

XEROX

1 **DIVISION E—DEPARTMENT OF THE INTE-**
2 **RIOR, ENVIRONMENT, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2012**

4 **TITLE I**

5 **DEPARTMENT OF THE INTERIOR**

6 **BUREAU OF LAND MANAGEMENT**

7 **MANAGEMENT OF LANDS AND RESOURCES**

8 For necessary expenses for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to Public Law 96-487
17 (16 U.S.C. 3150(a)), \$961,900,000, to remain available
18 until expended; of which \$3,000,000 shall be available in
19 fiscal year 2012 subject to a match by at least an equal
20 amount by the National Fish and Wildlife Foundation for
21 cost-shared projects supporting conservation of Bureau
22 lands; and such funds shall be advanced to the Foundation
23 as a lump-sum grant without regard to when expenses are
24 incurred.

1 In addition, \$32,500,000 is for the processing of ap-
2 plications for permit to drill and related use authoriza-
3 tions, to remain available until expended, to be reduced
4 by amounts collected by the Bureau and credited to this
5 appropriation that shall be derived from \$6,500 per new
6 application for permit to drill that the Bureau shall collect
7 upon submission of each new application, and in addition,
8 \$39,696,000 is for Mining Law Administration program
9 operations, including the cost of administering the mining
10 claim fee program; to remain available until expended, to
11 be reduced by amounts collected by the Bureau and cred-
12 ited to this appropriation from mining claim maintenance
13 fees and location fees that are hereby authorized for fiscal
14 year 2012 so as to result in a final appropriation esti-
15 mated at not more than \$961,900,000, and \$2,000,000,
16 to remain available until expended, from communication
17 site rental fees established by the Bureau for the cost of
18 administering communication site activities.

19 CONSTRUCTION

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

23 LAND ACQUISITION

24 For expenses necessary to carry out sections 205,
25 206, and 318(d) of Public Law 94-579, including admin-

1 istrative expenses and acquisition of lands or waters, or
2 interests therein, \$22,380,000, to be derived from the
3 Land and Water Conservation Fund and to remain avail-
4 able until expended.

5 OREGON AND CALIFORNIA GRANT LANDS

6 For expenses necessary for management, protection,
7 and development of resources and for construction, oper-
8 ation, and maintenance of access roads, reforestation, and
9 other improvements on the revested Oregon and California
10 Railroad grant lands, on other Federal lands in the Or-
11 egon and California land-grant counties of Oregon, and
12 on adjacent rights-of-way; and acquisition of lands or in-
13 terests therein, including existing connecting roads on or
14 adjacent to such grant lands; \$112,043,000, to remain
15 available until expended: *Provided*, That 25 percent of the
16 aggregate of all receipts during the current fiscal year
17 from the revested Oregon and California Railroad grant
18 lands is hereby made a charge against the Oregon and
19 California land-grant fund and shall be transferred to the
20 General Fund in the Treasury in accordance with the sec-
21 ond paragraph of subsection (b) of title II of the Act of
22 August 28, 1937 (50 Stat. 876).

23 RANGE IMPROVEMENTS

24 For rehabilitation, protection, and acquisition of
25 lands and interests therein, and improvement of Federal

1 rangelands pursuant to section 401 of the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C. 1701),
3 notwithstanding any other Act, sums equal to 50 percent
4 of all moneys received during the prior fiscal year under
5 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
6 315 et seq.) and the amount designated for range improve-
7 ments from grazing fees and mineral leasing receipts from
8 Bankhead-Jones lands transferred to the Department of
9 the Interior pursuant to law, but not less than
10 \$10,000,000, to remain available until expended: *Pro-*
11 *vided*, That not to exceed \$600,000 shall be available for
12 administrative expenses.

13 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

14 For administrative expenses and other costs related
15 to processing application documents and other authoriza-
16 tions for use and disposal of public lands and resources,
17 for costs of providing copies of official public land docu-
18 ments, for monitoring construction, operation, and termi-
19 nation of facilities in conjunction with use authorizations,
20 and for rehabilitation of damaged property, such amounts
21 as may be collected under Public Law 94-579, as amend-
22 ed, and Public Law 93-153, to remain available until ex-
23 pended: *Provided*, That, notwithstanding any provision to
24 the contrary of section 305(a) of Public Law 94-579 (43
25 U.S.C. 1735(a)), any moneys that have been or will be

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

16 MISCELLANEOUS TRUST FUNDS

17 In addition to amounts authorized to be expended
18 under existing laws, there is hereby appropriated such
19 amounts as may be contributed under section 307 of the
20 Act of October 21, 1976 (43 U.S.C. 1701), and such
21 amounts as may be advanced for administrative costs, sur-
22 veys, appraisals, and costs of making conveyances of omit-
23 ted lands under section 211(b) of that Act, to remain
24 available until expended.

1 ADMINISTRATIVE PROVISIONS

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

1 fied amount of money in support of the project may be
2 carried out by the Bureau on a reimbursable basis. Appro-
3 priations herein made shall not be available for the de-
4 struction of healthy, unadopted, wild horses and burros
5 in the care of the Bureau or its contractors or for the
6 sale of wild horses and burros that results in their destruc-
7 tion for processing into commercial products.

8 UNITED STATES FISH AND WILDLIFE SERVICE

9 RESOURCE MANAGEMENT

10 For necessary expenses of the United States Fish and
11 Wildlife Service, as authorized by law, and for scientific
12 and economic studies, general administration, and for the
13 performance of other authorized functions related to such
14 resources, \$1,228,142,000, to remain available until Sep-
15 tember 30, 2013 except as otherwise provided herein: *Pro-*
16 *vided*, That not to exceed \$20,902,000 shall be used for
17 implementing subsections (a), (b), (c), and (e) of section
18 4 of the Endangered Species Act, as amended, (except for
19 processing petitions, developing and issuing proposed and
20 final regulations, and taking any other steps to implement
21 actions described in subsection (c)(2)(A), (c)(2)(B)(i), or
22 (c)(2)(B)(ii)), of which not to exceed \$7,472,000 shall be
23 used for any activity regarding the designation of critical
24 habitat, pursuant to subsection (a)(3), excluding litigation
25 support, for species listed pursuant to subsection (a)(1)

1 prior to October 1, 2010; of which not to exceed
2 \$1,500,000 shall be used for any activity regarding peti-
3 tions to list species that are indigenous to the United
4 States pursuant to subsections (b)(3)(A) and (b)(3)(B);
5 and, of which not to exceed \$1,500,000 shall be used for
6 implementing subsections (a), (b), (c), and (e) of section
7 4 of the Endangered Species Act, as amended, for species
8 that are not indigenous to the United States: *Provided fur-*
9 *ther*, That, in fiscal year 2012 and hereafter of the amount
10 available for law enforcement, up to \$400,000, to remain
11 available until expended, may at the discretion of the Sec-
12 retary be used for payment for information, rewards, or
13 evidence concerning violations of laws administered by the
14 Service, and miscellaneous and emergency expenses of en-
15 forcement activity, authorized or approved by the Sec-
16 retary and to be accounted for solely on the Secretary's
17 certificate: *Provided further*, That in fiscal year 2012 and
18 hereafter, of the amount provided for environmental con-
19 taminants, up to \$1,000,000 may remain available until
20 expended for contaminant sample analyses.

21 CONSTRUCTION

22 For construction, improvement, acquisition, or re-
23 moval of buildings and other facilities required in the con-
24 servation, management, investigation, protection, and uti-
25 lization of fish and wildlife resources, and the acquisition

1 of lands and interests therein; \$23,088,000, to remain
2 available until expended.

3 LAND ACQUISITION

4 For expenses necessary to carry out the Land and
5 Water Conservation Fund Act of 1965, as amended (16
6 U.S.C. 4601-4 through 11), including administrative ex-
7 penses, and for acquisition of land or waters, or interest
8 therein, in accordance with statutory authority applicable
9 to the United States Fish and Wildlife Service,
10 \$54,720,000, to be derived from the Land and Water Con-
11 servation Fund and to remain available until expended,
12 of which, notwithstanding 16 U.S.C. 4601-9, not more
13 than \$5,000,000 shall be for land conservation partner-
14 ships authorized by the Highlands Conservation Act of
15 2004, including not to exceed \$160,000 for administrative
16 expenses: *Provided*, That none of the funds appropriated
17 for specific land acquisition projects may be used to pay
18 for any administrative overhead, planning or other man-
19 agement costs.

20 COOPERATIVE ENDANGERED SPECIES CONSERVATION

21 FUND

22 For expenses necessary to carry out section 6 of the
23 Endangered Species Act of 1973, as amended (16 U.S.C.
24 1531 et seq.), \$47,757,000, to remain available until ex-
25 pended, of which \$22,757,000 is to be derived from the

1 Cooperative Endangered Species Conservation Fund; and
2 of which \$25,000,000 is to be derived from the Land and
3 Water Conservation Fund.

4 NATIONAL WILDLIFE REFUGE FUND

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

7 NORTH AMERICAN WETLANDS CONSERVATION FUND

8 For expenses necessary to carry out the provisions
9 of the North American Wetlands Conservation Act, as
10 amended (16 U.S.C. 4401 et seq.), \$35,554,000, to re-
11 main available until expended.

12 NEOTROPICAL MIGRATORY BIRD CONSERVATION

13 For expenses necessary to carry out the Neotropical
14 Migratory Bird Conservation Act, as amended, (16 U.S.C.
15 6101 et seq.), \$3,792,000, to remain available until ex-
16 pended.

17 MULTINATIONAL SPECIES CONSERVATION FUND

18 For expenses necessary to carry out the African Ele-
19 phant Conservation Act (16 U.S.C. 4201 et seq.), the
20 Asian Elephant Conservation Act of 1997 (16 U.S.C.
21 4261 et seq.), the Rhinoceros and Tiger Conservation Act
22 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
23 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
24 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
25 et seq.), \$9,481,000, to remain available until expended.

1 STATE AND TRIBAL WILDLIFE GRANTS

2 For wildlife conservation grants to States and to the
3 District of Columbia, Puerto Rico, Guam, the United
4 States Virgin Islands, the Northern Mariana Islands,
5 American Samoa, and Indian tribes under the provisions
6 of the Fish and Wildlife Act of 1956 and the Fish and
7 Wildlife Coordination Act, for the development and imple-
8 mentation of programs for the benefit of wildlife and their
9 habitat, including species that are not hunted or fished,
10 \$61,421,000, to remain available until expended: *Pro-*
11 *vided*, That of the amount provided herein, \$4,275,000 is
12 for a competitive grant program for Indian tribes not sub-
13 ject to the remaining provisions of this appropriation: *Pro-*
14 *vided further*, That \$5,741,000 is for a competitive grant
15 program for States, territories, and other jurisdictions
16 with approved plans, not subject to the remaining provi-
17 sions of this appropriation: *Provided further*, That the Sec-
18 retary shall, after deducting \$10,016,000 and administra-
19 tive expenses, apportion the amount provided herein in the
20 following manner: (1) to the District of Columbia and to
21 the Commonwealth of Puerto Rico, each a sum equal to
22 not more than one-half of 1 percent thereof; and (2) to
23 Guam, American Samoa, the United States Virgin Is-
24 lands, and the Commonwealth of the Northern Mariana
25 Islands, each a sum equal to not more than one-fourth

1 of 1 percent thereof: *Provided further*, That the Secretary
2 shall apportion the remaining amount in the following
3 manner: (1) one-third of which is based on the ratio to
4 which the land area of such State bears to the total land
5 area of all such States; and (2) two-thirds of which is
6 based on the ratio to which the population of such State
7 bears to the total population of all such States: *Provided*
8 *further*, That the amounts apportioned under this para-
9 graph shall be adjusted equitably so that no State shall
10 be apportioned a sum which is less than 1 percent of the
11 amount available for apportionment under this paragraph
12 for any fiscal year or more than 5 percent of such amount:
13 *Provided further*, That the Federal share of planning
14 grants shall not exceed 75 percent of the total costs of
15 such projects and the Federal share of implementation
16 grants shall not exceed 65 percent of the total costs of
17 such projects: *Provided further*, That the non-Federal
18 share of such projects may not be derived from Federal
19 grant programs: *Provided further*, That any amount ap-
20 portioned in 2012 to any State, territory, or other jurisdic-
21 tion that remains unobligated as of September 30, 2013,
22 shall be reapportioned, together with funds appropriated
23 in 2014, in the manner provided herein.

1 ADMINISTRATIVE PROVISIONS

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

1 accept donated aircraft as replacements for existing air-
2 craft.

3 NATIONAL PARK SERVICE

4 OPERATION OF THE NATIONAL PARK SYSTEM

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

16 NATIONAL RECREATION AND PRESERVATION

17 For expenses necessary to carry out recreation pro-
18 grams, natural programs, cultural programs, heritage
19 partnership programs, environmental compliance and re-
20 view, international park affairs, and grant administration,
21 not otherwise provided for, \$59,975,000: *Provided*, That
22 section 502(c) of the Chesapeake Bay Initiative Act of
23 1998 (16 U.S.C. 461 note; Public Law 105-312) is
24 amended by striking "2011" and inserting "~~2012~~ 2013".

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the National
3 Historic Preservation Act (16 U.S.C. 470), and the Omni-
4 bus Parks and Public Lands Management Act of 1996
5 (Public Law 104-333), \$56,000,000, to be derived from
6 the Historic Preservation Fund and to remain available
7 until September 30, 2013.

8 CONSTRUCTION

9 (INCLUDING RESCISSION OF FUNDS)

10 For construction, improvements, repair, or replace-
11 ment of physical facilities, including modifications author-
12 ized by section 104 of the Everglades National Park Pro-
13 tection and Expansion Act of 1989 (16 U.S.C. 410r-8),
14 \$159,621,000, to remain available until expended: *Pro-*
15 *vided*, That notwithstanding any other provision of law,
16 a single procurement for the project to repair damage to
17 the Washington Monument may be issued that includes
18 the full scope of the project, so long as the solicitation
19 and contract shall contain the clause "availability of ap-
20 propriated funds" found in CFR section 52.232.18 of title
21 48.

22 From funds previously made available under this
23 heading, \$4,000,000 are rescinded.

1 LAND AND WATER CONSERVATION FUND

2 (RESCISSION)

3 The contract authority provided for fiscal year 2012
4 by 16 U.S.C. 4601–10a is rescinded.

5 LAND ACQUISITION AND STATE ASSISTANCE

6 For expenses necessary to carry out the Land and
7 Water Conservation Act of 1965, as amended (16 U.S.C.
8 4601–4 through 11), including administrative expenses,
9 and for acquisition of lands or waters, or interest therein,
10 in accordance with the statutory authority applicable to
11 the National Park Service, \$102,060,000, to be derived
12 from the Land and Water Conservation Fund and to re-
13 main available until expended, of which \$45,000,000 is for
14 the State assistance program and of which \$9,000,000
15 shall be for the American Battlefield Protection Program
16 grants as authorized by section 7301 of the Omnibus Pub-
17 lic Land Management Act of 2009 (Public Law 111–11).

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 In addition to other uses set forth in section 407(d)
21 of Public Law 105–391, franchise fees credited to a sub-
22 account shall be available for expenditure by the Sec-
23 retary, without further appropriation, for use at any unit
24 within the National Park System to extinguish or reduce
25 liability for Possessory Interest or leasehold surrender in-

1 terest. Such funds may only be used for this purpose to
2 the extent that the benefitting unit anticipated franchise
3 fee receipts over the term of the contract at that unit ex-
4 ceed the amount of funds used to extinguish or reduce
5 liability. Franchise fees at the benefitting unit shall be
6 credited to the sub-account of the originating unit over
7 a period not to exceed the term of a single contract at
8 the benefitting unit, in the amount of funds so expended
9 to extinguish or reduce liability.

10 For the costs of administration of the Land and
11 Water Conservation Fund grants authorized by section
12 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
13 of 2006 (Public Law 109-432), the National Park Service
14 may retain up to 3 percent of the amounts which are au-
15 thorized to be disbursed under such section, such retained
16 amounts to remain available until expended.

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

22 UNITED STATES GEOLOGICAL SURVEY
23 SURVEYS, INVESTIGATIONS, AND RESEARCH

24 For expenses necessary for the United States Geo-
25 logical Survey to perform surveys, investigations, and re-

1 search covering topography, geology, hydrology, biology,
2 and the mineral and water resources of the United States,
3 its territories and possessions, and other areas as author-
4 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
5 to their mineral and water resources; give engineering su-
6 pervision to power permittees and Federal Energy Regu-
7 latory Commission licensees; administer the minerals ex-
8 ploration program (30 U.S.C. 641); conduct inquiries into
9 the economic conditions affecting mining and materials
10 processing industries (30 U.S.C. 3, 21a, and 1603; 50
11 U.S.C. 98g(1)) and related purposes as authorized by law;
12 and to publish and disseminate data relative to the fore-
13 going activities; \$1,069,744,000, to remain available until
14 September 30, 2013; of which \$51,569,700 shall remain
15 available until expended for satellite operations; and of
16 which \$7,292,000 shall be available until expended for de-
17 ferred maintenance and capital improvement projects that
18 exceed \$100,000 in cost: *Provided*, That none of the funds
19 provided for the ecosystem research activity shall be used
20 to conduct new surveys on private property, unless specifi-
21 cally authorized in writing by the property owner: *Pro-*
22 *vided further*, That no part of this appropriation shall be
23 used to pay more than one-half the cost of topographic
24 mapping or water resources data collection and investiga-

1 tions carried on in cooperation with States and municipali-
2 ties.

3 ADMINISTRATIVE PROVISIONS

4 From within the amount appropriated for activities
5 of the United States Geological Survey such sums as are
6 necessary shall be available for reimbursement to the Gen-
7 eral Services Administration for security guard services;
8 contracting for the furnishing of topographic maps and
9 for the making of geophysical or other specialized surveys
10 when it is administratively determined that such proce-
11 dures are in the public interest; construction and mainte-
12 nance of necessary buildings and appurtenant facilities;
13 acquisition of lands for gauging stations and observation
14 wells; expenses of the United States National Committee
15 on Geology; and payment of compensation and expenses
16 of persons on the rolls of the Survey duly appointed to
17 represent the United States in the negotiation and admin-
18 istration of interstate compacts: *Provided*, That activities
19 funded by appropriations herein made may be accom-
20 plished through the use of contracts, grants, or coopera-
21 tive agreements as defined in section 6302 of title 31,
22 United States Code: *Provided further*, That the United
23 States Geological Survey may enter into contracts or coop-
24 erative agreements directly with individuals or indirectly
25 with institutions or nonprofit organizations, without re-

1 gard to 41 U.S.C. 5, for the temporary or intermittent
2 services of students or recent graduates, who shall be con-
3 sidered employees for the purpose of chapters 57 and 81
4 of title 5, United States Code, relating to compensation
5 for travel and work injuries, and chapter 171 of title 28,
6 United States Code, relating to tort claims, but shall not
7 be considered to be Federal employees for any other pur-
8 poses.

9 BUREAU OF OCEAN ENERGY MANAGEMENT

10 OCEAN ENERGY MANAGEMENT

11 For expenses necessary for granting leases, ease-
12 ments, rights-of-way and agreements for use for oil and
13 gas, other minerals, energy, and marine-related purposes
14 on the Outer Continental Shelf and approving operations
15 related thereto, as authorized by law; for environmental
16 studies, as authorized by law; for implementing other laws
17 to the extent provided by Presidential or Secretarial dele-
18 gation; and for matching grants or cooperative agree-
19 ments, \$59,792,000, to remain available until September
20 30, 2013; and an amount not to exceed \$101,082,000, to
21 be credited to this appropriation and to remain available
22 until expended, from additions to receipts resulting from
23 increases to rates in effect on August 5, 1993, that are
24 collected and disbursed by the Secretary, and from cost
25 recovery fees from activities conducted by the Bureau of

1 Ocean Energy Management pursuant to the Outer Conti-
2 nental Shelf Lands Act, including studies, assessments,
3 analysis, and miscellaneous administrative activities: *Pro-*
4 *vided*, That notwithstanding 31 U.S.C. 3302, in fiscal year
5 2012, such amounts as are assessed under 31 U.S.C. 9701
6 shall be collected and credited to this account and shall
7 be available until expended for necessary expenses: *Pro-*
8 *vided further*, That to the extent \$101,082,000 in addition
9 to receipts are not realized from the sources of receipts
10 stated above, the amount needed to reach \$101,082,000
11 shall be credited to this appropriation from receipts result-
12 ing from rental rates for Outer Continental Shelf leases
13 in effect before August 5, 1993: *Provided further*, That
14 for fiscal year 2012 and each fiscal year thereafter, the
15 term “qualified Outer Continental Shelf revenues”, as de-
16 fined in section 102(9)(A) of the Gulf of Mexico Energy
17 Security Act, division C of Public Law 109–432, shall in-
18 clude only the portion or rental revenues that would have
19 been collected by the Secretary at the rental rates in effect
20 before August 5, 1993: *Provided further*, That not to ex-
21 ceed \$3,000 shall be available for reasonable expenses re-
22 lated to promoting volunteer beach and marine cleanup
23 activities.

