

114TH CONGRESS
2D SESSION

H. R. 5538

AN ACT

Making appropriations for the Department of the Interior,
environment, and related agencies for the fiscal year
ending September 30, 2017, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of the Interior, environment, and related
4 agencies for the fiscal year ending September 30, 2017,
5 and for other purposes, namely:

6 TITLE I

7 DEPARTMENT OF THE INTERIOR

8 BUREAU OF LAND MANAGEMENT

9 MANAGEMENT OF LANDS AND RESOURCES

10 For necessary expenses for protection, use, improve-
11 ment, development, disposal, cadastral surveying, classi-
12 fication, acquisition of easements and other interests in
13 lands, and performance of other functions, including main-
14 tenance of facilities, as authorized by law, in the manage-
15 ment of lands and their resources under the jurisdiction
16 of the Bureau of Land Management, including the general
17 administration of the Bureau, and assessment of mineral
18 potential of public lands pursuant to section 1010(a) of
19 Public Law 96–487 (16 U.S.C. 3150(a)), \$1,081,922,000,
20 to remain available until expended, including all such
21 amounts as are collected from permit processing fees, as
22 authorized but made subject to future appropriation by
23 section 35(d)(3)(A)(i) of the Mineral Leasing Act (30
24 U.S.C. 191), except that amounts from permit processing
25 fees may be used for any bureau-related expenses associ-

1 ated with the processing of oil and gas applications for
2 permits to drill and related use of authorizations; of which
3 \$3,000,000 shall be available in fiscal year 2017 subject
4 to a match by at least an equal amount by the National
5 Fish and Wildlife Foundation for cost-shared projects sup-
6 porting conservation of Bureau lands; and such funds
7 shall be advanced to the Foundation as a lump-sum grant
8 without regard to when expenses are incurred.

9 In addition, \$39,696,000 is for Mining Law Adminis-
10 tration program operations, including the cost of admin-
11 istering the mining claim fee program, to remain available
12 until expended, to be reduced by amounts collected by the
13 Bureau and credited to this appropriation from mining
14 claim maintenance fees and location fees that are hereby
15 authorized for fiscal year 2017, so as to result in a final
16 appropriation estimated at not more than \$1,081,922,000,
17 and \$2,000,000, to remain available until expended, from
18 communication site rental fees established by the Bureau
19 for the cost of administering communication site activities.

20 LAND ACQUISITION

21 For expenses necessary to carry out sections 205,
22 206, and 318(d) of Public Law 94–579, including admin-
23 istrative expenses and acquisition of lands or waters, or
24 interests therein, \$19,400,000, to be derived from the

1 Land and Water Conservation Fund and to remain avail-
2 able until expended.

3 OREGON AND CALIFORNIA GRANT LANDS

4 For expenses necessary for management, protection,
5 and development of resources and for construction, oper-
6 ation, and maintenance of access roads, reforestation, and
7 other improvements on the revested Oregon and California
8 Railroad grant lands, on other Federal lands in the Or-
9 egon and California land-grant counties of Oregon, and
10 on adjacent rights-of-way; and acquisition of lands or in-
11 terests therein, including existing connecting roads on or
12 adjacent to such grant lands; \$106,985,000, to remain
13 available until expended: *Provided*, That 25 percent of the
14 aggregate of all receipts during the current fiscal year
15 from the revested Oregon and California Railroad grant
16 lands is hereby made a charge against the Oregon and
17 California land-grant fund and shall be transferred to the
18 General Fund in the Treasury in accordance with the sec-
19 ond paragraph of subsection (b) of title II of the Act of
20 August 28, 1937 (43 U.S.C. 1181f).

21 RANGE IMPROVEMENTS

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

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

11 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

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

15 MISCELLANEOUS TRUST FUNDS

16 In addition to amounts authorized to be expended
17 under existing laws, there is hereby appropriated such
18 amounts as may be contributed under section 307 of Pub-
19 lic Law 94–579 (43 U.S.C. 1737), and such amounts as
20 may be advanced for administrative costs, surveys, ap-
21 praisals, and costs of making conveyances of omitted lands
22 under section 211(b) of that Act (43 U.S.C. 1721(b)), to
23 remain available until expended.

ADMINISTRATIVE PROVISIONS

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

1 fied amount of money in support of the project may be
2 carried out by the Bureau on a reimbursable basis. Appro-
3 priations herein made shall not be available for the de-
4 struction of healthy, unadopted, wild horses and burros
5 in the care of the Bureau or its contractors or for the
6 sale of wild horses and burros that results in their destruc-
7 tion for processing into commercial products: *Provided*
8 *further*, That the Secretary shall approve any use of a
9 right-of-way granted pursuant to the General Railroad
10 Right-of-Way Act of 1875 (43 U.S.C. 934–939) if author-
11 ization of the use would have been considered under De-
12 partment policy to be within the scope of a railroad’s au-
13 thority as of the day before the effective date of the De-
14 partment’s Solicitor’s Opinion M–37025, issued on No-
15 vember 4, 2011.

16 UNITED STATES FISH AND WILDLIFE SERVICE
17 RESOURCE MANAGEMENT

18 For necessary expenses of the United States Fish and
19 Wildlife Service, as authorized by law, and for scientific
20 and economic studies, general administration, and for the
21 performance of other authorized functions related to such
22 resources, \$1,255,004,000 (reduced by \$1,000,000) (in-
23 creased by \$1,000,000), to remain available until Sep-
24 tember 30, 2018: *Provided*, That not to exceed
25 \$14,411,000 shall be used for implementing subsections

1 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
2 cies Act of 1973 (16 U.S.C. 1533) (except for processing
3 petitions, developing and issuing proposed and final regu-
4 lations, and taking any other steps to implement actions
5 described in subsection (c)(2)(A), (c)(2)(B)(i), or
6 (c)(2)(B)(ii)), of which not to exceed \$1,501,000 shall be
7 used for any activity regarding the designation of critical
8 habitat, pursuant to subsection (a)(3), excluding litigation
9 support, for species listed pursuant to subsection (a)(1)
10 prior to October 1, 2015; of which not to exceed
11 \$1,501,000 shall be used for any activity regarding peti-
12 tions for species that are indigenous to the United States
13 pursuant to subsections (b)(3)(A) and (b)(3)(B); and, of
14 which not to exceed \$1,504,000 shall be used for imple-
15 menting subsections (a), (b), (c), and (e) of section 4 of
16 the Endangered Species Act of 1973 (16 U.S.C. 1533)
17 for species that are not indigenous to the United States.

18 CONSTRUCTION

19 For construction, improvement, acquisition, or re-
20 moval of buildings and other facilities required in the con-
21 servation, management, investigation, protection, and uti-
22 lization of fish and wildlife resources, and the acquisition
23 of lands and interests therein; \$14,837,000, to remain
24 available until expended.

1 LAND ACQUISITION

2 For expenses necessary to carry out chapter 2003 of
3 title 54, United States Code, including administrative ex-
4 penses, and for acquisition of land or waters, or interest
5 therein, in accordance with statutory authority applicable
6 to the United States Fish and Wildlife Service,
7 \$50,300,000, to be derived from the Land and Water Con-
8 servation Fund and to remain available until expended,
9 of which, notwithstanding section 200306 of title 54,
10 United States Code, not more than \$10,000,000 shall be
11 for land conservation partnerships authorized by the
12 Highlands Conservation Act of 2004, including not to ex-
13 ceed \$320,000 for administrative expenses: *Provided*, That
14 none of the funds appropriated for specific land acquisi-
15 tion projects may be used to pay for any administrative
16 overhead, planning or other management costs.

17 COOPERATIVE ENDANGERED SPECIES CONSERVATION

18 FUND

19 For expenses necessary to carry out section 6 of the
20 Endangered Species Act of 1973 (16 U.S.C. 1535),
21 \$55,590,000, to remain available until expended, of which
22 \$24,790,000 is to be derived from the Cooperative Endan-
23 gered Species Conservation Fund; and of which
24 \$30,800,000 is to be derived from the Land and Water
25 Conservation Fund.

1 NORTH AMERICAN WETLANDS CONSERVATION FUND

2 For expenses necessary to carry out the provisions
3 of the North American Wetlands Conservation Act (16
4 U.S.C. 4401 et seq.), \$37,645,000, to remain available
5 until expended.

6 NEOTROPICAL MIGRATORY BIRD CONSERVATION

7 For expenses necessary to carry out the Neotropical
8 Migratory Bird Conservation Act (16 U.S.C. 6101 et
9 seq.), \$3,910,000, to remain available until expended.

10 MULTINATIONAL SPECIES CONSERVATION FUND

11 For expenses necessary to carry out the African Ele-
12 phant Conservation Act (16 U.S.C. 4201 et seq.), the
13 Asian Elephant Conservation Act of 1997 (16 U.S.C.
14 4261 et seq.), the Rhinoceros and Tiger Conservation Act
15 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
16 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
17 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
18 et seq.), \$11,061,000, to remain available until expended.

19 STATE AND TRIBAL WILDLIFE GRANTS

20 For wildlife conservation grants to States and to the
21 District of Columbia, Puerto Rico, Guam, the United
22 States Virgin Islands, the Northern Mariana Islands,
23 American Samoa, and Indian tribes under the provisions
24 of the Fish and Wildlife Act of 1956 and the Fish and
25 Wildlife Coordination Act, for the development and imple-

1 mentation of programs for the benefit of wildlife and their
2 habitat, including species that are not hunted or fished,
3 \$62,571,000, to remain available until expended: *Pro-*
4 *vided*, That of the amount provided herein, \$4,334,000 is
5 for a competitive grant program for Indian tribes not sub-
6 ject to the remaining provisions of this appropriation: *Pro-*
7 *vided further*, That \$7,237,000 is for a competitive grant
8 program to implement approved plans for States, terri-
9 tories, and other jurisdictions and at the discretion of af-
10 fected States, the regional Associations of fish and wildlife
11 agencies, not subject to the remaining provisions of this
12 appropriation: *Provided further*, That the Secretary shall,
13 after deducting \$11,571,000 and administrative expenses,
14 apportion the amount provided herein in the following
15 manner: (1) to the District of Columbia and to the Com-
16 monwealth of Puerto Rico, each a sum equal to not more
17 than one-half of 1 percent thereof; and (2) to Guam,
18 American Samoa, the United States Virgin Islands, and
19 the Commonwealth of the Northern Mariana Islands, each
20 a sum equal to not more than one-fourth of 1 percent
21 thereof: *Provided further*, That the Secretary shall appor-
22 tion the remaining amount in the following manner: (1)
23 one-third of which is based on the ratio to which the land
24 area of such State bears to the total land area of all such
25 States; and (2) two-thirds of which is based on the ratio

1 to which the population of such State bears to the total
2 population of all such States: *Provided further*, That the
3 amounts apportioned under this paragraph shall be ad-
4 justed equitably so that no State shall be apportioned a
5 sum which is less than 1 percent of the amount available
6 for apportionment under this paragraph for any fiscal year
7 or more than 5 percent of such amount: *Provided further*,
8 That the Federal share of planning grants shall not exceed
9 75 percent of the total costs of such projects and the Fed-
10 eral share of implementation grants shall not exceed 65
11 percent of the total costs of such projects: *Provided fur-*
12 *ther*, That the non-Federal share of such projects may not
13 be derived from Federal grant programs: *Provided further*,
14 That any amount apportioned in 2017 to any State, terri-
15 tory, or other jurisdiction that remains unobligated as of
16 September 30, 2018, shall be reapportioned, together with
17 funds appropriated in 2019, in the manner provided here-
18 in.

19 ADMINISTRATIVE PROVISIONS

20 The United States Fish and Wildlife Service may
21 carry out the operations of Service programs by direct ex-
22 penditure, contracts, grants, cooperative agreements and
23 reimbursable agreements with public and private entities.
24 Appropriations and funds available to the United States
25 Fish and Wildlife Service shall be available for repair of

1 damage to public roads within and adjacent to reservation
2 areas caused by operations of the Service; options for the
3 purchase of land at not to exceed \$1 for each option; facili-
4 ties incident to such public recreational uses on conserva-
5 tion areas as are consistent with their primary purpose;
6 and the maintenance and improvement of aquaria, build-
7 ings, and other facilities under the jurisdiction of the Serv-
8 ice and to which the United States has title, and which
9 are used pursuant to law in connection with management,
10 and investigation of fish and wildlife resources: *Provided*,
11 That notwithstanding 44 U.S.C. 501, the Service may,
12 under cooperative cost sharing and partnership arrange-
13 ments authorized by law, procure printing services from
14 cooperators in connection with jointly produced publica-
15 tions for which the cooperators share at least one-half the
16 cost of printing either in cash or services and the Service
17 determines the cooperator is capable of meeting accepted
18 quality standards: *Provided further*, That the Service may
19 accept donated aircraft as replacements for existing air-
20 craft: *Provided further*, That notwithstanding 31 U.S.C.
21 3302, all fees collected for non-toxic shot review and ap-
22 proval shall be deposited under the heading “United
23 States Fish and Wildlife Service—Resource Management”
24 and shall be available to the Secretary, without further
25 appropriation, to be used for expenses of processing of

1 such non-toxic shot type or coating applications and revis-
2 ing regulations as necessary, and shall remain available
3 until expended: *Provided further*, that none of the funds
4 made available to the Service by this Act may be used
5 to close or otherwise terminate operations of any of the
6 90 units of the National Fish Hatchery System.

7 NATIONAL PARK SERVICE

8 OPERATION OF THE NATIONAL PARK SYSTEM

9 For expenses necessary for the management, oper-
10 ation, and maintenance of areas and facilities adminis-
11 tered by the National Park Service and for the general
12 administration of the National Park Service,
13 \$2,435,047,000 (increased by \$2,500,000), of which
14 \$10,032,000 for planning and interagency coordination in
15 support of Everglades restoration and \$134,461,000 for
16 maintenance, repair, or rehabilitation projects for con-
17 structed assets shall remain available until September 30,
18 2018: *Provided*, That funds appropriated under this head-
19 ing in this Act are available for the purposes of section
20 5 of Public Law 95–348.

21 NATIONAL RECREATION AND PRESERVATION

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

1 view, international park affairs, and grant administration,
2 not otherwise provided for, \$62,632,000.

3 HISTORIC PRESERVATION FUND

4 For expenses necessary in carrying out the National
5 Historic Preservation Act (division A of subtitle III of title
6 54, United States Code), \$78,410,000 (increased by
7 \$1,000,000) (increased by \$2,000,000) (increased by
8 \$2,000,000), to be derived from the Historic Preservation
9 Fund and to remain available until September 30, 2018,
10 of which \$5,000,000 shall be for Save America's Treas-
11 ures grants for preservation of national significant sites,
12 structures, and artifacts as authorized by section 7303 of
13 the Omnibus Public Land Management Act of 2009 (54
14 U.S.C. 3089): *Provided*, That an individual Save Amer-
15 ica's Treasures grant shall be matched by non-Federal
16 funds: *Provided further*, That individual projects shall only
17 be eligible for one grant: *Provided further*, That all
18 projects to be funded shall be approved by the Secretary
19 of the Interior in consultation with the House and Senate
20 Committees on Appropriations: *Provided further*, That of
21 the funds provided for the Historic Preservation Fund,
22 \$500,000 is for competitive grants for the survey and
23 nomination of properties to the National Register of His-
24 toric Places and as National Historic Landmarks associ-
25 ated with communities currently underrepresented, as de-

1 terminated by the Secretary, \$11,000,000 (increased by
2 \$2,000,000) is for competitive grants to preserve the sites
3 and stories of the Civil Rights movement, and \$3,000,000
4 (increased by \$2,000,000) is for grants to Historically
5 Black Colleges and Universities: *Provided further*, That
6 such competitive grants shall be made without imposing
7 the matching requirements in section 302902(b)(3) of title
8 54, United States Code to States and Indian tribes as de-
9 fined in chapter 3003 of such title, Native Hawaiian orga-
10 nizations, local governments, including Certified Local
11 Governments, and nonprofit organizations.

12 CONSTRUCTION

13 For construction, improvements, repair, or replace-
14 ment of physical facilities, and compliance and planning
15 for programs and areas administered by the National
16 Park Service, \$215,707,000, to remain available until ex-
17 pended: *Provided*, That notwithstanding any other provi-
18 sion of law, for any project initially funded in fiscal year
19 2017 with a future phase indicated in the National Park
20 Service 5–Year Line Item Construction Plan, a single pro-
21 curement may be issued which includes the full scope of
22 the project: *Provided further*, That the solicitation and
23 contract shall contain the clause availability of funds
24 found at 48 CFR 52.232–18: *Provided further*, That Na-
25 tional Park Service Donations, Park Concessions Fran-

chise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2017 by section 200308 of title 54, United States Code, is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$128,752,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$80,000,000 is for the State assistance program and of which \$10,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, \$30,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single

1 contract at the benefitting unit, in the amount of funds
2 so expended to extinguish or reduce liability.

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

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

15 UNITED STATES GEOLOGICAL SURVEY

16 SURVEYS, INVESTIGATIONS, AND RESEARCH

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

1 ploration program (30 U.S.C. 641); conduct inquiries into
2 the economic conditions affecting mining and materials
3 processing industries (30 U.S.C. 3, 21a, and 1603; 50
4 U.S.C. 98g(1)) and related purposes as authorized by law;
5 and to publish and disseminate data relative to the fore-
6 going activities; \$1,080,006,000, to remain available until
7 September 30, 2018; of which \$63,637,189 shall remain
8 available until expended for satellite operations; and of
9 which \$7,280,000 shall be available until expended for de-
10 ferred maintenance and capital improvement projects that
11 exceed \$100,000 in cost: *Provided*, That none of the funds
12 provided for the ecosystem research activity shall be used
13 to conduct new surveys on private property, unless specifi-
14 cally authorized in writing by the property owner: *Pro-*
15 *vided further*, That no part of this appropriation shall be
16 used to pay more than one-half the cost of topographic
17 mapping or water resources data collection and investiga-
18 tions carried on in cooperation with States and municipali-
19 ties.

20 ADMINISTRATIVE PROVISIONS

21 From within the amount appropriated for activities
22 of the United States Geological Survey such sums as are
23 necessary shall be available for contracting for the fur-
24 nishing of topographic maps and for the making of geo-
25 physical or other specialized surveys when it is administra-

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

1 BUREAU OF OCEAN ENERGY MANAGEMENT

2 OCEAN ENERGY MANAGEMENT

3 For expenses necessary for granting leases, ease-
4 ments, rights-of-way and agreements for use for oil and
5 gas, other minerals, energy, and marine-related purposes
6 on the Outer Continental Shelf and approving operations
7 related thereto, as authorized by law; for environmental
8 studies, as authorized by law; for implementing other laws
9 and to the extent provided by Presidential or Secretarial
10 delegation; and for matching grants or cooperative agree-
11 ments, \$169,306,000, of which \$74,362,000, is to remain
12 available until September 30, 2018, and of which
13 \$94,944,000 is to remain available until expended: *Pro-*
14 *vided*, That this total appropriation shall be reduced by
15 amounts collected by the Secretary and credited to this
16 appropriation from additions to receipts resulting from in-
17 creases to lease rental rates in effect on August 5, 1993,
18 and from cost recovery fees from activities conducted by
19 the Bureau of Ocean Energy Management pursuant to the
20 Outer Continental Shelf Lands Act, including studies, as-
21 sessments, analysis, and miscellaneous administrative ac-
22 tivities: *Provided further*, That the sum herein appro-
23 priated shall be reduced as such collections are received
24 during the fiscal year, so as to result in a final fiscal year
25 2017 appropriation estimated at not more than

1 \$74,362,000: *Provided further*, That not to exceed \$3,000
2 shall be available for reasonable expenses related to pro-
3 moting volunteer beach and marine cleanup activities.

4 BUREAU OF SAFETY AND ENVIRONMENTAL
5 ENFORCEMENT
6 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT
7 (INCLUDING RESCISSION OF FUNDS)

8 For expenses necessary for the regulation of oper-
9 ations related to leases, easements, rights-of-way and
10 agreements for use for oil and gas, other minerals, energy,
11 and marine-related purposes on the Outer Continental
12 Shelf, as authorized by law; for enforcing and imple-
13 menting laws and regulations as authorized by law and
14 to the extent provided by Presidential or Secretarial dele-
15 gation; and for matching grants or cooperative agree-
16 ments, \$136,968,000, of which \$93,438,000 is to remain
17 available until September 30, 2018, and of which
18 \$43,530,000 is to remain available until expended: *Pro-*
19 *vided*, That this total appropriation shall be reduced by
20 amounts collected by the Secretary and credited to this
21 appropriation from additions to receipts resulting from in-
22 creases to lease rental rates in effect on August 5, 1993,
23 and from cost recovery fees from activities conducted by
24 the Bureau of Safety and Environmental Enforcement
25 pursuant to the Outer Continental Shelf Lands Act, in-

1 cluding studies, assessments, analysis, and miscellaneous
2 administrative activities: *Provided further*, That the sum
3 herein appropriated shall be reduced as such collections
4 are received during the fiscal year, so as to result in a
5 final fiscal year 2017 appropriation estimated at not more
6 than \$93,438,000.

7 For an additional amount, \$53,000,000, to remain
8 available until expended, to be reduced by amounts col-
9 lected by the Secretary and credited to this appropriation,
10 which shall be derived from non-refundable inspection fees
11 collected in fiscal year 2017, as provided in this Act: *Pro-*
12 *vided*, That to the extent that amounts realized from such
13 inspection fees exceed \$53,000,000, the amounts realized
14 in excess of \$53,000,000 shall be credited to this appro-
15 priation and remain available until expended: *Provided*
16 *further*, That for fiscal year 2017, not less than 50 percent
17 of the inspection fees expended by the Bureau of Safety
18 and Environmental Enforcement will be used to fund per-
19 sonnel and mission-related costs to expand capacity and
20 expedite the orderly development, subject to environmental
21 safeguards, of the Outer Continental Shelf pursuant to the
22 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
23 seq.), including the review of applications for permits to
24 drill.

1 Of the unobligated balances available for this ac-
2 count, \$20,000,000 are permanently rescinded.

3 OIL SPILL RESEARCH

4 For necessary expenses to carry out title I, section
5 1016, title IV, sections 4202 and 4303, title VII, and title
6 VIII, section 8201 of the Oil Pollution Act of 1990,
7 \$14,899,000, which shall be derived from the Oil Spill Li-
8 ability Trust Fund, to remain available until expended.

9 OFFICE OF SURFACE MINING RECLAMATION AND
10 ENFORCEMENT

11 REGULATION AND TECHNOLOGY

12 For necessary expenses to carry out the provisions
13 of the Surface Mining Control and Reclamation Act of
14 1977, Public Law 95–87, \$119,300,000, to remain avail-
15 able until September 30, 2018: *Provided*, That appropria-
16 tions for the Office of Surface Mining Reclamation and
17 Enforcement may provide for the travel and per diem ex-
18 penses of State and tribal personnel attending Office of
19 Surface Mining Reclamation and Enforcement sponsored
20 training.

21 In addition, for costs to review, administer, and en-
22 force permits issued by the Office pursuant to section 507
23 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to re-
24 main available until expended: *Provided*, That fees as-
25 sessed and collected by the Office pursuant to such section

1 507 shall be credited to this account as discretionary off-
2 setting collections, to remain available until expended:
3 *Provided further*, That the sum herein appropriated from
4 the general fund shall be reduced as collections are re-
5 ceived during the fiscal year, so as to result in a fiscal
6 year 2017 appropriation estimated at not more than
7 \$119,300,000.

8 ABANDONED MINE RECLAMATION FUND

9 For necessary expenses to carry out title IV of the
10 Surface Mining Control and Reclamation Act of 1977,
11 Public Law 95–87, \$27,303,000, to be derived from re-
12 ceipts of the Abandoned Mine Reclamation Fund and to
13 remain available until expended: *Provided*, That pursuant
14 to Public Law 97–365, the Department of the Interior is
15 authorized to use up to 20 percent from the recovery of
16 the delinquent debt owed to the United States Government
17 to pay for contracts to collect these debts: *Provided fur-*
18 *ther*, That funds made available under title IV of Public
19 Law 95–87 may be used for any required non-Federal
20 share of the cost of projects funded by the Federal Gov-
21 ernment for the purpose of environmental restoration re-
22 lated to treatment or abatement of acid mine drainage
23 from abandoned mines: *Provided further*, That such
24 projects must be consistent with the purposes and prior-
25 ities of the Surface Mining Control and Reclamation Act:

1 *Provided further*, That amounts provided under this head-
2 ing may be used for the travel and per diem expenses of
3 State and tribal personnel attending Office of Surface
4 Mining Reclamation and Enforcement sponsored training.

5 In addition, \$90,000,000 (increased by \$15,000,000),
6 to remain available until expended, for grants to States
7 for reclamation of abandoned mine lands and other related
8 activities in accordance with the terms and conditions in
9 the report accompanying this Act: *Provided*, That such ad-
10 ditional amount shall be used for economic and community
11 development in conjunction with the priorities in section
12 403(a) of the Surface Mining Control and Reclamation
13 Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That
14 of such additional amount, \$75,000,000 shall be distrib-
15 uted in equal amounts to the 3 Appalachian States with
16 the greatest amount of unfunded needs to meet the prior-
17 ities described in paragraphs (1) and (2) of such section,
18 and \$15,000,000 (increased by \$15,000,000) shall be dis-
19 tributed in equal amounts to the 3 Appalachian States
20 with the subsequent greatest amount of unfunded needs
21 to meet such priorities: *Provided further*, That such addi-
22 tional amount shall be allocated to States within 60 days
23 after the date of enactment of this Act.

