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112TH CONGRESS
2^D SESSION

H. R. _____

[Report No. 112-____]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 2012

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior, environment, and related
6 agencies for the fiscal year ending September 30, 2013,
7 and for other purposes, namely:

8 TITLE I—DEPARTMENT OF THE INTERIOR

9 BUREAU OF LAND MANAGEMENT

10 MANAGEMENT OF LANDS AND RESOURCES

11 For necessary expenses for protection, use, improve-
12 ment, development, disposal, cadastral surveying, classi-
13 fication, acquisition of easements and other interests in
14 lands, and performance of other functions, including main-
15 tenance of facilities, as authorized by law, in the manage-
16 ment of lands and their resources under the jurisdiction
17 of the Bureau of Land Management, including the general
18 administration of the Bureau, and assessment of mineral
19 potential of public lands pursuant to section 1010(a) of
20 Public Law 96–487 (16 U.S.C. 3150(a)), \$946,707,000,
21 to remain available until expended; of which \$3,000,000
22 shall be available in fiscal year 2013 subject to a match
23 by at least an equal amount by the National Fish and
24 Wildlife Foundation for cost-shared projects supporting
25 conservation of Bureau lands; and such funds shall be ad-

1 vanced to the Foundation as a lump-sum grant without
2 regard to when expenses are incurred.

3 In addition, \$32,500,000 is for the processing of ap-
4 plications for permit to drill and related use authoriza-
5 tions, to remain available until expended, to be reduced
6 by amounts collected by the Bureau and credited to this
7 appropriation that shall be derived from \$6,500 per new
8 application for permit to drill that the Bureau shall collect
9 upon submission of each new application, and in addition,
10 \$39,696,000 is for Mining Law Administration program
11 operations, including the cost of administering the mining
12 claim fee program, to remain available until expended, to
13 be reduced by amounts collected by the Bureau and cred-
14 ited to this appropriation from mining claim maintenance
15 fees and location fees that are hereby authorized for fiscal
16 year 2013 so as to result in a final appropriation esti-
17 mated at not more than \$946,707,000, and \$2,000,000,
18 to remain available until expended, from communication
19 site rental fees established by the Bureau for the cost of
20 administering communication site activities.

21 LAND ACQUISITION

22 For expenses necessary to carry out sections 205,
23 206, and 318(d) of Public Law 94-579 (43 U.S.C. 1715,
24 1716, 1748(d)), including administrative expenses and ac-
25 quisition of lands or waters, or interests therein,

1 \$6,743,000, to be derived from the Land and Water Con-
2 servation Fund and to remain available until expended.

3 OREGON AND CALIFORNIA GRANT LANDS

4 For expenses necessary for management, protection,
5 and development of resources and for construction, oper-
6 ation, and maintenance of access roads, reforestation, and
7 other improvements on the revested Oregon and California
8 Railroad grant lands, on other Federal lands in the Or-
9 egon and California land-grant counties of Oregon, and
10 on adjacent rights-of-way; and acquisition of lands or in-
11 terests therein, including existing connecting roads on or
12 adjacent to such grant lands; \$110,025,000, to remain
13 available until expended: *Provided*, That 25 percent of the
14 aggregate of all receipts during the current fiscal year
15 from the revested Oregon and California Railroad grant
16 lands is hereby made a charge against the Oregon and
17 California land-grant fund and shall be transferred to the
18 General Fund in the Treasury in accordance with the sec-
19 ond paragraph of subsection (b) of title II of the Act of
20 August 28, 1937 (43 U.S.C. 1181f).

21 RANGE IMPROVEMENTS

22 For rehabilitation, protection, and acquisition of
23 lands and interests therein, and improvement of Federal
24 rangelands pursuant to section 401 of the Federal Land
25 Policy and Management Act of 1976 (43 U.S.C. 1751),

1 notwithstanding any other Act, sums equal to 50 percent
2 of all moneys received during the prior fiscal year under
3 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
4 315b, 315m) and the amount designated for range im-
5 provements from grazing fees and mineral leasing receipts
6 from Bankhead-Jones lands transferred to the Depart-
7 ment of the Interior pursuant to law, but not less than
8 \$10,000,000, to remain available until expended: *Pro-*
9 *vided*, That not to exceed \$600,000 shall be available for
10 administrative expenses.

11 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

12 For administrative expenses and other costs related
13 to processing application documents and other authoriza-
14 tions for use and disposal of public lands and resources,
15 for costs of providing copies of official public land docu-
16 ments, for monitoring construction, operation, and termi-
17 nation of facilities in conjunction with use authorizations,
18 and for rehabilitation of damaged property, such amounts
19 as may be collected under Public Law 94–579, (43 U.S.C
20 1701 et seq.), and under section 28 of the Mineral Leasing
21 Act (30 U.S.C. 185), to remain available until expended:
22 *Provided*, That, notwithstanding any provision to the con-
23 trary of section 305(a) of Public Law 94–579 (43 U.S.C.
24 1735(a)), any moneys that have been or will be received
25 pursuant to that section, whether as a result of forfeiture,

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

15 MISCELLANEOUS TRUST FUNDS

16 In addition to amounts authorized to be expended
17 under existing laws, there is hereby appropriated such
18 amounts as may be contributed under section 307 of Pub-
19 lic Law 94-579 (43 U.S.C. 1737), and such amounts as
20 may be advanced for administrative costs, surveys, ap-
21 praisals, and costs of making conveyances of omitted lands
22 under section 211(b) of that Act (43 U.S.C. 1721(b)), to
23 remain 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, \$1,040,488,000, to remain available until Sep-
15 tember 30, 2014, except as otherwise provided herein: *Pro-*
16 *vided*, That not to exceed \$14,564,000 shall be used for
17 implementing subsections (a), (b), (c), and (e) of section
18 4 of the Endangered Species Act of 1973 (16 U.S.C.
19 1533) (except for processing petitions, developing and
20 issuing proposed and final regulations, and taking any
21 other steps to implement actions described in subsection
22 (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to
23 exceed \$4,500,000 shall be used for any activity regarding
24 the designation of critical habitat, pursuant to subsection
25 (a)(3), excluding litigation support, for species listed pur-

1 suant to subsection (a)(1) prior to October 1, 2011; of
2 which not to exceed \$1,123,000 shall be used for any ac-
3 tivity regarding petitions to list species that are indigenous
4 to the United States pursuant to subsections (b)(3)(A)
5 and (b)(3)(B); and, of which not to exceed \$1,123,000
6 shall be used for implementing subsections (a), (b), (c),
7 and (e) of section 4 of the Endangered Species Act of
8 1973 (16 U.S.C. 1533) for species that are not indigenous
9 to the United States.

10

CONSTRUCTION

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

17

LAND ACQUISITION

18 For expenses necessary to carry out the Land and
19 Water Conservation Fund Act of 1965 (16 U.S.C. 460l-
20 4 et seq.), including administrative expenses, and for ac-
21 quisition of land or waters, or interest therein, in accord-
22 ance with statutory authority applicable to the United
23 States Fish and Wildlife Service, \$15,047,000, to be de-
24 rived from the Land and Water Conservation Fund and
25 to remain available until expended, of which, notwith-

1 standing section 7 of such Act (16 U.S.C. 4601–9), not
2 more than \$4,000,000 shall be for land conservation part-
3 nerships authorized by the Highlands Conservation Act
4 (Public Law 108–421), including not to exceed \$160,000
5 for administrative expenses: *Provided*, That none of the
6 funds appropriated for specific land acquisition projects
7 may be used to pay for any administrative overhead, plan-
8 ning or other management costs.

9 COOPERATIVE ENDANGERED SPECIES CONSERVATION

10 FUND

11 For expenses necessary to carry out section 6 of the
12 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
13 \$14,129,000, to remain available until expended, of which
14 \$2,707,000 is to be derived from the Cooperative Endan-
15 gered Species Conservation Fund; and of which
16 \$11,422,000 is to be derived from the Land and Water
17 Conservation Fund.

18 NATIONAL WILDLIFE REFUGE FUND

19 For expenses necessary to implement the Act of Octo-
20 ber 17, 1978 (16 U.S.C. 715s), \$11,958,000.

21 NORTH AMERICAN WETLANDS CONSERVATION FUND

22 For expenses necessary to carry out the provisions
23 of the North American Wetlands Conservation Act (16
24 U.S.C. 4401 et seq.), \$22,333,000, to remain available
25 until expended.

1 NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

5 MULTINATIONAL SPECIES CONSERVATION FUND

6 For expenses necessary to carry out the African Ele-
7 phant Conservation Act (16 U.S.C. 4201 et seq.), the
8 Asian Elephant Conservation Act of 1997 (16 U.S.C.
9 4261 et seq.), the Rhinoceros and Tiger Conservation Act
10 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
11 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
12 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
13 et seq.), \$4,735,000, to remain available until expended.

14 STATE AND TRIBAL WILDLIFE GRANTS

15 For wildlife conservation grants to States and to the
16 District of Columbia, Puerto Rico, Guam, the United
17 States Virgin Islands, the Northern Mariana Islands,
18 American Samoa, and Indian tribes under the provisions
19 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et
20 seq.) and the Fish and Wildlife Coordination Act (16
21 U.S.C. 661 et seq.), for the development and implementa-
22 tion of programs for the benefit of wildlife and their habi-
23 tat, including species that are not hunted or fished,
24 \$30,662,000, to remain available until expended: *Pro-*
25 *vided*, That of the amount provided herein, \$2,134,000 is

1 for a competitive grant program for Indian tribes not sub-
2 ject to the remaining provisions of this appropriation: *Pro-*
3 *vided further*, That \$2,866,000 is for a competitive grant
4 program for States, territories, and other jurisdictions
5 with approved plans, not subject to the remaining provi-
6 sions of this appropriation: *Provided further*, That the Sec-
7 retary shall, after deducting \$5,000,000 and administra-
8 tive expenses, apportion the amount provided herein in the
9 following manner: (1) to the District of Columbia and to
10 the Commonwealth of Puerto Rico, each a sum equal to
11 not more than one-half of 1 percent thereof; and (2) to
12 Guam, American Samoa, the United States Virgin Is-
13 lands, and the Commonwealth of the Northern Mariana
14 Islands, each a sum equal to not more than one-fourth
15 of 1 percent thereof: *Provided further*, That the Secretary
16 shall apportion the remaining amount in the following
17 manner: (1) one-third of which is based on the ratio to
18 which the land area of such State bears to the total land
19 area of all such States; and (2) two-thirds of which is
20 based on the ratio to which the population of such State
21 bears to the total population of all such States: *Provided*
22 *further*, That the amounts apportioned under this para-
23 graph shall be adjusted equitably so that no State shall
24 be apportioned a sum which is less than 1 percent of the
25 amount available for apportionment under this paragraph

1 for any fiscal year or more than 5 percent of such amount:
2 *Provided further*, That the Federal share of planning
3 grants shall not exceed 50 percent of the total costs of
4 such projects and the Federal share of implementation
5 grants shall not exceed 50 percent of the total costs of
6 such projects: *Provided further*, That the non-Federal
7 share of such projects may not be derived from Federal
8 grant programs.

9 ADMINISTRATIVE PROVISIONS

10 The United States Fish and Wildlife Service may
11 carry out the operations of Service programs by direct ex-
12 penditure, contracts, grants, cooperative agreements and
13 reimbursable agreements with public and private entities.
14 Appropriations and funds available to the United States
15 Fish and Wildlife Service shall be available for repair of
16 damage to public roads within and adjacent to reservation
17 areas caused by operations of the Service; options for the
18 purchase of land at not to exceed \$1 for each option; facili-
19 ties incident to such public recreational uses on conserva-
20 tion areas as are consistent with their primary purpose;
21 and the maintenance and improvement of aquaria, build-
22 ings, and other facilities under the jurisdiction of the Serv-
23 ice and to which the United States has title, and which
24 are used pursuant to law in connection with management,
25 and investigation of fish and wildlife resources: *Provided*,

1 That notwithstanding 44 U.S.C. 501, the Service may,
2 under cooperative cost sharing and partnership arrange-
3 ments authorized by law, procure printing services from
4 cooperators in connection with jointly produced publica-
5 tions for which the cooperators share at least one-half the
6 cost of printing either in cash or services and the Service
7 determines the cooperator is capable of meeting accepted
8 quality standards: *Provided further*, That the Service may
9 accept donated aircraft as replacements for existing air-
10 craft.

11 NATIONAL PARK SERVICE

12 OPERATION OF THE NATIONAL PARK SYSTEM

13 For expenses necessary for the management, oper-
14 ation, and maintenance of areas and facilities adminis-
15 tered by the National Park Service and for the general
16 administration of the National Park Service,
17 \$2,229,409,000, of which \$9,876,000 for planning and
18 interagency coordination in support of Everglades restora-
19 tion and \$71,040,000 for maintenance, repair, or rehabili-
20 tation projects for constructed assets shall remain avail-
21 able until September 30, 2014.

22 NATIONAL RECREATION AND PRESERVATION

23 For expenses necessary to carry out recreation pro-
24 grams, natural programs, cultural programs, heritage
25 partnership programs, environmental compliance and re-

1 view, international park affairs, and grant administration,
2 not otherwise provided for, \$51,822,000.

3 HISTORIC PRESERVATION FUND

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

8 CONSTRUCTION

9 For construction, improvements, repair, or replace-
10 ment of physical facilities, including modifications author-
11 ized by section 104 of the Everglades National Park Pro-
12 tection and Expansion Act of 1989 (16 U.S.C. 410r-8),
13 \$131,173,000, to remain available until expended.

14 LAND AND WATER CONSERVATION FUND

15 (RESCISSION)

16 The contract authority provided for fiscal year 2013
17 by section 9 of the Land and Water Conservation Fund
18 Act of 1965 (16 U.S.C. 460l-10a) is rescinded.

19 LAND ACQUISITION AND STATE ASSISTANCE

20 For expenses necessary to carry out the Land and
21 Water Conservation Fund Act of 1965 (16 U.S.C. 460l-
22 4 et seq.), including administrative expenses, and for ac-
23 quisition of lands or waters, or interest therein, in accord-
24 ance with the statutory authority applicable to the Na-
25 tional Park Service, \$13,294,000, to be derived from the

1 Land and Water Conservation Fund and to remain avail-
2 able until expended, of which \$2,794,000 is for the State
3 assistance program and of which \$2,000,000 shall be for
4 the American Battlefield Protection Program grants as
5 authorized by section 7301 of the Omnibus Public Land
6 Management Act of 2009 (Public Law 111–11).

7 ADMINISTRATIVE PROVISIONS
8 (INCLUDING TRANSFER OF FUNDS)

9 In addition to other uses set forth in section 407(d)
10 of Public Law 105–391, in fiscal year 2013 and there-
11 after, franchise fees credited to a sub-account shall be
12 available for expenditure by the Secretary, without further
13 appropriation, for use at any unit within the National
14 Park System to extinguish or reduce liability for
15 Possessory Interest or leasehold surrender interest. Such
16 funds may only be used for this purpose to the extent that
17 the benefitting unit anticipated franchise fee receipts over
18 the term of the contract at that unit exceed the amount
19 of funds used to extinguish or reduce liability. Franchise
20 fees at the benefitting unit shall be credited to the sub-
21 account of the originating unit over a period not to exceed
22 the term of a single contract at the benefitting unit, in
23 the amount of funds so expended to extinguish or reduce
24 liability.

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

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

13 UNITED STATES GEOLOGICAL SURVEY

14 SURVEYS, INVESTIGATIONS, AND RESEARCH

15 For expenses necessary for the United States Geo-
16 logical Survey to perform surveys, investigations, and re-
17 search covering topography, geology, hydrology, biology,
18 and the mineral and water resources of the United States,
19 its territories and possessions, and other areas as author-
20 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
21 to their mineral and water resources; give engineering su-
22 pervision to power permittees and Federal Energy Regu-
23 latory Commission licensees; administer the minerals ex-
24 ploration program (30 U.S.C. 641); conduct inquiries into
25 the economic conditions affecting mining and materials

1 processing industries (30 U.S.C. 3, 21a, and 1603; 50
2 U.S.C. 98g(1)) and related purposes as authorized by law;
3 and to publish and disseminate data relative to the fore-
4 going activities; \$967,000,000, to remain available until
5 September 30, 2014; of which \$51,569,700 shall remain
6 available until expended for satellite operations; and of
7 which \$7,280,000 shall be available until expended for de-
8 ferred maintenance and capital improvement projects that
9 exceed \$100,000 in cost: *Provided*, That none of the funds
10 provided for the ecosystem research activity shall be used
11 to conduct new surveys on private property, unless specifi-
12 cally authorized in writing by the property owner: *Pro-*
13 *vided further*, That no part of this appropriation shall be
14 used to pay more than one-half the cost of topographic
15 mapping or water resources data collection and investiga-
16 tions carried on in cooperation with States and municipali-
17 ties.