1 BUREAU OF SAFETY AND ENVIRONMENTAL

2 ENFORCEMENT

3 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

4 For expenses necessary for the regulation of oper-
5 ations related to leases, easements, rights-of-way and
6 agreements for use for oil and gas, other minerals, energy,
7 and marine-related purposes on the Outer Continental
8 Shelf, as authorized by law; for enforcing and imple-
9 menting laws and regulations as authorized by law and
10 to the extent provided by Presidential or Secretarial dele-
11 gation; and for matching grants or cooperative agree-
12 ments, \$61,473,000, to remain available until September
13 30, 2013; and an amount not to exceed \$59,081,000 to
14 be credited to this appropriation and to remain available
15 until expended, from additions to receipts resulting from
16 increases to rates in effect on August 5, 1993, that are
17 collected and disbursed by the Secretary, from cost recov-
18 ery fees from activities conducted by the Bureau of Safety
19 and Environmental Enforcement pursuant to the Outer
20 Continental Shelf Lands Act, including studies, assess-
21 ments, analysis, and miscellaneous administrative activi-
22 ties: *Provided*, That notwithstanding 31 U.S.C. 3302, in
23 fiscal year 2012, such amounts as are assessed under 31
24 U.S.C. 9701 shall be collected and credited to this account
25 and shall be available until expended for necessary ex-

1 penses: *Provided further*, That to the extent \$59,081,000
2 in addition to receipts are not realized from the sources
3 of receipts stated above, the amount needed to reach
4 \$59,081,000 shall be credited to this appropriation from
5 receipts resulting from rental rates for Outer Continental
6 Shelf leases in effect before August 5, 1993: *Provided fur-*
7 *ther*, That for fiscal year 2012 and each fiscal year there-
8 after, the term “qualified Outer Continental Shelf reve-
9 nues”, as defined in section 102(9)(A) of the Gulf of Mex-
10 ico Energy Security Act, division C of Public Law 109–
11 432, shall include only the portion of rental revenues that
12 would have been collected by the Secretary at the rental
13 rates in effect before August 5, 1993.

14 For an additional amount, \$62,000,000, to remain
15 available until expended, which shall be derived from non-
16 refundable inspection fees collected in fiscal year 2012, as
17 provided in this Act: *Provided*, That to the extent that
18 such amounts are not realized from such fees, the amount
19 needed to reach \$62,000,000 shall be credited to this ap-
20 propriation from receipts resulting from rental rates for
21 Outer Continental Shelf leases in effect before August 5,
22 1993: *Provided further*, That to the extent that amounts
23 realized from such fees exceed \$62,000,000, the amounts
24 realized in excess of \$62,000,000 shall be credited to this
25 appropriation and remain available until expended: *Pro-*

1 *vided further*, That for fiscal year 2012, not less than 50
2 percent of the inspection fees collected by the Bureau of
3 Safety and Environmental Enforcement will be used to
4 fund personnel and mission-related costs to expand capac-
5 ity and expedite the orderly development, subject to envi-
6 ronmental safeguards, of the Outer Continental Shelf pur-
7 suant to the Outer Continental Shelf Lands Act (43
8 U.S.C. 1331 et seq.), including the review of applications
9 for permits to drill.

10

OIL SPILL RESEARCH

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

16

OFFICE OF SURFACE MINING RECLAMATION AND

17

ENFORCEMENT

18

REGULATION AND TECHNOLOGY

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

↓ 122,950,000

1 Office of Surface Mining Reclamation and Enforcement
 2 sponsored training: *Provided further*, That, in fiscal year
 3 2012, up to \$40,000 collected by the Office of Surface
 4 Mining from permit fees pursuant to section 507 of Public
 5 Law 95-87 (30 U.S.C. 1257) shall be credited to this ac-
 6 count as discretionary offsetting collections, to remain
 7 available until expended: *Provided further*, That the sum
 8 herein appropriated shall be reduced as collections are re-
 9 ceived during the fiscal year so as to result in a final fiscal
 10 year 2012 appropriation estimated at not more than ~~\$123,010,000~~ *\$122,910,000*
 11 ~~\$123,010,000~~: *Provided further*, That, in subsequent fiscal
 12 years, all amounts collected by the Office of Surface Min-
 13 ing from permit fees pursuant to section 507 of Public
 14 Law 95-87 (30 U.S.C. 1257) shall be credited to this ac-
 15 count as discretionary offsetting collections, to remain
 16 available until expended.

17 ABANDONED MINE RECLAMATION FUND

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

1 States Government to pay for contracts to collect these
 2 debts: *Provided further*, That funds made available under
 3 title IV of Public Law 95-87 may be used for any required
 4 non-Federal share of the cost of projects funded by the
 5 Federal Government for the purpose of environmental res-
 6 toration related to treatment or abatement of acid mine
 7 drainage from abandoned mines: *Provided further*, That
 8 such projects must be consistent with the purposes and
 9 priorities of the Surface Mining Control and Reclamation
 10 Act: *Provided further*, That amounts provided under this
 11 heading may be used for the travel and per diem expenses
 12 of State and tribal personnel attending Office of Surface
 13 Mining Reclamation and Enforcement sponsored training.

14 ADMINISTRATIVE PROVISION

15 With funds available for the Technical Innovation
 16 and Professional Services program in this Act, the Sec-
 17 retary may transfer title for computer hardware, software
 18 and other technical equipment to State and tribal regu-
 19 latory and reclamation programs.

20 BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN

21 EDUCATION

22 OPERATION OF INDIAN PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses necessary for the operation of Indian
 25 programs, as authorized by law, including the Snyder Act

1 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
2 termination and Education Assistance Act of 1975 (25
3 U.S.C. 450 et seq.), as amended, the Education Amend-
4 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
5 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
6 as amended, \$2,371,532,000, to remain available until
7 September 30, 2013 except as otherwise provided herein;
8 of which not to exceed \$8,500 may be for official reception
9 and representation expenses; of which not to exceed
10 \$74,911,000 shall be for welfare assistance payments:
11 *Provided*, That in cases of designated Federal disasters,
12 the Secretary may exceed such cap, from the amounts pro-
13 vided herein, to provide for disaster relief to Indian com-
14 munities affected by the disaster; of which, notwith-
15 standing any other provision of law, including but not lim-
16 ited to the Indian Self-Determination Act of 1975, as
17 amended, not to exceed \$219,560,000 shall be available
18 for payments for contract support costs associated with
19 ongoing contracts, grants, compacts, or annual funding
20 agreements entered into with the Bureau prior to or dur-
21 ing fiscal year 2012, as authorized by such Act, except
22 that tribes and tribal organizations may use their tribal
23 priority allocations for unmet contract support costs of on-
24 going contracts, grants, or compacts, or annual funding
25 agreements and for unmet welfare assistance costs; of

1 which not to exceed \$590,484,000 for school operations
2 costs of Bureau-funded schools and other education pro-
3 grams shall become available on July 1, 2012, and shall
4 remain available until September 30, 2013; and of which
5 not to exceed \$48,049,000 shall remain available until ex-
6 pended for housing improvement, road maintenance, at-
7 torney fees, litigation support, the Indian Self-Determina-
8 tion Fund, land records improvement, and the Navajo-
9 Hopi Settlement Program: *Provided further*, That notwith-
10 standing any other provision of law, including but not lim-
11 ited to the Indian Self-Determination Act of 1975, as
12 amended, and 25 U.S.C. 2008, not to exceed \$46,327,000
13 within and only from such amounts made available for
14 school operations shall be available for administrative cost
15 grants associated with ongoing grants entered into with
16 the Bureau prior to or during fiscal year 2011 for the
17 operation of Bureau-funded schools, and up to \$500,000
18 within and only from such amounts made available for ad-
19 ministrative cost grants shall be available for the transi-
20 tional costs of initial administrative cost grants to grant-
21 ees that assume operation on or after July 1, 2011, of
22 Bureau-funded schools: *Provided further*, That any for-
23 estry funds allocated to a tribe which remain unobligated
24 as of September 30, 2013, may be transferred during fis-
25 cal year 2014 to an Indian forest land assistance account

1 established for the benefit of the holder of the funds within
2 the holder's trust fund account: *Provided further*, That
3 any such unobligated balances not so transferred shall ex-
4 pire on September 30, 2014: *Provided further*, That in
5 order to enhance the safety of Bureau field employees, the
6 Bureau may use funds to purchase uniforms or other iden-
7 tifying articles of clothing for personnel.

8 CONSTRUCTION

9 (INCLUDING TRANSFER OF FUNDS)

10 For construction, repair, improvement, and mainte-
11 nance of irrigation and power systems, buildings, utilities,
12 and other facilities, including architectural and engineer-
13 ing services by contract; acquisition of lands, and interests
14 in lands; and preparation of lands for farming, and for
15 construction of the Navajo Indian Irrigation Project pur-
16 suant to Public Law 87-483, \$123,828,000, to remain
17 available until expended: *Provided*, That such amounts as
18 may be available for the construction of the Navajo Indian
19 Irrigation Project may be transferred to the Bureau of
20 Reclamation: *Provided further*, That not to exceed 6 per-
21 cent of contract authority available to the Bureau of In-
22 dian Affairs from the Federal Highway Trust Fund may
23 be used to cover the road program management costs of
24 the Bureau: *Provided further*, That any funds provided for
25 the Safety of Dams program pursuant to 25 U.S.C. 13

1 shall be made available on a nonreimbursable basis: *Pro-*
2 *vided further*, That for fiscal year 2012, in implementing
3 new construction or facilities improvement and repair
4 project grants in excess of \$100,000 that are provided to
5 grant schools under Public Law 100-297, as ~~amended~~, the
6 Secretary of the Interior shall use the Administrative and
7 Audit Requirements and Cost Principles for Assistance
8 Programs contained in 43 CFR part 12 as the regulatory
9 requirements: *Provided further*, That such grants shall not
10 be subject to section 12.61 of 43 CFR; the Secretary and
11 the grantee shall negotiate and determine a schedule of
12 payments for the work to be performed: *Provided further*,
13 That in considering grant applications, the Secretary shall
14 consider whether such grantee would be deficient in assur-
15 ing that the construction projects conform to applicable
16 building standards and codes and Federal, tribal, or State
17 health and safety standards as required by 25 U.S.C.
18 2005(b), with respect to organizational and financial man-
19 agement capabilities: *Provided further*, That if the Sec-
20 retary declines a grant application, the Secretary shall fol-
21 low the requirements contained in 25 U.S.C. 2504(f): *Pro-*
22 *vided further*, That any disputes between the Secretary
23 and any grantee concerning a grant shall be subject to
24 the disputes provision in 25 U.S.C. 2507(e): *Provided fur-*
25 *ther*, That in order to ensure timely completion of con-

1 construction projects, the Secretary may assume control of
2 a project and all funds related to the project, if, within
3 18 months of the date of enactment of this Act, any grant-
4 ee receiving funds appropriated in this Act or in any prior
5 Act, has not completed the planning and design phase of
6 the project and commenced construction: *Provided further,*
7 That this appropriation may be reimbursed from the Of-
8 fice of the Special Trustee for American Indians appro-
9 priation for the appropriate share of construction costs for
10 space expansion needed in agency offices to meet trust re-
11 form implementation.

12 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
13 MISCELLANEOUS PAYMENTS TO INDIANS

14 For payments and necessary administrative expenses
15 for implementation of Indian land and water claim settle-
16 ments pursuant to Public Laws 99-264, 100-580, 101-
17 618, 108-447, and 111-11, and for implementation of
18 other land and water rights settlements, \$32,855,000, to
19 remain available until expended.

20 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

21 For the cost of guaranteed loans and insured loans,
22 \$7,114,000, of which \$964,000 is for administrative ex-
23 penses, as authorized by the Indian Financing Act of
24 1974, as amended: *Provided,* That such costs, including
25 the cost of modifying such loans, shall be as defined in

1 section 502 of the Congressional Budget Act of 1974: *Pro-*
2 *vided further*, That these funds are available to subsidize
3 total loan principal, any part of which is to be guaranteed
4 or insured, not to exceed \$73,365,796.

5 ADMINISTRATIVE PROVISIONS

6 The Bureau of Indian Affairs may carry out the oper-
7 ation of Indian programs by direct expenditure, contracts,
8 cooperative agreements, compacts, and grants, either di-
9 rectly or in cooperation with States and other organiza-
10 tions.

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

15 Appropriations for the Bureau of Indian Affairs (ex-
16 cept the Revolving Fund for Loans Liquidating Account,
17 Indian Loan Guaranty and Insurance Fund Liquidating
18 Account, Indian Guaranteed Loan Financing Account, In-
19 dian Direct Loan Financing Account, and the Indian
20 Guaranteed Loan Program account) shall be available for
21 expenses of exhibits.

22 Notwithstanding any other provision of law, no funds
23 available to the Bureau of Indian Affairs for central office
24 oversight and Executive Direction and Administrative
25 Services (except executive direction and administrative

1 services funding for Tribal Priority Allocations, regional
2 offices, and facilities operations and maintenance) shall be
3 available for contracts, grants, compacts, or cooperative
4 agreements with the Bureau of Indian Affairs under the
5 provisions of the Indian Self-Determination Act or the
6 Tribal Self-Governance Act of 1994 (Public Law 103–
7 413).

8 In the event any tribe returns appropriations made
9 available by this Act to the Bureau of Indian Affairs, this
10 action shall not diminish the Federal Government's trust
11 responsibility to that tribe, or the government-to-govern-
12 ment relationship between the United States and that
13 tribe, or that tribe's ability to access future appropria-
14 tions.

15 Notwithstanding any other provision of law, no funds
16 available to the Bureau, other than the amounts provided
17 herein for assistance to public schools under 25 U.S.C.
18 452 et seq., shall be available to support the operation of
19 any elementary or secondary school in the State of Alaska.

20 Appropriations made available in this or any other
21 Act for schools funded by the Bureau shall be available
22 only to the schools in the Bureau school system as of Sep-
23 tember 1, 1996. No funds available to the Bureau shall
24 be used to support expanded grades for any school or dor-
25 mitory beyond the grade structure in place or approved

1 by the Secretary of the Interior at each school in the Bu-
2 reau school system as of October 1, 1995, except that any
3 school or school program that was closed and removed
4 from the Bureau school system between 1951 and 1972,
5 and its respective tribe's relationship with the Federal
6 Government was terminated, shall be reinstated to the Bu-
7 reau system and supported at a level based on its grade
8 structure and average student enrollment for the 2009-
9 2010, 2010-2011 and 2011-2012 school years. Funds
10 made available under this Act may not be used to establish
11 a charter school at a Bureau-funded school (as that term
12 is defined in section 1141 of the Education Amendments
13 of 1978 (25 U.S.C. 2021)), except that a charter school
14 that is in existence on the date of the enactment of this
15 Act and that has operated at a Bureau-funded school be-
16 fore September 1, 1999, may continue to operate during
17 that period, but only if the charter school pays to the Bu-
18 reau a pro rata share of funds to reimburse the Bureau
19 for the use of the real and personal property (including
20 buses and vans), the funds of the charter school are kept
21 separate and apart from Bureau funds, and the Bureau
22 does not assume any obligation for charter school pro-
23 grams of the State in which the school is located if the
24 charter school loses such funding. Employees of Bureau-
25 funded schools sharing a campus with a charter school and

1 performing functions related to the charter school's oper-
2 ation and employees of a charter school shall not be treat-
3 ed as Federal employees for purposes of chapter 171 of
4 title 28, United States Code.

5 Notwithstanding any other provision of law, including
6 section 113 of title I of appendix C of Public Law 106-
7 113, if in fiscal year 2003 or 2004 a grantee received indi-
8 rect and administrative costs pursuant to a distribution
9 formula based on section 5(f) of Public Law 101-301, the
10 Secretary shall continue to distribute indirect and admin-
11 istrative cost funds to such grantee using the section 5(f)
12 distribution formula.

13 DEPARTMENTAL OFFICES

14 OFFICE OF THE SECRETARY

15 DEPARTMENTAL OPERATIONS

16 For necessary expenses for management of the De-
17 partment of the Interior, including the collection and dis-
18 bursement of royalties, fees, and other mineral revenue
19 proceeds, as authorized by law, \$262,317,000, to remain
20 available until September 30, 2013; of which not to exceed
21 \$15,000 may be for official reception and representation
22 expenses; and of which up to \$1,000,000 shall be available
23 for workers compensation payments and unemployment
24 compensation payments associated with the orderly clo-
25 sure of the United States Bureau of Mines; and of which

1 \$12,712,000 for the Office of Valuation Services is to be
2 derived from the Land and Water Conservation Fund and
3 shall remain available until expended; and of which
4 \$38,300,000 shall remain available until expended for the
5 purpose of mineral revenue management activities: *Pro-*
6 *vided*, That, for fiscal year 2012, up to \$400,000 of the
7 payments authorized by the Act of October 20, 1976, as
8 amended (31 U.S.C. 6901–6907) may be retained for ad-
9 ministrative expenses of the Payments in Lieu of Taxes
10 Program: *Provided further*, That no payment shall be
11 made pursuant to that Act to otherwise eligible units of
12 local government if the computed amount of the payment
13 is less than \$100: *Provided further*, That notwithstanding
14 any other provision of law, \$15,000 under this heading
15 shall be available for refunds of overpayments in connec-
16 tion with certain Indian leases in which the Secretary con-
17 curred with the claimed refund due, to pay amounts owed
18 to Indian allottees or tribes, or to correct prior unrecover-
19 able erroneous payments: *Provided further*, That, notwith-
20 standing the provisions of section 35(b) of the Mineral
21 Leasing Act, as amended (30 U.S.C. 191(b)), the Sec-
22 retary shall deduct 2 percent from the amount payable to
23 each State in fiscal year 2012 and deposit the amount de-
24 ducted to miscellaneous receipts of the Treasury.

1 INSULAR AFFAIRS

2 ASSISTANCE TO TERRITORIES

3 For expenses necessary for assistance to territories
4 under the jurisdiction of the Department of the Interior
5 and other jurisdictions identified in section 104(e) of Pub-
6 lic Law 108-188, \$87,997,000, of which: (1) \$78,517,000
7 shall remain available until expended for territorial assist-
8 ance, including general technical assistance, maintenance
9 assistance, disaster assistance, insular management con-
10 trols, coral reef initiative activities, and brown tree snake
11 control and research; grants to the judiciary in American
12 Samoa for compensation and expenses, as authorized by
13 law (48 U.S.C. 1661(c)); grants to the Government of
14 American Samoa, in addition to current local revenues, for
15 construction and support of governmental functions;
16 grants to the Government of the Virgin Islands as author-
17 ized by law; grants to the Government of Guam, as au-
18 thorized by law; and grants to the Government of the
19 Northern Mariana Islands as authorized by law (Public
20 Law 94-241; 90 Stat. 272); and (2) \$9,480,000 shall be
21 available until September 30, 2013 for salaries and ex-
22 penses of the Office of Insular Affairs: *Provided*, That all
23 financial transactions of the territorial and local govern-
24 ments herein provided for, including such transactions of
25 all agencies or instrumentalities established or used by

1 such governments, may be audited by the Government Ac-
2 countability Office, at its discretion, in accordance with
3 chapter 35 of title 31, United States Code: *Provided fur-*
4 *ther*, That Northern Mariana Islands Covenant grant
5 funding shall be provided according to those terms of the
6 Agreement of the Special Representatives on Future
7 United States Financial Assistance for the Northern Mar-
8 iana Islands approved by Public Law 104-134: *Provided*
9 *further*, That the funds for the program of operations and
10 maintenance improvement are appropriated to institu-
11 tionalize routine operations and maintenance improvement
12 of capital infrastructure with territorial participation and
13 cost sharing to be determined by the Secretary based on
14 the grantee's commitment to timely maintenance of its
15 capital assets: *Provided further*, That any appropriation
16 for disaster assistance under this heading in this Act or
17 previous appropriations Acts may be used as non-Federal
18 matching funds for the purpose of hazard mitigation
19 grants provided pursuant to section 404 of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5170e).

