cultural identity, but they create jobs in so many of our small towns and communities.

This legislation is responsible, Madam Chairman, for investment in our future. It protects our environment, it protects our health, and it celebrates our heritage, among many other things. Chairman DICKS ought to be commended for the job that he has done in putting together a bill that is very difficult to put together in many ways. He's worked diligently on it.

And I also want to take this opportunity to thank our chairman for making a special effort this year to fly to my home State of Kentucky to look at some very significant issues in our mountains of Kentucky, the practice of mountain-top removal, a controversial practice which is of great concern to many of our citizens.

Mr. Chairman, I thank you for your efforts in that regard, and I thank you for the work you've done.

Mr. SIMPSON. Madam Chairwoman, I yield myself such time as I may consume for the purposes of entering into a colloquy with Chairman DICKS on behalf of Mr. CALVERT of California.

Mr. DICKS, I rise today in support of the Diesel Emissions Reduction Act grants programs, which provide needed funding to State and local pollution control agencies to retrofit and replace older, higher emission diesel with newer, lower emission, and more efficient technologies.

EPA studies indicate that black carbon, like that emitted from diesel engines, is the second most significant contributor to global warming. Retrofits and replacements of old diesel engines, like those supported by DERA, reduce these emissions by up to 90 percent.

Recently, a broad and diverse coalition of over 250 environmental, science, public health, industry, and State and local governments wrote members of the Interior and Environment Appropriations Subcommittee encouraging the committee to fully fund the DERA program at its \$200 million authorized

level for fiscal year 2010. Over 40 bipartisan Members of the House sent a similar letter of support to the subcommittee. Funds invested by the Federal Government in this program leverage two State and local dollars for every one Federal dollar appropriated and provide \$13 of economic benefit for every dollar spent on the program.

□ 2200

The Diesel Emissions Reduction Act was authorized at 200 million per year from FY07 to FY11. However, even given this program's success in combating global warming, DERA has received less than \$146 million in regular fiscal year appropriations so far, 25 percent of its authorized level. In this year's bill, the DERA program is slated to receive \$60 million.

To date, this successful program has received over 650 applications for DERA grants totaling over \$2 billion. Given this fact and the broad support this program has received, our colleague, Mr. CALVERT, introduced an amendment in the Appropriations Committee to increase funding for DERA by \$15 million. Though this amendment was not adopted, Mr. Chairman, I ask you today, are you willing to work with Congressman CALVERT in the future to increase funding for DERA closer to its authorized level?

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I will yield.

Mr. DICKS. First, Mr. SIMPSON, I want to commend you for your leadership on the Interior and Environment Subcommittee and your support of the DERA program. There is no doubt that the DERA program is a worthwhile and beneficial program that plays a significant role in combating global warming and improving air quality. This is why this subcommittee has continued to fund and support this program. We provided \$60 million in both fiscal years 2009 and 2010, and an additional \$300 million through the Recovery Act.

To date, only 32 percent of funds appropriated for this program through the Recovery Act have been spent. I understand that EPA plans to obligate all the Recovery Act funds before they begin a solicitation for the 2009 funds. It could be well into 2010 before the 2009 funds are spent.

President Obama's budget requested \$60 million for the DERA program in FY10 and this bill provides that. Over the next fiscal year, I will work with you, Mr. CALVERT—Congresswoman DORIS MATSUI has also talked to me about this—the EPA, and program stakeholders to review DERA in hopes of improving and streamlining its grant-making process and ensuring that we provide the proper level of funding in 2011.

Mr. SIMPSON. Reclaiming my time, Mr. Chairman, I am eager to work with you over the coming year to improve the DERA granting process to ensure that applications are processed and

grants are awarded in a timely and efficient manner and work with you in the coming fiscal years to secure more robust funding for this program. It truly is a win-win-win situation, stimulating the American economy, improving air quality nationwide, and reducing emissions that are among the greatest contributors to global warming.

I want to thank Mr. CALVERT for his interest and bringing this to our attention.

I reserve the balance of my time.

Mr. DICKS. Can you tell us what the remaining time is on both sides?

The Acting CHAIR. The gentleman from Washington has 3¾ minutes, and the gentleman from Idaho has 4 minutes.

Mr. DICKS. I reserve the balance of my time.

Mr. SIMPSON. I would inform the chairman that we have no further speakers.

Let me just say in closing, Madam Chairwoman, that I have truly appreciated working with you, Chairman DICKS. You and the staff have been an honor to work with, and I think we have created a very good bipartisan bill. To tell you the truth, I can't complain about anything where you have spent the funds, although there might have been some differences that I would have made if I were king for a day and that type of thing, but I think we have come out with a good bill.

As I have said, since we started the markup, you know that my major concern is the overall spending level in this bill. But in terms of what we have spent it on, I have no problems with the way that you are approaching this, and I thank you for your bipartisanship and working with us.

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I would be happy to yield to the gentleman.

Mr. DICKS. I want to commend the gentleman for his work and his staff's work. It's been a real pleasure. Everyone has worked together. I also want to commend again, the attendance on your side of the aisle. We have four Cardinals on our subcommittee, so they have subcommittees they are running. It's very difficult for everybody to be there, but your side has been there, and it's been terrific and the questions have been great, and it's just been a real pleasure.

And I also want to thank Mr. OBEY, the chairman of the full committee, for this allocation. We can only go as far as our allocation, and I think Mr. OBEY recognized that we had been hurt over the last 8 years, and that this was a catch-up budget.

But these are such important programs, our national parks, our national forests, our Fish and Wildlife Service, and the programs for the tribes. And I have really appreciated Mr. COLE and Mr. OLVER, who have both been so concerned and sensitive about these tribal issues.

And we have made substantial increases. But even with that, the work

remains to be done. There still is more that needs to be done in order to really take care of the issues in Indian country. And I thought some of our hearings this year where we really got into law enforcement and the need for more law enforcement, the need for a recognition that the laws are covering tribal areas today are not sufficient, and the Justice Department needs to take action on this.

So I commend the gentleman for his solid work and participation, and let's get on with the amendments.

Mr. SIMPSON. Reclaiming my time, I thank you, and as I said in my opening statement, I truly do want to thank you for the oversight hearings that you have. It's been the best committee that I have served on in my time in Congress in terms of the oversight hearings that we have done, and I think that's one of the most vital functions that we have performed here and you have done a masterful job on them.

Mr. EHLERS. Madam Chair, I rise to take a few moments to talk about a portion of this bill that I am very supportive of—the Great Lakes Restoration Initiative.

The Great Lakes are a national treasure. The lakes hold 95 percent of the U.S. surface fresh water and are the largest system of surface fresh water on the planet. In addition to offering recreation and transportation options, the Great Lakes also provide more than 30 million people with drinking water.

Unfortunately, the health of the Great Lakes is threatened by aquatic invasive species, contaminated sediment, nonpoint source pollution, and habitat loss. Failure to protect and restore the lakes now will result in more serious consequences in the future, in addition to increasing cleanup costs.

Since being elected to Congress, I have championed Great Lakes restoration efforts, and I am very pleased that the President's budget, the Congressional budget resolution, and this appropriations bill, all include \$475 million for the Great Lakes Restoration Initiative. Although this amount is still far short of what is needed to promptly restore the Great Lakes, it is a significant down payment. I thank the Chairman and Ranking Member for recognizing the importance of restoring the Great Lakes and for including this historic funding level.

Mr. SIMPSON. I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111-184, not to exceed three of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; not to exceed one of the amendments printed in part D of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; and not to exceed one of the amendments printed in part E of the report if offered by the gentleman

from Texas (Mr. HENSARLING) or his designee. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. An amendment printed in part B, C, D, or E of the report may be offered only at the appropriate point in the reading.

After consideration of the bill for amendment, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2996

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

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$950,496,000, to remain available until expended; and of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

PART A AMENDMENT NO. 1 OFFERED BY MR. DICKS

Mr. DICKS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. DICKS:

In the item relating to "Office of Surface Mining Reclamation and Enforcement Abandoned Mine Reclamation Fund" (page 26, line 2), before the period at the end insert "": *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".

Page 18, line 11, after the dollar amount, insert "(increased by \$10,000,000)".

Page 18, line 13, after the dollar amount, insert "(increased by \$10,000,000)".

Page 46, line 2, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 16, line 25, after the dollar amount, insert "(increased by \$1,000,000)".

Page 17, line 3, after the dollar amount, insert "(increased by \$1,000,000)".

Page 17, line 18, after the dollar amount, insert "(reduced by \$1,000,000)".

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Washington (Mr. DICKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. This is a good amendment. It's the so-called manager's amendment. It does three important things, but they are modest.

First, as Chairman RAHALL of the Natural Resources Committee pointed out, this amendment restores the Interior Department's authority to assist cooperative watershed projects that restore streams damaged by acid mine drainage. This authority was in law for several years but was inadvertently discontinued after the surface mining reclamation law amendments of 2006. This amendment aids citizens groups and States that are restoring streams damaged by previous coal mining.

Second, this amendment adds \$10 million to the National Park Service State grant program. This program provides grants for acquisition of park and recreation lands by State and local communities and was proposed by Mr. MCGOVERN.

There is tremendous demand for more parkland and for recreational facility development. It is more and more vital to get people, and especially kids, out in nature and outdoors doing active recreation.

Lastly, this amendment increases the Save America's Treasures program by \$1 million. This will provide funding for cost share historic preservation projects, and I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Madam Chairman, I would claim time in opposition.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Madam Chairwoman, it saddens me that we are here with this manager's amendment. Traditionally, manager's amendments have been noncontroversial—when they have ever been offered on an appropriation bill, have been noncontroversial and have been offered by both sides. That's not the case on this amendment.

Surprisingly, my opposition to the amendment isn't because of the substance of the amendment and the provisions of the amendment, it's how it got here. There were a number of amendments that were proposed last night in the Rules Committee; almost all of them were turned down. There were amendments that had substantive purposes offered by Members on my side of the aisle that were turned down.

The ranking member of the full committee offered an important amendment that was not made in order. The

ranking member of the subcommittee, myself, offered an amendment that was important and was not made in order. And yet we have taken three proposed amendments that were offered in the subcommittee and rolled them together in one manager's amendment and brought it to the floor, three Democratic proposed amendments and rolled it into a manager's amendment. This is not in the tradition of what a manager's amendment should be.

And so while I can't complain about the amendments, the amendments that were offered, per se, if they were offered individually and had been allowed by the Rules Committee to be allowed independently along with some of the other amendments that should have been allowed, I would have voted for all of these amendments, most likely. But it's the process that brought us to this state.

And, unfortunately, what's been happening with the rules that have been adopted for consideration of appropriation bills, it leads us to these types of incidents that should not happen, that are unnecessary, that we try to get around our own rules and our own traditions of having manager's amendments approved by both sides that are generally noncontroversial.

