

[COMMITTEE PRINT]

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Calendar No. 000

112TH CONGRESS
1ST SESSION

S. 0000

[Report No. 112-000]

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

IN THE SENATE OF THE UNITED STATES

OCTOBER _____, 2011

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for De-

1 partment of the Interior, environment, and related agen-
2 cies for the fiscal year ending September 30, 2012, and
3 for other purposes, namely:

4 TITLE I

5 DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

8 For necessary expenses for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to Public Law 96–487
17 (16 U.S.C. 3150(a)), \$921,290,000, to remain available
18 until expended; of which \$3,000,000 shall be available in
19 fiscal year 2012 subject to a match by at least an equal
20 amount by the National Fish and Wildlife Foundation for
21 cost-shared projects supporting conservation of Bureau
22 lands; and such funds shall be advanced to the Foundation
23 as a lump-sum grant without regard to when expenses are
24 incurred: *Provided*, That \$32,500,000 is for the processing
25 of applications for permit to drill and related use author-

1 izations, to remain available until expended, to be reduced
2 by amounts collected by the Bureau and credited to this
3 appropriation that shall be derived from \$6,500 per new
4 application for permit to drill that the Bureau shall collect
5 upon submission of each new application: *Provided further,*
6 That \$37,950,000 is for conducting oil and gas inspection
7 activities, to remain available until expended, to be re-
8 duced by amounts collected by the Bureau and credited
9 to this appropriation that shall be derived from fees that
10 the Bureau shall collect to offset inspection costs, as pro-
11 vided for in this Act: *Provided further,* That \$39,696,000
12 is for Mining Law Administration program operations, in-
13 cluding the cost of administering the mining claim fee pro-
14 gram, to remain available until expended, to be reduced
15 by amounts collected by the Bureau and credited to this
16 appropriation from mining claim maintenance fees and lo-
17 cation fees that are hereby authorized for fiscal year 2012,
18 so as to result in a final appropriation estimated at not
19 more than \$921,290,000, and \$2,000,000, to remain
20 available until expended, from communication site rental
21 fees established by the Bureau for the cost of admin-
22 istering communication site activities.

1 CONSTRUCTION

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

5 LAND ACQUISITION

6 For expenses necessary to carry out sections 205,
7 206, and 318(d) of Public Law 94–579, including admin-
8 istrative expenses and acquisition of lands or waters, or
9 interests therein, \$23,380,000, to be derived from the
10 Land and Water Conservation Fund and to remain avail-
11 able until expended.

12 OREGON AND CALIFORNIA GRANT LANDS

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

1 California land-grant fund and shall be transferred to the
2 General Fund in the Treasury in accordance with the sec-
3 ond paragraph of subsection (b) of title II of the Act of
4 August 28, 1937 (50 Stat. 876).

5 RANGE IMPROVEMENTS

6 For rehabilitation, protection, and acquisition of
7 lands and interests therein, and improvement of Federal
8 rangelands pursuant to section 401 of the Federal Land
9 Policy and Management Act of 1976 (43 U.S.C. 1701),
10 notwithstanding any other Act, sums equal to 50 percent
11 of all moneys received during the prior fiscal year under
12 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
13 315 et seq.) and the amount designated for range improve-
14 ments from grazing fees and mineral leasing receipts from
15 Bankhead-Jones lands transferred to the Department of
16 the Interior pursuant to law, but not less than
17 \$10,000,000, to remain available until expended: *Pro-*
18 *vided*, That not to exceed \$600,000 shall be available for
19 administrative expenses.

20 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

21 For administrative expenses and other costs related
22 to processing application documents and other authoriza-
23 tions for use and disposal of public lands and resources,
24 for costs of providing copies of official public land docu-
25 ments, for monitoring construction, operation, and termi-

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

23 MISCELLANEOUS TRUST FUNDS

24 In addition to amounts authorized to be expended
25 under existing laws, there is hereby appropriated such

1 amounts as may be contributed under section 307 of the
2 Act of October 21, 1976 (43 U.S.C. 1701), and such
3 amounts as may be advanced for administrative costs, sur-
4 veys, appraisals, and costs of making conveyances of omit-
5 ted lands under section 211(b) of that Act, to remain
6 available until expended.

7 ADMINISTRATIVE PROVISIONS

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

1 jointly produced publications for which the cooperators
2 share the cost of printing either in cash or in services,
3 and the Bureau determines the cooperator is capable of
4 meeting accepted quality standards: *Provided further,*
5 That projects to be funded pursuant to a written commit-
6 ment by a State government to provide an identified
7 amount of money in support of the project may be carried
8 out by the Bureau on a reimbursable basis: *Provided fur-*
9 *ther,* That appropriations herein made shall not be avail-
10 able for the destruction of healthy, unadopted, wild horses
11 and burros in the care of the Bureau or its contractors
12 or for the sale of wild horses and burros that results in
13 their destruction for processing into commercial products.

14 UNITED STATES FISH AND WILDLIFE SERVICE

15 RESOURCE MANAGEMENT

16 For necessary expenses of the United States Fish and
17 Wildlife Service, as authorized by law, and for scientific
18 and economic studies, general administration, and for the
19 performance of other authorized functions related to such
20 resources, \$1,228,349,000, to remain available until Sep-
21 tember 30, 2013 except as otherwise provided herein: *Pro-*
22 *vided,* That not to exceed \$24,620,000 shall be used for
23 implementing subsections (a), (b), (c), and (e) of section
24 4 of the Endangered Species Act, as amended, (except for
25 processing petitions, developing and issuing proposed and

1 final regulations, and taking any other steps to implement
2 actions described in subsection (c)(2)(A), (c)(2)(B)(i), or
3 (c)(2)(B)(ii)), of which not to exceed \$10,422,000 shall
4 be used for any activity regarding the designation of crit-
5 ical habitat, pursuant to subsection (a)(3), excluding liti-
6 gation support, for species listed pursuant to subsection
7 (a)(1) prior to October 1, 2010; of which not to exceed
8 \$3,866,000 shall be used for any activity regarding peti-
9 tions to list species that are indigenous to the United
10 States pursuant to subsections (b)(3)(A) and (b)(3)(B);
11 and, of which not to exceed \$1,500,000 shall be used for
12 implementing subsections (a), (b), (c), and (e) of section
13 4 of the Endangered Species Act, as amended, for species
14 that are not indigenous to the United States: *Provided fur-*
15 *ther*, That, in fiscal year 2012 and hereafter of the amount
16 available for law enforcement, up to \$400,000, to remain
17 available until expended, may at the discretion of the Sec-
18 retary be used for payment for information, rewards, or
19 evidence concerning violations of laws administered by the
20 Service, and miscellaneous and emergency expenses of en-
21 forcement activity, authorized or approved by the Sec-
22 retary and to be accounted for solely on the Secretary's
23 certificate: *Provided further*, That in fiscal year 2012 and
24 hereafter, of the amount provided for environmental con-

1 taminants, up to \$1,000,000 may remain available until
2 expended for contaminant sample analyses.

3 CONSTRUCTION

4 For construction, improvement, acquisition, or re-
5 moval of buildings and other facilities required in the con-
6 servation, management, investigation, protection, and uti-
7 lization of fishery and wildlife resources, and the acquisi-
8 tion of lands and interests therein; \$23,088,000, to remain
9 available until expended.

10 LAND ACQUISITION

11 For expenses necessary to carry out the Land and
12 Water Conservation Fund Act of 1965, as amended (16
13 U.S.C. 460l-4 through 11), including administrative ex-
14 penses, and for acquisition of land or waters, or interest
15 therein, in accordance with statutory authority applicable
16 to the United States Fish and Wildlife Service,
17 \$59,940,000, to be derived from the Land and Water Con-
18 servation Fund and to remain available until expended,
19 of which, notwithstanding 16 U.S.C. 460l-9, not more
20 than \$5,000,000 shall be for land conservation partner-
21 ships authorized by the Highlands Conservation Act of
22 2004, including not to exceed \$160,000 for administrative
23 expenses: *Provided*, That none of the funds appropriated
24 for specific land acquisition projects may be used to pay

1 for any administrative overhead, planning or other man-
2 agement costs.

3 COOPERATIVE ENDANGERED SPECIES CONSERVATION

4 FUND

5 For expenses necessary to carry out section 6 of the
6 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
7 as amended, \$47,757,000, to remain available until ex-
8 pended, to be derived from the Land and Water Conserva-
9 tion Fund.

10 NORTH AMERICAN WETLANDS CONSERVATION FUND

11 For expenses necessary to carry out the provisions
12 of the North American Wetlands Conservation Act, as
13 amended (16 U.S.C. 4401–4414), \$35,554,000, to remain
14 available until expended.

15 NEOTROPICAL MIGRATORY BIRD CONSERVATION

16 For expenses necessary to carry out the Neotropical
17 Migratory Bird Conservation Act, as amended, (16 U.S.C.
18 6101 et seq.), \$3,792,000, to remain available until ex-
19 pended.

20 MULTINATIONAL SPECIES CONSERVATION FUND

21 For expenses necessary to carry out the African Ele-
22 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
23 4214, 4221–4225, 4241–4246, and 1538), the Asian Ele-
24 phant Conservation Act of 1997 (16 U.S.C. 4261–4266),
25 the Rhinoceros and Tiger Conservation Act of 1994 (16

1 U.S.C. 5301–5306), the Great Ape Conservation Act of
2 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
3 servation Act of 2004 (16 U.S.C. 6601–6606),
4 \$9,481,000, to remain available until expended.

5 STATE AND TRIBAL WILDLIFE GRANTS

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

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

1 shall be reapportioned, together with funds appropriated
2 in 2014, in the manner provided herein.

3 ADMINISTRATIVE PROVISIONS

4 The Fish and Wildlife Service may carry out the op-
5 erations of Service programs by direct expenditure, con-
6 tracts, grants, cooperative agreements and reimbursable
7 agreements with public and private entities. Appropria-
8 tions and funds available to the United States Fish and
9 Wildlife Service shall be available for repair of damage to
10 public roads within and adjacent to reservation areas
11 caused by operations of the Service; options for the pur-
12 chase of land at not to exceed \$1 for each option; facilities
13 incident to such public recreational uses on conservation
14 areas as are consistent with their primary purpose; and
15 the maintenance and improvement of aquaria, buildings,
16 and other facilities under the jurisdiction of the Service
17 and to which the United States has title, and which are
18 used pursuant to law in connection with management, and
19 investigation of fish and wildlife resources: *Provided*, That
20 notwithstanding 44 U.S.C. 501, the Service may, under
21 cooperative cost sharing and partnership arrangements
22 authorized by law, procure printing services from coopera-
23 tors in connection with jointly produced publications for
24 which the cooperators share at least one-half the cost of
25 printing either in cash or services and the Service deter-

1 mines the cooperator is capable of meeting accepted qual-
2 ity standards: *Provided further*, That the Service may ac-
3 cept donated aircraft as replacements for existing aircraft.

4 NATIONAL PARK SERVICE

5 OPERATION OF THE NATIONAL PARK SYSTEM

6 For expenses necessary for the management, oper-
7 ation, and maintenance of areas and facilities adminis-
8 tered by the National Park Service (including expenses to
9 carry out programs of the United States Park Police), and
10 for the general administration of the National Park Serv-
11 ice, \$2,229,528,000, of which \$9,809,000 for planning
12 and interagency coordination in support of Everglades res-
13 toration and \$96,592,000 for maintenance, repair or reha-
14 bilitation projects for constructed assets, operation of the
15 National Park Service automated facility management
16 software system, and comprehensive facility condition as-
17 sessments shall remain available until September 30,
18 2013.

19 NATIONAL RECREATION AND PRESERVATION

20 For expenses necessary to carry out recreation pro-
21 grams, natural programs, cultural programs, heritage
22 partnership programs, environmental compliance and re-
23 view, international park affairs, statutory or contractual
24 aid for other activities, and grant administration, not oth-
25 erwise provided for, \$59,975,000.

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the Historic
3 Preservation Act of 1966, as amended (16 U.S.C. 470),
4 and the Omnibus Parks and Public Lands Management
5 Act of 1996 (Public Law 104–333), \$64,000,000, to be
6 derived from the Historic Preservation Fund and to re-
7 main available until September 30, 2013; of which
8 \$8,000,000 shall be for Save America’s Treasures grants
9 as authorized by section 7303 of the Omnibus Public Land
10 Management Act of 2009 (Public Law 111–11).

11 CONSTRUCTION

12 For construction, improvements, repair or replace-
13 ment of physical facilities, including modifications author-
14 ized by section 104 of the Everglades National Park Pro-
15 tection and Expansion Act of 1989, \$153,121,000, to re-
16 main available until expended: *Provided*, That for fiscal
17 year 2012, funds provided in this account shall be avail-
18 able, not to exceed \$4,000,000, for further payments con-
19 sistent with an agreement signed by the Secretary of the
20 Interior that supersedes the agreement of July 30, 1943
21 (relating to the construction of the North Shore Road
22 from the eastern boundary of Great Smoky Mountain Na-
23 tional Park), and such payments shall be considered con-
24 struction, improvements, repair or replacement of physical
25 facilities for purposes of this account.

17

1 LAND AND WATER CONSERVATION FUND

2 (RESCISSION)

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

5 LAND ACQUISITION AND STATE ASSISTANCE

6 For expenses necessary to carry out the Land and
7 Water Conservation Act of 1965, as amended (16 U.S.C.
8 4601–4 through 11), including administrative expenses,
9 and for acquisition of lands or waters, or interest therein,
10 in accordance with the statutory authority applicable to
11 the National Park Service, \$111,500,000, to be derived
12 from the Land and Water Conservation Fund and to re-
13 main available until expended, of which \$45,000,000 is for
14 the State assistance program and of which \$9,000,000
15 shall be for the American Battlefield Protection Program
16 grants as authorized by section 7301 of the Omnibus Pub-
17 lic Land Management Act of 2009 (Public Law 111–11).

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

1 search covering topography, geology, hydrology, biology,
2 and the mineral and water resources of the United States,
3 its territories and possessions, and other areas as author-
4 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
5 to their mineral and water resources; give engineering su-
6 pervision to power permittees and Federal Energy Regu-
7 latory Commission licensees; administer the minerals ex-
8 ploration program (30 U.S.C. 641); conduct inquiries into
9 the economic conditions affecting mining and materials
10 processing industries (30 U.S.C. 3, 21a, and 1603; 50
11 U.S.C. 98g(1)) and related purposes as authorized by law;
12 and to publish and disseminate data relative to the fore-
13 going activities; \$1,063,681,000, to remain available until
14 September 30, 2013; of which \$13,350,000 shall remain
15 available until expended for satellite operations; and of
16 which \$7,292,000 shall be available until expended for de-
17 ferred maintenance and capital improvement projects that
18 exceed \$100,000 in cost: *Provided*, That none of the funds
19 provided for the ecosystem research activity shall be used
20 to conduct new surveys on private property, unless specifi-
21 cally authorized in writing by the property owner: *Pro-*
22 *vided further*, That no part of this appropriation shall be
23 used to pay more than one-half the cost of topographic
24 mapping or water resources data collection and investiga-

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

3 ADMINISTRATIVE PROVISIONS

4 From within the amount appropriated for activities
5 of the United States Geological Survey such sums as are
6 necessary shall be available for reimbursement to the Gen-
7 eral Services Administration for security guard services;
8 contracting for the furnishing of topographic maps and
9 for the making of geophysical or other specialized surveys
10 when it is administratively determined that such proce-
11 dures are in the public interest; construction and mainte-
12 nance of necessary buildings and appurtenant facilities;
13 acquisition of lands for gauging stations and observation
14 wells; expenses of the United States National Committee
15 on Geology; and payment of compensation and expenses
16 of persons on the rolls of the Survey duly appointed to
17 represent the United States in the negotiation and admin-
18 istration of interstate compacts: *Provided*, That activities
19 funded by appropriations herein made may be accom-
20 plished through the use of contracts, grants, or coopera-
21 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
22 *vided further*, That the United States Geological Survey
23 may enter into contracts or cooperative agreements di-
24 rectly with individuals or indirectly with institutions or
25 nonprofit organizations, without regard to 41 U.S.C. 5,

1 for the temporary or intermittent services of students or
2 recent graduates, who shall be considered employees for
3 the purpose of chapters 57 and 81 of title 5, United States
4 Code, relating to compensation for travel and work inju-
5 ries, and chapter 171 of title 28, United States Code, re-
6 lating to tort claims, but shall not be considered to be Fed-
7 eral employees for any other purposes.

8 BUREAU OF OCEAN ENERGY MANAGEMENT

9 OCEAN ENERGY MANAGEMENT

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

1 pursuant to the Outer Continental Shelf Lands Act, in-
2 cluding studies, assessments, analysis, and miscellaneous
3 administrative activities: *Provided*, That notwithstanding
4 31 U.S.C. 3302, in fiscal year 2012, such amounts as are
5 assessed under 31 U.S.C. 9701 shall be collected and cred-
6 ited to this account and shall be available until expended
7 for necessary expenses: *Provided further*, That to the ex-
8 tent \$101,082,000 in addition to receipts are not realized
9 from the sources of receipts stated above, the amount
10 needed to reach \$101,082,000 shall be credited to this ap-
11 propriation from receipts resulting from rental rates for
12 Outer Continental Shelf leases in effect before August 5,
13 1993: *Provided further*, That for fiscal year 2012 and each
14 fiscal year thereafter, the term “qualified Outer Conti-
15 nental Shelf revenues”, as defined in section 102(9)(A)
16 of the Gulf of Mexico Energy Security Act, division C of
17 Public Law 109–432, shall include only the portion or
18 rental revenues that would have been collected by the Sec-
19 retary at the rental rates in effect before August 5, 1993:
20 *Provided further*, That not to exceed \$3,000 shall be avail-
21 able for reasonable expenses related to promoting volun-
22 teer beach and marine cleanup activities.

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

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

23 OIL SPILL RESEARCH

24 For necessary expenses to carry out title I, section
25 1016, title IV, sections 4202 and 4303, title VII, and title

1 VIII, section 8201 of the Oil Pollution Act of 1990,
2 \$14,923,000, which shall be derived from the Oil Spill Li-
3 ability Trust Fund, to remain available until expended.

4 OFFICE OF SURFACE MINING RECLAMATION AND
5 ENFORCEMENT
6 REGULATION AND TECHNOLOGY

7 For necessary expenses to carry out the provisions
8 of the Surface Mining Control and Reclamation Act of
9 1977, Public Law 95–87, as amended, \$113,537,000, to
10 remain available until September 30, 2013: *Provided*,
11 That appropriations for the Office of Surface Mining Rec-
12 lamation and Enforcement may provide for the travel and
13 per diem expenses of State and tribal personnel attending
14 Office of Surface Mining Reclamation and Enforcement
15 sponsored training.