22 COMPACT OF FREE ASSOCIATION

23 For grants and necessary expenses, \$3,318,000, to
24 remain available until expended, as provided for in sec-
25 tions 221(a)(2) and 233 of the Compact of Free Associa-

1 tion for the Republic of Palau; and section 221(a)(2) of
2 the Compacts of Free Association for the Government of
3 the Republic of the Marshall Islands and the Federated
4 States of Micronesia, as authorized by Public Law 99–
5 658 and Public Law 108–188.

6 ADMINISTRATIVE PROVISIONS

7 (INCLUDING TRANSFER OF FUNDS)

8 At the request of the Governor of Guam, the Sec-
9 retary may transfer discretionary funds or mandatory
10 funds provided under section 104(e) of Public Law 108–
11 188 and Public Law 104–134, that are allocated for
12 Guam, to the Secretary of Agriculture for the subsidy cost
13 of direct or guaranteed loans, plus not to exceed three per-
14 cent of the amount of the subsidy transferred for the cost
15 of loan administration, for the purposes authorized by the
16 Rural Electrification Act of 1936 and section 306(a)(1)
17 of the Consolidated Farm and Rural Development Act for
18 construction and repair projects in Guam, and such funds
19 shall remain available until expended: *Provided*, That such
20 costs, including the cost of modifying such loans, shall be
21 as defined in section 502 of the Congressional Budget Act
22 of 1974: *Provided further*, That such loans or loan guaran-
23 tees may be made without regard to the population of the
24 area, credit elsewhere requirements, and restrictions on
25 the types of eligible entities under the Rural Electrifica-

1 tion Act of 1936 and section 306(a)(1) of the Consolidated
2 Farm and Rural Development Act: *Provided further*, That
3 any funds transferred to the Secretary of Agriculture shall
4 be in addition to funds otherwise made available to make
5 or guarantee loans under such authorities.

6 OFFICE OF THE SOLICITOR

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the Solicitor,
9 \$66,296,000.

10 OFFICE OF INSPECTOR GENERAL

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Inspector
13 General, \$49,471,000.

14 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

15 INDIANS

16 FEDERAL TRUST PROGRAMS

17 (INCLUDING TRANSFER OF FUNDS)

18 For the operation of trust programs for Indians by
19 direct expenditure, contracts, cooperative agreements,
20 compacts, and grants, \$152,319,000, to remain available
21 until expended, of which not to exceed \$31,171,000 from
22 this or any other Act, shall be available for historical ac-
23 counting: *Provided*, That funds for trust management im-
24 provements and litigation support may, as needed, be
25 transferred to or merged with the Bureau of Indian Af-

1 fairs, "Operation of Indian Programs" account; the Office
2 of the Solicitor, "Salaries and Expenses" account; and the
3 Office of the Secretary, "Salaries and Expenses" account:
4 *Provided further*, That funds made available through con-
5 tracts or grants obligated during fiscal year 2012, as au-
6 thorized by the Indian Self-Determination Act of 1975 (25
7 U.S.C. 450 et seq.), shall remain available until expended
8 by the contractor or grantee: *Provided further*, That, not-
9 withstanding any other provision of law, the statute of lim-
10 itations shall not commence to run on any claim, including
11 any claim in litigation pending on the date of the enact-
12 ment of this Act, concerning losses to or mismanagement
13 of trust funds, until the affected tribe or individual Indian
14 has been furnished with an accounting of such funds from
15 which the beneficiary can determine whether there has
16 been a loss: *Provided further*, That, notwithstanding any
17 other provision of law, the Secretary shall not be required
18 to provide a quarterly statement of performance for any
19 Indian trust account that has not had activity for at least
20 18 months and has a balance of \$15 or less: *Provided fur-*
21 *ther*, That the Secretary shall issue an annual account
22 statement and maintain a record of any such accounts and
23 shall permit the balance in each such account to be with-
24 drawn upon the express written request of the account
25 holder: *Provided further*, That not to exceed \$50,000 is

1 available for the Secretary to make payments to correct
2 administrative errors of either disbursements from or de-
3 posits to Individual Indian Money or Tribal accounts after
4 September 30, 2002: *Provided further*, That erroneous
5 payments that are recovered shall be credited to and re-
6 main available in this account for this purpose.

7 DEPARTMENT-WIDE PROGRAMS

8 WILDLAND FIRE MANAGEMENT

9 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

10 For necessary expenses for fire preparedness, sup-
11 pression operations, fire science and research, emergency
12 rehabilitation, hazardous fuels reduction, and rural fire as-
13 sistance by the Department of the Interior, \$566,495,000,
14 to remain available until expended, of which not to exceed
15 \$6,137,000 shall be for the renovation or construction of
16 fire facilities: *Provided*, That such funds are also available
17 for repayment of advances to other appropriation accounts
18 from which funds were previously transferred for such
19 purposes: *Provided further*, That persons hired pursuant
20 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
21 ing without cost from funds available from this appropria-
22 tion: *Provided further*, That notwithstanding 42 U.S.C.
23 1856d, sums received by a bureau or office of the Depart-
24 ment of the Interior for fire protection rendered pursuant
25 to 42 U.S.C. 1856 et seq., protection of United States

1 property, may be credited to the appropriation from which
2 funds were expended to provide that protection, and are
3 available without fiscal year limitation: *Provided further,*
4 That using the amounts designated under this title of this
5 Act, the Secretary of the Interior may enter into procure-
6 ment contracts, grants, or cooperative agreements, for
7 hazardous fuels reduction activities, and for training and
8 monitoring associated with such hazardous fuels reduction
9 activities, on Federal land, or on adjacent non-Federal
10 land for activities that benefit resources on Federal land:
11 *Provided further,* That the costs of implementing any co-
12 operative agreement between the Federal Government and
13 any non-Federal entity may be shared, as mutually agreed
14 on by the affected parties: *Provided further,* That notwith-
15 standing requirements of the Competition in Contracting
16 Act, the Secretary, for purposes of hazardous fuels reduc-
17 tion activities, may obtain maximum practicable competi-
18 tion among: (1) local private, nonprofit, or cooperative en-
19 tities; (2) Youth Conservation Corps crews, Public Lands
20 Corps (Public Law 109-154), or related partnerships with
21 State, local, or nonprofit youth groups; (3) small or micro-
22 businesses; or (4) other entities that will hire or train lo-
23 cally a significant percentage, defined as 50 percent or
24 more, of the project workforce to complete such contracts:
25 *Provided further,* That in implementing this section, the

1 Secretary shall develop written guidance to field units to
2 ensure accountability and consistent application of the au-
3 thorities provided herein: *Provided further*, That funds ap-
4 propriated under this heading may be used to reimburse
5 the United States Fish and Wildlife Service and the Na-
6 tional Marine Fisheries Service for the costs of carrying
7 out their responsibilities under the Endangered Species
8 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
9 ference, as required by section 7 of such Act, in connection
10 with wildland fire management activities: *Provided further*,
11 That the Secretary of the Interior may use wildland fire
12 appropriations to enter into noncompetitive sole-source
13 leases of real property with local governments, at or below
14 fair market value, to construct capitalized improvements
15 for fire facilities on such leased properties, including but
16 not limited to fire guard stations, retardant stations, and
17 other initial attack and fire support facilities, and to make
18 advance payments for any such lease or for construction
19 activity associated with the lease: *Provided further*, That
20 the Secretary of the Interior and the Secretary of Agri-
21 culture may authorize the transfer of funds appropriated
22 for wildland fire management, in an aggregate amount not
23 to exceed \$50,000,000, between the Departments when
24 such transfers would facilitate and expedite wildland fire
25 management programs and projects: *Provided further*,

1 That funds provided for wildfire suppression shall be avail-
2 able for support of Federal emergency response actions:
3 *Provided further,* That funds appropriated under this
4 heading shall be available for assistance to or through the
5 Department of State in connection with forest and range-
6 land research, technical information, and assistance in for-
7 eign countries, and, with the concurrence of the Secretary
8 of State, shall be available to support forestry, wildland
9 fire management, and related natural resource activities
10 outside the United States and its territories and posses-
11 sions, including technical assistance, education and train-
12 ing, and cooperation with United States and international
13 organizations: *Provided further,* That before obligating any
14 of the funds provided herein for wildland fire suppression,
15 the Secretary of the Interior shall obligate all unobligated
16 balances previously made available under this heading
17 that, when appropriated, were designated by Congress as
18 an emergency requirement pursuant to the Concurrent
19 Resolution on the Budget or the Balanced Budget and
20 Emergency Deficit Control Act of 1985 and notify the
21 Committees on Appropriations of the House of Represent-
22 atives and the Senate in writing of the imminent need to
23 begin obligating funds provided herein for wildland fire
24 suppression: *Provided further,* That of the funds made

1 available under this heading for wildland fire suppression
2 in fiscal year 2011, \$82,000,000 are rescinded.

3 FLAME WILDFIRE SUPPRESSION RESERVE FUND

4 (INCLUDING TRANSFER OF FUNDS)

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

17 CENTRAL HAZARDOUS MATERIALS FUND

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

1 That none of the funds appropriated in this Act or any
2 other Act may be used to establish reserves in the Working
3 Capital Fund account other than for accrued annual leave
4 and depreciation of equipment without prior approval of
5 the House and Senate Committees on Appropriations: *of Representatives*
6 *Provided further,* That the Secretary may assess reason-
7 able charges to State, local and tribal government employ-
8 ees for training services provided by the National Indian
9 Program Training Center, other than training related to
10 Public Law 93-638: *Provided further,* That the Secretary
11 may lease or otherwise provide space and related facilities,
12 equipment or professional services of the National Indian
13 Program Training Center to State, local and tribal govern-
14 ment employees or persons or organizations engaged in
15 cultural, educational, or recreational activities (as defined
16 in section 3306(a) of title 40, United States Code) at the
17 prevailing rate for similar space, facilities, equipment, or
18 services in the vicinity of the National Indian Program
19 Training Center: *Provided further,* That all funds received
20 pursuant to the two preceding provisos shall be credited
21 to this account, shall be available until expended, and shall
22 be used by the Secretary for necessary expenses of the
23 National Indian Program Training Center.

1 ADMINISTRATIVE PROVISION

2 There is hereby authorized for acquisition from avail-
3 able resources within the Working Capital Fund, 15 air-
4 craft, 10 of which shall be for replacement and which may
5 be obtained by donation, purchase or through available ex-
6 cess surplus property: *Provided*, That existing aircraft
7 being replaced may be sold, with proceeds derived or
8 trade-in value used to offset the purchase price for the
9 replacement aircraft.

10 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

11 (INCLUDING TRANSFERS OF FUNDS)

12 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

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

1 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

2 SEC. 102. The Secretary may authorize the expendi-
3 ture or transfer of any no year appropriation in this title,
4 in addition to the amounts included in the budget pro-
5 grams of the several agencies, for the suppression or emer-
6 gency prevention of wildland fires on or threatening lands
7 under the jurisdiction of the Department of the Interior;
8 for the emergency rehabilitation of burned-over lands
9 under its jurisdiction; for emergency actions related to po-
10 tential or actual earthquakes, floods, volcanoes, storms, or
11 other unavoidable causes; for contingency planning subse-
12 quent to actual oil spills; for response and natural resource
13 damage assessment activities related to actual oil spills or
14 releases of hazardous substances into the environment; for
15 the prevention, suppression, and control of actual or po-
16 tential grasshopper and Mormon cricket outbreaks on
17 lands under the jurisdiction of the Secretary, pursuant to
18 the authority in section 417(b) of Public Law 106–224
19 (7 U.S.C. 7717(b)); for emergency reclamation projects
20 under section 410 of Public Law 95–87; and shall trans-
21 fer, from any no year funds available to the Office of Sur-
22 face Mining Reclamation and Enforcement, such funds as
23 may be necessary to permit assumption of regulatory au-
24 thority in the event a primacy State is not carrying out
25 the regulatory provisions of the Surface Mining Act: *Pro-*

1 *vided*, That appropriations made in this title for wildland
2 fire operations shall be available for the payment of obliga-
3 tions incurred during the preceding fiscal year, and for
4 reimbursement to other Federal agencies for destruction
5 of vehicles, aircraft, or other equipment in connection with
6 their use for wildland fire operations, such reimbursement
7 to be credited to appropriations currently available at the
8 time of receipt thereof: *Provided further*, That for wildland
9 fire operations, no funds shall be made available under
10 this authority until the Secretary determines that funds
11 appropriated for "wildland fire operations" and "FLAME
12 Wildfire Suppression Reserve Fund" shall be exhausted
13 within 30 days: *Provided further*, That all funds used pur-
14 suant to this section must be replenished by a supple-
15 mental appropriation which must be requested as prompt-
16 ly as possible: *Provided further*, That such replenishment
17 funds shall be used to reimburse, on a pro rata basis, ac-
18 counts from which emergency funds were transferred.

19 AUTHORIZED USE OF FUNDS

20 SEC. 103. Appropriations made to the Department
21 of the Interior in this title shall be available for services
22 as authorized by section 3109 of title 5, United States
23 Code, when authorized by the Secretary, in total amount
24 not to exceed \$500,000; purchase and replacement of
25 motor vehicles, including specially equipped law enforce-

1 ment vehicles; hire, maintenance, and operation of air-
2 craft; hire of passenger motor vehicles; purchase of re-
3 prints; payment for telephone service in private residences
4 in the field, when authorized under regulations approved
5 by the Secretary; and the payment of dues, when author-
6 ized by the Secretary, for library membership in societies
7 or associations which issue publications to members only
8 or at a price to members lower than to subscribers who
9 are not members.

10 AUTHORIZED USE OF FUNDS, INDIAN TRUST

11 MANAGEMENT

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

21 REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN

22 AFFAIRS

23 SEC. 105. Notwithstanding any other provision of
24 law, the Secretary of the Interior is authorized to redis-
25 tribute any Tribal Priority Allocation funds, including

1 tribal base funds, to alleviate tribal funding inequities by
2 transferring funds to address identified, unmet needs,
3 dual enrollment, overlapping service areas or inaccurate
4 distribution methodologies. No tribe shall receive a reduc-
5 tion in Tribal Priority Allocation funds of more than 10
6 percent in fiscal year 2012. Under circumstances of dual
7 enrollment, overlapping service areas or inaccurate dis-
8 tribution methodologies, the 10 percent limitation does not
9 apply.

10

PAYMENT OF FEES

11 SEC. 106. The Secretary of the Interior may use dis-
12 cretionary funds to pay private attorney fees and costs for
13 employees and former employees of the Department of the
14 Interior reasonably incurred in connection with *Cobell v.*
15 *Salazar* to the extent that such fees and costs are not paid
16 by the Department of Justice or by private insurance. In
17 no case shall the Secretary make payments under this sec-
18 tion that would result in payment of hourly fees in excess
19 of the highest hourly rate approved by the District Court
20 for the District of Columbia for counsel in *Cobell v. Sala-*
21 *zar*.

22

EVERGLADES ECOSYSTEM RESTORATION

23 SEC. 107. This and any subsequent fiscal year, the
24 National Park Service is authorized to implement modi-
25 fications to the Tamiami Trail as described in, and in ac-

1 cordance with, the preferred alternative identified in the
2 final environmental impact statement noticed in the Fed-
3 eral Register on December 14, 2010, (75 Fed. Reg.
4 77896), relating to restoration efforts of the Everglades
5 ecosystem.

6 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

7 SEC. 108. Notwithstanding any other provision of
8 law, the Secretary of the Interior is authorized to acquire
9 lands, waters, or interests therein including the use of all
10 or part of any pier, dock, or landing within the State of
11 New York and the State of New Jersey, for the purpose
12 of operating and maintaining facilities in the support of
13 transportation and accommodation of visitors to Ellis,
14 Governors, and Liberty Islands, and of other program and
15 administrative activities, by donation or with appropriated
16 funds, including franchise fees (and other monetary con-
17 sideration), or by exchange; and the Secretary is author-
18 ized to negotiate and enter into leases, subleases, conces-
19 sion contracts or other agreements for the use of such fa-
20 cilities on such terms and conditions as the Secretary may
21 determine reasonable.

22 OUTER CONTINENTAL SHELF INSPECTION FEES

23 SEC. 109. (a) In fiscal year 2012, the Secretary shall
24 collect a nonrefundable inspection fee, which shall be de-
25 posited in the "Ocean Energy Management" account,

1 from the designated operator for facilities subject to in-
2 spection under 43 U.S.C. 1348(c).

3 (b) Annual fees shall be collected for facilities that
4 are above the waterline, excluding drilling rigs, and are
5 in place at the start of the fiscal year. Fees for fiscal year
6 2012 shall be:

7 (1) \$10,500 for facilities with no wells, but with
8 processing equipment or gathering lines;

9 (2) \$17,000 for facilities with 1 to 10 wells,
10 with any combination of active or inactive wells; and

11 (3) \$31,500 for facilities with more than 10
12 wells, with any combination of active or inactive
13 wells.

14 (c) Fees for drilling rigs shall be assessed for all in-
15 spections completed in fiscal year 2012. Fees for fiscal
16 year 2012 shall be:

17 (1) \$30,500 per inspection for rigs operating in
18 water depths of 500 feet or more; and

19 (2) \$16,700 per inspection for rigs operating in
20 water depths of less than 500 feet.

21 (d) The Secretary shall bill designated operators
22 under subsection (b) within 60 days, with payment re-
23 quired within 30 days of billing. The Secretary shall bill
24 designated operators under subsection (c) within 30 days

1 of the end of the month in which the inspection occurred,
2 with payment required within 30 days of billing.

3 OIL AND GAS LEASING INTERNET PROGRAM

4 SEC. 110. Notwithstanding section 17(b)(1)(A) of the
5 Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Sec-
6 retary of the Interior shall have the authority to establish
7 an oil and gas leasing Internet program, under which the
8 Secretary may conduct lease sales through methods other
9 than oral bidding.

10 INDIAN PROBATE JUDGES

11 SEC. 111. Section 108 of Public Law 109-54 (the
12 Department of the Interior, Environment, and Related
13 Agencies Appropriations Act, 2006) is amended by strik-
14 ing “in fiscal years 2006 through 2010, for the purpose
15 of reducing the backlog of” and inserting “for fiscal year
16 2006 and each fiscal year thereafter, for the purpose of
17 adjudicating”.

18 BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION
19 AND ENFORCEMENT REORGANIZATION

20 SEC. 112. The Secretary of the Interior, in order to
21 implement a reorganization of the Bureau of Ocean En-
22 ergy Management, Regulation and Enforcement, may es-
23 tablish accounts and transfer funds among and between
24 the offices and bureaus affected by the reorganization only

1 in conformance with the reprogramming guidelines de-
2 scribed in the report accompanying this Act.

3 AUTHORIZED USE OF INDIAN EDUCATION FUNDS

4 SEC. 113. Beginning July 1, 2008, any funds (includ-
5 ing investments and interest earned, except for construc-
6 tion funds) held by a Public Law 100-297 grant or a Pub-
7 lic Law 93-638 contract school shall, upon retrocession
8 to or re-assumption by the Bureau of Indian Education,
9 remain available to the Bureau of Indian Education for
10 a period of 5 years from the date of retrocession or re-
11 assumption for the benefit of the programs approved for
12 the school on October 1, 1995.

13 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND

14 BURRO HOLDING FACILITIES

15 SEC. 114. (a) Notwithstanding any other provision
16 of this Act, the Secretary of the Interior may enter into
17 multiyear cooperative agreements with nonprofit organiza-
18 tions and other appropriate entities, and may enter into
19 multiyear contracts in accordance with the provisions of
20 section 304B of the Federal Property and Administrative
21 Services Act of 1949 (41 U.S.C. 254c) (except that the
22 5-year term restriction in subsection (d) shall not apply),
23 for the long-term care and maintenance of excess wild free
24 roaming horses and burros by such organizations or enti-
25 ties on private land. Such cooperative agreements and con-

1 tracts may not exceed 10 years, subject to renewal at the
2 discretion of the Secretary.

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

8 BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

9 SEC. 115. (a)(1) Notwithstanding any other provision
10 of law or Federal regulation, including section 586(c) of
11 title 40, United States Code, the Director of the BIE, or
12 the Director's designee, is authorized to enter into agree-
13 ments with public and private persons and entities that
14 provide for such persons and entities to rent or lease the
15 land or facilities of a Bureau-operated school for such pe-
16 riods of time as the school is Bureau operated, in exchange
17 for a consideration (in the form of funds) that benefits
18 the school, as determined by the head of the school.