18 ADMINISTRATIVE PROVISIONS

19 From within the amount appropriated for activities
20 of the United States Geological Survey such sums as are
21 necessary shall be available for contracting for the fur-
22 nishing of topographic maps and for the making of geo-
23 physical or other specialized surveys when it is administra-
24 tively determined that such procedures are in the public
25 interest; construction and maintenance of necessary build-

1 ings and appurtenant facilities; acquisition of lands for
2 gauging stations and observation wells; expenses of the
3 United States National Committee for Geological
4 Sciences; and payment of compensation and expenses of
5 persons employed by the Survey duly appointed to rep-
6 resent the United States in the negotiation and adminis-
7 tration of interstate compacts: *Provided*, That activities
8 funded by appropriations herein made may be accom-
9 plished through the use of contracts, grants, or coopera-
10 tive agreements as defined in section 6302 of title 31,
11 United States Code: *Provided further*, That the United
12 States Geological Survey may enter into contracts or coop-
13 erative agreements directly with individuals or indirectly
14 with institutions or nonprofit organizations, without re-
15 gard to 41 U.S.C. 6101, for the temporary or intermittent
16 services of students or recent graduates, who shall be con-
17 sidered employees for the purpose of chapters 57 and 81
18 of title 5, United States Code, relating to compensation
19 for travel and work injuries, and chapter 171 of title 28,
20 United States Code, relating to tort claims, but shall not
21 be considered to be Federal employees for any other pur-
22 poses.

1 BUREAU OF OCEAN ENERGY MANAGEMENT

2 OCEAN ENERGY MANAGEMENT

3 For expenses necessary for granting leases, ease-
4 ments, rights-of-way and agreements for use for oil and
5 gas, other minerals, energy, and marine-related purposes
6 on the Outer Continental Shelf and approving operations
7 related thereto, as authorized by law; for environmental
8 studies, as authorized by law; for implementing other laws
9 to the extent provided by Presidential or Secretarial dele-
10 gation; and for matching grants or cooperative agree-
11 ments, \$59,696,000, to remain available until September
12 30, 2014; and an amount not to exceed \$101,404,000, to
13 be credited to this appropriation and to remain available
14 until expended, from additions to receipts resulting from
15 increases to rates in effect on August 5, 1993, that are
16 collected and disbursed by the Secretary, and from cost
17 recovery fees from activities conducted by the Bureau of
18 Ocean Energy Management pursuant to the Outer Conti-
19 nental Shelf Lands Act, including studies, assessments,
20 analysis, and miscellaneous administrative activities: *Pro-*
21 *vided*, That notwithstanding 31 U.S.C. 3302, in fiscal year
22 2013, such amounts as are assessed under 31 U.S.C. 9701
23 shall be collected and credited to this account and shall
24 be available until expended for necessary expenses: *Pro-*
25 *vided further*, That to the extent \$101,404,000 in addition

1 to receipts are not realized from the sources of receipts
2 stated above, the amount needed to reach \$101,404,000
3 shall be credited to this appropriation from receipts result-
4 ing from rental rates for Outer Continental Shelf leases
5 in effect before August 5, 1993: *Provided further*, That
6 not to exceed \$3,000 shall be available for reasonable ex-
7 penses related to promoting volunteer beach and marine
8 cleanup activities.

9 BUREAU OF SAFETY AND ENVIRONMENTAL
10 ENFORCEMENT
11 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

12 For expenses necessary for the regulation of oper-
13 ations related to leases, easements, rights-of-way and
14 agreements for use for oil and gas, other minerals, energy,
15 and marine-related purposes on the Outer Continental
16 Shelf, as authorized by law; for enforcing and imple-
17 menting laws and regulations as authorized by law and
18 to the extent provided by Presidential or Secretarial dele-
19 gation; and for matching grants or cooperative agree-
20 ments, \$61,375,000, to remain available until September
21 30, 2014; and an amount not to exceed \$60,881,000 to
22 be credited to this appropriation and to remain available
23 until expended, from additions to receipts resulting from
24 increases to rates in effect on August 5, 1993, that are
25 collected and disbursed by the Secretary, from cost recov-

1 ery fees from activities conducted by the Bureau of Safety
2 and Environmental Enforcement pursuant to the Outer
3 Continental Shelf Lands Act, including studies, assess-
4 ments, analysis, and miscellaneous administrative activi-
5 ties: *Provided*, That notwithstanding 31 U.S.C. 3302, in
6 fiscal year 2013, such amounts as are assessed under 31
7 U.S.C. 9701 shall be collected and credited to this account
8 and shall be available until expended for necessary ex-
9 penses: *Provided further*, That to the extent \$60,881,000
10 in addition to receipts are not realized from the sources
11 of receipts stated above, the amount needed to reach
12 \$60,881,000 shall be credited to this appropriation from
13 receipts resulting from rental rates for Outer Continental
14 Shelf leases in effect before August 5, 1993.

15 For an additional amount, \$65,000,000, to remain
16 available until expended, which shall be derived from non-
17 refundable inspection fees collected in fiscal year 2013, as
18 provided in this Act: *Provided*, That to the extent that
19 such amounts are not realized from such fees, the amount
20 needed to reach \$65,000,000 shall be credited to this ap-
21 propriation from receipts resulting from rental rates for
22 Outer Continental Shelf leases in effect before August 5,
23 1993: *Provided further*, That to the extent that amounts
24 realized from such fees exceed \$65,000,000, the amounts
25 realized in excess of \$65,000,000 shall be credited to this

1 appropriation and remain available until expended: *Pro-*
2 *vided further*, That for fiscal year 2013, not less than 50
3 percent of the inspection fees expended by the Bureau of
4 Safety and Environmental Enforcement will be used to
5 fund personnel and mission-related costs to expand capac-
6 ity and expedite the orderly development, subject to envi-
7 ronmental safeguards, of the Outer Continental Shelf pur-
8 suant to the Outer Continental Shelf Lands Act (43
9 U.S.C. 1331 et seq.), including the review of applications
10 for permits to drill.

11 OIL SPILL RESEARCH

12 For necessary expenses to carry out title I, section
13 1016, title IV, sections 4202 and 4303, title VII, and title
14 VIII, section 8201 of the Oil Pollution Act of 1990,
15 \$14,899,000, which shall be derived from the Oil Spill Li-
16 ability Trust Fund, to remain available until expended.

17 OFFICE OF SURFACE MINING RECLAMATION AND
18 ENFORCEMENT

19 REGULATION AND TECHNOLOGY

20 For necessary expenses to carry out the provisions
21 of the Surface Mining Control and Reclamation Act of
22 1977, Public Law 95–87, \$122,713,000, to remain avail-
23 able until September 30, 2014: *Provided*, That appropria-
24 tions for the Office of Surface Mining Reclamation and
25 Enforcement may provide for the travel and per diem ex-

1 penses of State and tribal personnel attending Office of
2 Surface Mining Reclamation and Enforcement sponsored
3 training: *Provided further*, That, in fiscal year 2013, up
4 to \$40,000 collected by the Office of Surface Mining from
5 permit fees pursuant to section 507 of Public Law 95–
6 87 (30 U.S.C. 1257) shall be credited to this account as
7 discretionary offsetting collections, to remain available
8 until expended: *Provided further*, That the sum herein ap-
9 propriated shall be reduced as collections are received dur-
10 ing the fiscal year so as to result in a final fiscal year
11 2013 appropriation estimated at not more than
12 \$122,673,000: *Provided further*, That, in subsequent fiscal
13 years, all amounts collected by the Office of Surface Min-
14 ing from permit fees pursuant to section 507 of Public
15 Law 95–87 (30 U.S.C. 1257) shall be credited to this ac-
16 count as discretionary offsetting collections, to remain
17 available until expended.

18 ABANDONED MINE RECLAMATION FUND

19 For necessary expenses to carry out title IV of the
20 Surface Mining Control and Reclamation Act of 1977,
21 Public Law 95–87, \$27,366,000, to be derived from re-
22 ceipts of the Abandoned Mine Reclamation Fund and to
23 remain available until expended: *Provided*, That pursuant
24 to Public Law 97–365, the Department of the Interior is
25 authorized to use up to 20 percent from the recovery of

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

15

ADMINISTRATIVE PROVISION

16 With funds available for the Technical Innovation
17 and Professional Services program in this or any other
18 Act with respect to any fiscal year, the Secretary may
19 transfer title for computer hardware, software and other
20 technical equipment to State and tribal regulatory and
21 reclamation programs.

1 BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN
2 EDUCATION
3 OPERATION OF INDIAN PROGRAMS
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the operation of Indian
6 programs, as authorized by law, including the Snyder Act
7 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
8 termination and Education Assistance Act of 1975 (25
9 U.S.C. 450 et seq.), the Education Amendments of 1978
10 (25 U.S.C. 2001–2019), and the Tribally Controlled
11 Schools Act of 1988 (25 U.S.C. 2501 et seq.),
12 \$2,404,672,000, to remain available until September 30,
13 2014 except as otherwise provided herein; of which not
14 to exceed \$8,500 may be for official reception and rep-
15 resentation expenses; of which not to exceed \$74,791,000
16 shall be for welfare assistance payments: *Provided*, That
17 in cases of designated Federal disasters, the Secretary
18 may exceed such cap, from the amounts provided herein,
19 to provide for disaster relief to Indian communities af-
20 fected by the disaster; of which, notwithstanding any other
21 provision of law, including but not limited to the Indian
22 Self-Determination Act of 1975, not to exceed
23 \$228,000,000 shall be available for payments for contract
24 support costs associated with ongoing contracts, grants,
25 compacts, or annual funding agreements entered into with

1 the Bureau prior to or during fiscal year 2013, as author-
2 ized by such Act, except that tribes and tribal organiza-
3 tions may use their tribal priority allocations for unmet
4 contract support costs of ongoing contracts, grants, or
5 compacts, or annual funding agreements and for unmet
6 welfare assistance costs; of which not to exceed
7 \$605,810,000 for school operations costs of Bureau-fund-
8 ed schools and other education programs shall become
9 available on July 1, 2013, and shall remain available until
10 September 30, 2014; and of which not to exceed
11 \$51,474,000 shall remain available until expended for
12 housing improvement, road maintenance, attorney fees,
13 litigation support, the Indian Self-Determination Fund,
14 land records improvement, and the Navajo-Hopi Settle-
15 ment Program: *Provided further*, That notwithstanding
16 any other provision of law, including but not limited to
17 the Indian Self-Determination Act of 1975 and 25 U.S.C.
18 2008, not to exceed \$61,244,000 within and only from
19 such amounts made available for school operations shall
20 be available for administrative cost grants associated with
21 ongoing grants entered into with the Bureau prior to or
22 during fiscal year 2012 for the operation of Bureau-fund-
23 ed schools, and up to \$500,000 within and only from such
24 amounts made available for administrative cost grants
25 shall be available for the transitional costs of initial ad-

1 ministrative cost grants to grantees that assume operation
2 on or after July 1, 2012, of Bureau-funded schools: *Pro-*
3 *vided further*, That any forestry funds allocated to a tribe
4 which remain unobligated as of September 30, 2014, may
5 be transferred during fiscal year 2015 to an Indian forest
6 land assistance account established for the benefit of the
7 holder of the funds within the holder's trust fund account:
8 *Provided further*, That any such unobligated balances not
9 so transferred shall expire on September 30, 2015: *Pro-*
10 *vided further*, That, in order to enhance the safety of Bu-
11 reau field employees, the Bureau may use funds to pur-
12 chase uniforms or other identifying articles of clothing for
13 personnel.

14 CONSTRUCTION

15 (INCLUDING TRANSFER OF FUNDS)

16 For construction, repair, improvement, and mainte-
17 nance of irrigation and power systems, buildings, utilities,
18 and other facilities, including architectural and engineer-
19 ing services by contract; acquisition of lands, and interests
20 in lands; and preparation of lands for farming, and for
21 construction of the Navajo Indian Irrigation Project pur-
22 suant to Public Law 87-483, \$117,110,000, to remain
23 available until expended: *Provided*, That such amounts as
24 may be available for the construction of the Navajo Indian
25 Irrigation Project may be transferred to the Bureau of

1 Reclamation: *Provided further*, That not to exceed 6 per-
2 cent of contract authority available to the Bureau of In-
3 dian Affairs from the Federal Highway Trust Fund may
4 be used to cover the road program management costs of
5 the Bureau: *Provided further*, That any funds provided for
6 the Safety of Dams program pursuant to 25 U.S.C. 13
7 shall be made available on a nonreimbursable basis: *Pro-*
8 *vided further*, That, in implementing new construction or
9 facilities improvement and repair project grants in excess
10 of \$100,000 that are provided to grant schools under Pub-
11 lic Law 100–297, the Secretary of the Interior shall use
12 the Administrative and Audit Requirements and Cost
13 Principles for Assistance Programs contained in 43 CFR
14 part 12 as the regulatory requirements: *Provided further*,
15 That such grants shall not be subject to section 12.61 of
16 43 CFR; the Secretary and the grantee shall negotiate and
17 determine a schedule of payments for the work to be per-
18 formed: *Provided further*, That in considering grant appli-
19 cations, the Secretary shall consider whether such grantee
20 would be deficient in assuring that the construction
21 projects conform to applicable building standards and
22 codes and Federal, tribal, or State health and safety
23 standards as required by 25 U.S.C. 2005(b), with respect
24 to organizational and financial management capabilities:
25 *Provided further*, That if the Secretary declines a grant

1 application, the Secretary shall follow the requirements
2 contained in 25 U.S.C. 2504(f): *Provided further*, That
3 any disputes between the Secretary and any grantee con-
4 cerning a grant shall be subject to the disputes provision
5 in 25 U.S.C. 2507(e): *Provided further*, That in order to
6 ensure timely completion of construction projects, the Sec-
7 retary may assume control of a project and all funds re-
8 lated to the project, if, within 18 months of the date of
9 enactment of this Act, any grantee receiving funds appro-
10 priated in this Act or in any prior Act, has not completed
11 the planning and design phase of the project and com-
12 menced construction: *Provided further*, That this appro-
13 priation may be reimbursed from the Office of the Special
14 Trustee for American Indians appropriation for the appro-
15 priate share of construction costs for space expansion
16 needed in agency offices to meet trust reform implementa-
17 tion.

18 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND

19 MISCELLANEOUS PAYMENTS TO INDIANS

20 For payments and necessary administrative expenses
21 for implementation of Indian land and water claim settle-
22 ments pursuant to Public Laws 99-264, 100-580, 101-
23 618, 108-447, and 111-11, and for implementation of
24 other land and water rights settlements, \$36,293,000, to
25 remain available until expended.

1 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

2 For the cost of guaranteed loans and insured loans,
3 \$10,000,000, of which \$1,227,459 is for administrative
4 expenses, as authorized by the Indian Financing Act of
5 1974: *Provided*, That such costs, including the cost of
6 modifying such loans, shall be as defined in section 502
7 of the Congressional Budget Act of 1974: *Provided fur-*
8 *ther*, That these funds are available to subsidize total loan
9 principal, any part of which is to be guaranteed or insured,
10 not to exceed \$157,957,648.

11 ADMINISTRATIVE PROVISIONS

12 The Bureau of Indian Affairs may in fiscal year 2013
13 and thereafter carry out the operation of Indian programs
14 by direct expenditure, contracts, cooperative agreements,
15 compacts, and grants, either directly or in cooperation
16 with States and other organizations.

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

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

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

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

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

19 No funds available to the Bureau shall be used to
20 support expanded grades for any school or dormitory be-
21 yond the grade structure in place or approved by the Sec-
22 retary of the Interior at each school in the Bureau school
23 system as of October 1, 1995. Appropriations made avail-
24 able in this or any prior Act for schools funded by the
25 Bureau shall be available, in accordance with the BIE

1 funding formula, only to the schools in the Bureau school
2 system as of September 1, 1996 and to any school or
3 school program that was re-instated in fiscal year 2012.
4 Funds made available under this Act may not be used to
5 establish a charter school at a Bureau-funded school (as
6 that term is defined in section 1141 of the Education
7 Amendments of 1978 (25 U.S.C. 2021)), except that a
8 charter school that is in existence on the date of the enact-
9 ment of this Act and that has operated at a Bureau-fund-
10 ed school before September 1, 1999, may continue to oper-
11 ate during that period, but only if the charter school pays
12 to the Bureau a pro rata share of funds to reimburse the
13 Bureau for the use of the real and personal property (in-
14 cluding buses and vans), the funds of the charter school
15 are kept separate and apart from Bureau funds, and the
16 Bureau does not assume any obligation for charter school
17 programs of the State in which the school is located if
18 the charter school loses such funding. Employees of Bu-
19 reau-funded schools sharing a campus with a charter
20 school and performing functions related to the charter
21 school's operation and employees of a charter school shall
22 not be treated as Federal employees for purposes of chap-
23 ter 171 of title 28, United States Code.

24 Notwithstanding any other provision of law, including
25 section 113 of title I of appendix C of Public Law 106-

1 113, if in fiscal year 2003 or 2004 a grantee received indi-
2 rect and administrative costs pursuant to a distribution
3 formula based on section 5(f) of Public Law 101–301, the
4 Secretary shall continue to distribute indirect and admin-
5 istrative cost funds to such grantee using the section 5(f)
6 distribution formula.