16 ABANDONED MINE RECLAMATION FUND

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

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

13 ADMINISTRATIVE PROVISION

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

19 BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN

20 EDUCATION

21 OPERATION OF INDIAN PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses necessary for the operation of Indian
24 programs, as authorized by law, including the Snyder Act
25 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-

1 termination and Education Assistance Act of 1975 (25
2 U.S.C. 450 et seq.), as amended, the Education Amend-
3 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
4 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
5 as amended, \$2,340,480,000, to remain available until
6 September 30, 2013 except as otherwise provided herein;
7 of which not to exceed \$8,500 may be for official reception
8 and representation expenses; of which not to exceed
9 \$74,911,000 shall be for welfare assistance payments:
10 *Provided*, That in cases of designated Federal disasters,
11 the Secretary may exceed such cap, from the amounts pro-
12 vided herein, to provide for disaster relief to Indian com-
13 munities affected by the disaster; of which, notwith-
14 standing any other provision of law, including but not lim-
15 ited to the Indian Self-Determination Act of 1975, as
16 amended, not to exceed \$205,490,000 shall be available
17 for payments for contract support costs associated with
18 ongoing contracts, grants, compacts, or annual funding
19 agreements entered into with the Bureau prior to or dur-
20 ing fiscal year 2012, as authorized by such Act, except
21 that tribes, and tribal organizations, may use their tribal
22 priority allocations for unmet contract support costs of on-
23 going contracts, grants, or compacts, or annual funding
24 agreements and for unmet welfare assistance costs; of
25 which not to exceed \$590,438,000 for school operations

1 costs of Bureau-funded schools and other education pro-
2 grams shall become available on July 1, 2012, and shall
3 remain available until September 30, 2013; and of which
4 not to exceed \$48,049,000 shall remain available until ex-
5 pended for housing improvement, road maintenance, at-
6 torney fees, litigation support, the Indian Self-Determina-
7 tion Fund, land records improvement, and the Navajo-
8 Hopi Settlement Program: *Provided further*, That notwith-
9 standing any other provision of law, including but not lim-
10 ited to the Indian Self-Determination Act of 1975, as
11 amended, and 25 U.S.C. 2008, not to exceed \$46,373,000
12 within and only from such amounts made available for
13 school operations shall be available for administrative cost
14 grants associated with ongoing grants entered into with
15 the Bureau prior to or during fiscal year 2010 for the
16 operation of Bureau-funded schools, and up to \$500,000
17 within and only from such amounts made available for ad-
18 ministrative cost grants shall be available for the transi-
19 tional costs of initial administrative cost grants to grant-
20 ees that assume operation on or after July 1, 2011, of
21 Bureau-funded schools: *Provided further*, That any for-
22 esty funds allocated to a tribe which remain unobligated
23 as of September 30, 2013, may be transferred during fis-
24 cal year 2014 to an Indian forest land assistance account
25 established for the benefit of the holder of the funds within

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

7 CONSTRUCTION

8 (INCLUDING TRANSFER OF FUNDS)

9 For construction, repair, improvement, and mainte-
10 nance of irrigation and power systems, buildings, utilities,
11 and other facilities, including architectural and engineer-
12 ing services by contract; acquisition of lands, and interests
13 in lands; and preparation of lands for farming, and for
14 construction of the Navajo Indian Irrigation Project pur-
15 suant to Public Law 87-483, \$104,992,000, to remain
16 available until expended: *Provided*, That such amounts as
17 may be available for the construction of the Navajo Indian
18 Irrigation Project may be transferred to the Bureau of
19 Reclamation: *Provided further*, That not to exceed 6 per-
20 cent of contract authority available to the Bureau of In-
21 dian Affairs from the Federal Highway Trust Fund may
22 be used to cover the road program management costs of
23 the Bureau: *Provided further*, That any funds provided for
24 the Safety of Dams program pursuant to 25 U.S.C. 13
25 shall be made available on a nonreimbursable basis: *Pro-*

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

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

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

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

19 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

20 For the cost of guaranteed loans and insured loans,
21 \$5,000,000, of which \$964,000 is for administrative ex-
22 penses, as authorized by the Indian Financing Act of
23 1974, as amended: *Provided,* That such costs, including
24 the cost of modifying such loans, shall be as defined in
25 section 502 of the Congressional Budget Act of 1974: *Pro-*

1 *vided further*, That these funds are available to subsidize
2 total loan principal, any part of which is to be guaranteed
3 or insured, not to exceed \$48,421,615.

4 ADMINISTRATIVE PROVISIONS

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

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

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

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

1 reau school system as of October 1, 1995. Funds made
2 available under this Act may not be used to establish a
3 charter school at a Bureau-funded school (as that term
4 is defined in section 1146 of the Education Amendments
5 of 1978 (25 U.S.C. 2026)), except that a charter school
6 that is in existence on the date of the enactment of this
7 Act and that has operated at a Bureau-funded school be-
8 fore September 1, 1999, may continue to operate during
9 that period, but only if the charter school pays to the Bu-
10 reau a pro rata share of funds to reimburse the Bureau
11 for the use of the real and personal property (including
12 buses and vans), the funds of the charter school are kept
13 separate and apart from Bureau funds, and the Bureau
14 does not assume any obligation for charter school pro-
15 grams of the State in which the school is located if the
16 charter school loses such funding. Employees of Bureau-
17 funded schools sharing a campus with a charter school and
18 performing functions related to the charter school's oper-
19 ation and employees of a charter school shall not be treat-
20 ed as Federal employees for purposes of chapter 171 of
21 title 28, United States Code.

22 Notwithstanding any other provision of law, including
23 section 113 of title I of appendix C of Public Law 106-
24 113, if in fiscal year 2003 or 2004 a grantee received indi-
25 rect and administrative costs pursuant to a distribution

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

5 DEPARTMENTAL OFFICES

6 OFFICE OF THE SECRETARY

7 DEPARTMENTAL OPERATIONS

8 For necessary expenses for management of the De-
9 partment of the Interior, including the collection and dis-
10 bursement of royalties, fees, and other mineral revenue
11 proceeds, as authorized by law, \$263,038,000 to remain
12 available until September 30, 2013; of which not to exceed
13 \$15,000 may be for official reception and representation
14 expenses; and of which up to \$1,000,000 shall be available
15 for workers compensation payments and unemployment
16 compensation payments associated with the orderly clo-
17 sure of the United States Bureau of Mines; and of which
18 \$12,112,000 for the Office of Valuation Services is to be
19 derived from the Land and Water Conservation Fund and
20 shall remain available until expended; and of which
21 \$38,300,000 shall remain available until expended for the
22 purpose of mineral revenue management activities: *Pro-*
23 *vided*, That, for fiscal year 2012, up to \$400,000 of the
24 payments authorized by the Act of October 20, 1976, as
25 amended (31 U.S.C. 6901–6907) may be retained for ad-

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

17 INSULAR AFFAIRS

18 ASSISTANCE TO TERRITORIES

19 For expenses necessary for assistance to territories
20 under the jurisdiction of the Department of the Interior
21 and other jurisdictions identified in section 104(e) of Pub-
22 lic Law 108–188, \$89,117,000, of which: (1) \$79,637,000
23 shall remain available until expended for territorial assist-
24 ance, including general technical assistance, maintenance
25 assistance, disaster assistance, insular management con-

1 trols, coral reef initiative activities, and brown tree snake
2 control and research; grants to the judiciary in American
3 Samoa for compensation and expenses, as authorized by
4 law (48 U.S.C. 1661(c)); grants to the Government of
5 American Samoa, in addition to current local revenues, for
6 construction and support of governmental functions;
7 grants to the Government of the Virgin Islands as author-
8 ized by law; grants to the Government of Guam, as au-
9 thorized by law; and grants to the Government of the
10 Northern Mariana Islands as authorized by law (Public
11 Law 94–241; 90 Stat. 272); and (2) \$9,480,000 shall be
12 available until September 30, 2013 for salaries and ex-
13 penses of the Office of Insular Affairs: *Provided*, That all
14 financial transactions of the territorial and local govern-
15 ments herein provided for, including such transactions of
16 all agencies or instrumentalities established or used by
17 such governments, may be audited by the Government Ac-
18 countability Office, at its discretion, in accordance with
19 chapter 35 of title 31, United States Code: *Provided fur-*
20 *ther*, That Northern Mariana Islands Covenant grant
21 funding shall be provided according to those terms of the
22 Agreement of the Special Representatives on Future
23 United States Financial Assistance for the Northern Mar-
24 iana Islands approved by Public Law 104–134: *Provided*
25 *further*, That the funds for the program of operations and

1 maintenance improvement are appropriated to institu-
2 tionalize routine operations and maintenance improvement
3 of capital infrastructure with territorial participation and
4 cost sharing to be determined by the Secretary based on
5 the grantee's commitment to timely maintenance of its
6 capital assets: *Provided further*, That any appropriation
7 for disaster assistance under this heading in this Act or
8 previous appropriations Acts may be used as non-Federal
9 matching funds for the purpose of hazard mitigation
10 grants provided pursuant to section 404 of the Robert T.
11 Stafford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5170c).

13 COMPACT OF FREE ASSOCIATION

14 For grants and necessary expenses, \$3,318,000, to
15 remain available until expended, as provided for in sec-
16 tions 221(a)(2), 221(b), and 233 of the Compact of Free
17 Association for the Republic of Palau; and section
18 221(a)(2) of the Compacts of Free Association for the
19 Government of the Republic of the Marshall Islands and
20 the Federated States of Micronesia, as authorized by Pub-
21 lic Law 99-658 and Public Law 108-188.

22 ADMINISTRATIVE PROVISIONS

23 (INCLUDING TRANSFER OF FUNDS)

24 At the request of the Governor of Guam, the Sec-
25 retary may transfer discretionary funds or mandatory

1 funds provided under section 104(e) of Public Law 108–
2 188 and Public Law 104–134, that are allocated for
3 Guam, to the Secretary of Agriculture for the subsidy cost
4 of direct or guaranteed loans, plus not to exceed 3 percent
5 of the amount of the subsidy transferred for the cost of
6 loan administration, for the purposes authorized by the
7 Rural Electrification Act of 1936 and section 306(a)(1)
8 of the Consolidated Farm and Rural Development Act for
9 construction and repair projects in Guam, and such funds
10 shall remain available until expended: *Provided*, That such
11 costs, including the cost of modifying such loans, shall be
12 as defined in section 502 of the Congressional Budget Act
13 of 1974: *Provided further*, That such loans or loan guaran-
14 tees may be made without regard to the population of the
15 area, credit elsewhere requirements, and restrictions on
16 the types of eligible entities under the Rural Electrifica-
17 tion Act of 1936 and section 306(a)(1) of the Consolidated
18 Farm and Rural Development Act: *Provided further*, That
19 any funds transferred to the Secretary of Agriculture shall
20 be in addition to funds otherwise made available to make
21 or guarantee loans under such authorities.

22 If the Secretary of the Interior determines that a ter-
23 ritory has a substantial backlog of capital improvement
24 program funds at the beginning of a fiscal year, the Sec-
25 retary may withhold or redistribute that territory’s capital

1 improvement funds for the current fiscal year among the
2 other eligible recipient territories. For purposes of this
3 section, a territory with an expenditure rate of less than
4 50 percent shall be deemed to have a substantial backlog.
5 The expenditure rate will be calculated on the last day
6 of each fiscal year, currently September 30, and will be
7 based on expenditures and receipts over the 5 most recent
8 fiscal years.

9 OFFICE OF THE SOLICITOR

10 SALARIES AND EXPENSES

11 For necessary expenses of the Office of the Solicitor,
12 \$66,296,000.

13 OFFICE OF INSPECTOR GENERAL

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of Inspector
16 General, \$49,471,000.

17 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

18 INDIANS

19 FEDERAL TRUST PROGRAMS

20 (INCLUDING TRANSFER OF FUNDS)

21 For the operation of trust programs for Indians by
22 direct expenditure, contracts, cooperative agreements,
23 compacts, and grants, \$152,319,000, to remain available
24 until expended, of which not to exceed \$31,171,000 from
25 this or any other Act, shall be available for historical ac-

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

1 shall permit the balance in each such account to be with-
2 drawn upon the express written request of the account
3 holder: *Provided further*, That not to exceed \$50,000 is
4 available for the Secretary to make payments to correct
5 administrative errors of either disbursements from or de-
6 posits to Individual Indian Money or Tribal accounts after
7 September 30, 2002: *Provided further*, That erroneous
8 payments that are recovered shall be credited to and re-
9 main available in this account for this purpose.

10 DEPARTMENT-WIDE PROGRAMS

11 WILDLAND FIRE MANAGEMENT

12 (INCLUDING TRANSFERS OF FUNDS)

13 For necessary expenses for fire preparedness, sup-
14 pression operations, fire science and research, emergency
15 rehabilitation, hazardous fuels reduction, and rural fire as-
16 sistance by the Department of the Interior, \$540,521,000,
17 to remain available until expended, of which not to exceed
18 \$6,137,000 shall be for the renovation or construction of
19 fire facilities: *Provided*, That such funds are also available
20 for repayment of advances to other appropriation accounts
21 from which funds were previously transferred for such
22 purposes: *Provided further*, That persons hired pursuant
23 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
24 ing without cost from funds available from this appropria-
25 tion: *Provided further*, That notwithstanding 42 U.S.C.

1 1856d, sums received by a bureau or office of the Depart-
2 ment of the Interior for fire protection rendered pursuant
3 to 42 U.S.C. 1856 et seq., protection of United States
4 property, may be credited to the appropriation from which
5 funds were expended to provide that protection, and are
6 available without fiscal year limitation: *Provided further*,
7 That using the amounts designated under this title of this
8 Act, the Secretary of the Interior may enter into procure-
9 ment contracts, grants, or cooperative agreements, for
10 hazardous fuels reduction activities, and for training and
11 monitoring associated with such hazardous fuels reduction
12 activities, on Federal land, or on adjacent non-Federal
13 land for activities that benefit resources on Federal land:
14 *Provided further*, That the costs of implementing any co-
15 operative agreement between the Federal Government and
16 any non-Federal entity may be shared, as mutually agreed
17 on by the affected parties: *Provided further*, That notwith-
18 standing requirements of the Competition in Contracting
19 Act, the Secretary, for purposes of hazardous fuels reduc-
20 tion activities, may obtain maximum practicable competi-
21 tion among: (1) local private, nonprofit, or cooperative en-
22 tities; (2) Youth Conservation Corps crews, Public Lands
23 Corps (Public Law 109–154), or related partnerships with
24 State, local, or nonprofit youth groups; (3) small or micro-
25 businesses; or (4) other entities that will hire or train lo-

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

1 to exceed \$50,000,000, between the Departments when
2 such transfers would facilitate and expedite jointly funded
3 wildland fire management programs and projects: *Pro-*
4 *vided further*, That funds provided for wildfire suppression
5 shall be available for support of Federal emergency re-
6 sponse actions: *Provided further*, That funds appropriated
7 under this heading shall be available for assistance to or
8 through the Department of State in connection with forest
9 and rangeland research, technical information, and assist-
10 ance in foreign countries, and, with the concurrence of the
11 Secretary of State, shall be available to support forestry,
12 wildland fire management, and related natural resource
13 activities outside the United States and its territories and
14 possessions, including technical assistance, education and
15 training, and cooperation with United States and inter-
16 national organizations: *Provided further*, That before obli-
17 gating any of the funds provided herein for wildland fire
18 suppression, the Secretary of the Interior shall obligate
19 all unobligated balances previously made available under
20 this heading that, when appropriated, were designated by
21 Congress as an emergency requirement pursuant to the
22 Concurrent Resolution on the Budget or the Balanced
23 Budget and Emergency Deficit Control Act of 1985 and
24 notify the Committees on Appropriations of the House of
25 Representatives and the Senate in writing of the imminent

1 need to begin obligating funds provided herein for wildland
2 fire suppression.

3 FLAME WILDFIRE SUPPRESSION RESERVE FUND

4 (INCLUDING TRANSFER OF FUNDS)

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

17 CENTRAL HAZARDOUS MATERIALS FUND

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

1 and tribal government employees for training services pro-
2 vided by the National Indian Program Training Center,
3 other than training related to Public Law 93–638: *Pro-*
4 *vided further*, That the Secretary may lease or otherwise
5 provide space and related facilities, equipment or profes-
6 sional services of the National Indian Program Training
7 Center to State, local and tribal government employees or
8 persons or organizations engaged in cultural, educational,
9 or recreational activities (as defined in 40 U.S.C. 3306(a))
10 at the prevailing rate for similar space, facilities, equip-
11 ment, or services in the vicinity of the National Indian
12 Program Training Center: *Provided further*, That for fis-
13 cal years 2012 and 2013 all funds received pursuant to
14 the two preceding provisos shall be credited to this ac-
15 count, shall be available until expended, and shall be used
16 by the Secretary for necessary expenses of the National
17 Indian Program Training Center.

18 ADMINISTRATIVE PROVISION

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

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

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

5 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

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

19 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

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

1 for the emergency rehabilitation of burned-over lands
2 under its jurisdiction; for emergency actions related to po-
3 tential or actual earthquakes, floods, volcanoes, storms, or
4 other unavoidable causes; for contingency planning subse-
5 quent to actual oil spills; for response and natural resource
6 damage assessment activities related to actual oil spills;
7 for the prevention, suppression, and control of actual or
8 potential grasshopper and Mormon cricket outbreaks on
9 lands under the jurisdiction of the Secretary, pursuant to
10 the authority in section 1773(b) of Public Law 99–198
11 (99 Stat. 1658); for emergency reclamation projects under
12 section 410 of Public Law 95–87; and shall transfer, from
13 any no year funds available to the Office of Surface Min-
14 ing Reclamation and Enforcement, such funds as may be
15 necessary to permit assumption of regulatory authority in
16 the event a primacy State is not carrying out the regu-
17 latory provisions of the Surface Mining Act: *Provided*,
18 That appropriations made in this title for wildland fire
19 operations shall be available for the payment of obligations
20 incurred during the preceding fiscal year, and for reim-
21 bursement to other Federal agencies for destruction of ve-
22 hicles, aircraft, or other equipment in connection with
23 their use for wildland fire operations, such reimbursement
24 to be credited to appropriations currently available at the
25 time of receipt thereof: *Provided further*, That for wildland

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

11 AUTHORIZED USE OF FUNDS

12 SEC. 103. Appropriations made to the Department
13 of the Interior in this title shall be available for services
14 as authorized by 5 U.S.C. 3109, when authorized by the
15 Secretary, in total amount not to exceed \$500,000; pur-
16 chase and replacement of motor vehicles, including spe-
17 cially equipped law enforcement vehicles; hire, mainte-
18 nance, and operation of aircraft; hire of passenger motor
19 vehicles; purchase of reprints; payment for telephone serv-
20 ice in private residences in the field, when authorized
21 under regulations approved by the Secretary; and the pay-
22 ment of dues, when authorized by the Secretary, for li-
23 brary membership in societies or associations which issue
24 publications to members only or at a price to members
25 lower than to subscribers who are not members.

1 AUTHORIZED USE OF FUNDS, INDIAN TRUST

2 MANAGEMENT

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

12 REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN

13 AFFAIRS

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

1 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

2 SEC. 106. Notwithstanding any other provision of
3 law, the Secretary of the Interior is authorized to acquire
4 lands, waters, or interests therein including the use of all
5 or part of any pier, dock, or landing within the State of
6 New York and the State of New Jersey, for the purpose
7 of operating and maintaining facilities in the support of
8 transportation and accommodation of visitors to Ellis,
9 Governors, and Liberty Islands, and of other program and
10 administrative activities, by donation or with appropriated
11 funds, including franchise fees (and other monetary con-
12 sideration), or by exchange; and the Secretary is author-
13 ized to negotiate and enter into leases, subleases, conces-
14 sion contracts or other agreements for the use of such fa-
15 cilities on such terms and conditions as the Secretary may
16 determine reasonable.

17 OUTER CONTINENTAL SHELF INSPECTION FEES

18 SEC. 107. (a) In fiscal year 2012, the Secretary shall
19 collect a nonrefundable inspection fee, which shall be de-
20 posited in the “Ocean Energy Management” account,
21 from the designated operator for facilities subject to in-
22 spection under 43 U.S.C. 1348(e).

23 (b) Annual fees shall be collected for facilities that
24 are above the waterline, excluding drilling rigs, and are

1 in place at the start of the fiscal year. Fees for fiscal year
2 2012 shall be:

3 (1) \$10,500 for facilities with no wells, but with
4 processing equipment or gathering lines;

5 (2) \$17,000 for facilities with 1 to 10 wells,
6 with any combination of active or inactive wells; and

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

10 (c) Fees for drilling rigs shall be assessed for all in-
11 spections completed in fiscal year 2012. Fees for fiscal
12 year 2012 shall be:

13 (1) \$30,500 per inspection for rigs operating in
14 water depths of 500 feet or more; and

15 (2) \$16,700 per inspection for rigs operating in
16 water depths of less than 500 feet.

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

23 ONSHORE OIL AND GAS INSPECTION FEES

24 SEC. 108. (a) In fiscal year 2012, the Bureau of
25 Land Management (BLM) shall collect a non-refundable

1 inspection fee, which shall be deposited in the “Manage-
2 ment of Lands and Resources” account, from the des-
3 ignated operator of each Federal and Indian lease or
4 agreement subject to inspection by BLM under 30 U.S.C.
5 1718(b) that is in place at the start of fiscal year 2012.

6 (b) Fees for 2012 shall be:

7 (1) \$600 for each lease or agreement with no
8 active or inactive wells, but with surface use, dis-
9 turbance or reclamation;

10 (2) \$1,200 for each lease or agreement with 1
11 to 10 wells, with any combination of active or inac-
12 tive wells;

13 (3) \$2,900 for each lease or agreement with 11
14 to 50 wells, with any combination of active or inac-
15 tive wells; and

16 (4) \$5,700 for each lease or agreement with
17 more than 50 wells, with any combination of active
18 or inactive wells.

19 (c) BLM will bill designated operators within 60 days
20 of enactment of this Act, with payment required within
21 30 days of billing.