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

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

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

20 (c) The Secretary of the Interior shall promulgate
21 regulations to carry out this section not later than 16
22 months after the date of the enactment of this Act. Such
23 regulations shall include—

1 (1) standards for the appropriate use of Bu-
2 reau-operated school lands and facilities by third
3 parties under a rental or lease agreement;

4 (2) provisions for the establishment and admin-
5 istration of mechanisms for the acceptance of con-
6 sideration for the use and benefit of a school in ac-
7 cordance with this section (including, in appropriate
8 cases, the establishment and administration of trust
9 funds);

10 (3) accountability standards to ensure ethical
11 conduct; and

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

16 (d) Provisions of this section shall apply to fiscal
17 years 2012 through 2014.

18 AUTHORIZED USE OF FUNDS

19 SEC. 116. Section 3006 of Public Law 111-212 is
20 amended by striking "For fiscal years 2010 and 2011"
21 and inserting "For fiscal years 2010 through 2012".

22 MASS MARKING OF SALMONIDS

23 SEC. 117. The United States Fish and Wildlife Serv-
24 ice shall, in carrying out its responsibilities to protect
25 threatened and endangered species of salmon, implement

1 a system of mass marking of salmonid stocks, intended
2 for harvest, that are released from federally operated or
3 federally financed hatcheries including but not limited to
4 fish releases of coho, chinook, and steelhead species.
5 Marked fish must have a visible mark that can be readily
6 identified by commercial and recreational fishers.

7 PROHIBITION ON USE OF FUNDS

8 SEC. 118. (a) Any proposed new use of the Arizona
9 & California Railroad Company's Right of Way for convey-
10 ance of water shall not proceed unless the Secretary of
11 the Interior certifies that the proposed new use is within
12 the scope of the Right of Way.

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

21 YUKON-CHARLEY NATIONAL PRESERVE

22 SEC. 119. None of the funds made available by this
23 Act may be used by the Secretary of the Interior to imple-
24 ment or enforce regulations concerning boating within
25 Yukon-Charley National Preserve, including waters sub-

1 the same manner as the grants and assistance were
2 provided in fiscal year 2009.

3 (2) TRUST FUND.—If the Government of Palau
4 withdraws more than \$5,000,000 from the trust
5 fund established under section 211(f) of the Com-
6 pact, amounts to be provided under subsections (a)
7 and (b) shall be withheld from the Government of
8 Palau.

9 HIRING AUTHORITIES

10 SEC. 121. (a) DIRECT HIRE AUTHORITY.—

11 (1) During fiscal year 2012 and thereafter, the
12 Secretary of the Interior may appoint, without re-
13 gard to the provisions of subchapter I of chapter 33
14 of title 5, United States Code, other than sections
15 3303 and 3328 of such title, a qualified candidate
16 described in paragraph (1) directly to a position with
17 a land managing agency of the Department of the
18 Interior for which the candidate meets Office of Per-
19 sonnel Management qualification standards.

20 (2) Paragraph (1) applies with respect to a
21 former resource assistant (as defined in section 203
22 of the Public Land Corps Act (16 U.S.C. 1722))
23 who—

24 (A) completed a rigorous undergraduate or
25 graduate summer internship with a land man-

1 aging agency, such as the National Park Serv-
2 ice Business Plan Internship;

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

5 (C) subsequently earned an undergraduate
6 or graduate degree from an accredited institu-
7 tion of higher education.

8 (3) The direct hire authority under this sub-
9 section may not be exercised with respect to a spe-
10 cific qualified candidate after the end of the two-
11 year period beginning on the date on which the can-
12 didate completed the undergraduate or graduate de-
13 gree, as the case may be.

14 (b) LOCAL HIRE AUTHORITY.—Section 1308 of the
15 Alaska National Interest Lands Conservation Act of 1980
16 (16 U.S.C. 3198) is amended—

17 (1) in subsection (a), by striking “establish a
18 program” and inserting “establish an excepted serv-
19 ice appointment authority,”;

20 (2) in subsection (b), by striking “competitive
21 service as defined in section 2102 of such title for
22 which such person is eligible under subchapter I of
23 chapter 33 of such title, in selection to such posi-
24 tion” and inserting “excepted service as defined in
25 section 2103 of such title”;

1 (3) in subsection (e), by redesignating para-
2 graph (2) as paragraph (3) and inserting after para-
3 graph (1) the following new paragraph (2):

4 “(2) CONVERSION TO COMPETITIVE SERVICE.—
5 Employees who satisfactorily complete two years of
6 continuous service in a permanent appointment
7 made under subsection (a) and who meet satisfac-
8 tory performance and competitive service qualifica-
9 tion requirements shall have their appointment con-
10 verted to competitive service career-conditional or
11 career employment as appropriate. This paragraph
12 applies to individuals appointed on or after March
13 30, 2009. An employee who does not meet competi-
14 tive service qualification requirements after two
15 years of continuous service in an appointment made
16 under subsection (a) shall be converted upon meet-
17 ing such qualification requirements. Temporary and
18 time-limited appointments will be made in the ex-
19 cepted service. There is no provision for conversion
20 to competitive service when appointments are time-
21 limited.”.

22 (c) GULF OF MEXICO REGION.—For fiscal years
23 2012 and 2013, funds made available in this title for the
24 Bureau of Ocean Energy Management and the Bureau of
25 Safety and Environmental Enforcement may be used by

1 the Secretary of the Interior to establish higher minimum
2 rates of basic pay for employees of the Department of the
3 Interior in the Gulf of Mexico Region in the Geophysicist
4 (GS-1313), Geologist (GS-1350), and Petroleum Engi-
5 neer (GS-0881) job series at grades 5 through 15 at rates
6 no greater than 25 percent above the minimum rates of
7 basic pay normally scheduled, and such higher rates shall
8 be consistent with the subsections (e) through (h) of sec-
9 tion 5305 of title 5, United States Code.

10 BUREAU OF LAND MANAGEMENT ACTIONS REGARDING

11 GRAZING ON PUBLIC LANDS

12 SEC. 122. (a) EXHAUSTION OF ADMINISTRATIVE RE-
13 VIEW REQUIRED.—

14 (1) For fiscal years 2012 and 2013 only, a per-
15 son may bring a civil action challenging a decision
16 of the Bureau of Land Management concerning
17 grazing on public lands (as defined in section 103(e)
18 of the Federal Land Policy and Management Act of
19 1976 (43 U.S.C. 1702(e))) in a Federal district
20 court only if the person has exhausted the adminis-
21 trative hearings and appeals procedures established
22 by the Department of the Interior, including having
23 filed a timely appeal and a request for stay.

24 (2) An issue may be considered in the judicial
25 review of a decision referred to in paragraph (1)

1 only if the issue was raised in the administrative re-
2 view process described in such paragraph.

3 (3) An exception to the requirement of exhaust-
4 ing the administrative review process before seeking
5 judicial review shall be available if a Federal court
6 finds that the agency failed or was unable to make
7 information timely available during the administra-
8 tive review process for issues of material fact. For
9 the purposes of this paragraph, the term “timely”
10 means within 120 calendar days after the date that
11 the challenge to the agency action or amendment at
12 issue is received for administrative review.

13 (b) ACCEPTANCE OF DONATION OF CERTAIN EXIST-
14 ING PERMITS OR LEASES.—

15 (1) During fiscal year 2012 and thereafter, the
16 Secretary of the Interior shall accept the donation of
17 any valid existing permits or leases authorizing graz-
18 ing on public lands within the California Desert
19 Conservation Area. With respect to each permit or
20 lease donated under this paragraph, the Secretary
21 shall terminate the grazing permit or lease, ensure
22 a permanent end (except as provided in paragraph
23 (2)), to grazing on the land covered by the permit
24 or lease, and make the land available for mitigation
25 by allocating the forage to wildlife use consistent

1 with any applicable Habitat Conservation Plan, sec-
2 tion 10(a)(1)(B) permit, or section 7 consultation
3 under the Endangered Species Act of 1973 (16
4 U.S.C. 1531 et seq.).

5 (2) If the land covered by a permit or lease do-
6 nated under paragraph (1) is also covered by an-
7 other valid existing permit or lease that is not do-
8 nated under such paragraph, the Secretary of the
9 Interior shall reduce the authorized grazing level on
10 the land covered by the permit or lease to reflect the
11 donation of the permit or lease under paragraph (1).
12 To ensure that there is a permanent reduction in the
13 level of grazing on the land covered by a permit or
14 lease donated under paragraph (1), the Secretary
15 shall not allow grazing use to exceed the authorized
16 level under the remaining valid existing permit or
17 lease that is not donated.

18 TRAILING LIVESTOCK OVER PUBLIC LAND

19 SEC. 123. During fiscal years 2012 through 2013
20 only, the Bureau of Land Management may, at its sole
21 discretion, review planning and implementation decisions
22 regarding the trailing of livestock across public lands, in-
23 cluding, but not limited to, issuance of crossing or trailing
24 authorizations or permits, under the National Environ-
25 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Tem-

1 porary trailing or crossing authorizations across public
 2 lands shall not be subject to protest and/or appeal under
 3 subpart E of part 4 of title 43, Code of Federal Regula-
 4 tions, and subpart 4160 of part 4100 of such title.

5 LEASE AUTHORIZATION

6 SEC. 124. (a) IN GENERAL.—The Secretary of the
 7 Interior (referred to in this section as the “Secretary”)
 8 may lease to the Savannah Bar Pilots Association, or a
 9 successor organization, no more than 30,000 square feet
 10 of land and improvements within Fort Pulaski National
 11 Monument (referred to in this section as the “Monu-
 12 ment”) at the location on Cockspur Island that has been
 13 used continuously by the Savannah Bar Pilots Association
 14 since 1940.

15 (b) RENTAL FEE AND PROCEEDS.—

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

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

1 (e) TERMS AND CONDITIONS.—A lease entered into
 2 under this section—

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

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

9 (d) EXEMPTION FROM APPLICABLE LAW.—Except
 10 as provided in section 2(b)(2) of this Act, the lease author-
 11 ized by this Act shall not be subject to section 3(k) of
 12 Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321
 13 of Act of June 30, 1932 (40 U.S.C. 1302).

14 WILD LANDS FUNDING PROHIBITION

15 SEC. 125. None of the funds made available in this
 16 Act or any other Act may be used to implement, admin-
 17 ister, or enforce Secretarial Order No. 3310 issued by the
 18 Secretary of the Interior on December 22, 2010: *Provided,*
 19 That nothing in this section shall restrict the Secretary’s
 20 authorities under sections 201 and 202 of the Federal
 21 Land Policy and Management Act of 1976 (43 U.S.C.
 22 1711 and 1712).

1 TITLE II
2 ENVIRONMENTAL PROTECTION AGENCY
3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980, as amended; necessary expenses for personnel and
9 related costs and travel expenses; procurement of labora-
10 tory equipment and supplies; and other operating expenses
11 in support of research and development, \$795,000,000, to
12 remain available until September 30, 2013.

13 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

14 For environmental programs and management, in-
15 cluding necessary expenses, not otherwise provided for, for
16 personnel and related costs and travel expenses; hire of
17 passenger motor vehicles; hire, maintenance, and oper-
18 ation of aircraft; purchase of reprints; library member-
19 ships in societies or associations which issue publications
20 to members only or at a price to members lower than to
21 subscribers who are not members; administrative costs of
22 the brownfields program under the Small Business Liabil-
23 ity Relief and Brownfields Revitalization Act of 2002; and
24 not to exceed \$19,000 for official reception and represen-
25 tation expenses, \$2,682,514,000, to remain available until

1 September 30, 2013: *Provided*, That of the funds included
2 under this heading, not less than \$410,375,000 shall be
3 for Geographic Programs specified in the explanatory
4 statement accompanying this Act.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, \$42,000,000, to remain
9 available until September 30, 2013.

10 BUILDINGS AND FACILITIES

11 For construction, repair, improvement, extension, al-
12 teration, and purchase of fixed equipment or facilities of,
13 or for use by, the Environmental Protection Agency,
14 \$36,428,000, to remain available until expended.

15 HAZARDOUS SUBSTANCE SUPERFUND

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses to carry out the Comprehen-
18 sive Environmental Response, Compensation, and Liabil-
19 ity Act of 1980 (CERCLA), as amended, including sec-
20 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
21 9611) \$1,215,753,000, to remain available until expended,
22 consisting of such sums as are available in the Trust Fund
23 on September 30, 2011, as authorized by section 517(a)
24 of the Superfund Amendments and Reauthorization Act
25 of 1986 (SARA) and up to \$1,215,753,000 as a payment

1 from general revenues to the Hazardous Substance Super-
2 fund for purposes as authorized by section 517(b) of
3 SARA, as amended: *Provided*, That funds appropriated
4 under this heading may be allocated to other Federal
5 agencies in accordance with section 111(a) of CERCLA:
6 *Provided further*, That of the funds appropriated under
7 this heading, \$9,955,000 shall be paid to the “Office of
8 Inspector General” appropriation to remain available until
9 September 30, 2013, and \$23,016,000 shall be paid to the
10 “Science and Technology” appropriation to remain avail-
11 able until September 30, 2013.

12 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
13 PROGRAM

14 For necessary expenses to carry out leaking under-
15 ground storage tank cleanup activities authorized by sub-
16 title I of the Solid Waste Disposal Act, as amended,
17 \$104,309,000, to remain available until expended, of
18 which \$73,809,000 shall be for carrying out leaking un-
19 derground storage tank cleanup activities authorized by
20 section 9003(h) of the Solid Waste Disposal Act, as
21 amended; \$30,500,000 shall be for carrying out the other
22 provisions of the Solid Waste Disposal Act specified in sec-
23 tion 9508(c) of the Internal Revenue Code, as amended:
24 *Provided*, That the Administrator is authorized to use ap-
25 propriations made available under this heading to imple-

1 ment section 9013 of the Solid Waste Disposal Act to pro-
2 vide financial assistance to federally recognized Indian
3 tribes for the development and implementation of pro-
4 grams to manage underground storage tanks.

5 INLAND OIL SPILL PROGRAMS

6 For expenses necessary to carry out the Environ-
7 mental Protection Agency's responsibilities under the Oil
8 Pollution Act of 1990, \$18,274,000, to be derived from
9 the Oil Spill Liability trust fund, to remain available until
10 expended.

11 STATE AND TRIBAL ASSISTANCE GRANTS

12 For environmental programs and infrastructure as-
13 sistance, including capitalization grants for State revolv-
14 ing funds and performance partnership grants,
15 \$3,618,727,000, to remain available until expended, of
16 which \$1,468,806,000 shall be for making capitalization
17 grants for the Clean Water State Revolving Funds under
18 title VI of the Federal Water Pollution Control Act, as
19 amended (the "Act"); of which \$919,363,000 shall be for
20 making capitalization grants for the Drinking Water State
21 Revolving Funds under section 1452 of the Safe Drinking
22 Water Act, as amended: *Provided*, That for fiscal year
23 2012, to the extent there are sufficient eligible project ap-
24 plications, not less than 10 percent of the funds made
25 available under this title to each State for Clean Water

1 State Revolving Fund capitalization grants shall be used
2 by the State for projects to address green infrastructure,
3 water or energy efficiency improvements, or other environ-
4 mentally innovative activities: *Provided further*, That for
5 fiscal year 2012, funds made available under this title to
6 each State for Drinking Water State Revolving Fund cap-
7 italization grants may, at the discretion of each State, be
8 used for projects to address green infrastructure, water
9 or energy efficiency improvements, or other environ-
10 mentally innovative activities; \$5,000,000 shall be for ar-
11 chitectural, engineering, planning, design, construction
12 and related activities in connection with the construction
13 of high priority water and wastewater facilities in the area
14 of the United States-Mexico Border, after consultation
15 with the appropriate border commission; \$10,000,000
16 shall be for grants to the State of Alaska to address drink-
17 ing water and wastewater infrastructure needs of rural
18 and Alaska Native Villages: *Provided further*, That, of
19 these funds: (1) the State of Alaska shall provide a match
20 of 25 percent; (2) no more than 5 percent of the funds
21 may be used for administrative and overhead expenses;
22 and (3) the State of Alaska shall make awards consistent
23 with the State-wide priority list established in conjunction
24 with the Agency and the U.S. Department of Agriculture
25 for all water, sewer, waste disposal, and similar projects

1 carried out by the State of Alaska that are funded under
2 section 221 of the Federal Water Pollution Control Act
3 (33 U.S.C. 1301) or the Consolidated Farm and Rural
4 Development Act (7 U.S.C. 1921 et seq.) which shall allo-
5 cate not less than 25 percent of the funds provided for
6 projects in regional hub communities; \$95,000,000 shall
7 be to carry out section 104(k) of the Comprehensive Envi-
8 ronmental Response, Compensation, and Liability Act of
9 1980 (CERCLA), as amended, including grants, inter-
10 agency agreements, and associated program support costs;
11 \$30,000,000 shall be for grants under title VII, subtitle
12 G of the Energy Policy Act of 2005, as amended; and
13 \$1,090,558,000 shall be for grants, including associated
14 program support costs, to States, federally recognized
15 tribes, interstate agencies, tribal consortia, and air pollu-
16 tion control agencies for multi-media or single media pol-
17 lution prevention, control and abatement and related ac-
18 tivities, including activities pursuant to the provisions set
19 forth under this heading in Public Law 104-134, and for
20 making grants under section 103 of the Clean Air Act for
21 particulate matter monitoring and data collection activi-
22 ties subject to terms and conditions specified by the Ad-
23 ministrator, of which \$49,396,000 shall be for carrying
24 out section 128 of CERCLA, as amended, \$9,980,000
25 shall be for Environmental Information Exchange Net-

1 work grants, including associated program support costs,
2 \$18,463,000 of the funds available for grants under sec-
3 tion 106 of the Act shall be for State participation in
4 national- and State-level statistical surveys of water re-
5 sources and enhancements to State monitoring programs,
6 and, in addition to funds appropriated under the heading
7 “Leaking Underground Storage Tank Trust Fund Pro-
8 gram” to carry out the provisions of the Solid Waste Dis-
9 posal Act specified in section 9508(c) of the Internal Rev-
10 enue Code other than section 9003(h) of the Solid Waste
11 Disposal Act, as amended, \$1,550,000 shall be for grants
12 to States under section 2007(f)(2) of the Solid Waste Dis-
13 posal Act, as amended: *Provided further*, That notwith-
14 standing section 603(d)(7) of the Federal Water Pollution
15 Control Act, the limitation on the amounts in a State
16 water pollution control revolving fund that may be used
17 by a State to administer the fund shall not apply to
18 amounts included as principal in loans made by such fund
19 in fiscal year 2012 and prior years where such amounts
20 represent costs of administering the fund to the extent
21 that such amounts are or were deemed reasonable by the
22 Administrator, accounted for separately from other assets
23 in the fund, and used for eligible purposes of the fund,
24 including administration: *Provided further*, That for fiscal
25 year 2012, and notwithstanding section 518(f) of the Act,

1 the Administrator is authorized to use the amounts appro-
2 priated for any fiscal year under section 319 of that Act
3 to make grants to federally recognized Indian tribes pur-
4 suant to sections 319(h) and 518(e) of that Act: *Provided*
5 *further*, That for fiscal year 2012, notwithstanding the
6 limitation on amounts in section 518(e) of the Federal
7 Water Pollution Control Act and section 1452(i) of the
8 Safe Drinking Water Act, up to a total of 2 percent of
9 the funds appropriated for State Revolving Funds under
10 such Acts may be reserved by the Administrator for grants
11 under section 518(c) and section 1452(i) of such Acts:
12 *Provided further*, That for fiscal year 2012, notwith-
13 standing the amounts specified in section 205(c) of the
14 Federal Water Pollution Control Act, up to 1.5 percent
15 of the aggregate funds appropriated for the Clean Water
16 State Revolving Fund program under the Act less any
17 sums reserved under section 518(c) of the Act, may be
18 reserved by the Administrator for grants made under title
19 II of the Clean Water Act for American Samoa, Guam,
20 the Commonwealth of the Northern Marianas, and United
21 States Virgin Islands: *Provided further*, That for fiscal
22 year 2012, notwithstanding the limitations on amounts
23 specified in section 1452(j) of the Safe Drinking Water
24 Act, up to 1.5 percent of the funds appropriated for the
25 Drinking Water State Revolving Fund programs under

1 the Safe Drinking Water Act may be reserved by the Ad-
2 ministrator for grants made under section 1452(j) of the
3 Safe Drinking Water Act: *Provided further*, That not less
4 than 20^{percent} but not more than 30 percent of the funds made
5 available under this title to each State for Clean Water
6 State Revolving Fund capitalization grants and not less
7 than 20^{percent} but not more than 30 percent of the funds made
8 available under this title to each State for Drinking Water
9 State Revolving Fund capitalization grants shall be used
10 by the State to provide additional subsidy to eligible recipi-
11 ents in the form of forgiveness of principal, negative inter-
12 est loans, or grants (or any combination of these), and
13 shall be so used by the State only where such funds are
14 provided as initial financing for an eligible recipient or to
15 buy, refinance, or restructure the debt obligations of eligi-
16 ble recipients only where such debt was incurred on or
17 after the date of enactment of this Act, except that for
18 the Clean Water State Revolving Fund capitalization
19 grant appropriation this section shall only apply to the
20 portion that exceeds \$1,000,000,000: *Provided further*,
21 That no funds provided by this appropriations Act to ad-
22 dress the water, wastewater and other critical infrastruc-
23 ture needs of the colonias in the United States along the
24 United States-Mexico border shall be made available to a
25 county or municipal government unless that government

1 has established an enforceable local ordinance, or other
2 zoning rule, which prevents in that jurisdiction the devel-
3 opment or construction of any additional colonia areas, or
4 the development within an existing colonia the construc-
5 tion of any new home, business, or other structure which
6 lacks water, wastewater, or other necessary infrastructure:
7 *Provided further*, That for fiscal year 2012 and hereafter,
8 the Administrator may transfer funds provided for tribal
9 set-asides through funds appropriated for the Clean Water
10 State Revolving Funds and for the Drinking Water State
11 Revolving Funds between those accounts in such manner
12 as the Administrator deems appropriate, but not to exceed
13 the transfer limits given to States under section 302(a)
14 of Public Law 104-182.

