

Union Calendar No. 491

114TH CONGRESS
2^D SESSION

H. R. 5538

[Report No. 114-632]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2016

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

A BILL

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

1 U.S.C. 191), except that amounts from permit processing
2 fees may be used for any bureau-related expenses associ-
3 ated with the processing of oil and gas applications for
4 permits to drill and related use of authorizations; of which
5 \$3,000,000 shall be available in fiscal year 2017 subject
6 to a match by at least an equal amount by the National
7 Fish and Wildlife Foundation for cost-shared projects sup-
8 porting conservation of Bureau lands; and such funds
9 shall be advanced to the Foundation as a lump-sum grant
10 without regard to when expenses are incurred.

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

22 LAND ACQUISITION

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

1 interests therein, \$19,400,000, to be derived from the
2 Land and Water Conservation Fund and to remain avail-
3 able until expended.

4 OREGON AND CALIFORNIA GRANT LANDS

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

22 RANGE IMPROVEMENTS

23 For rehabilitation, protection, and acquisition of
24 lands and interests therein, and improvement of Federal
25 rangelands pursuant to section 401 of the Federal Land

1 Policy and Management Act of 1976 (43 U.S.C. 1751),
2 notwithstanding any other Act, sums equal to 50 percent
3 of all moneys received during the prior fiscal year under
4 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
5 315b, 315m) and the amount designated for range im-
6 provements from grazing fees and mineral leasing receipts
7 from Bankhead-Jones lands transferred to the Depart-
8 ment of the Interior pursuant to law, but not less than
9 \$10,000,000, to remain available until expended: *Pro-*
10 *vided*, That not to exceed \$600,000 shall be available for
11 administrative expenses.

12 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

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

16 MISCELLANEOUS TRUST FUNDS

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

1 ADMINISTRATIVE PROVISIONS

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

1 fied amount of money in support of the project may be
2 carried out by the Bureau on a reimbursable basis. Appro-
3 priations herein made shall not be available for the de-
4 struction of healthy, unadopted, wild horses and burros
5 in the care of the Bureau or its contractors or for the
6 sale of wild horses and burros that results in their destruc-
7 tion for processing into commercial products: *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, to remain available until Sep-
23 tember 30, 2018: *Provided*, That not to exceed
24 \$14,411,000 shall be used for implementing subsections
25 (a), (b), (c), and (e) of section 4 of the Endangered Spe-

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

17 CONSTRUCTION

18 For construction, improvement, acquisition, or re-
19 moval of buildings and other facilities required in the con-
20 servation, management, investigation, protection, and uti-
21 lization of fish and wildlife resources, and the acquisition
22 of lands and interests therein; \$14,837,000, to remain
23 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, of which \$10,032,000 for planning and
14 interagency coordination in support of Everglades restora-
15 tion and \$134,461,000 for maintenance, repair, or reha-
16 bilitation projects for constructed assets shall remain
17 available until September 30, 2018: *Provided*, That funds
18 appropriated under this heading in this Act are available
19 for the purposes of section 5 of Public Law 95–348.

20 NATIONAL RECREATION AND PRESERVATION

21 For expenses necessary to carry out recreation pro-
22 grams, natural programs, cultural programs, heritage
23 partnership programs, environmental compliance and re-
24 view, international park affairs, and grant administration,
25 not otherwise provided for, \$62,632,000.

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the National
3 Historic Preservation Act (division A of subtitle III of title
4 54, United States Code), \$78,410,000, to be derived from
5 the Historic Preservation Fund and to remain available
6 until September 30, 2018, of which \$5,000,000 shall be
7 for Save America's Treasures grants for preservation of
8 national significant sites, structures, and artifacts as au-
9 thorized by section 7303 of the Omnibus Public Land
10 Management Act of 2009 (54 U.S.C. 3089): *Provided*,
11 That an individual Save America's Treasures grant shall
12 be matched by non-Federal funds: *Provided further*, That
13 individual projects shall only be eligible for one grant: *Pro-*
14 *vided further*, That all projects to be funded shall be ap-
15 proved by the Secretary of the Interior in consultation
16 with the House and Senate Committees on Appropria-
17 tions: *Provided further*, That of the funds provided for the
18 Historic Preservation Fund, \$500,000 is for competitive
19 grants for the survey and nomination of properties to the
20 National Register of Historic Places and as National His-
21 toric Landmarks associated with communities currently
22 underrepresented, as determined by the Secretary,
23 \$11,000,000 is for competitive grants to preserve the sites
24 and stories of the Civil Rights movement, and \$3,000,000
25 is for grants to Historically Black Colleges and Univer-

1 cities: *Provided further*, That such competitive grants shall
2 be made without imposing the matching requirements in
3 section 302902(b)(3) of title 54, United States Code to
4 States and Indian tribes as defined in chapter 3003 of
5 such title, Native Hawaiian organizations, local govern-
6 ments, including Certified Local Governments, and non-
7 profit organizations.

8 CONSTRUCTION

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

1 That the Secretary of the Interior shall consult with the
2 Committees on Appropriations, in accordance with current
3 reprogramming thresholds, prior to making any charges
4 authorized by this section.

5 LAND AND WATER CONSERVATION FUND

6 (RESCISSION)

7 The contract authority provided for fiscal year 2017
8 by section 200308 of title 54, United States Code, is re-
9 scinded.

10 LAND ACQUISITION AND STATE ASSISTANCE

11 For expenses necessary to carry out chapter 2003 of
12 title 54, United States Code, including administrative ex-
13 penses, and for acquisition of lands or waters, or interest
14 therein, in accordance with the statutory authority appli-
15 cable to the National Park Service, \$128,752,000, to be
16 derived from the Land and Water Conservation Fund and
17 to remain available until expended, of which \$80,000,000
18 is for the State assistance program and of which
19 \$10,000,000 shall be for the American Battlefield Protec-
20 tion Program grants as authorized by chapter 3081 of title
21 54, United States Code.

22 CENTENNIAL CHALLENGE

23 For expenses necessary to carry out the provisions
24 of section 101701 of title 54, United States Code, relating
25 to challenge cost share agreements, \$30,000,000, to re-

1 main available until expended, for Centennial Challenge
2 projects and programs: *Provided*, That not less than 50
3 percent of the total cost of each project or program shall
4 be derived from non-Federal sources in the form of do-
5 nated cash, assets, or a pledge of donation guaranteed by
6 an irrevocable letter of credit.

7 ADMINISTRATIVE PROVISIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 In addition to other uses set forth in section
10 101917(c)(2) of title 54, United States Code, franchise
11 fees credited to a sub-account shall be available for ex-
12 penditure by the Secretary, without further appropriation,
13 for use at any unit within the National Park System to
14 extinguish or reduce liability for Possessory Interest or
15 leasehold surrender interest. Such funds may only be used
16 for this purpose to the extent that the benefitting unit an-
17 ticipated franchise fee receipts over the term of the con-
18 tract at that unit exceed the amount of funds used to ex-
19 tinguish or reduce liability. Franchise fees at the benefit-
20 ting unit shall be credited to the sub-account of the origi-
21 nating unit over a period not to exceed the term of a single
22 contract at the benefitting unit, in the amount of funds
23 so expended to extinguish or reduce liability.

24 For the costs of administration of the Land and
25 Water Conservation Fund grants authorized by section

1 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
2 of 2006 (Public Law 109–432), the National Park Service
3 may retain up to 3 percent of the amounts which are au-
4 thorized to be disbursed under such section, such retained
5 amounts to remain available until expended.

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

11 UNITED STATES GEOLOGICAL SURVEY

12 SURVEYS, INVESTIGATIONS, AND RESEARCH

13 For expenses necessary for the United States Geo-
14 logical Survey to perform surveys, investigations, and re-
15 search covering topography, geology, hydrology, biology,
16 and the mineral and water resources of the United States,
17 its territories and possessions, and other areas as author-
18 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
19 to their mineral and water resources; give engineering su-
20 pervision to power permittees and Federal Energy Regu-
21 latory Commission licensees; administer the minerals ex-
22 ploration program (30 U.S.C. 641); conduct inquiries into
23 the economic conditions affecting mining and materials
24 processing industries (30 U.S.C. 3, 21a, and 1603; 50
25 U.S.C. 98g(1)) and related purposes as authorized by law;

1 and to publish and disseminate data relative to the fore-
2 going activities; \$1,080,006,000, to remain available until
3 September 30, 2018; of which \$63,637,189 shall remain
4 available until expended for satellite operations; and of
5 which \$7,280,000 shall be available until expended for de-
6 ferred maintenance and capital improvement projects that
7 exceed \$100,000 in cost: *Provided*, That none of the funds
8 provided for the ecosystem research activity shall be used
9 to conduct new surveys on private property, unless specifi-
10 cally authorized in writing by the property owner: *Pro-*
11 *vided further*, That no part of this appropriation shall be
12 used to pay more than one-half the cost of topographic
13 mapping or water resources data collection and investiga-
14 tions carried on in cooperation with States and municipali-
15 ties.

16 ADMINISTRATIVE PROVISIONS

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

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

21 BUREAU OF OCEAN ENERGY MANAGEMENT

22 OCEAN ENERGY MANAGEMENT

23 For expenses necessary for granting leases, ease-
24 ments, rights-of-way and agreements for use for oil and
25 gas, other minerals, energy, and marine-related purposes

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

1 BUREAU OF SAFETY AND ENVIRONMENTAL
2 ENFORCEMENT
3 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT
4 (INCLUDING RESCISSION OF FUNDS)

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

1 are received during the fiscal year, so as to result in a
2 final fiscal year 2017 appropriation estimated at not more
3 than \$93,438,000.

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

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

OIL SPILL RESEARCH

1
2 For necessary expenses to carry out title I, section
3 1016, title IV, sections 4202 and 4303, title VII, and title
4 VIII, section 8201 of the Oil Pollution Act of 1990,
5 \$14,899,000, which shall be derived from the Oil Spill Li-
6 ability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND

ENFORCEMENT

REGULATION AND TECHNOLOGY

7
8
9
10 For necessary expenses to carry out the provisions
11 of the Surface Mining Control and Reclamation Act of
12 1977, Public Law 95–87, \$119,300,000, to remain avail-
13 able until September 30, 2018: *Provided*, That appropria-
14 tions for the Office of Surface Mining Reclamation and
15 Enforcement may provide for the travel and per diem ex-
16 penses of State and tribal personnel attending Office of
17 Surface Mining Reclamation and Enforcement sponsored
18 training.

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

1 *Provided further*, That the sum herein appropriated from
2 the general fund shall be reduced as collections are re-
3 ceived during the fiscal year, so as to result in a fiscal
4 year 2017 appropriation estimated at not more than
5 \$119,300,000.

6 ABANDONED MINE RECLAMATION FUND

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

1 State and tribal personnel attending Office of Surface
2 Mining Reclamation and Enforcement sponsored training.

3 In addition, \$90,000,000, to remain available until
4 expended, for grants to States for reclamation of aban-
5 doned mine lands and other related activities in accord-
6 ance with the terms and conditions in the report accom-
7 panying this Act: *Provided*, That such additional amount
8 shall be used for economic and community development
9 in conjunction with the priorities in section 403(a) of the
10 Surface Mining Control and Reclamation Act of 1977 (30
11 U.S.C. 1233(a)): *Provided further*, That of such additional
12 amount, \$75,000,000 shall be distributed in equal
13 amounts to the 3 Appalachian States with the greatest
14 amount of unfunded needs to meet the priorities described
15 in paragraphs (1) and (2) of such section, and
16 \$15,000,000 shall be distributed in equal amounts to the
17 3 Appalachian States with the subsequent greatest
18 amount of unfunded needs to meet such priorities: *Pro-*
19 *vided further*, That such additional amount shall be allo-
20 cated to States within 60 days after the date of enactment
21 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, to remain available until September 30,
13 2018, except as otherwise provided herein; of which not
14 to exceed \$8,500 may be for official reception and rep-
15 resentation expenses; of which not to exceed \$74,773,000
16 shall be for welfare assistance payments: *Provided*, That
17 in cases of designated Federal disasters, the Secretary
18 may exceed such cap, from the amounts provided herein,
19 to provide for disaster relief to Indian communities af-
20 fected by the disaster: *Provided further*, That federally rec-
21 ognized Indian tribes and tribal organizations of federally
22 recognized Indian tribes may use their tribal priority allo-
23 cations for unmet welfare assistance costs: *Provided fur-*
24 *ther*, That not to exceed \$652,282,000 for school oper-
25 ations costs of Bureau-funded schools and other education

1 programs shall become available on July 1, 2017, and
2 shall remain available until September 30, 2018: *Provided*
3 *further*, That not to exceed \$48,815,000 shall remain
4 available until expended for housing improvement, road
5 maintenance, attorney fees, litigation support, land
6 records improvement, and the Navajo-Hopi Settlement
7 Program: *Provided further*, That notwithstanding any
8 other provision of law, including but not limited to the
9 Indian Self-Determination Act of 1975 (25 U.S.C. 450f
10 et seq.) and section 1128 of the Education Amendments
11 of 1978 (25 U.S.C. 2008), not to exceed \$75,335,000
12 within and only from such amounts made available for
13 school operations shall be available for administrative cost
14 grants associated with grants approved prior to July 1,
15 2017: *Provided further*, That any forestry funds allocated
16 to a federally recognized tribe which remain unobligated
17 as of September 30, 2018, may be transferred during fis-
18 cal year 2019 to an Indian forest land assistance account
19 established for the benefit of the holder of the funds within
20 the holder's trust fund account: *Provided further*, That
21 any such unobligated balances not so transferred shall ex-
22 pire on September 30, 2019: *Provided further*, That in
23 order to enhance the safety of Bureau field employees, the
24 Bureau may use funds to purchase uniforms or other iden-
25 tifying articles of clothing for personnel.