So, again, while I don't oppose the individual provisions of this, how this amendment got here and what it contains is not fair to the rest of the Members who put in thoughtful efforts to go to the Rules Committee and propose amendments.

I reserve the balance of my time.

Mr. DICKS. I yield myself the balance of my time.

I would just say to the gentleman from Idaho, we should have had more dialogue on this manager's amendment. And we are just getting a new team in place, and I am not blaming it on anybody, so I take responsibility myself. But in the future, on any manager's amendment, you and I will have a thorough discussion about it. And if the gentleman has some suggestions for the manager's amendment, they will be considered. So I take the gentleman's point as well made, and this is something we will follow through on.

Again, this is, I think, very noncontroversial, so I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Yielding myself the remainder of my time, and I take the gentleman from Washington at his word, I know that he is a gentleman of honor and he wants to work these out in a bipartisan fashion. In fact, I am not sure that the gentleman agrees fully with what has been going on with some of the rules and would like to get back, like many of us would, to regular order, and we would like to do that.

But if we had time to confer, and I understand what the gentleman is saying, a very noncontroversial amendment that could have been adopted was Mr. BUYER's amendment that we talked about on the veterans' ceme-

teries within the National Park Service would have been simple to put in a manager's amendment.

But I take the gentleman at his word and I look forward to working with him in the future on this.

I yield back the balance of my time. Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SIMPSON. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

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Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 9, line 20 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

In addition, \$45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$950,496,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

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

LAND ACQUISITION

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

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$111,557,000, to remain available until expended: *Provided*, That 25 percent of the

aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

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

RANGE IMPROVEMENTS

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

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.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$1,248,756,000, to remain available until September 30, 2011 except as otherwise provided herein: *Provided*, That \$2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps; *Provided further*, That not to exceed \$20,603,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered 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 \$10,632,000 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.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

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; \$21,139,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$67,250,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601-9, not more than \$2,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004; *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

PART B AMENDMENT NO. 2 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. GARRETT of New Jersey:

Page 10, line 10, after the dollar amount, insert "(increased by \$2,000,000)".

Page 10, line 13, after the dollar amount, insert "(increased by \$2,000,000)".

Page 57, line 14, after the dollar amount, insert "(reduced by \$2,000,000)".

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. More than 19 years ago, when I first ran for public office in the very densely populated State of New Jersey, I believed that we were not doing enough to preserve our precious farmlands and our vital open space. Upon being sworn in as a Member of the House of Representatives 6 years ago, I continued to advocate preserving open space, expanding our recreational lands, and protecting our natural resources. One of the highlights of my time here in Congress was the unanimous bipartisan support for the Highlands Conservation Act which became law back in 2004.

I especially want to commend my colleague from Morris County, New Jersey, ROD FRELINGHUYSEN, for introducing that legislation back then and working diligently over the years to accomplish its passage.

Our commitment to preserving open space runs deep for us. However, more of our prized open space is being used up in our State and across the country every single day. So I'm pleased that this year, for the very first time, the Highlands Conservation Act was in-

cluded in the fiscal year 2010 budget request. I applaud the President's request for recognizing the importance of the region as well.

However, while the Highlands Conservation Act has been authorized from the beginning at \$10 million year, the region has so far received only \$5.23 million in total over all those years. So I believe that my amendment, which provides simply an additional \$2 million for land acquisition, would go a long way towards providing grants for willing sellers. It would help to preserve the remaining open space in the Northeast region and help protect cherished natural resources that are extraordinary environmental and recreational uses.

You see, this region is in the middle of one of the most congested areas of the country. Over one-twelfth of the U.S. population lives within just 1 hour of this area. Fourteen million people visit this area every year. Eleven million people rely on it for clean drinking water. And 150 species of special concern are in this area. As a matter of fact, the Forest Service stated recently that it is a "landscape of national significance."

So with that said, I also realize that there is an ever-increasing demand for all regions of the country, and that is why we have to make sure that the areas with the highest conservation values and greatest risk are being protected from being developed.

Preservation of the Highlands is neither a Republican or Democratic issue. It is a national issue. And that is why I'm proud to say that we joined with 22 of my colleagues from both sides of the aisle in a letter to the Appropriations Committee back in April when we requested the full \$10 million for this area.

I will just add this one caveat note. I do say this: That while working to protect open space, we must also ensure that we have an adequate opportunity for further economic development, especially now in the recession. It is important that we find a balance between protecting our cherished natural resources and promoting a strong economy.

So in closing, I would like to thank the chairman and the ranking member for understanding the significance of the Highlands region. I also would like to thank the numerous conservation groups that have supported this, including the Appalachian Mountain Club, the Highlands Coalition, the Wilderness Society, the Land and Water Conservation Fund Coalition, the Trust for Public Lands, the Friends of the Wallkill River National Wildlife Refuge, and the Sierra Club of Northwest New Jersey.

Finally, throughout my entire life, I have had the opportunity to take advantage of all the natural resources the Highlands has to offer. I simply want to come here to Congress to ensure that other families as well will have that same opportunity in the future.

The critical lands of the Highlands must be protected. And it is our job to do that today.

I reserve my time.

Mr. DICKS. Madam Chairwoman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I have to say that I have really appreciated the gentleman's leadership and the fact that he has come before our committee and taken the time to present witnesses. Also, I think this is a very good amendment. This is a good amendment that increases funding for a program that funds conservation easements that protect critical forest and watersheds in the Northeast. This amendment increases the funding for this program by \$2 million, bringing the total to \$4 million.

The Highlands conservation program is an example of how a cooperative approach to land protection can provide wood resources, wildlife habitat, watershed protection, recreational opportunities and other benefits to the environment and to the community. The goal of this program is to promote forest stewardship as a working, sustainable landscape, both ecologically and economically for future generations.

I urge adoption of the amendment.

I would be glad to yield to the gentleman from Idaho if he would like to say a word.

Mr. SIMPSON. I thank the gentleman for yielding.

This is an important program. I thank the gentleman for bringing this amendment. We support it. I hope that it passes and that we can preserve the Highlands region.

Mr. DICKS. I ask for a "yes" vote on this amendment, and I yield back the balance of my time.

Mr. GARRETT of New Jersey. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

Mr. DICKS. Madam Chairman, I ask unanimous consent that the remainder of the bill through page 68, line 12 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

COOPERATIVE ENDANGERED SPECIES
CONSERVATION FUND

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

the Snake River Water Rights Act of 2004; and of which \$65,693,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

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

NORTH AMERICAN WETLANDS CONSERVATION
FUND

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

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$5,250,000, to remain available until 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 federally recognized 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, \$115,000,000, to remain available until expended: *Provided*, That of the amount provided herein, \$7,000,000 is for a competitive grant program for federally recognized Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That \$5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That up to \$20,000,000 is for incorporating wildlife adaptation strategies and actions to address the impacts of climate change into State Wildlife Action plans and implementing these adaptation actions: *Provided further*, That the Secretary shall, after deducting \$32,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the 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 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 exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 75 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of 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, notwithstanding any other provision of law, the Service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, 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, \$2,260,684,000, of which \$9,982,000 for planning and interagency coordination in support of Everglades restoration and \$98,622,000 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.

PARK PARTNERSHIP PROJECT GRANTS

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

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, \$59,386,000.

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), \$90,675,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which \$30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts; and of which \$6,175,000 shall be for Preserve America grants to States, federally recognized Indian Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided*, That of the funds provided for Save America's Treasures, \$5,310,000 shall be allocated in the amounts specified for those projects and purposes in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

CONSTRUCTION

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

LAND AND WATER CONSERVATION FUND
(RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601-10a 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. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$103,222,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$30,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a 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; \$1,105,744,000, to remain available until September 30, 2011, of which \$65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; and of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost and of which \$2,000,000 shall be available for the United States Geological Survey to fund the operating expenses for the Civil Applications Committee: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and 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 con-

sidered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE
ROYALTY AND OFFSHORE MINERALS
MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, \$174,317,000, to 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 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), in fiscal year 2010, MMS may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

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

OIL SPILL RESEARCH

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

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each

State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

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, \$32,088,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

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, \$2,300,099,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$159,084,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that federally recognized tribes, and tribal organizations of federally recognized tribes, may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$568,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available

until September 30, 2011; and of which not to exceed \$59,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2012: *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, \$200,000,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 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 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.

INDIAN LAND CONSOLIDATION

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

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

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

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

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

DEPARTMENTAL OFFICES
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$118,836,000; of which \$12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed \$15,000 may be for official reception and 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.

INSULAR AFFAIRS
ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$83,995,000, of which: (1) \$74,715,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(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 of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance 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).

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.

ADMINISTRATIVE PROVISIONS
(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three 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*, 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, \$932,780,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount

not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

WILDLAND FIRE SUPPRESSION CONTINGENCY
RESERVE FUND
(INCLUDING TRANSFER OF FUNDS)

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

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), \$10,175,000, to remain available until expended: *Provided*, That Public Law 110-161 (121 Stat. 2116) under the heading "Central Hazardous Materials Fund" is amended by striking "in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act" and inserting in lieu thereof "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. 1911 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 PROVISIONS

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

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

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations and 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" and "Wildland Fire Suppression Contingency Reserve Fund" 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.

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

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

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

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

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

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

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

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

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

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

SEC. 113. Notwithstanding any other provision of law, for fiscal year 2010 and each fiscal year thereafter, sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall apply to any lease authorizing exploration for or development of 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.

SEC. 114. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable 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 bill, with payment required within 30 days of billing.

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

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

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

"(F) Heart Mountain, depicted in Figure 6.3 of the Title Document."

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

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

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

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

OFFICE OF INSPECTOR GENERAL

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) \$1,306,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,306,541,000 as

a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2011, and \$26,834,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$113,101,000, to remain available until expended, of which \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

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

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$5,215,446,000, to remain available until expended, of which \$2,307,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$1,443,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: *Provided*, That \$20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico border, after consultation with the appropriate border commission; \$10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided further*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; and (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; \$160,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; \$100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental

Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, 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; and \$1,115,446,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the 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, \$10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under Title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2010, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the

Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative 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.

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

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

The Administrator is authorized to transfer up to \$475,000,000 from the "Environmental Programs and Management" account to the head of any other Federal department or agency (including but not limited to the Departments of Agriculture, Army, Commerce, Health and Human Services, Homeland Security, the Interior, State, and Transportation), with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, non-profit 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.

Not less than 30 percent of the funds made available under this title to each State for

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

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

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

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12).

TITLE III—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

FOREST AND RANGELAND RESEARCH

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

STATE AND PRIVATE FORESTRY

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

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

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, \$1,564,801,000, 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. 4601-6a(i)): *Provided*, That, the Secretary may authorize the expenditure or transfer of up to \$10,000,000 to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands: *Provided further*, That up to \$10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

PART B AMENDMENT NO. 5 OFFERED BY MR.
SMITH OF TEXAS

Mr. SMITH of Texas. I have an amendment at the desk that was made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. SMITH of Texas:

Under the heading "NATIONAL FOREST SYSTEM" insert after the first dollar amount the following: "(reduced by \$25,000,000) (increased by \$25,000,000)".