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

5 For expenses necessary for the operation of Indian
6 programs, as authorized by law, including the Snyder Act
7 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
8 termination and Education Assistance Act of 1975 (25
9 U.S.C. 450 et seq.), the Education Amendments of 1978
10 (25 U.S.C. 2001–2019), and the Tribally Controlled
11 Schools Act of 1988 (25 U.S.C. 2501 et seq.),
12 \$2,335,635,000 (increased by \$1,500,000), to remain
13 available until September 30, 2018, except as otherwise
14 provided herein; of which not to exceed \$8,500 may be
15 for official reception and representation expenses; of which
16 not to exceed \$74,773,000 shall be for welfare assistance
17 payments: *Provided*, That in cases of designated Federal
18 disasters, the Secretary may exceed such cap, from the
19 amounts provided herein, to provide for disaster relief to
20 Indian communities affected by the disaster: *Provided fur-*
21 *ther*, That federally recognized Indian tribes and tribal or-
22 ganizations of federally recognized Indian tribes may use
23 their tribal priority allocations for unmet welfare assist-
24 ance costs: *Provided further*, That not to exceed
25 \$652,282,000 for school operations costs of Bureau-fund-

1 ed schools and other education programs shall become
2 available on July 1, 2017, and shall remain available until
3 September 30, 2018: *Provided further*, That not to exceed
4 \$48,815,000 (increased by \$1,500,000) shall remain avail-
5 able until expended for housing improvement, road main-
6 tenance, attorney fees, litigation support, land records im-
7 provement, and the Navajo-Hopi Settlement Program:
8 *Provided further*, That notwithstanding any other provi-
9 sion of law, including but not limited to the Indian Self-
10 Determination Act of 1975 (25 U.S.C. 450f et seq.) and
11 section 1128 of the Education Amendments of 1978 (25
12 U.S.C. 2008), not to exceed \$75,335,000 within and only
13 from such amounts made available for school operations
14 shall be available for administrative cost grants associated
15 with grants approved prior to July 1, 2017: *Provided fur-*
16 *ther*, That any forestry funds allocated to a federally rec-
17 ognized tribe which remain unobligated as of September
18 30, 2018, may be transferred during fiscal year 2019 to
19 an Indian forest land assistance account established for
20 the benefit of the holder of the funds within the holder's
21 trust fund account: *Provided further*, That any such unob-
22 ligated balances not so transferred shall expire on Sep-
23 tember 30, 2019: *Provided further*, That in order to en-
24 hance the safety of Bureau field employees, the Bureau

1 may use funds to purchase uniforms or other identifying
2 articles of clothing for personnel.

3 CONTRACT SUPPORT COSTS

4 For payments to tribes and tribal organizations for
5 contract support costs associated with Indian Self-Deter-
6 mination and Education Assistance Act agreements with
7 the Bureau of Indian Affairs for fiscal year 2017, such
8 sums as may be necessary, which shall be available for
9 obligation through September 30, 2018: *Provided*, That
10 notwithstanding any other provision of law, no amounts
11 made available under this heading shall be available for
12 transfer to another budget account.

13 CONSTRUCTION

14 (INCLUDING TRANSFER OF FUNDS)

15 For construction, repair, improvement, and mainte-
16 nance of irrigation and power systems, buildings, utilities,
17 and other facilities, including architectural and engineer-
18 ing services by contract; acquisition of lands, and interests
19 in lands; and preparation of lands for farming, and for
20 construction of the Navajo Indian Irrigation Project pur-
21 suant to Public Law 87-483, \$197,017,000, to remain
22 available until expended: *Provided*, That such amounts as
23 may be available for the construction of the Navajo Indian
24 Irrigation Project may be transferred to the Bureau of
25 Reclamation: *Provided further*, That not to exceed 6 per-

1 cent of contract authority available to the Bureau of In-
2 dian Affairs from the Federal Highway Trust Fund may
3 be used to cover the road program management costs of
4 the Bureau: *Provided further*, That any funds provided for
5 the Safety of Dams program pursuant to 25 U.S.C. 13
6 shall be made available on a nonreimbursable basis: *Pro-*
7 *vided further*, That for fiscal year 2017, in implementing
8 new construction, replacement facilities construction, or
9 facilities improvement and repair project grants in excess
10 of \$100,000 that are provided to grant schools under Pub-
11 lic Law 100–297, the Secretary of the Interior shall use
12 the Administrative and Audit Requirements and Cost
13 Principles for Assistance Programs contained in 43 CFR
14 part 12 as the regulatory requirements: *Provided further*,
15 That such grants shall not be subject to section 12.61 of
16 43 CFR; the Secretary and the grantee shall negotiate and
17 determine a schedule of payments for the work to be per-
18 formed: *Provided further*, That in considering grant appli-
19 cations, the Secretary shall consider whether such grantee
20 would be deficient in assuring that the construction
21 projects conform to applicable building standards and
22 codes and Federal, tribal, or State health and safety
23 standards as required by 25 U.S.C. 2005(b), with respect
24 to organizational and financial management capabilities:
25 *Provided further*, That if the Secretary declines a grant

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

18 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND

19 MISCELLANEOUS PAYMENTS TO INDIANS

20 For payments and necessary administrative expenses
 21 for implementation of Indian land and water claim settle-
 22 ments pursuant to Public Laws 99–264, 100–580, 101–
 23 618, 111–11, and 111–291, and for implementation of
 24 other land and water rights settlements, \$49,025,000, to
 25 remain available until expended.

1 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

2 For the cost of guaranteed loans and insured loans,
3 \$8,757,000, of which \$1,182,000 is for administrative ex-
4 penses, as authorized by the Indian Financing Act of
5 1974: *Provided*, That such costs, including the cost of
6 modifying such loans, shall be as defined in section 502
7 of the Congressional Budget Act of 1974: *Provided fur-*
8 *ther*, That these funds are available to subsidize total loan
9 principal, any part of which is to be guaranteed or insured,
10 not to exceed \$120,050,595.

11 ADMINISTRATIVE PROVISIONS

12 The Bureau of Indian Affairs may carry out the oper-
13 ation of Indian programs by direct expenditure, contracts,
14 cooperative agreements, compacts, and grants, either di-
15 rectly or in cooperation with States and other organiza-
16 tions.

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

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

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

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

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

20 No funds available to the Bureau of Indian Edu-
21 cation shall be used to support expanded grades for any
22 school or dormitory beyond the grade structure in place
23 or approved by the Secretary of the Interior at each school
24 in the Bureau of Indian Education school system as of
25 October 1, 1995, except that the Secretary of the Interior

1 may waive this prohibition to support expansion of up to
2 one additional grade when the Secretary determines such
3 waiver is needed to support accomplishment of the mission
4 of the Bureau of Indian Education. Appropriations made
5 available in this or any prior Act for schools funded by
6 the Bureau shall be available, in accordance with the Bu-
7 reau's funding formula, only to the schools in the Bureau
8 school system as of September 1, 1996, and to any school
9 or school program that was reinstated in fiscal year 2012.
10 Funds made available under this Act may not be used to
11 establish a charter school at a Bureau-funded school (as
12 that term is defined in section 1141 of the Education
13 Amendments of 1978 (25 U.S.C. 2021)), except that a
14 charter school that is in existence on the date of the enact-
15 ment of this Act and that has operated at a Bureau-fund-
16 ed school before September 1, 1999, may continue to oper-
17 ate during that period, but only if the charter school pays
18 to the Bureau a pro rata share of funds to reimburse the
19 Bureau for the use of the real and personal property (in-
20 cluding buses and vans), the funds of the charter school
21 are kept separate and apart from Bureau funds, and the
22 Bureau does not assume any obligation for charter school
23 programs of the State in which the school is located if
24 the charter school loses such funding. Employees of Bu-
25 reau-funded schools sharing a campus with a charter

1 school and performing functions related to the charter
2 school's operation and employees of a charter school shall
3 not be treated as Federal employees for purposes of chap-
4 ter 171 of title 28, United States Code.

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

13 Funds available under this Act may not be used to
14 establish satellite locations of schools in the Bureau school
15 system as of September 1, 1996, except that the Secretary
16 may waive this prohibition in order for an Indian tribe
17 to provide language and cultural immersion educational
18 programs for non-public schools located within the juris-
19 dictional area of the tribal government which exclusively
20 serve tribal members, do not include grades beyond those
21 currently served at the existing Bureau-funded school,
22 provide an educational environment with educator pres-
23 ence and academic facilities comparable to the Bureau-
24 funded school, comply with all applicable Tribal, Federal,
25 or State health and safety standards, and the Americans

1 with Disabilities Act, and demonstrate the benefits of es-
 2 tablishing operations at a satellite location in lieu of incur-
 3 ring extraordinary costs, such as for transportation or
 4 other impacts to students such as those caused by busing
 5 students extended distances: *Provided*, That no funds
 6 available under this Act may be used to fund operations,
 7 maintenance, rehabilitation, construction or other facili-
 8 ties-related costs for such assets that are not owned by
 9 the Bureau: *Provided further*, That the term “satellite
 10 school” means a school location physically separated from
 11 the existing Bureau school by more than 50 miles but that
 12 forms part of the existing school in all other respects.

13 DEPARTMENTAL OFFICES

14 OFFICE OF THE SECRETARY

15 DEPARTMENTAL OPERATIONS

16 For necessary expenses for management of the De-
 17 partment of the Interior, including the collection and dis-
 18 bursement of royalties, fees, and other mineral revenue
 19 proceeds, and for grants and cooperative agreements, as
 20 authorized by law, \$749,422,000 (reduced by \$2,500,000)
 21 (reduced by \$1,000,000) (reduced by \$2,000,000) (re-
 22 duced by \$2,000,000), to remain available until September
 23 30, 2018; of which not to exceed \$15,000 may be for offi-
 24 cial reception and representation expenses; and of which
 25 up to \$1,000,000 shall be available for workers compensa-

1 tion payments and unemployment compensation payments
2 associated with the orderly closure of the United States
3 Bureau of Mines; and of which \$10,000,000 for the Office
4 of Valuation Services is to be derived from the Land and
5 Water Conservation Fund and shall remain available until
6 expended; and of which \$38,300,000 shall remain avail-
7 able until expended for the purpose of mineral revenue
8 management activities: *Provided*, That notwithstanding
9 any other provision of law, \$15,000 under this heading
10 shall be available for refunds of overpayments in connec-
11 tion with certain Indian leases in which the Secretary con-
12 curred with the claimed refund due, to pay amounts owed
13 to Indian allottees or tribes, or to correct prior unrecover-
14 able erroneous payments.

15 ADMINISTRATIVE PROVISIONS

16 For fiscal year 2017, up to \$400,000 of the payments
17 authorized by the Act of October 20, 1976 (31 U.S.C.
18 6901–6907) may be retained for administrative expenses
19 of the Payments in Lieu of Taxes Program: *Provided*,
20 That no payment shall be made pursuant to that Act to
21 otherwise eligible units of local government if the com-
22 puted amount of the payment is less than \$100: *Provided*
23 *further*, That the Secretary may reduce the payment au-
24 thorized by 31 U.S.C. 6901–6907 for an individual county
25 by the amount necessary to correct prior year overpay-

1 ments to that county: *Provided further*, That the amount
 2 needed to correct a prior year underpayment to an indi-
 3 vidual county shall be paid from any reductions for over-
 4 payments to other counties and the amount necessary to
 5 cover any remaining underpayment is hereby appropriated
 6 and shall be paid to individual counties: *Provided further*,
 7 That of the total amount made available by this title for
 8 “Office of the Secretary—Departmental Operations”,
 9 \$480,000,000 shall be available to the Secretary of the
 10 Interior for fiscal year 2017 for payments in lieu of taxes
 11 under chapter 69 of title 31, United States Code.

12 INSULAR AFFAIRS

13 ASSISTANCE TO TERRITORIES

14 For expenses necessary for assistance to territories
 15 under the jurisdiction of the Department of the Interior
 16 and other jurisdictions identified in section 104(e) of Pub-
 17 lic Law 108–188, \$86,976,000, of which: (1) \$77,528,000
 18 shall remain available until expended for territorial assist-
 19 ance, including general technical assistance, maintenance
 20 assistance, disaster assistance, coral reef initiative activi-
 21 ties, and brown tree snake control and research; grants
 22 to the judiciary in American Samoa for compensation and
 23 expenses, as authorized by law (48 U.S.C. 1661(c));
 24 grants to the Government of American Samoa, in addition
 25 to current local revenues, for construction and support of

1 governmental functions; grants to the Government of the
2 Virgin Islands as authorized by law; grants to the Govern-
3 ment of Guam, as authorized by law; and grants to the
4 Government of the Northern Mariana Islands as author-
5 ized by law (Public Law 94–241; 90 Stat. 272); and (2)
6 \$9,448,000 shall be available until September 30, 2018,
7 for salaries and expenses of the Office of Insular Affairs:
8 *Provided*, That all financial transactions of the territorial
9 and local governments herein provided for, including such
10 transactions of all agencies or instrumentalities estab-
11 lished or used by such governments, may be audited by
12 the Government Accountability Office, at its discretion, in
13 accordance with chapter 35 of title 31, United States
14 Code: *Provided further*, That Northern Mariana Islands
15 Covenant grant funding shall be provided according to
16 those terms of the Agreement of the Special Representa-
17 tives on Future United States Financial Assistance for the
18 Northern Mariana Islands approved by Public Law 104–
19 134: *Provided further*, That the funds for the program of
20 operations and maintenance improvement are appro-
21 priated to institutionalize routine operations and mainte-
22 nance improvement of capital infrastructure with terri-
23 torial participation and cost sharing to be determined by
24 the Secretary based on the grantee’s commitment to time-
25 ly maintenance of its capital assets: *Provided further*, That

1 any appropriation for disaster assistance under this head-
2 ing in this Act or previous appropriations Acts may be
3 used as non-Federal matching funds for the purpose of
4 hazard mitigation grants provided pursuant to section 404
5 of the Robert T. Stafford Disaster Relief and Emergency
6 Assistance Act (42 U.S.C. 5170c).

7 COMPACT OF FREE ASSOCIATION

8 For grants and necessary expenses, \$3,318,000, to
9 remain available until expended, as provided for in sec-
10 tions 221(a)(2) and 233 of the Compact of Free Associa-
11 tion for the Republic of Palau; and section 221(a)(2) of
12 the Compacts of Free Association for the Government of
13 the Republic of the Marshall Islands and the Federated
14 States of Micronesia, as authorized by Public Law 99–
15 658 and Public Law 108–188.

16 ADMINISTRATIVE PROVISIONS

17 (INCLUDING TRANSFER OF FUNDS)

18 At the request of the Governor of Guam, the Sec-
19 retary may transfer discretionary funds or mandatory
20 funds provided under section 104(e) of Public Law 108–
21 188 and Public Law 104–134, that are allocated for
22 Guam, to the Secretary of Agriculture for the subsidy cost
23 of direct or guaranteed loans, plus not to exceed three per-
24 cent of the amount of the subsidy transferred for the cost
25 of loan administration, for the purposes authorized by the

1 Rural Electrification Act of 1936 and section 306(a)(1)
2 of the Consolidated Farm and Rural Development Act for
3 construction and repair projects in Guam, and such funds
4 shall remain available until expended: *Provided*, That such
5 costs, including the cost of modifying such loans, shall be
6 as defined in section 502 of the Congressional Budget Act
7 of 1974: *Provided further*, That such loans or loan guaran-
8 tees may be made without regard to the population of the
9 area, credit elsewhere requirements, and restrictions on
10 the types of eligible entities under the Rural Electrifica-
11 tion Act of 1936 and section 306(a)(1) of the Consolidated
12 Farm and Rural Development Act: *Provided further*, That
13 any funds transferred to the Secretary of Agriculture shall
14 be in addition to funds otherwise made available to make
15 or guarantee loans under such authorities.

16 OFFICE OF THE SOLICITOR

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of the Solicitor,
19 \$65,800,000.

20 OFFICE OF INSPECTOR GENERAL

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of Inspector
23 General, \$50,047,000.

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1 *further*, That the Secretary shall issue an annual account
2 statement and maintain a record of any such accounts and
3 shall permit the balance in each such account to be with-
4 drawn upon the express written request of the account
5 holder: *Provided further*, That not to exceed \$50,000 is
6 available for the Secretary to make payments to correct
7 administrative errors of either disbursements from or de-
8 posits to Individual Indian Money or Tribal accounts after
9 September 30, 2002: *Provided further*, That erroneous
10 payments that are recovered shall be credited to and re-
11 main available in this account for this purpose: *Provided*
12 *further*, That the Secretary shall not be required to re-
13 concile Special Deposit Accounts with a balance of less than
14 \$500 unless the Office of the Special Trustee receives
15 proof of ownership from a Special Deposit Accounts claim-
16 ant: *Provided further*, That notwithstanding section 102
17 of the American Indian Trust Fund Management Reform
18 Act of 1994 (Public Law 103–412) or any other provision
19 of law, the Secretary may aggregate the trust accounts
20 of individuals whose whereabouts are unknown for a con-
21 tinuous period of at least five years and shall not be re-
22 quired to generate periodic statements of performance for
23 the individual accounts: *Provided further*, That with re-
24 spect to the eighth proviso, the Secretary shall continue
25 to maintain sufficient records to determine the balance of

1 the individual accounts, including any accrued interest and
 2 income, and such funds shall remain available to the indi-
 3 vidual account holders.

4 DEPARTMENT-WIDE PROGRAMS

5 WILDLAND FIRE MANAGEMENT

6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses for fire preparedness, fire
 8 suppression operations, fire science and research, emer-
 9 gency rehabilitation, fuels management activities, and
 10 rural fire assistance by the Department of the Interior,
 11 \$851,945,000, to remain available until expended, of
 12 which not to exceed \$10,000,000 shall be for the renova-
 13 tion or construction of fire facilities: *Provided*, That such
 14 funds are also available for repayment of advances to
 15 other appropriation accounts from which funds were pre-
 16 viously transferred for such purposes: *Provided further*,
 17 That of the funds provided \$180,000,000 is for hazardous
 18 fuels management activities: *Provided further*, That of the
 19 funds provided \$20,470,000 is for burned area rehabilita-
 20 tion: *Provided further*, That persons hired pursuant to 43
 21 U.S.C. 1469 may be furnished subsistence and lodging
 22 without cost from funds available from this appropriation:
 23 *Provided further*, That notwithstanding 42 U.S.C. 1856d,
 24 sums received by a bureau or office of the Department
 25 of the Interior for fire protection rendered pursuant to 42

1 U.S.C. 1856 et seq., protection of United States property,
2 may be credited to the appropriation from which funds
3 were expended to provide that protection, and are avail-
4 able without fiscal year limitation: *Provided further*, That
5 using the amounts designated under this title of this Act,
6 the Secretary of the Interior may enter into procurement
7 contracts, grants, or cooperative agreements, for fuels
8 management and resilient landscapes activities, and for
9 training and monitoring associated with such fuels man-
10 agement and resilient landscapes activities, on Federal
11 land, or on adjacent non-Federal land for activities that
12 benefit resources on Federal land: *Provided further*, That
13 the costs of implementing any cooperative agreement be-
14 tween the Federal Government and any non-Federal entity
15 may be shared, as mutually agreed on by the affected par-
16 ties: *Provided further*, That notwithstanding requirements
17 of the Competition in Contracting Act, the Secretary, for
18 purposes of fuels management and resilient landscapes ac-
19 tivities, may obtain maximum practicable competition
20 among: (1) local private, nonprofit, or cooperative entities;
21 (2) Youth Conservation Corps crews, Public Lands Corps
22 (Public Law 109–154), or related partnerships with State,
23 local, or nonprofit youth groups; (3) small or micro-busi-
24 nesses; or (4) other entities that will hire or train locally
25 a significant percentage, defined as 50 percent or more,

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

1 cilitate and expedite wildland fire management programs
2 and projects: *Provided further*, That funds provided for
3 wildfire suppression shall be available for support of Fed-
4 eral emergency response actions: *Provided further*, That
5 funds appropriated under this heading shall be available
6 for assistance to or through the Department of State in
7 connection with forest and rangeland research, technical
8 information, and assistance in foreign countries, and, with
9 the concurrence of the Secretary of State, shall be avail-
10 able to support forestry, wildland fire management, and
11 related natural resource activities outside the United
12 States and its territories and possessions, including tech-
13 nical assistance, education and training, and cooperation
14 with United States and international organizations.

15 FLAME WILDFIRE SUPPRESSION RESERVE FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses for large fire suppression op-
18 erations of the Department of the Interior and as a re-
19 serve fund for suppression and Federal emergency re-
20 sponse activities, \$92,000,000, to remain available until
21 expended: *Provided*, That such amounts are only available
22 for transfer to the “Wildland Fire Management” account
23 following a declaration by the Secretary in accordance
24 with section 502 of the FLAME Act of 2009 (43 U.S.C.
25 1748a).

1 CENTRAL HAZARDOUS MATERIALS FUND

2 For necessary expenses of the Department of the In-
3 terior and any of its component offices and bureaus for
4 the response action, including associated activities, per-
5 formed pursuant to the Comprehensive Environmental Re-
6 sponse, Compensation, and Liability Act (42 U.S.C. 9601
7 et seq.), \$10,010,000, to remain available until expended.

8 NATURAL RESOURCE DAMAGE ASSESSMENT AND
9 RESTORATION

10 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

11 To conduct natural resource damage assessment, res-
12 toration activities, and onshore oil spill preparedness by
13 the Department of the Interior necessary to carry out the
14 provisions of the Comprehensive Environmental Response,
15 Compensation, and Liability Act (42 U.S.C. 9601 et seq.),
16 the Federal Water Pollution Control Act (33 U.S.C. 1251
17 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
18 et seq.), and subchapter II of chapter 1007 of title 54,
19 United States Code, \$7,767,000, to remain available until
20 expended.

21 WORKING CAPITAL FUND

22 For the operation and maintenance of a departmental
23 financial and business management system, information
24 technology improvements of general benefit to the Depart-
25 ment, cybersecurity, and the consolidation of facilities and

1 operations throughout the Department, \$67,100,000, to
2 remain available until expended: *Provided*, That none of
3 the funds appropriated in this Act or any other Act may
4 be used to establish reserves in the Working Capital Fund
5 account other than for accrued annual leave and deprecia-
6 tion of equipment without prior approval of the Commit-
7 tees on Appropriations of the House of Representatives
8 and the Senate: *Provided further*, That the Secretary may
9 assess reasonable charges to State, local and tribal govern-
10 ment employees for training services provided by the Na-
11 tional Indian Program Training Center, other than train-
12 ing related to Public Law 93–638: *Provided further*, That
13 the Secretary may lease or otherwise provide space and
14 related facilities, equipment or professional services of the
15 National Indian Program Training Center to State, local
16 and tribal government employees or persons or organiza-
17 tions engaged in cultural, educational, or recreational ac-
18 tivities (as defined in section 3306(a) of title 40, United
19 States Code) at the prevailing rate for similar space, facili-
20 ties, equipment, or services in the vicinity of the National
21 Indian Program Training Center: *Provided further*, That
22 all funds received pursuant to the two preceding provisos
23 shall be credited to this account, shall be available until
24 expended, and shall be used by the Secretary for necessary
25 expenses of the National Indian Program Training Center:

1 *Provided further*, That the Secretary may enter into grants
 2 and cooperative agreements to support the Office of Nat-
 3 ural Resource Revenue's collection and disbursement of
 4 royalties, fees, and other mineral revenue proceeds, as au-
 5 thorized by law.

6 ADMINISTRATIVE PROVISION

7 There is hereby authorized for acquisition from avail-
 8 able resources within the Working Capital Fund, aircraft
 9 which may be obtained by donation, purchase or through
 10 available excess surplus property: *Provided*, That existing
 11 aircraft being replaced may be sold, with proceeds derived
 12 or trade-in value used to offset the purchase price for the
 13 replacement aircraft.

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

16 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

17 SEC. 101. Appropriations made in this title shall be
 18 available for expenditure or transfer (within each bureau
 19 or office), with the approval of the Secretary, for the emer-
 20 gency reconstruction, replacement, or repair of aircraft,
 21 buildings, utilities, or other facilities or equipment dam-
 22 aged or destroyed by fire, flood, storm, or other unavoid-
 23 able causes: *Provided*, That no funds shall be made avail-
 24 able under this authority until funds specifically made
 25 available to the Department of the Interior for emer-

1 gencies shall have been exhausted: *Provided further*, That
2 all funds used pursuant to this section must be replenished
3 by a supplemental appropriation, which must be requested
4 as promptly as possible.

5 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

6 SEC. 102. The Secretary may authorize the expendi-
7 ture or transfer of any no year appropriation in this title,
8 in addition to the amounts included in the budget pro-
9 grams of the several agencies, for the suppression or emer-
10 gency prevention of wildland fires on or threatening lands
11 under the jurisdiction of the Department of the Interior;
12 for the emergency rehabilitation of burned-over lands
13 under its jurisdiction; for emergency actions related to po-
14 tential or actual earthquakes, floods, volcanoes, storms, or
15 other unavoidable causes; for contingency planning subse-
16 quent to actual oil spills; for response and natural resource
17 damage assessment activities related to actual oil spills or
18 releases of hazardous substances into the environment; for
19 the prevention, suppression, and control of actual or po-
20 tential grasshopper and Mormon cricket outbreaks on
21 lands under the jurisdiction of the Secretary, pursuant to
22 the authority in section 417(b) of Public Law 106–224
23 (7 U.S.C. 7717(b)); for emergency reclamation projects
24 under section 410 of Public Law 95–87; and shall trans-
25 fer, from any no year funds available to the Office of Sur-
26 face Mining Reclamation and Enforcement, such funds as

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

22 AUTHORIZED USE OF FUNDS

23 SEC. 103. Appropriations made to the Department
24 of the Interior in this title shall be available for services
25 as authorized by section 3109 of title 5, United States
26 Code, when authorized by the Secretary, in total amount

1 not to exceed \$500,000; purchase and replacement of
2 motor vehicles, including specially equipped law enforce-
3 ment vehicles; hire, maintenance, and operation of air-
4 craft; hire of passenger motor vehicles; purchase of re-
5 prints; payment for telephone service in private residences
6 in the field, when authorized under regulations approved
7 by the Secretary; and the payment of dues, when author-
8 ized by the Secretary, for library membership in societies
9 or associations which issue publications to members only
10 or at a price to members lower than to subscribers who
11 are not members.

