

DIVISION F – DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2015

The following statement is an explanation of the effects of Division F, which makes appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and related agencies for fiscal year 2015. Language contained in House Report 113-551 providing specific guidance to agencies regarding the administration of appropriated funds and any corresponding reporting requirements carries the same emphasis as the language included in this explanatory statement and should be complied with unless specifically addressed to the contrary herein.

In instances where the House report speaks more broadly to policy issues or offers views that are subject to interpretation, such views remain those of the House and are not affirmed by this explanatory statement unless repeated herein. In cases where the House report or this explanatory statement directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Where this explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Interior, Environment, and Related Agencies and the Senate Subcommittee on Interior, Environment, and Related Agencies.

The Committees direct each department and agency funded in this Act to follow the directions set forth in this Act and the accompanying statement, and not reallocate resources or reorganize activities except as provided herein or otherwise approved by the Committees through the reprogramming process as described in this explanatory statement. This explanatory statement addresses only those agencies and accounts for which there is a need for greater explanation than provided in the Act itself. Funding levels for appropriations by account, program, and activity, with comparisons to the fiscal year 2014 enacted level and the fiscal year 2015 budget request, can be found in the table at the end of this division.

Unless expressly stated otherwise, any reference to “this Act” or “at the end of this statement” shall be treated as referring only to the provisions of this division.

National Ocean Policy.—The President’s budget submission for fiscal year 2016 shall identify all funding and associated actions proposed for the implementation of the National Ocean Policy. In addition, not later than 90 days after the date on which the President’s fiscal year 2016 budget request is submitted to the Congress, the President shall submit a comprehensive report to the House and Senate Committees on Appropriations identifying Federal expenditures since fiscal year 2012 by agency and account that have supported the development, administration, or implementation of the National Ocean Policy developed under Executive Order 13547. The report shall also identify funding proposed for the

implementation of the National Ocean Policy in the fiscal year 2016 budget. In addition, the Administration is directed to include in the report a summary of the actions taken to date to execute the April 2013 National Ocean Policy Implementation Plan and the outcomes of such actions.

State Wildlife Data.— The Department of the Interior and the Forest Service are expected to prioritize continued coordination with other Federal agencies and State fish and wildlife agencies to recognize and fully utilize State fish and wildlife data and analyses as a primary source to inform land use, planning, and related natural resource decisions. Federal agencies should not unnecessarily duplicate raw data, and when appropriate, evaluate existing analysis of data prepared by the States, and reciprocally share data with State wildlife managers, to ensure that the most complete data set is available for decision support systems.

Making Litigation Costs Transparent.—The Department of the Interior, EPA, and the Forest Service are directed to provide to the House and Senate Committees on Appropriations, and to make publicly available no later than 60 days after enactment of this Act, detailed Equal Access to Justice Act (EAJA) fee information as specified in the Consolidated Appropriations Act, 2014.

Public Access.—The Department of the Interior and the Forest Service are directed to notify the House and Senate Committees on Appropriations in advance of any proposed project specifically intending to close an area to recreational shooting, hunting, or fishing on a non-emergency basis of more than 30 days.

Sage-Grouse.—The agreement includes a general provision in Title I of the bill, prohibiting for fiscal year 2015 any use of funds to write or issue a final rule to list the Gunnison sage-grouse or the bi-State Distinct Population Segment of greater sage-grouse, and any proposed rule to list the greater sage-grouse range-wide or in the Columbia Basin. The Committees recognize the unprecedented collaboration regarding sage-grouse conservation. This provision is not intended to impede current conservation efforts; it is imperative that stakeholders continue on-the-ground conservation and monitoring activities. The Committees direct the Fish and Wildlife Service to include with its fiscal year 2016 budget submission an update on the status of all sage-grouse. The agreement does not contain the other directives pertaining to sage-grouse in the front of House Report 113-551, with the exception of guidance provided within the Wildland Fire Management accounts later in this explanatory statement.

