

Union Calendar No. 97

112TH CONGRESS
1ST SESSION

H. R. 2584

[Report No. 112-151]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2011

Mr. SIMPSON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior, environment, and related
6 agencies for the fiscal year ending September 30, 2012,
7 and for other purposes, namely:

8 TITLE I—DEPARTMENT OF THE INTERIOR

9 BUREAU OF LAND MANAGEMENT

10 MANAGEMENT OF LANDS AND RESOURCES

11 For necessary expenses for protection, use, improve-
12 ment, development, disposal, cadastral surveying, classi-
13 fication, acquisition of easements and other interests in
14 lands, and performance of other functions, including main-
15 tenance of facilities, as authorized by law, in the manage-
16 ment of lands and their resources under the jurisdiction
17 of the Bureau of Land Management, including the general
18 administration of the Bureau and the assessment of min-
19 eral potential of public lands pursuant to Public Law 96–
20 487 (16 U.S.C. 3150(a)), \$918,227,000, to remain avail-
21 able until expended; of which \$3,000,000 shall be available
22 in fiscal year 2012 subject to a match by at least an equal
23 amount by the National Fish and Wildlife Foundation for
24 cost-shared projects supporting conservation of Bureau
25 lands; and such funds shall be advanced to the Foundation

1 as a lump sum grant without regard to when expenses are
2 incurred.

3 In addition, \$32,500,000 is for the processing of ap-
4 plications for permit to drill and related use authoriza-
5 tions, to remain available until expended, to be reduced
6 by amounts collected by the Bureau and credited to this
7 appropriation that shall be derived from \$6,500 per new
8 application for permit to drill that the Bureau shall collect
9 upon submission of each new application, and in addition,
10 \$39,696,000 is for Mining Law Administration program
11 operations, including the cost of administering the mining
12 claim fee program; to remain available until expended, to
13 be reduced by amounts collected by the Bureau and cred-
14 ited to this appropriation from mining claim maintenance
15 fees and location fees that are hereby authorized for fiscal
16 year 2012 so as to result in a final appropriation esti-
17 mated at not more than \$918,227,000, and \$2,000,000,
18 to remain available until expended, from communication
19 site rental fees established by the Bureau for the cost of
20 administering communication site activities.

21 CONSTRUCTION

22 For construction of buildings, recreation facilities,
23 roads, trails, and appurtenant facilities, \$3,576,000, to re-
24 main available until expended.

1 LAND ACQUISITION

2 For expenses necessary to carry out sections 205,
3 206, and 318(d) of Public Law 94–579(43 U.S.C. 1715,
4 1716, and 1748(d), respectively), including administrative
5 expenses and acquisition of lands or waters, or interests
6 therein, \$4,880,000, to be derived from the Land and
7 Water Conservation Fund and to remain available until
8 expended.

9 OREGON AND CALIFORNIA GRANT LANDS

10 For expenses necessary for management, protection,
11 and development of resources and for construction, oper-
12 ation, and maintenance of access roads, reforestation, and
13 other improvements on the revested Oregon and California
14 Railroad grant lands, on other Federal lands in the Or-
15 egon and California land-grant counties of Oregon, and
16 on adjacent rights-of-way; and acquisition of lands or in-
17 terests therein, including existing connecting roads on or
18 adjacent to such grant lands; \$112,043,000, to remain
19 available until expended: *Provided*, That 25 percent of the
20 aggregate of all receipts during the current fiscal year
21 from the revested Oregon and California Railroad grant
22 lands is hereby made a charge against the Oregon and
23 California land-grant fund and shall be transferred to the
24 General Fund in the Treasury in accordance with the sec-

1 ond paragraph of subsection (b) of title II of the Act of
2 August 28, 1937 (50 Stat. 876).

3 RANGE IMPROVEMENTS

4 For rehabilitation, protection, and acquisition of
5 lands and interests therein, and improvement of Federal
6 rangelands pursuant to section 401 of the Federal Land
7 Policy and Management Act of 1976 (43 U.S.C. 1751),
8 notwithstanding any other Act, sums equal to 50 percent
9 of all moneys received during the prior fiscal year under
10 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
11 315 et seq.) and the amount designated for range improve-
12 ments from grazing fees and mineral leasing receipts from
13 Bankhead-Jones lands transferred to the Department of
14 the Interior pursuant to law, but not less than
15 \$10,000,000, to remain available until expended: *Pro-*
16 *vided*, That not to exceed \$600,000 shall be available for
17 administrative expenses.

18 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

19 For administrative expenses and other costs related
20 to processing application documents and other authoriza-
21 tions for use and disposal of public lands and resources,
22 for costs of providing copies of official public land docu-
23 ments, for monitoring construction, operation, and termi-
24 nation of facilities in conjunction with use authorizations,
25 and for rehabilitation of damaged property, such amounts

1 as may be collected under Public Law 94–579, as amend-
2 ed, and Public Law 93–153, to remain available until ex-
3 pended: *Provided*, That, notwithstanding any provision to
4 the contrary of section 305(a) of Public Law 94–579 (43
5 U.S.C. 1735(a)), any moneys that have been or will be
6 received pursuant to that subsection, whether as a result
7 of forfeiture, compromise, or settlement, if not appropriate
8 for refund pursuant to section 305(c) of that Act (43
9 U.S.C. 1735(c)), shall be available and may be expended
10 under the authority of this Act by the Secretary to im-
11 prove, protect, or rehabilitate any public lands adminis-
12 tered through the Bureau of Land Management which
13 have been damaged by the action of a resource developer,
14 purchaser, permittee, or any unauthorized person, without
15 regard to whether all moneys collected from each such ac-
16 tion are used on the exact lands damaged which led to
17 the action: *Provided further*, That any such moneys that
18 are in excess of amounts needed to repair damage to the
19 exact land for which funds were collected may be used to
20 repair other damaged public lands.

21 MISCELLANEOUS TRUST FUNDS

22 In addition to amounts authorized to be expended
23 under existing laws, there is hereby appropriated such
24 amounts as may be contributed under section 307 of the
25 Act of October 21, 1976 (43 U.S.C. 1737), and such

1 amounts as may be advanced for administrative costs, sur-
2 veys, appraisals, and costs of making conveyances of omit-
3 ted lands under section 211(b) of that Act, to remain
4 available until expended.

5 ADMINISTRATIVE PROVISIONS

6 The Bureau of Land Management may carry out the
7 operations funded under this Act by direct expenditure,
8 contracts, grants, cooperative agreements and reimburs-
9 able agreements with public and private entities, including
10 with States. Appropriations for the Bureau shall be avail-
11 able for purchase, erection, and dismantlement of tem-
12 porary structures, and alteration and maintenance of nec-
13 essary buildings and appurtenant facilities to which the
14 United States has title; up to \$100,000 for payments, at
15 the discretion of the Secretary, for information or evidence
16 concerning violations of laws administered by the Bureau;
17 miscellaneous and emergency expenses of enforcement ac-
18 tivities authorized or approved by the Secretary and to be
19 accounted for solely on the Secretary's certificate, not to
20 exceed \$10,000: *Provided*, That notwithstanding Public
21 Law 90-620 (44 U.S.C. 501), the Bureau may, under co-
22 operative cost-sharing and partnership arrangements au-
23 thorized by law, procure printing services from cooperators
24 in connection with jointly produced publications for which
25 the cooperators share the cost of printing either in cash

1 or in services, and the Bureau determines the cooperator
2 is capable of meeting accepted quality standards: *Provided*
3 *further*, That projects to be funded pursuant to a written
4 commitment by a State government to provide an identi-
5 fied amount of money in support of the project may be
6 carried out by the Bureau on a reimbursable basis. Appro-
7 priations herein made shall not be available for the de-
8 struction of healthy, unadopted, wild horses and burros
9 in the care of the Bureau or its contractors or for the
10 sale of wild horses and burros that results in their destruc-
11 tion for processing into commercial products.

12 UNITED STATES FISH AND WILDLIFE SERVICE

13 RESOURCE MANAGEMENT

14 For necessary expenses of the United States Fish and
15 Wildlife Service, as authorized by law, and for scientific
16 and economic studies, general administration, and the per-
17 formance of other authorized functions related to such re-
18 sources, \$1,099,055,000, to remain available until Sep-
19 tember 30, 2013 except as otherwise provided herein: *Pro-*
20 *vided*, That none of the funds shall be used for imple-
21 menting subsections (a), (b), (c), and (e) of section 4 of
22 the Endangered Species Act, (except for processing peti-
23 tions, developing and issuing proposed and final regula-
24 tions, and taking any other steps to implement actions de-
25 scribed in subsection (c)(2)(A), (c)(2)(B)(i), or

1 (c)(2)(B)(ii) of such section): *Provided further*, That of the
2 amount available for law enforcement, up to \$400,000, to
3 remain available until expended, may at the discretion of
4 the Secretary of the Interior be used for payment for in-
5 formation, rewards, or evidence concerning violations of
6 laws administered by the Service, and miscellaneous and
7 emergency expenses of enforcement activity, authorized or
8 approved by the Secretary and to be accounted for solely
9 on the Secretary's certificate: *Provided further*, That of the
10 amount provided for environmental contaminants, up to
11 \$1,000,000 may remain available until expended for con-
12 taminant sample analyses.

13 CONSTRUCTION

14 For construction, improvement, acquisition, or re-
15 moval of buildings and other facilities required in the con-
16 servation, management, investigation, protection, and uti-
17 lization of fish and wildlife resources, and the acquisition
18 of lands and interests therein, \$11,804,000, to remain
19 available until expended.

20 LAND ACQUISITION

21 For expenses necessary to carry out the Land and
22 Water Conservation Fund Act of 1965 (16 U.S.C. 460l-
23 4 et seq.), including administrative expenses, and for ac-
24 quisition of land or waters, or interest therein, in accord-
25 ance with statutory authority applicable to the United

1 States Fish and Wildlife Service, \$15,047,000, to be de-
2 rived from the Land and Water Conservation Fund and
3 to remain available until expended, of which, notwith-
4 standing 16 U.S.C. 4601–9, not more than \$4,000,000
5 shall be for land conservation partnerships authorized by
6 the Highlands Conservation Act of 2004, including not to
7 exceed \$120,000 for administrative expenses.

8 COOPERATIVE ENDANGERED SPECIES CONSERVATION
9 FUND

10 For expenses necessary to carry out section 6 of the
11 Endangered Species Act of 1973 (16 U.S.C. 1534 et seq.),
12 \$2,854,000, to remain available until expended, to be de-
13 rived from the Cooperative Endangered Species Conserva-
14 tion Fund.

15 NATIONAL WILDLIFE REFUGE FUND

16 For expenses necessary to implement the Act of Octo-
17 ber 17, 1978 (16 U.S.C. 715s), \$13,980,000.

18 NORTH AMERICAN WETLANDS CONSERVATION FUND

19 For expenses necessary to carry out the provisions
20 of the North American Wetlands Conservation Act (16
21 U.S.C. 4401 et seq.), \$20,000,000, to remain available
22 until expended.

23 MULTINATIONAL SPECIES CONSERVATION FUND

24 For expenses necessary to carry out the African Ele-
25 phant Conservation Act (16 U.S.C. 4201 et seq.), the

1 Asian Elephant Conservation Act of 1997 (16 U.S.C.
2 4261 et seq.), the Rhinoceros and Tiger Conservation Act
3 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
4 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
5 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
6 et seq.), \$7,875,000, to remain available until expended.

7 STATE AND TRIBAL WILDLIFE GRANTS

8 For wildlife conservation grants to States and to the
9 District of Columbia, Puerto Rico, Guam, the United
10 States Virgin Islands, the Northern Mariana Islands,
11 American Samoa, and federally recognized Indian tribes
12 under the provisions of the Fish and Wildlife Act of 1956
13 (16 U.S.C. 742a et seq.) and the Fish and Wildlife Coordi-
14 nation Act (16 U.S.C. 661 et seq.), for the development
15 and implementation of programs for the benefit of wildlife
16 and their habitat, including species that are not hunted
17 or fished, \$22,000,000, to remain available until ex-
18 pended: *Provided*, That of the amount provided herein,
19 \$2,000,000 is for a competitive grant program for feder-
20 ally recognized Indian tribes not subject to the remaining
21 provisions of this appropriation: *Provided further*, That
22 the Secretary shall, after deducting \$2,000,000 and ad-
23 ministrative expenses, apportion the amount provided
24 herein in the following manner: (1) to the District of Co-
25 lumbia and to the Commonwealth of Puerto Rico, each

1 a sum equal to not more than one-half of 1 percent there-
2 of; and (2) to Guam, American Samoa, the United States
3 Virgin Islands, and the Commonwealth of the Northern
4 Mariana Islands, each a sum equal to not more than one-
5 fourth of 1 percent thereof: *Provided further*, That the
6 Secretary shall apportion the remaining amount in the fol-
7 lowing manner: (1) one-third of which is based on the ratio
8 to which the land area of such State bears to the total
9 land area of all such States; and (2) two-thirds of which
10 is based on the ratio to which the population of such State
11 bears to the total population of all such States: *Provided*
12 *further*, That the amounts apportioned under this heading
13 shall be adjusted equitably so that no State shall be appor-
14 tioned a sum which is less than 1 percent of the amount
15 available for apportionment under this heading for any fis-
16 cal year or more than 5 percent of such amount: *Provided*
17 *further*, That the Federal share of grants shall not exceed
18 50 percent of the total costs of such projects: *Provided*
19 *further*, That the non-Federal share of such projects may
20 not be derived from Federal grant programs.

21 ADMINISTRATIVE PROVISIONS

22 The United States Fish and Wildlife Service may
23 carry out the operations of Service programs by direct ex-
24 penditure, contracts, grants, cooperative agreements and
25 reimbursable agreements with public and private entities.

1 Appropriations and funds available to the United States
2 Fish and Wildlife Service shall be available for repair of
3 damage to public roads within and adjacent to reservation
4 areas caused by operations of the Service; options for the
5 purchase of land at not to exceed \$1 for each option; facili-
6 ties incident to such public recreational uses on conserva-
7 tion areas as are consistent with their primary purpose;
8 and the maintenance and improvement of aquaria, build-
9 ings, and other facilities under the jurisdiction of the Serv-
10 ice and to which the United States has title, and which
11 are used pursuant to law in connection with management,
12 and investigation of fish and wildlife resources: *Provided*,
13 That notwithstanding 44 U.S.C. 501, the Service may,
14 under cooperative cost sharing and partnership arrange-
15 ments authorized by law, procure printing services from
16 cooperators in connection with jointly produced publica-
17 tions for which the cooperators share at least one-half the
18 cost of printing either in cash or services and the Service
19 determines the cooperator is capable of meeting accepted
20 quality standards: *Provided further*, That the Service may
21 accept donated aircraft as replacements for existing air-
22 craft.

1 NATIONAL PARK SERVICE

2 OPERATION OF THE NATIONAL PARK SYSTEM

3 For expenses necessary for the management, oper-
4 ation, and maintenance of areas and facilities adminis-
5 tered by the National Park Service and for the general
6 administration of the National Park Service,
7 \$2,240,152,000, of which \$9,832,000 for planning and
8 interagency coordination in support of Everglades restora-
9 tion and \$97,883,000 for maintenance, repair, or rehabili-
10 tation projects for constructed assets, operation of the Na-
11 tional Park Service automated facility management soft-
12 ware system, and comprehensive facility condition assess-
13 ments shall remain available until September 30, 2013.

14 NATIONAL RECREATION AND PRESERVATION

15 For expenses necessary to carry out recreation pro-
16 grams, natural programs, cultural programs, heritage
17 partnership programs, environmental compliance and re-
18 view, international park affairs, and grant administration,
19 not otherwise provided for, \$49,363,000.

20 HISTORIC PRESERVATION FUND

21 For expenses necessary in carrying out the National
22 Historic Preservation Act (16 U.S.C. 470), and the Omni-
23 bus Parks and Public Lands Management Act of 1996
24 (Public Law 104–333), \$49,500,000, to be derived from

1 the Historic Preservation Fund and to remain available
2 until September 30, 2013.

3 CONSTRUCTION

4 For construction, improvements, repair, or replace-
5 ment of physical facilities, including modifications author-
6 ized by section 104 of the Everglades National Park Pro-
7 tection and Expansion Act of 1989 (16 U.S.C. 410r-8),
8 \$152,121,000, to remain available until expended.

9 LAND AND WATER CONSERVATION FUND

10 (RESCISSION)

11 The contract authority provided for fiscal year 2012
12 by 16 U.S.C. 460l-10a is hereby rescinded.

13 LAND ACQUISITION AND STATE ASSISTANCE

14 For expenses necessary to carry out the Land and
15 Water Conservation Act of 1965, as amended (16 U.S.C.
16 460l-4 through 11), including administrative expenses,
17 and for acquisition of lands or waters, or interest therein,
18 in accordance with the statutory authority applicable to
19 the National Park Service, \$18,294,000, to be derived
20 from the Land and Water Conservation Fund and to re-
21 main available until expended, of which \$2,794,000 is for
22 the State assistance program and of which \$2,000,000
23 shall be for the American Battlefield Protection Program
24 grants as authorized by section 7301 of the Omnibus Pub-
25 lic Land Management Act of 2009 (Public Law 111-11).

1 ADMINISTRATIVE PROVISIONS
2 (INCLUDING TRANSFER OF FUNDS)

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

18 National Park Service funds may be transferred to
19 the Federal Highway Administration (FHWA), Depart-
20 ment of Transportation, for purposes authorized under
21 section 204 of title 23, United States Code. Transfers may
22 include a reasonable amount for FHWA administrative
23 support costs.

1 UNITED STATES GEOLOGICAL SURVEY
2 SURVEYS, INVESTIGATIONS, AND RESEARCH

3 For expenses necessary for the United States Geo-
4 logical Survey to perform surveys, investigations, and re-
5 search covering topography, geology, hydrology, biology,
6 and the mineral and water resources of the United States,
7 its territories and possessions, and other areas as author-
8 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
9 to their mineral and water resources; give engineering su-
10 pervision to power permittees and Federal Energy Regu-
11 latory Commission licensees; administer the minerals ex-
12 ploration program (30 U.S.C. 641); conduct inquiries into
13 the economic conditions affecting mining and materials
14 processing industries (30 U.S.C. 3, 21a, and 1603; 50
15 U.S.C. 98g(1)) and related purposes as authorized by law;
16 and to publish and disseminate data relative to the fore-
17 going activities; \$1,053,552,000, to remain available until
18 September 30, 2013, of which \$65,561,000 shall be avail-
19 able only for cooperation with States or municipalities for
20 water resources investigations: *Provided*, That none of the
21 funds provided for the ecosystem research activity shall
22 be used to conduct new surveys on private property, unless
23 specifically authorized in writing by the property owner:
24 *Provided further*, That no part of this appropriation shall
25 be used to pay more than one-half the cost of topographic

1 mapping or water resources data collection and investiga-
2 tions carried on in cooperation with States and municipali-
3 ties.

4 ADMINISTRATIVE PROVISIONS

5 From within the amount appropriated for activities
6 of the United States Geological Survey (USGS) such sums
7 as are necessary shall be available for reimbursement to
8 the General Services Administration for security guard
9 services; contracting for the furnishing of topographic
10 maps and for the making of geophysical or other special-
11 ized surveys when it is administratively determined that
12 such procedures are in the public interest; construction
13 and maintenance of necessary buildings and appurtenant
14 facilities; acquisition of lands for gauging stations and ob-
15 servation wells; expenses of the United States National
16 Committee on Geology; and payment of compensation and
17 expenses of persons on the rolls of the USGS duly ap-
18 pointed to represent the United States in the negotiation
19 and administration of interstate compacts: *Provided*, That
20 activities funded by appropriations herein made may be
21 accomplished through the use of contracts, grants, or co-
22 operative agreements as defined in section 6302 of title
23 31, United States Code: *Provided further*, That the United
24 States Geological Survey may enter into contracts or coop-
25 erative agreements directly with individuals or indirectly

1 with institutions or nonprofit organizations, without re-
2 gard to 41 U.S.C. 5, for the temporary or intermittent
3 services of students or recent graduates, who shall be con-
4 sidered employees for the purpose of chapters 57 and 81
5 of title 5, United States Code, relating to compensation
6 for travel and work injuries, and chapter 171 of title 28,
7 United States Code, relating to tort claims, but shall not
8 be considered to be Federal employees for any other pur-
9 poses.

10 BUREAU OF OCEAN ENERGY MANAGEMENT,

11 REGULATION AND ENFORCEMENT

12 OCEAN ENERGY MANAGEMENT

13 For expenses necessary for minerals leasing and envi-
14 ronmental studies and regulation of industry operations,
15 as authorized by law; for enforcing laws and regulations
16 applicable to oil, gas, and other minerals leases, permits,
17 licenses and operating contracts; for energy-related or
18 other authorized marine-related purposes on the Outer
19 Continental Shelf; and for matching grants or cooperative
20 agreements, \$138,605,000, to remain available until Sep-
21 tember 30, 2013; and an amount not to exceed
22 \$160,163,000, to be credited to this appropriation and to
23 remain available until expended, from additions to receipts
24 resulting from increases to rates in effect on August 5,
25 1993, and from cost recovery fees: *Provided*, That not-

1 withstanding 31 U.S.C. 3302, in fiscal year 2012, such
2 amounts as are assessed under 31 U.S.C. 9701 shall be
3 collected and credited to this account and shall be avail-
4 able until expended for necessary expenses: *Provided fur-*
5 *ther*, That to the extent \$160,163,000 in addition to re-
6 ceipts are not realized from the sources of receipts stated
7 above, the amount needed to reach \$160,163,000 shall be
8 credited to this appropriation from receipts resulting from
9 rental rates for Outer Continental Shelf leases in effect
10 before August 5, 1993: *Provided further*, That for fiscal
11 year 2012 and each fiscal year thereafter, the term “quali-
12 fied Outer Continental Shelf revenues”, as defined in sec-
13 tion 102(9)(A) of the Gulf of Mexico Energy Security Act
14 of 2006 (title I of division C of Public Law 109–432; 43
15 U.S.C. note), shall include only the portion of rental reve-
16 nues that would have been collected at the rental rates
17 in effect before August 5, 1993: *Provided further*, That
18 not to exceed \$3,000 shall be available for reasonable ex-
19 penses related to promoting volunteer beach and marine
20 cleanup activities.

