TITLE IV

GENERAL PROVISIONS

(For the Department of the Interior and Related Agencies)

(including transfers of funds)

limitation on consulting services

Sec. 401. The expenditure of any appropriation under this

Act for any consulting service through procurement contract,

pursuant to 5 U.S.C. 3109, shall be limited to those

contracts where such expenditures are a matter of public

record and available for public inspection, except where

otherwise provided under existing law, or under existing

Executive order issued pursuant to existing law.

restriction on use of funds

Sec. 402. No part of any appropriation contained in this

Act shall be available for any activity or the publication or

distribution of literature that in any way tends to promote

public support or opposition to any legislative proposal on

which Congressional action is not complete other than to

communicate to Members of Congress as described in 18 U.S.C.

1913.

obligation of appropriations

Sec. 403. No part of any appropriation contained in this

Act shall remain available for obligation beyond the current

fiscal year unless expressly so provided herein.

prohibition on use of funds for personal services

Sec. 404. None of the funds provided in this Act to any

department or agency shall be obligated or expended to

provide a personal cook, chauffeur, or other personal

servants to any officer or employee of such department or

agency except as otherwise provided by law.

disclosure of administrative expenses

Sec. 405. Estimated overhead charges, deductions, reserves

or holdbacks from programs, projects, activities and

subactivities to support government-wide, departmental,

agency, or bureau administrative functions or headquarters,

regional, or central operations shall be presented in annual

budget justifications and subject to approval by the

Committees on Appropriations of the House of Representatives

and the Senate. Changes to such estimates shall be presented

to the Committees on Appropriations for approval.

giant sequoia

Sec. 406. None of the funds in this Act may be used to

plan, prepare, or offer for sale timber from trees classified

as giant sequoia (Sequoiadendron giganteum) which are located

on National Forest System or Bureau of Land Management lands

in a manner different than such sales were conducted in

fiscal year 2011.

mining applications

Sec. 407. (a) Limitation of Funds.--None of the funds

appropriated or otherwise made available pursuant to this Act

shall be obligated or expended to accept or process

applications for a patent for any mining or mill site claim

located under the general mining laws.

(b) Exceptions.--Subsection (a) shall not apply if the

Secretary of the Interior determines that, for the claim

concerned (1) a patent application was filed with the

Secretary on or before September 30, 1994; and (2) all

requirements established under sections 2325 and 2326 of the

Revised Statutes (30 U.S.C. 29 and 30) for vein or lode

claims, sections 2329, 2330, 2331, and 2333 of the Revised

Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and

section 2337 of the Revised Statutes (30 U.S.C. 42) for mill

site claims, as the case may be, were fully complied with by

the applicant by that date.

(c) Report.--On September 30, 2013, the Secretary of the

Interior shall file with the House and Senate Committees on

Appropriations and the Committee on Natural Resources of the

House and the Committee on Energy and Natural Resources of

the Senate a report on actions taken by the Department under

the plan submitted pursuant to section 314(c) of the

Department of the Interior and Related Agencies

Appropriations Act, 1997 (Public Law 104-208).

(d) Mineral Examinations.--In order to process patent

applications in a timely and responsible manner, upon the

request of a patent applicant, the Secretary of the Interior

shall allow the applicant to fund a qualified third-party

contractor to be selected by the Director of the Bureau of

Land Management to conduct a mineral examination of the

mining claims or mill sites contained in a patent application

as set forth in subsection (b). The Bureau of Land Management

shall have the sole responsibility to choose and pay the

third-party contractor in accordance with the standard

procedures employed by the Bureau of Land Management in the

retention of third-party contractors.

