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

TITLE I—DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improve-
ment, development, disposal, cadastral surveying, classi-
fication, acquisition of easements and other interests in
lands, and performance of other functions, including main-
tenance of facilities, as authorized by law, in the manage-
ment of lands and their resources under the jurisdiction
of the Bureau of Land Management, including the general
administration of the Bureau and the assessment of min-
eral potential of public lands pursuant to Public Law 96–
487 (16 U.S.C. 3150(a)), $918,227,000, to remain avail-
able until expended; of which $3,000,000 shall be available
in fiscal year 2012 subject to a match by at least an equal
amount by the National Fish and Wildlife Foundation for
cost-shared projects supporting conservation of Bureau
lands; and such funds shall be advanced to the Foundation
as a lump sum grant without regard to when expenses are incurred.

In addition, $32,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2012 so as to result in a final appropriation estimated at not more than $918,227,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,576,000, to remain available until expended.
LAND ACQUISITION

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

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $112,043,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the sec-
RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts...
as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that subsection, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1737), and such
amounts as may be advanced for administrative costs, sur-
veys, appraisals, and costs of making conveyances of omit-
ted lands under section 211(b) of that Act, to remain
available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the
operations funded under this Act by direct expenditure,
contracts, grants, cooperative agreements and reimburs-
able agreements with public and private entities, including
with States. Appropriations for the Bureau shall be avail-
able for purchase, erection, and dismantlement of tem-
porary structures, and alteration and maintenance of nec-
essary buildings and appurtenant facilities to which the
United States has title; up to $100,000 for payments, at
the discretion of the Secretary, for information or evidence
concerning violations of laws administered by the Bureau;
miscellaneous and emergency expenses of enforcement ac-
tivities authorized or approved by the Secretary and to be
accounted for solely on the Secretary’s certificate, not to
exceed $10,000: Provided, That notwithstanding Public
Law 90–620 (44 U.S.C. 501), the Bureau may, under co-
operative cost-sharing and partnership arrangements au-
thorized by law, procure printing services from cooperators
in connection with jointly produced publications for which
the cooperators share the cost of printing either in cash
or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCES MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and the performance of other authorized functions related to such resources, $1,099,055,000, to remain available until September 30, 2013 except as otherwise provided herein: Provided, That none of the funds shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or
(c)(2)(B)(ii) of such section): Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary of the Interior be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary’s certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein, $11,804,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United
States Fish and Wildlife Service, $15,047,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $4,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $120,000 for administrative expenses.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1534 et seq.), $2,854,000, to remain available until expended, to be derived from the Cooperative Endangered Species Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

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

NORTH AMERICAN WETLANDS CONSERVATION FUND

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

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $22,000,000, to remain available until expended: Provided, That of the amount provided herein, $2,000,000 is for a competitive grant program for federally recognized Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting $2,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each
a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this heading shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this heading for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs.

ADMINISTRATIVE PROVISIONS

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

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,240,152,000, of which $9,832,000 for planning and interagency coordination in support of Everglades restoration and $97,883,000 for maintenance, repair, or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2013.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $49,363,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $49,500,000, to be derived from
the Historic Preservation Fund and to remain available until September 30, 2013.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), $152,121,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

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

LAND ACQUISITION AND STATE ASSISTANCE

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

(INCLUDING TRANSFER OF FUNDS)

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

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under section 204 of title 23, United States Code. Transfers may include a reasonable amount for FHWA administrative support costs.
United States Geological Survey

surveys, investigations, and research

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,053,552,000, to remain available until September 30, 2013, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations: Provided, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic
mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

**ADMINISTRATIVE PROVISIONS**

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

BUREAU OF OCEAN ENERGY MANAGEMENT,

REGULATION AND ENFORCEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for minerals leasing and envi-
ronmental studies and regulation of industry operations,
as authorized by law; for enforcing laws and regulations
applicable to oil, gas, and other minerals leases, permits,
licenses and operating contracts; for energy-related or
other authorized marine-related purposes on the Outer
Continental Shelf; and for matching grants or cooperative
agreements, $138,605,000, to remain available until Sep-
tember 30, 2013; and an amount not to exceed
$160,163,000, to be credited to this appropriation and to
remain available until expended, from additions to receipts
resulting from increases to rates in effect on August 5,
1993, and from cost recovery fees: Provided, That not-
withstanding 31 U.S.C. 3302, in fiscal year 2012, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $160,163,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $160,163,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That for fiscal year 2012 and each fiscal year thereafter, the term “qualified Outer Continental Shelf revenues”, as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 43 U.S.C. note), shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

For an additional amount, $10,000,000, to remain available until expended: Provided, That section 115 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88; 123 Stat. 2928) shall apply for fiscal year
2012, and in such application “2012” shall be substituted for “2010”: Provided further, That such amount shall be derived from receipts resulting from such application: Provided further, That to the extent that such amount is not received by the United States as a result of such application, the amount needed to reach $10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

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

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

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

sponsored training: Provided further, That, in fiscal year 2012, up to $40,000 collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $123,010,000: Provided further, That, in subsequent fiscal years, all amounts collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $27,443,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United
States Government to pay for contracts to collect these debts: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

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

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(including transfer of funds)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,333,690,000, to remain available until September 30, 2013, except as otherwise provided herein; of which not to exceed $8,500 may be for official reception
and representation expenses; and of which not to exceed $74,911,000 shall be for welfare assistance payments, except that, in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $228,000,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau of Indian Affairs prior to or during fiscal year 2012, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $584,369,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2012, and shall remain available until September 30, 2013; and of which not to exceed $48,049,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the
Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2011 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2011, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2013, may be transferred during fiscal year 2014 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder’s trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2014: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.
CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $154,992,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in
part 12 of title 43, Code of Federal Regulations as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of such title; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be re-
imbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

**INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS**

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

**INDIAN GUARANTEED LOAN PROGRAM ACCOUNT**

For the cost of guaranteed loans and insured loans, $8,114,000, of which not to exceed $964,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $85,242,280.

**ADMINISTRATIVE PROVISIONS**

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

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

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

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).
In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government’s trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe’s ability to access future appropriations.

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

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995, except that any school or school program that was closed and removed from the Bureau school system between 1951 and 1972, and its respective tribe’s relationship with the Federal Government was terminated, shall be reinstated to the Bureau system and supported at a level based on its grade.
structure and average student enrollment for the 2009–2010, 2010–2011 and 2011–2012 school years. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school’s operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

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

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior, including the collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law, $250,151,000 to remain available until September 30, 2013; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $12,112,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which $36,000,000 shall remain available until expended for the purpose of mineral revenue management activities: Provided, That, for fiscal year 2012, up to $400,000 of the payments authorized by the Act of October 20, 1976, as
amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: \textit{Provided further}, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: \textit{Provided further}, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: \textit{Provided further}, That, notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2012 and deposit the amount deducted to miscellaneous receipts of the Treasury.

\textbf{INSULAR AFFAIRS}

\textbf{ASSISTANCE TO TERRITORIES}

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $82,558,000, of which: (1) $73,296,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, insular management controls, coral
reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,262,000 shall be available until September 30, 2013 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That the funds for the program of operations and maintenance improvement are
appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: *Provided further,* That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

### COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $3,307,000, to remain available until expended, as provided for in sections 221(a)(2) of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

### ADMINISTRATIVE PROVISIONS

*(INCLUDING TRANSFER OF FUNDS)*

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–
188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

Office of the Solicitor

Salaries and Expenses

For necessary expenses of the Office of the Solicitor, $64,946,000.
Office of Inspector General

Salaries and Expenses

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

Office of the Special Trustee for American Indians

Federal Trust Programs

(including transfer of funds)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $152,319,000, to remain available until expended, of which not to exceed $31,171,000, from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, “Operation of Indian Programs” account; the Office of the Solicitor, “Salaries and Expenses” account; and the Office of the Secretary, “Salaries and Expenses” account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2012, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of lim-
itations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.
DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $574,072,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for
hazardous fuels reduction activities, and for training and
monitoring associated with such hazardous fuels reduction
activities, on Federal land, or on adjacent non-Federal
land for activities that benefit resources on Federal land:

Provided further, That the costs of implementing any co-
operative agreement between the Federal Government and
any non-Federal entity may be shared, as mutually agreed
on by the affected parties: Provided further, That notwith-
standing requirements of the Competition in Contracting
Act, the Secretary, for purposes of hazardous fuels reduc-
tion activities, may obtain maximum practicable competi-
tion among: (1) local private, nonprofit, or cooperative en-
tities; (2) Youth Conservation Corps crews, Public Lands
Corps (Public Law 109–154), or related partnerships with
State, local, or non-profit youth groups; (3) small or
micro-businesses; or (4) other entities that will hire or
train locally a significant percentage, defined as 50 per-
cent or more, of the project workforce to complete such
contracts: Provided further, That in implementing this sec-
tion, the Secretary shall develop written guidance to field
units to ensure accountability and consistent application
of the authorities provided herein: Provided further, That
funds appropriated under this heading may be used to re-
imburse the United States Fish and Wildlife Service and
the National Marine Fisheries Service for the costs of ear-
rying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assist-
ance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations: Provided further, That, before obligating any of the funds provided herein for wildland fire suppression, the Secretary of the Interior shall obligate all unobligated balances previously made available under this heading that, when appropriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 and notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the imminent need to begin obligating funds provided herein for wildland fire suppression: Provided further, That the Secretary of the Interior may transfer not more than $50,000,000 of the funds provided herein to the Secretary of Agriculture if the Secretaries determine that the transfer will enhance the efficiency or effectiveness of Federal wildland fire suppression activities.
FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of the Interior and as a reserve fund for suppression and Federal emergency response activities, $92,000,000, to remain available until expended: Provided, That such amounts are available only for transfer to the “Wildland Fire Management” account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously-established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds in the “Wildland Fire Management” account will be exhausted within 30 days.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,149,000, to remain available until expended.
NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND


WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, information technology improvements of general benefit to the Department, and consolidation of facilities and operations throughout the Department, $57,019,000, to remain available until expended: Provided, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may
assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

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

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

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

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

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

Sec. 102. The Secretary may authorize the expendi-
ture or transfer of any no year appropriation in this title,
in addition to the amounts included in the budget pro-
grams of the several agencies, for the suppression or emer-
gency prevention of wildland fires on or threatening lands
under the jurisdiction of the Department of the Interior;
for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act. Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the
time of receipt thereof: Provided further, That for wildland
fire operations, no funds shall be made available under
this authority until the Secretary determines that funds
appropriated for “wildland fire operations” and “FLAME
Wildfire Suppression Reserve Fund” shall be exhausted
within 30 days: Provided further, That all funds used pur-
suant to this section must be replenished by a supple-
mental appropriation which must be requested as prompt-
ly as possible: Provided further, That such replenishment
funds shall be used to reimburse, on a pro rata basis, ac-
counts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

Sec. 103. Appropriations made to the Department
of the Interior in this title shall be available for services
as authorized by section 3109 of title 5, United States
Code, when authorized by the Secretary, in total amount
not to exceed $500,000; purchase and replacement of
motor vehicles, including specially equipped law enforce-
ment vehicles; hire, maintenance, and operation of air-
craft; hire of passenger motor vehicles; purchase of re-
prints; payment for telephone service in private residences
in the field, when authorized under regulations approved
by the Secretary; and the payment of dues, when author-
ized by the Secretary, for library membership in societies
or associations which issue publications to members only
or at a price to members lower than to subscribers who
are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST

MANAGEMENT

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

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN

AFFAIRS

SEC. 105. Notwithstanding any other provision of
law, the Secretary of the Interior is authorized to redis-
tribute any Tribal Priority Allocation funds, including
tribal base funds, to alleviate tribal funding inequities by
transferring funds to address identified, unmet needs,
dual enrollment, overlapping service areas or inaccurate
distribution methodologies. No tribe shall receive a reduc-
tion in Tribal Priority Allocation funds of more than 10
percent in fiscal year 2012. Under circumstances of dual
enrollment, overlapping service areas or inaccurate dis-
distribution methodologies, the 10 percent limitation does not apply.

TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by section 701 of Public Law 100–696 (16 U.S.C. 460zz).

PAYMENT OF FEES

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

SEC. 108. This and any subsequent fiscal year, the National Park Service is authorized to implement modifications to the Tamiami Trail as described in, and in accordance with, the preferred alternative identified in the final environmental impact statement noticed in the Federal Register on December 14, 2010, (75 Fed. Reg. 77896), relating to restoration efforts of the Everglades ecosystem.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.
Sec. 110. In fiscal year 2012 and each fiscal year thereafter, for the purpose of adjudicating Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary:

Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

Sec. 111. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may establish accounts and transfer funds among and between
the offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the report accompanying this Act.

**AUTHORIZED USE OF INDIAN EDUCATION FUNDS**

Sec. 112. Beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or re-assumption by the Bureau of Indian Education, remain available to the Bureau of Indian Education for a period of 5 years from the date of retrocession or re-assumption for the benefit of the programs approved for the school on October 1, 1995.

**CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES**

Sec. 113. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5 year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or enti-
ties on private land. Such cooperative agreements and con-
tracts may not exceed 10 years, subject to renewal at the
discretion of the Secretary.

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

BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

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

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

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

(b) Notwithstanding any provision of title 5, United States Code, or any regulation promulgated under such title, education personnel who are under the direction and supervision of the Secretary of the Interior may participate in a fundraising activity for the benefit of a Bureau-operated school in an official capacity as part of their official duties. When participating in such an official capacity, the employee may use the employee’s official title, position, and authority. Nothing in this subsection shall be construed to authorize participation in political activity (as such term is used in section 7324 of title 5, United States Code) otherwise prohibited by law.

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

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

(2) accountability standards to ensure ethical
conduct; and

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

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

MASS MARKING OF SALMONIDS

Sec. 115. The United States Fish and Wildlife Serv-

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

YUKON-CHARLEY NATIONAL PRESERVE

Sec. 116. None of the funds made available by this
Act may be used by the Secretary of the Interior to imple-
ment or enforce regulations concerning boating and other activities on or relating to waters located within Yukon-Charley National Preserve, including waters subject to the jurisdiction of the United States, pursuant to section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h)) or any other authority. This section does not affect the authority of the Coast Guard to regulate the use of waters subject to the jurisdiction of the United States within the Yukon-Charley National Preserve.

DIRECT HIRE AUTHORITY

SEC. 117. (a) DIRECT HIRE AUTHORITY.—During fiscal year 2012 and thereafter, the Secretary of the Interior may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described in subsection (b) directly to a position with a land managing agency of the Department of the Interior for which the candidate meets Office of Personnel Management qualification standards.

(b) QUALIFIED CANDIDATES DESCRIBED.—Subsection (a) applies with respect to a former resource assistant (as defined in section 203 of the Public Land Corps Act (16 U.S.C. 1722)) who—

(1) completed a rigorous undergraduate or graduate summer internship with a land managing
agency, such as the National Park Service Business Plan Internship;

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

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

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

REVIEW PROCESS FOR CERTAIN BUREAU OF LAND MANAGEMENT ACTIONS

SEC. 118. (a) EXHAUSTION OF ADMINISTRATIVE REVIEW REQUIRED.—Hereafter, a person may bring a civil action challenging a proposed action of the Bureau of Land Management concerning grazing on public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))) or an amendment to a land use plan proposed under section 202 of such Act (43 U.S.C. 1712) in a Federal district court only if the person has challenged the action or amendment at the agency level and exhausted the administrative hear-
ings and appeals procedures established by the Depart-
ment of the Interior.

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

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

GRAY WOLVES

SEC. 119. Hereafter, any final rule published by the
Department of the Interior that provides that the gray
wolf (Canis lupus) in the State of Wyoming or in any of
the States within the range of the Western Great Lakes
Distinct Population Segment of the gray wolf (as defined
et seq.)) is not an endangered species or threatened spe-
1531 et seq.), including any rule to remove such species
in such a State from the list of endangered species or
threatened species published under that Act, shall not be
subject to judicial review if such State has entered into
an agreement with the Secretary of the Interior that au-
thorizes the State to manage gray wolves in that State.

TRAILING LIVESTOCK OVER PUBLIC LAND

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

BOEMRE REPORTING REQUIREMENTS

Sec. 121. The Secretary of the Interior shall—

(1) log and track the specific reasons for the
Bureau of Ocean Energy Management, Regulation
and Enforcement returning to an applicant, without
approval, any exploration plan, development and
production plan, development operations coordina-
tion document, or application for permit to drill sub-
mitted with respect to any oil and gas lease for the
Outer Continental Shelf; and
(2) provide quarterly reports to the Committee on Appropriations and Committee on Natural Resources of the House of Representatives and the Committee on Appropriations and Committee on Energy and Natural Resources of the Senate that include—

(A) the date of original submission of each document referred to in paragraph (1) received by the Bureau in the period covered by a report;

(B) for each such document—

(i) the date the document was returned to the applicant;

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

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

LEASE AUTHORIZATION

SEC. 122. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the “Monument”) at the location on Cockspur Island that has been
used continuously by the Savannah Bar Pilots Association since 1940.

(b) Rental Fee and Proceeds.—

(1) Rental Fee.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

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

c) Terms and Conditions.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary’s discretion, for successive terms of no more than 10 years at a time; and

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

d) Exemption From Applicable Law.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of
SELF-DETERMINATION DEMONSTRATION PROJECT

Sec. 123. The Director of the Bureau of Indian Affairs shall reinstate the Demonstration Project that was in place from 2004 until 2008 for the Indian tribes within the California Tribal Trust Reform Consortium, the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, and the Chippewa Cree Tribe of the Rocky Boys Reservation; shall thereby ensure that the participating tribes shall be able to continue operations independent of the Department of the Interior’s trust reform and reorganization; and shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in title IV of Public Law 93–638 (25 U.S.C. 458aa–458hh): Provided, That the California Trust Reform Consortium and any other participating Indian tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior, including complying with section 102 of Public Law 103–412 (25 U.S.C. 4011): Provided
further, That participating Indian tribes shall timely transfer funds and supply sufficient data to enable the Secretary of the Interior to comply with section 102 of Public Law 103–412 (25 U.S.C. 4011) for accounts that are maintained by the Department of the Interior when funds are being collected by the Indian tribes: Provided further, That such Indian tribes demonstrate to the satisfaction of the Secretary of the Interior that they have the capability to do so: Provided further, That the Secretary of the Interior shall provide funds to the Indian tribes in an amount equal to that required by section 403(g) of Public Law 93–638 (25 U.S.C. 458cc(g)(3)), including funds specifically or functionally related to the provision of trust services to the Indian tribes or their members.

WILD LANDS FUNDING PROHIBITION

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

TITLE II—ENVIRONMENTAL PROTECTION

AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environ-
mental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $754,611,000, to remain available until September 30, 2013.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $19,000 for official reception and representation expenses, $2,498,433,000, to remain available until September 30, 2013: Provided, That of the funds included under this heading, not less than $346,280,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.
OFFICE OF INSPECTOR GENERAL


BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $36,428,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(e)(3), (e)(5), (e)(6), and (e)(4) (42 U.S.C. 9611) $1,224,295,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2011, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,224,295,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal
agencies in accordance with section 111(a) of CERCLA:

Provided further, That of the funds appropriated under this heading, $9,955,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2013, and $23,016,000 shall be paid to the “Science and Technology” appropriation to remain available until September 30, 2013.

Leaking Underground Storage Tank Trust Fund Program

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $105,669,000, to remain available until expended, of which $78,051,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended:

Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.
INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, $18,274,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,610,393,000, to remain available until expended, of which $689,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the “Act”); of which $829,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $60,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $30,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005; and $1,002,393,000 shall be for grants, including associated program support
costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,396,000 shall be for carrying out section 128 of CERCLA, as amended, $9,980,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $11,300,000 of the funds available for grants under section 106 of the Act shall be for state participation in national- and state-level statistical surveys of water resources and enhancements to state monitoring programs and, in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $1,550,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided, That notwithstanding section 603(d)(7) of the
Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2012 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2012, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2012, notwithstanding the limitation on amounts in section 518(e) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(e) and section 1452(i) of such Acts: Provided further, That for fiscal year 2012, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to
1.5 percent of the aggregate funds appropriated for the
Clean Water State Revolving Fund program under the Act
less any sums reserved under section 518(c) of the Act,
may be reserved by the Administrator for grants made
under title II of the Clean Water Act for American Samoa,
Guam, the Commonwealth of the Northern Marianas, and
United States Virgin Islands: Provided further, That for
fiscal year 2012, notwithstanding the limitations on
amounts specified in section 1452(j) of the Safe Drinking
Water Act, up to 1.5 percent of the funds appropriated
for the Drinking Water State Revolving Fund programs
under the Safe Drinking Water Act may be reserved by
the Administrator for grants made under section 1452(j)
of the Safe Drinking Water Act: Provided further, That
not less than 30 percent of the funds made available under
this title to each State for Clean Water State Revolving
Fund capitalization grants and not less than 30 percent
of the funds made available under this title to each State
for Drinking Water State Revolving Fund capitalization
grants shall be used by the State to provide additional sub-
sidy to eligible recipients in the form of forgiveness of
principal, negative interest loans, or grants (or any com-
bination of these), and shall be so used by the State only
where such funds are provided as initial financing for an
eligible recipient or to buy, refinance, or restructure the
debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That for fiscal year 2012 and hereafter, of the funds provided for the Clean Water Act and Safe Drinking Water Act State Revolving Fund Tribal Set-Asides, the Administrator may transfer funds between those accounts in the same manner as provided to States under section 302(a) of Public Law 104–182, as amended by Public Law 109–54.

Administrative Provisions, Environmental Protection Agency (Including Transfer and Recission of Funds)

For fiscal year 2012, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environ-
mental Protection Agency, in carrying out the Agency’s function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

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

The Administrator is authorized to transfer up to $250,000,000 of the funds appropriated for the Great Lakes Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into
an interagency agreement with the head of such Federal
department or agency to carry out these activities; and
to make grants to governmental entities, nonprofit organi-
zations, institutions, and individuals for planning, re-
search, monitoring, outreach, and implementation in fur-
therance of the Great Lakes Restoration Initiative and the
Great Lakes Water Quality Agreement.

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

For fiscal year 2012 the requirements of section 513
of the Federal Water Pollution Control Act (33 U.S.C.
1372) shall apply to the construction of treatment works
carried out in whole or in part with assistance made avail-
able by a State water pollution control revolving fund as
authorized by title VI of that Act (33 U.S.C. 1381 et seq.),
or with assistance made available under section 205(m)
of that Act (33 U.S.C. 1285(m)), or both.
For fiscal year 2012 the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j–12).

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

   Forest Service

   FOREST AND RANGELAND RESEARCH

   For necessary expenses of forest and rangeland research as authorized by law, $277,282,000, to remain available until expended: Provided, That of the funds provided, $66,805,000 is for the forest inventory and analysis program: Provided further, That of the funds provided, no less than $29,161,000 is for the forest products laboratory.

   STATE AND PRIVATE FORESTRY

   For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activi-
ties as authorized, and conducting an international pro-
gram as authorized, $208,608,000, to remain available
until expended, as authorized by law; of which $3,000,000
is to be derived from the Land and Water Conservation
Fund and shall remain available until expended.

NATIONAL FOREST SYSTEM

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

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not
otherwise provided for, $378,088,000, to remain available
until expended, for construction, capital improvement,
maintenance and acquisition of buildings and other facili-
ties and infrastructure; and for construction, reconstruc-
tion, and maintenance of forest roads and trails by the
Forest Service as authorized by 16 U.S.C. 532–538 and
23 U.S.C. 101 and 205: Provided, That $35,000,000 shall
be designated for urgently needed road decommissioning,
road and trail repair and maintenance and associated ac-
tivities, and removal of fish passage barriers, especially in
areas where Forest Service roads may be contributing to
water quality problems in streams and water bodies which
support threatened, endangered, or sensitive species or
community water sources: Provided further, That funds
becoming available in fiscal year 2012 under the Act of
March 4, 1913 (16 U.S.C. 501) shall be transferred to
the General Fund of the Treasury and shall not be avail-
able for transfer or obligation for any other purpose unless
the funds are appropriated: Provided further, That of the
funds provided for decommissioning of roads, up to
$9,000,000 may be transferred to the “National Forest
System” to support the Integrated Resource Restoration
pilot program.

LAND ACQUISITION

For expenses necessary to carry out the provisions
of the Land and Water Conservation Fund Act of 1965,
as amended (16 U.S.C. 460l–4 through 11), including ad-
ministrative expenses, and for acquisition of land or
waters, or interest therein, in accordance with statutory
authority applicable to the Forest Service, $12,500,000,
to be derived from the Land and Water Conservation
Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
ACTS

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

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

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

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

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

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System
lands and water, $1,805,099,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That amounts in this paragraph may be transferred to the “State and Private Forestry”, “National Forest System”, and “Forest and Rangeland Research” accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That of the funds provided herein, the Secretary of Agriculture may enter into procurement contracts or cooperative agreements, or issue grants for haz-
ardous fuels reduction activities and for training and mon-
itoring associated with such hazardous fuels reduction ac-
tivities, on Federal land, or on adjacent non-Federal land
for activities that benefit resources on Federal land: Pro-
vided further, That the Secretary of the Interior and the
Secretary of Agriculture may authorize the transfer of
funds appropriated for wildland fire management, in an
aggregate amount not to exceed $10,000,000, between the
Departments when such transfers would facilitate and ex-
pedite jointly funded wildland fire management programs
and projects: Provided further, That of the funds provided
for hazardous fuels reduction, not to exceed $5,000,000,
may be used to make grants, using any authorities avail-
able to the Forest Service under the State and Private
Forestry appropriation, for the purpose of creating incen-
tives for increased use of biomass from national forest
lands: Provided further, That no amounts may be cancelled
from amounts that were designated by the Congress as
an emergency requirement pursuant to the Concurrent
Resolution on the Budget or the Balanced Budget and
Emergency Deficit Control Act of 1985, as amended: Pro-
vided further, That, before obligating any of the funds pro-
vided herein for wildland fire suppression, the Secretary
of Agriculture shall obligate all unobligated balances pre-
viously made available under this heading that, when ap-
propriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Secretary of Agriculture may transfer not more than $50,000,000 of the funds provided herein to the Secretary of the Interior if the Secretaries determine that the transfer will enhance the efficiency or effectiveness of Federal wildland fire suppression activities: Provided further, That of the funds for hazardous fuels reduction, up to $27,100,000 may be transferred to the “National Forest System” to support the Integrated Resource Restoration pilot program.

FLAME WILDFIRE SUPPRESSION RESERVE FUND
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities, $290,418,000, to remain available until expended: Provided, That such amounts are available only for transfer to the “Wildland Fire Management” account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously-established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds
in the “Wildland Fire Management” account will be ex-
hausted within 30 days.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current
fiscal year shall be available for: (1) purchase of passenger
motor vehicles; acquisition of passenger motor vehicles
from excess sources, and hire of such vehicles; purchase,
lease, operation, maintenance, and acquisition of aircraft
from excess sources to maintain the operable fleet for use
in Forest Service wildland fire programs and other Forest
Service programs; notwithstanding other provisions of law,
existing aircraft being replaced may be sold, with proceeds
derived or trade-in value used to offset the purchase price
for the replacement aircraft; (2) services pursuant to 7
U.S.C. 2225, and not to exceed $100,000 for employment
under 5 U.S.C. 3109; (3) purchase, erection, and alter-
ation of buildings and other public improvements (7
U.S.C. 2250); (4) acquisition of land, waters, and inter-
est therein pursuant to 7 U.S.C. 428a; (5) expenses pur-
suant to the Volunteers in the National Forest Act of
1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
of uniforms as authorized by 5 U.S.C. 5901–5902; and
(7) debt collection contracts in accordance with 31 U.S.C.
3718(e).
Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings “Wildland Fire Management” and “FLAME Wildfire Suppression Reserve Fund” will be obligated within 30 days.

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

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

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

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That
authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

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

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

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

None of the funds available to the Forest Service may
be reprogrammed without the advance approval of the
House and Senate Committees on Appropriations in ac-
cordance with the reprogramming procedures contained in
the joint explanatory statement of the managers accom-
ppanying this Act.
For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $4,034,322,000 together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $836,685,000 for contract medical care, including $51,500,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That of the funds provided, up to $36,000,000 shall remain available until expended for implementation of the loan repayment program under sec-
tion 108 of the Indian Health Care Improvement Act: Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(e)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): Provided further, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the In-
dian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $573,761,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, of which not to exceed $10,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Pro-
vided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service,
$427,259,000, to remain available until expended: Provided, That no less than $20,000,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this Act: Provided further, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the “Indian Health Services” account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, to remain
available until expended, and be used by the Indian Health
Service for the demolition of Federal buildings.

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

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

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

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

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

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

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

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

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,054,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

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

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$74,039,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2012, and existing profiles may be updated as necessary.
OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,661,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

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

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $7,530,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none
of the funds made available by this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee shall be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

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

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and
documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $626,971,000, to remain available until September 30, 2013, except as otherwise provided herein; of which not to exceed $20,137,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized
by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $124,750,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That beginning in fiscal year 2012 and thereafter, any procurement for the construction of the National Museum of African American History and Culture, as authorized under section 8 of the National Museum of African American History and Culture Act (20 U.S.C. 80r-6), may be issued which includes the full scope of the project: Provided further, That the solicitation and contract with respect to the procurement shall contain the “availability of funds” clause described in section 52.232.18 of title 48, Code of Federal Regulations.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or
societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $112,185,000, of which not to exceed $3,481,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for lease agreements of no more than 10 years that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $13,938,000, to remain available until expended: Provided, That contracts awarded for environmental systems,
protection systems, and exterior repair or renovation of
buildings of the National Gallery of Art may be negotiated
with selected contractors and awarded on the basis of con-
tractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING
Arts

OPERATIONS AND MAINTENANCE
For necessary expenses for the operation, mainte-
nance and security of the John F. Kennedy Center for
the Performing Arts, $22,455,000.

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

WOODROW WILSON INTERNATIONAL CENTER FOR
Scholars

SALARIES AND EXPENSES
For expenses necessary in carrying out the provisions
1356) including hire of passenger vehicles and services as
authorized by 5 U.S.C. 3109, $10,000,000, to remain
available until September 30, 2013.
NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $135,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $135,000,000, to remain available until expended, of which $125,000,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $10,000,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including $8,000,000 for the purposes of section 7(h):

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

ADMINISTRATIVE PROVISIONS

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

**Commission of Fine Arts**

**Salaries and Expenses**

For expenses of the Commission of Fine Arts under Chapter 91 of title 40, United States Code, $2,234,000:

*Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation’s Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

**Advisory Council on Historic Preservation**

**Salaries and Expenses**

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

**National Capital Planning Commission**

**Salaries and Expenses**

For necessary expenses of the National Capital Planning Commission under Chapter 87 of title 40, United
States Code, including services as authorized by 5 U.S.C. 3109, $8,133,000.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

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

PRESIDIO TRUST

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $12,000,000 shall be available to the Presidio Trust, to remain available until expended.

Dwight D. Eisenhower Memorial Commission

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000, to remain available until expended.
For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $28,000,000, to remain available until expended: Provided, That beginning in fiscal year 2012 and thereafter, any procurement for the construction of the permanent memorial to Dwight D. Eisenhower, as authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106–79), as amended by section 8120 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117), may be issued which includes the full scope of the project: Provided further, That the solicitation and contract with respect to the procurement shall contain the “availability of funds” clause described in section 52.232.18 of title 48, Code of Federal Regulations.

TITLE IV—GENERAL PROVISIONS

LIMITATION ON CONSULTING SERVICES

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

RESTRICTION ON USE OF FUNDS

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

OBLIGATION OF APPROPRIATIONS

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

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

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

DISCLOSURE OF ADMINISTRATIVE EXPENSES

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

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ment, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

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

MINING APPLICATIONS

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

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

(c) REPORT.—On September 30, 2013, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

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

**CONTRACT SUPPORT COSTS**

SEC. 409. The Secretary of Agriculture shall not be considered to be in violation of section 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis: Provided further, That, notwithstanding the issuance of a new final planning rule prescribing the procedures to be used to develop, amend, or revise land and resource management plans for units of the National Forest System, the existing 1982 planning rule procedures and the 2000 planning rule procedures, including its transition provisions allowing the Forest Service to continue to use the 1982 planning rule procedures, shall remain in effect as alternative procedures for the development,
amendment, and revision of land and resource management plans.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 410. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 411. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m-1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized through fiscal year 2013 to enter into reciprocal agreements in which the individuals furnished under such agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving such services when the individuals are engaged in fire suppression or presuppression:
Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this section unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: Provided further, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter’s role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide immunity under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or
omission pertaining to or arising out of the firefighter’s role in fire suppression or presuppression.

CONTRACTING AUTHORITIES

SEC. 412. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the “Secretaries”) may, in evaluating bids and proposals, through fiscal year 2013, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population moni-
monitoring, road decommissioning, trail maintenance or improvement, or habitat restoration or management: Provided further, That the terms “rural community” and “economically disadvantaged” shall have the same meanings as in section 2374 of Public Law 101–624 (16 U.S.C. 6612): Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

LIMITATION ON TAKINGS

Sec. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations.

TIMBER SALE REQUIREMENTS

Sec. 414. No timber sale in Alaska’s Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service’s appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus
to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

EXTENSION OF GRAZING PERMITS

SEC. 415. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits at the Department of the Interior and the Forest Service, shall remain in effect for fiscal years 2012 through 2016. A grazing permit or lease issued by the Secretary of the Interior for lands administered by the Bureau of Land Management that is the subject of a request for a grazing preference transfer shall be issued, without further processing, for the remaining time period in the existing permit or lease using the same mandatory terms and conditions. If the authorized officer determines a change in the mandatory terms and conditions is required, the new permit must be processed as directed in section 325 of Public Law 108–108.
PROHIBITION ON USE OF FUNDS

SEC. 416. None of the funds made available by this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

PROHIBITION ON NO-BID CONTRACTS

SEC. 417. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or
such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 418. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(e) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 419. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Herit-
age Fellowship, or American Jazz Masters Fellowship.

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

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

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

PRIORITIES

Sec. 420. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:
(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

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

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—
(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

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

USE OF COMPETITIVE GRANT FUNDS

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

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

SEC. 422. Section 503(f) of the Forest Service Realignment and Enhancement Act of 2005 (title V of Public Law 109–54; 16 U.S.C. 580d note), as amended by sec-
tion 422(l) of Public Law 111–8 (123 Stat. 748), is fur-
ther amended by striking “2011” and inserting “2016”.

SERVICE FIRST

SEC. 423. Section 330 of the Department of the Inte-
or and Related Agencies Appropriations Act, 2001 (Pub-
concerning Service First authorities (114 Stat. 996), as
555–556) and section 418 of Public Law 111–8, is amend-
ed—

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

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

FEDERAL, STATE, COOPERATIVE FOREST, RANGE-LAND
AND WATERSHED RESTORATION IN UTAH

SEC. 424. The authority provided by section 337 of
the Department of the Interior and Related Agencies Ap-
3012), as amended, shall remain in effect until September
30, 2013.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 425. The Department of the Interior, the Envi-
ronmental Protection Agency, the Forest Service and the
Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations. For balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. Initial reports shall be submitted to the Committees on Appropriations within 30 days of the end of the first quarter of fiscal year 2012. Subsequent reports shall be submitted within 30 days of the end of each quarter thereafter.

REPORT ON USE OF CLIMATE CHANGE FUNDS

Sec. 426. Not later than 120 days after the date on which the President’s fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011 and fiscal year 2012, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President’s Budget.
Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.

STEWARDSHIP CONTRACTING


PROHIBITION ON USE OF FUNDS

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

GREENHOUSE GAS REPORTING RESTRICTIONS

Sec. 429. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.
INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

Sec. 430. Notwithstanding any other provision of law, and notwithstanding any auditing or reporting circular of the Office of Management and Budget or related compliance memoranda, hereinbefore and hereinafter (1) any funds supplied by any Federal department or agency to carry out a plan under Public Law 102–477 (the Indian Employment, Training and Related Services Demonstration Act), as amended, shall be consolidated and made available to the applicable Indian tribe or tribal organization pursuant to an existing contract, compact, or funding agreement under title I or title IV of Public Law 93–638 (the Indian Self-Determination and Education Assistance Act), as amended; and (2) no Indian tribe or tribal organization carrying out such a plan shall be required to separately account for the expenditure of the funds of each Federal department or agency after the date on which the funds are consolidated and paid to the Indian tribe or tribal organization.

STATIONARY SOURCE GREENHOUSE GAS PROHIBITION

Sec. 431. (a) During the one year period commencing on the date of enactment of this Act—

(1) the Administrator of the Environmental Protection Agency shall not propose or promulgate any regula-
tion regarding the emissions of greenhouse gases from sta-
tionary sources to address climate change, except this
paragraph does not apply to—

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

(B) regulations designed to limit or defer existing
greenhouse gas regulation of stationary sources;

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

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

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

(A) any potential or actual contribution of a
greenhouse gas to climate change; or
(B) any direct or indirect effect of potential or actual or past, present, or future increases in concentrations of a greenhouse gas.

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

STREAM BUFFER

SEC. 432. None of the funds made available by this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.

ENHANCED COORDINATION RESTRICTIONS

SEC. 433. None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in —
(1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled “Enhanced Surface Coal Mining Pending Permit Coordination Procedures”, dated June 11, 2009; or

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

COAL COMBUSTION ASH

Sec. 434. None of the funds made available by this Act may be used by the Environmental Protection Agency to develop, propose, finalize, implement, administer, or enforce any regulation that identifies or lists fossil fuel combustion waste as hazardous waste subject to regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) or otherwise makes fossil fuel combustion waste subject to regulation under such subtitle.

WATERS OF THE UNITED STATES

Sec. 435. None of the funds made available by this Act or any subsequent Act making appropriations for the Environmental Protection Agency may be used by the En-
environmental Protection Agency to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

THERMAL DISCHARGES

Sec. 436. None of the funds made available by this Act or any other Act shall be used to further develop, finalize, implement, or enforce the proposed regulatory requirements issued by the Environmental Protection Agency and published for public comment in the Federal Register on April 20, 2011 (76 Fed. Reg. 22,174); or to develop or enforce any other new regulations or requirements designed to implement section 316(b) of the Federal Water Pollution Control Act (33 U.S.C. 1312 (b)).

FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS

Sec. 437. Hereafter, upon issuance of final regulations, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall apply section 105(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515(a)), providing for a pre-decisional objection process, to proposed actions of the Forest Service concerning projects and activities implementing land and resource
management plans developed under the Forest and Range-
land Renewable Resources Planning Act of 1974 (16
U.S.C. 1600 et seq.) in lieu of subsections (c), (d), and
(e) of section 322 of Public Law 102–381 (16 U.S.C. 1612
note), providing for an administrative appeal process: Pro-
vided, That if the Chief of the Forest Service determines
an emergency situation exists for which immediate imple-
mentation of a proposed action is necessary, the proposed
action shall not be subject to the pre-decisional objection
process, and implementation shall begin immediately after
the Forest Service gives notice of the final decision for
the proposed action: Provided further, That this section
shall not apply to an authorized hazardous fuel reduction
project under title I of the Healthy Forests Restoration

SILVICULTURAL ACTIVITIES

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

“(3) Silvicultural Activities.—The Admin-
istrator shall not require a permit under this section,
nor shall the Administrator directly or indirectly re-
quire any State to require a permit, for discharges
of stormwater runoff from roads, the construction,
use, or maintenance of which are associated with sil-
vicultural activities, or from other silvicultural activi-
ties involving nursery operations, site preparation,
reforestation and subsequent cultural treatment,
thinning, prescribed burning, pest and fire control,
harvesting operations, or surface drainage.”

STORMWATER DISCHARGE

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

(1) a thorough review and analysis of potential
regulatory options under the stormwater program;
(2) the program’s anticipated costs (including to the Environmental Protection Agency, States, and potentially regulated entities) and benefits; and

(3) a numerical identification of both relative cost effectiveness among the options and the anticipated water quality enhancements that would result from each option.

ASSOCIATION PLACER

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

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

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

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

FLEXIBLE AIR PERMITTING PROGRAMS

Sec. 441. The Administrator of the Environmental Protection Agency—

(1) shall take no action (including any rule-making or enforcement action) to disapprove or pre-
vent implementation of any flexible air permitting program under which emissions from multiple sources may be combined for purposes of determining compliance with an emissions limitation that—

(A) has been submitted by a State as a revision to the State implementation plan pursuant to section 110 of the Clean Air Act (42 U.S.C. 7410); and

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

(2) shall take no enforcement action against the holder of an individual permit issued under an air permitting program described in paragraph (1) based on any disapproval of the program by the Administrator prior to the date of the enactment of this Act.

DOMESTIC LIVESTOCK GRAZING

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

AIR EMISSIONS FROM OUTER CONTINENTAL SHELF

ACTIVITIES

Sec. 443. (a) Section 328(a)(1) of the Clean Air Act
5 (42 U.S.C. 7627(a)(1)) is amended by inserting before the
6 period at the end of the second sentence the following: “,
7 except that any air quality impact of any OCS source shall
8 be measured or modeled, as appropriate, and determined
9 solely with respect to the impacts in the corresponding on-
10 shore area”.

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

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

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

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

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

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

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

“(5) judicial review of such final agency action
shall be available only in accordance with section
307(b) without additional administrative review or adjudication.”.

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

INTEGRATED RISK INFORMATION SYSTEM (IRIS)

SEC. 444. (a) The Administrator of the Environmental Protection Agency (EPA)—

(1) shall immediately implement improvements in the IRIS program in accordance with the recommendations of Chapter 7 of the National Research Council’s Review of the Environmental Protection Agency’s Draft IRIS Assessment of Formaldehyde;

(2) shall provide a report to the authorizing and appropriating Committees of the House of Representatives and Senate by December 1, 2011 describing how such recommendations have been implemented for—

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

(B) any new assessments.

(3) shall not use any funds to take any administrative action based on any draft or final assessment that is not based on—
(A) improvements implemented in the IRIS program in accordance with the recommendations of Chapter 7 of the National Research Council’s Review of the Environmental Protection Agency’s Draft IRIS Assessment of Formaldehyde; and

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

(b)(1) Utilizing funds appropriated in this Act, the Administrator shall within 90 days arrange for the National Academy of Sciences to review the EPA report required by section (a)(2). The Academy’s review shall assess the scientific, technical, and process changes being implemented or planned by EPA in the IRIS program and shall recommend modifications or additions to these changes as appropriate to improve substantially the scientific and technical performance of the IRIS program. The Academy shall also identify a representative sample of up to three specific IRIS assessments nearing completion that could be reviewed to evaluate the results of the changes being implemented by the EPA.

(2) Utilizing funds appropriated in this Act, the Administrator shall arrange for the National Academy of Sciences to perform a scientific and technical review of up to three IRIS assessments based on the recommenda-
tion of the Academy in the review provided for in sub-
section (b)(1).

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

ARIZONA MINERAL WITHDRAWAL PROHIBITION

Sec. 445. Notwithstanding any other provision of 
law, none of the approximately 1,010,776 acres of public 
lands and National Forest System lands described in Pub-
lic Land Order No. 7773; Emergency Withdrawal of Pub-
lie and National Forest System Lands, Coconino and Mo-
have Counties; AZ (76 Fed. Reg. 37826) may be with-
drawn from location and entry under the General Mining 
Law of 1872 (30 U.S.C. 22 et seq.) except as expressly 
authorized by a law enacted after the date of enactment 
of this Act that refers to this section.
SEC. 446. (a) CONSIDERATION OF ROUTES NOT PREVIOUSLY CONSIDERED.—The Secretary of Agriculture shall not implement or enforce Subpart B of the Travel Management Rule (subpart B of part 212 of title 36, Code of Federal Regulations), relating to the designation of roads, trails, and areas for motor vehicle use, in an administrative unit of the National Forest System in California until the Secretary completes post-Subpart B Project Level Trail Planning of unauthorized routes in the unit not considered in Subpart B.

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

BIOLOGICAL OPINIONS

SEC. 447. None of the funds made available by this Act may be used to modify, cancel, or suspend the registration of a pesticide registered or reregistered under
section 3 or 4 of the Federal Insecticide, Fungicide, and
Rodenticide Act (7 U.S.C. 136a, 136a–1) in response to
a final biological opinion or other written statement issued
under section 7(b) of the Endangered Species Act of 1973
(16 U.S.C. 1536(b)).

PORTLAND CEMENT

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

FUNDING PROHIBITION

Sec. 449. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal offense under any Federal law within the preceding 24 months.
LEAD TEST KIT

SEC. 450. None of the funds made available by this Act may be used to implement or enforce regulations under subpart E of part 745 of title 40, Code of Federal Regulations (commonly known as the “Lead; Renovation, Repair, and Painting Rule”), or any subsequent amendments to such regulations, until the Administrator of the Environmental Protection Agency publicizes Environmental Protection Agency recognition of a commercially-available lead test kit that meets both criteria under section 745.88(c) of title 40, Code of Federal Regulations.

LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

SEC. 451. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation with an unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

WATER QUALITY STANDARDS

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

MOBILE SOURCE EMISSIONS

Sec. 453. None of the funds made available under this Act shall be used—

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

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

PARTICULATE MATTER

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

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

FINANCIAL ASSURANCE

Sec. 455. None of the funds made available by this Act may be used to develop, propose, finalize, implement, enforce, or administer any regulation that would establish new financial responsibility requirements pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b)).

WETLANDS DESIGNATIONS IN EMERGENCIES

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

ALASKA NATIVE REGIONAL HEALTH ENTITIES

Sec. 457. (a) Notwithstanding any other provision of law and until October 1, 2013, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native vil-
lage corporation that is located within the area served by an Alaska Native regional health entity.

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

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

LAND EXCHANGE NOTIFICATION

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

“(j) In the case of any exchange involving public land or National Forest System land to be carried out (whether directly or through a third-party) under this Act or other applicable law, the Secretary concerned shall provide written notice of the proposed land exchange to each owner of non-Federal land adjoining the parcel of public land or National Forest System land proposed for exchange and each owner of non-Federal land adjoining the non-Federal land proposed to be acquired in the exchange. The Sec-
retary shall determine adjoining landowners using the
most-recent available tax records. For purposes of pro-
viding notification under this subsection, adjoining land
means land sharing any length of border with the public
land, National Forest System land, or non-Federal land
subject to the proposed exchange, including contact solely
at a boundary corner.”.

BALLAST WATER MANAGEMENT REGULATIONS

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

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

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

(A) Coast Guard regulations that have
been placed into effect after the date of enact-
ment of this Act regarding standards for living organisms in ships’ ballast water discharged in United States waters from vessels and regarding vessel open water ballast water exchange.

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

(b) DEFINITIONS.—In this section:

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

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

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

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

(C) Requires a greater distance from the nearest land or a greater depth of water for conducting ballast water exchange.
(D) Includes a ballast water management performance standard that requires a lower concentration of viable organisms.

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

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

(G) Includes an earlier deadline for meeting a ballast water management performance standard or a ballast water exchange standard.

(H) Precludes the use of one or more ballast water treatment technologies approved through the applicable requirement described in subparagraphs (A) or (B) of subsection (a)(2).

(I) Requires the use of one or more ballast water treatment technologies not approved by the applicable requirement described in subparagraphs (A) or (B) of subsection (a)(2).

PESTICIDE LABELS

SEC. 460. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to finalize the Proposed Guidance on False or Misleading Pesticide Product Brand

AMMONIA REGULATION FUNDING PROHIBITION

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

REGULATORY ECONOMIC ANALYSIS

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

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


(B) “National Ambient Air Quality Standards for Ozone”, published at 75 Fed. Reg. 2938 (January 19, 2010).


(G) “Primary National Ambient Air Quality Standard for Sulfur Dioxide”, published at 75 Fed. Reg. 35520 (June 22, 2010).

(H) “Primary National Ambient Air Quality Standards for Nitrogen Dioxide”, published at 75 Fed. Reg. 6474 (February 9, 2010).

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

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

(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).

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

(3) Any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting
agency as a result of the application of part C of

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

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

(c) The Administrator shall not take final action with
respect to the rule listed in subsection (a)(1)(E) (relating
to national emission standards and standards of perform-
ance for certain electric generating units) until a date (to
be determined by the Administrator) that is at least 6 months after the day on which the Administrator submits the report required by subsection (a).

(d) Notwithstanding the final action taken with respect to the rule listed in subsection (a)(1)(A) (relating to Federal implementation plans to reduce interstate transport of fine particulate matter and ozone) and final action (if any) taken with respect to the rule listed in subsection (a)(1)(E) prior to the date of the enactment of this Act—

(1) such final action shall not be or become, as applicable, effective until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Administrator submits the report required by subsection (a); and

(2) the date for compliance with any standard or requirement in either such finalized rule, and any date for further regulatory action triggered by either such finalized rule, shall be delayed by a period equal to the period—

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

(B) ending on the date on which such final action becomes effective pursuant to paragraph (1).

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

TITLE V—REDUCING REGULATORY BURDENS

ACT OF 2011

SEC. 501. SHORT TITLE.

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

SEC. 502. USE OF AUTHORIZED PESTICIDES.

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

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribu-
tion, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.”.

SEC. 503. DISCHARGES OF PESTICIDES.

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

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

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

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—
“(i) the discharge would not have occurred but for the violation; or

“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

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

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SPENDING REDUCTION ACCOUNT

Sec. 601. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $8,000,000.
This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012”.
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

[Report No. 112-151]