21 For an additional amount, \$10,000,000, to remain
22 available until expended: *Provided*, That section 115 of the
23 Department of the Interior, Environment, and Related
24 Agencies Appropriations Act, 2010 (division A of Public
25 Law 111–88; 123 Stat. 2928) shall apply for fiscal year

1 2012, and in such application “2012” shall be substituted
2 for “2010”: *Provided further*, That such amount shall be
3 derived from receipts resulting from such application: *Pro-*
4 *vided further*, That to the extent that such amount is not
5 received by the United States as a result of such applica-
6 tion, the amount needed to reach \$10,000,000 shall be
7 credited to this appropriation from receipts resulting from
8 rental rates for Outer Continental Shelf leases in effect
9 before August 5, 1993.

10 OIL SPILL RESEARCH

11 For necessary expenses to carry out title I, section
12 1016, title IV, sections 4202 and 4303, title VII, and title
13 VIII, section 8201 of the Oil Pollution Act of 1990,
14 \$14,923,000, which shall be derived from the Oil Spill Li-
15 ability Trust Fund, to remain available until expended.

16 OFFICE OF SURFACE MINING RECLAMATION AND
17 ENFORCEMENT

18 REGULATION AND TECHNOLOGY

19 For necessary expenses to carry out the provisions
20 of the Surface Mining Control and Reclamation Act of
21 1977, Public Law 95–87, as amended, \$123,050,000, to
22 remain available until September 30, 2013: *Provided*,
23 That appropriations for the Office of Surface Mining Rec-
24 lamation and Enforcement may provide for the travel and
25 per diem expenses of State and tribal personnel attending

1 Office of Surface Mining Reclamation and Enforcement
2 sponsored training: *Provided further*, That, in fiscal year
3 2012, up to \$40,000 collected by the Office of Surface
4 Mining from permit fees pursuant to section 507 of Public
5 Law 95–87 (30 U.S.C. 1257) shall be credited to this ac-
6 count as discretionary offsetting collections, to remain
7 available until expended: *Provided further*, That the sum
8 herein appropriated shall be reduced as collections are re-
9 ceived during the fiscal year so as to result in a final fiscal
10 year 2012 appropriation estimated at not more than
11 \$123,010,000: *Provided further*, That, in subsequent fiscal
12 years, all amounts collected by the Office of Surface Min-
13 ing from permit fees pursuant to section 507 of Public
14 Law 95–87 (30 U.S.C. 1257) shall be credited to this ac-
15 count as discretionary offsetting collections, to remain
16 available until expended.

17 ABANDONED MINE RECLAMATION FUND

18 For necessary expenses to carry out title IV of the
19 Surface Mining Control and Reclamation Act of 1977,
20 Public Law 95–87, as amended, \$27,443,000, to be de-
21 rived from receipts of the Abandoned Mine Reclamation
22 Fund and to remain available until expended: *Provided*,
23 That pursuant to Public Law 97–365, the Department of
24 the Interior is authorized to use up to 20 percent from
25 the recovery of the delinquent debt owed to the United

1 States Government to pay for contracts to collect these
2 debts: *Provided further*, That amounts provided under this
3 heading may be used for the travel and per diem expenses
4 of State and tribal personnel attending Office of Surface
5 Mining Reclamation and Enforcement sponsored training.

6 ADMINISTRATIVE PROVISION

7 With funds available for the Technical Innovation
8 and Professional Services program in this Act, the Sec-
9 retary may transfer title for computer hardware, software
10 and other technical equipment to State and tribal regu-
11 latory and reclamation programs.

12 BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN

13 EDUCATION

14 OPERATION OF INDIAN PROGRAMS

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses necessary for the operation of Indian
17 programs, as authorized by law, including the Snyder Act
18 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
19 termination and Education Assistance Act of 1975 (25
20 U.S.C. 450 et seq.), as amended, the Education Amend-
21 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
22 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
23 as amended, \$2,333,690,000, to remain available until
24 September 30, 2013, except as otherwise provided herein;
25 of which not to exceed \$8,500 may be for official reception

1 and representation expenses; and of which not to exceed
2 \$74,911,000 shall be for welfare assistance payments, ex-
3 cept that, in cases of designated Federal disasters, the
4 Secretary may exceed such cap, from the amounts pro-
5 vided herein, to provide for disaster relief to Indian com-
6 munities affected by the disaster; and of which, notwith-
7 standing any other provision of law, including but not lim-
8 ited to the Indian Self-Determination Act of 1975, as
9 amended, not to exceed \$228,000,000 shall be available
10 for payments for contract support costs associated with
11 ongoing contracts, grants, compacts, or annual funding
12 agreements entered into with the Bureau of Indian Affairs
13 prior to or during fiscal year 2012, as authorized by such
14 Act, except that tribes and tribal organizations may use
15 their tribal priority allocations for unmet contract support
16 costs of ongoing contracts, grants, or compacts, or annual
17 funding agreements and for unmet welfare assistance
18 costs; and of which not to exceed \$584,369,000 for school
19 operations costs of Bureau-funded schools and other edu-
20 cation programs shall become available on July 1, 2012,
21 and shall remain available until September 30, 2013; and
22 of which not to exceed \$48,049,000 shall remain available
23 until expended for housing improvement, road mainte-
24 nance, attorney fees, litigation support, the Indian Self-
25 Determination Fund, land records improvement, and the

1 Navajo-Hopi Settlement Program: *Provided*, That not-
2 withstanding any other provision of law, including but not
3 limited to the Indian Self-Determination Act of 1975, as
4 amended, and 25 U.S.C. 2008, not to exceed \$46,373,000
5 within and only from such amounts made available for
6 school operations shall be available for administrative cost
7 grants associated with ongoing grants entered into with
8 the Bureau prior to or during fiscal year 2011 for the
9 operation of Bureau-funded schools, and up to \$500,000
10 within and only from such amounts made available for ad-
11 ministrative cost grants shall be available for the transi-
12 tional costs of initial administrative cost grants to grant-
13 ees that assume operation on or after July 1, 2011, of
14 Bureau-funded schools: *Provided further*, That any for-
15 estry funds allocated to a tribe which remain unobligated
16 as of September 30, 2013, may be transferred during fis-
17 cal year 2014 to an Indian forest land assistance account
18 established for the benefit of the holder of the funds within
19 the holder's trust fund account: *Provided further*, That
20 any such unobligated balances not so transferred shall ex-
21 pire on September 30, 2014: *Provided further*, That in
22 order to enhance the safety of Bureau field employees, the
23 Bureau may use funds to purchase uniforms or other iden-
24 tifying articles of clothing for personnel.

1 CONSTRUCTION

2 (INCLUDING TRANSFER OF FUNDS)

3 For construction, repair, improvement, and mainte-
4 nance of irrigation and power systems, buildings, utilities,
5 and other facilities, including architectural and engineer-
6 ing services by contract; acquisition of lands, and interests
7 in lands; and preparation of lands for farming, and for
8 construction of the Navajo Indian Irrigation Project pur-
9 suant to Public Law 87-483, \$154,992,000, to remain
10 available until expended: *Provided*, That such amounts as
11 may be available for the construction of the Navajo Indian
12 Irrigation Project may be transferred to the Bureau of
13 Reclamation: *Provided further*, That not to exceed 6 per-
14 cent of contract authority available to the Bureau of In-
15 dian Affairs from the Federal Highway Trust Fund may
16 be used to cover the road program management costs of
17 the Bureau: *Provided further*, That any funds provided for
18 the Safety of Dams program pursuant to 25 U.S.C. 13
19 shall be made available on a nonreimbursable basis: *Pro-*
20 *vided further*, That in implementing new construction or
21 facilities improvement and repair project grants in excess
22 of \$100,000 that are provided to grant schools under Pub-
23 lic Law 100-297, as amended, the Secretary of the Inte-
24 rior shall use the Administrative and Audit Requirements
25 and Cost Principles for Assistance Programs contained in

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

1 imbursed from the Office of the Special Trustee for Amer-
2 ican Indians appropriation for the appropriate share of
3 construction costs for space expansion needed in agency
4 offices to meet trust reform implementation.

5 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
6 MISCELLANEOUS PAYMENTS TO INDIANS

7 For payments and necessary administrative expenses
8 for implementation of Indian land and water claim settle-
9 ments pursuant to Public Laws 99-264, 100-580, 101-
10 618, 108-447, and 111-11, and for implementation of
11 other land and water rights settlements, \$32,855,000, to
12 remain available until expended.

13 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

14 For the cost of guaranteed loans and insured loans,
15 \$8,114,000, of which not to exceed \$964,000 is for admin-
16 istrative expenses, as authorized by the Indian Financing
17 Act of 1974, as amended: *Provided*, That such costs, in-
18 cluding the cost of modifying such loans, shall be as de-
19 fined in section 502 of the Congressional Budget Act of
20 1974: *Provided further*, That these funds are available to
21 subsidize total loan principal, any part of which is to be
22 guaranteed or insured, not to exceed \$85,242,280.

23 ADMINISTRATIVE PROVISIONS

24 The Bureau of Indian Affairs may carry out the oper-
25 ation of Indian programs by direct expenditure, contracts,

1 cooperative agreements, compacts, and grants, either di-
2 rectly or in cooperation with States and other organiza-
3 tions.

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

8 Appropriations for the Bureau of Indian Affairs (ex-
9 cept the Revolving Fund for Loans Liquidating Account,
10 Indian Loan Guaranty and Insurance Fund Liquidating
11 Account, Indian Guaranteed Loan Financing Account, In-
12 dian Direct Loan Financing Account, and the Indian
13 Guaranteed Loan Program account) shall be available for
14 expenses of exhibits.

15 Notwithstanding any other provision of law, no funds
16 available to the Bureau of Indian Affairs for central office
17 oversight and Executive Direction and Administrative
18 Services (except executive direction and administrative
19 services funding for Tribal Priority Allocations, regional
20 offices, and facilities operations and maintenance) shall be
21 available for contracts, grants, compacts, or cooperative
22 agreements with the Bureau of Indian Affairs under the
23 provisions of the Indian Self-Determination Act or the
24 Tribal Self-Governance Act of 1994 (Public Law 103-
25 413).

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

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

13 Appropriations made available in this or any other
14 Act for schools funded by the Bureau shall be available
15 only to the schools in the Bureau school system as of Sep-
16 tember 1, 1996. No funds available to the Bureau shall
17 be used to support expanded grades for any school or dor-
18 mitory beyond the grade structure in place or approved
19 by the Secretary of the Interior at each school in the Bu-
20 reau school system as of October 1, 1995, except that any
21 school or school program that was closed and removed
22 from the Bureau school system between 1951 and 1972,
23 and its respective tribe's relationship with the Federal
24 Government was terminated, shall be reinstated to the Bu-
25 reau system and supported at a level based on its grade

1 structure and average student enrollment for the 2009–
2 2010, 2010–2011 and 2011–2012 school years. Funds
3 made available under this Act may not be used to establish
4 a charter school at a Bureau-funded school (as that term
5 is defined in section 1141 of the Education Amendments
6 of 1978 (25 U.S.C. 2021)), except that a charter school
7 that is in existence on the date of the enactment of this
8 Act and that has operated at a Bureau-funded school be-
9 fore September 1, 1999, may continue to operate during
10 that period, but only if the charter school pays to the Bu-
11 reau a pro rata share of funds to reimburse the Bureau
12 for the use of the real and personal property (including
13 buses and vans), the funds of the charter school are kept
14 separate and apart from Bureau funds, and the Bureau
15 does not assume any obligation for charter school pro-
16 grams of the State in which the school is located if the
17 charter school loses such funding. Employees of Bureau-
18 funded schools sharing a campus with a charter school and
19 performing functions related to the charter school’s oper-
20 ation and employees of a charter school shall not be treat-
21 ed as Federal employees for purposes of chapter 171 of
22 title 28, United States Code.

23 Notwithstanding any other provision of law, including
24 section 113 of title I of appendix C of Public Law 106–
25 113, if in fiscal year 2003 or 2004 a grantee received indi-

1 rect and administrative costs pursuant to a distribution
2 formula based on section 5(f) of Public Law 101–301, the
3 Secretary shall continue to distribute indirect and admin-
4 istrative cost funds to such grantee using the section 5(f)
5 distribution formula.

6 DEPARTMENTAL OFFICES

7 OFFICE OF THE SECRETARY

8 DEPARTMENTAL OPERATIONS

9 For necessary expenses for management of the De-
10 partment of the Interior, including the collection and dis-
11 bursement of royalties, fees, and other mineral revenue
12 proceeds, as authorized by law, \$250,151,000 to remain
13 available until September 30, 2013; of which not to exceed
14 \$15,000 may be for official reception and representation
15 expenses; and of which up to \$1,000,000 shall be available
16 for workers compensation payments and unemployment
17 compensation payments associated with the orderly clo-
18 sure of the United States Bureau of Mines; and of which
19 \$12,112,000 for the Office of Valuation Services is to be
20 derived from the Land and Water Conservation Fund and
21 shall remain available until expended; and of which
22 \$36,000,000 shall remain available until expended for the
23 purpose of mineral revenue management activities: *Pro-*
24 *vided*, That, for fiscal year 2012, up to \$400,000 of the
25 payments authorized by the Act of October 20, 1976, as

1 amended (31 U.S.C. 6901–6907) may be retained for ad-
2 ministrative expenses of the Payments in Lieu of Taxes
3 Program: *Provided further*, That no payment shall be
4 made pursuant to that Act to otherwise eligible units of
5 local government if the computed amount of the payment
6 is less than \$100: *Provided further*, That notwithstanding
7 any other provision of law, \$15,000 under this heading
8 shall be available for refunds of overpayments in connec-
9 tion with certain Indian leases in which the Secretary con-
10 curred with the claimed refund due, to pay amounts owed
11 to Indian allottees or tribes, or to correct prior unrecover-
12 able erroneous payments: *Provided further*, That, notwith-
13 standing the provisions of section 35(b) of the Mineral
14 Leasing Act, as amended (30 U.S.C. 191(b)), the Sec-
15 retary shall deduct 2 percent from the amount payable to
16 each State in fiscal year 2012 and deposit the amount de-
17 ducted to miscellaneous receipts of the Treasury.

18 INSULAR AFFAIRS

19 ASSISTANCE TO TERRITORIES

20 For expenses necessary for assistance to territories
21 under the jurisdiction of the Department of the Interior,
22 \$82,558,000, of which: (1) \$73,296,000 shall remain
23 available until expended for territorial assistance, includ-
24 ing general technical assistance, maintenance assistance,
25 disaster assistance, insular management controls, coral

1 reef initiative activities, and brown tree snake control and
2 research; grants to the judiciary in American Samoa for
3 compensation and expenses, as authorized by law (48
4 U.S.C. 1661(c)); grants to the Government of American
5 Samoa, in addition to current local revenues, for construc-
6 tion and support of governmental functions; grants to the
7 Government of the Virgin Islands as authorized by law;
8 grants to the Government of Guam, as authorized by law;
9 and grants to the Government of the Northern Mariana
10 Islands as authorized by law (Public Law 94–241; 90
11 Stat. 272); and (2) \$9,262,000 shall be available until
12 September 30, 2013 for salaries and expenses of the Office
13 of Insular Affairs: *Provided*, That all financial trans-
14 actions of the territorial and local governments herein pro-
15 vided for, including such transactions of all agencies or
16 instrumentalities established or used by such governments,
17 may be audited by the Government Accountability Office,
18 at its discretion, in accordance with chapter 35 of title
19 31, United States Code: *Provided further*, That Northern
20 Mariana Islands Covenant grant funding shall be provided
21 according to those terms of the Agreement of the Special
22 Representatives on Future United States Financial Assist-
23 ance for the Northern Mariana Islands approved by Public
24 Law 104–134: *Provided further*, That the funds for the
25 program of operations and maintenance improvement are

1 appropriated to institutionalize routine operations and
2 maintenance improvement of capital infrastructure with
3 territorial participation and cost sharing to be determined
4 by the Secretary based on the grantee's commitment to
5 timely maintenance of its capital assets: *Provided further*,
6 That any appropriation for disaster assistance under this
7 heading in this Act or previous appropriations Acts may
8 be used as non-Federal matching funds for the purpose
9 of hazard mitigation grants provided pursuant to section
10 404 of the Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5170c).

12 COMPACT OF FREE ASSOCIATION

13 For grants and necessary expenses, \$3,307,000, to
14 remain available until expended, as provided for in sec-
15 tions 221(a)(2) of the Compact of Free Association for
16 the Republic of Palau; and section 221(a)(2) of the Com-
17 pacts of Free Association for the Government of the Re-
18 public of the Marshall Islands and the Federated States
19 of Micronesia, as authorized by Public Law 99-658 and
20 Public Law 108-188.

21 ADMINISTRATIVE PROVISIONS

22 (INCLUDING TRANSFER OF FUNDS)

23 At the request of the Governor of Guam, the Sec-
24 retary may transfer discretionary funds or mandatory
25 funds provided under section 104(e) of Public Law 108-

1 188 and Public Law 104–134, that are allocated for
2 Guam, to the Secretary of Agriculture for the subsidy cost
3 of direct or guaranteed loans, plus not to exceed three per-
4 cent of the amount of the subsidy transferred for the cost
5 of loan administration, for the purposes authorized by the
6 Rural Electrification Act of 1936 and section 306(a)(1)
7 of the Consolidated Farm and Rural Development Act for
8 construction and repair projects in Guam, and such funds
9 shall remain available until expended: *Provided*, That such
10 costs, including the cost of modifying such loans, shall be
11 as defined in section 502 of the Congressional Budget Act
12 of 1974: *Provided further*, That such loans or loan guaran-
13 tees may be made without regard to the population of the
14 area, credit elsewhere requirements, and restrictions on
15 the types of eligible entities under the Rural Electrifica-
16 tion Act of 1936 and section 306(a)(1) of the Consolidated
17 Farm and Rural Development Act: *Provided further*, That
18 any funds transferred to the Secretary of Agriculture shall
19 be in addition to funds otherwise made available to make
20 or guarantee loans under such authorities.

21 OFFICE OF THE SOLICITOR

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of the Solicitor,
24 \$64,946,000.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General, \$48,493,000.

5 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

6 INDIANS

7 FEDERAL TRUST PROGRAMS

8 (INCLUDING TRANSFER OF FUNDS)

9 For the operation of trust programs for Indians by
10 direct expenditure, contracts, cooperative agreements,
11 compacts, and grants, \$152,319,000, to remain available
12 until expended, of which not to exceed \$31,171,000, from
13 this or any other Act, shall be available for historical ac-
14 counting: *Provided*, That funds for trust management im-
15 provements and litigation support may, as needed, be
16 transferred to or merged with the Bureau of Indian Af-
17 fairs, "Operation of Indian Programs" account; the Office
18 of the Solicitor, "Salaries and Expenses" account; and the
19 Office of the Secretary, "Salaries and Expenses" account:
20 *Provided further*, That funds made available through con-
21 tracts or grants obligated during fiscal year 2012, as au-
22 thorized by the Indian Self-Determination Act of 1975 (25
23 U.S.C. 450 et seq.), shall remain available until expended
24 by the contractor or grantee: *Provided further*, That, not-
25 withstanding any other provision of law, the statute of lim-

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

1 DEPARTMENT-WIDE PROGRAMS
2 WILDLAND FIRE MANAGEMENT
3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses for fire preparedness, sup-
5 pression operations, fire science and research, emergency
6 rehabilitation, hazardous fuels reduction, and rural fire as-
7 sistance by the Department of the Interior, \$574,072,000,
8 to remain available until expended, of which not to exceed
9 \$6,137,000 shall be for the renovation or construction of
10 fire facilities: *Provided*, That such funds are also available
11 for repayment of advances to other appropriation accounts
12 from which funds were previously transferred for such
13 purposes: *Provided further*, That persons hired pursuant
14 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
15 ing without cost from funds available from this appropria-
16 tion: *Provided further*, That notwithstanding 42 U.S.C.
17 1856d, sums received by a bureau or office of the Depart-
18 ment of the Interior for fire protection rendered pursuant
19 to 42 U.S.C. 1856 et seq., protection of United States
20 property, may be credited to the appropriation from which
21 funds were expended to provide that protection, and are
22 available without fiscal year limitation: *Provided further*,
23 That using the amounts designated under this title of this
24 Act, the Secretary of the Interior may enter into procure-
25 ment contracts, grants, or cooperative agreements, for

1 hazardous fuels reduction activities, and for training and
2 monitoring associated with such hazardous fuels reduction
3 activities, on Federal land, or on adjacent non-Federal
4 land for activities that benefit resources on Federal land:
5 *Provided further*, That the costs of implementing any co-
6 operative agreement between the Federal Government and
7 any non-Federal entity may be shared, as mutually agreed
8 on by the affected parties: *Provided further*, That notwith-
9 standing requirements of the Competition in Contracting
10 Act, the Secretary, for purposes of hazardous fuels reduc-
11 tion activities, may obtain maximum practicable competi-
12 tion among: (1) local private, nonprofit, or cooperative en-
13 tities; (2) Youth Conservation Corps crews, Public Lands
14 Corps (Public Law 109–154), or related partnerships with
15 State, local, or non-profit youth groups; (3) small or
16 micro-businesses; or (4) other entities that will hire or
17 train locally a significant percentage, defined as 50 per-
18 cent or more, of the project workforce to complete such
19 contracts: *Provided further*, That in implementing this sec-
20 tion, the Secretary shall develop written guidance to field
21 units to ensure accountability and consistent application
22 of the authorities provided herein: *Provided further*, That
23 funds appropriated under this heading may be used to re-
24 imburse the United States Fish and Wildlife Service and
25 the National Marine Fisheries Service for the costs of car-

1 rying out their responsibilities under the Endangered Spe-
2 cies Act of 1973 (16 U.S.C. 1531 et seq.) to consult and
3 conference, as required by section 7 of such Act, in con-
4 nection with wildland fire management activities: *Provided*
5 *further*, That the Secretary of the Interior may use
6 wildland fire appropriations to enter into leases of real
7 property with local governments, at or below fair market
8 value, to construct capitalized improvements for fire facili-
9 ties on such leased properties, including but not limited
10 to fire guard stations, retardant stations, and other initial
11 attack and fire support facilities, and to make advance
12 payments for any such lease or for construction activity
13 associated with the lease: *Provided further*, That the Sec-
14 retary of the Interior and the Secretary of Agriculture
15 may authorize the transfer of funds appropriated for
16 wildland fire management, in an aggregate amount not to
17 exceed \$50,000,000, between the Departments when such
18 transfers would facilitate and expedite jointly funded
19 wildland fire management programs and projects: *Pro-*
20 *vided further*, That funds provided for wildfire suppression
21 shall be available for support of Federal emergency re-
22 sponse actions: *Provided further*, That funds appropriated
23 under this heading shall be available for assistance to or
24 through the Department of State in connection with forest
25 and rangeland research, technical information, and assist-

1 ance in foreign countries, and, with the concurrence of the
2 Secretary of State, shall be available to support forestry,
3 wildland fire management, and related natural resource
4 activities outside the United States and its territories and
5 possessions, including technical assistance, education and
6 training, and cooperation with United States and inter-
7 national organizations: *Provided further*, That, before obli-
8 gating any of the funds provided herein for wildland fire
9 suppression, the Secretary of the Interior shall obligate
10 all unobligated balances previously made available under
11 this heading that, when appropriated, were designated by
12 Congress as an emergency requirement pursuant to the
13 Concurrent Resolution on the Budget or the Balanced
14 Budget and Emergency Deficit Control Act of 1985 and
15 notify the Committees on Appropriations of the House of
16 Representatives and the Senate in writing of the imminent
17 need to begin obligating funds provided herein for wildland
18 fire suppression: *Provided further*, That the Secretary of
19 the Interior may transfer not more than \$50,000,000 of
20 the funds provided herein to the Secretary of Agriculture
21 if the Secretaries determine that the transfer will enhance
22 the efficiency or effectiveness of Federal wildland fire sup-
23 pression activities.