contract support costs

Sec. 408. Notwithstanding any other provision of law,

amounts appropriated to or otherwise designated in committee

reports for the Bureau of Indian Affairs and the Indian

Health Service by Public Laws 103-138, 103-332, 104-134, 104-

208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-

108, 108-447, 109-54, 109-289, division B and Continuing

Appropriations Resolution, 2007 (division B of Public Law

109-289, as amended by Public Laws 110-5 and 110-28), Public

Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329,

111-6, 111-8, 111-88, and 112-10 for payments for contract

support costs associated with self-determination or self-

governance contracts, grants, compacts, or annual funding

agreements with the Bureau of Indian Affairs or the Indian

Health Service as funded by such Acts, are the total amounts

available for fiscal years 1994 through 2011 for such

purposes, except that the Bureau of Indian Affairs, tribes

and tribal organizations may use their tribal priority

allocations for unmet contract support costs of ongoing

contracts, grants, self-governance compacts, or annual

funding agreements.

forest management plans

Sec. 409. The Secretary of Agriculture shall not be

considered to be in violation of subparagraph 6(f)(5)(A) of

the Forest and Rangeland Renewable Resources Planning Act of

1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15

years have passed without revision of the plan for a unit of

the National Forest System. Nothing in this section exempts

the Secretary from any other requirement of the Forest and

Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et

seq.) or any other law: Provided, That if the Secretary is

not acting expeditiously and in good faith, within the

funding available, to revise a plan for a unit of the

National Forest System, this section shall be void with

respect to such plan and a court of proper jurisdiction may

order completion of the plan on an accelerated basis.

prohibition within national monuments

Sec. 410. No funds provided in this Act may be expended to

conduct preleasing, leasing and related activities under

either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the

Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)

within the boundaries of a National Monument established

pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.)

as such boundary existed on January 20, 2001, except where

such activities are allowed under the Presidential

proclamation establishing such monument.

amendments to the temporary emergency wildfire suppression act

Sec. 411. The Temporary Emergency Wildfire Suppression Act

(42 U.S.C. 1856m et seq.) is amended--

(1) in the first section (42 U.S.C. 1856m note)--

(A) by striking ``That this'' and inserting the following:

``SECTION 1. SHORT TITLE.

``This''; and

(B) by striking ``Temporary'';

(2) by striking section 2 (42 U.S.C. 1856m) and inserting

the following:

``SEC. 2. DEFINITIONS.

``In this Act:

``(1) Assume any and all liability.--The term `assume any

and all liability' means--

``(A) the payment of--

``(i) any judgment, settlement, fine, penalty, or cost

assessment (including prevailing party legal fees) associated

with the applicable litigation; and

``(ii) any cost incurred in handling the applicable

litigation (including legal fees); and

``(B) with respect to a Federal firefighter, arranging for,

and paying the costs of, representation in the applicable

litigation.

``(2) Federal firefighter.--The term `Federal firefighter'

means an individual furnished by the Secretary of Agriculture

or the Secretary of the Interior under an agreement entered

into under section 3.

``(3) Foreign fire organization.--The term `foreign fire

organization' means any foreign governmental, public, or

private entity that has wildfire protection resources.

``(4) Foreign firefighter.--The term `foreign firefighter'

means an individual furnished by a foreign fire organization

under an agreement entered into under section 3.

``(5) Wildfire.--The term `wildfire' means any forest or

range fire.

``(6) Wildfire protection resources.--The term `wildfire

protection resources' means any personnel, supplies,

equipment, or other resources required for wildfire

presuppression and suppression activities.'';

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

(A) in subsection (a)--

(i) by striking ``(a)(1) The Secretary of Agriculture'' and

inserting the following:

``(a) Exchange of Wildfire Protection Resources Under a

Reciprocal Agreement With a Foreign Fire Organization.--

``(1) Authority to enter into a reciprocal agreement.--The

Secretary of Agriculture''; and

(ii) in paragraph (2), by striking ``(2) Any agreement''

and inserting the following:

``(2) Requirements for a reciprocal agreement.--Any

agreement'';

(B) in subsection (b)--

(i) by striking ``(b) In the absence'' and inserting the

following:

``(b) Exchange of Wildfire Protection Resources Without a

Reciprocal Agreement.--In the absence''; and

(ii) in paragraph (1), by striking ``United States, and''

and inserting ``United States; and'';

(C) in subsection (c), by striking ``(c) Notwithstanding''

and inserting the following:

``(c) Reimbursement Under Agreements With Canada.--

Notwithstanding''; and

(D) in subsection (d)--

(i) by striking, ``(d) Any service'' and inserting the

following:

``(d) Service Performed Under This Act by Federal

Employees.--

``(1) In general.--Any service''; and

(ii) in the second sentence, by striking ``The'' and

inserting the following:

``(2) Effect.--Except as provided in section 4, the'';

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

5;

(5) by inserting after section 3 the following:

``SEC. 4. RECIPROCAL AGREEMENTS WITH LIABILITY COVERAGE.