12 AUTHORIZED USE OF FUNDS, INDIAN TRUST

13 MANAGEMENT

14 SEC. 104. Appropriations made in this Act under the
15 headings Bureau of Indian Affairs and Bureau of Indian
16 Education, and Office of the Special Trustee for American
17 Indians and any unobligated balances from prior appro-
18 priations Acts made under the same headings shall be
19 available for expenditure or transfer for Indian trust man-
20 agement and reform activities. Total funding for historical
21 accounting activities shall not exceed amounts specifically
22 designated in this Act for such purpose.

23 REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN

24 AFFAIRS

25 SEC. 105. Notwithstanding any other provision of
26 law, the Secretary of the Interior is authorized to redis-

1 tribute any Tribal Priority Allocation funds, including
2 tribal base funds, to alleviate tribal funding inequities by
3 transferring funds to address identified, unmet needs,
4 dual enrollment, overlapping service areas or inaccurate
5 distribution methodologies. No tribe shall receive a reduc-
6 tion in Tribal Priority Allocation funds of more than 10
7 percent in fiscal year 2017. Under circumstances of dual
8 enrollment, overlapping service areas or inaccurate dis-
9 tribution methodologies, the 10 percent limitation does not
10 apply.

11 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

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

1 OUTER CONTINENTAL SHELF INSPECTION FEES

2 SEC. 107. (a) In fiscal year 2017, the Secretary shall
3 collect a nonrefundable inspection fee, which shall be de-
4 posited in the “Offshore Safety and Environmental En-
5 forcement” account, from the designated operator for fa-
6 cilities subject to inspection under 43 U.S.C. 1348(c).

7 (b) Annual fees shall be collected for facilities that
8 are above the waterline, excluding drilling rigs, and are
9 in place at the start of the fiscal year. Fees for fiscal year
10 2017 shall be:

11 (1) \$10,500 for facilities with no wells, but with
12 processing equipment or gathering lines;

13 (2) \$17,000 for facilities with 1 to 10 wells,
14 with any combination of active or inactive wells; and

15 (3) \$31,500 for facilities with more than 10
16 wells, with any combination of active or inactive
17 wells.

18 (c) Fees for drilling rigs shall be assessed for all in-
19 spections completed in fiscal year 2017. Fees for fiscal
20 year 2017 shall be:

21 (1) \$30,500 per inspection for rigs operating in
22 water depths of 500 feet or more; and

23 (2) \$16,700 per inspection for rigs operating in
24 water depths of less than 500 feet.

1 (d) The Secretary shall bill designated operators
2 under subsection (b) within 60 days, with payment re-
3 quired within 30 days of billing. The Secretary shall bill
4 designated operators under subsection (c) within 30 days
5 of the end of the month in which the inspection occurred,
6 with payment required within 30 days of billing.

7 BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION
8 AND ENFORCEMENT REORGANIZATION

9 SEC. 108. The Secretary of the Interior, in order to
10 implement a reorganization of the Bureau of Ocean En-
11 ergy Management, Regulation and Enforcement, may
12 transfer funds among and between the successor offices
13 and bureaus affected by the reorganization only in con-
14 formance with the reprogramming guidelines described in
15 this Act.

16 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
17 BURRO HOLDING FACILITIES

18 SEC. 109. Notwithstanding any other provision of
19 this Act, the Secretary of the Interior may enter into
20 multiyear cooperative agreements with nonprofit organiza-
21 tions and other appropriate entities, and may enter into
22 multiyear contracts in accordance with the provisions of
23 section 3903 of title 41, United States Code (except that
24 the 5-year term restriction in subsection (a) shall not
25 apply), for the long-term care and maintenance of excess
26 wild free roaming horses and burros by such organizations

1 or entities on private land. Such cooperative agreements
2 and contracts may not exceed 10 years, subject to renewal
3 at the discretion of the Secretary.

4 MASS MARKING OF SALMONIDS

5 SEC. 110. The United States Fish and Wildlife Serv-
6 ice shall, in carrying out its responsibilities to protect
7 threatened and endangered species of salmon, implement
8 a system of mass marking of salmonid stocks, intended
9 for harvest, that are released from federally operated or
10 federally financed hatcheries including but not limited to
11 fish releases of coho, chinook, and steelhead species.
12 Marked fish must have a visible mark that can be readily
13 identified by commercial and recreational fishers.

14 EXHAUSTION OF ADMINISTRATIVE REVIEW

15 SEC. 111. Paragraph (1) of section 122(a) of division
16 E of Public Law 112–74 (125 Stat. 1013) is amended
17 by striking “fiscal years 2012 through 2018,” and insert-
18 ing “fiscal year 2012 and each fiscal year thereafter,”.

19 WILD LANDS FUNDING PROHIBITION

20 SEC. 112. None of the funds made available in this
21 Act or any other Act may be used to implement, admin-
22 ister, or enforce Secretarial Order No. 3310 issued by the
23 Secretary of the Interior on December 22, 2010.

24 CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

25 SEC. 113. Notwithstanding any other provision of
26 law, during fiscal year 2017, in carrying out work involv-

1 ing cooperation with State, local, and tribal governments
2 or any political subdivision thereof, Indian Affairs may
3 record obligations against accounts receivable from any
4 such entities, except that total obligations at the end of
5 the fiscal year shall not exceed total budgetary resources
6 available at the end of the fiscal year.

7 GREATER SAGE-GROUSE

8 SEC. 114. (a) None of the funds made available by
9 this or any other Act may be used—

10 (1) to review the status of or determine whether
11 the greater sage-grouse is an endangered species or
12 a threatened species pursuant to section 4 of the
13 Endangered Species Act of 1973 (16 U.S.C. 1533),
14 or to issue a regulation with respect thereto that ap-
15 plies to any State with a State management plan;

16 (2) to make, modify, or extend any withdrawal
17 pursuant to section 204 of the Federal Land Policy
18 and Management Act of 1976 (43 U.S.C. 1714)
19 within any Sagebrush Focal Area published in the
20 Federal Register on September 24, 2015 (80 Fed.
21 Reg. 57635 et seq.), in a manner inconsistent with
22 a State management plan; or

23 (3) to implement, amend, or otherwise modify
24 any Federal resource management plan applicable to
25 Federal land in a State with a State management

1 plan, in a manner inconsistent with such State man-
2 agement plan.

3 (b) For the purposes of this section—

4 (1) the term “Federal resource management
5 plan” means—

6 (A) a land use plan prepared by the Bu-
7 reau of Land Management for public lands pur-
8 suant to section 202 of the Federal Land Policy
9 and Management Act of 1976 (43 U.S.C.
10 1712); or

11 (B) a land and resource management plan
12 prepared by the Forest Service for National
13 Forest System lands pursuant to section 6 of
14 the Forest and Rangeland Renewable Resources
15 Planning Act of 1974 (16 U.S.C. 1604);

16 (2) the term “greater sage-grouse” means the
17 species *Centrocercus urophasianus* or the Columbia
18 Basin distinct population segment of greater sage-
19 grouse; and

20 (3) the term “State management plan” means
21 a State-wide plan for the protection and recovery of
22 greater sage-grouse that has been approved by the
23 Governor of such State.

24 WATER CONVEYANCES

25 SEC. 115. None of the funds made available by this
26 or any other Act may be used by the Secretary of the Inte-

rior to review, require approval of, or withhold approval for use of a right-of-way granted pursuant to the General Railroad Right-of-Way Act of 1875 (43 U.S.C. 934–939) if authorization of the use would have been considered under Department policy to be within the scope of a railroad’s authority as of the day before the effective date of the Department’s Solicitor’s Opinion M–37025, issued on November 4, 2011.

INDIAN EDUCATION FUND

SEC. 116. Section 801 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458ddd) is amended—

(1) by striking “Foundation” each place it appears and inserting “Fund”;

(2) in subsection (a), by striking “foundation” and inserting “fund”;

(3) in subsection (a), by adding at the end the following: “The Fund shall be affiliated and may contract for services with a section 501(c)(3) national organization whose mission is to represent Native American students and educators for the improvement of schools and the education of Native children.”;

(4) In subsection (e)(1), by inserting “or public” after “private”;

(5) in subsection (e)—

1 (A) in paragraph (2), by striking “and” at
2 the end;

3 (B) in paragraph (3), by striking the pe-
4 riod and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(4) to promote and facilitate public-private
7 partnerships that maximize the involvement of the
8 private sector, including nonprofit organizations and
9 for-profit entities, in providing financial and in-kind
10 support for the improvement or replacement of fa-
11 cilities and infrastructure and for the enhancement
12 of telecommunications and technological capacity in
13 Bureau-funded schools; and

14 “(5) to facilitate interagency agreements be-
15 tween the Department of the Interior and other
16 Federal agencies in furtherance of the purposes of
17 the Fund.”;

18 (6) in subsection (f)(2), by striking all that fol-
19 lows after the heading and inserting the following:
20 “The number of members of the Board, the manner
21 of their selection (including the filling of vacancies),
22 and their terms of office shall be as provided in the
23 constitution and bylaws of the Fund. The Board
24 shall have nine members, including the Secretary
25 and the Assistant Secretary of the Interior for In-

1 dian Affairs who shall serve as ex officio nonvoting
 2 members and who shall appoint three voting mem-
 3 bers to staggered terms, and including the President
 4 and Executive Director of the 501(c)(3) national or-
 5 ganization referenced in subsection (a) who shall
 6 serve as ex officio nonvoting members and who shall
 7 appoint two voting members to staggered terms.”;

8 (7) in subsection (f)(3), by striking “are” and
 9 all that follows through “practicable,” and inserting
 10 “shall, to the extent practicable, be drawn from var-
 11 ious disciplines related to the purposes of the Fund,
 12 and”; and

13 (8) in subsection (m)—

14 (A) in the heading, by inserting “AND
 15 PROPERTY” after “FUNDS”; and

16 (B) by inserting “and property” after the
 17 first “funds” the first place it appears.

18 BLUE RIDGE NATIONAL HERITAGE AREA AND ERIE

19 CANALWAY NATIONAL HERITAGE CORRIDOR

20 SEC. 117. (a) Section 140(i)(1) of Title I of Public
 21 Law 108–108, as amended (54 U.S.C. 320101 note), is
 22 further amended by striking “\$10,000,000” and inserting
 23 “\$12,000,000”; and

24 (b) Section 810(a)(1) of Title VIII of Division B of
 25 Appendix D of Public Law 106–554, as amended (54

1 U.S.C. 320101 note), is further amended by striking
2 “\$10,000,000” and inserting “\$12,000,000”.

3 FISH HATCHERY PROGRAMS

4 SEC. 118. (a) IN GENERAL.—Not later than two
5 years after the date of the enactment of this Act, the Sec-
6 retary of the Interior, in consultation with the Director
7 of the California Department of Fish and Wildlife, shall
8 develop and implement the expanded use of conservation
9 fish hatchery programs to enhance, supplement, and re-
10 build delta smelt (*Hypomesus transpacificus*) and other
11 species listed as endangered species or threatened species
12 under the Endangered Species Act of 1973 (16 U.S.C.
13 1531 et seq.), under the biological opinion issued under
14 that Act by the United States Fish and Wildlife Service,
15 dated December 15, 2008, on the effects of the coordi-
16 nated operations of the Central Valley Project and the
17 State Water Project in California.

18 (b) PROGRAM DESIGN.—The conservation fish hatch-
19 ery programs established under subsection (a) and their
20 associated hatchery and genetic management plans shall
21 be designed—

22 (1) to benefit, enhance, support, and otherwise
23 recover naturally spawning fish species to the point
24 where the measures under the Endangered Species
25 Act of 1973 are no longer necessary for such spe-
26 cies;

1 (2) to address the recommendations of the Cali-
2 fornia Hatchery Scientific Review Group; and

3 (3) to minimize adverse effects to operations of
4 the Central Valley Project and State Water Project
5 (as those terms are used in the Central Valley
6 Project Improvement Act of 2002 (title XXXIV of
7 Public Law 102–575)).

8 (c) MISCELLANEOUS REQUIREMENTS.—In imple-
9 menting this section, the Secretary—

10 (1) shall give priority to existing and prospec-
11 tive hatchery programs and facilities within the Sac-
12 ramento-San Joaquin Delta and the riverine tribu-
13 taries thereto; and

14 (2) may enter into cooperative agreements for
15 the operation of conservation hatchery programs
16 with the State of California, tribes, and other non-
17 Governmental entities for the benefit, enhancement,
18 and support of naturally spawning fish species.

19 REISSUANCE OF FINAL RULES

20 SEC. 119. Before the end of the 60-day period begin-
21 ning on the date of the enactment of this Act, the Sec-
22 retary of the Interior shall reissue the final rule published
23 on December 28, 2011 (76 Fed. Reg. 81666 et seq.) and
24 the final rule published on September 10, 2012 (77 Fed.
25 Reg. 55530 et seq.), without regard to any other provision

1 of statute or regulation that applies to issuance of such
2 rules. Such reissuances (including this section) shall not
3 be subject to judicial review.

4 STREAM BUFFER

5 SEC. 120. None of the funds made available by this
6 Act may be used by the Secretary to (1) further develop,
7 finalize, carry out, or implement the proposed rule entitled
8 “Stream Protection Rule” signed by the Assistant Sec-
9 retary for Land and Minerals Management of the Depart-
10 ment of the Interior on July 7, 2015 (80 Fed. Reg.
11 44436), or (2) develop, carry out, or implement any guid-
12 ance, policy, or directive to reinterpret or change the his-
13 toric interpretation of “material damage to the hydrologic
14 balance outside the permit area” in section 510(b)(3) of
15 the Surface Mining Control and Reclamation Act of 1977
16 (30 U.S.C. 1260(b)(3)), or 30 CFR 816.57 or 30 CFR
17 817.57, as promulgated on June 30, 1983 by the Office
18 of Surface Mining Reclamation and Enforcement of the
19 Department of the Interior (48 Fed. Reg. 30312).

20 BOTTLED WATER

21 SEC. 121. None of the funds made available by this
22 Act may be used by the Director of the National Park
23 Service to implement, administer, or enforce Policy Memo-
24 randum 11–03 or to approve a request by a park super-

1 intendent to eliminate the sale in national parks of water
2 in disposable, recyclable plastic bottles.

3 OIL AND GAS ROYALTIES

4 SEC. 122. None of the funds made available by this
5 Act may be used to finalize, implement, or enforce the Bu-
6 reau of Land Management's proposed rule regarding
7 Waste Prevention, Production Subject to Royalties, and
8 Resource Conservation published February 8, 2016.

9 PROHIBITION ON USE OF FUNDS FOR CERTAIN HISTORIC
10 DESIGNATION

11 SEC. 123. (a) IN GENERAL.—None of the funds
12 made available in this Act may be used to take any action
13 to designate a Federal property for inclusion on, or to add
14 a Federal property to, the National Register of Historic
15 Places, or to operate or maintain a property on that reg-
16 istry, if the managing agency of that Federal property ob-
17 jects to such designation or inclusion, including actions re-
18 lated to—

- 19 (1) cooperative agreements;
20 (2) general administration;
21 (3) maintenance of records and agreements; and
22 (4) any other functions necessary to designate, add,
23 operate, or maintain such Federal property.

24 (b) EXCEPTION.—The prohibition in subsection (a)
25 shall not apply to actions related to a managing agency
26 request for expedited removal of Federal property from

1 the National Register of Historic Places for reasons of na-
2 tional security.

3 DRILLING MARGINS

4 SEC. 124. None of the funds made available in this
5 Act or any other Act for any fiscal year may be used to
6 develop, adopt, implement, administer, or enforce any
7 change to the regulations and guidance in effect on April
8 1, 2015, pertaining to drilling margins or static downhole
9 mud weight (30 CFR 250.414(c)) including the provisions
10 of the rules dated April 17, 2015, and April 29, 2016.

11 TRIBAL RECOGNITION

12 SEC. 125. None of the funds made available by this
13 or any other Act may be used by the Secretary of the Inte-
14 rior to implement, administer, or enforce the final rule en-
15 titled “Federal Acknowledgment of American Indian
16 Tribes” published by the Department of the Interior in
17 the Federal Register on July 1, 2015 (80 Fed. Reg. 37862
18 et seq.).

19 ECHINODERMS

20 SEC. 126. Section 14.92(a)(1) of title 50, Code of
21 Federal Regulations, is amended by inserting “, including
22 echinoderms commonly known as sea urchins and sea cu-
23 cumbers,” after “products”.

(1) completes the two air modeling studies entitled “Arctic Air Quality Impact Assessment Modeling (AK-13-01)” and “Air Quality Modeling in the Gulf of Mexico Region (GM-14-01)”, and publishes the results of such studies and all supporting data and documentation in a form available to the public;

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1 ambient air quality standards, pursuant to, as re-
2 quired by section 5(a)(8) of such Act (43 U.S.C.
3 1334(a)(8)); and

4 (3) consults with the affected coastal states (as
5 that term is used in that Act) on the results of such
6 studies and analyses, and any actions that may be
7 taken including any incremental burdens on such
8 coastal states that may result.

9 (b) REPROPOSAL OF REGULATIONS.—The Secretary
10 shall—

11 (1) before issuing any such final regulations—

12 (A) repropose the regulations; and

13 (B) provide a period of at least 180 days
14 for the submission of public comment on such
15 reproposed regulations; and

16 (2) delay the effective date of such final regula-
17 tions for at least 180 days after the date they are
18 published.

19 TITLE II

20 ENVIRONMENTAL PROTECTION AGENCY

21 SCIENCE AND TECHNOLOGY

22 For science and technology, including research and
23 development activities, which shall include research and
24 development activities under the Comprehensive Environ-
25 mental Response, Compensation, and Liability Act of

1 1980; necessary expenses for personnel and related costs
2 and travel expenses; procurement of laboratory equipment
3 and supplies; and other operating expenses in support of
4 research and development, \$720,072,000 (increased by
5 \$3,000,000), to remain available until September 30,
6 2018: *Provided*, That of the funds included under this
7 heading, \$10,000,000 shall be for Research: National Pri-
8 orities as specified in the report accompanying this Act.

9 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

10 For environmental programs and management, in-
11 cluding necessary expenses, not otherwise provided for, for
12 personnel and related costs and travel expenses; hire of
13 passenger motor vehicles; hire, maintenance, and oper-
14 ation of aircraft; purchase of reprints; library member-
15 ships in societies or associations which issue publications
16 to members only or at a price to members lower than to
17 subscribers who are not members; administrative costs of
18 the brownfields program under the Small Business Liabil-
19 ity Relief and Brownfields Revitalization Act of 2002; and
20 not to exceed \$9,000 for official reception and representa-
21 tion expenses, \$2,527,470,000 (reduced by \$15,000,000)
22 (reduced by \$14,000,000) (reduced by \$70,000,000) (re-
23 duced by \$12,000,000) (reduced by \$3,000,000) (reduced
24 by \$1,750,000) (reduced by \$468,000) (increased by
25 \$468,000), to remain available until September 30, 2018:

1 *Provided*, That of the funds included under this heading,
2 \$15,000,000 shall be for Environmental Protection: Na-
3 tional Priorities as specified in the report accompanying
4 this Act: *Provided further*, That of the funds included
5 under this heading, \$409,709,000 shall be for Geographic
6 Programs specified in the report accompanying this Act:
7 *Provided further*, That the Administrator of the Environ-
8 mental Protection Agency is authorized, in carrying out
9 its responsibilities under section 2002(b) of the Solid
10 Waste Disposal Act (42 U.S.C. 6912(b)), to use appro-
11 priations made available under this heading to evaluate
12 the effectiveness of States using State solid waste manage-
13 ment plans to ensure the efficient and effective implemen-
14 tation, consistent with Executive Order No. 12898, of the
15 final regulations on coal combustion residuals that took
16 effect on October 19, 2015, and codified in parts 257 and
17 261 of title 40 of the Code of Federal Regulations: *Pro-*
18 *vided further*, That the Administrator shall provide to the
19 Committee on Appropriations and the appropriate author-
20 izing Committees a report on the effectiveness of States
21 using such plans in implementing the requirements of final
22 coal combustion residual regulations in an efficient and
23 effective manner.

3 For necessary expenses to carry out section 3024 of
4 the Solid Waste Disposal Act (42 U.S.C. 6939g), includ-
5 ing the development, operation, maintenance, and upgrad-
6 ing of the hazardous waste electronic manifest system es-
7 tablished by such section, \$3,178,000, to remain available
8 until September 30, 2019.

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$41,489,000 (increased by \$10,038,000), to remain available until September 30, 2018.

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$34,467,000, to remain available until expended.

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611)

1 \$1,115,929,000, to remain available until expended, con-
2 sisting of such sums as are available in the Trust Fund
3 on September 30, 2016, as authorized by section 517(a)
4 of the Superfund Amendments and Reauthorization Act
5 of 1986 (SARA) and up to \$1,115,929,000 as a payment
6 from general revenues to the Hazardous Substance Super-
7 fund for purposes as authorized by section 517(b) of
8 SARA: *Provided*, That funds appropriated under this
9 heading may be allocated to other Federal agencies in ac-
10 cordance with section 111(a) of CERCLA: *Provided fur-*
11 *ther*, That of the funds appropriated under this heading,
12 \$8,778,000 shall be paid to the “Office of Inspector Gen-
13 eral” appropriation to remain available until September
14 30, 2018, and \$15,496,000 shall be paid to the “Science
15 and Technology” appropriation to remain available until
16 September 30, 2018.

17 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
18 PROGRAM

19 For necessary expenses to carry out leaking under-
20 ground storage tank cleanup activities authorized by sub-
21 title I of the Solid Waste Disposal Act, \$94,605,000, to
22 remain available until expended, of which \$68,016,000
23 shall be for carrying out leaking underground storage tank
24 cleanup activities authorized by section 9003(h) of the
25 Solid Waste Disposal Act; \$26,589,000 shall be for car-

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

9 INLAND OIL SPILL PROGRAMS

10 For expenses necessary to carry out the Environ-
 11 mental Protection Agency's responsibilities under the Oil
 12 Pollution Act of 1990, \$18,079,000, to be derived from
 13 the Oil Spill Liability trust fund, to remain available until
 14 expended.