1 FLAME WILDFIRE SUPPRESSION RESERVE FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for large fire suppression op-
4 erations of the Department of the Interior and as a re-
5 serve fund for suppression and Federal emergency re-
6 sponse activities, \$92,000,000, to remain available until
7 expended: *Provided*, That such amounts are available only
8 for transfer to the “Wildland Fire Management” account
9 and only following a declaration by the Secretary that ei-
10 ther (1) a wildland fire suppression event meets certain
11 previously-established risk-based written criteria for sig-
12 nificant complexity, severity, or threat posed by the fire
13 or (2) funds in the “Wildland Fire Management” account
14 will be exhausted within 30 days.

15 CENTRAL HAZARDOUS MATERIALS FUND

16 For necessary expenses of the Department of the In-
17 terior and any of its component offices and bureaus for
18 the response action, including associated activities, per-
19 formed pursuant to the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act, as amended (42
21 U.S.C. 9601 et seq.), \$10,149,000, to remain available
22 until expended.

1 NATURAL RESOURCE DAMAGE ASSESSMENT AND
2 RESTORATION
3 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

4 To conduct natural resource damage assessment and
5 restoration activities by the Department of the Interior
6 necessary to carry out the provisions of the Comprehensive
7 Environmental Response, Compensation, and Liability
8 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
9 Water Pollution Control Act, as amended (33 U.S.C. 1251
10 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
11 et seq.), and Public Law 101–337, as amended (16 U.S.C.
12 19jj et seq.), \$5,763,000, to remain available until ex-
13 pended.

14 WORKING CAPITAL FUND

15 For the acquisition of a departmental financial and
16 business management system, information technology im-
17 provements of general benefit to the Department, and con-
18 solidation of facilities and operations throughout the De-
19 partment, \$57,019,000, to remain available until ex-
20 pended: *Provided*, That none of the funds appropriated in
21 this Act or any other Act may be used to establish reserves
22 in the Working Capital Fund account other than for ac-
23 crued annual leave and depreciation of equipment without
24 prior approval of the House and Senate Committees on
25 Appropriations: *Provided further*, That the Secretary may

1 assess reasonable charges to State, local and tribal govern-
2 ment employees for training services provided by the Na-
3 tional Indian Program Training Center, other than train-
4 ing related to Public Law 93–638: *Provided further*, That
5 the Secretary may lease or otherwise provide space and
6 related facilities, equipment or professional services of the
7 National Indian Program Training Center to State, local
8 and tribal government employees or persons or organiza-
9 tions engaged in cultural, educational, or recreational ac-
10 tivities (as defined in section 3306(a) of title 40, United
11 States Code) at the prevailing rate for similar space, facili-
12 ties, equipment, or services in the vicinity of the National
13 Indian Program Training Center: *Provided further*, That
14 all funds received pursuant to the two preceding provisos
15 shall be credited to this account, shall be available until
16 expended, and shall be used by the Secretary for necessary
17 expenses of the National Indian Program Training Center.

18 ADMINISTRATIVE PROVISION

19 There is hereby authorized for acquisition from avail-
20 able resources within the Working Capital Fund, 15 air-
21 craft, 10 of which shall be for replacement and which may
22 be obtained by donation, purchase or through available ex-
23 cess surplus property: *Provided*, That existing aircraft
24 being replaced may be sold, with proceeds derived or

1 trade-in value used to offset the purchase price for the
2 replacement aircraft.

3 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
4 (INCLUDING TRANSFERS OF FUNDS)

5 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

6 SEC. 101. Appropriations made in this title shall be
7 available for expenditure or transfer (within each bureau
8 or office), with the approval of the Secretary, for the emer-
9 gency reconstruction, replacement, or repair of aircraft,
10 buildings, utilities, or other facilities or equipment dam-
11 aged or destroyed by fire, flood, storm, or other unavoid-
12 able causes: *Provided*, That no funds shall be made avail-
13 able under this authority until funds specifically made
14 available to the Department of the Interior for emer-
15 gencies shall have been exhausted: *Provided further*, That
16 all funds used pursuant to this section must be replenished
17 by a supplemental appropriation which must be requested
18 as promptly as possible.

19 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

20 SEC. 102. The Secretary may authorize the expendi-
21 ture or transfer of any no year appropriation in this title,
22 in addition to the amounts included in the budget pro-
23 grams of the several agencies, for the suppression or emer-
24 gency prevention of wildland fires on or threatening lands
25 under the jurisdiction of the Department of the Interior;

1 for the emergency rehabilitation of burned-over lands
2 under its jurisdiction; for emergency actions related to po-
3 tential or actual earthquakes, floods, volcanoes, storms, or
4 other unavoidable causes; for contingency planning subse-
5 quent to actual oil spills; for response and natural resource
6 damage assessment activities related to actual oil spills or
7 releases of hazardous substances into the environment; for
8 the prevention, suppression, and control of actual or po-
9 tential grasshopper and Mormon cricket outbreaks on
10 lands under the jurisdiction of the Secretary, pursuant to
11 the authority in section 417(b) of Public Law 106–224
12 (7 U.S.C. 7717(b)); for emergency reclamation projects
13 under section 410 of Public Law 95–87; and shall trans-
14 fer, from any no year funds available to the Office of Sur-
15 face Mining Reclamation and Enforcement, such funds as
16 may be necessary to permit assumption of regulatory au-
17 thority in the event a primacy State is not carrying out
18 the regulatory provisions of the Surface Mining Act: *Pro-*
19 *vided*, That appropriations made in this title for wildland
20 fire operations shall be available for the payment of obliga-
21 tions incurred during the preceding fiscal year, and for
22 reimbursement to other Federal agencies for destruction
23 of vehicles, aircraft, or other equipment in connection with
24 their use for wildland fire operations, such reimbursement
25 to be credited to appropriations currently available at the

1 time of receipt thereof: *Provided further*, That for wildland
2 fire operations, no funds shall be made available under
3 this authority until the Secretary determines that funds
4 appropriated for “wildland fire operations” and “FLAME
5 Wildfire Suppression Reserve Fund” shall be exhausted
6 within 30 days: *Provided further*, That all funds used pur-
7 suant to this section must be replenished by a supple-
8 mental appropriation which must be requested as prompt-
9 ly as possible: *Provided further*, That such replenishment
10 funds shall be used to reimburse, on a pro rata basis, ac-
11 counts from which emergency funds were transferred.

12 AUTHORIZED USE OF FUNDS

13 SEC. 103. Appropriations made to the Department
14 of the Interior in this title shall be available for services
15 as authorized by section 3109 of title 5, United States
16 Code, when authorized by the Secretary, in total amount
17 not to exceed \$500,000; purchase and replacement of
18 motor vehicles, including specially equipped law enforce-
19 ment vehicles; hire, maintenance, and operation of air-
20 craft; hire of passenger motor vehicles; purchase of re-
21 prints; payment for telephone service in private residences
22 in the field, when authorized under regulations approved
23 by the Secretary; and the payment of dues, when author-
24 ized by the Secretary, for library membership in societies
25 or associations which issue publications to members only

1 or at a price to members lower than to subscribers who
2 are not members.

3 AUTHORIZED USE OF FUNDS, INDIAN TRUST

4 MANAGEMENT

5 SEC. 104. Appropriations made in this Act under the
6 headings Bureau of Indian Affairs and Office of the Spe-
7 cial Trustee for American Indians and any unobligated
8 balances from prior appropriations Acts made under the
9 same headings shall be available for expenditure or trans-
10 fer for Indian trust management and reform activities.
11 Total funding for historical accounting activities shall not
12 exceed amounts specifically designated in this Act for such
13 purpose.

14 REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN

15 AFFAIRS

16 SEC. 105. Notwithstanding any other provision of
17 law, the Secretary of the Interior is authorized to redis-
18 tribute any Tribal Priority Allocation funds, including
19 tribal base funds, to alleviate tribal funding inequities by
20 transferring funds to address identified, unmet needs,
21 dual enrollment, overlapping service areas or inaccurate
22 distribution methodologies. No tribe shall receive a reduc-
23 tion in Tribal Priority Allocation funds of more than 10
24 percent in fiscal year 2012. Under circumstances of dual
25 enrollment, overlapping service areas or inaccurate dis-

1 tribution methodologies, the 10 percent limitation does not
2 apply.

3 TWIN CITIES RESEARCH CENTER

4 SEC. 106. Notwithstanding any other provision of
5 law, in conveying the Twin Cities Research Center under
6 the authority provided by Public Law 104–134, the Sec-
7 retary may accept and retain land and other forms of re-
8 imbursement: *Provided*, That the Secretary may retain
9 and use any such reimbursement until expended and with-
10 out further appropriation: (1) for the benefit of the Na-
11 tional Wildlife Refuge System within the State of Min-
12 nesota; and (2) for all activities authorized by section 701
13 of Public Law 100–696 (16 U.S.C. 460zz).

14 PAYMENT OF FEES

15 SEC. 107. The Secretary of the Interior may use dis-
16 cretionary funds to pay private attorney fees and costs for
17 employees and former employees of the Department of the
18 Interior reasonably incurred in connection with Cobell v.
19 Salazar to the extent that such fees and costs are not paid
20 by the Department of Justice or by private insurance. In
21 no case shall the Secretary make payments under this sec-
22 tion that would result in payment of hourly fees in excess
23 of the highest hourly rate approved by the District Court
24 for the District of Columbia for counsel in Cobell v. Sala-
25 zar.

1 EVERGLADES ECOSYSTEM RESTORATION

2 SEC. 108. This and any subsequent fiscal year, the
3 National Park Service is authorized to implement modi-
4 fications to the Tamiami Trail as described in, and in ac-
5 cordance with, the preferred alternative identified in the
6 final environmental impact statement noticed in the Fed-
7 eral Register on December 14, 2010, (75 Fed. Reg.
8 77896), relating to restoration efforts of the Everglades
9 ecosystem.

10 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

11 SEC. 109. Notwithstanding any other provision of
12 law, the Secretary of the Interior is authorized to acquire
13 lands, waters, or interests therein including the use of all
14 or part of any pier, dock, or landing within the State of
15 New York and the State of New Jersey, for the purpose
16 of operating and maintaining facilities in the support of
17 transportation and accommodation of visitors to Ellis,
18 Governors, and Liberty Islands, and of other program and
19 administrative activities, by donation or with appropriated
20 funds, including franchise fees (and other monetary con-
21 sideration), or by exchange; and the Secretary is author-
22 ized to negotiate and enter into leases, subleases, conces-
23 sion contracts or other agreements for the use of such fa-
24 cilities on such terms and conditions as the Secretary may
25 determine reasonable.

1 the offices and bureaus affected by the reorganization only
2 in conformance with the reprogramming guidelines de-
3 scribed in the report accompanying this Act.

4 AUTHORIZED USE OF INDIAN EDUCATION FUNDS

5 SEC. 112. Beginning July 1, 2008, any funds (includ-
6 ing investments and interest earned, except for construc-
7 tion funds) held by a Public Law 100–297 grant or a Pub-
8 lic Law 93–638 contract school shall, upon retrocession
9 to or re-assumption by the Bureau of Indian Education,
10 remain available to the Bureau of Indian Education for
11 a period of 5 years from the date of retrocession or re-
12 assumption for the benefit of the programs approved for
13 the school on October 1, 1995.

14 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
15 BURRO HOLDING FACILITIES

16 SEC. 113. (a) Notwithstanding any other provision
17 of this Act, the Secretary of the Interior may enter into
18 multiyear cooperative agreements with nonprofit organiza-
19 tions and other appropriate entities, and may enter into
20 multiyear contracts in accordance with the provisions of
21 section 304B of the Federal Property and Administrative
22 Services Act of 1949 (41 U.S.C. 254e) (except that the
23 5 year term restriction in subsection (d) shall not apply),
24 for the long-term care and maintenance of excess wild free
25 roaming horses and burros by such organizations or enti-

1 ties on private land. Such cooperative agreements and con-
2 tracts may not exceed 10 years, subject to renewal at the
3 discretion of the Secretary.

4 (b) During fiscal year 2012 and subsequent fiscal
5 years, in carrying out work involving cooperation with any
6 State or political subdivision thereof, the Bureau of Land
7 Management may record obligations against accounts re-
8 ceivable from any such entities.

9 BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

10 SEC. 114. (a)(1) Notwithstanding section 586(c) of
11 title 40, United States Code, the head of a Bureau-oper-
12 ated school is authorized to enter into agreements with
13 public and private persons and entities that provide for
14 such persons and entities to rent or lease the land or facili-
15 ties of the school in exchange for a consideration (in the
16 form of funds) that benefits the school, as determined by
17 the head of the school when such rent or lease does not
18 interfere with school operations.

19 (2) Funds received under paragraph (1) shall be re-
20 tained by the school and used for school purposes other-
21 wise authorized by law. Any funds received under para-
22 graph (1) are hereby made available until expended for
23 such purposes, notwithstanding section 3302 of title 31,
24 United States Code.

1 (3) Nothing in this section shall be construed to allow
2 for the diminishment of, or otherwise affect, the appro-
3 priation of funds to the budget accounts for the operation
4 and maintenance of Bureau-operated schools. No funds
5 shall be withheld from the distribution to the budget of
6 any Bureau-operated school due to the receipt by the
7 school of a benefit in accordance with this section.

8 (b) Notwithstanding any provision of title 5, United
9 States Code, or any regulation promulgated under such
10 title, education personnel who are under the direction and
11 supervision of the Secretary of the Interior may partici-
12 pate in a fundraising activity for the benefit of a Bureau-
13 operated school in an official capacity as part of their offi-
14 cial duties. When participating in such an official capacity,
15 the employee may use the employee's official title, position,
16 and authority. Nothing in this subsection shall be con-
17 strued to authorize participation in political activity (as
18 such term is used in section 7324 of title 5, United States
19 Code) otherwise prohibited by law.

20 (c) The Secretary of the Interior shall promulgate
21 regulations to carry out this section not later than 12
22 months after the date of the enactment of this Act. Such
23 regulations shall include—

24 (1) provisions for the establishment and admin-
25 istration of mechanisms for the acceptance of con-

1 sideration for the use and benefit of a school in ac-
2 cordance with this section (including, in appropriate
3 cases, the establishment and administration of trust
4 funds);

5 (2) accountability standards to ensure ethical
6 conduct; and

7 (3) provisions for monitoring the amount and
8 terms of consideration received, the manner in which
9 the consideration is used, and any results achieved
10 by such use.

11 (d) Provisions of this section shall apply to fiscal year
12 2012 and subsequent fiscal years.

13 MASS MARKING OF SALMONIDS

14 SEC. 115. The United States Fish and Wildlife Serv-
15 ice shall, in carrying out its responsibilities to protect
16 threatened and endangered species of salmon, implement
17 a system of mass marking of salmonid stocks, intended
18 for harvest, that are released from federally operated or
19 federally financed hatcheries including but not limited to
20 fish releases of coho, chinook, and steelhead species.
21 Marked fish must have a visible mark that can be readily
22 identified by commercial and recreational fishers.

23 YUKON-CHARLEY NATIONAL PRESERVE

24 SEC. 116. None of the funds made available by this
25 Act may be used by the Secretary of the Interior to imple-

1 ment or enforce regulations concerning boating and other
2 activities on or relating to waters located within Yukon-
3 Charley National Preserve, including waters subject to the
4 jurisdiction of the United States, pursuant to section 3(h)
5 of Public Law 91–383 (16 U.S.C. 1a–2(h)) or any other
6 authority. This section does not affect the authority of the
7 Coast Guard to regulate the use of waters subject to the
8 jurisdiction of the United States within the Yukon-Charley
9 National Preserve.

10 DIRECT HIRE AUTHORITY

11 SEC. 117. (a) DIRECT HIRE AUTHORITY.—During
12 fiscal year 2012 and thereafter, the Secretary of the Inte-
13 rior may appoint, without regard to the provisions of sub-
14 chapter I of chapter 33 of title 5, United States Code,
15 other than sections 3303 and 3328 of such title, a quali-
16 fied candidate described in subsection (b) directly to a po-
17 sition with a land managing agency of the Department
18 of the Interior for which the candidate meets Office of
19 Personnel Management qualification standards.

20 (b) QUALIFIED CANDIDATES DESCRIBED.—Sub-
21 section (a) applies with respect to a former resource assist-
22 ant (as defined in section 203 of the Public Land Corps
23 Act (16 U.S.C. 1722)) who—

24 (1) completed a rigorous undergraduate or
25 graduate summer internship with a land managing

1 agency, such as the National Park Service Business
2 Plan Internship;

3 (2) successfully fulfilled the requirements of the
4 internship program; and

5 (3) subsequently earned an undergraduate or
6 graduate degree from an accredited institution of
7 higher education.

8 (c) DURATION.—The direct hire authority under this
9 section may not be exercised with respect to a specific
10 qualified candidate after the end of the 2-year period be-
11 ginning on the date on which the candidate completed the
12 undergraduate or graduate degree, as the case may be.

13 REVIEW PROCESS FOR CERTAIN BUREAU OF LAND
14 MANAGEMENT ACTIONS

15 SEC. 118. (a) EXHAUSTION OF ADMINISTRATIVE RE-
16 VIEW REQUIRED.—Hereafter, a person may bring a civil
17 action challenging a proposed action of the Bureau of
18 Land Management concerning grazing on public lands (as
19 defined in section 103(e) of the Federal Land Policy and
20 Management Act of 1976 (43 U.S.C. 1702(e))) or an
21 amendment to a land use plan proposed under section 202
22 of such Act (43 U.S.C. 1712) in a Federal district court
23 only if the person has challenged the action or amendment
24 at the agency level and exhausted the administrative hear-

1 ings and appeals procedures established by the Depart-
2 ment of the Interior.

3 (b) ISSUE LIMITATION.—An issue may be considered
4 in the judicial review of an action or amendment referred
5 to in subsection (a) only if the issue was raised in the
6 administrative review process described in such subsection.

7 (c) EXCEPTION.—An exception to the requirement of
8 exhausting the administrative review process before seek-
9 ing judicial review shall be available if a Federal court
10 finds that the agency failed or was unable to make infor-
11 mation timely available during the administrative review
12 process for issues of material fact. For the purposes of
13 this subsection, “timely” means within 120 calender days
14 from the date that the challenge to the agency action or
15 amendment at issue is received for administrative review.

16 GRAY WOLVES

17 SEC. 119. Hereafter, any final rule published by the
18 Department of the Interior that provides that the gray
19 wolf (*Canis lupus*) in the State of Wyoming or in any of
20 the States within the range of the Western Great Lakes
21 Distinct Population Segment of the gray wolf (as defined
22 in the rule published on May 5, 2011 (76 Fed. Reg. 26086
23 et seq.)) is not an endangered species or threatened spe-
24 cies under the Endangered Species Act of 1973 (16 U.S.C.
25 1531 et seq.), including any rule to remove such species

1 in such a State from the list of endangered species or
2 threatened species published under that Act, shall not be
3 subject to judicial review if such State has entered into
4 an agreement with the Secretary of the Interior that au-
5 thorizes the State to manage gray wolves in that State.

6 TRAILING LIVESTOCK OVER PUBLIC LAND

7 SEC. 120. During fiscal years 2012 through 2014,
8 the trailing of livestock across public land (as defined by
9 section 103 of the Federal Land Policy and Management
10 Act of 1976 (43 U.S.C. 1702)) and the implementation
11 of trailing practices by the Bureau of Land Management
12 shall not be subject to review under section 102(2)(C) of
13 the National Environmental Policy Act of 1969 (42 U.S.C.
14 4332(2)(C)).

15 BOEMRE REPORTING REQUIREMENTS

16 SEC. 121. The Secretary of the Interior shall—

17 (1) log and track the specific reasons for the
18 Bureau of Ocean Energy Management, Regulation
19 and Enforcement returning to an applicant, without
20 approval, any exploration plan, development and
21 production plan, development operations coordina-
22 tion document, or application for permit to drill sub-
23 mitted with respect to any oil and gas lease for the
24 Outer Continental Shelf; and

1 (2) provide quarterly reports to the Committee
2 on Appropriations and Committee on Natural Re-
3 sources of the House of Representatives and the
4 Committee on Appropriations and Committee on En-
5 ergy and Natural Resources of the Senate that in-
6 clude—

7 (A) the date of original submission of each
8 document referred to in paragraph (1) received
9 by the Bureau in the period covered by a re-
10 port;

11 (B) for each such document—

12 (i) the date the document was re-
13 turned to the applicant;

14 (ii) the date the document is treated
15 by the Bureau as submitted; and

16 (iii) the date of final agency action
17 the document.