1 CONTRACT SUPPORT COSTS

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

11 CONSTRUCTION

12 (INCLUDING TRANSFER OF FUNDS)

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

1 be used to cover the road program management costs of
2 the Bureau: *Provided further*, That any funds provided for
3 the Safety of Dams program pursuant to 25 U.S.C. 13
4 shall be made available on a nonreimbursable basis: *Pro-*
5 *vided further*, That for fiscal year 2017, in implementing
6 new construction, replacement facilities construction, or
7 facilities improvement and repair project grants in excess
8 of \$100,000 that are provided to grant schools under Pub-
9 lic Law 100–297, the Secretary of the Interior shall use
10 the Administrative and Audit Requirements and Cost
11 Principles for Assistance Programs contained in 43 CFR
12 part 12 as the regulatory requirements: *Provided further*,
13 That such grants shall not be subject to section 12.61 of
14 43 CFR; the Secretary and the grantee shall negotiate and
15 determine a schedule of payments for the work to be per-
16 formed: *Provided further*, That in considering grant appli-
17 cations, the Secretary shall consider whether such grantee
18 would be deficient in assuring that the construction
19 projects conform to applicable building standards and
20 codes and Federal, tribal, or State health and safety
21 standards as required by 25 U.S.C. 2005(b), with respect
22 to organizational and financial management capabilities:
23 *Provided further*, That if the Secretary declines a grant
24 application, the Secretary shall follow the requirements
25 contained in 25 U.S.C. 2504(f): *Provided further*, That

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

16 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
17 MISCELLANEOUS PAYMENTS TO INDIANS

18 For payments and necessary administrative expenses
19 for implementation of Indian land and water claim settle-
20 ments pursuant to Public Laws 99–264, 100–580, 101–
21 618, 111–11, and 111–291, and for implementation of
22 other land and water rights settlements, \$49,025,000, to
23 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, to remain available until
21 September 30, 2018; of which not to exceed \$15,000 may
22 be for official reception and representation expenses; and
23 of which up to \$1,000,000 shall be available for workers
24 compensation payments and unemployment compensation
25 payments associated with the orderly closure of the United

1 States Bureau of Mines; and of which \$10,000,000 for
2 the Office of Valuation Services is to be derived from the
3 Land and Water Conservation Fund and shall remain
4 available until expended; and of which \$38,300,000 shall
5 remain available until expended for the purpose of mineral
6 revenue management activities: *Provided*, That notwith-
7 standing any other provision of law, \$15,000 under this
8 heading shall be available for refunds of overpayments in
9 connection with certain Indian leases in which the Sec-
10 retary concurred with the claimed refund due, to pay
11 amounts owed to Indian allottees or tribes, or to correct
12 prior unrecoverable erroneous payments.

13 ADMINISTRATIVE PROVISIONS

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

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

10 INSULAR AFFAIRS

11 ASSISTANCE TO TERRITORIES

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

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

1 used as non-Federal matching funds for the purpose of
2 hazard mitigation grants provided pursuant to section 404
3 of the Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5170e).

5 COMPACT OF FREE ASSOCIATION

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

14 ADMINISTRATIVE PROVISIONS

15 (INCLUDING TRANSFER OF FUNDS)

16 At the request of the Governor of Guam, the Sec-
17 retary may transfer discretionary funds or mandatory
18 funds provided under section 104(e) of Public Law 108-
19 188 and Public Law 104-134, that are allocated for
20 Guam, to the Secretary of Agriculture for the subsidy cost
21 of direct or guaranteed loans, plus not to exceed three per-
22 cent of the amount of the subsidy transferred for the cost
23 of loan administration, for the purposes authorized by the
24 Rural Electrification Act of 1936 and section 306(a)(1)
25 of the Consolidated Farm and Rural Development Act for

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

14 OFFICE OF THE SOLICITOR

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of the Solicitor,
17 \$65,800,000.

18 OFFICE OF INSPECTOR GENERAL

19 SALARIES AND EXPENSES

20 For necessary expenses of the Office of Inspector
21 General, \$50,047,000.

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 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 agencies 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 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”;

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 P.L.
21 108–108, as amended (54 U.S.C. 320101 note), is further
22 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 P.L. 106–554, as amended (54 U.S.C.

1 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 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 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 TRUST LAND

20 SEC. 128. All land taken into trust by the United
21 States under or pursuant to the Act of June 18, 1934
22 (25 U.S.C. 465) before February 24, 2009, for the benefit
23 of an Indian tribe that was federally recognized on the
24 date that the land was taken into trust is hereby re-
25 affirmed as trust land.

1 TITLE II
2 ENVIRONMENTAL PROTECTION AGENCY
3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980; necessary expenses for personnel and related costs
9 and travel expenses; procurement of laboratory equipment
10 and supplies; and other operating expenses in support of
11 research and development, \$720,072,000, to remain avail-
12 able until September 30, 2018: *Provided*, That of the
13 funds included under this heading, \$10,000,000 shall be
14 for Research: National Priorities as specified in the report
15 accompanying this Act.

16 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

17 For environmental programs and management, in-
18 cluding necessary expenses, not otherwise provided for, for
19 personnel and related costs and travel expenses; hire of
20 passenger motor vehicles; hire, maintenance, and oper-
21 ation of aircraft; purchase of reprints; library member-
22 ships in societies or associations which issue publications
23 to members only or at a price to members lower than to
24 subscribers who are not members; administrative costs of
25 the brownfields program under the Small Business Liabil-

1 ity Relief and Brownfields Revitalization Act of 2002; and
2 not to exceed \$9,000 for official reception and representa-
3 tion expenses, \$2,527,470,000, to remain available until
4 September 30, 2018: *Provided*, That of the funds included
5 under this heading, \$15,000,000 shall be for Environ-
6 mental Protection: National Priorities as specified in the
7 report accompanying this Act: *Provided further*, That of
8 the funds included under this heading, \$409,709,000 shall
9 be for Geographic Programs specified in the report accom-
10 panying this Act: *Provided further*, That the Adminis-
11 trator of the Environmental Protection Agency is author-
12 ized, in carrying out its responsibilities under section
13 2002(b) of the Solid Waste Disposal Act (42 U.S.C.
14 6912(b)), to use appropriations made available under this
15 heading to evaluate the effectiveness of States using State
16 solid waste management plans to ensure the efficient and
17 effective implementation of the final regulations on coal
18 combustion residuals that took effect on October 19, 2015,
19 and codified in parts 257 and 261 of title 40 of the Code
20 of Federal Regulations: *Provided further*, That the Admin-
21 istrator shall provide to the Committee on Appropriations
22 and the appropriate authorizing Committees a report on
23 the effectiveness of States using such plans in imple-
24 menting the requirements of final coal combustion residual
25 regulations in an efficient and effective manner.

1 HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM

2 FUND

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.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, \$41,489,000, to remain available
13 until September 30, 2018.

14 BUILDINGS AND FACILITIES

15 For construction, repair, improvement, extension, al-
16 teration, and purchase of fixed equipment or facilities of,
17 or for use by, the Environmental Protection Agency,
18 \$34,467,000, to remain available until expended.

19 HAZARDOUS SUBSTANCE SUPERFUND

20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses to carry out the Comprehen-
22 sive Environmental Response, Compensation, and Liabil-
23 ity Act of 1980 (CERCLA), including sections 111(c)(3),
24 (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611)
25 \$1,115,929,000, to remain available until expended, con-

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

16 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
17 PROGRAM

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

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

8 INLAND OIL SPILL PROGRAMS

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

14 STATE AND TRIBAL ASSISTANCE GRANTS

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

20 (1) \$1,000,000,000 shall be for making capital-
21 ization grants for the Clean Water State Revolving
22 Funds under title VI of the Federal Water Pollution
23 Control Act; and of which \$1,070,500,000 shall be
24 for making capitalization grants for the Drinking
25 Water State Revolving Funds under section 1452 of

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

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

1 former Indian reservations in Oklahoma (as defined
2 by the Secretary of the Interior) and Native Villages
3 (as defined in Public Law 92–203): *Provided further*,
4 That for fiscal year 2017, notwithstanding any pro-
5 vision of the Clean Water Act and regulations issued
6 pursuant thereof, up to a total of \$2,000,000 of the
7 funds reserved by the Administrator for grants
8 under section 518(c) of the Federal Water Pollution
9 Control Act may also be used for grants for training,
10 technical assistance, and educational programs relat-
11 ing to the operation and management of the treat-
12 ment works specified in section 518(c) of such Act;
13 Funds reserved under section 518(c) of such Act
14 shall be available for grants only to Indian tribes, as
15 defined in section 518(h) of such Act and former In-
16 dian reservations in Oklahoma (as determined by the
17 Secretary of the Interior) and Native Villages (as
18 defined in Public Law 92–203): *Provided further*,
19 That for fiscal year 2017, notwithstanding the limi-
20 tation on amounts in section 518(c) of the Federal
21 Water Pollution Control Act, up to a total of 2 per-
22 cent of the funds appropriated, or \$30,000,000,
23 whichever is greater, and notwithstanding the limita-
24 tion on amounts in section 1452(i) of the Safe
25 Drinking Water Act, up to a total of 2 percent of

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

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

19 (2) \$5,000,000 shall be for architectural, engi-
20 neering, planning, design, construction and related
21 activities in connection with the construction of high
22 priority water and wastewater facilities in the area
23 of the United States-Mexico Border, after consulta-
24 tion with the appropriate border commission; *Pro-*
25 *vided*, That no funds provided by this appropriations

1 Act to address the water, wastewater and other crit-
2 ical infrastructure needs of the colonias in the
3 United States along the United States-Mexico bor-
4 der shall be made available to a county or municipal
5 government unless that government has established
6 an enforceable local ordinance, or other zoning rule,
7 which prevents in that jurisdiction the development
8 or construction of any additional colonia areas, or
9 the development within an existing colonia the con-
10 struction of any new home, business, or other struc-
11 ture which lacks water, wastewater, or other nec-
12 essary infrastructure;

13 (3) \$17,000,000 shall be for grants to the State
14 of Alaska to address drinking water and wastewater
15 infrastructure needs of rural and Alaska Native Vil-
16 lages: *Provided*, That of these funds: (A) the State
17 of Alaska shall provide a match of 25 percent; (B)
18 no more than 5 percent of the funds may be used
19 for administrative and overhead expenses; and (C)
20 the State of Alaska shall make awards consistent
21 with the Statewide priority list established in con-
22 junction with the Agency and the U.S. Department
23 of Agriculture for all water, sewer, waste disposal,
24 and similar projects carried out by the State of Alas-
25 ka that are funded under section 221 of the Federal

1 Water Pollution Control Act (33 U.S.C. 1301) or
2 the Consolidated Farm and Rural Development Act
3 (7 U.S.C. 1921 et seq.) which shall allocate not less
4 than 25 percent of the funds provided for projects
5 in regional hub communities;

6 (4) \$80,000,000 shall be to carry out section
7 104(k) of the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of 1980
9 (CERCLA), including grants, interagency agree-
10 ments, and associated program support costs: *Pro-*
11 *vided*, That not more than 25 percent of the amount
12 appropriated to carry out section 104(k) of
13 CERCLA shall be used for site characterization, as-
14 sessment, and remediation of facilities described in
15 section 101(39)(D)(ii)(II) of CERCLA: *Provided*
16 *further*, That at least 10 percent shall be allocated
17 for assistance in persistent poverty counties: *Pro-*
18 *vided further*, That for purposes of this section, the
19 term “persistent poverty counties” means any coun-
20 ty that has had 20 percent or more of its population
21 living in poverty over the past 30 years, as measured
22 by the 1990 and 2000 decennial censuses and the
23 most recent Small Area Income and Poverty Esti-
24 mates;

1 (5) \$100,000,000 shall be for grants under title
2 VII, subtitle G of the Energy Policy Act of 2005;

3 (6) \$40,000,000 shall be for targeted airshed
4 grants in accordance with the terms and conditions
5 of the report accompanying this Act; and

6 (7) \$1,058,229,000 shall be for grants, includ-
7 ing associated program support costs, to States, fed-
8 erally recognized tribes, interstate agencies, tribal
9 consortia, and air pollution control agencies for
10 multi-media or single media pollution prevention,
11 control and abatement and related activities, includ-
12 ing activities pursuant to the provisions set forth
13 under this heading in Public Law 104–134, and for
14 making grants under section 103 of the Clean Air
15 Act for particulate matter monitoring and data col-
16 lection activities subject to terms and conditions
17 specified by the Administrator, of which:
18 \$47,745,000 shall be for carrying out section 128 of
19 CERCLA; \$9,646,000 shall be for Environmental
20 Information Exchange Network grants, including as-
21 sociated program support costs; \$1,498,000 shall be
22 for grants to States under section 2007(f)(2) of the
23 Solid Waste Disposal Act, which shall be in addition
24 to funds appropriated under the heading “Leaking
25 Underground Storage Tank Trust Fund Program”

1 to carry out the provisions of the Solid Waste Dis-
2 posal Act specified in section 9508(c) of the Internal
3 Revenue Code other than section 9003(h) of the
4 Solid Waste Disposal Act; \$17,848,000 of the funds
5 available for grants under section 106 of the Federal
6 Water Pollution Control Act shall be for State par-
7 ticipation in national- and State-level statistical sur-
8 veys of water resources and enhancements to State
9 monitoring programs.