15 STATE AND TRIBAL ASSISTANCE GRANTS

16 For environmental programs and infrastructure as-
 17 sistance, including capitalization grants for State revolv-
 18 ing funds and performance partnership grants,
 19 \$3,370,729,000 (increased by \$6,000,000) (reduced by
 20 \$6,000,000), to remain available until expended, of
 21 which—

22 (1) \$1,000,000,000 shall be for making capital-
 23 ization grants for the Clean Water State Revolving
 24 Funds under title VI of the Federal Water Pollution
 25 Control Act; and of which \$1,070,500,000 shall be

1 for making capitalization grants for the Drinking
2 Water State Revolving Funds under section 1452 of
3 the Safe Drinking Water Act: *Provided*, That for fis-
4 cal year 2017, funds made available under this title
5 to each State for Clean Water State Revolving Fund
6 capitalization grants and for Drinking Water State
7 Revolving Fund capitalization grants may, at the
8 discretion of each State, be used for projects to ad-
9 dress green infrastructure, water or energy efficiency
10 improvements, or other environmentally innovative
11 activities: *Provided further*, That notwithstanding
12 section 603(d)(7) of the Federal Water Pollution
13 Control Act, the limitation on the amounts in a
14 State water pollution control revolving fund that
15 may be used by a State to administer the fund shall
16 not apply to amounts included as principal in loans
17 made by such fund in fiscal year 2017 and prior
18 years where such amounts represent costs of admin-
19 istering the fund to the extent that such amounts
20 are or were deemed reasonable by the Administrator,
21 accounted for separately from other assets in the
22 fund, and used for eligible purposes of the fund, in-
23 cluding administration: *Provided further*, That for
24 fiscal year 2017, notwithstanding the provisions of
25 sections 201(g)(1), (h), and (l) of the Federal Water

1 Pollution Control Act, grants under Title II of the
2 Federal Water Pollution Control Act for American
3 Samoa, Guam, the Commonwealth of the Northern
4 Marianas, the United States Virgin Islands, and the
5 District of Columbia may also be made for the pur-
6 pose of providing assistance: (1) solely for facility
7 plans, design activities, or plans, specification, and
8 estimates for any proposed project for the construc-
9 tion of treatment works; and (2) for the construc-
10 tion, repair, or replacement of privately owned treat-
11 ment works serving one or more principal residences
12 or small commercial establishments; *Provided fur-*
13 *ther*, That for fiscal year 2017, notwithstanding the
14 provisions of 201(g)(1), (h), and (l) and section
15 518(c) of the Federal Water Pollution Control Act,
16 funds reserved by the Administrator for grants
17 under section 518(c) of the Federal Water Pollution
18 Control Act may also be used to provide assistance:
19 (1) solely for facility plans, design activities, or
20 plans, specifications, and estimates for any proposed
21 project for the construction of treatment works; and
22 (2) for the construction, repair, or replacement of
23 privately owned treatment works serving one or
24 more principal residences or small commercial estab-
25 lishments; Funds reserved under section 518(c) of

1 such Act shall be available for grants only to Indian
2 tribes, as defined in section 518(h) of such Act and
3 former Indian reservations in Oklahoma (as defined
4 by the Secretary of the Interior) and Native Villages
5 (as defined in Public Law 92–203): *Provided further*,
6 That for fiscal year 2017, notwithstanding any pro-
7 vision of the Clean Water Act and regulations issued
8 pursuant thereof, up to a total of \$2,000,000 of the
9 funds reserved by the Administrator for grants
10 under section 518(c) of the Federal Water Pollution
11 Control Act may also be used for grants for training,
12 technical assistance, and educational programs relat-
13 ing to the operation and management of the treat-
14 ment works specified in section 518(c) of such Act;
15 Funds reserved under section 518(c) of such Act
16 shall be available for grants only to Indian tribes, as
17 defined in section 518(h) of such Act and former In-
18 dian reservations in Oklahoma (as determined by the
19 Secretary of the Interior) and Native Villages (as
20 defined in Public Law 92–203): *Provided further*,
21 That for fiscal year 2017, notwithstanding the limi-
22 tation on amounts in section 518(c) of the Federal
23 Water Pollution Control Act, up to a total of 2 per-
24 cent of the funds appropriated, or \$30,000,000,
25 whichever is greater, and notwithstanding the limita-

1 tion on amounts in section 1452(i) of the Safe
2 Drinking Water Act, up to a total of 2 percent of
3 the funds appropriated, or \$20,000,000, whichever
4 is greater, for State Revolving Funds under such
5 Acts may be reserved by the Administrator for
6 grants under section 518(c) and section 1452(i) of
7 such Acts: *Provided further*, That for fiscal year
8 2017, notwithstanding the amounts specified in sec-
9 tion 205(c) of the Federal Water Pollution Control
10 Act, up to 1.5 percent of the aggregate funds appro-
11 priated for the Clean Water State Revolving Fund
12 program under the Act less any sums reserved under
13 section 518(c) of the Act, may be reserved by the
14 Administrator for grants made under title II of the
15 Federal Water Pollution Control Act for American
16 Samoa, Guam, the Commonwealth of the Northern
17 Marianas, and United States Virgin Islands: *Pro-*
18 *vided further*, That for fiscal year 2017, notwith-
19 standing the limitations on amounts specified in sec-
20 tion 1452(j) of the Safe Drinking Water Act, up to
21 1.5 percent of the funds appropriated for the Drink-
22 ing Water State Revolving Fund programs under the
23 Safe Drinking Water Act may be reserved by the
24 Administrator for grants made under section
25 1452(j) of the Safe Drinking Water Act: *Provided*

1 *further*, That 10 percent of the funds made available
2 under this title to each State for Clean Water State
3 Revolving Fund capitalization grants and 20 percent
4 of the funds made available under this title to each
5 State for Drinking Water State Revolving Fund cap-
6 italization grants shall be used by the State to pro-
7 vide additional subsidy to eligible recipients in the
8 form of forgiveness of principal, negative interest
9 loans, or grants (or any combination of these), and
10 shall be so used by the State only where such funds
11 are provided as initial financing for an eligible re-
12 cipient or to buy, refinance, or restructure the debt
13 obligations of eligible recipients where such debt was
14 incurred on or after the date of enactment of this
15 Act, or where such debt was incurred prior to the
16 date of enactment of this Act if the State, with con-
17 currence from the Administrator, determines that
18 such funds could be used to help address a threat
19 to public health from heightened exposure to lead in
20 drinking water or if a Federal or State emergency
21 declaration has been issued due to a threat to public
22 health from heightened exposure to lead in a munic-
23 ipal drinking water supply before the date of enact-
24 ment of this Act: *Provided further*, That in a State
25 in which such an emergency declaration has been

1 issued, the State may use more than 20 percent of
2 the funds made available under this title to the
3 State for Drinking Water State Revolving Fund cap-
4 italization grants to provide additional subsidy to eli-
5 gible recipients;

6 (2) \$5,000,000 shall be for architectural, engi-
7 neering, planning, design, construction and related
8 activities in connection with the construction of high
9 priority water and wastewater facilities in the area
10 of the United States-Mexico Border, after consulta-
11 tion with the appropriate border commission; *Pro-*
12 *vided*, That no funds provided by this appropriations
13 Act to address the water, wastewater and other crit-
14 ical infrastructure needs of the colonias in the
15 United States along the United States-Mexico bor-
16 der shall be made available to a county or municipal
17 government unless that government has established
18 an enforceable local ordinance, or other zoning rule,
19 which prevents in that jurisdiction the development
20 or construction of any additional colonia areas, or
21 the development within an existing colonia the con-
22 struction of any new home, business, or other struc-
23 ture which lacks water, wastewater, or other nec-
24 essary infrastructure;

1 (3) \$17,000,000 shall be for grants to the State
2 of Alaska to address drinking water and wastewater
3 infrastructure needs of rural and Alaska Native Vil-
4 lages: *Provided*, That of these funds: (A) the State
5 of Alaska shall provide a match of 25 percent; (B)
6 no more than 5 percent of the funds may be used
7 for administrative and overhead expenses; and (C)
8 the State of Alaska shall make awards consistent
9 with the Statewide priority list established in con-
10 junction with the Agency and the United States De-
11 partment of Agriculture for all water, sewer, waste
12 disposal, and similar projects carried out by the
13 State of Alaska that are funded under section 221
14 of the Federal Water Pollution Control Act (33
15 U.S.C. 1301) or the Consolidated Farm and Rural
16 Development Act (7 U.S.C. 1921 et seq.) which shall
17 allocate not less than 25 percent of the funds pro-
18 vided for projects in regional hub communities;

19 (4) \$80,000,000 shall be to carry out section
20 104(k) of the Comprehensive Environmental Re-
21 sponse, Compensation, and Liability Act of 1980
22 (CERCLA), including grants, interagency agree-
23 ments, and associated program support costs: *Pro-*
24 *vided*, That not more than 25 percent of the amount
25 appropriated to carry out section 104(k) of

1 CERCLA shall be used for site characterization, as-
2 sessment, and remediation of facilities described in
3 section 101(39)(D)(ii)(II) of CERCLA: *Provided*
4 *further*, That at least 10 percent shall be allocated
5 for assistance in persistent poverty counties: *Pro-*
6 *vided further*, That for purposes of this section, the
7 term “persistent poverty counties” means any coun-
8 ty that has had 20 percent or more of its population
9 living in poverty over the past 30 years, as measured
10 by the 1990 and 2000 decennial censuses and the
11 most recent Small Area Income and Poverty Esti-
12 mates;

13 (5) \$100,000,000 shall be for grants under title
14 VII, subtitle G of the Energy Policy Act of 2005;

15 (6) \$40,000,000 shall be for targeted airshed
16 grants in accordance with the terms and conditions
17 of the report accompanying this Act; and

18 (7) \$1,058,229,000 shall be for grants, includ-
19 ing associated program support costs, to States, fed-
20 erally recognized tribes, interstate agencies, tribal
21 consortia, and air pollution control agencies for
22 multi-media or single media pollution prevention,
23 control and abatement and related activities, includ-
24 ing activities pursuant to the provisions set forth
25 under this heading in Public Law 104–134, and for

1 making grants under section 103 of the Clean Air
2 Act for particulate matter monitoring and data col-
3 lection activities subject to terms and conditions
4 specified by the Administrator, of which:
5 \$47,745,000 shall be for carrying out section 128 of
6 CERCLA; \$9,646,000 shall be for Environmental
7 Information Exchange Network grants, including as-
8 sociated program support costs; \$1,498,000 shall be
9 for grants to States under section 2007(f)(2) of the
10 Solid Waste Disposal Act, which shall be in addition
11 to funds appropriated under the heading “Leaking
12 Underground Storage Tank Trust Fund Program”
13 to carry out the provisions of the Solid Waste Dis-
14 posal Act specified in section 9508(c) of the Internal
15 Revenue Code other than section 9003(h) of the
16 Solid Waste Disposal Act; \$17,848,000 of the funds
17 available for grants under section 106 of the Federal
18 Water Pollution Control Act shall be for State par-
19 ticipation in national- and State-level statistical sur-
20 veys of water resources and enhancements to State
21 monitoring programs.

22 WATER INFRASTRUCTURE FINANCE AND INNOVATION
23 PROGRAM ACCOUNT

24 For the cost of direct loans and for the cost of guar-
25 anteed loans, as authorized by the Water Infrastructure

1 Finance and Innovation Act of 2014, \$45,000,000, to re-
 2 main available until expended: *Provided*, That such costs,
 3 including the cost of modifying such loans, shall be as de-
 4 fined in section 502 of the Congressional Budget Act of
 5 1974: *Provided further*, That these funds are available to
 6 subsidize gross obligations for the principal amount of di-
 7 rect loans, including capitalized interest, and total loan
 8 principal, including capitalized interest, any part of which
 9 is to be guaranteed, not to exceed \$5,487,000,000.

10 In addition, fees authorized to be collected pursuant
 11 to sections 5029 and 5030 of the Water Infrastructure
 12 Finance and Innovation Act of 2014 shall be deposited
 13 in this account to remain available until expended.

14 In addition, for administrative expenses to carry out
 15 the direct and guaranteed loan programs, notwithstanding
 16 section 5033 of the Water Infrastructure Finance and In-
 17 novation Act of 2014, \$5,000,000, to remain available
 18 until September 30, 2018.

19 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL
 20 PROTECTION AGENCY
 21 (INCLUDING TRANSFERS OF FUNDS)

22 For fiscal year 2017, notwithstanding 31 U.S.C.
 23 6303(1) and 6305(1), the Administrator of the Environ-
 24 mental Protection Agency, in carrying out the Agency's
 25 function to implement directly Federal environmental pro-

1 grams required or authorized by law in the absence of an
2 acceptable tribal program, may award cooperative agree-
3 ments to federally recognized Indian tribes or Intertribal
4 consortia, if authorized by their member tribes, to assist
5 the Administrator in implementing Federal environmental
6 programs for Indian tribes required or authorized by law,
7 except that no such cooperative agreements may be award-
8 ed from funds designated for State financial assistance
9 agreements.

10 The Administrator of the Environmental Protection
11 Agency is authorized to collect and obligate pesticide reg-
12 istration service fees in accordance with section 33 of the
13 Federal Insecticide, Fungicide, and Rodenticide Act, as
14 amended by Public Law 112–177, the Pesticide Registra-
15 tion Improvement Extension Act of 2012.

16 Notwithstanding section 33(d)(2) of the Federal In-
17 secticide, Fungicide, and Rodenticide Act (FIFRA) (7
18 U.S.C. 136w–8(d)(2)), the Administrator of the Environ-
19 mental Protection Agency may assess fees under section
20 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2017.

21 The Administrator is authorized to transfer up to
22 \$300,000,000 of the funds appropriated for the Great
23 Lakes Restoration Initiative under the heading “Environ-
24 mental Programs and Management” to the head of any
25 Federal department or agency, with the concurrence of

1 such head, to carry out activities that would support the
2 Great Lakes Restoration Initiative and Great Lakes
3 Water Quality Agreement programs, projects, or activities;
4 to enter into an interagency agreement with the head of
5 such Federal department or agency to carry out these ac-
6 tivities; and to make grants to governmental entities, non-
7 profit organizations, institutions, and individuals for plan-
8 ning, research, monitoring, outreach, and implementation
9 in furtherance of the Great Lakes Restoration Initiative
10 and the Great Lakes Water Quality Agreement.

11 The Science and Technology, Environmental Pro-
12 grams and Management, Office of Inspector General, Haz-
13 ardous Substance Superfund, and Leaking Underground
14 Storage Tank Trust Fund Program Accounts, are avail-
15 able for the construction, alteration, repair, rehabilitation,
16 and renovation of facilities provided that the cost does not
17 exceed \$150,000 per project.

18 The Administrator of the Environmental Protection
19 Agency shall base agency policies and actions regarding
20 air emissions from forest biomass including, but not lim-
21 ited to, air emissions from facilities that combust forest
22 biomass for energy, on the principle that forest biomass
23 emissions do not increase overall carbon dioxide accumula-
24 tions in the atmosphere when USDA Forest Inventory and
25 Analysis data show that forest carbon stocks in the United

1 States are stable or increasing on a national scale, or when
2 forest biomass is derived from mill residuals, harvest re-
3 siduals or forest management activities. Such policies and
4 actions shall not pre-empt existing authorities of States
5 to determine how to utilize biomass as a renewable energy
6 source and shall not inhibit States' authority to apply the
7 same policies to forest biomass as other renewable fuels
8 in implementing Federal law.

9 The Administrator of the Environmental Protection
10 Agency shall apply the criteria and procedures in effect
11 as of the date of enactment of this Act for aquifer exemp-
12 tions under the underground injection control regulatory
13 framework, in a collaborative manner with the States and
14 regulated industries, to promptly review and make deci-
15 sions on all aquifer exemption applications using the cri-
16 teria for exempted aquifers set forth in section 146.4 of
17 title 40, Code of Federal Regulations (as in effect on April
18 1, 2016). The Administrator shall not use substantial pro-
19 gram revisions for purposes of reviewing and making deci-
20 sions on aquifer exemption applications involving under-
21 ground injection authorized by permit, provided the injec-
22 tion is occurring into aquifers that meet the criteria for
23 an exemption under such section 146.4 and the rec-
24 ommendations of key State resource agencies are taken
25 in account.

1 For fiscal year 2017, and notwithstanding section
2 518(f) of the Federal Water Pollution Control Act (33
3 U.S.C. 1377(f)), the Administrator is authorized to use
4 the amounts appropriated for any fiscal year under section
5 319 of the Act to make grants to federally recognized In-
6 dian tribes pursuant to sections 319(h) and 518(e) of that
7 Act.

8 TITLE III

9 RELATED AGENCIES

10 DEPARTMENT OF AGRICULTURE

11 FOREST SERVICE

12 FOREST AND RANGELAND RESEARCH

13 For necessary expenses of forest and rangeland re-
14 search as authorized by law, \$291,982,000 (increased by
15 \$10,000,000), to remain available through September 30,
16 2019: *Provided*, That of the funds provided, \$77,000,000
17 is for the forest inventory and analysis program.

18 STATE AND PRIVATE FORESTRY

19 For necessary expenses of cooperating with and pro-
20 viding technical and financial assistance to States, terri-
21 tories, possessions, and others, and for forest health man-
22 agement, including treatments of pests, pathogens, and
23 invasive or noxious plants and for restoring and rehabili-
24 tating forests damaged by pests or invasive plants, cooper-
25 ative forestry, and education and land conservation activi-

1 ties and conducting an international program as author-
 2 ized, \$244,038,000, to remain available through Sep-
 3 tember 30, 2018, as authorized by law, of which
 4 \$55,000,000 is to be derived from the Land and Water
 5 Conservation Fund to be used for the Forest Legacy Pro-
 6 gram, to remain available until expended.

7 NATIONAL FOREST SYSTEM

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses of the Forest Service, not
 10 otherwise provided for, for management, protection, im-
 11 provement, and utilization of the National Forest System,
 12 \$1,531,443,000 (reduced by \$2,000,000), to remain avail-
 13 able through September 30, 2018: *Provided*, That of the
 14 funds provided, \$40,000,000 shall be deposited in the Col-
 15 laborative Forest Landscape Restoration Fund for ecologi-
 16 cal restoration treatments as authorized by 16 U.S.C.
 17 7303(f): *Provided further*, That of the funds provided,
 18 \$384,805,000 shall be for forest products: *Provided fur-*
 19 *ther*, That of the funds provided, up to \$159,941,000 is
 20 for the Integrated Resource Restoration pilot program for
 21 Region 1, Region 2, Region 3, Region 4, and Region 5:
 22 *Provided further*, That of the funds provided for forest
 23 products, up to \$161,560,000 may be transferred to sup-
 24 port the Integrated Resource Restoration pilot program
 25 in the preceding proviso: *Provided further*, That the Sec-

1 retary of Agriculture may transfer to the Secretary of the
2 Interior any unobligated funds appropriated in a previous
3 fiscal year for operation of the Valles Caldera National
4 Preserve.

5 CAPITAL IMPROVEMENT AND MAINTENANCE

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of the Forest Service, not
8 otherwise provided for, \$364,164,000, to remain available
9 through September 30, 2018, for construction, capital im-
10 provement, maintenance and acquisition of buildings and
11 other facilities and infrastructure; and for construction,
12 reconstruction, decommissioning of roads that are no
13 longer needed, including unauthorized roads that are not
14 part of the transportation system, and maintenance of for-
15 est roads and trails by the Forest Service as authorized
16 by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Pro-*
17 *vided*, That \$40,000,000 shall be designated for urgently
18 needed road decommissioning, road and trail repair and
19 maintenance and associated activities, and removal of fish
20 passage barriers, especially in areas where Forest Service
21 roads may be contributing to water quality problems in
22 streams and water bodies which support threatened, en-
23 dangered, or sensitive species or community water sources:
24 *Provided further*, That funds becoming available in fiscal
25 year 2017 under the Act of March 4, 1913 (16 U.S.C.

1 501) shall be transferred to the General Fund of the
 2 Treasury and shall not be available for transfer or obliga-
 3 tion for any other purpose unless the funds are appro-
 4 priated: *Provided further*, That of the funds provided for
 5 decommissioning of roads, up to \$24,543,000 may be
 6 transferred to the “National Forest System” to support
 7 the Integrated Resource Restoration pilot program.

8 LAND ACQUISITION

9 For expenses necessary to carry out the provisions
 10 of chapter 2003 of title 54, United States Code, including
 11 administrative expenses, and for acquisition of land or
 12 waters, or interest therein, in accordance with statutory
 13 authority applicable to the Forest Service, \$27,280,000,
 14 to be derived from the Land and Water Conservation
 15 Fund and to remain available until expended.

16 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL 17 ACTS

18 For acquisition of lands within the exterior bound-
 19 aries of the Cache, Uinta, and Wasatch National Forests,
 20 Utah; the Toiyabe National Forest, Nevada; and the An-
 21 geles, San Bernardino, Sequoia, and Cleveland National
 22 Forests, California, as authorized by law, \$950,000, to be
 23 derived from forest receipts.

1 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

2 For acquisition of lands, such sums, to be derived
 3 from funds deposited by State, county, or municipal gov-
 4 ernments, public school districts, or other public school au-
 5 thorities, and for authorized expenditures from funds de-
 6 posited by non-Federal parties pursuant to Land Sale and
 7 Exchange Acts, pursuant to the Act of December 4, 1967
 8 (16 U.S.C. 484a), to remain available through September
 9 30, 2018, (16 U.S.C. 516–617a, 555a; Public Law 96–
 10 586; Public Law 76–589, 76–591; and Public Law 78–
 11 310).

12 RANGE BETTERMENT FUND

13 For necessary expenses of range rehabilitation, pro-
 14 tection, and improvement, 50 percent of all moneys re-
 15 ceived during the prior fiscal year, as fees for grazing do-
 16 mestic livestock on lands in National Forests in the 16
 17 Western States, pursuant to section 401(b)(1) of Public
 18 Law 94–579, to remain available through September 30,
 19 2018, of which not to exceed 6 percent shall be available
 20 for administrative expenses associated with on-the-ground
 21 range rehabilitation, protection, and improvements.

22 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

23 RANGELAND RESEARCH

24 For expenses authorized by 16 U.S.C. 1643(b),
 25 \$45,000, to remain available through September 30, 2018,

1 to be derived from the fund established pursuant to the
2 above Act.

3 MANAGEMENT OF NATIONAL FOREST LANDS FOR
4 SUBSISTENCE USES

5 For necessary expenses of the Forest Service to man-
6 age Federal lands in Alaska for subsistence uses under
7 title VIII of the Alaska National Interest Lands Conserva-
8 tion Act (Public Law 96–487), \$2,500,000, to remain
9 available through September 30, 2018.

10 WILDLAND FIRE MANAGEMENT
11 (INCLUDING TRANSFERS OF FUNDS)

12 For necessary expenses for forest fire presuppression
13 activities on National Forest System lands, for emergency
14 fire suppression on or adjacent to such lands or other
15 lands under fire protection agreement, hazardous fuels
16 management on or adjacent to such lands, emergency re-
17 habilitation of burned-over National Forest System lands
18 and water, and for State and volunteer fire assistance,
19 \$2,593,763,000 (increased by \$70,000,000) (increased by
20 \$2,000,000), to remain available through September 30,
21 2019: *Provided*, That such funds including unobligated
22 balances under this heading, are available for repayment
23 of advances from other appropriations accounts previously
24 transferred for such purposes: *Provided further*, That such
25 funds shall be available to reimburse State and other co-

1 operating entities for services provided in response to wild-
2 fire and other emergencies or disasters to the extent such
3 reimbursements by the Forest Service for non-fire emer-
4 gencies are fully repaid by the responsible emergency man-
5 agement agency: *Provided further*, That notwithstanding
6 any other provision of law, \$6,914,000 of funds appro-
7 priated under this appropriation shall be available for the
8 Forest Service in support of fire science research author-
9 ized by the Joint Fire Science Program, including all For-
10 est Service authorities for the use of funds, such as con-
11 tracts, grants, research joint venture agreements, and co-
12 operative agreements: *Provided further*, That all authori-
13 ties for the use of funds, including the use of contracts,
14 grants, and cooperative agreements, available to execute
15 the Forest and Rangeland Research appropriation, are
16 also available in the utilization of these funds for Fire
17 Science Research: *Provided further*, That funds provided
18 shall be available for emergency rehabilitation and restora-
19 tion, hazardous fuels management activities, support to
20 Federal emergency response, and wildfire suppression ac-
21 tivities of the Forest Service: *Provided further*, That of the
22 funds provided, \$395,000,000 (increased by \$70,000,000)
23 is for hazardous fuels management activities, \$19,795,000
24 is for research activities and to make competitive research
25 grants pursuant to the Forest and Rangeland Renewable

1 Resources Research Act, (16 U.S.C. 1641 et seq.),
2 \$78,000,000 is for State fire assistance, and \$13,000,000
3 (increased by \$2,000,000) is for volunteer fire assistance
4 under section 10 of the Cooperative Forestry Assistance
5 Act of 1978 (16 U.S.C. 2106): *Provided further*, That
6 amounts in this paragraph may be transferred to the “Na-
7 tional Forest System”, and “Forest and Rangeland Re-
8 search” accounts to fund forest and rangeland research,
9 the Joint Fire Science Program, vegetation and watershed
10 management, heritage site rehabilitation, and wildlife and
11 fish habitat management and restoration: *Provided fur-*
12 *ther*, That of the funds provided, \$65,000,000 shall be
13 available for the purpose of acquiring aircraft for the next-
14 generation airtanker fleet to enhance firefighting mobility,
15 effectiveness, efficiency, and safety, and such aircraft shall
16 be suitable for contractor operation over the terrain and
17 forest ecosystems characteristic of National Forest System
18 lands, as determined by the Chief of the Forest Service:
19 *Provided further*, That the costs of implementing any co-
20 operative agreement between the Federal Government and
21 any non-Federal entity may be shared, as mutually agreed
22 on by the affected parties: *Provided further*, That the
23 funds provided herein may be used by the Secretary of
24 Agriculture to enter into procurement contracts or cooper-
25 ative agreements or to issue grants for hazardous fuels

1 management activities and for training or monitoring as-
2 sociated with such hazardous fuels management activities
3 on Federal land or on non-Federal land if the Secretary
4 determines such activities benefit resources on Federal
5 land: *Provided further*, That funds made available to im-
6 plement the Community Forest Restoration Act, Public
7 Law 106–393, title VI, shall be available for use on non-
8 Federal lands in accordance with authorities made avail-
9 able to the Forest Service under the “State and Private
10 Forestry” appropriation: *Provided further*, That the Sec-
11 retary of the Interior and the Secretary of Agriculture
12 may authorize the transfer of funds appropriated for
13 wildland fire management, in an aggregate amount not to
14 exceed \$50,000,000, between the Departments when such
15 transfers would facilitate and expedite wildland fire man-
16 agement programs and projects: *Provided further*, That of
17 the funds provided for hazardous fuels management, not
18 to exceed \$5,000,000 may be used to make grants, using
19 any authorities available to the Forest Service under the
20 “State and Private Forestry” appropriation, for the pur-
21 pose of creating incentives for increased use of biomass
22 from National Forest System lands: *Provided further*,
23 That funds designated for wildfire suppression, including
24 funds transferred from the “FLAME Wildfire Suppres-
25 sion Reserve Fund”, shall be assessed for cost pools on

1 the same basis as such assessments are calculated against
 2 other agency programs: *Provided further*, That of the
 3 funds for hazardous fuels management, up to \$46,653,000
 4 may be transferred to the “National Forest System” to
 5 support the Integrated Resource Restoration pilot pro-
 6 gram.

7 FLAME WILDFIRE SUPPRESSION RESERVE FUND

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses for large fire suppression op-
 10 erations of the Department of Agriculture and as a reserve
 11 fund for suppression and Federal emergency response ac-
 12 tivities, \$315,000,000, to remain available until expended:
 13 *Provided*, That such amounts are only available for trans-
 14 fer to the “Wildland Fire Management” account following
 15 a declaration by the Secretary in accordance with section
 16 502 of the FLAME Act of 2009 (43 U.S.C. 1748a).