18 LEASE AUTHORIZATION

19 SEC. 122. (a) IN GENERAL.—The Secretary of the
20 Interior (referred to in this section as the “Secretary”)
21 may lease to the Savannah Bar Pilots Association, or a
22 successor organization, no more than 30,000 square feet
23 of land and improvements within Fort Pulaski National
24 Monument (referred to in this section as the “Monu-
25 ment”) at the location on Cockspur Island that has been

1 used continuously by the Savannah Bar Pilots Association
2 since 1940.

3 (b) RENTAL FEE AND PROCEEDS.—

4 (1) RENTAL FEE.—For the lease authorized by
5 this Act, the Secretary shall require a rental fee
6 based on fair market value adjusted, as the Sec-
7 retary deems appropriate, for amounts to be ex-
8 pended by the lessee for property preservation,
9 maintenance, or repair and related expenses.

10 (2) PROCEEDS.—Disposition of the proceeds
11 from the rental fee required pursuant to paragraph
12 (1) shall be made in accordance with section 3(k)(5)
13 of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)).

14 (c) TERMS AND CONDITIONS.—A lease entered into
15 under this section—

16 (1) shall be for a term of no more than 10
17 years and, at the Secretary’s discretion, for succes-
18 sive terms of no more than 10 years at a time; and

19 (2) shall include any terms and conditions the
20 Secretary determines to be necessary to protect the
21 resources of the Monument and the public interest.

22 (d) EXEMPTION FROM APPLICABLE LAW.—Except
23 as provided in section 2(b)(2) of this Act, the lease author-
24 ized by this Act shall not be subject to section 3(k) of

1 Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321
2 of Act of June 30, 1932 (40 U.S.C. 1302).

3 SELF-DETERMINATION DEMONSTRATION PROJECT

4 SEC. 123. The Director of the Bureau of Indian Af-
5 fairs shall reinstate the Demonstration Project that was
6 in place from 2004 until 2008 for the Indian tribes within
7 the California Tribal Trust Reform Consortium, the Salt
8 River Pima-Maricopa Indian Community, the Confed-
9 erated Salish and Kootenai Tribes of the Flathead Res-
10 ervation, and the Chippewa Cree Tribe of the Rocky Boys
11 Reservation; shall thereby ensure that the participating
12 tribes shall be able to continue operations independent of
13 the Department of the Interior’s trust reform and reorga-
14 nization; and shall not impose its trust management infra-
15 structure upon or alter the existing trust resource man-
16 agement systems of the above referenced tribes having a
17 self-governance compact and operating in accordance with
18 the Tribal Self-Governance Program set forth in title IV
19 of Public Law 93–638 (25 U.S.C. 458aa–458hh): *Pro-*
20 *vided*, That the California Trust Reform Consortium and
21 any other participating Indian tribe agree to carry out
22 their responsibilities under the same written and imple-
23 mented fiduciary standards as those being carried by the
24 Secretary of the Interior, including complying with section
25 102 of Public Law 103–412 (25 U.S.C. 4011): *Provided*

1 *further*, That participating Indian tribes shall timely
2 transfer funds and supply sufficient data to enable the
3 Secretary of the Interior to comply with section 102 of
4 Public Law 103–412 (25 U.S.C. 4011) for accounts that
5 are maintained by the Department of the Interior when
6 funds are being collected by the Indian tribes: *Provided*
7 *further*, That such Indian tribes demonstrate to the satis-
8 faction of the Secretary of the Interior that they have the
9 capability to do so: *Provided further*, That the Secretary
10 of the Interior shall provide funds to the Indian tribes in
11 an amount equal to that required by section 403(g) of
12 Public Law 93–638 (25 U.S.C. 458cc(g)(3)), including
13 funds specifically or functionally related to the provision
14 of trust services to the Indian tribes or their members.

15 WILD LANDS FUNDING PROHIBITION

16 SEC. 124. None of the funds made available in this
17 Act or any other Act may be used to implement, admin-
18 ister, or enforce Secretarial Order No. 3310 issued by the
19 Secretary of the Interior on December 22, 2010.

20 TITLE II—ENVIRONMENTAL PROTECTION

21 AGENCY

22 SCIENCE AND TECHNOLOGY

23 For science and technology, including research and
24 development activities, which shall include research and
25 development activities under the Comprehensive Environ-

1 mental Response, Compensation, and Liability Act of
2 1980, as amended; necessary expenses for personnel and
3 related costs and travel expenses; procurement of labora-
4 tory equipment and supplies; and other operating expenses
5 in support of research and development, \$754,611,000, to
6 remain available until September 30, 2013.

7 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

8 For environmental programs and management, in-
9 cluding necessary expenses, not otherwise provided for, for
10 personnel and related costs and travel expenses; hire of
11 passenger motor vehicles; hire, maintenance, and oper-
12 ation of aircraft; purchase of reprints; library member-
13 ships in societies or associations which issue publications
14 to members only or at a price to members lower than to
15 subscribers who are not members; administrative costs of
16 the brownfields program under the Small Business Liabil-
17 ity Relief and Brownfields Revitalization Act of 2002; and
18 not to exceed \$19,000 for official reception and represen-
19 tation expenses, \$2,498,433,000, to remain available until
20 September 30, 2013: *Provided*, That of the funds included
21 under this heading, not less than \$346,280,000 shall be
22 for the Geographic Programs specified in the explanatory
23 statement accompanying this Act.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, as amended, \$41,099,000, to remain
5 available until September 30, 2013.

6 BUILDINGS AND FACILITIES

7 For construction, repair, improvement, extension, al-
8 teration, and purchase of fixed equipment or facilities of,
9 or for use by, the Environmental Protection Agency,
10 \$36,428,000, to remain available until expended.

11 HAZARDOUS SUBSTANCE SUPERFUND

12 (INCLUDING TRANSFERS OF FUNDS)

13 For necessary expenses to carry out the Comprehen-
14 sive Environmental Response, Compensation, and Liabil-
15 ity Act of 1980 (CERCLA), as amended, including sec-
16 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
17 9611) \$1,224,295,000, to remain available until expended,
18 consisting of such sums as are available in the Trust Fund
19 on September 30, 2011, as authorized by section 517(a)
20 of the Superfund Amendments and Reauthorization Act
21 of 1986 (SARA) and up to \$1,224,295,000 as a payment
22 from general revenues to the Hazardous Substance Super-
23 fund for purposes as authorized by section 517(b) of
24 SARA, as amended: *Provided*, That funds appropriated
25 under this heading may be allocated to other Federal

1 agencies in accordance with section 111(a) of CERCLA:
2 *Provided further*, That of the funds appropriated under
3 this heading, \$9,955,000 shall be paid to the “Office of
4 Inspector General” appropriation to remain available until
5 September 30, 2013, and \$23,016,000 shall be paid to the
6 “Science and Technology” appropriation to remain avail-
7 able until September 30, 2013.

8 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
9 PROGRAM

10 For necessary expenses to carry out leaking under-
11 ground storage tank cleanup activities authorized by sub-
12 title I of the Solid Waste Disposal Act, as amended,
13 \$105,669,000, to remain available until expended, of
14 which \$78,051,000 shall be for carrying out leaking un-
15 derground storage tank cleanup activities authorized by
16 section 9003(h) of the Solid Waste Disposal Act, as
17 amended; \$34,430,000 shall be for carrying out the other
18 provisions of the Solid Waste Disposal Act specified in sec-
19 tion 9508(e) of the Internal Revenue Code, as amended:
20 *Provided*, That the Administrator is authorized to use ap-
21 propriations made available under this heading to imple-
22 ment section 9013 of the Solid Waste Disposal Act to pro-
23 vide financial assistance to federally recognized Indian
24 tribes for the development and implementation of pro-
25 grams to manage underground storage tanks.

1 INLAND OIL SPILL PROGRAMS

2 For expenses necessary to carry out the Environ-
3 mental Protection Agency’s responsibilities under the Oil
4 Pollution Act of 1990, \$18,274,000, to be derived from
5 the Oil Spill Liability trust fund, to remain available until
6 expended.

7 STATE AND TRIBAL ASSISTANCE GRANTS

8 For environmental programs and infrastructure as-
9 sistance, including capitalization grants for State revolv-
10 ing funds and performance partnership grants,
11 \$2,610,393,000, to remain available until expended, of
12 which \$689,000,000 shall be for making capitalization
13 grants for the Clean Water State Revolving Funds under
14 title VI of the Federal Water Pollution Control Act, as
15 amended (the “Act”); of which \$829,000,000 shall be for
16 making capitalization grants for the Drinking Water State
17 Revolving Funds under section 1452 of the Safe Drinking
18 Water Act, as amended; \$60,000,000 shall be to carry out
19 section 104(k) of the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act of 1980
21 (CERCLA), as amended, including grants, interagency
22 agreements, and associated program support costs;
23 \$30,000,000 shall be for grants under title VII, subtitle
24 G of the Energy Policy Act of 2005; and \$1,002,393,000
25 shall be for grants, including associated program support

1 costs, to States, federally recognized tribes, interstate
2 agencies, tribal consortia, and air pollution control agen-
3 cies for multi-media or single media pollution prevention,
4 control and abatement and related activities, including ac-
5 tivities pursuant to the provisions set forth under this
6 heading in Public Law 104–134, and for making grants
7 under section 103 of the Clean Air Act for particulate
8 matter monitoring and data collection activities subject to
9 terms and conditions specified by the Administrator, of
10 which \$49,396,000 shall be for carrying out section 128
11 of CERCLA, as amended, \$9,980,000 shall be for Envi-
12 ronmental Information Exchange Network grants, includ-
13 ing associated program support costs, \$11,300,000 of the
14 funds available for grants under section 106 of the Act
15 shall be for state participation in national- and state-level
16 statistical surveys of water resources and enhancements
17 to state monitoring programs and, in addition to funds
18 appropriated under the heading “Leaking Underground
19 Storage Tank Trust Fund Program” to carry out the pro-
20 visions of the Solid Waste Disposal Act specified in section
21 9508(c) of the Internal Revenue Code other than section
22 9003(h) of the Solid Waste Disposal Act, as amended,
23 \$1,550,000 shall be for grants to States under section
24 2007(f)(2) of the Solid Waste Disposal Act, as amended:
25 *Provided*, That notwithstanding section 603(d)(7) of the

1 Federal Water Pollution Control Act, the limitation on the
2 amounts in a State water pollution control revolving fund
3 that may be used by a State to administer the fund shall
4 not apply to amounts included as principal in loans made
5 by such fund in fiscal year 2012 and prior years where
6 such amounts represent costs of administering the fund
7 to the extent that such amounts are or were deemed rea-
8 sonable by the Administrator, accounted for separately
9 from other assets in the fund, and used for eligible pur-
10 poses of the fund, including administration: *Provided fur-*
11 *ther*, That for fiscal year 2012, and notwithstanding sec-
12 tion 518(f) of the Act, the Administrator is authorized to
13 use the amounts appropriated for any fiscal year under
14 section 319 of that Act to make grants to Federally recog-
15 nized Indian tribes pursuant to sections 319(h) and
16 518(e) of that Act: *Provided further*, That for fiscal year
17 2012, notwithstanding the limitation on amounts in sec-
18 tion 518(c) of the Federal Water Pollution Control Act
19 and section 1452(i) of the Safe Drinking Water Act, up
20 to a total of 2 percent of the funds appropriated for State
21 Revolving Funds under such Acts may be reserved by the
22 Administrator for grants under section 518(c) and section
23 1452(i) of such Acts: *Provided further*, That for fiscal year
24 2012, notwithstanding the amounts specified in section
25 205(c) of the Federal Water Pollution Control Act, up to

1 1.5 percent of the aggregate funds appropriated for the
2 Clean Water State Revolving Fund program under the Act
3 less any sums reserved under section 518(c) of the Act,
4 may be reserved by the Administrator for grants made
5 under title II of the Clean Water Act for American Samoa,
6 Guam, the Commonwealth of the Northern Marianas, and
7 United States Virgin Islands: *Provided further*, That for
8 fiscal year 2012, notwithstanding the limitations on
9 amounts specified in section 1452(j) of the Safe Drinking
10 Water Act, up to 1.5 percent of the funds appropriated
11 for the Drinking Water State Revolving Fund programs
12 under the Safe Drinking Water Act may be reserved by
13 the Administrator for grants made under section 1452(j)
14 of the Safe Drinking Water Act: *Provided further*, That
15 not less than 30 percent of the funds made available under
16 this title to each State for Clean Water State Revolving
17 Fund capitalization grants and not less than 30 percent
18 of the funds made available under this title to each State
19 for Drinking Water State Revolving Fund capitalization
20 grants shall be used by the State to provide additional sub-
21 sidy to eligible recipients in the form of forgiveness of
22 principal, negative interest loans, or grants (or any com-
23 bination of these), and shall be so used by the State only
24 where such funds are provided as initial financing for an
25 eligible recipient or to buy, refinance, or restructure the

1 debt obligations of eligible recipients only where such debt
2 was incurred on or after the date of enactment of this
3 Act: *Provided further*, That no funds provided by this ap-
4 propriations Act to address the water, wastewater and
5 other critical infrastructure needs of the colonias in the
6 United States along the United States-Mexico border shall
7 be made available to a county or municipal government
8 unless that government has established an enforceable
9 local ordinance, or other zoning rule, which prevents in
10 that jurisdiction the development or construction of any
11 additional colonia areas, or the development within an ex-
12 isting colonia the construction of any new home, business,
13 or other structure which lacks water, wastewater, or other
14 necessary infrastructure: *Provided further*, That for fiscal
15 year 2012 and hereafter, of the funds provided for the
16 Clean Water Act and Safe Drinking Water Act State Re-
17 volving Fund Tribal Set-Asides, the Administrator may
18 transfer funds between those accounts in the same manner
19 as provided to States under section 302(a) of Public Law
20 104–182, as amended by Public Law 109–54.

21 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL

22 PROTECTION AGENCY

23 (INCLUDING TRANSFER AND RECISSION OF FUNDS)

24 For fiscal year 2012, notwithstanding 31 U.S.C.
25 6303(1) and 6305(1), the Administrator of the Environ-

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

12 The Administrator of the Environmental Protection
13 Agency is authorized to collect and obligate pesticide reg-
14 istration service fees in accordance with section 33 of the
15 Federal Insecticide, Fungicide, and Rodenticide Act, as
16 amended by Public Law 110-94, the Pesticide Registra-
17 tion Improvement Renewal Act.

18 The Administrator is authorized to transfer up to
19 \$250,000,000 of the funds appropriated for the Great
20 Lakes Initiative under the heading "Environmental Pro-
21 grams and Management" to the head of any Federal de-
22 partment or agency, with the concurrence of such head,
23 to carry out activities that would support the Great Lakes
24 Restoration Initiative and Great Lakes Water Quality
25 Agreement programs, projects, or activities; to enter into

1 an interagency agreement with the head of such Federal
2 department or agency to carry out these activities; and
3 to make grants to governmental entities, nonprofit organi-
4 zations, institutions, and individuals for planning, re-
5 search, monitoring, outreach, and implementation in fur-
6 therance of the Great Lakes Restoration Initiative and the
7 Great Lakes Water Quality Agreement.

8 From unobligated balances to carry out projects and
9 activities funded through the “State and Tribal Assistance
10 Grants” and “Hazardous Substance Superfund” accounts,
11 \$140,000,000 are permanently rescinded: *Provided*, That
12 no amounts may be rescinded from amounts that were
13 designated by the Congress as an emergency requirement
14 pursuant to the Concurrent Resolution on the Budget or
15 the Balanced Budget and Emergency Deficit Control Act
16 of 1985, as amended.

17 For fiscal year 2012 the requirements of section 513
18 of the Federal Water Pollution Control Act (33 U.S.C.
19 1372) shall apply to the construction of treatment works
20 carried out in whole or in part with assistance made avail-
21 able by a State water pollution control revolving fund as
22 authorized by title VI of that Act (33 U.S.C. 1381 et seq.),
23 or with assistance made available under section 205(m)
24 of that Act (33 U.S.C. 1285(m)), or both.

1 For fiscal year 2012 the requirements of section
2 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–
3 9(e)) shall apply to any construction project carried out
4 in whole or in part with assistance made available by a
5 drinking water treatment revolving loan fund as author-
6 ized by section 1452 of that Act (42 U.S.C. 300j–12).

7 TITLE III—RELATED AGENCIES

8 DEPARTMENT OF AGRICULTURE

9 FOREST SERVICE

10 FOREST AND RANGELAND RESEARCH

11 For necessary expenses of forest and rangeland re-
12 search as authorized by law, \$277,282,000, to remain
13 available until expended: *Provided*, That of the funds pro-
14 vided, \$66,805,000 is for the forest inventory and analysis
15 program: *Provided further*, That of the funds provided, no
16 less than \$29,161,000 is for the forest products labora-
17 tory.

18 STATE AND PRIVATE FORESTRY

19 For necessary expenses of cooperating with and pro-
20 viding technical and financial assistance to States, terri-
21 tories, possessions, and others, and for forest health man-
22 agement, including treatments of pests, pathogens, and
23 invasive or noxious plants and for restoring and rehabili-
24 tating forests damaged by pests or invasive plants, cooper-
25 ative forestry, and education and land conservation activi-

1 ties as authorized, and conducting an international pro-
2 gram as authorized, \$208,608,000, to remain available
3 until expended, as authorized by law; of which \$3,000,000
4 is to be derived from the Land and Water Conservation
5 Fund and shall remain available until expended.

6 NATIONAL FOREST SYSTEM

7 For necessary expenses of the Forest Service, not
8 otherwise provided for, for management, protection, im-
9 provement, and utilization of the National Forest System,
10 \$1,546,463,000, to remain available until expended: *Pro-*
11 *vided*, That of the funds provided, \$336,722,000 shall be
12 for forest products: *Provided further*, That of the funds
13 provided, \$30,000,000 shall be deposited in the Collabo-
14 rative Forest Landscape Restoration Fund for ecological
15 restoration treatments as authorized by 16 U.S.C.
16 7303(f): *Provided further*, That of the funds provided, up
17 to \$122,600,000 is for the Integrated Resource Restora-
18 tion pilot program for Region 1, Region 3 and Region 4.

19 CAPITAL IMPROVEMENT AND MAINTENANCE

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Forest Service, not
22 otherwise provided for, \$378,088,000, to remain available
23 until expended, for construction, capital improvement,
24 maintenance and acquisition of buildings and other facili-
25 ties and infrastructure; and for construction, reconstruc-

1 tion, and maintenance of forest roads and trails by the
2 Forest Service as authorized by 16 U.S.C. 532–538 and
3 23 U.S.C. 101 and 205: *Provided*, That \$35,000,000 shall
4 be designated for urgently needed road decommissioning,
5 road and trail repair and maintenance and associated ac-
6 tivities, and removal of fish passage barriers, especially in
7 areas where Forest Service roads may be contributing to
8 water quality problems in streams and water bodies which
9 support threatened, endangered, or sensitive species or
10 community water sources: *Provided further*, That funds
11 becoming available in fiscal year 2012 under the Act of
12 March 4, 1913 (16 U.S.C. 501) shall be transferred to
13 the General Fund of the Treasury and shall not be avail-
14 able for transfer or obligation for any other purpose unless
15 the funds are appropriated: *Provided further*, That of the
16 funds provided for decommissioning of roads, up to
17 \$9,000,000 may be transferred to the “National Forest
18 System” to support the Integrated Resource Restoration
19 pilot program.

20 LAND ACQUISITION

21 For expenses necessary to carry out the provisions
22 of the Land and Water Conservation Fund Act of 1965,
23 as amended (16 U.S.C. 4601–4 through 11), including ad-
24 ministrative expenses, and for acquisition of land or
25 waters, or interest therein, in accordance with statutory

1 authority applicable to the Forest Service, \$12,500,000,
2 to be derived from the Land and Water Conservation
3 Fund and to remain available until expended.

4 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
5 ACTS

6 For acquisition of lands within the exterior bound-
7 aries of the Cache, Uinta, and Wasatch National Forests,
8 Utah; the Toiyabe National Forest, Nevada; and the An-
9 geles, San Bernardino, Sequoia, and Cleveland National
10 Forests, California, as authorized by law, \$955,000, to be
11 derived from forest receipts.

12 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

13 For acquisition of lands, such sums, to be derived
14 from funds deposited by State, county, or municipal gov-
15 ernments, public school districts, or other public school au-
16 thorities, and for authorized expenditures from funds de-
17 posited by non-Federal parties pursuant to Land Sale and
18 Exchange Acts, pursuant to the Act of December 4, 1967,
19 as amended (16 U.S.C. 484a), to remain available until
20 expended.

21 RANGE BETTERMENT FUND

22 For necessary expenses of range rehabilitation, pro-
23 tection, and improvement, 50 percent of all moneys re-
24 ceived during the prior fiscal year, as fees for grazing do-
25 mestic livestock on lands in National Forests in the 16

1 Western States, pursuant to section 401(b)(1) of Public
2 Law 94–579, as amended, to remain available until ex-
3 pended, of which not to exceed 6 percent shall be available
4 for administrative expenses associated with on-the-ground
5 range rehabilitation, protection, and improvements.

6 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
7 RANGELAND RESEARCH

8 For expenses authorized by 16 U.S.C. 1643(b),
9 \$45,000, to remain available until expended, to be derived
10 from the fund established pursuant to the above Act.

11 MANAGEMENT OF NATIONAL FOREST LANDS FOR
12 SUBSISTENCE USES

13 For necessary expenses of the Forest Service to man-
14 age Federal lands in Alaska for subsistence uses under
15 title VIII of the Alaska National Interest Lands Conserva-
16 tion Act (Public Law 96–487), \$2,000,000, to remain
17 available until expended.

