

DIVISION G – DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

The following statement is an explanation of the effects of Division G, 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 2014.

In cases where 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 budget request, can be found in the table at the end of this division.

National Ocean Policy.—The Committees direct the Department of the Interior, EPA, and Council on Environmental Quality to: (1) submit a report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act identifying all expenditures in fiscal years 2012 and 2013 for the development, administration and implementation of the National Ocean Policy as defined by Executive Order 13547; and (2) clearly identify funding proposed for the implementation of the National Ocean Policy in future budget submissions.

State Wildlife Data.—The Department of the Interior and the Forest Service are expected to cooperatively engage State fish and wildlife agencies to utilize State fish and wildlife data and analyses as a significant source of information to inform land use, planning, and related natural resource decisions involving wildlife, since the States retain primary jurisdiction over most wildlife on Federal, State, and private lands. Federal agencies should not unnecessarily duplicate raw data, but when appropriate, evaluate existing analyses of data prepared by the States and reciprocally, share data with State wildlife managers, to ensure that the most complete data are available for decision support systems.

Federal Lands Recreation Enhancement.—The agreement does not address an extension of the current recreation fee authority. A one-year extension of this authority was contained in the Continuing Appropriations Act, 2014 (PL 113-46).

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 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 House Report 112-151.

Public Access.—The Committees believe that it is essential for the Department of the Interior and the Forest Service to provide opportunities on public lands for hunting, fishing, recreational shooting, and other outdoor activities. Within 120 days of enactment of this Act, the Department and the Forest Service are directed to report back to the House and Senate Committees on Appropriations regarding actions to preserve and improve access to public lands for hunting, fishing, shooting and other recreational activities, including proposed improvements for public involvement in agency decision-making and coordination with State and local governments.

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 ~~requires~~ ^{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 acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

Land Exchanges.—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$1,000,000, shall not be consummated until the Committees have had a 30-day period in which to examine the proposed exchange. In addition, the Committees shall be provided advance notification of exchanges valued between \$500,000 and \$1,000,000.

Budget Structure.—The budget activity or line item structure for any agency appropriation account shall not be altered without advance approval of the House and Senate Committees on Appropriations.