10 WATER INFRASTRUCTURE FINANCE AND INNOVATION

11 PROGRAM ACCOUNT

12 For the cost of direct loans and for the cost of guar-
13 anteed loans, as authorized by the Water Infrastructure
14 Finance and Innovation Act of 2014, \$45,000,000, to re-
15 main available until expended: *Provided*, That such costs,
16 including the cost of modifying such loans, shall be as de-
17 fined in section 502 of the Congressional Budget Act of
18 1974: *Provided further*, That these funds are available to
19 subsidize gross obligations for the principal amount of di-
20 rect loans, including capitalized interest, and total loan
21 principal, including capitalized interest, any part of which
22 is to be guaranteed, not to exceed \$5,487,000,000.

23 In addition, fees authorized to be collected pursuant
24 to sections 5029 and 5030 of the Water Infrastructure

1 Finance and Innovation Act of 2014 shall be deposited
2 in this account to remain available until expended.

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

8 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

9 PROTECTION AGENCY

10 (INCLUDING TRANSFERS OF FUNDS)

11 For fiscal year 2017, notwithstanding 31 U.S.C.
12 6303(1) and 6305(1), the Administrator of the Environ-
13 mental Protection Agency, in carrying out the Agency's
14 function to implement directly Federal environmental pro-
15 grams required or authorized by law in the absence of an
16 acceptable tribal program, may award cooperative agree-
17 ments to federally recognized Indian tribes or Intertribal
18 consortia, if authorized by their member tribes, to assist
19 the Administrator in implementing Federal environmental
20 programs for Indian tribes required or authorized by law,
21 except that no such cooperative agreements may be award-
22 ed from funds designated for State financial assistance
23 agreements.

24 The Administrator of the Environmental Protection
25 Agency is authorized to collect and obligate pesticide reg-

1 istration service fees in accordance with section 33 of the
2 Federal Insecticide, Fungicide, and Rodenticide Act, as
3 amended by Public Law 112–177, the Pesticide Registra-
4 tion Improvement Extension Act of 2012.

5 Notwithstanding section 33(d)(2) of the Federal In-
6 secticide, Fungicide, and Rodenticide Act (FIFRA) (7
7 U.S.C. 136w-8(d)(2)), the Administrator of the Environ-
8 mental Protection Agency may assess fees under section
9 33 of FIFRA (7 U.S.C. 136w-8) for fiscal year 2017.

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

1 The Science and Technology, Environmental Pro-
2 grams and Management, Office of Inspector General, Haz-
3 ardous Substance Superfund, and Leaking Underground
4 Storage Tank Trust Fund Program Accounts, are avail-
5 able for the construction, alteration, repair, rehabilitation,
6 and renovation of facilities provided that the cost does not
7 exceed \$150,000 per project.

8 The Administrator of the Environmental Protection
9 Agency shall base agency policies and actions regarding
10 air emissions from forest biomass including, but not lim-
11 ited to, air emissions from facilities that combust forest
12 biomass for energy, on the principle that forest biomass
13 emissions do not increase overall carbon dioxide accumula-
14 tions in the atmosphere when USDA Forest Inventory and
15 Analysis data show that forest carbon stocks in the U.S.
16 are stable or increasing on a national scale, or when forest
17 biomass is derived from mill residuals, harvest residuals
18 or forest management activities. Such policies and actions
19 shall not pre-empt existing authorities of States to deter-
20 mine how to utilize biomass as a renewable energy source
21 and shall not inhibit States' authority to apply the same
22 policies to forest biomass as other renewable fuels in im-
23 plementing Federal law.

24 The Administrator of the Environmental Protection
25 Agency shall apply the criteria and procedures in effect

1 as of the date of enactment of this Act for aquifer exemp-
2 tions under the underground injection control regulatory
3 framework, in a collaborative manner with the States and
4 regulated industries, to promptly review and make deci-
5 sions on all aquifer exemption applications using the cri-
6 teria for exempted aquifers set forth in section 146.4 of
7 title 40, Code of Federal Regulations (as in effect on April
8 1, 2016). The Administrator shall not use substantial pro-
9 gram revisions for purposes of reviewing and making deci-
10 sions on aquifer exemption applications involving under-
11 ground injection authorized by permit, provided the injec-
12 tion is occurring into aquifers that meet the criteria for
13 an exemption under such section 146.4 and the rec-
14 ommendations of key State resource agencies are taken
15 in account.

16 For fiscal year 2017, and notwithstanding section
17 518(f) of the Federal Water Pollution Control Act (33
18 U.S.C. 1377(f)), the Administrator is authorized to use
19 the amounts appropriated for any fiscal year under section
20 319 of the Act to make grants to federally recognized In-
21 dian tribes pursuant to sections 319(h) and 518(e) of that
22 Act.

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

6 For necessary expenses of forest and rangeland re-
7 search as authorized by law, \$291,982,000, to remain
8 available through September 30, 2019: *Provided*, That of
9 the funds provided, \$77,000,000 is for the forest inventory
10 and analysis program.

11 STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-
13 viding technical and financial assistance to States, terri-
14 tories, possessions, and others, and for forest health man-
15 agement, including treatments of pests, pathogens, and
16 invasive or noxious plants and for restoring and rehabili-
17 tating forests damaged by pests or invasive plants, cooper-
18 ative forestry, and education and land conservation activi-
19 ties and conducting an international program as author-
20 ized, \$244,038,000, to remain available through Sep-
21 tember 30, 2018, as authorized by law, of which
22 \$55,000,000 is to be derived from the Land and Water
23 Conservation Fund to be used for the Forest Legacy Pro-
24 gram, to remain available until expended.

1 NATIONAL FOREST SYSTEM

2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses of the Forest Service, not
4 otherwise provided for, for management, protection, im-
5 provement, and utilization of the National Forest System,
6 \$1,531,443,000, to remain available through September
7 30, 2018: *Provided*, That of the funds provided,
8 \$40,000,000 shall be deposited in the Collaborative Forest
9 Landscape Restoration Fund for ecological restoration
10 treatments as authorized by 16 U.S.C. 7303(f): *Provided*
11 *further*, That of the funds provided, \$384,805,000 shall
12 be for forest products: *Provided further*, That of the funds
13 provided, up to \$159,941,000 is for the Integrated Re-
14 source Restoration pilot program for Region 1, Region 2,
15 Region 3, Region 4, and Region 5: *Provided further*, That
16 of the funds provided for forest products, up to
17 \$161,560,000 may be transferred to support the Inte-
18 grated Resource Restoration pilot program in the pre-
19 ceding proviso: *Provided further*, That the Secretary of Ag-
20 riculture may transfer to the Secretary of the Interior any
21 unobligated funds appropriated in a previous fiscal year
22 for operation of the Valles Caldera National Preserve.

1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 (INCLUDING TRANSFER OF FUNDS)

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

1 decommissioning of roads, up to \$24,543,000 may be
2 transferred to the “National Forest System” to support
3 the Integrated Resource Restoration pilot program.

4 LAND ACQUISITION

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

12 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
13 ACTS

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

20 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

1 Exchange Acts, pursuant to the Act of December 4, 1967
2 (16 U.S.C. 484a), to remain available through September
3 30, 2018, (16 U.S.C. 516–617a, 555a; Public Law 96–
4 586; Public Law 76–589, 76–591; and Public Law 78–
5 310).

6 RANGE BETTERMENT FUND

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

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

18 For expenses authorized by 16 U.S.C. 1643(b),
19 \$45,000, to remain available through September 30, 2018,
20 to be derived from the fund established pursuant to the
21 above Act.

22 MANAGEMENT OF NATIONAL FOREST LANDS FOR
23 SUBSISTENCE USES

24 For necessary expenses of the Forest Service to man-
25 age Federal lands in Alaska for subsistence uses under

1 title VIII of the Alaska National Interest Lands Conserva-
2 tion Act (Public Law 96-487), \$2,500,000, to remain
3 available through September 30, 2018.

4 WILDLAND FIRE MANAGEMENT

5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses for forest fire presuppression
7 activities on National Forest System lands, for emergency
8 fire suppression on or adjacent to such lands or other
9 lands under fire protection agreement, hazardous fuels
10 management on or adjacent to such lands, emergency re-
11 habilitation of burned-over National Forest System lands
12 and water, and for State and volunteer fire assistance,
13 \$2,593,763,000, to remain available through September
14 30, 2019: *Provided*, That such funds including unobli-
15 gated balances under this heading, are available for repay-
16 ment of advances from other appropriations accounts pre-
17 viously transferred for such purposes: *Provided further*,
18 That such funds shall be available to reimburse State and
19 other cooperating entities for services provided in response
20 to wildfire and other emergencies or disasters to the extent
21 such reimbursements by the Forest Service for non-fire
22 emergencies are fully repaid by the responsible emergency
23 management agency: *Provided further*, That notwith-
24 standing any other provision of law, \$6,914,000 of funds
25 appropriated under this appropriation shall be available

1 for the Forest Service in support of fire science research
2 authorized by the Joint Fire Science Program, including
3 all Forest Service authorities for the use of funds, such
4 as contracts, grants, research joint venture agreements,
5 and cooperative agreements: *Provided further*, That all au-
6 thorities for the use of funds, including the use of con-
7 tracts, grants, and cooperative agreements, available to
8 execute the Forest and Rangeland Research appropria-
9 tion, are also available in the utilization of these funds
10 for Fire Science Research: *Provided further*, That funds
11 provided shall be available for emergency rehabilitation
12 and restoration, hazardous fuels management activities,
13 support to Federal emergency response, and wildfire sup-
14 pression activities of the Forest Service: *Provided further*,
15 That of the funds provided, \$395,000,000 is for hazardous
16 fuels management activities, \$19,795,000 is for research
17 activities and to make competitive research grants pursu-
18 ant to the Forest and Rangeland Renewable Resources
19 Research Act, (16 U.S.C. 1641 et seq.), \$78,000,000 is
20 for State fire assistance, and \$13,000,000 is for volunteer
21 fire assistance under section 10 of the Cooperative For-
22 estry Assistance Act of 1978 (16 U.S.C. 2106): *Provided*
23 *further*, That amounts in this paragraph may be trans-
24 ferred to the “National Forest System”, and “Forest and
25 Rangeland Research” accounts to fund forest and range-

1 land research, the Joint Fire Science Program, vegetation
2 and watershed management, heritage site rehabilitation,
3 and wildlife and fish habitat management and restoration:
4 *Provided further*, That of the funds provided, \$65,000,000
5 shall be available for the purpose of acquiring aircraft for
6 the next-generation airtanker fleet to enhance firefighting
7 mobility, effectiveness, efficiency, and safety, and such air-
8 craft shall be suitable for contractor operation over the
9 terrain and forest ecosystems characteristic of National
10 Forest System lands, as determined by the Chief of the
11 Forest Service: *Provided further*, That the costs of imple-
12 menting any cooperative agreement between the Federal
13 Government and any non-Federal entity may be shared,
14 as mutually agreed on by the affected parties: *Provided*
15 *further*, That the funds provided herein may be used by
16 the Secretary of Agriculture to enter into procurement
17 contracts or cooperative agreements or to issue grants for
18 hazardous fuels management activities and for training or
19 monitoring associated with such hazardous fuels manage-
20 ment activities on Federal land or on non-Federal land
21 if the Secretary determines such activities benefit re-
22 sources on Federal land: *Provided further*, That funds
23 made available to implement the Community Forest Res-
24 toration Act, Public Law 106–393, title VI, shall be avail-
25 able for use on non-Federal lands in accordance with au-

1 thorities made available to the Forest Service under the
2 “State and Private Forestry” appropriation: *Provided fur-*
3 *ther*, That the Secretary of the Interior and the Secretary
4 of Agriculture may authorize the transfer of funds appro-
5 priated for wildland fire management, in an aggregate
6 amount not to exceed \$50,000,000, between the Depart-
7 ments when such transfers would facilitate and expedite
8 wildland fire management programs and projects: *Pro-*
9 *vided further*, That of the funds provided for hazardous
10 fuels management, not to exceed \$5,000,000 may be used
11 to make grants, using any authorities available to the For-
12 est Service under the “State and Private Forestry” appro-
13 priation, for the purpose of creating incentives for in-
14 creased use of biomass from National Forest System
15 lands: *Provided further*, That funds designated for wildfire
16 suppression, including funds transferred from the
17 “FLAME Wildfire Suppression Reserve Fund”, shall be
18 assessed for cost pools on the same basis as such assess-
19 ments are calculated against other agency programs: *Pro-*
20 *vided further*, That of the funds for hazardous fuels man-
21 agement, up to \$46,653,000 may be transferred to the
22 “National Forest System” to support the Integrated Re-
23 source Restoration pilot program.