7 DEPARTMENTAL OFFICES

8 OFFICE OF THE SECRETARY

9 DEPARTMENTAL OPERATIONS

10 For necessary expenses for management of the De-
11 partment of the Interior, including the collection and dis-
12 bursement of royalties, fees, and other mineral revenue
13 proceeds, and for grants and cooperative agreements, as
14 authorized by law, \$247,777,000, to remain available until
15 September 30, 2014; of which not to exceed \$15,000 may
16 be for official reception and representation expenses; and
17 of which up to \$1,000,000 shall be available for workers
18 compensation payments and unemployment compensation
19 payments associated with the orderly closure of the United
20 States Bureau of Mines; and of which \$38,300,000 shall
21 remain available until expended for the purpose of mineral
22 revenue management activities: *Provided*, That notwith-
23 standing any other provision of law, \$15,000 under this
24 heading shall be available for refunds of overpayments in
25 connection with certain Indian leases in which the Sec-

1 retary concurred with the claimed refund due, to pay
2 amounts owed to Indian allottees or tribes, or to correct
3 prior unrecoverable erroneous payments: *Provided further*,
4 That, notwithstanding the provisions of section 35(b) of
5 the Mineral Leasing Act (30 U.S.C. 191(b)), the Secretary
6 shall deduct 2 percent from the amount payable to each
7 State in fiscal year 2013 and deposit the amount deducted
8 to miscellaneous receipts of the Treasury: *Provided fur-*
9 *ther*, That section 6906 of title 31, United States Code,
10 is amended by striking “2012” and inserting “2013”: *Pro-*
11 *vided further*, That for fiscal year 2013, up to \$400,000
12 of the payments authorized by chapter 69 of title 31,
13 United States Code, may be retained for administrative
14 expenses of the Payments in Lieu of Taxes Program: *Pro-*
15 *vided further*, That no payment shall be made pursuant
16 to such chapter to otherwise eligible units of general local
17 government if the computed amount of the payment is less
18 than \$100: *Provided further*, That a payment made to a
19 unit of general local government for fiscal year 2013 pur-
20 suant to such chapter may be reduced by the Secretary
21 to correct overpayments, and shall be increased by the
22 Secretary to correct underpayments, to such unit of gen-
23 eral local government for the previous fiscal year.

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, \$79,946,000, of which: (1) \$70,684,000
7 shall remain available until expended for territorial assist-
8 ance, including general technical assistance, maintenance
9 assistance, disaster assistance, coral reef initiative activi-
10 ties, and brown tree snake control and research; grants
11 to the judiciary in American Samoa for compensation and
12 expenses, as authorized by law (48 U.S.C. 1661(c));
13 grants to the Government of American Samoa, in addition
14 to current local revenues, for construction and support of
15 governmental functions; grants to the Government of the
16 Virgin Islands as authorized by law; grants to the Govern-
17 ment of Guam, as authorized by law; and grants to the
18 Government of the Northern Mariana Islands as author-
19 ized by law (Public Law 94–241; 90 Stat. 272); and (2)
20 \$9,262,000 shall be available until September 30, 2014,
21 for salaries and expenses of the Office of Insular Affairs:
22 *Provided*, That all financial transactions of the territorial
23 and local governments herein provided for, including such
24 transactions of all agencies or instrumentalities estab-
25 lished or used by such governments, may be audited by

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

21 COMPACT OF FREE ASSOCIATION

22 For grants and necessary expenses, \$3,313,000, to
23 remain available until expended, as provided for in sec-
24 tions 221(a)(2) and 233 of the Compact of Free Associa-
25 tion for the Republic of Palau; and section 221(a)(2) of

1 the Compacts of Free Association for the Government of
2 the Republic of the Marshall Islands and the Federated
3 States of Micronesia, as authorized by Public Law 99–
4 658 and Public Law 108–188.

5 ADMINISTRATIVE PROVISIONS

6 (INCLUDING TRANSFER OF FUNDS)

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

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

5 If the Secretary of the Interior determines that a ter-
6 ritory has a substantial backlog of capital improvement
7 program funds at the beginning of a fiscal year, the Sec-
8 retary may withhold or redistribute that territory's capital
9 improvement funds for the current fiscal year among the
10 other eligible recipient territories. For purposes of this
11 section, a territory with an expenditure rate of less than
12 50 percent shall be deemed to have a substantial backlog.
13 The expenditure rate will be calculated on the last day
14 of each fiscal year, currently September 30, and will be
15 based on expenditures and receipts over the five most re-
16 cent fiscal years.

17 OFFICE OF THE SOLICITOR

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of the Solicitor,
20 \$64,654,000.

21 OFFICE OF INSPECTOR GENERAL

22 SALARIES AND EXPENSES

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

1 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN
2 INDIANS
3 FEDERAL TRUST PROGRAMS
4 (INCLUDING TRANSFER OF FUNDS)

5 For the operation of trust programs for Indians by
6 direct expenditure, contracts, cooperative agreements,
7 compacts, and grants, \$146,000,000, to remain available
8 until expended, of which not to exceed \$26,839,000 from
9 this or any other Act, shall be available for historical ac-
10 counting: *Provided*, That funds for trust management im-
11 provements and litigation support may, as needed, be
12 transferred to or merged with the Bureau of Indian Af-
13 fairs, "Operation of Indian Programs" account; the Office
14 of the Solicitor, "Salaries and Expenses" account; and the
15 Office of the Secretary, "Departmental Operations" ac-
16 count: *Provided further*, That funds made available
17 through contracts or grants obligated during fiscal year
18 2013, as authorized by the Indian Self-Determination Act
19 of 1975 (25 U.S.C. 450 et seq.), shall remain available
20 until expended by the contractor or grantee: *Provided fur-*
21 *ther*, That, notwithstanding any other provision of law, the
22 statute of limitations shall not commence to run on any
23 claim, including any claim in litigation pending on the date
24 of the enactment of this Act, concerning losses to or mis-
25 management of trust funds, until the affected tribe or in-

1 individual Indian has been furnished with an accounting of
2 such funds from which the beneficiary can determine
3 whether there has been a loss: *Provided further*, That, not-
4 withstanding any other provision of law, the Secretary
5 shall not be required to provide a quarterly statement of
6 performance for any Indian trust account that has not had
7 activity for at least 18 months and has a balance of \$15
8 or less: *Provided further*, That the Secretary shall issue
9 an annual account statement and maintain a record of any
10 such accounts and shall permit the balance in each such
11 account to be withdrawn upon the express written request
12 of the account holder: *Provided further*, That not to exceed
13 \$50,000 is available for the Secretary to make payments
14 to correct administrative errors of either disbursements
15 from or deposits to Individual Indian Money or Tribal ac-
16 counts after September 30, 2002: *Provided further*, That
17 erroneous payments that are recovered shall be credited
18 to and remain available in this account for this purpose.

19 DEPARTMENT-WIDE PROGRAMS

20 WILDLAND FIRE MANAGEMENT

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses for fire preparedness, sup-
23 pression operations, fire science and research, emergency
24 rehabilitation, hazardous fuels reduction, and rural fire as-
25 sistance by the Department of the Interior, \$746,473,000,

1 to remain available until expended, of which not to exceed
2 \$4,127,000 shall be for the renovation or construction of
3 fire facilities: *Provided*, That such funds are also available
4 for repayment of advances to other appropriation accounts
5 from which funds were previously transferred for such
6 purposes: *Provided further*, That persons hired pursuant
7 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
8 ing without cost from funds available from this appropria-
9 tion: *Provided further*, That notwithstanding 42 U.S.C.
10 1856d, sums received by a bureau or office of the Depart-
11 ment of the Interior for fire protection rendered pursuant
12 to 42 U.S.C. 1856 et seq., protection of United States
13 property, may be credited to the appropriation from which
14 funds were expended to provide that protection, and are
15 available without fiscal year limitation: *Provided further*,
16 That using the amounts designated under this title of this
17 Act, the Secretary of the Interior may enter into procure-
18 ment contracts, grants, or cooperative agreements, for
19 hazardous fuels reduction activities, and for training and
20 monitoring associated with such hazardous fuels reduction
21 activities, on Federal land, or on adjacent non-Federal
22 land for activities that benefit resources on Federal land:
23 *Provided further*, That the costs of implementing any co-
24 operative agreement between the Federal Government and
25 any non-Federal entity may be shared, as mutually agreed

1 on by the affected parties: *Provided further*, That notwith-
2 standing requirements of the Competition in Contracting
3 Act, the Secretary, for purposes of hazardous fuels reduc-
4 tion activities, may obtain maximum practicable competi-
5 tion among: (1) local private, nonprofit, or cooperative en-
6 tities; (2) Youth Conservation Corps crews, Public Lands
7 Corps (Public Law 109–154), or related partnerships with
8 State, local, or nonprofit youth groups; (3) small or micro-
9 businesses; or (4) other entities that will hire or train lo-
10 cally a significant percentage, defined as 50 percent or
11 more, of the project workforce to complete such contracts:
12 *Provided further*, That in implementing this section, the
13 Secretary shall develop written guidance to field units to
14 ensure accountability and consistent application of the au-
15 thorities provided herein: *Provided further*, That funds ap-
16 propriated under this heading may be used to reimburse
17 the United States Fish and Wildlife Service and the Na-
18 tional Marine Fisheries Service for the costs of carrying
19 out their responsibilities under the Endangered Species
20 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
21 ference, as required by section 7 of such Act, in connection
22 with wildland fire management activities: *Provided further*,
23 That the Secretary of the Interior may use wildland fire
24 appropriations to enter into leases of real property with
25 local governments, at or below fair market value, to con-

1 struct capitalized improvements for fire facilities on such
2 leased properties, including but not limited to fire guard
3 stations, retardant stations, and other initial attack and
4 fire support facilities, and to make advance payments for
5 any such lease or for construction activity associated with
6 the lease: *Provided further*, That the Secretary of the Inte-
7 rior and the Secretary of Agriculture may authorize the
8 transfer of funds appropriated for wildland fire manage-
9 ment, in an aggregate amount not to exceed \$50,000,000,
10 between the Departments when such transfers would fa-
11 cilitate and expedite wildland fire management programs
12 and projects: *Provided further*, That funds provided for
13 wildfire suppression shall be available for support of Fed-
14 eral emergency response actions: *Provided further*, That
15 funds appropriated under this heading shall be available
16 for assistance to or through the Department of State in
17 connection with forest and rangeland research, technical
18 information, and assistance in foreign countries, and, with
19 the concurrence of the Secretary of State, shall be avail-
20 able to support forestry, wildland fire management, and
21 related natural resource activities outside the United
22 States and its territories and possessions, including tech-
23 nical assistance, education and training, and cooperation
24 with United States and international organizations.

1 FLAME WILDFIRE SUPPRESSION RESERVE FUND

2 (INCLUDING TRANSFER OF FUNDS)

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

15 CENTRAL HAZARDOUS MATERIALS FUND

16 For necessary expenses of the Department of the In-
17 terior and any of its component offices and bureaus for
18 the response action, including associated activities, per-
19 formed pursuant to the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act (42 U.S.C. 9601
21 et seq.), \$9,133,000, to remain available until expended.

1 NATURAL RESOURCE DAMAGE ASSESSMENT AND
2 RESTORATION

3 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

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

13 WORKING CAPITAL FUND

14 For the acquisition of a departmental financial and
15 business management system, information technology im-
16 provements of general benefit to the Department, and con-
17 solidation of facilities and operations throughout the De-
18 partment, \$56,936,000, to remain available until ex-
19 pended: *Provided*, That none of the funds appropriated in
20 this Act or any other Act may be used to establish reserves
21 in the Working Capital Fund account other than for ac-
22 crued annual leave and depreciation of equipment without
23 prior approval of the House and Senate Committees on
24 Appropriations: *Provided further*, That the Secretary may
25 assess reasonable charges to State, local and tribal govern-

1 ment employees for training services provided by the Na-
2 tional Indian Program Training Center, other than train-
3 ing related to Public Law 93-638: *Provided further*, That
4 the Secretary may lease or otherwise provide space and
5 related facilities, equipment or professional services of the
6 National Indian Program Training Center to State, local
7 and tribal government employees or persons or organiza-
8 tions engaged in cultural, educational, or recreational ac-
9 tivities (as defined in section 3306(a) of title 40, United
10 States Code) at the prevailing rate for similar space, facili-
11 ties, equipment, or services in the vicinity of the National
12 Indian Program Training Center: *Provided further*, That
13 all funds received pursuant to the two preceding provisos
14 shall be credited to this account, shall be available until
15 expended, and shall be used by the Secretary for necessary
16 expenses of the National Indian Program Training Center:
17 *Provided further*, That the Secretary may enter into grants
18 and cooperative agreements to support the Office of Nat-
19 ural Resource Revenue's collection and disbursement of
20 royalties, fees, and other mineral revenue proceeds, as au-
21 thorized by law.

22 ADMINISTRATIVE PROVISION

23 There is hereby authorized for acquisition from avail-
24 able resources within the Working Capital Fund, 15 air-
25 craft, 10 of which shall be for replacement, and which may

1 be obtained by donation, purchase or through available ex-
2 cess surplus property: *Provided*, That existing aircraft
3 being replaced may be sold, with proceeds derived or
4 trade-in value used to offset the purchase price for the
5 replacement aircraft: *Provided further*, That the Bell
6 206L-1 aircraft, serial number 45287, currently reg-
7 istered as N613, is to be retired from service and, notwith-
8 standing any other provision of law, the National Business
9 Center, Aviation Management Directorate shall transfer
10 the aircraft without reimbursement to the National Law
11 Enforcement Officers Memorial Fund, for the purpose of
12 providing a static display in the National Law Enforce-
13 ment Museum: *Provided further*, That such aircraft shall
14 revert back to the Department of the Interior if said mu-
15 seum determines in the future that the subject aircraft
16 is no longer needed.

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

19 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

20 SEC. 101. Appropriations made in this title shall be
21 available for expenditure or transfer (within each bureau
22 or office), with the approval of the Secretary, for the emer-
23 gency reconstruction, replacement, or repair of aircraft,
24 buildings, utilities, or other facilities or equipment dam-
25 aged or destroyed by fire, flood, storm, or other unavoid-

1 able causes: *Provided*, That no funds shall be made avail-
2 able under this authority until funds specifically made
3 available to the Department of the Interior for emer-
4 gencies shall have been exhausted: *Provided further*, That
5 all funds used pursuant to this section must be replenished
6 by a supplemental appropriation, which must be requested
7 as promptly as possible.

8 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

9 SEC. 102. The Secretary may authorize the expendi-
10 ture or transfer of any no year appropriation in this title,
11 in addition to the amounts included in the budget pro-
12 grams of the several agencies, for the suppression or emer-
13 gency prevention of wildland fires on or threatening lands
14 under the jurisdiction of the Department of the Interior;
15 for the emergency rehabilitation of burned-over lands
16 under its jurisdiction; for emergency actions related to po-
17 tential or actual earthquakes, floods, volcanoes, storms, or
18 other unavoidable causes; for contingency planning subse-
19 quent to actual oil spills; for response and natural resource
20 damage assessment activities related to actual oil spills or
21 releases of hazardous substances into the environment; for
22 the prevention, suppression, and control of actual or po-
23 tential grasshopper and Mormon cricket outbreaks on
24 lands under the jurisdiction of the Secretary, pursuant to
25 the authority in section 417(b) of Public Law 106–224

1 (7 U.S.C. 7717(b)); for emergency reclamation projects
2 under section 410 of Public Law 95–87; and shall trans-
3 fer, from any no year funds available to the Office of Sur-
4 face Mining Reclamation and Enforcement, such funds as
5 may be necessary to permit assumption of regulatory au-
6 thority in the event a primacy State is not carrying out
7 the regulatory provisions of the Surface Mining Act: *Pro-*
8 *vided*, That appropriations made in this title for wildland
9 fire operations shall be available for the payment of obliga-
10 tions incurred during the preceding fiscal year, and for
11 reimbursement to other Federal agencies for destruction
12 of vehicles, aircraft, or other equipment in connection with
13 their use for wildland fire operations, such reimbursement
14 to be credited to appropriations currently available at the
15 time of receipt thereof: *Provided further*, That for wildland
16 fire operations, no funds shall be made available under
17 this authority until the Secretary determines that funds
18 appropriated for “wildland fire operations” and “FLAME
19 Wildfire Suppression Reserve Fund” shall be exhausted
20 within 30 days: *Provided further*, That all funds used pur-
21 suant to this section must be replenished by a supple-
22 mental appropriation, which must be requested as prompt-
23 ly as possible: *Provided further*, That such replenishment
24 funds shall be used to reimburse, on a pro rata basis, ac-
25 counts from which emergency funds were transferred.