22 OIL AND GAS LEASING INTERNET PROGRAM

23 SEC. 109. Notwithstanding section 17(b)(1)(A) of the
24 Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Sec-
25 retary of the Interior shall have the authority to establish

1 an oil and gas leasing Internet program, under which the
2 Secretary may conduct lease sales through methods other
3 than oral bidding.

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

6 SEC. 110. The Secretary of the Interior, in order to
7 implement a reorganization of the Bureau of Ocean En-
8 ergy Management, Regulation, and Enforcement, may es-
9 tablish accounts, transfer funds among and between the
10 offices and bureaus affected by the reorganization, and
11 take other administrative actions necessary after consulta-
12 tion with the relevant congressional committees.

13 INDIAN PROBATE JUDGES

14 SEC. 111. Section 108 of Public Law 109–54 (the
15 Department of the Interior, Environment, and Related
16 Agencies Appropriations Act, 2006) is amended by strik-
17 ing “in fiscal years 2006 through 2010, for the purpose
18 of reducing the backlog of” and inserting “for fiscal year
19 2006 and each fiscal year thereafter, for the purpose of
20 adjudicating”.

21 OUTER CONTINENTAL SHELF LEASING REVIEW PERIOD

22 SEC. 112. Section 11 of the Outer Continental Shelf
23 Lands Act (43 U.S.C. 1340) is amended in subsection
24 (c)(1) in the fourth sentence by deleting “within thirty

1 AUTHORIZED USE OF FUNDS

2 SEC. 114. Section 3006 of Public Law 111–212 is
3 amended by striking “For fiscal years 2010 and 2011”
4 and inserting “For fiscal years 2010 through 2012”.

5 PROHIBITION ON USE OF FUNDS

6 SEC. 115. (a) Any proposed new use of the Arizona
7 & California Railroad Company’s Right of Way for convey-
8 ance of water shall not proceed unless the Secretary of
9 the Interior certifies that the proposed new use is within
10 the scope of the Right of Way.

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

19 REPUBLIC OF PALAU

20 SEC. 116. (a) IN GENERAL.—Subject to subsection
21 (c), the United States Government, through the Secretary
22 of the Interior shall provide to the Government of Palau
23 for fiscal year 2012 grants in amounts equal to the annual
24 amounts specified in subsections (a), (c), and (d) of sec-
25 tion 211 of the Compact of Free Association between the

1 Government of the United States of America and the Gov-
2 ernment of Palau (48 U.S.C. 1931 note) (referred to in
3 this section as the “Compact”).

4 (b) PROGRAMMATIC ASSISTANCE.—Subject to sub-
5 section (c), the United States shall provide programmatic
6 assistance to the Republic of Palau for fiscal year 2012
7 in amounts equal to the amounts provided in subsections
8 (a) and (b)(1) of section 221 of the Compact.

9 (c) LIMITATIONS ON ASSISTANCE.—

10 (1) IN GENERAL.—The grants and pro-
11 grammatic assistance provided under subsections (a)
12 and (b) shall be provided to the same extent and in
13 the same manner as the grants and assistance were
14 provided in fiscal year 2009.

15 (2) TRUST FUND.—If the Government of Palau
16 withdraws more than \$5,000,000 from the trust
17 fund established under section 211(f) of the Com-
18 pact, amounts to be provided under subsections (a)
19 and (b) shall be withheld from the Government of
20 Palau.

21 REPORT ON HYDROPOWER FEES

22 SEC. 117. Not later than 90 days after enactment
23 of this Act, the Secretary shall provide a detailed report
24 to the House and Senate Committees on Appropriations
25 explaining the methodology used by the National Park

1 Service to calculate permit fees for hydropower facilities
2 located at Sequoia National Park, comparing this method-
3 ology to other methods used by other Federal agencies,
4 and explaining how the methodology used at Sequoia Na-
5 tional Park balances the interests of electric power rate-
6 payers, facility owners, and the public interest.

1 September 30, 2013: *Provided*, That of the funds included
2 under this heading, not less than \$403,664,000 shall be
3 for Geographic Programs specified in the explanatory
4 statement accompanying this Act.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, \$45,997,000, to remain
9 available until September 30, 2013.

10 BUILDINGS AND FACILITIES

11 For construction, repair, improvement, extension, al-
12 teration, and purchase of fixed equipment or facilities of,
13 or for use by, the Environmental Protection Agency,
14 \$32,000,000, to remain available until expended.

15 HAZARDOUS SUBSTANCE SUPERFUND

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses to carry out the Comprehen-
18 sive Environmental Response, Compensation, and Liabil-
19 ity Act of 1980 (CERCLA), as amended, including sec-
20 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
21 9611) \$1,191,397,000, to remain available until expended,
22 consisting of such sums as are available in the Trust Fund
23 on September 30, 2011, as authorized by section 517(a)
24 of the Superfund Amendments and Reauthorization Act
25 of 1986 (SARA) and up to \$1,191,397,000 as a payment

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

12 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
13 PROGRAM

14 For necessary expenses to carry out leaking under-
15 ground storage tank cleanup activities authorized by sub-
16 title I of the Solid Waste Disposal Act, as amended,
17 \$99,759,000, to remain available until expended, of which
18 \$71,259,000 shall be for carrying out leaking under-
19 ground storage tank cleanup activities authorized by sec-
20 tion 9003(h) of the Solid Waste Disposal Act, as amended;
21 \$28,500,000 shall be for carrying out the other provisions
22 of the Solid Waste Disposal Act specified in section
23 9508(c) of the Internal Revenue Code, as amended: *Pro-*
24 *vided*, That the Administrator is authorized to use appro-
25 priations made available under this heading to implement

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

5 INLAND OIL SPILL PROGRAM

6 For expenses necessary to carry out the Environ-
7 mental Protection Agency's responsibilities under the Oil
8 Pollution Act of 1990, \$19,274,000, to be derived from
9 the Oil Spill Liability trust fund, to remain available until
10 expended.

11 STATE AND TRIBAL ASSISTANCE GRANTS

12 For environmental programs and infrastructure as-
13 sistance, including capitalization grants for State revolv-
14 ing funds and performance partnership grants,
15 \$3,722,078,000, to remain available until expended, of
16 which \$1,521,950,000 shall be for making capitalization
17 grants for the Clean Water State Revolving Funds under
18 title VI of the Federal Water Pollution Control Act, as
19 amended (the "Act"); of which \$963,070,000 shall be for
20 making capitalization grants for the Drinking Water State
21 Revolving Funds under section 1452 of the Safe Drinking
22 Water Act, as amended: *Provided*, That for fiscal year
23 2012, to the extent there are sufficient eligible project ap-
24 plications, not less than 20 percent of the funds made
25 available under this title to each State for Clean Water

1 State Revolving Fund capitalization grants and not less
2 than 10 percent of the funds made available under this
3 title to each State for Drinking Water State Revolving
4 Fund capitalization grants shall be used by the State for
5 projects to address green infrastructure, water or energy
6 efficiency improvements, or other environmentally innova-
7 tive activities; \$10,000,000 shall be for architectural, engi-
8 neering, planning, design, construction and related activi-
9 ties in connection with the construction of high priority
10 water and wastewater facilities in the area of the United
11 States-Mexico Border, after consultation with the appro-
12 priate border commission; \$10,000,000 shall be for grants
13 to the State of Alaska to address drinking water and
14 wastewater infrastructure needs of rural and Alaska Na-
15 tive Villages: *Provided further*, That, of these funds: (1)
16 the State of Alaska shall provide a match of 25 percent;
17 (2) no more than 5 percent of the funds may be used for
18 administrative and overhead expenses; and (3) the State
19 of Alaska shall make awards consistent with the State-
20 wide priority list established in conjunction with the Agen-
21 cy and the U.S. Department of Agriculture for all water,
22 sewer, waste disposal, and similar projects carried out by
23 the State of Alaska that are funded under section 221 of
24 the Federal Water Pollution Control Act (33 U.S.C. 1301)
25 or the Consolidated Farm and Rural Development Act (7

1 U.S.C. 1921 et seq.) which shall allocate not less than 25
2 percent of the funds provided for projects in regional hub
3 communities; \$95,000,000 shall be to carry out section
4 104(k) of the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (CERCLA), as
6 amended, including grants, interagency agreements, and
7 associated program support costs; \$30,000,000 shall be
8 for grants under title VII, subtitle G of the Energy Policy
9 Act of 2005, as amended; and \$1,092,058,000 shall be
10 for grants, including associated program support costs, to
11 States, federally recognized tribes, interstate agencies,
12 tribal consortia, and air pollution control agencies for
13 multi-media or single media pollution prevention, control
14 and abatement and related activities, including activities
15 pursuant to the provisions set forth under this heading
16 in Public Law 104–134, and for making grants under sec-
17 tion 103 of the Clean Air Act for particulate matter moni-
18 toring and data collection activities subject to terms and
19 conditions specified by the Administrator, of which
20 \$49,396,000 shall be for carrying out section 128 of
21 CERCLA, as amended, \$9,980,000 shall be for Environ-
22 mental Information Exchange Network grants, including
23 associated program support costs, \$18,463,000 of the
24 funds available for grants under section 106 of the Act
25 shall be for State participation in national- and State-level

1 statistical surveys of water resources and enhancements
2 to State monitoring programs, and, in addition to funds
3 appropriated under the heading “Leaking Underground
4 Storage Tank Trust Fund Program” to carry out the pro-
5 visions of the Solid Waste Disposal Act specified in section
6 9508(c) of the Internal Revenue Code other than section
7 9003(h) of the Solid Waste Disposal Act, as amended,
8 \$1,550,000 shall be for grants to States under section
9 2007(f)(2) of the Solid Waste Disposal Act, as amended:
10 *Provided further,* That notwithstanding section 603(d)(7)
11 of the Federal Water Pollution Control Act, the limitation
12 on the amounts in a State water pollution control revolv-
13 ing fund that may be used by a State to administer the
14 fund shall not apply to amounts included as principal in
15 loans made by such fund in fiscal year 2012 and prior
16 years where such amounts represent costs of admin-
17 istering the fund to the extent that such amounts are or
18 were deemed reasonable by the Administrator, accounted
19 for separately from other assets in the fund, and used for
20 eligible purposes of the fund, including administration:
21 *Provided further,* That for fiscal year 2012, and notwith-
22 standing section 518(f) of the Act, the Administrator is
23 authorized to use the amounts appropriated for any fiscal
24 year under section 319 of that Act to make grants to fed-
25 erally recognized Indian tribes pursuant to sections 319(h)

1 and 518(e) of that Act: *Provided further*, That for fiscal
2 year 2012, notwithstanding the limitation on amounts in
3 section 518(c) of the Federal Water Pollution Control Act
4 and section 1452(i) of the Safe Drinking Water Act, up
5 to a total of 2 percent of the funds appropriated for State
6 Revolving Funds under such Acts may be reserved by the
7 Administrator for grants under section 518(c) and section
8 1452(i) of such Acts: *Provided further*, That for fiscal year
9 2012, notwithstanding the amounts specified in section
10 205(c) of the Federal Water Pollution Control Act, up to
11 1.5 percent of the aggregate funds appropriated for the
12 Clean Water State Revolving Fund program under the Act
13 less any sums reserved under section 518(c) of the Act
14 may be reserved by the Administrator for grants made
15 under title II of the Clean Water Act for American Samoa,
16 Guam, the Commonwealth of the Northern Marianas, and
17 United States Virgin Islands: *Provided further*, That for
18 fiscal year 2012, notwithstanding the limitations on
19 amounts specified in section 1452(j) of the Safe Drinking
20 Water Act, up to 1.5 percent of the funds appropriated
21 for the Drinking Water State Revolving Fund programs
22 under the Safe Drinking Water Act may be reserved by
23 the Administrator for grants made under section 1452(j)
24 of the Safe Drinking Water Act: *Provided further*, That
25 not more than 30 percent of the funds made available

1 under this title to each State for Clean Water State Re-
2 volving Fund capitalization grants and not more than 30
3 percent of the funds made available under this title to each
4 State for Drinking Water State Revolving Fund capital-
5 ization grants shall be used by the State to provide addi-
6 tional subsidy to eligible recipients in the form of forgive-
7 ness of principal, negative interest loans, or grants (or any
8 combination of these), and shall be so used by the State
9 only where such funds are provided as initial financing for
10 an eligible recipient to buy, refinance, or restructure the
11 debt obligations of eligible recipients only where such debt
12 was incurred on or after the date of enactment of this
13 Act, except that for the Clean Water State Revolving
14 Fund capitalization grant appropriation this section shall
15 only apply to the portion that exceeds \$1,000,000,000:
16 *Provided further,* That no funds provided by this appro-
17 priations Act to address the water, wastewater and other
18 critical infrastructure needs of the colonias in the United
19 States along the United States-Mexico border shall be
20 made available to a county or municipal government un-
21 less that government has established an enforceable local
22 ordinance, or other zoning rule, which prevents in that ju-
23 risdiction the development or construction of any addi-
24 tional colonia areas, or the development within an existing
25 colonia the construction of any new home, business, or

1 other structure which lacks water, wastewater, or other
2 necessary infrastructure: *Provided further*, That for fiscal
3 year 2012 and hereafter, the Administrator may transfer
4 funds provided for tribal set-asides through Clean Water
5 State Revolving Funds and Drinking Water State Revolv-
6 ing Funds accounts between those accounts in the same
7 manner as provided to States under section 302(a) of Pub-
8 lic Law 104–182, as amended.

9 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

10 PROTECTION AGENCY

11 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

12 For fiscal year 2012, notwithstanding 31 U.S.C.
13 6303(1) and 6305(1), the Administrator of the Environ-
14 mental Protection Agency, in carrying out the Agency’s
15 function to implement directly Federal environmental pro-
16 grams required or authorized by law in the absence of an
17 acceptable tribal program, may award cooperative agree-
18 ments to federally recognized Indian tribes or Intertribal
19 consortia, if authorized by their member tribes, to assist
20 the Administrator in implementing Federal environmental
21 programs for Indian tribes required or authorized by law,
22 except that no such cooperative agreements may be award-
23 ed from funds designated for State financial assistance
24 agreements.

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

7 The Administrator is authorized to transfer up to
8 \$300,000,000 of the funds appropriated for the Great
9 Lakes Restoration Initiative under the heading “Environ-
10 mental Programs and Management” to the head of any
11 Federal department or agency, with the concurrence of
12 such head, to carry out activities that would support the
13 Great Lakes Restoration Initiative and Great Lakes
14 Water Quality Agreement programs, projects, or activities;
15 to enter into an interagency agreement with the head of
16 such Federal department or agency to carry out these ac-
17 tivities; and to make grants to governmental entities, non-
18 profit organizations, institutions, and individuals for plan-
19 ning, research, monitoring, outreach, and implementation
20 in furtherance of the Great Lakes Restoration Initiative
21 and the Great Lakes Water Quality Agreement.

22 From unobligated balances to carry out projects and
23 activities funded through the “State and Tribal Assistance
24 Grants” and “Hazardous Substance Superfund”,
25 \$34,000,000 are permanently rescinded: *Provided*, That

1 no amounts may be rescinded from amounts that were
2 designated by Congress as an emergency requirement pur-
3 suant to the Concurrent Resolution on the Budget or the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985, as amended.

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

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

22 Title II of Public Law 109–54, as amended by title
23 II of division E of Public Law 111–8 (123 Stat. 729) and
24 title II of Public Law 111–88 (123 Stat. 2938), is amend-
25 ed in the fourth paragraph under the heading “Adminis-

1 trative Provisions” by striking “up to thirty persons at
2 any one time” and inserting “persons”.

3 The Administrator may, notwithstanding section 104
4 of the Comprehensive Environmental Response, Com-
5 pensation, and Liability Act (42 U.S.C. 9604) authorize
6 the expenditure or transfer of any appropriation in this
7 title, in addition to the amounts included in the “Inland
8 Oil Spill Programs” account, for removal activities related
9 to actual oil spills: *Provided*, That no funds shall be ex-
10 pended or transferred under this authority until the Ad-
11 ministrator determines that amounts made available for
12 expenditure in the “Inland Oil Spill Programs” account
13 will be exhausted within 30 days: *Provided further*, That
14 such funds shall be replenished to the appropriation that
15 was the source of the expenditure or transfer, following
16 EPA’s receipt of reimbursement from the Oil Spill Liabil-
17 ity Trust Fund pursuant to the Oil Pollution Act of 1990.

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

6 For necessary expenses of forest and rangeland re-
7 search as authorized by law, \$295,773,000, to remain
8 available until expended: *Provided*, That of the funds pro-
9 vided, \$61,939,000 is for the forest inventory and analysis
10 program.

11 STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-
13 viding technical and financial assistance to States, terri-
14 tories, possessions, and others, and for forest health man-
15 agement, including treatments of pests, pathogens, and
16 invasive or noxious plants and for restoring and rehabili-
17 tating forests damaged by pests or invasive plants, cooper-
18 ative forestry, and education and land conservation activi-
19 ties and conducting an international program as author-
20 ized, \$272,582,000, to remain available until expended, as
21 authorized by law; of which \$58,000,000 is to be derived
22 from the Land and Water Conservation Fund.

1 NATIONAL FOREST SYSTEM

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Forest Service, not
4 otherwise provided for, for management, protection, im-
5 provement, and utilization of the National Forest System,
6 \$1,544,366,000, to remain available until expended, which
7 shall include 50 percent of all moneys received during
8 prior fiscal years as fees collected under the Land and
9 Water Conservation Fund Act of 1965, as amended, in
10 accordance with section 4 of the Act (16 U.S.C. 460l-
11 6a(i)): *Provided*, That, of the funds provided, \$30,000,000
12 shall be deposited in the Collaborative Forest Landscape
13 Restoration Fund for ecological restoration treatments as
14 authorized by 16 U.S.C. 7303(f).

15 CAPITAL IMPROVEMENT AND MAINTENANCE

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Forest Service, not
18 otherwise provided for, \$394,927,000, to remain available
19 until expended, for construction, capital improvement,
20 maintenance and acquisition of buildings and other facili-
21 ties and infrastructure; and for construction, capital im-
22 provement, decommissioning, and maintenance of forest
23 roads and trails by the Forest Service as authorized by
24 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*,
25 That \$45,000,000 shall be designated for urgently needed

1 road decommissioning, road and trail repair and mainte-
2 nance and associated activities, and removal of fish pas-
3 sage barriers, especially in areas where Forest Service
4 roads may be contributing to water quality problems in
5 streams and water bodies which support threatened, en-
6 dangered, or sensitive species or community water sources:
7 *Provided further*, That funds provided herein shall be
8 available for the decommissioning of roads, including un-
9 authorized roads not part of the transportation system,
10 which are no longer needed: *Provided further*, That funds
11 becoming available in fiscal year 2012 under the Act of
12 March 4, 1913 (16 U.S.C. 501) shall be transferred to
13 the General Fund of the Treasury and shall not be avail-
14 able for transfer or obligation for any other purpose unless
15 the funds are appropriated.

16 LAND ACQUISITION

17 For expenses necessary to carry out the provisions
18 of the Land and Water Conservation Fund Act of 1965,
19 as amended (16 U.S.C. 4601–4 through 11), including ad-
20 ministrative expenses, and for acquisition of land or
21 waters, or interest therein, in accordance with statutory
22 authority applicable to the Forest Service, \$37,500,000,
23 to be derived from the Land and Water Conservation
24 Fund and to remain available until expended.

1 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
2 ACTS

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

9 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

10 For acquisition of lands, such sums, to be derived
11 from funds deposited by State, county, or municipal gov-
12 ernments, public school districts, or other public school au-
13 thorities, and for authorized expenditures from funds de-
14 posited by non-Federal parties pursuant to Land Sale and
15 Exchange Acts, pursuant to the Act of December 4, 1967,
16 as amended (16 U.S.C. 484a), to remain available until
17 expended (16 U.S.C. 460l-516-617a, 555a; Public Law
18 96-586; Public Law 76-589, 76-591; and Public Law
19 78-310).

