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112TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } 112-_____

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES PROGRAMS
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012,
AND FOR OTHER PURPOSES

_____, 2011.—Ordered to be printed

Mr. Rogers of Kentucky, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2112]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

set aside through division D

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1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consolidated and Fur-
3 ther Continuing Appropriations Act, 2012”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2012

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2012

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOP-
MENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

6 **SEC. 3. REFERENCES.**

7 Except as expressly provided otherwise, any reference
8 to “this Act” contained in any division of this Act shall
9 be treated as referring only to the provisions of that divi-
10 sion.

11 **SEC. 4. STATEMENT OF APPROPRIATIONS.**

12 The following sums in this Act are appropriated, out
13 of any money in the Treasury not otherwise appropriated,
14 for the fiscal year ending September 30, 2012.

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1 **DIVISION A—AGRICULTURE, RURAL DE-**
2 **VELOPMENT, FOOD AND DRUG ADMIN-**
3 **ISTRATION, AND RELATED AGENCIES**

4 TITLE I

5 AGRICULTURAL PROGRAMS

6 PRODUCTION, PROCESSING AND MARKETING

7 OFFICE OF THE SECRETARY

8 For necessary expenses of the Office of the Secretary
9 of Agriculture, \$4,550,000: *Provided*, That not to exceed
10 \$11,000 of this amount shall be available for official recep-
11 tion and representation expenses, not otherwise provided
12 for, as determined by the Secretary.

13 OFFICE OF TRIBAL RELATIONS

14 For necessary expenses of the Office of Tribal Rela-
15 tions, \$448,000, to support communication and consulta-
16 tion activities with Federally Recognized Tribes, as well
17 as other requirements established by law.

18 EXECUTIVE OPERATIONS

19 OFFICE OF THE CHIEF ECONOMIST

20 For necessary expenses of the Office of the Chief
21 Economist, \$11,177,000.

22 NATIONAL APPEALS DIVISION

23 For necessary expenses of the National Appeals Divi-
24 sion, \$12,841,000.

1 OFFICE OF BUDGET AND PROGRAM ANALYSIS

2 For necessary expenses of the Office of Budget and
3 Program Analysis, \$8,946,000.

4 OFFICE OF HOMELAND SECURITY AND EMERGENCY

5 COORDINATION

6 For necessary expenses of the Office of Homeland Se-
7 curity and Emergency Coordination, \$1,321,000.

8 OFFICE OF ADVOCACY AND OUTREACH

9 For necessary expenses of the Office of Advocacy and
10 Outreach, \$1,209,000.

11 OFFICE OF THE CHIEF INFORMATION OFFICER

12 For necessary expenses of the Office of the Chief In-
13 formation Officer, \$44,031,000.

14 OFFICE OF THE CHIEF FINANCIAL OFFICER

15 For necessary expenses of the Office of the Chief Fi-
16 nancial Officer, \$5,650,000: *Provided*, That no funds
17 made available by this appropriation may be obligated for
18 FAIR Act or Circular A-76 activities until the Secretary
19 has submitted to the Committees on Appropriations of
20 both Houses of Congress and the Committee on Oversight
21 and Government Reform of the House of Representatives
22 a report on the Department's contracting out policies, in-
23 cluding agency budgets for contracting out.

1 OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL
2 RIGHTS

3 For necessary expenses of the Office of the Assistant
4 Secretary for Civil Rights, \$848,000.

5 OFFICE OF CIVIL RIGHTS

6 For necessary expenses of the Office of Civil Rights,
7 \$21,000,000.

8 OFFICE OF THE ASSISTANT SECRETARY FOR
9 ADMINISTRATION

10 For necessary expenses of the Office of the Assistant
11 Secretary for Administration, \$764,000.

12 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL
13 PAYMENTS

14 (INCLUDING TRANSFERS OF FUNDS)

15 For payment of space rental and related costs pursu-
16 ant to Public Law 92-313, including authorities pursuant
17 to the 1984 delegation of authority from the Adminis-
18 trator of General Services to the Department of Agri-
19 culture under 40 U.S.C. 486, for programs and activities
20 of the Department which are included in this Act, and for
21 alterations and other actions needed for the Department
22 and its agencies to consolidate unneeded space into con-
23 figurations suitable for release to the Administrator of
24 General Services, and for the operation, maintenance, im-
25 provement, and repair of Agriculture buildings and facili-

1 ties, and for related costs, \$230,416,000, to remain avail-
2 able until expended, of which \$164,470,000 shall be avail-
3 able for payments to the General Services Administration
4 for rent; of which \$13,800,000 for payment to the Depart-
5 ment of Homeland Security for building security activities;
6 and of which \$52,146,000 for buildings operations and
7 maintenance expenses: *Provided*, That the Secretary may
8 use unobligated prior year balances of an agency or office
9 that are no longer available for new obligation to cover
10 shortfalls incurred in prior year rental payments for such
11 agency or office: *Provided further*, That the Secretary is
12 authorized to transfer funds from a Departmental agency
13 to this account to recover the full cost of the space and
14 security expenses of that agency that are funded by this
15 account when the actual costs exceed the agency estimate
16 which will be available for the activities and payments de-
17 scribed herein:

18 HAZARDOUS MATERIALS MANAGEMENT

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses of the Department of Agri-
21 culture, to comply with the Comprehensive Environmental
22 Response, Compensation, and Liability Act (42 U.S.C.
23 9601 et seq.) and the Resource Conservation and Recovery
24 Act (42 U.S.C. 6901 et seq.), \$3,592,000, to remain avail-
25 able until expended: *Provided*, That appropriations and

1 funds available herein to the Department for Hazardous
2 Materials Management may be transferred to any agency
3 of the Department for its use in meeting all requirements
4 pursuant to the above Acts on Federal and non-Federal
5 lands.

6 DEPARTMENTAL ADMINISTRATION

7 (INCLUDING TRANSFERS OF FUNDS)

8 For Departmental Administration, \$24,165,000, to
9 provide for necessary expenses for management support
10 services to offices of the Department and for general ad-
11 ministration, security, repairs and alterations, and other
12 miscellaneous supplies and expenses not otherwise pro-
13 vided for and necessary for the practical and efficient work
14 of the Department: *Provided*, That this appropriation shall
15 be reimbursed from applicable appropriations in this Act
16 for travel expenses incident to the holding of hearings as
17 required by 5 U.S.C. 551-558.

18 OFFICE OF THE ASSISTANT SECRETARY FOR

19 CONGRESSIONAL RELATIONS

20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses of the Office of the Assistant
22 Secretary for Congressional Relations to carry out the pro-
23 grams funded by this Act, including programs involving
24 intergovernmental affairs and liaison within the executive
25 branch, \$3,576,000: *Provided*, That these funds may be

1 transferred to agencies of the Department of Agriculture
2 funded by this Act to maintain personnel at the agency
3 level: *Provided further*, That no funds made available by
4 this appropriation may be obligated after 30 days from
5 the date of enactment of this Act, unless the Secretary
6 has notified the Committees on Appropriations of both
7 Houses of Congress on the allocation of these funds by
8 USDA agency: *Provided further*, That no other funds ap-
9 propriated to the Department by this Act shall be available
10 to the Department for support of activities of congress-
11 sional relations.

12 OFFICE OF COMMUNICATIONS

13 For necessary expenses of the Office of Communica-
14 tions, \$8,065,000.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General, including employment pursuant to the Inspector
18 General Act of 1978, \$85,621,000, including such sums
19 as may be necessary for contracting and other arrange-
20 ments with public agencies and private persons pursuant
21 to section 6(a)(9) of the Inspector General Act of 1978,
22 and including not to exceed \$125,000 for certain confiden-
23 tial operational expenses, including the payment of inform-
24 ants, to be expended under the direction of the Inspector

1 General pursuant to Public Law 95-452 and section 1337
2 of Public Law 97-98.

3 OFFICE OF THE GENERAL COUNSEL

4 For necessary expenses of the Office of the General
5 Counsel, \$39,345,000.

6 OFFICE OF THE UNDER SECRETARY FOR RESEARCH,
7 EDUCATION AND ECONOMICS

8 For necessary expenses of the Office of the Under
9 Secretary for Research, Education and Economics,
10 \$848,000.

11 ECONOMIC RESEARCH SERVICE

12 For necessary expenses of the Economic Research
13 Service, \$77,723,000.

14 NATIONAL AGRICULTURAL STATISTICS SERVICE

15 For necessary expenses of the National Agricultural
16 Statistics Service, \$158,616,000, of which up to
17 \$41,639,000 shall be available until expended for the Cen-
18 sus of Agriculture.

19 AGRICULTURAL RESEARCH SERVICE

20 SALARIES AND EXPENSES

21 For necessary expenses of the Agricultural Research
22 Service and for acquisition of lands by donation, exchange,
23 or purchase at a nominal cost not to exceed \$100, and
24 for land exchanges where the lands exchanged shall be of
25 equal value or shall be equalized by a payment of money

1 to the grantor which shall not exceed 25 percent of the
2 total value of the land or interests transferred out of Fed-
3 eral ownership, \$1,094,647,000: *Provided*, That appro-
4 priations hereunder shall be available for the operation
5 and maintenance of aircraft and the purchase of not to
6 exceed one for replacement only: *Provided further*, That
7 appropriations hereunder shall be available pursuant to 7
8 U.S.C. 2250 for the construction, alteration, and repair
9 of buildings and improvements, but unless otherwise pro-
10 vided, the cost of constructing any one building shall not
11 exceed \$375,000, except for headhouses or greenhouses
12 which shall each be limited to \$1,200,000, and except for
13 10 buildings to be constructed or improved at a cost not
14 to exceed \$750,000 each, and the cost of altering any one
15 building during the fiscal year shall not exceed 10 percent
16 of the current replacement value of the building or
17 \$375,000, whichever is greater: *Provided further*, That the
18 limitations on alterations contained in this Act shall not
19 apply to modernization or replacement of existing facilities
20 at Beltsville, Maryland: *Provided further*, That appropria-
21 tions hereunder shall be available for granting easements
22 at the Beltsville Agricultural Research Center: *Provided*
23 *further*, That the foregoing limitations shall not apply to
24 replacement of buildings needed to carry out the Act of
25 April 24, 1948 (21 U.S.C. 113a): *Provided further*, That

1 funds may be received from any State, other political sub-
2 division, organization, or individual for the purpose of es-
3 tablishing or operating any research facility or research
4 project of the Agricultural Research Service, as authorized
5 by law.

6 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE
7 RESEARCH AND EDUCATION ACTIVITIES

8 For payments to agricultural experiment stations, for
9 cooperative forestry and other research, for facilities, and
10 for other expenses, \$705,599,000, as follows: to carry out
11 the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-
12 i), \$236,334,000; for grants for cooperative forestry re-
13 search (16 U.S.C. 582a through a-7), \$32,934,000; for
14 payments to eligible institutions (7 U.S.C. 3222),
15 \$50,898,000, provided that each institution receives no
16 less than \$1,000,000; for special grants (7 U.S.C.
17 450i(c)), \$4,000,000; for competitive grants on improved
18 pest control (7 U.S.C. 450i(c)), \$15,830,000; for competi-
19 tive grants (7 U.S.C. 450(i)(b)), \$264,470,000, to remain
20 available until expended; for the support of animal health
21 and disease programs (7 U.S.C. 3195), \$4,000,000; for
22 supplemental and alternative crops and products (7
23 U.S.C. 3319d), \$825,000; for grants for research pursu-
24 ant to the Critical Agricultural Materials Act (7 U.S.C.
25 178 et seq.), \$1,081,000, to remain available until ex-

1 pending; for the 1994 research grants program for 1994
2 institutions pursuant to section 536 of Public Law 103-
3 382 (7 U.S.C. 301 note), \$1,801,000, to remain available
4 until expended; for rangeland research grants (7 U.S.C.
5 3333), \$961,000; for the veterinary medicine loan repay-
6 ment program under section 1415A of the National Agri-
7 cultural Research, Extension, and Teaching Policy Act of
8 1977 (7 U.S.C. 3151a), \$4,790,000, to remain available
9 until expended; for grants and fellowships for food and
10 agricultural sciences education under paragraphs (1), (5),
11 and (6) of section 1417(b) of the National Agricultural
12 Research, Extension, and Teaching Policy Act of 1977 (7
13 U.S.C. 3152(b)), \$9,000,000, to remain available until ex-
14 pended; for an education grants program for Hispanic-
15 serving Institutions (7 U.S.C. 3241), \$9,219,000; for com-
16 petitive grants for the purpose of carrying out all provi-
17 sions of 7 U.S.C. 3156 to individual eligible institutions
18 or consortia of eligible institutions in Alaska and in Ha-
19 waii, with funds awarded equally to each of the States of
20 Alaska and Hawaii, \$3,194,000; for a secondary agri-
21 culture education program and 2-year post-secondary edu-
22 cation, (7 U.S.C. 3152(j)), \$900,000; for aquaculture
23 grants (7 U.S.C. 3322), \$3,920,000; for sustainable agri-
24 culture research and education (7 U.S.C. 5811),
25 \$14,471,000; for a program of capacity building grants

1 (7 U.S.C. 3152(b)(4)) to institutions eligible to receive
2 funds under 7 U.S.C. 3221 and 3222, \$19,336,000, to
3 remain available until expended (7 U.S.C. 2209b); for ca-
4 pacity building grants for non-land-grant colleges of agri-
5 culture (7 U.S.C. 3319i), \$4,500,000, to remain available
6 until expended; for competitive grants for policy research
7 (7 U.S.C. 3155), \$4,000,000, which shall be obligated
8 within 120 days of the enactment of this Act; for pay-
9 ments to the 1994 Institutions pursuant to section
10 534(a)(1) of Public Law 103-382, \$3,335,000; for resi-
11 dent instruction grants for insular areas under section
12 1491 of the National Agricultural Research, Extension,
13 and Teaching Policy Act of 1977 (7 U.S.C. 3363);
14 \$900,000; for distance education grants for insular areas
15 under section 1490 of the National Agricultural Research,
16 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
17 3362), \$750,000; for a competitive grants program for
18 farm business management and benchmarking (7 U.S.C.
19 5925f), \$1,450,000; for a competitive grants program re-
20 garding biobased energy (7 U.S.C. 8114), \$2,200,000;
21 and for necessary expenses of Research and Education Ac-
22 tivities, \$10,500,000, of which \$2,600,000 for the Re-
23 search, Education, and Economics Information System
24 and \$2,000,000 for the Electronic Grants Information
25 System, are to remain available until expended.

1 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

2 For the Native American Institutions Endowment
3 Fund authorized by Public Law 103-382 (7 U.S.C. 301
4 note), \$11,880,000, to remain available until expended.

5 EXTENSION ACTIVITIES

6 For payments to States, the District of Columbia,
7 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
8 Northern Marianas, and American Samoa, \$475,183,000,
9 as follows: payments for cooperative extension work under
10 the Smith-Lever Act, to be distributed under sections 3(b)
11 and 3(c) of said Act, and under section 208(c) of Public
12 Law 93-471, for retirement and employees' compensation
13 costs for extension agents, \$294,000,000; payments for
14 extension work at the 1994 Institutions under the Smith-
15 Lever Act (7 U.S.C. 343(b)(3)), \$4,312,000; payments for
16 the nutrition and family education program for low-income
17 areas under section 3(d) of the Act, \$67,934,000; pay-
18 ments for the pest management program under section
19 3(d) of the Act, \$9,918,000; payments for the farm safety
20 program and youth farm safety education and certification
21 extension grants under section 3(d) of the Act,
22 \$4,610,000; payments for New Technologies for Agri-
23 culture Extension under section 3(d) of the Act,
24 \$1,550,000; payments to upgrade research, extension, and
25 teaching facilities at institutions eligible to receive funds

1 under 7 U.S.C. 3221 and 3222, \$19,730,000, to remain
2 available until expended; payments for youth-at-risk pro-
3 grams under section 3(d) of the Smith-Lever Act,
4 \$7,600,000; payments for carrying out the provisions of
5 the Renewable Resources Extension Act of 1978 (16
6 U.S.C. 1671 et seq.), \$3,700,000; payments for the feder-
7 ally recognized Tribes Extension Program under section
8 3(d) of the Smith-Lever Act, \$3,039,000; payments for
9 sustainable agriculture programs under section 3(d) of the
10 Act, \$4,696,000; payments for rural health and safety
11 education as authorized by section 502(i) of Public Law
12 92-419 (7 U.S.C. 2662(i)), \$1,500,000; payments for co-
13 operative extension work by eligible institutions (7 U.S.C.
14 3221), \$42,592,000, provided that each institution re-
15 ceives no less than \$1,000,000; for grants to youth organi-
16 zations pursuant to 7 U.S.C. 7630, \$750,000; payments
17 to carry out the food animal residue avoidance database
18 program as authorized by 7 U.S.C. 7642, \$1,000,000;
19 payments to carry out section 1672(e)(49) of the Food,
20 Agriculture, Conservation, and Trade Act of 1990 (7
21 U.S.C. 5925), as amended, \$400,000; and for necessary
22 expenses of Extension Activities, \$7,852,000.

23

INTEGRATED ACTIVITIES

24

For the integrated research, education, and extension

25

grants programs, including necessary administrative ex-

1 penses, \$21,482,000, as follows: for competitive grants
2 programs authorized under section 406 of the Agricultural
3 Research, Extension, and Education Reform Act of 1998
4 (7 U.S.C. 7626), \$14,496,000, including \$4,500,000 for
5 the water quality program, \$4,000,000 for regional pest
6 management centers, \$1,996,000 for the methyl bromide
7 transition program, and \$4,000,000 for the organic tran-
8 sition program; \$998,000 for the regional rural develop-
9 ment centers program; and \$5,988,000 for the Food and
10 Agriculture Defense Initiative authorized under section
11 1484 of the National Agricultural Research, Extension,
12 and Teaching Policy Act of 1977, to remain available until
13 September 30, 2013.

14 OFFICE OF THE UNDER SECRETARY FOR MARKETING
15 AND REGULATORY PROGRAMS

16 For necessary expenses of the Office of the Under
17 Secretary for Marketing and Regulatory Programs,
18 \$848,000.

19 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the Animal and Plant
23 Health Inspection Service, including up to \$30,000 for
24 representation allowances and for expenses pursuant to
25 the Foreign Service Act of 1980 (22 U.S.C. 4085),

1 \$816,534,000, of which \$1,000,000, to be available until
2 expended, shall be available for the control of outbreaks
3 of insects, plant diseases, animal diseases and for control
4 of pest animals and birds ("contingency fund") to the ex-
5 tent necessary to meet emergency conditions; of which
6 \$17,848,000, to remain available until expended, shall be
7 used for the cotton pests program for cost share purposes
8 or for debt retirement for active eradication zones; of
9 which \$32,500,000, to remain available until expended,
10 shall be for Animal Health Technical Services; of which
11 \$696,000 shall be for activities under the authority of the
12 Horse Protection Act of 1970, as amended (15 U.S.C.
13 1831); of which \$52,000,000, to remain available until ex-
14 pended, shall be used to support avian health; of which
15 \$4,335,000, to remain available until expended, shall be
16 for information technology infrastructure; of which
17 \$153,950,000, to remain available until expended, shall be
18 for specialty crop pests; of which, \$9,068,000, to remain
19 available until expended, shall be for field crop and range-
20 land ecosystem pests; of which ~~\$57,000,000~~ ^{\$55,638,000}, to remain
21 available until expended, shall be for tree and wood pests;
22 of which \$2,750,000, to remain available until expended,
23 shall be for the National Veterinary Stockpile; of which
24 up to \$1,500,000, to remain available until expended, shall
25 be for the scrapie program for indemnities; of which

1 \$1,000,000, to remain available until expended, shall be
2 for wildlife services methods development; of which
3 \$1,500,000, to remain available until expended, shall be
4 for the wildlife damage management program for aviation
5 safety; and up to 25 percent of the screwworm program
6 shall remain available until expended: *Provided*, That no
7 funds shall be used to formulate or administer a brucel-
8 losis eradication program for the current fiscal year that
9 does not require minimum matching by the States of at
10 least 40 percent: *Provided further*, That this appropriation
11 shall be available for the operation and maintenance of
12 aircraft and the purchase of not to exceed four, of which
13 two shall be for replacement only: *Provided further*, That,
14 in addition, in emergencies which threaten any segment
15 of the agricultural production industry of this country, the
16 Secretary may transfer from other appropriations or funds
17 available to the agencies or corporations of the Depart-
18 ment such sums as may be deemed necessary, to be avail-
19 able only in such emergencies for the arrest and eradi-
20 cation of contagious or infectious disease or pests of ani-
21 mals, poultry, or plants, and for expenses in accordance
22 with sections 10411 and 10417 of the Animal Health Pro-
23 tection Act (7 U.S.C. 8310 and 8316) and sections 431
24 and 442 of the Plant Protection Act (7 U.S.C. 7751 and
25 7772), and any unexpended balances of funds transferred

1 for such emergency purposes in the preceding fiscal year
2 shall be merged with such transferred amounts: *Provided*
3 *further*, That appropriations hereunder shall be available
4 pursuant to law (7 U.S.C. 2250) for the repair and alter-
5 ation of leased buildings and improvements, but unless
6 otherwise provided the cost of altering any one building
7 during the fiscal year shall not exceed 10 percent of the
8 current replacement value of the building.

9 In fiscal year 2012, the agency is authorized to collect
10 fees to cover the total costs of providing technical assist-
11 ance, goods, or services requested by States, other political
12 subdivisions, domestic and international organizations,
13 foreign governments, or individuals, provided that such
14 fees are structured such that any entity's liability for such
15 fees is reasonably based on the technical assistance, goods,
16 or services provided to the entity by the agency, and such
17 fees shall be reimbursed to this account, to remain avail-
18 able until expended, without further appropriation, for
19 providing such assistance, goods, or services.

20 BUILDINGS AND FACILITIES

21 For plans, construction, repair, preventive mainte-
22 nance, environmental support, improvement, extension, al-
23 teration, and purchase of fixed equipment or facilities, as
24 authorized by 7 U.S.C. 2250, and acquisition of land as

1 authorized by 7 U.S.C. 428a, \$3,200,000, to remain avail-
2 able until expended.

3 AGRICULTURAL MARKETING SERVICE

4 MARKETING SERVICES

5 For necessary expenses of the Agricultural Marketing
6 Service, \$82,211,000: *Provided*, That this appropriation
7 shall be available pursuant to law (7 U.S.C. 2250) for the
8 alteration and repair of buildings and improvements, but
9 the cost of altering any one building during the fiscal year
10 shall not exceed 10 percent of the current replacement
11 value of the building.

12 Fees may be collected for the cost of standardization
13 activities, as established by regulation pursuant to law (31
14 U.S.C. 9701).

15 LIMITATION ON ADMINISTRATIVE EXPENSES

16 Not to exceed \$62,101,000 (from fees collected) shall
17 be obligated during the current fiscal year for administra-
18 tive expenses: *Provided*, That if crop size is understated
19 and/or other uncontrollable events occur, the agency may
20 exceed this limitation by up to 10 percent with notification
21 to the Committees on Appropriations of both Houses of
22 Congress.

1 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND
2 SUPPLY (SECTION 32)
3 (INCLUDING TRANSFERS OF FUNDS)

4 Funds available under section 32 of the Act of Au-
5 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
6 modity program expenses as authorized therein, and other
7 related operating expenses, except for: (1) transfers to the
8 Department of Commerce as authorized by the Fish and
9 Wildlife Act of August 8, 1956; (2) transfers otherwise
10 provided in this Act; and (3) not more than \$20,056,000
11 for formulation and administration of marketing agree-
12 ments and orders pursuant to the Agricultural Marketing
13 Agreement Act of 1937 and the Agricultural Act of 1961.

14 PAYMENTS TO STATES AND POSSESSIONS

15 For payments to departments of agriculture, bureaus
16 and departments of markets, and similar agencies for
17 marketing activities under section 204(b) of the Agricul-
18 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
19 \$1,198,000.

20 GRAIN INSPECTION, PACKERS AND STOCKYARDS

21 ADMINISTRATION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Grain Inspection,
24 Packers and Stockyards Administration, \$37,750,000:
25 *Provided*, That this appropriation shall be available pursu-

1 ant to law (7 U.S.C. 2250) for the alteration and repair
2 of buildings and improvements, but the cost of altering
3 any one building during the fiscal year shall not exceed
4 10 percent of the current replacement value of the build-
5 ing.

6 ~~LIMITATION ON INSPECTION AND WEIGHING SERVICES~~
7 ~~EXPENSES~~

8 Not to exceed \$49,000,000 (from fees collected) shall
9 be obligated during the current fiscal year for inspection
10 and weighing services: *Provided*, That if grain export ac-
11 tivities require additional supervision and oversight, or
12 other uncontrollable factors occur, this limitation may be
13 exceeded by up to 10 percent with notification to the Com-
14 mittees on Appropriations of both Houses of Congress.

15 OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

16 For necessary expenses of the Office of the Under
17 Secretary for Food Safety, \$770,000.

18 FOOD SAFETY AND INSPECTION SERVICE

19 For necessary expenses to carry out services author-
20 ized by the Federal Meat Inspection Act, the Poultry
21 Products Inspection Act, and the Egg Products Inspection
22 Act, including not to exceed \$50,000 for representation
23 allowances and for expenses pursuant to section 8 of the
24 Act approved August 3, 1956 (7 U.S.C. 1766),
25 \$1,004,427,000; and in addition, \$1,000,000 may be cred-

SC

1 ited to this account from fees collected for the cost of lab-
 2 oratory accreditation as authorized by section 1327 of the
 3 Food, Agriculture, Conservation and Trade Act of 1990
 4 (7 U.S.C. 138f): *Provided*, That funds provided for the
 5 Public Health Data Communication Infrastructure system
 6 shall remain available until expended: *Provided further*,
 7 That no fewer than 148 full-time equivalent positions shall
 8 be employed during fiscal year 2012 for purposes dedi-
 9 cated solely to inspections and enforcement related to the
 10 Humane Methods of Slaughter Act; *Provided further*, That
 11 this appropriation shall be available pursuant to law (7
 12 U.S.C. 2250) for the alteration and repair of buildings
 13 and improvements, but the cost of altering any one build-
 14 ing during the fiscal year shall not exceed 10 percent of
 15 the current replacement value of the building.

Insert 21A

16 OFFICE OF THE UNDER SECRETARY FOR FARM AND
 17 FOREIGN AGRICULTURAL SERVICES

18 For necessary expenses of the Office of the Under
 19 Secretary for Farm and Foreign Agricultural Services,
 20 \$848,000.

21 FARM SERVICE AGENCY
 22 SALARIES AND EXPENSES
 23 (INCLUDING TRANSFERS OF FUNDS)

24 For necessary expenses of the Farm Service Agency,
 25 \$1,198,966,000, of which \$13,000,000 shall be for the

INSERT 21A

Provided further, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110-246:

1 Common Computing Environment and of which not less
2 than \$66,685,000 shall be for Modernize and Innovate the
3 Delivery of Agricultural Systems: *Provided*, That the Sec-
4 retary is authorized to use the services, facilities, and au-
5 thorities (but not the funds) of the Commodity Credit Cor-
6 poration to make program payments for all programs ad-
7 ministered by the Agency: *Provided further*, That other
8 funds made available to the Agency for authorized activi-
9 ties may be advanced to and merged with this account:
10 *Provided further*, That funds made available to county
11 committees shall remain available until expended.

12 STATE MEDIATION GRANTS

13 For grants pursuant to section 502(b) of the Agricul-
14 tural Credit Act of 1987, as amended (7 U.S.C. 5101-
15 5106), \$3,759,000.

16 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

17 For necessary expenses to carry out wellhead or
18 groundwater protection activities under section 12400 of
19 the Food Security Act of 1985 (16 U.S.C. 3839bb-2),
20 \$3,817,000, to remain available until expended.

21 DAIRY INDEMNITY PROGRAM

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses involved in making indemnity
24 payments to dairy farmers and manufacturers of dairy
25 products under a dairy indemnity program, such sums as

1 may be necessary, to remain available until expended: *Pro-*
2 *vided*, That such program is carried out by the Secretary
3 in the same manner as the dairy indemnity program de-
4 scribed in the Agriculture, Rural Development, Food and
5 Drug Administration, and Related Agencies Appropria-
6 tions Act, 2001 (Public Law 106-387, 114 Stat. 1549A-
7 12).

8 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

9 ACCOUNT

10 (INCLUDING TRANSFERS OF FUNDS)

11 For gross obligations for the principal amount of di-
12 rect and guaranteed farm ownership (7 U.S.C. 1922 et
13 seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian
14 tribe land acquisition loans (25 U.S.C. 488), boll weevil
15 loans (7 U.S.C. 1989), guaranteed conservation loans (7
16 U.S.C. 1924 et seq.), and Indian highly fractionated land
17 loans (25 U.S.C. 488) to be available from funds in the
18 Agricultural Credit Insurance Fund, as follows:
19 \$1,500,000,000 for unsubsidized guaranteed farm owner-
20 ship loans and \$475,000,000 for farm ownership direct
21 loans; \$1,500,000,000 for unsubsidized guaranteed oper-
22 ating loans and \$1,050,090,000 for direct operating loans;
23 Indian tribe land acquisition loans, \$2,000,000; guaran-
24 teed conservation loans, \$150,000,000; Indian highly
25 fractionated land loans, \$10,000,000; and for boll weevil

1 eradication program loans, \$100,000,000: *Provided*, That
2 the Secretary shall deem the pink bollworm to be a boll
3 weevil for the purpose of boll weevil eradication program
4 loans.

5 For the cost of direct and guaranteed loans and
6 grants, including the cost of modifying loans as defined
7 in section 502 of the Congressional Budget Act of 1974,
8 as follows: farm ownership, \$22,800,000 for direct loans;
9 farm operating loans, \$26,100,000 for unsubsidized guar-
10 anteed operating loans, \$59,120,000 for direct operating
11 loans; and Indian highly fractionated land loans,
12 \$193,000.

13 In addition, for administrative expenses necessary to
14 carry out the direct and guaranteed loan programs,
15 \$297,632,000, of which \$289,728,000 shall be transferred
16 to and merged with the appropriation for "Farm Service
17 Agency, Salaries and Expenses".

18 Funds appropriated by this Act to the Agricultural
19 Credit Insurance Program Account for farm ownership,
20 operating and conservation direct loans and guaranteed
21 loans may be transferred among these programs: *Pro-*
22 *vided*, That the Committees on Appropriations of both
23 Houses of Congress are notified at least 15 days in ad-
24 vance of any transfer.

1 RISK MANAGEMENT AGENCY

2 For necessary expenses of the Risk Management
3 Agency, \$74,900,000: *Provided*, That the funds made
4 available under section 522(e) of the Federal Crop Insur-
5 ance Act (7 U.S.C. 1522(e)) may be used for the Common
6 Information Management System: *Provided further*, That
7 not to exceed \$1,000 shall be available for official recep-
8 tion and representation expenses, as authorized by 7
9 U.S.C. 1506(i).

10 CORPORATIONS

11 The following corporations and agencies are hereby
12 authorized to make expenditures, within the limits of
13 funds and borrowing authority available to each such cor-
14 poration or agency and in accord with law, and to make
15 contracts and commitments without regard to fiscal year
16 limitations as provided by section 104 of the Government
17 Corporation Control Act as may be necessary in carrying
18 out the programs set forth in the budget for the current
19 fiscal year for such corporation or agency, except as here-
20 inafter provided.

21 FEDERAL CROP INSURANCE CORPORATION FUND

22 For payments as authorized by section 516 of the
23 Federal Crop Insurance Act (7 U.S.C. 1516), such sums
24 as may be necessary, to remain available until expended.

1 COMMODITY CREDIT CORPORATION FUND
2 REIMBURSEMENT FOR NET REALIZED LOSSES
3 (INCLUDING TRANSFERS OF FUNDS)

4 For the current fiscal year, such sums as may be nec-
5 essary to reimburse the Commodity Credit Corporation for
6 net realized losses sustained, but not previously reim-
7 bursed, pursuant to section 2 of the Act of August 17,
8 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds
9 available to the Commodity Credit Corporation under sec-
10 tion 11 of the Commodity Credit Corporation Charter Act
11 (15 U.S.C. 714i) for the conduct of its business with the
12 Foreign Agricultural Service, up to \$5,000,000 may be
13 transferred to and used by the Foreign Agricultural Serv-
14 ice for information resource management activities of the
15 Foreign Agricultural Service that are not related to Com-
16 modity Credit Corporation business.

17 HAZARDOUS WASTE MANAGEMENT
18 (LIMITATION ON EXPENSES)

19 For the current fiscal year, the Commodity Credit
20 Corporation shall not expend more than \$5,000,000 for
21 site investigation and cleanup expenses, and operations
22 and maintenance expenses to comply with the requirement
23 of section 107(g) of the Comprehensive Environmental
24 Response, Compensation, and Liability Act (42 U.S.C.

1 9607(g)), and section 6001 of the Resource Conservation
2 and Recovery Act (42 U.S.C. 6961).

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TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL
RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under
Secretary for Natural Resources and Environment,
\$848,000.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provi-
sions of the Act of April 27, 1935 (16 U.S.C. 590a-f),
including preparation of conservation plans and establish-
ment of measures to conserve soil and water (including
farm irrigation and land drainage and such special meas-
ures for soil and water management as may be necessary
to prevent floods and the siltation of reservoirs and to con-
trol agricultural related pollutants); operation of conserva-
tion plant materials centers; classification and mapping of
soil; dissemination of information; acquisition of lands,
water, and interests therein for use in the plant materials
program by donation, exchange, or purchase at a nominal
cost not to exceed \$100 pursuant to the Act of August
3, 1956 (7 U.S.C. 428a); purchase and erection or alter-
ation or improvement of permanent and temporary build-
ings; and operation and maintenance of aircraft,

1 \$828,159,000, to remain available until September 30,
2 2013, of which \$12,500,000 shall be for the Common
3 Computing Environment: *Provided*, That appropriations
4 hereunder shall be available pursuant to 7 U.S.C. 2250
5 for construction and improvement of buildings and public
6 improvements at plant materials centers, except that the
7 cost of alterations and improvements to other buildings
8 and other public improvements shall not exceed \$250,000:
9 *Provided further*, That when buildings or other structures
10 are erected on non-Federal land, that the right to use such
11 land is obtained as provided in 7 U.S.C. 2250a.

12 WATERSHED REHABILITATION PROGRAM

13 Under the authorities of section 14 of the Watershed
14 Protection and Flood Prevention Act, \$15,000,000 is pro-
15 vided.

1 TITLE III
2 RURAL DEVELOPMENT PROGRAMS
3 OFFICE OF THE UNDER SECRETARY FOR RURAL
4 DEVELOPMENT

5 For necessary expenses of the Office of the Under
6 Secretary for Rural Development, \$848,000.

7 RURAL DEVELOPMENT SALARIES AND EXPENSES
8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses for carrying out the adminis-
10 tration and implementation of programs in the Rural De-
11 velopment mission area, including activities with institu-
12 tions concerning the development and operation of agricul-
13 tural cooperatives; and for cooperative agreements;
14 \$182,023,000, of which \$4,500,000 shall be for the Com-
15 mon Computing Environment: *Provided*, That notwith-
16 standing any other provision of law, funds appropriated
17 under this section may be used for advertising and pro-
18 motional activities that support the Rural Development
19 mission area: *Provided further*, That any balances avail-
20 able from prior years for the Rural Utilities Service, Rural
21 Housing Service, and the Rural Business—Cooperative
22 Service salaries and expenses accounts shall be transferred
23 to and merged with this appropriation.

heading)

1 RURAL HOUSING SERVICE
2 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT
3 (INCLUDING TRANSFERS OF FUNDS)

4 For gross obligations for the principal amount of di-
5 rect and guaranteed loans as authorized by title V of the
6 Housing Act of 1949, to be available from funds in the
7 rural housing insurance fund, as follows: \$900,000,000
8 shall be for direct loans and \$24,000,000,000 shall be for
9 unsubsidized guaranteed loans; \$10,000,000 for section
10 504 housing repair loans; \$64,478,000 for section 515
11 rental housing; \$130,000,000 for section 538 guaranteed
12 multi-family housing loans; \$10,000,000 for credit sales
13 of single family housing acquired property; and
14 \$5,000,000 for section 523 self-help housing land develop-
15 ment loans.

16 For the cost of direct and guaranteed loans, including
17 the cost of modifying loans, as defined in section 502 of
18 the Congressional Budget Act of 1974, as follows: section
19 502 loans, \$42,570,000 shall be for direct loans; section
20 504 housing repair loans, \$1,421,000; and repair, rehabili-
21 tation, and new construction of section 515 rental housing,
22 \$22,000,000: *Provided*, That the Secretary may charge a
23 guarantee fee of up to 4 percent on section 502 guaran-
24 teed loans: *Provided further*, That to support the loan pro-
25 gram level for section 538 guaranteed loans made avail-

1 able under this heading the Secretary may charge or ad-
2 just any fees to cover the projected cost of such loan guar-
3 antees pursuant to the provisions of the Credit Reform
4 Act of 1990 (2 U.S.C. 661 et seq.), and the interest on
5 such loans may not be subsidized: *Provided further*, That
6 of the total amount appropriated in this paragraph, the
7 amount equal to the amount of Rural Housing Insurance
8 Fund Program Account funds allocated by the Secretary
9 for Rural Economic Area Partnership Zones for the fiscal
10 year 2011, shall be available through June 30, 2012, for
11 communities designated by the Secretary of Agriculture
12 as Rural Economic Area Partnership Zones.

13 In addition, for the cost of direct loans, grants, and
14 contracts, as authorized by 42 U.S.C. 1484 and 1486,
15 \$14,200,000, to remain available until expended, for direct
16 farm labor housing loans and domestic farm labor housing
17 grants and contracts: *Provided*, That any balances avail-
18 able for the Farm Labor Program Account shall be trans-
19 ferred and merged with this account.

20 In addition, for administrative expenses necessary to
21 carry out the direct and guaranteed loan programs,
22 \$430,800,000 shall be transferred to and merged with the
23 appropriation for "Rural Development, Salaries and Ex-
24 penses".

1 RENTAL ASSISTANCE PROGRAM

2 For rental assistance agreements entered into or re-
3 newed pursuant to the authority under section 521(a)(2)
4 or agreements entered into in lieu of debt forgiveness or
5 payments for eligible households as authorized by section
6 502(c)(5)(D) of the Housing Act of 1949, \$904,653,000;
7 and, in addition, such sums as may be necessary, as au-
8 thorized by section 521(c) of the Act, to liquidate debt
9 incurred prior to fiscal year 1992 to carry out the rental
10 assistance program under section 521(a)(2) of the Act:
11 *Provided*, That of this amount not less than \$1,500,000
12 is available for newly constructed units financed by section
13 515 of the Housing Act of 1949, and not less than
14 \$2,500,000 is for newly constructed units financed under
15 sections 514 and 516 of the Housing Act of 1949: *Pro-*
16 *vided further*, That rental assistance agreements entered
17 into or renewed during the current fiscal year shall be
18 funded for a 1-year period: *Provided further*, That any un-
19 expended balances remaining at the end of such one-year
20 agreements may be transferred and used for the purposes
21 of any debt reduction; maintenance, repair, or rehabilita-
22 tion of any existing projects; preservation; and rental as-
23 sistance activities authorized under title V of the Act: *Pro-*
24 *vided further*, That rental assistance provided under agree-
25 ments entered into prior to fiscal year 2012 for a farm

1 labor multi-family housing project financed under section
2 514 or 516 of the Act may not be recaptured for use in
3 another project until such assistance has remained unused
4 for a period of 12 consecutive months, if such project has
5 a waiting list of tenants seeking such assistance or the
6 project has rental assistance eligible tenants who are not
7 receiving such assistance: *Provided further*, That such re-
8 captured rental assistance shall, to the extent practicable,
9 be applied to another farm labor multi-family housing
10 project financed under section 514 or 516 of the Act.

11 MULTI-FAMILY HOUSING REVITALIZATION PROGRAM

12 ACCOUNT

13 For the rural housing voucher program as authorized
14 under section 542 of the Housing Act of 1949, but not-
15 withstanding subsection (b) of such section, and for addi-
16 tional costs to conduct a demonstration program for the
17 preservation and revitalization of multi-family rental hous-
18 ing properties described in this paragraph, \$13,000,000,
19 to remain available until expended: *Provided*, That of the
20 funds made available under this heading, \$11,000,000,
21 shall be available for rural housing vouchers to any low-
22 income household (including those not receiving rental as-
23 sistance) residing in a property financed with a section
24 515 loan which has been prepaid after September 30,
25 2005: *Provided further*, That the amount of such voucher

1 shall be the difference between comparable market rent
2 for the section 515 unit and the tenant paid rent for such
3 unit: *Provided further*, That funds made available for such
4 vouchers shall be subject to the availability of annual ap-
5 propriations: *Provided further*, That the Secretary shall,
6 to the maximum extent practicable, administer such
7 vouchers with current regulations and administrative guid-
8 ance applicable to section 8 housing vouchers administered
9 by the Secretary of the Department of Housing and Urban
10 Development: *Provided further*, That if the Secretary de-
11 termines that the amount made available for vouchers in
12 this or any other Act is not needed for vouchers, the Sec-
13 retary may use such funds for the demonstration program
14 for the preservation and revitalization of multi-family
15 rental housing properties described in this paragraph: *Pro-*
16 *vided further*, That of the funds made available under this
17 heading, \$2,000,000 shall be available for a demonstration
18 program for the preservation and revitalization of the sec-
19 tions 514, 515, and 516 multi-family rental housing prop-
20 erties to restructure existing USDA multi-family housing
21 loans, as the Secretary deems appropriate, expressly for
22 the purposes of ensuring the project has sufficient re-
23 sources to preserve the project for the purpose of pro-
24 viding safe and affordable housing for low-income resi-
25 dents and farm laborers including reducing or eliminating

1 interest; deferring loan payments, subordinating, reducing
2 or reamortizing loan debt; and other financial assistance
3 including advances, payments and incentives (including
4 the ability of owners to obtain reasonable returns on in-
5 vestment) required by the Secretary: *Provided further,*
6 That the Secretary shall as part of the preservation and
7 revitalization agreement obtain a restrictive use agreement
8 consistent with the terms of the restructuring: *Provided*
9 *further,* That if the Secretary determines that additional
10 funds for vouchers described in this paragraph are needed,
11 funds for the preservation and revitalization demonstra-
12 tion program may be used for such vouchers: *Provided fur-*
13 *ther,* That if Congress enacts legislation to permanently
14 authorize a multi-family rental housing loan restructuring
15 program similar to the demonstration program described
16 herein, the Secretary may use funds made available for
17 the demonstration program under this heading to carry
18 out such legislation with the prior approval of the Commit-
19 tees on Appropriations of both Houses of Congress: *Pro-*
20 *vided further,* That in addition to any other available
21 funds, the Secretary may expend not more than
22 \$1,000,000 total, from the program funds made available
23 under this heading, for administrative expenses for activi-
24 ties funded under this heading.

1 MUTUAL AND SELF-HELP HOUSING GRANTS

2 For grants and contracts pursuant to section
3 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
4 1490c), \$30,000,000, to remain available until expended:
5 *Provided*, That of the total amount appropriated under
6 this heading, the amount equal to the amount of Mutual
7 and Self-Help Housing Grants allocated by the Secretary
8 for Rural Economic Area Partnership Zones for the fiscal
9 year 2011, shall be available through June 30, 2012, for
10 communities designated by the Secretary of Agriculture
11 as Rural Economic Area Partnership Zones.

12 RURAL HOUSING ASSISTANCE GRANTS

13 ~~(INCLUDING TRANSFER OF FUNDS)~~

14 For grants and contracts for very low-income housing
15 repair, supervisory and technical assistance, compensation
16 for construction defects, and rural housing preservation
17 made by the Rural Housing Service, as authorized by 42
18 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$33,136,000,
19 to remain available until expended: *Provided*, That of the
20 total amount appropriated under this heading, the amount
21 equal to the amount of Rural Housing Assistance Grants
22 allocated by the Secretary for Rural Economic Area Part-
23 nership Zones for the fiscal year 2011, shall be available
24 through June 30, 2012, for communities designated by the

1 Secretary of Agriculture as Rural Economic Area Partner-
2 ship Zones.

3 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT
4 (INCLUDING TRANSFERS OF FUNDS)

5 For gross obligations for the principal amount of di-
6 rect and guaranteed loans as authorized by section 306
7 and described in section 381E(d)(1) of the Consolidated
8 Farm and Rural Development Act, \$1,300,000,000 for di-
9 rect loans and \$105,708,000 for guaranteed loans.

10 For the cost of guaranteed loans, including the cost
11 of modifying loans, as defined in section 502 of the Con-
12 gressional Budget Act of 1974, \$5,000,000, to remain
13 available until expended.