1 AUTHORIZED USE OF FUNDS

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

17 AUTHORIZED USE OF FUNDS, INDIAN TRUST

18 MANAGEMENT

19 SEC. 104. Appropriations made in this Act under the
20 headings Bureau of Indian Affairs and Office of the Spe-
21 cial Trustee for American Indians and any unobligated
22 balances from prior appropriations Acts made under the
23 same headings shall be available for expenditure or trans-
24 fer for Indian trust management and reform activities.
25 Total funding for historical accounting activities shall not

1 exceed amounts specifically designated in this Act for such
2 purpose.

3 PAYMENT OF FEES

4 SEC. 105. The Secretary of the Interior may use dis-
5 cretionary funds to pay private attorney fees and costs for
6 employees and former employees of the Department of the
7 Interior reasonably incurred in connection with Cobell v.
8 Salazar to the extent that such fees and costs are not paid
9 by the Department of Justice or by private insurance. In
10 no case shall the Secretary make payments under this sec-
11 tion that would result in payment of hourly fees in excess
12 of the highest hourly rate approved by the District Court
13 for the District of Columbia for counsel in Cobell v. Sala-
14 zar.

15 OUTER CONTINENTAL SHELF INSPECTION FEES

16 SEC. 106. (a) In fiscal year 2013, the Secretary shall
17 collect a nonrefundable inspection fee, which shall be de-
18 posited in the “Offshore Safety and Environmental En-
19 forcement” account, from the designated operator for fa-
20 cilities subject to inspection under 43 U.S.C. 1348(c).

21 (b) Annual fees shall be collected for facilities that
22 are above the waterline, excluding drilling rigs, and are
23 in place at the start of the fiscal year. Fees for fiscal year
24 2013 shall be:

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

3 (2) \$17,000 for facilities with 1 to 10 wells,
4 with any combination of active or inactive wells; and

5 (3) \$31,500 for facilities with more than 10
6 wells, with any combination of active or inactive
7 wells.

8 (c) Fees for drilling rigs shall be assessed for all in-
9 spections completed in fiscal year 2013. Fees for fiscal
10 year 2013 shall be:

11 (1) \$30,500 per inspection for rigs operating in
12 water depths of 500 feet or more; and

13 (2) \$16,700 per inspection for rigs operating in
14 water depths of less than 500 feet.

15 (d) The Secretary shall bill designated operators
16 under subsection (b) within 60 days, with payment re-
17 quired within 30 days of billing. The Secretary shall bill
18 designated operators under subsection (c) within 30 days
19 of the end of the month in which the inspection occurred,
20 with payment required within 30 days of billing.

21 OIL AND GAS LEASING INTERNET PROGRAM

22 SEC. 107. Notwithstanding section 17(b)(1)(A) of the
23 Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Sec-
24 retary of the Interior shall have the authority to imple-
25 ment an oil and gas leasing Internet program, under

1 which the Secretary may conduct lease sales through
2 methods other than oral bidding.

3 BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION
4 AND ENFORCEMENT REORGANIZATION

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

12 AUTHORIZED USE OF INDIAN EDUCATION FUNDS

13 SEC. 109. Beginning July 1, 2008, any funds (includ-
14 ing investments and interest earned, except for construc-
15 tion funds) held by a Public Law 100–297 grant or a Pub-
16 lic Law 93–638 contract school shall, upon retrocession
17 to or re-assumption by the Bureau of Indian Education,
18 remain available to the Bureau of Indian Education for
19 a period of 5 years from the date of retrocession or re-
20 assumption for the benefit of the programs approved for
21 the school on October 1, 1995.

22 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
23 BURRO HOLDING FACILITIES

24 SEC. 110. Notwithstanding any other provision of
25 this Act, the Secretary of the Interior may enter into

1 multiyear cooperative agreements with nonprofit organiza-
2 tions and other appropriate entities, and may enter into
3 multiyear contracts in accordance with the provisions of
4 section 304B of the Federal Property and Administrative
5 Services Act of 1949 (41 U.S.C. 254e) (except that the
6 5-year term restriction in subsection (d) shall not apply),
7 for the long-term care and maintenance of excess wild free
8 roaming horses and burros by such organizations or enti-
9 ties on private land. Such cooperative agreements and con-
10 tracts may not exceed 10 years, subject to renewal at the
11 discretion of the Secretary.

12 MASS MARKING OF SALMONIDS

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

22 BUREAU OF LAND MANAGEMENT ACTIONS REGARDING
23 GRAZING ON PUBLIC LANDS

24 SEC. 112. Exhaustion of Administrative Review Re-
25 quired.—

1 (1) For fiscal years 2014 and hereafter, a per-
2 son may bring a civil action challenging a decision
3 of the Bureau of Land Management concerning
4 grazing on public lands (as defined in section 103(e)
5 of the Federal Land Policy and Management Act of
6 1976 (43 U.S.C. 1702(e))) in a Federal district
7 court only if the person has exhausted the adminis-
8 trative hearings and appeals procedures established
9 by the Department of the Interior, including having
10 filed a timely appeal and a request for stay.

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

15 TRAILING LIVESTOCK ACROSS PUBLIC LANDS

16 SEC. 113. During fiscal years 2013 and 2014, the
17 trailing of livestock across public lands (as defined by sec-
18 tion 103 of the Federal Land Policy and Management Act
19 of 1976 (43 U.S.C. 1702)) and the implementation of
20 trailing practices by the Bureau of Land Management
21 shall not be subject to review under section 102(2)(C) of
22 the National Environmental Policy Act of 1969 (42 U.S.C.
23 4332(2)(C)). Trailing or crossing authorizations across
24 public lands shall not be subject to protest or appeal under

1 subpart E of part 4 of title 43, Code of Federal Regula-
2 tions, and subpart 4160 of part 4100 of such title.

3 WILD LANDS FUNDING PROHIBITION

4 SEC. 114. None of the funds made available in this
5 Act or any other Act may be used to implement, admin-
6 ister, or enforce Secretarial Order No. 3310 issued by the
7 Secretary of the Interior on December 22, 2010.

8 MINING FEES: CORRECTION

9 SEC. 115. Section 10101(a) of the Omnibus Budget
10 Reconciliation Act of 1993 (30 U.S.C. 28f), as amended
11 by section 430 of the Department of the Interior, Environ-
12 ment, and Related Agencies Appropriations Act, 2012 (di-
13 vision E of Public Law 112–74; 125 Stat. 1047), is fur-
14 ther amended—

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

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

20 INDIAN LAW AND ORDER COMMISSION

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

1 GRAY WOLVES

2 SEC. 117. Before the end of the 60-day period begin-
3 ning on the date of enactment of this Act, the Secretary
4 of the Interior shall issue a final rule pertaining to the
5 proposed rule published on October 5, 2011 (76 Fed. Reg.
6 61782 et seq.).

7 TITLE II—ENVIRONMENTAL PROTECTION

8 AGENCY

9 SCIENCE AND TECHNOLOGY

10 For science and technology, including research and
11 development activities, which shall include research and
12 development activities under the Comprehensive Environ-
13 mental Response, Compensation, and Liability Act of
14 1980; necessary expenses for personnel and related costs
15 and travel expenses; procurement of laboratory equipment
16 and supplies; and other operating expenses in support of
17 research and development, \$738,357,000, to remain avail-
18 able until September 30, 2014: *Provided*, That of the
19 funds included under this heading, \$5,000,000 shall be for
20 Research: National Priorities as specified in the explana-
21 tory statement accompanying this Act.

22 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

23 For environmental programs and management, in-
24 cluding necessary expenses, not otherwise provided for, for
25 personnel and related costs and travel expenses; hire of

1 passenger motor vehicles; hire, maintenance, and oper-
2 ation of aircraft; purchase of reprints; library member-
3 ships in societies or associations which issue publications
4 to members only or at a price to members lower than to
5 subscribers who are not members; administrative costs of
6 the brownfields program under the Small Business Liabil-
7 ity Relief and Brownfields Revitalization Act of 2002; and
8 not to exceed \$9,000 for official reception and representa-
9 tion expenses, \$2,479,081,000, to remain available until
10 September 30, 2014: *Provided*, That of the funds included
11 under this heading, \$346,261,000 shall be for Geographic
12 Programs specified in the explanatory statement accom-
13 panying this Act: *Provided further*, That of the funds in-
14 cluded under this heading, \$15,000,000 shall be for Envi-
15 ronmental Protection: National Priorities as specified in
16 the explanatory statement accompanying this Act.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, \$41,933,000, to remain available
21 until September 30, 2014.

22 BUILDINGS AND FACILITIES

23 For construction, repair, improvement, extension, al-
24 teration, and purchase of fixed equipment or facilities of,

1 or for use by, the Environmental Protection Agency,
2 \$36,370,000, to remain available until expended.

3 HAZARDOUS SUBSTANCE SUPERFUND

4 For necessary expenses to carry out the Comprehen-
5 sive Environmental Response, Compensation, and Liabil-
6 ity Act of 1980 (CERCLA), including sections 111(c)(3),
7 (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611)
8 \$1,164,917,000, to remain available until expended, con-
9 sisting of such sums as are available in the Trust Fund
10 on September 30, 2012, as authorized by section 517(a)
11 of the Superfund Amendments and Reauthorization Act
12 of 1986 (SARA) and up to \$1,164,917,000 as a payment
13 from general revenues to the Hazardous Substance Super-
14 fund for purposes as authorized by section 517(b) of
15 SARA: *Provided*, That funds appropriated under this
16 heading may be allocated to other Federal agencies in ac-
17 cordance with section 111(a) of CERCLA.

18 LEAKING UNDERGROUND STORAGE TANK TRUST FUND

19 PROGRAM

20 For necessary expenses to carry out leaking under-
21 ground storage tank cleanup activities authorized by sub-
22 title I of the Solid Waste Disposal Act, \$104,117,000, to
23 remain available until expended, of which \$71,687,000
24 shall be for carrying out leaking underground storage tank
25 cleanup activities authorized by section 9003(h) of the

1 Solid Waste Disposal Act; \$32,430,000 shall be for car-
2 rying out the other provisions of the Solid Waste Disposal
3 Act specified in section 9508(c) of the Internal Revenue
4 Code: *Provided*, That the Administrator is authorized to
5 use appropriations made available under this heading to
6 implement section 9013 of the Solid Waste Disposal Act
7 to provide financial assistance to federally recognized In-
8 dian tribes for the development and implementation of
9 programs to manage underground storage tanks.

10 INLAND OIL SPILL PROGRAMS

11 For expenses necessary to carry out the Environ-
12 mental Protection Agency's responsibilities under the Oil
13 Pollution Act of 1990, \$18,223,000, to be derived from
14 the Oil Spill Liability trust fund, to remain available until
15 expended.

16 STATE AND TRIBAL ASSISTANCE GRANTS

17 For environmental programs and infrastructure as-
18 sistance, including capitalization grants for State revolv-
19 ing funds and performance partnership grants,
20 \$2,602,043,000, to remain available until expended, of
21 which \$689,000,000 shall be for making capitalization
22 grants for the Clean Water State Revolving Funds under
23 title VI of the Federal Water Pollution Control Act (the
24 "Act"); of which \$829,000,000 shall be for making cap-
25 italization grants for the Drinking Water State Revolving

1 Funds under section 1452 of the Safe Drinking Water
2 Act; \$60,000,000 shall be to carry out section 104(k) of
3 the Comprehensive Environmental Response, Compensa-
4 tion, and Liability Act of 1980 (CERCLA), including
5 grants, interagency agreements, and associated program
6 support costs: *Provided*, That not more than 25 percent
7 of the amount appropriated to carry out section 104(k)
8 of CERCLA shall be used for site characterization, assess-
9 ment, and remediation of facilities described in section
10 101(39)(D)(ii)(II) of CERCLA; \$30,000,000 shall be for
11 grants under title VII, subtitle G of the Energy Policy Act
12 of 2005; and \$994,043,000 shall be for grants, including
13 associated program support costs, to States, federally rec-
14 ognized tribes, interstate agencies, tribal consortia, and air
15 pollution control agencies for multi-media or single media
16 pollution prevention, control and abatement and related
17 activities, including activities pursuant to the provisions
18 set forth under this heading in Public Law 104–134, and
19 for making grants under section 103 of the Clean Air Act
20 for particulate matter monitoring and data collection ac-
21 tivities subject to terms and conditions specified by the
22 Administrator, of which \$47,572,000 shall be for carrying
23 out section 128 of CERCLA, \$9,964,000 shall be for En-
24 vironmental Information Exchange Network grants, in-
25 cluding associated program support costs, \$11,300,000 of

1 the funds available for grants under section 106 of the
2 Act shall be for State participation in national- and State-
3 level statistical surveys of water resources and enhance-
4 ments to State monitoring programs, and, in addition to
5 funds appropriated under the heading “Leaking Under-
6 ground Storage Tank Trust Fund Program” to carry out
7 the provisions of the Solid Waste Disposal Act specified
8 in section 9508(c) of the Internal Revenue Code other
9 than section 9003(h) of the Solid Waste Disposal Act,
10 \$1,490,000 shall be for grants to States under section
11 2007(f)(2) of the Solid Waste Disposal Act: *Provided fur-*
12 *ther*, That notwithstanding section 603(d)(7) of the Fed-
13 eral Water Pollution Control Act, the limitation on the
14 amounts in a State water pollution control revolving fund
15 that may be used by a State to administer the fund shall
16 not apply to amounts included as principal in loans made
17 by such fund in fiscal year 2013 and prior years where
18 such amounts represent costs of administering the fund
19 to the extent that such amounts are or were deemed rea-
20 sonable by the Administrator, accounted for separately
21 from other assets in the fund, and used for eligible pur-
22 poses of the fund, including administration: *Provided fur-*
23 *ther*, That for fiscal year 2013, and notwithstanding sec-
24 tion 518(f) of the Act, the Administrator is authorized to
25 use the amounts appropriated for any fiscal year under

1 section 319 of that Act to make grants to federally recog-
2 nized Indian tribes pursuant to sections 319(h) and
3 518(e) of that Act: *Provided further*, That for fiscal year
4 2013, notwithstanding the limitation on amounts in sec-
5 tion 518(e) of the Federal Water Pollution Control Act
6 and section 1452(i) of the Safe Drinking Water Act, up
7 to a total of 2 percent of the funds appropriated for State
8 Revolving Funds under such Acts may be reserved by the
9 Administrator for grants under section 518(e) and section
10 1452(i) of such Acts: *Provided further*, That for fiscal year
11 2013, notwithstanding the amounts specified in section
12 205(e) of the Federal Water Pollution Control Act, up to
13 1.5 percent of the aggregate funds appropriated for the
14 Clean Water State Revolving Fund program under the Act
15 less any sums reserved under section 518(e) of the Act,
16 may be reserved by the Administrator for grants made
17 under title II of the Clean Water Act for American Samoa,
18 Guam, the Commonwealth of the Northern Marianas, and
19 United States Virgin Islands: *Provided further*, That for
20 fiscal year 2013, notwithstanding the limitations on
21 amounts specified in section 1452(j) of the Safe Drinking
22 Water Act, up to 1.5 percent of the funds appropriated
23 for the Drinking Water State Revolving Fund programs
24 under the Safe Drinking Water Act may be reserved by
25 the Administrator for grants made under section 1452(j)

1 of the Safe Drinking Water Act: *Provided further*, That
2 not less than 20 percent but not more than 30 percent
3 of the funds made available under this title to each State
4 for Clean Water State Revolving Fund capitalization
5 grants and not less than 20 percent but not more than
6 30 percent of the funds made available under this title
7 to each State for Drinking Water State Revolving Fund
8 capitalization grants shall be used by the State to provide
9 additional subsidy to eligible recipients in the form of for-
10 giveness of principal, negative interest loans, or grants (or
11 any combination of these), and shall be so used by the
12 State only where such funds are provided as initial financ-
13 ing for an eligible recipient or to buy, refinance, or re-
14 structure the debt obligations of eligible recipients only
15 where such debt was incurred on or after the date of en-
16 actment of this Act: *Provided further*, That no funds pro-
17 vided by this appropriations Act to address the water,
18 wastewater and other critical infrastructure needs of the
19 colonias in the United States along the United States-
20 Mexico border shall be made available to a county or mu-
21 nicipal government unless that government has established
22 an enforceable local ordinance, or other zoning rule, which
23 prevents in that jurisdiction the development or construc-
24 tion of any additional colonia areas, or the development
25 within an existing colonia the construction of any new

1 home, business, or other structure which lacks water,
2 wastewater, or other necessary infrastructure.

3 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

4 PROTECTION AGENCY

5 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

6 For fiscal year 2013, notwithstanding 31 U.S.C.
7 6303(1) and 6305(1), the Administrator of the Environ-
8 mental Protection Agency, in carrying out the Agency's
9 function to implement directly Federal environmental pro-
10 grams required or authorized by law in the absence of an
11 acceptable tribal program, may award cooperative agree-
12 ments to federally recognized Indian tribes or Intertribal
13 consortia, if authorized by their member tribes, to assist
14 the Administrator in implementing Federal environmental
15 programs for Indian tribes required or authorized by law,
16 except that no such cooperative agreements may be award-
17 ed from funds designated for State financial assistance
18 agreements.