20 RANGE BETTERMENT FUND

21 For necessary expenses of range rehabilitation, pro-
22 tection, and improvement, 50 percent of all moneys re-
23 ceived during the prior fiscal year, as fees for grazing do-
24 mestic livestock on lands in National Forests in the 16
25 Western States, pursuant to section 401(b)(1) of Public

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

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

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

10 MANAGEMENT OF NATIONAL FOREST LANDS FOR
11 SUBSISTENCE USES

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

17 WILDLAND FIRE MANAGEMENT
18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses for forest fire presuppression
20 activities on National Forest System lands, for emergency
21 fire suppression on or adjacent to such lands or other
22 lands under fire protection agreement, hazardous fuels re-
23 duction on or adjacent to such lands, and for emergency
24 rehabilitation of burned-over National Forest System
25 lands and water, \$1,699,062,000, to remain available until

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

1 response, and wildfire suppression activities of the Forest
2 Service: *Provided further*, That of the funds provided,
3 \$254,015,000 is for hazardous fuels reduction activities,
4 \$21,734,000 is for research activities and to make com-
5 petitive research grants pursuant to the Forest and
6 Rangeland Renewable Resources Research Act, as amend-
7 ed (16 U.S.C. 1641 et seq.), \$45,564,000 is for State fire
8 assistance, \$6,366,000 is for volunteer fire assistance,
9 \$12,983,000 is for forest health activities on Federal lands
10 and \$6,366,000 is for forest health activities on State and
11 private lands: *Provided further*, That amounts in this
12 paragraph may be transferred to the “State and Private
13 Forestry”, “National Forest System”, and “Forest and
14 Rangeland Research” accounts to fund State fire assist-
15 ance, volunteer fire assistance, forest health management,
16 forest and rangeland research, the Joint Fire Science Pro-
17 gram, vegetation and watershed management, heritage
18 site rehabilitation, and wildlife and fish habitat manage-
19 ment and restoration: *Provided further*, That the costs of
20 implementing any cooperative agreement between the Fed-
21 eral Government and any non-Federal entity may be
22 shared, as mutually agreed on by the affected parties: *Pro-*
23 *vided further*, That up to \$15,000,000 of the funds pro-
24 vided herein may be used by the Secretary of Agriculture
25 to enter into procurement contracts or cooperative agree-

1 ments or to issue grants for hazardous fuels reduction and
2 for training or monitoring associated with such hazardous
3 fuels reduction activities on Federal land or on non-Fed-
4 eral land if the Secretary determines such activities imple-
5 ment a community wildfire protection plan (or equivalent)
6 and benefit resources on Federal land: *Provided further,*
7 That funds made available to implement the Community
8 Forest Restoration Act, Public Law 106–393, title VI,
9 shall be available for use on non-Federal lands in accord-
10 ance with authorities made available to the Forest Service
11 under the “State and Private Forestry” appropriation:
12 *Provided further,* That the Secretary of the Interior and
13 the Secretary of Agriculture may authorize the transfer
14 of funds appropriated for wildland fire management, in
15 an aggregate amount not to exceed \$50,000,000, between
16 the Departments when such transfers would facilitate and
17 expedite jointly funded wildland fire management pro-
18 grams and projects: *Provided further,* That of the funds
19 provided for hazardous fuels reduction, not to exceed
20 \$5,000,000 may be used to make grants, using any au-
21 thorities available to the Forest Service under the “State
22 and Private Forestry” appropriation, for the purpose of
23 creating incentives for increased use of biomass from Na-
24 tional Forest System lands: *Provided further,* That no
25 amounts may be cancelled from amounts that were des-

1 ignited by the Congress as an emergency requirement
2 pursuant to the Concurrent Resolution on the Budget or
3 the Balanced Budget and Emergency Deficit Control Act
4 of 1985, as amended: *Provided further*, That before obli-
5 gating any of the funds provided herein for wildland fire
6 suppression, the Secretary of Agriculture shall obligate all
7 unobligated balances previously made available under this
8 heading that, when appropriated, were designated by Con-
9 gress as an emergency requirement pursuant to the Con-
10 current Resolution on the Budget or the Balanced Budget
11 and Emergency Deficit Control Act of 1985 and notify
12 the Committees on Appropriations of the House of Rep-
13 resentatives and the Senate in writing of the imminent
14 need to begin obligating funds provided herein for wildland
15 fire suppression: *Provided further*, That funds designated
16 for wildfire suppression, including funds transferred from
17 the FLAME Wildfire Suppression Reserve Fund, shall be
18 assessed for cost pools on the same basis as such assess-
19 ments are calculated against other agency programs.

20 FLAME WILDFIRE SUPPRESSION RESERVE FUND

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses for large fire suppression op-
23 erations of the Department of Agriculture and as a reserve
24 fund for suppression and Federal emergency response ac-
25 tivities, \$315,886,000, to remain available until expended:

1 *Provided*, That such amounts are available only for trans-
2 fer to the “Wildland Fire Management” account and only
3 following a declaration by the Secretary that either (1)
4 a wildland fire suppression event meets certain previously
5 established risk-based written criteria for significant com-
6 plexity, severity, or threat posed by the fire or (2) funds
7 in the “Wildland Fire Management” account will be ex-
8 hausted within 30 days.

9 ADMINISTRATIVE PROVISIONS—FOREST SERVICE

10 (INCLUDING TRANSFERS OF FUNDS)

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

1 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
2 pursuant to the Volunteers in the National Forest Act of
3 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
4 of uniforms as authorized by 5 U.S.C. 5901–5902; and
5 (7) for debt collection contracts in accordance with 31
6 U.S.C. 3718(c).

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

20 Funds appropriated to the Forest Service shall be
21 available for assistance to or through the Agency for Inter-
22 national Development in connection with forest and range-
23 land research, technical information, and assistance in for-
24 eign countries, and shall be available to support forestry
25 and related natural resource activities outside the United

1 States and its territories and possessions, including tech-
2 nical assistance, education and training, and cooperation
3 with United States and international organizations. The
4 Forest Service, acting for the International Program, may
5 sign direct funding agreements with foreign governments
6 and institutions as well as other domestic agencies (includ-
7 ing the U.S. Agency for International Development, the
8 Department of State, and the Millennium Challenge Cor-
9 poration), U.S. private sector firms, institutions and orga-
10 nizations to provide technical assistance and training pro-
11 grams overseas on forestry and rangeland management.

12 None of the funds made available to the Forest Serv-
13 ice in this Act or any other Act with respect to any fiscal
14 year shall be subject to transfer under the provisions of
15 section 702(b) of the Department of Agriculture Organic
16 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
17 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
18 Law 107–107 (7 U.S.C. 8316(b)).

19 None of the funds available to the Forest Service may
20 be reprogrammed without the advance approval of the
21 House and Senate Committees on Appropriations in ac-
22 cordance with the reprogramming procedures contained in
23 the explanatory statement accompanying this Act.

24 Not more than \$82,000,000 of funds available to the
25 Forest Service shall be transferred to the Working Capital

1 Fund of the Department of Agriculture and not more than
2 \$14,500,000 of funds available to the Forest Service shall
3 be transferred to the Department of Agriculture for De-
4 partment Reimbursable Programs, commonly referred to
5 as Greenbook charges. Nothing in this paragraph shall
6 prohibit or limit the use of reimbursable agreements re-
7 quested by the Forest Service in order to obtain services
8 from the Department of Agriculture's National Informa-
9 tion Technology Center. Nothing in this paragraph shall
10 limit the Forest Service portion of implementation costs
11 to be paid to the Department of Agriculture for the Finan-
12 cial Management Modernization Initiative.

13 Funds available to the Forest Service shall be avail-
14 able for priority projects within the scope of the approved
15 budget, which shall be carried out by the Youth Conserva-
16 tion Corps and shall be carried out under the authority
17 of the Public Lands Corps Act of 1993, Public Law 103-
18 82, as amended by the Public Lands Corps Healthy For-
19 ests Restoration Act of 2005, Public Law 109-154.

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

23 Pursuant to sections 405(b) and 410(b) of Public
24 Law 101-593, of the funds available to the Forest Service,
25 up to \$3,000,000 may be advanced in a lump sum to the

1 National Forest Foundation to aid conservation partner-
2 ship projects in support of the Forest Service mission,
3 without regard to when the Foundation incurs expenses,
4 for projects on or benefitting National Forest System
5 lands or related to Forest Service programs: *Provided*,
6 That of the Federal funds made available to the Founda-
7 tion, no more than \$300,000 shall be available for admin-
8 istrative expenses: *Provided further*, That the Foundation
9 shall obtain, by the end of the period of Federal financial
10 assistance, private contributions to match, on at least a
11 one-for-one basis, funds made available by the Forest
12 Service: *Provided further*, That the Foundation may trans-
13 fer Federal funds to a Federal or a non-Federal recipient
14 for a project at the same rate that the recipient has ob-
15 tained the non-Federal matching funds: *Provided further*,
16 That authorized investments of Federal funds held by the
17 Foundation may be made only in interest-bearing obliga-
18 tions of the United States or in obligations guaranteed as
19 to both principal and interest by the United States.

20 Pursuant to section 2(b)(2) of Public Law 98-244,
21 \$3,000,000 of the funds available to the Forest Service
22 may be advanced to the National Fish and Wildlife Foun-
23 dation in a lump sum to aid cost-share conservation
24 projects, without regard to when expenses are incurred,
25 on or benefitting National Forest System lands or related

1 to Forest Service programs: *Provided*, That such funds
2 shall be matched on at least a one-for-one basis by the
3 Foundation or its sub-recipients: *Provided further*, That
4 the Foundation may transfer Federal funds to a Federal
5 or non-Federal recipient for a project at the same rate
6 that the recipient has obtained the non-Federal matching
7 funds.

8 Funds appropriated to the Forest Service shall be
9 available for interactions with and providing technical as-
10 sistance to rural communities and natural resource-based
11 businesses for sustainable rural development purposes.

12 Funds appropriated to the Forest Service shall be
13 available for payments to counties within the Columbia
14 River Gorge National Scenic Area, pursuant to section
15 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
16 663.

17 Any funds appropriated to the Forest Service may
18 be used to meet the non-Federal share requirement in sec-
19 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
20 3056(c)(2)).

21 Funds available to the Forest Service, not to exceed
22 \$55,000,000, shall be assessed for the purpose of per-
23 forming fire, administrative and other facilities mainte-
24 nance and decommissioning. Such assessments shall occur
25 using a square foot rate charged on the same basis the

1 agency uses to assess programs for payment of rent, utili-
2 ties, and other support services.

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

15 An eligible individual who is employed in any project
16 funded under title V of the Older American Act of 1965
17 (42 U.S.C. 3056 et seq.) and administered by the Forest
18 Service shall be considered to be a Federal employee for
19 purposes of chapter 171 of title 28, United States Code.

20 DEPARTMENT OF HEALTH AND HUMAN
21 SERVICES

22 INDIAN HEALTH SERVICE

23 INDIAN HEALTH SERVICES

24 For expenses necessary to carry out the Act of Au-
25 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-

1 tion Act, the Indian Health Care Improvement Act, and
2 titles II and III of the Public Health Service Act with re-
3 spect to the Indian Health Service, \$3,836,108,000, to-
4 gether with payments received during the fiscal year pur-
5 suant to 42 U.S.C. 238(b) and 238b for services furnished
6 by the Indian Health Service: *Provided*, That funds made
7 available to tribes and tribal organizations through con-
8 tracts, grant agreements, or any other agreements or com-
9 pacts authorized by the Indian Self-Determination and
10 Education Assistance Act of 1975 (25 U.S.C. 450), shall
11 be deemed to be obligated at the time of the grant or con-
12 tract award and thereafter shall remain available to the
13 tribe or tribal organization without fiscal year limitation:
14 *Provided further*, That \$829,927,000 for contract medical
15 care, including \$50,000,000 for the Indian Catastrophic
16 Health Emergency Fund, shall remain available until ex-
17 pended: *Provided further*, That of the funding provided for
18 information technology activities and, notwithstanding any
19 other provision of law, \$4,000,000 shall be allocated at
20 the discretion of the Director of the Indian Health Service:
21 *Provided further*, That of the funds provided, up to
22 \$36,000,000 shall remain available until expended for im-
23 plementation of the loan repayment program under section
24 108 of the Indian Health Care Improvement Act: *Provided*
25 *further*, That the amounts collected by the Federal Gov-

1 ernment as authorized by sections 104 and 108 of the In-
2 dian Health Care Improvement Act (25 U.S.C. 1613a and
3 1616a) during the preceding fiscal year for breach of con-
4 tracts shall be deposited to the Fund authorized by section
5 108A of the Act (25 U.S.C. 1616a-1) and shall remain
6 available until expended and, notwithstanding section
7 108A(c) of the Act (25 U.S.C. 1616a-1(c)), funds shall
8 be available to make new awards under the loan repay-
9 ment and scholarship programs under sections 104 and
10 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided*
11 *further*, That notwithstanding any other provision of law,
12 the amounts made available within this account for the
13 methamphetamine and suicide prevention and treatment
14 initiative and for the domestic violence prevention initia-
15 tive shall be allocated at the discretion of the Director of
16 the Indian Health Service and shall remain available until
17 expended: *Provided further*, That funds provided in this
18 Act may be used for annual contracts and grants that fall
19 within 2 fiscal years, provided the total obligation is re-
20 corded in the year the funds are appropriated: *Provided*
21 *further*, That the amounts collected by the Secretary of
22 Health and Human Services under the authority of title
23 IV of the Indian Health Care Improvement Act shall re-
24 main available until expended for the purpose of achieving
25 compliance with the applicable conditions and require-

1 ments of titles XVIII and XIX of the Social Security Act,
2 except for those related to the planning, design, or con-
3 struction of new facilities: *Provided further*, That funding
4 contained herein for scholarship programs under the In-
5 dian Health Care Improvement Act (25 U.S.C. 1613)
6 shall remain available until expended: *Provided further*,
7 That amounts received by tribes and tribal organizations
8 under title IV of the Indian Health Care Improvement Act
9 shall be reported and accounted for and available to the
10 receiving tribes and tribal organizations until expended:
11 *Provided further*, That, notwithstanding any other provi-
12 sion of law, of the amounts provided herein, not to exceed
13 \$442,693,000 shall be for payments to tribes and tribal
14 organizations for contract or grant support costs associ-
15 ated with contracts, grants, self-governance compacts, or
16 annual funding agreements between the Indian Health
17 Service and a tribe or tribal organization pursuant to the
18 Indian Self-Determination Act of 1975, as amended, prior
19 to or during fiscal year 2012, of which not to exceed
20 \$10,000,000 may be used for contract support costs asso-
21 ciated with new or expanded self-determination contracts,
22 grants, self-governance compacts, or annual funding
23 agreements: *Provided further*, That the Bureau of Indian
24 Affairs may collect from the Indian Health Service, tribes
25 and tribal organizations operating health facilities pursu-

1 renovation or expansion of health facilities for the benefit
2 of an Indian tribe or tribes may be used to purchase land
3 on which such facilities will be located: *Provided further,*
4 That not to exceed \$500,000 shall be used by the Indian
5 Health Service to purchase TRANSAM equipment from
6 the Department of Defense for distribution to the Indian
7 Health Service and tribal facilities: *Provided further,* That
8 none of the funds appropriated to the Indian Health Serv-
9 ice may be used for sanitation facilities construction for
10 new homes funded with grants by the housing programs
11 of the United States Department of Housing and Urban
12 Development: *Provided further,* That not to exceed
13 \$2,700,000 from this account and the “Indian Health
14 Services” account shall be used by the Indian Health Serv-
15 ice to obtain ambulances for the Indian Health Service
16 and tribal facilities in conjunction with an existing inter-
17 agency agreement between the Indian Health Service and
18 the General Services Administration: *Provided further,*
19 That not to exceed \$500,000 shall be placed in a Demoli-
20 tion Fund, to remain available until expended, and be used
21 by the Indian Health Service for the demolition of Federal
22 buildings.

23 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

24 Appropriations provided in this Act to the Indian
25 Health Service shall be available for services as authorized

1 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
2 equivalent to the maximum rate payable for senior-level
3 positions under 5 U.S.C. 5376; hire of passenger motor
4 vehicles and aircraft; purchase of medical equipment; pur-
5 chase of reprints; purchase, renovation and erection of
6 modular buildings and renovation of existing facilities;
7 payments for telephone service in private residences in the
8 field, when authorized under regulations approved by the
9 Secretary; uniforms or allowances therefor as authorized
10 by 5 U.S.C. 5901–5902; and for expenses of attendance
11 at meetings that relate to the functions or activities of the
12 Indian Health Service: *Provided*, That in accordance with
13 the provisions of the Indian Health Care Improvement
14 Act, non-Indian patients may be extended health care at
15 all tribally administered or Indian Health Service facili-
16 ties, subject to charges, and the proceeds along with funds
17 recovered under the Federal Medical Care Recovery Act
18 (42 U.S.C. 2651–2653) shall be credited to the account
19 of the facility providing the service and shall be available
20 without fiscal year limitation: *Provided further*, That not-
21 withstanding any other law or regulation, funds trans-
22 ferred from the Department of Housing and Urban Devel-
23 opment to the Indian Health Service shall be administered
24 under Public Law 86–121, the Indian Sanitation Facilities
25 Act and Public Law 93–638, as amended: *Provided fur-*

1 *ther*, That funds appropriated to the Indian Health Serv-
2 ice in this Act, except those used for administrative and
3 program direction purposes, shall not be subject to limita-
4 tions directed at curtailing Federal travel and transpor-
5 tation: *Provided further*, That none of the funds made
6 available to the Indian Health Service in this Act shall
7 be used for any assessments or charges by the Department
8 of Health and Human Services unless identified in the
9 budget justification and provided in this Act, or approved
10 by the House and Senate Committees on Appropriations
11 through the reprogramming process: *Provided further*,
12 That notwithstanding any other provision of law, funds
13 previously or herein made available to a tribe or tribal or-
14 ganization through a contract, grant, or agreement au-
15 thorized by title I or title V of the Indian Self-Determina-
16 tion and Education Assistance Act of 1975 (25 U.S.C.
17 450), may be deobligated and reobligated to a self-deter-
18 mination contract under title I, or a self-governance agree-
19 ment under title V of such Act and thereafter shall remain
20 available to the tribe or tribal organization without fiscal
21 year limitation: *Provided further*, That none of the funds
22 made available to the Indian Health Service in this Act
23 shall be used to implement the final rule published in the
24 Federal Register on September 16, 1987, by the Depart-
25 ment of Health and Human Services, relating to the eligi-

1 bility for the health care services of the Indian Health
2 Service until the Indian Health Service has submitted a
3 budget request reflecting the increased costs associated
4 with the proposed final rule, and such request has been
5 included in an appropriations Act and enacted into law:
6 *Provided further*, That with respect to functions trans-
7 ferred by the Indian Health Service to tribes or tribal or-
8 ganizations, the Indian Health Service is authorized to
9 provide goods and services to those entities on a reimburs-
10 able basis, including payments in advance with subsequent
11 adjustment, and the reimbursements received therefrom,
12 along with the funds received from those entities pursuant
13 to the Indian Self-Determination Act, may be credited to
14 the same or subsequent appropriation account from which
15 the funds were originally derived, with such amounts to
16 remain available until expended: *Provided further*, That re-
17 imbursements for training, technical assistance, or serv-
18 ices provided by the Indian Health Service will contain
19 total costs, including direct, administrative, and overhead
20 associated with the provision of goods, services, or tech-
21 nical assistance: *Provided further*, That the appropriation
22 structure for the Indian Health Service may not be altered
23 without advance notification to the House and Senate
24 Committees on Appropriations.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

3 SCIENCES

4 For necessary expenses for the National Institute of
5 Environmental Health Sciences in carrying out activities
6 set forth in section 311(a) of the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980, as amended, and section 126(g) of the Superfund
9 Amendments and Reauthorization Act of 1986,
10 \$80,100,000.

11 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

12 REGISTRY

13 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

14 HEALTH

15 For necessary expenses for the Agency for Toxic Sub-
16 stances and Disease Registry (ATSDR) in carrying out
17 activities set forth in sections 104(i) and 111(c)(4) of the
18 Comprehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (CERCLA), as amended; section
20 118(f) of the Superfund Amendments and Reauthoriza-
21 tion Act of 1986 (SARA), as amended; and section 3019
22 of the Solid Waste Disposal Act, as amended,
23 \$76,337,000, of which up to \$1,000 per eligible employee
24 of the Agency for Toxic Substances and Disease Registry
25 shall remain available until expended for Individual Learn-

1 ing Accounts: *Provided*, That notwithstanding any other
2 provision of law, in lieu of performing a health assessment
3 under section 104(i)(6) of CERCLA, the Administrator
4 of ATSDR may conduct other appropriate health studies,
5 evaluations, or activities, including, without limitation,
6 biomedical testing, clinical evaluations, medical moni-
7 toring, and referral to accredited healthcare providers:
8 *Provided further*, That in performing any such health as-
9 sessment or health study, evaluation, or activity, the Ad-
10 ministrator of ATSDR shall not be bound by the deadlines
11 in section 104(I)(6)(A) of CERCLA: *Provided further*,
12 That none of the funds appropriated under this heading
13 shall be available for ATSDR to issue in excess of 40 toxi-
14 cological profiles pursuant to section 104(I) of CERCLA
15 during fiscal year 2012, and existing profiles may be up-
16 dated as necessary.