14 For the cost of grants for rural community facilities
15 programs as authorized by section 306 and described in
16 section 381E(d)(1) of the Consolidated Farm and Rural
17 Development Act, \$24,291,000, to remain available until
18 expended: *Provided*, That \$3,621,000 of the amount ap-
19 propriated under this heading shall be available for a
20 Rural Community Development Initiative: *Provided fur-*
21 *ther*, That such funds shall be used solely to develop the
22 capacity and ability of private, nonprofit community-based
23 housing and community development organizations, low-
24 income rural communities, and Federally Recognized Na-
25 tive American Tribes to undertake projects to improve

1 housing, community facilities, community and economic
2 development projects in rural areas: *Provided further,*
3 That such funds shall be made available to qualified pri-
4 vate, nonprofit and public intermediary organizations pro-
5 posing to carry out a program of financial and technical
6 assistance: *Provided further,* That such intermediary orga-
7 nizations shall provide matching funds from other sources,
8 including Federal funds for related activities, in an
9 amount not less than funds provided: *Provided further,*
10 That \$5,938,000 of the amount appropriated under this
11 heading shall be to provide grants for facilities in rural
12 communities with extreme unemployment and severe eco-
13 nomic depression (Public Law 106-387), with up to 5 per-
14 cent for administration and capacity building in the State
15 rural development offices: *Provided further,* That
16 \$3,369,000 of the amount appropriated under this head-
17 ing shall be available for community facilities grants to
18 tribal colleges, as authorized by section 306(a)(19) of such
19 Act: *Provided further,* That of the amount appropriated
20 under this heading, the amount equal to the amount of
21 Rural Community Facilities Program Account funds allo-
22 cated by the Secretary for Rural Economic Area Partner-
23 ship Zones for the fiscal year 2011, shall be available
24 through June 30, 2012, for communities designated by the
25 Secretary of Agriculture as Rural Economic Area Partner-

1 ship Zones for the rural community programs described
2 in section 381E(d)(1) of the Consolidated Farm and Rural
3 Development Act: *Provided further*, That sections 381E–
4 H and 381N of the Consolidated Farm and Rural Devel-
5 opment Act are not applicable to the funds made available
6 under this heading.

7 RURAL BUSINESS—COOPERATIVE SERVICE

8 RURAL BUSINESS PROGRAM ACCOUNT

9 (INCLUDING TRANSFERS OF FUNDS)

10 For the cost of loan guarantees and grants, for the
11 rural business development programs authorized by sec-
12 tions 306 and 310B and described in sections 310B(f) and
13 381E(d)(3) of the Consolidated Farm and Rural Develop-
14 ment Act, \$74,809,000, to remain available until ex-
15 pended: *Provided*, That of the amount appropriated under
16 this heading, not to exceed \$500,000 shall be made avail-
17 able for a grant to a qualified national organization to pro-
18 vide technical assistance for rural transportation in order
19 to promote economic development and \$2,900,000 shall be
20 for grants to the Delta Regional Authority (7 U.S.C.
21 2009aa et seq.) for any Rural Community Advancement
22 Program purpose as described in section 381E(d) of the
23 Consolidated Farm and Rural Development Act, of which
24 not more than 5 percent may be used for administrative
25 expenses: *Provided further*, That \$4,000,000 of the

1 amount appropriated under this heading shall be for busi-
2 ness grants to benefit Federally Recognized Native Amer-
3 ican Tribes, including \$250,000 for a grant to a qualified
4 national organization to provide technical assistance for
5 rural transportation in order to promote economic develop-
6 ment: *Provided further*, That of the amount appropriated
7 under this heading, the amount equal to the amount of
8 Rural Business Program Account funds allocated by the
9 Secretary for Rural Economic Area Partnership Zones for
10 the fiscal year 2011, shall be available through June 30,
11 2012, for communities designated by the Secretary of Ag-
12 riculture as Rural Economic Area Partnership Zones for
13 the rural business and cooperative development programs
14 described in section 381E(d)(3) of the Consolidated Farm
15 and Rural Development Act: *Provided further*, That sec-
16 tions 381E–H and 381N of the Consolidated Farm and
17 Rural Development Act are not applicable to funds made
18 available under this heading.

19 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT
20 (INCLUDING TRANSFER OF FUNDS)

21 For the principal amount of direct loans, as author-
22 ized by the Rural Development Loan Fund (42 U.S.C.
23 9812(a)), \$17,710,000.

24 For the cost of direct loans, \$6,000,000, as author-
25 ized by the Rural Development Loan Fund (42 U.S.C.

1 9812(a)), of which \$875,000 shall be available through
2 June 30, 2012, for Federally Recognized Native American
3 Tribes; and of which \$1,750,000 shall be available through
4 June 30, 2012, for Mississippi Delta Region counties (as
5 determined in accordance with Public Law 100–460): *Pro-*
6 *vided*, That such costs, including the cost of modifying
7 such loans, shall be as defined in section 502 of the Con-
8 gressional Budget Act of 1974: *Provided further*, That of
9 the total amount appropriated under this heading, the
10 amount equal to the amount of Rural Development Loan
11 Fund Program Account funds allocated by the Secretary
12 for Rural Economic Area Partnership Zones for the fiscal
13 year 2011, shall be available through June 30, 2012, for
14 communities designated by the Secretary of Agriculture
15 as Rural Economic Area Partnership Zones.

16 In addition, for administrative expenses to carry out
17 the direct loan programs, \$4,684,000 shall be transferred
18 to and merged with the appropriation for “Rural Develop-
19 ment, Salaries and Expenses”.

20 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

21 ACCOUNT

22 (INCLUDING RESCISSION OF FUNDS)

23 For the principal amount of direct loans, as author-
24 ized under section 313 of the Rural Electrification Act,

1 for the purpose of promoting rural economic development
2 and job creation projects, \$33,077,000.

3 Of the funds derived from interest on the cushion of
4 credit payments, as authorized by section 313 of the Rural
5 Electrification Act of 1936, \$155,000,000 shall not be ob-
6 ligated and \$155,000,000 are rescinded.

7 RURAL COOPERATIVE DEVELOPMENT GRANTS

8 For rural cooperative development grants authorized
9 under section 310B(e) of the Consolidated Farm and
10 Rural Development Act (7 U.S.C. 1932), \$25,050,000, of
11 which \$2,250,000 shall be for cooperative agreements for
12 the appropriate technology transfer for rural areas pro-
13 gram: *Provided*, That not to exceed \$3,000,000 shall be
14 for grants for cooperative development centers, individual
15 cooperatives, or groups of cooperatives that serve socially
16 disadvantaged groups and a majority of the boards of di-
17 rectors or governing boards of which are comprised of in-
18 dividuals who are members of socially disadvantaged
19 groups; and of which \$14,000,000, to remain available
20 until expended, shall be for value-added agricultural prod-
21 uct market development grants, as authorized by section
22 231 of the Agricultural Risk Protection Act of 2000 (7
23 U.S.C. 1621 note).

1 RURAL ENERGY FOR AMERICA PROGRAM

2 For the cost of a program of loan guarantees and
3 grants, under the same terms and conditions as authorized
4 by section 9007 of the Farm Security and Rural Invest-
5 ment Act of 2002 (7 U.S.C. 8107), \$3,400,000: *Provided,*
6 That the cost of loan guarantees, including the cost of
7 modifying such loans, shall be as defined in section 502
8 of the Congressional Budget Act of 1974.

9 RURAL UTILITIES SERVICE

10 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT
11 (INCLUDING TRANSFERS OF FUNDS)

12 For the cost of direct loans, loan guarantees, and
13 grants for the rural water, waste water, waste disposal,
14 and solid waste management programs authorized by sec-
15 tions 306, 306A, 306C, 306D, 306E, and 310B and de-
16 scribed in sections 306C(a)(2), 306D, 306E, and
17 381E(d)(2) of the Consolidated Farm and Rural Develop-
18 ment Act, \$513,000,000, to remain available until ex-
19 pended, of which not to exceed \$497,000 shall be available
20 for the rural utilities program described in section
21 306(a)(2)(B) of such Act, and of which not to exceed
22 \$993,000 shall be available for the rural utilities program
23 described in section 306E of such Act: *Provided,* That
24 \$66,500,000 of the amount appropriated under this head-
25 ing shall be for loans and grants including water and

1 waste disposal systems grants authorized by
2 306C(a)(2)(B) and 306D of the Consolidated Farm and
3 Rural Development Act, Federally recognized Native
4 American Tribes authorized by 306C(a)(1), and the De-
5 partment of Hawaiian Home Lands (of the State of Ha-
6 waii): *Provided further*, That funding provided for section
7 306D of the Consolidated Farm and Rural Development
8 Act may be provided to a consortium formed pursuant to
9 section 325 of Public Law 105-83: *Provided further*, That
10 not more than 2 percent of the funding provided for sec-
11 tion 306D of the Consolidated Farm and Rural Develop-
12 ment Act may be used by the State of Alaska for training
13 and technical assistance programs and not more than 2
14 percent of the funding provided for section 306D of the
15 Consolidated Farm and Rural Development Act may be
16 used by a consortium formed pursuant to section 325 of
17 Public Law 105-83 for training and technical assistance
18 programs: *Provided further*, That not to exceed
19 \$19,000,000 of the amount appropriated under this head-
20 ing shall be for technical assistance grants for rural water
21 and waste systems pursuant to section 306(a)(14) of such
22 Act, unless the Secretary makes a determination of ex-
23 treme need, of which \$5,750,000 shall be made available
24 for a grant to a qualified non-profit multi-state regional
25 technical assistance organization, with experience in work-

1 ing with small communities on water and waste water
2 problems, the principal purpose of such grant shall be to
3 assist rural communities with populations of 3,300 or less,
4 in improving the planning, financing, development, oper-
5 ation, and management of water and waste water systems,
6 and of which not less than \$800,000 shall be for a quali-
7 fied national Native American organization to provide
8 technical assistance for rural water systems for tribal com-
9 munities: *Provided further,* That not to exceed
10 \$15,000,000 of the amount appropriated under this head-
11 ing shall be for contracting with qualified national organi-
12 zations for a circuit rider program to provide technical as-
13 sistance for rural water systems: *Provided further,* That
14 not to exceed \$3,400,000 shall be for solid waste manage-
15 ment grants: *Provided further,* That of the amount appro-
16 priated under this heading, the amount equal to the
17 amount of Rural Water and Waste Disposal Program Ac-
18 count funds allocated by the Secretary for Rural Economic
19 Area Partnership Zones for the fiscal year 2011, shall be
20 available through June 30, 2012, for communities des-
21 ignated by the Secretary of Agriculture as Rural Economic
22 Area Partnership Zones for the rural utilities programs
23 described in section 381E(d)(2) of the Consolidated Farm
24 and Rural Development Act: *Provided further,* That
25 \$9,500,000 of the amount appropriated under this head-

1 ing shall be transferred to, and merged with, the Rural
2 Utilities Service, High Energy Cost Grants Account to
3 provide grants authorized under section 19 of the Rural
4 Electrification Act of 1936 (7 U.S.C. 918a): *Provided fur-*
5 *ther,* That any prior year balances for high cost energy
6 grants authorized by section 19 of the Rural Electrifica-
7 tion Act of 1936 (7 U.S.C. 918a) shall be transferred to
8 and merged with the Rural Utilities Service, High Energy
9 Costs Grants Account: *Provided further,* That sections
10 381E-H and 381N of the Consolidated Farm and Rural
11 Development Act are not applicable to the funds made
12 available under this heading.

13 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS

14 LOANS PROGRAM ACCOUNT

15 (INCLUDING TRANSFER OF FUNDS)

16 The principal amount of direct and guaranteed loans
17 as authorized by sections 305 and 306 of the Rural Elec-
18 trification Act of 1936 (7 U.S.C. 935 and 936) shall be
19 made as follows: 5 percent rural electrification loans,
20 \$100,000,000; loans made pursuant to section 306 of that
21 Act, rural electric, \$6,500,000,000; guaranteed under-
22 writing loans pursuant to section 313A, \$424,286,000; 5
23 percent rural telecommunications loans, \$145,000,000;
24 cost of money rural telecommunications loans,
25 \$250,000,000; and for loans made pursuant to section 306

1 of that Act, rural telecommunications loans,
2 \$295,000,000: *Provided*, That up to \$2,000,000,000 shall
3 be used for the construction, acquisition, or improvement
4 of fossil-fueled electric generating plants (whether new or
5 existing) that utilize carbon sequestration systems.

6 For the cost of guaranteed loans, including the cost
7 of modifying loans, as defined in section 502 of the Con-
8 gressional Budget Act of 1974, as follows: \$594,000 for
9 guaranteed underwriting loans authorized by section 313A
10 of the Rural Electrification Act of 1936 (7 U.S.C. 940c-
11 1).

12 In addition, for administrative expenses necessary to
13 carry out the direct and guaranteed loan programs,
14 \$36,382,000, which shall be transferred to and merged
15 with the appropriation for "Rural Development, Salaries
16 and Expenses".

17 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
18 PROGRAM

19 For the principal amount of broadband telecommuni-
20 cation loans, \$212,014,000.

21 For grants for telemedicine and distance learning
22 services in rural areas, as authorized by 7 U.S.C. 950aaa
23 et seq., \$21,000,000, to remain available until expended:
24 *Provided*, That \$3,000,000 shall be made available for
25 grants authorized by 379G of the Consolidated Farm and

1 Rural Development Act: *Provided further, That* (Insert 49A)
2 \$3,000,000 shall be made available to those noncommer-
3 cial educational television broadcast stations that serve
4 rural areas and are qualified for Community Service
5 Grants by the Corporation for Public Broadcasting under
6 section 396(k) of the Communications Act of 1934, includ-
7 ing associated translators and repeaters, regardless of the
8 location of their main transmitter, studio-to-transmitter
9 links, and equipment to allow local control over digital con-
10 tent and programming through the use of high definition
11 broadcast, multi-casting and datacasting technologies.

12 For the cost of broadband loans, as authorized by
13 section 601 of the Rural Electrification Act, \$6,000,000,
14 to remain available until expended: *Provided, That* the
15 cost of direct loans shall be as defined in section 502 of
16 the Congressional Budget Act of 1974.

17 In addition, \$10,372,000, to remain available until
18 expended, for a grant program to finance broadband
19 transmission in rural areas eligible for Distance Learning
20 and Telemedicine Program benefits authorized by 7
21 U.S.C. 950aaa.

49A

Provided further, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

1

2

TITLE IV

3

DOMESTIC FOOD PROGRAMS

4

OFFICE OF THE UNDER SECRETARY FOR FOOD,

5

NUTRITION AND CONSUMER SERVICES

6

For necessary expenses of the Office of the Under

7

Secretary for Food, Nutrition and Consumer Services,

8

\$770,000.

9

FOOD AND NUTRITION SERVICE

10

CHILD NUTRITION PROGRAMS

11

(INCLUDING TRANSFERS OF FUNDS)

12

For necessary expenses to carry out the Richard B.

13

Russell National School Lunch Act (42 U.S.C. 1751 et

14

seq.), except section 21, and the Child Nutrition Act of

15

1966 (42 U.S.C. 1771 et seq.), except sections 17 and

16

21; \$18,151,176,000, to remain available through Sep-

17

tember 30, 2013, of which such sums as are made avail-

18

able under section 14222(b)(1) of the Food, Conservation,

19

and Energy Act of 2008 (Public Law 110-246), as

20

amended by this Act, shall be merged with and available

21

for the same time period and purposes as provided herein:

22

Provided, That of the total amount available, \$16,516,000

23

shall be available to carry out section 19 of the Child Nu-

24

trition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided*

25

further, That the total amount available, \$1,000,000 shall

of)

1 be available to implement section 23 of the Child Nutrition
2 Act of 1966 (42 U.S.C. 1771 et seq): *Provided further*,
3 That section 14222(b)(1) of the Food, Conservation, and
4 Energy Act of 2008 is amended by adding at the end be-
5 fore the period, “except section 21, and the Child Nutri-
6 tion Act of 1966 (42 U.S.C. 1771 et seq.), except sections
7 17 and 21”.

8 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
9 WOMEN, INFANTS, AND CHILDREN (WIC)

10 For necessary expenses to carry out the special sup-
11 plemental nutrition program as authorized by section 17
12 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
13 \$6,618,497,000, to remain available through September
14 30, 2013: *Provided*, That notwithstanding section
15 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C.
16 1786(h)(10)), of the amounts made available under this
17 heading, only the provisions of section 17(h)(10)(B)(iii)
18 shall be effective in fiscal year 2012 (excluding perform-
19 ance bonus payments), for which not less than
20 \$60,000,000 shall be used for breast-feeding peer coun-
21 selors and other related activities: *Provided further*, That
22 funds made available for the purposes specified in section
23 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall only be
24 made available upon a determination by the Secretary that
25 funds are available to meet caseload requirements without

1 the use of the contingency reserve funds: *Provided further,*
2 That none of the funds provided in this account shall be
3 available for the purchase of infant formula except in ac-
4 cordance with the cost containment and competitive bid-
5 ding requirements specified in section 17 of such Act: *Pro-*
6 *vided further,* That none of the funds provided shall be
7 available for activities that are not fully reimbursed by
8 other Federal Government departments or agencies unless
9 authorized by section 17 of such Act.

10 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

11 For necessary expenses to carry out the Food and
12 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
13 \$80,401,722,000, of which \$3,000,000,000, to remain
14 available through September 30, 2013, shall be placed in
15 reserve for use only in such amounts and at such times
16 as may become necessary to carry out program operations:
17 *Provided,* That funds provided herein shall be expended
18 in accordance with section 16 of the Food and Nutrition
19 Act of 2008: *Provided further,* That of the funds made
20 available under this heading, \$1,000,000 may be used to
21 provide nutrition education services to state agencies and
22 Federally recognized tribes participating in the Food Dis-
23 tribution Program on Indian Reservations: *Provided fur-*
24 *ther,* That this appropriation shall be subject to any work
25 registration or workfare requirements as may be required

1 by law: *Provided further*, That funds made available for
2 Employment and Training under this heading shall re-
3 main available until expended, notwithstanding section
4 16(h)(1) of the Food and Nutrition Act of 2008: *Provided*
5 *further*, That funds made available under this heading may
6 be used to enter into contracts and employ staff to conduct
7 studies, evaluations, or to conduct activities related to pro-
8 gram integrity provided that such activities are authorized
9 by the Food and Nutrition Act of 2008.

10 COMMODITY ASSISTANCE PROGRAM

11 For necessary expenses to carry out disaster assist-
12 ance and the Commodity Supplemental Food Program as
13 authorized by section 4(a) of the Agriculture and Con-
14 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
15 Emergency Food Assistance Act of 1983; special assist-
16 ance for the nuclear affected islands, as authorized by sec-
17 tion 103(f)(2) of the Compact of Free Association Amend-
18 ments Act of 2003 (Public Law 108–188); and the Farm-
19 ers' Market Nutrition Program, as authorized by section
20 17(m) of the Child Nutrition Act of 1966, \$242,336,000,
21 to remain available through September 30, 2013: *Pro-*
22 *vided*, That none of these funds shall be available to reim-
23 burse the Commodity Credit Corporation for commodities
24 donated to the program: *Provided further*, That notwith-
25 standing any other provision of law, effective with funds

1 made available in fiscal year 2012 to support the Seniors
2 Farmers' Market Nutrition Program, as authorized by
3 section 4402 of the Farm Security and Rural Investment
4 Act of 2002, such funds shall remain available through
5 September 30, 2013: *Provided further*, That of the funds
6 made available under section 27(a) of the Food and Nutri-
7 tion Act of 2008 (7 U.S.C. 2036(a)), the Secretary may
8 use up to 10 percent for costs associated with the distribu-
9 tion of commodities.

10 NUTRITION PROGRAMS ADMINISTRATION

11 For necessary administrative expenses of the Food
12 and Nutrition Service for carrying out any domestic nutri-
13 tion assistance program, \$138,500,000: *Provided*, That
14 \$2,000,000 shall be used for the purposes of section 4404
15 of Public Law 107-171, as amended by section 4401 of
16 Public Law 110-246.

1 TITLE V
2 FOREIGN ASSISTANCE AND RELATED
3 PROGRAMS
4 FOREIGN AGRICULTURAL SERVICE
5 SALARIES AND EXPENSES
6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses of the Foreign Agricultural
8 Service, including not to exceed \$158,000 for representa-
9 tion allowances and for expenses pursuant to section 8 of
10 the Act approved August 3, 1956 (7 U.S.C. 1766),
11 \$176,347,000: *Provided*, That the Service may utilize ad-
12 vances of funds, or reimburse this appropriation for ex-
13 penditures made on behalf of Federal agencies, public and
14 private organizations and institutions under agreements
15 executed pursuant to the agricultural food production as-
16 sistance programs (7 U.S.C. 1737) and the foreign assist-
17 ance programs of the United States Agency for Inter-
18 national Development: *Provided further*, That funds made
19 available for middle-income country training programs
20 funds made available for the Borlaug International Agri-
21 cultural Science and Technology Fellowship program, and
22 up to \$2,000,000 of the Foreign Agricultural Service ap-
23 propriation solely for the purpose of offsetting fluctuations
24 in international currency exchange rates, subject to docu-

1 mentation by the Foreign Agricultural Service, shall re-
2 main available until expended.

3 FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD
4 FOR PROGRESS PROGRAM ACCOUNT
5 (INCLUDING TRANSFERS OF FUNDS)

6 For administrative expenses to carry out the credit
7 program of title I, Food for Peace Act (Public Law 83-
8 480) and the Food for Progress Act of 1985, \$2,500,000,
9 shall be transferred to and merged with the appropriation
10 for "Farm Service Agency, Salaries and Expenses": *Pro-*
11 *vided*, That funds made available for the cost of agree-
12 ments under title I of the Agricultural Trade Development
13 and Assistance Act of 1954 and for title I ocean freight
14 differential may be used interchangeably between the two
15 accounts with prior notice to the Committees on Appro-
16 priations of both Houses of Congress.

17 FOOD FOR PEACE TITLE II GRANTS

18 For expenses during the current fiscal year, not oth-
19 erwise recoverable, and unrecovered prior years' costs, in-
20 cluding interest thereon, under the Food for Peace Act
21 (Public Law 83-480, as amended), for commodities sup-
22 plied in connection with dispositions abroad under title II
23 of said Act, \$1,466,000,000, to remain available until ex-
24 pended.

1 COMMODITY CREDIT CORPORATION EXPORT (LOANS)
2 CREDIT GUARANTEE PROGRAM ACCOUNT
3 (INCLUDING TRANSFERS OF FUNDS)

4 For administrative expenses to carry out the Com-
5 modity Credit Corporation's export guarantee program,
6 GSM 102 and GSM 103, \$6,820,000; to cover common
7 overhead expenses as permitted by section 11 of the Com-
8 modity Credit Corporation Charter Act and in conformity
9 with the Federal Credit Reform Act of 1990, of which
10 \$6,465,000 shall be transferred to and merged with the
11 appropriation for "Foreign Agricultural Service, Salaries
12 and Expenses", and of which \$355,000 shall be trans-
13 ferred to and merged with the appropriation for "Farm
14 Service Agency, Salaries and Expenses".

15 MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION
16 AND CHILD NUTRITION PROGRAM GRANTS

17 For necessary expenses to carry out the provisions
18 of section 3107 of the Farm Security and Rural Invest-
19 ment Act of 2002 (7 U.S.C. 1736o-1), \$184,000,000, to
20 remain available until expended: *Provided*, That the Com-
21 modity Credit Corporation is authorized to provide the
22 services, facilities, and authorities for the purpose of im-
23 plementing such section, subject to reimbursement from
24 amounts provided herein.

1 TITLE VI
2 RELATED AGENCIES AND FOOD AND DRUG
3 ADMINISTRATION
4 DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES

6 FOOD AND DRUG ADMINISTRATION
7 SALARIES AND EXPENSES

8 For necessary expenses of the Food and Drug Ad-
9 ministration, including hire and purchase of passenger
10 motor vehicles; for payment of space rental and related
11 costs pursuant to Public Law 92-313 for programs and
12 activities of the Food and Drug Administration which are
13 included in this Act; for rental of special purpose space
14 in the District of Columbia or elsewhere; for miscellaneous
15 and emergency expenses of enforcement activities, author-
16 ized and approved by the Secretary and to be accounted
17 for solely on the Secretary's certificate, not to exceed
18 \$25,000; and notwithstanding section 521 of Public Law
19 107-188; \$3,788,336,000: *Provided*, That of the amount
20 provided under this heading, \$702,172,000 shall be de-
21 rived from prescription drug user fees authorized by 21
22 U.S.C. 379h shall be credited to this account and remain
23 available until expended, and shall not include any fees
24 pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for
25 fiscal year 2013 but collected in fiscal year 2012;

1 \$57,605,000 shall be derived from medical device user fees
2 authorized by 21 U.S.C. 379j, and shall be credited to this
3 account and remain available until expended; \$21,768,000
4 shall be derived from animal drug user fees authorized by
5 section 740 of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 379j-12), and shall be credited to this account
7 and remain available until expended; \$5,706,000 shall be
8 derived from animal generic drug user fees authorized by
9 section 741 of the Federal Food, Drug, and Cosmetic Act
10 (21 U.S.C. 379j-21), and shall be credited to this account
11 and shall remain available until expended; \$477,000,000
12 shall be derived from tobacco product user fees authorized
13 by 21 U.S.C. 387s and shall be credited to this account
14 and remain available until expended; \$12,364,000 shall be
15 derived from food and feed recall fees authorized by sec-
16 tion 743 of the Federal Food, Drug, and Cosmetic Act
17 (Public Law 75-717), as amended by the Food Safety
18 Modernization Act (Public Law 111-353); and shall be
19 credited to this account and remain available until ex-
20 pended; \$14,700,000 shall be derived from food reinspec-
21 tion fees authorized by section 743 of the Federal Food,
22 Drug, and Cosmetic Act (Public Law 75-717), as amend-
23 ed by the Food Safety Modernization Act (Public Law
24 111-353), and shall be credited to this account and re-
25 main available until expended; and amounts derived from

1 voluntary qualified importer program fees authorized by
2 section 743 of the Federal Food, Drug, and Cosmetic Act
3 (Public Law 75-717), as amended by the Food Safety
4 Modernization Act (Public Law 111-353), and shall be
5 credited to this account and remain available until ex-
6 pended: *Provided further*, That in addition and notwith-
7 standing any other provision under this heading, amounts
8 collected for prescription drug user fees that exceed the
9 fiscal year 2012 limitation are appropriated and shall be
10 credited to this account and remain available until ex-
11 pended: *Provided further*, That fees derived from prescrip-
12 tion drug, medical device, animal drug, animal generic
13 drug, and tobacco product assessments for fiscal year
14 2012 received during fiscal year 2012, including any such
15 fees assessed prior to fiscal year 2012 but credited for fis-
16 cal year 2012, shall be subject to the fiscal year 2012 limi-
17 tations: *Provided further*, That none of these funds shall
18 be used to develop, establish, or operate any program of
19 user fees authorized by 31 U.S.C. 9701: *Provided further*,
20 That of the total amount appropriated: (1) \$882,747,000
21 shall be for the Center for Food Safety and Applied Nutri-
22 tion and related field activities in the Office of Regulatory
23 Affairs; (2) \$978,705,000 shall be for the Center for Drug
24 Evaluation and Research and related field activities in the
25 Office of Regulatory Affairs, of which no less than

1 \$52,947,000 shall be available for the Office of Generic
2 Drugs; (3) \$329,136,000 shall be for the Center for Bio-
3 logics Evaluation and Research and for related field activi-
4 ties in the Office of Regulatory Affairs; (4) \$166,365,000
5 shall be for the Center for Veterinary Medicine and for
6 related field activities in the Office of Regulatory Affairs;
7 (5) \$356,909,000 shall be for the Center for Devices and
8 Radiological Health and for related field activities in the
9 Office of Regulatory Affairs; (6) \$60,039,000 shall be for
10 the National Center for Toxicological Research; (7)
11 \$454,751,000 shall be for the Center for Tobacco Prod-
12 ucts and for related field activities in the Office of Regu-
13 latory Affairs; (8) not to exceed \$131,639,000 shall be for
14 Rent and Related activities, of which \$43,981,000 is for
15 White Oak Consolidation, other than the amounts paid to
16 the General Services Administration for rent; (9) not to
17 exceed \$205,472,000 shall be for payments to the General
18 Services Administration for rent; and (10) \$222,573,000
19 shall be for other activities, including the Office of the
20 Commissioner of Food and Drugs, the Office of Foods,
21 the Office of Medical and Tobacco Products, the Office
22 of Global and Regulatory Policy, the Office of Operations,
23 the Office of the Chief Scientist, and central services for
24 these offices: *Provided further*, That not to exceed \$25,000
25 of this amount shall be for official reception and represen-

1 tation expenses, not otherwise provided for, as determined
2 by the Commissioner: *Provided further*, That funds may
3 be transferred from one specified activity to another with
4 the prior approval of the Committees on Appropriations
5 of both Houses of Congress.

6 In addition, mammography user fees authorized by
7 42 U.S.C. 263b, export certification user fees authorized
8 by 21 U.S.C. 381, and priority review user fees authorized
9 by 21 U.S.C. 360n may be credited to this account, to
10 remain available until expended.

11 BUILDINGS AND FACILITIES

12 For plans, construction, repair, improvement, exten-
13 sion, alteration, and purchase of fixed equipment or facili-
14 ties of or used by the Food and Drug Administration,
15 where not otherwise provided, \$8,788,000, to remain
16 available until expended.

17 INDEPENDENT AGENCIES

18 COMMODITY FUTURES TRADING COMMISSION

19 For necessary expenses to carry out the provisions
20 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
21 cluding the purchase and hire of passenger motor vehicles,
22 and the rental of space (to include multiple year leases)
23 in the District of Columbia and elsewhere, \$205,294,000,
24 to remain available until September 30, 2013, including
25 not to exceed \$3,000 for official reception and representa-

1 tion expenses, and not to exceed \$25,000 for the expenses
2 for consultations and meetings hosted by the Commission
3 with foreign governmental and other regulatory officials,
4 and of which \$55,000,000 shall remain available for infor-
5 mation technology investments until September 30, 2014.

6 FARM CREDIT ADMINISTRATION

7 LIMITATION ON ADMINISTRATIVE EXPENSES

8 Not to exceed \$61,000,000 (from assessments col-
9 lected from farm credit institutions, including the Federal
10 Agricultural Mortgage Corporation) shall be obligated
11 during the current fiscal year for administrative expenses
12 as authorized under 12 U.S.C. 2249: *Provided*, That this
13 limitation shall not apply to expenses associated with re-
14 ceiverships.

1

TITLE VII

2

GENERAL PROVISIONS

3

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

4

SEC. 701. Within the unit limit of cost fixed by law,
5 appropriations and authorizations made for the Depart-
6 ment of Agriculture for the current fiscal year under this
7 Act shall be available for the purchase, in addition to those
8 specifically provided for, of not to exceed 204 passenger
9 motor vehicles of which 170 shall be for replacement only,
10 and for the hire of such vehicles: *Provided*, That notwith-
11 standing this section, the only purchase of new passenger
12 vehicles shall be for those determined by the Secretary to
13 be necessary for ~~safety~~ ^{transportation}, to reduce operational costs, and
14 for the protection of life, property, and public safety.

15

SEC. 702. The Secretary of Agriculture may transfer
16 unobligated balances of discretionary funds appropriated
17 by this Act or other available unobligated discretionary
18 balances of the Department of Agriculture to the Working
19 Capital Fund for the acquisition of plant and capital
20 equipment necessary for the delivery of financial, adminis-
21 trative, and information technology services of primary
22 benefit to the agencies of the Department of Agriculture:
23 *Provided*, That none of the funds made available by this
24 Act or any other Act shall be transferred to the Working
25 Capital Fund without the prior approval of the agency ad-

1 ministrator: *Provided further*, That none of the funds
2 transferred to the Working Capital Fund pursuant to this
3 section shall be available for obligation without written no-
4 tification to and the prior approval of the Committees on
5 Appropriations of both Houses of Congress: *Provided fur-*
6 *ther*, That none of the funds appropriated by this Act or
7 made available to the Department's Working Capital
8 Fund shall be available for obligation or expenditure to
9 make any changes to the Department's National Finance
10 Center without written notification to and prior approval
11 of the Committees on Appropriations of both Houses of
12 Congress as required by section 711 of this Act: *Provided*
13 *further*, That of annual income amounts in the Working
14 Capital Fund of the Department of Agriculture allocated
15 for the National Finance Center, the Secretary may re-
16 serve not more than 4 percent for the replacement or ac-
17 quisition of capital equipment, including equipment for the
18 improvement and implementation of a financial manage-
19 ment plan, information technology, and other systems of
20 the National Finance Center or to pay any unforeseen,
21 extraordinary cost of the National Finance Center: *Pro-*
22 *vided further*, That none of the amounts reserved shall be
23 available for obligation unless the Secretary submits writ-
24 ten notification of the obligation to the Committees on Ap-
25 propriations of the House of Representatives and the Sen-

1 ate: *Provided further*, That the limitation on the obligation
2 of funds pending notification to Congressional Committees
3 shall not apply to any obligation that, as determined by
4 the Secretary, is necessary to respond to a declared state
5 of emergency that significantly impacts the operations of
6 the National Finance Center; or to evacuate employees of
7 the National Finance Center to a safe haven to continue
8 operations of the National Finance Center.

9 SEC. 703. No part of any appropriation contained in
10 this Act shall remain available for obligation beyond the
11 current fiscal year unless expressly so provided herein.

12 SEC. 704. No funds appropriated by this Act may be
13 used to pay negotiated indirect cost rates on cooperative
14 agreements or similar arrangements between the United
15 States Department of Agriculture and nonprofit institu-
16 tions in excess of 10 percent of the total direct cost of
17 the agreement when the purpose of such cooperative ar-
18 rangements is to carry out programs of mutual interest
19 between the two parties. This does not preclude appro-
20 priate payment of indirect costs on grants and contracts
21 with such institutions when such indirect costs are com-
22 puted on a similar basis for all agencies for which appro-
23 priations are provided in this Act.

24 SEC. 705. Appropriations to the Department of Agri-
25 culture for the cost of direct and guaranteed loans made

1 available in the current fiscal year shall remain available
2 until expended to disburse obligations made in the current
3 fiscal year for the following accounts: the Rural Develop-
4 ment Loan Fund program account, the Rural Electrifica-
5 tion and Telecommunication Loans program account, and
6 the Rural Housing Insurance Fund program account.

7 SEC. 706. Hereafter, none of the funds appropriated
8 by this Act may be used to carry out section 410 of the
9 Federal Meat Inspection Act (21 U.S.C. 679a) or section
10 30 of the Poultry Products Inspection Act (21 U.S.C.
11 471).

12 SEC. 707. None of the funds made available to the
13 Department of Agriculture by this Act may be used to ac-
14 quire new information technology systems or significant
15 upgrades, as determined by the Office of the Chief Infor-
16 mation Officer, without the approval of the Chief Informa-
17 tion Officer and the concurrence of the Executive Informa-
18 tion Technology Investment Review Board: *Provided*, That
19 notwithstanding any other provision of law, none of the
20 funds appropriated or otherwise made available by this
21 Act may be transferred to the Office of the Chief Informa-
22 tion Officer without written notification to and the prior
23 approval of the Committees on Appropriations of both
24 Houses of Congress: *Provided further*, That none of the
25 funds available to the Department of Agriculture for infor-

1 mation technology shall be obligated for projects over
2 \$25,000 prior to receipt of written approval by the Chief
3 Information Officer.

4 SEC. 708. Funds made available under section 1240I
5 and section 1241(a) of the Food Security Act of 1985 and
6 section 524(b) of the Federal Crop Insurance Act (7
7 U.S.C. 1524(b)) in the current fiscal year shall remain
8 available until expended to disburse obligations made in
9 the current fiscal year.

10 SEC. 709. Notwithstanding any other provision of
11 law, any former RUS borrower that has repaid or prepaid
12 an insured, direct or guaranteed loan under the Rural
13 Electrification Act of 1936, or any not-for-profit utility
14 that is eligible to receive an insured or direct loan under
15 such Act, shall be eligible for assistance under section
16 313(b)(2)(B) of such Act in the same manner as a bor-
17 rower under such Act.

18 SEC. 710. Notwithstanding any other provision of
19 law, for the purposes of a grant under section 412 of the
20 Agricultural Research, Extension, and Education Reform
21 Act of 1998, none of the funds in this or any other Act
22 may be used to prohibit the provision of in-kind support
23 from non-Federal sources under section 412(e)(3) of such
24 Act in the form of unrecovered indirect costs not otherwise

1 charged against the grant, consistent with the indirect
2 rate of cost approved for a recipient.

3 SEC. 711. Except as otherwise specifically provided
4 by law, unobligated balances remaining available at the
5 end of the fiscal year from appropriations made available
6 for salaries and expenses in this Act for the Farm Service
7 Agency and the Rural Development mission area, shall re-
8 main available through September 30, 2013, for informa-
9 tion technology expenses.

10 SEC. 712. The Secretary of Agriculture may author-
11 ize a State agency to use funds provided in this Act to
12 exceed the maximum amount of liquid infant formula
13 specified in 7 C.F.R. 246.10 when issuing liquid infant
14 formula to participants.

15 SEC. 713. None of the funds appropriated or other-
16 wise made available by this Act may be used for first-class
17 travel by the employees of agencies funded by this Act in
18 contravention of sections 301–10.122 through 301–10.124
19 of title 41, Code of Federal Regulations.

20 SEC. 714. In the case of each program established
21 or amended by the Food, Conservation, and Energy Act
22 of 2008 (Public Law 110–246), other than by title I or
23 subtitle A of title III of such Act, that is authorized or
24 required to be carried out using funds of the Commodity
25 Credit Corporation—

1 (1) such funds shall be available for salaries
2 and related administrative expenses, including tech-
3 nical assistance, associated with the implementation
4 of the program, without regard to the limitation on
5 the total amount of allotments and fund transfers
6 contained in section 11 of the Commodity Credit
7 Corporation Charter Act (15 U.S.C. 714i); and

8 (2) the use of such funds for such purpose shall
9 not be considered to be a fund transfer or allotment
10 for purposes of applying the limitation on the total
11 amount of allotments and fund transfers contained
12 in such section.

13 SEC. 715. Notwithstanding any other provision of
14 law, the requirements pursuant to 7 U.S.C. 1736f(e)(1)
15 may be waived for any amounts higher than those speci-
16 fied under this authority for fiscal year 2010.

17 SEC. 716. (a) Clause (ii) of section 524(b)(4)(B) of
18 the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B))
19 is amended—

20 (1) in the heading, by striking “fiscal years
21 2008 through 2012” and inserting “certain fiscal
22 years”; and

23 (2) in the text, by striking “2012” and insert-
24 ing “2014”.

1 (b) Section 1238E(a) of the Food Security Act of
2 1985 (16 U.S.C. 3838e(a)) is amended by striking “2012”
3 and inserting “2014”.

4 (c) Section 1240B(a) of the Food Security Act of
5 1985 (16 U.S.C. 3839aa-2(a)) is amended by striking
6 “2012” and inserting “2014”.

7 (d) Section 1241(a)(6)(E) of the Food Security Act
8 of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking
9 “fiscal year 2012” and inserting “each of fiscal years
10 2012 through 2014”.

11 (e) Section 1241(a) of the Food Security Act of 1985
12 (16 U.S.C. 3841(a)) is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “2012,” and inserting “2012 (and fiscal
15 year 2014 in the case of the programs specified in
16 paragraphs (3)(B), (4), (6), and (7)),”; and

17 (2) in paragraph (4)(E), by striking “fiscal year
18 2012” and inserting “each of fiscal years 2012
19 through 2014”.

20 (f) Section 1241(a)(7)(D) of the Food Security Act
21 of 1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking
22 “2012” and inserting “2014”.

23 SEC. 717. Appropriations to the Department of Agri-
24 culture made available in fiscal years 2005, 2006, and
25 2007 to carry out section 601 of the Rural Electrification

1 Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans
2 shall remain available until expended to disburse valid ob-
3 ligations.

4 SEC. 718. None of the funds made available in fiscal
5 year 2012 or preceding fiscal years for programs author-
6 ized under the Food for Peace Act (7 U.S.C. 1691 et seq.)
7 in excess of \$20,000,000 shall be used to reimburse the
8 Commodity Credit Corporation for the release of eligible
9 commodities under section 302(f)(2)(A) of the Bill Emer-
10 son Humanitarian Trust Act (7 U.S.C. 1736f-1): *Pro-*
11 *vided*, That any such funds made available to reimburse
12 the Commodity Credit Corporation shall only be used pur-
13 suant to section 302(b)(2)(B)(i) of the Bill Emerson Hu-
14 manitarian Trust Act.

15 SEC. 719. Of the funds made available by this Act,
16 not more than \$1,800,000 shall be used to cover necessary
17 expenses of activities related to all advisory committees,
18 panels, commissions, and task forces of the Department
19 of Agriculture, except for panels used to comply with nego-
20 tiated rule makings and panels used to evaluate competi-
21 tively awarded grants.

22 SEC. 720. None of the funds in this Act shall be avail-
23 able to pay indirect costs charged against any agricultural
24 research, education, or extension grant awards issued by
25 the National Institute of Food and Agriculture that exceed

1 30 percent of total Federal funds provided under each
2 award: *Provided*, That notwithstanding section 1462 of
3 the National Agricultural Research, Extension, and
4 Teaching Policy Act of 1977 (7 U.S.C. 3310), funds pro-
5 vided by this Act for grants awarded competitively by the
6 National Institute of Food and Agriculture shall be avail-
7 able to pay full allowable indirect costs for each grant
8 awarded under section 9 of the Small Business Act (15
9 U.S.C. 638).

10 SEC. 721. None of the funds made available by this
11 or any other Act may be used to write, prepare, or publish
12 a final rule or an interim final rule in furtherance of, or
13 otherwise to implement, “Implementation of Regulations
14 Required Under Title XI of the Food, Conservation and
15 Energy Act of 2008; Conduct in Violation of the Act” (75
16 Fed. Reg. 35338 (June 22, 2010)) unless the combined
17 annual cost to the economy of ~~the~~ such rules do not exceed
18 \$100,000,000: *Provided*, That no funds be made available
19 by this or any other Act to publish a final or interim final
20 rule in furtherance of, or otherwise implement, proposed
21 sections 201.2(l), 201.2(t), 201.2(u), 201.3(c), 201.210,
22 201.211, 201.213, or 201.214 of “Implementation of Reg-
23 ulations Required Under Title XI of the Food, Conserva-
24 tion and Energy Act of 2008; Conduct in Violation of the
25 Act” (75 Fed. Reg. 35338 (June 22, 2010)): *Provided fur-*

1 *ther*, That such rules must be published in the Federal
2 Register no later than December 9, 2011: *Provided fur-*
3 *ther*, That none of the funds made available by this or
4 any other Act may be used to implement such rules until
5 60 days from the publication date of such rules, and only
6 unless such rules are otherwise in compliance with this
7 section.

8 SEC. 722. Any unobligated funds included under
9 Treasury symbol codes 12X3336, 12X2268, 12X0132,
10 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336
11 are hereby rescinded.

12 SEC. 723. Of the unobligated balances provided pur-
13 suant to section 16(h)(1)(A) of the Food and Nutrition
14 Act of 2008, \$11,000,000 are hereby rescinded.

15 SEC. 724. There is hereby appropriated \$1,996,000
16 to carry out section 1621 of Public Law 110-246.

17 SEC. 725. Subject to authorization by the Congress,
18 the Secretary may reserve, through April 1, 2012, up to
19 5 percent of the funding available for the following items
20 for projects in areas that are engaged in strategic regional
21 development planning as defined by the Secretary: busi-
22 ness and industry guaranteed loans; rural development
23 loan fund; rural business enterprise grants; rural business
24 opportunity grants; rural economic development program;
25 rural microenterprise program; biorefinery assistance pro-

1 gram; rural energy for America program; value-added pro-
2 ducer grants; broadband program; water and waste pro-
3 gram; and rural community facilities program.