19 The Administrator of the Environmental Protection
20 Agency is authorized to collect and obligate pesticide reg-
21 istration service fees in accordance with section 33 of the
22 Federal Insecticide, Fungicide, and Rodenticide Act, as
23 amended by Public Law 110–94, the Pesticide Registra-
24 tion Improvement Renewal Act.

1 The Administrator is authorized to transfer up to
2 \$250,000,000 of the funds appropriated for the Great
3 Lakes Restoration Initiative under the heading “Environ-
4 mental Programs and Management” to the head of any
5 Federal department or agency, with the concurrence of
6 such head, to carry out activities that would support the
7 Great Lakes Restoration Initiative and Great Lakes
8 Water Quality Agreement programs, projects, or activities;
9 to enter into an interagency agreement with the head of
10 such Federal department or agency to carry out these ac-
11 tivities; and to make grants to governmental entities, non-
12 profit organizations, institutions, and individuals for plan-
13 ning, research, monitoring, outreach, and implementation
14 in furtherance of the Great Lakes Restoration Initiative
15 and the Great Lakes Water Quality Agreement.

16 From unobligated balances available to carry out
17 projects and activities funded through the State and Trib-
18 al Assistance Grants account, \$130,000,000 are perma-
19 nently rescinded: *Provided*, That no amounts may be re-
20 scinded from amounts that were designated by the Con-
21 gress as an emergency requirement pursuant to the Con-
22 current Resolution on the Budget or the Balanced Budget
23 and Emergency Deficit Control Act of 1985.

24 The Science and Technology, Environmental Pro-
25 grams and Management, Office of Inspector General, Haz-

1 arduous Substance Superfund, and Leaking Underground
2 Storage Tank Trust Fund Program Accounts, are avail-
3 able for the construction, alteration, repair, rehabilitation,
4 and renovation of facilities provided that the cost does not
5 exceed \$150,000 per project.

6 The fourth paragraph under the heading Administra-
7 tive Provisions of title II of Public Law 109–54, as amend-
8 ed by the fifth paragraph under such heading of title II
9 of division E of Public Law 111–8 and the third para-
10 graph under such heading of the title II of Public Law
11 111–88, is further amended by striking “thirty persons”
12 and inserting “fifty persons”.

13 TITLE III—RELATED AGENCIES

14 DEPARTMENT OF AGRICULTURE

15 FOREST SERVICE

16 FOREST AND RANGELAND RESEARCH

17 For necessary expenses of forest and rangeland re-
18 search as authorized by law, \$247,796,000, to remain
19 available until expended: *Provided*, That of the funds pro-
20 vided, \$71,805,000 is for the forest inventory and analysis
21 program.

22 STATE AND PRIVATE FORESTRY

23 For necessary expenses of cooperating with and pro-
24 viding technical and financial assistance to States, terri-
25 tories, possessions, and others, and for forest health man-

1 agement, including treatments of pests, pathogens, and
2 invasive or noxious plants and for restoring and rehabili-
3 tating forests damaged by pests or invasive plants, cooper-
4 ative forestry, and education and land conservation activi-
5 ties and conducting an international program as author-
6 ized, \$183,000,000, to remain available until expended, as
7 authorized by law; of which \$3,000,000 is to be derived
8 from the Land and Water Conservation Fund.

9 NATIONAL FOREST SYSTEM

10 For necessary expenses of the Forest Service, not
11 otherwise provided for, for management, protection, im-
12 provement, and utilization of the National Forest System,
13 \$1,495,484,000, to remain available until expended: *Pro-*
14 *vided*, That of the funds provided, \$342,211,000 shall be
15 for forest products: *Provided further*, That of the funds
16 provided, \$40,000,000 shall be deposited in the Collabo-
17 rative Forest Landscape Restoration Fund for ecological
18 restoration treatments as authorized by section 4003(f) of
19 Public Law 111–11 (16 U.S.C. 7303(f)): *Provided further*,
20 That of the funds provided, up to \$68,887,000 is for the
21 Integrated Resource Restoration pilot program for Region
22 1, Region 3 and Region 4: *Provided further*, That of the
23 funds provided for forest products, up to \$45,403,000 may
24 be transferred to support the Integrated Resource Res-
25 toration pilot program in the preceding proviso.

1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Forest Service, not
4 otherwise provided for, \$356,086,000, to remain available
5 until expended, for construction, capital improvement,
6 maintenance and acquisition of buildings and other facili-
7 ties and infrastructure; and for construction, reconstruc-
8 tion, decommissioning (including decommissioning unau-
9 thorized roads not part of the transportation system), and
10 maintenance of forest roads and trails by the Forest Serv-
11 ice as authorized by 16 U.S.C. 532-538 and 23 U.S.C.
12 101 and 205: *Provided*, That \$35,000,000 shall be des-
13 ignated for urgently needed road decommissioning, road
14 and trail repair and maintenance and associated activities,
15 and removal of fish passage barriers, especially in areas
16 where Forest Service roads may be contributing to water
17 quality problems in streams and water bodies which sup-
18 port threatened, endangered, or sensitive species or com-
19 munity water sources: *Provided further*, That funds be-
20 coming available in fiscal year 2013 under the Act of
21 March 4, 1913 (16 U.S.C. 501) shall be transferred to
22 the General Fund of the Treasury and shall not be avail-
23 able for transfer or obligation for any other purpose unless
24 the funds are appropriated: *Provided further*, That of the
25 funds provided for decommissioning of roads, up to

1 \$8,369,000 may be transferred to the “National Forest
2 System” to support the Integrated Resource Restoration
3 pilot program.

4 LAND ACQUISITION

5 For expenses necessary to carry out the provisions
6 of the Land and Water Conservation Fund Act of 1965
7 (16 U.S.C. 4601–4 et seq.), including administrative ex-
8 penses, and for acquisition of land or waters, or interest
9 therein, in accordance with statutory authority applicable
10 to the Forest Service, \$16,494,000, to be derived from the
11 Land and Water Conservation Fund and to remain avail-
12 able until expended.

13 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

14 ACTS

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

21 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

22 For acquisition of lands, such sums, to be derived
23 from funds deposited by State, county, or municipal gov-
24 ernments, public school districts, or other public school au-
25 thorities, and for authorized expenditures from funds de-

1 posited by non-Federal parties pursuant to Land Sale and
2 Exchange Acts, pursuant to the Act of December 4, 1967,
3 (16 U.S.C. 484a), to remain available until expended (16
4 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public
5 Law 76-589, 76-591; and Public Law 78-310).

6 RANGE BETTERMENT FUND

7 For necessary expenses of range rehabilitation, pro-
8 tection, and improvement, 50 percent of all moneys re-
9 ceived during the prior fiscal year, as fees for grazing do-
10 mestic livestock on lands in National Forests in the 16
11 Western States, pursuant to section 401(b)(1) of Public
12 Law 94-579, to remain available until expended, of which
13 not to exceed 6 percent shall be available for administra-
14 tive expenses associated with on-the-ground range reha-
15 bilitation, protection, and improvements.

16 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
17 RANGELAND RESEARCH

18 For expenses authorized by 16 U.S.C. 1643(b),
19 \$46,000, to remain available until expended, to be derived
20 from the fund established pursuant to the above Act.

21 MANAGEMENT OF NATIONAL FOREST LANDS FOR
22 SUBSISTENCE USES

23 For necessary expenses of the Forest Service to man-
24 age Federal lands in Alaska for subsistence uses under
25 title VIII of the Alaska National Interest Lands Conserva-

1 tion Act (Public Law 96-487), \$2,000,000, to remain
2 available until expended.

3 WILDLAND FIRE MANAGEMENT
4 (INCLUDING TRANSFERS OF FUNDS)

5 For necessary expenses for forest fire presuppression
6 activities on National Forest System lands, for emergency
7 fire suppression on or adjacent to such lands or other
8 lands under fire protection agreement, hazardous fuels re-
9 duction on or adjacent to such lands, and for emergency
10 rehabilitation of burned-over National Forest System
11 lands and water, \$2,072,799,000, to remain available until
12 expended: *Provided*, That such funds including unobli-
13 gated balances under this heading, are available for repay-
14 ment of advances from other appropriations accounts pre-
15 viously transferred for such purposes: *Provided further*,
16 That such funds shall be available to reimburse State and
17 other cooperating entities for services provided in response
18 to wildfire and other emergencies or disasters to the extent
19 such reimbursements by the Forest Service for non-fire
20 emergencies are fully repaid by the responsible emergency
21 management agency: *Provided further*, That, notwith-
22 standing any other provision of law, \$5,226,000 of funds
23 appropriated under this appropriation shall be available
24 for the Forest Service in support of fire science research
25 authorized by the Joint Fire Science Program, including

1 all Forest Service authorities for the use of funds, such
2 as contracts, grants, research joint venture agreements,
3 and cooperative agreements: *Provided further*, That all au-
4 thorities for the use of funds, including the use of con-
5 tracts, grants, and cooperative agreements, available to
6 execute the Forest and Rangeland Research appropria-
7 tion, are also available in the utilization of these funds
8 for Fire Science Research: *Provided further*, That funds
9 provided shall be available for emergency rehabilitation
10 and restoration, hazardous fuels reduction activities, sup-
11 port to Federal emergency response, and wildfire suppres-
12 sion activities of the Forest Service: *Provided further*, That
13 of the funds provided, \$345,005,000 is for hazardous fuels
14 reduction activities, \$20,634,000 is for research activities
15 and to make competitive research grants pursuant to the
16 Forest and Rangeland Renewable Resources Research Act
17 (16 U.S.C. 1641 et seq.), \$72,688,000 is for State fire
18 assistance, \$11,733,000 is for volunteer fire assistance:
19 *Provided further*, That amounts in this paragraph may be
20 transferred to the “State and Private Forestry”, “Na-
21 tional Forest System”, and “Forest and Rangeland Re-
22 search” account to fund State fire assistance, volunteer
23 fire assistance, forest health management, forest and
24 rangeland research, the Joint Fire Science Program, vege-
25 tation and watershed management, heritage site rehabili-

1 tation, and wildlife and fish habitat management and res-
2 toration: *Provided further*, That the costs of implementing
3 any cooperative agreement between the Federal Govern-
4 ment and any non-Federal entity may be shared, as mutu-
5 ally agreed on by the affected parties: *Provided further*,
6 That up to \$15,000,000 of the funds provided herein may
7 be used by the Secretary of Agriculture to enter into pro-
8 curement contracts or cooperative agreements or to issue
9 grants for hazardous fuels reduction and for training or
10 monitoring associated with such hazardous fuels reduction
11 activities on Federal land or on non-Federal land if the
12 Secretary determines such activities implement a commu-
13 nity wildfire protection plan (or equivalent) and benefit
14 resources on Federal land: *Provided further*, That funds
15 made available to implement the Community Forest Res-
16 toration Act, Public Law 106–393, title VI, shall be avail-
17 able for use on non-Federal lands in accordance with au-
18 thorities made available to the Forest Service under the
19 “State and Private Forestry” appropriation: *Provided fur-*
20 *ther*, That the Secretary of the Interior and the Secretary
21 of Agriculture may authorize the transfer of funds appro-
22 priated for wildland fire management, in an aggregate
23 amount not to exceed \$50,000,000, between the Depart-
24 ments when such transfers would facilitate and expedite
25 wildland fire management programs and projects: *Pro-*

1 *vided further*, That, of the funds provided for hazardous
2 fuels reduction, not to exceed \$5,000,000 may be used to
3 make grants, using any authorities available to the Forest
4 Service under the “State and Private Forestry” appro-
5 priation, for the purpose of creating incentives for in-
6 creased use of biomass from National Forest System
7 lands: *Provided further*, That funds designated for wildfire
8 suppression, including funds transferred from the
9 “FLAME Wildfire Suppression Reserve Fund”, shall be
10 assessed for cost pools on the same basis as such assess-
11 ments are calculated against other agency programs: *Pro-*
12 *vided further*, That of the funds for hazardous fuels reduc-
13 tion, up to \$21,928,000 may be transferred to the “Na-
14 tional Forest System” to support the Integrated Resource
15 Restoration pilot program.

16 FLAME WILDFIRE SUPPRESSION RESERVE FUND
17 (INCLUDING TRANSFERS OF FUNDS)

18 For necessary expenses for large fire suppression op-
19 erations of the Department of Agriculture and as a reserve
20 fund for suppression and Federal emergency response ac-
21 tivities, \$315,000,000, to remain available until expended:
22 *Provided*, That such amounts are available only for trans-
23 fer to the “Wildland Fire Management” account and only
24 following a declaration by the Secretary that either (1)
25 a wildland fire suppression event meets certain previously

1 established risk-based written criteria for significant com-
2 plexity, severity, or threat posed by the fire or (2) funds
3 in the “Wildland Fire Management” account will be ex-
4 hausted within 30 days.

5 ADMINISTRATIVE PROVISIONS, FOREST SERVICE
6 (INCLUDING TRANSFERS OF FUNDS)

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

1 (7) for debt collection contracts in accordance with 31
2 U.S.C. 3718(c).

3 Any appropriations or funds available to the Forest
4 Service may be transferred to the Wildland Fire Manage-
5 ment appropriation for forest firefighting, emergency re-
6 habilitation of burned-over or damaged lands or waters
7 under its jurisdiction, and fire preparedness due to severe
8 burning conditions upon the Secretary's notification of the
9 House and Senate Committees on Appropriations that all
10 fire suppression funds appropriated under the headings
11 "Wildland Fire Management" and "FLAME Wildfire
12 Suppression Reserve Fund" will be obligated within 30
13 days: *Provided*, That all funds used pursuant to this para-
14 graph must be replenished by a supplemental appropria-
15 tion which must be requested as promptly as possible.

16 Funds appropriated to the Forest Service shall be
17 available for assistance to or through the Agency for Inter-
18 national Development in connection with forest and range-
19 land research, technical information, and assistance in for-
20 eign countries, and shall be available to support forestry
21 and related natural resource activities outside the United
22 States and its territories and possessions, including tech-
23 nical assistance, education and training, and cooperation
24 with U.S., private, and international organizations. The
25 Forest Service, acting for the International Program, may

1 sign direct funding agreements with foreign governments
2 and institutions as well as other domestic agencies (includ-
3 ing the U.S. Agency for International Development, the
4 Department of State, and the Millennium Challenge Cor-
5 poration), U.S. private sector firms, institutions and orga-
6 nizations to provide technical assistance and training pro-
7 grams overseas on forestry and rangeland management.

8 None of the funds made available to the Forest Serv-
9 ice in this Act or any other Act with respect to any fiscal
10 year shall be subject to transfer under the provisions of
11 section 702(b) of the Department of Agriculture Organic
12 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
13 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
14 Law 107–107 (7 U.S.C. 8316(b)).

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

21 Not more than \$997,000,000 of funds available to
22 the Forest Service shall be used for cost pools 1-5, as de-
23 fined on page 14 - 25 of the Forest Service Budget Jus-
24 tification, Fiscal Year 2013.

1 Not more than \$41,000,000 of funds available to the
2 Forest Service shall be transferred to the Working Capital
3 Fund of the Department of Agriculture and not more than
4 \$5,000,000 of funds available to the Forest Service shall
5 be transferred to the Department of Agriculture for De-
6 partment Reimbursable Programs, commonly referred to
7 as Greenbook charges. Nothing in this paragraph shall
8 prohibit or limit the use of reimbursable agreements re-
9 quested by the Forest Service in order to obtain services
10 from the Department of Agriculture's National Informa-
11 tion Technology Center. Nothing in this paragraph shall
12 limit the Forest Service portion of implementation costs
13 to be paid to the Department of Agriculture for the Finan-
14 cial Management Modernization Initiative.

15 Of the funds available to the Forest Service up to
16 \$5,000,000 shall be available for priority projects within
17 the scope of the approved budget, which shall be carried
18 out by the Youth Conservation Corps and shall be carried
19 out under the authority of the Public Lands Corps Act
20 of 1993 (16 U.S.C. 1721 et seq.).

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

24 Pursuant to sections 405(b) and 410(b) of Public
25 Law 101-593, of the funds available to the Forest Service,

1 up to \$3,000,000 may be advanced in a lump sum to the
2 National Forest Foundation to aid conservation partner-
3 ship projects in support of the Forest Service mission,
4 without regard to when the Foundation incurs expenses,
5 for projects on or benefitting National Forest System
6 lands or related to Forest Service programs: *Provided*,
7 That of the Federal funds made available to the Founda-
8 tion, no more than \$300,000 shall be available for admin-
9 istrative expenses: *Provided further*, That the Foundation
10 shall obtain, by the end of the period of Federal financial
11 assistance, private contributions to match on at least one-
12 for-one basis funds made available by the Forest Service:
13 *Provided further*, That the Foundation may transfer Fed-
14 eral funds to a Federal or a non-Federal recipient for a
15 project at the same rate that the recipient has obtained
16 the non-Federal matching funds: *Provided further*, That
17 hereafter, the National Forest Foundation may hold Fed-
18 eral funds made available but not immediately disbursed
19 and may use any interest or other investment income
20 earned (before, on, or after the date of the enactment of
21 this Act) on Federal funds to carry out the purposes of
22 Public Law 101–593: *Provided further*, That such invest-
23 ments may be made only in interest-bearing obligations
24 of the United States or in obligations guaranteed as to
25 both principal and interest by the United States.