18 WILDLAND FIRE MANAGEMENT
19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses for forest fire presuppression
21 activities on National Forest System lands, for emergency
22 fire suppression on or adjacent to such lands or other
23 lands under fire protection agreement, hazardous fuels re-
24 duction on or adjacent to such lands, and for emergency
25 rehabilitation of burned-over National Forest System

1 lands and water, \$1,805,099,000, to remain available until
2 expended: *Provided*, That such funds including unobli-
3 gated balances under this heading, are available for repay-
4 ment of advances from other appropriations accounts pre-
5 viously transferred for such purposes: *Provided further*,
6 That such funds shall be available to reimburse State and
7 other cooperating entities for services provided in response
8 to wildfire and other emergencies or disasters to the extent
9 such reimbursements by the Forest Service for non-fire
10 emergencies are fully repaid by the responsible emergency
11 management agency: *Provided further*, That amounts in
12 this paragraph may be transferred to the “State and Pri-
13 vate Forestry”, “National Forest System”, and “Forest
14 and Rangeland Research” accounts to fund State fire as-
15 sistance, volunteer fire assistance, forest health manage-
16 ment, forest and rangeland research, the Joint Fire
17 Science Program, vegetation and watershed management,
18 heritage site rehabilitation, and wildlife and fish habitat
19 management and restoration: *Provided further*, That the
20 costs of implementing any cooperative agreement between
21 the Federal Government and any non-Federal entity may
22 be shared, as mutually agreed on by the affected parties:
23 *Provided further*, That of the funds provided herein, the
24 Secretary of Agriculture may enter into procurement con-
25 tracts or cooperative agreements, or issue grants for haz-

1 arduous fuels reduction activities and for training and mon-
2 itoring associated with such hazardous fuels reduction ac-
3 tivities, on Federal land, or on adjacent non-Federal land
4 for activities that benefit resources on Federal land: *Pro-*
5 *vided further*, That the Secretary of the Interior and the
6 Secretary of Agriculture may authorize the transfer of
7 funds appropriated for wildland fire management, in an
8 aggregate amount not to exceed \$10,000,000, between the
9 Departments when such transfers would facilitate and ex-
10 pedite jointly funded wildland fire management programs
11 and projects: *Provided further*, That of the funds provided
12 for hazardous fuels reduction, not to exceed \$5,000,000,
13 may be used to make grants, using any authorities avail-
14 able to the Forest Service under the State and Private
15 Forestry appropriation, for the purpose of creating incen-
16 tives for increased use of biomass from national forest
17 lands: *Provided further*, That no amounts may be cancelled
18 from amounts that were designated by the Congress as
19 an emergency requirement pursuant to the Concurrent
20 Resolution on the Budget or the Balanced Budget and
21 Emergency Deficit Control Act of 1985, as amended: *Pro-*
22 *vided further*, That, before obligating any of the funds pro-
23 vided herein for wildland fire suppression, the Secretary
24 of Agriculture shall obligate all unobligated balances pre-
25 viously made available under this heading that, when ap-

1 appropriated, were designated by Congress as an emergency
2 requirement pursuant to the Concurrent Resolution on the
3 Budget or the Balanced Budget and Emergency Deficit
4 Control Act of 1985: *Provided further*, That the Secretary
5 of Agriculture may transfer not more than \$50,000,000
6 of the funds provided herein to the Secretary of the Inte-
7 rior if the Secretaries determine that the transfer will en-
8 hance the efficiency or effectiveness of Federal wildland
9 fire suppression activities: *Provided further*, That of the
10 funds for hazardous fuels reduction, up to \$27,100,000
11 may be transferred to the “National Forest System” to
12 support the Integrated Resource Restoration pilot pro-
13 gram.

14 FLAME WILDFIRE SUPPRESSION RESERVE FUND

15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses for large fire suppression op-
17 erations of the Department of Agriculture and as a reserve
18 fund for suppression and Federal emergency response ac-
19 tivities, \$290,418,000, to remain available until expended:
20 *Provided*, That such amounts are available only for trans-
21 fer to the “Wildland Fire Management” account and only
22 following a declaration by the Secretary that either (1)
23 a wildland fire suppression event meets certain previously-
24 established risk-based written criteria for significant com-
25 plexity, severity, or threat posed by the fire or (2) funds

1 in the “Wildland Fire Management” account will be ex-
2 hausted within 30 days.

3 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

4 (INCLUDING TRANSFERS OF FUNDS)

5 Appropriations to the Forest Service for the current
6 fiscal year shall be available for: (1) purchase of passenger
7 motor vehicles; acquisition of passenger motor vehicles
8 from excess sources, and hire of such vehicles; purchase,
9 lease, operation, maintenance, and acquisition of aircraft
10 from excess sources to maintain the operable fleet for use
11 in Forest Service wildland fire programs and other Forest
12 Service programs; notwithstanding other provisions of law,
13 existing aircraft being replaced may be sold, with proceeds
14 derived or trade-in value used to offset the purchase price
15 for the replacement aircraft; (2) services pursuant to 7
16 U.S.C. 2225, and not to exceed \$100,000 for employment
17 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
18 ation of buildings and other public improvements (7
19 U.S.C. 2250); (4) acquisition of land, waters, and inter-
20 ests therein pursuant to 7 U.S.C. 428a; (5) expenses pur-
21 suant to the Volunteers in the National Forest Act of
22 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
23 of uniforms as authorized by 5 U.S.C. 5901–5902; and
24 (7) debt collection contracts in accordance with 31 U.S.C.
25 3718(c).

1 Any appropriations or funds available to the Forest
2 Service may be transferred to the Wildland Fire Manage-
3 ment appropriation for forest firefighting, emergency re-
4 habilitation of burned-over or damaged lands or waters
5 under its jurisdiction, and fire preparedness due to severe
6 burning conditions upon the Secretary's notification of the
7 House and Senate Committees on Appropriations that all
8 fire suppression funds appropriated under the headings
9 "Wildland Fire Management" and "FLAME Wildfire
10 Suppression Reserve Fund" will be obligated within 30
11 days.

12 Funds appropriated to the Forest Service shall be
13 available for assistance to or through the Agency for Inter-
14 national Development in connection with forest and range-
15 land research, technical information, and assistance in for-
16 eign countries, and shall be available to support forestry
17 and related natural resource activities outside the United
18 States and its territories and possessions, including tech-
19 nical assistance, education and training, and cooperation
20 with United States, private organizations, and inter-
21 national organizations.

22 Of the funds available to the Forest Service up to
23 \$5,000,000 shall be available for priority projects within
24 the scope of the approved budget, which shall be carried
25 out by the Youth Conservation Corps and shall be carried

1 out under the authority of the Public Lands Corps Act
2 of 1993, Public Law 103–82, as amended by Public Lands
3 Corps Healthy Forests Restoration Act of 2005, Public
4 Law 109–154.

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

8 Pursuant to sections 405(b) and 410(b) of Public
9 Law 101–593, of the funds available to the Forest Service,
10 up to \$3,000,000 may be advanced in a lump sum to the
11 National Forest Foundation to aid conservation partner-
12 ship projects in support of the Forest Service mission,
13 without regard to when the Foundation incurs expenses,
14 for projects on or benefitting National Forest System
15 lands or related to Forest Service programs: *Provided*,
16 That of the Federal funds made available to the Founda-
17 tion, no more than \$300,000 shall be available for admin-
18 istrative expenses: *Provided further*, That the Foundation
19 shall obtain, by the end of the period of Federal financial
20 assistance, private contributions to match on at least one-
21 for-one basis funds made available by the Forest Service:
22 *Provided further*, That the Foundation may transfer Fed-
23 eral funds to Federal or a non-Federal recipient for a
24 project at the same rate that the recipient has obtained
25 the non-Federal matching funds: *Provided further*, That

1 authorized investments of Federal funds held by the Foun-
2 dation may be made only in interest-bearing obligations
3 of the United States or in obligations guaranteed as to
4 both principal and interest by the United States.

5 Pursuant to section 2(b)(2) of Public Law 98-244,
6 \$3,000,000 of the funds available to the Forest Service
7 may be advanced to the National Fish and Wildlife Foun-
8 dation in a lump sum to aid cost-share conservation
9 projects, without regard to when expenses are incurred,
10 on or benefitting National Forest System lands or related
11 to Forest Service programs: *Provided*, That such funds
12 shall be matched on at least a one-for-one basis by the
13 Foundation or its sub-recipients: *Provided further*, That
14 the Foundation may transfer Federal funds to a Federal
15 or non-Federal recipient for a project at the same rate
16 that the recipient has obtained the non-Federal matching
17 funds.

18 Funds appropriated to the Forest Service shall be
19 available for interactions with and providing technical as-
20 sistance to rural communities and natural resource-based
21 businesses for sustainable rural development purposes.

22 Of the funds available to the Forest Service, an
23 amount not to exceed \$55,000,000 shall be assessed for
24 the purpose of performing fire, administrative and other
25 facilities maintenance. Such assessments shall occur using

1 a square foot rate charged on the same basis the agency
2 uses to assess programs for payment of rent, utilities, and
3 other support services.

4 Notwithstanding any other provision of law, any ap-
5 propriations or funds available to the Forest Service not
6 to exceed \$500,000 may be used to reimburse the Office
7 of the General Counsel (OGC), Department of Agri-
8 culture, for travel and related expenses incurred as a re-
9 sult of OGC assistance or participation requested by the
10 Forest Service at meetings, training sessions, management
11 reviews, land purchase negotiations and similar non-litiga-
12 tion related matters. Future budget justifications for both
13 the Forest Service and Department of Agriculture should
14 clearly display the sums previously transferred and the re-
15 quested funding transfers.

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

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion Act, the Indian Health Care Improvement Act, and
8 titles II and III of the Public Health Service Act with re-
9 spect to the Indian Health Service, \$4,034,322,000 to-
10 gether with payments received during the fiscal year pur-
11 suant to 42 U.S.C. 238(b) and 238b for services furnished
12 by the Indian Health Service: *Provided*, That funds made
13 available to tribes and tribal organizations through con-
14 tracts, grant agreements, or any other agreements or com-
15 pacts authorized by the Indian Self-Determination and
16 Education Assistance Act of 1975 (25 U.S.C. 450), shall
17 be deemed to be obligated at the time of the grant or con-
18 tract award and thereafter shall remain available to the
19 tribe or tribal organization without fiscal year limitation:
20 *Provided further*, That \$836,685,000 for contract medical
21 care, including \$51,500,000 for the Indian Catastrophic
22 Health Emergency Fund, shall remain available until ex-
23 pended: *Provided further*, That of the funds provided, up
24 to \$36,000,000 shall remain available until expended for
25 implementation of the loan repayment program under sec-

1 tion 108 of the Indian Health Care Improvement Act: *Pro-*
2 *vided further*, That the amounts collected by the Federal
3 Government as authorized by sections 104 and 108 of the
4 Indian Health Care Improvement Act (25 U.S.C. 1613a
5 and 1616a) during the preceding fiscal year for breach
6 of contracts shall be deposited to the Fund authorized by
7 section 108A of the Act (25 U.S.C. 1616a–1) and shall
8 remain available until expended and, notwithstanding sec-
9 tion 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds
10 shall be available to make new awards under the loan re-
11 payment and scholarship programs under sections 104
12 and 108 of the Act (25 U.S.C. 1613a and 1616a): *Pro-*
13 *vided further*, That \$16,391,000 is provided for the meth-
14 amphetamine and suicide prevention and treatment initia-
15 tive and \$10,000,000 is provided for the domestic violence
16 prevention initiative and, notwithstanding any other provi-
17 sion of law, the amounts available under this proviso shall
18 be allocated at the discretion of the Director of the Indian
19 Health Service and shall remain available until expended:
20 *Provided further*, That funds provided in this Act may be
21 used for annual contracts and grants that fall within two
22 fiscal years, provided the total obligation is recorded in
23 the year the funds are appropriated: *Provided further*,
24 That the amounts collected by the Secretary of Health and
25 Human Services under the authority of title IV of the In-

1 dian Health Care Improvement Act shall remain available
2 until expended for the purpose of achieving compliance
3 with the applicable conditions and requirements of titles
4 XVIII and XIX of the Social Security Act, except for those
5 related to the planning, design, or construction of new fa-
6 cilities: *Provided further*, That funding contained herein
7 for scholarship programs under the Indian Health Care
8 Improvement Act (25 U.S.C. 1613) shall remain available
9 until expended: *Provided further*, That amounts received
10 by tribes and tribal organizations under title IV of the In-
11 dian Health Care Improvement Act shall be reported and
12 accounted for and available to the receiving tribes and
13 tribal organizations until expended: *Provided further*,
14 That, notwithstanding any other provision of law, of the
15 amounts provided herein, not to exceed \$573,761,000
16 shall be for payments to tribes and tribal organizations
17 for contract or grant support costs associated with con-
18 tracts, grants, self-governance compacts, or annual fund-
19 ing agreements between the Indian Health Service and a
20 tribe or tribal organization pursuant to the Indian Self-
21 Determination Act of 1975, as amended, prior to or dur-
22 ing fiscal year 2012, of which not to exceed \$10,000,000
23 may be used for contract support costs associated with
24 new or expanded self-determination contracts, grants, self-
25 governance compacts, or annual funding agreements: *Pro-*

1 *vided further*, That the Bureau of Indian Affairs may col-
2 lect from the Indian Health Service, tribes and tribal orga-
3 nizations operating health facilities pursuant to Public
4 Law 93–638, such individually identifiable health informa-
5 tion relating to disabled children as may be necessary for
6 the purpose of carrying out its functions under the Indi-
7 viduals with Disabilities Education Act (20 U.S.C. 1400,
8 et seq.): *Provided further*, That the Indian Health Care
9 Improvement Fund may be used, as needed, to carry out
10 activities typically funded under the Indian Health Facili-
11 ties account.

12 INDIAN HEALTH FACILITIES

13 For construction, repair, maintenance, improvement,
14 and equipment of health and related auxiliary facilities,
15 including quarters for personnel; preparation of plans,
16 specifications, and drawings; acquisition of sites, purchase
17 and erection of modular buildings, and purchases of trail-
18 ers; and for provision of domestic and community sanita-
19 tion facilities for Indians, as authorized by section 7 of
20 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
21 Self-Determination Act, and the Indian Health Care Im-
22 provement Act, and for expenses necessary to carry out
23 such Acts and titles II and III of the Public Health Serv-
24 ice Act with respect to environmental health and facilities
25 support activities of the Indian Health Service,

1 \$427,259,000, to remain available until expended: *Pro-*
2 *vided*, That no less than \$20,000,000 in available, unobli-
3 gated prior-year funds shall be used in addition to
4 amounts provided by this Act: *Provided further*, That not-
5 withstanding any other provision of law, funds appro-
6 priated for the planning, design, construction, renovation
7 or expansion of health facilities for the benefit of an In-
8 dian tribe or tribes may be used to purchase land on which
9 such facilities will be located: *Provided further*, That not
10 to exceed \$500,000 shall be used by the Indian Health
11 Service to purchase TRANSAM equipment from the De-
12 partment of Defense for distribution to the Indian Health
13 Service and tribal facilities: *Provided further*, That none
14 of the funds appropriated to the Indian Health Service
15 may be used for sanitation facilities construction for new
16 homes funded with grants by the housing programs of the
17 United States Department of Housing and Urban Devel-
18 opment: *Provided further*, That not to exceed \$2,700,000
19 from this account and the “Indian Health Services” ac-
20 count shall be used by the Indian Health Service to obtain
21 ambulances for the Indian Health Service and tribal facili-
22 ties in conjunction with an existing interagency agreement
23 between the Indian Health Service and the General Serv-
24 ices Administration: *Provided further*, That not to exceed
25 \$500,000 shall be placed in a Demolition Fund, to remain

1 available until expended, and be used by the Indian Health
2 Service for the demolition of Federal buildings.

3 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

18 In accordance with the provisions of the Indian
19 Health Care Improvement Act, non-Indian patients may
20 be extended health care at all tribally administered or In-
21 dian Health Service facilities, subject to charges, and the
22 proceeds along with funds recovered under the Federal
23 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
24 be credited to the account of the facility providing the
25 service and shall be available without fiscal year limitation.

1 Notwithstanding any other law or regulation, funds trans-
2 ferred from the Department of Housing and Urban Devel-
3 opment to the Indian Health Service shall be administered
4 under Public Law 86–121, the Indian Sanitation Facilities
5 Act and Public Law 93–638, as amended.

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

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

17 Notwithstanding any other provision of law, funds
18 previously or herein made available to a tribe or tribal or-
19 ganization through a contract, grant, or agreement au-
20 thorized by title I or title V of the Indian Self-Determina-
21 tion and Education Assistance Act of 1975 (25 U.S.C.
22 450), may be deobligated and reobligated to a self-deter-
23 mination contract under title I, or a self-governance agree-
24 ment under title V of such Act and thereafter shall remain

1 available to the tribe or tribal organization without fiscal
2 year limitation.

3 None of the funds made available to the Indian
4 Health Service in this Act shall be used to implement the
5 final rule published in the Federal Register on September
6 16, 1987, by the Department of Health and Human Serv-
7 ices, relating to the eligibility for the health care services
8 of the Indian Health Service until the Indian Health Serv-
9 ice has submitted a budget request reflecting the increased
10 costs associated with the proposed final rule, and such re-
11 quest has been included in an appropriations Act and en-
12 acted into law.

13 With respect to functions transferred by the Indian
14 Health Service to tribes or tribal organizations, the Indian
15 Health Service is authorized to provide goods and services
16 to those entities on a reimbursable basis, including pay-
17 ments in advance with subsequent adjustment. The reim-
18 bursements received therefrom, along with the funds re-
19 ceived from those entities pursuant to the Indian Self-De-
20 termination Act, may be credited to the same or subse-
21 quent appropriation account from which the funds were
22 originally derived, with such amounts to remain available
23 until expended.

24 Reimbursements for training, technical assistance, or
25 services provided by the Indian Health Service will contain

1 total costs, including direct, administrative, and overhead
2 associated with the provision of goods, services, or tech-
3 nical assistance.

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

7 NATIONAL INSTITUTES OF HEALTH

8 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

9 SCIENCES

10 For necessary expenses for the National Institute of
11 Environmental Health Sciences in carrying out activities
12 set forth in section 311(a) of the Comprehensive Environ-
13 mental Response, Compensation, and Liability Act of
14 1980, as amended, and section 126(g) of the Superfund
15 Amendments and Reauthorization Act of 1986,
16 \$79,054,000.

17 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

18 REGISTRY

19 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

20 HEALTH

21 For necessary expenses for the Agency for Toxic Sub-
22 stances and Disease Registry (ATSDR) in carrying out
23 activities set forth in sections 104(i) and 111(c)(4) of the
24 Comprehensive Environmental Response, Compensation,
25 and Liability Act of 1980 (CERCLA), as amended; section

1 118(f) of the Superfund Amendments and Reauthoriza-
2 tion Act of 1986 (SARA), as amended; and section 3019
3 of the Solid Waste Disposal Act, as amended,
4 \$74,039,000, of which up to \$1,000 per eligible employee
5 of the Agency for Toxic Substance and Disease Registry
6 shall remain available until expended for Individual Learn-
7 ing Accounts: *Provided*, That notwithstanding any other
8 provision of law, in lieu of performing a health assessment
9 under section 104(i)(6) of CERCLA, the Administrator
10 of ATSDR may conduct other appropriate health studies,
11 evaluations, or activities, including, without limitation,
12 biomedical testing, clinical evaluations, medical moni-
13 toring, and referral to accredited health care providers:
14 *Provided further*, That in performing any such health as-
15 sessment or health study, evaluation, or activity, the Ad-
16 ministrator of ATSDR shall not be bound by the deadlines
17 in section 104(i)(6)(A) of CERCLA: *Provided further*,
18 That none of the funds appropriated under this heading
19 shall be available for ATSDR to issue in excess of 40 toxi-
20 cological profiles pursuant to section 104(i) of CERCLA
21 during fiscal year 2012, and existing profiles may be up-
22 dated as necessary.

1 OTHER RELATED AGENCIES
2 EXECUTIVE OFFICE OF THE PRESIDENT
3 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
4 ENVIRONMENTAL QUALITY

5 For necessary expenses to continue functions as-
6 signed to the Council on Environmental Quality and Office
7 of Environmental Quality pursuant to the National Envi-
8 ronmental Policy Act of 1969, the Environmental Quality
9 Improvement Act of 1970, and Reorganization Plan No.
10 1 of 1977, and not to exceed \$750 for official reception
11 and representation expenses, \$2,661,000: *Provided*, That
12 notwithstanding section 202 of the National Environ-
13 mental Policy Act of 1970, the Council shall consist of
14 one member, appointed by the President, by and with the
15 advice and consent of the Senate, serving as chairman and
16 exercising all powers, functions, and duties of the Council.

17 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
18 SALARIES AND EXPENSES

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

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

15 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Navajo and
18 Hopi Indian Relocation as authorized by Public Law 93-
19 531, \$7,530,000, to remain available until expended: *Pro-*
20 *vided*, That funds provided in this or any other appropria-
21 tions Act are to be used to relocate eligible individuals and
22 groups including evictees from District 6, Hopi-partitioned
23 lands residents, those in significantly substandard hous-
24 ing, and all others certified as eligible and not included
25 in the preceding categories: *Provided further*, That none

1 of the funds made available by this or any other Act may
2 be used by the Office of Navajo and Hopi Indian Reloca-
3 tion to evict any single Navajo or Navajo family who, as
4 of November 30, 1985, was physically domiciled on the
5 lands partitioned to the Hopi Tribe unless a new or re-
6 placement home is provided for such household: *Provided*
7 *further*, That no relocatee shall be provided with more
8 than one new or replacement home: *Provided further*, That
9 the Office shall relocate any certified eligible relocatees
10 who have selected and received an approved homesite on
11 the Navajo reservation or selected a replacement residence
12 off the Navajo reservation or on the land acquired pursu-
13 ant to 25 U.S.C. 640d–10.

14 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
15 CULTURE AND ARTS DEVELOPMENT

16 PAYMENT TO THE INSTITUTE

17 For payment to the Institute of American Indian and
18 Alaska Native Culture and Arts Development, as author-
19 ized by title XV of Public Law 99–498, as amended (20
20 U.S.C. 56 part A), \$7,900,000.