Payments in Lieu of Taxes (PILT).—Section 11 of this consolidated Act provides \$372,000,000 for payments in lieu of taxes under chapter 69 of title 31, United States Code. Together with an additional \$33,000,000 available for fiscal year 2015, and \$37,000,000 available on October 1, 2015, provided by section 3096 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, a total of \$442,000,000 will be available for the program.

REPROGRAMMING GUIDELINES

The following are the procedures governing reprogramming actions for programs and activities funded in the Department of the Interior, Environment, and Related Agencies Appropriations Act. The Committees remind the agencies funded in this Act that these reprogramming guidelines are in effect, and must be complied with, until such time as the Committees modify them through bill or report language.

Definitions.—“Reprogramming,” as defined in these procedures, includes the reallocation of funds from one budget activity, budget line-item, or program area, to another within any appropriation funded in this Act.

For construction, land acquisition, and forest legacy accounts, a reprogramming constitutes the reallocation of funds, including unobligated balances, from one construction, land acquisition, or forest legacy project to another such project.

A reprogramming shall also consist of any significant departure from the program described in the agency’s budget justifications. This includes proposed reorganizations, especially those of significant national or regional importance, even without a change in funding. Any change to the organization table presented in the budget justification shall be subject to this requirement.

General Guidelines for Reprogramming.—

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

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

(c) Except under the most urgent situations, reprogramming should not be employed to initiate new programs or increase allocations specifically denied or limited by Congress, or to decrease allocations specifically increased by the Congress.

(d) Reprogramming proposals submitted to the House and Senate Committees on Appropriations for approval shall be considered approved 30 calendar days after receipt if the Committees have posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

Criteria and Exceptions.—A reprogramming must be submitted to the Committees in writing prior to implementation if it exceeds \$1,000,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(a) With regard to the tribal priority allocations of the Bureau of Indian Affairs and Bureau of Indian Education, there is no restriction on reprogrammings among these programs. However, the Bureaus shall report on all reprogrammings made during a given fiscal year no later than 60 days after the end of the fiscal year.

(b) With regard to the EPA, State and Tribal Assistance Grants account, the Committee does not require reprogramming requests associated with States and Tribes Partnership Grants.

Assessments.—“Assessment” as defined in these procedures shall refer to any charges, reserves, or holdbacks applied to a budget activity or budget line item for costs associated with general agency administrative costs, overhead costs, working capital expenses, or contingencies.

(a) No assessment shall be levied against any program, budget activity, sub-activity, budget line item, or project funded by the Interior, Environment, and Related Agencies Appropriations Act unless such assessment and the basis therefor are presented to the Committees on Appropriations in the budget justifications and are subsequently approved by the Committees. The explanation for any assessment in the budget justification shall show the amount of the assessment, the activities assessed, and the purpose of the funds.

(b) Proposed changes to estimated assessments, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process and shall be subject to the same dollar and reporting criteria as any other reprogramming.

(c) The Committees direct that each agency or bureau which utilizes assessments shall submit an annual report to the Committees which provides details on the use of all funds assessed from any other budget activity, line item, sub-activity, or project.

(d) In no case shall contingency funds or assessments be used to finance projects and activities disapproved or limited by Congress, or to finance programs or activities that could be foreseen and included in the normal budget review process.

(e) New programs requested in the budget should not be initiated before enactment of the bill without notification to, and the approval of, the Committees on Appropriations. This restriction applies to all such actions regardless of whether a formal reprogramming of funds is required to begin the program.

Quarterly Reports.—All reprogrammings between budget activities, budget line-items, program areas, or the more detailed activity levels shown in this agreement, including those below the monetary thresholds established above, shall be reported to the Committees within 60 days of the end of each quarter and shall include cumulative totals for each budget activity, budget line item, or construction, land acquisition, or forest legacy project.

Land Acquisitions, Easements, and Forest Legacy.—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646), unless such