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

14 Funds appropriated to the Forest Service shall be
15 available for interactions with and providing technical as-
16 sistance to rural communities and natural resource-based
17 businesses for sustainable rural development purposes.

18 Funds appropriated to the Forest Service shall be
19 available for payments to counties within the Columbia
20 River Gorge National Scenic Area, pursuant to section
21 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
22 663.

23 Any funds appropriated to the Forest Service may
24 be used to meet the non-Federal share requirement in sec-

1 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
2 3056(c)(2)).

3 Funds available to the Forest Service, not to exceed
4 \$55,000,000, shall be assessed for the purpose of per-
5 forming fire, administrative and other facilities mainte-
6 nance and decommissioning. Such assessments shall occur
7 using a square foot rate charged on the same basis the
8 agency uses to assess programs for payment of rent, utili-
9 ties, and other support services.

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

22 An eligible individual who is employed in any project
23 funded under title V of the Older American Act of 1965
24 (42 U.S.C. 3056 et seq.) and administered by the Forest

1 Service shall be considered to be a Federal employee for
2 purposes of chapter 171 of title 28, United States Code.

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 INDIAN HEALTH SERVICE

6 INDIAN HEALTH SERVICES

7 For expenses necessary to carry out the Act of Au-
8 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
9 tion Act, the Indian Health Care Improvement Act, and
10 titles II and III of the Public Health Service Act with re-
11 spect to the Indian Health Service, \$4,049,612,000, to-
12 gether with payments received during the fiscal year pur-
13 suant to 42 U.S.C. 238(b) and 238b for services furnished
14 by the Indian Health Service: *Provided*, That funds made
15 available to tribes and tribal organizations through con-
16 tracts, grant agreements, or any other agreements or com-
17 pacts authorized by the Indian Self-Determination and
18 Education Assistance Act of 1975 (25 U.S.C. 450), shall
19 be deemed to be obligated at the time of the grant or con-
20 tract award and thereafter shall remain available to the
21 tribe or tribal organization without fiscal year limitation:
22 *Provided further*, That \$897,562,000 for contract medical
23 care, including \$51,500,000 for the Indian Catastrophic
24 Health Emergency Fund, shall remain available until ex-
25 pended: *Provided further*, That of the funding provided for

1 information technology activities and, notwithstanding any
2 other provision of law, \$4,000,000 shall be allocated at
3 the discretion of the Director of the Indian Health Service:
4 *Provided further*, That of the funds provided, up to
5 \$36,000,000 shall remain available until expended for im-
6 plementation of the loan repayment program under section
7 108 of the Indian Health Care Improvement Act: *Provided*
8 *further*, That the amounts collected by the Federal Gov-
9 ernment as authorized by sections 104 and 108 of the In-
10 dian Health Care Improvement Act (25 U.S.C. 1613a and
11 1616a) during the preceding fiscal year for breach of con-
12 tracts shall be deposited to the Fund authorized by section
13 108A of the Act (25 U.S.C. 1616a-1) and shall remain
14 available until expended and, notwithstanding section
15 108A(c) of the Act (25 U.S.C. 1616a-1(c)), funds shall
16 be available to make new awards under the loan repay-
17 ment and scholarship programs under sections 104 and
18 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided*
19 *further*, That notwithstanding any other provision of law,
20 the amounts made available within this account for the
21 methamphetamine and suicide prevention and treatment
22 initiative and for the domestic violence prevention initia-
23 tive shall be allocated at the discretion of the Director of
24 the Indian Health Service and shall remain available until
25 expended: *Provided further*, That funds provided in this

1 Act may be used for annual contracts and grants that fall
2 within 2 fiscal years, provided the total obligation is re-
3 corded in the year the funds are appropriated: *Provided*
4 *further*, That the amounts collected by the Secretary of
5 Health and Human Services under the authority of title
6 IV of the Indian Health Care Improvement Act shall re-
7 main available until expended for the purpose of achieving
8 compliance with the applicable conditions and require-
9 ments of titles XVIII and XIX of the Social Security Act,
10 except for those related to the planning, design, or con-
11 struction of new facilities: *Provided further*, That funding
12 contained herein for scholarship programs under the In-
13 dian Health Care Improvement Act (25 U.S.C. 1613)
14 shall remain available until expended: *Provided further*,
15 That amounts received by tribes and tribal organizations
16 under title IV of the Indian Health Care Improvement Act
17 shall be reported and accounted for and available to the
18 receiving tribes and tribal organizations until expended:
19 *Provided further*, That, notwithstanding any other provi-
20 sion of law, of the amounts provided herein, not to exceed
21 \$546,446,000 shall be for payments to tribes and tribal
22 organizations for contract or grant support costs associ-
23 ated with contracts, grants, self-governance compacts, or
24 annual funding agreements between the Indian Health
25 Service and a tribe or tribal organization pursuant to the

1 Indian Self-Determination Act of 1975, prior to or during
2 fiscal year 2013, of which not to exceed \$10,000,000 may
3 be used for contract support costs associated with new or
4 expanded self-determination contracts, grants, self-govern-
5 ance compacts, or annual funding agreements: *Provided*
6 *further*, That the Bureau of Indian Affairs may collect
7 from the Indian Health Service, tribes and tribal organiza-
8 tions operating health facilities pursuant to Public Law
9 93-638, such individually identifiable health information
10 relating to disabled children as may be necessary for the
11 purpose of carrying out its functions under the Individuals
12 with Disabilities Education Act (20 U.S.C. 1400, et seq.):
13 *Provided further*, That the Indian Health Care Improve-
14 ment Fund may be used, as needed, to carry out activities
15 typically funded under the Indian Health Facilities ac-
16 count.

17 INDIAN HEALTH FACILITIES

18 For construction, repair, maintenance, improvement,
19 and equipment of health and related auxiliary facilities,
20 including quarters for personnel; preparation of plans,
21 specifications, and drawings; acquisition of sites, purchase
22 and erection of modular buildings, and purchases of trail-
23 ers; and for provision of domestic and community sanita-
24 tion facilities for Indians, as authorized by section 7 of
25 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian

1 Self-Determination Act, and the Indian Health Care Im-
2 provement Act, and for expenses necessary to carry out
3 such Acts and titles II and III of the Public Health Serv-
4 ice Act with respect to environmental health and facilities
5 support activities of the Indian Health Service,
6 \$443,864,000, to remain available until expended: *Pro-*
7 *vided*, That notwithstanding any other provision of law,
8 funds appropriated for the planning, design, construction,
9 renovation or expansion of health facilities for the benefit
10 of an Indian tribe or tribes may be used to purchase land
11 on which such facilities will be located: *Provided further*,
12 That not to exceed \$500,000 shall be used by the Indian
13 Health Service to purchase TRANSAM equipment from
14 the Department of Defense for distribution to the Indian
15 Health Service and tribal facilities: *Provided further*, That
16 none of the funds appropriated to the Indian Health Serv-
17 ice may be used for sanitation facilities construction for
18 new homes funded with grants by the housing programs
19 of the United States Department of Housing and Urban
20 Development: *Provided further*, That not to exceed
21 \$2,700,000 from this account and the “Indian Health
22 Services” account shall be used by the Indian Health Serv-
23 ice to obtain ambulances for the Indian Health Service
24 and tribal facilities in conjunction with an existing inter-
25 agency agreement between the Indian Health Service and

1 the General Services Administration: *Provided further*,
2 That not to exceed \$500,000 shall be placed in a Demoli-
3 tion Fund, to remain available until expended, and be used
4 by the Indian Health Service for the demolition of Federal
5 buildings.

6 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

7 Appropriations provided in this Act to the Indian
8 Health Service shall be available for services as authorized
9 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
10 equivalent to the maximum rate payable for senior-level
11 positions under 5 U.S.C. 5376; hire of passenger motor
12 vehicles and aircraft; purchase of medical equipment; pur-
13 chase of reprints; purchase, renovation and erection of
14 modular buildings and renovation of existing facilities;
15 payments for telephone service in private residences in the
16 field, when authorized under regulations approved by the
17 Secretary; uniforms or allowances therefor as authorized
18 by 5 U.S.C. 5901–5902; and for expenses of attendance
19 at meetings that relate to the functions or activities of the
20 Indian Health Service: *Provided*, That in accordance with
21 the provisions of the Indian Health Care Improvement
22 Act, non-Indian patients may be extended health care at
23 all tribally administered or Indian Health Service facili-
24 ties, subject to charges, and the proceeds along with funds
25 recovered under the Federal Medical Care Recovery Act

1 (42 U.S.C. 2651–2653) shall be credited to the account
2 of the facility providing the service and shall be available
3 without fiscal year limitation: *Provided further*, That not-
4 withstanding any other law or regulation, funds trans-
5 ferred from the Department of Housing and Urban Devel-
6 opment to the Indian Health Service shall be administered
7 under Public Law 86–121, the Indian Sanitation Facilities
8 Act and Public Law 93–638, as amended: *Provided fur-*
9 *ther*, That funds appropriated to the Indian Health Serv-
10 ice in this Act, except those used for administrative and
11 program direction purposes, shall not be subject to limita-
12 tions directed at curtailing Federal travel and transpor-
13 tation: *Provided further*, That none of the funds made
14 available to the Indian Health Service in this Act shall
15 be used for any assessments or charges by the Department
16 of Health and Human Services unless identified in the
17 budget justification and provided in this Act, or approved
18 by the House and Senate Committees on Appropriations
19 through the reprogramming process: *Provided further*,
20 That notwithstanding any other provision of law, funds
21 previously or herein made available to a tribe or tribal or-
22 ganization through a contract, grant, or agreement au-
23 thorized by title I or title V of the Indian Self-Determina-
24 tion and Education Assistance Act of 1975 (25 U.S.C.
25 450), may be deobligated and reobligated to a self-deter-

1 mination contract under title I, or a self-governance agree-
2 ment under title V of such Act and thereafter shall remain
3 available to the tribe or tribal organization without fiscal
4 year limitation: *Provided further*, That none of the funds
5 made available to the Indian Health Service in this Act
6 shall be used to implement the final rule published in the
7 Federal Register on September 16, 1987, by the Depart-
8 ment of Health and Human Services, relating to the eligi-
9 bility for the health care services of the Indian Health
10 Service until the Indian Health Service has submitted a
11 budget request reflecting the increased costs associated
12 with the proposed final rule, and such request has been
13 included in an appropriations Act and enacted into law:
14 *Provided further*, That with respect to functions trans-
15 ferred by the Indian Health Service to tribes or tribal or-
16 ganizations, the Indian Health Service is authorized to
17 provide goods and services to those entities on a reimburs-
18 able basis, including payments in advance with subsequent
19 adjustment, and the reimbursements received therefrom,
20 along with the funds received from those entities pursuant
21 to the Indian Self-Determination Act, may be credited to
22 the same or subsequent appropriation account from which
23 the funds were originally derived, with such amounts to
24 remain available until expended: *Provided further*, That re-
25 imbursements for training, technical assistance, or serv-

1 ices provided by the Indian Health Service will contain
2 total costs, including direct, administrative, and overhead
3 associated with the provision of goods, services, or tech-
4 nical assistance: *Provided further*, That the appropriation
5 structure for the Indian Health Service may not be altered
6 without advance notification to the House and Senate
7 Committees on Appropriations.

8 NATIONAL INSTITUTES OF HEALTH

9 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

10 SCIENCES

11 For necessary expenses for the National Institute of
12 Environmental Health Sciences in carrying out activities
13 set forth in section 311(a) of the Comprehensive Environ-
14 mental Response, Compensation, and Liability Act of
15 1980, and section 126(g) of the Superfund Amendments
16 and Reauthorization Act of 1986, \$74,928,000.

17 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

18 REGISTRY

19 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

20 HEALTH

21 For necessary expenses for the Agency for Toxic Sub-
22 stances and Disease Registry (ATSDR) in carrying out
23 activities set forth in sections 104(i) and 111(c)(4) of the
24 Comprehensive Environmental Response, Compensation,
25 and Liability Act of 1980 (CERCLA); section 118(f) of

1 the Superfund Amendments and Reauthorization Act of
2 1986 (SARA); and section 3019 of the Solid Waste Dis-
3 posal Act, \$74,039,000, of which up to \$1,000 per eligible
4 employee of the Agency for Toxic Substances and Disease
5 Registry shall remain available until expended for Indi-
6 vidual Learning Accounts: *Provided*, That notwith-
7 standing any other provision of law, in lieu of performing
8 a health assessment under section 104(i)(6) of CERCLA,
9 the Administrator of ATSDR may conduct other appro-
10 priate health studies, evaluations, or activities, including,
11 without limitation, biomedical testing, clinical evaluations,
12 medical monitoring, and referral to accredited healthcare
13 providers: *Provided further*, That in performing any such
14 health assessment or health study, evaluation, or activity,
15 the Administrator of ATSDR shall not be bound by the
16 deadlines in section 104(i)(6)(A) of CERCLA: *Provided*
17 *further*, That none of the funds appropriated under this
18 heading shall be available for ATSDR to issue in excess
19 of 40 toxicological profiles pursuant to section 104(I) of
20 CERCLA during fiscal year 2013, and existing profiles
21 may be updated as necessary.

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

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

17 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
18 SALARIES AND EXPENSES

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

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

14 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Navajo and
17 Hopi Indian Relocation as authorized by Public Law 93-
18 531, \$7,600,000, to remain available until expended: *Pro-*
19 *vided*, That funds provided in this or any other appropria-
20 tions Act are to be used to relocate eligible individuals and
21 groups including evictees from District 6, Hopi-partitioned
22 lands residents, those in significantly substandard hous-
23 ing, and all others certified as eligible and not included
24 in the preceding categories: *Provided further*, That none
25 of the funds contained in this or any other Act may be

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

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

15 PAYMENT TO THE INSTITUTE

16 For payment to the Institute of American Indian and
17 Alaska Native Culture and Arts Development, as author-
18 ized by title XV of Public Law 99-498 (20 U.S.C. 56 part
19 A), \$8,348,000.

20 SMITHSONIAN INSTITUTION

21 SALARIES AND EXPENSES

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

1 public exhibits and performances; collection, preparation,
2 dissemination, and exchange of information and publica-
3 tions; conduct of education, training, and museum assist-
4 ance programs; maintenance, alteration, operation, lease
5 agreements of no more than 30 years, and protection of
6 buildings, facilities, and approaches; not to exceed
7 \$100,000 for services as authorized by 5 U.S.C. 3109; and
8 purchase, rental, repair, and cleaning of uniforms for em-
9 ployees, \$643,634,000, to remain available until Sep-
10 tember 30, 2014, except as otherwise provided herein; of
11 which not to exceed \$25,670,000 for the instrumentation
12 program, collections acquisition, exhibition reinstallation,
13 the National Museum of African American History and
14 Culture, and the repatriation of skeletal remains program
15 shall remain available until expended; and including such
16 funds as may be necessary to support American overseas
17 research centers: *Provided*, That funds appropriated here-
18 in are available for advance payments to independent con-
19 tractors performing research services or participating in
20 official Smithsonian presentations.

21 FACILITIES CAPITAL

22 For necessary expenses of repair, revitalization, and
23 alteration of facilities owned or occupied by the Smithso-
24 nian Institution, by contract or otherwise, as authorized
25 by section 2 of the Act of August 22, 1949 (20 U.S.C.

1 53a), and for construction, including necessary personnel,
2 \$145,544,000, to remain available until expended, of
3 which not to exceed \$10,000 is for services as authorized
4 by 5 U.S.C. 3109, and of which \$50,000,000 shall be to
5 continue construction of the National Museum of African
6 American History and Culture.

7 NATIONAL GALLERY OF ART

8 SALARIES AND EXPENSES

9 For the upkeep and operations of the National Gal-
10 lery of Art, the protection and care of the works of art
11 therein, and administrative expenses incident thereto, as
12 authorized by the Act of March 24, 1937 (20 U.S.C. 71
13 et seq.), as amended by the public resolution of April 13,
14 1939 (Public Resolution 9, Seventy-sixth Congress), in-
15 cluding services as authorized by 5 U.S.C. 3109; payment
16 in advance when authorized by the treasurer of the Gallery
17 for membership in library, museum, and art associations
18 or societies whose publications or services are available to
19 members only, or to members at a price lower than to the
20 general public; purchase, repair, and cleaning of uniforms
21 for guards, and uniforms, or allowances therefor, for other
22 employees as authorized by law (5 U.S.C. 5901–5902);
23 purchase or rental of devices and services for protecting
24 buildings and contents thereof, and maintenance, alter-
25 ation, improvement, and repair of buildings, approaches,

1 and grounds; and purchase of services for restoration and
2 repair of works of art for the National Gallery of Art by
3 contracts made, without advertising, with individuals,
4 firms, or organizations at such rates or prices and under
5 such terms and conditions as the Gallery may deem prop-
6 er, \$113,121,000, of which not to exceed \$3,518,000 for
7 the special exhibition program shall remain available until
8 expended.