``(a) Protection From Liability for Foreign Firefighters

and Foreign Fire Organizations.--Subject to subsection (b),

in an agreement with a foreign fire organization entered into

under section 3, the Secretary of Agriculture and the

Secretary of the Interior may provide that--

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``(1) a foreign firefighter shall be considered to be an

employee of the United States for purposes of tort liability

while the foreign firefighter is acting within the scope of

an official duty under the agreement; and

``(2) any claim against the foreign fire organization or

any legal organization associated with the foreign

firefighter that arises out of an act or omission of the

foreign firefighter in the performance of an official duty

under the agreement, or that arises out of any other act,

omission, or occurrence for which the foreign fire

organization or legal organization associated with the

foreign firefighter is legally responsible under applicable

law, may be prosecuted only--

``(A) against the United States; and

``(B) as if the act or omission were the act or omission of

an employee of the United States.

``(b) Protection From Liability for Federal Firefighters

and the Federal Government.--The Secretary of Agriculture and

the Secretary of the Interior may provide the protections

under subsection (a) if the foreign fire organization

agrees--

``(1) to assume any and all liability for any legal action

brought against the Federal firefighter for an act or

omission of the Federal firefighter while acting within the

scope of an official duty under the agreement; and

``(2) to the extent the United States or any legal

organization associated with the Federal firefighter is not

entitled to immunity from the jurisdiction of the courts

having jurisdiction over the foreign fire organization

receiving the services of the Federal firefighters, to assume

any and all liability for any legal action brought against

the United States or the legal organization arising out of--

``(A) an act or omission of the Federal firefighter in the

performance of an official duty under the agreement; or

``(B) any other act, omission, or occurrence for which the

United States or the legal organization associated with the

Federal firefighter is legally responsible under the laws

applicable to the foreign fire organization.''; and

(6) in section 5 (as redesignated by paragraph (4))--

(A) by striking ``under section 3(c)'' and inserting

``under this Act''; and

(B) in the proviso--

(i) by striking ``wildfire protection resources or

personnel'' each place it appears and inserting ``wildfire

protection resources (including personnel)'';

(ii) by inserting ``for wildfire suppression activities''

before ``unless''; and

(iii) by striking ``provide wildfire protection'' and

inserting ``provide wildfire suppression''.

contracting authorities

Sec. 412. In awarding a Federal contract with funds made

available by this Act, notwithstanding Federal Government

procurement and contracting laws, the Secretary of

Agriculture and the Secretary of the Interior (the

``Secretaries'') may, in evaluating bids and proposals,

through fiscal year 2013, give consideration to local

contractors who are from, and who provide employment and

training for, dislocated and displaced workers in an

economically disadvantaged rural community, including those

historically timber-dependent areas that have been affected

by reduced timber harvesting on Federal lands and other

forest-dependent rural communities isolated from significant

alternative employment opportunities: Provided, That

notwithstanding Federal Government procurement and

contracting laws the Secretaries may award contracts, grants

or cooperative agreements to local non-profit entities, Youth

Conservation Corps or related partnerships with State, local

or non-profit youth groups, or small or micro-business or

disadvantaged business: Provided further, That the contract,

grant, or cooperative agreement is for forest hazardous fuels

reduction, watershed or water quality monitoring or

restoration, wildlife or fish population monitoring, road

decommissioning, trail maintenance or improvement, or habitat

restoration or management: Provided further, That the terms

``rural community'' and ``economically disadvantaged'' shall

have the same meanings as in section 2374 of Public Law 101-

624 (16 U.S.C. 6612): Provided further, That the Secretaries

shall develop guidance to implement this section: Provided

further, That nothing in this section shall be construed as

relieving the Secretaries of any duty under applicable

procurement laws, except as provided in this section.