17 OTHER RELATED AGENCIES

18 EXECUTIVE OFFICE OF THE PRESIDENT

19 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

20 ENVIRONMENTAL QUALITY

21 For necessary expenses to continue functions as-
22 signed to the Council on Environmental Quality and Office
23 of Environmental Quality pursuant to the National Envi-
24 ronmental Policy Act of 1969, the Environmental Quality
25 Improvement Act of 1970, and Reorganization Plan No.

1 1 of 1977, and not to exceed \$750 for official reception
2 and representation expenses, \$3,444,000: *Provided*, That
3 notwithstanding section 202 of the National Environ-
4 mental Policy Act of 1970, the Council shall consist of
5 one member, appointed by the President, by and with the
6 advice and consent of the Senate, serving as chairman and
7 exercising all powers, functions, and duties of the Council.

8 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
9 SALARIES AND EXPENSES

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

1 of law, the Inspector General of the Board shall utilize
2 personnel of the Office of Inspector General of EPA in
3 performing the duties of the Inspector General of the
4 Board, and shall not appoint any individuals to positions
5 within the Board.

6 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

7 SALARIES AND EXPENSES

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

1 lected and received an approved homesite on the Navajo
2 reservation or selected a replacement residence off the
3 Navajo reservation or on the land acquired pursuant to
4 25 U.S.C. 640d–10.

5 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
6 CULTURE AND ARTS DEVELOPMENT

7 PAYMENT TO THE INSTITUTE

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

12 SMITHSONIAN INSTITUTION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Smithsonian Institu-
15 tion, as authorized by law, including research in the fields
16 of art, science, and history; development, preservation, and
17 documentation of the National Collections; presentation of
18 public exhibits and performances; collection, preparation,
19 dissemination, and exchange of information and publica-
20 tions; conduct of education, training, and museum assist-
21 ance programs; maintenance, alteration, operation, lease
22 agreements of no more than 30 years, and protection of
23 buildings, facilities, and approaches; not to exceed
24 \$100,000 for services as authorized by 5 U.S.C. 3109; and
25 purchase, rental, repair, and cleaning of uniforms for em-

1 ployees, \$636,530,000, to remain available until Sep-
2 tember 30, 2013, except as otherwise provided herein; of
3 which not to exceed \$20,137,000 for the instrumentation
4 program, collections acquisition, exhibition reinstallation,
5 the National Museum of African American History and
6 Culture, and the repatriation of skeletal remains program
7 shall remain available until expended; and including such
8 funds as may be necessary to support American overseas
9 research centers: *Provided*, That funds appropriated here-
10 in are available for advance payments to independent con-
11 tractors performing research services or participating in
12 official Smithsonian presentations.

13 FACILITIES CAPITAL

14 For necessary expenses of repair, revitalization, and
15 alteration of facilities owned or occupied by the Smithso-
16 nian Institution, by contract or otherwise, as authorized
17 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
18 and for construction, including necessary personnel,
19 \$175,000,000, to remain available until expended, of
20 which not to exceed \$10,000 is for services as authorized
21 by 5 U.S.C. 3109, and of which no less than \$75,000,000
22 shall be to complete design and begin construction of the
23 National Museum of African American History and Cul-
24 ture: *Provided*, That notwithstanding any other provision
25 of law, a single procurement for construction of the Na-

1 tional Museum of African American History and Culture
2 may be issued that includes the full scope of the project:
3 *Provided further*, That the solicitation and contract shall
4 contain the clause “availability of funds” found at 48 CFR
5 52.232.18.

6 NATIONAL GALLERY OF ART

7 SALARIES AND EXPENSES

8 For the upkeep and operations of the National Gal-
9 lery of Art, the protection and care of the works of art
10 therein, and administrative expenses incident thereto, as
11 authorized by the Act of March 24, 1937 (50 Stat. 51),
12 as amended by the public resolution of April 13, 1939
13 (Public Resolution 9, Seventy-sixth Congress), including
14 services as authorized by 5 U.S.C. 3109; payment in ad-
15 vance when authorized by the treasurer of the Gallery for
16 membership in library, museum, and art associations or
17 societies whose publications or services are available to
18 members only, or to members at a price lower than to the
19 general public; purchase, repair, and cleaning of uniforms
20 for guards, and uniforms, or allowances therefor, for other
21 employees as authorized by law (5 U.S.C. 5901–5902);
22 purchase or rental of devices and services for protecting
23 buildings and contents thereof, and maintenance, alter-
24 ation, improvement, and repair of buildings, approaches,
25 and grounds; and purchase of services for restoration and

1 repair of works of art for the National Gallery of Art by
2 contracts made, without advertising, with individuals,
3 firms, or organizations at such rates or prices and under
4 such terms and conditions as the Gallery may deem prop-
5 er, \$113,486,000, of which not to exceed \$3,386,000 for
6 the special exhibition program shall remain available until
7 expended.

8 REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

9 For necessary expenses of repair, restoration and
10 renovation of buildings, grounds and facilities owned or
11 occupied by the National Gallery of Art, by contract or
12 otherwise, and for lease agreements of no more than 10
13 years that address space needs created by the ongoing ren-
14 ovations in the Master Facilities Plan, as authorized,
15 \$14,345,000, to remain available until expended: *Pro-*
16 *vided*, That contracts awarded for environmental systems,
17 protection systems, and exterior repair or renovation of
18 buildings of the National Gallery of Art may be negotiated
19 with selected contractors and awarded on the basis of con-
20 tractor qualifications as well as price.

106

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, \$23,200,000.

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 \$13,650,000, 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, \$11,005,000, to remain
19 available until September 30, 2013.

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 as amended, \$155,000,000 shall be available to the Na-
2 tional Endowment for the Arts for the support of projects
3 and productions in the arts, including arts education and
4 public outreach activities, through assistance to organiza-
5 tions and individuals pursuant to section 5 of the Act, for
6 program support, and for administering the functions of
7 the Act, 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 as amended, \$155,000,000, to remain available until ex-
13 pended, of which \$142,000,000 shall be available for sup-
14 port of activities in the humanities, pursuant to section
15 7(c) of the Act and for administering the functions of the
16 Act; and \$13,000,000 shall be available to carry out the
17 matching grants program pursuant to section 10(a)(2) of
18 the Act including \$9,250,000 for the purposes of section
19 7(h): *Provided*, That appropriations for carrying out sec-
20 tion 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, and devises of money, and other property accept-
23 ed by the chairman or by grantees of the Endowment
24 under the provisions of subsections 11(a)(2)(B) and
25 11(a)(3)(B) during the current and preceding fiscal years

1 for which equal amounts have not previously been appro-
2 priated.

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 this amount does not ex-
16 ceed 5 percent of the sums appropriated for grantmaking
17 purposes per year: *Provided further*, That such small grant
18 actions are taken pursuant to the terms of an expressed
19 and direct delegation of authority from the National Coun-
20 cil on the Arts to the Chairperson.

21 COMMISSION OF FINE ARTS

22 SALARIES AND EXPENSES

23 For expenses made necessary by the Act establishing
24 a Commission of Fine Arts (40 U.S.C. 104), \$2,400,000:
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), as amended, \$1,000,000.

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, as amended),
17 \$6,108,000.

18 NATIONAL CAPITAL PLANNING COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses, as authorized by the Na-
21 tional Capital Planning Act of 1952 (40 U.S.C. 71-71i),
22 including services as authorized by 5 U.S.C. 3109,
23 \$8,154,000: *Provided*, That one-quarter of 1 percent of
24 the funds provided under this heading may be used for
25 official reception and representational expenses associated

1 with hosting international visitors engaged in the planning
2 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), \$50,798,000, of which \$515,000 for the Museum’s
8 equipment replacement program, \$1,900,000 for the Mu-
9 seum’s repair and rehabilitation program, and \$1,264,000
10 for the Museum’s outreach initiatives program shall re-
11 main available until expended.

12 PRESIDIO TRUST

13 PRESIDIO TRUST FUND

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

18 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

19 SALARIES AND EXPENSES

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

1 CAPITAL CONSTRUCTION

2 For necessary expenses of the Dwight D. Eisenhower
3 Memorial Commission for design and construction of a
4 memorial in honor of Dwight D. Eisenhower, as author-
5 ized by Public Law 106–79, \$28,000,000, to remain avail-
6 able until expended: *Provided*, That beginning in fiscal
7 year 2012 and thereafter, any procurement for the con-
8 struction of the permanent memorial to Dwight D. Eisen-
9 hower, as authorized by section 8162 of the Department
10 of Defense Appropriations Act, 2000 (16 U.S.C. 431 note;
11 Public Law 106–79), as amended by section 8120 of the
12 Department of Defense Appropriations Act, 2002 (Public
13 Law 107–117), may be issued which includes the full
14 scope of the project: *Provided further*, That the solicitation
15 and contract with respect to the procurement shall contain
16 the “availability of funds” clause described in section
17 52.232.18 of title 48, Code of Federal Regulations: *Pro-*
18 *vided further*, That the funds appropriated herein shall be
19 deemed to satisfy the criteria for issuing a permit con-
20 tained in 40 U.S.C. 8906(a)(4) and (b).

1

TITLE IV

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFERS OF FUNDS)

4

LIMITATION ON CONSULTING SERVICES

5

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

12

RESTRICTION ON USE OF FUNDS

13

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

20

PROHIBITION ON USE OF FUNDS FOR PERSONAL

21

SERVICES

22

SEC. 403. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal

24

1 servants to any officer or employee of such department
2 or agency except as otherwise provided by law.

3 DISCLOSURE OF ADMINISTRATIVE EXPENSES

4 SEC. 404. Estimated overhead charges, deductions,
5 reserves or holdbacks from programs, projects, activities
6 and subactivities to support government-wide, depart-
7 mental, agency or bureau administrative functions or
8 headquarters, regional or central operations shall be pre-
9 sented in annual budget justifications and subject to ap-
10 proval by the Committees on Appropriations. Changes to
11 such estimates shall be presented to the Committees on
12 Appropriations for approval.

13 GIANT SEQUOIA

14 SEC. 405. None of the funds in this Act may be used
15 to plan, prepare, or offer for sale timber from trees classi-
16 fied as giant sequoia (*Sequoiadendron giganteum*) which
17 are located on National Forest System or Bureau of Land
18 Management lands in a manner different than such sales
19 were conducted in fiscal year 2010.

20 MINING APPLICATIONS

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

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

13 (c) REPORT.—On September 30, 2012, the Secretary
14 of the Interior shall file with the House and Senate Com-
15 mittees on Appropriations and the Committee on Natural
16 Resources of the House and the Committee on Energy and
17 Natural Resources of the Senate a report on actions taken
18 by the Department under the plan submitted pursuant to
19 section 314(c) of the Department of the Interior and Re-
20 lated Agencies Appropriations Act, 1997 (Public Law
21 104–208).

22 (d) MINERAL EXAMINATIONS.—In order to process
23 patent applications in a timely and responsible manner,
24 upon the request of a patent applicant, the Secretary of
25 the Interior shall allow the applicant to fund a qualified

1 third-party contractor to be selected by the Bureau of
2 Land Management to conduct a mineral examination of
3 the mining claims or mill sites contained in a patent appli-
4 cation as set forth in subsection (b). The Bureau of Land
5 Management shall have the sole responsibility to choose
6 and pay the third-party contractor in accordance with the
7 standard procedures employed by the Bureau of Land
8 Management in the retention of third-party contractors.

9 CONTRACT SUPPORT COSTS

10 SEC. 407. Notwithstanding any other provision of
11 law, amounts appropriated to or otherwise designated in
12 committee reports for the Bureau of Indian Affairs and
13 the Indian Health Service by Public Laws 103–138, 103–
14 332, 104–134, 104–208, 105–83, 105–277, 106–113,
15 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
16 109–289, division B and Continuing Appropriations Reso-
17 lution, 2007 (division B of Public Law 109–289, as
18 amended by Public Laws 110–5 and 110–28), Public
19 Laws 110–92, 110–116, 110–137, 110–149, 110–161,
20 110–329, 111–6, 111–8, 111–88, and 112–10 for pay-
21 ments for contract support costs associated with self-de-
22 termination or self-governance contracts, grants, com-
23 pacts, or annual funding agreements with the Bureau of
24 Indian Affairs or the Indian Health Service as funded by
25 such Acts, are the total amounts available for fiscal years

1 1994 through 2011 for such purposes, except that the Bu-
2 reau of Indian Affairs, tribes and tribal organizations may
3 use their tribal priority allocations for unmet contract sup-
4 port costs of ongoing contracts, grants, self-governance
5 compacts, or annual funding agreements.

6 FOREST MANAGEMENT PLANS

7 SEC. 408. The Secretary of Agriculture shall not be
8 considered to be in violation of subparagraph 6(f)(5)(A)
9 of the Forest and Rangeland Renewable Resources Plan-
10 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
11 more than 15 years have passed without revision of the
12 plan for a unit of the National Forest System. Nothing
13 in this section exempts the Secretary from any other re-
14 quirement of the Forest and Rangeland Renewable Re-
15 sources Planning Act (16 U.S.C. 1600 et seq.) or any
16 other law: *Provided*, That if the Secretary is not acting
17 expeditiously and in good faith, within the funding avail-
18 able, to revise a plan for a unit of the National Forest
19 System, this section shall be void with respect to such plan
20 and a court of proper jurisdiction may order completion
21 of the plan on an accelerated basis.

22 PROHIBITION WITHIN NATIONAL MONUMENTS

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

1 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
2 1331 et seq.) within the boundaries of a National Monu-
3 ment established pursuant to the Act of June 8, 1906 (16
4 U.S.C. 431 et seq.) as such boundary existed on January
5 20, 2001, except where such activities are allowed under
6 the Presidential proclamation establishing such monu-
7 ment.

8 INTERNATIONAL FIREFIGHTER COOPERATIVE
9 AGREEMENTS

10 SEC. 410. In entering into agreements with foreign
11 fire organizations pursuant to the Temporary Emergency
12 Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the
13 Secretary of Agriculture and the Secretary of the Interior
14 are authorized through fiscal year 2013 to enter into re-
15 ciprocal agreements in which the individuals furnished
16 under such agreements to provide wildfire services are
17 considered, for purposes of tort liability, employees of the
18 fire organization receiving such services when the individ-
19 uals are engaged in fire suppression or presuppression:
20 *Provided*, That the Secretary of Agriculture or the Sec-
21 retary of the Interior shall not enter into any agreement
22 under this section unless the foreign fire organization
23 agrees to assume any and all liability for the acts or omis-
24 sions of American firefighters engaged in fire suppression
25 or presuppression in a foreign country: *Provided further*,

1 That when an agreement is reached for furnishing fire
2 suppression or presuppression services, the only remedies
3 for acts or omissions committed while engaged in fire sup-
4 pression or presuppression shall be those provided under
5 the laws applicable to the fire organization receiving the
6 fire suppression or presuppression services, and those rem-
7 edies shall be the exclusive remedies for any claim arising
8 out of fire suppression or presuppression activities in a
9 foreign country: *Provided further*, That neither the send-
10 ing country nor any legal organization associated with the
11 firefighter shall be subject to any legal action, consistent
12 with the applicable laws governing sovereign immunity,
13 pertaining to or arising out of the firefighter's role in fire
14 suppression or presuppression, except that if the foreign
15 fire organization is unable to provide immunity under laws
16 applicable to it, it shall assume any and all liability for
17 the United States or for any legal organization associated
18 with the American firefighter, and for any and all costs
19 incurred or assessed, including legal fees, for any act or
20 omission pertaining to or arising out of the firefighter's
21 role in fire suppression or presuppression.

22 CONTRACTING AUTHORITIES

23 SEC. 411. In awarding a Federal contract with funds
24 made available by this Act, notwithstanding Federal Gov-
25 ernment procurement and contracting laws, the Secretary

1 of Agriculture and the Secretary of the Interior (the “Sec-
2 retaries”) may, in evaluating bids and proposals, give con-
3 sideration to local contractors who are from, and who pro-
4 vide employment and training for, dislocated and displaced
5 workers in an economically disadvantaged rural commu-
6 nity, including those historically timber-dependent areas
7 that have been affected by reduced timber harvesting on
8 Federal lands and other forest-dependent rural commu-
9 nities isolated from significant alternative employment op-
10 portunities: *Provided*, That notwithstanding Federal Gov-
11 ernment procurement and contracting laws the Secretaries
12 may award contracts, grants or cooperative agreements to
13 local non-profit entities, Youth Conservation Corps or re-
14 lated partnerships with State, local or non-profit youth
15 groups, or small or micro-business or disadvantaged busi-
16 ness: *Provided further*, That the contract, grant, or cooper-
17 ative agreement is for forest hazardous fuels reduction,
18 watershed or water quality monitoring or restoration, wild-
19 life or fish population monitoring, road decommissioning,
20 trail maintenance or improvement, or habitat restoration
21 or management: *Provided further*, That the terms “rural
22 community” and “economically disadvantaged” shall have
23 the same meanings as in section 2374 of Public Law 101–
24 624: *Provided further*, That the Secretaries shall develop
25 guidance to implement this section: *Provided further*, That

1 nothing in this section shall be construed as relieving the
2 Secretaries of any duty under applicable procurement
3 laws, except as provided in this section.

4 LIMITATION ON TAKINGS

5 SEC. 412. Unless otherwise provided herein, no funds
6 appropriated in this Act for the acquisition of lands or
7 interests in lands may be expended for the filing of dec-
8 larations of taking or complaints in condemnation without
9 the approval of the House and Senate Committees on Ap-
10 propriations: *Provided*, That this provision shall not apply
11 to funds appropriated to implement the Everglades Na-
12 tional Park Protection and Expansion Act of 1989, or to
13 funds appropriated for Federal assistance to the State of
14 Florida to acquire lands for Everglades restoration pur-
15 poses.

16 TIMBER SALE REQUIREMENTS

17 SEC. 413. No timber sale in Alaska's Region 10 shall
18 be advertised if the indicated rate is deficit (defined as
19 the value of the timber is not sufficient to cover all logging
20 and stumpage costs and provide a normal profit and risk
21 allowance under the Forest Service's appraisal process)
22 when appraised using a residual value appraisal. The west-
23 ern red cedar timber from those sales which is surplus
24 to the needs of the domestic processors in Alaska, shall
25 be made available to domestic processors in the contiguous

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

7 PROHIBITION ON NO-BID CONTRACTS

8 SEC. 414. None of the funds appropriated or other-
9 wise made available by this Act to executive branch agen-
10 cies may be used to enter into any Federal contract unless
11 such contract is entered into in accordance with the re-
12 quirements of the Federal Property and Administrative
13 Service Act of 1949 (41 U.S.C. 253) or chapter 137 of
14 title 10, United States Code, and the Federal Acquisition
15 Regulations, unless:

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

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

1 defined in section 4(e) of that Act (25 U.S.C.
2 450b(e)); or

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

5 SERVICE FIRST

6 SEC. 415. Section 330 of the Department of the Inte-
7 rior and Related Agencies Appropriations Act, 2001 (Pub-
8 lic Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note),
9 concerning Service First authorities, as amended by sec-
10 tion 428 of Public Law 109–54 (119 Stat. 555–556) and
11 section 418 of Public Law 111–8 (123 Stat. 747), is
12 amended—

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

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

18 REPORT ON LAND ENTITLEMENTS

19 SEC. 416. Within 60 days of enactment of this Act,
20 the Secretary of Agriculture shall provide to the House
21 and Senate Committees on Appropriations a report on the
22 status of land entitlements for regional corporations under
23 the Alaska Native Claims Settlement Act (43 U.S.C. 1601
24 et seq.) concerning prospective lands in national forests.

1 FOREST SERVICE REALIGNMENT AND ENHANCEMENT ACT
2 AMENDMENT

3 SEC. 417. Title V of the Forest Service Realignment
4 and Enhancement Act, 2005 (Public Law 109–54, 119
5 Stat. 559–563; 16 U.S.C. 580d note), as amended by sec-
6 tion 422 of Public Law 111–8, is further amended in sec-
7 tion 503(f) by striking “2011” and inserting in lieu there-
8 of “2016”.