9 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

10 For necessary expenses of repair, restoration and
11 renovation of buildings, grounds and facilities owned or
12 occupied by the National Gallery of Art, by contract or
13 otherwise, for operating lease agreements of no more than
14 10 years, with no extensions or renewals beyond the 10
15 years, that address space needs created by the ongoing
16 renovations in the Master Facilities Plan, as authorized,
17 \$12,679,000, to remain available until expended: *Pro-*
18 *vided*, That contracts awarded for environmental systems,
19 protection systems, and exterior repair or renovation of
20 buildings of the National Gallery of Art may be negotiated
21 with selected contractors and awarded on the basis of con-
22 tractor qualifications as well as price.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE

4 For necessary expenses for the operation, mainte-
5 nance and security of the John F. Kennedy Center for
6 the Performing Arts, \$22,379,000.

7 CAPITAL REPAIR AND RESTORATION

8 For necessary expenses for capital repair and restora-
9 tion of the existing features of the building and site of
10 the John F. Kennedy Center for the Performing Arts,
11 \$13,588,000, to remain available until expended.

12 WOODROW WILSON INTERNATIONAL CENTER FOR
13 SCHOLARS

14 SALARIES AND EXPENSES

15 For expenses necessary in carrying out the provisions
16 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
17 1356) including hire of passenger vehicles and services as
18 authorized by 5 U.S.C. 3109, \$10,492,000, to remain
19 available until September 30, 2014.

20 NATIONAL FOUNDATION ON THE ARTS AND THE
21 HUMANITIES

22 NATIONAL ENDOWMENT FOR THE ARTS
23 GRANTS AND ADMINISTRATION

24 For necessary expenses to carry out the National
25 Foundation on the Arts and the Humanities Act of 1965,

1 \$132,000,000 shall be available to the National Endow-
2 ment for the Arts for the support of projects and produc-
3 tions in the arts, including arts education and public out-
4 reach activities, through assistance to organizations and
5 individuals pursuant to section 5 of the Act, for program
6 support, and for administering the functions of the Act,
7 to remain available until expended.

8 NATIONAL ENDOWMENT FOR THE HUMANITIES

9 GRANTS AND ADMINISTRATION

10 For necessary expenses to carry out the National
11 Foundation on the Arts and the Humanities Act of 1965,
12 \$132,000,000 to remain available until expended, of which
13 \$122,000,000 shall be available for support of activities
14 in the humanities, pursuant to section 7(c) of the Act and
15 for administering the functions of the Act; and
16 \$10,000,000 shall be available to carry out the matching
17 grants program pursuant to section 10(a)(2) of the Act,
18 including \$8,000,000 for the purposes of section 7(h):
19 *Provided*, That appropriations for carrying out section
20 10(a)(2) shall be available for obligation only in such
21 amounts as may be equal to the total amounts of gifts,
22 bequests, devises of money, and other property accepted
23 by the chairman or by grantees of the National Endow-
24 ment for the Humanities under the provisions of sections
25 11(a)(2)(B) and 11(a)(3)(B) during the current and pre-

1 ceding fiscal years for which equal amounts have not pre-
2 viously been appropriated.

3 ADMINISTRATIVE PROVISIONS

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

21 COMMISSION OF FINE ARTS

22 SALARIES AND EXPENSES

23 For expenses of the Commission of Fine Arts under
24 chapter 91 of title 40, United States Code, \$2,175,000:
25 *Provided*, That the Commission is authorized to charge

1 fees to cover the full costs of its publications, and such
2 fees shall be credited to this account as an offsetting col-
3 lection, to remain available until expended without further
4 appropriation: *Provided further*, That the Commission is
5 authorized to accept gifts, including objects, papers, art-
6 work, drawings and artifacts, that pertain to the history
7 and design of the Nation's Capital or the history and ac-
8 tivities of the Commission of Fine Arts, for the purpose
9 of artistic display, study or education.

10 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

11 For necessary expenses as authorized by Public Law
12 99-190 (20 U.S.C. 956a), \$1,950,000.

13 ADVISORY COUNCIL ON HISTORIC PRESERVATION

14 SALARIES AND EXPENSES

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

17 NATIONAL CAPITAL PLANNING COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses of the National Capital Plan-
20 ning Commission under chapter 87 of title 40, United
21 States Code, including services as authorized by 5 U.S.C.
22 3109, \$7,977,000: *Provided*, That one-quarter of 1 per-
23 cent of the funds provided under this heading may be used
24 for official reception and representational expenses associ-

1 ated with hosting international visitors engaged in the
2 planning and physical development of world capitals.

3 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

4 HOLOCAUST MEMORIAL MUSEUM

5 For expenses of the Holocaust Memorial Museum, as
6 authorized by Public Law 106–292 (36 U.S.C. 2301–
7 2310), \$49,900,000, of which \$515,000 shall remain
8 available until September 30, 2015, for the Museum’s
9 equipment replacement program; and of which \$1,900,000
10 for the Museum’s repair and rehabilitation program and
11 \$1,264,000 for the Museum’s outreach initiatives program
12 shall remain available until expended.

13 TITLE IV—GENERAL PROVISIONS

14 (INCLUDING TRANSFERS OF FUNDS)

15 LIMITATION ON CONSULTING SERVICES

16 SEC. 401. In fiscal year 2013 and thereafter, the ex-
17 penditure of any appropriation under this Act or any sub-
18 sequent Act appropriating funds for departments and
19 agencies funded in this Act, for any consulting service
20 through procurement contract, pursuant to 5 U.S.C.
21 3109, shall be limited to those contracts where such ex-
22 penditures are a matter of public record and available for
23 public inspection, except where otherwise provided under
24 existing law, or under existing Executive order issued pur-
25 suant to existing law.

1 RESTRICTION ON USE OF FUNDS

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

9 OBLIGATION OF APPROPRIATIONS

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

13 DISCLOSURE OF ADMINISTRATIVE EXPENSES

14 SEC. 404. The amount and basis of estimated over-
15 head charges, deductions, reserves or holdbacks, including
16 working capital fund and cost pool charges, from pro-
17 grams, projects, activities and subactivities to support gov-
18 ernment-wide, departmental, agency, or bureau adminis-
19 trative functions or headquarters, regional, or central op-
20 erations shall be presented in annual budget justifications
21 and subject to approval by the Committees on Appropria-
22 tions of the House of Representatives and the Senate.
23 Changes to such estimates shall be presented to the Com-
24 mittees on Appropriations for approval.

1 GIANT SEQUOIA

2 SEC. 405. None of the funds in this Act may be used
3 to plan, prepare, or offer for sale timber from trees classi-
4 fied as giant sequoia (*Sequoiadendron giganteum*) which
5 are located on National Forest System or Bureau of Land
6 Management lands in a manner different than such sales
7 were conducted in fiscal year 2012.

8 MINING APPLICATIONS

9 SEC. 406. (a) LIMITATION OF FUNDS.—None of the
10 funds appropriated or otherwise made available pursuant
11 to this Act shall be obligated or expended to accept or
12 process applications for a patent for any mining or mill
13 site claim located under the general mining laws.

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

1 (c) REPORT.—On September 30, 2014, the Secretary
2 of the Interior shall file with the House and Senate Com-
3 mittees on Appropriations and the Committee on Natural
4 Resources of the House and the Committee on Energy and
5 Natural Resources of the Senate a report on actions taken
6 by the Department under the plan submitted pursuant to
7 section 314(c) of the Department of the Interior and Re-
8 lated Agencies Appropriations Act, 1997 (Public Law
9 104–208).

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

23 CONTRACT SUPPORT COSTS

24 SEC. 407. Notwithstanding any other provision of
25 law, amounts appropriated to or otherwise designated in

1 committee reports for the Bureau of Indian Affairs and
2 the Indian Health Service by Public Laws 103–138, 103–
3 332, 104–134, 104–208, 105–83, 105–277, 106–113,
4 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
5 109–289, division B and Continuing Appropriations Reso-
6 lution, 2007 (division B of Public Law 109–289, as
7 amended by Public Laws 110–5 and 110–28), Public
8 Laws 110–92, 110–116, 110–137, 110–149, 110–161,
9 110–329, 111–6, 111–8, 111–88, 112–10, and 112–74 for
10 payments for contract support costs associated with self-
11 determination or self-governance contracts, grants, com-
12 pacts, or annual funding agreements with the Bureau of
13 Indian Affairs or the Indian Health Service as funded by
14 such Acts, are the total amounts available for fiscal years
15 1994 through 2012 for such purposes, except that the Bu-
16 reau of Indian Affairs, tribes and tribal organizations may
17 use their tribal priority allocations for unmet contract sup-
18 port costs of ongoing contracts, grants, self-governance
19 compacts, or annual funding agreements.

20 FOREST MANAGEMENT PLANS

21 SEC. 408. The Secretary of Agriculture shall not be
22 considered to be in violation of subparagraph 6(f)(5)(A)
23 of the Forest and Rangeland Renewable Resources Plan-
24 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
25 more than 15 years have passed without revision of the

1 plan for a unit of the National Forest System. Nothing
2 in this section exempts the Secretary from any other re-
3 quirement of the Forest and Rangeland Renewable Re-
4 sources Planning Act (16 U.S.C. 1600 et seq.) or any
5 other law: *Provided*, That if the Secretary is not acting
6 expeditiously and in good faith, within the funding avail-
7 able, to revise a plan for a unit of the National Forest
8 System, this section shall be void with respect to such plan
9 and a court of proper jurisdiction may order completion
10 of the plan on an accelerated basis: *Provided further*, That,
11 notwithstanding the issuance of a new final planning rule
12 prescribing the procedures to be used to develop, amend,
13 or revise land and resource management plans for units
14 of the National Forest System, the existing 1982 planning
15 rule procedures and the 2000 planning rule procedures,
16 including its transition provisions allowing the Forest
17 Service to continue to use the 1982 planning rule proce-
18 dures, shall remain in effect as alternative procedures for
19 the development, amendment, and revision of land and re-
20 source management plans.

21 PROHIBITION WITHIN NATIONAL MONUMENTS

22 SEC. 409. No funds provided in this Act may be ex-
23 pended to conduct preleasing, leasing and related activities
24 under either the Mineral Leasing Act (30 U.S.C. 181 et
25 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.

1 1331 et seq.) within the boundaries of a National Monu-
2 ment established pursuant to the Act of June 8, 1906 (16
3 U.S.C. 431 et seq.) as such boundary existed on January
4 20, 2001, except where such activities are allowed under
5 the Presidential proclamation establishing such monu-
6 ment.

7
8 **LIMITATION ON TAKINGS**

9 **SEC. 410.** Unless otherwise provided herein, no funds
10 appropriated in this Act for the acquisition of lands or
11 interests in lands may be expended for the filing of dec-
12 larations of taking or complaints in condemnation without
13 the approval of the House and Senate Committees on Ap-
14 propriations: *Provided*, That this provision shall not apply
15 to funds appropriated to implement the Everglades Na-
16 tional Park Protection and Expansion Act of 1989, or to
17 funds appropriated for Federal assistance to the State of
18 Florida to acquire lands for Everglades restoration pur-
19 poses.

20
21 **TIMBER SALE REQUIREMENTS**

22 **SEC. 411.** No timber sale in Alaska's Region 10 shall
23 be advertised if the indicated rate is deficit (defined as
24 the value of the timber is not sufficient to cover all logging
25 and stumpage costs and provide a normal profit and risk
allowance under the Forest Service's appraisal process)
when appraised using a residual value appraisal. The west-

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

10 EXTENSION OF GRAZING PERMITS

11 SEC. 412. Section 415 of the Department of the Inte-
12 rior, Environment, and Related Agencies Appropriations
13 Act, 2012 (division E of Public Law 112–74; 125 Stat.
14 1043) is amended in the first sentence by inserting “and
15 subsequent fiscal years” after “2013”.

16 PROHIBITION ON NO-BID CONTRACTS

17 SEC. 413. None of the funds appropriated or other-
18 wise made available by this Act to executive branch agen-
19 cies may be used to enter into any Federal contract unless
20 such contract is entered into in accordance with the re-
21 quirements of Chapter 33 of title 41, United States Code,
22 or Chapter 137 of title 10, United States Code, and the
23 Federal Acquisition Regulation, unless—

24 (1) Federal law specifically authorizes a con-
25 tract to be entered into without regard for these re-

1 the requesting Committee or Committees of Congress for
2 no less than 45 days.

3 NATIONAL ENDOWMENT FOR THE ARTS GRANT

4 GUIDELINES

5 SEC. 415. Of the funds provided to the National En-
6 dowment for the Arts—

7 (1) The Chairperson shall only award a grant
8 to an individual if such grant is awarded to such in-
9 dividual for a literature fellowship, National Herit-
10 age Fellowship, or American Jazz Masters Fellow-
11 ship.

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

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

1 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

2 PRIORITIES

3 SEC. 416. (a) In providing services or awarding fi-
4 nancial assistance under the National Foundation on the
5 Arts and the Humanities Act of 1965 from funds appro-
6 priated under this Act, the Chairperson of the National
7 Endowment for the Arts shall ensure that priority is given
8 to providing services or awarding financial assistance for
9 projects, productions, workshops, or programs that serve
10 underserved populations.

11 (b) In this section:

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

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

24 (c) In providing services and awarding financial as-
25 sistance under the National Foundation on the Arts and

1 Humanities Act of 1965 with funds appropriated by this
2 Act, the Chairperson of the National Endowment for the
3 Arts shall ensure that priority is given to providing serv-
4 ices or awarding financial assistance for projects, produc-
5 tions, workshops, or programs that will encourage public
6 knowledge, education, understanding, and appreciation of
7 the arts.

8 (d) With funds appropriated by this Act to carry out
9 section 5 of the National Foundation on the Arts and the
10 Humanities Act of 1965—

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

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

19 (3) the Chairperson shall report to the Con-
20 gress annually and by State, on grants awarded by
21 the Chairperson in each grant category under sec-
22 tion 5 of such Act; and

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

1 NATIONAL ENDOWMENT FOR THE ARTS GRANT AWARDS
2 TO STATES

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

6 (1) in subparagraph (A) by adding at the end
7 the following:

8 “Whenever a State agency requests that the Chairperson
9 exercise such discretion, the Chairperson shall—

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

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

15 (2) in subparagraph (C) by adding at the end
16 the following:

17 “The non-Federal funds required by subparagraph (A) to
18 pay 50 percent of the cost of a program or production
19 shall be provided from funds directly controlled and appro-
20 priated by the State involved and directly managed by the
21 State agency of such State.”.

22 STATUS OF BALANCES OF APPROPRIATIONS

23 SEC. 418. The Department of the Interior, the Envi-
24 ronmental Protection Agency, the Forest Service, and the
25 Indian Health Service shall provide the Committees on

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

5 REPORT ON USE OF CLIMATE CHANGE FUNDS

6 SEC. 419. Not later than 120 days after the date on
7 which the President's fiscal year 2014 budget request is
8 submitted to Congress, the President shall submit a com-
9 prehensive report to the Committee on Appropriations of
10 the House of Representatives and the Committee on Ap-
11 propriations of the Senate describing in detail all Federal
12 agency funding, domestic and international, for climate
13 change programs, projects and activities in fiscal year
14 2012, including an accounting of funding by agency with
15 each agency identifying climate change programs, projects
16 and activities and associated costs by line item as pre-
17 sented in the President's Budget Appendix, and including
18 citations and linkages where practicable to each strategic
19 plan that is driving funding within each climate change
20 program, project and activity listed in the report.

21 PROHIBITION ON USE OF FUNDS

22 SEC. 420. Notwithstanding any other provision of
23 law, none of the funds made available in this Act or any
24 other Act may be used to promulgate or implement any
25 regulation requiring the issuance of permits under title V

1 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon
2 dioxide, nitrous oxide, water vapor, or methane emissions
3 resulting from biological processes associated with live-
4 stock production.

5 GREENHOUSE GAS REPORTING RESTRICTIONS

6 SEC. 421. Notwithstanding any other provision of
7 law, none of the funds made available in this or any other
8 Act may be used to implement any provision in a rule,
9 if that provision requires mandatory reporting of green-
10 house gas emissions from manure management systems.