17 ADMINISTRATIVE PROVISIONS—FOREST SERVICE

18 (INCLUDING TRANSFERS OF FUNDS)

19 Appropriations to the Forest Service for the current
 20 fiscal year shall be available for: (1) purchase of passenger
 21 motor vehicles; acquisition of passenger motor vehicles
 22 from excess sources, and hire of such vehicles; purchase,
 23 lease, operation, maintenance, and acquisition of aircraft
 24 to maintain the operable fleet for use in Forest Service
 25 wildland fire programs and other Forest Service programs;

1 notwithstanding other provisions of law, existing aircraft
2 being replaced may be sold, with proceeds derived or
3 trade-in value used to offset the purchase price for the
4 replacement aircraft; (2) services pursuant to 7 U.S.C.
5 2225, and not to exceed \$100,000 for employment under
6 5 U.S.C. 3109; (3) purchase, erection, and alteration of
7 buildings and other public improvements (7 U.S.C. 2250);
8 (4) acquisition of land, waters, and interests therein pur-
9 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
10 Volunteers in the National Forest Act of 1972 (16 U.S.C.
11 558a, 558d, and 558a note); (6) the cost of uniforms as
12 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
13 lection contracts in accordance with 31 U.S.C. 3718(c).

14 Any appropriations or funds available to the Forest
15 Service may be transferred to the Wildland Fire Manage-
16 ment appropriation for forest firefighting, emergency re-
17 habilitation of burned-over or damaged lands or waters
18 under its jurisdiction, and fire preparedness due to severe
19 burning conditions upon the Secretary’s notification of the
20 House and Senate Committees on Appropriations that all
21 fire suppression funds appropriated under the headings
22 “Wildland Fire Management” and “FLAME Wildfire
23 Suppression Reserve Fund” will be obligated within 30
24 days: *Provided*, That all funds used pursuant to this para-

1 graph must be replenished by a supplemental appropria-
2 tion which must be requested as promptly as possible.

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

21 Funds appropriated to the Forest Service shall be
22 available for expenditure or transfer to the Department
23 of the Interior, Bureau of Land Management, for removal,
24 preparation, and adoption of excess wild horses and burros
25 from National Forest System lands, and for the perform-

1 ance of cadastral surveys to designate the boundaries of
2 such lands.

3 None of the funds made available to the Forest Serv-
4 ice in this Act or any other Act with respect to any fiscal
5 year shall be subject to transfer under the provisions of
6 section 702(b) of the Department of Agriculture Organic
7 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
8 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
9 Law 107–171 (7 U.S.C. 8316(b)).

10 None of the funds available to the Forest Service may
11 be reprogrammed without the advance approval of the
12 House and Senate Committees on Appropriations in ac-
13 cordance with the reprogramming procedures contained in
14 this Act.

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

1 tion Technology Center and the Department of Agri-
2 culture's International Technology Service.

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

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

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

1 assistance, private contributions to match on at least one-
2 for-one basis funds made available by the Forest Service:
3 *Provided further*, That the Foundation may transfer Fed-
4 eral funds to a Federal or a non-Federal recipient for a
5 project at the same rate that the recipient has obtained
6 the non-Federal matching funds.

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

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

24 Funds appropriated to the Forest Service shall be
25 available for payments to counties within the Columbia

1 River Gorge National Scenic Area, pursuant to section
2 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
3 663.

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

8 Funds available to the Forest Service, not to exceed
9 \$65,000,000, shall be assessed for the purpose of per-
10 forming fire, administrative and other facilities mainte-
11 nance and decommissioning. Such assessments shall occur
12 using a square foot rate charged on the same basis the
13 agency uses to assess programs for payment of rent, utili-
14 ties, and other support services.

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

1 should clearly display the sums previously transferred and
2 the requested funding transfers.

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

8 Notwithstanding any other provision of this Act,
9 through the Office of Budget and Program Analysis, the
10 Forest Service shall report no later than 30 business days
11 following the close of each fiscal quarter all current and
12 prior year unobligated balances, by fiscal year, budget line
13 item and account, to the House and Senate Committees
14 on Appropriations.

15 Funds appropriated to the Forest Service shall be
16 available to categorically exclude from documentation in
17 an environmental assessment or an environmental impact
18 statement under the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.) a forest management
20 activity on National Forest System lands when the pri-
21 mary purpose of the forest management activity is: (1)
22 to address an insect or disease infestation; (2) to reduce
23 hazardous fuel loads; (3) to protect a municipal water
24 source; (4) to maintain, enhance, or modify critical habitat
25 to protect it from catastrophic disturbances; (5) to in-

1 crease water yield; or (6) any combination of these pur-
2 poses: *Provided*, That the land on which the forest man-
3 agement activity is carried out may not exceed 3,000
4 acres.

5 DEPARTMENT OF HEALTH AND HUMAN
6 SERVICES

7 INDIAN HEALTH SERVICE

8 INDIAN HEALTH SERVICES

9 For expenses necessary to carry out the Act of Au-
10 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
11 tion and Education Assistance Act, the Indian Health
12 Care Improvement Act, and titles II and III of the Public
13 Health Service Act with respect to the Indian Health Serv-
14 ice, \$3,720,690,000, together with payments received dur-
15 ing the fiscal year pursuant to 42 U.S.C. 238(b) and
16 238b, for services furnished by the Indian Health Service:
17 *Provided*, That funds made available to tribes and tribal
18 organizations through contracts, grant agreements, or any
19 other agreements or compacts authorized by the Indian
20 Self-Determination and Education Assistance Act of 1975
21 (25 U.S.C. 450), shall be deemed to be obligated at the
22 time of the grant or contract award and thereafter shall
23 remain available to the tribe or tribal organization without
24 fiscal year limitation: *Provided further*, That
25 \$960,831,000 for Purchased/Referred Care, including

1 \$53,000,000 for the Indian Catastrophic Health Emer-
2 gency Fund, shall remain available until expended: *Pro-*
3 *vided further*, That of the funds provided, up to
4 \$37,000,000 shall remain available until expended for im-
5 plementation of the loan repayment program under section
6 108 of the Indian Health Care Improvement Act: *Provided*
7 *further*, That of the funds provided, \$2,000,000 shall be
8 used to supplement funds available for operational costs
9 at tribal clinics operated under an Indian Self-Determina-
10 tion and Education Assistance Act compact or contract
11 where health care is delivered in space acquired through
12 a full service lease, which is not eligible for maintenance
13 and improvement and equipment funds from the Indian
14 Health Service, and \$6,000,000 shall be for accreditation
15 emergencies: *Provided further*, That the amounts collected
16 by the Federal Government as authorized by sections 104
17 and 108 of the Indian Health Care Improvement Act (25
18 U.S.C. 1613a and 1616a) during the preceding fiscal year
19 for breach of contracts shall be deposited to the Fund au-
20 thorized by section 108A of the Act (25 U.S.C. 1616a–
21 1) and shall remain available until expended and, notwith-
22 standing section 108A(c) of the Act (25 U.S.C. 1616a–
23 1(c)), funds shall be available to make new awards under
24 the loan repayment and scholarship programs under sec-
25 tions 104 and 108 of the Act (25 U.S.C. 1613a and

1 1616a): *Provided further*, That the amounts made avail-
2 able within this account for the Substance Abuse and Sui-
3 cide Prevention Program, for the Domestic Violence Pre-
4 vention Program, for the Zero Suicide Initiative, for
5 aftercare pilots at Youth Regional Treatment Centers, to
6 improve collections from public and private insurance at
7 Indian Health Service and tribally operated facilities, and
8 for accreditation emergencies shall be allocated at the dis-
9 cretion of the Director of the Indian Health Service and
10 shall remain available until expended: *Provided further*,
11 That funds provided in this Act may be used for annual
12 contracts and grants that fall within 2 fiscal years, pro-
13 vided the total obligation is recorded in the year the funds
14 are appropriated: *Provided further*, That the amounts col-
15 lected by the Secretary of Health and Human Services
16 under the authority of title IV of the Indian Health Care
17 Improvement Act shall remain available until expended for
18 the purpose of achieving compliance with the applicable
19 conditions and requirements of titles XVIII and XIX of
20 the Social Security Act, except for those related to the
21 planning, design, or construction of new facilities: *Pro-*
22 *vided further*, That funding contained herein for scholar-
23 ship programs under the Indian Health Care Improvement
24 Act (25 U.S.C. 1613) shall remain available until ex-
25 pended: *Provided further*, That amounts received by tribes

1 and tribal organizations under title IV of the Indian
2 Health Care Improvement Act shall be reported and ac-
3 counted for and available to the receiving tribes and tribal
4 organizations until expended: *Provided further*, That the
5 Bureau of Indian Affairs may collect from the Indian
6 Health Service, tribes and tribal organizations operating
7 health facilities pursuant to Public Law 93–638, such in-
8 dividually identifiable health information relating to dis-
9 abled children as may be necessary for the purpose of car-
10 rying out its functions under the Individuals with Disabil-
11 ities Education Act (20 U.S.C. 1400, et seq.): *Provided*
12 *further*, That the Indian Health Care Improvement Fund
13 may be used, as needed, to carry out activities typically
14 funded under the Indian Health Facilities account.

15 CONTRACT SUPPORT COSTS

16 For payments to tribes and tribal organizations for
17 contract support costs associated with Indian Self-Deter-
18 mination and Education Assistance Act agreements with
19 the Indian Health Service for fiscal year 2017, such sums
20 as may be necessary: *Provided*, That notwithstanding any
21 other provision of law, no amounts made available under
22 this heading shall be available for transfer to another
23 budget account.

INDIAN HEALTH FACILITIES

1
2 For construction, repair, maintenance, improvement,
3 and equipment of health and related auxiliary facilities,
4 including quarters for personnel; preparation of plans,
5 specifications, and drawings; acquisition of sites, purchase
6 and erection of modular buildings, and purchases of trail-
7 ers; and for provision of domestic and community sanita-
8 tion facilities for Indians, as authorized by section 7 of
9 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
10 Self-Determination Act, and the Indian Health Care Im-
11 provement Act, and for expenses necessary to carry out
12 such Acts and titles II and III of the Public Health Serv-
13 ice Act with respect to environmental health and facilities
14 support activities of the Indian Health Service,
15 \$557,946,000, to remain available until expended: *Pro-*
16 *vided*, That notwithstanding any other provision of law,
17 funds appropriated for the planning, design, construction,
18 renovation or expansion of health facilities for the benefit
19 of an Indian tribe or tribes may be used to purchase land
20 on which such facilities will be located: *Provided further*,
21 That not to exceed \$500,000 may be used by the Indian
22 Health Service to purchase TRANSAM equipment from
23 the Department of Defense for distribution to the Indian
24 Health Service and tribal facilities: *Provided further*, That
25 none of the funds appropriated to the Indian Health Serv-

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

15 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

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

1 Secretary; uniforms or allowances therefor as authorized
2 by 5 U.S.C. 5901–5902; and for expenses of attendance
3 at meetings that relate to the functions or activities of the
4 Indian Health Service: *Provided*, That in accordance with
5 the provisions of the Indian Health Care Improvement
6 Act, non-Indian patients may be extended health care at
7 all tribally administered or Indian Health Service facili-
8 ties, subject to charges, and the proceeds along with funds
9 recovered under the Federal Medical Care Recovery Act
10 (42 U.S.C. 2651–2653) shall be credited to the account
11 of the facility providing the service and shall be available
12 without fiscal year limitation: *Provided further*, That not-
13 withstanding any other law or regulation, funds trans-
14 ferred from the Department of Housing and Urban Devel-
15 opment to the Indian Health Service shall be administered
16 under Public Law 86–121, the Indian Sanitation Facilities
17 Act and Public Law 93–638: *Provided further*, That funds
18 appropriated to the Indian Health Service in this Act, ex-
19 cept those used for administrative and program direction
20 purposes, shall not be subject to limitations directed at
21 curtailing Federal travel and transportation: *Provided fur-*
22 *ther*, That none of the funds made available to the Indian
23 Health Service in this Act shall be used for any assess-
24 ments or charges by the Department of Health and
25 Human Services unless identified in the budget justifica-

1 tion and provided in this Act, or approved by the House
2 and Senate Committees on Appropriations through the re-
3 programming process: *Provided further*, That notwith-
4 standing any other provision of law, funds previously or
5 herein made available to a tribe or tribal organization
6 through a contract, grant, or agreement authorized by
7 title I or title V of the Indian Self-Determination and
8 Education Assistance Act of 1975 (25 U.S.C. 450), may
9 be deobligated and reobligated to a self-determination con-
10 tract under title I, or a self-governance agreement under
11 title V of such Act and thereafter shall remain available
12 to the tribe or tribal organization without fiscal year limi-
13 tation: *Provided further*, That none of the funds made
14 available to the Indian Health Service in this Act shall
15 be used to implement the final rule published in the Fed-
16 eral Register on September 16, 1987, by the Department
17 of Health and Human Services, relating to the eligibility
18 for the health care services of the Indian Health Service
19 until the Indian Health Service has submitted a budget
20 request reflecting the increased costs associated with the
21 proposed final rule, and such request has been included
22 in an appropriations Act and enacted into law: *Provided*
23 *further*, That with respect to functions transferred by the
24 Indian Health Service to tribes or tribal organizations, the
25 Indian Health Service is authorized to provide goods and

1 services to those entities on a reimbursable basis, includ-
2 ing payments in advance with subsequent adjustment, and
3 the reimbursements received therefrom, along with the
4 funds received from those entities pursuant to the Indian
5 Self-Determination Act, may be credited to the same or
6 subsequent appropriation account from which the funds
7 were originally derived, with such amounts to remain
8 available until expended: *Provided further*, That reim-
9 bursements for training, technical assistance, or services
10 provided by the Indian Health Service will contain total
11 costs, including direct, administrative, and overhead asso-
12 ciated with the provision of goods, services, or technical
13 assistance: *Provided further*, That the appropriation struc-
14 ture for the Indian Health Service may not be altered
15 without advance notification to the House and Senate
16 Committees on Appropriations.

17 NATIONAL INSTITUTES OF HEALTH

18 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

19 SCIENCES

20 For necessary expenses for the National Institute of
21 Environmental Health Sciences in carrying out activities
22 set forth in section 311(a) of the Comprehensive Environ-
23 mental Response, Compensation, and Liability Act of
24 1980 (42 U.S.C. 9660(a)) and section 126(g) of the

1 Superfund Amendments and Reauthorization Act of 1986,
2 \$77,349,000.

3 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

4 REGISTRY

5 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

6 HEALTH

7 For necessary expenses for the Agency for Toxic Sub-
8 stances and Disease Registry (ATSDR) in carrying out
9 activities set forth in sections 104(i) and 111(c)(4) of the
10 Comprehensive Environmental Response, Compensation,
11 and Liability Act of 1980 (CERCLA) and section 3019
12 of the Solid Waste Disposal Act, \$74,691,000, of which
13 up to \$1,000 per eligible employee of the Agency for Toxic
14 Substances and Disease Registry shall remain available
15 until expended for Individual Learning Accounts: *Pro-*
16 *vided*, That notwithstanding any other provision of law,
17 in lieu of performing a health assessment under section
18 104(i)(6) of CERCLA, the Administrator of ATSDR may
19 conduct other appropriate health studies, evaluations, or
20 activities, including, without limitation, biomedical testing,
21 clinical evaluations, medical monitoring, and referral to
22 accredited healthcare providers: *Provided further*, That in
23 performing any such health assessment or health study,
24 evaluation, or activity, the Administrator of ATSDR shall
25 not be bound by the deadlines in section 104(i)(6)(A) of

1 CERCLA: *Provided further*, That none of the funds appro-
2 priated under this heading shall be available for ATSDR
3 to issue in excess of 40 toxicological profiles pursuant to
4 section 104(i) of CERCLA during fiscal year 2017, and
5 existing profiles may be updated as necessary.

6 OTHER RELATED AGENCIES

7 EXECUTIVE OFFICE OF THE PRESIDENT

8 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
9 ENVIRONMENTAL QUALITY

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

22 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

23 SALARIES AND EXPENSES

24 For necessary expenses in carrying out activities pur-
25 suant to section 112(r)(6) of the Clean Air Act, including

1 hire of passenger vehicles, uniforms or allowances there-
2 for, as authorized by 5 U.S.C. 5901–5902, and for serv-
3 ices authorized by 5 U.S.C. 3109 but at rates for individ-
4 uals not to exceed the per diem equivalent to the maximum
5 rate payable for senior level positions under 5 U.S.C.
6 5376, \$11,000,000: *Provided*, That the Chemical Safety
7 and Hazard Investigation Board (Board) shall have not
8 more than three career Senior Executive Service positions:
9 *Provided further*, That notwithstanding any other provi-
10 sion of law, the individual appointed to the position of In-
11 spector General of the Environmental Protection Agency
12 (EPA) shall, by virtue of such appointment, also hold the
13 position of Inspector General of the Board: *Provided fur-*
14 *ther*, That notwithstanding any other provision of law, the
15 Inspector General of the Board shall utilize personnel of
16 the Office of Inspector General of EPA in performing the
17 duties of the Inspector General of the Board, and shall
18 not appoint any individuals to positions within the Board.

19 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of the Office of Navajo and
23 Hopi Indian Relocation as authorized by Public Law 93–
24 531, \$15,431,000, to remain available until expended:
25 *Provided*, That funds provided in this or any other appro-

1 priations Act are to be used to relocate eligible individuals
2 and groups including evictees from District 6, Hopi-parti-
3 tioned lands residents, those in significantly substandard
4 housing, and all others certified as eligible and not in-
5 cluded in the preceding categories: *Provided further*, That
6 none of the funds contained in this or any other Act may
7 be used by the Office of Navajo and Hopi Indian Reloca-
8 tion to evict any single Navajo or Navajo family who, as
9 of November 30, 1985, was physically domiciled on the
10 lands partitioned to the Hopi Tribe unless a new or re-
11 placement home is provided for such household: *Provided*
12 *further*, That no relocatee will be provided with more than
13 one new or replacement home: *Provided further*, That the
14 Office shall relocate any certified eligible relocatees who
15 have selected and received an approved homesite on the
16 Navajo reservation or selected a replacement residence off
17 the Navajo reservation or on the land acquired pursuant
18 to 25 U.S.C. 640d-10: *Provided further*, That \$200,000
19 shall be transferred to the Office of Inspector General of
20 the Department of the Interior, to remain available until
21 expended, for audits and investigations of the Office of
22 Navajo and Hopi Indian Relocation, consistent with the
23 Inspector General Act of 1978 (5 U.S.C. App.).

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

4 For payment to the Institute of American Indian and
5 Alaska Native Culture and Arts Development, as author-
6 ized by title XV of Public Law 99–498 (20 U.S.C. 56 part
7 A), \$11,619,000, to remain available until September 30,
8 2018.

9 SMITHSONIAN INSTITUTION
10 SALARIES AND EXPENSES

11 For necessary expenses of the Smithsonian Institu-
12 tion, as authorized by law, including research in the fields
13 of art, science, and history; development, preservation, and
14 documentation of the National Collections; presentation of
15 public exhibits and performances; collection, preparation,
16 dissemination, and exchange of information and publica-
17 tions; conduct of education, training, and museum assist-
18 ance programs; maintenance, alteration, operation, lease
19 agreements of no more than 30 years, and protection of
20 buildings, facilities, and approaches; not to exceed
21 \$100,000 for services as authorized by 5 U.S.C. 3109; and
22 purchase, rental, repair, and cleaning of uniforms for em-
23 ployees, \$712,487,000 (reduced by \$300,000) (increased
24 by \$300,000), to remain available until September 30,
25 2018, except as otherwise provided herein; of which not

1 to exceed \$50,467,000 for the instrumentation program,
2 collections acquisition, exhibition reinstallation, the Na-
3 tional Museum of African American History and Culture,
4 and the repatriation of skeletal remains program shall re-
5 main available until expended; and including such funds
6 as may be necessary to support American overseas re-
7 search centers: *Provided*, That funds appropriated herein
8 are available for advance payments to independent con-
9 tractors performing research services or participating in
10 official Smithsonian presentations.

11 FACILITIES CAPITAL

12 For necessary expenses of repair, revitalization, and
13 alteration of facilities owned or occupied by the Smithso-
14 nian Institution, by contract or otherwise, as authorized
15 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
16 and for construction, including necessary personnel,
17 \$150,860,000, to remain available until expended, of
18 which not to exceed \$10,000 shall be for services as au-
19 thorized by 5 U.S.C. 3109.

20 NATIONAL GALLERY OF ART

21 SALARIES AND EXPENSES

22 For the upkeep and operations of the National Gal-
23 lery of Art, the protection and care of the works of art
24 therein, and administrative expenses incident thereto, as
25 authorized by the Act of March 24, 1937 (50 Stat. 51),

1 as amended by the public resolution of April 13, 1939
2 (Public Resolution 9, Seventy-sixth Congress), including
3 services as authorized by 5 U.S.C. 3109; payment in ad-
4 vance when authorized by the treasurer of the Gallery for
5 membership in library, museum, and art associations or
6 societies whose publications or services are available to
7 members only, or to members at a price lower than to the
8 general public; purchase, repair, and cleaning of uniforms
9 for guards, and uniforms, or allowances therefor, for other
10 employees as authorized by law (5 U.S.C. 5901–5902);
11 purchase or rental of devices and services for protecting
12 buildings and contents thereof, and maintenance, alter-
13 ation, improvement, and repair of buildings, approaches,
14 and grounds; and purchase of services for restoration and
15 repair of works of art for the National Gallery of Art by
16 contracts made, without advertising, with individuals,
17 firms, or organizations at such rates or prices and under
18 such terms and conditions as the Gallery may deem prop-
19 er, \$130,801,000, to remain available until September 30,
20 2018, of which not to exceed \$3,620,000 for the special
21 exhibition program shall remain available until expended.

22 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

23 For necessary expenses of repair, restoration and
24 renovation of buildings, grounds and facilities owned or
25 occupied by the National Gallery of Art, by contract or

1 otherwise, for operating lease agreements of no more than
2 10 years, with no extensions or renewals beyond the 10
3 years, that address space needs created by the ongoing
4 renovations in the Master Facilities Plan, as authorized,
5 \$22,564,000, to remain available until expended: *Pro-*
6 *vided*, That contracts awarded for environmental systems,
7 protection systems, and exterior repair or renovation of
8 buildings of the National Gallery of Art may be negotiated
9 with selected contractors and awarded on the basis of con-
10 tractor qualifications as well as price.

11 JOHN F. KENNEDY CENTER FOR THE PERFORMING
12 ARTS

13 OPERATIONS AND MAINTENANCE

14 For necessary expenses for the operation, mainte-
15 nance and security of the John F. Kennedy Center for
16 the Performing Arts, \$22,260,000.

17 CAPITAL REPAIR AND RESTORATION

18 For necessary expenses for capital repair and restora-
19 tion of the existing features of the building and site of
20 the John F. Kennedy Center for the Performing Arts,
21 \$14,140,000, to remain available until expended.

1 WOODROW WILSON INTERNATIONAL CENTER FOR
2 SCHOLARS
3 SALARIES AND EXPENSES

4 For expenses necessary in carrying out the provisions
5 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
6 1356) including hire of passenger vehicles and services as
7 authorized by 5 U.S.C. 3109, \$10,500,000, to remain
8 available until September 30, 2018.

9 NATIONAL FOUNDATION ON THE ARTS AND THE
10 HUMANITIES
11 NATIONAL ENDOWMENT FOR THE ARTS
12 GRANTS AND ADMINISTRATION

13 For necessary expenses to carry out the National
14 Foundation on the Arts and the Humanities Act of 1965,
15 \$149,849,000 shall be available to the National Endow-
16 ment for the Arts for the support of projects and produc-
17 tions in the arts, including arts education and public out-
18 reach activities, through assistance to organizations and
19 individuals pursuant to section 5 of the Act, for program
20 support, and for administering the functions of the Act,
21 to remain available until expended.

22 NATIONAL ENDOWMENT FOR THE HUMANITIES
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 \$149,848,000, to remain available until expended, of
2 which \$139,148,000 shall be available for support of ac-
3 tivities in the humanities, pursuant to section 7(c) of the
4 Act and for administering the functions of the Act; and
5 \$10,700,000 shall be available to carry out the matching
6 grants program pursuant to section 10(a)(2) of the Act,
7 including \$8,500,000 for the purposes of section 7(h):
8 *Provided*, That appropriations for carrying out section
9 10(a)(2) shall be available for obligation only in such
10 amounts as may be equal to the total amounts of gifts,
11 bequests, devises of money, and other property accepted
12 by the chairman or by grantees of the National Endow-
13 ment for the Humanities under the provisions of sections
14 11(a)(2)(B) and 11(a)(3)(B) during the current and pre-
15 ceding fiscal years for which equal amounts have not pre-
16 viously been appropriated.

17 ADMINISTRATIVE PROVISIONS

18 None of the funds appropriated to the National
19 Foundation on the Arts and the Humanities may be used
20 to process any grant or contract documents which do not
21 include the text of 18 U.S.C. 1913: *Provided*, That none
22 of the funds appropriated to the National Foundation on
23 the Arts and the Humanities may be used for official re-
24 ception and representation expenses: *Provided further*,
25 That funds from nonappropriated sources may be used as

1 necessary for official reception and representation ex-
 2 penses: *Provided further*, That the Chairperson of the Na-
 3 tional Endowment for the Arts may approve grants of up
 4 to \$10,000, if in the aggregate the amount of such grants
 5 does not exceed 5 percent of the sums appropriated for
 6 grantmaking purposes per year: *Provided further*, That
 7 such small grant actions are taken pursuant to the terms
 8 of an expressed and direct delegation of authority from
 9 the National Council on the Arts to the Chairperson.