9 POSTING OF REPORTS

10 SEC. 418. (a) Any agency receiving funds made avail-
11 able in this Act, shall, subject to subsections (b) and (c),
12 post on the public website of that agency any report re-
13 quired to be submitted by the Congress in this or any
14 other Act, upon the determination by the head of the agen-
15 cy that it shall serve the national interest.

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

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

19 (2) the report contains proprietary information.

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

1 EXTENSION OF GRAZING PERMITS

2 SEC. 419. The terms and conditions of section 325
3 of Public Law 108–108, regarding grazing permits at the
4 Department of the Interior and the Forest Service, shall
5 remain in effect for fiscal year 2012.

6 HAWAIIAN RECOGNITION

7 SEC. 420. Now and hereafter, in exercise of the au-
8 thority delegated under sections 441, 442, 463 and 465
9 of the Revised Statutes (43 U.S.C. 1457, 25 U.S.C. 2 and
10 9), the community recognized by and enrolled pursuant
11 to Act 195 (26th Haw. Leg. Sess. (2011)) may be recog-
12 nized and listed under section 104 of Public Law 103–
13 454 but not entitled to programs and services available
14 to entities thereunder unless a statute governing such a
15 program or service expressly provides otherwise.

16 ALASKA NATIVE REGIONAL HEALTH ENTITIES

17 SEC. 421. (a) Notwithstanding any other provision
18 of law and until October 1, 2013, the Indian Health Serv-
19 ice may not disburse funds for the provision of health care
20 services pursuant to Public Law 93–638 (25 U.S.C. 450
21 et seq.) to any Alaska Native village or Alaska Native vil-
22 lage corporation that is located within the area served by
23 an Alaska Native regional health entity.

24 (b) Nothing in this section shall be construed to pro-
25 hibit the disbursement of funds to any Alaska Native village
26 or Alaska Native village corporation under any contract

1 or compact entered into prior to May 1, 2006, or to pro-
2 hibit the renewal of any such agreement.

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

1

2

3 **TITLE V—JOHN H. CHAFEE**
4 **BLACKSTONE RIVER VALLEY**
5 **NATIONAL HISTORICAL PARK**

6 **SEC. 501. PURPOSE.**

7 The purpose of this title is to establish the John H.
8 Chafee Blackstone River Valley National Historical
9 Park—

10 (1) to help preserve, protect, and interpret the
11 nationally significant resources in the Blackstone
12 River Valley that exemplify the industrial heritage of
13 the John H. Chafee Blackstone River Valley Na-
14 tional Heritage Corridor for the benefit and inspira-
15 tion of future generations;

16 (2) to support the preservation, protection, and
17 interpretation of the urban, rural, and agricultural
18 landscape features (including the Blackstone River
19 and Canal) of the region that provide an overarching
20 context for the industrial heritage of the National
21 Heritage Corridor;

22 (3) to educate the public about—

23 (A) the industrial history of the National
24 Heritage Corridor; and

1 (B) the significance of the National Herit-
2 age Corridor to the past and present; and

3 (4) to support and enhance the network of part-
4 ners who will continue to engage in the protection,
5 improvement, management, and operation of key re-
6 sources and facilities throughout the National Herit-
7 age Corridor.

8 **SEC. 502. DEFINITIONS.**

9 In this title:

10 (1) MAP.—The term “map” means the map en-
11 titled “John H. Chafee Blackstone River Valley Na-
12 tional Historical Park,” numbered NEFA962/
13 111015, and dated October, 2011.

14 (2) NATIONAL HERITAGE CORRIDOR.—The
15 term “National Heritage Corridor” means the John
16 H. Chafee Blackstone River Valley National Herit-
17 age Corridor.

18 (3) PARK.—The term “Park” means the John
19 H. Chafee Blackstone River Valley National Histor-
20 ical Park established under section 503.

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior, acting through the Di-
23 rector of the National Park Service.

24 (5) STATE.—The term “State” means each of
25 the States of Massachusetts and Rhode Island.

1 **SEC. 503. ESTABLISHMENT OF JOHN H. CHAFEE BLACK-**
2 **STONE RIVER VALLEY NATIONAL HISTOR-**
3 **ICAL PARK.**

4 (a) **ESTABLISHMENT.**—There is established in the
5 States a unit of the National Park System, to be known
6 as the “John H. Chafee Blackstone River Valley National
7 Historical Park”.

8 (b) **BOUNDARIES.**—The Park shall be comprised of
9 the following sites and districts, as generally depicted on
10 the map:

11 (1) Old Slater Mill National Historic Landmark
12 District.

13 (2) Slatersville Historic District.

14 (3) Ashton Historic District.

15 (4) Whitinsville Historic District.

16 (5) Hopedale Village Historic District.

17 (6) Blackstone River and the tributaries of
18 Blackstone River.

19 (7) Blackstone Canal.

20 (c) **AVAILABILITY OF MAP.**—The map shall be avail-
21 able for public inspection in the appropriate offices of the
22 National Park Service.

23 (d) **ACQUISITION OF LAND.**—The Secretary may ac-
24 quire land or interests in land within the boundaries of
25 the Park by—

26 (1) donation;

1 (2) purchase with donated or appropriated
2 funds; or

3 (3) exchange.

4 (e) ADMINISTRATION.—

5 (1) IN GENERAL.—The Secretary shall admin-
6 ister the Park in accordance with—

7 (A) this title;

8 (B) the laws generally applicable to units
9 of the National Park System, including—

10 (i) the National Park Service Organic
11 Act (16 U.S.C. 1 et seq.); and

12 (ii) the Act of August 21, 1935 (16
13 U.S.C. 461 et seq.); and

14 (C) any cooperative agreements entered
15 into under subsection (f).

16 (2) GENERAL MANAGEMENT PLAN.—

17 (A) IN GENERAL.—Not later than 3 years
18 after the date on which funds are made avail-
19 able to carry out this title, the Secretary shall
20 prepare a general management plan for the
21 Park—

22 (i) in consultation with the States;

23 and

24 (ii) in accordance with—

1 (I) any cooperative agreements
2 entered into under subsection (f); and

3 (II) section 12(b) of the National
4 Park System General Authorities Act
5 (16 U.S.C. 1a–7(b)).

6 (B) REQUIREMENTS.—To the maximum
7 extent practicable, the plan prepared under sub-
8 paragraph (A) shall consider ways to use pre-
9 existing or planned visitor facilities and rec-
10 reational opportunities developed in the Na-
11 tional Heritage Corridor, including—

12 (i) The Blackstone Valley Visitor Cen-
13 ter, Pawtucket, RI;

14 (ii) Captain Wilbur Kelly House,
15 Blackstone River State Park, Lincoln, RI;

16 (iii) The Museum of Work and Cul-
17 ture, Woonsocket, RI;

18 (iv) River Bend Farm/Blackstone
19 River and Canal Heritage State Park,
20 Uxbridge, MA; and

21 (v) Worcester Blackstone Visitor Cen-
22 ter, located at the former Washburn &
23 Moen wire mill facility, Worcester, MA.

24 (f) COOPERATIVE AGREEMENTS.—The Secretary
25 may enter into cooperative agreements with the States, po-

1 litical subdivisions of the States, nonprofit organizations
2 (including Blackstone River Valley National Heritage Cor-
3 ridor, Inc.), and private property owners to provide tech-
4 nical assistance and interpretation in the Park and the
5 National Heritage Corridor.

6 (g) FINANCIAL ASSISTANCE.—Subject to the avail-
7 ability of appropriations, the Secretary may provide finan-
8 cial assistance, on a matching basis, for the conduct of
9 resource protection activities in the National Heritage
10 Corridor.

11 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this title.

1 **TITLE VI—MONTANA FORESTS**
2 **Subtitle A—Montana Forest Jobs**
3 **and Restoration Initiative**

4 **SEC. 601. PURPOSE.**

5 The purpose of this subtitle is to establish an initia-
6 tive—

7 (1) to preserve and create local jobs in rural
8 communities that are located in or near National
9 Forest System land;

10 (2) to create an immediate, predictable, and in-
11 creased flow of wood fiber with commercial value to
12 support and maintain locally based infrastructure
13 and economies that are necessary for the appro-
14 priate management and restoration of National For-
15 est System land;

16 (3) to promote cooperation and collaboration in
17 the management of National Forest System land;

18 (4) to restore and improve the ecological struc-
19 ture, composition, and function and the natural
20 processes of priority watersheds within the National
21 Forest System;

22 (5) to carry out collaborative projects to reduce
23 the risk of disturbances from fire, insects, and dis-
24 ease to communities, watersheds, and natural re-
25 sources through a collaborative process of planning,

1 prioritizing, and implementing ecological restoration
2 and hazardous fuel reduction projects; and

3 (6) to collect information from the projects car-
4 ried out under this subtitle in an effort to better un-
5 derstand the manner in which to improve forest res-
6 toration and management activities.

7 **SEC. 602. DEFINITIONS.**

8 In this subtitle:

9 (1) **AUTHORIZED FOREST AND WATERSHED**
10 **RESTORATION PROJECT.**—The term “authorized for-
11 est and watershed restoration project” means a col-
12 lection of activities within a watershed area that are
13 carried out—

14 (A) on eligible land; and

15 (B) to achieve the purposes of this subtitle.

16 (2) **DECOMMISSION.**—The term “decommis-
17 sion” means—

18 (A) to reestablish vegetation on a road or
19 trail; and

20 (B) to restore any natural drainage, water-
21 shed function, or other ecological processes that
22 are disrupted or adversely impacted by the road
23 or trail by removing or hydrologically dis-
24 connecting the road prism.

1 (3) ELIGIBLE LAND.—The term “eligible land”
2 means—

3 (A) land within the approximately
4 1,900,000 acres of land in the Beaverhead-
5 Deerlodge National Forest designated as “Suit-
6 able for Timber Production” and “Timber Har-
7 vest Is Allowed” as generally depicted on the
8 map entitled “Beaverhead-Deerlodge National
9 Forest, Revised Forest Plan, Modeled Timber
10 Harvest Classification” and dated December
11 10, 2008; and

12 (B)(i) land within the Three Rivers Ranger
13 District of the Kootenai National Forest; and

14 (ii) any land within the adjacent ranger
15 districts of the Kootenai National Forest that is
16 necessary to achieve the requirements of section
17 703(b).

18 (4) INFISH.—The term “INFISH” means the
19 land and resource management plan amendments
20 made before the date of enactment of this Act aris-
21 ing from the document—

22 (A) entitled “Inland Native Fish Strat-
23 egy”;

24 (B) published by the Department of Agri-
25 culture; and

1 (C) dated July 28, 1995.

2 (5) INITIATIVE.—The term “Initiative” means
3 the Montana Forest Jobs and Restoration Pilot Ini-
4 tiative established by section 703(a).

5 (6) MECHANICAL TREATMENT.—

6 (A) IN GENERAL.—The term “mechanical
7 treatment” means an activity that uses a tool
8 to remove fiber that has commercial value to
9 local markets in the vicinity of the area treated.

10 (B) INCLUSIONS.—The term “mechanical
11 treatment” includes leaving fiber on the forest
12 floor after treatment with a tool, if an option
13 for removal of the fiber was provided.

14 (C) EXCLUSIONS.—The term “mechanical
15 treatment” excludes prescribed burning.

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture, acting through the
18 Chief of the Forest Service.

19 (8) STEWARDSHIP CONTRACT.—The term
20 “stewardship contract” means a contract authorized
21 under section 347 of the Omnibus Consolidated and
22 Emergency Supplemental Appropriations Act, 1999
23 (16 U.S.C. 2104 note; Public Law 105–277) to
24 carry out land management goals that meet local

1 and rural community needs through a source that is
2 selected on a best-value basis.

3 (9) WATERSHED AREA.—The term “watershed
4 area” means 1 or more subwatersheds (also known
5 as 6th code hydrologic units).

6 **SEC. 603. MONTANA FOREST JOBS AND RESTORATION**
7 **PILOT INITIATIVE.**

8 (a) ESTABLISHMENT.—There is established the Mon-
9 tana Forest Jobs and Restoration Pilot Initiative under
10 which the Secretary shall implement authorized forest and
11 watershed restoration projects and other land manage-
12 ment projects on eligible land to achieve—

13 (1) the performance requirements under sub-
14 section (b); and

15 (2) the purposes of this subtitle.

16 (b) PERFORMANCE REQUIREMENTS.—Subject to
17 subsection (g), on the eligible land, the Secretary shall
18 place under contract for the mechanical treatment of vege-
19 tation—

20 (1) on the Beaverhead-Deerlodge National For-
21 est, a minimum of 5,000 acres annually until the
22 date on which a total of 70,000 acres in the Na-
23 tional Forest have been placed under contract.; and

24 (2) on the Kootenai National Forest—

1 (A) 2,000 acres during the first year after
2 the date of enactment of this Act;

3 (B) 2,500 acres during the second year
4 after the date of enactment of this Act; and

5 (C) 3,000 acres during each subsequent
6 year until the date on which a total of 30,000
7 acres in the National Forest have been placed
8 under contract.

9 (c) COLLABORATION.—

10 (1) IN GENERAL.—For each National Forest
11 within the Initiative, the Secretary shall identify 1 or
12 more collaborative groups or resource advisory com-
13 mittees that support the achievement of the pur-
14 poses of this subtitle.

15 (2) COMPOSITION.—A collaborative group or re-
16 source advisory committee identified under para-
17 graph (1) shall include multiple interested persons
18 representing diverse interests in forest and water-
19 shed management.

20 (3) CONSULTATION.—The Secretary shall con-
21 sult with a collaborative group or resource advisory
22 committee identified under paragraph (1) in the de-
23 velopment and implementation of each authorized
24 forest and watershed restoration project carried out
25 under the Initiative.

1 (4) EXPANSION.—The Secretary shall seek to
2 expand the public participation and diversity of in-
3 terests involved in the implementation of the Initia-
4 tive in each National Forest participating in the Ini-
5 tiative.

6 (d) ADMINISTRATIVE REVIEW.—

7 (1) IN GENERAL.—The administrative review
8 provisions of section 105 of the Healthy Forests
9 Restoration Act of 2003 (16 U.S.C. 6515) shall
10 apply to any administrative review of authorized for-
11 est and watershed restoration projects carried out
12 under this subtitle.

13 (2) PROPOSED DECISION.—The Secretary shall
14 provide notice of, and distribute, a proposed admin-
15 istrative decision with the environmental assessment
16 or final environmental impact statement for any
17 project subject to review under paragraph (1).

18 (3) INDEPENDENT MEDIATOR.—If 1 or more of
19 the parties to a special administrative review process
20 under paragraph (1) requests a mediator to help fa-
21 cilitate the process, an independent mediator may be
22 used for the administrative review process.

23 (e) JUDICIAL REVIEW.—Any judicial proceeding aris-
24 ing from an authorized forest and watershed restoration
25 project shall be conducted in accordance with section 106

1 of the Healthy Forests Restoration Act of 2003 (16
2 U.S.C. 6516).

3 (f) REPORTS.—

4 (1) ANNUAL SUMMARY.—The Secretary shall
5 provide to the appropriate committees of Congress
6 an annual summary of the progress of the Initiative
7 toward accomplishing the purposes of this subtitle,
8 including the performance requirements established
9 under subsection (b).

10 (2) PROGRESS REPORT.—

11 (A) IN GENERAL.—Not later than 5 years
12 after the date of enactment of this Act and
13 every 5 years thereafter, the Secretary shall
14 submit to the appropriate committees of Con-
15 gress a report that assesses the progress of the
16 Initiative toward accomplishing the purposes of
17 this subtitle.

18 (B) INCLUSIONS.—The report under sub-
19 paragraph (A) shall include an analysis, with
20 respect to the Initiative, of—

21 (i) fire and fuel dynamics, including
22 changes in—

23 (I) condition and class; and

24 (II) fuel levels and distribution;

1 (ii) biodiversity, including the selec-
2 tion of plant, terrestrial animals, and
3 aquatic organisms;

4 (iii) soil and water, including soil
5 movement, water quality, stream flows,
6 and soil productivity;

7 (iv) economic effects, including job
8 creation, labor income, and energy; and

9 (v) social implications, including land
10 management practices, aesthetics, and atti-
11 tudes towards land use.

12 (C) DATA ANALYSIS.—In preparing the re-
13 port under this paragraph, the Secretary may
14 consult with regional institutions of higher edu-
15 cation and institutions with the capacity to co-
16 ordinate, analyze, and archive the data collected
17 as a result of monitoring under the Initiative.

18 (g) EFFECT ON OTHER FUNDS.—Amounts expended
19 under the Initiative shall not reduce the allocations of ap-
20 propriated funds to the Secretary for use in other regions
21 of the Forest Service or other States.

22 (h) EXPANSION OF INITIATIVE.—

23 (1) IN GENERAL.—The Secretary may elect to
24 include the Seeley Ranger District of the Lolo Na-
25 tional Forest in the Initiative, if—

1 (A) the Seeley Ranger District no longer
2 receives funding under section 4003(b)(1)(B) of
3 the Omnibus Public Land Management Act of
4 2009 (16 U.S.C. 7303(b)(1)(B)); and

5 (B) a local collaborative group for the Dis-
6 trict requests inclusion in the Initiative.

7 (2) REQUIREMENTS.—On the election by the
8 Secretary to include the Seeley Ranger District in
9 the Initiative, the requirements of the Initiative
10 under this subtitle shall apply to the District.

11 (i) TERMINATION DATE.—

12 (1) IN GENERAL.—The Initiative shall termi-
13 nate on the later of—

14 (A) the date that is 15 years after the date
15 of enactment of this Act; or

16 (B) the date on which the Secretary deter-
17 mines that the performance requirements under
18 subsection (b) have been achieved.

19 (2) EFFECT.—Nothing in this subsection af-
20 fects a valid contract in effect on the termination
21 date under paragraph (1).

22 **SEC. 604. AUTHORIZED FOREST AND WATERSHED RES-**
23 **TORATION PROJECTS.**

24 (a) IMPLEMENTATION.—

1 (1) IN GENERAL.—The Secretary shall annually
2 implement 1 or more authorized forest and water-
3 shed restoration projects on the eligible land.

4 (2) LANDSCAPE-SCALE PROJECTS.—The Sec-
5 retary shall implement in 1 or more watershed areas
6 authorized forest and watershed restoration projects
7 that provide landscape-scale work with the goal of
8 minimizing entries into the watershed.

9 (3) STEWARDSHIP CONTRACTS.—

10 (A) IN GENERAL.—To the maximum ex-
11 tent practicable, the Secretary shall enter into
12 stewardship contracts or agreements to carry
13 out authorized forest and watershed restoration
14 projects.

15 (B) STEWARDSHIP CONTRACT PRIOR-
16 ITIES.—In developing a stewardship contract
17 under subparagraph (A), the Secretary shall,
18 after consultation with the relevant collabo-
19 rative groups or resource advisory committees
20 identified under section 703(c)(1), prioritize
21 areas consistent with the priorities described in
22 paragraph (4).

23 (4) PRIORITY.—Consistent with the purposes of
24 this subtitle, the Secretary shall give priority to car-

1 rying out authorized forest and watershed restora-
2 tion projects in areas—

3 (A) in which the road density exceeds 1.5
4 miles per square mile;

5 (B) in the wildland-urban interface (as de-
6 fined in section 101 of the Healthy Forests
7 Restoration Act of 2003 (16 U.S.C. 6511)) that
8 are at risk of wildfire that threatens public in-
9 frastructure or private property;

10 (C) in which fish and wildlife habitat
11 connectivity is compromised as a result of past
12 management practices; and

13 (D) that contain forests that are at risk
14 from insect epidemics or high-severity wildfires.

15 (5) ENVIRONMENTAL REVIEW.—An environ-
16 mental review of authorized forest and watershed
17 restoration projects shall be carried out in accord-
18 ance with section 104 of the Healthy Forests Res-
19 toration Act of 2003 (16 U.S.C. 6515), except
20 that—

21 (A) the review shall also address—

22 (i) the activities necessary to meet the
23 purposes and requirements of this subtitle;
24 and

1 (ii) the site-specific impacts of an au-
2 thorized forest and watershed restoration
3 project;

4 (B) on signing of a record of decision or
5 finding of no significant impact for the author-
6 ized forest and watershed restoration project,
7 the Secretary shall implement the authorized
8 forest and watershed restoration project; and

9 (C) if the Secretary or a court determines
10 that additional review is warranted due to sig-
11 nificant new circumstances after implementa-
12 tion of an authorized forest and watershed res-
13 toration project has begun, the additional anal-
14 ysis shall not interrupt the implementation of
15 the activities that are not subject to the addi-
16 tional review, in accordance with the National
17 Environmental Policy Act of 1969 (42 U.S.C.
18 4321 et seq.).