21 SMITHSONIAN INSTITUTION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Smithsonian Institu-
24 tion, as authorized by law, including research in the fields
25 of art, science, and history; development, preservation, and

1 documentation of the National Collections; presentation of
2 public exhibits and performances; collection, preparation,
3 dissemination, and exchange of information and publica-
4 tions; conduct of education, training, and museum assist-
5 ance programs; maintenance, alteration, operation, lease
6 agreements of no more than 30 years, and protection of
7 buildings, facilities, and approaches; not to exceed
8 \$100,000 for services as authorized by 5 U.S.C. 3109; and
9 purchase, rental, repair, and cleaning of uniforms for em-
10 ployees, \$626,971,000, to remain available until Sep-
11 tember 30, 2013, except as otherwise provided herein; of
12 which not to exceed \$20,137,000 for the instrumentation
13 program, collections acquisition, exhibition reinstallation,
14 the National Museum of African American History and
15 Culture, and the repatriation of skeletal remains program
16 shall remain available until expended; and including such
17 funds as may be necessary to support American overseas
18 research centers: *Provided*, That funds appropriated here-
19 in are available for advance payments to independent con-
20 tractors performing research services or participating in
21 official Smithsonian presentations.

22 FACILITIES CAPITAL

23 For necessary expenses of repair, revitalization, and
24 alteration of facilities owned or occupied by the Smithso-
25 nian Institution, by contract or otherwise, as authorized

1 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
2 and for construction, including necessary personnel,
3 \$124,750,000, to remain available until expended, of
4 which not to exceed \$10,000 is for services as authorized
5 by 5 U.S.C. 3109: *Provided*, That beginning in fiscal year
6 2012 and thereafter, any procurement for the construction
7 of the National Museum of African American History and
8 Culture, as authorized under section 8 of the National Mu-
9 seum of African American History and Culture Act (20
10 U.S.C. 80r-6), may be issued which includes the full scope
11 of the project: *Provided further*, That the solicitation and
12 contract with respect to the procurement shall contain the
13 “availability of funds” clause described in section
14 52.232.18 of title 48, Code of Federal Regulations.

15 NATIONAL GALLERY OF ART

16 SALARIES AND EXPENSES

17 For the upkeep and operations of the National Gal-
18 lery of Art, the protection and care of the works of art
19 therein, and administrative expenses incident thereto, as
20 authorized by the Act of March 24, 1937 (50 Stat. 51),
21 as amended by the public resolution of April 13, 1939
22 (Public Resolution 9, Seventy-sixth Congress), including
23 services as authorized by 5 U.S.C. 3109; payment in ad-
24 vance when authorized by the treasurer of the Gallery for
25 membership in library, museum, and art associations or

1 societies whose publications or services are available to
2 members only, or to members at a price lower than to the
3 general public; purchase, repair, and cleaning of uniforms
4 for guards, and uniforms, or allowances therefor, for other
5 employees as authorized by law (5 U.S.C. 5901–5902);
6 purchase or rental of devices and services for protecting
7 buildings and contents thereof, and maintenance, alter-
8 ation, improvement, and repair of buildings, approaches,
9 and grounds; and purchase of services for restoration and
10 repair of works of art for the National Gallery of Art by
11 contracts made, without advertising, with individuals,
12 firms, or organizations at such rates or prices and under
13 such terms and conditions as the Gallery may deem prop-
14 er, \$112,185,000, of which not to exceed \$3,481,000 for
15 the special exhibition program shall remain available until
16 expended.

17 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

18 For necessary expenses of repair, restoration and
19 renovation of buildings, grounds and facilities owned or
20 occupied by the National Gallery of Art, by contract or
21 otherwise, for lease agreements of no more than 10 years
22 that address space needs created by the ongoing renova-
23 tions in the Master Facilities Plan, as authorized,
24 \$13,938,000, to remain available until expended: *Pro-*
25 *vided*, That contracts awarded for environmental systems,

1 protection systems, and exterior repair or renovation of
2 buildings of the National Gallery of Art may be negotiated
3 with selected contractors and awarded on the basis of con-
4 tractor qualifications as well as price.

5 JOHN F. KENNEDY CENTER FOR THE PERFORMING
6 ARTS

7 OPERATIONS AND MAINTENANCE

8 For necessary expenses for the operation, mainte-
9 nance and security of the John F. Kennedy Center for
10 the Performing Arts, \$22,455,000.

11 CAPITAL REPAIR AND RESTORATION

12 For necessary expenses for capital repair and restora-
13 tion of the existing features of the building and site of
14 the John F. Kennedy Center for the Performing Arts,
15 \$13,650,000, to remain available until expended.

16 WOODROW WILSON INTERNATIONAL CENTER FOR
17 SCHOLARS

18 SALARIES AND EXPENSES

19 For expenses necessary in carrying out the provisions
20 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
21 1356) including hire of passenger vehicles and services as
22 authorized by 5 U.S.C. 3109, \$10,000,000, to remain
23 available until September 30, 2013.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 \$135,000,000 shall be available to the National Endow-
8 ment for the Arts for the support of projects and produc-
9 tions in the arts, including arts education and public out-
10 reach activities, through assistance to organizations and
11 individuals pursuant to section 5 of the Act, for program
12 support, and for administering the functions of the Act,
13 to remain available until expended.

14 NATIONAL ENDOWMENT FOR THE HUMANITIES
15 GRANTS AND ADMINISTRATION

16 For necessary expenses to carry out the National
17 Foundation on the Arts and the Humanities Act of 1965,
18 \$135,000,000, to remain available until expended, of
19 which \$125,000,000 shall be available for support of ac-
20 tivities in the humanities, pursuant to section 7(c) of the
21 Act and for administering the functions of the Act; and
22 \$10,000,000 shall be available to carry out the matching
23 grants program pursuant to section 10(a)(2) of the Act,
24 including \$8,000,000 for the purposes of section 7(h):
25 *Provided*, That appropriations for carrying out section

1 10(a)(2) of such Act shall be available for obligation only
2 in such amounts as may be equal to the total amounts
3 of gifts, bequests, and devises of money, and other prop-
4 erty accepted by the chairman or by grantees of the En-
5 dowment under the provisions of subsections 11(a)(2)(B)
6 and 11(a)(3)(B) of such Act during the current and pre-
7 ceding fiscal years for which equal amounts have not pre-
8 viously been appropriated.

9 ADMINISTRATIVE PROVISIONS

10 None of the funds appropriated to the National En-
11 dowment for the Arts or to the National Endowment for
12 the Humanities may be used to process any grant or con-
13 tract documents which do not include the text of 18
14 U.S.C. 1913: *Provided*, That none of the funds appro-
15 priated to either Endowment may be used for official re-
16 ception and representation expenses: *Provided further*,
17 That funds from nonappropriated sources may be used as
18 necessary for official reception and representation ex-
19 penses: *Provided further*, That the Chairperson of the Na-
20 tional Endowment for the Arts may approve grants of up
21 to \$10,000, if in the aggregate this amount does not ex-
22 ceed 5 percent of the sums appropriated for grant-making
23 purposes per year: *Provided further*, That such small grant
24 actions are taken pursuant to the terms of an expressed

1 and direct delegation of authority from the National Coun-
2 cil on the Arts to the Chairperson.

3 COMMISSION OF FINE ARTS

4 SALARIES AND EXPENSES

5 For expenses of the Commission of Fine Arts under
6 Chapter 91 of title 40, United States Code, \$2,234,000:
7 *Provided*, That the Commission is authorized to charge
8 fees to cover the full costs of its publications, and such
9 fees shall be credited to this account as an offsetting col-
10 lection, to remain available until expended without further
11 appropriation: *Provided further*, That the Commission is
12 authorized to accept gifts, including objects, papers, art-
13 work, drawings and artifacts, that pertain to the history
14 and design of the Nation's Capital or the history and ac-
15 tivities of the Commission of Fine Arts, for the purpose
16 of artistic display, study or education.

17 ADVISORY COUNCIL ON HISTORIC PRESERVATION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Advisory Council on
20 Historic Preservation (Public Law 89-665, as amended),
21 \$5,498,000.

22 NATIONAL CAPITAL PLANNING COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the National Capital Plan-
25 ning Commission under Chapter 87 of title 40, United

1 States Code, including services as authorized by 5 U.S.C.
2 3109, \$8,133,000.

3 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
4 HOLOCAUST MEMORIAL MUSEUM

5 For expenses of the Holocaust Memorial Museum, as
6 authorized by Public Law 106–292 (36 U.S.C. 2301–
7 2310), \$50,524,000, of which \$515,000 shall remain
8 available until September 30, 2014, for the Museum’s
9 equipment replacement program; and of which \$1,900,000
10 for the Museum’s repair and rehabilitation program and
11 \$1,264,000 for the Museum’s outreach initiatives program
12 shall remain available until expended.

13 PRESIDIO TRUST

14 PRESIDIO TRUST FUND

15 For necessary expenses to carry out title I of the Om-
16 nibus Parks and Public Lands Management Act of 1996,
17 \$12,000,000 shall be available to the Presidio Trust, to
18 remain available until expended.

19 DWIGHT D. EISENHOWER MEMORIAL COMMISSION
20 SALARIES AND EXPENSES

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

CAPITAL CONSTRUCTION

1
2 For necessary expenses of the Dwight D. Eisenhower
3 Memorial Commission for design and construction of a
4 memorial in honor of Dwight D. Eisenhower, as author-
5 ized by Public Law 106–79, \$28,000,000, to remain avail-
6 able until expended: *Provided*, That beginning in fiscal
7 year 2012 and thereafter, any procurement for the con-
8 struction of the permanent memorial to Dwight D. Eisen-
9 hower, as authorized by section 8162 of the Department
10 of Defense Appropriations Act, 2000 (16 U.S.C. 431 note;
11 Public Law 106–79), as amended by section 8120 of the
12 Department of Defense Appropriations Act, 2002 (Public
13 Law 107–117), may be issued which includes the full
14 scope of the project: *Provided further*, That the solicitation
15 and contract with respect to the procurement shall contain
16 the “availability of funds” clause described in section
17 52.232.18 of title 48, Code of Federal Regulations.

TITLE IV—GENERAL PROVISIONS

LIMITATION ON CONSULTING SERVICES

20 SEC. 401. The expenditure of any appropriation
21 under this Act for any consulting service through procure-
22 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
23 to those contracts where such expenditures are a matter
24 of public record and available for public inspection, except

1 where otherwise provided under existing law, or under ex-
2 isting Executive Order issued pursuant to existing law.

3 RESTRICTION ON USE OF FUNDS

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

11 OBLIGATION OF APPROPRIATIONS

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

15 PROHIBITION ON USE OF FUNDS FOR PERSONAL
16 SERVICES

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

22 DISCLOSURE OF ADMINISTRATIVE EXPENSES

23 SEC. 405. Estimated overhead charges, deductions,
24 reserves or holdbacks from programs, projects, activities
25 and subactivities to support government-wide, depart-

1 mental, agency, or bureau administrative functions or
2 headquarters, regional, or central operations shall be pre-
3 sented in annual budget justifications and subject to ap-
4 proval by the Committees on Appropriations of the House
5 of Representatives and the Senate. Changes to such esti-
6 mates shall be presented to the Committees on Appropria-
7 tions for approval.

8 GIANT SEQUOIA

9 SEC. 406. None of the funds in this Act may be used
10 to plan, prepare, or offer for sale timber from trees classi-
11 fied as giant sequoia (*Sequoiadendron giganteum*) which
12 are located on National Forest System or Bureau of Land
13 Management lands in a manner different than such sales
14 were conducted in fiscal year 2011.

15 MINING APPLICATIONS

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

21 (b) EXCEPTIONS.—Subsection (a) shall not apply if
22 the Secretary of the Interior determines that, for the claim
23 concerned (1) a patent application was filed with the Sec-
24 retary on or before September 30, 1994; and (2) all re-
25 quirements established under sections 2325 and 2326 of

1 the Revised Statutes (30 U.S.C. 29 and 30) for vein or
2 lode claims, sections 2329, 2330, 2331, and 2333 of the
3 Revised Statutes (30 U.S.C. 35, 36, and 37) for placer
4 claims, and section 2337 of the Revised Statutes (30
5 U.S.C. 42) for mill site claims, as the case may be, were
6 fully complied with by the applicant by that date.

7 (c) REPORT.—On September 30, 2013, the Secretary
8 of the Interior shall file with the House and Senate Com-
9 mittees on Appropriations and the Committee on Natural
10 Resources of the House and the Committee on Energy and
11 Natural Resources of the Senate a report on actions taken
12 by the Department under the plan submitted pursuant to
13 section 314(c) of the Department of the Interior and Re-
14 lated Agencies Appropriations Act, 1997 (Public Law
15 104–208).

16 (d) MINERAL EXAMINATIONS.—In order to process
17 patent applications in a timely and responsible manner,
18 upon the request of a patent applicant, the Secretary of
19 the Interior shall allow the applicant to fund a qualified
20 third-party contractor to be selected by the Director of the
21 Bureau of Land Management to conduct a mineral exam-
22 ination of the mining claims or mill sites contained in a
23 patent application as set forth in subsection (b). The Bu-
24 reau of Land Management shall have the sole responsi-
25 bility to choose and pay the third-party contractor in ac-

1 cordance with the standard procedures employed by the
2 Bureau of Land Management in the retention of third-
3 party contractors.

4 CONTRACT SUPPORT COSTS

5 SEC. 408. Notwithstanding any other provision of
6 law, amounts appropriated to or otherwise designated in
7 committee reports for the Bureau of Indian Affairs and
8 the Indian Health Service by Public Laws 103–138, 103–
9 332, 104–134, 104–208, 105–83, 105–277, 106–113,
10 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
11 109–289, division B and Continuing Appropriations Reso-
12 lution, 2007 (division B of Public Law 109–289, as
13 amended by Public Laws 110–5 and 110–28), Public
14 Laws 110–92, 110–116, 110–137, 110–149, 110–161,
15 110–329, 111–6, 111–8, 111–88 and 112–10 for pay-
16 ments for contract support costs associated with self-de-
17 termination or self-governance contracts, grants, com-
18 pacts, or annual funding agreements with the Bureau of
19 Indian Affairs or the Indian Health Service as funded by
20 such Acts, are the total amounts available for fiscal years
21 1994 through 2011 for such purposes, except that the Bu-
22 reau of Indian Affairs, tribes and tribal organizations may
23 use their tribal priority allocations for unmet contract sup-
24 port costs of ongoing contracts, grants, self-governance
25 compacts, or annual funding agreements.

1 FOREST MANAGEMENT PLANS

2 SEC. 409. The Secretary of Agriculture shall not be
3 considered to be in violation of section 6(f)(5)(A) of the
4 Forest and Rangeland Renewable Resources Planning Act
5 of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more
6 than 15 years have passed without revision of the plan
7 for a unit of the National Forest System. Nothing in this
8 section exempts the Secretary from any other requirement
9 of the Forest and Rangeland Renewable Resources Plan-
10 ning Act (16 U.S.C. 1600 et seq.) or any other law: *Pro-*
11 *vided*, That if the Secretary is not acting expeditiously and
12 in good faith, within the funding available, to revise a plan
13 for a unit of the National Forest System, this section shall
14 be void with respect to such plan and a court of proper
15 jurisdiction may order completion of the plan on an accel-
16 erated basis: *Provided further*, That, notwithstanding the
17 issuance of a new final planning rule prescribing the pro-
18 cedures to be used to develop, amend, or revise land and
19 resource management plans for units of the National For-
20 est System, the existing 1982 planning rule procedures
21 and the 2000 planning rule procedures, including its tran-
22 sition provisions allowing the Forest Service to continue
23 to use the 1982 planning rule procedures, shall remain
24 in effect as alternative procedures for the development,

1 amendment, and revision of land and resource manage-
2 ment plans.

3 PROHIBITION WITHIN NATIONAL MONUMENTS

4 SEC. 410. No funds provided in this Act may be ex-
5 pended to conduct preleasing, leasing and related activities
6 under either the Mineral Leasing Act (30 U.S.C. 181 et
7 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
8 1331 et seq.) within the boundaries of a National Monu-
9 ment established pursuant to the Act of June 8, 1906 (16
10 U.S.C. 431 et seq.) as such boundary existed on January
11 20, 2001, except where such activities are allowed under
12 the Presidential proclamation establishing such monu-
13 ment.

14 INTERNATIONAL FIREFIGHTER COOPERATIVE

15 AGREEMENTS

16 SEC. 411. In entering into agreements with foreign
17 fire organizations pursuant to the Temporary Emergency
18 Wildfire Suppression Act (42 U.S.C. 1856m-1856o), the
19 Secretary of Agriculture and the Secretary of the Interior
20 are authorized through fiscal year 2013 to enter into re-
21 ciprocal agreements in which the individuals furnished
22 under such agreements to provide wildfire services are
23 considered, for purposes of tort liability, employees of the
24 fire organization receiving such services when the individ-
25 uals are engaged in fire suppression or presuppression:

1 *Provided*, That the Secretary of Agriculture or the Sec-
2 retary of the Interior shall not enter into any agreement
3 under this section unless the foreign fire organization
4 agrees to assume any and all liability for the acts or omis-
5 sions of American firefighters engaged in fire suppression
6 or presuppression in a foreign country: *Provided further*,
7 That when an agreement is reached for furnishing fire
8 suppression or presuppression services, the only remedies
9 for acts or omissions committed while engaged in fire sup-
10 pression or presuppression shall be those provided under
11 the laws applicable to the fire organization receiving the
12 fire suppression or presuppression services, and those rem-
13 edies shall be the exclusive remedies for any claim arising
14 out of fire suppression or presuppression activities in a
15 foreign country: *Provided further*, That neither the send-
16 ing country nor any legal organization associated with the
17 firefighter shall be subject to any legal action, consistent
18 with the applicable laws governing sovereign immunity,
19 pertaining to or arising out of the firefighter's role in fire
20 suppression or presuppression, except that if the foreign
21 fire organization is unable to provide immunity under laws
22 applicable to it, it shall assume any and all liability for
23 the United States or for any legal organization associated
24 with the American firefighter, and for any and all costs
25 incurred or assessed, including legal fees, for any act or

1 omission pertaining to or arising out of the firefighter's
2 role in fire suppression or presuppression.

3 CONTRACTING AUTHORITIES

4 SEC. 412. In awarding a Federal contract with funds
5 made available by this Act, notwithstanding Federal Gov-
6 ernment procurement and contracting laws, the Secretary
7 of Agriculture and the Secretary of the Interior (the "Sec-
8 retaries") may, in evaluating bids and proposals, through
9 fiscal year 2013, give consideration to local contractors
10 who are from, and who provide employment and training
11 for, dislocated and displaced workers in an economically
12 disadvantaged rural community, including those histori-
13 cally timber-dependent areas that have been affected by
14 reduced timber harvesting on Federal lands and other for-
15 est-dependent rural communities isolated from significant
16 alternative employment opportunities: *Provided*, That not-
17 withstanding Federal Government procurement and con-
18 tracting laws the Secretaries may award contracts, grants
19 or cooperative agreements to local non-profit entities,
20 Youth Conservation Corps or related partnerships with
21 State, local or non-profit youth groups, or small or micro-
22 business or disadvantaged business: *Provided further*, That
23 the contract, grant, or cooperative agreement is for forest
24 hazardous fuels reduction, watershed or water quality
25 monitoring or restoration, wildlife or fish population moni-

1 toring, road decommissioning, trail maintenance or im-
2 provement, or habitat restoration or management: *Pro-*
3 *vided further*, That the terms “rural community” and
4 “economically disadvantaged” shall have the same mean-
5 ings as in section 2374 of Public Law 101–624 (16 U.S.C.
6 6612): *Provided further*, That the Secretaries shall develop
7 guidance to implement this section: *Provided further*, That
8 nothing in this section shall be construed as relieving the
9 Secretaries of any duty under applicable procurement
10 laws, except as provided in this section.

11 LIMITATION ON TAKINGS

12 SEC. 413. Unless otherwise provided herein, no funds
13 appropriated in this Act for the acquisition of lands or
14 interests in lands may be expended for the filing of dec-
15 larations of taking or complaints in condemnation without
16 the approval of the House and Senate Committees on Ap-
17 propriations.

18 TIMBER SALE REQUIREMENTS

19 SEC. 414. No timber sale in Alaska’s Region 10 shall
20 be advertised if the indicated rate is deficit (defined as
21 the value of the timber is not sufficient to cover all logging
22 and stumpage costs and provide a normal profit and risk
23 allowance under the Forest Service’s appraisal process)
24 when appraised using a residual value appraisal. The west-
25 ern red cedar timber from those sales which is surplus

1 to the needs of the domestic processors in Alaska, shall
2 be made available to domestic processors in the contiguous
3 48 United States at prevailing domestic prices. All addi-
4 tional western red cedar volume not sold to Alaska or con-
5 tiguous 48 United States domestic processors may be ex-
6 ported to foreign markets at the election of the timber sale
7 holder. All Alaska yellow cedar may be sold at prevailing
8 export prices at the election of the timber sale holder.

9 EXTENSION OF GRAZING PERMITS

10 SEC. 415. The terms and conditions of section 325
11 of Public Law 108–108 (117 Stat. 1307), regarding graz-
12 ing permits at the Department of the Interior and the
13 Forest Service, shall remain in effect for fiscal years 2012
14 through 2016. A grazing permit or lease issued by the Sec-
15 retary of the Interior for lands administered by the Bu-
16 reau of Land Management that is the subject of a request
17 for a grazing preference transfer shall be issued, without
18 further processing, for the remaining time period in the
19 existing permit or lease using the same mandatory terms
20 and conditions. If the authorized officer determines a
21 change in the mandatory terms and conditions is required,
22 the new permit must be processed as directed in section
23 325 of Public Law 108–108.

1 PROHIBITION ON USE OF FUNDS

2 SEC. 416. None of the funds made available by this
3 Act may be distributed to the Association of Community
4 Organizations for Reform Now (ACORN) or its subsidi-
5 aries.