1 FLAME WILDFIRE SUPPRESSION RESERVE FUND

2 (INCLUDING TRANSFERS OF FUNDS)

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

11 ADMINISTRATIVE PROVISIONS—FOREST SERVICE

12 (INCLUDING TRANSFERS OF FUNDS)

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

1 buildings and other public improvements (7 U.S.C. 2250);
2 (4) acquisition of land, waters, and interests therein pur-
3 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
4 Volunteers in the National Forest Act of 1972 (16 U.S.C.
5 558a, 558d, and 558a note); (6) the cost of uniforms as
6 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
7 lection contracts in accordance with 31 U.S.C. 3718(c).

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

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

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

13 Funds appropriated to the Forest Service shall be
14 available for expenditure or transfer to the Department
15 of the Interior, Bureau of Land Management, for removal,
16 preparation, and adoption of excess wild horses and burros
17 from National Forest System lands, and for the perform-
18 ance of cadastral surveys to designate the boundaries of
19 such lands.

20 None of the funds made available to the Forest Serv-
21 ice in this Act or any other Act with respect to any fiscal
22 year shall be subject to transfer under the provisions of
23 section 702(b) of the Department of Agriculture Organic
24 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law

1 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
2 Law 107–171 (7 U.S.C. 8316(b)).

3 None of the funds available to the Forest Service may
4 be reprogrammed without the advance approval of the
5 House and Senate Committees on Appropriations in ac-
6 cordance with the reprogramming procedures contained in
7 this Act.

8 Not more than \$82,000,000 of funds available to the
9 Forest Service shall be transferred to the Working Capital
10 Fund of the Department of Agriculture and not more than
11 \$14,500,000 of funds available to the Forest Service shall
12 be transferred to the Department of Agriculture for De-
13 partment Reimbursable Programs, commonly referred to
14 as Greenbook charges. Nothing in this paragraph shall
15 prohibit or limit the use of reimbursable agreements re-
16 quested by the Forest Service in order to obtain services
17 from the Department of Agriculture’s National Informa-
18 tion Technology Center and the Department of Agri-
19 culture’s International Technology Service.

20 Of the funds available to the Forest Service, up to
21 \$5,000,000 shall be available for priority projects within
22 the scope of the approved budget, which shall be carried
23 out by the Youth Conservation Corps and shall be carried
24 out under the authority of the Public Lands Corps Act
25 of 1993, Public Law 103–82, as amended by Public Lands

1 Corps Healthy Forests Restoration Act of 2005, Public
2 Law 109–154.

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

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

24 Pursuant to section 2(b)(2) of Public Law 98–244,
25 up to \$3,000,000 of the funds available to the Forest

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

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

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

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

1 Funds available to the Forest Service, not to exceed
2 \$65,000,000, shall be assessed for the purpose of per-
3 forming fire, administrative and other facilities mainte-
4 nance and decommissioning. Such assessments shall occur
5 using a square foot rate charged on the same basis the
6 agency uses to assess programs for payment of rent, utili-
7 ties, and other support services.

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

20 An eligible individual who is employed in any project
21 funded under title V of the Older Americans Act of 1965
22 (42 U.S.C. 3056 et seq.) and administered by the Forest
23 Service shall be considered to be a Federal employee for
24 purposes of chapter 171 of title 28, United States Code.

1 Notwithstanding any other provision of this Act,
2 through the Office of Budget and Program Analysis, the
3 Forest Service shall report no later than 30 business days
4 following the close of each fiscal quarter all current and
5 prior year unobligated balances, by fiscal year, budget line
6 item and account, to the House and Senate Committees
7 on Appropriations.

8 Funds appropriated to the Forest Service shall be
9 available to categorically exclude from documentation in
10 an environmental assessment or an environmental impact
11 statement under the National Environmental Policy Act
12 of 1969 (42 U.S.C. 4321 et seq.) a forest management
13 activity on National Forest System lands when the pri-
14 mary purpose of the forest management activity is: (1)
15 to address an insect or disease infestation; (2) to reduce
16 hazardous fuel loads; (3) to protect a municipal water
17 source; (4) to maintain, enhance, or modify critical habitat
18 to protect it from catastrophic disturbances; (5) to in-
19 crease water yield; or (6) any combination of these pur-
20 poses: *Provided*, That the land on which the forest man-
21 agement activity is carried out may not exceed 3,000
22 acres.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES

3 INDIAN HEALTH SERVICE

4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion and Education Assistance Act, the Indian Health
8 Care Improvement Act, and titles II and III of the Public
9 Health Service Act with respect to the Indian Health Serv-
10 ice, \$3,720,690,000, together with payments received dur-
11 ing the fiscal year pursuant to 42 U.S.C. 238(b) and
12 238b, for services furnished by the Indian Health Service:
13 *Provided*, That funds made available to tribes and tribal
14 organizations through contracts, grant agreements, or any
15 other agreements or compacts authorized by the Indian
16 Self-Determination and Education Assistance Act of 1975
17 (25 U.S.C. 450), shall be deemed to be obligated at the
18 time of the grant or contract award and thereafter shall
19 remain available to the tribe or tribal organization without
20 fiscal year limitation: *Provided further*, That
21 \$960,831,000 for Purchased/Referred Care, including
22 \$53,000,000 for the Indian Catastrophic Health Emer-
23 gency Fund, shall remain available until expended: *Pro-*
24 *vided further*, That of the funds provided, up to
25 \$37,000,000 shall remain available until expended for im-

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

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

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

11 CONTRACT SUPPORT COSTS

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

20 INDIAN HEALTH FACILITIES

21 For construction, repair, maintenance, improvement,
22 and equipment of health and related auxiliary facilities,
23 including quarters for personnel; preparation of plans,
24 specifications, and drawings; acquisition of sites, purchase
25 and erection of modular buildings, and purchases of trail-

1 ers; and for provision of domestic and community sanita-
2 tion facilities for Indians, as authorized by section 7 of
3 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
4 Self-Determination Act, and the Indian Health Care Im-
5 provement Act, and for expenses necessary to carry out
6 such Acts and titles II and III of the Public Health Serv-
7 ice Act with respect to environmental health and facilities
8 support activities of the Indian Health Service,
9 \$557,946,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 funds appropriated for the planning, design, construction,
12 renovation or expansion of health facilities for the benefit
13 of an Indian tribe or tribes may be used to purchase land
14 on which such facilities will be located: *Provided further*,
15 That not to exceed \$500,000 may be used by the Indian
16 Health Service to purchase TRANSAM equipment from
17 the Department of Defense for distribution to the Indian
18 Health Service and tribal facilities: *Provided further*, That
19 none of the funds appropriated to the Indian Health Serv-
20 ice may be used for sanitation facilities construction for
21 new homes funded with grants by the housing programs
22 of the United States Department of Housing and Urban
23 Development: *Provided further*, That not to exceed
24 \$2,700,000 from this account and the “Indian Health
25 Services” account may be used by the Indian Health Serv-

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

9 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

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

1 all tribally administered or Indian Health Service facili-
2 ties, subject to charges, and the proceeds along with funds
3 recovered under the Federal Medical Care Recovery Act
4 (42 U.S.C. 2651–2653) shall be credited to the account
5 of the facility providing the service and shall be available
6 without fiscal year limitation: *Provided further*, That not-
7 withstanding any other law or regulation, funds trans-
8 ferred from the Department of Housing and Urban Devel-
9 opment to the Indian Health Service shall be administered
10 under Public Law 86–121, the Indian Sanitation Facilities
11 Act and Public Law 93–638: *Provided further*, That funds
12 appropriated to the Indian Health Service in this Act, ex-
13 cept those used for administrative and program direction
14 purposes, shall not be subject to limitations directed at
15 curtailing Federal travel and transportation: *Provided fur-*
16 *ther*, That none of the funds made available to the Indian
17 Health Service in this Act shall be used for any assess-
18 ments or charges by the Department of Health and
19 Human Services unless identified in the budget justifica-
20 tion and provided in this Act, or approved by the House
21 and Senate Committees on Appropriations through the re-
22 programming process: *Provided further*, That notwith-
23 standing any other provision of law, funds previously or
24 herein made available to a tribe or tribal organization
25 through a contract, grant, or agreement authorized by

1 title I or title V of the Indian Self-Determination and
2 Education Assistance Act of 1975 (25 U.S.C. 450), may
3 be deobligated and reobligated to a self-determination con-
4 tract under title I, or a self-governance agreement under
5 title V of such Act and thereafter shall remain available
6 to the tribe or tribal organization without fiscal year limi-
7 tation: *Provided further*, That none of the funds made
8 available to the Indian Health Service in this Act shall
9 be used to implement the final rule published in the Fed-
10 eral Register on September 16, 1987, by the Department
11 of Health and Human Services, relating to the eligibility
12 for the health care services of the Indian Health Service
13 until the Indian Health Service has submitted a budget
14 request reflecting the increased costs associated with the
15 proposed final rule, and such request has been included
16 in an appropriations Act and enacted into law: *Provided*
17 *further*, That with respect to functions transferred by the
18 Indian Health Service to tribes or tribal organizations, the
19 Indian Health Service is authorized to provide goods and
20 services to those entities on a reimbursable basis, includ-
21 ing payments in advance with subsequent adjustment, and
22 the reimbursements received therefrom, along with the
23 funds received from those entities pursuant to the Indian
24 Self-Determination Act, may be credited to the same or
25 subsequent appropriation account from which the funds

1 were originally derived, with such amounts to remain
2 available until expended: *Provided further*, That reim-
3 bursements for training, technical assistance, or services
4 provided by the Indian Health Service will contain total
5 costs, including direct, administrative, and overhead asso-
6 ciated with the provision of goods, services, or technical
7 assistance: *Provided further*, That the appropriation struc-
8 ture for the Indian Health Service may not be altered
9 without advance notification to the House and Senate
10 Committees on Appropriations.

11 NATIONAL INSTITUTES OF HEALTH

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

13 SCIENCES

14 For necessary expenses for the National Institute of
15 Environmental Health Sciences in carrying out activities
16 set forth in section 311(a) of the Comprehensive Environ-
17 mental Response, Compensation, and Liability Act of
18 1980 (42 U.S.C. 9660(a)) and section 126(g) of the
19 Superfund Amendments and Reauthorization Act of 1986,
20 \$77,349,000.

1 to issue in excess of 40 toxicological profiles pursuant to
2 section 104(i) of CERCLA during fiscal year 2017, and
3 existing profiles may be updated as necessary.

4 OTHER RELATED AGENCIES

5 EXECUTIVE OFFICE OF THE PRESIDENT

6 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
7 ENVIRONMENTAL QUALITY

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

20 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

21 SALARIES AND EXPENSES

22 For necessary expenses in carrying out activities pur-
23 suant to section 112(r)(6) of the Clean Air Act, including
24 hire of passenger vehicles, uniforms or allowances there-
25 for, as authorized by 5 U.S.C. 5901–5902, and for serv-

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

17 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses of the Office of Navajo and
21 Hopi Indian Relocation as authorized by Public Law 93-
22 531, \$15,431,000, to remain available until expended:
23 *Provided*, That funds provided in this or any other appro-
24 priations Act are to be used to relocate eligible individuals
25 and groups including evictees from District 6, Hopi-parti-

1 tioned lands residents, those in significantly substandard
2 housing, and all others certified as eligible and not in-
3 cluded in the preceding categories: *Provided further*, That
4 none of the funds contained in this or any other Act may
5 be used by the Office of Navajo and Hopi Indian Reloca-
6 tion to evict any single Navajo or Navajo family who, as
7 of November 30, 1985, was physically domiciled on the
8 lands partitioned to the Hopi Tribe unless a new or re-
9 placement home is provided for such household: *Provided*
10 *further*, That no relocatee will be provided with more than
11 one new or replacement home: *Provided further*, That the
12 Office shall relocate any certified eligible relocatees who
13 have selected and received an approved homesite on the
14 Navajo reservation or selected a replacement residence off
15 the Navajo reservation or on the land acquired pursuant
16 to 25 U.S.C. 640d-10: *Provided further*, That \$200,000
17 shall be transferred to the Office of Inspector General of
18 the Department of the Interior, to remain available until
19 expended, for audits and investigations of the Office of
20 Navajo and Hopi Indian Relocation, consistent with the
21 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, to remain available until Sep-
24 tember 30, 2018, except as otherwise provided herein; of
25 which not to exceed \$50,467,000 for the instrumentation

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

10 FACILITIES CAPITAL

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

19 NATIONAL GALLERY OF ART

20 SALARIES AND EXPENSES

21 For the upkeep and operations of the National Gal-
22 lery of Art, the protection and care of the works of art
23 therein, and administrative expenses incident thereto, as
24 authorized by the Act of March 24, 1937 (50 Stat. 51),
25 as amended by the public resolution of April 13, 1939

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

21 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

22 For necessary expenses of repair, restoration and
23 renovation of buildings, grounds and facilities owned or
24 occupied by the National Gallery of Art, by contract or
25 otherwise, for operating lease agreements of no more than

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

10 JOHN F. KENNEDY CENTER FOR THE PERFORMING
11 ARTS

12 OPERATIONS AND MAINTENANCE

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

16 CAPITAL REPAIR AND RESTORATION

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

21 WOODROW WILSON INTERNATIONAL CENTER FOR
22 SCHOLARS

23 SALARIES AND EXPENSES

24 For expenses necessary in carrying out the provisions
25 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.

1 1356) including hire of passenger vehicles and services as
2 authorized by 5 U.S.C. 3109, \$10,500,000, to remain
3 available until September 30, 2018.