19 (b) PROJECT REQUIREMENTS.—

20 (1) RIPARIAN HABITAT PROTECTION.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), the Secretary shall comply
23 with INFISH in carrying out each authorized
24 forest and watershed restoration project.

1 (B) MODIFICATIONS.—The Secretary may
2 modify INFISH if the Secretary determines,
3 after taking into consideration the best avail-
4 able science, that the modifications would meet
5 or exceed the intent and goals of INFISH.

6 (2) ROADS.—In carrying out any authorized
7 forest and watershed restoration project under this
8 subtitle, the Secretary shall—

9 (A) not construct any permanent road, un-
10 less—

11 (i) the Secretary determines that the
12 road is a justifiable realignment of a per-
13 manent road to restore or improve the eco-
14 logical structure, composition, and function
15 and the natural processes of the affected
16 forest or watershed; and

17 (ii) the replaced road bed is decom-
18 missioned by removing the road prism; and

19 (B) decommission any temporary road con-
20 structed to carry out the land management
21 project by the conclusion of the contract.

22 (3) ROAD DENSITY.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the Secretary, at the conclu-
25 sion of an authorized forest and watershed res-

1 toration project, shall achieve a road density
2 maximum of 1.5 linear miles per square mile,
3 averaged over the watershed area.

4 (B) EXCEPTIONS.—Notwithstanding sub-
5 paragraph (A), the maximum road density pro-
6 vided in an applicable land management plan
7 shall apply if—

8 (i) the applicable land management
9 plan requires a road density maximum that
10 is less than that required under subpara-
11 graph (A); or

12 (ii) the authorized forest and water-
13 shed restoration project is carried out in
14 an area governed by an interagency grizzly
15 bear conservation plan.

16 (C) METHOD.—The road density estab-
17 lished under subparagraph (A) may be accom-
18 plished through a combination of decommis-
19 sioning and year-round permanent closure, ex-
20 cept that the Secretary shall prioritize for de-
21 commissioning any roads adversely affecting
22 water quality or fish habitat.

23 (4) VEGETATION MANAGEMENT.—The Sec-
24 retary shall design authorized forest and watershed
25 restoration projects to produce commercial and non-

1 commercial wood products, consistent with the pur-
2 poses of this subtitle.

3 **SEC. 605. MISCELLANEOUS.**

4 (a) IN GENERAL.—Except as otherwise provided in
5 this subtitle, the Secretary shall administer the National
6 Forests subject to the Initiative in accordance with appli-
7 cable law.

8 (b) AGENCY PARTICIPATION.—The Secretary may, in
9 accordance with applicable law, permit the Seeley Lake
10 District Ranger of the Lolo National Forest and the Lin-
11 coln District Ranger of the Helena National Forest to
12 serve in the official capacities of the districts on the Board
13 of Directors of the Blackfoot Challenge.

14 (c) BIOMASS.—To help improve forest restoration ac-
15 tivities by using and creating markets for small-diameter
16 material and low-valued trees removed from forest restora-
17 tion activities in the State, the Secretary may provide
18 grants through the Woody Biomass Utilization Grant Pro-
19 gram or any other biomass program in accordance with
20 applicable law.

21 **Subtitle B—Designation of Wilder-
22 ness and Special Management
23 Areas in Montana**

24 **SEC. 606. PURPOSES.**

25 The purposes of this subtitle are—

1 (1) to protect and enhance motorized rec-
2 reational opportunities in the Beaverhead-Deerlodge
3 National Forest, the Lolo National Forest, and the
4 Kootenai National Forest; and

5 (2) to protect and enhance the wild heritage
6 and backcountry traditions of the State through—

7 (A) the addition of certain land to the Na-
8 tional Wilderness Preservation System; and

9 (B) the management of other land in a
10 manner that preserves existing primitive and
11 semi-primitive recreational activities.

12 **SEC. 607. DEFINITIONS.**

13 In this subtitle:

14 (1) BEAVERHEAD-DEERLODGE NATIONAL FOR-
15 EST.—The term “Beaverhead-Deerlodge National
16 Forest” means the National Forest that is—

17 (A) comprised of—

18 (i) the Beaverhead National Forest;

19 and

20 (ii) the Deerlodge National Forest;

21 and

22 (B) managed by the Secretary concerned
23 as a single administrative unit.

24 (2) FOREST PLAN.—The term “forest plan”
25 means a land and resource management plan pre-

1 pared in accordance with section 6 of the Forest and
2 Rangeland Renewable Resources Planning Act of
3 1974 (16 U.S.C. 1604).

4 (3) SECRETARY CONCERNED.—The term “Sec-
5 retary concerned” means—

6 (A) the Secretary of Agriculture, acting
7 through the Chief of the Forest Service, with
8 respect to National Forest System land; and

9 (B) the Secretary of the Interior, with re-
10 spect to land managed by the Bureau of Land
11 Management (including land held for the ben-
12 efit of an Indian tribe).

13 (4) STATE.—The term “State” means the State
14 of Montana.

15 **SEC. 608. DESIGNATION OF WILDERNESS AREAS.**

16 (a) LAND ADMINISTERED BY THE FOREST SERV-
17 ICE.—In furtherance of the purposes of the Wilderness
18 Act (16 U.S.C. 1131 et seq.), the following areas in the
19 State are designated as wilderness areas and as compo-
20 nents of the National Wilderness Preservation System:

21 (1) ANACONDA PINTLAR WILDERNESS ADDI-
22 TIONS.—Certain land in the Beaverhead-Deerlodge
23 National Forest, comprising approximately 65,407
24 acres, as generally depicted on the map entitled
25 “Anaconda-Pintlar Wilderness Additions” and dated

1 September 13, 2010, is incorporated in, and shall be
2 considered to be a part of, the Anaconda-Pintlar
3 Wilderness.

4 (2) BOB MARSHALL WILDERNESS ADDITIONS.—
5 Certain land in the Lolo National Forest, comprising
6 approximately 40,072 acres generally depicted as the
7 “North Fork Blackfoot-Monture Creek Wilderness
8 Addition (Bob Marshall Addition)” and approxi-
9 mately 7,792 acres generally depicted as the “Griz-
10 zly Basin of the Swan Range Wilderness Addition”
11 on the map entitled “Bob Marshall, Mission Moun-
12 tains and Scapegoat Wilderness Additions and
13 Otatsy Recreation Management Area” and dated
14 September 13, 2010, is incorporated in, and shall be
15 considered to be a part of, the Bob Marshall Wilder-
16 ness.

17 (3) DOLUS LAKES WILDERNESS.—Certain land
18 in the Beaverhead-Deerlodge National Forest, com-
19 prising approximately 9,407 acres, as generally de-
20 picted on the map entitled “Dolus Lakes Wilder-
21 ness” and dated September 13, 2010, which shall be
22 known as the “Dolus Lakes Wilderness”.

23 (4) EAST PIONEERS WILDERNESS.—Certain
24 land in the Beaverhead-Deerlodge National Forest,
25 comprising approximately 77,438 acres, as generally

1 depicted on the map entitled “East Pioneers Wilder-
2 ness” and dated September 13, 2010, which shall be
3 known as the “East Pioneers Wilderness”.

4 (5) ELECTRIC PEAK WILDERNESS.—Certain
5 land in the Beaverhead-Deerlodge National Forest,
6 comprising approximately 5,670 acres, as generally
7 depicted on the map entitled “Electric Peak Wilder-
8 ness and Thunderbolt Creek Recreation Manage-
9 ment Area” and dated September 13, 2010, which
10 shall be known as the “Electric Peak Wilderness”.

11 (6) HIGHLANDS WILDERNESS.—Certain land in
12 the Beaverhead-Deerlodge National Forest, com-
13 prising approximately 15,659 acres, as generally de-
14 picted on the map entitled “Highlands Wilderness
15 Area and Special Management Area” and dated
16 September 13, 2010, which shall be known as the
17 “Highlands Wilderness”.

18 (7) ITALIAN PEAKS WILDERNESS.—Certain
19 land in the Beaverhead-Deerlodge National Forest,
20 comprising approximately 29,677 acres, as generally
21 depicted on the map entitled “Italian Peaks Wilder-
22 ness” and dated September 13, 2010, which shall be
23 known as the “Italian Peaks Wilderness”.

24 (8) LEE METCALF WILDERNESS ADDITIONS.—
25 Certain land in the Beaverhead-Deerlodge National

1 Forest, comprising approximately 17,201 acres, as
2 generally depicted on the map entitled “Lee Metcalf
3 Wilderness Additions” and dated September 13,
4 2010, is incorporated in, and shall be considered to
5 be a part of, the Lee Metcalf Wilderness.

6 (9) LIMA PEAKS WILDERNESS.—Certain land in
7 the Beaverhead-Deerlodge National Forest, com-
8 prising approximately 35,012 acres, as generally de-
9 picted on the map entitled “Lima Peaks Wilderness”
10 and dated September 13, 2010, which shall be
11 known as the “Lima Peaks Wilderness”.

12 (10) MISSION MOUNTAINS WILDERNESS ADDI-
13 TION.—Certain land in the Lolo National Forest,
14 which comprises approximately 4,460 acres, as gen-
15 erally depicted as the “West Fork Clearwater Wil-
16 derness Addition” on the map entitled “Bob Mar-
17 shall, Mission Mountains and Scapegoat Wilderness
18 Additions and Otatsy Recreation Management Area”
19 and dated September 13, 2010, is incorporated in,
20 and shall be considered to be a part of, the Mission
21 Mountains Wilderness designated by Public Law 93–
22 632 (88 Stat. 2153).

23 (11) MOUNT JEFFERSON WILDERNESS.—Cer-
24 tain land in the Beaverhead-Deerlodge National For-
25 est, comprising approximately 4,465 acres, as gen-

1 erally depicted on the map entitled “Mount Jeffer-
2 son Wilderness” and dated September 13, 2010,
3 which shall be known as the “Mount Jefferson Wil-
4 derness”.

5 (12) QUIGG PEAK WILDERNESS.—Certain land
6 in the Beaverhead-Deerlodge National Forest, com-
7 prising approximately 8,275 acres, as generally de-
8 picted on the map entitled “Quigg Peak Wilderness”
9 and dated September 13, 2010, which shall be
10 known as the “Quigg Peak Wilderness”.

11 (13) RODERICK WILDERNESS.—Certain land in
12 the Kootenai National Forest, which comprises ap-
13 proximately 29,467 acres, as generally depicted as
14 the “Roderick Wilderness Area” on the map entitled
15 “Roderick Wilderness and Special Management Area
16 and Three Rivers Special Management Area” and
17 dated September 13, 2010, which shall be known as
18 the “Roderick Wilderness”.

19 (14) SAPPHIRES WILDERNESS.—Certain land in
20 the Beaverhead-Deerlodge National Forest, com-
21 prising approximately 43,101 acres, as generally de-
22 picted on the map entitled “Sapphires Wilderness”
23 and dated September 13, 2010, which shall be
24 known as the “Sapphires Wilderness”.

1 (15) SCAPEGOAT WILDERNESS ADDITIONS.—
2 Certain land in the Lolo National Forest, which
3 comprises approximately 30,967 acres, as generally
4 depicted as the “North Fork Blackfoot-Monture
5 Creek Wilderness Addition (Scapegoat Addition)” on
6 the map entitled “Bob Marshall, Mission Mountains
7 and Scapegoat Wilderness Additions and Otatsy
8 Recreation Management Area” and dated September
9 13, 2010, is incorporated in, and shall be considered
10 to be a part of, the Scapegoat Wilderness designated
11 by Public Law 92–395 (86 Stat. 578).

12 (16) SNOWCREST WILDERNESS.—Certain land
13 in the Beaverhead-Deerlodge National Forest, com-
14 prising approximately 91,561 acres, as generally de-
15 picted on the map entitled “Snowcrest Wilderness”
16 and dated September 13, 2010, which shall be
17 known as the “Snowcrest Wilderness”.

18 (17) STONY MOUNTAIN WILDERNESS.—Certain
19 land in the Beaverhead-Deerlodge National Forest,
20 comprising approximately 14,213 acres, as generally
21 depicted on the map entitled “Stony Mountain Wil-
22 derness” and dated September 13, 2010, which shall
23 be known as the “Stony Mountain Wilderness”.

24 (18) WEST BIG HOLE WILDERNESS.—Certain
25 land in the Beaverhead-Deerlodge National Forest,

1 comprising approximately 44,156 acres, as generally
2 depicted on the map entitled “West Big Hole Wil-
3 derness and Recreation Management Area” and
4 dated September 13, 2010, which shall be known as
5 the “West Big Hole Wilderness”.

6 (19) WEST PIONEERS WILDERNESS.—Certain
7 land in the Beaverhead-Deerlodge National Forest,
8 comprising approximately 26,560 acres, as generally
9 depicted on the map entitled “West Pioneers Wilder-
10 ness and Recreation Management Area” and dated
11 September 13, 2010, which shall be known as the
12 “West Pioneers Wilderness”.

13 (b) LAND ADMINISTERED BY THE BUREAU OF LAND
14 MANAGEMENT.—In furtherance of the purposes of the
15 Wilderness Act (16 U.S.C. 1131 et seq.), the following
16 areas in the State are designated as wilderness areas and
17 as components of the National Wilderness Preservation
18 System:

19 (1) BLACKTAIL MOUNTAINS WILDERNESS.—
20 Certain public land administered by the Bureau of
21 Land Management, comprising approximately
22 10,675 acres, as generally depicted on the map enti-
23 tled “Blacktail Mountains Wilderness” and dated
24 July 27, 2010, which shall be known as the
25 “Blacktail Mountains Wilderness”.

1 (2) CENTENNIAL MOUNTAINS WILDERNESS.—
2 Certain public land administered by the Bureau of
3 Land Management, comprising approximately
4 23,700 acres, as generally depicted on the map enti-
5 tled “Centennial Mountains Wilderness” and dated
6 July 27, 2010, which shall be known as the “Cen-
7 tennial Mountains Wilderness”.

8 (3) RUBY MOUNTAINS WILDERNESS.—Certain
9 public land administered by the Bureau of Land
10 Management, comprising approximately 16,300
11 acres, as generally depicted on the map entitled
12 “Ruby Mountains Wilderness” and dated July 27,
13 2010, which shall be known as the “Ruby Mountains
14 Wilderness”.

15 (4) EAST FORK BLACKTAIL WILDERNESS.—Cer-
16 tain public land administered by the Bureau of Land
17 Management, comprising approximately 6,125 acres,
18 as generally depicted on the map entitled “East
19 Fork Blacktail Wilderness” and dated July 27,
20 2010, which shall be known as the “East Fork
21 Blacktail Wilderness”.

22 (5) HUMBUG SPIRES WILDERNESS.—Certain
23 public land administered by the Bureau of Land
24 Management, comprising approximately 8,900 acres,
25 as generally depicted on the map entitled “Humbug

1 Spires Wilderness” and dated July 27, 2010, which
2 shall be known as the “Humbug Spires Wilderness”.

3 (c) **TRANSFER OF ADMINISTRATIVE JURISDIC-**
4 **TION.**—Administrative jurisdiction over certain public
5 land administered by the Bureau of Land Management,
6 comprising approximately 663 acres, as generally known
7 as “Farlin Creek Administrative Transfer” depicted on
8 the map entitled “East Pioneers Wilderness” and dated
9 September 13, 2010, is transferred to the Secretary of Ag-
10 riculture, and is incorporated in, and shall be considered
11 to be a part of, the East Pioneers Wilderness designated
12 by subsection (a)(4).

13 **SEC. 609. ADMINISTRATION OF WILDERNESS AREAS.**

14 (a) **MANAGEMENT.**—Subject to valid existing rights,
15 each area designated as wilderness by section 713 shall
16 be administered by the Secretary concerned in accordance
17 with the Wilderness Act (16 U.S.C. 1131 et seq.), except
18 that—

19 (1) any reference in that Act to the effective
20 date shall be considered to be a reference to the date
21 of enactment of this Act; and

22 (2) with respect to public land administered by
23 the Bureau of Land Management, any reference in
24 that Act to the Secretary of Agriculture shall be con-

1 sidered to be a reference to the Secretary of the In-
2 terior.

3 (b) MAPS AND LEGAL DESCRIPTIONS.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary con-
6 cerned shall file a map and a legal description of
7 each wilderness area and potential wilderness area
8 designated by this section, with—

9 (A) the Committee on Energy and Natural
10 Resources of the Senate; and

11 (B) the Committee on Natural Resources
12 of the House of Representatives.

13 (2) FORCE OF LAW.—The maps and legal de-
14 scriptions filed under paragraph (1) shall have the
15 same force and effect as if included in this subtitle,
16 except that the Secretary concerned may correct ty-
17 pographical errors in the maps and legal descrip-
18 tions.

19 (3) PUBLIC AVAILABILITY.—Each map and
20 legal description filed under paragraph (1) shall be
21 on file and available for public inspection in the ap-
22 propriate offices of the Forest Service and the Bu-
23 reau of Land Management.

24 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
25 ESTS.—Any land within the boundary of a wilderness area

1 designated by section 713 that is acquired by the United
2 States shall—

3 (1) become part of the wilderness area in which
4 the land is located; and

5 (2) be managed in accordance with this section,
6 the Wilderness Act (16 U.S.C. 1131 et seq.), and
7 any other applicable law.

8 (d) WITHDRAWAL.—Subject to valid existing rights,
9 the Federal land designated as wilderness by section 713
10 is withdrawn from all forms of—

11 (1) entry, appropriation, or disposal under the
12 public land laws;

13 (2) location, entry, and patent under the mining
14 laws; and

15 (3) disposition under all laws pertaining to min-
16 eral and geothermal leasing or mineral materials.

17 (e) FIRE, INSECTS, AND DISEASES.—In accordance
18 with section 4(d)(1) of the Wilderness Act (16 U.S.C.
19 1133(d)(1)), within the wilderness areas designated by
20 section 713, the Secretary concerned may take such meas-
21 ures as are necessary to control fire, insects, and diseases,
22 subject to such terms and conditions as the Secretary con-
23 cerned determines to be appropriate.

24 (f) ACCESS TO PRIVATE LAND.—In accordance with
25 section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)),

1 the Secretary concerned shall provide any owner of private
2 land within the boundary of a wilderness area designated
3 by section 713 adequate access to the private land.

4 (g) FISH AND WILDLIFE.—

5 (1) IN GENERAL.—Nothing in this subtitle af-
6 fects the jurisdiction or responsibilities of the State
7 with respect to fish and wildlife, including the regu-
8 lation of hunting, fishing, and trapping.

9 (2) MANAGEMENT ACTIVITIES.—In furtherance
10 of the purposes and principles of the Wilderness Act
11 (16 U.S.C. 1131 et seq.), the Secretary concerned
12 may carry out management activities to maintain or
13 restore fish and wildlife populations (including ac-
14 tivities to maintain and restore fish and wildlife
15 habitats to support the populations) in a wilderness
16 area designated by section 713 if the activities are—

17 (A) consistent with applicable wilderness
18 management plans; and

19 (B) carried out in accordance with applica-
20 ble guidelines and policies.

21 (h) SNOW SENSORS AND STREAM GAUGES.—Nothing
22 in this subtitle prevents the installation or maintenance
23 of hydrological, meteorological, or climatological instru-
24 mentation in a wilderness area designated by section 713
25 if the Secretary concerned determines that the installation

1 or maintenance of the instrumentation is necessary to fur-
2 ther the scientific, educational, or conservation purposes
3 of the wilderness area.

4 (i) LIVESTOCK.—Within the wilderness areas, the
5 grazing of livestock in which grazing is established before
6 the date of enactment of this Act shall be allowed to con-
7 tinue, subject to such reasonable regulations, policies, and
8 practices as the Secretary concerned determines to be nec-
9 essary, in accordance with—

10 (1) section 4(d)(4) of the Wilderness Act (16
11 U.S.C. 1131(d)(4));

12 (2) with respect to wilderness areas adminis-
13 tered by the Secretary of Agriculture, the guidelines
14 described in House Report 96–617 of the 96th Con-
15 gress; and

16 (3) with respect to wilderness areas adminis-
17 tered by the Secretary of the Interior, the guidelines
18 described in Appendix A of House Report 101–405
19 of the 101st Congress.

20 (j) OUTFITTING AND GUIDE ACTIVITIES.—

21 (1) IN GENERAL.—In accordance with section
22 4(d)(5) of the Wilderness Act (16 U.S.C.
23 1133(d)(5)), commercial services (including author-
24 ized outfitting and guide activities) within the wil-
25 derness areas designated by section 713 may be per-

1 formed to the extent necessary for activities that are
2 proper for realizing the recreational or other wilder-
3 ness purposes of the wilderness areas.