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Chairwoman, before I yield to our colleague from California, I would first like to thank the gentleman from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee; the gentleman from Washington, the subcommittee chairman, Mr. DICKS; and the ranking member of the subcommittee, the gentleman from Idaho (Mr. SIMPSON), for their courtesies tonight.

I will yield 1 minute to the gentleman from California (Mr. HERGER) both a colleague, a classmate, and a member of the Ways and Means Committee.

Mr. HERGER. Madam Chair, I thank the gentleman, my good friend from Texas, for yielding time.

I rise in strong support of this amendment. The district I represent in northern California contains nine National forests currently being overrun by illegal marijuana cultivation. This week two men opened fire on law enforcement officials during a raid on a marijuana garden near a popular fishing and recreation area. Additionally, in another instance, two Lassen County sheriff's officers were shot when they came across another marijuana garden. Thankfully, these officers survived their injuries. But it is simply a matter of time before innocent lives are claimed.

I urge my colleagues to support this amendment to ensure the Federal Government is doing its part to provide the resources we need to address this serious and growing problem.

Mr. DICKS. Madam Chair, although I support the gentleman's amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I want to say that I strongly support this amendment. It is very clear to me that in California, in Washington, in Oregon, and in many States, this has become a tremendous problem. Drugs are being grown, marijuana particularly, on Federal lands. I think we have to do more on enforcement. I commend the gentleman for his leadership in presenting the amendment. Our side supports it.

If the gentleman has nothing further to say, I think we ought to have a vote on his amendment.

Mr. SMITH of Texas. I would like to make a statement about the amendment if the gentleman doesn't object.

Mr. DICKS. I will reserve my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3½ minutes.

Mr. SMITH of Texas. Madam Chairwoman, first of all, I would like to consider this the Smith-Herger amendment because I appreciate so much the gentleman from California and his comments a few minutes ago.

Madam Chairwoman, Mexican drug cartels are converting America's national parks and forests into farms for their illegal crops, damaging these protected ecosystems and threatening the safety of visitors and employees.

The Drug Enforcement Administration calls marijuana the "cash crop" that finances the cartels' drug trafficking operations. And now our federal lands are being used to grow this crop.

The Justice Department's National Drug Intelligence Center reports that Mexican drug cartels grow their marijuana in remote areas of public lands where there is a limited law enforcement presence.

The two primary regions for these marijuana sites are the Western region, comprised of California, Hawaii, Oregon, and Washington, and the Appalachian Region, including Kentucky, Tennessee, and West Virginia.

The pristine lands of our National Forest System are particularly enticing to these drug-trafficking operations. The dense, expansive forests provide optimum marijuana growing conditions with little risk of detection.

America's national forest system, managed by the U.S. Forest Service, is comprised of 193 million acres of land with 153,000 miles of trails and nearly 18,000 recreation sites. Only 175 law enforcement officials and detectives patrol this vast expanse of land, including 36 million acres of wilderness area.

The men and women of the Forest Service law enforcement and investigations, together with their Federal, State and local partners, seized 2 million marijuana plants from more than 300 sites during the 2008 growing season. This is a dramatic increase from 2004, when fewer than 750,000 plants

were seized. The Forest Service reports that for each of the estimated 660 marijuana sites in the National Forest System, it costs \$30,000 to remove the marijuana and restore the ecosystem of each site. That is under \$20 million to rid our forests of marijuana.

Forest Service law enforcement officers are also battling against clandestine methamphetamine labs on Forest Service lands and increased drug trafficking across forests that share a common boundary with Canada and Mexico.

Yet, in fiscal year 2009, only \$15 million was allocated for all of the Forest Service's drug enforcement activities. My amendment increases this amount to \$25 million. We can and must do more to put an end to the dangerous trend of using federal lands for illegal drug cultivation and distribution.

Now, Madam Chairwoman, finally I want to say just in summary that this amendment would weaken the cartels' drug-trafficking operations. It will help the only 175 law enforcement officials to patrol the 36 million acres of wilderness area, and it will send a strong message that we want to increase funds for these efforts.

So I appreciate my amendment being supported tonight.

I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 119, line 15 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$560,637,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That \$100,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: *Provided further*, That funds provided herein shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That public comment should be provided before system roads are decommissioned: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety,

water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: *Provided further*, That up to \$10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$36,782,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS
SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National 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
SUSTINENCE 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 suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and

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

national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

WILDLAND FIRE SUPPRESSION CONTINGENCY
RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

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

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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

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

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

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

tion 10417(b) of Public Law 107-107 (7 U.S.C. 8316(b)).

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

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

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

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

Pursuant to section 2(b)(2) of Public Law 98-244, \$3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefiting 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.

The 19th unnumbered paragraph under heading "Administrative Provisions, Forest Service" in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109-54, is amended by striking "2009" and inserting "2014".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE
INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,657,618,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$16,251,000 is provided for 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 \$779,347,000 for contract medical care, including \$48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That no less than \$43,139,000 is provided for maintaining operations of the urban Indian health program: *Provided further*, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That \$16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and \$10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided*

further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$398,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed \$5,000,000 may be used for contract support costs 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 or renovation of health facilities for the benefit of a federally recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities:

Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$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, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

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

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

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

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

None of the funds made available to the Indian Health Service in this Act shall be used

to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

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

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

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

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

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

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

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY AND
OFFICE OF ENVIRONMENTAL QUALITY

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

CHEMICAL SAFETY AND HAZARD INVESTIGATION
BOARDSALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

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

OFFICE OF NAVAJO AND HOPI INDIAN
RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: *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 (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$634,161,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which \$1,553,000 is for fellowships and scholarly awards; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent 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, \$140,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109.

ADMINISTRATIVE PROVISION, SMITHSONIAN
INSTITUTION

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

NATIONAL GALLERY OF ART
SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uni-

forms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$110,746,000, of which not to exceed \$3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF
BUILDINGS

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

JOHN F. KENNEDY CENTER FOR THE
PERFORMING ARTS

OPERATIONS AND MAINTENANCE

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

CAPITAL REPAIR AND RESTORATION

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

WOODROW WILSON INTERNATIONAL CENTER FOR
SCHOLARS

SALARIES AND EXPENSES

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

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$170,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds appropriated herein shall be expended in 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, \$170,000,000,

to remain available until expended, of which \$155,700,000 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 PROVISION

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

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting 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 national capital or the history and activities of the Commission of Fine Arts, and may be used only for artistic display, study, or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

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

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the 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 ex-

penses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

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

PRESIDIO TRUST

PRESIDIO TRUST FUND

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

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$2,000,000 to remain available until expended.

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, \$10,000,000, to remain available until expended.

TITLE IV—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

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

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

SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

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

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

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

SEC. 408. 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), 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 the Bureau of Indian Affairs, federally recognized tribes, and tribal organizations of federally recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 409. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That

if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 410. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National 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.

SEC. 411. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m-1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide such protection under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

SEC. 412. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal 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.

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.

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

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

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

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

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

(1) in the second sentence of the first paragraph, by striking "\$7,500,000" and inserting "\$10,000,000"; and

(2) in the second sentence of the fourth paragraph, by striking "\$500,000" and inserting "\$650,000".

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

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

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

SEC. 420. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106-291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking "September 30, 2009" and inserting "September 30, 2013".

SEC. 421. None of the funds in this or any other Act shall be used to deposit funds from

any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

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

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

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

(3) by inserting after paragraph (3), the following: "(4) to reimburse all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.".

SEC. 423. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled "Congressional Directed Spending" included in the explanatory statement accompanying this Act. The preceding sentence shall apply in addition to the allocation requirements specified in this Act under the heading "National Park Service—Historic Preservation Fund" for Save America's Treasures and under the heading "Environmental Protection Agency—State and Tribal Assistance Grants" for special project grants for the construction of drinking water, wastewater and storm infrastructure and for water quality protection.

SEC. 424. Not later than 120 days after the date on which the President's Fiscal Year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2008, fiscal year 2009, and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems.

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

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

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba,

who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

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

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

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

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

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to a freely associated State, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

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

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

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

(e) In this section, the term "freely associated States" means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

□ 2230

PART B AMENDMENT NO. 3 OFFERED BY MR. HELLER

Mr. HELLER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. HELLER:

Page 119, after line 22, insert the following:
SEC. _____. None of the funds made available by this Act may be used to build a Carson Interagency Fire Facility on the approximately 15 acres of Federal land managed by the Bureau of Land Management and located east of the corner of South Edmonds Drive and Koontz Lane in Carson City, Nevada.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER. Madam Chairwoman, I thank the chairman and ranking member for the opportunity to present this amendment on the floor today.

My amendment prohibits the site-specific construction of a Bureau of Land Management facility in a residential neighborhood in Carson City, Nevada. It is also of note that this amendment solely impacts my district. In Nevada, approximately 85 percent of the land is controlled by the Federal Government; 67 percent of this land base is controlled by the Bureau of Land Management. In other words, they own about 48 million acres of property within the State of Nevada.

The Bureau of Land Management is currently in the comment phase for a proposed interagency fire center on approximately 15 acres of Federal land in Carson City, Nevada, near a large neighborhood.

While I, along with my constituents, support the construction of the interagency fire center and believe the facility will help with combating catastrophic wildfires, BLM's proposed location for this particular facility is problematic. The proposed location is in a community of nearly 300 homes. Local residents are opposed to the location, and the Carson City Board of Supervisors, our county commission, recently passed a resolution voicing its opposition to the proposed location of the fire center. The BLM has under consideration multiple sites for this particular facility, all of which are better suited than the chosen location.

Madam Chairwoman, my amendment prohibits the funds for the construction of this facility at this specific 15-acre location in Carson City and allows for the facility to be built at any of the alternative sites in the area.

I want to express my support again for an additional interagency fire center in Nevada; it just doesn't make sense to build this facility in a residential neighborhood.

I urge my colleagues to support the will of the people, the will of the local governments, and please support this amendment.

Again, the Bureau of Land Management, the Federal Government owns 84 million acres, and they choose to put this facility next to a neighborhood. There are a lot of other alternative sites that I support and would support moving forward, just not this particular area.

I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I understand that citizens and the Carson City Board of Supervisors are concerned about the Inte-

rior Department plan to build an urgently needed new wildfire facility, but it is clearly premature to cut off funding for this proposal. The environmental analysis is still out for public review. We should not halt this important project before the analysis and the public input can be analyzed and considered.

Carson City is a fire-prone area. It is really important for the Federal agencies to move ahead with an interagency center so they can be more efficient and effective firefighters. This new joint facility will support the Silver Hotshot Group, a key part of the firefighting force.