4 NATIONAL FOUNDATION ON THE ARTS AND THE
5 HUMANITIES

6 NATIONAL ENDOWMENT FOR THE ARTS
7 GRANTS AND ADMINISTRATION

8 For necessary expenses to carry out the National
9 Foundation on the Arts and the Humanities Act of 1965,
10 \$149,849,000 shall be available to the National Endow-
11 ment for the Arts for the support of projects and produc-
12 tions in the arts, including arts education and public out-
13 reach activities, through assistance to organizations and
14 individuals pursuant to section 5 of the Act, for program
15 support, and for administering the functions of the Act,
16 to remain available until expended.

17 NATIONAL ENDOWMENT FOR THE HUMANITIES
18 GRANTS AND ADMINISTRATION

19 For necessary expenses to carry out the National
20 Foundation on the Arts and the Humanities Act of 1965,
21 \$149,848,000, to remain available until expended, of
22 which \$139,148,000 shall be available for support of ac-
23 tivities in the humanities, pursuant to section 7(c) of the
24 Act and for administering the functions of the Act; and
25 \$10,700,000 shall be available to carry out the matching

1 grants program pursuant to section 10(a)(2) of the Act,
2 including \$8,500,000 for the purposes of section 7(h):
3 *Provided*, That appropriations for carrying out section
4 10(a)(2) shall be available for obligation only in such
5 amounts as may be equal to the total amounts of gifts,
6 bequests, devises of money, and other property accepted
7 by the chairman or by grantees of the National Endow-
8 ment for the Humanities under the provisions of sections
9 11(a)(2)(B) and 11(a)(3)(B) during the current and pre-
10 ceding fiscal years for which equal amounts have not pre-
11 viously been appropriated.

12 ADMINISTRATIVE PROVISIONS

13 None of the funds appropriated to the National
14 Foundation on the Arts and the Humanities may be used
15 to process any grant or contract documents which do not
16 include the text of 18 U.S.C. 1913: *Provided*, That none
17 of the funds appropriated to the National Foundation on
18 the Arts and the Humanities may be used for official re-
19 ception and representation expenses: *Provided further*,
20 That funds from nonappropriated sources may be used as
21 necessary for official reception and representation ex-
22 penses: *Provided further*, That the Chairperson of the Na-
23 tional Endowment for the Arts may approve grants of up
24 to \$10,000, if in the aggregate the amount of such grants
25 does not exceed 5 percent of the sums appropriated for

1 grantmaking purposes per year: *Provided further*, That
2 such small grant actions are taken pursuant to the terms
3 of an expressed and direct delegation of authority from
4 the National Council on the Arts to the Chairperson.

5 COMMISSION OF FINE ARTS

6 SALARIES AND EXPENSES

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

22 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

23 For necessary expenses as authorized by Public Law
24 99-190 (20 U.S.C. 956a), \$2,000,000.

1 ADVISORY COUNCIL ON HISTORIC PRESERVATION

2 SALARIES AND EXPENSES

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

5 NATIONAL CAPITAL PLANNING COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the National Capital Plan-
8 ning Commission under chapter 87 of title 40, United
9 States Code, including services as authorized by 5 U.S.C.
10 3109, \$8,099,000: *Provided*, That one-quarter of 1 per-
11 cent of the funds provided under this heading may be used
12 for official reception and representational expenses associ-
13 ated with hosting international visitors engaged in the
14 planning and physical development of world capitals.

15 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

16 HOLOCAUST MEMORIAL MUSEUM

17 For expenses of the Holocaust Memorial Museum, as
18 authorized by Public Law 106–292 (36 U.S.C. 2301–
19 2310), \$57,000,000, of which \$1,215,000 shall remain
20 available until September 30, 2019, for the Museum’s
21 equipment replacement program; and of which \$2,500,000
22 for the Museum’s repair and rehabilitation program and
23 \$1,264,000 for the Museum’s outreach initiatives program
24 shall remain available until expended.

1 TITLE IV

2 GENERAL PROVISIONS

3 (INCLUDING TRANSFERS OF FUNDS)

4 RESTRICTION ON USE OF FUNDS

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

12 OBLIGATION OF APPROPRIATIONS

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

16 REPROGRAMMING PROCEDURES, DISCLOSURE OF
17 ADMINISTRATIVE EXPENSES, AND OPERATING PLANS

18 SEC. 403. (a) DEFINITIONS.—For the purposes of
19 this section:

20 (1) “Reprogramming” includes:

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

24 (B) For construction, land acquisition, and
25 forest legacy accounts, the reallocation of funds,
26 including unobligated balances, from one con-

1 struction, land acquisition, or forest legacy
2 project to another such project.

3 (C) An operating plan or any later modi-
4 fication thereof submitted under subsection (i)
5 of this section.

6 (D) Proposed reorganizations even without
7 a change in funding, including any change to
8 the organization table presented in the budget
9 justification.

10 (2) “Program”, “project”, and “activity” con-
11 stitute the delineation below the appropriation ac-
12 count level of any agency funded by this Act, as
13 shown in any table of the report accompanying this
14 Act.

15 (3) “Funds” includes funds provided in this Act
16 or previous appropriations Acts that are available
17 for obligation in the current fiscal year and any
18 amounts available for obligation in the current fiscal
19 year derived from collections, fees or charges.

20 (4) “Assessment” is any overhead charge, de-
21 duction, reserve or holdback, including working cap-
22 ital fund and cost pool charges, from any program,
23 project, and activity to support government-wide, de-
24 partmental, agency, or bureau administrative func-

1 tions or headquarters, regional, or central operations
2 or to provide for contingencies.

3 (b) GENERAL GUIDELINES FOR RE-
4 PROGRAMMING.—

5 (1) A reprogramming should be made only when an
6 unforeseen situation arises, and then only if postponement
7 of the project or the activity until the next appropriation
8 year would result in actual loss or damage.

9 (2) Any project or activity, which may be deferred
10 through reprogramming, shall not later be accomplished
11 by means of further reprogramming, but instead, funds
12 should again be sought for the deferred project or activity
13 through the regular appropriations process.

14 (3) Except under the most urgent situations, re-
15 programming should not be employed to initiate new pro-
16 grams or increase allocations specifically denied or limited
17 by the Congress, or to decrease allocations specifically in-
18 creased by the Congress.

19 (4) New programs requested in the budget should not
20 be initiated before enactment of the bill without notifica-
21 tion to, and the approval of, the Committees on Appro-
22 priations of the House of Representatives and the Senate
23 (hereinafter “the Committees”). This restriction applies to
24 all such actions regardless of whether a formal reprogram-
25 ming of funds is required to begin the program.

1 (c) CRITERIA.—

2 (1) A reprogramming shall be submitted to the Com-
3 mittees in writing 30 days prior to implementation if—

4 (A) it exceeds \$1,000,000 individually or cumu-
5 latively or results in a cumulative increase or de-
6 crease of more than 10 percent of funds annually in
7 any affected program, project, or activity;

8 (B) it is a reorganization; or

9 (C) it is an operating plan or any later modi-
10 fication thereof as submitted under subsection (i) of
11 this section: *Provided*, That such plan or modifica-
12 tion thereof also meets any of the other criteria
13 under subsection (c)(1) of this section.

14 (2) No funds shall be available for obligation or ex-
15 penditure through a reprogramming until 30 days after
16 the receipt by the Committees of a notice of proposed re-
17 programming.

18 (3) A reprogramming shall be considered approved 30
19 days after receipt if the Committees have posed no objec-
20 tion. However, agencies will be expected to extend the ap-
21 proval deadline if specifically requested by either Com-
22 mittee.

23 (d) EXCEPTIONS.—

24 (1) With regard to the tribal priority allocations of
25 the Bureau of Indian Affairs, there is no restriction on

1 reprogrammings among these programs. However, the Bu-
2 reau shall report on all reprogrammings made during a
3 given fiscal year no later than 60 days after the end of
4 the fiscal year.

5 (2) With regard to the Environmental Protection
6 Agency, State and Tribal Assistance Grants account, the
7 Committees do not require reprogramming requests asso-
8 ciated with States and Tribes Partnership Grants.

9 (e) ASSESSMENTS.—

10 (1) No assessment shall be levied or collected unless
11 such assessment and the basis therefor are presented to
12 the Committees in the budget justifications and are subse-
13 quently approved by the Committees. The explanation for
14 any assessment in the budget justification shall show the
15 amount of the assessment, the activities assessed, and the
16 purpose of the funds.

17 (2) Proposed changes to estimated assessments, as
18 such estimates were presented in annual budget justifica-
19 tions, shall be submitted through the reprogramming proc-
20 ess set out in this section and shall be subject to the same
21 dollar and reporting criteria as any other reprogramming.

22 (3) Each department, agency or bureau that utilizes
23 assessments shall submit an annual report to the Commit-
24 tees which provides details on the use of all funds assessed
25 from any other program, project, or activity.

1 (4) In no case shall contingency funds or assessments
2 be used to finance agency actions disapproved or limited
3 by the Congress.

4 (f) LAND ACQUISITIONS, EASEMENTS, AND
5 FOREST LEGACY.—Lands shall not be acquired for
6 more than the approved appraised value (as addressed in
7 section 301(3) of Public Law 91–646), unless such acqui-
8 sitions are submitted to the Committees for approval in
9 compliance with these procedures.

10 (g) LAND EXCHANGES.—Land exchanges, where-
11 in the estimated value of the Federal lands to be ex-
12 changed is greater than \$1,000,000, shall not be con-
13 summated until the Committees have had a 30-day period
14 in which to examine the proposed exchange. In addition,
15 the Committees shall be provided advance notification of
16 exchanges valued between \$500,000 and \$1,000,000.

17 (h) BUDGET STRUCTURE.—The program,
18 project, and activity structure for any agency appropria-
19 tion account shall not be altered without advance approval
20 of the Committees.

21 (i) OPERATING PLANS.—Not later than 60 days
22 after the date of enactment of this Act, each department
23 or agency funded by this Act shall submit an operating
24 plan to the Committees to establish the baseline for appli-

1 cation of reprogramming for the current fiscal year. The
2 operating plan shall include—

3 (1) a table for each appropriation with a separate col-
4 umn to display the President's budget request, adjust-
5 ments made by the Congress, enacted rescissions, if appro-
6 priate, and the fiscal year enacted level;

7 (2) a delineation in the table for each appropriation
8 by program, project, and activity for the respective appro-
9 priation; and

10 (3) an identification of items of special congressional
11 interest.

12 MINING APPLICATIONS

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

18 (b) EXCEPTIONS.—Subsection (a) shall not apply if
19 the Secretary of the Interior determines that, for the claim
20 concerned (1) a patent application was filed with the Sec-
21 retary on or before September 30, 1994; and (2) all re-
22 quirements established under sections 2325 and 2326 of
23 the Revised Statutes (30 U.S.C. 29 and 30) for vein or
24 lode claims, sections 2329, 2330, 2331, and 2333 of the
25 Revised Statutes (30 U.S.C. 35, 36, and 37) for placer
26 claims, and section 2337 of the Revised Statutes (30

1 U.S.C. 42) for mill site claims, as the case may be, were
2 fully complied with by the applicant by that date.

3 (c) REPORT.—On September 30, 2018, the Secretary
4 of the Interior shall file with the House and Senate Com-
5 mittees on Appropriations and the Committee on Natural
6 Resources of the House and the Committee on Energy and
7 Natural Resources of the Senate a report on actions taken
8 by the Department under the plan submitted pursuant to
9 section 314(c) of the Department of the Interior and Re-
10 lated Agencies Appropriations Act, 1997 (Public Law
11 104–208).