11 SILVICULTURAL ACTIVITIES

12 SEC. 422. Section 402(l) of the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1342(l)) is amended by add-
14 ing at the end the following:

15 “(3) Silvicultural activities.—The Administrator shall
16 not require a permit under this section, nor shall the Ad-
17 ministrator directly or indirectly require any State to re-
18 quire a permit, for discharges of stormwater runoff from
19 roads, the construction, use, or maintenance of which are
20 associated with silvicultural activities, or from other sil-
21 vicultural activities involving nursery operations, site prep-
22 aration, reforestation and subsequent cultural treatment,
23 thinning, prescribed burning, pest and fire control, har-
24 vesting operations, or surface drainage.”.

1 DOMESTIC LIVESTOCK GRAZING

2 SEC. 423. (a) PROHIBITION REGARDING POTENTIAL
3 DOMESTIC SHEEP AND BIGHORN SHEEP CONTACT ON
4 NATIONAL FOREST SYSTEM LAND.—Notwithstanding
5 any other provision of law or regulation, including the
6 Record of Decision signed on July 20, 2010 for the Final
7 Supplemental Environmental Impact Statement, (other
8 than the Endangered Species Act of 1973 and regulations
9 issued under such Act), none of the funds made available
10 by this Act or made available by any other Act for fiscal
11 year 2013 only may be used to carry out—

12 (1) any management restrictions on domestic
13 sheep on parcels of National Forest System land (as
14 defined in the Forest and Rangeland Renewable Re-
15 sources Planning Act of 1974 (16 U.S.C. 1609(a)))
16 and public lands (as defined in section 103 of the
17 Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1702)) with potential domestic sheep and
19 bighorn sheep (whether native or nonnative) contact
20 in excess of the management restrictions that were
21 being implemented on July 1, 2011; or

22 (2) any other agency regulation for managing
23 bighorn sheep populations on any allotment of such
24 National Forest System land if the management ac-
25 tion will result in a reduction in the number of do-

1 mestic livestock permitted to graze on the allotment
2 or in the distribution of livestock on the allotment.

3 (b) EXCEPTION.—Notwithstanding subsection (a),
4 the Secretary of Agriculture may make such management
5 changes as the Secretary determines to be necessary to
6 manage bighorn sheep if the management changes—

7 (1) are consistent with the wildlife plans of the
8 relevant State fish and game agency and determined
9 in consultation with that agency; and

10 (2) are developed in consultation with the af-
11 fected permittees.

12 (c) VOLUNTARY CLOSURE OF ALLOTMENTS.—Noth-
13 ing in this section shall be construed as limiting the vol-
14 untary closure of existing domestic sheep allotments when
15 the closure is agreed to in writing between the permittee
16 and the Secretary of the Interior or the Secretary of Agri-
17 culture and is carried out for the purpose of reducing con-
18 flicts between domestic sheep and bighorn sheep.

19 (d) WAIVER OF GRAZING PERMITS AND LEASES.—
20 The Secretary of the Interior and the Secretary of Agri-
21 culture may accept the voluntary waiver of any valid exist-
22 ing lease or permit authorizing grazing on National Forest
23 System land described in subsection (a) or public lands
24 described in subsection (c). If the grazing permit or lease
25 for a grazing allotment is only partially within the area

1 of potential domestic sheep and bighorn sheep contact, the
2 affected permittee may elect to waive only the portion of
3 the grazing permit or lease that is within that area. The
4 Secretary concerned shall—

5 (1) terminate each permit or lease waived or
6 portion of a permit or lease waived under this sub-
7 section;

8 (2) ensure a permanent end to domestic sheep
9 grazing on the land covered by the waived permit or
10 lease or waived portion of the permit or lease unless
11 or until there is no conflict with bighorn sheep man-
12 agement; and

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

17 FUNDING PROHIBITION

18 SEC. 424. None of the funds made available by this
19 Act may be used to enter into a contract, memorandum
20 of understanding, or cooperative agreement with, make a
21 grant to, or provide a loan or loan guarantee to, any cor-
22 poration that was convicted (or had an officer or agent
23 of such corporation acting on behalf of the corporation
24 convicted) of a felony criminal violation under any Federal
25 law within the preceding 24 months, where the awarding

1 agency is aware of the conviction, unless the agency has
2 considered suspension or debarment of the corporation, or
3 such officer or agent and made a determination that this
4 further action is not necessary to protect the interests of
5 the Government.

6 LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

7 SEC. 425. 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 with respect to which any unpaid Federal tax li-
12 ability that has been assessed, for which all judicial and
13 administrative remedies have been exhausted or have
14 lapsed, and that is not being paid in a timely manner pur-
15 suant to an agreement with the authority responsible for
16 collecting the tax liability, where the awarding agency is
17 aware of the unpaid tax liability, unless the agency has
18 considered suspension or debarment of the corporation
19 and made a determination that this further action is not
20 necessary to protect the interests of the Government.

21 HERGER-FEINSTEIN QUINCY LIBRARY GROUP FORESTRY

22 RECOVERY ACT

23 SEC. 426. Section 434 of the Consolidated Appropria-
24 tions Act, 2008 (Public Law 110-161), shall remain in
25 effect until September 30, 2013.

1 GOOD NEIGHBOR COOPERATIVE CONSERVATION

2 AUTHORITY

3 SEC. 427. (a) INCLUSION OF SIXTEEN CONTIGUOUS
4 WESTERN STATES.—Section 331 of the Department of
5 the Interior and Related Agencies Appropriations Act,
6 2001 (Public Law 106–291; 114 Stat. 996), as amended
7 by section 336 of division E of the Consolidated Appro-
8 priations Act, 2005 (Public Law 108–447; 118 Stat.3102)
9 and section 422 of the Department of the Interior, Envi-
10 ronment, and Related Agencies Appropriations Act, 2010
11 (division A of Public Law 111–88; 123 Stat. 2961), is
12 amended—

13 (1) in subsection (a)—

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

20 (B) by striking “of Colorado”;

21 (2) in subsection (b)—

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

1 Western States may authorize the State For-
2 ester of the State”; and

3 (B) in the second sentence, by striking
4 “the Colorado State” and inserting “a State”;
5 (3) in subsection (c)—

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

8 (B) by striking “the State Forester of Col-
9 orado” and inserting “a State Forester”; and

10 (4) in subsection (d), by striking “State of Col-
11 orado” and inserting “sixteen contiguous Western
12 States”.

13 (b) EXPIRATION OF AUTHORITY.—Subsection (e) of
14 such section is amended by striking “September 30,
15 2013” and inserting “September 30, 2018”.

16 (c) CLERICAL AMENDMENTS.—Such section is fur-
17 ther amended—

18 (1) in the section heading, by striking “IN COLO-
19 RADO”; and

20 (2) in the heading of subsections (a) and (d), by strik-
21 ing “COLORADO”.

22 SITE FOR FIRE STATIONS IN FOREST SERVICE NATIONAL
23 RECREATION AREAS

24 SEC. 428. Notwithstanding any other provision of law
25 or regulation, the Chief of the Forest Service may make

1 available, by special use permit, real property, not to ex-
2 ceed three acres per permit, in a Forest Service National
3 Recreation Area to allow for the construction, operation,
4 and maintenance of a fire station if the Chief of the Forest
5 Service certifies and reports to the Committees on Appro-
6 priations of the House of Representatives and the Senate
7 that—

8 (1) the fire station is necessary for general pub-
9 lic safety in the area to be served by the fire station;

10 (2) no other fire station exists within a reason-
11 able driving distance to respond to fire emergencies
12 in the area; and

13 (3) no other State or private land appropriate
14 for use as a fire station is reasonably available in the
15 area.

16 SPECIAL USE COST RECOVERY EXTENSION

17 SEC. 429. Section 331 of the Department of the Inte-
18 rior and Related Agencies Appropriations Act, 2000 (Pub-
19 lic Law 106–113), is further amended as follows:

20 (a)(1) in subsection (a), by striking “develop and im-
21 plement a pilot program” and inserting “implement a pro-
22 gram”;

23 (2) by striking “forest service” and inserting “Forest
24 Service”;

1 (3) by striking “through 2012” and inserting
2 “through 2017”; and

3 (4) by striking “Prior to the expiration” and all that
4 follows through “permit applications”; and

5 (b) in subsection (b), by striking “2012,” and insert-
6 ing “2017,”.

7 INTERPRETIVE ASSOCIATIONS

8 PARTNERSHIP AUTHORITIES

9 SEC. 430. (a) IN GENERAL.—The Secretary of Agri-
10 culture may enter into an agreement under the Coopera-
11 tive Funds and Deposits Act (Public Law 94–148), as
12 amended, with Federal, tribal, State, or local govern-
13 ments, or nonprofit entities, for additional purposes as fol-
14 lows:

15 (1) to develop, produce, publish, distribute, or
16 sell educational and interpretive materials and prod-
17 ucts;

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

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

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

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

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

20 (b) CONTRIBUTIONS OF VOLUNTEERS.—The value of
21 services performed by persons who volunteer their services
22 to the Forest Service and who are recruited, trained, and
23 supported by a cooperator under a mutual benefit agree-
24 ment with the Forest Service may be considered an in-

1 kind contribution of the cooperator for purposes of cost
2 sharing.

3 MAXIMUM AUTHORIZED TERM OF GRAZING PERMITS AND
4 LEASES

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

9 DESIGNATION BY PRESCRIPTION

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

15 TRAVEL MANAGEMENT RULE AND NATIONAL FOREST
16 SYSTEM LAND IN CALIFORNIA

17 SEC. 433. (a) CONSIDERATION OF ROUTES NOT
18 PREVIOUSLY CONSIDERED.—The Secretary of Agriculture
19 shall not implement or enforce Subpart B of the Travel
20 Management Rule (subpart B of part 212 of title 36, Code
21 of Federal Regulations), relating to the designation of
22 roads, trails, and areas for motor vehicle use, in an admin-
23 istrative unit of the National Forest System in California
24 until the Secretary completes post-Subpart B Project

1 Level Trail Planning of unauthorized routes in the unit
2 not considered in Subpart B.

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

12 WATERS OF THE UNITED STATES

13 SEC. 434. None of the funds made available by this
14 Act or any subsequent Act making appropriations for the
15 Environmental Protection Agency may be used by the En-
16 vironmental Protection Agency to develop, adopt, imple-
17 ment, administer, or enforce a change or supplement to
18 the rule dated November 13, 1986, as amended on August
19 25, 1993, or guidance documents dated January 15, 2003,
20 and December 2, 2008, pertaining to the definition of
21 waters under the jurisdiction of the Federal Water Pollu-
22 tion Control Act (33 U.S.C. 1251 et seq.).

23 STREAM BUFFER

24 SEC. 435. None of the funds made available by this
25 Act may be used to develop, carry out, implement, or oth-

1 erwise enforce proposed regulations published June 18,
2 2010 (75 Fed. Reg. 34,667) by the Office of Surface Min-
3 ing Reclamation and Enforcement of the Department of
4 the Interior.

5 **STORMWATER DISCHARGE**

6 **SEC. 436.** None of the funds made available by this
7 Act or any other Act may be expended for the develop-
8 ment, adoption, implementation, or enforcement of regula-
9 tions or guidance that would expand the Federal
10 stormwater discharge program under section 402(p) of the
11 Federal Water Pollution Control Act (33 U.S.C. 1342(p))
12 to post-construction commercial or residential properties
13 until 90 days after the Administrator of the Environ-
14 mental Protection Agency submits to the Committee on
15 Transportation and Infrastructure and the Committee on
16 Appropriations of the House of Representatives and the
17 Committee on Environment and Public Works and the
18 Committee on Appropriations of the Senate the study of
19 stormwater discharges required under section 402(p)(5) of
20 such Act (33 U.S.C. 1342(p)(5)). Such study shall in-
21 clude—

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

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

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

8 REPEAL OF SEPARATE FOREST SERVICE DECISION

9 MAKING AND APPEALS PROCESS

10 SEC. 437. Section 322 of the Department of the Inte-
11 rior and Related Agencies Appropriations Act, 1993 (Pub-
12 lic Law 102-381; 16 U.S.C. 1612 note) is repealed. Sec-
13 tion 428 of division E of the Consolidated Appropriations
14 Act, 2012 (Public Law 112-74; 125 Stat. 1046; 16 U.S.C.
15 6515 note) shall not apply to any project or activity imple-
16 menting a land and resource management plan developed
17 under section 6 of the Forest and Rangeland Renewable
18 Resources Planning Act of 1974 (16 U.S.C. 1604) that
19 is categorically excluded from documentation in an envi-
20 ronmental assessment or an environmental impact state-
21 ment under the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.).

1 HUNTING, FISHING, AND RECREATIONAL SHOOTING ON
2 FEDERAL LAND

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

4 None of the funds made available by this Act or any other
5 Act for any fiscal year may be used to prohibit the use
6 of or access to Federal land (as such term is defined in
7 section 3 of the Healthy Forests Restoration Act of 2003
8 (16 U.S.C. 6502)) for hunting, fishing, or recreational
9 shooting if such use or access—

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

12 (2) was conducted in compliance with the re-
13 source management plan (as defined in section 101
14 of such Act (16 U.S.C. 6511)) applicable to such
15 Federal land as of January 1, 2012.

16 (b) TEMPORARY CLOSURES ALLOWED.—Notwith-
17 standing subsection (a), the Secretary of the Interior or
18 the Secretary of Agriculture may temporarily close, for a
19 period not to exceed 30 days, Federal land managed by
20 the Secretary to hunting, fishing, or recreational shooting
21 if the Secretary determines that the temporary closure is
22 necessary to accommodate a special event or for public
23 safety reasons. The Secretary may extend a temporary clo-
24 sure for one additional 90-day period only if the Secretary

1 determines the extension is necessary because of extraor-
2 dinary weather conditions or for public safety reasons.

3 (c) AUTHORITY OF STATES.—Nothing in this section
4 shall be construed as affecting the authority, jurisdiction,
5 or responsibility of the several States to manage, control,
6 or regulate fish and resident wildlife under State law or
7 regulations.

8 LIMITATION ON USE OF FUNDS FOR NATIONAL OCEAN
9 POLICY

10 SEC. 439. None of the funds made available by this
11 Act may be used to develop, propose, finalize, administer,
12 or implement, the National Ocean Policy developed under
13 Executive Order 13547. Not later than 60 days after the
14 date on which the President's fiscal year 2014 budget re-
15 quest is submitted to Congress, the President shall submit
16 a report to the Committees on Appropriations of the
17 House of Representatives and the Senate identifying all
18 Federal expenditures in fiscal years 2011 and 2012, by
19 agency, account, and any pertinent subaccounts, for the
20 development, administration, or implementation of the
21 National Ocean Policy developed under Executive Order
22 13547. The President's budget submission for fiscal year
23 2014 shall identify all such funding proposed for the im-
24 plementation of such Policy.

1 EMISSIONS CONTROL AREA PILOT

2 SEC. 440. (a) The Administrator of the Environ-
3 mental Protection Agency, in consultation with the Com-
4 mandant of the Coast Guard, shall carry out a 48-month
5 pilot project for the North American Emission Control
6 Area under which—

7 (1) subject to paragraph (2), the owner or oper-
8 ator of a vessel opting into the pilot project is
9 deemed to be in compliance with United States sul-
10 fur content fuel requirements if—

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

15 (B) the Administrator determines that
16 compliance with the requirements described in
17 subparagraph (A) provides a degree of overall
18 protection of the public health and welfare
19 (based on fleet averaging, weighted averaging,
20 weighted and unweighted emissions averaging
21 calculations, and such other measures as deter-
22 mined appropriate by the Administrator) that is
23 equivalent to the degree of such protection pro-
24 vided by compliance with United States sulfur
25 content fuel requirements; and

1 (2) the owner or operator of a vessel opting into
2 the pilot project continues to be subject to United
3 States sulfur content fuel requirements while at
4 berth or anchor.

5 (b) For purposes of evaluating the results of such
6 pilot project, the Administrator of the Environmental Pro-
7 tection Agency shall complete atmospheric modeling and
8 actual ambient air testing to determine the environmental
9 and economic effectiveness of United States sulfur content
10 fuel requirements, in combination with the requirements
11 described in subsection (a)(1)(A), particularly as such ef-
12 fectiveness relates to Alaska and Hawaii.

13 (c) In this section:

14 (1) The term “North American Emission Con-
15 trol Area” means the North American Emission
16 Control Area designated pursuant to the Act to Pre-
17 vent Pollution from Ships.

18 (2) The term “United States sulfur fuel re-
19 quirements” means the requirements under Federal
20 and State law applicable to the sulfur content of the
21 fuel used for operation of the vessel.

22 SPENDING REDUCTION ACCOUNT

23 SEC. 441. The amount by which the applicable alloca-
24 tion of new budget authority made by the Committee on
25 Appropriations of the House of Representatives under sec-

1 tion 302(b) of the Congressional Budget Act of 1974 ex-
2 ceeds the amount of proposed new budget authority is \$0.

3 This Act may be cited as the “Department of the In-
4 terior, Environment, and Related Agencies Appropriations
5 Act, 2013”.

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[FULL COMMITTEE PRINT]

Union Calendar No. _____

112TH CONGRESS
2^D Session

H. R. _____

[Report No. 112-_____] _____

A BILL

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

, 2012

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