The Interior Department has already spent funds for the planning and design of this particular project, so we should not stop or unduly delay its implementation. Both the Interior Department and the Forest Service have budgeted some of their limited infrastructure funding for this badly needed project.

I understand the gentleman from Nevada has concerns. I pledge to work with him as this bill moves forward to be sure that his constituents' concerns are heard and fully considered. We all want to improve the firefighting capacity and protect neighborhoods and wildlands.

This amendment was not brought to our attention, the committee's attention, until very late in the process. Had we known, we could have taken an opportunity to talk to the Department, to hear the gentleman's views. He did not come to the committee and testify. There was an opportunity for Members to testify. He chose not to do that.

So I think that this is an amendment that comes late, is not favored by the administration, is actually going to weaken our firefighting capability and this is something that is serious because people's lives are at stake. So I urge a "no" vote on this misguided amendment.

I reserve the balance of my time.

Mr. HELLER. Madam Chairwoman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

First of all, this doesn't cut off funding for the fire center. What it does is cut off funding for the fire center in that location. It doesn't matter whether the environmental review is done or not if that location is not acceptable to the local residents.

One of the things in dealing with Federal agencies that own a majority of the land surrounding you is that sometimes they are good neighbors, and sometimes they aren't. But local people ought to have some say in these Federal agencies' decisions of where they are going to locate facilities and so forth.

So just saying this area, this location that you are looking at is inappropriate, as the Board of County Commissioners apparently has said, seems to me to be entirely appropriate, and Congress ought to look at their wishes.

And I guarantee you in Nevada there are a lot of places that they could build this fire center that apparently wouldn't cause the controversy that is being caused in this local community. And when the Representative from that area comes to me and says this is a problem, then I have to believe the people who sent him here. I support the amendment.

Mr. DICKS. I urge a "no" vote on this amendment, and I yield back the balance of my time.

Mr. HELLER. Madam Chairwoman, just to reiterate what was said, and I want to thank the gentleman from Idaho who has a real good understanding of what it means to have public lands and have the Federal Government own a tremendous amount of property within your State, within the boundaries. Again, I think it was very clear. I think at times we think here in Washington we know what is better for the local communities. Again, I think it is important to understand that you can have a small community somewhere in the State of Nevada and have all Federal land surrounding it.

I think there should be a voice in this process and the voice should come from the people; it should come from the local government and not be pushed down to them through Washington.

I think this is a great amendment. I would continue to urge my colleagues to please support this particular amendment. It is very ripe. It just happened recently. I don't believe this could have been brought before the committee because it just happened within the last couple of days with the vote by the board of supervisors.

I thank the chairman and the ranking member for the time and effort to be able to bring this particular amendment to the floor. I urge my colleagues' positive support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HELLER. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR.
JORDAN OF OHIO

Mr. JORDAN of Ohio. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of \$5,750,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman

from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Madam Chair, let me first thank the ranking member from Idaho for his work on this legislation and the chairman. In fact, the chairman and I spoke earlier this evening about this amendment. We joked around. I told him he might be for it, but I doubt he would be, actually.

Earlier this week, in fact, Tuesday, Wednesday and Thursday of this week, the Treasury auctioned off \$104 billion of Treasury bills; \$104 billion of debt we sold this week, the largest amount ever sold by this country. The reason we had to sell that much debt is because we are spending too much money. In fact, we are spending so much that over the next decade, think about this, over the next decade, we are going to take the national debt, which is now \$11 trillion, we are going to take it to \$23 trillion.

Think about what it takes to pay that off. Think about what our kids and grandkids are going to have to do to pay that off. First, you have to balance a budget; then you have to run a trillion-dollar surplus for 23 years in a row, and that doesn't even count the interest which is now approaching a billion dollars a day. Spending is certainly out of control.

So this amendment is real simple. This amendment says, you know what, let's do what all kinds of families are doing, what all kinds of taxpayers across this country are doing, what all kinds of small business owners across this country are doing: let's live on exactly what we were functioning on, what the Federal Government was functioning on just 1 year ago. In fact, it wasn't even 1 year ago. It was 9 months ago we were still going on a continuing resolution for 2008, living on the 2008 appropriated levels. Let's do that.

Instead of increasing spending in this bill by 21 percent over what we were functioning on just 9 months ago, let's do what all kinds of families and taxpayers, all kinds of small business owners across this country are doing. In fact, unemployment in my district runs anywhere from 10 to 16 percent in the 11 counties I have the privilege of representing. There are families, there are small business owners, there are taxpayers in the Fourth Congressional District of Ohio who are living on something less than what they were living on just 9 months ago. But somehow the Federal Government can never get by on less. It is only the families and taxpayers who have to do that.

Again, my amendment is pretty straightforward. It says, let's go back to where we were just 9 months ago. The government should be able to function on that amount of money, and it reduces the appropriation amount in this bill by \$5.750 billion. Again, that amount is a 21 percent increase over

what we were functioning on just 9 months ago.

I reserve the balance of my time.

Mr. DICKS. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. This amendment would harm this bill dramatically and would shortchange America's vitally needed environmental conservation and Native American programs.

As our former colleague, Silvio Conte, would say: This is a mindless, meat ax approach. It makes no choices based on need or the merits of the programs. This reduction is the equivalent of a 17.8 percent cut. This is completely irresponsible. This is not just an accounting change on a spreadsheet. Cutting \$5.75 billion from the bill would have serious consequences on health, jobs, energy programs, young people and wild places.

The Environmental Protection Agency would be reduced by \$1.8 billion. This would seriously impair environmental protection, science programs, and hazardous area remediation. Funding for efforts to help local communities with repairs to their aging water and wastewater infrastructure would be reduced by \$700 million. This would mean that approximately 400 communities would not receive the financial assistance they need to repair and improve water and sewer infrastructure.

Despite the fact that 76 million Americans live within 4 miles of a toxic waste site, the amendment cuts \$233 million from programs to clean up the Nation's most toxic and hazardous waste sites. It reduces the landmark effort to clean up the Great Lakes by \$85 million, thus jeopardizing the cleanup of toxic sediments in the lakes and harming the aquatic plants and animals which humans depend upon.

Our national parks would be cut by \$485 million. It includes a \$403 million reduction below the President's request for the basic operational costs of the 395 units of the national park system. As an example, Yosemite would lose \$3.6 million; Yellowstone, \$4.6 million; the Independence Mall in Philadelphia, \$2.8 million. This reduction is the equivalent of closing 75 national park units. Many visitors would find closed national parks when they go on vacation or on educational trips, reducing the entire tourism industry and harming the economy of many cities and communities.

It rejects \$1.2 billion for programs that have received bipartisan support by cutting \$721 million out of Indian health care programs. This proposal would deny critically needed services to thousands of Native Americans. More than 2 million Native Americans would be denied inpatient and outpatient health care services and more than 4,000 cancer screenings would be eliminated.

It takes \$90 million out of the already struggling Indian education programs, leaving even more Indian children without adequate education programs.

It reduces overall funding for fire-fighting by \$652 million at a time when we are facing another dangerous wild-fire season. Many small fires would escape initial attack, leading to many more large wildfires that harm watersheds and cost far more money in emergency firefighting and recovery costs.

It cuts 1,700 firefighters, shuts down more than 50 firefighter stations, and significantly reduces air tanker support. It decimates preparedness efforts by failing to provide critical support for initial attacks, and could allow as many as 600 more wildfires to escalate.

□ 2245

This would lead to larger, more damaging and much more expensive fires, the kind that costs in excess of \$100 million to extinguish.

So I think this is a very bad amendment. It hurts the Fish and Wildlife Service. It hurts the Forest Service.

So I urge a "no" vote on this amendment and reserve the balance of my time.

Mr. JORDAN of Ohio. Madam Chair, there they go again. I think the chairman's words were "irresponsible meat-ax approach." This is not a cut. This is not a cut. This is saying let's hold the line. This is taking the first step—what I would say is a pretty modest first step—towards trying to rein in spending so we don't saddle future generations of Americans with this enormous step.

If you don't take this first step and say, let's hold the line, let's freeze where we're at, you never have to prioritize, it's just the band plays on. We'll just keep increasing. We'll just keep spending. We're saying, well, we never have to decide which programs make sense, which ones should be eliminated, which ones are redundant. You never have to make the tough calls. You just keep spending, which is, frankly, the easiest thing in the world for politicians to do, spend and spend and spend, borrow and borrow and borrow, tax and tax and tax. Well, that's pretty easy for this place to do. The tough thing is usually the right thing.

I had a coach in high school. He talked about discipline every stinking day. I used to get sick and tired of hearing about it. And he said that discipline is doing what you don't want to do when you don't want to do it. Basically that meant doing it his way when you would rather do it your way. It meant doing it the right way, the tough way, the difficult way when you would rather do it the easy and convenient way. The easy and convenient way is to continue to spend and spend and spend. The tough thing to do is to say let's hold the line and then let's figure out which programs actually make sense, and I trust the gentlemen here on the committee to do that.

But if you never hold the line, you never get to the first step. This is a modest first step. We still know we've got trillions of dollars in debt we've got to deal with. We can't even take the first step. That's what is so frustrating—and, frankly, in my mind, so ridiculous—about this place is we can never even just say let's just stop. Let's do what Americans all over this country are having to do. We can never do that. And the Democrats just read off a bunch of lists, oh, this, this and this—that's baloney. We just want to hold the line, and everyone across this country understands that.

Let's hold the line. Let's pass this amendment and take that first step towards becoming fiscally responsible and exercising a little discipline in this Congress for a change.

Madam Chairman, I yield back the balance of my time.

Mr. DICKS. Again I want to say that our committee held countless oversight hearings. We made cuts, \$300 million in cuts.

I would also say that this part of the budget, under the previous administration was reduced, Interior Department, by 16 percent, the EPA by 29 percent, the Forest Service by 35 percent. So this will help bring back these important programs. I mean, we are talking about health care in the Indian Health Service.

Mr. OBEY made a decision. President Obama made a decision. It went through OMB. Many of the people on the other side of the aisle have no trust in the Congress, but this budget came from the administration. The administration looked at all these programs. And every earmark we had in this bill was vetted by the administration. So this has been carefully put together.

I spent 33 years on this committee, and I'll tell you this, we know what we're doing. We support the Park Service, the Fish and Wildlife Service. These are great institutions that deserve our support, and to have somebody come in here and accuse us of not doing our work is an insult to me and to Mr. SIMPSON because we have done our work. We know what's in this bill, and it's a good bill.

I urge a "no" vote on this amendment and yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

Mr. STEARNS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

SEC. ____ Each amount appropriated or otherwise made available by this Act for the Environmental Protection Agency that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 38 percent.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Madam Chairman, I am not going to take all my time. I think my amendment is going to have a very difficult time passing.

I have heard the gentleman's arguments on many occasions. He and I have gone toe to toe on 1 percent cuts, 2 percent cuts, the National Endowment for the Arts. We have been through this.