4 SEC. 726. None of the funds appropriated or other-
5 wise made available by this or any other Act shall be used
6 to pay the salaries and expenses of personnel to carry out
7 the following:

8 (1) The Conservation Stewardship Program au-
9 thorized by sections 1238D–1238G of the Food Se-
10 curity of Act 1985 (16 U.S.C. 3838d–3838g) in ex-
11 cess of \$768,484,000;

12 (2) The Watershed Rehabilitation program au-
13 thorized by section 14(h) of the Watershed Protec-
14 tion and Flood Prevention Act (16 U.S.C. 1012(h));

15 (3) The Environmental Quality Incentives Pro-
16 gram as authorized by sections 1240–1240H of the
17 Food Security Act of 1985 (16 U.S.C. 3839aa–
18 3839aa–8) in excess of \$1,400,000,000;

19 (4) The Farmland Protection Program as au-
20 thorized by section 1238I of the Food Security Act
21 of 1985 (16 U.S.C. 3838i) in excess of
22 \$150,000,000;

23 (5) The Grassland Reserve Program as author-
24 ized by sections 1238O–1238Q of the Food Security

1 Act of 1985 (16 U.S.C. 3838o–3838q) in excess of
2 209,000 acres in fiscal year 2012;

3 (6) The Wetlands Reserve Program authorized
4 by sections 1237–1237F of the Food Security Act of
5 1985 (16 U.S.C. 3837–3837f) to enroll in excess of
6 185,800 acres in fiscal year 2012;

7 (7) The Wildlife Habitat Incentives Act author-
8 ized by section 1240N of the Food Security Act of
9 1985 (16 U.S.C. 3839bb–1)) in excess of
10 \$50,000,000;

11 (8) The Voluntary Public Access and Habitat
12 Incentives Program authorized by section 1240R of
13 the Food Security Act of 1985 (16 U.S.C. 3839bb–
14 5);

15 (9) The Bioenergy Program for Advanced
16 Biofuels authorized by section 9005 of the Farm Se-
17 curity and Rural Investment Act of 2002 (7 U.S.C.
18 8105) in excess of \$65,000,000;

19 (10) The Rural Energy for America Program
20 authorized by section 9007 of the Farm Security
21 and Rural Investment Act of 2002 (7 U.S.C. 8107)
22 in excess of \$22,000,000;

23 (11) The Rural Microentrepreneur Assistance
24 Program authorized by section 6022 of the Farm

1 Security and Rural Investment Act of 2002 (7
2 U.S.C. 2008s);

3 (12) Section 508(d)(3) of the Federal Crop In-
4 surance Act (7 U.S.C. 1508(d)(3)) to provide a per-
5 formance-based premium discount in the crop insur-
6 ance program;

7 (13) Agricultural Management Assistance Pro-
8 gram as authorized by section 524 of the Federal
9 Crop Insurance Act, as amended (7 U.S.C. 1524) in
10 excess of \$2,500,000 for the Natural Resources Con-
11 servation Service;

12 (14) The Biomass Crop Assistance Program
13 authorized by section 9011 of the Farm Security
14 and Rural Investment Act of 2002 (7 U.S.C. 8111)
15 in excess of \$17,000,000 in new obligational author-
16 ity; and

17 (15) A program under subsection (b)(2)(A)(iv)
18 of section 14222 of Public Law 110-246 in excess
19 of \$948,000,000, as follows: Child Nutrition Pro-
20 grams Entitlement Commodities—\$465,000,000;
21 State Option Contracts—\$5,000,000; Removal of
22 Defective Commodities—\$2,500,000: *Provided*, That
23 none of the funds made available in this Act or any
24 other Act shall be used for salaries and expenses to
25 carry out section 19(i)(1)(E) of the Richard B. Rus-

1 sell National School Lunch Act as amended by sec-
2 tion 4304 of Public Law 110-246 in excess of
3 \$20,000,000, including the transfer of funds under
4 subsection (c) of section 14222 of Public Law 110-
5 246, until October 1, 2012: *Provided further*, That
6 \$133,000,000 made available on October 1, 2012, to
7 carry out section 19(i)(1)(E) of the Richard B. Rus-
8 sell National School Lunch Act as amended by sec-
9 tion 4304 of Public Law 110-246 shall be excluded
10 from the limitation described in subsection
11 (b)(2)(A)(v) of section 14222 of Public Law 110-
12 246: *Provided further*, That none of the funds appro-
13 priated or otherwise made available by this or any
14 other Act shall be used to pay the salaries or ex-
15 penses of any employee of the Department of Agri-
16 culture or officer of the Commodity Credit Corpora-
17 tion to carry out clause 3 of section 32 of the Agri-
18 cultural Adjustment Act of 1935 (Public Law 74-
19 320, 7 U.S.C. 612c, as amended), or for any surplus
20 removal activities or price support activities under
21 section 5 of the Commodity Credit Corporation
22 Charter Act: *Provided further*, That of the available
23 unobligated balances under (b)(2)(A)(iv) of section
24 14222 of Public Law 110-246, \$150,000,000 are
25 hereby rescinded.

1 SEC. 727. There is hereby appropriated \$600,000 to
2 the Farm Service Agency to carry out a pilot program to
3 demonstrate the use of new technologies that increase the
4 rate of growth of re-forested hardwood trees on private
5 nonindustrial forests lands, enrolling lands on the coast
6 of the Gulf of Mexico that were damaged by Hurricane
7 Katrina in 2005.

8 SEC. 728. None of the funds appropriated by this or
9 any other Act shall be used to pay the salaries and ex-
10 penses of personnel who prepare or submit appropriations
11 language as part of the President's Budget submission to
12 the Congress of the United States for programs under the
13 jurisdiction of the Appropriations Subcommittees on Agri-
14 culture, Rural Development, Food and Drug Administra-
15 tion, and Related Agencies that assumes revenues or re-
16 flects a reduction from the previous year due to user fees
17 proposals that have not been enacted into law prior to the
18 submission of the Budget unless such Budget submission
19 identifies which additional spending reductions should
20 occur in the event the user fees proposals are not enacted
21 prior to the date of the convening of a committee of con-
22 ference for the fiscal year 2013 appropriations Act.

23 SEC. 729. The funds made available in Public Law
24 111-344 through February 12, 2012 for trade adjustment
25 for farmers are hereby rescinded.

1 SEC. 730. (a) None of the funds provided by this Act,
2 or provided by previous Appropriations Acts to the agen-
3 cies funded by this Act that remain available for obligation
4 or expenditure in the current fiscal year, or provided from
5 any accounts in the Treasury of the United States derived
6 by the collection of fees available to the agencies funded
7 by this Act, shall be available for obligation or expenditure
8 through a reprogramming of funds, or in the case of the
9 Department of Agriculture, through use of the authority
10 provided by section 702(b) of the Department of Agri-
11 culture Organic Act of 1944 (7 U.S.C. 2257) or section
12 8 of Public Law 89–106 (7 U.S.C. 2263), that—

13 (1) creates new programs;

14 (2) eliminates a program, project, or activity;

15 (3) increases funds or personnel by any means
16 for any project or activity for which funds have been
17 denied or restricted;

18 (4) relocates an office or employees;

19 (5) reorganizes offices, programs, or activities;

20 or

21 (6) contracts out or privatizes any functions or
22 activities presently performed by Federal employees;

23 unless the Secretary of Agriculture, the Secretary of
24 Health and Human Services, or the Chairman of the Com-
25 modity Futures Trading Commission (as the case may be)

1 notifies, in writing, the Committees on Appropriations of
2 both Houses of Congress at least 30 days in advance of
3 the reprogramming of such funds or the use of such au-
4 thority.

5 (b) None of the funds provided by this Act, or pro-
6 vided by previous Appropriations Acts to the agencies
7 funded by this Act that remain available for obligation or
8 expenditure in the current fiscal year, or provided from
9 any accounts in the Treasury of the United States derived
10 by the collection of fees available to the agencies funded
11 by this Act, shall be available for obligation or expenditure
12 for activities, programs, or projects through a reprogram-
13 ming or use of the authorities referred to in subsection
14 (a) involving funds in excess of \$500,000 or 10 percent,
15 whichever is less, that—

16 (1) augments existing programs, projects, or ac-
17 tivities;

18 (2) reduces by 10 percent funding for any exist-
19 ing program, project, or activity, or numbers of per-
20 sonnel by 10 percent as approved by Congress; or

21 (3) results from any general savings from a re-
22 duction in personnel which would result in a change
23 in existing programs, activities, or projects as ap-
24 proved by Congress; unless the Secretary of Agri-
25 culture, the Secretary of Health and Human Serv-

1 ices, or the Chairman of the Commodity Futures
2 Trading Commission (as the case may be) notifies,
3 in writing, the Committees on Appropriations of
4 both Houses of Congress at least 30 days in advance
5 of the reprogramming of such funds or the use of
6 such authority.

7 (c) The Secretary of Agriculture, the Secretary of
8 Health and Human Services, or the Chairman of the Com-
9 modity Futures Trading Commission shall notify in writ-
10 ing the Committees on Appropriations of both Houses of
11 Congress before implementing any program or activity not
12 carried out during the previous fiscal year unless the pro-
13 gram or activity is funded by this Act or specifically fund-
14 ed by any other Act.

15 (d) As described in this section, no funds may be used
16 for any activities unless the Secretary of Agriculture, the
17 Secretary of Health and Human Services or the Chairman
18 of the Commodity Futures Trading Commission receives
19 from the Committee on Appropriations of both Houses of
20 Congress written or electronic mail confirmation of receipt
21 of the notification as required in this section.

22 SEC. 731. Notwithstanding section 310B(g)(5) of the
23 Consolidated Farm and Rural Development Act (7 U.S.C.
24 1932(g)(5)), the Secretary may assess a one-time fee for
25 any guaranteed business and industry loan in an amount

1 that does not exceed 3 percent of the guaranteed principal
2 portion of the loan.

3 SEC. 732. (a) CLOSURE AND CONVEYANCE OF AGRICULTURAL RESEARCH SERVICE FACILITIES.—The Secretary of Agriculture may close up to 10 facilities of the
4 Agricultural Research Service, as proposed in the budget
5 of the President for fiscal year 2012 submitted to Congress pursuant to section 1105 of title 31, United States
6 Code.

7 (b) CONVEYANCE AUTHORITY.—With respect to an
8 Agricultural Research Service facility to be closed pursuant to subsection (a), the Secretary of Agriculture may
9 convey, with or without consideration, all right, title, and
10 interest of the United States in and to any real property,
11 including improvements and equipment thereon, of the facility to an eligible entity specified in subsection (c). If
12 the Agricultural Research Service facility consists of more
13 than one parcel of real property, the Secretary may convey
14 each parcel separately and to different eligible entities.

15 (c) ENTITIES.—The following entities are eligible to
16 receive real property under subsection (b):

17 (1) Land-grant colleges and universities (as defined in section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13)).

1 (2) 1994 Institutions (as defined in section 532
2 of the Equity in Educational Land-Grant Status Act
3 of 1994 (7 U.S.C. 301 note; Public Law 103-382)).

4 (3) Hispanic-serving agricultural colleges and
5 universities (as defined in section 1404(10) of the
6 National Agricultural Research, Extension, and
7 Teaching Policy Act of 1977 (7 U.S.C. 3103(10)).

8 (d) CONDITIONS ON RECEIPT.—As a condition of the
9 conveyance of real property under subsection (b), the re-
10 cipient of the property must—

11 (1) be located in the same State or territory of
12 the United States in which the property is located;
13 and

14 (2) agree to accept and use the property for ag-
15 ricultural and natural resources research for a min-
16 imum of 25 years.

17 SEC. 733. None of the funds appropriated or other-
18 wise made available to the Department of Agriculture or
19 the Food and Drug Administration shall be used to trans-
20 mit or otherwise make available to any non-Department
21 of Agriculture or non-Department of Health and Human
22 Services employee questions or responses to questions that
23 are a result of information requested for the appropria-
24 tions hearing process.

1 SEC. 734. Section 9 of the Richard B. Russell Na-
2 tional School Lunch Act (42 U.S.C. 1758) is amended by
3 adding at the end the following:

4 “(1) FOOD DONATION PROGRAM.—

5 “(1) IN GENERAL.—Each school and local edu-
6 cational agency participating in the school lunch
7 program under this Act may donate any food not
8 consumed under such program to eligible local food
9 banks or charitable organizations.

10 “(2) GUIDANCE.—

11 “(A) IN GENERAL.—Not later than 180
12 days after the date of the enactment of this
13 subsection, the Secretary shall develop and pub-
14 lish guidance to schools and local educational
15 agencies participating in the school lunch pro-
16 gram under this Act to assist such schools and
17 local educational agencies in donating food
18 under this subsection.

19 “(B) UPDATES.—The Secretary shall up-
20 date such guidance as necessary.

21 “(3) LIABILITY.—Any school or local edu-
22 cational agency making donations pursuant to this
23 subsection shall be exempt from civil and criminal li-
24 ability to the extent provided under the Bill Emer-

1 son Good Samaritan Food Donation Act (42 U.S.C.
2 1791).

3 “(4) DEFINITION.—In this subsection, the term
4 ‘eligible local food banks or charitable organizations’
5 means any food bank or charitable organization
6 which is exempt from tax under section 501(c)(3) of
7 the Internal Revenue Code of 1986 (26 U.S.C.
8 501(c)(3)).”.

9 SEC. 735. There is hereby appropriated for the
10 “Emergency Conservation Program”, for necessary ex-
11 penses resulting from a major disaster declared pursuant
12 to the Robert T. Stafford Disaster Relief and Emergency
13 Assistance Act (42 U.S.C. 5121 et seq.), \$122,700,000,
14 to remain available until expended: *Provided*, That the
15 preceding amount is designated by the Congress as being
16 for disaster relief pursuant to section 251(b)(2)(D) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985: *Provided further*, That there is hereby appropriated
19 for the “Emergency Forest Restoration Program”, for
20 necessary expenses resulting from a major disaster de-
21 clared pursuant to the Robert T. Stafford Disaster Relief
22 and Emergency Assistance Act (42 U.S.C. 5121 et seq.),
23 \$28,400,000, to remain available until expended: *Provided*
24 *further*, That the preceding amount is designated by the
25 Congress as being for disaster relief pursuant to section

1 251(b)(2)(D) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985: *Provided further*, That there
3 is hereby appropriated for the “Emergency Watershed
4 Protection Program”, for necessary expenses resulting
5 from a major disaster declared pursuant to the Robert T.
6 Stafford Disaster Relief and Emergency Assistance Act
7 (42 U.S.C. 5121 et seq.), \$215,900,000, to remain avail-
8 able until expended: *Provided further*, That the preceding
9 amount is designated by the Congress as being for disaster
10 relief pursuant to section 251(b)(2)(D) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985.

12 SEC. 736. Unless otherwise authorized by existing
13 law, none of the funds provided in this Act, may be used
14 by an executive branch agency to produce any pre-
15 packaged news story intended for broadcast or distribution
16 in the United States unless the story includes a clear noti-
17 fication within the text or audio of the prepackaged news
18 story that the prepackaged news story was prepared or
19 funded by that executive branch agency.

20 SEC. 737. No employee of the Department of Agri-
21 culture may be detailed or assigned from an agency or
22 office funded by this Act or any other Act to any other
23 agency or office of the Department for more than 30 days
24 unless the individual’s employing agency or office is fully

1 reimbursed by the receiving agency or office for the salary
2 and expenses of the employee for the period of assignment.

3 SEC. 738. None of the funds made available by this
4 Act may be used to enter into a contract, memorandum
5 of understanding, or cooperative agreement with, make a
6 grant to, or provide a loan or loan guarantee to any cor-
7 poration that was convicted (or had an officer or agent
8 of such corporation acting on behalf of the corporation
9 convicted) of a felony criminal violation under any Federal
10 or State law within the preceding 24 months, where the
11 awarding agency is aware of the conviction, unless the
12 agency has considered suspension or debarment of the cor-
13 poration, or such officer or agent, and made a determina-
14 tion that this further action is not necessary to protect
15 the interests of the Government.

16 SEC. 739. None of the funds made available by this
17 Act may be used to enter into a contract, memorandum
18 of understanding, or cooperative agreement with, make a
19 grant to, or provide a loan or loan guarantee to, any cor-
20 poration that any unpaid Federal tax liability that has
21 been assessed, for which all judicial and administrative
22 remedies have been exhausted or have lapsed, and that
23 is not being paid in a timely manner pursuant to an agree-
24 ment with the authority responsible for collecting the tax
25 liability, where the awarding agency is aware of the unpaid

1 tax liability, unless the agency has considered suspension
2 or debarment of the corporation and made a determination
3 that this further action is not necessary to protect the in-
4 terests of the Government.

5 SEC. 740. Unobligated balances not to exceed
6 \$31,000,000 for the “Emergency Watershed Protection
7 Program” provided in Public Law 108–199, Public Law
8 109–234, and Public Law 110–28 shall be available for
9 the purposes of such program for disasters occurring in
10 2011, and shall remain available until expended: *Provided*,
11 That the amounts made available by this section are des-
12 ignated by Congress as being for an emergency require-
13 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985 (Pub-
15 lic Law 99–177), as amended.

16 SEC. 741. Funds made available by this Act under
17 title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)
18 may only be used to provide assistance to recipient nations
19 if adequate monitoring and controls, as determined by the
20 Administrator of the U.S. Agency for International Devel-
21 opment, are in place to ensure that emergency food aid
22 is received by the intended beneficiaries in areas affected
23 by food shortages and not diverted for unauthorized or
24 inappropriate purposes.

1 SEC. 742. None of the funds made available by this
2 Act may be used to pay the salaries and expenses of per-
3 sonnel who provide nonrecourse marketing assistance
4 loans for mohair under section 1201 of the Food, Con-
5 servation, and Energy Act of 2008 (7 U.S.C. 8731).

6 SEC. 743. None of the funds made available by this
7 Act may be used to implement an interim final or final
8 rule regarding nutrition programs under the Richard B.
9 Russell National School Lunch Act (42 U.S.C. 1751 et
10 seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771
11 et seq.) that—

12 (1) requires crediting of tomato paste and
13 puree based on volume;

14 (2) implements a sodium reduction target be-
15 yond Target I, the 2-year target, specified in Notice
16 of Proposed Rulemaking, “Nutrition Standards in
17 the National School Lunch and School Breakfast
18 Programs” (FNS-2007-0038, RIN 0584-AD59)
19 until the Secretary certifies that the Department has
20 reviewed and evaluated relevant scientific studies
21 and data relevant to the relationship of sodium re-
22 ductions to human health; and

23 (3) establishes any whole grain requirement
24 without defining “whole grain.”

1 SEC. 744. For fiscal year 2012, section 363 of the
2 Consolidated Farm and Rural Development Act (7 U.S.C.
3 2006e) shall not apply to any project funded under the
4 community facilities programs authorized under such Act
5 if such project is also subject to approval of a permit
6 issued under section 404 of the Federal Water Pollution
7 Control Act (33 U.S.C. 1344).

8 SEC. 745. None of the funds made available by this
9 Act may be used by the Secretary of Agriculture to provide
10 direct payments under section 1103 or 1303 of the Food,
11 Conservation, and Energy Act of 2008 (7 U.S.C. 8713,
12 8753) to any person or legal entity that has an average
13 adjusted gross income (as defined in section 1001D of the
14 Food Security Act of 1985 (7 U.S.C. 1308-3a)) in excess
15 of \$1,000,000.

16 SEC. 746. None of the funds made available by this
17 Act may be used to implement an interim final or final
18 rule that—

19 (1) sets any maximum limits on the serving of
20 vegetables in school meal programs established
21 under the Richard B. Russell National School Lunch
22 Act (42 U.S.C. 1751 et seq.) and by section 4 of the
23 Child Nutrition Act of 1966 (42 U.S.C. 1773); or

1 (2) is inconsistent with the recommendations of
2 the most recent Dietary Guidelines for Americans
3 for vegetables.

4 SEC. 747. For 2012 and subsequent fiscal years—

5 (1) Any balances to carry out a housing dem-
6 onstration program to provide revolving loans for the
7 preservation of low-income multi-family housing
8 projects as authorized in Public Law 108-447 and
9 Public Law 109-97 and a demonstration program
10 for the preservation and revitalization of the section
11 515 multi-family rental housing properties as au-
12 thorized by Public Law 109-97 and Public Law
13 110-5 shall be transferred to and merged with the
14 “Rural Housing Service, Multi-family Housing Revi-
15 talization Program Account”;

16 (2) Any prior balances in the Rural Develop-
17 ment, Rural Community Advancement Program ac-
18 count for programs authorized by section 306 and
19 described in section 381E(d)(1) of such Act be
20 transferred and merged with the “Rural Community
21 Facilities Program Account” and any other prior
22 balances from the Rural Development, Rural Com-
23 munity Advancement Program account that the Sec-
24 retary determines ~~is~~ appropriate to transfer; *are*

1 (3) Any prior balances in the Rural Develop-
2 ment, Rural Community Advancement Program ac-
3 count for programs authorized by sections 306 and
4 310B and described in sections 310B(f) and
5 381E(d)(3) of such Act be transferred and merged
6 with the "Rural Business Program Account" and
7 any other prior balances from the Rural Develop-
8 ment, Rural Community Advancement Program ac-
9 count that the Secretary determines ~~is~~ ^{are} appropriate
10 to transfer; and

11 (4) Any prior balances in the Rural Develop-
12 ment, Rural Community Advancement Program ac-
13 count programs authorized by sections 306, 306A,
14 306C, 306D, 306E, and 310B and described in sec-
15 tions 306C(a)(2), 306D, 306E, and 381E(d)(2) of
16 such Act be transferred to and merged with the
17 "Rural Water and Waste Disposal Program Ac-
18 count" and any other prior balances from the Rural
19 Development, Rural Community Advancement Pro-
20 gram account that the Secretary determines ~~is~~ ^{are} ap-
21 propriate to transfer.

22 SEC. 748. In addition to amounts otherwise made
23 available by this Act, there is appropriated to implement
24 the Water Bank Act (16 U.S.C. 1301-1311) \$7,500,000,
25 to remain available until expended: *Provided*, That, not-

1 withstanding section 6 of such Act (16 U.S.C. 1305),
2 agreements entered into with funds provided under this
3 section shall not be renewed: *Provided further*, That, in
4 utilizing funds provided under this section, the Secretary
5 of Agriculture may waive the percentage limitation in the
6 last sentence of section 11 of such Act (16 U.S.C. 1310)
7 to ensure efficient administration of the program author-
8 ized by such Act: *Provided further*, That flooded agricul-
9 tural lands, as determined by the Secretary, shall be eligi-
10 ble to be enrolled in the program.

11 This division may be cited as the “Agriculture, Rural
12 Development, Food and Drug Administration, and Re-
13 lated Agencies Appropriations Act, 2012”.

1 countries; not to exceed \$294,300 for official representa-
2 tion expenses abroad; purchase of passenger motor vehi-
3 cles for official use abroad, not to exceed \$45,000 per vehi-
4 cle; obtaining insurance on official motor vehicles; and
5 rental of tie lines, \$465,000,000, to remain available until
6 September 30, 2013, of which \$9,439,000 is to be derived
7 from fees to be retained and used by the International
8 Trade Administration, notwithstanding 31 U.S.C. 3302:
9 *Provided*, That not less than \$48,854,000 shall be for
10 Manufacturing and Services; not less than \$42,623,000
11 shall be for Market Access and Compliance; not less than
12 \$67,358,000 shall be for the Import Administration; not
13 less than \$269,804,000 shall be for trade promotion and
14 the United States and Foreign Commercial Service; and
15 not less than \$26,922,000 shall be for Executive Direction
16 and Administration: *Provided further*, That not less than
17 \$7,000,000 shall be for the Office of China Compliance,
18 and not less than \$4,400,000 shall be for the China Coun-
19 tering Duty Group: *Provided further*, That the provi-
20 sions of the first sentence of section 105(f) and all of sec-
21 tion 108(c) of the Mutual Educational and Cultural Ex-
22 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall
23 apply in carrying out these activities without regard to
24 section 5412 of the Omnibus Trade and Competitiveness
25 Act of 1988 (15 U.S.C. 4912); and that for the purpose

1 of this Act, contributions under the provisions of the Mu-
2 tual Educational and Cultural Exchange Act of 1961 shall
3 include payment for assessments for services provided as
4 part of these activities.

5 BUREAU OF INDUSTRY AND SECURITY

6 OPERATIONS AND ADMINISTRATION

7 For necessary expenses for export administration and
8 national security activities of the Department of Com-
9 merce, including costs associated with the performance of
10 export administration field activities both domestically and
11 abroad; full medical coverage for dependent members of
12 immediate families of employees stationed overseas; em-
13 ployment of Americans and aliens by contract for services
14 abroad; payment of tort claims, in the manner authorized
15 in the first paragraph of 28 U.S.C. 2672 when such claims
16 arise in foreign countries; not to exceed \$13,500 for offi-
17 cial representation expenses abroad; awards of compensa-
18 tion to informers under the Export Administration Act of
19 1979, and as authorized by 22 U.S.C. 401(b); and pur-
20 chase of passenger motor vehicles for official use and
21 motor vehicles for law enforcement use with special re-
22 quirement vehicles eligible for purchase without regard to
23 any price limitation otherwise established by law,
24 \$101,000,000, to remain available until expended: *Pro-*
25 *vided*, That the provisions of the first sentence of section

1 105(f) and all of section 108(c) of the Mutual Educational
2 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f)
3 and 2458(c)) shall apply in carrying out these activities:
4 *Provided further*, That payments and contributions col-
5 lected and accepted for materials or services provided as
6 part of such activities may be retained for use in covering
7 the cost of such activities, and for providing information
8 to the public with respect to the export administration and
9 national security activities of the Department of Com-
10 merce and other export control programs of the United
11 States and other governments.

12 ECONOMIC DEVELOPMENT ADMINISTRATION

13 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

14 For grants for economic development assistance as
15 provided by the Public Works and Economic Development
16 Act of 1965, for trade adjustment assistance, for the cost
17 of loan guarantees authorized by section 26 of the Steven-
18 son-Wydler Technology Innovation Act of 1980 (15 U.S.C.
19 3721), and for grants and loan guarantees authorized by
20 section 27 of the Stevenson-Wydler Technology Innovation
21 Act of 1980 (15 U.S.C. 3722), \$220,000,000, to remain
22 available until expended; of which \$5,000,000 shall be for
23 projects to facilitate the relocation, to the United States,
24 of a source of employment located outside the United
25 States; of which up to \$5,000,000 shall be for loan guar-

1 antees under section 26; and of which up to \$5,000,000
2 shall be for loan guarantees and grants under section 27:
3 *Provided*, That the costs for loan guarantees, including the
4 cost of modifying such loans, shall be as defined in section
5 502 of the Congressional Budget Act of 1974: *Provided*
6 *further*, That these funds for loan guarantees under such
7 sections 26 and 27 combined are available to subsidize
8 total loan principal, any part of which is to be guaranteed,
9 not to exceed \$70,000,000.

10 Pursuant to section 703 of the Public Works and
11 Economic Development Act (42 U.S.C. 3233), for an addi-
12 tional amount for “Economic Development Assistance
13 Programs” for necessary expenses related to disaster re-
14 lief, long-term recovery, and restoration of infrastructure
15 in areas that received a major disaster designation in 2011
16 pursuant to the Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act (42 U.S.C. 5121 et seq.),
18 \$200,000,000, to remain available until expended: *Pro-*
19 *vided*, That such amount is designated by Congress as
20 being for disaster relief pursuant to section 251(b)(2)(D)
21 of the Balanced Budget and Emergency Deficit Control
22 Act of 1985.

23 SALARIES AND EXPENSES

24 For necessary expenses of administering the eco-
25 nomic development assistance programs as provided for by

1 law, \$37,500,000: *Provided*, That these funds may be used
2 to monitor projects approved pursuant to title I of the
3 Public Works Employment Act of 1976, title II of the
4 Trade Act of 1974, and the Community Emergency
5 Drought Relief Act of 1977.

6 MINORITY BUSINESS DEVELOPMENT AGENCY

7 MINORITY BUSINESS DEVELOPMENT

8 For necessary expenses of the Department of Com-
9 merce in fostering, promoting, and developing minority
10 business enterprise, including expenses of grants, con-
11 tracts, and other agreements with public or private organi-
12 zations, \$30,339,000.

13 ECONOMIC AND STATISTICAL ANALYSIS

14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by law, of eco-
16 nomic and statistical analysis programs of the Department
17 of Commerce, \$96,000,000.

18 BUREAU OF THE CENSUS

19 SALARIES AND EXPENSES

20 For expenses necessary for collecting, compiling, ana-
21 lyzing, preparing, and publishing statistics, provided for
22 by law, \$253,336,000: *Provided*, That from amounts pro-
23 vided herein, funds may be used for promotion, outreach,
24 and marketing activities.

1 PERIODIC CENSUSES AND PROGRAMS

2 For necessary expenses to collect and publish statis-
3 tics for periodic censuses and programs provided for by
4 law, \$690,000,000, to remain available until September
5 30, 2013: *Provided*, That \$635,000,000 is appropriated
6 from the general fund and \$55,000,000 is derived from
7 available unobligated balances from the Census Working
8 Capital Fund: *Provided further*, That from amounts pro-
9 vided herein, funds may be used for promotion, outreach,
10 and marketing activities: *Provided further*, That within the
11 amounts appropriated, \$1,000,000 shall be transferred to
12 the “Office of Inspector General” account for activities as-
13 sociated with carrying out investigations and audits re-
14 lated to the Bureau of the Census.

15 NATIONAL TELECOMMUNICATIONS AND INFORMATION

16 ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses, as provided for by law, of
19 the National Telecommunications and Information Ad-
20 ministration (NTIA), \$45,568,000: *Provided*, That, not-
21 withstanding 31 U.S.C. 1535(d), the Secretary of Com-
22 merce shall charge Federal agencies for costs incurred in
23 spectrum management, analysis, operations, and related
24 services, and such fees shall be retained and used as off-
25 setting collections for costs of such spectrum services, to

1 remain available until expended: *Provided further*, That
2 the Secretary of Commerce is authorized to retain and use
3 as offsetting collections all funds transferred, or previously
4 transferred, from other Government agencies for all costs
5 incurred in telecommunications research, engineering, and
6 related activities by the Institute for Telecommunication
7 Sciences of NTIA, in furtherance of its assigned functions
8 under this paragraph, and such funds received from other
9 Government agencies shall remain available until ex-
10 pended.

11 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
12 AND CONSTRUCTION

13 For the administration of prior-year grants, recov-
14 eries and unobligated balances of funds previously appro-
15 priated are available for the administration of all open
16 grants until their expiration.

17 UNITED STATES PATENT AND TRADEMARK OFFICE

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses of the United States Patent
21 and Trademark Office (USPTO) provided for by law, in-
22 cluding defense of suits instituted against the Under Sec-
23 retary of Commerce for Intellectual Property and Director
24 of the USPTO, \$2,706,313,000 to remain available until
25 expended: *Provided*, That the sum herein appropriated

1 from the general fund shall be reduced as offsetting collec-
2 tions of fees and surcharges assessed and collected by the
3 USPTO under any law are received during fiscal year
4 2012, so as to result in a fiscal year 2012 appropriation
5 from the general fund estimated at \$0: *Provided further,*
6 That during fiscal year 2012, should the total amount of
7 such offsetting collections be less than \$2,706,313,000
8 this amount shall be reduced accordingly: *Provided fur-*
9 *ther,* That any amount received in excess of
10 \$2,706,313,000 in fiscal year 2012 and deposited in the
11 Patent and Trademark Fee Reserve Fund shall remain
12 available until expended: *Provided further,* That the Direc-
13 tor of USPTO shall submit a spending plan to the Com-
14 mittees on Appropriations of the House of Representatives
15 and the Senate for any amounts made available by the
16 preceding proviso and such spending plan shall be treated
17 as a reprogramming under section 505 of this Act and
18 shall not be available for obligation or expenditure except
19 in compliance with the procedures set forth in that section:
20 *Provided further,* That from amounts provided herein, not
21 to exceed \$900 shall be made available in fiscal year 2012
22 for official reception and representation expenses: *Pro-*
23 *vided further,* That in fiscal year 2012 from the amounts
24 made available for “Salaries and Expenses” for the
25 USPTO, the amounts necessary to pay (1) the difference

1 between the percentage of basic pay contributed by the
2 USPTO and employees under section 8334(a) of title 5,
3 United States Code, and the normal cost percentage (as
4 defined by section 8331(17) of that title) as provided by
5 the Office of Personnel Management (OPM) for USPTO's
6 specific use, of basic pay, of employees subject to sub-
7 chapter III of chapter 83 of that title, and (2) the present
8 value of the otherwise unfunded accruing costs, as deter-
9 mined by OPM for USPTO's specific use of post-retire-
10 ment life insurance and post-retirement health benefits
11 coverage for all USPTO employees who are enrolled in
12 Federal Employees Health Benefits (FEHB) and Federal
13 Employees Group Life Insurance (FEGLI), shall be trans-
14 ferred to the Civil Service Retirement and Disability
15 Fund, the Employees Life Insurance Fund, and the Em-
16 ployees Health Benefits Fund, as appropriate, and shall
17 be available for the authorized purposes of those accounts:
18 *Provided further*, That any differences between the present
19 value factors published in OPM's yearly 300 series benefit
20 letters and the factors that OPM provides for USPTO's
21 specific use shall be recognized as an imputed cost on
22 USPTO's financial statements, where applicable: *Provided*
23 *further*, That, notwithstanding any other provision of law,
24 all fees and surcharges assessed and collected by USPTO
25 are available for USPTO only pursuant to section 42(c)

1 of title 35, United States Code, as amended by section
2 22 of the Leahy-Smith America Invents Act (Public Law
3 112–29): *Provided further*, That within the amounts ap-
4 propriated, \$1,000,000 shall be transferred to the “Office
5 of Inspector General” account for activities associated
6 with carrying out investigations and audits related to the
7 USPTO.

8 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
9 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

10 For necessary expenses of the National Institute of
11 Standards and Technology, \$567,000,000, to remain
12 available until expended, of which not to exceed
13 \$9,000,000 may be transferred to the “Working Capital
14 Fund”: *Provided*, That not to exceed \$5,000 shall be for
15 official reception and representation expenses.

16 INDUSTRIAL TECHNOLOGY SERVICES

17 For necessary expenses of the Hollings Manufac-
18 turing Extension Partnership of the National Institute of
19 Standards and Technology, \$128,443,000, to remain
20 available until expended.

21 CONSTRUCTION OF RESEARCH FACILITIES

22 For construction of new research facilities, including
23 architectural and engineering design, and for renovation
24 and maintenance of existing facilities, not otherwise pro-
25 vided for the National Institute of Standards and Tech-

1 nology, as authorized by 15 U.S.C. 278c–278e,
2 \$55,381,000, to remain available until expended: *Pro-*
3 *vided*, That the Secretary of Commerce shall include in
4 the budget justification materials that the Secretary sub-
5 mits to Congress in support of the Department of Com-
6 merce budget (as submitted with the budget of the Presi-
7 dent under section 1105(a) of title 31, United States
8 Code) an estimate for each National Institute of Stand-
9 ards and Technology construction project having a total
10 multi-year program cost of more than \$5,000,000 and si-
11 multaneously the budget justification materials shall in-
12 clude an estimate of the budgetary requirements for each
13 such project for each of the five subsequent fiscal years.

14 NATIONAL OCEANIC AND ATMOSPHERIC

15 ADMINISTRATION

16 OPERATIONS, RESEARCH, AND FACILITIES

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of activities authorized by law
19 for the National Oceanic and Atmospheric Administration,
20 including maintenance, operation, and hire of aircraft and
21 vessels; grants, contracts, or other payments to nonprofit
22 organizations for the purposes of conducting activities
23 pursuant to cooperative agreements; and relocation of fa-
24 cilities, \$3,022,231,000, to remain available until Sep-
25 tember 30, 2013, except that funds provided for coopera-

1 tive enforcement shall remain available until September
2 30, 2014: *Provided*, That fees and donations received by
3 the National Ocean Service for the management of na-
4 tional marine sanctuaries may be retained and used for
5 the salaries and expenses associated with those activities,
6 notwithstanding 31 U.S.C. 3302: *Provided further*, That
7 in addition, \$109,098,000 shall be derived by transfer
8 from the fund entitled “Promote and Develop Fishery
9 Products and Research Pertaining to American Fish-
10 eries”: *Provided further*, That of the \$3,139,329,000 pro-
11 vided for in direct obligations under this heading
12 \$3,022,231,000 is appropriated from the general fund,
13 \$109,098,000 is provided by transfer and \$8,000,000 is
14 derived from recoveries of prior year obligations: *Provided*
15 *further*, That the total amount available for National Oce-
16 anic and Atmospheric Administration corporate services
17 administrative support costs shall not exceed
18 \$230,738,000, of which \$5,000,000 shall not be available
19 until the Administrator provides the Committees on Ap-
20 propriations of the House of Representatives and the Sen-
21 ate with revised and detailed lifecycle costs of all satellite
22 programs funded under the “Procurement, Acquisition
23 and Construction” account: *Provided further*, That any de-
24 viation from the amounts designated for specific activities
25 in the statement accompanying this Act, or any use of

1 deobligated balances of funds provided under this heading
2 in previous years, shall be subject to the procedures set
3 forth in section 505 of this Act: *Provided further*, That
4 in allocating grants under sections 306 and 306A of the
5 Coastal Zone Management Act of 1972, as amended, no
6 coastal State shall receive more than 5 percent or less
7 than 1 percent of increased funds appropriated over the
8 previous fiscal year.

9 In addition, for necessary retired pay expenses under
10 the Retired Serviceman's Family Protection and Survivor
11 Benefits Plan, and for payments for the medical care of
12 retired personnel and their dependents under the Depend-
13 ents Medical Care Act (10 U.S.C. 55), such sums as may
14 be necessary.

15 PROCUREMENT, ACQUISITION AND CONSTRUCTION

16 For procurement, acquisition and construction of
17 capital assets, including alteration and modification costs,
18 of the National Oceanic and Atmospheric Administration,
19 \$1,817,094,000, to remain available until September 30,
20 2014, except that funds provided for construction of facili-
21 ties shall remain available until expended: *Provided*, That
22 of the \$1,825,094,000 provided for in direct obligations
23 under this heading, \$1,817,094,000 is appropriated from
24 the general fund and \$8,000,000 is provided from recov-
25 eries of prior year obligations: *Provided further*, That any

1 deviation from the amounts designated for specific activi-
2 ties in the statement accompanying this Act, or any use
3 of deobligated balances of funds provided under this head-
4 ing in previous years, shall be subject to the procedures
5 set forth in section 505 of this Act: *Provided further*, That
6 the Secretary of Commerce shall include in budget jus-
7 tification materials that the Secretary submits to Congress
8 in support of the Department of Commerce budget (as
9 submitted with the budget of the President under section
10 1105(a) of title 31, United States Code) an estimate for
11 each National Oceanic and Atmospheric Administration
12 ~~P~~rourement, ~~A~~cquisition or ~~C~~onstruction project having
13 a total of more than \$5,000,000 and simultaneously the
14 budget justification shall include an estimate of the budg-
15 etary requirements for each such project for each of the
16 5 subsequent fiscal years: *Provided further*, That, within
17 the amounts appropriated, \$1,000,000 shall be transferred
18 to the "Office of Inspector General" account for activities
19 associated with carrying out investigations and audits re-
20 lated to satellite procurement, acquisition and construc-
21 tion.

I.C.

22 PACIFIC COASTAL SALMON RECOVERY

23 For necessary expenses associated with the restora-
24 tion of Pacific salmon populations, \$65,000,000, to re-
25 main available until September 30, 2013: *Provided*, That

1 of the funds provided herein the Secretary of Commerce
2 may issue grants to the States of Washington, Oregon,
3 Idaho, Nevada, California, and Alaska, and federally rec-
4 ognized tribes of the Columbia River and Pacific Coast
5 (including Alaska) for projects necessary for conservation
6 of salmon and steelhead populations that are listed as
7 threatened or endangered, or identified by a State as at-
8 risk to be so-listed, for maintaining populations necessary
9 for exercise of tribal treaty fishing rights or native subsist-
10 ence fishing, or for conservation of Pacific coastal salmon
11 and steelhead habitat, based on guidelines to be developed
12 by the Secretary of Commerce: *Provided further*, That all
13 funds shall be allocated based on scientific and other merit
14 principles and shall not be available for marketing activi-
15 ties: *Provided further*, That funds disbursed to States shall
16 be subject to a matching requirement of funds or docu-
17 mented in-kind contributions of at least 33 percent of the
18 Federal funds.

19 FISHERMEN'S CONTINGENCY FUND

20 For carrying out the provisions of title IV of Public
21 Law 95-372, not to exceed \$350,000, to be derived from
22 receipts collected pursuant to that Act, to remain available
23 until expended.

1 FISHERIES FINANCE PROGRAM ACCOUNT

2 Subject to section 502 of the Congressional Budget
3 Act of 1974, during fiscal year 2012, obligations of direct
4 loans may not exceed \$24,000,000 for Individual Fishing
5 Quota loans and not to exceed \$59,000,000 for traditional
6 direct loans as authorized by the Merchant Marine Act
7 of 1936: *Provided*, That none of the funds made available
8 under this heading may be used for direct loans for any
9 new fishing vessel that will increase the harvesting capac-
10 ity in any United States fishery.

11 DEPARTMENTAL MANAGEMENT

12 SALARIES AND EXPENSES

13 For expenses necessary for the departmental manage-
14 ment of the Department of Commerce provided for by law,
15 including not to exceed \$4,500 for official reception and
16 representation, \$57,000,000: *Provided*, That the Secretary
17 of Commerce shall establish a task force on job repatri-
18 ation and manufacturing growth and shall produce a re-
19 port on related incentive strategies and implementation
20 plans.

21 RENOVATION AND MODERNIZATION

22 For expenses necessary, including blast windows, for
23 the renovation and modernization of Department of Com-
24 merce facilities, \$5,000,000, to remain available until ex-
25 pended.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978 (5 U.S.C. App.), \$26,946,000.

5 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE
6 (INCLUDING RESCISSION)

7 SEC. 101. During the current fiscal year, applicable
8 appropriations and funds made available to the Depart-
9 ment of Commerce by this Act shall be available for the
10 activities specified in the Act of October 26, 1949 (15
11 U.S.C. 1514), to the extent and in the manner prescribed
12 by the Act, and, notwithstanding 31 U.S.C. 3324, may
13 be used for advanced payments not otherwise authorized
14 only upon the certification of officials designated by the
15 Secretary of Commerce that such payments are in the
16 public interest.

17 SEC. 102. During the current fiscal year, appropria-
18 tions made available to the Department of Commerce by
19 this Act for salaries and expenses shall be available for
20 hire of passenger motor vehicles as authorized by 31
21 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
22 3109; and uniforms or allowances therefor, as authorized
23 by law (5 U.S.C. 5901–5902).

24 SEC. 103. Not to exceed 5 percent of any appropria-
25 tion made available for the current fiscal year for the De-

1 partment of Commerce in this Act may be transferred be-
2 tween such appropriations, but no such appropriation shall
3 be increased by more than 10 percent by any such trans-
4 fers: *Provided*, That any transfer pursuant to this section
5 shall be treated as a reprogramming of funds under sec-
6 tion 505 of this Act and shall not be available for obliga-
7 tion or expenditure except in compliance with the proce-
8 dures set forth in that section: *Provided further*, That the
9 Secretary of Commerce shall notify the Committees on Ap-
10 propriations at least 15 days in advance of the acquisition
11 or disposal of any capital asset (including land, structures,
12 and equipment) not specifically provided for in this Act
13 or any other law appropriating funds for the Department
14 of Commerce.

15 SEC. 104. Any costs incurred by a department or
16 agency funded under this title resulting from personnel
17 actions taken in response to funding reductions included
18 in this title or from actions taken for the care and protec-
19 tion of loan collateral or grant property shall be absorbed
20 within the total budgetary resources available to such de-
21 partment or agency: *Provided*, That the authority to trans-
22 fer funds between appropriations accounts as may be nec-
23 essary to carry out this section is provided in addition to
24 authorities included elsewhere in this Act: *Provided fur-*
25 *ther*, That use of funds to carry out this section shall be

1 treated as a reprogramming of funds under section 505
2 of this Act and shall not be available for obligation or ex-
3 penditure except in compliance with the procedures set
4 forth in that section.

5 SEC. 105. (a) For purposes of this section—

6 (1) the term “Under Secretary” means Under
7 Secretary of Commerce for Oceans and Atmosphere;

8 (2) the term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Appropriations and
11 the Committee on Commerce, Science, and
12 Transportation of the Senate; and

13 (B) the Committee on Appropriations and
14 the Committee on Science, Space and Tech-
15 nology of the House of Representatives;

16 (3) the term “satellite” means the satellites
17 proposed to be acquired for the National Oceanic
18 and Atmospheric Administration (NOAA);

19 (4) the term “development” means the phase of
20 a program following the formulation phase and be-
21 ginning with the approval to proceed to implementa-
22 tion, as defined in NOAA Administrative Order
23 216–108, Department of Commerce Administrative
24 Order 208–3, and NASA’s Procedural Requirements
25 7120.5c, dated March 22, 2005;

1 (5) the term “development cost” means the
2 total of all costs, including construction of facilities
3 and civil servant costs, from the period beginning
4 with the approval to proceed to implementation
5 through the achievement of operational readiness,
6 without regard to funding source or management
7 control, for the life of the program;

8 (6) the term “life-cycle cost” means the total of
9 the direct, indirect, recurring, and nonrecurring
10 costs, including the construction of facilities and civil
11 servant costs, and other related expenses incurred or
12 estimated to be incurred in the design, development,
13 verification, production, operation, maintenance,
14 support, and retirement of a program over its
15 planned lifespan, without regard to funding source
16 or management control;

17 (7) the term “major program” means an activ-
18 ity approved to proceed to implementation that has
19 an estimated life-cycle cost of more than
20 \$250,000,000; and

21 (8) the term “baseline” means the program as
22 set following contract award and preliminary design
23 review of the space and ground systems.

1 (b)(1) NOAA shall not enter into a contract for devel-
2 opment of a major program, unless the Under Secretary
3 determines that—

4 (A) the technical, cost, and schedule risks
5 of the program are clearly identified and the
6 program has developed a plan to manage those
7 risks;

8 (B) the technologies required for the pro-
9 gram have been demonstrated in a relevant lab-
10 oratory or test environment;

11 (C) the program complies with all relevant
12 policies, regulations, and directives of NOAA
13 and the Department of Commerce;

14 (D) the program has demonstrated a high
15 likelihood of accomplishing its intended goals;
16 and

17 (E) the acquisition of satellites for use in
18 the program represents a good value to accom-
19 plishing NOAA's mission.

20 (2) The Under Secretary shall transmit a re-
21 port describing the basis for the determination re-
22 quired under paragraph (1) to the appropriate con-
23 gressional committees at least 30 days before enter-
24 ing into a contract for development under a major
25 program.

1 (3) The Under Secretary may not delegate the
2 determination requirement under this subsection, ex-
3 cept in cases in which the Under Secretary has a
4 conflict of interest.