limitation on takings

Sec. 413. Unless otherwise provided herein, no funds

appropriated in this Act for the acquisition of lands or

interests in lands may be expended for the filing of

declarations of taking or complaints in condemnation without

the approval of the House and Senate Committees on

Appropriations: Provided, That this provision shall not

apply to funds appropriated to implement the Everglades

National Park Protection and Expansion Act of 1989, or to

funds appropriated for Federal assistance to the State of

Florida to acquire lands for Everglades restoration purposes.

timber sale requirements

Sec. 414. No timber sale in Alaska's Region 10 shall be

advertised if the indicated rate is deficit (defined as the

value of the timber is not sufficient to cover all logging

and stumpage costs and provide a normal profit and risk

allowance under the Forest Service's appraisal process) when

appraised using a residual value appraisal. The western red

cedar timber from those sales which is surplus to the needs

of the domestic processors in Alaska, shall be made available

to domestic processors in the contiguous 48 United States at

prevailing domestic prices. All additional western red cedar

volume not sold to Alaska or contiguous 48 United States

domestic processors may be exported to foreign markets at the

election of the timber sale holder. All Alaska yellow cedar

may be sold at prevailing export prices at the election of

the timber sale holder.

extension of grazing permits

Sec. 415. The terms and conditions of section 325 of

Public Law 108-108 (117 Stat. 1307), regarding grazing

permits at the Department of the Interior and the Forest

Service, shall remain in effect for fiscal years 2012 and

2013. A grazing permit or lease issued by the Secretary of

the Interior for lands administered by the Bureau of Land

Management that is the subject of a request for a grazing

preference transfer shall be issued, without further

processing, for the remaining time period in the existing

permit or lease using the same mandatory terms and

conditions. If the authorized officer determines a change in

the mandatory terms and conditions is required, the new

permit must be processed as directed in section 325 of Public

Law 108-108.

prohibition on no-bid contracts

Sec. 416. None of the funds appropriated or otherwise made

available by this Act to executive branch agencies may be

used to enter into any Federal contract unless such contract

is entered into in accordance with the requirements of

Chapter 33 of title 41, United States Code, or Chapter 137 of

title 10, United States Code, and the Federal Acquisition

Regulation, unless--

(1) Federal law specifically authorizes a contract to be

entered into without regard for these requirements, including

formula grants for States, or federally recognized Indian

tribes; or

(2) such contract is authorized by the Indian Self-

Determination and Education and Assistance Act (Public Law

93-638, 25 U.S.C. 450 et seq., as amended) or by any other

Federal laws that specifically authorize a contract within an

Indian tribe as defined in section 4(e) of that Act (25

U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of

enactment of this Act.

posting of reports

Sec. 417. (a) Any agency receiving funds made available in

this Act, shall, subject to subsections (b) and (c), post on

the public website of that agency any report required to be

submitted by the Congress in this or any other Act, upon the

determination by the head of the agency that it shall serve

the national interest.

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

(1) the public posting of the report compromises national

security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so

only after such report has been made available to the

requesting Committee or Committees of Congress for no less

than 45 days.

national endowment for the arts grant guidelines

Sec. 418. Of the funds provided to the National Endowment

for the Arts--

(1) The Chairperson shall only award a grant to an

individual if such grant is awarded to such individual for a

literature fellowship, National Heritage Fellowship, or

American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure

that no funding provided through a grant, except a grant made

to a State or local arts agency, or regional group, may be

used to make a grant to any other organization or individual

to conduct activity independent of the direct grant

recipient. Nothing in this subsection shall prohibit payments

made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group,

unless the application is specific to the contents of the

season, including identified programs and/or projects.

national endowment for the arts program priorities

Sec. 419. (a) In providing services or awarding financial

assistance under the National Foundation on the Arts and the

Humanities Act of 1965 from funds appropriated under this

Act, the Chairperson of the National Endowment for the Arts

shall ensure that priority is given to providing services or

awarding financial assistance for projects, productions,

workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ``underserved population'' means a population

of individuals, including urban minorities, who have

historically been outside the purview of arts and humanities

programs due to factors such as a high incidence of income

below the poverty line or to geographic isolation.