15 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

16 PROTECTION AGENCY

17 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

18 For fiscal year 2012, notwithstanding 31 U.S.C.
19 6303(1) and 6305(1), the Administrator of the Environ-
20 mental Protection Agency, in carrying out the Agency's
21 function to implement directly Federal environmental pro-
22 grams required or authorized by law in the absence of an
23 acceptable tribal program, may award cooperative agree-
24 ments to federally recognized Indian tribes or Intertribal
25 consortia, if authorized by their member tribes, to assist

1 the Administrator in implementing Federal environmental
2 programs for Indian tribes required or authorized by law,
3 except that no such cooperative agreements may be award-
4 ed from funds designated for State financial assistance
5 agreements.

6 The Administrator of the Environmental Protection
7 Agency is authorized to collect and obligate pesticide reg-
8 istration service fees in accordance with section 33 of the
9 Federal Insecticide, Fungicide, and Rodenticide Act, as
10 amended by Public Law 110-94, the Pesticide Registra-
11 tion Improvement Renewal Act.

12 The Administrator is authorized to transfer up to
13 \$300,000,000 of the funds appropriated for the Great
14 Lakes Restoration Initiative under the heading "Environ-
15 mental Programs and Management" to the head of any
16 Federal department or agency, with the concurrence of
17 such head, to carry out activities that would support the
18 Great Lakes Restoration Initiative and Great Lakes
19 Water Quality Agreement programs, projects, or activities;
20 to enter into an interagency agreement with the head of
21 such Federal department or agency to carry out these ac-
22 tivities; and to make grants to governmental entities, non-
23 profit organizations, institutions, and individuals for plan-
24 ning, research, monitoring, outreach, and implementation

1 in furtherance of the Great Lakes Restoration Initiative
2 and the Great Lakes Water Quality Agreement.

3 From unobligated balances available to the Adminis-
4 trator of the Environmental Protection Agency,
5 \$50,000,000 are permanently rescinded: *Provided*, That of
6 these funds, \$5,000,000 shall be rescinded from unobli-
7 gated balances within the “Hazardous Substance Super-
8 fund” account; \$5,000,000 shall be rescinded from unobli-
9 gated Brownfields balances within the “State and Tribal
10 Assistance Grants” account; \$5,000,000 shall be re-
11 scinded from unobligated Mexico Border balances within
12 the “State and Tribal Assistance Grants” account;
13 \$5,000,000 shall be rescinded from unobligated Diesel
14 Emissions Reduction Act balances within the “State and
15 Tribal Assistance Grants” account; \$20,000,000 shall be
16 rescinded from unobligated categorical grant balances
17 within the “State and Tribal Assistance Grants” account;
18 and \$10,000,000 shall be rescinded from unobligated
19 Clean Water State Revolving Funds balances within the
20 “State and Tribal Assistance Grants” account: *Provided*
21 *further*, That no amounts may be rescinded from amounts
22 that were designated by the Congress as an emergency re-
23 quirement pursuant to the Concurrent Resolution on the
24 Budget or the Balanced Budget and Emergency Deficit
25 Control Act of 1985, as amended.

1 For fiscal year 2012 and each fiscal year thereafter,
2 the requirements of section 513 of the Federal Water Pol-
3 lution Control Act (33 U.S.C. 1372) shall apply to the
4 construction of treatment works carried out in whole or
5 in part with assistance made available by a State water
6 pollution control revolving fund as authorized by title VI
7 of that Act (33 U.S.C. 1381 et seq.), or with assistance
8 made available under section 205(m) of that Act (33
9 U.S.C. 1285(m)), or both.

10 For fiscal year 2012 and each fiscal year thereafter,
11 the requirements of section 1450(e) of the Safe Drinking
12 Water Act (42 U.S.C. 300j-9(e)) shall apply to any con-
13 struction project carried out in whole or in part with as-
14 sistance made available by a drinking water treatment re-
15 volving loan fund as authorized by section 1452 of that
16 Act (42 U.S.C. 300j-12).

17 Notwithstanding section 104 of the Comprehensive
18 Environmental Response, Compensation, and Liability Act
19 (42 U.S.C. 9604), the Administrator may authorize the
20 expenditure or transfer of up to \$10,000,000 from any
21 appropriation in this title, in addition to the amounts in-
22 cluded in the "Inland Oil Spill Programs" account, for
23 removal activities related to actual oil spills 5 days after
24 notifying the House and Senate Committees on Appropria-
25 tions of the intention to expend or transfer such funds:

1 *Provided*, That no funds shall be expended or transferred
2 under this authority until the Administrator determines
3 that amounts made available for expenditure in the “In-
4 land Oil Spill Programs” account will be exhausted within
5 30 days: *Provided further*, That such funds shall be replen-
6 ished to the appropriation that was the source of the ex-
7 penditure or transfer, following EPA’s receipt of reim-
8 bursement from the Oil Spill Liability Trust Fund pursu-
9 ant to the Oil Pollution Act of 1990.

1 TITLE III
2 RELATED AGENCIES
3 DEPARTMENT OF AGRICULTURE
4 FOREST SERVICE
5 FOREST AND RANGELAND RESEARCH

6 For necessary expenses of forest and rangeland re-
7 search as authorized by law, \$295,773,000, to remain
8 available until expended: *Provided*, That of the funds pro-
9 vided, \$64,372,000 is for the forest inventory and analysis
10 program.

11 STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-
13 viding technical and financial assistance to States, terri-
14 tories, possessions, and others, and for forest health man-
15 agement, including treatments of pests, pathogens, and
16 invasive or noxious plants and for restoring and rehabili-
17 tating forests damaged by pests or invasive plants, cooper-
18 ative forestry, and education and land conservation activi-
19 ties and conducting an international program as author-
20 ized, \$253,331,000, to remain available until expended, as
21 authorized by law; of which \$53,388,000 is to be derived
22 from the Land and Water Conservation Fund.

23 NATIONAL FOREST SYSTEM

24 For necessary expenses of the Forest Service, not
25 otherwise provided for, for management, protection, im-

1 improvement, and utilization of the National Forest System,
2 \$1,556,628,000, to remain available until expended: *Pro-*
3 *vided*, That of the funds provided, \$336,049,000 shall be
4 for forest products: *Provided further*, That of the funds
5 provided, \$40,000,000 shall be deposited in the Collabo-
6 rative Forest Landscape Restoration Fund for ecological
7 restoration treatments as authorized by 16 U.S.C.
8 7303(f): *Provided further*, That of the funds provided, up
9 to \$68,000,000 is for the Integrated Resource Restoration
10 pilot program for Region 1, Region 3 and Region 4: *Pro-*
11 *vided further*, That of the funds provided for forest prod-
12 ucts, up to \$44,585,000 may be transferred to support
13 the Integrated Resource Restoration pilot program in the
14 preceding proviso.

15 CAPITAL IMPROVEMENT AND MAINTENANCE

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Forest Service, not
18 otherwise provided for, \$394,721,000, to remain available
19 until expended, for construction, capital improvement,
20 maintenance and acquisition of buildings and other facili-
21 ties and infrastructure; and for construction, reconstruc-
22 tion, decommissioning (including decommissioning unau-
23 thorized roads not part of the transportation system), and
24 maintenance of forest roads and trails by the Forest Serv-
25 ice as authorized by 16 U.S.C. 532-538 and 23 U.S.C.

1 101 and 205: *Provided*, That \$45,000,000 shall be des-
2 ignated for urgently needed road decommissioning, road
3 and trail repair and maintenance and associated activities,
4 and removal of fish passage barriers, especially in areas
5 where Forest Service roads may be contributing to water
6 quality problems in streams and water bodies which sup-
7 port threatened, endangered, or sensitive species or com-
8 munity water sources: *Provided further*, That funds be-
9 coming available in fiscal year 2012 under the Act of
10 March 4, 1913 (16 U.S.C. 501) shall be transferred to
11 the General Fund of the Treasury and shall not be avail-
12 able for transfer or obligation for any other purpose unless
13 the funds are appropriated: *Provided further*, That of the
14 funds provided for decommissioning of roads, up to
15 \$13,000,000 may be transferred to the “National Forest
16 System” to support the Integrated Resource Restoration
17 pilot program.

18 LAND ACQUISITION

19 For expenses necessary to carry out the provisions
20 of the Land and Water Conservation Fund Act of 1965,
21 as amended (16 U.S.C. 4601–4 through 11), including ad-
22 ministrative expenses, and for acquisition of land or
23 waters, or interest therein, in accordance with statutory
24 authority applicable to the Forest Service, \$52,605,000,

1 to be derived from the Land and Water Conservation
 2 Fund and to remain available until expended.

3 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
 4 ACTS

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

11 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

12 For acquisition of lands, such sums, to be derived
 13 from funds deposited by State, county, or municipal gov-
 14 ernments, public school districts, or other public school au-
 15 thorities, and for authorized expenditures from funds de-
 16 posited by non-Federal parties pursuant to Land Sale and
 17 Exchange Acts, pursuant to the Act of December 4, 1967,
 18 as amended (16 U.S.C. 484a), to remain available until
 19 expended (16 U.S.C. 4601-516-617a, 555a; Public Law
 20 96-586; Public Law 76-589, 76-591; and Public Law
 21 78-310).

22 RANGE BETTERMENT FUND

23 For necessary expenses of range rehabilitation, pro-
 24 tection, and improvement, 50 percent of all moneys re-
 25 ceived during the prior fiscal year, as fees for grazing do-

1 mestic livestock on lands in National Forests in the 16
2 Western States, pursuant to section 401(b)(1) of Public
3 Law 94-579, as amended, to remain available until ex-
4 pended, of which not to exceed 6 percent shall be available
5 for administrative expenses associated with on-the-ground
6 range rehabilitation, protection, and improvements.

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

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

12 MANAGEMENT OF NATIONAL FOREST LANDS FOR
13 SUBSISTENCE USES

14 For necessary expenses of the Forest Service to man-
15 age Federal lands in Alaska for subsistence uses under
16 title VIII of the Alaska National Interest Lands Conserva-
17 tion Act (Public Law 96-487), \$2,577,000, to remain
18 available until expended.

19 WILDLAND FIRE MANAGEMENT
20 (INCLUDING TRANSFERS OF FUNDS)

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

1 rehabilitation of burned-over National Forest System
2 lands and water, \$1,737,631,000, to remain available until
3 expended: *Provided*, That such funds including unobli-
4 gated balances under this heading, are available for repay-
5 ment of advances from other appropriations accounts pre-
6 viously transferred for such purposes: *Provided further*,
7 That such funds shall be available to reimburse State and
8 other cooperating entities for services provided in response
9 to wildfire and other emergencies or disasters to the extent
10 such reimbursements by the Forest Service for non-fire
11 emergencies are fully repaid by the responsible emergency
12 management agency: *Provided further*, That, notwith-
13 standing any other provision of law, \$7,262,000 of funds
14 appropriated under this appropriation shall be available
15 for the Forest Service in support of fire science research
16 authorized by the Joint Fire Science Program, including
17 all Forest Service authorities for the use of funds, such
18 as contracts, grants, research joint venture agreements,
19 and cooperative agreements: *Provided further*, That all au-
20 thorities for the use of funds, including the use of con-
21 tracts, grants, and cooperative agreements, available to
22 execute the Forest and Rangeland Research appropria-
23 tion, are also available in the utilization of these funds
24 for Fire Science Research: *Provided further*, That funds
25 provided shall be available for emergency rehabilitation

1 and restoration, hazardous fuels reduction activities in the
2 urban-wildland interface, support to Federal emergency
3 response, and wildfire suppression activities of the Forest
4 Service: *Provided further*, That of the funds provided,
5 \$317,584,000 is for hazardous fuels reduction activities,
6 \$21,734,000 is for research activities and to make com-
7 petitive research grants pursuant to the Forest and
8 Rangeland Renewable Resources Research Act, as amend-
9 ed (16 U.S.C. 1641 et seq.), \$55,564,000 is for State fire
10 assistance, \$6,366,000 is for volunteer fire assistance,
11 \$15,983,000 is for forest health activities on Federal lands
12 and \$8,366,000 is for forest health activities on State and
13 private lands: *Provided further*, That amounts in this
14 paragraph may be transferred to the “State and Private
15 Forestry”, “National Forest System”, and “Forest and
16 Rangeland Research” accounts to fund State fire assist-
17 ance, volunteer fire assistance, forest health management,
18 forest and rangeland research, the Joint Fire Science Pro-
19 gram, vegetation and watershed management, heritage
20 site rehabilitation, and wildlife and fish habitat manage-
21 ment and restoration: *Provided further*, That the costs of
22 implementing any cooperative agreement between the Fed-
23 eral Government and any non-Federal entity may be
24 shared, as mutually agreed on by the affected parties: *Pro-*
25 *vided further*, That up to \$15,000,000 of the funds pro-

1 vided herein may be used by the Secretary of Agriculture
2 to enter into procurement contracts or cooperative agree-
3 ments or to issue grants for hazardous fuels reduction and
4 for training or monitoring associated with such hazardous
5 fuels reduction activities on Federal land or on non-Fed-
6 eral land if the Secretary determines such activities imple-
7 ment a community wildfire protection plan (or equivalent)
8 and benefit resources on Federal land: *Provided further,*
9 That funds made available to implement the Community
10 Forest Restoration Act, Public Law 106-393, title VI,
11 shall be available for use on non-Federal lands in accord-
12 ance with authorities made available to the Forest Service
13 under the "State and Private Forestry" appropriation:
14 *Provided further,* That the Secretary of the Interior and
15 the Secretary of Agriculture may authorize the transfer
16 of funds appropriated for wildland fire management, in
17 an aggregate amount not to exceed \$50,000,000, between
18 the Departments when such transfers would facilitate and
19 expedite wildland fire management programs and projects:
20 *Provided further,* That of the funds provided for hazardous
21 fuels reduction, not to exceed \$5,000,000 may be used to
22 make grants, using any authorities available to the Forest
23 Service under the "State and Private Forestry" appro-
24 priation, for the purpose of creating incentives for in-
25 creased use of biomass from National Forest System

1 lands: *Provided further*, That no amounts may be cancelled
2 from amounts that were designated by the Congress as
3 an emergency requirement pursuant to the Concurrent
4 Resolution on the Budget or the Balanced Budget and
5 Emergency Deficit Control Act of 1985, as amended: *Pro-*
6 *vided further*, That before obligating any of the funds pro-
7 vided herein for wildland fire suppression, the Secretary
8 of Agriculture shall obligate all unobligated balances pre-
9 viously made available under this heading (including the
10 unobligated balances transferred to Forest Service ac-
11 counts under this heading by division B of the Consoli-
12 dated Security, Disaster Assistance, and Continuing Ap-
13 propriations Act, 2009 (Public Law 110-329, 122 Stat.
14 3594)) that, when appropriated, were designated by Con-
15 gress as an emergency requirement pursuant to the Con-
16 current Resolution on the Budget or the Balanced Budget
17 and Emergency Deficit Control Act of 1985 and notify
18 the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate in writing of the imminent
20 need to begin obligating funds provided herein for wildland
21 fire suppression: *Provided further*~~suppression: *Provided*,~~
22 That funds designated for wildfire suppression, including
23 funds transferred from the "FLAME Wildfire Suppression
24 Reserve Fund," shall be assessed for cost pools on the same
25 basis as such assessments are calculated against other

1 agency programs: *Provided further*, That of the funds for
2 hazardous fuels reduction, up to \$21,000,000 may be
3 transferred to the “National Forest System” to support
4 the Integrated Resource Restoration pilot program.

5 FLAME WILDFIRE SUPPRESSION RESERVE FUND
6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses for large fire suppression op-
8 erations of the Department of Agriculture and as a reserve
9 fund for suppression and Federal emergency response ac-
10 tivities, \$315,886,000, to remain available until expended:
11 *Provided*, That such amounts are available only for trans-
12 fer to the “Wildland Fire Management” account and only
13 following a declaration by the Secretary that either (1)
14 a wildland fire suppression event meets certain previously
15 established risk-based written criteria for significant com-
16 plexity, severity, or threat posed by the fire or (2) funds
17 in the “Wildland Fire Management” account will be ex-
18 hausted within 30 days.

19 ADMINISTRATIVE PROVISIONS—FOREST SERVICE
20 (INCLUDING TRANSFERS OF FUNDS)

21 Appropriations to the Forest Service for the current
22 fiscal year shall be available for: (1) purchase of passenger
23 motor vehicles; acquisition of passenger motor vehicles
24 from excess sources, and hire of such vehicles; purchase,
25 lease, operation, maintenance, and acquisition of aircraft

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

17 Any appropriations or funds available to the Forest
18 Service may be transferred to the Wildland Fire Manage-
19 ment appropriation for forest firefighting, emergency re-
20 habilitation of burned-over or damaged lands or waters
21 under its jurisdiction, and fire preparedness due to severe
22 burning conditions upon the Secretary's notification of the
23 House and Senate Committees on Appropriations that all
24 fire suppression funds appropriated under the headings
25 "Wildland Fire Management" and "FLAME Wildfire

1 Suppression Reserve Fund” will be obligated within 30
2 days: *Provided*, That all funds used pursuant to this para-
3 graph must be replenished by a supplemental appropria-
4 tion which must be requested as promptly as possible.

5 Funds appropriated to the Forest Service shall be
6 available for assistance to or through the Agency for Inter-
7 national Development in connection with forest and range-
8 land research, technical information, and assistance in for-
9 eign countries, and shall be available to support forestry
10 and related natural resource activities outside the United
11 States and its territories and possessions, including tech-
12 nical assistance, education and training, and cooperation ^{U. S.}
13 with ~~United States~~, private ~~organizations~~, and inter-
14 national organizations. The Forest Service, acting for the
15 International Program, may sign direct funding agree-
16 ments with foreign governments and institutions as well
17 as other domestic agencies (including the U.S. Agency for
18 International Development, the Department of State, and
19 the Millennium Challenge Corporation), U.S. private sec-
20 tor firms, institutions and organizations to provide tech-
21 nical assistance and training programs overseas on for-
22 estry and rangeland management.

23 None of the funds made available to the Forest Serv-
24 ice in this Act or any other Act with respect to any fiscal
25 year shall be subject to transfer under the provisions of

1 section 702(b) of the Department of Agriculture Organic
2 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
3 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
4 Law 107–107 (7 U.S.C. 8316(b)).

5 None of the funds available to the Forest Service may
6 be reprogrammed without the advance approval of the
7 House and Senate Committees on Appropriations in ac-
8 cordance with the reprogramming procedures contained in
9 the joint explanatory statement of the managers accom-
10 panying this Act.

11 Not more than \$82,000,000 of funds available to the
12 Forest Service shall be transferred to the Working Capital
13 Fund of the Department of Agriculture and not more than
14 \$14,500,000 of funds available to the Forest Service shall
15 be transferred to the Department of Agriculture for De-
16 partment Reimbursable Programs, commonly referred to
17 as Greenbook charges. Nothing in this paragraph shall
18 prohibit or limit the use of reimbursable agreements re-
19 quested by the Forest Service in order to obtain services
20 from the Department of Agriculture's National Informa-
21 tion Technology Center. Nothing in this paragraph shall
22 limit the Forest Service portion of implementation costs
23 to be paid to the Department of Agriculture for the Finan-
24 cial Management Modernization Initiative.