I would just say simply that my amendment freezes the total amount of spending in the bill for the Environmental Protection Agency at the current level. Now, I know you are going to scream and holler on that, but with the economy contracting and unemployment rising, it would simply be irresponsible to increase the EPA by almost 40 percent, and that's what you're doing here. You are increasing the EPA by 40 percent during a fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 omnibus budget bill and the stimulus bill, the EPA will receive more than \$25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations budget. So that is my say for tonight.

Madam Chair, my amendment is very straightforward. It would freeze the total amount of spending in this bill for the Environmental Protection Agency at the current level. With the economy contracting and unemployment rising, it would simply be irresponsible to increase spending for the EPA by 38 percent during this fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 Omnibus and the "stimulus" bill, the EPA will receive more than \$25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations bill.

Americans are seeing their family budgets get smaller and smaller, while Congress continues to spend and spend. I don't think it is too much to expect Congress to make the same sacrifices that millions of Americans are making everyday.

Providing a 17 percent overall increase in total funding in this bill—and an astonishing 38 percent increase for the EPA—when our country is experiencing the worst economic crisis in decades is the height of irresponsibility. We must hold the line on spending and make sound budget choices that are sustainable and that do not rely on continued deficits and borrowing.

Families across my congressional district and all across the country are having to tighten their belts during this tough economic time. I don't think it is too much to expect Congress to do the same. We need to set the example.

This Congress and President Obama continue to ignore the fact that their reckless spending will bury our children and grandchildren under a mountain of debt. Since 1970, federal spending has increased 221 percent, nearly nine times faster than median income. In 2008, publicly held debt, as a percentage of the GDP was 40.8 percent, nearly five points below the historical average. Under President Obama's budget, this figure would more than double to 82.4 percent by 2019.

My colleague from Washington, Chairman DICKS, stated during the markup of the FY2010 Interior, Environment and Related Agencies Appropriations Bill that, "this Bill demonstrates a clear break from the past." He is most certainly correct. This bill demonstrates a clear break from sound fiscal policy and instead ushers in a new era of reckless out of control spending that will saddle families with oppressive levels of debt for generations to come.

There is plenty of blame to go around for the out of control spending. At some point, we have to stand up and say stop. We still have much work to do but we can start with this amendment.

Passing this amendment will send a strong message to the American people that Congress is serious about reigning in this out of control government spending. As families across America continue to tighten their belt, Congress needs to do the same.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to seek the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I urge Members to oppose this amendment. The gentleman from Florida would not have believed it if I had accepted his amendment, and of course I can't accept it because this amendment is not a good amendment.

The gentleman says that this amendment would reduce the EPA to the fiscal year 2009 funding level, but let's talk about what it will really do.

A reduction of 38 percent to the funds provided in this bill for EPA would equal a \$3.975 billion cut. That would eliminate all the funding for the Clean Water and Drinking Water State Revolving Funds, and 27,000 fewer construction jobs would be created through construction of water and wastewater infrastructure. That means almost 1,500 communities across this country would not receive assistance to repair and build drinking water and wastewater infrastructure.

It was the previous administration that reported a \$662 billion gap between what our communities will need to spend and the funds they have to do it with. This reduction would mean that the great water bodies of this country will not receive the funding to help restore and protect these special natural resources.

The great water bodies are not just the Great Lakes, the Chesapeake Bay, and the Gulf of Mexico. If you represent a district that borders any of these water bodies, this amendment will cut the funding your community depends on to help protect them: Mobile Bay, Alabama; San Francisco Bay; Morro Bay, California; Santa Monica Bay; Long Island Sound; Delaware Estuary; Tampa Bay; Sarasota Bay; Charlotte Harbor, Florida; Indian River Lagoon, Florida; Barataria Terrebonne, Louisiana; Casco Bay, Maine; Maryland coastal bays; Massachusetts Bay; Narragansett Bay; New Hampshire estuaries; New York/ New Jersey Harbor; Barnegat Bay, New Jersey; Peconic Estuary; Albemarle Pamlico Sound; Lower Columbia River; Tillamook Bay, Oregon; San Juan Bay, Puerto Rico; Coastal Bend Bays, Texas; and Galveston Bay, Texas.

I would warn Members that 151 Members of this body whose districts border one of these estuaries that I mentioned will see that their funding will be cut for these important programs.

A reduction of this size would mean the EPA would stop construction and demobilize 8 to 10 large, high-cost ongoing Superfund projects such as the Welsbach site in New Jersey, the Tar Creek site in Oklahoma, and the New Bedford site in Massachusetts. EPA would not be able to start any new Superfund sites in 2010 after years of reduction under the previous administration.

EPA estimates that a reduction of this size would prohibit them from completing construction at as many as nine Superfund sites in 2010 and 2011. This reduction would mean EPA would not properly certify new vehicles, fuels, and engines sold in the United States to make sure they conform to EPA's emission standards. And 217 tribes would lose funding for their environmental programs. A 38 percent reduction to the EPA would impact every program they administer. But most importantly, this reduction would affect every American who wants to drink clean water and breathe clean air.

Let me remind the Members, we all have an environment in our districts, so I urge a strong "no" vote on the Stearns amendment.

Madam Chairman, I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I would say to the gentleman, did he know that they found a water bay on Saturn, the planet Saturn? And using your line of reasoning, we should also consider funding for this new water bay on Saturn.

This is not a reduction. This is not a cut. This is simply a freeze. And I would ask the gentleman: How many people in your congressional district are getting a 38 percent increase this year in their salary? And how can you justify a 38 percent increase on EPA?

With that, Madam Chairman, I yield back the balance of my time.

Mr. DICKS. I will answer the gentleman's question. I want you to know,

again, I have to say this again, and it pains me every time I say it, but over the last 8 years, the Interior Department was cut by 16 percent; EPA was cut by 29 percent. So this is a little bit of help to get back to an approach that can deal effectively with some of the most important and sensitive programs we have in this country: the Superfund sites, our wastewater treatment, our clean water.

When you ask the American people, do you want clean water, do you want safe drinking water, it's a 99 percent issue. So to stand up here and say we're going to have draconian cuts of the money for the revolving funds that are going to provide that clean water, it is unthinkable. And I know the gentleman wants me to stop. It must be painful. The truth is always painful.

Madam Chairman, I ask for a "no" vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. STEARNS. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Arizona (Mr. FLAKE) with amendment No. 22.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Park Service—Construction" shall be available for the Restore Good Fellow Lodge project at Indiana Dunes National Lakeshore in Porter, Indiana, and the amount otherwise provided under such heading is hereby reduced by \$1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chairman, this amendment would strike \$2 million that is currently in the bill in funding to install a municipal water line to the Good Fellow Lodge at the Indiana Dunes National Lakeshore in Porter, Indiana. The Good Fellow Youth Camp was operated by U.S. Steel from 1941 to 1976, the only one of its kind ever operated by U.S. Steel, and the facility offered summer camp opportunities for children of U.S. Steel employees who worked in the nearby Gary Works Steel plant.

The National Park Service purchased this camp in 1976 for inclusion within the National Lakeshore, and given this historic background and involvement with the community, I can understand why the gentleman from Indiana has a desire to preserve the Good Fellow Lodge. In fact, Madam Chair, in the world of earmarks out there, this is not one that's being given to a private company without bidding. This is one that actually does have a Federal nexus because it's a national park. That is not what is at issue here.

According to the Government Accountability Office, in 2008, the Department of the Interior had a backlog of deferred maintenance projects totaling between \$13.2 and \$19.4 billion. In other words, somewhere from \$13 to \$19 billion is how much money the Government Accountability Office believes the Department of the Interior needs to bring all of the various park projects up to snuff.

And we hear about crumbling infrastructure, and Federal funds are not immune from that. To put that amount in perspective, the \$13 to \$19 billion, the entire budget of the Department of the Interior in this bill is \$11 million, so it's more than an entire year's budget of the Department of Interior.

□ 2300

So, the question before us, Madam Chair, is: With all these needs, billions of dollars of need in parks all around the country, is this the right way to allocate \$2 million, that we take \$2 million from the Park Service's budget, which clearly they believe is inadequate to take care of the needs of parks and allocate it on the basis of a Member's request? Or would it be better to be allocating these funds on the basis of need or on the basis of use or on the basis of someone looking at all of the potential park projects and needs around the country and determining which ones meet a threshold requirement rather than do this by a Member request, because every Member could have parks they could request for their districts.

I will reserve the balance of my time.

Mr. VISCLOSKY. Madam Chair, I seek recognition in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Before I proceed, just for clarification, if I could ask the gentleman from California a question. Did you indicate that that was an amount of \$1 million or \$2 million?

Mr. CAMPBELL. Mine said \$2 million. Is that in error?

Mr. VISCLOSKY. I would suggest to the gentleman that it is \$1 million and that his statement was not correct.

Mr. CAMPBELL. I will accept the gentleman's correction. He would know better than I.

Mr. VISCLOSKY. Madam Chair, the gentleman talked about the preservation of the Good Fellow Lodge that, as he rightfully indicated, became possessed by the National Park Service in

1977, 32 years ago. He also indicated, correctly, the deferred maintenance budget under the General Accountability Office.

But I would point out that the \$1 million designated in this bill—and I appreciate the consideration of the Chair and the ranking member for including it—goes much beyond the issue of preservation. The fact is that it has a lot to do with education.

The installation of the water line and the subsequent restoration of the lodge would allow the Dunes Learning Center at which this lodge is located to expand their current educational program. The learning center provides valuable hands-on experience and inspires environment and environmental stewardship among the citizens of northwest Indiana.

Since its inception in 1998, over 48,000 students have participated in the program, including a record 5,578 last year. For these thousands of learners, the Environmental Education Center, which the Good Fellow Lodge is intended to be part of, is increasing each visitor's enjoyment and understanding of the parks and to allow visitors to care about the parks on their own terms.

This is not just about preservation. It is also about reducing future costs for the National Park Service. The fact is that the project would reduce National Park Service maintenance and operation costs. Internal filtering and chlorination systems for the wells that are currently on site must be maintained at each site with daily and weekly sampling and expensive laboratory testing to satisfy State health standards.

Currently, the park operates and maintains all pumps and water lines. And this project would allow the park staff to focus on other high-priority assets in the park.

And I would also point out that it has something to do with the issue of safety. A municipal water supply line will increase supply in water pressure that will improve fire suppression for the student cabins that are at site and ensure quality of potable water consumed by the children.

So I do think this is very deserving and goes beyond the issue of preservation.

Mr. DICKS. Would the gentleman yield?

Mr. VISCLOSKY. I would be happy to yield.

Mr. DICKS. I want the gentleman to know that this amendment, you put it on your Web site. We looked at it very carefully. And we feel that this is a totally justified amendment. We strongly support it.

We checked with the Park Service, and the Park Service strongly supports it.

Mr. VISCLOSKY. I appreciate the gentleman's remarks.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentleman's points and I

appreciate the gentleman's passion for the project. But as I mentioned before, that is not the point.