(2) The term ``poverty line'' means the poverty line (as

defined by the Office of Management and Budget, and revised

annually in accordance with section 673(2) of the Community

Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a

family of the size involved.

(c) In providing services and awarding financial assistance

under the National Foundation on the Arts and Humanities Act

of 1965 with funds appropriated by this Act, the Chairperson

of the National Endowment for the Arts shall ensure that

priority is given to providing services or awarding financial

assistance for projects, productions, workshops, or programs

that will encourage public knowledge, education,

understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out

section 5 of the National Foundation on the Arts and

Humanities Act of 1965--

(1) the Chairperson shall establish a grant category for

projects, productions, workshops, or programs that are of

national impact or availability or are able to tour several

States;

(2) the Chairperson shall not make grants exceeding 15

percent, in the aggregate, of such funds to any single State,

excluding grants made under the authority of paragraph (1);

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(3) the Chairperson shall report to the Congress annually

and by State, on grants awarded by the Chairperson in each

grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to

improve and support community-based music performance and

education.

use of competitive grant funds

Sec. 420. Section 6(d) of Public Law 96-297 (16 U.S.C. 431

note), as added by section 101 of Public Law 108-126, is

amended by inserting ``, except funds awarded through

competitive grants,'' after ``No Federal funds''.

forest service facility realignment and enhancement

Sec. 421. Section 503(f) of the Forest Service Realignment

and Enhancement Act of 2005 (title V of Public Law 109-54; 16

U.S.C. 580d note), as amended by section 422(1) of Public Law

111-8 (123 Stat. 748), is further amended by striking

``2011'' and inserting ``2016''.

service first

Sec. 422. Section 330 of the Department of the Interior

and Related Agencies Appropriations Act, 2001 (Public Law

106-291; 114 Stat. 996; 43 U.S.C. 1701 note), concerning

Service First authorities, as amended by section 428 of

Public Law 109-54 (119 Stat. 555-556) and section 418 of

Public Law 111-8 (123 Stat. 747), is amended--

(1) by striking in the first sentence ``In fiscal years

2001 through 2011'', and inserting ``In fiscal year 2012 and

each fiscal year thereafter''; and

(2) by striking in the first sentence ``pilot programs''

and inserting ``programs.''

federal, state, cooperative forest, range-land and watershed

restoration in utah

Sec. 423. The authority provided by section 337 of the

Department of the Interior and Related Agencies

Appropriations Act, 2005 (Public Law 108-447; 118 Stat.

3012), as amended, shall remain in effect until September 30,

2013.

status of balances of appropriations

Sec. 424. The Department of the Interior, the

Environmental Protection Agency, the Forest Service, and the

Indian Health Service shall provide the Committees on

Appropriations of the House of Representatives and Senate

quarterly reports on the status of balances of appropriations

including all uncommitted, committed, and unobligated funds

in each program and activity.

report on use of climate change funds

Sec. 425. Not later than 120 days after the date on which

the President's fiscal year 2013 budget request is submitted

to Congress, the President shall submit a comprehensive

report to the Committee on Appropriations of the House of

Representatives and the Committee on Appropriations of the

Senate describing in detail all Federal agency funding,

domestic and international, for climate change programs,

projects and activities in fiscal year 2011, including an

accounting of funding by agency with each agency identifying

climate change programs, projects and activities and

associated costs by line item as presented in the President's

Budget Appendix, and including citations and linkages where

practicable to each strategic plan that is driving funding

within each climate change program, project and activity

listed in the report.

prohibition on use of funds

Sec. 426. Notwithstanding any other provision of law, none

of the funds made available in this Act or any other Act may

be used to promulgate or implement any regulation requiring

the issuance of permits under title V of the Clean Air Act

(42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide,

water vapor, or methane emissions resulting from biological

processes associated with livestock production.