1 Of the funds available to the Forest Service up to
2 \$5,000,000 shall be available for priority projects within
3 the scope of the approved budget, which shall be carried
4 out by the Youth Conservation Corps and shall be carried
5 out under the authority of the Public Lands Corps Act
6 of 1993, Public Law 103-82, as amended by Public Lands
7 Corps Healthy Forests Restoration Act of 2005, Public
8 Law 109-154.

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

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

1 *Provided further*, That the Foundation may transfer Fed-
2 eral funds to a Federal or a non-Federal recipient for a
3 project at the same rate that the recipient has obtained
4 the non-Federal matching funds: *Provided further*, That
5 authorized investments of Federal funds held by the Foun-
6 dation may be made only in interest-bearing obligations
7 of the United States or in obligations guaranteed as to
8 both principal and interest by the United States.

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

22 Funds appropriated to the Forest Service shall be
23 available for interactions with and providing technical as-
24 sistance to rural communities and natural resource-based
25 businesses for sustainable rural development purposes.

1 Funds appropriated to the Forest Service shall be
2 available for payments to counties within the Columbia
3 River Gorge National Scenic Area, pursuant to section
4 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
5 663.

6 Any funds appropriated to the Forest Service may
7 be used to meet the non-Federal share requirement in sec-
8 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
9 3056(c)(2)).

10 Funds available to the Forest Service, not to exceed
11 \$55,000,000, shall be assessed for the purpose of per-
12 forming fire, administrative and other facilities mainte-
13 nance and decommissioning. Such assessments shall occur
14 using a square foot rate charged on the same basis the
15 agency uses to assess programs for payment of rent, utili-
16 ties, and other support services.

17 Notwithstanding any other provision of law, any ap-
18 propriations or funds available to the Forest Service not
19 to exceed \$500,000 may be used to reimburse the Office
20 of the General Counsel (OGC), Department of Agri-
21 culture, for travel and related expenses incurred as a re-
22 sult of OGC assistance or participation requested by the
23 Forest Service at meetings, training sessions, management
24 reviews, land purchase negotiations and similar nonlitiga-
25 tion-related matters. Future budget justifications for both

1 the Forest Service and the Department of Agriculture
2 should clearly display the sums previously transferred and
3 the requested funding transfers.

4 An eligible individual who is employed in any project
5 funded under title V of the Older American Act of 1965
6 (42 U.S.C. 3056 et seq.) and administered by the Forest
7 Service shall be considered to be a Federal employee for
8 purposes of chapter 171 of title 28, United States Code.

9 DEPARTMENT OF HEALTH AND HUMAN

10 SERVICES

11 INDIAN HEALTH SERVICE

12 INDIAN HEALTH SERVICES

13 For expenses necessary to carry out the Act of Au-
14 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
15 tion Act, the Indian Health Care Improvement Act, and
16 titles II and III of the Public Health Service Act with re-
17 spect to the Indian Health Service, \$3,872,377,000, to-
18 gether with payments received during the fiscal year pur-
19 suant to 42 U.S.C. 238(b) and 238b for services furnished
20 by the Indian Health Service: *Provided*, That funds made
21 available to tribes and tribal organizations through con-
22 tracts, grant agreements, or any other agreements or com-
23 pacts authorized by the Indian Self-Determination and
24 Education Assistance Act of 1975 (25 U.S.C. 450), shall
25 be deemed to be obligated at the time of the grant or con-

1 tract award and thereafter shall remain available to the
2 tribe or tribal organization without fiscal year limitation:
3 *Provided further*, That \$844,927,000 for contract medical
4 care, including \$51,500,000 for the Indian Catastrophic
5 Health Emergency Fund, shall remain available until ex-
6 pended: *Provided further*, That of the funding provided for
7 information technology activities and, notwithstanding any
8 other provision of law, \$4,000,000 shall be allocated at
9 the discretion of the Director of the Indian Health Service:
10 *Provided further*, That of the funds provided, up to
11 \$36,000,000 shall remain available until expended for im-
12 plementation of the loan repayment program under section
13 108 of the Indian Health Care Improvement Act: *Provided*
14 *further*, That the amounts collected by the Federal Gov-
15 ernment as authorized by sections 104 and 108 of the In-
16 dian Health Care Improvement Act (25 U.S.C. 1613a and
17 1616a) during the preceding fiscal year for breach of con-
18 tracts shall be deposited to the Fund authorized by section
19 108A of the Act (25 U.S.C. 1616a-1) and shall remain
20 available until expended and, notwithstanding section
21 108A(e) of the Act (25 U.S.C. 1616a-1(e)), funds shall
22 be available to make new awards under the loan repay-
23 ment and scholarship programs under sections 104 and
24 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided*
25 *further*, That notwithstanding any other provision of law,

1 the amounts made available within this account for the
2 methamphetamine and suicide prevention and treatment
3 initiative and for the domestic violence prevention initia-
4 tive shall be allocated at the discretion of the Director of
5 the Indian Health Service and shall remain available until
6 expended: *Provided further*, That funds provided in this
7 Act may be used for annual contracts and grants that fall
8 within 2 fiscal years, provided the total obligation is re-
9 corded in the year the funds are appropriated: *Provided*
10 *further*, That the amounts collected by the Secretary of
11 Health and Human Services under the authority of title
12 IV of the Indian Health Care Improvement Act shall re-
13 main available until expended for the purpose of achieving
14 compliance with the applicable conditions and require-
15 ments of titles XVIII and XIX of the Social Security Act,
16 except for those related to the planning, design, or con-
17 struction of new facilities: *Provided further*, That funding
18 contained herein for scholarship programs under the In-
19 dian Health Care Improvement Act (25 U.S.C. 1613)
20 shall remain available until expended: *Provided further*,
21 That amounts received by tribes and tribal organizations
22 under title IV of the Indian Health Care Improvement Act
23 shall be reported and accounted for and available to the
24 receiving tribes and tribal organizations until expended:
25 *Provided further*, That, notwithstanding any other provi-

1 sion of law, of the amounts provided herein, not to exceed
2 \$472,193,000 shall be for payments to tribes and tribal
3 organizations for contract or grant support costs associ-
4 ated with contracts, grants, self-governance compacts, or
5 annual funding agreements between the Indian Health
6 Service and a tribe or tribal organization pursuant to the
7 Indian Self-Determination Act of 1975, as amended, prior
8 to or during fiscal year 2012, of which not to exceed
9 \$10,000,000 may be used for contract support costs asso-
10 ciated with new or expanded self-determination contracts,
11 grants, self-governance compacts, or annual funding
12 agreements: *Provided further*, That the Bureau of Indian
13 Affairs may collect from the Indian Health Service, tribes
14 and tribal organizations operating health facilities pursu-
15 ant to Public Law 93-638, such individually identifiable
16 health information relating to disabled children as may be
17 necessary for the purpose of carrying out its functions
18 under the Individuals with Disabilities Education Act (20
19 U.S.C. 1400, et seq.): *Provided further*, That the Indian
20 Health Care Improvement Fund may be used, as needed,
21 to carry out activities typically funded under the Indian
22 Health Facilities account.

23

INDIAN HEALTH FACILITIES

24 For construction, repair, maintenance, improvement,
25 and equipment of health and related auxiliary facilities,

1 including quarters for personnel; preparation of plans,
2 specifications, and drawings; acquisition of sites, purchase
3 and erection of modular buildings, and purchases of trail-
4 ers; and for provision of domestic and community sanita-
5 tion facilities for Indians, as authorized by section 7 of
6 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
7 Self-Determination Act, and the Indian Health Care Im-
8 provement Act, and for expenses necessary to carry out
9 such Acts and titles II and III of the Public Health Serv-
10 ice Act with respect to environmental health and facilities
11 support activities of the Indian Health Service,
12 \$441,052,000, to remain available until expended: *Pro-*
13 *vided*, That notwithstanding any other provision of law,
14 funds appropriated for the planning, design, construction,
15 renovation or expansion of health facilities for the benefit
16 of an Indian tribe or tribes may be used to purchase land
17 on which such facilities will be located: *Provided further*,
18 That not to exceed \$500,000 shall be used by the Indian
19 Health Service to purchase TRANSAM equipment from
20 the Department of Defense for distribution to the Indian
21 Health Service and tribal facilities: *Provided further*, That
22 none of the funds appropriated to the Indian Health Serv-
23 ice may be used for sanitation facilities construction for
24 new homes funded with grants by the housing programs
25 of the United States Department of Housing and Urban

1 Development: *Provided further*, That not to exceed
2 \$2,700,000 from this account and the “Indian Health
3 Services” account shall be used by the Indian Health Serv-
4 ice to obtain ambulances for the Indian Health Service
5 and tribal facilities in conjunction with an existing inter-
6 agency agreement between the Indian Health Service and
7 the General Services Administration: *Provided further*,
8 That not to exceed \$500,000 shall be placed in a Demoli-
9 tion Fund, to remain available until expended, and be used
10 by the Indian Health Service for the demolition of Federal
11 buildings.

12 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

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

1 Indian Health Service: *Provided*, That in accordance with
2 the provisions of the Indian Health Care Improvement
3 Act, non-Indian patients may be extended health care at
4 all tribally administered or Indian Health Service facili-
5 ties, subject to charges, and the proceeds along with funds
6 recovered under the Federal Medical Care Recovery Act
7 (42 U.S.C. 2651–2653) shall be credited to the account
8 of the facility providing the service and shall be available
9 without fiscal year limitation: *Provided further*, That not-
10 withstanding any other law or regulation, funds trans-
11 ferred from the Department of Housing and Urban Devel-
12 opment to the Indian Health Service shall be administered
13 under Public Law 86–121, the Indian Sanitation Facilities
14 Act and Public Law 93–638, as amended: *Provided fur-*
15 *ther*, That funds appropriated to the Indian Health Serv-
16 ice in this Act, except those used for administrative and
17 program direction purposes, shall not be subject to limita-
18 tions directed at curtailing Federal travel and transpor-
19 tation: *Provided further*, That none of the funds made
20 available to the Indian Health Service in this Act shall
21 be used for any assessments or charges by the Department
22 of Health and Human Services unless identified in the
23 budget justification and provided in this Act, or approved
24 by the House and Senate Committees on Appropriations
25 through the reprogramming process: *Provided further*,

1 That notwithstanding any other provision of law, funds
2 previously or herein made available to a tribe or tribal or-
3 ganization through a contract, grant, or agreement au-
4 thorized by title I or title V of the Indian Self-Determina-
5 tion and Education Assistance Act of 1975 (25 U.S.C.
6 450), may be deobligated and reobligated to a self-deter-
7 mination contract under title I, or a self-governance agreee-
8 ment under title V of such Act and thereafter shall remain
9 available to the tribe or tribal organization without fiscal
10 year limitation: *Provided further*, That none of the funds
11 made available to the Indian Health Service in this Act
12 shall be used to implement the final rule published in the
13 Federal Register on September 16, 1987, by the Depart-
14 ment of Health and Human Services, relating to the eligi-
15 bility for the health care services of the Indian Health
16 Service until the Indian Health Service has submitted a
17 budget request reflecting the increased costs associated
18 with the proposed final rule, and such request has been
19 included in an appropriations Act and enacted into law:
20 *Provided further*, That with respect to functions trans-
21 ferred by the Indian Health Service to tribes or tribal or-
22 ganizations, the Indian Health Service is authorized to
23 provide goods and services to those entities on a reimburs-
24 able basis, including payments in advance with subsequent
25 adjustment, and the reimbursements received therefrom,

1 along with the funds received from those entities pursuant
2 to the Indian Self-Determination Act, may be credited to
3 the same or subsequent appropriation account from which
4 the funds were originally derived, with such amounts to
5 remain available until expended: *Provided further*, That re-
6 imbursements for training, technical assistance, or serv-
7 ices provided by the Indian Health Service will contain
8 total costs, including direct, administrative, and overhead
9 associated with the provision of goods, services, or tech-
10 nical assistance: *Provided further*, That the appropriation
11 structure for the Indian Health Service may not be altered
12 without advance notification to the House and Senate
13 Committees on Appropriations.

14 NATIONAL INSTITUTES OF HEALTH

15 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

16 SCIENCES

17 For necessary expenses for the National Institute of
18 Environmental Health Sciences in carrying out activities
19 set forth in section 311(a) of the Comprehensive Environ-
20 mental Response, Compensation, and Liability Act of
21 1980, as amended, and section 126(g) of the Superfund
22 Amendments and Reauthorization Act of 1986,
23 \$79,054,000.

111

1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
2 REGISTRY
3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
4 HEALTH

5 For necessary expenses for the Agency for Toxic Sub-
6 stances and Disease Registry (ATSDR) in carrying out
7 activities set forth in sections 104(i) and 111(c)(4) of the
8 Comprehensive Environmental Response, Compensation,
9 and Liability Act of 1980 (CERCLA), as amended; section
10 118(f) of the Superfund Amendments and Reauthoriza-
11 tion Act of 1986 (SARA), as amended; and section 3019
12 of the Solid Waste Disposal Act, as amended,
13 \$76,337,000, of which up to \$1,000 per eligible employee
14 of the Agency for Toxic Substances and Disease Registry
15 shall remain available until expended for Individual Learn-
16 ing Accounts: *Provided*, That notwithstanding any other
17 provision of law, in lieu of performing a health assessment
18 under section 104(i)(6) of CERCLA, the Administrator
19 of ATSDR may conduct other appropriate health studies,
20 evaluations, or activities, including, without limitation,
21 biomedical testing, clinical evaluations, medical moni-
22 toring, and referral to accredited healthcare providers:
23 *Provided further*, That in performing any such health as-
24 sessment or health study, evaluation, or activity, the Ad-
25 ministrator of ATSDR shall not be bound by the deadlines

1 in section 104(i)(6)(A) of CERCLA: *Provided further,*
2 That none of the funds appropriated under this heading
3 shall be available for ATSDR to issue in excess of 40 toxi-
4 cological profiles pursuant to section 104(I) of CERCLA
5 during fiscal year 2012, and existing profiles may be up-
6 dated as necessary.

7 **OTHER RELATED AGENCIES**

8 **EXECUTIVE OFFICE OF THE PRESIDENT**

9 **COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF**

10 **ENVIRONMENTAL QUALITY**

11 For necessary expenses to continue functions as-
12 signed to the Council on Environmental Quality and Office
13 of Environmental Quality pursuant to the National Envi-
14 ronmental Policy Act of 1969, the Environmental Quality
15 Improvement Act of 1970, and Reorganization Plan No.
16 1 of 1977, and not to exceed \$750 for official reception
17 and representation expenses, \$3,153,000: *Provided, That*
18 notwithstanding section 202 of the National Environ-
19 mental Policy Act of 1970, the Council shall consist of
20 one member, appointed by the President, by and with the
21 advice and consent of the Senate, serving as chairman and
22 exercising all powers, functions, and duties of the Council.

1 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses in carrying out activities pur-
4 suant to section 112(r)(6) of the Clean Air Act, as amend-
5 ed, including hire of passenger vehicles, uniforms or allow-
6 ances therefor, as authorized by 5 U.S.C. 5901-5902, and
7 for services authorized by 5 U.S.C. 3109 but at rates for
8 individuals not to exceed the per diem equivalent to the
9 maximum rate payable for senior level positions under 5
10 U.S.C. 5376, \$11,147,000: *Provided*, That the Chemical
11 Safety and Hazard Investigation Board (Board) shall have
12 not more than three career Senior Executive Service posi-
13 tions: *Provided further*, That notwithstanding any other
14 provision of law, the individual appointed to the position
15 of Inspector General of the Environmental Protection
16 Agency (EPA) shall, by virtue of such appointment, also
17 hold the position of Inspector General of the Board: *Pro-*
18 *vided further*, That notwithstanding any other provision
19 of law, the Inspector General of the Board shall utilize
20 personnel of the Office of Inspector General of EPA in
21 performing the duties of the Inspector General of the
22 Board, and shall not appoint any individuals to positions
23 within the Board.

1 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Navajo and
4 Hopi Indian Relocation as authorized by Public Law 93-
5 531, \$7,750,000, to remain available until expended: *Pro-*
6 *vided*, That funds provided in this or any other appropria-
7 tions Act are to be used to relocate eligible individuals and
8 groups including evictees from District 6, Hopi-partitioned
9 lands residents, those in significantly substandard hous-
10 ing, and all others certified as eligible and not included
11 in the preceding categories: *Provided further*, That none
12 of the funds contained in this or any other Act may be
13 used by the Office of Navajo and Hopi Indian Relocation
14 to evict any single Navajo or Navajo family who, as of
15 November 30, 1985, was physically domiciled on the lands
16 partitioned to the Hopi Tribe unless a new or replacement
17 home is provided for such household: *Provided further*,
18 That no relocatee will be provided with more than one new
19 or replacement home: *Provided further*, That the Office
20 shall relocate any certified eligible relocatees who have se-
21 lected and received an approved homesite on the Navajo
22 reservation or selected a replacement residence off the
23 Navajo reservation or on the land acquired pursuant to
24 25 U.S.C. 640d-10.

1 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
2 CULTURE AND ARTS DEVELOPMENT
3 PAYMENT TO THE INSTITUTE

4 For payment to the Institute of American Indian and
5 Alaska Native Culture and Arts Development, as author-
6 ized by title XV of Public Law 99-498, as amended (20
7 U.S.C. 56 part A), \$8,533,000.

8 SMITHSONIAN INSTITUTION
9 SALARIES AND EXPENSES

10 For necessary expenses of the Smithsonian Institu-
11 tion, as authorized by law, including research in the fields
12 of art, science, and history; development, preservation, and
13 documentation of the National Collections; presentation of
14 public exhibits and performances; collection, preparation,
15 dissemination, and exchange of information and publica-
16 tions; conduct of education, training, and museum assist-
17 ance programs; maintenance, alteration, operation, lease
18 agreements of no more than 30 years, and protection of
19 buildings, facilities, and approaches; not to exceed
20 \$100,000 for services as authorized by 5 U.S.C. 3109; and
21 purchase, rental, repair, and cleaning of uniforms for em-
22 ployees, \$636,530,000, to remain available until Sep-
23 tember 30, 2013, except as otherwise provided herein; of
24 which not to exceed \$20,137,000 for the instrumentation
25 program, collections acquisition, exhibition reinstallation,

1 the National Museum of African American History and
2 Culture, and the repatriation of skeletal remains program
3 shall remain available until expended; and including such
4 funds as may be necessary to support American overseas
5 research centers: *Provided*, That funds appropriated here-
6 in are available for advance payments to independent con-
7 tractors performing research services or participating in
8 official Smithsonian presentations.

9 FACILITIES CAPITAL

10 For necessary expenses of repair, revitalization, and
11 alteration of facilities owned or occupied by the Smithso-
12 nian Institution, by contract or otherwise, as authorized
13 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
14 and for construction, including necessary personnel,
15 \$175,000,000, to remain available until expended, of
16 which not to exceed \$10,000 is for services as authorized
17 by 5 U.S.C. 3109, and of which \$75,000,000 shall be to
18 complete design and begin construction of the National
19 Museum of African American History and Culture: *Pro-*
20 *vided*, That during fiscal year 2012 and any succeeding
21 fiscal year, a single procurement for construction of the
22 National Museum of African American History and Cul-
23 ture, as authorized under section 8 of the National Mu-
24 seum of African American History and Culture Act (20
25 U.S.C. 80r-6), may be issued that includes the full scope

1 of the project: *Provided further*, That the solicitation and
2 contract shall contain the clause “availability of funds”
3 found at 48 CFR 52.232.18.

4 NATIONAL GALLERY OF ART

5 SALARIES AND EXPENSES

6 For the upkeep and operations of the National Gal-
7 lery of Art, the protection and care of the works of art
8 therein, and administrative expenses incident thereto, as
9 authorized by the Act of March 24, 1937 (50 Stat. 51),
10 as amended by the public resolution of April 13, 1939
11 (Public Resolution 9, Seventy-sixth Congress), including
12 services as authorized by 5 U.S.C. 3109; payment in ad-
13 vance when authorized by the treasurer of the Gallery for
14 membership in library, museum, and art associations or
15 societies whose publications or services are available to
16 members only, or to members at a price lower than to the
17 general public; purchase, repair, and cleaning of uniforms
18 for guards, and uniforms, or allowances therefor, for other
19 employees as authorized by law (5 U.S.C. 5901–5902);
20 purchase or rental of devices and services for protecting
21 buildings and contents thereof, and maintenance, alter-
22 ation, improvement, and repair of buildings, approaches,
23 and grounds; and purchase of services for restoration and
24 repair of works of art for the National Gallery of Art by
25 contracts made, without advertising, with individuals,

1 firms, or organizations at such rates or prices and under
2 such terms and conditions as the Gallery may deem prop-
3 er, \$114,066,000, of which not to exceed \$3,481,000 for
4 the special exhibition program shall remain available until
5 expended.