The point, I believe, is that there are 434 others of us who have parks that we may believe are greater in need than this or are just in as much need as this. Is this the way that we should allocate scarce resources around the various national parks that we have in the country? I think it's not.

With that, I yield back the balance of my time.

Mr. VISCLOSKY. I would simply close by making the observation that the gentleman talks about other parks, but we are a society. Taxpayers in northwest Indiana pay for projects that potentially reduce flooding in a city like Dallas, Texas. The taxpayers in the State of Illinois may pay taxes to make an investment at Oak Ridge in the State of Tennessee that, at first blush, may have nothing to do with their interests but enure to the benefits of everyone in the United States. The fact is that this is a national park. It enures to the benefit of every citizen of the United States. And I ask for my colleagues to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART D AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Park Service—Historic Preservation Fund" shall be available for the Village Park Historic Preservation project of the Traditional Arts in Upstate New York, Canton, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by \$150,000.

The CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment strikes \$150,000—I hope I have the amount correct this time—allocated to the Traditional Arts in upstate New York in Canton, and reduces the overall funding in the bill by that amount.

Madam Chair, I'm not sure if this earmark is going for the Village Park Historic Preservation, which is what is indicated on the list of earmarks released by the House Appropriations Committee and posted on their Web site, or to the Traditional Arts in upstate New York, Evergreen Folk Life Center, as listed, I believe, on the gentleman from New York, on his Web site, or maybe those are the same thing with a different name. I'm not quite sure.

But regardless, when I Googled Village Park Historic Preservation and New York, the only thing that came up was the House Appropriations Committee earmark list. And when I Google Evergreen Folk Life Center in New York, the only thing that comes up is the gentleman from New York's earmark request on his Web site.

I understand that the gentleman—and I'm sure he will say this with greater passion—sees that this benefits upstate New York and indicated this is a destination location and so forth and that there is a high unemployment rate in the district. But, of course, there is a high unemployment rate in many places around the country.

Again, somewhat like the previous amendment and the previous earmark, I don't doubt at all that this is an important project to the gentleman from New York. I don't doubt at all that this is an important project perhaps to the citizens of that area of New York. But I do question if this is such a vital economic driver for the community that I haven't been able to find how or where it does that.

I guess this earmark, whether it was this one or any other—could have picked many of them—the question basically is this, that we're going to have a \$2 trillion deficit this year. Forty-six cents of every single dollar spent will be borrowed. Forty-six cents of this \$150,000 this year will be borrowed.

Is this a national priority? Is this something that, in these times, with the deficits and debt that we have, is this the sort of thing that rises to the level of a national priority such that we should borrow forty-six cents on the dollar, increase the deficit further, increase the debt further, and put ourselves in these kinds of problems?

As I mentioned, Madam Chair, it's not that this particular project stands out over others. It could be this one or many others that exist in this bill or in many of the other appropriations bills that we will look at this year. And I think, Madam Chair, that the people of this country would be better served if we saved this money, didn't spend it, didn't borrow it, and tried to have a little better rein on some of their money.

With that, Madam Chair, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DICKS. First of all, I want to say we strongly oppose this amendment.

We have checked on this project. We think this is a great project. We think it's worthy. We think it provides a lot of public good. And I'd be glad to yield to my friend from New York (Mr. MCHUGH) to further discuss this project.

Mr. MCHUGH. I want to thank the distinguished chairman of the subcommittee and also my dear friend, the distinguished ranking member of the subcommittee and indeed the Appropriations Committee in general, for recognizing the value and the importance of this funding.

As I have said to the gentleman from California's friend and colleague, my colleague from Arizona, Mr. FLAKE, in past years when he has brought amendments to the floor striking out at some of the programs that I have been proud to advance, I always appreciate the opportunity, Madam Chair, to rise and to talk a bit about the district I have the honor of representing and the special people who live there.

I agree we have an economic challenge in this country. I'm not sure \$150,000, as much as I wish that all of us in America had that amount in our hip pocket, will save that.

But taking with seriousness the gentleman from California's proposal, I would just make the following comments. Most people view New York State through one lens—and that lens is New York City. When they think of New York, they think of Broadway, they think of the Statute of Liberty. They think about all the great things that is indeed New York City and is, in many real ways, New York. New York is all of that, but it's much more as well.

In my part of the world, in my part of New York State, it's the St. Lawrence River; it's the Adirondack Mountains; the Adirondack Park—the largest publicly held park in the lower 48 States. It's Thousand Islands. It's beauty. It's natural wonder. And it's great people. It's not a metropolis. It's small towns, it's villages, and its hamlets with very industrious, very proud, and very kind people. But for all of our natural beauty, for all that causes us to be proud in calling this great part of the world home, it's a region that has long been confronted by economic challenges—closed factories, abandoned mills, failing farms, declining populations.

In our part of the world—and I can't speak for the coast of California where the gentleman represents—and I know he does that proudly—economic development is a little bit different, perhaps. It's something that we take very seriously, but it has to be configured around those things that the good Lord has given to us: the great universities—four of them within 10 miles of this facility; the tourism, which is our number one industry, along with agriculture, those failing farms I spoke about; the need to bring economic development by revitalizing downtown centers.

I can't speak to the fact why the gentleman had trouble as he did in the

first amendment identifying the right amount as to the proper group he was unable to identify, but the organization to which this money will go is a not-for-profit organization. They're configured in Canton, New York.

They're attempting to do all of the things I listed: bring economic development through vitalizing tourism; giving people who come to that beautiful part of New York State something to see, something to do; an opportunity to learn about the very special culture, starting with the 1600s in New York State on the Canadian border.

That opportunity to revitalize that downtown center, to create the opportunities for new businesses to come in, and for that chance for those good and proud people to realize that glory and the opportunity and the growth that they had in the past.

I don't think the gentleman from California has any animosity towards Canton, quite frankly. With no disrespect, I doubt he could find it. But the fact of the matter is I think we have a difference of philosophy. The gentleman doesn't believe that it's the opportunity and the right of Members of Congress to come here and to do within the rules and regulations, within the standards established by this House—and if we want to expand them, I'm happy to do that—to provide a little bit of help—in this case, \$150,000—to bring a difference where the unemployment rate is pushing over 10 percent.

□ 2315

This is a program that is not just an earmark. It's under the Save America's Treasures Act. The gentleman spoke very eloquently in the first amendment he brought about standards, about guidance, about benchmarks. There are nine benchmarks under the Save America's Treasures Act. Where it is in the timeline, this project meets every one of those standards. I would hope my colleagues would join me in understanding the importance of this.

Mr. CAMPBELL. Madam Chair, again, I appreciate the gentleman's passion. I appreciate his commitment. I would say again—and if I am in error, correct me—but the description of the project on the Appropriations Web site is different than the sponsor's description of the project.

I yield to the gentleman from New York.

Mr. MCHUGH. If that were the case, why didn't the gentleman come to me or go to the committee and ask what the differences were? We reached out to your staff today, and we had a response that had nothing to do with what the offer was we made.

Mr. CAMPBELL. Reclaiming my time, as far as reaching out to staff, that's something the staff can talk about with each other. But you're right. Perhaps we should have asked that question. But there are discrepancies like that we should look at.

But in any event, Madam Chair, whether it's this project or any other,

we need to start saving some money. We need to start saving some money. This is an unsustainable spending pattern, and I would ask for an "aye" vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Arizona (Mr. FLAKE) with amendment No. 24.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "National Park Service—Historic Preservation Fund" shall be available for the Tarrytown Music Hall Restoration project of the Friends of the Mozartina Musical Arts Conservatory, Tarrytown, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by \$150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

This amendment would remove \$150,000 in funding for the Tarrytown Music Hall restoration to be received by the friends—and I'm sure I'm going to butcher the pronunciation of this—but the Mozartina Musical Arts Conservatory in Tarrytown, New York, and would reduce the overall cost of the bill by a commensurate amount.

The intended purpose of this earmark is, quote, To preserve a historic landmark which would provide recreational and tourism economic benefits. According to the Tarrytown Music Hall's Web site, it was built in 1885 by a chocolate manufacturer William Wallace. The music hall is the oldest operating theater in Westchester County, having been designed by the same architect who designed New York City's Grand Central Station and Macy's Building in Herald Square. Today the music hall is a fully operating theater with capacity to seat an 843-seat audience. It's a pretty good-sized place.

Tarrytown Music Hall is known for its excellent acoustics. In fact, in 1997

jazz singer Tony Bennett performed there in celebrated fashion without a microphone. Mr. Chair, the question I guess is, should taxpayers fund the restoration of a music hall where acclaimed artists such as Bruce Springsteen, Lyle Lovett and James Taylor have performed? This theater was also the site for scenes in movies such as *The Preacher's Wife*, *Mona Lisa's Smile*, and *The Good Shepherd*. Is such a site not able to sustain itself with private donations? And if that is the case, that it cannot sustain itself with private donations, then I would suggest that, is there sufficient public interest to restore this hall so much if private money can't be raised that we should force taxpayers to pay for it? In fact, according to its Web site, in the past year the theater itself donated over \$80,000 worth of rehearsal and performance space and recently purchased land costing \$2 million for staff parking and a future expansion. This weekend you can attend a performance at the Tarrytown Music Hall for a minimum price of \$58 a seat and a maximum price of \$80 a seat.

Madam Chair, the question on this one, again, is not that it's not a fine place, it's not that it's not a historic place. But if we have a theater like this that commands those kinds of ticket prices, commands those kinds of artists performing there, has all this sort of activity around it, it should be able to raise money on its own. And given the \$2 trillion deficit we have, given the national debt will double in 5 years and triple in 10, given the proposals on the majority side of the aisle that are being discussed to raise taxes all over the place, is this a place that we should be spending more of the taxpayers' money? Isn't this the sort of charitable function that people should raise money on their own? You know, there's a ton of this sort of project, this sort of application in my district and I'm sure in everyone else's districts.

I—and I am sure many other people here—support these things with charitable contributions in various ways; and that's the way they should be supported, by the local community keeping them going. That's who will use them. That's who will appreciate them. But to ask the Federal taxpayers to come in and subsidize such a project, Madam Chair, I think is just not appropriate, particularly in these economic times.

I would reserve the balance of my time.

Mrs. LOWEY. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Madam Chair, I first want to thank the chairman of the subcommittee for his support, and I congratulate him on a strong bill that I am proud to support. And I do respect the views of my colleagues, Mr. FLAKE from Arizona and Mr. CAMPBELL from California. I think they understand

that this is not a partisan game that we're a part of, and they may have a principled stand for what they believe Congress' role is in directing Federal spending.

However, on this issue, we fundamentally disagree. I do believe that it's our responsibility, as elected officials, to fight for what is best in our district in accordance with the rules guiding Federal programs. Recipients of Save America's Treasures funds, including the Tarrytown Musical Hall, do not expect the Federal Government to shoulder the full burden of their projects. They're required to provide a dollar-for-dollar match, and every dollar they receive from the government is matched.