10 COMMISSION OF FINE ARTS

11 SALARIES AND EXPENSES

12 For expenses of the Commission of Fine Arts under
 13 chapter 91 of title 40, United States Code, \$2,762,000:
 14 *Provided*, That the Commission is authorized to charge
 15 fees to cover the full costs of its publications, and such
 16 fees shall be credited to this account as an offsetting col-
 17 lection, to remain available until expended without further
 18 appropriation: *Provided further*, That the Commission is
 19 authorized to accept gifts, including objects, papers, art-
 20 work, drawings and artifacts, that pertain to the history
 21 and design of the Nation's Capital or the history and ac-
 22 tivities of the Commission of Fine Arts, for the purpose
 23 of artistic display, study or education: *Provided further*,
 24 That one-tenth of one percent of the funds provided under

1 this heading may be used for official reception and rep-
2 resentation expenses.

3 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

4 For necessary expenses as authorized by Public Law
5 99–190 (20 U.S.C. 956a), \$2,000,000.

6 ADVISORY COUNCIL ON HISTORIC PRESERVATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Advisory Council on
9 Historic Preservation (Public Law 89–665), \$6,480,000.

10 NATIONAL CAPITAL PLANNING COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the National Capital Plan-
13 ning Commission under chapter 87 of title 40, United
14 States Code, including services as authorized by 5 U.S.C.
15 3109, \$8,099,000: *Provided*, That one-quarter of 1 per-
16 cent of the funds provided under this heading may be used
17 for official reception and representational expenses associ-
18 ated with hosting international visitors engaged in the
19 planning and physical development of world capitals.

20 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

21 HOLOCAUST MEMORIAL MUSEUM

22 For expenses of the Holocaust Memorial Museum, as
23 authorized by Public Law 106–292 (36 U.S.C. 2301–
24 2310), \$57,000,000, of which \$1,215,000 shall remain
25 available until September 30, 2019, for the Museum’s

1 equipment replacement program; and of which \$2,500,000
2 for the Museum's repair and rehabilitation program and
3 \$1,264,000 for the Museum's outreach initiatives program
4 shall remain available until expended.

5 TITLE IV

6 GENERAL PROVISIONS

7 (INCLUDING TRANSFERS OF FUNDS)

8 RESTRICTION ON USE OF FUNDS

9 SEC. 401. No part of any appropriation contained in
10 this Act shall be available for any activity or the publica-
11 tion or distribution of literature that in any way tends to
12 promote public support or opposition to any legislative
13 proposal on which Congressional action is not complete
14 other than to communicate to Members of Congress as
15 described in 18 U.S.C. 1913.

16 OBLIGATION OF APPROPRIATIONS

17 SEC. 402. No part of any appropriation contained in
18 this Act shall remain available for obligation beyond the
19 current fiscal year unless expressly so provided herein.

20 REPROGRAMMING PROCEDURES, DISCLOSURE OF

21 ADMINISTRATIVE EXPENSES, AND OPERATING PLANS

22 SEC. 403. (a) DEFINITIONS.—For the purposes of
23 this section:

24 (1) “Reprogramming” includes:

1 (A) The reallocation of funds from one
2 program, project, or activity, to another within
3 any appropriation funded in this Act.

4 (B) For construction, land acquisition, and
5 forest legacy accounts, the reallocation of funds,
6 including unobligated balances, from one con-
7 struction, land acquisition, or forest legacy
8 project to another such project.

9 (C) An operating plan or any later modi-
10 fication thereof submitted under subsection (i)
11 of this section.

12 (D) Proposed reorganizations even without
13 a change in funding, including any change to
14 the organization table presented in the budget
15 justification.

16 (2) “Program”, “project”, and “activity” con-
17 stitute the delineation below the appropriation ac-
18 count level of any agency funded by this Act, as
19 shown in any table of the report accompanying this
20 Act.

21 (3) “Funds” includes funds provided in this Act
22 or previous appropriations Acts that are available
23 for obligation in the current fiscal year and any
24 amounts available for obligation in the current fiscal
25 year derived from collections, fees or charges.

1 (4) “Assessment” is any overhead charge, de-
2 duction, reserve or holdback, including working cap-
3 ital fund and cost pool charges, from any program,
4 project, and activity to support government-wide, de-
5 partmental, agency, or bureau administrative func-
6 tions or headquarters, regional, or central operations
7 or to provide for contingencies.

8 (b) GENERAL GUIDELINES FOR REPROGRAMMING.—

9 (1) A reprogramming should be made only
10 when an unforeseen situation arises, and then only
11 if postponement of the project or the activity until
12 the next appropriation year would result in actual
13 loss or damage.

14 (2) Any project or activity, which may be de-
15 ferred through reprogramming, shall not later be ac-
16 complished by means of further reprogramming, but
17 instead, funds should again be sought for the de-
18 ferred project or activity through the regular appro-
19 priations process.

20 (3) Except under the most urgent situations,
21 reprogramming should not be employed to initiate
22 new programs or increase allocations specifically de-
23 nied or limited by the Congress, or to decrease allo-
24 cations specifically increased by the Congress.

1 (4) New programs requested in the budget
2 should not be initiated before enactment of the bill
3 without notification to, and the approval of, the
4 Committees on Appropriations of the House of Rep-
5 resentatives and the Senate (hereinafter “the Com-
6 mittees”). This restriction applies to all such actions
7 regardless of whether a formal reprogramming of
8 funds is required to begin the program.

9 (c) CRITERIA.—

10 (1) A reprogramming shall be submitted to the
11 Committees in writing 30 days prior to implementa-
12 tion if—

13 (A) it exceeds \$1,000,000 individually or
14 cumulatively or results in a cumulative increase
15 or decrease of more than 10 percent of funds
16 annually in any affected program, project, or
17 activity;

18 (B) it is a reorganization; or

19 (C) it is an operating plan or any later
20 modification thereof as submitted under sub-
21 section (i) of this section: *Provided*, That such
22 plan or modification thereof also meets any of
23 the other criteria under subsection (c)(1) of this
24 section.

1 (2) No funds shall be available for obligation or
2 expenditure through a reprogramming until 30 days
3 after the receipt by the Committees of a notice of
4 proposed reprogramming.

5 (3) A reprogramming shall be considered ap-
6 proved 30 days after receipt if the Committees have
7 posed no objection. However, agencies will be ex-
8 pected to extend the approval deadline if specifically
9 requested by either Committee.

10 (d) EXCEPTIONS.—

11 (1) With regard to the tribal priority allocations
12 of the Bureau of Indian Affairs, there is no restric-
13 tion on reprogrammings among these programs.
14 However, the Bureau shall report on all
15 reprogrammings made during a given fiscal year no
16 later than 60 days after the end of the fiscal year.

17 (2) With regard to the Environmental Protec-
18 tion Agency, State and Tribal Assistance Grants ac-
19 count, the Committees do not require reprogram-
20 ming requests associated with States and Tribes
21 Partnership Grants.

22 (e) ASSESSMENTS.—

23 (1) No assessment shall be levied or collected
24 unless such assessment and the basis therefor are
25 presented to the Committees in the budget justifica-

1 tions and are subsequently approved by the Commit-
2 tees. The explanation for any assessment in the
3 budget justification shall show the amount of the as-
4 sessment, the activities assessed, and the purpose of
5 the funds.

6 (2) Proposed changes to estimated assessments,
7 as such estimates were presented in annual budget
8 justifications, shall be submitted through the re-
9 programming process set out in this section and
10 shall be subject to the same dollar and reporting cri-
11 teria as any other reprogramming.

12 (3) Each department, agency or bureau that
13 utilizes assessments shall submit an annual report to
14 the Committees which provides details on the use of
15 all funds assessed from any other program, project,
16 or activity.

17 (4) In no case shall contingency funds or as-
18 sessments be used to finance agency actions dis-
19 approved or limited by the Congress.

20 (f) LAND ACQUISITIONS, EASEMENTS, AND FOREST
21 LEGACY.—Lands shall not be acquired for more than the
22 approved appraised value (as addressed in section 301(3)
23 of Public Law 91–646), unless such acquisitions are sub-
24 mitted to the Committees for approval in compliance with
25 these procedures.

1 (g) LAND EXCHANGES.—Land exchanges, wherein
2 the estimated value of the Federal lands to be exchanged
3 is greater than \$1,000,000, shall not be consummated
4 until the Committees have had a 30-day period in which
5 to examine the proposed exchange. In addition, the Com-
6 mittees shall be provided advance notification of exchanges
7 valued between \$500,000 and \$1,000,000.

8 (h) BUDGET STRUCTURE.—The program, project,
9 and activity structure for any agency appropriation ac-
10 count shall not be altered without advance approval of the
11 Committees.

12 (i) OPERATING PLANS.—Not later than 60 days after
13 the date of enactment of this Act, each department or
14 agency funded by this Act shall submit an operating plan
15 to the Committees to establish the baseline for application
16 of reprogramming for the current fiscal year. The oper-
17 ating plan shall include—

18 (1) a table for each appropriation with a sepa-
19 rate column to display the President’s budget re-
20 quest, adjustments made by the Congress, enacted
21 rescissions, if appropriate, and the fiscal year en-
22 acted level;

23 (2) a delineation in the table for each appro-
24 priation by program, project, and activity for the re-
25 spective appropriation; and

1 (3) an identification of items of special congres-
2 sional interest.

3 MINING APPLICATIONS

4 SEC. 404. (a) LIMITATION OF FUNDS.—None of the
5 funds appropriated or otherwise made available pursuant
6 to this Act shall be obligated or expended to accept or
7 process applications for a patent for any mining or mill
8 site claim located under the general mining laws.

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

20 (c) REPORT.—On September 30, 2018, the Secretary
21 of the Interior shall file with the House and Senate Com-
22 mittees on Appropriations and the Committee on Natural
23 Resources of the House and the Committee on Energy and
24 Natural Resources of the Senate a report on actions taken
25 by the Department under the plan submitted pursuant to
26 section 314(c) of the Department of the Interior and Re-

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

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

16 CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

17 SEC. 405. Sections 405 and 406 of division F of the
18 Consolidated and Further Continuing Appropriations Act,
19 2015 (Public Law 113–235) shall continue in effect in fis-
20 cal year 2017.

21 CONTRACT SUPPORT COSTS, FISCAL YEAR 2017

22 LIMITATION

23 SEC. 406. Amounts provided by this Act for fiscal
24 year 2017 under the headings “Department of Health and
25 Human Services, Indian Health Service, Contract Support
26 Costs” and “Department of the Interior, Bureau of Indian

1 Affairs and Bureau of Indian Education, Contract Sup-
2 port Costs” are the only amounts available for contract
3 support costs arising out of self-determination or self-gov-
4 ernance contracts, grants, compacts, or annual funding
5 agreements for fiscal year 2017 with the Bureau of Indian
6 Affairs or the Indian Health Service: *Provided*, That such
7 amounts provided by this Act are not available for pay-
8 ment of claims for contract support costs for prior years,
9 or for repayments of payments for settlements or judg-
10 ments awarding contract support costs for prior years.

11 FOREST MANAGEMENT PLANS

12 SEC. 407. The Secretary of Agriculture shall not be
13 considered to be in violation of subparagraph 6(f)(5)(A)
14 of the Forest and Rangeland Renewable Resources Plan-
15 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
16 more than 15 years have passed without revision of the
17 plan for a unit of the National Forest System. Nothing
18 in this section exempts the Secretary from any other re-
19 quirement of the Forest and Rangeland Renewable Re-
20 sources Planning Act (16 U.S.C. 1600 et seq.) or any
21 other law: *Provided*, That if the Secretary is not acting
22 expeditiously and in good faith, within the funding avail-
23 able, to revise a plan for a unit of the National Forest
24 System, this section shall be void with respect to such plan
25 and a court of proper jurisdiction may order completion
26 of the plan on an accelerated basis.

1 PROHIBITION WITHIN NATIONAL MONUMENTS

2 SEC. 408. No funds provided in this Act may be ex-
3 pended to conduct preleasing, leasing and related activities
4 under either the Mineral Leasing Act (30 U.S.C. 181 et
5 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
6 1331 et seq.) within the boundaries of a National Monu-
7 ment established pursuant to the Act of June 8, 1906 (16
8 U.S.C. 431 et seq.) as such boundary existed on January
9 20, 2001, except where such activities are allowed under
10 the Presidential proclamation establishing such monu-
11 ment.

12 LIMITATION ON TAKINGS

13 SEC. 409. Unless otherwise provided herein, no funds
14 appropriated in this Act for the acquisition of lands or
15 interests in lands may be expended for the filing of dec-
16 larations of taking or complaints in condemnation without
17 the approval of the House and Senate Committees on Ap-
18 propriations: *Provided*, That this provision shall not apply
19 to funds appropriated to implement the Everglades Na-
20 tional Park Protection and Expansion Act of 1989, or to
21 funds appropriated for Federal assistance to the State of
22 Florida to acquire lands for Everglades restoration pur-
23 poses.

24 TIMBER SALE REQUIREMENTS

25 SEC. 410. No timber sale in Alaska's Region 10 shall
26 be advertised if the indicated rate is deficit (defined as

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

14 PROHIBITION ON NO-BID CONTRACTS

15 SEC. 411. None of the funds appropriated or other-
16 wise made available by this Act to executive branch agen-
17 cies may be used to enter into any Federal contract unless
18 such contract is entered into in accordance with the re-
19 quirements of Chapter 33 of title 41, United States Code,
20 or Chapter 137 of title 10, United States Code, and the
21 Federal Acquisition Regulation, unless—

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

1 (2) such contract is authorized by the Indian
2 Self-Determination and Education Assistance Act
3 (Public Law 93–638, 25 U.S.C. 450 et seq.) or by
4 any other Federal laws that specifically authorize a
5 contract within an Indian tribe as defined in section
6 4(e) of that Act (25 U.S.C. 450b(e)); or

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

9 POSTING OF REPORTS

10 SEC. 412. (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 NATIONAL ENDOWMENT FOR THE ARTS GRANT
2 GUIDELINES

3 SEC. 413. Of the funds provided to the National En-
4 dowment for the Arts—

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

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

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

22 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM
23 PRIORITIES

24 SEC. 414. (a) In providing services or awarding fi-
25 nancial assistance under the National Foundation on the
26 Arts and the Humanities Act of 1965 from funds appro-

1 priated under this Act, the Chairperson of the National
2 Endowment for the Arts shall ensure that priority is given
3 to providing services or awarding financial assistance for
4 projects, productions, workshops, or programs that serve
5 underserved populations.

6 (b) In this section:

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

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

19 (c) In providing services and awarding financial as-
20 sistance under the National Foundation on the Arts and
21 Humanities Act of 1965 with funds appropriated by this
22 Act, the Chairperson of the National Endowment for the
23 Arts shall ensure that priority is given to providing serv-
24 ices or awarding financial assistance for projects, produc-
25 tions, workshops, or programs that will encourage public

1 knowledge, education, understanding, and appreciation of
2 the arts.

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

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

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

14 (3) the Chairperson shall report to the Con-
15 gress annually and by State, on grants awarded by
16 the Chairperson in each grant category under sec-
17 tion 5 of such Act; and

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

21 STATUS OF BALANCES OF APPROPRIATIONS

22 SEC. 415. The Department of the Interior, the Envi-
23 ronmental Protection Agency, the Forest Service, and the
24 Indian Health Service shall provide the Committees on
25 Appropriations of the House of Representatives and Sen-

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

4 REPORT ON USE OF CLIMATE CHANGE FUNDS

5 SEC. 416. Not later than 120 days after the date on
6 which the President's fiscal year 2018 budget request is
7 submitted to the Congress, the President shall submit a
8 comprehensive report to the Committees on Appropria-
9 tions of the House of Representatives and the Senate de-
10 scribing in detail all Federal agency funding, domestic and
11 international, for climate change programs, projects, and
12 activities in fiscal years 2016 and 2017, including an ac-
13 counting of funding by agency with each agency identi-
14 fying climate change programs, projects, and activities
15 and associated costs by line item as presented in the Presi-
16 dent's Budget Appendix, and including citations and link-
17 ages where practicable to each strategic plan that is driv-
18 ing funding within each climate change program, project,
19 and activity listed in the report.

20 PROHIBITION ON USE OF FUNDS

21 SEC. 417. Notwithstanding any other provision of
22 law, none of the funds made available in this Act or any
23 other Act may be used to promulgate or implement any
24 regulation requiring the issuance of permits under title V
25 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon

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

4 GREENHOUSE GAS REPORTING RESTRICTIONS

5 SEC. 418. Notwithstanding any other provision of
6 law, none of the funds made available in this or any other
7 Act may be used to implement any provision in a rule,
8 if that provision requires mandatory reporting of green-
9 house gas emissions from manure management systems.

10 MODIFICATION OF AUTHORITIES

11 SEC. 419. (a) Section 8162(m)(3) of the Department
12 of Defense Appropriations Act, 2000 (40 U.S.C. 8903
13 note; Public Law 106–79) is amended by striking “Sep-
14 tember 30, 2016” and inserting “September 30, 2017”.

15 (b) For fiscal year 2017, the authority provided by
16 the provisos under the heading “Dwight D. Eisenhower
17 Memorial Commission—Capital Construction” in division
18 E of Public Law 112–74 shall not be in effect.

19 FUNDING PROHIBITION

20 SEC. 420. None of the funds made available by this
21 or any other Act may be used to regulate the lead content
22 of ammunition, ammunition components, or fishing tackle
23 under the Toxic Substances Control Act (15 U.S.C. 2601
24 et seq.) or any other law.

EXTENSION OF GRAZING PERMITS

SEC. 421. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2017.

RECREATION FEE

SEC. 422. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking “September 30, 2017” and inserting “September 30, 2018”.

STEWARDSHIP CONTRACTING AMENDMENTS

SEC. 423. Section 604(d) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)) is amended—

(1) in paragraph (5), by adding at the end the following: “Notwithstanding section 2 of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 602), the Director may enter into an agreement or contract under subsection (b).”; and

(2) in paragraph (7)—

(A) by striking “and the Director”; and

(B) by inserting “entered into by the Chief” after “contracts and agreements”.

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1 identified in subparagraphs (A) and (C) of section
2 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

3 WATERS OF THE UNITED STATES

4 SEC. 427. None of the funds made available in this
5 Act or any other Act for any fiscal year may be used to
6 develop, adopt, implement, administer, or enforce any
7 change to the regulations and guidance in effect on Octo-
8 ber 1, 2012, pertaining to the definition of waters under
9 the jurisdiction of the Federal Water Pollution Control
10 Act (33 U.S.C. 1251, et seq.), including the provisions of
11 the rules dated November 13, 1986, and August 25, 1993,
12 relating to said jurisdiction, and the guidance documents
13 dated January 15, 2003, and December 2, 2008, relating
14 to said jurisdiction.

15 HUNTING, FISHING, AND RECREATIONAL SHOOTING ON

16 FEDERAL LAND

17 SEC. 428. (a) LIMITATION ON USE OF FUNDS.—
18 None of the funds made available by this or any other
19 Act for any fiscal year may be used to prohibit the use
20 of or access to Federal land (as such term is defined in
21 section 3 of the Healthy Forests Restoration Act of 2003
22 (16 U.S.C. 6502)) for hunting, fishing, or recreational
23 shooting if such use or access—

24 (1) was not prohibited on such Federal land as
25 of January 1, 2013; and

1 (2) was conducted in compliance with the re-
2 source management plan (as defined in section 101
3 of such Act (16 U.S.C. 6511)) applicable to such
4 Federal land as of January 1, 2013.

5 (b) TEMPORARY CLOSURES ALLOWED.—Notwith-
6 standing subsection (a), the Secretary of the Interior or
7 the Secretary of Agriculture may temporarily close, for a
8 period not to exceed 30 days, Federal land managed by
9 the Secretary to hunting, fishing, or recreational shooting
10 if the Secretary determines that the temporary closure is
11 necessary to accommodate a special event or for public
12 safety reasons. The Secretary may extend a temporary clo-
13 sure for one additional 90-day period only if the Secretary
14 determines the extension is necessary because of extraor-
15 dinary weather conditions or for public safety reasons.

16 (c) AUTHORITY OF STATES.—Nothing in this section
17 shall be construed as affecting the authority, jurisdiction,
18 or responsibility of the several States to manage, control,
19 or regulate fish and resident wildlife under State law or
20 regulations.

21 LEAD TEST KIT

22 SEC. 429. None of the funds made available by this
23 Act may be used to enforce regulations under sections
24 745.84 and 745.86 of title 40, Code of Federal Regula-
25 tions, or any subsequent amendments to such regulations,

1 until the Administrator of the Environmental Protection
2 Agency—

3 (1) publicizes Environmental Protection Agency
4 recognition of a commercially available lead test kit
5 that meets both criteria under section 745.88(c) of
6 title 40, Code of Federal Regulations; or

7 (2) solicits public comment on alternatives to
8 subpart E of part 745 of title 40, Code of Federal
9 Regulations, following the date of enactment of this
10 Act.

11 FINANCIAL ASSURANCE

12 SEC. 430. None of the funds made available by this
13 Act may be used to develop, propose, finalize, implement,
14 enforce, or administer any regulation that would establish
15 new financial responsibility requirements pursuant to sec-
16 tion 108(b) of the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of 1980 (42
18 U.S.C. 9608(b)).

19 GHG NSPS

20 SEC. 431. None of the funds made available by this
21 Act shall be used to propose, finalize, implement, or en-
22 force—

23 (1) any standard of performance under section
24 111(b) of the Clean Air Act (42 U.S.C. 7411(b)) for
25 any new fossil fuel-fired electricity utility generating

1 unit if the Administrator of the Environmental Pro-
2 tection Agency's determination that a technology is
3 adequately demonstrated includes consideration of
4 one or more facilities for which assistance is pro-
5 vided (including any tax credit) under subtitle A of
6 title IV of the Energy Policy Act of 2005 (42 U.S.C.
7 15961 et seq.) or section 48A of the Internal Rev-
8 enue Code of 1986;

9 (2) any regulation or guidance under section
10 111(b) of the Clean Air Act (42 U.S.C. 7411(b)) es-
11 tablishing any standard of performance for emis-
12 sions of any greenhouse gas from any modified or
13 reconstructed source that is a fossil fuel-fired elec-
14 tric utility generating unit; or

15 (3) any regulation or guidance under section
16 111(d) of the Clean Air Act (42 U.S.C. 7411(d))
17 that applies to the emission of any greenhouse gas
18 by an existing source that is a fossil fuel-fired elec-
19 tric utility generating unit.

20 AVAILABILITY OF VACANT GRAZING ALLOTMENTS

21 SEC. 432. The Secretary of the Interior, with respect
22 to public lands administered by the Bureau of Land Man-
23 agement, and the Secretary of Agriculture, with respect
24 to the National Forest System lands, shall make vacant
25 grazing allotments available to a holder of a grazing per-

1 mit or lease issued by either Secretary if the lands covered
2 by the permit or lease or other grazing lands used by the
3 holder of the permit or lease are unusable because of
4 drought or wildfire, as determined by the Secretary con-
5 cerned. The terms and conditions contained in a permit
6 or lease made available pursuant to this section shall be
7 the same as the terms and conditions of the most recent
8 permit or lease that was applicable to the vacant grazing
9 allotment made available. Section 102 of the National En-
10 vironmental Policy Act of 1969 (42 U.S.C. 4332) shall
11 not apply with respect to any Federal agency action under
12 this section.

13 PROTECTION OF WATER RIGHTS

14 SEC. 433. None of the funds made available in this
15 or any other Act may be used to condition the issuance,
16 renewal, amendment, or extension of any permit, approval,
17 license, lease, allotment, easement, right-of-way, or other
18 land use or occupancy agreement on the transfer of any
19 water right, including sole and joint ownership, directly
20 to the United States, or any impairment of title, in whole
21 or in part, granted or otherwise recognized under State
22 law, by Federal or State adjudication, decree, or other
23 judgment, or pursuant to any interstate water compact.
24 Additionally, none of the funds made available in this or
25 any other Act may be used to require any water user to

1 apply for or acquire a water right in the name of the
2 United States under State law as a condition of the
3 issuance, renewal, amendment, or extension of any permit,
4 approval, license, lease, allotment, easement, right-of-way,
5 or other land use or occupancy agreement.

6 LIMITATION ON STATUS CHANGES

7 SEC. 434. None of the funds made available by this
8 Act shall be used to propose, finalize, implement, or en-
9 force any regulation or guidance under Section 612 of the
10 Clean Air Act (42 U.S.C. 7671k) that changes the status
11 from acceptable to unacceptable for purposes of the Sig-
12 nificant New Alternatives Policy (SNAP) program of any
13 hydrofluorocarbon used as a refrigerant or in foam blow-
14 ing agents, applications or uses. Nothing in this section
15 shall prevent EPA from approving new materials, applica-
16 tions or uses as acceptable under the SNAP program.

17 USE OF AMERICAN IRON AND STEEL

18 SEC. 435. (a)(1) None of the funds made available
19 by a State water pollution control revolving fund as au-
20 thorized by section 1452 of the Safe Drinking Water Act
21 (42 U.S.C. 300j–12) shall be used for a project for the
22 construction, alteration, maintenance, or repair of a public
23 water system or treatment works unless all of the iron and
24 steel products used in the project are produced in the
25 United States.

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

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

11 (1) applying subsection (a) would be incon-
12 sistent with the public interest;

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

16 (3) inclusion of iron and steel products pro-
17 duced in the United States will increase the cost of
18 the overall project by more than 25 percent.

19 (c) If the Administrator receives a request for a waiv-
20 er under this section, the Administrator shall make avail-
21 able to the public on an informal basis a copy of the re-
22 quest and information available to the Administrator con-
23 cerning the request, and shall allow for informal public
24 input on the request for at least 15 days prior to making
25 a finding based on the request. The Administrator shall

1 make the request and accompanying information available
2 by electronic means, including on the official public Inter-
3 net Web site of the Environmental Protection Agency.