5 (c)(1) Annually, at the same time as the President's
6 annual budget submission to the Congress, the Under Sec-
7 retary shall transmit to the appropriate congressional
8 committees a report that includes the information required
9 by this section for the satellite development program for
10 which NOAA proposes to expend funds in the subsequent
11 fiscal year. The report under this paragraph shall be
12 known as the Major Program Annual Report.

13 (2) The first Major Program Annual Report for
14 NOAA's satellite development program shall include
15 a Baseline Report that shall, at a minimum, in-
16 clude—

17 (A) the purposes of the program and key
18 technical characteristics necessary to fulfill
19 those purposes;

20 (B) an estimate of the life-cycle cost for
21 the program, with a detailed breakout of the
22 development cost, program reserves, and an es-
23 timate of the annual costs until development is
24 completed;

1 (C) the schedule for development, including
2 key program milestones;

3 (D) the plan for mitigating technical, cost,
4 and schedule risks identified in accordance with
5 subsection (b)(1)(A); and

6 (E) the name of the person responsible for
7 making notifications under subsection (d), who
8 shall be an individual whose primary responsi-
9 bility is overseeing the program.

10 (3) For the major program for which a Base-
11 line Report has been submitted, subsequent Major
12 Program Annual Reports shall describe any changes
13 to the information that had been provided in the
14 Baseline Report, and the reasons for those changes.

15 (d)(1) The individual identified under subsection
16 (c)(2)(E) shall immediately notify the Under Secretary
17 any time that individual has reasonable cause to believe
18 that, for the major program for which he or she is respon-
19 sible, the development cost of the program has exceeded
20 the estimate provided in the Baseline Report of the pro-
21 gram by 20 percent or more.

22 (2) Not later than 30 days after the notification
23 required under paragraph (1), the individual identi-
24 fied under subsection (c)(2)(E) shall transmit to the
25 Under Secretary a written notification explaining the

1 reasons for the change in the cost of the program
2 for which notification was provided under paragraph
3 (1).

4 (3) Not later than 15 days after the Under Sec-
5 retary receives a written notification under para-
6 graph (2), the Under Secretary shall transmit the
7 notification to the appropriate congressional commit-
8 tees.

9 (e) Not later than 30 days after receiving a written
10 notification under subsection (d)(2), the Under Secretary
11 shall determine whether the development cost of the pro-
12 gram has exceeded the estimate provided in the Baseline
13 Report of the program by 20 percent or more. If the deter-
14 mination is affirmative, the Under Secretary shall—

15 (1) transmit to the appropriate congressional
16 committees, not later than 15 days after making the
17 determination, a report that includes—

18 (A) a description of the increase in cost
19 and a detailed explanation for the increase;

20 (B) a description of actions taken or pro-
21 posed to be taken in response to the cost in-
22 crease; and

23 (C) a description of any impacts the cost
24 increase, or the actions described under sub-

1 paragraph (B), will have on any other program
2 within NOAA; and

3 (2) if the Under Secretary intends to continue
4 with the program, promptly initiate an analysis of
5 the program, which shall include, at a minimum—

6 (A) the projected cost and schedule for
7 completing the program if current requirements
8 of the program are not modified;

9 (B) the projected cost and the schedule for
10 completing the program after instituting the ac-
11 tions described under paragraph (1)(B); and

12 (C) a description of, and the projected cost
13 and schedule for, a broad range of alternatives
14 to the program.

15 (f) NOAA shall complete an analysis initiated under
16 paragraph (2) not later than 6 months after the Under
17 Secretary makes a determination under this subsection.
18 The Under Secretary shall transmit the analysis to the
19 appropriate congressional committees not later than 30
20 days after its completion.

21 SEC. 106. Notwithstanding any other law, the Sec-
22 retary may furnish services (including but not limited to
23 utilities, telecommunications, and security services) nec-
24 essary to support the operation, maintenance, and im-
25 provement of space that persons, firms or organizations

1 are authorized pursuant to the Public Buildings Coopera-
2 tive Use Act of 1976 or other authority to use or occupy
3 in the Herbert C. Hoover Building, Washington, DC, or
4 other buildings, the maintenance, operation, and protec-
5 tion of which has been delegated to the Secretary from
6 the Administrator of General Services pursuant to the
7 Federal Property and Administrative Services Act of
8 1949, as amended, on a reimbursable or non-reimbursable
9 basis. Amounts received as reimbursement for services
10 provided under this section or the authority under which
11 the use or occupancy of the space is authorized, up to
12 \$200,000, shall be credited to the appropriation or fund
13 which initially bears the costs of such services.

14 SEC. 107. Nothing in this title shall be construed to
15 prevent a grant recipient from deterring child pornog-
16 raphy, copyright infringement, or any other unlawful ac-
17 tivity over its networks.

18 SEC. 108. The Administrator of the National Oceanic
19 and Atmospheric Administration is authorized to use, with
20 their consent, with reimbursement and subject to the lim-
21 its of available appropriations, the land, services, equip-
22 ment, personnel, and facilities of any department, agency
23 or instrumentality of the United States, or of any State,
24 local government, Indian tribal government, Territory or
25 possession, or of any political subdivision thereof, or of

1 any foreign government or international organization for
2 purposes related to carrying out the responsibilities of any
3 statute administered by the National Oceanic and Atmos-
4 pheric Administration.

5 (RESCISSION)

6 SEC. 109. All balances in the Coastal Zone Manage-
7 ment Fund, whether unobligated or unavailable, are here-
8 by permanently rescinded, and notwithstanding section
9 308(b) of the Coastal Zone Management Act of 1972, as
10 amended (16 U.S.C. 1456a), any future payments to the
11 Fund made pursuant to sections 307 (16 U.S.C. 1456)
12 and 308 (16 U.S.C. 1456a) of the Coastal Zone Manage-
13 ment Act of 1972, as amended, shall, in this fiscal year
14 and any future fiscal years, be treated in accordance with
15 the Federal Credit Reform Act of 1990, as amended.

16 SEC. 110. There is established in the Treasury a non-
17 interest bearing fund to be known as the “Fisheries En-
18 forcement Asset Forfeiture Fund”, which shall consist of
19 all sums received as fines, penalties, and forfeitures of
20 property for violations of any provisions of 16 U.S.C.
21 chapter 38 or of any other marine resource law enforced
22 by the Secretary of Commerce, including the Lacey Act
23 Amendments of 1981 (16 U.S.C. 3371 et seq.) and with
24 the exception of collections pursuant to 16 U.S.C. 1437,
25 which are currently deposited in the Operations, Research,

1 and Facilities account: *Provided*, That all unobligated bal-
2 ances that have been collected pursuant to 16 U.S.C. 1861
3 or any other marine resource law enforced by the Sec-
4 retary of Commerce with the exception of 16 U.S.C. 1437
5 shall be transferred from the Operations, Research, and
6 Facilities account into the Fisheries Enforcement Asset
7 Forfeiture Fund and shall remain available until ex-
8 pended.

9 SEC. 111. There is established in the Treasury a non-
10 interest bearing fund to be known as the “Sanctuaries En-
11 forcement Asset Forfeiture Fund”, which shall consist of
12 all sums received as fines, penalties, and forfeitures of
13 property for violations of any provisions of 16 U.S.C.
14 chapter 38, which are currently deposited in the Oper-
15 ations, Research, and Facilities account: *Provided*, That
16 all unobligated balances that have been collected pursuant
17 to 16 U.S.C. 1437 shall be transferred from the Oper-
18 ations, Research, and Facilities account into the Sanc-
19 tuaries Enforcement Asset Forfeiture Fund and shall re-
20 main available until expended.

21 SEC. 112. The Department of Commerce shall pro-
22 vide a monthly report to the Committees on Appropria-
23 tions of the House of Representatives and the Senate, be-
24 ginning with October 2011 data, on any official travel to

1 China by any employee of the U.S. Department of Com-
2 merce, including the purpose of such travel.

3 SEC. 113. (a) The U.S. Participating Territories of
4 the Commission for the Conservation and Management of
5 Highly Migratory Fish Stocks in the Western and Central
6 Pacific Ocean (“Commission”) are each authorized to use,
7 assign, allocate, and manage catch limits of highly migra-
8 tory fish stocks, or fishing effort limits, agreed to by the
9 Commission through arrangements with U.S. vessels with
10 permits issued under the Pelagics Fishery Management
11 Plan of the Western Pacific Region. Vessels under such
12 arrangements are integral to the domestic fisheries of the
13 U.S. Participating Territories provided that such arrange-
14 ments shall impose no requirements regarding where such
15 vessels must fish or land their catch and shall be funded
16 by deposits to the Western Pacific Sustainable Fisheries
17 Fund in support of fisheries development projects identi-
18 fied in a Territory’s Marine Conservation Plan and adopt-
19 ed pursuant to section 204 of the Magnuson-Stevens Fish-
20 ery Conservation and Management Act (16 U.S.C. 1824).
21 The Secretary of Commerce shall attribute catches made
22 by vessels operating under such arrangements to the U.S.
23 Participating Territories for the purposes of annual re-
24 porting to the Commission.

1 (b) The Western Pacific Regional Fisheries Manage-
2 ment Council—

3 (1) is authorized to accept and deposit into the
4 Western Pacific Sustainable Fisheries Fund funding
5 for arrangements pursuant to subsection (a);

6 (2) shall use amounts deposited under para-
7 graph (1) that are attributable to a particular U.S.
8 Participating Territory only for implementation of
9 that Territory's Marine Conservation Plan adopted
10 pursuant to section 204 of the Magnuson-Stevens
11 Fishery Conservation and Management Act (16
12 U.S.C. 1824); and

13 (3) shall recommend an amendment to the
14 Pelagics Fishery Management Plan for the Western
15 Pacific Region, and associated regulations, to imple-
16 ment this section.

17 (c) Subsection (a) shall remain in effect until the ear-
18 lier of December 31, 2012, or such time as—

19 (1) the Western Pacific Regional Fishery Man-
20 agement Council recommends an amendment to the
21 Pelagics Fishery Management Plan for the Western
22 Pacific Region, and implementing regulations, to the
23 Secretary of Commerce that authorize use, assign-
24 ment, allocation, and management of catch limits of
25 highly migratory fish stocks, or fishing effort limits,

1 established by the Commission and applicable to
2 U.S. Participating Territories;

3 (2) the Secretary of Commerce approves the
4 amendment as recommended; and

5 (3) such implementing regulations become ef-
6 fective.

7 This title may be cited as the “Department of Com-
8 merce Appropriations Act, 2012”.

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TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$110,822,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, \$20,000,000.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$44,307,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS

COMMUNICATIONS

For the costs of developing and implementing communications systems supporting Federal law enforcement and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$87,000,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made

1 available to the Department of Justice for the purchase
2 of portable and mobile radios: *Provided further*, That any
3 transfer pursuant to the previous proviso shall be treated
4 as a reprogramming under section 505 of this Act and
5 shall not be available for obligation or expenditure except
6 in compliance with the procedures set forth in that section.

7 ADMINISTRATIVE REVIEW AND APPEALS

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the administration of par-
10 don and clemency petitions and immigration-related activi-
11 ties, \$305,000,000, of which \$4,000,000 shall be derived
12 by transfer from the Executive Office for Immigration Re-
13 view fees deposited in the “Immigration Examinations
14 Fee” account.

15 DETENTION TRUSTEE

16 For necessary expenses of the Federal Detention
17 Trustee, \$1,580,595,000, to remain available until ex-
18 pended: *Provided*, That the Trustee shall be responsible
19 for managing the Justice Prisoner and Alien Transpor-
20 tation System: *Provided further*, That not to exceed
21 \$20,000,000 shall be considered “funds appropriated for
22 State and local law enforcement assistance” pursuant to
23 18 U.S.C. 4013(b).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, \$84,199,000, including not to exceed \$10,000 to
4 meet unforeseen emergencies of a confidential character.

5 UNITED STATES PAROLE COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the United States Parole
8 Commission as authorized, \$12,833,000.

9 LEGAL ACTIVITIES

10 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

11 For expenses necessary for the legal activities of the
12 Department of Justice, not otherwise provided for, includ-
13 ing not to exceed \$20,000 for expenses of collecting evi-
14 dence, to be expended under the direction of, and to be
15 accounted for solely under the certificate of, the Attorney
16 General; and rent of private or Government-owned space
17 in the District of Columbia, \$863,367,000, of which not
18 to exceed \$10,000,000 for litigation support contracts
19 shall remain available until expended: *Provided*, That of
20 the total amount appropriated, not to exceed \$9,000 shall
21 be available to INTERPOL Washington for official recep-
22 tion and representation expenses: *Provided further*, That
23 notwithstanding section 205 of this Act, upon a deter-
24 mination by the Attorney General that emergent cir-
25 cumstances require additional funding for litigation activi-

1 ties of the Civil Division, the Attorney General may trans-
2 fer such amounts to “Salaries and Expenses, General
3 Legal Activities” from available appropriations for the
4 current fiscal year for the Department of Justice, as may
5 be necessary to respond to such circumstances: *Provided*
6 *further*, That any transfer pursuant to the previous pro-
7 viso shall be treated as a reprogramming under section
8 505 of this Act and shall not be available for obligation
9 or expenditure except in compliance with the procedures
10 set forth in that section: *Provided further*, That of the
11 amount appropriated, such sums as may be necessary
12 shall be available to reimburse the Office of Personnel
13 Management for salaries and expenses associated with the
14 election monitoring program under section 8 of the Voting
15 Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*,
16 That of the amounts provided under this heading for the
17 election monitoring program, \$3,390,000 shall remain
18 available until expended.

19 In addition, for reimbursement of expenses of the De-
20 partment of Justice associated with processing cases
21 under the National Childhood Vaccine Injury Act of 1986,
22 not to exceed \$7,833,000, to be appropriated from the
23 Vaccine Injury Compensation Trust Fund.

1 SALARIES AND EXPENSES, ANTITRUST DIVISION

2 For expenses necessary for the enforcement of anti-
3 trust and kindred laws, \$159,587,000, to remain available
4 until expended: *Provided*, That notwithstanding any other
5 provision of law, fees collected for premerger notification
6 filings under the Hart-Scott-Rodino Antitrust Improve-
7 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
8 of collection (and estimated to be \$108,000,000 in fiscal
9 year 2012), shall be retained and used for necessary ex-
10 penses in this appropriation, and shall remain available
11 until expended: *Provided further*, That the sum herein ap-
12 propriated from the general fund shall be reduced as such
13 offsetting collections are received during fiscal year 2012,
14 so as to result in a final fiscal year 2012 appropriation
15 from the general fund estimated at \$51,587,000.

16 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

17 For necessary expenses of the Offices of the United
18 States Attorneys, including inter-governmental and coop-
19 erative agreements, \$1,960,000,000: *Provided*, That of the
20 total amount appropriated, not to exceed \$7,200 shall be
21 available for official reception and representation ex-
22 penses: *Provided further*, That not to exceed \$25,000,000
23 shall remain available until expended: *Provided further*,
24 That each United States Attorney shall establish or par-

1 ticipate in a United States Attorney-led task force on
2 human trafficking.

3 UNITED STATES TRUSTEE SYSTEM FUND

4 For necessary expenses of the United States Trustee
5 Program, as authorized, \$223,258,000, to remain avail-
6 able until expended and to be derived from the United
7 States Trustee System Fund: *Provided*, That notwith-
8 standing any other provision of law, deposits to the Fund
9 shall be available in such amounts as may be necessary
10 to pay refunds due depositors: *Provided further*, That, not-
11 withstanding any other provision of law, \$223,258,000 of
12 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
13 be retained and used for necessary expenses in this appro-
14 priation and shall remain available until expended: *Pro-*
15 *vided further*, That the sum herein appropriated from the
16 Fund shall be reduced as such offsetting collections are
17 received during fiscal year 2012, so as to result in a final
18 fiscal year 2012 appropriation from the Fund estimated
19 at \$0.

20 SALARIES AND EXPENSES, FOREIGN CLAIMS

21 SETTLEMENT COMMISSION

22 For expenses necessary to carry out the activities of
23 the Foreign Claims Settlement Commission, including
24 services as authorized by section 3109 of title 5, United
25 States Code, \$2,000,000.

1 FEES AND EXPENSES OF WITNESSES

2 For fees and expenses of witnesses, for expenses of
3 contracts for the procurement and supervision of expert
4 witnesses, for private counsel expenses, including ad-
5 vances, and for expenses of foreign counsel, \$270,000,000,
6 to remain available until expended, of which not to exceed
7 \$10,000,000 is for construction of buildings for protected
8 witness safesites; not to exceed \$3,000,000 is for the pur-
9 chase and maintenance of armored and other vehicles for
10 witness security caravans; and not to exceed \$11,000,000
11 is for the purchase, installation, maintenance, and up-
12 grade of secure telecommunications equipment and a se-
13 cure automated information network to store and retrieve
14 the identities and locations of protected witnesses.

15 SALARIES AND EXPENSES, COMMUNITY RELATIONS

16 SERVICE

17 For necessary expenses of the Community Relations
18 Service, \$11,456,000: *Provided*, That notwithstanding sec-
19 tion 205 of this Act, upon a determination by the Attorney
20 General that emergent circumstances require additional
21 funding for conflict resolution and violence prevention ac-
22 tivities of the Community Relations Service, the Attorney
23 General may transfer such amounts to the Community Re-
24 lations Service, from available appropriations for the cur-
25 rent fiscal year for the Department of Justice, as may be

1 necessary to respond to such circumstances: *Provided fur-*
2 *ther*, That any transfer pursuant to the preceding proviso
3 shall be treated as a reprogramming under section 505
4 of this Act and shall not be available for obligation or ex-
5 penditure except in compliance with the procedures set
6 forth in that section.

7 ASSETS FORFEITURE FUND

8 For expenses authorized by 28 U.S.C. 524(c)(1)(B),
9 (F), and (G), \$20,948,000, to be derived from the Depart-
10 ment of Justice Assets Forfeiture Fund.

11 UNITED STATES MARSHALS SERVICE

12 SALARIES AND EXPENSES

13 For necessary expenses of the United States Mar-
14 shals Service, \$1,174,000,000; of which not to exceed
15 \$10,000,000 shall be available for necessary expenses for
16 increased deputy marshals and staff related to border en-
17 forcement initiatives, not to exceed \$6,000 shall be avail-
18 able for official reception and representation expenses, and
19 not to exceed \$15,000,000 shall remain available until ex-
20 pended.

21 CONSTRUCTION

22 For construction in space controlled, occupied or uti-
23 lized by the United States Marshals Service for prisoner
24 holding and related support, \$15,000,000, to remain avail-
25 able until expended, of which not to exceed \$8,250,000

1 shall be available for detention upgrades at Federal court-
2 houses to support border enforcement initiatives.

3 NATIONAL SECURITY DIVISION

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the activities of
6 the National Security Division, \$87,000,000; of which not
7 to exceed \$5,000,000 for information technology systems
8 shall remain available until expended: *Provided*, That not-
9 withstanding section 205 of this Act, upon a determina-
10 tion by the Attorney General that emergent circumstances
11 require additional funding for the activities of the National
12 Security Division, the Attorney General may transfer such
13 amounts to this heading from available appropriations for
14 the current fiscal year for the Department of Justice, as
15 may be necessary to respond to such circumstances: *Pro-*
16 *vided further*, That any transfer pursuant to the preceding
17 proviso shall be treated as a reprogramming under section
18 505 of this Act and shall not be available for obligation
19 or expenditure except in compliance with the procedures
20 set forth in that section.

21 INTERAGENCY LAW ENFORCEMENT

22 INTERAGENCY CRIME AND DRUG ENFORCEMENT

23 For necessary expenses for the identification, inves-
24 tigation, and prosecution of individuals associated with the
25 most significant drug trafficking and affiliated money

1 laundering organizations not otherwise provided for, to in-
2 clude inter-governmental agreements with State and local
3 law enforcement agencies engaged in the investigation and
4 prosecution of individuals involved in organized crime drug
5 trafficking, \$527,512,000, of which \$50,000,000 shall re-
6 main available until expended: *Provided*, That any
7 amounts obligated from appropriations under this heading
8 may be used under authorities available to the organiza-
9 tions reimbursed from this appropriation.

10 FEDERAL BUREAU OF INVESTIGATION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Bureau of In-
13 vestigation for detection, investigation, and prosecution of
14 crimes against the United States, \$8,036,991,000, of
15 which not to exceed \$150,000,000 shall remain available
16 until expended: *Provided*, That not to exceed \$184,500
17 shall be available for official reception and representation
18 expenses.

19 CONSTRUCTION

20 For necessary expenses, to include the cost of equip-
21 ment, furniture, and information technology requirements,
22 related to construction or acquisition of buildings, facili-
23 ties and sites by purchase, or as otherwise authorized by
24 law; conversion, modification and extension of Federally-
25 owned buildings; preliminary planning and design of

1 projects; and operation and maintenance of secure work
2 environment facilities and secure networking capabilities;
3 \$80,982,000, to remain available until expended.

4 DRUG ENFORCEMENT ADMINISTRATION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Drug Enforcement Ad-
7 ministration, including not to exceed \$70,000 to meet un-
8 foreseen emergencies of a confidential character pursuant
9 to 28 U.S.C. 530C; and expenses for conducting drug edu-
10 cation and training programs, including travel and related
11 expenses for participants in such programs and the dis-
12 tribution of items of token value that promote the goals
13 of such programs, \$2,025,000,000; of which not to exceed
14 \$75,000,000 shall remain available until expended and not
15 to exceed \$90,000 shall be available for official reception
16 and representation expenses.

17 CONSTRUCTION

18 For necessary expenses, to include the cost of equip-
19 ment, furniture, and information technology requirements,
20 related to construction or acquisition of buildings and of
21 the operation and maintenance of secure work environ-
22 ment facilities and secure networking capabilities,
23 \$10,000,000, to remain available until expended.

1 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
2 EXPLOSIVES
3 SALARIES AND EXPENSES

4 For necessary expenses of the Bureau of Alcohol, To-
5 bacco, Firearms and Explosives, for training of State and
6 local law enforcement agencies with or without reimburse-
7 ment, including training in connection with the training
8 and acquisition of canines for explosives and fire
9 accelerants detection; and for provision of laboratory as-
10 sistance to State and local law enforcement agencies, with
11 or without reimbursement, \$1,152,000,000, of which not
12 to exceed \$36,000 shall be for official reception and rep-
13 resentation expenses, not to exceed \$1,000,000 shall be
14 available for the payment of attorneys' fees as provided
15 by section 924(d)(2) of title 18, United States Code, and
16 not to exceed \$15,000,000 shall remain available until ex-
17 pended: *Provided*, That no funds appropriated herein or
18 hereafter shall be available for salaries or administrative
19 expenses in connection with consolidating or centralizing,
20 within the Department of Justice, the records, or any por-
21 tion thereof, of acquisition and disposition of firearms
22 maintained by Federal firearms licensees: *Provided fur-*
23 *ther*, That no funds appropriated herein shall be used to
24 pay administrative expenses or the compensation of any
25 officer or employee of the United States to implement an

1 amendment or amendments to 27 CFR 478.118 or to
2 change the definition of “Curios or relics” in 27 CFR
3 478.11 or remove any item from ATF Publication
4 5300.11 as it existed on January 1, 1994: *Provided fur-*
5 *ther*, That none of the funds appropriated herein shall be
6 available to investigate or act upon applications for relief
7 from Federal firearms disabilities under 18 U.S.C. 925(c):
8 *Provided further*, That such funds shall be available to in-
9 vestigate and act upon applications filed by corporations
10 for relief from Federal firearms disabilities under section
11 925(c) of title 18, United States Code: *Provided further*,
12 That no funds made available by this or any other Act
13 may be used to transfer the functions, missions, or activi-
14 ties of the Bureau of Alcohol, Tobacco, Firearms and Ex-
15 plosives to other agencies or Departments: *Provided fur-*
16 *ther*, That, during the current fiscal year and in each fiscal
17 year thereafter, no funds appropriated under this or any
18 other Act may be used to disclose part or all of the con-
19 tents of the Firearms Trace System database maintained
20 by the National Trace Center of the Bureau of Alcohol,
21 Tobacco, Firearms and Explosives or any information re-
22 quired to be kept by licensees pursuant to section 923(g)
23 of title 18, United States Code, or required to be reported
24 pursuant to paragraphs (3) and (7) of such section, except
25 to: (1) a Federal, State, local, or tribal law enforcement

1 agency, or a Federal, State, or local prosecutor; or (2) a
2 foreign law enforcement agency solely in connection with
3 or for use in a criminal investigation or prosecution; or
4 (3) a Federal agency for a national security or intelligence
5 purpose; unless such disclosure of such data to any of the
6 entities described in (1), (2) or (3) of this proviso would
7 compromise the identity of any undercover law enforce-
8 ment officer or confidential informant, or interfere with
9 any case under investigation; and no person or entity de-
10 scribed in (1), (2) or (3) shall knowingly and publicly dis-
11 close such data; and all such data shall be immune from
12 legal process, shall not be subject to subpoena or other
13 discovery, shall be inadmissible in evidence, and shall not
14 be used, relied on, or disclosed in any manner, nor shall
15 testimony or other evidence be permitted based on the
16 data, in a civil action in any State (including the District
17 of Columbia) or Federal court or in an administrative pro-
18 ceeding other than a proceeding commenced by the Bu-
19 reau of Alcohol, Tobacco, Firearms and Explosives to en-
20 force the provisions of chapter 44 of such title, or a review
21 of such an action or proceeding; except that this proviso
22 shall not be construed to prevent: (A) the disclosure of
23 statistical information concerning total production, impor-
24 tation, and exportation by each licensed importer (as de-
25 fined in section 921(a)(9) of such title) and licensed man-

1 ufacturer (as defined in section 921(a)(10) of such title);
2 (B) the sharing or exchange of such information among
3 and between Federal, State, local, or foreign law enforce-
4 ment agencies, Federal, State, or local prosecutors, and
5 Federal national security, intelligence, or counterterrorism
6 officials; or (c) the publication of annual statistical reports
7 on products regulated by the Bureau of Alcohol, Tobacco,
8 Firearms and Explosives, including total production, im-
9 portation, and exportation by each licensed importer (as
10 so defined) and licensed manufacturer (as so defined), or
11 statistical aggregate data regarding firearms traffickers
12 and trafficking channels, or firearms misuse, felons, and
13 trafficking investigations: *Provided further*, That no funds
14 made available by this or any other Act shall be expended
15 to promulgate or implement any rule requiring a physical
16 inventory of any business licensed under section 923 of
17 title 18, United States Code: *Provided further*, That, here-
18 after, no funds made available by this or any other Act
19 may be used to electronically retrieve information gathered
20 pursuant to 18 U.S.C. 923(g)(4) by name or any personal
21 identification code: *Provided further*, That no funds au-
22 thorized or made available under this or any other Act
23 may be used to deny any application for a license under
24 section 923 of title 18, United States Code, or renewal
25 of such a license due to a lack of business activity, pro-

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1 vided that the applicant is otherwise eligible to receive
2 such a license, and is eligible to report business income
3 or to claim an income tax deduction for business expenses
4 under the Internal Revenue Code of 1986.

5 FEDERAL PRISON SYSTEM

6 SALARIES AND EXPENSES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Federal Prison System
9 for the administration, operation, and maintenance of
10 Federal penal and correctional institutions, including pur-
11 chase (not to exceed 835, of which 808 are for replacement
12 only) and hire of law enforcement and passenger motor
13 vehicles, and for the provision of technical assistance and
14 advice on corrections related issues to foreign govern-
15 ments, \$6,551,281,000: *Provided*, That the Attorney Gen-
16 eral may transfer to the Health Resources and Services
17 Administration such amounts as may be necessary for di-
18 rect expenditures by that Administration for medical relief
19 for inmates of Federal penal and correctional institutions:
20 *Provided further*, That the Director of the Federal Prison
21 System, where necessary, may enter into contracts with
22 a fiscal agent or fiscal intermediary claims processor to
23 determine the amounts payable to persons who, on behalf
24 of the Federal Prison System, furnish health services to
25 individuals committed to the custody of the Federal Prison

1 System: *Provided further*, That not to exceed \$5,400 shall
2 be available for official reception and representation ex-
3 penses: *Provided further*, That not to exceed \$50,000,000
4 shall remain available for necessary operations until Sep-
5 tember 30, 2013: *Provided further*, That, of the amounts
6 provided for contract confinement, not to exceed
7 \$20,000,000 shall remain available until expended to
8 make payments in advance for grants, contracts and reim-
9 bursable agreements, and other expenses authorized by
10 section 501(c) of the Refugee Education Assistance Act
11 of 1980 (8 U.S.C. 1522 note), for the care and security
12 in the United States of Cuban and Haitian entrants: *Pro-*
13 *vided further*, That the Director of the Federal Prison Sys-
14 tem may accept donated property and services relating to
15 the operation of the prison card program from a not-for-
16 profit entity which has operated such program in the past
17 notwithstanding the fact that such not-for-profit entity
18 furnishes services under contracts to the Federal Prison
19 System relating to the operation of pre-release services,
20 halfway houses, or other custodial facilities.

21 BUILDINGS AND FACILITIES

22 For planning, acquisition of sites and construction of
23 new facilities; purchase and acquisition of facilities and re-
24 modeling, and equipping of such facilities for penal and
25 correctional use, including all necessary expenses incident

1 thereto, by contract or force account; and constructing,
2 remodeling, and equipping necessary buildings and facili-
3 ties at existing penal and correctional institutions, includ-
4 ing all necessary expenses incident thereto, by contract or
5 force account, \$90,000,000, to remain available until ex-
6 pended, of which not less than \$66,965,000 shall be avail-
7 able only for modernization, maintenance and repair, and
8 of which not to exceed \$14,000,000 shall be available to
9 construct areas for inmate work programs: *Provided*, That
10 labor of United States prisoners may be used for work
11 performed under this appropriation.

12 FEDERAL PRISON INDUSTRIES, INCORPORATED

13 The Federal Prison Industries, Incorporated, is here-
14 by authorized to make such expenditures, within the limits
15 of funds and borrowing authority available, and in accord
16 with the law, and to make such contracts and commit-
17 ments, without regard to fiscal year limitations as pro-
18 vided by section 9104 of title 31, United States Code, as
19 may be necessary in carrying out the program set forth
20 in the budget for the current fiscal year for such corpora-
21 tion, including purchase (not to exceed five for replace-
22 ment only) and hire of passenger motor vehicles.

1 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
2 PRISON INDUSTRIES, INCORPORATED

3 Not to exceed \$2,700,000 of the funds of the Federal
4 Prison Industries, Incorporated shall be available for its
5 administrative expenses, and for services as authorized by
6 section 3109 of title 5, United States Code, to be com-
7 puted on an accrual basis to be determined in accordance
8 with the corporation's current prescribed accounting sys-
9 tem, and such amounts shall be exclusive of depreciation,
10 payment of claims, and expenditures which such account-
11 ing system requires to be capitalized or charged to cost
12 of commodities acquired or produced, including selling and
13 shipping expenses, and expenses in connection with acqui-
14 sition, construction, operation, maintenance, improvement,
15 protection, or disposition of facilities and other property
16 belonging to the corporation or in which it has an interest.

17 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES
18 OFFICE ON VIOLENCE AGAINST WOMEN
19 VIOLENCE AGAINST WOMEN PREVENTION AND
20 PROSECUTION PROGRAMS

21 For grants, contracts, cooperative agreements, and
22 other assistance for the prevention and prosecution of vio-
23 lence against women, as authorized by the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
25 et seq.) ("the 1968 Act"); the Violent Crime Control and

1 Law Enforcement Act of 1994 (Public Law 103–322)
2 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
3 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
4 torial Remedies and Other Tools to end the Exploitation
5 of Children Today Act of 2003 (Public Law 108–21); the
6 Juvenile Justice and Delinquency Prevention Act of 1974
7 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
8 of Trafficking and Violence Protection Act of 2000 (Public
9 Law 106–386) (“the 2000 Act”); and the Violence
10 Against Women and Department of Justice Reauthoriza-
11 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
12 and for related victims services, \$412,500,000, to remain
13 available until expended: *Provided*, That except as other-
14 wise provided by law, not to exceed 3 percent of funds
15 made available under this heading may be used for ex-
16 penses related to evaluation, training, and technical assist-
17 ance: *Provided further*, That of the amount provided—

18 (1) \$189,000,000 is for grants to combat vio-
19 lence against women, as authorized by part T of the
20 1968 Act;

21 (2) \$25,000,000 is for transitional housing as-
22 sistance grants for victims of domestic violence,
23 stalking or sexual assault as authorized by section
24 40299 of the 1994 Act;

1 (3) \$3,000,000 is for the National Institute of
2 Justice for research and evaluation of violence
3 against women and related issues addressed by
4 grant programs of the Office on Violence Against
5 Women;

6 (4) \$10,000,000 is for a grant program to pro-
7 vide services to advocate for and respond to youth
8 victims of domestic violence, dating violence, sexual
9 assault, and stalking; assistance to children and
10 youth exposed to such violence; programs to engage
11 men and youth in preventing such violence; and as-
12 sistance to middle and high school students through
13 education and other services related to such violence:
14 *Provided*, That unobligated balances available for the
15 programs authorized by sections 41201, 41204,
16 41303 and 41305 of the 1994 Act shall be available
17 for this program: *Provided further*, That 10 percent
18 of the total amount available for this grant program
19 shall be available for grants under the program au-
20 thorized by section 2015 of the 1968 Act;

21 (5) \$50,000,000 is for grants to encourage ar-
22 rest policies as authorized by part U of the 1968
23 Act, of which \$4,000,000 is for a homicide reduction
24 initiative;

1 (6) \$23,000,000 is for sexual assault victims
2 assistance, as authorized by section 41601 of the
3 1994 Act;

4 (7) \$34,000,000 is for rural domestic violence
5 and child abuse enforcement assistance grants, as
6 authorized by section 40295 of the 1994 Act;

7 (8) \$9,000,000 is for grants to reduce violent
8 crimes against women on campus, as authorized by
9 section 304 of the 2005 Act;

10 (9) \$41,000,000 is for legal assistance for vic-
11 tims, as authorized by section 1201 of the 2000 Act;

12 (10) \$4,250,000 is for enhanced training and
13 services to end violence against and abuse of women
14 in later life, as authorized by section 40802 of the
15 1994 Act;

16 (11) \$11,500,000 is for the safe havens for
17 children program, as authorized by section 1301 of
18 the 2000 Act;

19 (12) \$5,750,000 is for education and training
20 to end violence against and abuse of women with
21 disabilities, as authorized by section 1402 of the
22 2000 Act;

23 (13) \$4,500,000 is for the court training and
24 improvements program, as authorized by section
25 41002 of the 1994 Act;

1 (14) \$1,000,000 is for the National Resource
2 Center on Workplace Responses to assist victims of
3 domestic violence, as authorized by section 41501 of
4 the 1994 Act;

5 (15) \$1,000,000 is for analysis and research on
6 violence against Indian women, including as author-
7 ized by section 904 of the 2005 Act; and

8 (16) \$500,000 is for the Office on Violence
9 Against Women to establish a national clearinghouse
10 that provides training and technical assistance on
11 issues relating to sexual assault of American Indian
12 and Alaska Native women.

13 OFFICE OF JUSTICE PROGRAMS

14 RESEARCH, EVALUATION, AND STATISTICS

15 For grants, contracts, cooperative agreements, and
16 other assistance authorized by title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (“the 1968
18 Act”); the Juvenile Justice and Delinquency Prevention
19 Act of 1974 (“the 1974 Act”); the Missing Children’s As-
20 sistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial
21 Remedies and Other Tools to end the Exploitation of Chil-
22 dren Today Act of 2003 (Public Law 108–21); the Justice
23 for All Act of 2004 (Public Law 108–405); the Violence
24 Against Women and Department of Justice Reauthoriza-
25 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);

1 the Victims of Child Abuse Act of 1990 (Public Law 101–
2 647); the Second Chance Act of 2007 (Public Law 110–
3 199); the Victims of Crime Act of 1984 (Public Law 98–
4 473); the Adam Walsh Child Protection and Safety Act
5 of 2006 (Public Law 109–248) (“the Adam Walsh Act”);
6 the PROTECT Our Children Act of 2008 (Public Law
7 110–401); subtitle D of title II of the Homeland Security
8 Act of 2002 (Public Law 107–296) (“the 2002 Act”); and
9 other programs; \$113,000,000, to remain available until
10 expended, of which—

11 (1) \$45,000,000 is for criminal justice statistics
12 programs, and other activities, as authorized by part
13 C of title I of the 1968 Act, of which \$36,000,000
14 is for the administration and redesign of the Na-
15 tional Crime Victimization Survey;

16 (2) \$40,000,000 is for research, development,
17 and evaluation programs, and other activities as au-
18 thorized by part B of title I of the 1968 Act and
19 subtitle D of title II of the 2002 Act: *Provided*, That
20 of the amounts provided under this heading,
21 \$5,000,000 is transferred directly to the National
22 Institute of Standards and Technology’s Office of
23 Law Enforcement Standards from the National In-
24 stitute of Justice for research, testing and evaluation
25 programs;

1 (3) \$1,000,000 is for an evaluation clearing-
2 house program; and

3 (4) \$27,000,000 is for regional information
4 sharing activities, as authorized by part M of title I
5 of the 1968 Act.

6 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

7 For grants, contracts, cooperative agreements, and
8 other assistance authorized by the Violent Crime Control
9 and Law Enforcement Act of 1994 (Public Law 103–322)
10 (“the 1994 Act”); the Omnibus Crime Control and Safe
11 Streets Act of 1968 (“the 1968 Act”); the Justice for All
12 Act of 2004 (Public Law 108–405); the Victims of Child
13 Abuse Act of 1990 (Public Law 101–647) (“the 1990
14 Act”); the Trafficking Victims Protection Reauthorization
15 Act of 2005 (Public Law 109–164); the Violence Against
16 Women and Department of Justice Reauthorization Act
17 of 2005 (Public Law 109–162) (“the 2005 Act”); the
18 Adam Walsh Child Protection and Safety Act of 2006
19 (Public Law 109–248) (“the Adam Walsh Act”); the Vic-
20 tims of Trafficking and Violence Protection Act of 2000
21 (Public Law 106–386); the NICS Improvement Amend-
22 ments Act of 2007 (Public Law 110–180); subtitle D of
23 title II of the Homeland Security Act of 2002 (Public Law
24 107–296) (“the 2002 Act”); the Second Chance Act of
25 2007 (Public Law 110–199); the Prioritizing Resources

1 and Organization for Intellectual Property Act of 2008
2 (Public Law 110–403); the Victims of Crime Act of 1984
3 (Public Law 98–473); the Mentally Ill Offender Treat-
4 ment and Crime Reduction Reauthorization and Improve-
5 ment Act of 2008 (Public Law 110–416); and other pro-
6 grams; \$1,162,500,000, to remain available until ex-
7 pended as follows—

8 (1) \$470,000,000 for the Edward Byrne Memo-
9 rial Justice Assistance Grant program as authorized
10 by subpart 1 of part E of title I of the ~~1968 Act~~
11 (except that section 1001(e)), and the special rules
12 for Puerto Rico under section 505(g), of title I of
13 the 1968 Act shall not apply for purposes of this
14 Act), of which, notwithstanding such subpart 1,
15 \$2,000,000 is for a program to improve State and
16 local law enforcement intelligence capabilities includ-
17 ing antiterrorism training and training to ensure
18 that constitutional rights, civil liberties, civil rights,
19 and privacy interests are protected throughout the
20 intelligence process, \$4,000,000 is for a State and
21 local assistance help desk and diagnostic center pro-
22 gram, \$2,000,000 is for a Preventing Violence
23 Against Law Enforcement Officer Resilience and
24 Survivability Initiative (VALOR), \$4,000,000 is for
25 use by the National Institute of Justice for research

1 targeted toward developing a better understanding
2 of the domestic radicalization phenomenon, and ad-
3 vancing evidence-based strategies for effective inter-
4 vention and prevention, \$6,000,000 is for activities
5 related to comprehensive criminal justice reform and
6 recidivism reduction efforts by States, and
7 \$100,000,000 is for law enforcement and related se-
8 curity costs, including overtime, associated with the
9 two principal 2012 Presidential Candidate Nomi-
10 nating Conventions;

11 (2) \$240,000,000 for the State Criminal Alien
12 Assistance Program, as authorized by section
13 241(5) of the Immigration and Nationality Act (8
14 U.S.C. 1231(5)): *Provided*, That no jurisdiction
15 shall request compensation for any cost greater than
16 the actual cost for Federal immigration and other
17 detainees housed in State and local detention facili-
18 ties;

19 (3) \$10,000,000 for ~~the Border Prosecutor Ini-~~ ^{(a}
20 tiative to reimburse State, county, parish, tribal, or
21 municipal governments for costs associated with the
22 prosecution of criminal cases declined by local offices
23 of the United States Attorneys;

24 (4) \$15,000,000 for competitive grants to im-
25 prove the functioning of the criminal justice system,

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1 to prevent or combat juvenile delinquency, and to as-
2 sist victims of crime (other than compensation);

3 (5) \$10,500,000 for victim services programs
4 for victims of trafficking, as authorized by section
5 107(b)(2) of Public Law 106–386 and for programs
6 authorized under Public Law 109–164;

7 (6) \$35,000,000 for Drug Courts, as authorized
8 by section 1001(a)(25)(A) of title I of the 1968 Act;

9 (7) \$9,000,000 for mental health courts and
10 adult and juvenile collaboration program grants, as
11 authorized by parts V and HH of title I of the 1968
12 Act, and the Mentally Ill Offender Treatment and
13 Crime Reduction Reauthorization and Improvement
14 Act of 2008 (Public Law 110–416);

15 (8) \$10,000,000 for grants for Residential Sub-
16 stance Abuse Treatment for State Prisoners, as au-
17 thorized by part S of title I of the 1968 Act;

18 (9) \$3,000,000 for the Capital Litigation Im-
19 provement Grant Program, as authorized by section
20 426 of Public Law 108–405, and for grants for
21 wrongful conviction review;

22 (10) \$7,000,000 for economic, high technology
23 and Internet crime prevention grants, including as
24 authorized by section 401 of Public Law 110–403;

1 (11) \$4,000,000 for a student loan repayment
2 assistance program pursuant to section 952 of Pub-
3 lic Law 110–315;

4 (12) \$20,000,000 for sex offender management
5 assistance, as authorized by the Adam Walsh Act
6 and the Violent Crime Control Act of 1994 (Public
7 Law 103–322) and related activities;

8 (13) \$10,000,000 for an initiative relating to
9 children exposed to violence;

10 (14) \$15,000,000 for an Edward Byrne Memo-
11 rial criminal justice innovation program;

12 (15) \$24,000,000 for the matching grant pro-
13 gram for law enforcement armor vests, as authorized
14 by section 2501 of title I of the 1968 Act: *Provided,*
15 That \$1,500,000 is transferred directly to the Na-
16 tional Institute of Standards and Technology’s Of-
17 fice of Law Enforcement Standards for research,
18 testing and evaluation programs;

19 (16) \$1,000,000 for the National Sex Offender
20 Public Web site;

21 (17) \$5,000,000 for competitive and evidence-
22 based programs to reduce gun crime and gang vio-
23 lence;

24 (18) \$5,000,000 for grants to assist State and
25 tribal governments as authorized by the NICS Im-

1 provement Amendments Act of 2007 (Public Law
2 110–180);

3 (19) \$6,000,000 for the National Criminal His-
4 tory Improvement Program for grants to upgrade
5 criminal records;

6 (20) \$12,000,000 for Paul Coverdell Forensic
7 Sciences Improvement Grants under part BB of title
8 I of the 1968 Act;

9 (21) \$125,000,000 for DNA-related and foren-
10 sic programs and activities, of which—

11 (A) \$117,000,000 is for a DNA analysis
12 and capacity enhancement program and for
13 other local, State, and Federal forensic activi-
14 ties, including the purposes authorized under
15 section 2 of the DNA Analysis Backlog Elimini-
16 nation Act of 2000 (the Debbie Smith DNA
17 Backlog Grant Program);

18 (B) \$4,000,000 is for the purposes de-
19 scribed in the Kirk Bloodsworth Post-Convic-
20 tion DNA Testing Program (Public Law 108–
21 405, section 412); and

22 (C) \$4,000,000 is for Sexual Assault Fo-
23 rensic Exam Program Grants, including as au-
24 thorized by section 304 of Public Law 108–405;

1 (22) \$4,500,000 for the court-appointed special
2 advocate program, as authorized by section 217 of
3 the 1990 Act;

4 (23) \$38,000,000 for assistance to Indian
5 tribes;

6 (24) \$1,000,000 for the purposes described in
7 the Missing Alzheimer's Disease Patient Alert Pro-
8 gram (section 240001 of the 1994 Act);

9 (25) \$7,000,000 for a program to monitor pre-
10 scription drugs and scheduled listed chemical prod-
11 ucts;

12 (26) \$12,500,000 for prison rape prevention
13 and prosecution and other programs, as authorized
14 by the Prison Rape Elimination Act of 2003 (Public
15 Law 108–79); and

16 (27) \$63,000,000 for offender reentry programs
17 and research, as authorized by the Second Chance
18 Act of 2007 (Public Law 110–199), of which not to
19 exceed \$4,000,000 is for a program to improve
20 State, local, and tribal probation supervision efforts
21 and strategies:

22 *Provided*, That if a unit of local government uses any of
23 the funds made available under this heading to increase
24 the number of law enforcement officers, the unit of local
25 government will achieve a net gain in the number of law

1 enforcement officers who perform non-administrative pub-
2 lic sector safety service.