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

1 CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

2 SEC. 405. Sections 405 and 406 of division F of the
3 Consolidated and Further Continuing Appropriations Act,
4 2015 (Public Law 113–235) shall continue in effect in fis-
5 cal year 2017.

6 CONTRACT SUPPORT COSTS, FISCAL YEAR 2017

7 LIMITATION

8 SEC. 406. Amounts provided by this Act for fiscal
9 year 2017 under the headings “Department of Health and
10 Human Services, Indian Health Service, Contract Support
11 Costs” and “Department of the Interior, Bureau of Indian
12 Affairs and Bureau of Indian Education, Contract Sup-
13 port Costs” are the only amounts available for contract
14 support costs arising out of self-determination or self-gov-
15 ernance contracts, grants, compacts, or annual funding
16 agreements for fiscal year 2017 with the Bureau of Indian
17 Affairs or the Indian Health Service: *Provided*, That such
18 amounts provided by this Act are not available for pay-
19 ment of claims for contract support costs for prior years,
20 or for repayments of payments for settlements or judg-
21 ments awarding contract support costs for prior years.

22 FOREST MANAGEMENT PLANS

23 SEC. 407. The Secretary of Agriculture shall not be
24 considered to be in violation of subparagraph 6(f)(5)(A)
25 of the Forest and Rangeland Renewable Resources Plan-
26 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because

1 more than 15 years have passed without revision of the
2 plan for a unit of the National Forest System. Nothing
3 in this section exempts the Secretary from any other re-
4 quirement of the Forest and Rangeland Renewable Re-
5 sources Planning Act (16 U.S.C. 1600 et seq.) or any
6 other law: *Provided*, That if the Secretary is not acting
7 expeditiously and in good faith, within the funding avail-
8 able, to revise a plan for a unit of the National Forest
9 System, this section shall be void with respect to such plan
10 and a court of proper jurisdiction may order completion
11 of the plan on an accelerated basis.

12 PROHIBITION WITHIN NATIONAL MONUMENTS

13 SEC. 408. No funds provided in this Act may be ex-
14 pended to conduct preleasing, leasing and related activities
15 under either the Mineral Leasing Act (30 U.S.C. 181 et
16 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
17 1331 et seq.) within the boundaries of a National Monu-
18 ment established pursuant to the Act of June 8, 1906 (16
19 U.S.C. 431 et seq.) as such boundary existed on January
20 20, 2001, except where such activities are allowed under
21 the Presidential proclamation establishing such monu-
22 ment.

23 LIMITATION ON TAKINGS

24 SEC. 409. Unless otherwise provided herein, no funds
25 appropriated in this Act for the acquisition of lands or
26 interests in lands may be expended for the filing of dec-

1 PROHIBITION ON NO-BID CONTRACTS

2 SEC. 411. None of the funds appropriated or other-
3 wise made available by this Act to executive branch agen-
4 cies may be used to enter into any Federal contract unless
5 such contract is entered into in accordance with the re-
6 quirements of Chapter 33 of title 41, United States Code,
7 or Chapter 137 of title 10, United States Code, and the
8 Federal Acquisition Regulation, unless—

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

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

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

21 POSTING OF REPORTS

22 SEC. 412. (a) Any agency receiving funds made avail-
23 able in this Act, shall, subject to subsections (b) and (c),
24 post on the public website of that agency any report re-
25 quired to be submitted by the Congress in this or any

1 other Act, upon the determination by the head of the agen-
2 cy that it shall serve the national interest.

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

4 (1) the public posting of the report com-
5 promises national security; or

6 (2) the report contains proprietary information.

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

11 NATIONAL ENDOWMENT FOR THE ARTS GRANT

12 GUIDELINES

13 SEC. 413. Of the funds provided to the National En-
14 dowment for the Arts—

15 (1) The Chairperson shall only award a grant
16 to an individual if such grant is awarded to such in-
17 dividual for a literature fellowship, National Herit-
18 age Fellowship, or American Jazz Masters Fellow-
19 ship.

20 (2) The Chairperson shall establish procedures
21 to ensure that no funding provided through a grant,
22 except a grant made to a State or local arts agency,
23 or regional group, may be used to make a grant to
24 any other organization or individual to conduct ac-
25 tivity independent of the direct grant recipient.

1 Nothing in this subsection shall prohibit payments
2 made in exchange for goods and services.

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

7 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

8 PRIORITIES

9 SEC. 414. (a) In providing services or awarding fi-
10 nancial assistance under the National Foundation on the
11 Arts and the Humanities Act of 1965 from funds appro-
12 priated under this Act, the Chairperson of the National
13 Endowment for the Arts shall ensure that priority is given
14 to providing services or awarding financial assistance for
15 projects, productions, workshops, or programs that serve
16 underserved populations.

17 (b) In this section:

18 (1) The term “underserved population” means
19 a population of individuals, including urban minori-
20 ties, who have historically been outside the purview
21 of arts and humanities programs due to factors such
22 as a high incidence of income below the poverty line
23 or to geographic isolation.

24 (2) The term “poverty line” means the poverty
25 line (as defined by the Office of Management and
26 Budget, and revised annually in accordance with sec-

1 tion 673(2) of the Community Services Block Grant
2 Act (42 U.S.C. 9902(2))) applicable to a family of
3 the size involved.

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

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

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

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

24 (3) the Chairperson shall report to the Con-
25 gress annually and by State, on grants awarded by

1 the Chairperson in each grant category under sec-
2 tion 5 of such Act; and

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

6 STATUS OF BALANCES OF APPROPRIATIONS

7 SEC. 415. The Department of the Interior, the Envi-
8 ronmental Protection Agency, the Forest Service, and the
9 Indian Health Service shall provide the Committees on
10 Appropriations of the House of Representatives and Sen-
11 ate quarterly reports on the status of balances of appro-
12 priations including all uncommitted, committed, and unob-
13 ligated funds in each program and activity.

14 REPORT ON USE OF CLIMATE CHANGE FUNDS

15 SEC. 416. Not later than 120 days after the date on
16 which the President's fiscal year 2018 budget request is
17 submitted to the Congress, the President shall submit a
18 comprehensive report to the Committees on Appropria-
19 tions of the House of Representatives and the Senate de-
20 scribing in detail all Federal agency funding, domestic and
21 international, for climate change programs, projects, and
22 activities in fiscal years 2016 and 2017, including an ac-
23 counting of funding by agency with each agency identi-
24 fying climate change programs, projects, and activities
25 and associated costs by line item as presented in the Presi-

1 dent’s Budget Appendix, and including citations and link-
2 ages where practicable to each strategic plan that is driv-
3 ing funding within each climate change program, project,
4 and activity listed in the report.

5 PROHIBITION ON USE OF FUNDS

6 SEC. 417. Notwithstanding any other provision of
7 law, none of the funds made available in this Act or any
8 other Act may be used to promulgate or implement any
9 regulation requiring the issuance of permits under title V
10 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon
11 dioxide, nitrous oxide, water vapor, or methane emissions
12 resulting from biological processes associated with live-
13 stock production.

14 GREENHOUSE GAS REPORTING RESTRICTIONS

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

20 MODIFICATION OF AUTHORITIES

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

25 (b) For fiscal year 2017, the authority provided by
26 the provisos under the heading “Dwight D. Eisenhower

1 Act of 1947; 30 U.S.C. 602), the Director may enter
2 into an agreement or contract under subsection
3 (b).”; and

4 (2) in paragraph (7)—

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

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

8 FUNDING PROHIBITION

9 SEC. 424. (a) None of the funds made available in
10 this Act may be used to maintain or establish a computer
11 network unless such network blocks the viewing,
12 downloading, and exchanging of pornography.

13 (b) Nothing in subsection (a) shall limit the use of
14 funds necessary for any Federal, State, tribal, or local law
15 enforcement agency or any other entity carrying out crimi-
16 nal investigations, prosecution, or adjudication activities.

17 DEFINITION OF FILL MATERIAL

18 SEC. 425. None of the funds made available in this
19 Act or any other Act may be used by the Environmental
20 Protection Agency to develop, adopt, implement, admin-
21 ister, or enforce any change to the regulations in effect
22 on October 1, 2012, pertaining to the definitions of the
23 terms “fill material” or “discharge of fill material” for the
24 purposes of the Federal Water Pollution Control Act (33
25 U.S.C. 1251 et seq.).

1 CLARIFICATION OF EXEMPTIONS

2 SEC. 426. Notwithstanding section 404(f)(2) of the
3 Federal Water Pollution Control Act (33 U.S.C.
4 1344(f)(2)), none of the funds made available by this Act
5 may be used to require a permit for the discharge of
6 dredged or fill material under the Federal Water Pollution
7 Control Act (33 U.S.C. 1251 et seq.) for the activities
8 identified in subparagraphs (A) and (C) of section
9 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

10 WATERS OF THE UNITED STATES

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

22 HUNTING, FISHING, AND RECREATIONAL SHOOTING ON
23 FEDERAL LAND

24 SEC. 428. (a) LIMITATION ON USE OF FUNDS.—
25 None of the funds made available by this or any other

1 Act for any fiscal year may be used to prohibit the use
2 of or access to Federal land (as such term is defined in
3 section 3 of the Healthy Forests Restoration Act of 2003
4 (16 U.S.C. 6502)) for hunting, fishing, or recreational
5 shooting if such use or access—

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

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

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

23 (c) AUTHORITY OF STATES.—Nothing in this section
24 shall be construed as affecting the authority, jurisdiction,
25 or responsibility of the several States to manage, control,

1 or regulate fish and resident wildlife under State law or
2 regulations.

3 LEAD TEST KIT

4 SEC. 429. None of the funds made available by this
5 Act may be used to enforce regulations under sections
6 745.84 and 745.86 of title 40, Code of Federal Regula-
7 tions, or any subsequent amendments to such regulations,
8 until the Administrator of the Environmental Protection
9 Agency—

10 (1) publicizes Environmental Protection Agency
11 recognition of a commercially available lead test kit
12 that meets both criteria under section 745.88(c) of
13 title 40, Code of Federal Regulations; or

14 (2) solicits public comment on alternatives to
15 subpart E of part 745 of title 40, Code of Federal
16 Regulations, following the date of enactment of this
17 Act.

18 FINANCIAL ASSURANCE

19 SEC. 430. None of the funds made available by this
20 Act may be used to develop, propose, finalize, implement,
21 enforce, or administer any regulation that would establish
22 new financial responsibility requirements pursuant to sec-
23 tion 108(b) of the Comprehensive Environmental Re-
24 sponse, Compensation, and Liability Act of 1980 (42
25 U.S.C. 9608(b)).

1
2 SEC. 431. None of the funds made available by this
3 Act shall be used to propose, finalize, implement, or en-
4 force—

5 (1) any standard of performance under section
6 111(b) of the Clean Air Act (42 U.S.C. 7411(b)) for
7 any new fossil fuel-fired electricity utility generating
8 unit if the Administrator of the Environmental Pro-
9 tection Agency’s determination that a technology is
10 adequately demonstrated includes consideration of
11 one or more facilities for which assistance is pro-
12 vided (including any tax credit) under subtitle A of
13 title IV of the Energy Policy Act of 2005 (42 U.S.C.
14 15961 et seq.) or section 48A of the Internal Rev-
15 enue Code of 1986;

16 (2) any regulation or guidance under section
17 111(b) of the Clean Air Act (42 U.S.C. 7411(b)) es-
18 tablishing any standard of performance for emis-
19 sions of any greenhouse gas from any modified or
20 reconstructed source that is a fossil fuel-fired elec-
21 tric utility generating unit; or

22 (3) any regulation or guidance under section
23 111(d) of the Clean Air Act (42 U.S.C. 7411(d))
24 that applies to the emission of any greenhouse gas

1 by an existing source that is a fossil fuel-fired elec-
2 tric utility generating unit.

3 AVAILABILITY OF VACANT GRAZING ALLOTMENTS

4 SEC. 432. The Secretary of the Interior, with respect
5 to public lands administered by the Bureau of Land Man-
6 agement, and the Secretary of Agriculture, with respect
7 to the National Forest System lands, shall make vacant
8 grazing allotments available to a holder of a grazing per-
9 mit or lease issued by either Secretary if the lands covered
10 by the permit or lease or other grazing lands used by the
11 holder of the permit or lease are unusable because of
12 drought or wildfire, as determined by the Secretary con-
13 cerned. The terms and conditions contained in a permit
14 or lease made available pursuant to this section shall be
15 the same as the terms and conditions of the most recent
16 permit or lease that was applicable to the vacant grazing
17 allotment made available. Section 102 of the National En-
18 vironmental Policy Act of 1969 (42 U.S.C. 4332) shall
19 not apply with respect to any Federal agency action under
20 this section.