6 PROHIBITION ON NO-BID CONTRACTS

7 SEC. 417. None of the funds appropriated or other-
8 wise made available by this Act to executive branch agen-
9 cies may be used to enter into any Federal contract unless
10 such contract is entered into in accordance with the re-
11 quirements of Chapter 33 of title 41, United States Code,
12 or Chapter 137 of title 10, United States Code, and the
13 Federal Acquisition Regulation, unless—

14 (1) Federal law specifically authorizes a con-
15 tract to be entered into without regard for these re-
16 quirements, including formula grants for States, or
17 federally recognized Indian tribes; or

18 (2) such contract is authorized by the Indian
19 Self-Determination and Education and Assistance
20 Act (Public Law 93–638, 25 U.S.C. 450 et seq., as
21 amended) or by any other Federal laws that specifi-
22 cally authorize a contract within an Indian tribe as
23 defined in section 4(e) of that Act (25 U.S.C.
24 450b(e)); or

1 age Fellowship, or American Jazz Masters Fellow-
2 ship.

3 (2) The Chairperson shall establish procedures
4 to ensure that no funding provided through a grant,
5 except a grant made to a State or local arts agency,
6 or regional group, may be used to make a grant to
7 any other organization or individual to conduct ac-
8 tivity independent of the direct grant recipient.
9 Nothing in this subsection shall prohibit payments
10 made in exchange for goods and services.

11 (3) No grant shall be used for seasonal support
12 to a group, unless the application is specific to the
13 contents of the season, including identified programs
14 and/or projects.

15 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

16 PRIORITIES

17 SEC. 420. (a) In providing services or awarding fi-
18 nancial assistance under the National Foundation on the
19 Arts and the Humanities Act of 1965 from funds appro-
20 priated under this Act, the Chairperson of the National
21 Endowment for the Arts shall ensure that priority is given
22 to providing services or awarding financial assistance for
23 projects, productions, workshops, or programs that serve
24 underserved populations.

25 (b) In this section:

1 (1) The term “underserved population” means
2 a population of individuals, including urban minori-
3 ties, who have historically been outside the purview
4 of arts and humanities programs due to factors such
5 as a high incidence of income below the poverty line
6 or to geographic isolation.

7 (2) The term “poverty line” means the poverty
8 line (as defined by the Office of Management and
9 Budget, and revised annually in accordance with sec-
10 tion 673(2) of the Community Services Block Grant
11 Act (42 U.S.C. 9902(2))) applicable to a family of
12 the size involved.

13 (c) In providing services and awarding financial as-
14 sistance under the National Foundation on the Arts and
15 Humanities Act of 1965 with funds appropriated by this
16 Act, the Chairperson of the National Endowment for the
17 Arts shall ensure that priority is given to providing serv-
18 ices or awarding financial assistance for projects, produc-
19 tions, workshops, or programs that will encourage public
20 knowledge, education, understanding, and appreciation of
21 the arts.

22 (d) With funds appropriated by this Act to carry out
23 section 5 of the National Foundation on the Arts and Hu-
24 manities Act of 1965—

1 (1) the Chairperson shall establish a grant cat-
2 egory for projects, productions, workshops, or pro-
3 grams that are of national impact or availability or
4 are able to tour several States;

5 (2) the Chairperson shall not make grants ex-
6 ceeding 15 percent, in the aggregate, of such funds
7 to any single State, excluding grants made under the
8 authority of paragraph (1);

9 (3) the Chairperson shall report to the Con-
10 gress annually and by State, on grants awarded by
11 the Chairperson in each grant category under sec-
12 tion 5 of such Act; and

13 (4) the Chairperson shall encourage the use of
14 grants to improve and support community-based
15 music performance and education.

16 USE OF COMPETITIVE GRANT FUNDS

17 SEC. 421. Section 6(d) of Public Law 96–297 (16
18 U.S.C. 431 note), as added by section 101 of Public Law
19 108–126, is amended by inserting “, except funds awarded
20 through competitive grants,” after “No Federal funds”.

21 FOREST SERVICE FACILITY REALIGNMENT AND

22 ENHANCEMENT

23 SEC. 422. Section 503(f) of the Forest Service Re-
24 alignment and Enhancement Act of 2005 (title V of Public
25 Law 109–54; 16 U.S.C. 580d note), as amended by sec-

1 tion 422(l) of Public Law 111–8 (123 Stat. 748), is fur-
2 ther amended by striking “2011” and inserting “2016”.

3

SERVICE FIRST

4 SEC. 423. Section 330 of the Department of the Inte-
5 rior and Related Agencies Appropriations Act, 2001 (Pub-
6 lic Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note),
7 concerning Service First authorities (114 Stat. 996), as
8 amended by section 428 of Public Law 109–54 (119 Stat.
9 555–556) and section 418 of Public Law 111–8, is amend-
10 ed—

11 (1) by striking in the first sentence “In fiscal
12 years 2001 through 2011”, and inserting “In fiscal
13 year 2012 and each fiscal year thereafter”;

14 (2) by deleting in the first sentence “may estab-
15 lish pilot programs”.

16 FEDERAL, STATE, COOPERATIVE FOREST, RANGE-LAND

17 AND WATERSHED RESTORATION IN UTAH

18 SEC. 424. The authority provided by section 337 of
19 the Department of the Interior and Related Agencies Ap-
20 propriations Act, 2005 (Public Law 108–447; 118 Stat.
21 3012), as amended, shall remain in effect until September
22 30, 2013.

23

STATUS OF BALANCES OF APPROPRIATIONS

24 SEC. 425. The Department of the Interior, the Envi-
25 ronmental Protection Agency, the Forest Service and the

1 Indian Health Service shall provide the Committees on
2 Appropriations of the House of Representatives and Sen-
3 ate a quarterly report on the status of balances of appro-
4 priations. For balances that are unobligated and uncom-
5 mitted, committed, and obligated but unexpended, the
6 quarterly reports shall separately identify the amounts at-
7 tributable to each source year of appropriation from which
8 the balances were derived. Initial reports shall be sub-
9 mitted to the Committees on Appropriations within 30
10 days of the end of the first quarter of fiscal year 2012.
11 Subsequent reports shall be submitted within 30 days of
12 the end of each quarter thereafter.

13 REPORT ON USE OF CLIMATE CHANGE FUNDS

14 SEC. 426. Not later than 120 days after the date on
15 which the President's fiscal year 2013 budget request is
16 submitted to Congress, the President shall submit a com-
17 prehensive report to the Committee on Appropriations of
18 the House of Representatives and the Committee on Ap-
19 propriations of the Senate describing in detail all Federal
20 agency funding, domestic and international, for climate
21 change programs, projects and activities in fiscal year
22 2011 and fiscal year 2012, including an accounting of
23 funding by agency with each agency identifying climate
24 change programs, projects and activities and associated
25 costs by line item as presented in the President's Budget

1 Appendix, and including citations and linkages where
2 practicable to each strategic plan that is driving funding
3 within each climate change program, project and activity
4 listed in the report.

5 STEWARDSHIP CONTRACTING

6 SEC. 427. Section 347(a) of the Department of the
7 Interior and Related Agencies Appropriations Act, 1999
8 (16 U.S.C. 2104 note; Public Law 105–277) is amended
9 by striking “September 30, 2013” and inserting “Sep-
10 tember 30, 2023”.

11 PROHIBITION ON USE OF FUNDS

12 SEC. 428. Notwithstanding any other provision of
13 law, none of the funds made available in this Act or any
14 other Act may be used to promulgate or implement any
15 regulation requiring the issuance of permits under title V
16 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon
17 dioxide, nitrous oxide, water vapor, or methane emissions
18 resulting from biological processes associated with live-
19 stock production.

20 GREENHOUSE GAS REPORTING RESTRICTIONS

21 SEC. 429. Notwithstanding any other provision of
22 law, none of the funds made available in this or any other
23 Act may be used to implement any provision in a rule,
24 if that provision requires mandatory reporting of green-
25 house gas emissions from manure management systems.

1 INDIAN EMPLOYMENT, TRAINING AND RELATED

2 SERVICES

3 SEC. 430. Notwithstanding any other provision of
4 law, and notwithstanding any auditing or reporting cir-
5 cular of the Office of Management and Budget or related
6 compliance memoranda, hereinbefore and hereinafter (1)
7 any funds supplied by any Federal department or agency
8 to carry out a plan under Public Law 102–477 (the Indian
9 Employment, Training and Related Services Demonstra-
10 tion Act), as amended, shall be consolidated and made
11 available to the applicable Indian tribe or tribal organiza-
12 tion pursuant to an existing contract, compact, or funding
13 agreement under title I or title IV of Public Law 93–638
14 (the Indian Self-Determination and Education Assistance
15 Act), as amended; and (2) no Indian tribe or tribal organi-
16 zation carrying out such a plan shall be required to sepa-
17 rately account for the expenditure of the funds of each
18 Federal department or agency after the date on which the
19 funds are consolidated and paid to the Indian tribe or trib-
20 al organization.

21 STATIONARY SOURCE GREENHOUSE GAS PROHIBITION

22 SEC. 431. (a) During the one year period com-
23 mencing on the date of enactment of this Act—

24 (1) the Administrator of the Environmental Protec-
25 tion Agency shall not propose or promulgate any regula-

1 tion regarding the emissions of greenhouse gases from sta-
2 tionary sources to address climate change, except this
3 paragraph does not apply to—

4 (A) regulations promulgated under title VI of
5 the Clean Air Act (42 U.S.C. 7671 et seq.); or

6 (B) regulations designed to limit or defer exist-
7 ing greenhouse gas regulation of stationary sources;

8 (2) any Federal statutory or regulatory provision re-
9 quiring a permit (or permit condition) under the Clean
10 Air Act (42 U.S.C. 7401 et seq.) for emissions of green-
11 house gases from a stationary source to address climate
12 change shall be of no legal effect;

13 (3) any federally enforceable permit condition for
14 emissions of greenhouse gases from a stationary source
15 to address climate change in a permit under the Clean
16 Air Act (42 U.S.C. 7401 et seq.) issued prior to the date
17 of enactment of this Act shall be of no legal effect; and

18 (4) no cause of action based on Federal or State com-
19 mon law or civil tort (including nuisance) may be brought
20 or maintained, and no liability, money damages, or injunc-
21 tive relief arising from such an action may be imposed,
22 for—

23 (A) any potential or actual contribution of a
24 greenhouse gas to climate change; or

1 (B) any direct or indirect effect of potential or
2 actual or past, present, or future increases in con-
3 centrations of a greenhouse gas.

4 (b) Any permit for a stationary source subject to title
5 I of the Clean Air Act (42 U.S.C. 7401 et seq.) for which
6 an application was submitted prior to the expiration of the
7 one year period commencing on the date of the enactment
8 of this Act (regardless of when such permit is issued) shall
9 not include any federally enforceable condition for green-
10 house gas emissions to address climate change.

11 STREAM BUFFER

12 SEC. 432. None of the funds made available by this
13 Act may be used to develop, carry out, implement, or oth-
14 erwise enforce proposed regulations published June 18,
15 2010 (75 Fed. Reg. 34,667) by the Office of Surface Min-
16 ing Reclamation and Enforcement of the Department of
17 the Interior.

18 ENHANCED COORDINATION RESTRICTIONS

19 SEC. 433. None of the funds made available by this
20 Act to the Environmental Protection Agency, the Corps
21 of Engineers, or the Office of Surface Mining Reclamation
22 and Enforcement may be used to carry out, implement,
23 administer, or enforce any policy or procedure set forth
24 in —

1 (1) the memorandum issued by the Environ-
2 mental Protection Agency and Department of the
3 Army entitled “Enhanced Surface Coal Mining
4 Pending Permit Coordination Procedures”, dated
5 June 11, 2009; or

6 (2) the guidance (or any revised version there-
7 of) issued by the Environmental Protection Agency
8 entitled “Improving EPA Review of Appalachian
9 Surface Coal Mining Operations under the Clean
10 Water Act, National Environmental Policy Act, and
11 the Environmental Justice Executive Order”, dated
12 April 1, 2010.

13 COAL COMBUSTION ASH

14 SEC. 434. None of the funds made available by this
15 Act may be used by the Environmental Protection Agency
16 to develop, propose, finalize, implement, administer, or en-
17 force any regulation that identifies or lists fossil fuel com-
18 bustion waste as hazardous waste subject to regulation
19 under subtitle C of the Solid Waste Disposal Act (42
20 U.S.C. 6921 et seq.) or otherwise makes fossil fuel com-
21 bustion waste subject to regulation under such subtitle.

22 WATERS OF THE UNITED STATES

23 SEC. 435. None of the funds made available by this
24 Act or any subsequent Act making appropriations for the
25 Environmental Protection Agency may be used by the En-

1 vironmental Protection Agency to develop, adopt, imple-
2 ment, administer, or enforce a change or supplement to
3 the rule dated November 13, 1986, or guidance documents
4 dated January 15, 2003, and December 2, 2008, per-
5 taining to the definition of waters under the jurisdiction
6 of the Federal Water Pollution Control Act (33 U.S.C.
7 1251 et seq.).

8 THERMAL DISCHARGES

9 SEC. 436. None of the funds made available by this
10 Act or any other Act shall be used to further develop, fi-
11 nalize, implement, or enforce the proposed regulatory re-
12 quirements issued by the Environmental Protection Agen-
13 cy and published for public comment in the Federal Reg-
14 ister on April 20, 2011 (76 Fed. Reg. 22,174); or to de-
15 velop or enforce any other new regulations or requirements
16 designed to implement section 316(b) of the Federal
17 Water Pollution Control Act (33 U.S.C. 1312 (b)).

18 FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS

19 SEC. 437. Hereafter, upon issuance of final regula-
20 tions, the Secretary of Agriculture, acting through the
21 Chief of the Forest Service, shall apply section 105(a) of
22 the Healthy Forests Restoration Act of 2003 (16 U.S.C.
23 6515(a)), providing for a pre-decisional objection process,
24 to proposed actions of the Forest Service concerning
25 projects and activities implementing land and resource

1 management plans developed under the Forest and Range-
2 land Renewable Resources Planning Act of 1974 (16
3 U.S.C. 1600 et seq.) in lieu of subsections (c), (d), and
4 (e) of section 322 of Public Law 102–381 (16 U.S.C. 1612
5 note), providing for an administrative appeal process: *Pro-*
6 *vided*, That if the Chief of the Forest Service determines
7 an emergency situation exists for which immediate imple-
8 mentation of a proposed action is necessary, the proposed
9 action shall not be subject to the pre-decisional objection
10 process, and implementation shall begin immediately after
11 the Forest Service gives notice of the final decision for
12 the proposed action: *Provided further*, That this section
13 shall not apply to an authorized hazardous fuel reduction
14 project under title I of the Healthy Forests Restoration
15 Act of 2003 (16 U.S.C. 6501 et seq.).

16 SILVICULTURAL ACTIVITIES

17 SEC. 438. Section 402(l) of the Federal Water Pollu-
18 tion Control Act (33 U.S.C. 1342(l)) is amended by add-
19 ing at the end the following:

20 “(3) SILVICULTURAL ACTIVITIES.—The Admin-
21 istrator shall not require a permit under this section,
22 nor shall the Administrator directly or indirectly re-
23 quire any State to require a permit, for discharges
24 of stormwater runoff from roads, the construction,
25 use, or maintenance of which are associated with sil-

1 vicultural activities, or from other silvicultural activi-
2 ties involving nursery operations, site preparation,
3 reforestation and subsequent cultural treatment,
4 thinning, prescribed burning, pest and fire control,
5 harvesting operations, or surface drainage.”.

6 STORMWATER DISCHARGE

7 SEC. 439. None of the funds made available by this
8 Act or any other Act may be expended for the develop-
9 ment, adoption, implementation, or enforcement of regula-
10 tions or guidance that would expand the Federal
11 stormwater discharge program under section 402(p) of the
12 Federal Water Pollution Control Act (33 U.S.C. 1342(p))
13 to post-construction commercial or residential properties
14 until 90 days after the Administrator of the Environ-
15 mental Protection Agency submits to the Committee on
16 Transportation and Infrastructure and the Committee on
17 Appropriations of the House of Representatives and the
18 Committee on Environment and Public Works and the
19 Committee on Appropriations of the Senate the study of
20 stormwater discharges required under section 402(p)(5) of
21 such Act (33 U.S.C. 1342(p)(5)). Such study shall in-
22 clude—

23 (1) a thorough review and analysis of potential
24 regulatory options under the stormwater program;

1 (2) the program’s anticipated costs (including
2 to the Environmental Protection Agency, States, and
3 potentially regulated entities) and benefits; and

4 (3) a numerical identification of both relative
5 cost effectiveness among the options and the antici-
6 pated water quality enhancements that would result
7 from each option.

8 ASSOCIATION PLACER

9 SEC. 440. Section 10101 of the Omnibus Budget
10 Reconciliation Act of 1993 (30 U.S.C. 28f) is amended
11 by redesignating subsections (c) and (d) as subsections (d)
12 and (e), respectively, and inserting after subsection (b) the
13 following new subsection:

14 “(c) For each placer claim held by an association of
15 2 or more persons, the claim maintenance fee shall be
16 charged—

17 “(1) for each 20-acre tract that is subject to
18 the claim; and

19 “(2) for any remaining tract (after application
20 of paragraph (1)) that is subject to the claim.”.

21 FLEXIBLE AIR PERMITTING PROGRAMS

22 SEC. 441. The Administrator of the Environmental
23 Protection Agency—

24 (1) shall take no action (including any rule-
25 making or enforcement action) to disapprove or pre-

1 vent implementation of any flexible air permitting
2 program under which emissions from multiple
3 sources may be combined for purposes of deter-
4 mining compliance with an emissions limitation
5 that—

6 (A) has been submitted by a State as a re-
7 vision to the State implementation plan pursu-
8 ant to section 110 of the Clean Air Act (42
9 U.S.C. 7410); and

10 (B) has been adopted as part of the State
11 implementation plan for such State prior to the
12 date of enactment of this Act; and

13 (2) shall take no enforcement action against the
14 holder of an individual permit issued under an air
15 permitting program described in paragraph (1)
16 based on any disapproval of the program by the Ad-
17 ministrator prior to the date of the enactment of
18 this Act.

19 DOMESTIC LIVESTOCK GRAZING

20 SEC. 442. None of the funds made available by this
21 Act or any other Act through fiscal year 2016 may be
22 used to plan or carry out any action or any subsequent
23 agency regulation for managing bighorn sheep (whether
24 native or nonnative) populations on any parcel of Federal
25 land (as defined in section 3 of the Healthy Forests Res-

1 toration Act of 2003 (16 U.S.C. 6502)) if the action may
2 or will result in a reduction in the number of domestic
3 livestock permitted to graze on the parcel or in the dis-
4 tribution of livestock on the parcel.

5 AIR EMISSIONS FROM OUTER CONTINENTAL SHELF

6 ACTIVITIES

7 SEC. 443. (a) Section 328(a)(1) of the Clean Air Act
8 (42 U.S.C. 7627(a)(1)) is amended by inserting before the
9 period at the end of the second sentence the following: “,
10 except that any air quality impact of any OCS source shall
11 be measured or modeled, as appropriate, and determined
12 solely with respect to the impacts in the corresponding on-
13 shore area”.

14 (b) Section 328(a)(4)(C) of the Clean Air Act (42
15 U.S.C. 7627(a)(4)(C)) is amended in the matter following
16 clause (iii) by striking “shall be considered direct emis-
17 sions from the OCS source” and inserting “shall be con-
18 sidered direct emissions from the OCS source but shall
19 not be subject to any emission control requirement appli-
20 cable to the source under subpart 1 of part C of title I
21 of this Act. For platform or drill ship exploration, an OCS
22 source is established at the point in time when drilling
23 commences at a location and ceases to exist when drilling
24 activity ends at such location or is temporarily interrupted

1 because the platform or drill ship relocates for weather
2 or other reasons”.

3 (c)(1) Section 328 of the Clean Air Act (42 U.S.C.
4 7627) is amended by adding at the end thereof the fol-
5 lowing:

6 “(d) PERMIT APPLICATION.—In the case of a com-
7 pleted application for a permit under this Act for platform
8 or drill ship exploration for an OCS source—

9 “(1) final agency action (including any recon-
10 sideration of the issuance or denial of such permit)
11 shall be taken not later than 6 months after the date
12 of filing such completed application;

13 “(2) the Environmental Appeals Board of the
14 Environmental Protection Agency shall have no au-
15 thority to consider any matter regarding the consid-
16 eration, issuance, or denial of such permit;

17 “(3) no administrative stay of the effectiveness
18 of such permit may extend beyond the date that is
19 6 months after the date of filing such completed ap-
20 plication;

21 “(4) such final agency action shall be consid-
22 ered to be nationally applicable under section
23 307(b); and

24 “(5) judicial review of such final agency action
25 shall be available only in accordance with section

1 307(b) without additional administrative review or
2 adjudication.”.

3 (2) Section 328(a)(4) of the Clean Air Act (42 U.S.C.
4 7627(a)(4)) is amended by striking “For purposes of sub-
5 sections (a) and (b)” and inserting “For purposes of this
6 subsection and subsections (b) and (d)”.

7 INTEGRATED RISK INFORMATION SYSTEM (IRIS)

8 SEC. 444. (a) The Administrator of the Environ-
9 mental Protection Agency (EPA)—

10 (1) shall immediately implement improvements in the
11 IRIS program in accordance with the recommendations of
12 Chapter 7 of the National Research Council’s Review of
13 the Environmental Protection Agency’s Draft IRIS As-
14 sessment of Formaldehyde;

15 (2) shall provide a report to the authorizing and ap-
16 propriating Committees of the House of Representatives
17 and Senate by December 1, 2011 describing how such rec-
18 ommendations have been implemented for—

19 (A) each of the existing assessments currently
20 underway; and

21 (B) any new assessments.

22 (3) shall not use any funds to take any administrative
23 action based on any draft or final assessment that is not
24 based on—

1 (A) improvements implemented in the IRIS
2 program in accordance with the recommendations of
3 Chapter 7 of the National Research Council's Re-
4 view of the Environmental Protection Agency's
5 Draft IRIS Assessment of Formaldehyde; and

6 (B) demonstration of such implementation by
7 documentation of the activities taken to implement
8 the recommendations.