6 REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

7 For necessary expenses of repair, restoration and
8 renovation of buildings, grounds and facilities owned or
9 occupied by the National Gallery of Art, by contract or
10 otherwise, for operating lease agreements of no more than
11 10 years, with no extensions or renewals beyond the 10
12 years, that address space needs created by the ongoing
13 renovations in the Master Facilities Plan, as authorized,
14 \$14,516,000, to remain available until expended: *Pro-*
15 *vided*, That contracts awarded for environmental systems,
16 protection systems, and exterior repair or renovation of
17 buildings of the National Gallery of Art may be negotiated
18 with selected contractors and awarded on the basis of con-
19 tractor qualifications as well as price.

20 JOHN F. KENNEDY CENTER FOR THE PERFORMING

21 ARTS

22 OPERATIONS AND MAINTENANCE

23 For necessary expenses for the operation, mainte-
24 nance and security of the John F. Kennedy Center for
25 the Performing Arts, \$23,200,000.

1 CAPITAL REPAIR AND RESTORATION

2 For necessary expenses for capital repair and restora-
3 tion of the existing features of the building and site of
4 the John F. Kennedy Center for the Performing Arts,
5 \$13,650,000, to remain available until expended.

6 WOODROW WILSON INTERNATIONAL CENTER FOR

7 SCHOLARS

8 SALARIES AND EXPENSES

9 For expenses necessary in carrying out the provisions
10 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
11 1356) including hire of passenger vehicles and services as
12 authorized by 5 U.S.C. 3109, \$11,005,000, to remain
13 available until September 30, 2013.

14 NATIONAL FOUNDATION ON THE ARTS AND THE

15 HUMANITIES

16 NATIONAL ENDOWMENT FOR THE ARTS

17 GRANTS AND ADMINISTRATION

18 For necessary expenses to carry out the National
19 Foundation on the Arts and the Humanities Act of 1965,
20 \$146,255,000 shall be available to the National Endow-
21 ment for the Arts for the support of projects and produc-
22 tions in the arts, including arts education and public out-
23 reach activities, through assistance to organizations and
24 individuals pursuant to section 5 of the Act, for program

1 support, and for administering the functions of the Act,
2 to remain available until expended.

3 NATIONAL ENDOWMENT FOR THE HUMANITIES

4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 \$146,255,000, to remain available until expended, of
8 which \$135,500,000 shall be available for support of ac-
9 tivities in the humanities, pursuant to section 7(c) of the
10 Act and for administering the functions of the Act; and
11 \$10,755,000 shall be available to carry out the matching
12 grants program pursuant to section 10(a)(2) of the Act
13 including \$8,370,000 for the purposes of section 7(h):
14 *Provided*, That appropriations for carrying out section
15 10(a)(2) shall be available for obligation only in such
16 amounts as may be equal to the total amounts of gifts,
17 bequests, and devises of money, and other property accept-
18 ed by the chairman or by grantees of the Endowment
19 under the provisions of subsections 11(a)(2)(B) and
20 11(a)(3)(B) during the current and preceding fiscal years
21 for which equal amounts have not previously been appro-
22 priated.

23 ADMINISTRATIVE PROVISIONS

24 None of the funds appropriated to the National
25 Foundation on the Arts and the Humanities may be used

1 to process any grant or contract documents which do not
2 include the text of 18 U.S.C. 1913: *Provided*, That none
3 of the funds appropriated to the National Foundation on
4 the Arts and the Humanities may be used for official re-
5 ception and representation expenses: *Provided further*,
6 That funds from nonappropriated sources may be used as
7 necessary for official reception and representation ex-
8 penses: *Provided further*, That the Chairperson of the Na-
9 tional Endowment for the Arts may approve grants of up
10 to \$10,000, if in the aggregate this amount does not ex-
11 ceed 5 percent of the sums appropriated for grantmaking
12 purposes per year: *Provided further*, That such small grant
13 actions are taken pursuant to the terms of an expressed
14 and direct delegation of authority from the National Coun-
15 cil on the Arts to the Chairperson.

16 COMMISSION OF FINE ARTS

17 SALARIES AND EXPENSES

18 For expenses of the Commission of Fine Arts under
19 Chapter 91 of title 40, United States Code, \$2,400,000:
20 *Provided*, That the Commission is authorized to charge
21 fees to cover the full costs of its publications, and such
22 fees shall be credited to this account as an offsetting col-
23 lection, to remain available until expended without further
24 appropriation: *Provided further*, That the Commission is
25 authorized to accept gifts, including objects, papers, art-

1 work, drawings and artifacts, that pertain to the history
2 and design of the Nation's Capital or the history and ac-
3 tivities of the Commission of Fine Arts, for the purpose
4 of artistic display, study or education.

5 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

6 For necessary expenses as authorized by Public Law
7 99-190 (20 U.S.C. 956a), as amended, \$2,000,000.

8 ADMINISTRATIVE PROVISION

9 The item relating to "National Capital Arts and Cul-
10 tural Affairs" in the Department of the Interior and Re-
11 lated Agencies Appropriations Act, 1986, as enacted into
12 law by section 101(d) of Public Law 99-190 (99 Stat.
13 1261; 20 U.S.C. 956a) is amended—

14 (1) by deleting the last sentence in the second
15 paragraph and replacing it with the following: "Each
16 eligible organization must have its principal place of
17 business in the District of Columbia and in a facility
18 or facilities located in the District of Columbia.";
19 and

20 (2) In the third paragraph, by deleting "in ad-
21 dition to those herein named" at the end of the sen-
22 tence.

1 ADVISORY COUNCIL ON HISTORIC PRESERVATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Advisory Council on
4 Historic Preservation (Public Law 89-665, as amended),
5 \$6,108,000.

6 NATIONAL CAPITAL PLANNING COMMISSION

7 SALARIES AND EXPENSES

8 For necessary expenses of the National Capital Plan-
9 ning Commission under chapter 87 of title 40, United
10 States Code, including services as authorized by 5 U.S.C.
11 3109, \$8,154,000: *Provided*, That one-quarter of 1 per-
12 cent of the funds provided under this heading may be used
13 for official reception and representational expenses associ-
14 ated with hosting international visitors engaged in the
15 planning and physical development of world capitals.

16 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

17 HOLOCAUST MEMORIAL MUSEUM

18 For expenses of the Holocaust Memorial Museum, as
19 authorized by Public Law 106-292 (36 U.S.C. 2301-
20 2310), \$50,798,000, of which \$515,000 shall remain
21 available until September 30, 2014, for the Museum's
22 equipment replacement program; and of which \$1,900,000
23 for the Museum's repair and rehabilitation program and
24 \$1,264,000 for the Museum's outreach initiatives program
25 shall remain available until expended.

1 PRESIDIO TRUST

2 PRESIDIO TRUST FUND

3 For necessary expenses to carry out title I of the Om-
4 nibus Parks and Public Lands Management Act of 1996,
5 \$12,000,000 shall be available to the Presidio Trust, to
6 remain available until expended.

7 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses, including the costs of con-
10 struction design, of the Dwight D. Eisenhower Memorial
11 Commission, \$2,000,000, to remain available until ex-
12 pended.

13 CAPITAL CONSTRUCTION

14 For necessary expenses of the Dwight D. Eisenhower
15 Memorial Commission for design and construction of a
16 memorial in honor of Dwight D. Eisenhower, as author-
17 ized by Public Law 106-79, ~~\$31,100,000~~, to remain avail- **\$ 30,990,000**
18 able until expended: *Provided*, That beginning in fiscal
19 year 2012 and thereafter, any procurement for the con-
20 struction of the permanent memorial to Dwight D. Eisen-
21 hower, as authorized by section 8162 of the Department
22 of Defense Appropriations Act, 2000 (16 U.S.C. 431 note;
23 Public Law 106-79), as amended by section 8120 of the
24 Department of Defense Appropriations Act, 2002 (Public
25 Law 107-117), may be issued which includes the full

1 scope of the project: *Provided further*, That the solicitation
2 and contract with respect to the procurement shall contain
3 the “availability of funds” clause described in section
4 52.232.18 of title 48, Code of Federal Regulations: *Pro-*
5 *vided further*, That the funds appropriated herein shall be
6 deemed to satisfy the criteria for issuing a permit con-
7 tained in 40 U.S.C. 8906(a)(4) and (b).

1

2

TITLE IV

3

GENERAL PROVISIONS

4

(INCLUDING TRANSFERS OF FUNDS)

5

LIMITATION ON CONSULTING SERVICES

6

SEC. 401. The expenditure of any appropriation
7 under this Act for any consulting service through procure-
8 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
9 to those contracts where such expenditures are a matter
10 of public record and available for public inspection, except
11 where otherwise provided under existing law, or under ex-
12 isting Executive order issued pursuant to existing law.

13

RESTRICTION ON USE OF FUNDS

14

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

21

OBLIGATION OF APPROPRIATIONS

22

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

1 PROHIBITION ON USE OF FUNDS FOR PERSONAL

2 SERVICES

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

8 DISCLOSURE OF ADMINISTRATIVE EXPENSES

9 SEC. 405. Estimated overhead charges, deductions,
10 reserves or holdbacks from programs, projects, activities
11 and subactivities to support government-wide, depart-
12 mental, agency, or bureau administrative functions or
13 headquarters, regional, or central operations shall be pre-
14 sented in annual budget justifications and subject to ap-
15 proval by the Committees on Appropriations of the House
16 of Representatives and the Senate. Changes to such esti-
17 mates shall be presented to the Committees on Appropria-
18 tions for approval.

19 GIANT SEQUOIA

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

1 MINING APPLICATIONS

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

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

18 (c) REPORT.—On September 30, 2013, the Secretary
19 of the Interior shall file with the House and Senate Com-
20 mittees on Appropriations and the Committee on Natural
21 Resources of the House and the Committee on Energy and
22 Natural Resources of the Senate a report on actions taken
23 by the Department under the plan submitted pursuant to
24 section 314(c) of the Department of the Interior and Re-

1 lated Agencies Appropriations Act, 1997 (Public Law
2 104-208).

3 (d) MINERAL EXAMINATIONS.—In order to process
4 patent applications in a timely and responsible manner,
5 upon the request of a patent applicant, the Secretary of
6 the Interior shall allow the applicant to fund a qualified
7 third-party contractor to be selected by the Director of the
8 Bureau of Land Management to conduct a mineral exam-
9 ination of the mining claims or mill sites contained in a
10 patent application as set forth in subsection (b). The Bu-
11 reau of Land Management shall have the sole responsi-
12 bility to choose and pay the third-party contractor in ac-
13 cordance with the standard procedures employed by the
14 Bureau of Land Management in the retention of third-
15 party contractors.

16 CONTRACT SUPPORT COSTS

17 SEC. 408. Notwithstanding any other provision of
18 law, amounts appropriated to or otherwise designated in
19 committee reports for the Bureau of Indian Affairs and
20 the Indian Health Service by Public Laws 103-138, 103-
21 332, 104-134, 104-208, 105-83, 105-277, 106-113,
22 106-291, 107-63, 108-7, 108-108, 108-447, 109-54,
23 109-289, division B and Continuing Appropriations Reso-
24 lution, 2007 (division B of Public Law 109-289, as
25 amended by Public Laws 110-5 and 110-28), Public

1 Laws 110-92, 110-116, 110-137, 110-149, 110-161,
2 110-329, 111-6, 111-8, 111-88, and 112-10 for pay-
3 ments for contract support costs associated with self-de-
4 termination or self-governance contracts, grants, com-
5 pacts, or annual funding agreements with the Bureau of
6 Indian Affairs or the Indian Health Service as funded by
7 such Acts, are the total amounts available for fiscal years
8 1994 through 2011 for such purposes, except that the Bu-
9 reau of Indian Affairs, tribes and tribal organizations may
10 use their tribal priority allocations for unmet contract sup-
11 port costs of ongoing contracts, grants, self-governance
12 compacts, or annual funding agreements.

13 FOREST MANAGEMENT PLANS

14 SEC. 409. The Secretary of Agriculture shall not be
15 considered to be in violation of subparagraph 6(f)(5)(A)
16 of the Forest and Rangeland Renewable Resources Plan-
17 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
18 more than 15 years have passed without revision of the
19 plan for a unit of the National Forest System. Nothing
20 in this section exempts the Secretary from any other re-
21 quirement of the Forest and Rangeland Renewable Re-
22 sources Planning Act (16 U.S.C. 1600 et seq.) or any
23 other law: *Provided*, That if the Secretary is not acting
24 expeditiously and in good faith, within the funding avail-
25 able, to revise a plan for a unit of the National Forest

1 System, this section shall be void with respect to such plan
2 and a court of proper jurisdiction may order completion
3 of the plan on an accelerated basis.

4 PROHIBITION WITHIN NATIONAL MONUMENTS

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

15 AMENDMENTS TO THE TEMPORARY EMERGENCY

16 WILDFIRE SUPPRESSION ACT

17 SEC. 411. The Temporary Emergency Wildfire Sup-
18 pression Act (42 U.S.C. 1856m et seq.) is amended—

19 (1) in the first section (42 U.S.C. 1856m
20 note)—

21 (A) by striking “That this” and inserting
22 the following:

23 **“SECTION 1. SHORT TITLE.**

24 “This”; and

25 (B) by striking “Temporary”;

1 (2) by striking section 2 (42 U.S.C. 1856m)
2 and inserting the following:

3 **“SEC. 2. DEFINITIONS.**

4 “In this Act:

5 “(1) ASSUME ANY AND ALL LIABILITY.—The
6 term ‘assume any and all liability’ means—

7 “(A) the payment of—

8 “(i) any judgment, settlement, fine,
9 penalty, or cost assessment (including pre-
10 vailing party legal fees) associated with the
11 applicable litigation; and

12 “(ii) any cost incurred in handling the
13 applicable litigation (including legal fees);
14 and

15 “(B) with respect to a Federal firefighter,
16 arranging for, and paying the costs of, rep-
17 resentation in the applicable litigation.

18 “(2) FEDERAL FIREFIGHTER.—The term ‘Fed-
19 eral firefighter’ means an individual furnished by the
20 Secretary of Agriculture or the Secretary of the In-
21 terior under an agreement entered into under sec-
22 tion 3.

23 “(3) FOREIGN FIRE ORGANIZATION.—The term
24 ‘foreign fire organization’ means any foreign govern-

1 mental, public, or private entity that has wildfire
 2 protection resources.

3 “(4) FOREIGN FIREFIGHTER.—The term ‘for-
 4 eign firefighter’ means an individual furnished by a
 5 foreign fire organization under an agreement entered
 6 into under section 3.

7 “(5) WILDFIRE.—The term ‘wildfire’ means
 8 any forest or range fire.

9 “(6) WILDFIRE PROTECTION RESOURCES.—The
 10 term ‘wildfire protection resources’ means any per-
 11 sonnel, supplies, equipment, or other resources re-
 12 quired for wildfire presuppression and suppression
 13 activities.”;

14 (3) in section 3 (42 U.S.C. 1856n)—

15 (A) in subsection (a)—

16 (i) by striking “(a)(1) The Secretary
 17 of Agriculture” and inserting the following:

18 “(a) EXCHANGE OF WILDFIRE PROTECTION RE-
 19 SOURCES UNDER A RECIPROCAL AGREEMENT WITH A
 20 FOREIGN FIRE ORGANIZATION.—

21 “(1) AUTHORITY TO ENTER INTO A RECIP-
 22 ROCAL AGREEMENT.—The Secretary of Agri-
 23 culture”;

1 (ii) in paragraph (2), by striking “(2)
2 Any agreement” and inserting the fol-
3 lowing:

4 “(2) REQUIREMENTS FOR A RECIPROCAL
5 AGREEMENT.—Any agreement”;

6 (B) in subsection (b)—

7 (i) by striking “(b) In the absence”
8 and inserting the following:

9 “(b) EXCHANGE OF WILDFIRE PROTECTION RE-
10 SOURCES WITHOUT A RECIPROCAL AGREEMENT.—In the
11 absence”; and

12 (ii) in paragraph (1), by striking
13 “United States, and” and inserting
14 “United States; and”;

15 (C) in subsection (c), by striking “(c) Not-
16 withstanding” and inserting the following:

17 “(c) REIMBURSEMENT UNDER AGREEMENTS WITH
18 CANADA.—Notwithstanding”; and

19 (D) in subsection (d)—

20 (i) by striking, “(d) Any service” and
21 inserting the following:

22 “(d) SERVICE PERFORMED UNDER THIS ACT BY
23 FEDERAL EMPLOYEES.—

24 “(1) IN GENERAL.—Any service”; and

1 (ii) in the second sentence, by striking

2 “The” and inserting the following:

3 “(2) EFFECT.—Except as provided in section 4,
4 the”;

5 (4) by redesignating section 4 (42 U.S.C.
6 1856o) as section 5;

7 (5) by inserting after section 3 the following:

8 **“SEC. 4. RECIPROCAL AGREEMENTS WITH LIABILITY COV-**
9 **ERAGE.**

10 **“(a) PROTECTION FROM LIABILITY FOR FOREIGN**
11 **FIREFIGHTERS AND FOREIGN FIRE ORGANIZATIONS.—**

12 Subject to subsection (b), in an agreement with a foreign
13 fire organization entered into under section 3, the Sec-
14 retary of Agriculture and the Secretary of the Interior
15 may provide that—

16 “(1) a foreign firefighter shall be considered to
17 be an employee of the United States for purposes of
18 tort liability while the foreign firefighter is acting
19 within the scope of an official duty under the agree-
20 ment; and

21 “(2) any claim against the foreign fire organi-
22 zation or any legal organization associated with the
23 foreign firefighter that arises out of an act or omis-
24 sion of the foreign firefighter in the performance of
25 an official duty under the agreement, or that arises

1 out of any other act, omission, or occurrence for
2 which the foreign fire organization or legal organiza-
3 tion associated with the foreign firefighter is legally
4 responsible under applicable law, may be prosecuted
5 only—

6 “(A) against the United States; and

7 “(B) as if the act or omission were the act
8 or omission of an employee of the United
9 States.

10 “(b) PROTECTION FROM LIABILITY FOR FEDERAL
11 FIREFIGHTERS AND THE FEDERAL GOVERNMENT.—The
12 Secretary of Agriculture and the Secretary of the Interior
13 may provide the protections under subsection (a) if the
14 foreign fire organization agrees—

15 “(1) to assume any and all liability for any
16 legal action brought against the Federal firefighter
17 for an act or omission of the Federal firefighter
18 while acting within the scope of an official duty
19 under the agreement; and

20 “(2) to the extent the United States or any
21 legal organization associated with the Federal fire-
22 fighter is not entitled to immunity from the jurisdic-
23 tion of the courts having jurisdiction over the foreign
24 fire organization receiving the services of the Fed-
25 eral firefighters, to assume any and all liability for

1 any legal action brought against the United States
2 or the legal organization arising out of—

3 “(A) an act or omission of the Federal
4 firefighter in the performance of an official
5 duty under the agreement; or

6 “(B) any other act, omission, or occurrence
7 for which the United States or the legal organi-
8 zation associated with the Federal firefighter is
9 legally responsible under the laws applicable to
10 the foreign fire organization.”; and

11 (6) in section 5 (as redesignated by paragraph
12 (4))—

13 (A) by striking “under section 3(c)” and
14 inserting “under this Act”; and

15 (B) in the proviso—

16 (i) by striking “wildfire protection re-
17 sources or personnel” each place it appears
18 and inserting “wildfire protection resources
19 (including personnel)”;

20 (ii) by inserting “for wildfire suppres-
21 sion activities” before “unless”; and

22 (iii) by striking “provide wildfire pro-
23 tection” and inserting “provide wildfire
24 suppression”.