3 JUVENILE JUSTICE PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other assistance authorized by the Juvenile Justice and
6 Delinquency Prevention Act of 1974 (“the 1974 Act”); the
7 Omnibus Crime Control and Safe Streets Act of 1968
8 (“the 1968 Act”); the Violence Against Women and De-
9 partment of Justice Reauthorization Act of 2005 (Public
10 Law 109–162) (“the 2005 Act”); the Missing Children’s
11 Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial
12 Remedies and Other Tools to end the Exploitation of Chil-
13 dren Today Act of 2003 (Public Law 108–21); the Victims
14 of Child Abuse Act of 1990 (Public Law 101–647) (“the
15 1990 Act”); the Adam Walsh Child Protection and Safety
16 Act of 2006 (Public Law 109–248) (“the Adam Walsh
17 Act”); the PROTECT Our Children Act of 2008 (Public
18 Law 110–401); and other juvenile justice programs,
19 \$262,500,000, to remain available until expended as fol-
20 lows—

21 (1) \$40,000,000 for programs authorized by
22 section 221 of the 1974 Act, and for training and
23 technical assistance to assist small, non-profit orga-
24 nizations with the Federal grants process;

25 (2) \$78,000,000 for youth mentoring grants;

1 (3) \$20,000,000 for delinquency prevention, as
2 authorized by section 505 of the 1974 Act, of which,
3 pursuant to sections 261 and 262 thereof—

4 (A) \$10,000,000 shall be for the Tribal
5 Youth Program;

6 (B) \$5,000,000 shall be for gang and
7 youth violence education, prevention and inter-
8 vention, and related activities; and

9 (C) \$5,000,000 shall be for programs and
10 activities to enforce State laws prohibiting the
11 sale of alcoholic beverages to minors or the pur-
12 chase or consumption of alcoholic beverages by
13 minors, for prevention and reduction of con-
14 sumption of alcoholic beverages by minors, and
15 for technical assistance and training;

16 (4) \$18,000,000 for programs authorized by
17 the Victims of Child Abuse Act of 1990;

18 (5) \$30,000,000 for the Juvenile Accountability
19 Block Grants program as authorized by part R of
20 title I of the 1968 Act and Guam shall be considered
21 a State;

22 (6) \$8,000,000 for community-based violence
23 prevention initiatives;

1 (7) \$65,000,000 for missing and exploited chil-
2 dren programs, including as authorized by sections
3 404(b) and 405(a) of the 1974 Act;

4 (8) \$1,500,000 for child abuse training pro-
5 grams for judicial personnel and practitioners, as
6 authorized by section 222 of the 1990 Act; and

7 (9) \$2,000,000 for grants and technical assist-
8 ance in support of the National Forum on Youth Vi-
9 olence Prevention:

10 *Provided*, That not more than 10 percent of each amount
11 may be used for research, evaluation, and statistics activi-
12 ties designed to benefit the programs or activities author-
13 ized: *Provided further*, That not more than 2 percent of
14 each amount may be used for training and technical as-
15 sistance: *Provided further*, That the previous two provisos
16 shall not apply to grants and projects authorized by sec-
17 tions 261 and 262 of the 1974 Act.

18 PUBLIC SAFETY OFFICER BENEFITS

19 For payments and expenses authorized under section
20 1001(a)(4) of title I of the Omnibus Crime Control and
21 Safe Streets Act of 1968, such sums as are necessary (in-
22 cluding amounts for administrative costs), to remain avail-
23 able until expended; and \$16,300,000 for payments au-
24 thorized by section 1201(b) of such Act and for edu-
25 cational assistance authorized by section 1218 of such Act,

1 to remain available until expended: *Provided*, That not-
2 withstanding section 205 of this Act, upon a determina-
3 tion by the Attorney General that emergent circumstances
4 require additional funding for such disability and edu-
5 cation payments, the Attorney General may transfer such
6 amounts to “Public Safety Officer Benefits” from avail-
7 able appropriations for the current fiscal year for the De-
8 partment of Justice as may be necessary to respond to
9 such circumstances: *Provided further*, That any transfer
10 pursuant to the previous proviso shall be treated as a re-
11 programming under section 505 of this Act and shall not
12 be available for obligation or expenditure except in compli-
13 ance with the procedures set forth in that section.

14 COMMUNITY ORIENTED POLICING SERVICES

15 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

16 For activities authorized by the Violent Crime Con-
17 trol and Law Enforcement Act of 1994 (Public Law 103–
18 322); the Omnibus Crime Control and Safe Streets Act
19 of 1968 (“the 1968 Act”); and the Violence Against
20 Women and Department of Justice Reauthorization Act
21 of 2005 (Public Law 109–162) (“the 2005 Act”),
22 \$198,500,000, to remain available until expended: *Pro-*
23 *vided*, That any balances made available through prior
24 year deobligations shall only be available in accordance
25 with section 505 of this Act. Of the amount provided:

1 (1) \$12,500,000 is for anti-methamphetamine-
2 related activities, which shall be transferred to the
3 Drug Enforcement Administration upon enactment
4 of this Act;

5 (2) \$20,000,000 is for improving tribal law en-
6 forcement, including hiring, equipment, training, and
7 anti-methamphetamine activities; and

8 (3) \$166,000,000 is for grants under section
9 1701 of title I of the 1968 Act (42 U.S.C. 3796dd)
10 for the hiring and rehiring of additional career law
11 enforcement officers under part 9 of such title not-
12 withstanding subsection (i) of such section: *Provided,*
13 That notwithstanding subsection (g) of the 1968 Act
14 (42 U.S.C. 3796dd), the Federal share of the costs
15 of a project funded by such grants may not exceed
16 75 percent unless the Director of the Office of Com-
17 munity Oriented Policing Services waives, wholly or
18 in part, the requirement of a non-Federal contribu-
19 tion to the costs of a project: *Provided further,* That
20 notwithstanding 42 U.S.C. 3796dd-3(c), funding for
21 hiring or rehiring a career law enforcement officer
22 may not exceed \$125,000, unless the Director of the
23 Office of Community Oriented Policing Services
24 grants a waiver from this limitation: *Provided fur-*
25 *ther,* That within the amounts appropriated,

1 \$15,000,000 shall be transferred to the Tribal Re-
2 sources Grant Program to be used for improving
3 tribal law enforcement, including hiring, equipment,
4 training, and anti-methamphetamine activities: *Pro-*
5 *vided further,* That within the amounts appropriated,
6 \$10,000,000 is for community policing development
7 activities in furtherance of the purposes in section
8 1701.

9 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

10 SEC. 201. In addition to amounts otherwise made
11 available in this title for official reception and representa-
12 tion expenses, a total of not to exceed \$50,000 from funds
13 appropriated to the Department of Justice in this title
14 shall be available to the Attorney General for official re-
15 ception and representation expenses.

16 SEC. 202. None of the funds appropriated by this
17 title shall be available to pay for an abortion, except where
18 the life of the mother would be endangered if the fetus
19 were carried to term, or in the case of rape: *Provided,*
20 That should this prohibition be declared unconstitutional
21 by a court of competent jurisdiction, this section shall be
22 null and void.

23 SEC. 203. None of the funds appropriated under this
24 title shall be used to require any person to perform, or
25 facilitate in any way the performance of, any abortion.

1 SEC. 204. Nothing in the preceding section shall re-
2 move the obligation of the Director of the Bureau of Pris-
3 ons to provide escort services necessary for a female in-
4 mate to receive such service outside the Federal facility:
5 *Provided*, That nothing in this section in any way dimin-
6 ishes the effect of section 203 intended to address the phil-
7 osophical beliefs of individual employees of the Bureau of
8 Prisons.

9 SEC. 205. Not to exceed 5 percent of any appropria-
10 tion made available for the current fiscal year for the De-
11 partment of Justice in this Act may be transferred be-
12 tween such appropriations, but no such appropriation, ex-
13 cept as otherwise specifically provided, shall be increased
14 by more than 10 percent by any such transfers: *Provided*,
15 That any transfer pursuant to this section shall be treated
16 as a reprogramming of funds under section 505 of this
17 Act and shall not be available for obligation except in com-
18 pliance with the procedures set forth in that section.

19 SEC. 206. The Attorney General is authorized to ex-
20 tend through September 30, 2013, the Personnel Manage-
21 ment Demonstration Project transferred to the Attorney
22 General pursuant to section 1115 of the Homeland Secu-
23 rity Act of 2002, Public Law 107–296 (28 U.S.C. 599B)
24 without limitation on the number of employees or the posi-
25 tions covered.

1 SEC. 207. Notwithstanding any other provision of
2 law, Public Law 102–395 section 102(b) shall extend to
3 the Bureau of Alcohol, Tobacco, Firearms and Explosives
4 in the conduct of undercover investigative operations and
5 shall apply without fiscal year limitation with respect to
6 any undercover investigative operation by the Bureau of
7 Alcohol, Tobacco, Firearms and Explosives that is nec-
8 essary for the detection and prosecution of crimes against
9 the United States.

10 SEC. 208. None of the funds made available to the
11 Department of Justice in this Act may be used for the
12 purpose of transporting an individual who is a prisoner
13 pursuant to conviction for crime under State or Federal
14 law and is classified as a maximum or high security pris-
15 oner, other than to a prison or other facility certified by
16 the Federal Bureau of Prisons as appropriately secure for
17 housing such a prisoner.

18 SEC. 209. (a) None of the funds appropriated by this
19 Act may be used by Federal prisons to purchase cable tele-
20 vision services, to rent or purchase videocassettes, video-
21 cassette recorders, or other audiovisual or electronic equip-
22 ment used primarily for recreational purposes.

23 (b) The preceding sentence does not preclude the
24 renting, maintenance, or purchase of audiovisual or elec-

1 tronic equipment for inmate training, religious, or edu-
2 cational programs.

3 SEC. 210. None of the funds made available under
4 this title shall be obligated or expended for any new or
5 enhanced information technology program having total es-
6 timated development costs in excess of \$100,000,000, un-
7 less the Deputy Attorney General and the investment re-
8 view board certify to the Committees on Appropriations
9 that the information technology program has appropriate
10 program management controls and contractor oversight
11 mechanisms in place, and that the program is compatible
12 with the enterprise architecture of the Department of Jus-
13 tice.

14 SEC. 211. The notification thresholds and procedures
15 set forth in section 505 of this Act shall apply to devi-
16 ations from the amounts designated for specific activities
17 in this Act and accompanying statement, and to any use
18 of deobligated balances of funds provided under this title
19 in previous years.

20 SEC. 212. None of the funds appropriated by this Act
21 may be used to plan for, begin, continue, finish, process,
22 or approve a public-private competition under the Office
23 of Management and Budget Circular A-76 or any suc-
24 cessor administrative regulation, directive, or policy for

1 work performed by employees of the Bureau of Prisons
2 or of Federal Prison Industries, Incorporated.

3 SEC. 213. (a) Within 120 days of enactment of this
4 Act, the Attorney General shall report to the Committees
5 on Appropriations of the House of Representatives and the
6 Senate a cost and schedule estimate for the final operating
7 capability of the Federal Bureau of Investigation's Sen-
8 tinel program, including the costs of Bureau employees en-
9 gaged in development work, the costs of operating and
10 maintaining Sentinel for 2 years after achievement of the
11 final operating capability, and a detailed list of the
12 functionalities included in the final operating capability
13 compared to the functionalities included in the previous
14 program baseline.

15 (b) The report described in subsection (a) shall be
16 submitted concurrently to the Department of Justice Of-
17 fice of Inspector General (OIG) and, within 60 days of
18 receiving such report, the OIG shall provide an assessment
19 of such report to the Committees on Appropriations of the
20 House of Representatives and the Senate.

21 SEC. 214. Notwithstanding any other provision of
22 law, no funds shall be available for the salary, benefits,
23 or expenses of any United States Attorney assigned dual
24 or additional responsibilities by the Attorney General or

1 his designee that exempt that United States Attorney
2 from the residency requirements of 28 U.S.C. 545.

3 SEC. 215. At the discretion of the Attorney General,
4 and in addition to any amounts that otherwise may be
5 available (or authorized to be made available) by law, with
6 respect to funds appropriated by this title under the head-
7 ings “Research, Evaluation, and Statistics”, “State and
8 Local Law Enforcement Assistance”, and “Juvenile Jus-
9 tice Programs”—

10 (1) Up to 3 percent of funds made available to
11 the Office of Justice Programs for grant or reim-
12 bursement programs may be used by such Office to
13 provide training and technical assistance; and

14 (2) Up to 2 percent of funds made available for
15 grant or reimbursement programs under such head-
16 ings, except for amounts appropriated specifically for
17 research, evaluation, or statistical programs adminis-
18 tered by the National Institute of Justice and the
19 Bureau of Justice Statistics, shall be transferred to
20 and merged with funds provided to the National In-
21 stitute of Justice and the Bureau of Justice Statis-
22 tics, to be used by them for research, evaluation or
23 statistical purposes, without regard to the authoriza-
24 tions for such grant or reimbursement programs,
25 and of such amounts, \$1,300,000 shall be trans-

1 ferred to the Bureau of Prisons for Federal inmate
2 research and evaluation purposes.

3 SEC. 216. The Attorney General may, upon request
4 by a grantee and based upon a determination of fiscal
5 hardship, waive the requirements of sections 2976(g)(1),
6 2978(e)(1) and (2), and 2904 of title I of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
8 3797w(g)(1), 3797w-2(e)(1) and (2), 3797q-3) with re-
9 spect to funds appropriated in this or any other Act mak-
10 ing appropriations for fiscal years 2010 through 2012 for
11 Adult and Juvenile Offender State and Local Reentry
12 Demonstration Projects and State, Tribal, and Local Re-
13 entry Courts authorized under part FF of title I of such
14 Act of 1968, and the Prosecution Drug Treatment Alter-
15 natives to Prison Program authorized under part CC of
16 such Act.

17 SEC. 217. Notwithstanding any other provision of
18 law, section 20109(a), in subtitle A of title II of the Vio-
19 lent Crime Control and Law Enforcement Act of 1994 (42
20 U.S.C. 13709(a)), shall not apply to amounts made avail-
21 able by this title.

22 SEC. 218. Section 530A of title 28, United States
23 Code, is hereby amended by replacing “appropriated” with
24 “used from appropriations”, and by inserting “(2),” be-
25 fore “(3)”.

1 SEC. 219. None of the funds made available under
2 this Act, other than for the national instant criminal back-
3 ground check system established under section 103 of the
4 Brady Handgun Violence Prevention Act, may be used by
5 a Federal law enforcement officer to facilitate the transfer
6 of an operable firearm to an individual if the Federal law
7 enforcement officer knows or suspects that the individual
8 is an agent of a drug cartel, unless law enforcement per-
9 sonnel of the United States continuously monitor or con-
10 trol the firearm at all times.

11 SEC. 220. The Attorney General shall identify an
12 independent auditor to evaluate the Gulf Coast Claims Fa-
13 cility.

14 SEC. 221. Section 1761 of title 18, United States
15 Code, is amended—

16 (1) by striking “non-Federal” in subsection
17 (c)(1);

18 (2) by redesignating subsection (d) as sub-
19 section (e); and

20 (3) by inserting after subsection (c) the fol-
21 lowing new subsection:

22 “(d) This section shall not apply to goods, wares, or
23 merchandise manufactured, produced, mined or assembled
24 by convicts or prisoners who are participating in any pilot
25 project approved by the FPI Board of Directors, which

1 are currently, or would otherwise be, manufactured, pro-
2 duced, mined, or assembled outside the United States.”.

3 This title may be cited as the “Department of Justice
4 Appropriations Act, 2012”.

1 TITLE III

2 SCIENCE

3 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

4 For necessary expenses of the Office of Science and
5 Technology Policy, in carrying out the purposes of the Na-
6 tional Science and Technology Policy, Organization, and
7 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
8 passenger motor vehicles, and services as authorized by
9 5 U.S.C. 3109, not to exceed \$2,250 for official reception
10 and representation expenses, and rental of conference
11 rooms in the District of Columbia, \$4,500,000.

12 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

13 SCIENCE

14 For necessary expenses, not otherwise provided for,
15 in the conduct and support of science research and devel-
16 opment activities, including research, development, oper-
17 ations, support, and services; maintenance and repair, fa-
18 cility planning and design; space flight, spacecraft control,
19 and communications activities; program management; per-
20 sonnel and related costs, including uniforms or allowances
21 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
22 penses; purchase and hire of passenger motor vehicles; and
23 purchase, lease, charter, maintenance, and operation of
24 mission and administrative aircraft, \$5,090,000,000, to
25 remain available until September 30, 2013, of which up

1 to \$10,000,000 shall be available for a reimbursable agree-
2 ment with the Department of Energy for the purpose of
3 re-establishing facilities to produce fuel required for radio-
4 isotope thermoelectric generators to enable future mis-
5 sions: *Provided*, That NASA shall implement the rec-
6 ommendations of the most recent National Research
7 Council planetary decadal survey and shall follow the
8 decadal survey's recommended decision rules regarding
9 program implementation, including a strict adherence to
10 the recommendation that NASA include in a balanced pro-
11 gram a flagship class mission, which may be executed in
12 cooperation with one or more international partners, if
13 such mission can be appropriately de-scoped and all NASA
14 costs for such mission can be accommodated within the
15 overall funding levels appropriated by Congress: *Provided*
16 *further*, That the formulation and development costs (with
17 development cost as defined under 51 U.S.C. 30104) for
18 the James Webb Space Telescope shall not exceed
19 \$8,000,000,000: *Provided further*, That should the indi-
20 vidual identified under subparagraph (c)(2)(E) of section
21 30104 of title 51 as responsible for the James Webb Space
22 Telescope determine that the development cost of the pro-
23 gram is likely to exceed that limitation, the individual shall
24 immediately notify the Administrator and the increase

1 shall be treated as if it meets the 30 percent threshold
2 described in subsection (f) of section 30104 of title 51.

3 AERONAUTICS

4 For necessary expenses, not otherwise provided for,
5 in the conduct and support of aeronautics research and
6 development activities, including research, development,
7 operations, support, and services; maintenance and repair,
8 facility planning and design; space flight, spacecraft con-
9 trol, and communications activities; program manage-
10 ment; personnel and related costs, including uniforms or
11 allowances therefor, as authorized by 5 U.S.C. 5901--
12 5902; travel expenses; purchase and hire of passenger
13 motor vehicles; and purchase, lease, charter, maintenance,
14 and operation of mission and administrative aircraft,
15 \$569,900,000, to remain available until September 30,
16 2013.

17 SPACE TECHNOLOGY

18 For necessary expenses, not otherwise provided for,
19 in the conduct and support of space research and tech-
20 nology development activities, including research, develop-
21 ment, operations, support, and services; maintenance and
22 repair, facility planning and design; space flight, space-
23 craft control, and communications activities; program
24 management; personnel and related costs, including uni-
25 forms or allowances therefor, as authorized by 5 U.S.C.

1 5901–5902; travel expenses; purchase and hire of pas-
2 senger motor vehicles; and purchase, lease, charter, main-
3 tenance, and operation of mission and administrative air-
4 craft, \$575,000,000, to remain available until September
5 30, 2013.

6 EXPLORATION

7 For necessary expenses, not otherwise provided for,
8 in the conduct and support of exploration research and
9 development activities, including research, development,
10 operations, support, and services; maintenance and repair,
11 facility planning and design; space flight, spacecraft con-
12 trol, and communications activities; program manage-
13 ment; personnel and related costs, including uniforms or
14 allowances therefor, as authorized by 5 U.S.C. 5901–
15 5902; travel expenses; purchase and hire of passenger
16 motor vehicles; and purchase, lease, charter, maintenance,
17 and operation of mission and administrative aircraft,
18 \$3,770,800,000, to remain available until September 30,
19 2013: *Provided*, That not less than \$1,200,000,000 shall
20 be for the Orion multipurpose crew vehicle, not less than
21 \$1,860,000,000 shall be for the heavy lift launch vehicle
22 system which shall have a lift capability not less than 130
23 tons and which shall have an upper stage and other core
24 elements developed simultaneously, \$406,000,000 shall be
25 for commercial spaceflight activities, and \$304,800,000

1 shall be for exploration research and development: *Pro-*
2 *vided further*, That not to exceed \$316,500,000 of funds
3 provided for the heavy lift launch vehicle system may be
4 used for ground operations: *Provided further*, That
5 \$100,000,000 of the funds provided for commercial
6 spaceflight activities shall only be available after the
7 NASA Administrator certifies to the Committees on Ap-
8 propriations, in writing, that NASA has published the re-
9 quired notifications of NASA contract actions imple-
10 menting the acquisition strategy for the heavy lift launch
11 vehicle system identified in section 302 of Public Law
12 111–267 and has begun to execute relevant contract ac-
13 tions in support of development of the heavy lift launch
14 vehicle system: *Provided further*, That not to exceed
15 \$58,000,000 may be transferred to “Construction and En-
16 vironmental Compliance and Restoration” for construction
17 activities related to the Orion multipurpose crew vehicle
18 and the heavy lift launch vehicle system: *Provided further*,
19 That funds so transferred shall not be subject to the 10
20 percent transfer limitation described in the Administrative
21 Provisions in this Act for the National Aeronautics and
22 Space Administration and shall be treated as a reprogram-
23 ming under section 505 of this Act.

1 SPACE OPERATIONS

2 For necessary expenses, not otherwise provided for,
3 in the conduct and support of space operations research
4 and development activities, including research, develop-
5 ment, operations, support and services; space flight, space-
6 craft control and communications activities, including op-
7 erations, production, and services; maintenance and re-
8 pair, facility planning and design; program management;
9 personnel and related costs, including uniforms or allow-
10 ances therefor, as authorized by 5 U.S.C. 5901–5902;
11 travel expenses; purchase and hire of passenger motor ve-
12 hicles; and purchase, lease, charter, maintenance and op-
13 eration of mission and administrative aircraft,
14 \$4,233,600,000, to remain available until September 30,
15 2013: *Provided*, That not to exceed \$41,000,000 may be
16 transferred to “Construction and Environmental Compli-
17 ance and Restoration” for construction activities only at
18 NASA-owned facilities: *Provided further*, That funds so
19 transferred shall not be subject to the 10 percent transfer
20 limitation described in the Administrative Provisions in
21 this Act for the National Aeronautics and Space Adminis-
22 tration and shall be treated as a reprogramming under
23 section 505 of this Act: *Provided further*, That acquisition
24 of the Tracking and Data Relay Satellite-M may be fund-
25 ed incrementally in fiscal year 2012 and thereafter.

1 EDUCATION

2 For necessary expenses, not otherwise provided for,
3 in carrying out aerospace and aeronautical education re-
4 search and development activities, including research, de-
5 velopment, operations, support, and services; program
6 management; personnel and related costs, including uni-
7 forms or allowances therefor, as authorized by 5 U.S.C.
8 5901–5902; travel expenses; purchase and hire of pas-
9 senger motor vehicles; and purchase, lease, charter, main-
10 tenance, and operation of mission and administrative air-
11 craft, \$138,400,000, to remain available until September
12 30, 2013, of which \$18,400,000 shall be for the Experi-
13 mental Program to Stimulate Competitive Research and
14 \$40,000,000 shall be for the National Space Grant College
15 program.

16 CROSS AGENCY SUPPORT

17 For necessary expenses, not otherwise provided for,
18 in the conduct and support of science, aeronautics, explo-
19 ration, space operations and education research and devel-
20 opment activities, including research, development, oper-
21 ations, support, and services; maintenance and repair, fa-
22 cility planning and design; space flight, spacecraft control,
23 and communications activities; program management; per-
24 sonnel and related costs, including uniforms or allowances
25 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-

1 penses; purchase and hire of passenger motor vehicles; not
2 to exceed \$63,000 for official reception and representation
3 expenses; and purchase, lease, charter, maintenance, and
4 operation of mission and administrative aircraft,
5 \$2,995,000,000, to remain available until September 30,
6 2013, of which \$1,000,000 shall be transferred to “Na-
7 tional Aeronautics and Space Administration, Office of In-
8 spector General” and used by the Inspector General to
9 commission a comprehensive independent assessment of
10 NASA’s strategic direction and agency management: *Pro-*
11 *vided*, That not less than \$39,100,000 shall be available
12 for independent verification and validation activities.

13 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
14 RESTORATION

15 For necessary expenses for construction of facilities
16 including repair, rehabilitation, revitalization, and modi-
17 fication of facilities, construction of new facilities and ad-
18 ditions to existing facilities, facility planning and design,
19 and restoration, and acquisition or condemnation of real
20 property, as authorized by law, and environmental compli-
21 ance and restoration, \$390,000,000, to remain available
22 until September 30, 2017: *Provided*, That hereafter, not-
23 withstanding section 315 of the National Aeronautics and
24 Space Act of 1958 (42 U.S.C. 2459j), all proceeds from
25 leases entered into under that section shall be deposited

1 into this account and shall be available for a period of
2 5 years, to the extent provided in annual appropriations
3 Acts: *Provided further*, That such proceeds shall be avail-
4 able for obligation for fiscal year 2012 in an amount not
5 to exceed \$3,960,000: *Provided further*, That each annual
6 budget request shall include an annual estimate of gross
7 receipts and collections and proposed use of all funds col-
8 lected pursuant to section 315 of the National Aeronautics
9 and Space Act of 1958 (42 U.S.C. 2459j).

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the Inspector General Act of 1978,
13 \$37,300,000, of which \$500,000 shall remain available
14 until September 30, 2013.

15 ADMINISTRATIVE PROVISIONS

16 Funds for announced prizes otherwise authorized
17 shall remain available, without fiscal year limitation, until
18 the prize is claimed or the offer is withdrawn.

19 Not to exceed 5 percent of any appropriation made
20 available for the current fiscal year for the National Aero-
21 nautics and Space Administration in this Act may be
22 transferred between such appropriations, but no such ap-
23 propriation, except as otherwise specifically provided, shall
24 be increased by more than 10 percent by any such trans-
25 fers. Balances so transferred shall be merged with and

1 available for the same purposes and the same time period
2 as the appropriations to which transferred. Any transfer
3 pursuant to this provision shall be treated as a reprogram-
4 ming of funds under section 505 of this Act and shall not
5 be available for obligation except in compliance with the
6 procedures set forth in that section.

7 The unexpired balances of previous accounts, for ac-
8 tivities for which funds are provided under this Act, may
9 be transferred to the new accounts established in this Act
10 that provide such activity. Balances so transferred shall
11 be merged with the funds in the newly established ac-
12 counts, but shall be available under the same terms, condi-
13 tions and period of time as previously appropriated.

14 Section 40902 of title 51, United States Code, is
15 amended by adding at the end the following:

16 “(d) AVAILABILITY OF FUNDS.—The interest accru-
17 ing from the National Aeronautics and Space Administra-
18 tion Endeavor Teacher Fellowship Trust Fund principal
19 shall be available in fiscal year 2012 for the purpose of
20 the Endeavor Science Teacher Certificate Program.”.

21 51 U.S.C. 20145(b)(1) is amended by inserting “(A)”
22 before “A person” and by adding at the end thereof the
23 following new subparagraph (B) as follows:

24 “(B) Notwithstanding subparagraph (A),
25 the Administrator may accept in-kind consider-

1 ation for leases entered into for the purpose of
2 developing renewable energy production facili-
3 ties.”.

4 The spending plan required by section 538 of this Act
5 shall be provided by NASA at the theme, program, project
6 and activity level.. The spending plan, as well as any subse-
7 quent change of an amount established in that spending
8 plan that meets the notification requirements of section
9 505 of this Act, shall be treated as a reprogramming
10 under section 505 of this Act and shall not be available
11 for obligation or expenditure except in compliance with the
12 procedures set forth in that section.

13 NATIONAL SCIENCE FOUNDATION

14 RESEARCH AND RELATED ACTIVITIES

15 For necessary expenses in carrying out the National
16 Science Foundation Act of 1950, as amended (42 U.S.C.
17 1861–1875), and the Act to establish a National Medal
18 of Science (42 U.S.C. 1880–1881); services as authorized
19 by 5 U.S.C. 3109; maintenance and operation of aircraft
20 and purchase of flight services for research support; acqui-
21 sition of aircraft; and authorized travel; \$5,719,000,000,
22 to remain available until September 30, 2013, of which
23 not to exceed \$550,000,000 shall remain available until
24 expended for polar research and operations support, and
25 for reimbursement to other Federal agencies for oper-

1 ational and science support and logistical and other re-
2 lated activities for the United States Antarctic program:
3 *Provided*, That receipts for scientific support services and
4 materials furnished by the National Research Centers and
5 other National Science Foundation supported research fa-
6 cilities may be credited to this appropriation: *Provided fur-*
7 *ther*, That not less than \$150,900,000 shall be available
8 for activities authorized by section 7002(c)(2)(A)(iv) of
9 Public Law 110–69: *Provided further*, That up to
10 \$50,000,000 of funds made available under this heading
11 within this Act may be transferred to “Major Research
12 Equipment and Facilities Construction”: *Provided further*,
13 That funds so transferred shall not be subject to the
14 transfer limitations described in the Administrative Provi-
15 sions in this Act for the National Science Foundation, and
16 shall be available until expended only after notification of
17 such transfer to the Committees on Appropriations.

18 MAJOR RESEARCH EQUIPMENT AND FACILITIES

19 CONSTRUCTION

20 For necessary expenses for the acquisition, construc-
21 tion, commissioning, and upgrading of major research
22 equipment, facilities, and other such capital assets pursu-
23 ant to the National Science Foundation Act of 1950, as
24 amended (42 U.S.C. 1861–1875), including authorized
25 travel, \$167,055,000, to remain available until expended:

1 *Provided*, That none of the funds may be used to reim-
2 burse the Judgment Fund.

3 EDUCATION AND HUMAN RESOURCES

4 For necessary expenses in carrying out science, math-
5 ematics and engineering education and human resources
6 programs and activities pursuant to the National Science
7 Foundation Act of 1950, as amended (42 U.S.C. 1861–
8 1875), including services as authorized by 5 U.S.C. 3109,
9 authorized travel, and rental of conference rooms in the
10 District of Columbia, \$829,000,000, to remain available
11 until September 30, 2013: *Provided*, That not less than
12 \$54,890,000 shall be available until expended for activities
13 authorized by section 7030 of Public Law 110–69.

14 AGENCY OPERATIONS AND AWARD MANAGEMENT

15 For agency operations and award management nec-
16 essary in carrying out the National Science Foundation
17 Act of 1950, as amended (42 U.S.C. 1861–1875); services
18 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
19 hicles; not to exceed \$8,280 for official reception and rep-
20 resentation expenses; uniforms or allowances therefor, as
21 authorized by 5 U.S.C. 5901–5902; rental of conference
22 rooms in the District of Columbia; and reimbursement of
23 the Department of Homeland Security for security guard
24 services; \$299,400,000: *Provided*, That contracts may be
25 entered into under this heading in fiscal year 2012 for

1 maintenance and operation of facilities, and for other serv-
2 ices, to be provided during the next fiscal year.

3 OFFICE OF THE NATIONAL SCIENCE BOARD

4 For necessary expenses (including payment of sala-
5 ries, authorized travel, hire of passenger motor vehicles,
6 the rental of conference rooms in the District of Columbia,
7 and the employment of experts and consultants under sec-
8 tion 3109 of title 5, United States Code) involved in car-
9 rying out section 4 of the National Science Foundation
10 Act of 1950, as amended (42 U.S.C. 1863) and Public
11 Law 86-209 (42 U.S.C. 1880 et seq.), \$4,440,000: *Pro-*
12 *vided*, That not to exceed \$2,500 shall be available for offi-
13 cial reception and representation expenses.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General as authorized by the Inspector General Act of
17 1978, as amended, \$14,200,000.

18 ADMINISTRATIVE PROVISION

19 Not to exceed 5 percent of any appropriation made
20 available for the current fiscal year for the National
21 Science Foundation in this Act may be transferred be-
22 tween such appropriations, but no such appropriation shall
23 be increased by more than 15 percent by any such trans-
24 fers. Any transfer pursuant to this section shall be treated
25 as a reprogramming of funds under section 505 of this

1 Act and shall not be available for obligation except in com-
2 pliance with the procedures set forth in that section.

3 This title may be cited as the “Science Appropria-
4 tions Act, 2012”.

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TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,193,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: *Provided further*, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Government Accountability Office (GAO) shall, by virtue of such appointment, also hold the

1 position of Inspector General of the Commission on Civil
2 Rights: *Provided further*, That the Inspector General of
3 the Commission on Civil Rights shall utilize personnel of
4 the Office of Inspector General of GAO in performing the
5 duties of the Inspector General of the Commission on Civil
6 Rights, and shall not appoint any individuals to positions
7 within the Commission on Civil Rights: *Provided further*,
8 That of the amounts made available in this paragraph,
9 \$250,000 shall be transferred directly to the Office of In-
10 spector General of GAO upon enactment of this Act for
11 salaries and expenses necessary to carry out the duties of
12 the Inspector General of the Commission on Civil Rights.

13 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

14 SALARIES AND EXPENSES

15 For necessary ~~expenses~~ of the Equal Employment
16 Opportunity Commission as authorized by title VII of the
17 Civil Rights Act of 1964, the Age Discrimination in Em-
18 ployment Act of 1967, the Equal Pay Act of 1963, the
19 Americans with Disabilities Act of 1990, the Civil Rights
20 Act of 1991, the Genetic Information Non-Discrimination
21 Act (GINA) of 2008 (Public Law 110–233), the ADA
22 Amendments Act of 2008 (Public Law 110–325), and the
23 Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–
24 2), including services as authorized by 5 U.S.C. 3109; hire
25 of passenger motor vehicles as authorized by 31 U.S.C.

1 1343(b); nonmonetary awards to private citizens; and
2 \$29,500,000 for payments to State and local enforcement
3 agencies for authorized services to the Commission,
4 \$360,000,000: *Provided*, That the Commission is author-
5 ized to make available for official reception and represen-
6 tation expenses not to exceed \$2,250 from available funds:
7 *Provided further*, That the Commission may take no action
8 to implement any workforce repositioning, restructuring,
9 or reorganization until such time as the Committees on
10 Appropriations have been notified of such proposals, in ac-
11 cordance with the reprogramming requirements of section
12 505 of this Act: *Provided further*, That the Chair is au-
13 thorized to accept and use any gift or donation to carry
14 out the work of the Commission.

15 INTERNATIONAL TRADE COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses of the International Trade
18 Commission, including hire of passenger motor vehicles,
19 and services as authorized by 5 U.S.C. 3109, and not to
20 exceed \$2,250 for official reception and representation ex-
21 penses, \$80,000,000, to remain available until expended.

22 LEGAL SERVICES CORPORATION

23 PAYMENT TO THE LEGAL SERVICES CORPORATION

24 For payment to the Legal Services Corporation to
25 carry out the purposes of the Legal Services Corporation

1 Act of 1974, \$348,000,000, of which \$322,400,000 is for
2 basic field programs and required independent audits;
3 \$4,200,000 is for the Office of Inspector General, of which
4 such amounts as may be necessary may be used to conduct
5 additional audits of recipients; \$17,000,000 is for manage-
6 ment and grants oversight; \$3,400,000 is for client self-
7 help and information technology; and \$1,000,000 is for
8 loan repayment assistance: *Provided, That* the Legal Serv-
9 ices Corporation may continue to provide locality pay to
10 officers and employees at a rate no greater than that pro-
11 vided by the Federal Government to Washington, DC-
12 based employees as authorized by 5 U.S.C. 5304, notwith-
13 standing section 1005(d) of the Legal Services Corpora-
14 tion Act, 42 U.S.C. 2996(d): *Provided further*, That the
15 authorities provided in section 205 of this Act shall be
16 applicable to the Legal Services Corporation.

17 ADMINISTRATIVE PROVISION—LEGAL SERVICES

18 CORPORATION

19 None of the funds appropriated in this Act to the
20 Legal Services Corporation shall be expended for any pur-
21 pose prohibited or limited by, or contrary to any of the
22 provisions of, sections 501, 502, 503, 504, 505, and 506
23 of Public Law 105–119, and all funds appropriated in this
24 Act to the Legal Services Corporation shall be subject to
25 the same terms and conditions set forth in such sections,

1 except that all references in sections 502 and 503 to 1997
2 and 1998 shall be deemed to refer instead to 2011 and
3 2012, respectively.

4 MARINE MAMMAL COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Marine Mammal Com-
7 mission as authorized by title II of Public Law 92-522,
8 \$3,025,000.

9 OFFICE OF THE UNITED STATES TRADE

10 REPRESENTATIVE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of the United
13 States Trade Representative, including the hire of pas-
14 senger motor vehicles and the employment of experts and
15 consultants as authorized by 5 U.S.C. 3109, \$51,251,000,
16 of which \$1,000,000 shall remain available until expended:
17 *Provided*, That not to exceed \$111,600 shall be available
18 for official reception and representation expenses.

19 STATE JUSTICE INSTITUTE

20 SALARIES AND EXPENSES

21 For necessary expenses of the State Justice Institute,
22 as authorized by the State Justice Institute Authorization
23 Act of 1984 (42 U.S.C. 10701 et seq.) \$5,121,000, of
24 which \$500,000 shall remain available until September 30,

1 2013: *Provided*, That not to exceed \$2,250 shall be avail-
2 able for official reception and representation expenses.

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING RESCISSIONS)

4

SEC. 501. No part of any appropriation contained in
5 this Act shall be used for publicity or propaganda purposes
6 not authorized by the Congress.

7

SEC. 502. No part of any appropriation contained in
8 this Act shall remain available for obligation beyond the
9 current fiscal year unless expressly so provided herein.

10

SEC. 503. The expenditure of any appropriation
11 under this Act for any consulting service through procure-
12 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
13 to those contracts where such expenditures are a matter
14 of public record and available for public inspection, except
15 where otherwise provided under existing law, or under ex-
16 isting Executive order issued pursuant to existing law.

17

SEC. 504. If any provision of this Act or the applica-
18 tion of such provision to any person or circumstances shall
19 be held invalid, the remainder of the Act and the applica-
20 tion of each provision to persons or circumstances other
21 than those as to which it is held invalid shall not be af-
22 fected thereby.

23

SEC. 505. None of the funds provided under this Act,
24 or provided under previous appropriations Acts to the
25 agencies funded by this Act that remain available for obli-

1 gation or expenditure in fiscal year 2012, or provided from
2 any accounts in the Treasury of the United States derived
3 by the collection of fees available to the agencies funded
4 by this Act, shall be available for obligation or expenditure
5 through a reprogramming of funds that: (1) creates or ini-
6 tiates a new program, project or activity; (2) eliminates
7 a program, project or activity; (3) increases funds or per-
8 sonnel by any means for any project or activity for which
9 funds have been denied or restricted; (4) relocates an of-
10 fice or employees; (5) reorganizes or renames offices, pro-
11 grams or activities; (6) contracts out or privatizes any
12 functions or activities presently performed by Federal em-
13 ployees; (7) augments existing programs, projects or ac-
14 tivities in excess of \$500,000 or 10 percent, whichever is
15 less, or reduces by 10 percent funding for any program,
16 project or activity, or numbers of personnel by 10 percent;
17 or (8) results from any general savings, including savings
18 from a reduction in personnel, which would result in a
19 change in existing programs, projects or activities as ap-
20 proved by Congress; unless the House and Senate Com-
21 mittees on Appropriations are notified 15 days in advance
22 of such reprogramming of funds.

23 SEC. 506. During the current fiscal year and in each
24 fiscal year thereafter, none of the funds made available
25 in this or any other Act may be used to implement, admin-

1 ister, or enforce any guidelines of the Equal Employment
2 Opportunity Commission covering harassment based on
3 religion, when it is made known to the Federal entity or
4 official to which such funds are made available that such
5 guidelines do not differ in any respect from the proposed
6 guidelines published by the Commission on October 1,
7 1993 (58 Fed. Reg. 51266).

8 SEC. 507. (a) If it has been finally determined by
9 a court or Federal agency that any person intentionally
10 affixed a label bearing a “Made in America” inscription,
11 or any inscription with the same meaning, to any product
12 sold in or shipped to the United States that is not made
13 in the United States, the person shall be ineligible to re-
14 ceive any contract or subcontract made with funds made
15 available in this Act, pursuant to the debarment, suspen-
16 sion, and ineligibility procedures described in sections
17 9.400 through 9.409 of title 48, Code of Federal Regula-
18 tions.

19 (b)(1) To the extent practicable, with respect to au-
20 thorized purchases of promotional items, funds made
21 available by this Act shall be used to purchase items that
22 are manufactured, produced, or assembled in the United
23 States, its territories or possessions.

1 (2) The term “promotional items” has the meaning
2 given the term in OMB Circular A-87, Attachment B,
3 Item (1)(f)(3).

4 SEC. 508. (a) The Departments of Commerce and
5 Justice, the National Science Foundation, and the Na-
6 tional Aeronautics and Space Administration shall provide
7 to the Committees on Appropriations of the House of Rep-
8 resentatives and the Senate a quarterly report on the sta-
9 tus of balances of appropriations at the account level. For
10 unobligated, uncommitted balances and unobligated, com-
11 mitted balances the quarterly reports shall separately
12 identify the amounts attributable to each source year of
13 appropriation from which the balances were derived. For
14 balances that are obligated, but unexpended, the quarterly
15 reports shall separately identify amounts by the year of
16 obligation.

17 (b) The report described in subsection (a) shall be
18 submitted within 30 days of the end of the first quarter
19 of fiscal year 2012, and subsequent reports shall be sub-
20 mitted within 30 days of the end of each quarter there-
21 after.

22 (c) If a department or agency is unable to fulfill any
23 aspect of a reporting requirement described in subsection
24 (a) due to a limitation of a current accounting system,
25 the department or agency shall fulfill such aspect to the

1 maximum extent practicable under such accounting sys-
2 tem and shall identify and describe in each quarterly re-
3 port the extent to which such aspect is not fulfilled.

4 SEC. 509. Any costs incurred by a department or
5 agency funded under this Act resulting from, or to pre-
6 vent, personnel actions taken in response to funding re-
7 ductions included in this Act shall be absorbed within the
8 total budgetary resources available to such department or
9 agency: *Provided*, That the authority to transfer funds be-
10 tween appropriations accounts as may be necessary to
11 carry out this section is provided in addition to authorities
12 included elsewhere in this Act: *Provided further*, That use
13 of funds to carry out this section shall be treated as a
14 reprogramming of funds under section 505 of this Act and
15 shall not be available for obligation or expenditure except
16 in compliance with the procedures set forth in that section.

17 SEC. 510. None of the funds provided by this Act
18 shall be available to promote the sale or export of tobacco
19 or tobacco products, or to seek the reduction or removal
20 by any foreign country of restrictions on the marketing
21 of tobacco or tobacco products, except for restrictions
22 which are not applied equally to all tobacco or tobacco
23 products of the same type.

1 SEC. 511. Hereafter, none of the funds appropriated
2 pursuant to this Act or any other provision of law may
3 be used for—

4 (1) the implementation of any tax or fee in con-
5 nection with the implementation of subsection 922(t)
6 of title 18, United States Code; and

7 (2) any system to implement subsection 922(t)
8 of title 18, United States Code, that does not re-
9 quire and result in the destruction of any identifying
10 information submitted by or on behalf of any person
11 who has been determined not to be prohibited from
12 possessing or receiving a firearm no more than 24
13 hours after the system advises a Federal firearms li-
14 censee that possession or receipt of a firearm by the
15 prospective transferee would not violate subsection
16 (g) or (n) of section 922 of title 18, United States
17 Code, or State law.

18 SEC. 512. Notwithstanding any other provision of
19 law, amounts deposited or available in the Fund estab-
20 lished under 42 U.S.C. 10601 in any fiscal year in excess
21 of \$705,000,000 shall not be available for obligation until
22 the following fiscal year.

23 SEC. 513. None of the funds made available to the
24 Department of Justice in this Act may be used to discrimi-
25 nate against or denigrate the religious or moral beliefs of

1 students who participate in programs for which financial
2 assistance is provided from those funds, or of the parents
3 or legal guardians of such students.

4 SEC. 514. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government, except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in, this Act or any other appropriations Act.

9 SEC. 515. Any funds provided in this Act used to im-
10 plement E-Government Initiatives shall be subject to the
11 procedures set forth in section 505 of this Act.

12 SEC. 516. (a) Tracing studies conducted by the Bu-
13 reau of Alcohol, Tobacco, Firearms and Explosives are re-
14 leased without adequate disclaimers regarding the limita-
15 tions of the data.

16 (b) The Bureau of Alcohol, Tobacco, Firearms and
17 Explosives shall include in all such data releases, language
18 similar to the following that would make clear that trace
19 data cannot be used to draw broad conclusions about fire-
20 arms-related crime:

21 (1) Firearm traces are designed to assist law
22 enforcement authorities in conducting investigations
23 by tracking the sale and possession of specific fire-
24 arms. Law enforcement agencies may request fire-
25 arms traces for any reason, and those reasons are

1 not necessarily reported to the Federal Government.