4 (2) EFFECT.—Nothing in this subtitle requires
5 the Secretary concerned to modify permits in effect
6 as of the date of enactment of this Act to provide
7 outfitting and guide services within the areas des-
8 ignated as wilderness by section 713, if the Sec-
9 retary concerned determines that the activities are in
10 compliance with section 4(d)(5) of the Wilderness
11 Act (16 U.S.C. 1133(d)(5)).

12 (k) ADJACENT MANAGEMENT.—

13 (1) IN GENERAL.—The designation of a wilder-
14 ness area by section 713 shall not create any protec-
15 tive perimeter or buffer zone around the wilderness
16 area.

17 (2) NONWILDERNESS ACTIVITIES.—The fact
18 that nonwilderness activities or uses can be seen or
19 heard from areas within a wilderness area des-
20 ignated by section 713 shall not preclude the con-
21 duct of the activities or uses outside the boundary
22 of the wilderness area.

23 (l) WATER IMPOUNDMENT STRUCTURES.—

24 (1) IN GENERAL.—The Secretary concerned
25 may issue a special use authorization to an owner of

1 a water storage, transport, or diversion facility lo-
2 cated within the areas designated as wilderness by
3 section 713 for the continued operation, mainte-
4 nance, and reconstruction of the facility if—

5 (A) the facility was in existence before the
6 date of the designation of the wilderness area;
7 and

8 (B) the Secretary concerned determines
9 that—

10 (i) the facility has been in substan-
11 tially continuous use to deliver water for
12 the beneficial use on the non-Federal land
13 of the owner since the date of the designa-
14 tion of the wilderness area;

15 (ii) the owner of the facility holds a
16 valid water right for use of the water
17 under State law, with a priority date that
18 predates the date of the designation of the
19 wilderness area; and

20 (iii) it is not practicable or feasible to
21 relocate the facility to land outside the
22 boundary of the wilderness and continue
23 the beneficial use of water on the non-Fed-
24 eral land recognized under State law.

1 (2) USE OF MOTORIZED EQUIPMENT AND
2 MECHANIZED TRANSPORT.—The special use author-
3 ization under paragraph (1) may allow for the use
4 of motorized equipment and mechanized transport if
5 the Secretary concerned determines, after con-
6 ducting a minimum tool analysis, that the use of
7 nonmotorized equipment and nonmechanized trans-
8 port is impracticable or infeasible.

9 (3) TERMS AND CONDITIONS.—The Secretary
10 concerned may include such terms and conditions in
11 the special use authorization under paragraph (1) as
12 the Secretary concerned determines appropriate to
13 protect the wilderness values of the area.

14 (m) SNOWCREST WILDERNESS AREA.—With respect
15 to the Snowcrest Wilderness Area—

16 (1) the continuation of reasonable motorized ac-
17 cess to maintain water infrastructure for cattle that
18 was constructed to protect fluvial Arctic Grayling
19 and other aquatic species in the Ruby River may
20 continue—

21 (A) subject to a permit; and

22 (B) in accordance with—

23 (i) section 4(d)(4) of the Wilderness
24 Act (16 U.S.C. 1133(d)(4)); and

1 (ii) the guidelines described in House
2 Report 96-617 of the 96th Congress; and
3 (2) the trailing of sheep across the Snowcrest
4 Wilderness area to reach existing grazing allotments
5 in the Gravelly Mountains may be continued for the
6 tenure of the allotments—

7 (A) subject to—

8 (i) a permit; and

9 (ii) a determination by the Secretary
10 of Agriculture (acting through the Forest
11 Supervisor) that the use of nonmechanized
12 transport is impracticable or infeasible;
13 and

14 (B) to the maximum extent practicable, in
15 accordance with the guidelines described in
16 House Report 96-617 of the 96th Congress.

17 **SEC. 610. RELEASE OF BUREAU OF LAND MANAGEMENT**
18 **STUDY AREAS.**

19 (a) FINDING.—Congress finds that, for purposes of
20 section 603 of the Federal Land Policy and Management
21 Act of 1976 (43 U.S.C. 1782), any portion of a wilderness
22 study area described in subsection (b) that is not des-
23 ignated as a wilderness area by section 713 or any other
24 Act enacted before the date of enactment of this Act has
25 been adequately studied for wilderness.

1 (b) DESCRIPTION OF STUDY AREAS.—The study
2 areas referred to in subsection (a) are—

3 (1) the Axolotl Lakes Wilderness Study Area;

4 (2) the Bell and Limekiln Canyons Wilderness
5 Study Area;

6 (3) the Blacktail Mountains Wilderness Study
7 Area;

8 (4) the Centennial Mountains Wilderness Study
9 Area;

10 (5) the Farlin Creek Wilderness Study Area;

11 (6) the Henneberry Ridge Wilderness Study
12 Area;

13 (7) the Hidden Pasture Wilderness Study Area;

14 (8) the Humbug Spires Wilderness Study Area;

15 and

16 (9) the Ruby Mountains Wilderness Study
17 Area.

18 (c) RELEASE.—Any study area described in sub-
19 section (b) that is not designated as a wilderness area by
20 section 713—

21 (1) is no longer subject to section 603(c) of the
22 Federal Land Policy and Management Act of 1976
23 (43 U.S.C. 1782(c)); and

1 (2) shall be managed in accordance with the ap-
2 plicable land management plans adopted under sec-
3 tion 202 of that Act (43 U.S.C. 1712).

4 **SEC. 611. RELEASE OF SAPPHIRE AND WEST PIONEER WIL-**
5 **DERNESS STUDY AREAS.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the studies conducted under section 2 of the
8 Montana Wilderness Study Act of 1977 (Public Law
9 95–150; 91 Stat. 1243) regarding each study area
10 described in subsection (b) are adequate for the con-
11 sideration of the suitability of each study area for
12 inclusion as a component of the National Wilderness
13 Preservation System; and

14 (2) the Secretary of Agriculture is not re-
15 quired—

16 (A) to review the wilderness option for
17 each study area described in subsection (b)
18 prior to the revision of the forest plan required
19 for each land that comprises each study area in
20 accordance with the Forest and Rangeland Re-
21 newable Resources Planning Act of 1974 (16
22 U.S.C. 1600 et seq.); and

23 (B) to manage the portion of each study
24 area described in subsection (b) that is not des-
25 ignated as wilderness by section 713 to ensure

1 the suitability of the area for designation as a
2 component of the National Wilderness Preser-
3 vation System pending revision of the applicable
4 forest plan.

5 (b) DESCRIPTION OF STUDY AREAS.—The study
6 areas referred to in subsection (a) are those portions of
7 the following wilderness study areas which are not des-
8 ignated as wilderness by section 713:

9 (1) The portion of the Sapphire Wilderness
10 Study Area that is located on the Beaverhead-
11 Deerlodge National Forest, as described in section
12 2(4) of the Montana Wilderness Study Act of 1977
13 (Public Law 95–150; 91 Stat. 1243).

14 (2) The West Pioneer Wilderness Study Area,
15 as described in section 2(1) of the Montana Wilder-
16 ness Study Act of 1977 (Public Law 95–150; 91
17 Stat. 1243).

18 **SEC. 612. SPECIAL MANAGEMENT AND RECREATION MAN-**
19 **AGEMENT AREAS.**

20 (a) DESIGNATION.—To conserve, protect, and en-
21 hance the scenic, fish and wildlife, recreational,
22 backcountry heritage, and other natural resource values
23 of the areas, the following areas in the State are des-
24 ignated for special management by the Secretary con-
25 cerned in accordance with this section:

1 (1) HIGHLANDS SPECIAL MANAGEMENT
2 AREA.—Certain Federal land in the Beaverhead-
3 Deerlodge National Forest, comprising approxi-
4 mately 5,011 acres, as generally depicted on the
5 map entitled “Highlands Wilderness Area and Spe-
6 cial Management Area” and dated September 13,
7 2010, which is designated as the “Highlands Special
8 Management Area”.

9 (2) LOST CREEK RECREATION MANAGEMENT
10 AREA.—Certain Federal land in the Beaverhead-
11 Deerlodge National Forest, comprising approxi-
12 mately 14,589 acres, as generally depicted on the
13 map entitled “Lost Creek Recreation Management
14 Area” and dated September 13, 2010, which is des-
15 ignated as the “Lost Creek Recreation Management
16 Area”.

17 (3) OTATSY RECREATION MANAGEMENT
18 AREA.—Certain Federal land in the Lolo National
19 Forest, comprising approximately 1,859 acres, as
20 generally depicted on the map entitled “Bob Mar-
21 shall, Mission Mountains and Scapegoat Wilderness
22 Additions and Otatsy Recreation Management Area”
23 and dated September 13, 2010, which is designated
24 as the “Otatsy Recreation Management Area”.

1 (4) RODERICK SPECIAL MANAGEMENT AREA.—
2 Certain Federal land in the Kootenai National For-
3 est, comprising approximately 3,715 acres, as gen-
4 erally depicted on the map entitled “Roderick Wil-
5 derness and Special Management Area and Three
6 Rivers Special Management Area” and dated Sep-
7 tember 13, 2010, which is designated as the “Rod-
8 erick Special Management Area”.

9 (5) THREE RIVERS SPECIAL MANAGEMENT
10 AREA.—Certain Federal land in the Kootenai Na-
11 tional Forest, comprising approximately 71,994
12 acres, as generally depicted on the map entitled
13 “Roderick Wilderness and Special Management Area
14 and Three Rivers Special Management Area” and
15 dated September 13, 2010, which is designated as
16 the “Three Rivers Special Management Area”.

17 (6) THUNDERBOLT CREEK RECREATION MAN-
18 AGEMENT AREA.—Certain Federal land in the Bea-
19 verhead-Deerlodge National Forest, comprising ap-
20 proximately 19,641 acres, as generally depicted on
21 the map entitled “Electric Peak Wilderness and
22 Thunderbolt Creek Recreation Management Area”
23 and dated September 13, 2010, which is designated
24 as the “Thunderbolt Recreation Management Area”.

1 (7) TOBACCO ROOTS RECREATION MANAGE-
2 MENT AREA.—Certain Federal land in the Beaver-
3 head-Deerlodge National Forest, comprising approxi-
4 mately 29,186 acres, as generally depicted on the
5 map entitled “Tobacco Roots Recreation Manage-
6 ment Area” and dated September 13, 2010, which
7 is designated as the “Tobacco Roots Recreation
8 Management Area”.

9 (8) WEST BIG HOLE RECREATION MANAGE-
10 MENT AREA.—Certain Federal land in the Beaver-
11 head-Deerlodge National Forest comprising approxi-
12 mately 95,144 acres, as generally depicted on the
13 map entitled “West Big Hole Wilderness and Recre-
14 ation Management Area” and dated September 13,
15 2010, which is designated as the “West Big Hole
16 Recreation Management Area”.

17 (9) WEST PIONEERS RECREATION MANAGE-
18 MENT AREA.—Certain Federal land in the Beaver-
19 head-Deerlodge National Forest, comprising approxi-
20 mately 128,361 acres, as generally depicted on the
21 map entitled “West Pioneers Wilderness and Recre-
22 ation Management Area” and dated September 13,
23 2010, which is designated as the “West Pioneers
24 Recreation Management Area”.

25 (b) ADMINISTRATION.—

1 (1) APPLICABLE LAW.—

2 (A) IN GENERAL.—The Secretary con-
3 cerned shall administer each area designated by
4 subsection (a)—

5 (i) in furtherance of the purposes for
6 which the area is established; and

7 (ii) in accordance with—

8 (I) this section; and

9 (II) any laws (including regula-
10 tions) relating to the National Forest
11 System.

12 (B) CLOSURE OF TRAILS.—Nothing in this
13 subtitle precludes the Secretary concerned from
14 closing any trail or area located in the areas
15 designated by subsection (a)—

16 (i) to protect a natural resource; or

17 (ii) to help ensure public safety.

18 (2) WITHDRAWAL.—Subject to valid existing
19 rights, any Federal land within an area designated
20 by subsection (a) (including any Federal land ac-
21 quired after the date of enactment of this Act for in-
22 clusion in an area designated by subsection (a)) is
23 withdrawn from all forms of—

24 (A) entry, appropriation, or disposal under
25 the public land laws;

1 (B) location, entry, and patent under the
2 mining laws; and

3 (C) disposition under all laws pertaining to
4 mineral and geothermal leasing or mineral ma-
5 terials.

6 (3) TIMBER HARVESTING.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B) or as authorized under sub-
9 section (c), timber harvesting shall not be per-
10 mitted within an area designated by subsection
11 (a).

12 (B) FIRE, INSECTS, AND DISEASES.—Tim-
13 ber harvesting may be permitted in an area des-
14 ignated by subsection (a) to the extent con-
15 sistent with protecting and preserving the pur-
16 poses of the areas designated by subsection (a)
17 for purposes relating to the necessary control of
18 fire, insects, and diseases.

19 (4) USE OF MOTORIZED OR MECHANIZED VEHI-
20 CLES.—

21 (A) IN GENERAL.—Nothing in this section
22 affects the use of motorized or mechanized vehi-
23 cles that the Secretary concerned determines is
24 necessary for administrative use or to respond
25 to an emergency.

1 (B) MECHANIZED VEHICLES, PEDES-
2 TRIANS, AND HORSE TRAVEL.—Except as au-
3 thorized under subsection (c), nothing in this
4 section prohibits—

5 (i) the use of mechanized vehicles, ac-
6 cess by pedestrians, or horse travel within
7 the areas designated by subsection (a); or

8 (ii) the construction of trails for use
9 by mechanized vehicles, pedestrians, and
10 horse travel within the areas designated by
11 subsection (a).

12 (5) FIREWOOD.—The Secretary concerned may
13 allow for the collection of firewood for noncommer-
14 cial personal use within the areas designated by sub-
15 section (a)—

16 (A) in accordance with any applicable laws;
17 and

18 (B) subject to such terms and conditions
19 as the Secretary concerned determines to be ap-
20 propriate.

21 (c) AREA SPECIFIC MANAGEMENT REQUIRE-
22 MENTS.—

23 (1) HIGHLANDS SPECIAL MANAGEMENT
24 AREA.—

1 (A) CAMPGROUND DEVELOPMENT.—No
2 permanent campground may be constructed
3 within the Highlands Special Management
4 Area.

5 (B) MOTORIZED AND MECHANIZED RECRE-
6 ATION.—Except as provided in subparagraph
7 (C), and as necessary for administrative use or
8 to respond to an emergency, the use of motor-
9 ized or mechanized vehicles within the High-
10 lands Special Management Area shall be pro-
11 hibited.

12 (C) TRANSMISSION TOWERS AND MUNIC-
13 IPAL WATER PIPELINES.—Nothing in this sec-
14 tion affects—

15 (i) the reasonable access of the gov-
16 ernment of the applicable county to oper-
17 ate and maintain the communication site
18 located on Table Mountain under a special
19 use permit issued by the Forest Service;
20 and

21 (ii) the reasonable access of the city of
22 Butte, Montana, to operate, maintain, and
23 if necessary, upgrade or replace the water
24 supply pipeline within the Highlands Spe-
25 cial Management Area in existence as of

1 the date of enactment of this Act for the
2 city of Butte (including the surrounding
3 community of the city of Butte).

4 (D) HELICOPTER LANDINGS.—Nothing in
5 this section precludes or restricts the authority
6 of the Secretary concerned to enter into agree-
7 ments with the Secretary of Defense or the
8 Montana National Guard to authorize limited
9 and scheduled landings of aircraft in the High-
10 lands Special Management Area.

11 (2) LOST CREEK, THUNDERBOLT, AND WEST
12 PIONEERS RECREATION MANAGEMENT AREAS.—

13 (A) MOTORIZED RECREATION.—Subject to
14 any terms and conditions the Secretary con-
15 cerned determines to be necessary, the use of
16 motorized vehicles within the Lost Creek, Thun-
17 derbolt, and West Pioneers Recreation Manage-
18 ment Areas shall be limited to—

19 (i) the routes and trails designated for
20 such use as of the date of enactment of
21 this Act; and

22 (ii) during periods of adequate snow
23 cover, the areas designated for snowmobile
24 use as of the date of enactment of this Act.

1 (B) CAMPGROUND DEVELOPMENT.—No
2 permanent campground may be constructed
3 within the Lost Creek Recreation Area.

4 (3) OTATSY RECREATION MANAGEMENT
5 AREA.—

6 (A) MOTORIZED AND MECHANIZED RECRE-
7 ATION.—

8 (i) IN GENERAL.—The use of motor-
9 ized and mechanized vehicles in the Otatsy
10 Recreation Management Area shall be per-
11 mitted only on the roads, trails, and areas
12 designated for use by motorized and
13 mechanized vehicles by the management
14 plan required under subparagraph (B).

15 (ii) INTERIM MANAGEMENT.—Until
16 the date on which the management plan
17 required under subparagraph (B) is ap-
18 proved, and subject to any terms and con-
19 ditions that the Secretary concerned deter-
20 mines to be necessary, the use of motorized
21 or mechanized vehicles in the Otatsy
22 Recreation Management Area shall be lim-
23 ited to the routes and trails designated for
24 such use as of the date of enactment of
25 this Act, except that during periods of ade-

1 adequate snow cover, the use of snowmobiles
2 shall be allowed within the Otatsy Recre-
3 ation Management Area.

4 (B) MANAGEMENT PLAN.—The Secretary
5 concerned shall prepare a management plan for
6 the Otatsy Recreation Management Area as
7 part of the first revision of the applicable forest
8 plan that is carried out after the date of enact-
9 ment of this Act.

10 (4) THREE RIVERS AND RODERICK SPECIAL
11 MANAGEMENT AREAS.—

12 (A) MOTORIZED AND MECHANIZED RECRE-
13 ATION.—Except as provided in subparagraphs
14 (B) and (C), the use of motorized or mecha-
15 nized vehicles within the Three Rivers Special
16 Management Area and the Roderick Special
17 Management Area shall be limited to the roads
18 on which use by highway legal vehicles is per-
19 mitted as of the date of enactment of this Act.

20 (B) SNOWMOBILE AREA.—Subject to any
21 terms and conditions the Secretary concerned
22 determines to be necessary, during periods of
23 adequate snow cover, the use of snowmobiles
24 shall be allowed in the areas designated as “mo-
25 torized” in the map entitled “Roderick Wilder-

1 ness and Special Management Area and Three
2 Rivers Special Management Area” and dated
3 September 13, 2010.

4 (C) GAME CARTS.—The Secretary con-
5 cerned may authorize the use of nonmotorized
6 game carts in the area identified as “Roderick
7 Special Management Area” on the map de-
8 scribed in subparagraph (B).

9 (D) CAMPGROUND DEVELOPMENT.—No
10 permanent campground may be constructed in
11 the Three Rivers Special Management Area or
12 the Roderick Special Management Area.

13 (5) TOBACCO ROOTS RECREATION MANAGE-
14 MENT AREA.—Subject to any terms and conditions
15 that the Secretary concerned determines to be nec-
16 essary, the use of motorized vehicles shall be limited
17 to the roads, routes, and trails in the Tobacco Roots
18 Recreation Management Area designated for such
19 use as of the date of enactment of this Act.

20 (6) WEST BIG HOLE RECREATION MANAGE-
21 MENT AREA.—

22 (A) MOTORIZED RECREATION.—Subject to
23 any terms and conditions that the Secretary
24 concerned determines to be necessary, motor-
25 ized use shall be permitted on approved des-

1 ignated, routes, trails, and areas in the West
2 Big Hole Recreation Management Area, includ-
3 ing the use of snowmobiles during periods of
4 adequate snow cover.

5 (B) **TIMBER HARVEST.**—The Secretary
6 concerned may authorize post and pole, fire-
7 wood, and fuel reduction timber projects in the
8 West Big Hole Recreation Management Area,
9 subject to such terms and conditions that the
10 Secretary concerned determines to be appro-
11 priate.

12 **SEC. 613. ALL TERRAIN VEHICLE STUDY AND REPORT.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Secretary concerned shall study and report
15 on—

16 (1) the opportunities for expanded all-terrain
17 vehicles routes and trails across the Three Rivers
18 District and adjacent areas on the Kootenai Na-
19 tional Forest;

20 (2) the interconnectedness of routes on private
21 or State land; and

22 (3) the opportunities for expanded access points
23 to existing trails.

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