During these difficult economic times, it is our responsibility to assist industries that make substantial contributions to our economy to accelerate long-term recovery and growth nationally. Tarrytown Music Hall does generate more than \$1 million in economic activity in my district. In fact, the arts industry throughout the United States generates more than \$134 billion in economic activity annually and creates 4 million jobs across the country. In addition to their economic benefit, entities supported by Save America's Treasures preserves the historic places and items that tell America's story for the next generation. They educate the public about our rich heritage, foster a sense of pride in our country and communities; and Tarrytown Music Hall's cultural and educational programs serve more than 30,000 children each year. This project is providing \$150,000 to perform necessary structural stabilization, meets the eligibility requirements of the Save America's Treasures program as vetted by the Department of Interior and is consistent with earmark reforms instituted this year by Chairman OBEY. And the projects account for less than 20 percent of the overall funding provided by the Appropriations Committee for Save America's Treasures.

Mr. DICKS. Will the gentlewoman just yield for a moment?

Mrs. LOWEY. I would be happy to yield.

Mr. DICKS. I just want to say, our side strongly supports this amendment. It was properly vetted. This is one of those incredibly important things for a local community, and we want this project to be funded.

Mrs. LOWEY. I thank the Chair.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentledady from New York's comments; but I don't think it changes any of the facts that I laid out. And I would argue—and again, not just with this one. There are others that could have been brought up as well—but that this is essentially a charitable contribution. Whether it's my district, your district or anyone else's, we have a number of such things for which charitable contributions should be made. I really don't think that the taxpayers of this country elected us in

order to be conduits of their charitable contributions with their tax money. I think they elected us to spend as little of their money as possible on things only of national priority and Federal nexus. I'm just afraid I don't see where this or other projects like this rise to that standard.

With that, Madam Chair, I would yield back the balance of my time.

Mrs. LOWEY. I just want to make it very clear that there seems to be a real difference of opinion as to what the responsibilities are of a Member in Congress. The Save America's Treasures program restores hundreds of culturally and historically significant institutions. They would be forced to shut their doors.

So I, again, urge my colleagues to reject this amendment and support this facility. I, again, want to thank the chairman for his support because it really would make a difference in providing economic revitalization not just to the facility but to the region.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART E AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Texas (Mr. HENSARLING) for his amendment No. 61.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part E Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act under the heading "National Park Service—Statutory or Contractual Aid" shall be available for the Angel Island State Park Immigration Station Hospital Rehabilitation project of the Angel Island Immigration Station Foundation, San Francisco, California, and the amount otherwise provided under such heading (and the portion of such amount specified for congressionally designated items) are hereby reduced by \$1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

Angel Island Immigration Station is located in California State Park on Angel Island in San Francisco Bay. It

was an active entry station into the United States from 1910 until 1940, and after 1940 it was used by the U.S. military until California State Parks assumed ownership in 1963. The earmark in question carves out \$1 million for the rehabilitation of the immigration station's hospital. According to the Angel Island Immigration Station Foundation, the hospital restoration is expected to cost \$16 million total, and they are currently conducting a fund-raising campaign to raise that money.

Now Angel Island has already been the recipient of Federal earmarks in 2008 and in the omnibus in 2009, receiving \$1.125 and \$1.25 million respectively. This bill would bring another million, adding a total to this particular immigration station on Angel Island to \$3.375 million.

Now, Madam Chair, the Nation ran up a record level debt last year, \$455 billion. We're set to eclipse that deficit by nearly four times and nearly \$2 trillion this year and follow it up with another \$1 trillion-plus deficit every single year from now through 2010. Although Angel Island is historic, and I, actually, personally, am a fan of historic preservation, although you may find that difficult to believe today. I just feel we shouldn't do it with taxpayer money in this way. Given our serious budget problems, the question of whether this rises to the level of the sort of thing we should be spending people's money on when American families all over this Nation are struggling in these tough economic times, we need to look at every bit of spending to determine if it's something we would like to have or something that we have to have.

Madam Chair, given that the Obama budget recently passed by Democrats would triple the debt in the next 10 years, we need to set priorities; and we should only spend on those things that we have to have and not those things that we would like to have.

Again, what makes Angel Island Immigration Station more worthy of \$3 million than various other State parks, both in California and elsewhere? On December 8, 2005, Speaker PELOSI said, and I quote, It's just absolutely immoral for us to heap those deficits on our children. And then again, according to USA Today, on November 12, 2006, Speaker PELOSI said, There has to be transparency. I'd just as soon do away with all earmarks, but that probably isn't realistic. You can't have bridges to nowhere for America's children to pay for. Or if you do, you have to know whose it is.

□ 2330

Madam Chair, there aren't many things lately I agree with the Speaker on, but I agree with both of those two comments. We have to stop passing on debt to our children. We have to stop spending money on things that are not national priorities, are not have-to-have items. And although this is in my home State of California, I believe this is one of those items.

Madam Chair, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. WOOLSEY. I thank the chairman for allowing me to take this space.

Madam Chairwoman, I frankly have to say that I am absolutely shocked to come to the floor to defend the Angel Island Immigration Station. I can only assume that the gentleman from California simply does not realize the cultural and historic significance of Angel Island Immigration Station and how very important it is to millions of Americans. Actually, Angel Island is known as the "Ellis Island of the West" because over a 30-year period between 1910 and 1940, the Angel Island Immigration Station processed more than 1 million immigrants from around the world with the majority coming from Asia.

Today the Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history by hosting more than 50,000 people including 30,000 school children every single year. But because of severe deterioration, many of the historic buildings are in danger of collapsing and in desperate need of repair. That's why I, along with Speaker PELOSI, requested \$1 million to rehabilitate the old Angel Island Immigration Station Hospital so that it can be used, among other things, as a museum to tell the story of immigration from Asia to the United States.

Now, I doubt very much that anyone would come to this floor to strike funding for Ellis Island and argue that its preservation was "wasteful government spending." But at the heart of the matter, Angel Island is just as important to those who cross through its gates as Ellis Island was for so many European immigrants. For those people whose ancestors first stepped on American soil were taken on Angel Island in the middle of the San Francisco Bay, this amendment works to deny their history and their struggle.

It's also important for me to point out, and Congressman CAMPBELL said this, that Congress is already on record for supporting funding for Angel Island. In the 109th Congress I sponsored H.R. 606, the Angel Island Immigration Station Restoration and Preservation Act, which did authorize funding to protect and preserve this historic landmark. H.R. 606 was passed out of the House by voice vote, the Senate by unanimous consent, and signed into law by President George W. Bush on December 1, 2005. The sponsor of this amendment had no objection then when his party controlled both Houses of Congress and the White House.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. Yes, sir.

Mr. DICKS. Madam Chair, I want to rise in strong support of her amendment and the Speaker's amendment.

This is a very important project. And I urge a “no” vote on the Campbell amendment.

I appreciate the gentlewoman for yielding.

Ms. WOOLSEY. Thank you. Reclaiming my time, Madam Chair, Angel Island is a national historic landmark that is in absolute desperate need of repair and rehabilitation. I urge my colleagues, and I thank the chairman for supporting this, to vote against this amendment. This project is not a bridge to nowhere; it’s a bridge to our past.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. I yield.

Mr. DICKS. The “bridge to nowhere” was not an Appropriations Committee project. This was a project of the House Transportation Committee, and our committee had no responsibility for this.

Ms. WOOLSEY. Madam Chair, I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate my colleague from California’s comments. Again, it doesn’t change the facts of the matter. Let’s put it maybe a little more specifically.

This is \$1 million going to this particular project that is a California State park, not a Federal park. And of that \$1 million, \$460,000 will have to be borrowed. Much of that money will be borrowed from the Chinese, from Indians, from Russians, from whomever. And as much as I agree with you, as I like to see our historic preservation and I’m totally with you on that, but there is a project out there. There is an effort out there to raise private funds for this, and that is where the effort should be. And as scarce as Federal dollars are right now and the number of needs that we have and the gigantic deficit that we are not just passing to our children, we are passing to us—\$2 trillion a year increasing the debt? Senator MCCAIN talks about generational theft. Yes, there is that. But we are passing this deficit on to us. I mean, in 5 years this is going to crush us, not 20, not 30, not 40. And we have got to stop it somewhere.

And as much as I understand and appreciate your passion for this project, I also believe these are the sorts of things where we can start to save a little money. So I ask for an “aye” vote.

Madam Chair, I yield back the balance of my time.

Ms. WOOLSEY. Madam Chair, I would like to respond to borrowed, and, yes, indeed, we do not want to heap debt on our children and our grandchildren. But there are some things we have to preserve for them, and that’s their history. And that is exactly what this project is about. They need to have their history preserved. They

need to be able to visit from their classroom. They need to go with their families to Angel Island and see what came before them, not just the Asian children in our community but all children, and they are all gaining a new respect for what San Francisco and the Bay Area is all about because Angel Island is where their ancestors came before they went out into the communities.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as a designee of the gentleman from Arizona (Mr. FLAKE) with his amendment No. 25.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading “National Park Service—Historic Preservation Fund” shall be available for the Historic Fort Payne Coal and Iron Building Rehabilitation project of the city of Fort Payne, Alabama, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by \$150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment would remove \$150,000 of funding for the historic Fort Payne Coal and Iron Building rehabilitation and would lower the cost of the bill by a commensurate amount.

The Times Journal, Fort Payne’s local paper, reported on June 9 of this year that the Fort Payne Coal and Iron Building will be renovated into the Fort Payne Culture and Heritage Center. The article goes on to reveal that the City of Fort Payne received a \$90,000 grant from the Alabama State Council on the Arts in order to begin construction on this project, which starts this fall.

Rehabilitation of the Coal and Iron Building into a culture and heritage center is the kind of thing that ought to be paid for at a State level or at a local level and by local communities. I applaud the ability of the council to make such a grant given the economic conditions that exist out there, but I question again whether this is one of those things which rises to the level of whether it should have another \$150,000 of taxpayer money.

Now, Madam Chair, this is the fifth and final of various amendments I have offered on behalf of myself and other Members this evening having to do with earmarks, and let me say this: I have heard the passion pleas, and I am sure I will hear another one, from people this evening about the importance of the project they’re talking about. And I understand that. I get that. We all have things we think are important. And there are many things that are important, and we won’t agree on what they are, but they’re out there.

But budgets are about making choices. We cannot do it all. And when we do it all, we get into the problems that we are in today. We get into deficits that go on without end a trillion dollars or more. We get into debt that will crush not just our children but ourselves. We get into spending that rises and rises and rises and won’t stop. And there are so many things. I’m sure this project is one of them and I am sure that the gentleman from Alabama will make a defense of his project and his defense may be very legitimate. But there will be similar projects in my district and everyone else’s. And then there are a million other things we could do. And what about little things like national defense? What about all kinds of other things that this Federal Government has to do?