4 (d) This section shall be applied in a manner con-
5 sistent with United States obligations under international
6 agreements.

7 (e) The Administrator may retain up to 0.25 percent
8 of the funds appropriated in this Act for the Clean and
9 Drinking Water State Revolving Funds for carrying out
10 the provisions described in subsection (a)(1) for manage-
11 ment and oversight of the requirements of this section.

12 SOCIAL COST OF CARBON

13 SEC. 436. None of the funds made available by this
14 or any other Act shall be used for the social cost of carbon
15 (SCC) to be incorporated into any rulemaking or guidance
16 document until a new Interagency Working Group (IWG)
17 revises the estimates using the discount rates and the do-
18 mestic-only limitation on benefits estimates in accordance
19 with Executive Order No. 12866 and OMB Circular A-
20 4 as of January 1, 2015: *Provided*, That such IWG shall
21 provide to the public all documents, models, and assump-
22 tions used in developing the SCC and solicit public com-
23 ment prior to finalizing any revised estimates.

1 LIMITATION ON USE OF FUNDS FOR DESIGNATED
2 REPRESENTATIVES

3 SEC. 437. None of the funds made available by this
4 or any other Act may be used to implement or enforce,
5 or to require States to implement or enforce, the provi-
6 sions of 40 CFR 170.311(b)(9) as published in the Fed-
7 eral Register on November 2, 2015.

8 OZONE

9 SEC. 438. To implement the national ambient air
10 quality standards for ozone published in the Federal Reg-
11 ister on October 26, 2015 (80 Fed. Reg. 65292):

12 (1) the Governor of each State shall designate
13 areas of the State as attainment, nonattainment, or
14 unclassifiable with respect to the standards not later
15 than October 26, 2024;

16 (2) the Administrator of the Environmental
17 Protection Agency shall promulgate final designa-
18 tions for all areas in all States with respect to the
19 standards not later than October 26, 2025;

20 (3) each State shall submit the plan required by
21 section 110(a)(1) of the Clean Air Act (42 U.S.C.
22 7410(a)(1)) for the standards not later than October
23 26, 2026;

24 (4) the standards shall not apply to the review
25 and disposition of a preconstruction permit applica-
26 tion required under part C or D of title I of the

1 Clean Air Act (42 U.S.C. 7470 et seq.) if the Ad-
2 ministrator or the State, local or tribal permitting
3 authority, as applicable, has determined the applica-
4 tion to be complete prior to the date of promulgation
5 of final designations, or has published a public no-
6 tice of a preliminary determination or draft permit
7 before the date that is 60 days after the date of pro-
8 mulgation of final designations; and

9 (5) the provisions of subsections (1) through
10 (4) above shall apply notwithstanding the deadlines
11 set forth in Section 107(d) of the Clean Air Act (42
12 U.S.C. 7407(d)) and Section 110(a)(1) of the Clean
13 Air Act (42 U.S.C. 7410(a)(1)).

14 METHANE EMISSIONS

15 SEC. 439. None of the funds made available by this
16 Act shall be used to develop, propose, finalize, implement
17 or enforce—

18 (1) any rule or guideline to address methane
19 emissions from sources in the oil and natural gas
20 sector under Sections 111(b) or (d) of the Clean Air
21 Act (42 U.S.C. 7411(b), 7411(d));

22 (2) any rule changing the term “adjacent” for
23 purposes of defining “stationary source” and “major
24 source” as applied to the oil and gas sector under
25 the Clean Air Act; and

1 (3) proposed Draft Control Techniques Guide-
2 lines for the Oil and Natural Gas Industry released
3 September 18, 2015 (80 Fed. Reg. 56577).

4 ROYALTY RATES

5 SEC. 440. None of the funds made available by this
6 Act may be used to implement any changes to royalty
7 rates or product valuation regulations under Federal coal,
8 oil, and gas leasing programs.

9 PROGRAM REVIEW

10 SEC. 441. (a) TERMINATION.—Secretarial Order
11 3338, issued by the Secretary of the Interior on January
12 15, 2016, shall have no force or effect on and after the
13 earlier of—

14 (1) September 30, 2017; or

15 (2) the date of publication of notice under sub-
16 section (b).

17 (b) PUBLICATION OF NOTICE.—The Secretary of the
18 Interior shall promptly publish notice of the completion
19 of the Programmatic Environmental Impact Statement di-
20 rected to be prepared under that order.

21 NATIONAL GALLERY OF ART

22 SEC. 442. Section 6301(2) of title 40, United States
23 Code, is amended—

24 (1) in the matter preceding subparagraph (A),
25 by striking “The National Gallery of Art” and in-
26 serting “(A) The National Gallery of Art”;

14 BLM PLANNING 2.0 RULEMAKING ON LAND USE

15 PLANNING PROCEDURES

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1 lie comments on the proposed rule and holds at least one
2 more public meeting on the proposed rule in each of the
3 eleven contiguous Western States (as defined in section
4 103(o) of such Act (43 U.S.C. 1702(o))), Texas. and
5 Oklahoma.

6 HUMANE TRANSFER OF EXCESS ANIMALS

7 SEC. 444. Notwithstanding any other provision of
8 law, the Secretary of the Interior may transfer excess wild
9 horses or burros that have been removed from the public
10 lands to other Federal, State, and local government agen-
11 cies for use as work animals: *Provided*, That the Secretary
12 may make any such transfer immediately upon request of
13 such Federal, State, or local government agency: *Provided*
14 *further*, That any excess animal transferred under this
15 provision shall lose its status as a wild free-roaming horse
16 or burro as defined in the Wild Free-Roaming Horses and
17 Burros Act: *Provided further*, That any Federal, State, or
18 local government agency receiving excess wild horses or
19 burros as authorized in this section shall not destroy the
20 horses or burros in a way that results in their destruction
21 into commercial products, or sell or otherwise transfer the
22 horses in a way that results in their destruction for proc-
23 essing into commercial products.

1 LIMITATION ON USE OF FUNDS FOR TREATMENT OF
2 LESSER PRAIRIE CHICKEN UNDER ENDANGERED
3 SPECIES ACT OF 1973

4 SEC. 445. None of the funds made available by this
5 Act shall be used to treat the lesser prairie chicken as an
6 endangered species or threatened species, or a candidate
7 for listing as such a species, under the Endangered Spe-
8 cies Act of 1973 (16 U.S.C. 1531 et seq.).

9 INDIAN HEALTH GOVERNING BOARD

10 SEC. 446. Not later than six months after the date
11 of receipt by the Secretary of Health and Human Services
12 of a written request from the tribe or tribes served by a
13 hospital operated by the Indian Health Service, the Sec-
14 retary shall install a governance board exclusively for such
15 hospital for a trial period of three years: *Provided*, That
16 the governance board shall be comprised of Indian Health
17 Service senior executives, elected tribal officials, and hos-
18 pital administration experts outside of the Indian Health
19 Service system: *Provided further*, that the governance
20 board shall follow industry-wide best practices: *Provided*
21 *further*, that the governance board shall approve, oversee
22 the implementation of, and evaluate metrics of quality
23 care, patient safety and satisfaction, and finance: *Provided*
24 *further*, that the governance board shall work with the In-
25 dian Health Service on developing standards and proce-
26 dures for employee recruitment, retention, training, com-

1 munication, and dismissal to assure consistency with other
2 high performing federally run health facilities: *Provided*
3 *further*, that the hospital shall have a chief executive offi-
4 cer hired and accountable to the Director of the Indian
5 Health Service who shall be a liaison between the Indian
6 Health Service and the governance board: *Provided fur-*
7 *ther*, that the chief executive officer shall retain authority
8 for all hospital personnel matters in accordance with exist-
9 ing law: *Provided further*, that the chief executive officer
10 and the governance board shall sign a memorandum of
11 understanding to share all pertinent hospital information
12 while protecting individual privacy rights in accordance
13 with existing law: *Provided further*, that the Secretary
14 shall replace the chief executive officer upon receipt of a
15 written request by the governance board: *Provided further*,
16 that the governance board shall meet at the hospital regu-
17 larly: *Provided further*, that the governance board shall
18 regularly communicate to the affected tribe or tribes, to
19 the Secretary, and to the Congress: *Provided further*, that
20 at the end of the trial period, the governance board shall
21 publish and disseminate a report evaluating the aforemen-
22 tioned metrics and providing recommendations for any
23 other tribe or tribes wanting to establish a similar govern-
24 ance board at any other hospital operated by the Indian
25 Health Service: *Provided further*, that if a tribe moves

1 from direct service delivery to delivery through contracting
2 or compacting pursuant to Public Law 93–638, the tribe
3 involved in the pilot has the opportunity to end the pilot
4 and the opportunity to collaborate with the Indian Health
5 Service to reconfigure a governance structure in which
6 that Indian Health Service may upon request continue its
7 participation in the governance structure in a contracted
8 or compacted arrangement.

9 SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR
10 FLOW REQUIREMENTS

11 SEC. 447. (a) To maximize water supplies for the
12 Central Valley Project and the State Water Project, in im-
13 plementing the provisions of the smelt biological opinion
14 or salmonid biological opinion, or any successor biological
15 opinions or court orders, pertaining to management of re-
16 verse flow in the Old and Middle Rivers, the Secretary
17 of the Interior shall—

18 (1) consider the relevant provisions of the appli-
19 cable biological opinions or any successor biological
20 opinions;

21 (2) manage export pumping rates to achieve a
22 reverse OMR flow rate of –5,000 cubic feet per sec-
23 ond unless existing information or that developed by
24 the Secretary of the Interior under paragraphs (3)
25 and (4) leads the Secretary to reasonably conclude,
26 using the best scientific and commercial data avail-

1 able, that a less negative OMR flow rate is necessary
2 to avoid a significant negative impact on the long-
3 term survival of the species covered by the smelt bio-
4 logical opinion or salmonid biological opinion. If the
5 best scientific and commercial data available to the
6 Secretary indicates that a reverse OMR flow rate
7 more negative than $-5,000$ cubic feet per second
8 can be established without an imminent negative im-
9 pact on the long-term survival of the species covered
10 by the smelt biological opinion or salmonid biological
11 opinion, the Secretary shall manage export pumping
12 rates to achieve that more negative OMR flow rate;

13 (3) document, in writing, any significant facts
14 about real-time conditions relevant to the determina-
15 tions of OMR reverse flow rates, including—

16 (A) whether targeted real-time fish moni-
17 toring pursuant to this section, including moni-
18 toring in the vicinity of Station 902, indicates
19 that a significant negative impact on the long-
20 term survival of species covered by the smelt bi-
21 ological opinion or salmonid biological opinion is
22 imminent; and

23 (B) whether near-term forecasts with avail-
24 able models show under prevailing conditions
25 that OMR flow of $-5,000$ cubic feet per second

1 or higher will cause a significant negative im-
2 pact on the long-term survival of species cov-
3 ered by the smelt biological opinion or salmonid
4 biological opinion;

5 (4) show, in writing, that any determination to
6 manage OMR reverse flow at rates less negative
7 than $-5,000$ cubic feet per second is necessary to
8 avoid a significant negative impact on the long-term
9 survival of species covered by the smelt biological
10 opinion or salmonid biological opinion, and provide,
11 in writing, an explanation of the data examined and
12 the connection between those data and the choice
13 made, after considering—

14 (A) the distribution of Delta smelt
15 throughout the Delta;

16 (B) the potential effects of documented,
17 quantified entrainment on subsequent Delta
18 smelt abundance;

19 (C) the water temperature;

20 (D) other significant factors relevant to
21 the determination; and

22 (E) whether any alternative measures
23 could have a substantially lesser water supply
24 impact; and

1 (5) for any subsequent smelt biological opinion
2 or salmonid biological opinion, make the showing re-
3 quired in paragraph (4) for any determination to
4 manage OMR reverse flow at rates less negative
5 than the most negative limit in the biological opinion
6 if the most negative limit in the biological opinion is
7 more negative than $-5,000$ cubic feet per second.

8 (b) NO REINITIATION OF CONSULTATION.—In imple-
9 menting or at the conclusion of actions under subsection
10 (a), the Secretary of the Interior or the Secretary of Com-
11 merce shall not reinitiate consultation on those adjusted
12 operations unless there is a significant negative impact on
13 the long-term survival of the species covered by the smelt
14 biological opinion or salmonid biological opinion. Any ac-
15 tion taken under subsection (a) that does not create a sig-
16 nificant negative impact on the long-term survival to spe-
17 cies covered by the smelt biological opinion or salmonid
18 biological opinion will not alter application of the take per-
19 mitted by the incidental take statement in the biological
20 opinion under section 7(o)(2) of the Endangered Species
21 Act of 1973.

22 (c) CALCULATION OF REVERSE FLOW IN OMR.—
23 Within 90 days of the enactment of this title, the Sec-
24 retary of the Interior is directed, in consultation with the
25 California Department of Water Resources to revise the

1 method used to calculate reverse flow in Old and Middle
2 Rivers, for implementation of the reasonable and prudent
3 alternatives in the smelt biological opinion and the
4 salmonid biological opinion, and any succeeding biological
5 opinions, for the purpose of increasing Central Valley
6 Project and State Water Project water supplies. The
7 method of calculating reverse flow in Old and Middle Riv-
8 ers shall be reevaluated not less than every five years
9 thereafter to achieve maximum export pumping rates
10 within limits established by the smelt biological opinion,
11 the salmonid biological opinion, and any succeeding bio-
12 logical opinions.

13 TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW
14 STORMS OF THE WATER YEAR

15 SEC. 448. (a) IN GENERAL.—Consistent with avoid-
16 ing an immediate significant negative impact on the long-
17 term survival upon listed fish species over and above the
18 range of impacts authorized under the Endangered Spe-
19 cies Act of 1973 and other environmental protections
20 under subsection (d), the Secretary of the Interior and the
21 Secretary of Commerce shall authorize the Central Valley
22 Project and the California State Water Project, combined,
23 to operate at levels that result in negative OMR flows at
24 –7,500 cubic feet per second (based on United States Ge-
25 ological Survey gauges on Old and Middle Rivers) daily

1 average as described in subsections (b) and (c) to capture
2 peak flows during storm events.

3 (b) DAYS OF TEMPORARY OPERATIONAL FLEXI-
4 BILITY.—The temporary operational flexibility described
5 in subsection (a) shall be authorized on days that the Cali-
6 fornia Department of Water Resources determines the net
7 Sacramento-San Joaquin River Delta outflow index is at,
8 or above, 13,000 cubic feet per second.

9 (c) COMPLIANCE WITH ENDANGERED SPECIES ACT
10 AUTHORIZATIONS.—In carrying out this section, the Sec-
11 retary of the Interior and the Secretary of Commerce may
12 continue to impose any requirements under the smelt bio-
13 logical opinion and salmonid biological opinion during any
14 period of temporary operational flexibility as they deter-
15 mine are reasonably necessary to avoid additional signifi-
16 cant negative impacts on the long-term survival of a listed
17 fish species over and above the range of impacts author-
18 ized under the Endangered Species Act of 1973, provided
19 that the requirements imposed do not reduce water sup-
20 plies available for the Central Valley Project and the Cali-
21 fornia State Water Project.

22 (d) OTHER ENVIRONMENTAL PROTECTIONS.—

23 (1) STATE LAW.—The actions of the Secretary
24 of the Interior and the Secretary of Commerce under
25 this section shall be consistent with applicable regu-

1 latory requirements under State law. The foregoing
2 does not constitute a waiver of sovereign immunity.

3 (2) FIRST SEDIMENT FLUSH.—During the first
4 flush of sediment out of the Sacramento-San Joa-
5 quin River Delta in each water year, and provided
6 that such determination is based upon objective evi-
7 dence, OMR flow may be managed at rates less neg-
8 ative than $-5,000$ cubic feet per second for a min-
9 imum duration to avoid movement of adult Delta
10 smelt (*Hypomesus transpacificus*) to areas in the
11 southern Sacramento-San Joaquin River Delta that
12 would be likely to increase entrainment at Central
13 Valley Project and California State Water Project
14 pumping plants.

15 (3) APPLICABILITY OF OPINION.—This section
16 shall not affect the application of the salmonid bio-
17 logical opinion from April 1 to May 31, unless the
18 Secretary of Commerce finds, based on the best sci-
19 entific and commercial data available, that some or
20 all of such applicable requirements may be adjusted
21 during this time period to provide emergency water
22 supply relief without resulting in additional adverse
23 effects over and above the range of impacts author-
24 ized under the Endangered Species Act of 1973. In
25 addition to any other actions to benefit water sup-

1 ply, the Secretary of the Interior and the Secretary
2 of Commerce shall consider allowing through-Delta
3 water transfers to occur during this period if they
4 can be accomplished consistent with section
5 3405(a)(1)(H) of the Central Valley Project Im-
6 provement Act. Water transfers solely or exclusively
7 through the California State Water Project that do
8 not require any use of Reclamation facilities or ap-
9 proval by Reclamation are not required to be con-
10 sistent with section 3405(a)(1)(H) of the Central
11 Valley Project Improvement Act.

12 (4) MONITORING.—During operations under
13 this section, the Commissioner of Reclamation, in
14 coordination with the United States Fish and Wild-
15 life Service, National Marine Fisheries Service, and
16 California Department of Fish and Wildlife, shall
17 undertake expanded monitoring programs and other
18 data gathering to improve Central Valley Project
19 and California State Water Project water supplies,
20 to ensure incidental take levels are not exceeded, and
21 to identify potential negative impacts, if any, and ac-
22 tions necessary to mitigate impacts of the temporary
23 operational flexibility to species listed under the En-
24 dangered Species Act of 1973 (16 U.S.C. 1531 et
25 seq.).

1 (e) EFFECT OF HIGH OUTFLOWS.—In recognition of
2 the high outflow levels from the Sacramento-San Joaquin
3 River Delta during the days this section is in effect under
4 subsection (b), the Secretary of the Interior and the Sec-
5 retary of Commerce shall not count such days toward the
6 5-day and 14-day running averages of tidally filtered daily
7 Old and Middle River flow requirements under the smelt
8 biological opinion and salmonid biological opinion, as long
9 as the Secretaries avoid significant negative impact on the
10 long-term survival of listed fish species over and above the
11 range of impacts authorized under the Endangered Spe-
12 cies Act of 1973.

13 (f) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—
14 In articulating the determinations required under this sec-
15 tion, the Secretary of the Interior and the Secretary of
16 Commerce shall fully satisfy the requirements herein but
17 shall not be expected to provide a greater level of sup-
18 porting detail for the analysis than feasible to provide
19 within the short timeframe permitted for timely decision
20 making in response to changing conditions in the Sac-
21 ramento-San Joaquin River Delta.

22 (g) OMR FLOWS.—The Secretary of the Interior and
23 the Secretary of Commerce shall, through the adaptive
24 management provisions in the salmonid biological opinion,
25 limit OMR reverse flow to $-5,000$ cubic feet per second

1 based on date-certain triggers in the salmonid biological
2 opinions only if using real-time migration information on
3 salmonids demonstrates that such action is necessary to
4 avoid a significant negative impact on the long-term sur-
5 vival of listed fish species over and above the range of im-
6 pacts authorized under the Endangered Species Act of
7 1973.

8 (h) NO REINITIATION OF CONSULTATION.—In imple-
9 menting or at the conclusion of actions under this section,
10 the Secretary of the Interior shall not reinitiate consulta-
11 tion on those adjusted operations if there is no immediate
12 significant negative impact on the long-term survival of
13 listed fish species over and above the range of impacts au-
14 thorized under the Endangered Species Act of 1973. Any
15 action taken under this section that does not create an
16 immediate significant negative impact on the long-term
17 survival of listed fish species over and above the range of
18 impacts authorized under the Endangered Species Act of
19 1973 will not alter application of the take permitted by
20 the incidental take statement in those biological opinions
21 under section 7(o)(2) of the Endangered Species Act of
22 1973.

23 STATE WATER PROJECT OFFSET AND WATER RIGHTS
24 PROTECTIONS

25 SEC. 449. (a) OFFSET FOR STATE WATER
26 PROJECT.—

1 (1) IMPLEMENTATION IMPACTS.—The Sec-
2 retary of the Interior shall confer with the California
3 Department of Fish and Wildlife in connection with
4 the implementation of this section on potential im-
5 pacts to any consistency determination for oper-
6 ations of the State Water Project issued pursuant to
7 California Fish and Game Code section 2080.1.

8 (2) ADDITIONAL YIELD.—If, as a result of the
9 application of this section, the California Depart-
10 ment of Fish and Wildlife—

11 (A) determines that operations of the State
12 Water Project are inconsistent with the consist-
13 ency determinations issued pursuant to Cali-
14 fornia Fish and Game Code section 2080.1 for
15 operations of the State Water Project; or

16 (B) requires take authorization under Cali-
17 fornia Fish and Game Code section 2081 for
18 operation of the State Water Project in a man-
19 ner that directly or indirectly results in reduced
20 water supply to the State Water Project as
21 compared with the water supply available under
22 the smelt biological opinion and the salmonid
23 biological opinion; and as a result, Central Val-
24 ley Project yield is greater than it otherwise
25 would have been, then that additional yield

1 shall be made available to the State Water
2 Project for delivery to State Water Project con-
3 tractors to offset that reduced water supply.

4 (3) NOTIFICATION RELATED TO ENVIRON-
5 MENTAL PROTECTIONS.—The Secretary of the Inte-
6 rior and Secretary of Commerce shall—

7 (A) notify the Director of the California
8 Department of Fish and Wildlife regarding any
9 changes in the manner in which the smelt bio-
10 logical opinion or the salmonid biological opin-
11 ion is implemented; and

12 (B) confirm that those changes are con-
13 sistent with the Endangered Species Act of
14 1973 (16 U.S.C. 1531 et seq.).

15 (b) AREA OF ORIGIN AND WATER RIGHTS PROTEC-
16 TIONS.—

17 (1) IN GENERAL.—The Secretary of the Inte-
18 rior and the Secretary of Commerce, in carrying out
19 the mandates of this section, shall take no action
20 that—

21 (A) diminishes, impairs, or otherwise af-
22 fects in any manner any area of origin, water-
23 shed of origin, county of origin, or any other
24 water rights protection, including rights to

1 water appropriated before December 19, 1914,
2 provided under State law;

3 (B) limits, expands or otherwise affects the
4 application of section 10505, 10505.5, 11128,
5 11460, 11461, 11462, 11463 or 12200 through
6 12220 of the California Water Code or any
7 other provision of State water rights law, with-
8 out respect to whether such a provision is spe-
9 cifically referred to in this section; or

10 (C) diminishes, impairs, or otherwise af-
11 fects in any manner any water rights or water
12 rights priorities under applicable law.

13 (2) SECTION 7 OF THE ENDANGERED SPECIES
14 ACT.—Any action proposed to be undertaken by the
15 Secretary of the Interior and the Secretary of Com-
16 merce pursuant to both this section and section 7 of
17 the Endangered Species Act of 1973 (16 U.S.C.
18 1531 et seq.) shall be undertaken in a manner that
19 does not alter water rights or water rights priorities
20 established by California law or it shall not be un-
21 dertaken at all. Nothing in this subsection affects
22 the obligations of the Secretary of the Interior and
23 the Secretary of Commerce under section 7 of the
24 Endangered Species Act of 1973.

25 (3) EFFECT OF ACT.—

1 (A) Nothing in this section affects or modi-
2 fies any obligation of the Secretary of the Inte-
3 rior under section 8 of the Act of June 17,
4 1902 (32 Stat. 390, chapter 1093).

5 (B) Nothing in this section diminishes, im-
6 pairs, or otherwise affects in any manner any
7 Project purposes or priorities for the allocation,
8 delivery or use of water under applicable law,
9 including the Project purposes and priorities es-
10 tablished under section 3402 and section 3406
11 of the Central Valley Project Improvement Act
12 (Public Law 102–575; 106 Stat. 4706).

13 (c) NO REDIRECTED ADVERSE IMPACTS.—

14 (1) IN GENERAL.—The Secretary of the Inte-
15 rior and Secretary of Commerce shall not carry out
16 any specific action authorized under this section that
17 will directly or through State agency action indi-
18 rectly result in the involuntary reduction of water
19 supply to an individual, district, or agency that has
20 in effect a contract for water with the State Water
21 Project or the Central Valley Project, including Set-
22 tlement and Exchange contracts, refuge contracts,
23 and Friant Division contracts, as compared to the
24 water supply that would be provided in the absence
25 of action under this section, and nothing in this sec-

1 tion is intended to modify, amend or affect any of
2 the rights and obligations of the parties to such con-
3 tracts.

4 (2) ACTION ON DETERMINATION.—If, after ex-
5 ploring all options, the Secretary of the Interior or
6 the Secretary of Commerce makes a final determina-
7 tion that a proposed action under this section cannot
8 be carried out in accordance with paragraph (1),
9 that Secretary—

10 (A) shall document that determination in
11 writing for that action, including a statement of
12 the facts relied on, and an explanation of the
13 basis, for the decision;

14 (B) may exercise the Secretary’s existing
15 authority, including authority to undertake the
16 drought-related actions otherwise addressed in
17 this title, or to otherwise comply with other ap-
18 plicable law, including the Endangered Species
19 Act of 1973 (16 U.S.C. 1531 et seq.); and

20 (C) shall comply with subsection (a).