21 PROTECTION OF WATER RIGHTS

22 SEC. 433. None of the funds made available in this
23 or any other Act may be used to condition the issuance,
24 renewal, amendment, or extension of any permit, approval,
25 license, lease, allotment, easement, right-of-way, or other

1 land use or occupancy agreement on the transfer of any
2 water right, including sole and joint ownership, directly
3 to the United States, or any impairment of title, in whole
4 or in part, granted or otherwise recognized under State
5 law, by Federal or State adjudication, decree, or other
6 judgment, or pursuant to any interstate water compact.
7 Additionally, none of the funds made available in this or
8 any other Act may be used to require any water user to
9 apply for or acquire a water right in the name of the
10 United States under State law as a condition of the
11 issuance, renewal, amendment, or extension of any permit,
12 approval, license, lease, allotment, easement, right-of-way,
13 or other land use or occupancy agreement.

14 LIMITATION ON STATUS CHANGES

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

1 USE OF AMERICAN IRON AND STEEL

2 SEC. 435. (a)(1) None of the funds made available
3 by a State water pollution control revolving fund as au-
4 thorized by section 1452 of the Safe Drinking Water Act
5 (42 U.S.C. 300j-12) shall be used for a project for the
6 construction, alteration, maintenance, or repair of a public
7 water system or treatment works unless all of the iron and
8 steel products used in the project are produced in the
9 United States.

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

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

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

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

1 document until a new Interagency Working Group (IWG)
2 revises the estimates using the discount rates and the do-
3 mestic-only limitation on benefits estimates in accordance
4 with Executive Order 12866 and OMB Circular A-4 as
5 of January 1, 2015: *Provided*, That such IWG shall pro-
6 vide to the public all documents, models, and assumptions
7 used in developing the SCC and solicit public comment
8 prior to finalizing any revised estimates.

9 LIMITATION ON USE OF FUNDS FOR DESIGNATED
10 REPRESENTATIVES

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

16 OZONE

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

20 (1) the Governor of each State shall designate
21 areas of the State as attainment, nonattainment, or
22 unclassifiable with respect to the standards not later
23 than October 26, 2024;

24 (2) the Administrator of the Environmental
25 Protection Agency shall promulgate final designa-

1 tions for all areas in all States with respect to the
2 standards not later than October 26, 2025;

3 (3) each State shall submit the plan required by
4 section 110(a)(1) of the Clean Air Act (42 U.S.C.
5 7410(a)(1)) for the standards not later than October
6 26, 2026;

7 (4) the standards shall not apply to the review
8 and disposition of a preconstruction permit applica-
9 tion required under part C or D of title I of the
10 Clean Air Act (42 U.S.C. 7470 et seq.) if the Ad-
11 ministrator or the State, local or tribal permitting
12 authority, as applicable, has determined the applica-
13 tion to be complete prior to the date of promulgation
14 of final designations, or has published a public no-
15 tice of a preliminary determination or draft permit
16 before the date that is 60 days after the date of pro-
17 mulgation of final designations; and

18 (5) the provisions of subsections (1) through
19 (4) above shall apply notwithstanding the deadlines
20 set forth in Section 107(d) of the Clean Air Act (42
21 U.S.C. 7407(d)) and Section 110(a)(1) of the Clean
22 Air Act (42 U.S.C. 7410(a)(1)).

23 METHANE EMISSIONS

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

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

5 (2) any rule changing the term “adjacent” for
6 purposes of defining “stationary source” and “major
7 source” as applied to the oil and gas sector under
8 the Clean Air Act; and

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

12 ROYALTY RATES

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

17 PROGRAM REVIEW

18 SEC. 441. (a) TERMINATION.—Secretarial Order
19 3338, issued by the Secretary of the Interior on January
20 15, 2016, shall have no force or effect on and after the
21 earlier of—

22 (1) September 30, 2017; or

23 (2) the date of publication of notice under sub-
24 section (b).

25 (b) PUBLICATION OF NOTICE.—The Secretary of the
26 Interior shall promptly publish notice of the completion

1 of the Programmatic Environmental Impact Statement di-
2 rected to be prepared under that order.

3 NATIONAL GALLERY OF ART

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

6 (1) in the matter preceding subparagraph (A),
7 by striking “The National Gallery of Art” and in-
8 serting “(A) The National Gallery of Art”;

9 (2) by redesignating subparagraphs (A), (B),
10 and (C) as clauses (i), (ii), and (iii), respectively;
11 and

12 (3) by adding at the end the following new sub-
13 paragraph: “(B) All other buildings, service roads,
14 walks, and other areas within the exterior bound-
15 aries of any real estate or land or interest in land
16 (including temporary use) that the National Gallery
17 of Art acquires and that the Director of the Na-
18 tional Gallery of Art determines to be necessary for
19 the adequate protection of individuals or property in
20 the National Gallery of Art and suitable for adminis-
21 tration as a part of the National Gallery of Art.”.

22 BLM PLANNING 2.0 RULEMAKING ON LAND USE

23 PLANNING PROCEDURES

24 SEC. 443. None of the funds made available by this
25 Act may be used to promulgate, implement, administer,
26 or enforce the rule published by the Bureau of Land Man-

1 agement in the Federal Register on February 25, 2016
2 (81 Fed. Reg. 9673 et seq.; Fed. Reg. Doc. No. 2016–
3 03232), to amend subparts 1601 and 1610 of title 43,
4 Code of Federal Regulations, which establish the proce-
5 dures used to prepare, revise, or amend land use plans
6 pursuant to the Federal Land Policy and Management Act
7 of 1976 (43 U.S.C. 1701 et seq.), until the Secretary of
8 the Interior provides an additional 90-day period for pub-
9 lic comments on the proposed rule and holds at least one
10 more public meeting on the proposed rule in each of the
11 eleven contiguous Western States (as defined in section
12 103(o) of such Act (43 U.S.C. 1702(o))), Texas. and
13 Oklahoma.

14 HUMANE TRANSFER OF EXCESS ANIMALS

15 SEC. 444. Notwithstanding any other provision of
16 law, the Secretary of the Interior may transfer excess wild
17 horses or burros that have been removed from the public
18 lands to other Federal, State, and local government agen-
19 cies for use as work animals: *Provided*, That the Secretary
20 may make any such transfer immediately upon request of
21 such Federal, State, or local government agency: *Provided*
22 *further*, That any excess animal transferred under this
23 provision shall lose its status as a wild free-roaming horse
24 or burro as defined in the Wild Free-Roaming Horses and
25 Burros Act: *Provided further*, That any Federal, State, or
26 local government agency receiving excess wild horses or

1 burros as authorized in this section shall not destroy the
2 horses or burros in a way that results in their destruction
3 into commercial products, or sell or otherwise transfer the
4 horses in a way that results in their destruction for proc-
5 essing into commercial products.

6 LIMITATION ON USE OF FUNDS FOR TREATMENT OF
7 LESSER PRAIRIE CHICKEN UNDER ENDANGERED
8 SPECIES ACT OF 1973

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

14 INDIAN HEALTH GOVERNING BOARD

15 SEC. 446. Not later than six months after the date
16 of receipt by the Secretary of Health and Human Services
17 of a written request from the tribe or tribes served by a
18 hospital operated by the Indian Health Service, the Sec-
19 retary shall install a governance board exclusively for such
20 hospital for a trial period of three years: *Provided*, That
21 the governance board shall be comprised of Indian Health
22 Service senior executives, elected tribal officials, and hos-
23 pital administration experts outside of the Indian Health
24 Service system: *Provided further*, that the governance
25 board shall follow industry-wide best practices: *Provided*
26 *further*, that the governance board shall approve, oversee

1 the implementation of, and evaluate metrics of quality
2 care, patient safety and satisfaction, and finance: *Provided*
3 *further*, that the governance board shall work with the In-
4 dian Health Service on developing standards and proce-
5 dures for employee recruitment, retention, training, com-
6 munication, and dismissal to assure consistency with other
7 high performing federally run health facilities: *Provided*
8 *further*, that the hospital shall have a chief executive offi-
9 cer hired and accountable to the Director of the Indian
10 Health Service who shall be a liaison between the Indian
11 Health Service and the governance board: *Provided fur-*
12 *ther*, that the chief executive officer shall retain authority
13 for all hospital personnel matters in accordance with exist-
14 ing law: *Provided further*, that the chief executive officer
15 and the governance board shall sign a memorandum of
16 understanding to share all pertinent hospital information
17 while protecting individual privacy rights in accordance
18 with existing law: *Provided further*, that the Secretary
19 shall replace the chief executive officer upon receipt of a
20 written request by the governance board: *Provided further*,
21 that the governance board shall meet at the hospital regu-
22 larly: *Provided further*, that the governance board shall
23 regularly communicate to the affected tribe or tribes, to
24 the Secretary, and to the Congress: *Provided further*, that
25 at the end of the trial period, the governance board shall

1 publish and disseminate a report evaluating the aforemen-
2 tioned metrics and providing recommendations for any
3 other tribe or tribes wanting to establish a similar govern-
4 ance board at any other hospital operated by the Indian
5 Health Service: *Provided further*, that if a tribe moves
6 from direct service delivery to delivery through contracting
7 or compacting pursuant to Public Law 93–638, the tribe
8 involved in the pilot has the opportunity to end the pilot
9 and the opportunity to collaborate with the Indian Health
10 Service to reconfigure a governance structure in which
11 that Indian Health Service may upon request continue its
12 participation in the governance structure in a contracted
13 or compacted arrangement.

14 SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR
15 FLOW REQUIREMENTS

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

23 (1) consider the relevant provisions of the appli-
24 cable biological opinions or any successor biological
25 opinions;

1 (2) manage export pumping rates to achieve a
2 reverse OMR flow rate of $-5,000$ cubic feet per sec-
3 ond unless existing information or that developed by
4 the Secretary of the Interior under paragraphs (3)
5 and (4) leads the Secretary to reasonably conclude,
6 using the best scientific and commercial data avail-
7 able, that a less negative OMR flow rate is necessary
8 to avoid a significant negative impact on the long-
9 term survival of the species covered by the smelt bio-
10 logical opinion or salmonid biological opinion. If the
11 best scientific and commercial data available to the
12 Secretary indicates that a reverse OMR flow rate
13 more negative than $-5,000$ cubic feet per second
14 can be established without an imminent negative im-
15 pact on the long-term survival of the species covered
16 by the smelt biological opinion or salmonid biological
17 opinion, the Secretary shall manage export pumping
18 rates to achieve that more negative OMR flow rate;

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

22 (A) whether targeted real-time fish moni-
23 toring pursuant to this section, including moni-
24 toring in the vicinity of Station 902, indicates
25 that a significant negative impact on the long-

1 term survival of species covered by the smelt bi-
2 ological opinion or salmonid biological opinion is
3 imminent; and

4 (B) whether near-term forecasts with avail-
5 able models show under prevailing conditions
6 that OMR flow of $-5,000$ cubic feet per second
7 or higher will cause a significant negative im-
8 pact on the long-term survival of species cov-
9 ered by the smelt biological opinion or salmonid
10 biological opinion;

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

20 (A) the distribution of Delta smelt
21 throughout the Delta;

22 (B) the potential effects of documented,
23 quantified entrainment on subsequent Delta
24 smelt abundance;

25 (C) the water temperature;

1 (D) other significant factors relevant to
2 the determination; and

3 (E) whether any alternative measures
4 could have a substantially lesser water supply
5 impact; and

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

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

1 opinion under section 7(o)(2) of the Endangered Species
2 Act of 1973.

3 (c) CALCULATION OF REVERSE FLOW IN OMR.—

4 Within 90 days of the enactment of this title, the Sec-
5 retary of the Interior is directed, in consultation with the
6 California Department of Water Resources to revise the
7 method used to calculate reverse flow in Old and Middle
8 Rivers, for implementation of the reasonable and prudent
9 alternatives in the smelt biological opinion and the
10 salmonid biological opinion, and any succeeding biological
11 opinions, for the purpose of increasing Central Valley
12 Project and State Water Project water supplies. The
13 method of calculating reverse flow in Old and Middle Riv-
14 ers shall be reevaluated not less than every five years
15 thereafter to achieve maximum export pumping rates
16 within limits established by the smelt biological opinion,
17 the salmonid biological opinion, and any succeeding bio-
18 logical opinions.

19 TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW
20 STORMS OF THE WATER YEAR

21 SEC. 448. (a) IN GENERAL.—Consistent with avoid-
22 ing an immediate significant negative impact on the long-
23 term survival upon listed fish species over and above the
24 range of impacts authorized under the Endangered Spe-
25 cies Act of 1973 and other environmental protections
26 under subsection (d), the Secretary of the Interior and the

1 Secretary of Commerce shall authorize the Central Valley
2 Project and the California State Water Project, combined,
3 to operate at levels that result in negative OMR flows at
4 – 7,500 cubic feet per second (based on United States Ge-
5 ological Survey gauges on Old and Middle Rivers) daily
6 average as described in subsections (b) and (c) to capture
7 peak flows during storm events.

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

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

1 plies available for the Central Valley Project and the Cali-
2 fornia State Water Project.

3 (d) OTHER ENVIRONMENTAL PROTECTIONS.—

4 (1) STATE LAW.—The actions of the Secretary
5 of the Interior and the Secretary of Commerce under
6 this section shall be consistent with applicable regu-
7 latory requirements under State law. The foregoing
8 does not constitute a waiver of sovereign immunity.