Madam Chair, it is time that we look at these earmarks and we look at the spending and we start to make those priorities and we say this is the amount of money we’ve got. And we have got to stop borrowing any more and we have got to stop pouring it onto our children, and we can’t increase the taxes because you will send this economy into a double-dip recession; and that we set these priorities and we decide that there are certain things that are important and there are certain things that aren’t.

And, Madam Chair, I guess I would just ask, if anybody out there is listening or watching, is the Fort Payne Coal and Iron Building historic rehabilitation, is that a national priority that in these times, that in this kind of deficit and this kind of spending environment, rises to the level of something that we have to do?

Madam Chair, at some point we have got to stop it. I would like to hope we can begin that process now.

Madam Chair, I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ADERHOLT. I just want to thank the Chair and the ranking member for their work on this subcommittee bill. As a ranking member on one of the subcommittees on Appropriations, I know the work that goes into these bills and putting them together, and I thank Mr. DICKS and Mr. SIMPSON for their hard work on this appropriation bill.

I would like to talk a little bit about this project. The amendment that has been brought up tonight by Mr. CAMPBELL is an amendment that would, of course, eliminate funding for what I believe is a worthy and historic preservation project.

The funding allows the City of Fort Payne, which is a town located in the district that I represent, a relatively small town in rural Alabama, to proceed with this rehabilitation project of an important landmark, as has been stated, the Fort Payne Coal and Iron Building. Also, it should be noted, Madam Chair, that this is included in the Save America's Treasures program.

Fort Payne was first incorporated as a town in 1889 as investors from New England saw coal and iron opportunities in the surrounding areas. During that time period, this particular building, the Fort Payne Coal and Iron Building, was the first building that was constructed. It served as the administrative building and the headquarters for the Fort Payne Coal and Iron Company, and it was from this building that the city itself was planned. This year marks the 120th anniversary of the building as well as the town of Fort Payne.

This has been a project that they are not depending on Federal funds alone, and that's, of course, as Mr. CAMPBELL pointed out. The City of Fort Payne in rural Alabama has spent \$50,000 of its own money working on this project. The State of Alabama has committed another \$135,000 for this project. The Coal and Iron Building will house a cultural center which will serve this region of the State. The building is on the national register, and it will be a valuable asset of increasing tourism and raising awareness of the cultural heritage of northern Alabama and southern Appalachia, as it will provide educational opportunities which augment certain other activities in the region.

□ 2345

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. I just wanted to say to the gentleman that the committee

strongly supports his amendment. We think this is a good amendment. It's well thought out. We like the fact that the city and the State put up money. It's a real partnership. This is the way we do things today, and the gentleman is a distinguished member of the committee and we are proud of his good work.

Mr. ADERHOLT. Thank you. I thank the chairman.

I just would also like to point out that Fort Payne, Alabama, is a community that tries to reach out and help others. It has a rich history of doing that. It was one time the number one sock producer in the world, and it is also the birthplace of the country music legends "Alabama." When New York City suffered the terrorism attack of 2001, the sock industry in Fort Payne donated and delivered hundreds of pairs of socks to the rescue workers who were working around the clock in that particular situation.

So, in closing, Madam Chair, the restoration and the use of the Coal Building will be a significant cultural and educational benefit to northeastern Alabama. While I respect the gentleman who has offered the amendment, I would ask the Members to vote "no" on this amendment.

And I would like to show a picture of the building. This is a picture of the Coal and Iron Building. This photo was taken somewhere between 1890 and 1899, and I think you can see that it is a part of American history.

And I would also like to mention, in response to the gentleman from California, that I am a strong supporter of defense spending for this country, but this particular project in no way hinders the defense spending for this country. And, as you know, you can check my record and see that I am a strong supporter of national defense for this country, but this is in a different bill completely. This is in a different set of areas of the appropriation bill, so I would like to just stress that to the other Members, and I would ask them if they would respectfully vote "no" on the amendment.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, this bill, this appropriations bill, Interior appropriation, increases spending from last year by 17 percent.

Now, I would ask how many Americans out there are going to see a 17 percent increase in their salaries? How many companies are going to be spending 17 percent more on their marketing budget on payroll, on anything else?

And also today the Congressional Budget Office issued a report on the debt and the deficit, and I would encourage Members to read it and look at it. It essentially says that we can't keep it up, it's unsustainable, that it is basically unsustainable and unsustainable.

Madam Chair, I understand this is only \$150,000, but the journey of 1,000 miles does begin with a single step. And if we can begin by starting to not

use taxpayers' money for charitable contributions, not using taxpayers' money for non-Federal priorities, not using taxpayers' money for earmarking to private companies without bids, then we begin that single step.

Mr. DICKS. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

I just would say to the gentleman, I hope when we get to entitlement reform, where the real money is spent, over two-thirds of the budget is in the entitlement reform, that I will see the gentleman from California and the gentleman's from Texas out here doing their good work on something that makes a difference.

The Acting CHAIR. The gentleman's time has expired. The gentleman from Alabama has 30 seconds remaining.

Mr. ADERHOLT. I yield the gentleman from Washington the additional time.

Mr. DICKS. With all due respect, the good efforts, I think what the gentlemen has done has led to reform. We have changed the way we operate in the Appropriations Committee. Everything is put on the Web site when it's requested, all the agencies review this. If it's for profit, it has to be competed.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Remember—we are going to vote "no" on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SIMPSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. I yield to the gentleman from Texas.

OFFICER HENRY CANALES—TEXAS LAWMAN

Mr. POE of Texas. I thank the gentleman from Idaho for yielding and also appreciate the chairman and all the indulgence tonight. I know it's been a long evening, and as we approach midnight here in the cradle of democracy and freedom, sad darkness is also falling heavy on the men and women and their families of the Houston Police Department in Texas.

Madam Chair, two nights ago we lost a hero veteran police officer in our city of Houston. The Houston Police Department Senior Officer Henry Canales was killed in the line of duty. He was an undercover police officer doing the very dangerous work of holding criminals accountable to the law. It is because of brave men like Officer Canales

that the rest of America can sleep safely tonight and every night.

Undercover officers face their own unique set of dangers. Assuming the identity of the criminal, they mix with the worst elements of evil in our society. They seek out these outlaws, become a part of their world, and they bring them to justice. Their bravery, their nerve is unequalled anywhere in our country. They live to serve and protect our freedom and our homes.

Two nights ago, about this time at night, Officer Canales and other undercover Houston police officers met with four people in the parking lot of a drugstore. These four thieves were buying stolen TVs in a sting operation by the Houston Police Department. Things started going downhill in this operation right after the money changed hands.

After the transaction, Officer Canales, working undercover, walked around to the front of a truck, and the suspect followed and drew a weapon. Gunfire rang out in the silent night air, and Officer Canales was shot.

A second undercover police officer, Officer R. Lopez, went to help his fellow downed officer. Lopez was attempting to subdue and handcuff the shooter when the suspect fired at least two more times. Lopez returned the fire. The suspect was pronounced dead at the scene, and Officer Lopez was not injured.

By the way, Madam Chair, the shooter and two other of the bandits were illegally in the United States at the time of this crime.

Officer Canales served at the Houston Police Department for 16 years, spending the last 7 of them in the Auto Theft and Burglary Division, the same division he was working two nights ago when he was killed. He had also worked in northeast patrol.

Officer Canales had also built and raced hot rods together with his family. He was active in drag racing and raced with an organization called Beat the Heat, which combats street racing. He lived in the nearby community of Baytown, Texas, with his family.

Chief of Police Harold Hurtt said Canales "was not only an outstanding officer but an outstanding individual." He cared a great deal about his family, the people he worked with and, of course, the City of Houston that he served.

Madam Chair, I spent 30 years at the courthouse in Houston, Texas, as a prosecutor and as a judge. I have known hundreds of Houston police officers. They are the finest caliber and strongest of character, and Officer Canales was a rare breed in our culture who wore the badge to defend and protect the rest of us.

Officer Canales died during surgery at the hospital where he and his family and hundreds of other officers had gathered. He was 42 years of age. This is a photograph of Officer Canales. He leaves behind his wife, Amor, a 15-year-old son and a 17-year-old daughter.

Officer Canales was the first Houston Police Department officer killed in the line of duty this year. The last time we had an officer killed was December 7 of last year. Officer Tim Abernethy was killed by a gunman that ambushed him during a foot chase in northeast Houston.

In the State of Texas, six police officers have been killed in the line of duty this year. They are Senior Corporal Norman Smith of the Dallas Police Department, Officer Cesar Arreola of the El Paso County Sheriff's Department, Lieutenant Stuart J. Alexander of the Corpus Christi Police Department, Sergeant Randy White of the Bridgeport Police Department, Deputy Sheriff D. Robert Harvey of the Lubbock County Sheriff's Department, and now we add the name of Senior Officer Henry Canales of the Houston Police Department to that hallowed roll of honor.

All Americans should recognize the profound debt of gratitude we owe our law enforcement officers and also the gratitude we owe their families. These officers put themselves into harm's way to guard our safety because they care about our communities and the people they serve. They are the ones standing between us and the bad guys every single day.

So tonight we bid farewell with humble gratitude to Senior Officer Henry Canales. And to his wife, Amor, and his children, we say: May the Lord bless you and keep you. May His face shine upon you and be gracious to you. May He lift up His countenance upon you and give you peace.

And that's just the way it is.

Mr. DICKS, Madam Chairwoman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. WOOSLEY) having assumed the chair, Ms. EDWARDS of Maryland, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the 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, had come to no resolution thereon.

A FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a Concurrent Resolution of the following titles in which the concurrence of the House is requested:

S. 1358. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

S. Con. Res. 31. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message also announced a certified copy of the statement of resignation of Judge Samuel B. Kent.

RELATING TO IMPEACHMENT PROCEEDINGS OF JUDGE SAMUEL B. KENT—MESSAGE FROM THE SENATE (H. DOC. NO. 111-53)

The SPEAKER pro tempore laid before the House the following message from the Senate; which was read and referred to the managers on the part of the House appointed by House Resolution 565 and ordered to be printed:

I, Nancy Erickson, having custody of the seal of the United States Senate, hereby certify that the attached record is a true and correct copy of a record of the United States Senate, received by the United States Senate Sergeant at Arms from Samuel B. Kent on June 24, 2009, and presented to the Senate in open session on June 25, 2009.

In Witness Whereof, I have set my hand and caused to be affixed the Seal of the United States Senate at Washington, D.C., this 25th day of June, 2009.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2009 AND 2010 AND THE FIVE-YEAR PERIOD FY 2010 THROUGH FY 2014

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT, Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2009 and 2010 and for the five-year period of fiscal years 2010 through 2014. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 424 and 427 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 13. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 13 for fiscal years 2009 and 2010 and fiscal years 2010 through 2014. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2009 and 2010 with the "section 302(a)" allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section