greenhouse gas reporting restrictions

Sec. 427. Notwithstanding any other provision of law, none

of the funds made available in this or any other Act may be

used to implement any provision in a rule, if that provision

requires mandatory reporting of greenhouse gas emissions from

manure management systems.

forest service pre-decisional objection process

Sec. 428. Hereafter, upon issuance of final regulations,

the Secretary of Agriculture, acting through the Chief of the

Forest Service, shall apply section 105(a) of the Healthy

Forests Restoration Act of 2003 (16 U.S.C. 6515(a)),

providing for a pre-decisional objection process, to proposed

actions of the Forest Service concerning projects and

activities implementing land and resource management plans

developed under the Forest and Rangeland Renewable Resources

Planning Act of 1974 (16 U.S.C. 1600 et seq.), and documented

with a Record of Decision or Decision Notice, in lieu of

subsections (c), (d), and (e) of section 322 of Public Law

102-381 (16 U.S.C. 1612 note), providing for an

administrative appeal process: Provided, That if the Chief

of the Forest Service determines an emergency situation

exists for which immediate implementation of a proposed

action is necessary, the proposed action shall not be subject

to the pre-decisional objection process, and implementation

shall begin immediately after the Forest Service gives notice

of the final decision for the proposed action: Provided

further, That this section shall not apply to an authorized

hazardous fuel reduction project under title I of the Healthy

Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

silvicultural activities

Sec. 429. From the date of enactment of this Act until

September 30, 2012, the Administrator of the Environmental

Protection Agency shall not require a permit under section

402 of the Federal Water Pollution Control Act (33 U.S.C.

1342), nor shall the Administrator directly or indirectly

require any State to require a permit, for discharges of

stormwater runoff from roads, the construction, use, or

maintenance of which are associated with silvicultural

activities, or from other silvicultural activities involving

nursery operations, site preparation, reforestation and

subsequent cultural treatment, thinning, prescribed burning,

pest and fire control, harvesting operations, or surface

drainage.

claim maintenance fee amendments

Sec. 430. Section 10101 of the Omnibus Budget

Reconciliation Act of 1993 (30 U.S.C. 28f) is amended--

(1) in subsection (a)--

(A) by striking so much as precedes the second sentence and

inserting the following:

``(a) Claim Maintenance Fee.--

``(1) Lode mining claims, mill sites, and tunnel sites.--

The holder of each unpatented lode mining claim, mill site,

or tunnel site, located pursuant to the mining laws of the

United States on or after August 10, 1993, shall pay to the

Secretary of the Interior, on or before September 1 of each

year, to the extent provided in advance in appropriations

Acts, a claim maintenance fee of $100 per claim or site,

respectively.''; and

(B) by adding at the end the following:

``(2) Placer mining claims.--The holder of each unpatented

placer mining claim located pursuant to the mining laws of

the United States located before, on, or after August 10,

1993, shall pay to the Secretary of the Interior, on or

before September 1 of each year, the claim maintenance fee

described in subsection (a), for each 20 acres of the placer

claim or portion thereof.''; and

(2) in subsection (b), by striking the first sentence and

inserting the following: ``The claim main tenance fee under

subsection (a) shall be paid for the year in which the

location is made, at the time the location notice is recorded

with the Bureau of Land Management.''.

domestic livestock grazing

Sec. 431. (a) Prohibition Regarding Potential Domestic

Sheep and Bighorn Sheep Contact on National Forest System

Land.--Notwithstanding any other provision of law or

regulation (other than the Endangered Species Act of 1973 and

regulations issued under such Act), none of the funds made

available by this Act or made available by any other Act for

fiscal year 2012 only may be used to carry out--

(1) any new management restrictions on domestic sheep on

parcels of National Forest System land (as defined in the

Forest and Rangeland Renewable Resources Planning Act of 1974

(16 U.S.C. 1609(a))) with potential domestic sheep and

bighorn sheep (whether native or nonnative) contact in excess

of the management restrictions that existed on July 1, 2011;

or

(2) any other agency regulation for managing bighorn sheep

populations on any allotment of such National Forest System

land if the management action will result in a reduction in

the number of domestic livestock permitted to graze on the

allotment or in the distribution of livestock on the

allotment.