9 (b)(1) Utilizing funds appropriated in this Act, the
10 Administrator shall within 90 days arrange for the Na-
11 tional Academy of Sciences to review the EPA report re-
12 quired by section (a)(2). The Academy's review shall as-
13 sess the scientific, technical, and process changes being
14 implemented or planned by EPA in the IRIS program and
15 shall recommend modifications or additions to these
16 changes as appropriate to improve substantially the sci-
17 entific and technical performance of the IRIS program.
18 The Academy shall also identify a representative sample
19 of up to three specific IRIS assessments nearing comple-
20 tion that could be reviewed to evaluate the results of the
21 changes being implemented by the EPA.

22 (2) Utilizing funds appropriated in this Act, the Ad-
23 ministrator shall arrange for the National Academy of
24 Sciences to perform a scientific and technical review of
25 up to three IRIS assessments based on the recommenda-

1 tion of the Academy in the review provided for in sub-
2 section (b)(1).

3 (c) No funds in this Act shall be available for expend-
4 iture by EPA for further action of any kind on any pro-
5 posed rule, regulation, guidance, goal, or permit, issued
6 after May 21, 2009 that solicited comment on a proposal
7 that, if finalized, would result, based on application of
8 EPA exposure assumptions, in the lowering or further
9 lowering of any exposure level that would be within or
10 below background concentration levels in ambient air, pub-
11 lic drinking water sources, soil, or sediment.

12 ARIZONA MINERAL WITHDRAWAL PROHIBITION

13 SEC. 445. Notwithstanding any other provision of
14 law, none of the approximately 1,010,776 acres of public
15 lands and National Forest System lands described in Pub-
16 lic Land Order No. 7773; Emergency Withdrawal of Pub-
17 lic and National Forest System Lands, Coconino and Mo-
18 have Counties; AZ (76 Fed. Reg. 37826) may be with-
19 drawn from location and entry under the General Mining
20 Law of 1872 (30 U.S.C. 22 et seq.) except as expressly
21 authorized by a law enacted after the date of enactment
22 of this Act that refers to this section.

1 TRAVEL MANAGEMENT RULE AND NATIONAL FOREST
2 SYSTEM LAND IN CALIFORNIA

3 SEC. 446. (a) CONSIDERATION OF ROUTES NOT
4 PREVIOUSLY CONSIDERED.—The Secretary of Agriculture
5 shall not implement or enforce Subpart B of the Travel
6 Management Rule (subpart B of part 212 of title 36, Code
7 of Federal Regulations), relating to the designation of
8 roads, trails, and areas for motor vehicle use, in an admin-
9 istrative unit of the National Forest System in California
10 until the Secretary completes post-Subpart B Project
11 Level Trail Planning of unauthorized routes in the unit
12 not considered in Subpart B.

13 (b) TREATMENT OF MAINTENANCE-LEVEL 3
14 ROADS.—In implementing Subpart B of the Travel Man-
15 agement Rule in an administrative unit of the National
16 Forest System in California, the Secretary of Agriculture
17 shall not treat a maintenance-level 3 road (as defined in
18 the Forest Service Handbook) as a “highway” for pur-
19 poses of determining applicability of division 16.5 of the
20 California Vehicle Code (section 38000 et seq.), relating
21 to off-highway motor vehicles.

22 BIOLOGICAL OPINIONS

23 SEC. 447. None of the funds made available by this
24 Act may be used to modify, cancel, or suspend the reg-
25 istration of a pesticide registered or reregistered under

1 section 3 or 4 of the Federal Insecticide, Fungicide, and
2 Rodenticide Act (7 U.S.C.136a, 136a–1) in response to
3 a final biological opinion or other written statement issued
4 under section 7(b) of the Endangered Species Act of 1973
5 (16 U.S.C. 1536(b)).

6 PORTLAND CEMENT

7 SEC. 448. None of the funds made available by this
8 Act may be used to implement, administer, or enforce the
9 rule entitled “National Emission Standards for Hazardous
10 Air Pollutants From the Portland Cement Manufacturing
11 Industry and Standards of Performance for Portland Ce-
12 ment Plants” published by the Environmental Protection
13 Agency on September 9, 2010 (75 Fed. Reg. 54970 et
14 seq.).

15 FUNDING PROHIBITION

16 SEC. 449. None of the funds made available by this
17 Act may be used to enter into a contract, memorandum
18 of understanding, or cooperative agreement with, make a
19 grant to, or provide a loan or loan guarantee to, any cor-
20 poration that was convicted (or had an officer or agent
21 of such corporation acting on behalf of the corporation
22 convicted) of a felony criminal offense under any Federal
23 law within the preceding 24 months.

1 LEAD TEST KIT

2 SEC. 450. None of the funds made available by this
3 Act may be used to implement or enforce regulations
4 under subpart E of part 745 of title 40, Code of Federal
5 Regulations (commonly known as the “Lead; Renovation,
6 Repair, and Painting Rule”), or any subsequent amend-
7 ments to such regulations, until the Administrator of the
8 Environmental Protection Agency publicizes Environ-
9 mental Protection Agency recognition of a commercially-
10 available lead test kit that meets both criteria under sec-
11 tion 745.88(c) of title 40, Code of Federal Regulations.

12 LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

13 SEC. 451. None of the funds made available by this
14 Act may be used to enter into a contract, memorandum
15 of understanding, or cooperative agreement with, make a
16 grant to, or provide a loan or loan guarantee to, any cor-
17 poration with an unpaid Federal tax liability that has been
18 assessed, for which all judicial and administrative rem-
19 edies have been exhausted or have lapsed, and that is not
20 being paid in a timely manner pursuant to an agreement
21 with the authority responsible for collecting the tax liabil-
22 ity.

23 WATER QUALITY STANDARDS

24 SEC. 452. None of the funds made available by this
25 Act may be used to implement, administer, or enforce the

1 rule entitled “Water Quality Standards for the State of
2 Florida’s Lakes and Flowing Waters” published in the
3 Federal Register by the Environmental Protection Agency
4 on December 6, 2010 (75 Fed. Reg. 75762 et seq.).

5 MOBILE SOURCE EMISSIONS

6 SEC. 453. None of the funds made available under
7 this Act shall be used—

8 (1) to prepare, propose, promulgate, finalize,
9 implement, or enforce any regulation pursuant to
10 section 202 of the Clean Air Act (42 U.S.C. 7521)
11 regarding the regulation of any greenhouse gas
12 emissions from new motor vehicles or new motor ve-
13 hicle engines that are manufactured after model year
14 2016 to address climate change; or

15 (2) to consider or grant a waiver under section
16 209(b) of such Act (42 U.S.C. 7543(b)) so that a
17 State or political subdivision thereof may adopt or
18 attempt to enforce standards for the control of emis-
19 sions of any greenhouse gas from new motor vehicles
20 or new motor vehicle engines that are manufactured
21 after model year 2016 to address climate change.

22 PARTICULATE MATTER

23 SEC. 454. None of the funds made available by this
24 Act may be used to modify the national primary ambient
25 air quality standard or the national secondary ambient air

1 quality standard applicable to coarse particulate matter
2 (generally referred to as “PM10”) under section 109 of
3 the Clean Air Act (42 U.S.C. 7409).

4 FINANCIAL ASSURANCE

5 SEC. 455. None of the funds made available by this
6 Act may be used to develop, propose, finalize, implement,
7 enforce, or administer any regulation that would establish
8 new financial responsibility requirements pursuant to sec-
9 tion 108(b) of the Comprehensive Environmental Re-
10 sponse, Compensation, and Liability Act of 1980 (42
11 U.S.C. 9608(b)).

12 WETLANDS DESIGNATIONS IN EMERGENCIES

13 SEC. 456. None of the funds made available in this
14 Act may be used to delineate new wetlands in any county
15 included in a major disaster declaration as a result of
16 flooding in the year 2011 for purposes of section 404 of
17 the Federal Water Pollution Control Act (33 U.S.C.
18 1344).

19 ALASKA NATIVE REGIONAL HEALTH ENTITIES

20 SEC. 457. (a) Notwithstanding any other provision
21 of law and until October 1, 2013, the Indian Health Serv-
22 ice may not disburse funds for the provision of health care
23 services pursuant to Public Law 93–638 (25 U.S.C. 450
24 et seq.) to any Alaska Native village or Alaska Native vil-

1 lage corporation that is located within the area served by
2 an Alaska Native regional health entity.

3 (b) Nothing in this section shall be construed to pro-
4 hibit the disbursement of funds to any Alaska Native village
5 or Alaska Native village corporation under any contract
6 or compact entered into prior to May 1, 2006, or to pro-
7 hibit the renewal of any such agreement.

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

13 LAND EXCHANGE NOTIFICATION

14 SEC. 458. Section 206 of the Federal Land Policy
15 and Management Act of 1976 (43 U.S.C. 1716) is amend-
16 ed by adding at the end the following new subsection:

17 “(j) In the case of any exchange involving public land
18 or National Forest System land to be carried out (whether
19 directly or through a third-party) under this Act or other
20 applicable law, the Secretary concerned shall provide writ-
21 ten notice of the proposed land exchange to each owner
22 of non-Federal land adjoining the parcel of public land or
23 National Forest System land proposed for exchange and
24 each owner of non-Federal land adjoining the non-Federal
25 land proposed to be acquired in the exchange. The Sec-

1 retary shall determine adjoining landowners using the
2 most-recent available tax records. For purposes of pro-
3 viding notification under this subsection, adjoining land
4 means land sharing any length of border with the public
5 land, National Forest System land, or non-Federal land
6 subject to the proposed exchange, including contact solely
7 at a boundary corner.”.

8 BALLAST WATER MANAGEMENT REGULATIONS

9 SEC. 459. (a) PROHIBITION.—None of the funds
10 made available by this Act for the Environmental Protec-
11 tion Agency shall be provided to any State that—

12 (1) is adjacent to one or more of the Great
13 Lakes; and

14 (2) has in effect a certification under section
15 401 of the Federal Water Pollution Control Act (33
16 U.S.C. 1341) or a State permit requirement that im-
17 poses on vessels that discharge ballast water into,
18 take in ballast water from, or transit that State’s
19 waters a performance standard for ballast water
20 management systems, or a ballast water exchange
21 standard, which the Commandant of the Coast
22 Guard determines is more stringent than the fol-
23 lowing standards:

24 (A) Coast Guard regulations that have
25 been placed into effect after the date of enact-

1 ment of this Act regarding standards for living
2 organisms in ships' ballast water discharged in
3 United States waters from vessels and regard-
4 ing vessel open water ballast water exchange.

5 (B) Only to the extent that the regulations
6 described in subparagraph (A) are not in effect,
7 the standards for the control and management
8 of ship's ballast water and sediment adopted by
9 the International Maritime Organization as of
10 the date of enactment of this Act.

11 (b) DEFINITIONS.—In this section:

12 (1) The term “Great Lakes” has the same
13 meaning given that term in section 118(a) of the
14 Federal Water Pollution Control Act (33 U.S.C.
15 1268(a)).

16 (2) The term “is more stringent than” means
17 one or more of the following:

18 (A) Includes a higher percentage efficiency
19 of volumetric exchange of ballast water.

20 (B) Includes a higher relative volume of
21 pumping throughput for ballast water exchange.

22 (C) Requires a greater distance from the
23 nearest land or a greater depth of water for
24 conducting ballast water exchange.

1 (D) Includes a ballast water management
2 performance standard that requires a lower
3 concentration of viable organisms.

4 (E) Includes a ballast water management
5 performance standard that requires a smaller
6 minimum dimension of viable organisms.

7 (F) Includes a ballast water management
8 performance standard that includes additional
9 indicator microbes.

10 (G) Includes an earlier deadline for meet-
11 ing a ballast water management performance
12 standard or a ballast water exchange standard.

13 (H) Precludes the use of one or more bal-
14 last water treatment technologies approved
15 through the applicable requirement described in
16 subparagraphs (A) or (B) of subsection (a)(2).

17 (I) Requires the use of one or more ballast
18 water treatment technologies not approved by
19 the applicable requirement described in sub-
20 paragraphs (A) or (B) of subsection (a)(2).

21 PESTICIDE LABELS

22 SEC. 460. None of the funds made available by this
23 Act may be used by the Administrator of the Environ-
24 mental Protection Agency to finalize the Proposed Guid-
25 ance on False or Misleading Pesticide Product Brand

1 Names, as contained in Draft Pesticide Registration No-
2 tice 2010–X (Docket ID EPA–HQ–OPP–2010–0282).

3 AMMONIA REGULATION FUNDING PROHIBITION

4 SEC. 461. None of the funds made available by this
5 Act may be used to regulate ammonia or ammonium under
6 any national secondary ambient air quality standard for
7 oxides of nitrogen and oxides of sulfur promulgated pursu-
8 ant to section 109 of the Clean Air Act (42 U.S.C. 7409).

9 REGULATORY ECONOMIC ANALYSIS

10 SEC. 462. (a) Not later than 12 months after the
11 date of the enactment of this Act, the Administrator of
12 the Environmental Protection Agency (in this section re-
13 ferred to as the “Administrator”) shall conduct a study,
14 and submit a report to the Congress, on the cumulative
15 impacts of the following rules, guidelines, and actions:

16 (1) The following published rules (including any
17 successor or substantially similar rule):

18 (A) “Federal Implementation Plans To Re-
19 duce Interstate Transport of Fine Particulate
20 Matter and Ozone”, published at 75 Fed. Reg.
21 45210 (August 2, 2010).

22 (B) “National Ambient Air Quality Stand-
23 ards for Ozone”, published at 75 Fed. Reg.
24 2938 (January 19, 2010).

1 (C) “National Emission Standards for
2 Hazardous Air Pollutants for Major Sources:
3 Industrial, Commercial, and Institutional Boil-
4 ers and Process Heaters”, published at 76 Fed.
5 Reg. 15608 (March 21, 2011).

6 (D) “National Emission Standards for
7 Hazardous Air Pollutants for Area Sources: In-
8 dustrial, Commercial, and Institutional Boil-
9 ers”, published at 76 Fed. Reg. 15554 (March
10 21, 2011).

11 (E) “National Emission Standards for
12 Hazardous Air Pollutants from Coal- and Oil-
13 fired Electric Utility Steam Generating Units
14 and Standards of Performance for Fossil-Fuel-
15 Fired Electric Utility, Industrial-Commercial-
16 Institutional, and Small Industrial-Commercial-
17 Institutional Steam Generating Units”, signed
18 by Administrator Lisa P. Jackson on March 16,
19 2011.

20 (F) “Hazardous and Solid Waste Manage-
21 ment System; Identification and Listing of Spe-
22 cial Wastes; Disposal of Coal Combustion Re-
23 siduals From Electric Utilities”, published at
24 75 Fed. Reg. 35127 (June 21, 2010).

1 (G) “Primary National Ambient Air Qual-
2 ity Standard for Sulfur Dioxide”, published at
3 75 Fed. Reg. 35520 (June 22, 2010).

4 (H) “Primary National Ambient Air Qual-
5 ity Standards for Nitrogen Dioxide”, published
6 at 75 Fed. Reg. 6474 (February 9, 2010).

7 (2) The following additional rules or guidelines
8 promulgated on or after January 1, 2009:

9 (A) Any rule or guideline promulgated
10 under section 111(b) or 111(d) of the Clean Air
11 Act (42 U.S.C. 7411(b), 7411(d)) to address
12 climate change.

13 (B) Any rule or guideline promulgated by
14 the Administrator of the Environmental Protec-
15 tion Agency, a State, a local government, or a
16 permitting agency under or as the result of sec-
17 tion 169A or 169B of the Clean Air Act (42
18 U.S.C. 7491, 7492).

19 (C) Any rule establishing or modifying a
20 national ambient air quality standard under
21 section 109 of the Clean Air Act (42 U.S.C.
22 7409).

23 (3) Any action on or after January 1, 2009, by
24 the Administrator of the Environmental Protection
25 Agency, a State, a local government, or a permitting

1 agency as a result of the application of part C of
2 title I (relating to prevention of significant deteriora-
3 tion of air quality) or title V (relating to permitting)
4 of the Clean Air Act (42 U.S.C. 7401 et seq.), if
5 such application occurs with respect to an air pollut-
6 ant that is identified as a greenhouse gas in
7 “Endangerment and Cause or Contribute Findings
8 for Greenhouse Gases Under Section 202(a) of the
9 Clean Air Act”, published at 74 Fed. Reg. 66496
10 (December 15, 2009).

11 (b) In conducting the study under subsection (a), the
12 Administrator shall consider primary and secondary im-
13 pacts on jobs, costs to ratepayers and consumers, impacts
14 on electric reliability and resource adequacy, impacts to
15 the global economic competitiveness of the United States,
16 impacts on small business, any changes in the fuel mix
17 used in the electric power sector and resulting impacts to
18 the economies of communities and States where those
19 fuels are produced, impacts to the public health and wel-
20 fare resulting from increased electricity costs, and any
21 other relevant costs.

22 (c) The Administrator shall not take final action with
23 respect to the rule listed in subsection (a)(1)(E) (relating
24 to national emission standards and standards of perform-
25 ance for certain electric generating units) until a date (to

1 be determined by the Administrator) that is at least 6
2 months after the day on which the Administrator submits
3 the report required by subsection (a).

4 (d) Notwithstanding the final action taken with re-
5 spect to the rule listed in subsection (a)(1)(A) (relating
6 to Federal implementation plans to reduce interstate
7 transport of fine particulate matter and ozone) and final
8 action (if any) taken with respect to the rule listed in sub-
9 section (a)(1)(E) prior to the date of the enactment of
10 this Act—

11 (1) such final action shall not be or become, as appli-
12 cable, effective until a date (to be determined by the Ad-
13 ministrator) that is at least 6 months after the day on
14 which the Administrator submits the report required by
15 subsection (a); and

16 (2) the date for compliance with any standard or re-
17 quirement in either such finalized rule, and any date for
18 further regulatory action triggered by either such finalized
19 rule, shall be delayed by a period equal to the period—

20 (A) beginning on the date of the publication of
21 the final action for the respective finalized rule; and

22 (B) ending on the date on which such final ac-
23 tion becomes effective pursuant to paragraph (1).

24 (e) Notwithstanding any other provision of law, the
25 Administrator shall continue to implement the Clean Air

1 Interstate Rule and the rule establishing Federal Imple-
2 mentation Plans for the Clean Air Interstate Rule as pro-
3 mulgated and modified by the Administrator of the Envi-
4 ronmental Protection Agency (70 Fed. Reg. 25162 (May
5 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 71 Fed.
6 Reg. 25328 (April 28, 2006), 72 Fed. Reg. 59190 (Oct.
7 19, 2007), 72 Fed. Reg. 62338 (Nov. 2, 2007), 74 Fed.
8 Reg. 56721 (Nov. 3, 2009)) until the date on which final
9 action with respect to the rule listed in subsection
10 (a)(1)(A) becomes effective pursuant to subsection (d)(1).

11 TITLE V—REDUCING REGULATORY BURDENS

12 ACT OF 2011

13 **SEC. 501. SHORT TITLE.**

14 This title may be cited as the “Reducing Regulatory
15 Burdens Act of 2011”.

16 **SEC. 502. USE OF AUTHORIZED PESTICIDES.**

17 Section 3(f) of the Federal Insecticide, Fungicide,
18 and Rodenticide Act (7 U.S.C. 136a(f)) is amended by
19 adding at the end the following:

20 “(5) USE OF AUTHORIZED PESTICIDES.—Ex-
21 cept as provided in section 402(s) of the Federal
22 Water Pollution Control Act, the Administrator or a
23 State may not require a permit under such Act for
24 a discharge from a point source into navigable
25 waters of a pesticide authorized for sale, distribu-

1 tion, or use under this Act, or the residue of such
2 a pesticide, resulting from the application of such
3 pesticide.”.

4 **SEC. 503. DISCHARGES OF PESTICIDES.**

5 Section 402 of the Federal Water Pollution Control
6 Act (33 U.S.C. 1342) is amended by adding at the end
7 the following:

8 “(s) DISCHARGES OF PESTICIDES.—

9 “(1) NO PERMIT REQUIREMENT.—Except as
10 provided in paragraph (2), a permit shall not be re-
11 quired by the Administrator or a State under this
12 Act for a discharge from a point source into navi-
13 gable waters of a pesticide authorized for sale, dis-
14 tribution, or use under the Federal Insecticide, Fun-
15 gicide, and Rodenticide Act, or the residue of such
16 a pesticide, resulting from the application of such
17 pesticide.

18 “(2) EXCEPTIONS.—Paragraph (1) shall not
19 apply to the following discharges of a pesticide or
20 pesticide residue:

21 “(A) A discharge resulting from the appli-
22 cation of a pesticide in violation of a provision
23 of the Federal Insecticide, Fungicide, and
24 Rodenticide Act that is relevant to protecting
25 water quality, if—

1 “(i) the discharge would not have oc-
2 curred but for the violation; or

3 “(ii) the amount of pesticide or pes-
4 ticide residue in the discharge is greater
5 than would have occurred without the vio-
6 lation.

7 “(B) Stormwater discharges subject to reg-
8 ulation under subsection (p).

9 “(C) The following discharges subject to
10 regulation under this section:

11 “(i) Manufacturing or industrial efflu-
12 ent.

13 “(ii) Treatment works effluent.

14 “(iii) Discharges incidental to the nor-
15 mal operation of a vessel, including a dis-
16 charge resulting from ballasting operations
17 or vessel biofouling prevention.”.

18 TITLE VI—ADDITIONAL GENERAL PROVISIONS

19 SPENDING REDUCTION ACCOUNT

20 SEC. 601. The amount by which the applicable alloca-
21 tion of new budget authority made by the Committee on
22 Appropriations of the House of Representatives under sec-
23 tion 302(b) of the Congressional Budget Act of 1974 ex-
24 ceeds the amount of proposed new budget authority is
25 \$8,000,000.

1 This Act may be cited as the “Department of the In-
2 terior, Environment, and Related Agencies Appropriations
3 Act, 2012”.

Union Calendar No. 97

112TH CONGRESS
1ST Session

H. R. 2584

[Report No. 112-151]

A BILL

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

JULY 19, 2011

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed