Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2012

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, 2013, 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, 2013,
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 assessment of mineral
potential of public lands pursuant to section 1010(a) of
Public Law 96–487 (16 U.S.C. 3150(a)), $946,707,000,
to remain available until expended; of which $3,000,000
shall be available in fiscal year 2013 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 ad-
vanced 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 ap-
plications for permit to drill and related use authoriza-
tions, 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 cred-
ited to this appropriation from mining claim maintenance
fees and location fees that are hereby authorized for fiscal
year 2013 so as to result in a final appropriation esti-
imated at not more than $946,707,000, 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.

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, 1748(d)), including administrative expenses and ac-
quision of lands or waters, or interests therein,
$6,743,000, 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; $110,025,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

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.
315b, 315m) and the amount designated for range im-
provements from grazing fees and mineral leasing receipts
from Bankhead-Jones lands transferred to the Depart-
ment of the Interior pursuant to law, but not less than
$10,000,000, to remain available until expended: Pro-
vided, 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 authoriza-
tions for use and disposal of public lands and resources,
for costs of providing copies of official public land docu-
ments, for monitoring construction, operation, and termi-
nation of facilities in conjunction with use authorizations,
and for rehabilitation of damaged property, such amounts
as may be collected under Public Law 94–579, (43 U.S.C
1701 et seq.), and under section 28 of the Mineral Leasing
Act (30 U.S.C. 185), to remain available until expended:
Provided, That, notwithstanding any provision to the con-
trary of section 305(a) of Public Law 94–579 (43 U.S.C.
1735(a)), any moneys that have been or will be received
pursuant to that section, whether as a result of forfeiture,
compromise, or settlement, if not appropriate for refund pursuant to section 305(e) 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 Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.
The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary’s certificate, not to exceed $10,000: Provided, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identi-
fied amount of money in support of the project may be
carried out by the Bureau on a reimbursable basis. Approp-
priations herein made shall not be available for the de-
struction 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 destruc-
tion for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and
Wildlife Service, as authorized by law, and for scientific
and economic studies, general administration, and for the
performance of other authorized functions related to such
resources, $1,040,488,000, to remain available until Sep-
tember 30, 2014, except as otherwise provided herein: Pro-
vided, That not to exceed $14,564,000 shall be used for
implementing subsections (a), (b), (c), and (e) of section
1533) (except for processing petitions, developing and
issuing proposed and final regulations, and taking any
other steps to implement actions described in subsection
(e)(2)(A), (e)(2)(B)(i), or (e)(2)(B)(ii)), of which not to
exceed $4,500,000 shall be used for any activity regarding
the designation of critical habitat, pursuant to subsection
(a)(3), excluding litigation support, for species listed pur-
suant to subsection (a)(1) prior to October 1, 2011; of
which not to exceed $1,123,000 shall be used for any ac-
tivity regarding petitions to list species that are indigenous
to the United States pursuant to subsections (b)(3)(A)
and (b)(3)(B); and, of which not to exceed $1,123,000
shall be used for implementing subsections (a), (b), (c),
and (e) of section 4 of the Endangered Species Act of
1973 (16 U.S.C. 1533) for species that are not indigenous
to the United States.

CONSTRUCTION

For construction, improvement, acquisition, or re-
moval of buildings and other facilities required in the con-
servation, management, investigation, protection, and uti-
лизation of fish and wildlife resources, and the acquisition
of lands and interests therein; $17,755,000, to remain
available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and
4 et seq.), including administrative expenses, and for ac-
quision of land or waters, or interest therein, in accord-
ance with statutory authority applicable to the United
States Fish and Wildlife Service, $15,047,000, to be de-
rivered from the Land and Water Conservation Fund and
to remain available until expended, of which, notwith-
standing section 7 of such Act (16 U.S.C. 460l–9), not more than $4,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act (Public Law 108–421), including not to exceed $160,000 for administrative expenses: Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), $14,129,000, to remain available until expended, of which $2,707,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which $11,422,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $11,958,000.

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.), $22,333,000, to remain available until expended.
NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), $1,893,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND


STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 (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, $30,662,000, to remain available until expended: Provided, That of the amount provided herein, $2,134,000 is
for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $2,866,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph.
for any fiscal year or more than 5 percent of such amount:

*Provided further,* That the Federal share of planning grants shall not exceed 50 percent of the total costs of such projects and the Federal share of implementation 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, $2,229,409,000, of which $9,816,000 for planning and interagency coordination in support of Everglades restoration and $71,040,000 for maintenance, repair, or rehabilitation projects for constructed assets shall remain available until September 30, 2014.

**NATIONAL RECREATION AND PRESERVATION**

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and re-
view, international park affairs, and grant administration, not otherwise provided for, $51,822,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (16 U.S.C. 470), $49,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2014.

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), $131,173,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)


LAND ACQUISITION AND STATE ASSISTANCE

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 lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $13,294,000, 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, in fiscal year 2013 and thereafter, 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 benefitting 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 benefitting 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 benefitting unit, in the amount of funds so expended to extinguish or reduce liability.
For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

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

United States Geological Survey
Surveys, Investigations, and Research

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials
processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $967,000,000, to remain available until September 30, 2014; of which $51,569,700 shall remain available until expended for satellite operations; and of which $7,280,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: Provided, That none of the funds provided for the 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 such sums as are necessary shall be available for 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 build-
ings and appurtenant facilities; acquisition of lands for
gauging stations and observation wells; expenses of the
United States National Committee for Geological
Sciences; and payment of compensation and expenses of
persons employed by the Survey duly appointed to rep-
resent the United States in the negotiation and adminis-
tration of interstate compacts: Provided, That activities
funded by appropriations herein made may be accom-
plished through the use of contracts, grants, or coopera-
tive 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 coop-
erative agreements directly with individuals or indirectly
with institutions or nonprofit organizations, without re-
gard to 41 U.S.C. 6101, 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.
For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $59,696,000, to remain available until September 30, 2014; and an amount not to exceed $101,404,000, 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, that are collected and disbursed by the Secretary, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2013, 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 $101,404,000 in addition
to receipts are not realized from the sources of receipts stated above, the amount needed to reach $101,404,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

**Bureau of Safety and Environmental Enforcement**

**Offshore Safety and Environmental Enforcement**

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $61,375,000, to remain available until September 30, 2014; and an amount not to exceed $60,881,000 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, that are collected and disbursed by the Secretary, from cost recov-
ery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2013, 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 $60,881,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $60,881,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

For an additional amount, $65,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2013, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach $65,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That to the extent that amounts realized from such fees exceed $65,000,000, the amounts realized in excess of $65,000,000 shall be credited to this
appropriation and remain available until expended: *Provided further,* That for fiscal year 2013, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

**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, $14,899,000, 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, $122,713,000, to remain available until September 30, 2014: *Provided,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem ex-
penses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further,* That, in fiscal year 2013, 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 2013 appropriation estimated at not more than $122,673,000: *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, $27,366,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of
the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this or any other Act with respect to any fiscal year, 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.), 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.), $2,404,672,000, to remain available until September 30, 2014 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,791,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, 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 prior to or during fiscal year 2013, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $605,810,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2013, and shall remain available until September 30, 2014; and of which not to exceed $51,474,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 and 25 U.S.C. 2008, not to exceed $61,244,000 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 2012 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 ad-
ministrative cost grants to grantees that assume operation
on or after July 1, 2012, of Bureau-funded schools: *Provided further,* That any forestry funds allocated to a tribe
which remain unobligated as of September 30, 2014, may
be transferred during fiscal year 2015 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, 2015: *Provided further,* That, in order to enhance the safety of Bu-
rean field employees, the Bureau may use funds to pur-
chase uniforms or other identifying articles of clothing for
personnel.

**CONSTRUCTION**

**(INCLUDING TRANSFER OF FUNDS)**

For construction, repair, improvement, and mainte-
nance of irrigation and power systems, buildings, utilities,
and other facilities, including architectural and engineer-
ing 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 pur-
suant to Public Law 87–483, $117,110,000, 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, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant
application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 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 reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, and 111–11, and for implementation of other land and water rights settlements, $36,293,000, to remain available until expended.
INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $10,000,000, of which $1,227,459 is for administrative expenses, as authorized by the Indian Financing Act of 1974: 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 $157,957,648.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may in fiscal year 2013 and thereafter 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.

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.

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. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the BIE
funding formula, only to the schools in the Bureau school
system as of September 1, 1996 and to any school or
school program that was re-instated in fiscal year 2012.
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 enact-
ment of this Act and that has operated at a Bureau-fund-
ed school before September 1, 1999, may continue to oper-
ate 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 (in-
cluding 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 Bu-
reau-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 chap-
ter 171 of title 28, United States Code.

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

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

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, and for grants and cooperative agreements, as authorized by law, $247,777,000, to remain available until September 30, 2014; 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 $38,300,000 shall remain available until expended for the purpose of mineral revenue management activities: Provided, 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 Sec-
retary concurred with the claimed refund due, to pay
amounts owed to Indian allottees or tribes, or to correct
prior unrecoverable erroneous payments: Provided further,
That, notwithstanding the provisions of section 35(b) of
the Mineral Leasing Act (30 U.S.C. 191(b)), the Secretary
shall deduct 2 percent from the amount payable to each
State in fiscal year 2013 and deposit the amount deducted
to miscellaneous receipts of the Treasury: Provided fur-
ther, That section 6906 of title 31, United States Code,
is amended by striking “2012” and inserting “2013”: Pro-
vided further, That for fiscal year 2013, up to $400,000
of the payments authorized by chapter 69 of title 31,
United States Code, may be retained for administrative
expenses of the Payments in Lieu of Taxes Program: Pro-
vided further, That no payment shall be made pursuant
to such chapter to otherwise eligible units of general local
government if the computed amount of the payment is less
than $100: Provided further, That a payment made to a
unit of general local government for fiscal year 2013 pur-
suant to such chapter may be reduced by the Secretary
to correct overpayments, and shall be increased by the
Secretary to correct underpayments, to such unit of gen-
eral local government for the previous fiscal year.
For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $79,946,000, of which: (1) $70,684,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, 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, 2014, 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, $3,313,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of
the Compacts of Free Association for the Government of
the Republic of the Marshall Islands and the Federated
States of Micronesia, as authorized by Public Law 99–
658 and Public Law 108–188.

Administrative Provisions

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secre-
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tary 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 per-
cent 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 guaran-
tees 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 Electrifica-
tion Act of 1936 and section 306(a)(1) of the Consolidated

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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.

If the Secretary of the Interior determines that a territory has a substantial backlog of capital improvement program funds at the beginning of a fiscal year, the Secretary may withhold or redistribute that territory’s capital improvement funds for the current fiscal year among the other eligible recipient territories. For purposes of this section, a territory with an expenditure rate of less than 50 percent shall be deemed to have a substantial backlog.

The expenditure rate will be calculated on the last day of each fiscal year, currently September 30, and will be based on expenditures and receipts over the five most recent fiscal years.

**Office of the Solicitor**

**Salaries and Expenses**

For necessary expenses of the Office of the Solicitor, $64,654,000.

**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, $146,000,000, to remain available until expended, of which not to exceed $26,839,000 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, “Departmental Operations” account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2013, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or in-
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 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, $746,473,000,
to remain available until expended, of which not to exceed
$4,127,000 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 lodg-
ing without cost from funds available from this appropria-
tion: Provided further, That notwithstanding 42 U.S.C.
1856d, sums received by a bureau or office of the Depart-
ment 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 procure-
ment 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 notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to con-
struct 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 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 assistance 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.
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 (42 U.S.C. 9601 et seq.), $9,133,000, to remain available until expended.
NATURAL RESOURCE DAMAGE ASSESSMENT AND
RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

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

WORKING CAPITAL FUND

For the acquisition of a departmental financial and
business management system, information technology im-
provements of general benefit to the Department, and con-
solidation of facilities and operations throughout the De-
partment, $56,936,000, to remain available until ex-
pended: 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 ac-
crued 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 govern-
ment employees for training services provided by the Na-
tional Indian Program Training Center, other than train-
ing 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 organiza-
tions engaged in cultural, educational, or recreational ac-
tivities (as defined in section 3306(a) of title 40, United
States Code) at the prevailing rate for similar space, facili-
ties, 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:
Provided further, That the Secretary may enter into grants
and cooperative agreements to support the Office of Nat-
ural Resource Revenue’s collection and disbursement of
royalties, fees, and other mineral revenue proceeds, as au-
thorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from avail-
able resources within the Working Capital Fund, 15 air-
craft, 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: Provided further, That the Bell 206L-1 aircraft, serial number 45287, currently registered as N613, is to be retired from service and, notwithstanding any other provision of law, the National Business Center, Aviation Management Directorate shall transfer the aircraft without reimbursement to the National Law Enforcement Officers Memorial Fund, for the purpose of providing a static display in the National Law Enforcement Museum: Provided further, That such aircraft shall revert back to the Department of the Interior if said museum determines in the future that the subject aircraft is no longer needed.

**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 emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable-
able causes: \textit{Provided}, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: \textit{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.

\textbf{EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE}

\textbf{Sec. 102.} The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills 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 pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.
AUTHORIZED USE OF FUNDS

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

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

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

PAYMENT OF FEES

SEC. 105. 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.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 106. (a) In fiscal year 2013, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the “Offshore Safety and Environmental Enforcement” account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2013 shall be:
(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2013. Fees for fiscal year 2013 shall be:

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

OIL AND GAS LEASING INTERNET PROGRAM

Sec. 107. Notwithstanding section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Secretary of the Interior shall have the authority to implement an oil and gas leasing Internet program, under
which the Secretary may conduct lease sales through
methods other than oral bidding.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION
AND ENFORCEMENT REORGANIZATION

Sec. 108. The Secretary of the Interior, in order to
implement a reorganization of the Bureau of Ocean En-
ergy Management, Regulation and Enforcement, may es-
tablish accounts and transfer funds among and between
the successor offices and bureaus affected by the reorga-
nization only in conformance with the reprogramming
guidelines described in the report accompanying this Act.

AUTHORIZED USE OF INDIAN EDUCATION FUNDS

Sec. 109. Beginning July 1, 2008, any funds (includ-
ing investments and interest earned, except for construc-
tion funds) held by a Public Law 100–297 grant or a Pub-
lic 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. 110. 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 entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

MASS MARKING OF SALMONIDS

SEC. 111. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

BUREAU OF LAND MANAGEMENT ACTIONS REGARDING GRAZING ON PUBLIC LANDS

SEC. 112. Exhaustion of Administrative Review Required.—
(1) For fiscal years 2014 and hereafter, a person may bring a civil action challenging a decision 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))) in a Federal district court only if the person has exhausted the administrative hearings and appeals procedures established by the Department of the Interior, including having filed a timely appeal and a request for stay.

(2) An issue may be considered in the judicial review of a decision referred to in paragraph (1) only if the issue was raised in the administrative review process described in such paragraph.

TRAILING LIVESTOCK ACROSS PUBLIC LANDS

SEC. 113. During fiscal years 2013 and 2014, the trailing of livestock across public lands (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)). Trailing or crossing authorizations across public lands shall not be subject to protest or appeal under

Wild Lands Funding Prohibition

SEC. 114. 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.

Mining Fees: Correction


(1) in paragraph (1), in the first sentence, by striking “on” the first place it appears and inserting “before, on,”; and

(2) in paragraph (2), by striking “located” the second place it appears.

Indian Law and Order Commission

SEC. 116. Section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)) is amended by striking “2 years” and inserting “3 years”.

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SEC. 117. Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall issue a final rule pertaining to the proposed rule published on October 5, 2011 (76 Fed. Reg. 61782 et seq.).

EXTENSION OF NATIONAL HERITAGE AREA AUTHORITIES

SEC. 118. (a) Division II of Public Law 104–333 (16 U.S.C. 461 note) is amended in each of sections 107, 208, 310, 408, 507, 607, 707, 809, and 910, by striking “2012” and inserting “2014”.

(b) Section 7 of Public Law 99–647 (16 U.S.C. 461 note) is amended by striking “the date” and all that follows through “2006” and inserting “September 30, 2014”.

(c) Section 12 of Public Law 100–692 (16 U.S.C. 461 note) is amended—

(1) in subsection (c)(1), by striking “2012” and inserting “2014”; and

(2) in subsection (d), by striking “the date that is 5 years after the date of enactment of this subsection” and inserting “September 30, 2014”.

(d) Section 108 of Public Law 106–278 (16 U.S.C. 461 note) is amended by striking “2012” and inserting “2014”.
ONSHORE OIL AND GAS ON PUBLIC LANDS

Sec. 119. For fiscal years 2013 and 2014, funds made available in this title for the Bureau of Land Management and the Bureau of Indian Affairs may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior carrying out the inspection and regulation of onshore oil and gas operations on public lands in the Petroleum Engineer (GS–0881) and Petroleum Engineering Technician (G–0802) job series at grades 5 through 14 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with subsections (e) through (h) of section 5305 of title 5, United States Code.

TITLE II—ENVIRONMENTAL PROTECTION

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; 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, $738,357,000, to remain avail-
Environmental Programs and Management

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,479,081,000, to remain available until September 30, 2014: Provided, That of the funds included under this heading, $346,261,000 shall be for Geographic Programs specified in the explanatory statement accompanying this Act: Provided further, That of the funds included under this heading, $15,000,000 shall be for Environmental Protection: National Priorities as 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, $36,370,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(e)(3), (e)(5), (e)(6), and (e)(4) (42 U.S.C. 9611) $1,164,917,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2012, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,164,917,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA.
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, $104,117,000, to remain available until expended, of which $71,687,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; $32,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: 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, $18,223,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.
For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,602,043,000, 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 (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; $60,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: Provided, That not more than 25 percent of the amount appropriated to carry out section 104(k) of CERCLA shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II) of CERCLA; $30,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005; and $994,043,000 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 ac-
tivities subject to terms and conditions specified by the
Administrator, of which $47,572,000 shall be for carrying
out section 128 of CERCLA, $9,964,000 shall be for En-
vironmental Information Exchange Network grants, in-
cluding 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 enhance-
ments to State monitoring programs, and, in addition to
funds appropriated under the heading “Leaking Under-
ground 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,
$1,490,000 shall be for grants to States under section
2007(f)(2) of the Solid Waste Disposal Act: Provided fur-
ther, That notwithstanding section 603(d)(7) of the Fed-
eral 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 2013 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 2013, 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 2013, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2013, 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 2013, 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 20 percent but not more 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 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), 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 en-
actment of this Act: Provided further, That no funds pro-
vided 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 mu-
unicipal government unless that government has established
an enforceable local ordinance, or other zoning rule, which
prevents in that jurisdiction the development or construc-
tion of any additional colonia areas, or the development
within an existing colonia the construction of any new
home, business, or other structure which lacks water,
wastewater, or other necessary infrastructure.

Administrative Provisions—Environmental
Protection Agency

(including transfer and rescission of funds)

For fiscal year 2013, 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 pro-
grams required or authorized by law in the absence of an
acceptable tribal program, may award cooperative agree-
ments 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 Restoration Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.
From unobligated balances available to carry out projects and activities funded through the State and Tribal Assistance Grants account, $130,000,000 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.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities provided that the cost does not exceed $150,000 per project.

The fourth paragraph under the heading Administrative Provisions of title II of Public Law 109–54, as amended by the fifth paragraph under such heading of title II of division E of Public Law 111–8 and the third paragraph under such heading of the title II of Public Law 111–88, is further amended by striking “thirty persons” and inserting “fifty persons”.

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TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forestry Service

Forest and Rangeland Research

For necessary expenses of forest and rangeland research as authorized by law, $247,796,000, to remain available until expended: Provided, that of the funds provided, $71,805,000 is for the forest inventory and analysis program.

State and Private Forestry

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $183,000,000, 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.

National Forest System

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System,
$1,495,484,000, to remain available until expended: Provided, That of the funds provided, $342,211,000 shall be for forest products: Provided further, That of the funds provided, $40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by section 4003(f) of Public Law 111–11 (16 U.S.C. 7303(f)): Provided further, That of the funds provided, up to $68,887,000 is for the Integrated Resource Restoration pilot program for Region 1, Region 3 and Region 4: Provided further, That of the funds provided for forest products, up to $45,403,000 may be transferred to support the Integrated Resource Restoration pilot program in the preceding proviso.

COST IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $356,086,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning (including decommissioning unauthorized roads not part of the transportation system), 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 des-
ignated for urgently needed road decommissioning, road
and trail repair and maintenance and associated activities,
and removal of fish passage barriers, especially in areas
where Forest Service roads may be contributing to water
quality problems in streams and water bodies which sup-
port threatened, endangered, or sensitive species or com-
munity water sources: Provided further, That funds be-
coming available in fiscal year 2013 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
$8,369,000 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
(16 U.S.C. 460l–4 et seq.), including administrative ex-
penses, and for acquisition of land or waters, or interest
therein, in accordance with statutory authority applicable
to the Forest Service, $16,494,000, to be derived from the
Land and Water Conservation Fund and to remain avail-
able until expended.
ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $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 governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 460l-516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

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

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b),
$46,000, 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 man-
age Federal lands in Alaska for subsistence uses under
title VIII of the Alaska National Interest Lands Conserva-
tion 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 re-
duction on or adjacent to such lands, and for emergency
rehabilitation of burned-over National Forest System
lands and water, $2,072,799,000, to remain available until
expended: Provided, That such funds including unobli-
gated balances under this heading, are available for repay-
ment of advances from other appropriations accounts pre-
viously 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, notwith-
standing any other provision of law, $5,226,000 of funds
appropriated under this appropriation shall be available
for the Forest Service in support of fire science research
authorized by the Joint Fire Science Program, including
all Forest Service authorities for the use of funds, such
as contracts, grants, research joint venture agreements,
and cooperative agreements: Provided further, That all au-
thorities for the use of funds, including the use of con-
tracts, grants, and cooperative agreements, available to
execute the Forest and Rangeland Research appropria-
tion, are also available in the utilization of these funds
for Fire Science Research: Provided further, That funds
provided shall be available for emergency rehabilitation
and restoration, hazardous fuels reduction activities, sup-
port to Federal emergency response, and wildfire suppress-
sion activities of the Forest Service: Provided further, That
of the funds provided, $345,005,000 is for hazardous fuels reduction activities, $20,634,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act (16 U.S.C. 1641 et seq.), $72,688,000 is for State fire assistance, $11,733,000 is for volunteer fire assistance: Provided further, That amounts in this paragraph may be transferred to the “State and Private Forestry”, “National Forest System”, and “Forest and Rangeland Research” account 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 up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels reduction and for training or monitoring associated with such hazardous fuels reduction activities on Federal land or on non-Federal land if the Secretary determines such activities implement a commu-
nity wildfire protection plan (or equivalent) and benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the “State and Private Forestry” appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That, of the funds provided for hazardous fuels reduction, not to exceed $5,000,000 may be used to make grants, using any authorities available to the Forest Service under the “State and Private Forestry” appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That funds designated for wildfire suppression, including funds transferred from the “FLAME Wildfire Suppression Reserve Fund”, shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: *Provided further*, That of the funds for hazardous fuels reduc-
tion, up to $21,928,000 may be transferred to the “Na-
tional 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 op-
erations of the Department of Agriculture and as a reserve
fund for suppression and Federal emergency response ac-
tivities, $315,000,000, to remain available until expended:

*Provided*, That such amounts are available only for trans-
fer 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 com-
plexity, 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 alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a–558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions 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
Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement of the managers accompanying this Act.

Not more than $997,000,000 of funds available to the Forest Service shall be used for cost pools 1-5, as defined on page 14 - 25 of the Forest Service Budget Justification, Fiscal Year 2013.

Not more than $41,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $5,000,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture’s National Information Technology Center. Nothing in this paragraph shall limit the Forest Service portion of implementation costs
to be paid to the Department of Agriculture for the Financial Management Modernization Initiative.

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 out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

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 a 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 hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments 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, up to $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.

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

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

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

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

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

Not later than January 31, 2013, the Chief of the Forest Service shall submit a formal request, in writing, to the Council on Environmental Quality for authorization to use “alternative arrangements” pursuant to section 1506.11 of title 40, Code of Federal Regulations, for compliance with the National Environmental Policy Act of 1969 for post-fire restoration and rehabilitation activities, including the removal of hazard trees, related to each large-scale wildfire on National Forest System land that burned more than 250,000 acres in 2011 or 2012 and for which such a formal request was not previously made.
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, $4,049,612,000, 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 $897,562,000 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 funding provided for information technology activities and, notwithstanding any other provision of law, $4,000,000 shall be allocated at
the discretion of the Director of the Indian Health Service: 

Provided further, That of the funds provided, up to 

$36,000,000 shall remain available until expended for im- 

plementation of the loan repayment program under section 

108 of the Indian Health Care Improvement Act: Provided 

further, That the amounts collected by the Federal Gov- 

ernment as authorized by sections 104 and 108 of the In-

dian Health Care Improvement Act (25 U.S.C. 1613a and 

1616a) during the preceding fiscal year for breach of con-

tracts 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(c)), funds shall 

be available to make new awards under the loan repay-

ment and scholarship programs under sections 104 and 


further, That notwithstanding any other provision of law, 

the amounts made available within this account for the 

methamphetamine and suicide prevention and treatment 

initiative and for the domestic violence prevention initia-

tive 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 2 fiscal years, provided the total obligation is re-
corded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $546,446,000 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, prior to or during fiscal year 2013, 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: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

**INDIAN HEALTH FACILITIES**

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out
such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $443,864,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the “Indian Health Services” account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing inter-agency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demoli-
tion Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available
without fiscal year limitation: Provided further, That not-
withstanding any other law or regulation, funds trans-
ferred from the Department of Housing and Urban Devel-
opment 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: Provided fur-
ther, That funds appropriated to the Indian Health Serv-
ice in this Act, except those used for administrative and
program direction purposes, shall not be subject to limita-
tions directed at curtailing Federal travel and transpor-
tation: Provided further, That 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: Provided further,
That notwithstanding any other provision of law, funds
previously or herein made available to a tribe or tribal or-
organization through a contract, grant, or agreement au-
thorized by title I or title V of the Indian Self-Determi-
nation and Education Assistance Act of 1975 (25 U.S.C.
450), may be deobligated and reobligated to a self-deter-
mination contract under title I, or a self-governance agree-
ment under title V of such Act and thereafter shall remain
available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That 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: *Provided further*, That 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, and 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: *Provided further*, That 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: Provided further, That 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, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $74,928,000.

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); section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA); and section 3019 of the Solid Waste Dis-
posal Act, $74,039,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substances 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 healthcare 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 2013, 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 Envi-
ronmental 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 Environ-
mental 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 pur-
suant to section 112(r)(6) of the Clean Air Act, including
hire of passenger vehicles, uniforms or allowances there-
for, as authorized by 5 U.S.C. 5901–5902, and for serv-
ices authorized by 5 U.S.C. 3109 but at rates for individ-
uals 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 provi-
sion of law, the individual appointed to the position of In-
spcctor 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

Salaries and Expenses

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $7,600,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new
or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

**Institute of American Indian and Alaska Native Culture and Arts Development**

**Payment to the Institute**

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 56 part A), $8,348,000.

**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, $643,634,000, to remain available until September 30, 2014, except as otherwise provided herein; of which not to exceed $25,670,000 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 (20 U.S.C. 53a), and for construction, including necessary personnel, $145,544,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109, and of which $50,000,000 shall be to continue construction of the National Museum of African American History and Culture.
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 (20 U.S.C. 71 et seq.), 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, $113,121,000, of which not to exceed $3,518,000 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 operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $12,679,000, 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 contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $22,379,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of
the John F. Kennedy Center for the Performing Arts, $13,588,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,492,000, to remain available until September 30, 2014.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $132,000,000 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.
For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $132,000,000 to remain available until expended, of which $122,000,000 shall be available for support of activities in the humanities, pursuant to section 7(e) 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) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none
of the funds appropriated to the National Foundation on
the Arts and the Humanities 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 the amount of such grants
does not exceed 5 percent of the sums appropriated for
grantmaking 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, $2,175,000:

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 col-
lection, to remain available until expended without further
appropriation: Provided further, That the Commission is
authorized to accept gifts, including objects, papers, art-
work, drawings and artifacts, that pertain to the history
and design of the Nation’s Capital or the history and ac-

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activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), $1,950,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), $5,723,000.

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, $7,977,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $49,900,000, of which $515,000 shall remain available until September 30, 2015, 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.

**TITLE IV—GENERAL PROVISIONS**

*(INCLUDING TRANSFERS OF FUNDS)*

**LIMITATION ON CONSULTING SERVICES**

Sec. 401. In fiscal year 2013 and thereafter, the expenditure of any appropriation under this Act or any subsequent Act appropriating funds for departments and agencies funded in this Act, for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

**RESTRICTION ON USE OF FUNDS**

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

DISCLOSURE OF ADMINISTRATIVE EXPENSES

Sec. 404. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations 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. 405. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2012.
MINING APPLICATIONS

SEC. 406. (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, 2014, 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 Re-
lated 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 accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

**CONTRACT SUPPORT COSTS**

Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, 111–8, 111–88, 112–10, and 112–74 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2012 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 408. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest
System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis: 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. 409. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.
LIMITATION ON TAKINGS

SEC. 410. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

SEC. 411. 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 ex-
ported 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. 412. Section 415 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (division E of Public Law 112–74; 125 Stat. 1043) is amended in the first sentence by inserting “and subsequent fiscal years” after “2013”.

**PROHIBITION ON NO-BID CONTRACTS**

SEC. 413. 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;

(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 specifi-
cally authorize a contract within an Indian tribe as
defined in section 4(e) of that Act (25 U.S.C.
450b(e)); or

(3) such contract was awarded prior to the date
of enactment of this Act.

POSTING OF REPORTS

Sec. 414. (a) Any agency receiving funds made avail-
able in this Act, shall, subject to subsections (b) and (c),
post on the public website of that agency any report re-
quired to be submitted by the Congress in this or any
other Act, upon the determination by the head of the agen-
cy that it shall serve the national interest.

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

(1) the public posting of the report com-
promises national security; or

(2) the report contains proprietary information.

(c) 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. 415. Of the funds provided to the National En-
dowment 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 Heritage 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. 416. (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 minori-
ties, 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 sec-
tion 673(2) of the Community Services Block Grant
Act (42 U.S.C. 9902(2))) applicable to a family of
the size involved.

(e) In providing services and awarding financial as-
sistance 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 serv-
ices or awarding financial assistance for projects, produc-
tions, 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 the 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.

NATIONAL ENDOWMENT FOR THE ARTS GRANT AWARDS TO STATES

Sec. 417. Section 5(g)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)), is amended—

(1) in subparagraph (A) by adding at the end the following: “Whenever a State agency requests
that the Chairperson exercise such discretion, the
Chairperson shall—

“(i) give consideration to the various cir-
cumstances the State is encountering at the time of
such request; and

“(ii) ensure that such discretion is not exercised
with respect to such State in perpetuity.”; and

(2) in subparagraph (C) by adding at the end
the following: “The non-Federal funds required by
subparagraph (A) to pay 50 percent of the cost of
a program or production shall be provided from
funds directly controlled and appropriated by the
State involved and directly managed by the State
agency of such State.”.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 418. 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 Sen-
ate quarterly reports on the status of balances of appro-
priations including all uncommitted, committed, and unob-
ligated funds in each program and activity.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 419. Not later than 120 days after the date on
which the President’s fiscal year 2014 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 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.

PROHIBITION ON USE OF FUNDS

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

GREENHOUSE GAS REPORTING RESTRICTIONS

Sec. 421. Notwithstanding any other provision of law, none of the funds made available in this 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.

**SILVICULTURAL ACTIVITIES**

*Sec. 422.* Section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)) is amended by adding at the end the following:

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

**ANTELOPE RULE**

*Sec. 423.* Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall reissue the final rule published on September 2, 2005 (70 Fed. Reg. 52310 et seq.) without regard to any other provision of statute or regulation that
applies to issuance of such rule. Such reissuance (including this section) shall not be subject to judicial review.

FUNDING PROHIBITION

SEC. 424. 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 violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent and made a determination that this further action is not necessary to protect the interests of the Government.

LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

SEC. 425. 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 respect to which any 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 pur-
suant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

HERGER-FEINSTEIN QUINCY LIBRARY GROUP FORESTRY RECOVERY ACT

Sec. 426. Section 434 of the Consolidated Appropriations Act, 2008 (Public Law 110–161), shall remain in effect until September 30, 2013.

GOOD NEIGHBOR COOPERATIVE CONSERVATION AUTHORITY


(1) in subsection (a)—
(A) by striking “may permit the Colorado State Forest Service” and inserting “with any of the sixteen contiguous Western States (as defined in section 3 of Public Law 95–514 (43 U.S.C. 1902)) may permit the State Forest Service of the State”; and

(B) by striking “of Colorado”;

(2) in subsection (b)—

(A) in the first sentence, by striking “may authorize the State Forester of Colorado” and inserting “with any of the sixteen contiguous Western States may authorize the State Forester of the State”; and

(B) in the second sentence, by striking “the Colorado State” and inserting “a State”;

(3) in subsection (c)—

(A) by striking “the Colorado State” both places it appears and inserting “a State”; and

(B) by striking “the State Forester of Colorado” and inserting “a State Forester”; and

(4) in subsection (d), by striking “State of Colorado” and inserting “sixteen contiguous Western States”.

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(b) Expiration of Authority.—Subsection (e) of such section is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

c) Clerical Amendments.—Such section is further amended—

(1) in the section heading, by striking “IN COLORADO”; and

(2) in the heading of subsections (a) and (d), by striking “COLORADO”.

Site for Fire Stations in Forest Service National Recreation Areas

Sec. 428. Notwithstanding any other provision of law or regulation, the Chief of the Forest Service may make available, by special use permit, real property, not to exceed three acres per permit, in a Forest Service National Recreation Area to allow for the construction, operation, and maintenance of a fire station if the Chief of the Forest Service certifies and reports to the Committees on Appropriations of the House of Representatives and the Senate that—

(1) the fire station is necessary for general public safety in the area to be served by the fire station;

(2) no other fire station exists within a reasonable driving distance to respond to fire emergencies in the area; and
(3) no other State or private land appropriate for use as a fire station is reasonably available in the area.

SPECIAL USE COST RECOVERY EXTENSION

Sec. 429. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (Public Law 106–113), is further amended as follows:

(a)(1) in subsection (a), by striking “develop and implement a pilot program” and inserting “implement a program”;

(b) in subsection (b), by striking “2012,” and inserting “2017,”.

INTERPRETIVE ASSOCIATIONS

PARTNERSHIP AUTHORITIES

Sec. 430. (a) In General.—The Secretary of Agriculture may enter into an agreement under the Cooperative Funds and Deposits Act (Public Law 94–148), as amended, with Federal, tribal, State, or local govern-
ments, or nonprofit entities, for additional purposes as fol-

(1) to develop, produce, publish, distribute, or
sell educational and interpretive materials and prod-

(2) to develop, conduct, or sell educational and
interpretive programs and services;

(3) to construct, maintain, or improve facilities
not under the jurisdiction, custody, or control of the
Administrator of General Services on or in the vicin-
ity of National Forest System lands for the sale or
distribution of educational and interpretive mate-
rials, products, programs, and services;

(4) to operate facilities (including providing the
services of Forest Service employees to staff facili-
ties) in any public or private building or on land not
under the jurisdiction, custody, or control of the Ad-
ministrator of General Services for the sale or dis-
tribution of educational and interpretive materials,
products, programs, and services, pertaining to Na-
tional Forest System lands, private lands and lands
administered by other public entities;

(5) to sell health and safety products, visitor
convenience items, or other similar items (as deter-
mined by the Secretary) in facilities not under the
jurisdiction, custody, or control of the Administrator
of General Services on or in the vicinity of National
Forest System lands; and

(6) to collect funds on behalf of cooperators
from the sale of materials, products, programs, and
services, as authorized by this section, when inci-
dental to other duties of Forest Service personnel;

(b) CONTRIBUTIONS OF VOLUNTEERS.—The value of
services performed by persons who volunteer their services
to the Forest Service and who are recruited, trained, and
supported by a cooperator under a mutual benefit agree-
ment with the Forest Service may be considered an in-
kind contribution of the cooperator for purposes of cost
sharing.

MAXIMUM AUTHORIZED TERM OF GRAZING PERMITS AND
LEASES

Sec. 431. Section 402 of the Federal Land Policy
and Management Act of 1976 (43 U.S.C. 1752) is amend-
ed by striking “ten years” each place it appears in sub-
sections (a) and (b) and inserting “20 years”.

DESIGNATION BY PRESCRIPTION

Sec. 432. Section 14(g) of the National Forest Man-
gement Act of 1976 (16 U.S.C. 472a(g)) is amended by
striking “Designation, marking when necessary,” and in-
serting “Designation, including marking when necessary, or designation by description or by prescription,”.

TRAVEL MANAGEMENT RULE AND NATIONAL FOREST SYSTEM LAND IN CALIFORNIA

SEC. 433. (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.
WATERS OF THE UNITED STATES

SEC. 434. 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 Environmental Protection Agency to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, as amended on August 25, 1993, 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.).

STREAM BUFFER

SEC. 435. 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.

STORMWATER DISCHARGE

SEC. 436. None of the funds made available by this Act or any other Act may be expended for the development, adoption, implementation, or enforcement of regulations 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 Environmental 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 include—

(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.

REPEAL OF SEPARATE FOREST SERVICE DECISION MAKING AND APPEALS PROCESS

Sec. 437. Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) is repealed. Section 428 of division E of the Consolidated Appropriations
Act, 2012 (Public Law 112–74; 125 Stat. 1046; 16 U.S.C. 6515 note) shall not apply to any project or activity implementing a land and resource management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) that is categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

HUNTING, FISHING, AND RECREATIONAL SHOOTING ON FEDERAL LAND

SEC. 438. (a) LIMITATION ON USE OF FUNDS.—

None of the funds made available by this Act or any other Act for any fiscal year may be used to prohibit the use of or access to Federal land (as such term is defined in section 3 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502)) for hunting, fishing, or recreational shooting if such use or access—

(1) was not prohibited on such Federal land as of January 1, 2012; and

(2) was conducted in compliance with the resource management plan (as defined in section 101 of such Act (16 U.S.C. 6511)) applicable to such Federal land as of January 1, 2012.
(b) Temporary Closures Allowed.—Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Agriculture may temporarily close, for a period not to exceed 30 days, Federal land managed by the Secretary to hunting, fishing, or recreational shooting if the Secretary determines that the temporary closure is necessary to accommodate a special event or for public safety reasons. The Secretary may extend a temporary closure for one additional 90-day period only if the Secretary determines the extension is necessary because of extraordinary weather conditions or for public safety reasons.

(c) Authority of States.—Nothing in this section shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations.

LIMITATION ON USE OF FUNDS FOR NATIONAL OCEAN POLICY

Sec. 439. None of the funds made available by this Act may be used to develop, propose, finalize, administer, or implement, the National Ocean Policy developed under Executive Order 13547. Not later than 60 days after the date on which the President’s fiscal year 2014 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations of the
House of Representatives and the Senate identifying all Federal expenditures in fiscal years 2011 and 2012, by agency, account, and any pertinent subaccounts, for the development, administration, or implementation of the National Ocean Policy developed under Executive Order 13547. The President’s budget submission for fiscal year 2014 shall identify all such funding proposed for the implementation of such Policy.