2 Not all firearms used in crime are traced and not all
3 firearms traced are used in crime.

4 (2) Firearms selected for tracing are not chosen
5 for purposes of determining which types, makes, or
6 models of firearms are used for illicit purposes. The
7 firearms selected do not constitute a random sample
8 and should not be considered representative of the
9 larger universe of all firearms used by criminals, or
10 any subset of that universe. Firearms are normally
11 traced to the first retail seller, and sources reported
12 for firearms traced do not necessarily represent the
13 sources or methods by which firearms in general are
14 acquired for use in crime.

15 SEC. 517. (a) The Inspectors General of the Depart-
16 ment of Commerce, the Department of Justice, the Na-
17 tional Aeronautics and Space Administration, the Na-
18 tional Science Foundation, and the Legal Services Cor-
19 poration shall conduct audits, pursuant to the Inspector
20 General Act (5 U.S.C. App.), of grants or contracts for
21 which funds are appropriated by this Act, and shall submit
22 reports to Congress on the progress of such audits, which
23 may include preliminary findings and a description of
24 areas of particular interest, within 180 days after initi-

1 ating such an audit and every 180 days thereafter until
2 any such audit is completed.

3 (b) Within 60 days after the date on which an audit
4 described in subsection (a) by an Inspector General is
5 completed, the Secretary, Attorney General, Adminis-
6 trator, Director, or President, as appropriate, shall make
7 the results of the audit available to the public on the Inter-
8 net website maintained by the Department, Administra-
9 tion, Foundation, or Corporation, respectively. The results
10 shall be made available in redacted form to exclude—

11 (1) any matter described in section 552(b) of
12 title 5, United States Code; and

13 (2) sensitive personal information for any indi-
14 vidual, the public access to which could be used to
15 commit identity theft or for other inappropriate or
16 unlawful purposes.

17 (c) A grant or contract funded by amounts appro-
18 priated by this Act may not be used for the purpose of
19 defraying the costs of a banquet or conference that is not
20 directly and programmatically related to the purpose for
21 which the grant or contract was awarded, such as a ban-
22 quet or conference held in connection with planning, train-
23 ing, assessment, review, or other routine purposes related
24 to a project funded by the grant or contract.

1 (d) Any person awarded a grant or contract funded
2 by amounts appropriated by this Act shall submit a state-
3 ment to the Secretary of Commerce, the Attorney General,
4 the Administrator, Director, or President, as appropriate,
5 certifying that no funds derived from the grant or contract
6 will be made available through a subcontract or in any
7 other manner to another person who has a financial inter-
8 est in the person awarded the grant or contract.

9 (e) The provisions of the preceding subsections of this
10 section shall take effect 30 days after the date on which
11 the Director of the Office of Management and Budget, in
12 consultation with the Director of the Office of Government
13 Ethics, determines that a uniform set of rules and require-
14 ments, substantially similar to the requirements in such
15 subsections, consistently apply under the executive branch
16 ethics program to all Federal departments, agencies, and
17 entities.

18 SEC. 518. None of the funds appropriated or other-
19 wise made available under this Act may be used by the
20 Departments of Commerce and Justice, the National Aer-
21 onautics and Space Administration, or the National
22 Science Foundation to acquire information technology sys-
23 tems unless the respective Secretary or head of agency,
24 in consultation with the Federal Bureau of Investigation

1 or other appropriate Federal agencies, has assessed any
2 associated risk of cyber-espionage or sabotage.

3 SEC. 519. None of the funds made available in this
4 Act shall be used in any way whatsoever to support or
5 justify the use of torture by any official or contract em-
6 ployee of the United States Government.

7 SEC. 520. (a) Notwithstanding any other provision
8 of law or treaty, none of the funds appropriated or other-
9 wise made available under this Act or any other Act may
10 be expended or obligated by a department, agency, or in-
11 strumentality of the United States to pay administrative
12 expenses or to compensate an officer or employee of the
13 United States in connection with requiring an export li-
14 cense for the export to Canada of components, parts, ac-
15 cessories or attachments for firearms listed in Category
16 I, section 121.1 of title 22, Code of Federal Regulations
17 (International Trafficking in Arms Regulations (ITAR),
18 part 121, as it existed on April 1, 2005) with a total value
19 not exceeding \$500 wholesale in any transaction, provided
20 that the conditions of subsection (b) of this section are
21 met by the exporting party for such articles.

22 (b) The foregoing exemption from obtaining an ex-
23 port license—

24 (1) does not exempt an exporter from filing any
25 Shipper's Export Declaration or notification letter

1 required by law, or from being otherwise eligible
2 under the laws of the United States to possess, ship,
3 transport, or export the articles enumerated in sub-
4 section (a); and

5 (2) does not permit the export without a license
6 of—

7 (A) fully automatic firearms and compo-
8 nents and parts for such firearms, other than
9 for end use by the Federal Government, or a
10 Provincial or Municipal Government of Canada;

11 (B) barrels, cylinders, receivers (frames) or
12 complete breech mechanisms for any firearm
13 listed in Category I, other than for end use by
14 the Federal Government, or a Provincial or Mu-
15 nicipal Government of Canada; or

16 (C) articles for export from Canada to an-
17 other foreign destination.

18 (c) In accordance with this section, the District Di-
19 rectors of Customs and postmasters shall permit the per-
20 manent or temporary export without a license of any un-
21 classified articles specified in subsection (a) to Canada for
22 end use in Canada or return to the United States, or tem-
23 porary import of Canadian-origin items from Canada for
24 end use in the United States or return to Canada for a
25 Canadian citizen.

1 (d) The President may require export licenses under
2 this section on a temporary basis if the President deter-
3 mines, upon publication first in the Federal Register, that
4 the Government of Canada has implemented or main-
5 tained inadequate import controls for the articles specified
6 in subsection (a), such that a significant diversion of such
7 articles has and continues to take place for use in inter-
8 national terrorism or in the escalation of a conflict in an-
9 other nation. The President shall terminate the require-
10 ments of a license when reasons for the temporary require-
11 ments have ceased.

12 SEC. 521. Notwithstanding any other provision of
13 law, no department, agency, or instrumentality of the
14 United States receiving appropriated funds under this Act
15 or any other Act shall obligate or expend in any way such
16 funds to pay administrative expenses or the compensation
17 of any officer or employee of the United States to deny
18 any application submitted pursuant to 22 U.S.C.
19 2778(b)(1)(B) and qualified pursuant to 27 CFR section
20 478.112 or .113, for a permit to import United States ori-
21 gin “curios or relics” firearms, parts, or ammunition.

22 SEC. 522. None of the funds made available in this
23 Act may be used to include in any new bilateral or multi-
24 lateral trade agreement the text of—

1 (1) paragraph 2 of article 16.7 of the United
2 States-Singapore Free Trade Agreement;

3 (2) paragraph 4 of article 17.9 of the United
4 States-Australia Free Trade Agreement; or

5 (3) paragraph 4 of article 15.9 of the United
6 States-Morocco Free Trade Agreement.

7 SEC. 523. None of the funds made available in this
8 Act may be used to authorize or issue a national security
9 letter in contravention of any of the following laws author-
10 izing the Federal Bureau of Investigation to issue national
11 security letters: The Right to Financial Privacy Act; The
12 Electronic Communications Privacy Act; The Fair Credit
13 Reporting Act; The National Security Act of 1947; USA
14 PATRIOT Act; and the laws amended by these Acts.

15 SEC. 524. If at any time during any quarter, the pro-
16 gram manager of a project ~~within~~ the jurisdiction of the
17 Departments of Commerce or Justice, the National Aero-
18 nautics and Space Administration, or the National Science
19 Foundation totaling more than \$75,000,000 has reason-
20 able cause to believe that the total program cost has in-
21 creased by 10 percent, the program manager shall imme-
22 diately inform the respective Secretary, Administrator, or
23 Director. The Secretary, Administrator, or Director shall
24 notify the House and Senate Committees on Appropria-
25 tions within 30 days in writing of such increase, and shall

1 include in such notice: the date on which such determina-
2 tion was made; a statement of the reasons for such in-
3 creases; the action taken and proposed to be taken to con-
4 trol future cost growth of the project; changes made in
5 the performance or schedule milestones and the degree to
6 which such changes have contributed to the increase in
7 total program costs or procurement costs; new estimates
8 of the total project or procurement costs; and a statement
9 validating that the project's management structure is ade-
10 quate to control total project or procurement costs.

11 SEC. 525. Funds appropriated by this Act, or made
12 available by the transfer of funds in this Act, for intel-
13 ligence or intelligence related activities are deemed to be
14 specifically authorized by the Congress for purposes of sec-
15 tion 504 of the National Security Act of 1947 (50 U.S.C.
16 414) during fiscal year 2012 until the enactment of the
17 Intelligence Authorization Act for fiscal year 2012.

18 SEC. 526. The Departments, agencies, and commis-
19 sions funded under this Act, shall establish and maintain
20 on the homepages of their Internet websites—

21 (1) a direct link to the Internet Web sites of
22 their Offices of Inspectors General; and

23 (2) a mechanism on the Offices of Inspectors
24 General Web site by which individuals may anony-
25 mously report cases of waste, fraud, or abuse with

1 respect to those Departments, agencies, and commis-
2 sions.

3 SEC. 527. None of the funds appropriated or other-
4 wise made available by this Act may be used to enter into
5 a contract in an amount greater than \$5,000,000 or to
6 award a grant in excess of such amount unless the pro-
7 spective contractor or grantee certifies in writing to the
8 agency awarding the contract or grant that, to the best
9 of its knowledge and belief, the contractor or grantee has
10 filed all Federal tax returns required during the three
11 years preceding the certification, has not been convicted
12 of a criminal offense under the Internal Revenue Code of
13 1986, and has not, more than 90 days prior to certifi-
14 cation, been notified of any unpaid Federal tax assessment
15 for which the liability remains unsatisfied, unless the as-
16 sessment is the subject of an installment agreement or
17 offer in compromise that has been approved by the Inter-
18 nal Revenue Service and is not in default, or the assess-
19 ment is the subject of a non-frivolous administrative or
20 judicial proceeding.

21 SEC. 528. (a) Of the ~~unobligated~~ ^(RESCISSIONS) balances available
22 to the Department of Commerce, the following funds are
23 hereby rescinded, not later than September 30, 2012, from
24 the following accounts in the specified amounts—

52

1 (1) “National Telecommunications and Infor-
2 mation Administration, Information Infrastructure
3 Grants”, \$2,000,000;

4 (2) “National Telecommunications and Infor-
5 mation Administration, Public Telecommunications
6 Facilities, Planning and Construction”, \$2,750,000;
7 and

8 (3) “National Oceanic and Atmospheric Admin-
9 istration, Foreign Fishing Observer Fund”,
10 \$350,000.

11 (b) Of the amounts made available under section
12 3010 of the Deficit Reduction Act of 2005 (47 U.S.C. 309
13 note), \$4,300,000 in unobligated balances are hereby re-
14 scinded.

15 (c) Of the unobligated balances available for “Emer-
16 gency Steel, Oil, and Gas Guaranteed Loan Program Ac-
17 count”, \$700,000 are hereby rescinded.

18 (d) Of the unobligated balances available to the De-
19 partment of Justice, the following funds are hereby re-
20 scinded, not later than September 30, 2012, from the fol-
21 lowing accounts in the specified amounts—

22 (1) “Working Capital Fund”, \$40,000,000;

23 (2) “Legal Activities, Assets Forfeiture Fund”,
24 \$675,000,000;

1 (3) “United States Marshals Service, Salaries
2 and Expenses”, \$2,200,000;

3 (4) “Drug Enforcement Administration, Sala-
4 ries and Expenses”, \$10,000,000;

5 (5) “Federal Prison System, Buildings and Fa-
6 cilities”, \$45,000,000;

7 (6) “State and Local Law Enforcement Activi-
8 ties, Office on Violence Against Women, Violence
9 Against Women Prevention and Prosecution Pro-
10 grams”, \$15,000,000;

11 (7) “State and Local Law Enforcement Activi-
12 ties, Office of Justice Programs”, \$55,000,000; and

13 (8) “State and Local Law Enforcement Activi-
14 ties, Community Oriented Policing Services”,
15 \$23,605,000.

16 (e) The Department of Justice shall submit to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate a report no later than September
19 1, 2012 specifying the amount of each rescission made
20 pursuant to subsection (d).

21 (f) Of the unobligated balances available to the Na-
22 tional Aeronautics and Space Administration from prior
23 appropriations, \$30,000,000 are hereby rescinded.

24 SEC. 529. None of the funds appropriated or other-
25 wise made available in this Act may be used in a manner

1 that is inconsistent with the principal negotiating objective
2 of the United States with respect to trade remedy laws
3 to preserve the ability of the United States—

4 (1) to enforce vigorously its trade laws, includ-
5 ing antidumping, countervailing duty, and safeguard
6 laws;

7 (2) to avoid agreements that—

8 (A) lessen the effectiveness of domestic
9 and international disciplines on unfair trade, es-
10 pecially dumping and subsidies; or

11 (B) lessen the effectiveness of domestic
12 and international safeguard provisions, in order
13 to ensure that United States workers, agricul-
14 tural producers, and firms can compete fully on
15 fair terms and enjoy the benefits of reciprocal
16 trade concessions; and

17 (3) to address and remedy market distortions
18 that lead to dumping and subsidization, including
19 overcapacity, cartelization, and market-access bar-
20 riers.

21 SEC. 530. None of the funds made available in this
22 Act may be used to purchase first class or premium airline
23 travel in contravention of sections 301–10.122 through
24 301–10.124 of title 41 of the Code of Federal Regulations.

1 SEC. 531. None of the funds made available in this
2 Act may be used to send or otherwise pay for the attend-
3 ance of more than 50 employees from a Federal depart-
4 ment or agency at any single conference occurring outside
5 the United States, unless such conference is a law enforce-
6 ment training or operational conference for law enforce-
7 ment personnel and the majority of Federal employees in
8 attendance are law enforcement personnel stationed out-
9 side the United States.

10 SEC. 532. None of the funds appropriated or other-
11 wise made available in this or any other Act may be used
12 to transfer, release, or assist in the transfer or release to
13 or within the United States, its territories, or possessions
14 Khalid Sheikh Mohammed or any other detainee who—

15 (1) is not a United States citizen or a member
16 of the Armed Forces of the United States; and

17 (2) is or was held on or after June 24, 2009,
18 at the United States Naval Station, Guantanamo
19 Bay, Cuba, by the Department of Defense.

20 SEC. 533. (a) None of the funds appropriated or oth-
21 erwise made available in this or any other Act may be used
22 to construct, acquire, or modify any facility in the United
23 States, its territories, or possessions to house any indi-
24 vidual described in subsection (c) for the purposes of de-

1 tention or imprisonment in the custody or under the effec-
2 tive control of the Department of Defense.

3 (b) The prohibition in subsection (a) shall not apply
4 to any modification of facilities at United States Naval
5 Station, Guantanamo Bay, Cuba.

6 (c) An individual described in this subsection is any
7 individual who, as of June 24, 2009, is located at United
8 States Naval Station, Guantanamo Bay, Cuba, and who—

9 (1) is not a citizen of the United States or a
10 member of the Armed Forces of the United States;
11 and

12 (2) is—

13 (A) in the custody or under the effective
14 control of the Department of Defense; or

15 (B) otherwise under detention at United
16 States Naval Station, Guantanamo Bay, Cuba.

17 SEC. 534. None of the funds made available under
18 this Act may be distributed to the Association of Commu-
19 nity Organizations for Reform Now (ACORN) or its sub-
20 sidiaries.

21 SEC. 535. To the extent practicable, funds made
22 available in this Act should be used to purchase light bulbs
23 that are “Energy Star” qualified or have the “Federal En-
24 ergy Management Program” designation.

1 SEC. 536. The Director of the Office of Management
2 and Budget shall instruct any department, agency, or in-
3 strumentality of the United States Government receiving
4 funds appropriated under this Act to track undisbursed
5 balances in expired grant accounts and include in its an-
6 nual performance plan and performance and account-
7 ability reports the following:

8 (1) Details on future action the department,
9 agency, or instrumentality will take to resolve
10 undisbursed balances in expired grant accounts.

11 (2) The method that the department, agency, or
12 instrumentality uses to track undisbursed balances
13 in expired grant accounts.

14 (3) Identification of undisbursed balances in ex-
15 pired grant accounts that may be returned to the
16 Treasury of the United States.

17 (4) In the preceding 3 fiscal years, details on
18 the total number of expired grant accounts with
19 undisbursed balances (on the first day of each fiscal
20 year) for the department, agency, or instrumentality
21 and the total finances that have not been obligated
22 to a specific project remaining in the accounts.

23 SEC. 537. None of the funds made available in this
24 Act may be used to relocate the Bureau of the Census

1 or employees from the Department of Commerce to the
2 jurisdiction of the Executive Office of the President.

3 SEC. 538. The Departments of Commerce and Jus-
4 tice, the National Aeronautics and Space Administration,
5 and the National Science Foundation shall submit spend-
6 ing plans, signed by the respective department or agency
7 head, to the Committees on Appropriations of the House
8 of Representatives and the Senate within 45 days after
9 the date of enactment of this Act.

10 SEC. 539. (a) None of the funds made available by
11 this Act may be used for the National Aeronautics and
12 Space Administration (NASA) or the Office of Science
13 and Technology Policy (OSTP) to develop, design, plan,
14 promulgate, implement, or execute a bilateral policy, pro-
15 gram, order, or contract of any kind to participate, col-
16 laborate, or coordinate bilaterally in any way with China
17 or any Chinese-owned company unless such activities are
18 specifically authorized by a law enacted after the date of
19 enactment of this Act.

20 (b) The limitation in subsection (a) shall also apply
21 to any funds used to effectuate the hosting of official Chi-
22 nese visitors at facilities belonging to or utilized by NASA.

23 (c) The limitations described in subsections (a) and
24 (b) shall not apply to activities which NASA or OSTP
25 have certified pose no risk of resulting in the transfer of

1 technology, data, or other information with national secu-
2 rity or economic security implications to China or a Chi-
3 nese-owned company.

4 (d) Any certification made under subsection (c) shall
5 be submitted to the Committees on Appropriations of the
6 House of Representatives and the Senate no later than
7 14 days prior to the activity in question and shall include
8 a description of the purpose of the activity, its major par-
9 ticipants, and its location and timing.

10 SEC. 540. (a) The head of any department, agency,
11 board or commission funded by this Act shall submit quar-
12 terly reports to the Inspector General, or the senior ethics
13 official for any entity without an inspector general, of the
14 appropriate department, agency, board or commission re-
15 garding the costs and contracting procedures relating to
16 each conference held by the department, agency, board or
17 commission during fiscal year 2012 for which the cost to
18 the Government was more than \$20,000.

19 (b) Each report submitted under subsection (a) shall
20 include, for each conference described in that subsection
21 held during the applicable quarter—

22 (1) a description of the subject of and number
23 of participants attending that conference;

24 (2) a detailed statement of the costs to the Gov-
25 ernment relating to that conference, including—

- 1 (A) the cost of any food or beverages;
- 2 (B) the cost of any audio-visual services;
- 3 and
- 4 (C) a discussion of the methodology used
- 5 to determine which costs relate to that con-
- 6 ference; and
- 7 (3) a description of the contracting procedures
- 8 relating to that conference, including—
 - 9 (A) whether contracts were awarded on a
 - 10 competitive basis for that conference; and
 - 11 (B) a discussion of any cost comparison
 - 12 conducted by the department, agency, board or
 - 13 commission in evaluating potential contractors
 - 14 for that conference.

15 SEC. 541. None of the funds made available by this
16 Act may be used to pay the salaries or expenses of per-
17 sonnel to deny, or fail to act on, an application for the
18 importation of any model of shotgun if—

- 19 (1) all other requirements of law with respect to
- 20 the proposed importation are met; and
- 21 (2) no application for the importation of such
- 22 model of shotgun, in the same configuration, had
- 23 been denied by the Attorney General prior to Janu-
- 24 ary 1, 2011, on the basis that the shotgun was not

1 particularly suitable for or readily adaptable to
2 sporting purposes.

3 SEC. 542. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

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

11 SEC. 543. None of the funds made available by this
12 Act may be used to enter into a contract, memorandum
13 of understanding, or cooperative agreement with, make a
14 grant to, or provide a loan or loan guarantee to, any cor-
15 poration that was convicted of a felony criminal violation
16 under any Federal law within the preceding 24 months,
17 unless an agency has considered suspension or debarment
18 of the corporation and made a determination that this fur-
19 ther action is not necessary to protect the interests of the
20 Government.

21 SEC. 544. None of the funds made available by this
22 Act may be used to enter into a contract, memorandum
23 of understanding, or cooperative agreement with, make a
24 grant to, or provide a loan or loan guarantee to, any cor-
25 poration that has any unpaid Federal tax liability that has

1 been assessed, for which all judicial and administrative
2 remedies have been exhausted or have lapsed, and that
3 is not being paid in a timely manner pursuant to an agree-
4 ment with the authority responsible for collecting the tax
5 liability, unless an agency has considered suspension or
6 debarment of the corporation and made a determination
7 that this further action is not necessary to protect the in-
8 terests of the Government.

9 SEC. 545. All agencies and departments funded under
10 this Act shall send to the Committees on Appropriations
11 of the House of Representatives and the Senate at the
12 end of the fiscal year a report containing a complete inven-
13 tory of the total number of vehicles owned, permanently
14 retired, and purchased during fiscal year 2012 as well as
15 the total cost of the vehicle fleet, including maintenance,
16 fuel, storage, purchasing, and leasing.

17 SEC. 546. None of the funds made available by this
18 or any other Act for fiscal year 2012 may be used to im-
19 plement, administer, or enforce, prior to January 1, 2012,
20 the rule entitled “Wage Methodology for the Temporary
21 Non-agricultural Employment H-2B Program” published
22 by the Department of Labor in the Federal Register on
23 January 19, 2011 (76 Fed. Reg. 3452 et seq.).

1 This division may be cited as the “Commerce, Jus-
2 tice, Science, and Related Agencies Appropriations Act,
3 2012”.

9. XEROX

1 **DIVISION C—TRANSPORTATION, HOUSING**
2 **AND URBAN DEVELOPMENT, AND RE-**
3 **LATED AGENCIES**

4 TITLE I

5 DEPARTMENT OF TRANSPORTATION

6 OFFICE OF THE SECRETARY

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the Secretary,
9 \$102,481,000, of which not to exceed \$2,618,000 shall be
10 available for the immediate Office of the Secretary; not
11 to exceed \$984,000 shall be available for the Immediate
12 Office of the Deputy Secretary; not to exceed \$19,515,000
13 shall be available for the Office of the General Counsel;
14 not to exceed \$10,107,000 shall be available for the Office
15 of the Under Secretary of Transportation for Policy; not
16 to exceed \$10,538,000 shall be available for the Office of
17 the Assistant Secretary for Budget and Programs; not to
18 exceed \$2,500,000 shall be available for the Office of the
19 Assistant Secretary for Governmental Affairs; not to ex-
20 ceed \$25,469,000 shall be available for the Office of the
21 Assistant Secretary for Administration; not to exceed
22 \$2,020,000 shall be available for the Office of Public Af-
23 fairs; not to exceed \$1,595,000 shall be available for the
24 Office of the Executive Secretariat; not to exceed

1 \$1,369,000 shall be available for the Office of Small and
2 Disadvantaged Business Utilization; not to exceed
3 \$10,778,000 for the Office of Intelligence, Security, and
4 Emergency Response; and not to exceed \$14,988,000 shall
5 be available for the Office of the Chief Information Offi-
6 cer: *Provided*, That the Secretary of Transportation is au-
7 thorized to transfer funds appropriated for any office of
8 the Office of the Secretary to any other office of the Office
9 of the Secretary: *Provided further*, That no appropriation
10 for any office shall be increased or decreased by more than
11 5 percent by all such transfers: *Provided further*, That no-
12 tice of any change in funding greater than 5 percent shall
13 be submitted for approval to the House and Senate Com-
14 mittees on Appropriations: *Provided further*, That not to
15 exceed \$60,000 shall be for allocation within the Depart-
16 ment for official reception and representation expenses as
17 the Secretary may determine: *Provided further*, That not-
18 withstanding any other provision of law, excluding fees au-
19 thorized in Public Law 107-71, there may be credited to
20 this appropriation up to \$2,500,000 in funds received in
21 user fees: *Provided further*, That none of the funds pro-
22 vided in this Act shall be available for the position of As-
23 sistant Secretary for Public Affairs.

1 NATIONAL INFRASTRUCTURE INVESTMENTS

2 For capital investments in surface transportation in-
3 frastructure, \$500,000,000, to remain available through
4 September 30, 2013: *Provided*, That the Secretary of
5 Transportation shall distribute funds provided under this
6 heading as discretionary grants to be awarded to a State,
7 local government, transit agency, or a collaboration among
8 such entities on a competitive basis for projects that will
9 have a significant impact on the Nation, a metropolitan
10 area, or a region: *Provided further*, That projects eligible
11 for funding provided under this heading shall include, but
12 not be limited to, highway or bridge projects eligible under
13 title 23, United States Code; public transportation
14 projects eligible under chapter 53 of title 49, United
15 States Code; passenger and freight rail transportation
16 projects; and port infrastructure investments: *Provided*
17 *further*, That the Secretary shall give priority to projects
18 which demonstrate transportation benefits for existing
19 systems or improve interconnectivity between modes: *Pro-*
20 *vided further*, That the Secretary may use up to 35 per-
21 cent of the funds made available under this heading for
22 the purpose of paying the subsidy and administrative costs
23 of projects eligible for Federal credit assistance under
24 chapter 6 of title 23, United States Code, if the Secretary
25 finds that such use of the funds would advance the pur-

1 poses of this paragraph: *Provided further*, That in distrib-
2 uting funds provided under this heading, the Secretary
3 shall take such measures so as to ensure an equitable geo-
4 graphic distribution of funds, an appropriate balance in
5 addressing the needs of urban and rural areas, and the
6 investment in a variety of transportation modes: *Provided*
7 *further*, That a grant funded under this heading shall be
8 not less than \$10,000,000 and not greater than
9 \$200,000,000: *Provided further*, That not more than 25
10 percent of the funds made available under this heading
11 may be awarded to projects in a single State: *Provided*
12 *further*, That the Federal share of the costs for which an
13 expenditure is made under this heading shall be, at the
14 option of the recipient, up to 80 percent: *Provided further*,
15 That not less than \$120,000,000 of the funds provided
16 under this heading shall be for projects located in rural
17 areas: *Provided further*, That for projects located in rural
18 areas, the minimum grant size shall be \$1,000,000 and
19 the Secretary may increase the Federal share of costs
20 above 80 percent: *Provided further*, That projects con-
21 ducted using funds provided under this heading must com-
22 ply with the requirements of subchapter IV of chapter 31
23 of title 40, United States Code: *Provided further*, That the
24 Secretary shall conduct a new competition to select the
25 grants and credit assistance awarded under this heading:

1 *Provided further*, That the Secretary may retain up to
2 \$20,000,000 of the funds provided under this heading,
3 and may transfer portions of those funds to the Adminis-
4 trators of the Federal Highway Administration, the Fed-
5 eral Transit Administration, the Federal Railroad Admin-
6 istration and the Federal Maritime Administration, to
7 fund the award and oversight of grants and credit assist-
8 ance made under the National Infrastructure Investments
9 program: *Provided further*, That the Secretary shall give
10 priority to projects that require a contribution of Federal
11 funds in order to complete an overall financing package.

12 FINANCIAL MANAGEMENT CAPITAL

13 For necessary expenses for upgrading and enhancing
14 the Department of Transportation's financial systems and
15 re-engineering business processes, \$4,990,000, to remain
16 available through September 30, 2013.

17 CYBER SECURITY INITIATIVES

18 For necessary expenses for cyber security initiatives,
19 including improvement of network perimeter controls and
20 identity management, testing and assessment of informa-
21 tion technology against business, security, and other re-
22 quirements, implementation of Federal cyber security ini-
23 tiatives and information infrastructure enhancements, im-
24 plementation of enhanced security controls on network de-
25 vices, and enhancement of cyber security workforce train-

1 ing tools, \$10,000,000, to remain available through Sep-
2 tember 30, 2013.

3 OFFICE OF CIVIL RIGHTS

4 For necessary expenses of the Office of Civil Rights,
5 \$9,384,000.

6 TRANSPORTATION PLANNING, RESEARCH, AND
7 DEVELOPMENT

8 For necessary expenses for conducting transportation
9 planning, research, systems development, development ac-
10 tivities, and making grants, to remain available until ex-
11 pended, \$9,000,000.

12 WORKING CAPITAL FUND

13 For necessary expenses for operating costs and cap-
14 ital outlays of the Working Capital Fund, not to exceed
15 \$172,000,000 shall be paid from appropriations made
16 available to the Department of Transportation: *Provided*,
17 That such services shall be provided on a competitive basis
18 to entities within the Department of Transportation: *Pro-*
19 *vided further*, That the above limitation on operating ex-
20 penses shall not apply to non-DOT entities: *Provided fur-*
21 *ther*, That no funds appropriated in this Act to an agency
22 of the Department shall be transferred to the Working
23 Capital Fund without majority approval of the Working
24 Capital Fund Steering Committee and approval of the
25 Secretary: *Provided further*, That no assessments may be

1 levied against any program, budget activity, subactivity or
2 project funded by this Act unless notice of such assess-
3 ments and the basis therefor are presented to the House
4 and Senate Committees on Appropriations and are ap-
5 proved by such Committees.

6 MINORITY BUSINESS RESOURCE CENTER PROGRAM

7 For the cost of guaranteed loans, \$333,000, as au-
8 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
9 cluding the cost of modifying such loans, shall be as de-
10 fined in section 502 of the Congressional Budget Act of
11 1974: *Provided further*, That these funds are available to
12 subsidize total loan principal, any part of which is to be
13 guaranteed, not to exceed \$18,367,000. In addition, for
14 administrative expenses to carry out the guaranteed loan
15 program, \$589,000.

16 MINORITY BUSINESS OUTREACH

17 For necessary expenses of Minority Business Re-
18 source Center outreach activities, \$3,068,000, to remain
19 available until September 30, 2013: *Provided*, That not-
20 withstanding 49 U.S.C. 332, these funds may be used for
21 business opportunities related to any mode of transpor-
22 tation.

1 PAYMENTS TO AIR CARRIERS
2 (AIRPORT AND AIRWAY TRUST FUND)
3 (INCLUDING TRANSFER OF FUNDS)

4 In addition to funds made available from any other
5 source to carry out the essential air service program under
6 49 U.S.C. 41731 through 41742, \$143,000,000, to be de-
7 rived from the Airport and Airway Trust Fund, to remain
8 available until expended: *Provided*, That in determining
9 between or among carriers competing to provide service
10 to a community, the Secretary may consider the relative
11 subsidy requirements of the carriers: *Provided further*,
12 That no funds made available under section 41742 of title
13 49, United States Code, and no funds made available in
14 this Act or any other Act in any fiscal year, shall be avail-
15 able to carry out the essential air service program under
16 sections 41731 through 41742 of such title 49 in commu-
17 nities in the 48 contiguous States unless the community
18 received subsidized essential air service or received a 90-
19 day notice of intent to terminate service and the Secretary
20 required the air carrier to continue to provide service to
21 the community at any time between September 30, 2010,
22 and September 30, 2011, inclusive: *Provided further*, That
23 basic essential air service minimum requirements shall not
24 include the 15-passenger capacity requirement under sub-
25 section 41732(b)(3) of title 49, United States Code: *Pro-*

1 *vided further*, That if the funds under this heading are
2 insufficient to meet the costs of the essential air service
3 program in the current fiscal year, the Secretary shall
4 transfer such sums as may be necessary to carry out the
5 essential air service program from any available amounts
6 appropriated to or directly administered by the Office of
7 the Secretary for such fiscal year.

8 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
9 SECRETARY OF TRANSPORTATION

10 SEC. 101. None of the funds made available in this
11 Act to the Department of Transportation may be obligated
12 for the Office of the Secretary of Transportation to ap-
13 prove assessments or reimbursable agreements pertaining
14 to funds appropriated to the modal administrations in this
15 Act, except for activities underway on the date of enact-
16 ment of this Act, unless such assessments or agreements
17 have completed the normal reprogramming process for
18 Congressional notification.

19 SEC. 102. The Secretary or his designee may engage
20 in activities with States and State legislators to consider
21 proposals related to the reduction of motorcycle fatalities.

22 SEC. 103. None of the funds made available under
23 this Act may be obligated or expended to establish or im-
24 plement a program under which essential air service com-

1 FEDERAL AVIATION ADMINISTRATION
2 OPERATIONS
3 (AIRPORT AND AIRWAY TRUST FUND)

4 For necessary expenses of the Federal Aviation Ad-
5 ministration, not otherwise provided for, including oper-
6 ations and research activities related to commercial space
7 transportation, administrative expenses for research and
8 development, establishment of air navigation facilities, the
9 operation (including leasing) and maintenance of aircraft,
10 subsidizing the cost of aeronautical charts and maps sold
11 to the public, lease or purchase of passenger motor vehi-
12 cles for replacement only, in addition to amounts made
13 available by Public Law 108-176, \$9,653,395,000, of
14 which \$5,060,694,000 shall be derived from the Airport
15 and Airway Trust Fund, of which not to exceed
16 \$7,442,738,000 shall be available for air traffic organiza-
17 tion activities; not to exceed \$1,252,991,000 shall be avail-
18 able for aviation safety activities; not to exceed
19 \$16,271,000 shall be available for commercial space trans-
20 portation activities; not to exceed \$582,117,000 shall be
21 available for finance and management activities; not to ex-
22 ceed \$98,858,000 shall be available for human resources
23 program activities; not to exceed \$60,134,000 shall be
24 available for NextGen program activities; and not to ex-
25 ceed \$200,286,000 shall be available for staff offices: *Pro-*

1 *vided*, That not to exceed 2 percent of any budget activity,
2 except for aviation safety budget activity, may be trans-
3 ferred to any budget activity under this heading: *Provided*
4 *further*, That no transfer may increase or decrease any ap-
5 propriation by more than 2 percent: *Provided further*,
6 That any transfer in excess of 2 percent shall be treated
7 as a reprogramming of funds under section 405 of this
8 Act and shall not be available for obligation or expenditure
9 except in compliance with the procedures set forth in that
10 section: *Provided further*, That not later than May 31,
11 2012, the Administrator shall submit to the House and
12 Senate Committees on Appropriations a comprehensive re-
13 port that describes all of the findings and conclusions
14 reached during the Federal Aviation Administration's ef-
15 forts to develop an objective, data-driven method for plac-
16 ing air traffic controllers after the successful completion
17 of their training at the Federal Aviation Administration
18 Academy, lists all available options for establishing such
19 method, and discusses the benefits and challenges of each
20 option: *Provided further*, That not later than March 31
21 of each fiscal year hereafter, the Administrator of the Fed-
22 eral Aviation Administration shall transmit to Congress
23 an annual update to the report submitted to Congress in
24 December 2004 pursuant to section 221 of Public Law
25 108–176: *Provided further*, That the amount herein appro-

1 priated shall be reduced by \$100,000 for each day after
2 March 31 that such report has not been submitted to the
3 Congress: *Provided further*, That not later than March 31
4 of each fiscal year hereafter, the Administrator shall
5 transmit to Congress a companion report that describes
6 a comprehensive strategy for staffing, hiring, and training
7 flight standards and aircraft certification staff in a format
8 similar to the one utilized for the controller staffing plan,
9 including stated attrition estimates and numerical hiring
10 goals by fiscal year: *Provided further*, That the amount
11 herein appropriated shall be reduced by \$100,000 per day
12 for each day after March 31 that such report has not been
13 submitted to Congress: *Provided further*, That funds may
14 be used to enter into a grant agreement with a nonprofit
15 standard-setting organization to assist in the development
16 of aviation safety standards: *Provided further*, That none
17 of the funds in this Act shall be available for new appli-
18 cants for the second career training program: *Provided*
19 *further*, That none of the funds in this Act shall be avail-
20 able for the Federal Aviation Administration to finalize
21 or implement any regulation that would promulgate new
22 aviation user fees not specifically authorized by law after
23 the date of the enactment of this Act: *Provided further*,
24 That there may be credited to this appropriation as offset-
25 ting collections funds received from States, counties, mu-

1 municipalities, foreign authorities, other public authorities,
2 and private sources for expenses incurred in the provision
3 of agency services, including receipts for the maintenance
4 and operation of air navigation facilities, and for issuance,
5 renewal or modification of certificates, including airman,
6 aircraft, and repair station certificates, or for tests related
7 thereto, or for processing major repair or alteration forms:
8 *Provided further*, That of the funds appropriated under
9 this heading, not less than \$10,350,000 shall be for the
10 contract tower cost-sharing program: *Provided further*,
11 That none of the funds in this Act for aeronautical chart-
12 ing and cartography are available for activities conducted
13 by, or coordinated through, the Working Capital Fund.

14 FACILITIES AND EQUIPMENT

15 (AIRPORT AND AIRWAY TRUST FUND)

16 For necessary expenses, not otherwise provided for,
17 for acquisition, establishment, technical support services,
18 improvement by contract or purchase, and hire of national
19 airspace systems and experimental facilities and equip-
20 ment, as authorized under part A of subtitle VII of title
21 49, United States Code, including initial acquisition of
22 necessary sites by lease or grant; engineering and service
23 testing, including construction of test facilities and acqui-
24 sition of necessary sites by lease or grant; construction
25 and furnishing of quarters and related accommodations

1 and commissioning of runway incursion prevention devices
2 and systems at airports of such title; for grants authorized
3 under section 41743 of title 49, United States Code; and
4 for inspection activities and administration of airport safe-
5 ty programs, including those related to airport operating
6 certificates under section 44706 of title 49, United States
7 Code, \$3,435,000,000 to be derived from the Airport and
8 Airway Trust Fund and to remain available until ex-
9 pended: *Provided*, That none of the funds under this head-
10 ing shall be available for the planning or execution of pro-
11 grams the obligations for which are in excess of
12 \$3,350,000,000 in fiscal year 2012, notwithstanding sec-
13 tion 47117(g) of title 49, United States Code: *Provided*
14 *further*, That none of the funds under this heading shall
15 be available for the replacement of baggage conveyor sys-
16 tems, reconfiguration of terminal baggage areas, or other
17 airport improvements that are necessary to install bulk ex-
18 plosive detection systems: *Provided further*, That notwith-
19 standing any other provision of law, of funds limited under
20 this heading, not more than \$101,000,000 shall be obli-
21 gated for administration, not less than \$15,000,000 shall
22 be available for the airport cooperative research program,
23 not less than \$29,250,000 shall be for Airport Technology
24 Research and \$6,000,000, to remain available until ex-
25 pended, shall be available and transferred to “Office of

1 the Secretary, Salaries and Expenses” to carry out the
2 Small Community Air Service Development Program.

3 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

4 ADMINISTRATION

5 SEC. 110. None of the funds in this Act may be used
6 to compensate in excess of 600 technical staff-years under
7 the federally funded research and development center con-
8 tract between the Federal Aviation Administration and the
9 Center for Advanced Aviation Systems Development dur-
10 ing fiscal year 2012.

11 SEC. 111. None of the funds in this Act shall be used
12 to pursue or adopt guidelines or regulations requiring air-
13 port sponsors to provide to the Federal Aviation Adminis-
14 tration without cost building construction, maintenance,
15 utilities and expenses, or space in airport sponsor-owned
16 buildings for services relating to air traffic control, air
17 navigation, or weather reporting: *Provided*, That the pro-
18 hibition of funds in this section does not apply to negotia-
19 tions between the agency and airport sponsors to achieve
20 agreement on “below-market” rates for these items or to
21 grant assurances that require airport sponsors to provide
22 land without cost to the FAA for air traffic control facili-
23 ties.

24 SEC. 112. The Administrator of the Federal Aviation
25 Administration may reimburse amounts made available to

1 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
2 49 U.S.C. 45303: *Provided*, That during fiscal year 2012,
3 49 U.S.C. 41742(b) shall not apply, and any amount re-
4 maining in such account at the close of that fiscal year
5 may be made available to satisfy section 41742(a)(1) for
6 the subsequent fiscal year.

7 SEC. 113. Amounts collected under section 40113(e)
8 of title 49, United States Code, shall be credited to the
9 appropriation current at the time of collection, to be
10 merged with and available for the same purposes of such
11 appropriation.

12 SEC. 114. None of the funds limited by this Act for
13 grants under the Airport Improvement Program shall be
14 made available to the sponsor of a commercial service air-
15 port if such sponsor fails to agree to a request from the
16 Secretary of Transportation for cost-free space in a non-
17 revenue producing, public use area of the airport terminal
18 or other airport facilities for the purpose of carrying out
19 a public service air passenger rights and consumer out-
20 reach campaign.

21 SEC. 115. None of the funds in this Act shall be avail-
22 able for paying premium pay under subsection 5546(a) of
23 title 5, United States Code, to any Federal Aviation Ad-
24 ministration employee unless such employee actually per-

1 formed work during the time corresponding to such pre-
2 mium pay.

3 SEC. 116. None of the funds in this Act may be obli-
4 gated or expended for an employee of the Federal Aviation
5 Administration to purchase a store gift card or gift certifi-
6 cate through use of a Government-issued credit card.

7 SEC. 117. The Secretary shall apportion to the spon-
8 sor of an airport that received scheduled or unscheduled
9 air service from a large certified air carrier (as defined
10 in part 241 of title 14 Code of Federal Regulations, or
11 such other regulations as may be issued by the Secretary
12 under the authority of section 41709) an amount equal
13 to the minimum apportionment specified in 49 U.S.C.
14 47114(c), if the Secretary determines that airport had
15 more than 10,000 passenger boardings in the preceding
16 calendar year, based on data submitted to the Secretary
17 under part 241 of title 14, Code of Federal Regulations.

18 SEC. 118. None of the funds in this Act may be obli-
19 gated or expended for retention bonuses for an employee
20 of the Federal Aviation Administration without the prior
21 written approval of the Deputy Assistant Secretary for
22 Administration of the Department of Transportation.

23 SEC. 119. Subparagraph (D) of section 47124(b)(3)
24 of title 49, United States Code, is amended by striking

1 “benefit.” and inserting “benefit, with the maximum al-
2 lowable local cost share capped at 20 percent.”.

3 SEC. 119A. Notwithstanding any other provision of
4 law, none of the funds made available under this Act or
5 any prior Act may be used to implement or to continue
6 to implement any limitation on the ability of any owner
7 or operator of a private aircraft to obtain, upon a request
8 to the Administrator of the Federal Aviation Administra-
9 tion, a blocking of that owner’s or operator’s aircraft reg-
10 istration number from any display of the Federal Aviation
11 Administration’s Aircraft Situational Display to Industry
12 data that is made available to the public, except data made
13 available to a Government agency, for the noncommercial
14 flights of that owner or operator.

15 SEC. 119B. None of the funds appropriated or lim-
16 ited by this Act may be used to change weight restrictions
17 or prior permission rules at Teterboro airport in
18 Teterboro, New Jersey.

19 FEDERAL HIGHWAY ADMINISTRATION

20 LIMITATION ON ADMINISTRATIVE EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 Not to exceed \$412,000,000, together with advances
23 and reimbursements received by the Federal Highway Ad-
24 ministration, shall be paid in accordance with law from
25 appropriations made available by this Act to the Federal

1 Highway Administration for necessary expenses for ad-
2 ministration and operation, of which \$16,000,000 shall be
3 derived from the authority provided in section 126 in this
4 Act. In addition, not to exceed \$3,220,000 shall be paid
5 from appropriations made available by this Act and trans-
6 ferred to the Appalachian Regional Commission in accord-
7 ance with section 104 of title 23, United States Code.

8 FEDERAL-AID HIGHWAYS

9 (LIMITATION ON OBLIGATIONS)

10 (HIGHWAY TRUST FUND)

11 None of the funds in this Act shall be available for
12 the implementation or execution of programs, the obliga-
13 tions for which are in excess of \$39,143,582,670 for Fed-
14 eral-aid highways and highway safety construction pro-
15 grams for fiscal year 2012: *Provided*, That within the
16 \$39,143,582,670 obligation limitation on Federal-aid
17 highways and highway safety construction programs, not
18 more than \$429,800,000 shall be available for the imple-
19 mentation or execution of programs for transportation re-
20 search (chapter 5 of title 23, United States Code; sections
21 111, 5505, and 5506 of title 49, United States Code; and
22 title 5 of Public Law 109-59) for fiscal year 2012: *Pro-*
23 *vided further*, That this limitation on transportation re-
24 search programs shall not apply to any authority pre-
25 viously made available for obligation: *Provided further*,

1 That the Secretary may, as authorized by section 605(b)
2 of title 23, United States Code, collect and spend fees to
3 cover the costs of services of expert firms, including coun-
4 sel, in the field of municipal and project finance to assist
5 in the underwriting and servicing of Federal credit instru-
6 ments and all or a portion of the costs to the Federal Gov-
7 ernment of servicing such credit instruments: *Provided*
8 *further*, That such fees are available until expended to pay
9 for such costs: *Provided further*, That such amounts are
10 in addition to administrative expenses that are also avail-
11 able for such purpose, and are not subject to any obliga-
12 tion limitation or the limitation on administrative expenses
13 under section 608 of title 23, United States Code.