(b) Exception.--Notwithstanding subsection (a), the

Secretary of Agriculture may make such management changes as

the Secretary determines to be necessary to manage bighorn

sheep if the management changes--

(1) are consistent with the wildlife plans of the relevant

State fish and game agency and determined in consultation

with that agency; and

(2) are developed in consultation with the affected

permittees.

(c) Bureau of Land Management Lands.--In circumstances

involving conflicts between bighorn sheep and domestic sheep

grazing on public lands (as defined in section 103 of the

Federal Land Policy and Management Act of 1976 (43 U.S.C.

1702)), the Bureau of Land Management may only modify or

cancel domestic sheep grazing permits after consulting with

the appropriate State fish and game agency. However, if the

State in question has an approved State Wildlife Management

Plan that addresses, with specificity, bighorn sheep

management, then the Bureau of Land Management modification

or cancellation of permits in that State shall conform to the

bighorn sheep management objectives in the State Wildlife

Management Plan, unless conformance would be inconsistent

with Federal statute or regulation. The Bureau of Land

Management shall be bound by the requirements of this

subsection until September 30, 2012.

(d) Voluntary Closure of Allotments.--Nothing in this

section shall be construed as limiting the voluntary closure

of existing domestic sheep allotments when the closure is

agreed to in writing between the permittee and the Secretary

of the Interior or the Secretary of Agriculture and is

carried out for the purpose of reducing conflicts between

domestic sheep and bighorn sheep.

(e) Waiver of Grazing Permits and Leases.--The Secretary of

the Interior and the Secretary of Agriculture may accept the

voluntary waiver of any valid existing lease or permit

authorizing grazing on National Forest System land described

in subsection (a) or public lands described in subsection

(c). If the grazing permit or lease for a grazing allotment

is only partially within the area of potential domestic sheep

and bighorn sheep contact, the affected permittee may elect

to waive only the portion of the grazing permit or lease that

is within that area. The Secretary concerned shall--

(1) terminate each permit or lease waived or portion of a

permit or lease waived under this subsection;

(2) ensure a permanent end to domestic sheep grazing on the

land covered by the waived permit or lease or waived portion

of the permit or lease unless or until there is no conflict

with bighorn sheep management; and

(3) provide for the reimbursement of range improvements in

compliance with section 4 of the Act of June 28, 1934

(commonly known as the Taylor Grazing Act; 43 U.S.C. 315c).

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air emissions from outer continental shelf activities

Sec. 432. (a) It is the purpose of this section to ensure

that the energy policy of the United States focuses on the

expeditious and orderly development of domestic energy

resources in a manner that protects human health and the

environment.

(b) Section 328(a)(1) of the Clean Air Act (42 U.S.C.

7627(a)(1)) is amended--

(1) in the first sentence, by inserting ``(other than Outer

Continental Shelf sources located offshore of the North Slope

Borough of the State of Alaska)'' after ``Outer Continental

Shelf sources located offshore of the States along the

Pacific, Arctic and Atlantic Coasts''; and

(2) in the fourth sentence, by inserting ``and this Act''

after ``regulations''.

(c) Section 328(b) of the Clean Air Act (42 U.S.C. 7627(b))

is amended in the first sentence--

(1) by striking ``Gulf Coast''; and

(2) by inserting ``or are adjacent to the North Slope

Borough of the State of Alaska'' after ``Alabama''.

(d) The transfer of air quality permitting authority

pursuant to this section shall not invalidate or stay--

(1) any air quality permit pending or existing as of the

date of the enactment of this Act; or

(2) any proceeding related thereto.

(e)(1) The Comptroller General of the United States shall

undertake a study on the process for air quality permitting

in the Outer Continental Shelf.