EMISSIONS CONTROL AREA PILOT

SEC. 440. (a) The Administrator of the Environmental Protection Agency, in consultation with the Commandant of the Coast Guard, shall carry out a 48-month pilot project for the North American Emission Control Area under which—

(1) subject to paragraph (2), the owner or operator of a vessel opting into the pilot project is deemed to be in compliance with United States sulfur content fuel requirements if—

(A) the vessel meets requirements under the International Convention for the Prevention of Pollution from Ships, 1973/78 (MARPOL), Annex VI, Regulation 4; and

(B) the Administrator determines that compliance with the requirements described in subparagraph (A) provides a degree of overall...
protection of the public health and welfare
(based on fleet averaging, weighted averaging,
weighted and unweighted emissions averaging
calculations, and such other measures as deter-
dined appropriate by the Administrator) that is
equivalent to the degree of such protection pro-
vided by compliance with United States sulfur
content fuel requirements; and
(2) the owner or operator of a vessel opting into
the pilot project continues to be subject to United
States sulfur content fuel requirements while at
berth or anchor.
(b) For purposes of evaluating the results of such
pilot project, the Administrator of the Environmental Pro-
tection Agency shall complete atmospheric modeling and
actual ambient air testing to determine the environmental
and economic effectiveness of United States sulfur content
fuel requirements, in combination with the requirements
described in subsection (a)(1)(A), particularly as such ef-
fectiveness relates to Alaska and Hawaii.
(c) In this section:
(1) The term “North American Emission Con-
trol Area” means the North American Emission
Control Area designated pursuant to the Act to Pre-
vent Pollution from Ships.
(2) The term "United States sulfur fuel requirements" means the requirements under Federal and State law applicable to the sulfur content of the fuel used for operation of the vessel.

MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITTING

Sec. 441. Section 402(p)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)(3)) is amended by adding at the end the following new subparagraph:

"(C) LIMITATION.—The Administrator or a State may not require a municipality operating a municipal separate storm sewer system serving a population of less than 100,000 to obtain a permit under this subsection for a discharge that—

"(i) is composed entirely of storm-water from a facility that is not owned or operated by the municipality; and

"(ii) does not enter into the municipal separate storm sewer system."

BUY AMERICAN

Sec. 442. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drink-
ing water treatment revolving loan fund as authorized by
section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction,
alteration, maintenance, or repair of a public water system
or treatment works unless all of the iron and steel prod-
ucts used in the project are produced in the United States.

(2) In this section, the term “iron and steel products”
means the following products made primarily of iron or
steel: lined or unlined pipes and fittings, manhole covers
and other municipal castings, hydrants, tanks, flanges,
pipe clamps and restraints, valves, structural steel, rein-
forced precast concrete, and construction and building ma-
terials.

(b) Subsection (a) shall not apply in any case or cat-
egory of cases in which the Administrator of the Environ-
mental Protection Agency (in this section referred to as
the “Administrator”) finds that—

(1) applying subsection (a) would be inconsis-
tent with the public interest;

(2) iron and steel products are not produced in
the United States in sufficient and reasonably avail-
able quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products pro-
duced in the United States will increase the cost of
the overall project by more than 25 percent.
(c) If the Administrator receives a request for a waiver under this section, the Administrator shall provide an informal notice of and opportunity for public comment on the request at least 15 days before making a finding based on the request. Notice provided under this subsection shall include the information available to the Administrator concerning the request and shall be provided by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 1 percent of the funds appropriated by this Act for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency’s capacity to approve such plans and specifications prior to a project requesting bids, prior to October 1, 2012, or the date of the enactment of this Act, whichever is later.

**LEAD TEST KIT**

**SEC. 443.** 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 referred to 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.

MOBILE SOURCE EMISSIONS

SEC. 444. None of the funds made available by this Act may be used—

(1) to prepare, propose, promulgate, finalize, implement, or enforce any regulation under section 202 of the Clean Air Act (42 U.S.C. 7521) regarding the regulation 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; 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.
PESTICIDE LABELS

Sec. 445. 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 Names, as contained in Draft Pesticide Registration Notice 2010–X (Docket ID EPA–HQ–OPP–2010–0282).

ASBESTOS NESHAP

Sec. 446. None of the funds made available by this Act may be used to implement, administer, or enforce the National Emission Standards for Hazardous Air Pollutants regulations for asbestos under subpart M of part 61 of title 40, Code of Federal Regulations with respect to any residential building that has 4 or fewer dwelling units, unless such building falls within the definition of “installation” under such regulations.

FINANCIAL ASSURANCE

Sec. 447. 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)).
GHG NSPS

Sec. 448. None of the funds made available by this Act may be used to develop, issue, implement, or enforce any regulation or guidance under section 111 of the Clean Air Act establishing any standard of performance applicable to the emission of any greenhouse gas by any new or existing source that is an electric utility generating unit.

COST MANUAL UPDATE

Sec. 449. Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall begin development of a seventh edition of the document entitled "EPA Air Pollution Control Cost Manual". The Administrator shall consult, and seek comment from, State, local, and tribal departments of environmental quality during development of such seventh edition, and provide opportunity for public comment.

COMMENTS ON AIR QUALITY MODELS

Sec. 450. Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall publish in the Federal Register a notice to solicit comment on revising the Agency's "Guideline on Air Quality Models" under appendix W to part 51 of title 40, Code of Federal Regulations, to allow flexible modeling approaches and to adopt the
most recently published version of the CALPUFF modeling system (or portions thereof) as a preferred air quality model under such Guideline.

SPENDING REDUCTION ACCOUNT

SEC. 451. 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 $398,000,000.

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2013”.

A BILL

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

JULY 10, 2012

[Report No. 112-589]