14 (LIQUIDATION OF CONTRACT AUTHORIZATION)

15 (HIGHWAY TRUST FUND)

16 For carrying out the provisions of title 23, United
17 States Code, that are attributable to Federal-aid high-
18 ways, not otherwise provided, including reimbursement for
19 sums expended pursuant to the provisions of 23 U.S.C.
20 308, \$39,882,582,670 or so much thereof as may be avail-
21 able in and derived from the Highway Trust Fund (other
22 than the Mass Transit Account), to remain available until
23 expended.

1 EMERGENCY RELIEF

2 For an additional amount for the Emergency Relief
3 Program as authorized under section 125 of title 23,
4 United States Code, ~~\$1,762,000,000~~^e, to remain available
5 until expended, for necessary expenses resulting from a ~~major disaster~~ ^{1,662,000,000}
6 major disaster declared pursuant to the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act (42
8 U.S.C. 5121 et seq.): *Provided*, That notwithstanding sec-
9 tion 125(d)(1) of title 23, United States Code, the Sec-
10 retary of Transportation may obligate more than
11 \$100,000,000 for a single natural disaster event in a State
12 for emergency relief projects arising from damage caused
13 in fiscal year 2011 by Hurricane Irene or the Missouri
14 River basin flooding in the spring of 2011, except for
15 events involving closed hydrologic basins: *Provided further*,
16 That notwithstanding section 120 of title 23, United
17 States Code, for expenses resulting from a disaster eligible
18 under section 125 of title 23, United States Code, occur-
19 ring in fiscal years 2011 or 2012, the Secretary shall ex-
20 tend the time period in 120(e) in consideration of any
21 delay in the State's ability to access damaged facilities to
22 evaluate damage and estimate the cost of repair: *Provided*
23 *further*, That the amount provided under this heading is
24 designated by the Congress as being for disaster relief pur-

1 suant to section 251(b)(2)(D) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

4 ADMINISTRATION

5 SEC. 120. (a) For fiscal year 2012, the Secretary of
6 Transportation shall—

7 (1) not distribute from the obligation limitation
8 for Federal-aid highways amounts authorized for ad-
9 ministrative expenses and programs by section
10 104(a) of title 23, United States Code; programs
11 funded from the administrative takedown authorized
12 by section 104(a)(1) of title 23, United States Code
13 (as in effect on the date before the date of enact-
14 ment of the Safe, Accountable, Flexible, Efficient
15 Transportation Equity Act: A Legacy for Users); the
16 highway use tax evasion program; and the Bureau of
17 Transportation Statistics;

18 (2) not distribute an amount from the obliga-
19 tion limitation for Federal-aid highways that is equal
20 to the unobligated balance of amounts made avail-
21 able from the Highway Trust Fund (other than the
22 Mass Transit Account) for Federal-aid highways and
23 highway safety programs for previous fiscal years
24 the funds for which are allocated by the Secretary;

25 (3) determine the ratio that—

1 (A) the obligation limitation for Federal-
2 aid highways, less the aggregate of amounts not
3 distributed under paragraphs (1) and (2), bears
4 to

5 (B) the total of the sums authorized to be
6 appropriated for Federal-aid highways and
7 highway safety construction programs (other
8 than sums authorized to be appropriated for
9 provisions of law described in paragraphs (1)
10 through (9) of subsection (b) and sums author-
11 ized to be appropriated for section 105 of title
12 23, United States Code, equal to the amount
13 referred to in subsection (b)(10) for such fiscal
14 year), less the aggregate of the amounts not
15 distributed under paragraphs (1) and (2) of
16 this subsection;

17 (4)(A) distribute the obligation limitation for
18 Federal-aid highways, less the aggregate amounts
19 not distributed under paragraphs (1) and (2), for
20 sections 1301, 1302, and 1934 of the Safe, Account-
21 able, Flexible, Efficient Transportation Equity Act:
22 A Legacy for Users; sections 117 and section 144(g)
23 of title 23, United States Code; and section 14501
24 of title 40, United States Code, so that the amount
25 of obligation authority available for each of such sec-

1 tions is equal to the amount determined by multi-
2 plying the ratio determined under paragraph (3) by
3 the sums authorized to be appropriated for that sec-
4 tion for the fiscal year; and

5 (B) distribute \$2,000,000,000 for section 105
6 of title 23, United States Code;

7 (5) distribute the obligation limitation provided
8 for Federal-aid highways, less the aggregate
9 amounts not distributed under paragraphs (1) and
10 (2) and amounts distributed under paragraph (4),
11 for each of the programs that are allocated by the
12 Secretary under the Safe, Accountable, Flexible, Ef-
13 ficient Transportation Equity Act: A Legacy for
14 Users and title 23, United States Code (other than
15 to programs to which paragraphs (1) and (4) apply),
16 by multiplying the ratio determined under paragraph
17 (3) by the amounts authorized to be appropriated
18 for each such program for such fiscal year; and

19 (6) distribute the obligation limitation provided
20 for Federal-aid highways, less the aggregate
21 amounts not distributed under paragraphs (1) and
22 (2) and amounts distributed under paragraphs (4)
23 and (5), for Federal-aid highways and highway safe-
24 ty construction programs (other than the amounts
25 apportioned for the equity bonus program, but only

1 to the extent that the amounts apportioned for the
2 equity bonus program for the fiscal year are greater
3 than \$2,639,000,000, and the Appalachian develop-
4 ment highway system program) that are apportioned
5 by the Secretary under the Safe, Accountable, Flexi-
6 ble, Efficient Transportation Equity Act: A Legacy
7 for Users and title 23, United States Code, in the
8 ratio that—

9 (A) amounts authorized to be appropriated
10 for such programs that are apportioned to each
11 State for such fiscal year, bear to

12 (B) the total of the amounts authorized to
13 be appropriated for such programs that are ap-
14 portioned to all States for such fiscal year.

15 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
16 The obligation limitation for Federal-aid highways shall
17 not apply to obligations:

18 (1) under section 125 of title 23, United States
19 Code;

20 (2) under section 147 of the Surface Transpor-
21 tation Assistance Act of 1978;

22 (3) under section 9 of the Federal-Aid Highway
23 Act of 1981;

1 (4) under subsections (b) and (j) of section 131
2 of the Surface Transportation Assistance Act of
3 1982;

4 (5) under subsections (b) and (c) of section 149
5 of the Surface Transportation and Uniform Reloca-
6 tion Assistance Act of 1987;

7 (6) under sections 1103 through 1108 of the
8 Intermodal Surface Transportation Efficiency Act of
9 1991;

10 (7) under section 157 of title 23, United States
11 Code, as in effect on the day before the date of the
12 enactment of the Transportation Equity Act for the
13 21st Century;

14 (8) under section 105 of title 23, United States
15 Code, as in effect for fiscal years 1998 through
16 2004, but only in an amount equal to \$639,000,000
17 for each of those fiscal years;

18 (9) for Federal-aid highway programs for which
19 obligation authority was made available under the
20 Transportation Equity Act for the 21st Century or
21 subsequent public laws for multiple years or to re-
22 main available until used, but only to the extent that
23 the obligation authority has not lapsed or been used;

24 (10) under section 105 of title 23, United
25 States Code, but only in an amount equal to

1 \$639,000,000 for each of fiscal years 2005 through
2 2012; and

3 (11) under section 1603 of the Safe, Account-
4 able, Flexible, Efficient Transportation Equity Act:
5 A Legacy for Users, to the extent that funds obli-
6 gated in accordance with that section were not sub-
7 ject to a limitation on obligations at the time at
8 which the funds were initially made available for ob-
9 ligation.

10 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
11 THORITY.—Notwithstanding subsection (a), the Secretary
12 shall, after August 1 of such fiscal year, revise a distribu-
13 tion of the obligation limitation made available under sub-
14 section (a) if the amount distributed cannot be obligated
15 during that fiscal year, and redistribute sufficient amounts
16 to those States able to obligate amounts in addition to
17 those previously distributed during that fiscal year, giving
18 priority to those States having large unobligated balances
19 of funds apportioned under sections 104 and 144 of title
20 23, United States Code.

21 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
22 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
23 tion limitation shall apply to transportation research pro-
24 grams carried out under chapter 5 of title 23, United
25 States Code, and title V (research title) of the Safe, Ac-

1 countable, Flexible, Efficient Transportation Equity Act:
2 A Legacy for Users, except that obligation authority made
3 available for such programs under such limitation shall re-
4 main available for a period of 3 fiscal years and shall be
5 in addition to the amount of any limitation imposed on
6 obligations for Federal-aid highway and highway safety
7 construction programs for future fiscal years.

8 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
9 FUNDS.—

10 (1) IN GENERAL.—Not later than 30 days after
11 the date of the distribution of obligation limitation
12 under subsection (a), the Secretary shall distribute
13 to the States any funds that—

14 (A) are authorized to be appropriated for
15 such fiscal year for Federal-aid highways pro-
16 grams; and

17 (B) the Secretary determines will not be
18 allocated to the States, and will not be available
19 for obligation, in such fiscal year due to the im-
20 position of any obligation limitation for such
21 fiscal year.

22 (2) RATIO.—Funds shall be distributed under
23 paragraph (1) in the same ratio as the distribution
24 of obligation authority under subsection (a)(6).

1 (3) AVAILABILITY.—Funds distributed under
2 paragraph (1) shall be available for any purposes de-
3 scribed in section 133(b) of title 23, United States
4 Code.

5 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-
6 gation limitation distributed for a fiscal year under sub-
7 section (a)(4) for the provision specified in subsection
8 (a)(4) shall—

9 (1) remain available until used for obligation of
10 funds for that provision; and

11 (2) be in addition to the amount of any limita-
12 tion imposed on obligations for Federal-aid highway
13 and highway safety construction programs for future
14 fiscal years.

15 (g) LIMITATION ON STATUTORY CONSTRUCTION.—
16 Nothing in this section shall be construed to limit the dis-
17 tribution of obligation authority under subsection
18 (a)(4)(A) for each of the individual projects numbered
19 greater than 3676 listed in the table contained in section
20 1702 of the Safe, Accountable, Flexible, Efficient Trans-
21 portation Equity Act: A Legacy for Users.

22 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
23 ceived by the Bureau of Transportation Statistics from the
24 sale of data products, for necessary expenses incurred pur-
25 suant to 49 U.S.C. 111 may be credited to the Federal-

1 aid Highways account for the purpose of reimbursing the
2 Bureau for such expenses: *Provided*, That such funds shall
3 be subject to the obligation limitation for Federal-aid
4 Highways and highway safety construction programs.

5 SEC. 122. Not less than 15 days prior to waiving,
6 under his statutory authority, any Buy America require-
7 ment for Federal-aid highway projects, the Secretary of
8 Transportation shall make an informal public notice and
9 comment opportunity on the intent to issue such waiver
10 and the reasons therefor: *Provided*, That the Secretary
11 shall provide an annual report to the House and Senate
12 Committees on Appropriations on any waivers granted
13 under the Buy America requirements.

14 SEC. 123. (a) IN GENERAL.—Except as provided in
15 subsection (b), none of the funds made available, limited,
16 or otherwise affected by this Act shall be used to approve
17 or otherwise authorize the imposition of any toll on any
18 segment of highway located on the Federal-aid system in
19 the State of Texas that—

20 (1) as of the date of enactment of this Act, is
21 not tolled;

22 (2) is constructed with Federal assistance pro-
23 vided under title 23, United States Code; and

24 (3) is in actual operation as of the date of en-
25 actment of this Act.

1 (b) EXCEPTIONS.—

2 (1) NUMBER OF TOLL LANES.—Subsection (a)
3 shall not apply to any segment of highway on the
4 Federal-aid system described in that subsection that,
5 as of the date on which a toll is imposed on the seg-
6 ment, will have the same number of nontoll lanes as
7 were in existence prior to that date.

8 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
9 high-occupancy vehicle lane that is converted to a
10 toll lane shall not be subject to this section, and
11 shall not be considered to be a nontoll lane for pur-
12 poses of determining whether a highway will have
13 fewer nontoll lanes than prior to the date of imposi-
14 tion of the toll, if—

15 (A) high-occupancy vehicles occupied by
16 the number of passengers specified by the enti-
17 ty operating the toll lane may use the toll lane
18 without paying a toll, unless otherwise specified
19 by the appropriate county, town, municipal or
20 other local government entity, or public toll
21 road or transit authority; or

22 (B) each high-occupancy vehicle lane that
23 was converted to a toll lane was constructed as
24 a temporary lane to be replaced by a toll lane
25 under a plan approved by the appropriate coun-

1 ty, town, municipal or other local government
2 entity, or public toll road or transit authority.

3 SEC. 124. The Comptroller General of the United
4 States shall carry out a study to review how the States
5 and public transit authorities have used the authority for
6 States to transfer Federal funds between highway and
7 transit programs. Not later than 1 year after the date of
8 enactment of this Act, the Comptroller General shall sub-
9 mit a report to the Congress describing the use of the
10 transfer authority by the States, the highway and transit
11 projects funded with these funds, the U.S. Department of
12 Transportation administrative mechanisms to track the
13 use of these transferred funds, and the impact the use of
14 this authority has had on the advancement of highway
15 projects.

16 SEC. 125. Section 127(a)(11) of title 23, United
17 States Code, is amended to read as follows:

18 “(11)(A) With respect to all portions of the
19 Interstate Highway System in the State of Maine,
20 laws (including regulations) of that State concerning
21 vehicle weight limitations applicable to other State
22 highways shall be applicable in lieu of the require-
23 ments under this subsection through December 31,
24 2031.

1 “(B) With respect to all portions of the Inter-
2 state Highway System in the State of Vermont, laws
3 (including regulations) of that State concerning vehi-
4 cle weight limitations applicable to other State high-
5 ways shall be applicable in lieu of the requirements
6 under this subsection through December 31, 2031.”.

7 SEC. 126. The Secretary may deduct, on a propor-
8 tional basis, for administrative expenses of the Federal-
9 aid highway program, a cumulative sum not to exceed
10 \$16,000,000 of the sums authorized under the Surface
11 Transportation Extension Act of 2011, part II (Public
12 Law 112–30) for the 14 allocated programs.

13 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

14 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

15 (LIQUIDATION OF CONTRACT AUTHORIZATION)

16 (LIMITATION ON OBLIGATIONS)

17 (HIGHWAY TRUST FUND)

18 For payment of obligations incurred in the implemen-
19 tation, execution and administration of motor carrier safe-
20 ty operations and programs pursuant to section 31104(i)
21 of title 49, United States Code, and sections 4127 and
22 4134 of Public Law 109–59, \$247,724,000, to be derived
23 from the Highway Trust Fund (other than the Mass Tran-
24 sit Account), together with advances and reimbursements
25 received by the Federal Motor Carrier Safety Administra-

1 tion, the sum of which shall remain available until ex-
2 pended: *Provided*, That none of the funds derived from
3 the Highway Trust Fund in this Act shall be available for
4 the implementation, execution or administration of pro-
5 grams, the obligations for which are in excess of
6 \$247,724,000, for “Motor Carrier Safety Operations and
7 Programs” of which \$8,543,000, to remain available for
8 obligation until September 30, 2014, is for the research
9 and technology program and \$1,000,000 shall be available
10 for commercial motor vehicle operator’s grants to carry
11 out section 4134 of Public Law 109–59: *Provided further*,
12 That notwithstanding any other provision of law, none of
13 the funds under this heading for outreach and education
14 shall be available for transfer: *Provided further*, That the
15 Federal Motor Carrier Safety Administration shall trans-
16 mit to Congress a report on March 30, 2012 on the agen-
17 cy’s ability to meet its requirement to conduct compliance
18 reviews on high-risk carriers.

19 MOTOR CARRIER SAFETY GRANTS

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 (INCLUDING RESCISSION)

24 For payment of obligations incurred in carrying out
25 sections 31102, 31104(a), 31106, 31107, 31109, 31309,

1 31313 of title 49, United States Code, and sections 4126
2 and 4128 of Public Law 109–59, \$307,000,000, to be de-
3 rived from the Highway Trust Fund (other than the Mass
4 Transit Account) and to remain available until expended:
5 *Provided*, That none of the funds in this Act shall be avail-
6 able for the implementation or execution of programs, the
7 obligations for which are in excess of \$307,000,000, for
8 “Motor Carrier Safety Grants”; of which \$212,000,000
9 shall be available for the motor carrier safety assistance
10 program to carry out sections 31102 and 31104(a) of title
11 49, United States Code; \$30,000,000 shall be available for
12 the commercial driver’s license improvements program to
13 carry out section 31313 of title 49, United States Code;
14 \$32,000,000 shall be available for the border enforcement
15 grants program to carry out section 31107 of title 49,
16 United States Code; \$5,000,000 shall be available for the
17 performance and registration information system manage-
18 ment program to carry out sections 31106(b) and 31109
19 of title 49, United States Code; \$25,000,000 shall be
20 available for the commercial vehicle information systems
21 and networks deployment program to carry out section
22 4126 of Public Law 109–59; and \$3,000,000 shall be
23 available for the safety data improvement program to
24 carry out section 4128 of Public Law 109–59: *Provided*
25 *further*, That of the funds made available for the motor

1 carrier safety assistance program, \$29,000,000 shall be
2 available for audits of new entrant motor carriers: *Pro-*
3 *vided further*, That of the prior year unobligated balances
4 for the commercial vehicle information systems and net-
5 works deployment program, \$1,000,000 is permanently re-
6 scinded.

7 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
8 SAFETY ADMINISTRATION

9 SEC. 130. Funds appropriated or limited in this Act
10 shall be subject to the terms and conditions stipulated in
11 section 350 of Public Law 107–87 and section 6901 of
12 Public Law 110–28, including that the Secretary submit
13 a report to the House and Senate Appropriations Commit-
14 tees annually on the safety and security of transportation
15 into the United States by Mexico-domiciled motor carriers.

16 SEC. 131. Notwithstanding any other provision of
17 law, States receiving funds for core or expanded deploy-
18 ment activities under the Commercial Vehicle Information
19 Systems and Networks program pursuant to sections
20 4101(c)(4) and 4126 of Public Law 109–59 that did not
21 meet award eligibility requirements set forth in section
22 4126; received grant amounts in excess of the maximum
23 amounts specified in sections 4126(c)(2) or 4126(d)(3);
24 or were awarded grants either prior to or after the expira-
25 tion of the period of performance specified in a grant

1 agreement, shall not be required to repay grant amounts
2 received in error under such sections and, in addition,
3 shall be reimbursed for core or expanded deployment ex-
4 penditures such States made before the date of the enact-
5 ment of this Act in reliance on a grant awarded in error
6 under such sections.

7 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
8 OPERATIONS AND RESEARCH

9 For expenses necessary to discharge the functions of
10 the Secretary, with respect to traffic and highway safety
11 under subtitle C of title X of Public Law 109–59 and
12 chapter 301 and part C of subtitle VI of title 49, United
13 States Code, \$140,146,000, of which \$20,000,000 shall
14 remain available through September 30, 2013.

15 OPERATIONS AND RESEARCH

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (HIGHWAY TRUST FUND)

19 For payment of obligations incurred in carrying out
20 the provisions of 23 U.S.C. 403, and chapter 303 of title
21 49, United States Code, \$109,500,000, to be derived from
22 the Highway Trust Fund (other than the Mass Transit
23 Account) and to remain available until expended: *Pro-*
24 *vided*, That none of the funds in this Act shall be available
25 for the planning or execution of programs the total obliga-

1 tions for which, in fiscal year 2012, are in excess of
2 \$109,500,000, of which \$105,500,000 shall be for pro-
3 grams authorized under 23 U.S.C. 403, and of which
4 \$4,000,000 shall be for the National Driver Register au-
5 thorized under chapter 303 of title 49, United States
6 Code: *Provided further*, That within the \$105,500,000 ob-
7 ligation limitation for operations and research,
8 \$20,000,000 shall remain available until September 30,
9 2013 and shall be in addition to the amount of any limita-
10 tion imposed on obligations for future years.

11 HIGHWAY TRAFFIC SAFETY GRANTS

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 (LIMITATION ON OBLIGATIONS)

14 (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in carrying out
16 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
17 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
18 Law 109–59, to remain available until expended,
19 \$550,328,000 to be derived from the Highway Trust Fund
20 (other than the Mass Transit Account): *Provided*, That
21 none of the funds in this Act shall be available for the
22 planning or execution of programs the total obligations for
23 which, in fiscal year 2012, are in excess of \$550,328,000
24 for programs authorized under 23 U.S.C. 402, 405, 406,
25 408, and 410 and sections 2001(a)(11), 2009, 2010, and

1 2011 of Public Law 109–59, of which \$235,000,000 shall
2 be for “Highway Safety Programs” under 23 U.S.C. 402;
3 \$25,000,000 shall be for “Occupant Protection Incentive
4 Grants” under 23 U.S.C. 405; \$48,500,000 shall be for
5 “Safety Belt Performance Grants” under 23 U.S.C. 406,
6 and such obligation limitation shall remain available until
7 September 30, 2013 in accordance with subsection (f) of
8 such section 406 and shall be in addition to the amount
9 of any limitation imposed on obligations for such grants
10 for future fiscal years; \$34,500,000 shall be for “State
11 Traffic Safety Information System Improvements” under
12 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Im-
13 paired Driving Countermeasures Incentive Grant Pro-
14 gram” under 23 U.S.C. 410; \$25,328,000 shall be for
15 “Administrative Expenses” under section 2001(a)(11) of
16 Public Law 109–59; \$29,000,000 shall be for “High Visi-
17 bility Enforcement Program” under section 2009 of Pub-
18 lic Law 109–59; \$7,000,000 shall be for “Motorcyclist
19 Safety” under section 2010 of Public Law 109–59; and
20 \$7,000,000 shall be for “Child Safety and Child Booster
21 Seat Safety Incentive Grants” under section 2011 of Pub-
22 lic Law 109–59: *Provided further*, That none of these
23 funds shall be used for construction, rehabilitation, or re-
24 modeling costs, or for office furnishings and fixtures for
25 State, local or private buildings or structures: *Provided*

1 *further*, That not to exceed \$500,000 of the funds made
2 available for section 410 “Alcohol-Impaired Driving Coun-
3 termeasures Grants” shall be available for technical assist-
4 ance to the States: *Provided further*, That not to exceed
5 \$750,000 of the funds made available for the “High Visi-
6 bility Enforcement Program” shall be available for the
7 evaluation required under section 2009(f) of Public Law
8 109–59: *Provided further*, That of the amounts made
9 available under this heading for “Safety Belt Performance
10 Grants”, \$25,000,000 shall be available until expended for
11 the modernization of the National Automotive Sampling
12 System (NASS).

13 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

14 TRAFFIC SAFETY ADMINISTRATION

15 SEC. 140. Notwithstanding any other provision of law
16 or limitation on the use of funds made available under
17 section 403 of title 23, United States Code, an additional
18 \$130,000 shall be made available to the National Highway
19 Traffic Safety Administration, out of the amount limited
20 for section 402 of title 23, United States Code, to pay
21 for travel and related expenses for State management re-
22 views and to pay for core competency development train-
23 ing and related expenses for highway safety staff.

24 SEC. 141. The limitations on obligations for the pro-
25 grams of the National Highway Traffic Safety Adminis-

1 tration set in this Act shall not apply to obligations for
2 which obligation authority was made available in previous
3 public laws for multiple years but only to the extent that
4 the obligation authority has not lapsed or been used.

5 SEC. 142. None of the funds in this Act shall be used
6 to implement section 404 of title 23, United States Code.

7 FEDERAL RAILROAD ADMINISTRATION

8 SAFETY AND OPERATIONS

9 For necessary expenses of the Federal Railroad Ad-
10 ministration, not otherwise provided for, \$178,596,000, of
11 which \$12,300,000 shall remain available until expended.

12 RAILROAD RESEARCH AND DEVELOPMENT

13 For necessary expenses for railroad research and de-
14 velopment, \$35,000,000, to remain available until ex-
15 pended.

16 RAILROAD REHABILITATION AND IMPROVEMENT

17 FINANCING PROGRAM

18 The Secretary of Transportation is authorized to
19 issue to the Secretary of the Treasury notes or other obli-
20 gations pursuant to section 512 of the Railroad Revitaliza-
21 tion and Regulatory Reform Act of 1976 (Public Law 94-
22 210), as amended, in such amounts and at such times as
23 may be necessary to pay any amounts required pursuant
24 to the guarantee of the principal amount of obligations
25 under sections 511 through 513 of such Act, such author-

1 ity to exist as long as any such guaranteed obligation is
2 outstanding: *Provided*, That pursuant to section 502 of
3 such Act, as amended, no new direct loans or loan guar-
4 antee commitments shall be made using Federal funds for
5 the credit risk premium during fiscal year 2012.

6 OPERATING SUBSIDY GRANTS TO THE NATIONAL
7 RAILROAD PASSENGER CORPORATION

8 To enable the Secretary of Transportation to make
9 quarterly grants to the National Railroad Passenger Cor-
10 poration for the operation of intercity passenger rail, as
11 authorized by section 101 of the Passenger Rail Invest-
12 ment and Improvement Act of 2008 (division B of Public
13 Law 110–432), \$466,000,000, to remain available until
14 expended: *Provided*, That the amounts available under this
15 paragraph shall be available for the Secretary to approve
16 funding to cover operating losses for the Corporation only
17 after receiving and reviewing a grant request for each spe-
18 cific train route: *Provided further*, That each such grant
19 request shall be accompanied by a detailed financial anal-
20 ysis, revenue projection, and capital expenditure projection
21 justifying the Federal support to the Secretary’s satisfac-
22 tion: *Provided further*, That not later than 60 days after
23 enactment of this Act, the Corporation shall transmit, in
24 electronic format, to the Secretary, the House and Senate
25 Committees on Appropriations, the House Committee on

1 Transportation and Infrastructure and the Senate Com-
2 mittee on Commerce, Science, and Transportation the an-
3 nual budget and business plan and the 5-Year Financial
4 Plan for fiscal year 2012 required under section 204 of
5 the Passenger Rail Investment and Improvement Act of
6 2008: *Provided further*, That the budget, business plan,
7 and the 5-Year Financial Plan shall also include a sepa-
8 rate accounting of ridership, revenues, and capital and op-
9 erating expenses for the Northeast Corridor; commuter
10 service; long-distance Amtrak service; State-supported
11 service; each intercity train route, including Autotrain;
12 and commercial activities including contract operations:
13 *Provided further*, That the budget, business plan and the
14 5-Year Financial Plan shall include a description of work
15 to be funded, along with cost estimates and an estimated
16 timetable for completion of the projects covered by these
17 plans: *Provided further*, That the budget, business plan
18 and the 5-Year Financial Plan shall include annual infor-
19 mation on the maintenance, refurbishment, replacement,
20 and expansion for all Amtrak rolling stock consistent with
21 the comprehensive fleet plan: *Provided further*, That the
22 Corporation shall provide semiannual reports in electronic
23 format regarding the pending business plan, which shall
24 describe the work completed to date, any changes to the
25 business plan, and the reasons for such changes, and shall

1 identify all sole-source contract awards which shall be ac-
2 companied by a justification as to why said contract was
3 awarded on a sole-source basis, as well as progress against
4 the milestones and target dates of the 2011 performance
5 improvement plan: *Provided further*, That the Corpora-
6 tion's budget, business plan, 5-Year Financial Plan, semi-
7 annual reports, and all subsequent supplemental plans
8 shall be displayed on the Corporation's Web site within
9 a reasonable timeframe following their submission to the
10 appropriate entities: *Provided further*, That these plans
11 shall be accompanied by a comprehensive fleet plan for
12 all Amtrak rolling stock which shall address the Corpora-
13 tion's detailed plans and timeframes for the maintenance,
14 refurbishment, replacement, and expansion of the Amtrak
15 fleet: *Provided further*, That said fleet plan shall establish
16 year-specific goals and milestones and discuss potential,
17 current, and preferred financing options for all such activi-
18 ties: *Provided further*, That none of the funds under this
19 heading may be obligated or expended until the Corpora-
20 tion agrees to continue abiding by the provisions of para-
21 graphs 1, 2, 5, 9, and 11 of the summary of conditions
22 for the direct loan agreement of June 28, 2002, in the
23 same manner as in effect on the date of enactment of this
24 Act: *Provided further*, That none of the funds provided in
25 this Act may be used after March 1, 2012, to support any

1 route on which Amtrak offers a discounted fare of more
2 than 50 percent off the normal peak fare: *Provided fur-*
3 *ther*, That the preceding proviso does not apply to routes
4 where the operating loss as a result of the discount is cov-
5 ered by a State and the State participates in the setting
6 of fares: *Provided further*, That the Corporation shall sub-
7 mit to the House and Senate Committees on Appropria-
8 tions a budget request for fiscal year 2013 in similar for-
9 mat and substance to those submitted by executive agen-
10 cies of the Federal Government.

11 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
12 RAILROAD PASSENGER CORPORATION

13 To enable the Secretary of Transportation to make
14 grants to the National Railroad Passenger Corporation for
15 capital investments as authorized by section 101(c) and
16 219(b) of the Passenger Rail Investment and Improve-
17 ment Act of 2008 (division B of Public Law 110–432),
18 \$952,000,000, to remain available until expended, of
19 which not to exceed \$271,000,000 shall be for debt service
20 obligations as authorized by section 102 of such Act: *Pro-*
21 *vided*, That of the amounts made available under this
22 heading, not less than \$50,000,000 shall be made avail-
23 able to bring Amtrak served facilities and stations into
24 compliance with the Americans with Disabilities Act: *Pro-*
25 *vided further*, That after an initial distribution of up to

1 Public Law 110–432, including the amendments made by
2 section 212 to section 24905 of title 49, United States
3 Code.

4 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD
5 ADMINISTRATION

6 SEC. 150. Hereafter, notwithstanding any other pro-
7 vision of law, funds provided in this Act for the National
8 Railroad Passenger Corporation shall immediately cease
9 to be available to said Corporation in the event that the
10 Corporation contracts to have services provided at or from
11 any location outside the United States. For purposes of
12 this section, the word “services” shall mean any service
13 that was, as of July 1, 2006, performed by a full-time
14 or part-time Amtrak employee whose base of employment
15 is located within the United States.

16 SEC. 151. The Secretary of Transportation may re-
17 ceive and expend cash, or receive and utilize spare parts
18 and similar items, from non-United States Government
19 sources to repair damages to or replace United States
20 Government owned automated track inspection cars and
21 equipment as a result of third-party liability for such dam-
22 ages, and any amounts collected under this section shall
23 be credited directly to the Safety and Operations account
24 of the Federal Railroad Administration, and shall remain
25 available until expended for the repair, operation and

1 maintenance of automated track inspection cars and
2 equipment in connection with the automated track inspec-
3 tion program.

4 SEC. 152. Notwithstanding any other provisions of
5 law, rule or regulation, the Secretary of Transportation
6 is authorized to allow the issuer of any preferred stock
7 heretofore sold to the Department to redeem or repur-
8 chase such stock upon the payment to the Department of
9 an amount determined by the Secretary.

10 SEC. 153. None of the funds provided to the National
11 Railroad Passenger Corporation may be used to fund any
12 overtime costs in excess of \$35,000 for any individual em-
13 ployee: *Provided*, That the president of Amtrak may waive
14 the cap set in the previous proviso for specific employees
15 when the president of Amtrak determines such a cap poses
16 a risk to the safety and operational efficiency of the sys-
17 tem: *Provided further*, That Amtrak shall notify House
18 and Senate Committees on Appropriations within 30 days
19 of waiving such cap and delineate the reasons for such
20 waiver.

21 FEDERAL TRANSIT ADMINISTRATION

22 ADMINISTRATIVE EXPENSES

23 For necessary administrative expenses of the Federal
24 Transit Administration's programs authorized by chapter
25 53 of title 49, United States Code, \$98,713,000: *Provided*,

1 That none of the funds provided or limited in this Act
2 may be used to create a permanent office of transit secu-
3 rity under this heading: *Provided further*, That upon sub-
4 mission to the Congress of the fiscal year 2013 President's
5 budget, the Secretary of Transportation shall transmit to
6 Congress the annual report on New Starts, including pro-
7 posed allocations of funds for fiscal year 2013.

8 FORMULA AND BUS GRANTS

9 (LIQUIDATION OF CONTRACT AUTHORITY)

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 For payment of obligations incurred in carrying out
13 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
14 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
15 section 3038 of Public Law 105-178, as amended,
16 \$9,400,000,000 to be derived from the Mass Transit Ac-
17 count of the Highway Trust Fund and to remain available
18 until expended: *Provided*, That funds available for the im-
19 plementation or execution of programs authorized under
20 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
21 5317, 5320, 5335, 5339, and 5340 and section 3038 of
22 Public Law 105-178, as amended, shall not exceed total
23 obligations of \$8,360,565,000 in fiscal year 2012.

1 RESEARCH AND UNIVERSITY RESEARCH CENTERS

2 For necessary expenses to carry out 49 U.S.C. 5306,
3 5312–5315, 5322, and 5506, ~~\$45,000,000~~, to remain (44,000,000
4 available until expended: *Provided*, That \$6,500,000 is
5 available to carry out the transit cooperative research pro-
6 gram under section 5313 of title 49, United States Code,
7 \$3,500,000 is available for the National Transit Institute
8 under section 5315 of title 49, United States Code, and
9 \$4,000,000 is available for the university transportation
10 centers program under section 5506 of title 49, United
11 States Code: *Provided further*, That \$25,000,000 is avail-
12 able to carry out innovative research and demonstrations
13 of national significance under section 5312 of title 49,
14 United States Code.

15 CAPITAL INVESTMENT GRANTS

16 (INCLUDING RESCISSION)

17 For necessary expenses to carry out section 5309 of
18 title 49, United States Code, \$1,955,000,000, to remain
19 available until expended, of which \$35,481,000 shall be
20 available to carry out section 5309(e) of such title: *Pro-*
21 *vided*, That not less than \$510,000,000 shall be available
22 for preliminary engineering, final design, and construction
23 of projects that receive a Full Funding Grant Agreement
24 during calendar year 2012: *Provided further*, That of the

1 funds appropriated under this heading in Public Law
2 111–8, \$58,500,000 are hereby rescinded.

3 GRANTS TO THE WASHINGTON METROPOLITAN AREA
4 TRANSIT AUTHORITY

5 For grants to the Washington Metropolitan Area
6 Transit Authority as authorized under section 601 of divi-
7 sion B of Public Law 110–432, \$150,000,000, to remain
8 available until expended: *Provided*, That the Secretary
9 shall approve grants for capital and preventive mainte-
10 nance expenditures for the Washington Metropolitan Area
11 Transit Authority only after receiving and reviewing a re-
12 quest for each specific project: *Provided further*, That
13 prior to approving such grants, the Secretary shall deter-
14 mine that the Washington Metropolitan Area Transit Au-
15 thority has placed the highest priority on those invest-
16 ments that will improve the safety of the system.

17 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

18 ADMINISTRATION

19 SEC. 160. The limitations on obligations for the pro-
20 grams of the Federal Transit Administration shall not
21 apply to any authority under 49 U.S.C. 5338, previously
22 made available for obligation, or to any other authority
23 previously made available for obligation.

24 SEC. 161. Notwithstanding any other provision of
25 law, funds appropriated or limited by this Act under the

1 Federal Transit Administration's discretionary program
2 appropriations headings for projects specified in this Act
3 or identified in reports accompanying this Act not obli-
4 gated by September 30, 2014, and other recoveries, shall
5 be directed to projects eligible to use the funds for the
6 purposes for which they were originally provided.

7 SEC. 162. Notwithstanding any other provision of
8 law, any funds appropriated before October 1, 2011, under
9 any section of chapter 53 of title 49, United States Code,
10 that remain available for expenditure, may be transferred
11 to and administered under the most recent appropriation
12 heading for any such section.

13 SEC. 163. Notwithstanding any other provision of
14 law, unobligated funds made available for new fixed guide-
15 way system projects under the heading "Federal Transit
16 Administration, Capital Investment Grants" in any appro-
17 priations Act prior to this Act may be used during this
18 fiscal year to satisfy expenses incurred for such projects.

19 SEC. 164. Notwithstanding any other provision of
20 law, unobligated funds or recoveries under section 5309
21 of title 49, United States Code, that are available to the
22 Secretary of Transportation for reallocation shall be di-
23 rected to projects eligible to use the funds for the purposes
24 for which they were originally provided.

1 SEC. 165. In addition to the amounts made available
2 under section 5327(c)(1) of title 49, United States Code,
3 the Secretary may use, for program management activities
4 described in section 5327(c)(2), 1 percent of the amount
5 made available to carry out section 5316 of title 49,
6 United States Code: *Provided*, That funds made available
7 for program management oversight shall be used to over-
8 see the compliance of a recipient or subrecipient of Fed-
9 eral transit assistance consistent with activities identified
10 under section 5327(c)(2) and for purposes of enforcement.

11 SEC. 166. Funds made available for Alaska or Hawaii
12 ferry boats or ferry terminal facilities pursuant to 49
13 U.S.C. 5309(m)(6)(B) may be used to construct new ves-
14 sels and facilities, or to improve existing vessels and facili-
15 ties, including both the passenger and vehicle-related ele-
16 ments of such vessels and facilities, and for repair facili-
17 ties.

18 SEC. 167. Notwithstanding any other provision of
19 law, none of the funds made available in this Act shall
20 be used to enter into a full funding grant agreement for
21 a project with a New Starts share greater than 60 percent.

22 SEC. 168. Notwithstanding any other provision of
23 law, fuel for vehicle operations, including the cost of utili-
24 ties used for the propulsion of electrically driven vehicles,
25 shall be treated as an associated capital maintenance item

1 for purposes of grants made under section 5307 of title
2 49, United States Code, in fiscal year 2012. Amounts
3 made available under this heading shall be limited to
4 \$100,000,000.

5 SEC. 169. The Secretary may not enforce regulations
6 related to charter bus service under part 604 of title 49,
7 Code of Federal Regulations, for any transit agency who
8 during fiscal year 2008 was both initially granted a 60-
9 day period to come into compliance with part 604, and
10 then was subsequently granted an exception from said
11 part.

12 SEC. 169A. For purposes of applying the project jus-
13 tification and local financial commitment criteria of 49
14 U.S.C. 5309(d) to a New Starts project, the Secretary
15 may consider the costs and ridership of any connected
16 project in an instance in which private parties are making
17 significant financial contributions to the construction of
18 the connected project; additionally, the Secretary may con-
19 sider the significant financial contributions of private par-
20 ties to the connected project in calculating the non-Federal
21 share of net capital project costs for the New Starts
22 project.

23 SEC. 169B. All bus new fixed guideway capital
24 projects recommended in the President's fiscal year 2012
25 budget request for funds appropriated under the Capital

1 Investment Grants heading in this Act or any other Act
2 shall be funded instead from amounts allocated under 49
3 U.S.C. 5309(m)(2)(C): *Provided*, That all such projects
4 shall remain subject to the appropriate requirements of
5 49 U.S.C. 5309(d) and (e).

6 SAINT LAWRENCE SEAWAY DEVELOPMENT

7 CORPORATION

8 The Saint Lawrence Seaway Development Corpora-
9 tion is hereby authorized to make such expenditures, with-
10 in the limits of funds and borrowing authority available
11 to the Corporation, and in accord with law, and to make
12 such contracts and commitments without regard to fiscal
13 year limitations as provided by section 104 of the Govern-
14 ment Corporation Control Act, as amended, as may be
15 necessary in carrying out the programs set forth in the
16 Corporation's budget for the current fiscal year.

17 OPERATIONS AND MAINTENANCE

18 (HARBOR MAINTENANCE TRUST FUND)

19 For necessary expenses for operations, maintenance,
20 and capital asset renewal of those portions of the St. Law-
21 rence Seaway owned, operated, and maintained by the
22 Saint Lawrence Seaway Development Corporation,
23 \$32,259,000, to be derived from the Harbor Maintenance
24 Trust Fund, pursuant to Public Law 99-662.

1 MARITIME ADMINISTRATION

2 MARITIME SECURITY PROGRAM

3 For necessary expenses to maintain and preserve a
4 U.S.-flag merchant fleet to serve the national security
5 needs of the United States, \$174,000,000, to remain avail-
6 able until expended.

7 OPERATIONS AND TRAINING

8 (INCLUDING RESCISSION)

9 For necessary expenses of operations and training ac-
10 tivities authorized by law, \$156,258,000, of which
11 \$11,100,000 shall remain available until expended for
12 maintenance and repair of training ships at State Mari-
13 time Academies, and of which \$2,400,000 shall remain
14 available through September 30, 2013 for Student Incen-
15 tive Program payments at State Maritime Academies, and
16 of which \$22,900,000 shall remain available until ex-
17 pended for facilities maintenance and repair, equipment,
18 and capital improvements at the United State Merchant
19 Marine Academy: *Provided*, That amounts apportioned for
20 the United States Merchant Marine Academy shall be
21 available only upon allotments made personally by the Sec-
22 retary of Transportation or the Assistant Secretary for
23 Budget and Programs: *Provided further*, That the Super-
24 intendent, Deputy Superintendent and the Director of the
25 Office of Resource Management of the United State Mer-

1 chant Marine Academy may not be allotment holders for
2 the United States Merchant Marine Academy, and the Ad-
3 ministrator of the Maritime Administration shall hold all
4 allotments made by the Secretary of Transportation or the
5 Assistant Secretary for Budget and Programs under the
6 previous proviso: *Provided further*, That 50 percent of the
7 funding made available for the United States Merchant
8 Marine Academy under this heading shall be available only
9 after the Secretary, in consultation with the Super-
10 intendent and the Maritime Administrator, completes a
11 plan detailing by program or activity how such funding
12 will be expended at the Academy, and this plan is sub-
13 mitted to the House and Senate Committees on Appro-
14 priations: *Provided further*, That of the prior year unobli-
15 gated balances under this heading for information tech-
16 nology requirements of Public Law 111-207, \$980,000
17 are permanently rescinded.

18 SHIP DISPOSAL

19 For necessary expenses related to the disposal of ob-
20 solete vessels in the National Defense Reserve Fleet of the
21 Maritime Administration, \$5,500,000, to remain available
22 until expended.

23 ASSISTANCE TO SMALL SHIPYARDS

24 To make grants to qualified shipyards as authorized
25 under section 3508 of Public Law 110-417 or section

1 54101 of title 46, United States Code, \$9,980,000, to re-
2 main available until expended: *Provided*, That to be con-
3 sidered for assistance, a qualified shipyard shall submit
4 an application for assistance no later than 60 days after
5 enactment of this Act: *Provided further*, That from appli-
6 cations submitted under the previous proviso, the Sec-
7 retary of Transportation shall make grants no later than
8 120 days after enactment of this Act in such amounts as
9 the Secretary determines.

10 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

11 ACCOUNT

12 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

13 For the necessary administrative expenses of the
14 maritime guaranteed loan program, \$3,740,000 shall be
15 paid to the appropriation for “Operations and Training”,
16 Maritime Administration: *Provided*, That of the unobli-
17 gated balance of funds made available for obligation under
18 Public Law 110–329 and Public Law 111–118,
19 \$35,000,000 are permanently rescinded.

20 ADMINISTRATIVE PROVISIONS—MARITIME

21 ADMINISTRATION

22 SEC. 170. Notwithstanding any other provision of
23 this Act, the Maritime Administration is authorized to fur-
24 nish utilities and services and make necessary repairs in
25 connection with any lease, contract, or occupancy involving

1 Government property under control of the Maritime Ad-
2 ministration, and payments received therefor shall be cred-
3 ited to the appropriation charged with the cost thereof:
4 *Provided*, That rental payments under any such lease, con-
5 tract, or occupancy for items other than such utilities,
6 services, or repairs shall be covered into the Treasury as
7 miscellaneous receipts.

8 SEC. 171. None of the funds available or appro-
9 priated in this Act shall be used by the United States De-
10 partment of Transportation or the United States Maritime
11 Administration to negotiate or otherwise execute, enter
12 into, facilitate or perform fee-for-service contracts for ves-
13 sel disposal, scrapping or recycling, unless there is no
14 qualified domestic ship recycler that will pay any sum of
15 money to purchase and scrap or recycle a vessel owned,
16 operated or managed by the Maritime Administration or
17 that is part of the National Defense Reserve Fleet. Such
18 sales offers must be consistent with the solicitation and
19 provide that the work will be performed in a timely man-
20 ner at a facility qualified within the meaning of section
21 3502 of Public Law 106–398. Nothing contained herein
22 shall affect the Maritime Administration’s authority to
23 award contracts at least cost to the Federal Government
24 and consistent with the requirements of 16 U.S.C. §

1 5405(c), section 3502, or otherwise authorized under the
2 Federal Acquisition Regulation.

3 SEC. 172. Notwithstanding any other provision of
4 law, none of the funds provided in this Act shall be used
5 to make a determination of the nonavailability of qualified
6 United States flag capacity for purposes of 46 U.S.C.
7 501(b) for the transportation of crude oil distributed from
8 the Strategic Petroleum Reserve unless as part of that de-
9 termination the Secretary of Transportation, after con-
10 sultation with representatives from the United States flag
11 maritime industry, provides to the Secretary of Homeland
12 Security a list of United States flag vessels with single
13 or collective capacity that may be capable of providing the
14 requested transportation services and a written justifica-
15 tion for not using such United States flag vessels.