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

21 (3) APPLICABILITY OF OPINION.—This section
22 shall not affect the application of the salmonid bio-
23 logical opinion from April 1 to May 31, unless the
24 Secretary of Commerce finds, based on the best sci-
25 entific and commercial data available, that some or

1 all of such applicable requirements may be adjusted
2 during this time period to provide emergency water
3 supply relief without resulting in additional adverse
4 effects over and above the range of impacts author-
5 ized under the Endangered Species Act of 1973. In
6 addition to any other actions to benefit water sup-
7 ply, the Secretary of the Interior and the Secretary
8 of Commerce shall consider allowing through-Delta
9 water transfers to occur during this period if they
10 can be accomplished consistent with section
11 3405(a)(1)(H) of the Central Valley Project Im-
12 provement Act. Water transfers solely or exclusively
13 through the California State Water Project that do
14 not require any use of Reclamation facilities or ap-
15 proval by Reclamation are not required to be con-
16 sistent with section 3405(a)(1)(H) of the Central
17 Valley Project Improvement Act.

18 (4) MONITORING.—During operations under
19 this section, the Commissioner of Reclamation, in
20 coordination with the United States Fish and Wild-
21 life Service, National Marine Fisheries Service, and
22 California Department of Fish and Wildlife, shall
23 undertake expanded monitoring programs and other
24 data gathering to improve Central Valley Project
25 and California State Water Project water supplies,

1 to ensure incidental take levels are not exceeded, and
2 to identify potential negative impacts, if any, and ac-
3 tions necessary to mitigate impacts of the temporary
4 operational flexibility to species listed under the En-
5 dangered Species Act of 1973 (16 U.S.C. 1531 et
6 seq.).

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

19 (f) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—
20 In articulating the determinations required under this sec-
21 tion, the Secretary of the Interior and the Secretary of
22 Commerce shall fully satisfy the requirements herein but
23 shall not be expected to provide a greater level of sup-
24 porting detail for the analysis than feasible to provide
25 within the short timeframe permitted for timely decision

1 making in response to changing conditions in the Sac-
2 ramento-San Joaquin River Delta.

3 (g) OMR FLOWS.—The Secretary of the Interior and
4 the Secretary of Commerce shall, through the adaptive
5 management provisions in the salmonid biological opinion,
6 limit OMR reverse flow to $-5,000$ cubic feet per second
7 based on date-certain triggers in the salmonid biological
8 opinions only if using real-time migration information on
9 salmonids demonstrates that such action is necessary to
10 avoid a significant negative impact on the long-term sur-
11 vival of listed fish species over and above the range of im-
12 pacts authorized under the Endangered Species Act of
13 1973.

14 (h) NO REINITIATION OF CONSULTATION.—In imple-
15 menting or at the conclusion of actions under this section,
16 the Secretary of the Interior shall not reinitiate consulta-
17 tion on those adjusted operations if there is no immediate
18 significant negative impact on the long-term survival of
19 listed fish species over and above the range of impacts au-
20 thorized under the Endangered Species Act of 1973. Any
21 action taken under this section that does not create an
22 immediate significant negative impact on the long-term
23 survival of listed fish species over and above the range of
24 impacts authorized under the Endangered Species Act of
25 1973 will not alter application of the take permitted by

1 the incidental take statement in those biological opinions
2 under section 7(o)(2) of the Endangered Species Act of
3 1973.

4 STATE WATER PROJECT OFFSET AND WATER RIGHTS
5 PROTECTIONS

6 SEC. 449. (a) OFFSET FOR STATE WATER
7 PROJECT.—

8 (1) IMPLEMENTATION IMPACTS.—The Sec-
9 retary of the Interior shall confer with the California
10 Department of Fish and Wildlife in connection with
11 the implementation of this section on potential im-
12 pacts to any consistency determination for oper-
13 ations of the State Water Project issued pursuant to
14 California Fish and Game Code section 2080.1.

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

18 (A) determines that operations of the State
19 Water Project are inconsistent with the consist-
20 ency determinations issued pursuant to Cali-
21 fornia Fish and Game Code section 2080.1 for
22 operations of the State Water Project; or

23 (B) requires take authorization under Cali-
24 fornia Fish and Game Code section 2081 for
25 operation of the State Water Project in a man-
26 ner that directly or indirectly results in reduced

1 water supply to the State Water Project as
2 compared with the water supply available under
3 the smelt biological opinion and the salmonid
4 biological opinion; and as a result, Central Val-
5 ley Project yield is greater than it otherwise
6 would have been, then that additional yield
7 shall be made available to the State Water
8 Project for delivery to State Water Project con-
9 tractors to offset that reduced water supply.

10 (3) NOTIFICATION RELATED TO ENVIRON-
11 MENTAL PROTECTIONS.—The Secretary of the Inte-
12 rior and Secretary of Commerce shall—

13 (A) notify the Director of the California
14 Department of Fish and Wildlife regarding any
15 changes in the manner in which the smelt bio-
16 logical opinion or the salmonid biological opin-
17 ion is implemented; and

18 (B) confirm that those changes are con-
19 sistent with the Endangered Species Act of
20 1973 (16 U.S.C. 1531 et seq.).

21 (b) AREA OF ORIGIN AND WATER RIGHTS PROTEC-
22 TIONS.—

23 (1) IN GENERAL.—The Secretary of the Inte-
24 rior and the Secretary of Commerce, in carrying out

1 the mandates of this section, shall take no action
2 that—

3 (A) diminishes, impairs, or otherwise af-
4 fects in any manner any area of origin, water-
5 shed of origin, county of origin, or any other
6 water rights protection, including rights to
7 water appropriated before December 19, 1914,
8 provided under State law;

9 (B) limits, expands or otherwise affects the
10 application of section 10505, 10505.5, 11128,
11 11460, 11461, 11462, 11463 or 12200 through
12 12220 of the California Water Code or any
13 other provision of State water rights law, with-
14 out respect to whether such a provision is spe-
15 cifically referred to in this section; or

16 (C) diminishes, impairs, or otherwise af-
17 fects in any manner any water rights or water
18 rights priorities under applicable law.

19 (2) SECTION 7 OF THE ENDANGERED SPECIES
20 ACT.—Any action proposed to be undertaken by the
21 Secretary of the Interior and the Secretary of Com-
22 merce pursuant to both this section and section 7 of
23 the Endangered Species Act of 1973 (16 U.S.C.
24 1531 et seq.) shall be undertaken in a manner that
25 does not alter water rights or water rights priorities

1 established by California law or it shall not be un-
2 dertaken at all. Nothing in this subsection affects
3 the obligations of the Secretary of the Interior and
4 the Secretary of Commerce under section 7 of the
5 Endangered Species Act of 1973.

6 (3) EFFECT OF ACT.—

7 (A) Nothing in this section affects or modi-
8 fies any obligation of the Secretary of the Inte-
9 rior under section 8 of the Act of June 17,
10 1902 (32 Stat. 390, chapter 1093).

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

19 (c) NO REDIRECTED ADVERSE IMPACTS.—

20 (1) IN GENERAL.—The Secretary of the Inte-
21 rior and Secretary of Commerce shall not carry out
22 any specific action authorized under this section that
23 will directly or through State agency action indi-
24 rectly result in the involuntary reduction of water
25 supply to an individual, district, or agency that has

1 in effect a contract for water with the State Water
2 Project or the Central Valley Project, including Set-
3 tlement and Exchange contracts, refuge contracts,
4 and Friant Division contracts, as compared to the
5 water supply that would be provided in the absence
6 of action under this section, and nothing in this sec-
7 tion is intended to modify, amend or affect any of
8 the rights and obligations of the parties to such con-
9 tracts.

10 (2) ACTION ON DETERMINATION.—If, after ex-
11 ploring all options, the Secretary of the Interior or
12 the Secretary of Commerce makes a final determina-
13 tion that a proposed action under this section cannot
14 be carried out in accordance with paragraph (1),
15 that Secretary—

16 (A) shall document that determination in
17 writing for that action, including a statement of
18 the facts relied on, and an explanation of the
19 basis, for the decision;

20 (B) may exercise the Secretary's existing
21 authority, including authority to undertake the
22 drought-related actions otherwise addressed in
23 this title, or to otherwise comply with other ap-
24 plicable law, including the Endangered Species
25 Act of 1973 (16 U.S.C. 1531 et seq.); and

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

2 (d) ALLOCATIONS FOR SACRAMENTO VALLEY WATER
3 SERVICE CONTRACTORS.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) EXISTING CENTRAL VALLEY PROJECT
6 AGRICULTURAL WATER SERVICE CONTRACTOR
7 WITHIN THE SACRAMENTO RIVER WATER-
8 SHED.—The term “existing Central Valley
9 Project agricultural water service contractor
10 within the Sacramento River Watershed”
11 means any water service contractor within the
12 Shasta, Trinity, or Sacramento River division of
13 the Central Valley Project that has in effect a
14 water service contract on the date of enactment
15 of this section that provides water for irriga-
16 tion.

17 (B) YEAR TERMS.—The terms “Above
18 Normal”, “Below Normal”, “Dry”, and “Wet”,
19 with respect to a year, have the meanings given
20 those terms in the Sacramento Valley Water
21 Year Type (40–30–30) Index.

22 (2) ALLOCATIONS OF WATER.—

23 (A) ALLOCATIONS.—Subject to subsection
24 (c), the Secretary of the Interior shall make
25 every reasonable effort in the operation of the

1 Central Valley Project to allocate water pro-
2 vided for irrigation purposes to each existing
3 Central Valley Project agricultural water service
4 contractor within the Sacramento River Water-
5 shed in accordance with the following:

6 (i) 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 a “Wet” year.

11 (ii) 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 an “Above Normal” year.

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

23 (iv) Not less than 50 percent of the
24 contract quantity of the existing Central
25 Valley Project agricultural water service

1 contractor within the Sacramento River
2 Watershed in a “Dry” year that is pre-
3 ceded by a “Below Normal”, “Above Nor-
4 mal”, or “Wet” year.

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

11 (B) EFFECT OF CLAUSE.—Nothing in
12 clause (A)(v) precludes an allocation to an ex-
13 isting Central Valley Project agricultural water
14 service contractor within the Sacramento River
15 Watershed that is greater than twice the alloca-
16 tion percentage to a south-of-Delta Central Val-
17 ley Project agricultural water service con-
18 tractor.

19 (3) PROTECTION OF ENVIRONMENT, MUNICIPAL
20 AND INDUSTRIAL SUPPLIES, AND OTHER CONTRAC-
21 TORS.—

22 (A) ENVIRONMENT.—Nothing in para-
23 graph (2) shall adversely affect—

24 (i) the cold water pool behind Shasta
25 Dam;

1 (ii) the obligation of the Secretary of
2 the Interior to make water available to
3 managed wetlands pursuant to section
4 3406(d) of the Central Valley Project Im-
5 provement Act (Public Law 102–575; 106
6 Stat. 4722); or

7 (iii) any obligation—

8 (I) of the Secretary of the Inte-
9 rior and the Secretary of Commerce
10 under the smelt biological opinion, the
11 salmonid biological opinion, or any
12 other applicable biological opinion; or

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

17 (B) MUNICIPAL AND INDUSTRIAL SUP-
18 PLIES.—Nothing in paragraph (2)—

19 (i) modifies any provision of a water
20 Service contract that addresses municipal
21 or industrial water shortage policies of the
22 Secretary of the Interior and the Secretary
23 of Commerce;

24 (ii) affects or limits the authority of
25 the Secretary of the Interior and the Sec-

1 retary of Commerce to adopt or modify
2 municipal and industrial water shortage
3 policies;

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

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

13 or

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

20 (C) OTHER CONTRACTORS.—Nothing in
21 subsection (b)—

22 (i) affects the priority of any indi-
23 vidual or entity with Sacramento River
24 water rights, including an individual or en-
25 tity with a Sacramento River settlement

1 contract, that has priority to the diversion
2 and use of Sacramento River water over
3 water rights held by the United States for
4 operations of the Central Valley Project;

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

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

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

16 (v) authorizes any actions inconsistent
17 with State water rights law.

18 SEC. 450. None of the funds in this Act shall be avail-
19 able to implement the Stipulation of Settlement (Natural
20 Resources Defense Council, et al. v. Kirk Rodgers, et al.,
21 Eastern District of California, No. Civ. 9 S-88-1658
22 LKK/GGH) or subtitle A of title X of Public Law 111-
23 11.

24 SEC. 451. None of the funds in this Act shall be avail-
25 able for the purchase of water in the State of California

1 to supplement instream flow within a river basin that has
2 suffered a drought within the last two years.

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

23 SEC. 453. None of the funds made available by this
24 Act may be used to make a Presidential declaration by
25 public proclamation of a national monument under chap-

Union Calendar No. 491

114TH CONGRESS
2^D SESSION

H. R. 5538

[Report No. 114-632]

A BILL

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

JUNE 21, 2016

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