21 (d) ALLOCATIONS FOR SACRAMENTO VALLEY WATER
22 SERVICE CONTRACTORS.—

23 (1) DEFINITIONS.—In this subsection:

24 (A) EXISTING CENTRAL VALLEY PROJECT
25 AGRICULTURAL WATER SERVICE CONTRACTOR

1 WITHIN THE SACRAMENTO RIVER WATER-
2 SHED.—The term “existing Central Valley
3 Project agricultural water service contractor
4 within the Sacramento River Watershed”
5 means any water service contractor within the
6 Shasta, Trinity, or Sacramento River division of
7 the Central Valley Project that has in effect a
8 water service contract on the date of enactment
9 of this section that provides water for irriga-
10 tion.

11 (B) YEAR TERMS.—The terms “Above
12 Normal”, “Below Normal”, “Dry”, and “Wet”,
13 with respect to a year, have the meanings given
14 those terms in the Sacramento Valley Water
15 Year Type (40–30–30) Index.

16 (2) ALLOCATIONS OF WATER.—

17 (A) ALLOCATIONS.—Subject to subsection
18 (c), the Secretary of the Interior shall make
19 every reasonable effort in the operation of the
20 Central Valley Project to allocate water pro-
21 vided for irrigation purposes to each existing
22 Central Valley Project agricultural water service
23 contractor within the Sacramento River Water-
24 shed in accordance with the following:

1 (i) Not less than 100 percent of the
2 contract quantity of the existing Central
3 Valley Project agricultural water service
4 contractor within the Sacramento River
5 Watershed in a “Wet” year.

6 (ii) Not less than 100 percent of the
7 contract quantity of the existing Central
8 Valley Project agricultural water service
9 Contractor within the Sacramento River
10 Watershed in an “Above Normal” year.

11 (iii) Not less than 100 percent of the
12 contract quantity of the existing Central
13 Valley Project agricultural water service
14 contractor within the Sacramento River
15 Watershed in a “Below Normal” year that
16 is preceded by an “Above Normal” or
17 “Wet” year.

18 (iv) Not less than 50 percent of the
19 contract quantity of the existing Central
20 Valley Project agricultural water service
21 contractor within the Sacramento River
22 Watershed in a “Dry” year that is pre-
23 ceded by a “Below Normal”, “Above Nor-
24 mal”, or “Wet” year.

(v) Subject to clause (ii), in any other year not identified in any of clauses (i) through (iv), not less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent.

(B) EFFECT OF CLAUSE.—Nothing in clause (A)(v) precludes an allocation to an existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed that is greater than twice the allocation percentage to a south-of-Delta Central Valley Project agricultural water service contractor.

(3) PROTECTION OF ENVIRONMENT, MUNICIPAL AND INDUSTRIAL SUPPLIES, AND OTHER CONTRACTORS.—

(A) ENVIRONMENT.—Nothing in paragraph (2) shall adversely affect—

(i) the cold water pool behind Shasta Dam;

(ii) the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Im-

1 provement Act (Public Law 102–575; 106
2 Stat. 4722); or

3 (iii) any obligation—

4 (I) of the Secretary of the Inte-
5 rior and the Secretary of Commerce
6 under the smelt biological opinion, the
7 salmonid biological opinion, or any
8 other applicable biological opinion; or

9 (II) under the Endangered Spe-
10 cies Act of 1973 (16 U.S.C. 1531 et
11 seq.) or any other applicable law (in-
12 cluding regulations).

13 (B) MUNICIPAL AND INDUSTRIAL SUP-
14 PLIES.—Nothing in paragraph (2)—

15 (i) modifies any provision of a water
16 Service contract that addresses municipal
17 or industrial water shortage policies of the
18 Secretary of the Interior and the Secretary
19 of Commerce;

20 (ii) affects or limits the authority of
21 the Secretary of the Interior and the Sec-
22 retary of Commerce to adopt or modify
23 municipal and industrial water shortage
24 policies;

1 (iii) affects or limits the authority of
2 the Secretary of the Interior and the Sec-
3 retary of Commerce to implement a munic-
4 ipal or industrial water shortage policy;

5 (iv) constrains, governs, or affects, di-
6 rectly or indirectly, the operations of the
7 American River division of the Central Val-
8 ley Project or any deliveries from that divi-
9 sion or a unit or facility of that division;

10 or

11 (v) affects any allocation to a Central
12 Valley Project municipal or industrial
13 water service contractor by increasing or
14 decreasing allocations to the contractor, as
15 compared to the allocation the contractor
16 would have received absent paragraph (2).

17 (C) OTHER CONTRACTORS.—Nothing in
18 subsection (b)—

19 (i) affects the priority of any indi-
20 vidual or entity with Sacramento River
21 water rights, including an individual or en-
22 tity with a Sacramento River settlement
23 contract, that has priority to the diversion
24 and use of Sacramento River water over

1 water rights held by the United States for
2 operations of the Central Valley Project;

3 (ii) affects the obligation of the
4 United States to make a substitute supply
5 of water available to the San Joaquin
6 River exchange contractors;

7 (iii) affects the allocation of water to
8 Friant division contractors of the Central
9 Valley Project;

10 (iv) results in the involuntary reduc-
11 tion in contract water allocations to indi-
12 viduals or entities with contracts to receive
13 water from the Friant division; or

14 (v) authorizes any actions inconsistent
15 with State water rights law.

16 SEC. 450. None of the funds in this Act shall be avail-
17 able to implement the Stipulation of Settlement (Natural
18 Resources Defense Council, et al. v. Kirk Rodgers, et al.,
19 Eastern District of California, No. Civ. 9 S-88-1658
20 LKK/GGH) or subtitle A of title X of Public Law 111-
21 11.

22 SEC. 451. None of the funds in this Act shall be avail-
23 able for the purchase of water in the State of California
24 to supplement instream flow within a river basin that has
25 suffered a drought within the last 2 years.

1 SEC. 452. The Commissioner of Reclamation is di-
2 rected to work with local water and irrigation districts in
3 the Stanislaus River Basin to ascertain the water storage
4 made available by the Draft Plan of Operations in New
5 Melones Reservoir (DRPO) for water conservation pro-
6 grams, conjunctive use projects, water transfers, resched-
7 uled project water and other projects to maximize water
8 storage and ensure the beneficial use of the water re-
9 sources in the Stanislaus River Basin. All such programs
10 and projects shall be implemented according to all applica-
11 ble laws and regulations. The source of water for any such
12 storage program at New Melones Reservoir shall be made
13 available under a valid water right, consistent with the
14 State water transfer guidelines and any other applicable
15 State water law. The Commissioner shall inform the Con-
16 gress within 18 months setting forth the amount of stor-
17 age made available by the DRPO that has been put to
18 use under this program, including proposals received by
19 the Commissioner from interested parties for the purpose
20 of this section.

21 SEC. 453. None of the funds made available by this
22 Act may be used to make a Presidential declaration by
23 public proclamation of a national monument under chap-
24 ter 3203 of title 54, United States Code in the counties
25 of Coconino, Maricopa, Mohave and Yavapai in the State

1 of Arizona, in the counties of Modoc and Siskiyou in the
 2 State of California, in the counties of Chaffee, Conejos,
 3 Dolores, Moffat, Montezuma, and Park in the State of
 4 Colorado, in the counties of Carson City, Churchill, Clark,
 5 Douglas, Elko, Eureka, Humboldt, Lander, Lincoln,
 6 Lyon, Nye, Pershing, Storey and Washoe in the State of
 7 Nevada, in the county of Otero in the State of New Mex-
 8 ico, in the counties of Jackson, Josephine and, Malheur
 9 in the State of Oregon, in the counties of Beaver, Carbon,
 10 Duchesne, Emery, Garfield, Iron, Juab, Kane, Millard,
 11 Piute, San Juan, Sanpete, Sevier, Tooele, Uintah, Wash-
 12 ington, and Wayne in the State of Utah, or in the county
 13 of Penobscot in the State of Maine.

14 SPENDING REDUCTION ACCOUNT

15 SEC. 454. The amount by which the applicable alloca-
 16 tion of new budget authority made by the Committee on
 17 Appropriations of the House of Representatives under sec-
 18 tion 302(b) of the Congressional Budget Act of 1974 ex-
 19 ceeds the amount of proposed new budget authority is \$0.

20 SEC. 455. None of the funds made available by this
 21 Act may be used by the Environmental Protection Agency
 22 to finalize, implement, administer, or enforce section
 23 1037.601(a)(1) of title 40, Code of Federal Regulations,
 24 as proposed to be revised under the proposed rule entitled
 25 “Greenhouse Gas Emissions and Fuel Efficiency Stand-
 26 ards for Medium- and Heavy-Duty Engines and Vehicles-

1 Phase 2” published by the Environmental Protection
2 Agency in the Federal Register on July 13, 2015 (80 Fed.
3 Reg. 40138 et seq.), or any rule of the same substance,
4 with respect to glider kits and glider vehicles (as defined
5 in section 1037.801 of title 40, Code of Federal Regula-
6 tions, as proposed to be revised under such proposed rule).

7 SEC. 456. None of the funds made available by this
8 Act may be used by the Secretary of the Interior to imple-
9 ment, administer, or enforce any rule or guidance of the
10 same substance as the proposed rule regarding Risk Man-
11 agement, Financial Assurance and Loss Prevention for
12 which advanced notice of proposed rulemaking was pub-
13 lished by the Bureau of Ocean Energy Management on
14 August 19, 2014 (79 Fed. Reg. 49027) or the National
15 Notice to Lessees and Operators of Federal Oil and Gas
16 and Sulphur Leases, Outer Continental Shelf (OCS)
17 issued by such Bureau (NTL No. 2016–N03).

18 SEC. 457. None of the funds made available under
19 this Act may be used to enter into a cooperative agree-
20 ments with or make any grant or loan to an entity to es-
21 tablish in any of Baca, Bent, Crowley, Huerfano, Kiowa,
22 Las Animas, Otero, Prowers, and Pueblo counties, Colo-
23 rado, a national heritage area, national heritage corridor,
24 national heritage canal way, national heritage tour route,
25 national historic district, or cultural heritage corridor.

1 SEC. 458. None of the funds made available by this
2 Act may be used by the Administrator of the Environ-
3 mental Protection Agency to hire or pay the salary of any
4 officer or employee of the Environmental Protection Agen-
5 cy under subsection (f) or (g) of section 207 of the Public
6 Health Service Act (42 U.S.C. 209) who is not already
7 receiving pay under either such subsection on the date of
8 enactment of this Act.

9 SEC. 459. None of the funds made available by this
10 Act may be used to propose or develop legislation to redi-
11 rect funds allocated under section 105(a)(2)(A) of the
12 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
13 1331 note).

14 SEC. 460. None of the funds made available by this
15 Act may be used to develop, propose, finalize, implement
16 or enforce the rule entitled “Management of Non-Federal
17 Oil and Gas Rights” and published by the United States
18 Fish and Wildlife Service on December 11, 2015 (80 Fed.
19 Reg. 77200), or any rule of the same substance.

20 SEC. 461. None of the funds made available by this
21 Act may be used by the Administrator of the Environ-
22 mental Protection Agency to enforce the requirements of
23 part 112 of title 40, Code of Federal Regulations, with
24 respect to any farm (as that term is defined in section
25 112.2 of such title).

1 SEC. 462. None of the funds made available by this
2 Act may be used in contravention of section 1913 of title
3 18, United States Code.

4 SEC. 463. (a) None of the funds made available by
5 this Act under the heading “Environmental Programs and
6 Management” may be used for the Office of Congressional
7 and Intergovernmental Relations of the Environmental
8 Protection Agency.

9 (b) The amount otherwise provided by this Act for
10 “Environmental Programs and Management” is hereby
11 reduced by \$4,235,000.

12 SEC. 464. None of the funds made available by this
13 Act may be used to implement, administer, or enforce the
14 draft technical report entitled “Protecting Aquatic Life
15 from Effects of Hydrologic Alteration” published by the
16 Environmental Protection Agency and the United States
17 Geological Survey on March 1, 2016 (81 Fed. Reg.
18 10620).

19 SEC. 465. None of the funds made available by this
20 Act may be used by the Environmental Protection Agency
21 to develop, finalize, promulgate, implement, administer, or
22 enforce any rule under section 112 of the Clean Air Act
23 (42 U.S.C. 7412) that applies to glass manufacturers that
24 do not use continuous furnaces.

1 SEC. 466. None of the funds made available by this
2 Act may be used to implement, administer, or enforce the
3 final rule entitled “Hydraulic Fracturing on Federal and
4 Indian Lands” as published in the Federal Register on
5 March 26, 2015 and March 30, 2015 (80 Fed. Reg. 16127
6 and 16577, respectively).

7 SEC. 467. None of the funds made available by this
8 Act may be used to finalize, implement, administer, or en-
9 force the proposed rule entitled “Greenhouse Gas Emis-
10 sions and Fuel Efficiency Standards for Medium- and
11 Heavy-Duty Engines and Vehicles-Phase 2” published by
12 the Environmental Protection Agency in the Federal Reg-
13 ister on July 13, 2015 (80 Fed. Reg. 40138 et seq.), with
14 respect to trailers.

15 SEC. 468. None of the funds made available by this
16 Act may be used to finalize, implement, administer, or en-
17 force the proposed rule entitled “Health and Environ-
18 mental Protection Standards for Uranium and Thorium
19 Mill Tailings” published by the Environmental Protection
20 Agency in the Federal Register on January 26, 2015 (80
21 Fed. Reg. 4156 et seq.), or any rule of the same sub-
22 stance.

23 SEC. 469. None of the funds in this Act may be used
24 to enforce permit requirements pursuant to part 14 of title

1 50, Code of Federal Regulations, with respect to the ex-
2 port of squid, octopus, and cuttlefish products.

3 SEC. 470. None of the funds made available by this
4 Act may be used by the Administrator of the Environ-
5 mental Protection Agency to issue any regulation under
6 the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
7 that applies to an animal feeding operation, including a
8 concentrated animal feeding operation and a large con-
9 centrated animal feeding operation, as such terms are de-
10 fined in section 122.23 of title 40, Code of Federal Regu-
11 lations.

12 SEC. 471. For “United States Fish and Wildlife Serv-
13 ice–Resource Management” to reinstate the wolf-livestock
14 loss demonstration program as authorized by Public Law
15 111–11, there is hereby appropriated, and the amount
16 otherwise provided by this Act for “Environmental Protec-
17 tion Agency–Environmental Programs and Management”
18 is hereby reduced by, \$1,000,000.

19 SEC. 472. None of the funds made available by this
20 Act may used by the Secretary of the Interior to imple-
21 ment, administer, or enforce any rule of the same sub-
22 stance as the proposed rule entitled “Oil and Gas and Sul-
23 phur Operations in the Outer Continental Shelf-Blowout
24 Preventer Systems and Well Control” and published April
25 17, 2015 (80 Fed. Reg. 21504), the final rule issued by

1 the Bureau of Safety and Environmental Enforcement
2 with that title (Docket ID: BSEE–2015–0002;
3 15XE1700DX EEEE500000 EX1SF0000.DAQ000), or
4 any rule of the same substance as such proposed or final
5 rule.

6 LIMITATION ON USE OF FUNDS FOR EXECUTIVE ORDER
7 RELATING TO STEWARDSHIP OF OCEANS, COASTS,
8 AND THE GREAT LAKES

9 SEC. 473. None of the funds made available by this
10 Act may be used to implement, administer, or enforce Ex-
11 ecutive Order No. 13547 (75 Fed. Reg. 43023, relating
12 to the stewardship of oceans, coasts, and the Great
13 Lakes), including the National Ocean Policy developed
14 under such Executive order.

15 SEC. 474. None of the funds made available by this
16 Act may be used by the Environmental Protection Agency
17 to take any of the actions described as a “backstop” in
18 the December 29, 2009, letter from EPA’s Regional Ad-
19 ministrator to the States in the Watershed and the Dis-
20 trict of Columbia in response to the development or imple-
21 mentation of a State’s watershed implementation and re-
22 ferred to in enclosure B of such letter.

23 SEC. 475. None of the funds made available by this
24 Act may be used to implement or enforce the threatened
25 species or endangered species listing of any plant or wild-
26 life that has not undergone a review as required by section

1 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C.
2 1533(c)(2) et seq.).

3 SEC. 476. None of the funds made available by this
4 Act may be used to implement or enforce the threatened
5 species listing of the Preble’s meadow jumping mouse
6 under the Endangered Species Act of 1973 (16 U.S.C.
7 1531 et seq.).

8 SEC. 477. None of the funds made available by this
9 Act may be used by the Secretary of the Interior to treat
10 any gray wolf in any of the 48 contiguous States or the
11 District of Columbia as an endangered species or threat-
12 ened species under the Endangered Species Act of 1973
13 (16 U.S.C. 1531 et seq.) after June 13, 2017.

14 SEC. 478. None of the funds made available by this
15 Act may be used to treat the New Mexico Meadow Jump-
16 ing Mouse as an endangered species under the Endan-
17 gered Species Act of 1973 (16 U.S.C. 1531 et seq.).

18 SEC. 479. None of the funds made available by this
19 Act shall be used to give formal notification under, or pre-
20 pare, propose, implement, administer, or enforce any rule
21 or recommendation pursuant to, section 115 of the Clean
22 Air Act (42 U.S.C. 7415).

23 SEC. 480. None of the funds made available by this
24 Act may be used to finalize, implement, administer, or en-
25 force the proposed rule entitled “Accidental Release Pre-

1 vention Requirements: Risk Management Programs Under
2 the Clean Air Act” published by the Environmental Pro-
3 tection Agency in the Federal Register on March 14, 2016
4 (81 Fed. Reg. 13638 et seq.).

5 SEC. 481. None of the funds made available by this
6 Act may be used to carry out any rule issued after the
7 date of the enactment of this Act that is a major rule
8 described in subparagraph (A) of section 804(2) of title
9 5, United States Code.

10 SEC. 482. None of the funds made available by this
11 Act may be used by the Environmental Protection Agency
12 to make grants pursuant to section 6 of the National En-
13 vironmental Education Act (20 U.S.C. 5505).

14 SEC. 483. None of the funds made available by this
15 Act may be used to destroy any buildings or structures
16 on Midway Island.

17 SEC. 484. None of the funds made available by this
18 Act may be used by the Department of the Interior for
19 the purpose of destroying any records regarding, related
20 to, or generated by the Inorganic Section of the United
21 States Geological Survey Energy Geochemistry Labora-
22 tory in Lakewood, Colorado.

23 SEC. 485. None of the funds made available by this
24 Act may be used to consult with the National Science
25 Foundation with respect to section 106 of the National

1 Historic Preservation Act of 1966 or section 7 of the En-
2 dangered Species Act of 1973 with respect to any Environ-
3 mental Impact Statement prepared pursuant to the “No-
4 tice of Intent to Prepare an Environmental Impact State-
5 ment and Initiate Section 106 Consultation for Proposed
6 Changes to Arecibo Observatory Operations, Arecibo,
7 Puerto Rico and Notice of Public Scoping Meetings and
8 Comment Period”, published in the Federal Register May
9 23, 2016.

10 SEC. 486. None of the funds made available by this
11 Act may be used enforce the decision in Civil Action No.
12 14–1807 (JDB), United States District Court for the Dis-
13 trict of Columbia, issued March 29, 2016.

14 SEC. 487. None of the funds made available by this
15 Act may be used to finalize, implement, or enforce the pro-
16 posed rule entitled “Oil and Gas and Sulphur Operations
17 on the Outer Continental Shelf—Requirements for Explor-
18 atory Drilling on the Arctic Outer Continental Shelf” as
19 published February 24, 2015 (80 Fed. Reg. 9916).

20 SEC. 488. None of the funds made available by this
21 Act may be used by the Director of the United States Fish
22 and Wildlife Service—

23 (1) to issue a final rule for the proposed regula-
24 tions listed under docket number FWS–R7–NWRS–
25 2014–0005; or

1 (2) to implement the final rule entitled “Alaska;
2 Hunting and Trapping in National Preserves” and
3 dated (80 Fed. Reg. 64325 (October 23, 2015)).

4 SEC. 489. None of the funds made available by this
5 Act may be used by the Department of the Interior to
6 require changes to an existing placer mining plan of oper-
7 ations with regard to reclamation activities, including re-
8 vegetation, or to modify the bond requirements for the
9 mining operation.

10 SEC. 490. None of the funds made available by this
11 Act may be used by the Department of the Interior, the
12 Environmental Protection Agency, or any other Federal
13 agency to lease or purchase new light duty vehicles for
14 any executive fleet, or for an agency’s fleet inventory, ex-
15 cept in accordance with Presidential Memorandum—Fed-
16 eral Fleet Performance, dated May 24, 2011.

17 SEC. 491. None of the funds made available by this
18 Act for the “DEPARTMENT OF INTERIOR—NA-
19 TIONAL PARK SERVICE—NATIONAL RECREATION AND
20 PRESERVATION” may be used in contravention of section
21 320101 of title 54, United States Code.

22 SEC. 492. None of the funds made available in this
23 Act may be used may be used to eliminate the Urban
24 Wildlife Refuge Partnership.

1 LIMITATION ON USE OF FUNDS

2 SEC. 493. None of the funds made available in this
3 Act may be used to limit outreach programs administered
4 by the Smithsonian Institution.

5 SEC. 494. None of the funds made available by this
6 Act may be used to treat the Mexican wolf (*Canis lupus*
7 *baileyi*) as an endangered species or threatened species
8 under the Endangered Species Act of 1973 (16 U.S.C.
9 1531 et seq.) or to implement a recovery plan for such
10 species that applies in any area outside the historic range
11 of such species.

12 SEC. 495. None of the funds made available by this
13 Act may be used to finalize, implement, administer, or en-
14 force the proposed rule entitled “Clean Energy Incentive
15 Program Design Details” published by the Environmental
16 Protection Agency in the Federal Register on June 30,
17 2016 (81 Fed. Reg. 42939 et seq.), or any rule of the
18 same substance.

19 SEC. 496. None of the funds made available by this
20 Act may be used to pay legal fees pursuant to a settlement
21 in any case, in which the Federal Government is a party,
22 that arises under—

- 23 (1) the Clean Air Act (42 U.S.C. 7401 et seq.);
24 (2) the Federal Water Pollution Control Act
25 (33 U.S.C. 1251 et seq.); or

1 (3) the Endangered Species Act of 1973 (16
2 U.S.C. 1531 et seq.).

3 SEC. 497. None of the funds made available by this
4 Act may be used to implement the Final Comprehensive
5 Conservation Plan for the Arctic National Wildlife Refuge,
6 Alaska for which notice of availability was published in
7 the Federal Register on April 13, 2015 (80 Fed. Reg.
8 19678).

9 SEC. 498. None of the funds made available by this
10 Act may be used to remove Arctic Sales 255, 258, and
11 262 from the 2017–2022 Outer Continental Shelf Oil and
12 Gas Leasing Proposed Program for which notice of avail-
13 ability was published on March 18, 2016 (81 Fed. Reg.
14 14881).

15 SEC. 499. None of the funds made available by this
16 Act may be used to declare a national monument under
17 section 320301 of title 54, United States Code, in the ex-
18 clusive economic zone of the United States established by
19 Proclamation Numbered 5030, dated March 10, 1983.

20 COMPLIANCE WITH GREAT LAKES COMPACT

21 SEC. 500. None of the funds made available by this
22 Act may be used by a State in contravention of the inter-
23 state compact regarding water resources in the Great
24 Lakes—St. Lawrence River Basin consented to and ap-
25 proved by Congress in Public Law 110–342.

1 SEC. 501. None of the funds made available by this
2 Act may be used to finalize, implement, administer, or en-
3 force the proposed rule entitled “Special Regulations,
4 Areas of the National Park Service, Golden Gate National
5 Recreation Area, Dog Management” published by the Na-
6 tional Park Service in the Federal Register on February
7 24, 2016 (81 Fed. Reg. 9139 et seq.; Regulation Identifier
8 No. 1024–AE16).

9 SEC. 502. None of the funds made available by the
10 Act may be used to implement, administer, or enforce the
11 modification to boating restrictions contained in the news
12 release issued by the United States Fish and Wildlife
13 Service entitled “Minor Modification to Boating Restric-
14 tions at Havasu Wildlife Refuge” and dated May 20,
15 2015.

16 LIMITATION ON USE OF FUNDS

17 SEC. 503. None of the funds made available by this
18 Act may be used in contravention of section 321(a) of the
19 Clean Air Act (42 U.S.C. 7621(a)).

20 SEC. 504. None of the funds made available by this
21 Act may be used to enter into a contract with any offeror
22 or any of its principals if the offeror certifies, as required
23 by Federal Acquisition Regulation, that the offeror or any
24 of its principals—

25 (1) within a 3-year period preceding this offer
26 has been convicted of or had a civil judgment ren-

1 dered against it for: commission of fraud or a crimi-
2 nal offense in connection with obtaining, attempting
3 to obtain, or performing a public (Federal, State, or
4 local) contract or subcontract; violation of Federal or
5 State antitrust statutes relating to the submission of
6 offers; or commission of embezzlement, theft, for-
7 gery, bribery, falsification or destruction of records,
8 making false statements, tax evasion, violating Fed-
9 eral criminal tax laws, or receiving stolen property;
10 (2) are presently indicted for, or otherwise
11 criminally or civilly charged by a governmental enti-
12 ty with, commission of any of the offenses enumer-
13 ated above in paragraph (1); or
14 (3) within a 3-year period preceding this offer,
15 has been notified of any delinquent Federal taxes in
16 an amount that exceeds \$3,000 for which the liabil-
17 ity remains unsatisfied.
18 This Act may be cited as the “Department of the In-
19 terior, Environment, and Related Agencies Appropriations
20 Act, 2017”.

Passed the House of Representatives July 14, 2016.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H. R. 5538

AN ACT

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.