(2) The study shall consist of a comparison of air quality

permitting for Outer Continental Shelf sources (as such term

is defined in section 328(a)(4) of the Clean Air Act (42

U.S.C. 7627(a)(4)) by the Department of the Interior with

such permitting by the Environmental Protection Agency,

taking into account the time elapsed between application and

permit approval, the number of applications, and the

experiences and assessments of the applicants.

(3) In carrying out the study, the Comptroller General

shall consult with the Administrator of the Environmental

Protection Agency, the Secretary of the Interior, and

applicants for air quality permits.

(4) The Comptroller General shall complete the study and

submit a report on the results of the study to the Congress

not later than September 30, 2014.

funding prohibition

Sec. 433. None of the funds made available by this Act may

be used to enter into a contract, memorandum of

understanding, or cooperative agreement with, make a grant

to, or provide a loan or loan guarantee to, any corporation

that was convicted (or had an officer or agent of such

corporation acting on behalf of the corporation convicted) of

a felony criminal violation under any Federal law within the

preceding 24 months, where the awarding agency is aware of

the conviction, unless the agency has considered suspension

or debarment of the corporation, or such officer or agent and

made a determination that this further action is not

necessary to protect the interests of the Government.

limitation with respect to delinquent tax debts

Sec. 434. None of the funds made available by this Act may

be used to enter into a contract, memorandum of

understanding, or cooperative agreement with, make a grant

to, or provide a loan or loan guarantee to, any corporation

with respect to which any unpaid Federal tax liability that

has been assessed, for which all judicial and administrative

remedies have been exhausted or have lapsed, and that is not

being paid in a timely manner pursuant to an agreement with

the authority responsible for collecting the tax liability,

where the awarding agency is aware of the unpaid tax

liability, unless the agency has considered suspension or

debarment of the corporation and made a determination that

this further action is not necessary to protect the interests

of the Government.

alaska native regional health entities

Sec. 435. (a) Notwithstanding any other provision of law

and until October 1, 2013, the Indian Health Service may not

disburse funds for the provision of health care services

pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any

Alaska Native village or Alaska Native village corporation

that is located within the area served by an Alaska Native

regional health entity.

(b) Nothing in this section shall be construed to prohibit

the disbursal of funds to any Alaska Native village or Alaska

Native village corporation under any contract or compact

entered into prior to May 1, 2006, or to prohibit the renewal

of any such agreement.

(c) For the purpose of this section, Eastern Aleutian

Tribes, Inc., the Council of Athabascan Tribal Governments,

and the Native Village of Eyak shall be treated as Alaska

Native regional health entities to which funds may be

disbursed under this section.

general reduction

Sec. 436. (a) Across-the-board Rescissions.--There is

hereby rescinded an amount equal to 0.16 percent of the

budget authority provided for fiscal year 2012 for any

discretionary appropriation in titles I through IV of this

Act.

(b) Proportionate Application.--Any rescission made by

subsection (a) shall be applied proportionately--

(1) to each discretionary account and each item of budget

authority described in subsection (a); and

(2) within each such account and item, to each program,

project, and activity (with programs, projects, and

activities as delineated in the appropriation Act or

accompanying reports for the relevant fiscal year covering

such account or item, or for accounts and items not included

in appropriation Acts, as delineated in the most recently

submitted President's budget).

(c) Indian Land and Water Claim Settlements.--Under the

heading ``Bureau of Indian Affairs, Indian Land and Water

Claim Settlements and Miscellaneous Payments to Indians'',

the across-the-board rescission in this section, and any

subsequent across-the-board rescission for fiscal year 2012,

shall apply only to the first dollar amount in the paragraph

and the distribution of the rescission shall be at the

discretion of the Secretary of the Interior who shall submit

a report on such distribution and the rationale therefore to

the House and Senate Committees on Appropriations.

(d) OMB Report.--Within 30 days after the date of the

enactment of this section the Director of the Office of

Management and Budget shall submit to the Committees on

Appropriations of the House of Representatives and the Senate

a report specifying the account and amount of each rescission

made pursuant to this section.

This division may be cited as the ``Department of the

Interior, Environment, and Related Agencies Appropriations

Act, 2012''.