1 CONTRACTING AUTHORITIES

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

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

9
10 LIMITATION ON TAKINGS

11 SEC. 413. Unless otherwise provided herein, no funds
12 appropriated in this Act for the acquisition of lands or
13 interests in lands may be expended for the filing of dec-
14 larations of taking or complaints in condemnation without
15 the approval of the House and Senate Committees on Ap-
16 propriations: *Provided*, That this provision shall not apply
17 to funds appropriated to implement the Everglades Na-
18 tional Park Protection and Expansion Act of 1989, or to
19 funds appropriated for Federal assistance to the State of
20 Florida to acquire lands for Everglades restoration pur-
21 poses.

22 TIMBER SALE REQUIREMENTS

23 SEC. 414. No timber sale in Alaska’s Region 10 shall
24 be advertised if the indicated rate is deficit (defined as
25 the value of the timber is not sufficient to cover all logging
and stumpage costs and provide a normal profit and risk

1 allowance under the Forest Service's appraisal process)
2 when appraised using a residual value appraisal. The west-
3 ern red cedar timber from those sales which is surplus
4 to the needs of the domestic processors in Alaska, shall
5 be made available to domestic processors in the contiguous
6 48 United States at prevailing domestic prices. All addi-
7 tional western red cedar volume not sold to Alaska or con-
8 tiguous 48 United States domestic processors may be ex-
9 ported to foreign markets at the election of the timber sale
10 holder. All Alaska yellow cedar may be sold at prevailing
11 export prices at the election of the timber sale holder.

12 EXTENSION OF GRAZING PERMITS

13 SEC. 415. The terms and conditions of section 325
14 of Public Law 108-108 (117 Stat. 1307), regarding graz-
15 ing permits at the Department of the Interior and the
16 Forest Service, shall remain in effect for fiscal years 2012
17 and 2013. A grazing permit or lease issued by the Sec-
18 retary of the Interior for lands administered by the Bu-
19 reau of Land Management that is the subject of a request
20 for a grazing preference transfer shall be issued, without
21 further processing, for the remaining time period in the
22 existing permit or lease using the same mandatory terms
23 and conditions. If the authorized officer determines a
24 change in the mandatory terms and conditions is required,

1 the new permit must be processed as directed in section
2 325 of Public Law 108-108.

3 PROHIBITION ON NO-BID CONTRACTS

4 SEC. 416. None of the funds appropriated or other-
5 wise made available by this Act to executive branch agen-
6 cies may be used to enter into any Federal contract unless
7 such contract is entered into in accordance with the re-
8 quirements of Chapter 33 of title 41, United States Code,
9 or Chapter 137 of title 10, United States Code, and the
10 Federal Acquisition Regulation, unless—

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

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

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

1 POSTING OF REPORTS

2 SEC. 417. (a) Any agency receiving funds made avail-
3 able in this Act, shall, subject to subsections (b) and (c),
4 post on the public website of that agency any report re-
5 quired to be submitted by the Congress in this or any
6 other Act, upon the determination by the head of the agen-
7 cy that it shall serve the national interest.

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

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

11 (2) the report contains proprietary information.

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

16 NATIONAL ENDOWMENT FOR THE ARTS GRANT

17 GUIDELINES

18 SEC. 418. Of the funds provided to the National En-
19 dowment for the Arts—

20 (1) The Chairperson shall only award a grant
21 to an individual if such grant is awarded to such in-
22 dividual for a literature fellowship, National Herit-
23 age Fellowship, or American Jazz Masters Fellow-
24 ship.

1 ties, who have historically been outside the purview
2 of arts and humanities programs due to factors such
3 as a high incidence of income below the poverty line
4 or to geographic isolation.

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

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

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

23 (1) the Chairperson shall establish a grant cat-
24 egory for projects, productions, workshops, or pro-

1 grams that are of national impact or availability or
2 are able to tour several States;

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

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

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

14 USE OF COMPETITIVE GRANT FUNDS

15 SEC. 420. Section 6(d) of Public Law 96-297 (16
16 U.S.C. 431 note), as added by section 101 of Public Law
17 108-126, is amended by inserting “, except funds awarded
18 through competitive grants,” after “No Federal funds”.

19 FOREST SERVICE FACILITY REALIGNMENT AND
20 ENHANCEMENT

21 SEC. 421. Section 503(f) of the Forest Service Re-
22 alignment and Enhancement Act of 2005 (title V of Public
23 Law 109-54; 16 U.S.C. 580d note), as amended by sec-
24 tion 422(1) of Public Law 111-8 (123 Stat. 748), is fur-
25 ther amended by striking “2011” and inserting “2016”.

1 SERVICE FIRST

2 SEC. 422. Section 330 of the Department of the Inte-
3 rior and Related Agencies Appropriations Act, 2001 (Pub-
4 lic Law 106-291; 114 Stat. 996; 43 U.S.C. 1701 note),
5 concerning Service First authorities, as amended by sec-
6 tion 428 of Public Law 109-54 (119 Stat. 555-556) and
7 section 418 of Public Law 111-8 (123 Stat. 747), is
8 amended—

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

12 (2) by striking in the first sentence “pilot pro-
13 grams” and inserting “programs.”

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

16 SEC. 423. The authority provided by section 337 of
17 the Department of the Interior and Related Agencies Ap-
18 propriations Act, 2005 (Public Law 108-447; 118 Stat.
19 3012), as amended, shall remain in effect until September
20 30, 2013.

21 STATUS OF BALANCES OF APPROPRIATIONS

22 SEC. 424. The Department of the Interior, the Envi-
23 ronmental Protection Agency, the Forest Service, and the
24 Indian Health Service shall provide the Committees on
25 Appropriations of the House of Representatives and Sen-

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

4 REPORT ON USE OF CLIMATE CHANGE FUNDS

5 SEC. 425. Not later than 120 days after the date on
6 which the President's fiscal year 2013 budget request is
7 submitted to Congress, the President shall submit a com-
8 prehensive report to the Committee on Appropriations of
9 the House of Representatives and the Committee on Ap-
10 propriations of the Senate describing in detail all Federal
11 agency funding, domestic and international, for climate
12 change programs, projects and activities in fiscal year
13 2011, including an accounting of funding by agency with
14 each agency identifying climate change programs, projects
15 and activities and associated costs by line item as pre-
16 sented in the President's Budget Appendix, and including
17 citations and linkages where practicable to each strategic
18 plan that is driving funding within each climate change
19 program, project and activity listed in the report.

20 PROHIBITION ON USE OF FUNDS

21 SEC. 426. Notwithstanding any other provision of
22 law, none of the funds made available in this Act or any
23 other Act may be used to promulgate or implement any
24 regulation requiring the issuance of permits under title V
25 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon

1 dioxide, nitrous oxide, water vapor, or methane emissions
2 resulting from biological processes associated with live-
3 stock production.

4 GREENHOUSE GAS REPORTING RESTRICTIONS

5 SEC. 427. Notwithstanding any other provision of
6 law, none of the funds made available in this or any other
7 Act may be used to implement any provision in a rule,
8 if that provision requires mandatory reporting of green-
9 house gas emissions from manure management systems.

10 FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS

11 SEC. 428. Hereafter, upon issuance of final regula-
12 tions, the Secretary of Agriculture, acting through the
13 Chief of the Forest Service, shall apply section 105(a) of
14 the Healthy Forests Restoration Act of 2003 (16 U.S.C.
15 6515(a)), providing for a pre-decisional objection process,
16 to proposed actions of the Forest Service concerning
17 projects and activities implementing land and resource
18 management plans developed under the Forest and Range-
19 land Renewable Resources Planning Act of 1974 (16
20 U.S.C. 1600 et seq.), and documented with a Record of
21 Decision or Decision Notice, in lieu of subsections (c), (d),
22 and (e) of section 322 of Public Law 102-381 (16 U.S.C.
23 1612 note), providing for an administrative appeal proc-
24 ess: *Provided*, That if the Chief of the Forest Service de-
25 termines an emergency situation exists for which imme-

1 diate implementation of a proposed action is necessary,
2 the proposed action shall not be subject to the pre-
3 decisional objection process, and implementation shall
4 begin immediately after the Forest Service gives notice of
5 the final decision for the proposed action: *Provided further*,
6 That this section shall not apply to an authorized haz-
7 ardous fuel reduction project under title I of the Healthy
8 Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

9 *el* *el* SILVICULTURAL ACTIVITIES

10 *el* SEC. 429. From the date of enactment of this Act
11 until September 30, 2012, the Administrator ^{of the Environmental} shall not re-
12 quire a permit under section 402 of the Federal Water
13 Pollution Control Act (33 U.S.C. 1342), nor shall the Ad-
14 ministrator directly or indirectly require any State to re-
15 quire a permit, for discharges of stormwater runoff from
16 roads, the construction, use, or maintenance of which are
17 associated with silvicultural activities, or from other sil-
18 vicultural activities involving nursery operations, site prep-
19 aration, reforestation and subsequent cultural treatment,
20 thinning, prescribed burning, pest and fire control, har-
21 vesting operations, or surface drainage. *el*

Protection Agency

22 SEC. 430. Section 10101 of the Omnibus Budget
23 Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—

CLAIM MAINTENANCE FEE AMENDMENTS [

24 (1) in subsection (a)—

1 (A) by striking so much as precedes the
2 second sentence and inserting the following:

3 “(a) CLAIM MAINTENANCE FEE.—

4 “(1) LODE MINING CLAIMS, MILL SITES, AND
5 TUNNEL SITES.—The holder of each unpatented lode
6 mining claim, mill site, or tunnel site, located pursu-
7 ant to the mining laws of the United States on or
8 after August 10, 1993, shall pay to the Secretary of
9 the Interior, on or before September 1 of each year,
10 to the extent provided in advance in appropriations
11 Acts, a claim maintenance fee of \$100 per claim or
12 site, respectively.”; and

13 (B) by adding at the end the following:

14 “(2) PLACER MINING CLAIMS.—The holder of
15 each unpatented placer mining claim located pursu-
16 ant to the mining laws of the United States located
17 before, on, or after August 10, 1993, shall pay to
18 the Secretary of the Interior, on or before September
19 1 of each year, the claim maintenance fee described
20 in subsection (a), for each 20 acres of the placer
21 claim or portion thereof.”; and

22 (2) in subsection (b), by striking the first sen-
23 tence and inserting the following: “The claim main-
24 tenance fee under subsection (a) shall be paid for
25 the year in which the location is made, at the time

1 the location notice is recorded with the Bureau of
2 Land Management.”

3 *le* DOMESTIC LIVESTOCK GRAZING

4 *le* SEC. 431. (a) PROHIBITION REGARDING POTENTIAL
5 DOMESTIC SHEEP AND BIGHORN SHEEP CONTACT ON NA- #
6 TIONAL FOREST SYSTEM LAND.—Notwithstanding any
7 other provision of law or regulation (other than the En-
8 dangered Species Act of 1973 and regulations issued
9 under such Act), none of the funds made available by this
10 Act or made available by any other Act for fiscal year
11 2012 only may be used to carry out—*le*

12 *le* (1) any new management restrictions on domes-
13 tic sheep on parcels of National Forest System land
14 (as defined in ~~section~~ of the Forest and Range Land
15 Renewable Resources Planning Act of 1974 (16
16 U.S.C. 1609(a))) with potential domestic sheep and
17 bighorn sheep (whether native or nonnative) contact
18 in excess of the management restrictions that existed
19 on July 1, 2011; or *le*

20 *le* (2) any other agency regulation for managing
21 bighorn sheep populations on any allotment of such
22 National Forest System land if the management ac-
23 tion will result in a reduction in the number of do-
24 mestic livestock permitted to graze on the allotment
25 or in the distribution of livestock on the allotment. *le*

1 *f* (b) EXCEPTION.—Notwithstanding subsection (a),
2 the Secretary of Agriculture may make such management
3 changes as the Secretary determines to be necessary to
4 manage bighorn sheep if the management changes—*f*
5 *f* (1) are consistent with the wildlife plans of the
6 relevant State fish and game agency and determined
7 in consultation with that agency; and *f*
8 *f* (2) are developed in consultation with the af-
9 fected permittees. *f*
10 *f* (c) BUREAU OF LAND MANAGEMENT LANDS.—In
11 circumstances involving conflicts between bighorn sheep
12 and domestic sheep grazing on public lands (as defined
13 in section 103 of the Federal Land Policy and Manage-
14 ment Act of 1976 (43 U.S.C. 1702)), the Bureau of Land
15 Management may only modify or cancel domestic sheep
16 grazing permits after consulting with the appropriate
17 State fish and game agency. However, if the State in ques-
18 tion has an approved State Wildlife Management Plan
19 that addresses, with specificity, bighorn sheep manage-
20 ment, then the Bureau of Land Management modification
21 or cancellation of permits in that State shall conform to
22 the bighorn sheep management objectives in the State
23 Wildlife Management Plan, unless conformance would be
24 inconsistent with Federal statute or regulation. The Bu-

1 reau of Land Management shall be bound by the require-
2 ments of this subsection until September 30, 2012.]^e

3 [^e(d) VOLUNTARY CLOSURE OF ALLOTMENTS.—Noth-
4 ing in this section shall be construed as limiting the vol-
5 untary closure of existing domestic sheep allotments when
6 the closure is agreed to in writing between the permittee
7 and the Secretary of the Interior or the Secretary of Agri-
8 culture and is carried out for the purpose of reducing con-
9 flicts between domestic sheep and bighorn sheep.]^e

10 [^e(e) WAIVER OF GRAZING PERMITS AND LEASES.—
11 The Secretary of the Interior and the Secretary of Agri-
12 culture may accept the voluntary waiver of any valid exist-
13 ing lease or permit authorizing grazing on National Forest
14 System land described in subsection (a) or public lands
15 described in subsection (c). If the grazing permit or lease
16 for a grazing allotment is only partially within the area
17 of potential domestic sheep and bighorn sheep contact, the
18 affected permittee may elect to waive only the portion of
19 the grazing permit or lease that is within that area. The
20 Secretary concerned shall—]^e

21 [^e(1) terminate each permit or lease waived or
22 portion of a permit or lease waived under this sub-
23 section;]^e

24 [^e(2) ensure a permanent end to domestic sheep
25 grazing on the land covered by the waived permit or

1 lease or waived portion of the permit or lease unless
 2 or until there is no conflict with bighorn sheep man-
 3 agement; and

4 (3) provide for the reimbursement of range im-
 5 provements in compliance with section 4 of the Act
 6 of June 28, 1934 (commonly known as the Taylor
 7 Grazing Act; 43 U.S.C. 315c).

8 AIR EMISSIONS FROM OUTER CONTINENTAL SHELF

9 ACTIVITIES

10 SEC. 432. (a) It is the purpose of this section
 11 to ensure that the energy policy of the United States fo-
 12 cuses on the expeditious and orderly development of do-
 13 mestic energy resources in a manner that protects human
 14 health and the environment.

15 (b) Section 328(a)(1) of the Clean Air Act (42 U.S.C.
 16 7627(a)(1)) is amended—

17 (1) in the first sentence, by inserting “(other
 18 than Outer Continental Shelf sources located off-
 19 shore of the North Slope Borough of the State of
 20 Alaska)” after “Outer Continental Shelf sources lo-
 21 cated offshore of the States along the Pacific, Arctic
 22 and Atlantic Coasts”; and

23 (2) in the fourth sentence, by inserting “and
 24 this Act” after “regulations”.

1 (e) Section 328(b) of the Clean Air Act (42 U.S.C.
2 7627(b)) is amended in the first sentence—

3 (1) by striking “Gulf Coast”; and

4 (2) by inserting “or are adjacent to the North
5 Slope Borough of the State of Alaska” after “Ala-
6 bama”.

7 (d) The transfer of air quality permitting authority
8 pursuant to this section shall not invalidate or stay—

9 (1) any air quality permit pending or existing
10 as of the date of the enactment of this Act; or

11 (2) any proceeding related thereto.

12 (e)(1) The Comptroller General of the United States
13 shall undertake a study on the process for air quality per-
14 mitting in the Outer Continental Shelf.

15 (2) The study shall consist of a comparison of air
16 quality permitting for Outer Continental Shelf sources (as
17 such term is defined in section 328(a)(4) of the Clean Air
18 Act (42 U.S.C. 7627(a)(4)) by the Department of the In-
19 terior with such permitting by the Environmental Protec-
20 tion Agency, taking into account the time elapsed between
21 application and permit approval, the number of applica-
22 tions, and the experiences and assessments of the appli-
23 cants.

24 (3) In carrying out the study, the Comptroller Gen-
25 eral shall consult with the Administrator of the Environ-

1 mental Protection Agency, the Secretary of the Interior,
2 and applicants for air quality permits.

3 (4) The Comptroller General shall complete the study
4 and submit a report on the results of the study to the
5 Congress not later than September 30, 2014.

6 FUNDING PROHIBITION

7 SEC. 433. None of the funds made available by this
8 Act may be used to enter into a contract, memorandum
9 of understanding, or cooperative agreement with, make a
10 grant to, or provide a loan or loan guarantee to, any cor-
11 poration that was convicted (or had an officer or agent
12 of such corporation acting on behalf of the corporation
13 convicted) of a felony criminal violation under any Federal
14 law within the preceding 24 months, where the awarding
15 agency is aware of the conviction, unless the agency has
16 considered suspension or debarment of the corporation, or
17 such officer or agent and made a determination that this
18 further action is not necessary to protect the interests of
19 the Government.

20 LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

21 SEC. 434. None of the funds made available by this
22 Act may be used to enter into a contract, memorandum
23 of understanding, or cooperative agreement with, make a
24 grant to, or provide a loan or loan guarantee to, any cor-
25 poration with respect to which any unpaid Federal tax li-

1 ability that has been assessed, for which all judicial and
2 administrative remedies have been exhausted or have
3 lapsed, and that is not being paid in a timely manner pur-
4 suant to an agreement with the authority responsible for
5 collecting the tax liability, where the awarding agency is
6 aware of the unpaid tax liability, unless the agency has
7 considered suspension or debarment of the corporation
8 and made a determination that this further action is not
9 necessary to protect the interests of the Government.

10 ALASKA NATIVE REGIONAL HEALTH ENTITIES

11 SEC. 435. (a) Notwithstanding any other provision
12 of law and until October 1, 2013, the Indian Health Serv-
13 ice may not disburse funds for the provision of health care
14 services pursuant to Public Law 93-638 (25 U.S.C. 450
15 et seq.) to any Alaska Native village or Alaska Native vil-
16 lage corporation that is located within the area served by
17 an Alaska Native regional health entity.

18 (b) Nothing in this section shall be construed to pro-
19 hibit the disbursal of funds to any Alaska Native village
20 or Alaska Native village corporation under any contract
21 or compact entered into prior to May 1, 2006, or to pro-
22 hibit the renewal of any such agreement.

23 (c) For the purpose of this section, Eastern Aleutian
24 Tribes, Inc., the Council of Athabascan Tribal Govern-
25 ments, and the Native Village of Eyak shall be treated

1 as Alaska Native regional health entities to which funds
2 may be disbursed under this section.

3 SEC. 436. (a) ^{GENERAL REDUCTION} ACROSS-THE-BOARD RESCISSIONS.—

4 There is hereby rescinded an amount equal to 0.16 percent
5 of the budget authority provided for fiscal year 2012 for
6 any discretionary appropriation in titles I through IV of
7 this Act.

8 (b) PROPORTIONATE APPLICATION.—Any rescission
9 made by subsection (a) shall be applied proportionately—

10 (1) to each discretionary account and each item
11 of budget authority described in subsection (a); and

12 (2) within each such account and item, to each
13 program, project, and activity (with programs,
14 projects, and activities as delineated in the appro-
15 priation Act or accompanying reports for the rel-
16 evant fiscal year covering such account or item, or
17 for accounts and items not included in appropriation
18 Acts, as delineated in the most recently submitted
19 President's budget).

20 (c) INDIAN LAND AND WATER CLAIM SETTLE-
21 MENTS.—Under the heading "Bureau of Indian Affairs,
22 Indian Land and Water Claim Settlements and Miscella-
23 neous Payments to Indians", the across-the-board rescis-
24 sion in this section, and any subsequent across-the-board
25 rescission for fiscal year 2012, shall apply only to the first

1 dollar amount in the paragraph and the distribution of
2 the rescission shall be at the discretion of the Secretary
3 of the Interior who shall submit a report on such distribu-
4 tion and the rationale therefore to the House and Senate
5 Committees on Appropriations.

6 (d) OMB REPORT.—Within 30 days after the date
7 of the enactment of this section the Director of the Office
8 of Management and Budget shall submit to the Commit-
9 tees on Appropriations of the House of Representatives
10 and the Senate a report specifying the account and
11 amount of each rescission made pursuant to this section.

12 This division may be cited as the “Department of the
13 Interior, Environment, and Related Agencies Appropria-
14 tions Act, 2012”.