16 PIPELINE AND HAZARDOUS MATERIALS SAFETY

17 ADMINISTRATION

18 OPERATIONAL EXPENSES

19 (PIPELINE SAFETY FUND)

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary operational expenses of the Pipeline
22 and Hazardous Materials Safety Administration,
23 \$21,360,000, of which \$639,000 shall be derived from the
24 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
25 transferred to “Pipeline Safety” in order to fund “Pipeline

1 Safety Information Grants to Communities” as authorized
2 under section 60130 of title 49, United States Code.

3 HAZARDOUS MATERIALS SAFETY

4 For expenses necessary to discharge the hazardous
5 materials safety functions of the Pipeline and Hazardous
6 Materials Safety Administration, \$42,338,000, of which
7 \$1,716,000 shall remain available until September 30,
8 2014: *Provided*, That up to \$800,000 in fees collected
9 under 49 U.S.C. 5108(g) shall be deposited in the general
10 fund of the Treasury as offsetting receipts: *Provided fur-*
11 *ther*, That there may be credited to this appropriation, to
12 be available until expended, funds received from States,
13 counties, municipalities, other public authorities, and pri-
14 vate sources for expenses incurred for training, for reports
15 publication and dissemination, and for travel expenses in-
16 curred in performance of hazardous materials exemptions
17 and approvals functions.

18 PIPELINE SAFETY

19 (PIPELINE SAFETY FUND)

20 (OIL SPILL LIABILITY TRUST FUND)

21 For expenses necessary to conduct the functions of
22 the pipeline safety program, for grants-in-aid to carry out
23 a pipeline safety program, as authorized by 49 U.S.C.
24 60107, and to discharge the pipeline program responsibil-
25 ities of the Oil Pollution Act of 1990, \$109,252,000, of

1 which \$18,573,000 shall be derived from the Oil Spill Li-
2 ability Trust Fund and shall remain available until Sep-
3 tember 30, 2014; and of which \$90,679,000 shall be de-
4 rived from the Pipeline Safety Fund, of which
5 \$48,191,000 shall remain available until September 30,
6 2014: *Provided*, That not less than \$1,058,000 of the
7 funds provided under this heading shall be for the one-
8 call State grant program.

9 EMERGENCY PREPAREDNESS GRANTS

10 (EMERGENCY PREPAREDNESS FUND)

11 For necessary expenses to carry out 49 U.S.C.
12 5128(b), \$188,000, to be derived from the Emergency
13 Preparedness Fund, to remain available until September
14 30, 2013: *Provided*, That not more than \$28,318,000 shall
15 be made available for obligation in fiscal year 2012 from
16 amounts made available by 49 U.S.C. 5116(i) and
17 5128(b)–(c): *Provided further*, That none of the funds
18 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
19 shall be made available for obligation by individuals other
20 than the Secretary of Transportation, or his designee.

21 RESEARCH AND INNOVATIVE TECHNOLOGY

22 ADMINISTRATION

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Research and Innova-
25 tive Technology Administration, \$15,981,000, of which

1 \$9,007,000 shall remain available until September 30,
2 2014: *Provided*, That there may be credited to this appro-
3 priation, to be available until expended, funds received
4 from States, counties, municipalities, other public authori-
5 ties, and private sources for expenses incurred for train-
6 ing.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of the Inspector
10 General to carry out the provisions of the Inspector Gen-
11 eral Act of 1978, as amended, \$79,624,000: *Provided*,
12 That the Inspector General shall have all necessary au-
13 thority, in carrying out the duties specified in the Inspec-
14 tor General Act, as amended (5 U.S.C. App. 3), to inves-
15 tigate allegations of fraud, including false statements to
16 the government (18 U.S.C. 1001), by any person or entity
17 that is subject to regulation by the Department: *Provided*
18 *further*, That the funds made available under this heading
19 may be used to investigate, pursuant to section 41712 of
20 title 49, United States Code:

21 (1) unfair or deceptive practices and unfair
22 methods of competition by domestic and foreign air
23 carriers and ticket agents; and

24 (2) the compliance of domestic and foreign air
25 carriers with respect to item (1) of this proviso:

Further, (ital)

1 *Provided*, That no funding through expenditure transfers
2 shall be made between either the Federal Highway Admin-
3 istration, the Federal Aviation Administration, the Fed-
4 eral Transit Administration, or the National Transpor-
5 tation Safety Board, and the Inspector General.

Office of

6 SURFACE TRANSPORTATION BOARD

7 SALARIES AND EXPENSES

8 For necessary expenses of the Surface Transpor-
9 tation Board, including services authorized by 5 U.S.C.
10 3109, \$29,310,000: *Provided*, That notwithstanding any
11 other provision of law, not to exceed \$1,250,000 from fees
12 established by the Chairman of the Surface Transpor-
13 tation Board shall be credited to this appropriation as off-
14 setting collections and used for necessary and authorized
15 expenses under this heading: *Provided further*, That the
16 sum herein appropriated from the general fund shall be
17 reduced on a dollar-for-dollar basis as such offsetting col-
18 lections are received during fiscal year 2012, to result in
19 a final appropriation from the general fund estimated at
20 no more than \$28,060,000.

21 GENERAL PROVISIONS—DEPARTMENT OF

22 TRANSPORTATION

23 SEC. 180. During the current fiscal year, applicable
24 appropriations to the Department of Transportation shall
25 be available for maintenance and operation of aircraft;

1 hire of passenger motor vehicles and aircraft; purchase of
2 liability insurance for motor vehicles operating in foreign
3 countries on official department business; and uniforms or
4 allowances therefor, as authorized by law (5 U.S.C. 5901–
5 5902).

6 SEC. 181. Appropriations contained in this Act for
7 the Department of Transportation shall be available for
8 services as authorized by 5 U.S.C. 3109, but at rates for
9 individuals not to exceed the per diem rate equivalent to
10 the rate for an Executive Level IV.

11 SEC. 182. None of the funds in this Act shall be avail-
12 able for salaries and expenses of more than 110 political
13 and Presidential appointees in the Department of Trans-
14 portation: *Provided*, That none of the personnel covered
15 by this provision may be assigned on temporary detail out-
16 side the Department of Transportation.

17 SEC. 183. (a) No recipient of funds made available
18 in this Act shall disseminate personal information (as de-
19 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
20 ment of motor vehicles in connection with a motor vehicle
21 record as defined in 18 U.S.C. 2725(1), except as provided
22 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
23 2721.

1 (b) Notwithstanding subsection (a), the Secretary
2 shall not withhold funds provided in this Act for any
3 grantee if a State is in noncompliance with this provision.

4 SEC. 184. Funds received by the Federal Highway
5 Administration, Federal Transit Administration, and Fed-
6 eral Railroad Administration from States, counties, mu-
7 nicipalities, other public authorities, and private sources
8 for expenses incurred for training may be credited respec-
9 tively to the Federal Highway Administration's "Federal-
10 Aid Highways" account, the Federal Transit Administra-
11 tion's "Research and University Research Centers" ac-
12 count, and to the Federal Railroad Administration's
13 "Safety and Operations" account, except for State rail
14 safety inspectors participating in training pursuant to 49
15 U.S.C. 20105.

16 SEC. 185. None of the funds in this Act to the De-
17 partment of Transportation may be used to make a grant
18 unless the Secretary of Transportation notifies the House
19 and Senate Committees on Appropriations not less than
20 3 full business days before any project competitively se-
21 lected to receive a discretionary grant award, any discre-
22 tionary grant award, letter of intent, or full funding grant
23 agreement totaling \$1,000,000 or more is announced by
24 the department or its modal administrations from:

1 (1) any discretionary grant program of the Fed-
2 eral Highway Administration including the emer-
3 gency relief program;

4 (2) the airport improvement program of the
5 Federal Aviation Administration;

6 (3) any program of the Federal Railroad Ad-
7 ministration;

8 (4) any program of the Federal Transit Admin-
9 istration other than the formula grants and fixed
10 guideway modernization programs; or

11 (5) any funding provided under the headings
12 “National Infrastructure Investments” and “Assist-
13 ance to Small Shipyards” in this Act: *Provided*,
14 That the Secretary gives concurrent notification to
15 the House and Senate Committees on Appropria-
16 tions for any “quick release” of funds from the
17 emergency relief program: *Provided further*, That no
18 notification shall involve funds that are not available
19 for obligation.

20 SEC. 186. Rebates, refunds, incentive payments,
21 minor fees and other funds received by the Department
22 of Transportation from travel management centers,
23 charge card programs, the subleasing of building space,
24 and miscellaneous sources are to be credited to appropria-
25 tions of the Department of Transportation and allocated

1 to elements of the Department of Transportation using
2 fair and equitable criteria and such funds shall be avail-
3 able until expended.

4 SEC. 187. Amounts made available in this or any
5 other Act that the Secretary determines represent im-
6 proper payments by the Department of Transportation to
7 a third-party contractor under a financial assistance
8 award, which are recovered pursuant to law, shall be avail-
9 able—

10 (1) to reimburse the actual expenses incurred
11 by the Department of Transportation in recovering
12 improper payments; and

13 (2) to pay contractors for services provided in
14 recovering improper payments or contractor support
15 in the implementation of the Improper Payments In-
16 formation Act of 2002: *Provided*, That amounts in
17 excess of that required for paragraphs (1) and (2)—

18 (A) shall be credited to and merged with
19 the appropriation from which the improper pay-
20 ments were made, and shall be available for the
21 purposes and period for which such appropria-
22 tions are available; or

23 (B) if no such appropriation remains avail-
24 able, shall be deposited in the Treasury as mis-
25 cellaneous receipts: *Provided further*, That prior

1 to the transfer of any such recovery to an ap-
2 propriations account, the Secretary shall notify
3 to the House and Senate Committees on Appro-
4 priations of the amount and reasons for such
5 transfer: *Provided further*, That for purposes of
6 this section, the term “improper payments”,
7 has the same meaning as that provided in sec-
8 tion 2(d)(2) of Public Law 107–300.

9 SEC. 188. Notwithstanding any other provision of
10 law, if any funds provided in or limited by this Act are
11 subject to a reprogramming action that requires notice to
12 be provided to the House and Senate Committees on Ap-
13 propriations, said reprogramming action shall be approved
14 or denied solely by the Committees on Appropriations:
15 *Provided*, That the Secretary may provide notice to other
16 congressional committees of the action of the Committees
17 on Appropriations on such reprogramming but not sooner
18 than 30 days following the date on which the reprogram-
19 ming action has been approved or denied by the House
20 and Senate Committees on Appropriations.

21 SEC. 189. None of the funds appropriated or other-
22 wise made available under this Act may be used by the
23 Surface Transportation Board of the Department of
24 Transportation to charge or collect any filing fee for rate
25 complaints filed with the Board in an amount in excess

1 of the amount authorized for district court civil suit filing
2 fees under section 1914 of title 28, United States Code.

3 SEC. 190. Funds appropriated in this Act to the
4 modal administrations may be obligated for the Office of
5 the Secretary for the costs related to assessments or reim-
6 bursable agreements only when such amounts are for the
7 costs of goods and services that are purchased to provide
8 a direct benefit to the applicable modal administration or
9 administrations.

10 SEC. 191. (a) MEMBERSHIP.—Section 49106(c)(1) of
11 title 49, United States Code, is amended—

12 (1) in the matter preceding subparagraph (A)
13 by striking “13 members” and inserting “17 mem-
14 bers” and

15 (2) in subparagraph (A) by striking “5 mem-
16 bers” and inserting “7 members”

17 (3) in subparagraph (B) by striking “3 mem-
18 bers” and inserting “4 members”; and

19 (4) in subparagraph (C) by striking “2 mem-
20 bers” and inserting “3 members”.

21 (b) TERM.—Section 49106(c)(3) of title 49, United
22 States Code, is amended by striking the second sentence
23 and inserting the following: “Any member of the board
24 shall be eligible for reappointment for 1 additional term.

1 A member shall not serve after the expiration of the mem-
2 ber's term(s).”

3 (c) REMOVAL OF BOARD MEMBERS.—Section
4 49106(c)(6)(C) of title 49, United States Code, is amend-
5 ed by inserting after the first sentence: “A member ap-
6 pointed by the Mayor of the District of Columbia, the Gov-
7 ernor of Maryland or the Governor of Virginia may be re-
8 moved or suspended from office only for cause and in ac-
9 cordance with the laws of jurisdiction from which the
10 member is appointed.”

11 (d) APPROVAL OF BOND ISSUES AND ANNUAL BUDG-
12 ET.—Section 49106(c)(7) of title 49, United States Code,
13 is amended by striking “Eight votes” and inserting “Ten
14 votes”

15 SEC. 192. None of the funds shall be used to enforce
16 traffic control device compliance dates on State and local
17 governments for the requirements listed in the Manual on
18 Uniform Traffic Control Devices (MUTCD) to maintain
19 minimum levels of sign retroreflectivity and with minimum
20 letter heights for street name signs; require agencies to
21 implement an assessment or management method de-
22 signed to maintain sign retroreflectivity at or above the es-
23 tablished minimum levels, except with respect to imple-
24 menting an assessment or management method for regu-
25 latory and warning signs; or require agencies to replace

1 regulatory, warning, post-mounted, street name, and over-
2 head guide signs that are identified using the assessment
3 or management method as failing to meet the established
4 minimum retroreflectivity levels.

// 5 This title may be cited as the Department of Trans-
// 6 portation Appropriations Act, 2012.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 ADMINISTRATION, OPERATIONS, AND MANAGEMENT

6 For necessary salaries and expenses for administra-
7 tion, management and operations of the Department of
8 Housing and Urban Development, \$537,789,000, of which
9 not to exceed \$3,572,000 shall be available for the imme-
10 diate Office of the Secretary; not to exceed \$1,200,000
11 shall be for the Office of the Deputy Secretary and the
12 Chief Operating Officer; not to exceed \$1,700,000 shall
13 be available for the Office of Hearings and Appeals; not
14 to exceed \$741,000 shall be available for the Office of
15 Small and Disadvantaged Business Utilization; not to ex-
16 ceed \$47,980,000 shall be available for the Office of the
17 Chief Financial Officer; not to exceed \$94,000,000 shall
18 be available for the Office of the General Counsel; not to
19 exceed \$2,400,000 shall be available to the Office of Con-
20 gressional and Intergovernmental Relations; not to exceed
21 \$3,515,000 shall be available for the Office of Public Af-
22 fairs; not to exceed \$255,436,000 shall be available for
23 the Office of the Chief Human Capital Officer; not to ex-
24 ceed \$10,475,000 shall be available for the Office of De-
25 partmental Operations and Coordination; not to exceed

1 \$47,500,000 shall be available for the Office of Field Pol-
2 icy and Management; not to exceed \$14,700,000 shall be
3 available for the Office of the Chief Procurement Officer;
4 not to exceed \$3,610,000 shall be available for the Office
5 of Departmental Equal Employment Opportunity; not to
6 exceed \$1,448,000 shall be available for the Center for
7 Faith-Based and Community Initiatives; not to exceed
8 \$2,627,000 shall be available for the Office of Sustainable
9 Housing and Communities; not to exceed \$5,000,000 shall
10 be available for the Office of Strategic Planning and Man-
11 agement; and not to exceed \$41,885,000 shall be available
12 for the Office of the Chief Information Officer: *Provided*
13 ~~that~~ *further*, That funds provided under this heading may be
14 used for necessary administrative and non-administrative
15 expenses of the Department of Housing and Urban Devel-
16 opment, not otherwise provided for, including purchase of
17 uniforms, or allowances therefore, as authorized by 5
18 U.S.C. 5901–5902; hire of passenger motor vehicles; serv-
19 ices as authorized by 5 U.S.C. 3109: *Provided further*,
20 That notwithstanding any other provision of law, funds
21 appropriated under this heading may be used for adver-
22 tising and promotional activities that support the housing
23 mission area: *Provided further*, That the Secretary shall
24 transmit to the House and Senate Committees on Appro-
25 priations a detailed budget justification for each office

1 within the Department, including an organizational chart
2 for each operating area within the Department: *Provided*
3 *further*, That the budget justification shall include funding
4 levels for the past 3 fiscal years for all offices: *Provided*
5 *further*, that the budget submitted by the Department
6 must also include a detailed justification for the incre-
7 mental funding increases, decreases and FTE fluctuations
8 being requested program, activity, or program element:
9 *Provided further*, That the Department shall modify and
10 improve its Resource Estimation and Allocation Program
11 ~~REAP~~ model, or other appropriate staff allocation model
12 as specified in the statement of the managers accom-
13 panying this Act: *Provided further*, That the Secretary
14 shall provide the Committees on Appropriations quarterly
15 written notification regarding the status of pending con-
16 gressional reports: *Provided further*, That the Secretary
17 shall provide all signed reports required by Congress elec-
18 tronically: *Provided further*, That not to exceed \$25,000
19 of the amount made available under this paragraph for
20 the immediate Office of the Secretary shall be available
21 for official reception and representation expenses as the
22 Secretary may determine.

1 PROGRAM OFFICE SALARIES AND EXPENSES

2 PUBLIC AND INDIAN HOUSING

3 For necessary salaries and expenses of the Office of
4 Public and Indian Housing, \$200,000,000.

5 COMMUNITY PLANNING AND DEVELOPMENT

6 For necessary salaries and expenses of the Office of
7 Community Planning and Development mission area,
8 \$100,000,000.

9 HOUSING

10 For necessary salaries and expenses of the Office of
11 Housing, \$391,500,000, of which at least \$8,200,000 shall
12 be for the Office of Risk and Regulatory Affairs.

13 POLICY DEVELOPMENT AND RESEARCH

14 For necessary salaries and expenses of the Office of
15 Policy Development and Research, \$22,211,000.

16 FAIR HOUSING AND EQUAL OPPORTUNITY

17 For necessary salaries and expenses of the Office of
18 Fair Housing and Equal Opportunity, \$72,600,000.

19 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

20 CONTROL

21 For necessary salaries and expenses of the Office of
22 Healthy Homes and Lead Hazard Control, \$7,400,000.

23 RENTAL ASSISTANCE DEMONSTRATION

24 To conduct a demonstration designed to preserve and
25 improve public housing and certain other multifamily

1 housing through the voluntary conversion of properties
2 with assistance under section 9 of the United States Hous-
3 ing Act of 1937, (hereinafter, “the Act”), or the moderate
4 rehabilitation program under section 8(e)(2) of the Act
5 (except for funds allocated under such section for single
6 room occupancy dwellings as authorized by title IV of the
7 McKinney-Vento Homeless Assistance Act), to properties
8 with assistance under a project-based subsidy contract
9 under section 8 of the Act, which shall be eligible for re-
10 newal under section 524 of the Multifamily Assisted Hous-
11 ing Reform and Affordability Act of 1997, or assistance
12 under section 8(o)(13) of the Act, the Secretary may
13 transfer amounts provided through contracts under sec-
14 tion 8(e)(2) of the Act or under the headings “Public
15 Housing Capital Fund” and “Public Housing Operating
16 Fund” to the headings “Tenant-Based Rental Assistance”
17 or “Project-Based Rental Assistance”: *Provided*, That the
18 initial long-term contract under which converted assist-
19 ance is made available may allow for rental adjustments
20 only by an operating cost factor established by the Sec-
21 retary, and shall be subject to the availability of appro-
22 priations for each year of such term: *Provided further*,
23 That project applications may be received under this dem-
24 onstration until September 30, 2015: *Provided further*,
25 That any increase in cost for “Tenant-Based Rental As-

1 sistance” or “Project-Based Rental Assistance” associated
2 with such conversion shall be equal to amounts transferred
3 from “Public Housing Capital Fund” and “Public Hous-
4 ing Operating Fund” or other account from which it was
5 transferred: *Provided further*, That not more than 60,000
6 units currently receiving assistance under section 9 ~~of sec-~~ (or
7 tion 8(e)(2) of the Act shall be converted under the au-
8 thority provided under this heading: *Provided further*,
9 That tenants of such properties with assistance converted
10 from assistance under section 9 shall, at a minimum,
11 maintain the same rights under such conversion as those
12 provided under sections 6 and 9 of the Act: *Provided fur-*
13 *ther*, That the Secretary shall select properties from appli-
14 cations for conversion as part of this demonstration
15 through a competitive process: *Provided further*, That in
16 establishing criteria for such competition, the Secretary
17 shall seek to demonstrate the feasibility of this conversion
18 model to recapitalize and operate public housing prop-
19 erties (1) in different markets and geographic areas, (2)
20 within portfolios managed by public housing agencies of
21 varying sizes, and (3) by leveraging other sources of fund-
22 ing to recapitalize properties: *Provided further*, That the
23 Secretary shall provide an opportunity for public comment
24 on draft eligibility and selection criteria and procedures
25 that will apply to the selection of properties that will par-

1 ticipate in the demonstration: *Provided further*, That the
2 Secretary shall provide an opportunity for comment from
3 residents of properties to be proposed for participation in
4 the demonstration to the owners or public housing agen-
5 cies responsible for such properties: *Provided further*, That
6 the Secretary may waive or specify alternative require-
7 ments for (except for requirements related to fair housing,
8 nondiscrimination, labor standards, and the environment)
9 any provision of section 8(o)(13) or any provision that
10 governs the use of assistance from which a property is con-
11 verted under the demonstration or funds made available
12 under the headings of “Public Housing Capital Fund”,
13 “Public Housing Operating Fund”, and “Project-Based
14 Rental Assistance”, under this Act or any prior Act or
15 any Act enacted during the period of conversion of assist-
16 ance under the demonstration for properties with assist-
17 ance converted under the demonstration, upon a finding
18 by the Secretary that any such waivers or alternative re-
19 quirements are necessary for the effective conversion of
20 assistance under the demonstration: *Provided further*,
21 That the Secretary shall publish by notice in the Federal
22 Register any waivers or alternative requirements pursuant
23 to the previous proviso no later than 10 days before the
24 effective date of such notice: *Provided further*, That the
25 demonstration may proceed after the Secretary publishes

1 notice of its terms in the Federal Register: *Provided fur-*
2 *ther*, That notwithstanding sections 3 and 16 of the Act,
3 the conversion of assistance under the demonstration shall
4 not be the basis for re-screening or termination of assist-
5 ance or eviction of any tenant family in a property partici-
6 pating in the demonstration, and such a family shall not
7 be considered a new admission for any purpose, including
8 compliance with income targeting requirements: *Provided*
9 *further*, That in the case of a property with assistance con-
10 verted under the demonstration from assistance under sec-
11 tion 9 of the Act, section 18 of the Act shall not apply
12 to a property converting assistance under the demonstra-
13 tion for all or substantially all of its units, the Secretary
14 shall require ownership or control of assisted units by a
15 public or nonprofit entity except as determined by the Sec-
16 retary to be necessary pursuant to foreclosure, bank-
17 ruptcy, or termination and transfer of assistance for mate-
18 rial violations or substantial default, in which case the pri-
19 ority for ownership or control shall be provided to a capa-
20 ble public entity, as determined by the Secretary, shall re-
21 quire long-term renewable use and affordability restric-
22 tions for assisted units, and may allow ownership to be
23 transferred to a for-profit entity to facilitate the use of
24 tax credits only if the public housing agency preserves its
25 interest in the property in a manner approved by the Sec-

then a
capable entity

1 retary, and upon expiration of the initial contract and each
2 renewal contract, the Secretary shall offer and the owner
3 of the property shall accept renewal of the contract subject
4 to the terms and conditions applicable at the time of re-
5 newal and the availability of appropriations each year of
6 such renewal: *Provided further*, That the Secretary may
7 permit transfer of assistance at or after conversion under
8 the demonstration to replacement units subject to the re-
9 quirements in the previous proviso: *Provided further*, That
10 the Secretary may establish the requirements for con-
11 verted assistance under the demonstration through con-
12 tracts, use agreements, regulations, or other means: *Pro-*
13 *vided further*, That the Secretary shall assess and publish
14 findings regarding the impact of the conversion of assist-
15 ance under the demonstration on the preservation and im-
16 provement of public housing, the amount of private sector
17 leveraging as a result of such conversion, and the effect
18 of such conversion on tenants: *Provided further*, That for
19 fiscal years 2012 and 2013, owners of properties assisted
20 under section 101 of the Housing and Urban Development
21 Act of 1965, section 236(f)(2) of the National Housing
22 Act, or section 8(e)(2) (except for funds allocated under
23 such section for single room occupancy dwellings as au-
24 thorized by title IV of the McKinney-Vento Homeless As-
25 sistance Act) of the United States Housing Act of 1937

1 ~~(hereinafter, "the Act")~~, for which an event after October
2 1, 2006 has caused or results in the termination of rental
3 assistance or affordability restrictions and the issuance of
4 tenant protection vouchers under section 8(o) of the Act,
5 shall be eligible, subject to requirements established by the
6 Secretary, including but not limited to tenant consultation
7 procedures and agreement of the administering public
8 housing agency, for conversion of assistance available for
9 such vouchers to assistance under section 8(o)(13) of the
10 Act, to which the limitation under subsection (B) of sec-
11 tion 8(o)(13) of the Act shall not apply and for which the
12 Secretary of Housing and Urban Development may waive
13 or alter the provisions of subparagraphs (C) and (D) of
14 section 8(o)(13) of the Act: *Provided further*, That with
15 respect to the previous proviso, the Comptroller General
16 of the United States shall conduct a study of the long-
17 term impact of the previous proviso on the ratio of tenant-
18 based vouchers to project-based vouchers.

19 PUBLIC AND INDIAN HOUSING

20 TENANT-BASED RENTAL ASSISTANCE

21 For activities and assistance for the provision of ten-
22 ant-based rental assistance authorized under the United
23 States Housing Act of 1937, as amended (42 U.S.C. 1437
24 et seq.) ("the Act" herein), not otherwise provided for,
25 \$14,914,369,000, to remain available until expended, shall

1 be available on October 1, 2011 (in addition to the
2 \$4,000,000,000 previously appropriated under this head-
3 ing that became available on October 1, 2011), and
4 \$4,000,000,000, to remain available until expended, shall
5 be available on October 1, 2012: *Provided*, That of the
6 amounts made available under this heading are provided
7 as follows:

8 (1) \$17,242,351,000 shall be available for re-
9 newals of expiring section 8 tenant-based annual
10 contributions contracts (including renewals of en-
11 hanced vouchers under any provision of law author-
12 izing such assistance under section 8(t) of the Act)
13 and including renewal of other special purpose incre-
14 mental vouchers: *Provided*, That notwithstanding
15 any other provision of law, from amounts provided
16 under this paragraph and any carryover, the Sec-
17 retary for the calendar year 2012 funding cycle shall
18 provide renewal funding for each public housing
19 agency based on validated voucher management sys-
20 tem (VMS) leasing and cost data for the prior cal-
21 endar year and by applying an inflation factor as es-
22 tablished by the Secretary, by notice published in
23 the Federal Register, and by making any necessary
24 adjustments for the costs associated with the first-
25 time renewal of vouchers under this paragraph in-

1 including tenant protection and HOPE VI vouchers:
2 *Provided further*, That none of the funds provided
3 under this paragraph may be used to fund a total
4 number of unit months under lease which exceeds a
5 public housing agency's authorized level of units
6 under contract, except for public housing agencies
7 participating in the Moving to Work (MTW) dem-
8 onstration, which are instead governed by the terms
9 and conditions of their MTW agreements: *Provided*
10 *further*, That the Secretary shall, to the extent nec-
11 essary to stay within the amount specified under this
12 paragraph (except as otherwise modified under this
13 Act), pro rate each public housing agency's alloca-
14 tion otherwise established pursuant to this para-
15 graph: *Provided further*, That except as provided in
16 the following provisos, the entire amount specified
17 under this paragraph (except as otherwise modified
18 under this Act) shall be obligated to the public hous-
19 ing agencies based on the allocation and pro rata
20 method described above, and the Secretary shall no-
21 tify public housing agencies of their annual budget
22 not later than 60 days after enactment of this Act:
23 *Provided further*, That the Secretary may extend the
24 60-day notification period with the prior written ap-
25 proval of the House and Senate Committees on Ap-

1 appropriations: *Provided further*, That public housing
2 agencies participating in the Moving to Work dem-
3 onstration shall be funded pursuant to their Moving
4 to Work agreements and shall be subject to the
5 same pro rata adjustments under the previous pro-
6 visos: *Provided further*, That up to \$103,000,000
7 shall be available only: (1) to adjust the allocations
8 for public housing agencies, after application for an
9 adjustment by a public housing agency that experi-
10 enced a significant increase, as determined by the
11 Secretary, in renewal costs of tenant-based rental
12 assistance resulting from unforeseen circumstances
13 or from portability under section 8(r) of the Act; (2)
14 for vouchers that were not in use during the 12-
15 month period in order to be available to meet a com-
16 mitment pursuant to section 8(o)(13) of the Act; (3)
17 for adjustments for costs associated with HUD-Vet-
18 erans Affairs Supportive Housing (HUD-VASH)
19 vouchers; and (4) for incremental tenant-based as-
20 sistance for eligible families currently assisted under
21 the Disaster Voucher Program as authorized by
22 Public Law 109-148 under this heading and the
23 Disaster Housing Assistance Program for Hurri-
24 canes Ike and Gustav on the condition that such
25 vouchers will not be re-issued when families leave

1 the program: *Provided further*, That the Secretary
2 shall allocate amounts under the previous proviso
3 based on need as determined by the Secretary;

4 (2) \$75,000,000 shall be for section 8 rental as-
5 sistance for relocation and replacement of housing
6 units that are demolished or disposed of pursuant to
7 section 18 of the Act, conversion of section 23
8 projects to assistance under section 8, the family
9 unification program under section 8(x) of the Act,
10 relocation of witnesses in connection with efforts to
11 combat crime in public and assisted housing pursu-
12 ant to a request from a law enforcement or prosecu-
13 tion agency, enhanced vouchers under any provision
14 of law authorizing such assistance under section 8(t)
15 of the Act, HOPE VI vouchers, mandatory and vol-
16 untary conversions, and tenant protection assistance
17 including replacement and relocation assistance or
18 for project-based assistance to prevent the displace-
19 ment of unassisted elderly tenants currently residing
20 in section 202 properties financed between 1959 and
21 1974 that are refinanced pursuant to Public Law
22 106-569, as amended, or under the authority as
23 provided under this Act: *Provided*, That when a pub-
24 lic housing development is submitted for demolition
25 or disposition under section 18 of the Act, the Sec-

1 retary may provide section 8 rental assistance when
2 the units pose an imminent health and safety risk to
3 residents: *Provided further*, That the Secretary may
4 only provide replacement vouchers for units that
5 were occupied within the previous 24 months that
6 cease to be available as assisted housing, subject
7 only to the availability of funds: *Provided further*,
8 That of the amounts made available under this para-
9 graph, \$10,000,000 may be available to provide ten-
10 nant protection assistance, not otherwise provided
11 under this paragraph, to residents residing in low-
12 vacancy areas and who may have to pay rents great-
13 er than 30 percent of household income, as the re-
14 sult of (1) the maturity of a HUD-insured, HUD-
15 held or section 202 loan that requires the permission
16 of the Secretary prior to loan prepayment; (2) the
17 expiration of a rental assistance contract for which
18 the tenants are not eligible for enhanced voucher or
19 tenant protection assistance under existing law; or
20 (3) the expiration of affordability restrictions accom-
21 panying a mortgage or preservation program admin-
22 istered by the Secretary: *Provided further*, That such
23 tenant protection assistance made available under
24 the previous proviso may be provided under the au-
25 thority of section 8(t) or section 8(o)(13) of the

1 United States Housing Act of 1937 (42 U.S.C.
2 1437f(t)): *Provided further*, That the Secretary shall
3 issue guidance to implement the previous provisos,
4 including, but not limited to, requirements for defin-
5 ing eligible at-risk households within 120 days of the
6 enactment of this Act;

7 (3) \$1,350,000,000 shall be for administrative
8 and other expenses of public housing agencies in ad-
9 ministering the section 8 tenant-based rental assist-
10 ance program, of which up to \$50,000,000 shall be
11 available to the Secretary to allocate to public hous-
12 ing agencies that need additional funds to admin-
13 ister their section 8 programs, including fees associ-
14 ated with section 8 tenant protection rental assist-
15 ance, the administration of disaster related vouchers,
16 Veterans Affairs Supportive Housing vouchers, and
17 other incremental vouchers: *Provided*, That no less
18 than \$1,300,000,000 of the amount provided in this
19 paragraph shall be allocated to public housing agen-
20 cies for the calendar year 2012 funding cycle based
21 on section 8(q) of the Act (and related Appropria-
22 tion Act provisions) as in effect immediately before
23 the enactment of the Quality Housing and Work Re-
24 sponsibility Act of 1998 (Public Law 105-276): *Pro-*
25 *vided further*, That if the amounts made available

1 under this paragraph are insufficient to pay the
2 amounts determined under the previous proviso, the
3 Secretary may decrease the amounts allocated to
4 agencies by a uniform percentage applicable to all
5 agencies receiving funding under this paragraph or
6 may, to the extent necessary to provide full payment
7 of amounts determined under the previous proviso,
8 utilize unobligated balances, including recaptures
9 and carryovers, remaining from funds appropriated
10 to the Department of Housing and Urban Develop-
11 ment under this heading from prior fiscal years, not-
12 withstanding the purposes for which such amounts
13 were appropriated: *Provided further*, That amounts
14 provided under this paragraph shall be only for ac-
15 tivities related to the provision of tenant-based rent-
16 al assistance authorized under section 8, including
17 related development activities;

18 (4) \$60,000,000 shall be available for family
19 self-sufficiency coordinators under section 23 of the
20 Act;

21 (5) \$112,018,000 for the renewal of tenant-
22 based assistance contracts under section 811 of the
23 Cranston-Gonzalez National Affordable Housing Act
24 (42 U.S.C. 8013), including necessary administra-
25 tive expenses;

1 (6) \$75,000,000 for incremental rental voucher
2 assistance for use through a supported housing pro-
3 gram administered in conjunction with the Depart-
4 ment of Veterans Affairs as authorized under section
5 8(o)(19) of the United States Housing Act of 1937:
6 *Provided*, That the Secretary of Housing and Urban
7 Development shall make such funding available, not-
8 withstanding section 204 (competition provision) of
9 this title, to public housing agencies that partner
10 with eligible VA Medical Centers or other entities as
11 designated by the Secretary of the Department of
12 Veterans Affairs, based on geographical need for
13 such assistance as identified by the Secretary of the
14 Department of Veterans Affairs, public housing
15 agency administrative performance, and other fac-
16 tors as specified by the Secretary of Housing and
17 Urban Development in consultation with the Sec-
18 retary of the Department of Veterans Affairs: *Pro-*
19 *vided further*, That the Secretary of Housing and
20 Urban Development may waive, or specify alter-
21 native requirements for (in consultation with the
22 Secretary of the Department of Veterans Affairs),
23 any provision of any statute or regulation that the
24 Secretary of Housing and Urban Development ad-
25 ministers in connection with the use of funds made

1 available under this paragraph (except for require-
2 ments related to fair housing, nondiscrimination,
3 labor standards, and the environment), upon a find-
4 ing by the Secretary that any such waivers or alter-
5 native requirements are necessary for the effective
6 delivery and administration of such voucher assist-
7 ance: *Provided further*, That assistance made avail-
8 able under this paragraph shall continue to remain
9 available for homeless veterans upon turn-over; and

10 (7) The Secretary shall separately track all spe-
11 cial purpose vouchers funded under this heading.

12 HOUSING CERTIFICATE FUND

13 (RESCISSION)

14 Of the unobligated balances, including recaptures and
15 carryover, remaining from funds appropriated to the De-
16 partment of Housing and Urban Development under this
17 heading, \$200,000,000 are rescinded, to be effected by the
18 Secretary of Housing and Urban Development no later
19 than September 30, 2012: *Provided*, That if insufficient
20 funds exist under this heading, the remaining balance may
21 be derived from any other unobligated balances available
22 under any heading under this title funded in fiscal year
23 2011 and prior years: *Provided further*, That the Secretary
24 shall notify the Committees on Appropriations of the un-
25 obligated balances used to meet this rescission 30 days

1 in advance of such rescission: *Provided further*, That any
2 such balances governed by reallocation provisions under
3 the statute authorizing the program for which the funds
4 were originally appropriated shall be available for the re-
5 scission: *Provided further*, That any obligated balances of
6 contract authority from fiscal year 1974 and prior that
7 have been terminated shall be cancelled.

8 PUBLIC HOUSING CAPITAL FUND

9 For the Public Housing Capital Fund Program to
10 carry out capital and management activities for public
11 housing agencies, as authorized under section 9 of the
12 United States Housing Act of 1937 (42 U.S.C. 1437g)
13 (the "Act") \$1,875,000,000, to remain available until
14 September 30, 2015: *Provided*, That notwithstanding any
15 other provision of law or regulation, during fiscal year
16 2012 the Secretary of Housing and Urban Development
17 may not delegate to any Department official other than
18 the Deputy Secretary and the Assistant Secretary for
19 Public and Indian Housing any authority under paragraph
20 (2) of section 9(j) regarding the extension of the time peri-
21 ods under such section: *Provided further*, That for pur-
22 poses of such section 9(j), the term "obligate" means, with
23 respect to amounts, that the amounts are subject to a
24 binding agreement that will result in outlays, immediately
25 or in the future: *Provided further*, That up to \$10,000,000

1 shall be to support the ongoing Public Housing Financial
2 and Physical Assessment activities of the Real Estate As-
3 sessment Center (REAC): *Provided further*, That of the
4 total amount provided under this heading, not to exceed
5 \$20,000,000 shall be available for the Secretary to make
6 grants, notwithstanding section 204 of this Act, to public
7 housing agencies for emergency capital needs including
8 safety and security measures necessary to address crime
9 and drug-related activity as well as needs resulting from
10 unforeseen or unpreventable emergencies and natural dis-
11 asters excluding Presidentially declared emergencies and
12 natural disasters under the Robert T. Stafford Disaster
13 Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-
14 ring in fiscal year 2012: *Provided further*, That of the total
15 amount provided under this heading \$50,000,000 shall be
16 for supportive services, service coordinator and congregate
17 services as authorized by section 34 of the Act (42 U.S.C.
18 1437z-6) and the Native American Housing Assistance
19 and Self-Determination Act of 1996 (25 U.S.C. 4101 et
20 seq.): *Provided further*, That of the total amount provided
21 under this heading, up to \$5,000,000 is to support the
22 costs of administrative and judicial receiverships: *Provided*
23 *further*, That from the funds made available under this
24 heading, the Secretary shall provide bonus awards in fiscal

1 year 2012 to public housing agencies that are designated
2 high performers.

3 PUBLIC HOUSING OPERATING FUND

4 For 2012 payments to public housing agencies for the
5 operation and management of public housing, as author-
6 ized by section 9(e) of the United States Housing Act of
7 1937 (42 U.S.C. 1437g(e)), \$3,961,850,000, of which
8 \$20,000,000 shall be available until September 30, 2013:
9 *Provided*, That in determining public housing agencies',
10 including Moving to Work agencies', calendar year 2012
11 funding allocations under this heading, the Secretary shall
12 take into account public housing agencies' excess oper-
13 ating fund reserves, as determined by the Secretary: *Pro-*
14 *vided further*, That Moving to Work agencies shall receive
15 a pro-rata reduction consistent with their peer groups:
16 *Provided further*, That no public housing agency shall be
17 left with less than \$100,000 in operating reserves: *Pro-*
18 *vided further*, That the Secretary shall not offset excess
19 reserves by more than \$750,000,000: *Provided further*,
20 That in implementing such allocation reductions, the Sec-
21 retary shall establish a process by which public housing
22 agencies can appeal the initial allocation amounts and the
23 Secretary shall consider adjustments based on such fac-
24 tors, including prior funding reservations, commitments
25 related to mixed finance developments, or reporting errors:

1 *Provided further*, That the Secretary shall notify public
2 housing agencies of such process and what documentation
3 may be required as part of such appeal: *Provided further*,
4 That following the appeals process established under the
5 previous two provisos, the Secretary shall make final allo-
6 cations: *Provided further*, That of the amount provided
7 under this heading up to \$20,000,000 may be set aside
8 to provide assistance to any public housing authority who
9 encounters financial hardship as a direct result of an ex-
10 cess reserve offset applied to an allocation of funding
11 under this heading: *Provided further*, That the Secretary
12 shall provide flexibility to public housing agencies to use
13 excess operating reserves for capital improvements.

14 CHOICE NEIGHBORHOODS

Initiative (SC)

15 For competitive grants under the Choice Neighbor-
16 hoods Initiative (subject to section 24 of the United States
17 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise
18 specified under this heading), for transformation, rehabili-
19 tation, and replacement housing needs of both public and
20 HUD-assisted housing and to transform neighborhoods of
21 poverty into functioning, sustainable mixed income neigh-
22 borhoods with appropriate services, schools, public assets,
23 transportation and access to jobs, \$120,000,000, to re-
24 main available until September 30, 2014: *Provided*, That
25 grant funds may be used for resident and community serv-

1 ices, community development, and affordable housing
2 needs in the community, and for conversion of vacant or
3 foreclosed properties to affordable housing: *Provided fur-*
4 *ther*, That use of funds made available under this heading
5 shall not be deemed to be public housing notwithstanding
6 section 3(b)(1) of such Act: *Provided further*, That grant-
7 ees shall commit to an additional period of affordability
8 determined by the Secretary, but not fewer than 20 years:
9 *Provided further*, That grantees shall undertake com-
10 prehensive local planning with input from residents and
11 the community, and that grantees shall provide a match
12 in State, local, other Federal or private funds: *Provided*
13 *further*, That grantees may include local governments,
14 tribal entities, public housing authorities, and nonprofits:
15 *Provided further*, That for-profit developers may apply
16 jointly with a public entity: *Provided further*, That of the
17 amount provided, not less than \$80,000,000 shall be
18 awarded to public housing authorities: *Provided further*,
19 That such grantees shall create partnerships with other
20 local organizations including assisted housing owners,
21 service agencies, and resident organizations: *Provided fur-*
22 *ther*, That the Secretary shall consult with the Secretaries
23 of Education, Labor, Transportation, Health and Human
24 Services, Agriculture, and Commerce and the Adminis-
25 trator of the Environmental Protection Agency to coordi-

1 nate and leverage other appropriate Federal resources:
2 *Provided further*, That no more than \$5,000,000 of funds
3 made available under this heading may be provided to as-
4 sist communities in developing comprehensive strategies
5 for implementing this program or implementing other revi-
6 talization efforts in conjunction with community notice
7 and input: *Provided further*, That the Secretary shall de-
8 velop and publish guidelines for the use of such competi-
9 tive funds, including but not limited to eligible activities,
10 program requirements, and performance metrics.

11 NATIVE AMERICAN HOUSING BLOCK GRANTS

12 For the Native American Housing Block Grants pro-
13 gram, as authorized under title I of the Native American
14 Housing Assistance and Self-Determination Act of 1996
15 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to
16 remain available until September 30, 2016: *Provided*,
17 That, notwithstanding the Native American Housing As-
18 sistance and Self-Determination Act of 1996, to determine
19 the amount of the allocation under title I of such Act for
20 each Indian tribe, the Secretary shall apply the formula
21 under section 302 of such Act with the need component
22 based on single-race census data and with the need compo-
23 nent based on multi-race census data, and the amount of
24 the allocation for each Indian tribe shall be the greater
25 of the two resulting allocation amounts: *Provided further*,

1 NATIVE HAWAIIAN HOUSING BLOCK GRANT

2 For the Native Hawaiian Housing Block Grant pro-
3 gram, as authorized under title VIII of the Native Amer-
4 ican Housing Assistance and Self-Determination Act of
5 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain
6 available until expended: *Provided*, That of this amount,
7 \$300,000 shall be for training and technical assistance ac-
8 tivities, including up to \$100,000 for related travel by Ha-
9 waii-based HUD employees.

10 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

11 ACCOUNT

12 For the cost of guaranteed loans, as authorized by
13 section 184 of the Housing and Community Development
14 Act of 1992 (12 U.S.C. 1715z), \$6,000,000, to remain
15 available until expended: *Provided*, That such costs, in-
16 cluding the costs 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 total loan principal, any part of which is to be
20 guaranteed, up to \$360,000,000: *Provided further*, That
21 up to \$750,000 of this amount may be used for adminis-
22 trative contract expenses including management processes
23 and systems to carry out the loan guarantee program.

1 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

2 PROGRAM ACCOUNT

3 For the cost of guaranteed loans, as authorized by
4 section 184A of the Housing and Community Develop-
5 ment Act of 1992 (12 U.S.C. 1715z) and for such costs
6 for loans used for refinancing, \$386,000, to remain avail-
7 able until expended: *Provided*, That such costs, including
8 the costs of modifying such loans, shall be as defined in
9 section 502 of the Congressional Budget Act of 1974: *Pro-*
10 *vided further*, That these funds are available to subsidize
11 total loan principal, any part of which is to be guaranteed,
12 not to exceed \$41,504,000.

13 COMMUNITY PLANNING AND DEVELOPMENT

14 HOUSING OPPORTUNITIES FOR PERSONS' WITH AIDS

15 For carrying out the Housing Opportunities for Per-
16 sons with AIDS program, as authorized by the AIDS
17 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
18 \$332,000,000, to remain available until September 30,
19 2013, except that amounts allocated pursuant to section
20 854(c)(3) of such Act shall remain available until Sep-
21 tember 30, 2014: *Provided*, That the Secretary shall renew
22 all expiring contracts for permanent supportive housing
23 that were funded under section 854(c)(3) of such Act that
24 meet all program requirements before awarding funds for
25 new contracts and activities authorized under this section:

1 *Provided further*, That the Department shall notify grant-
2 ees of their formula allocation within 60 days of enactment
3 of this Act.

4 COMMUNITY DEVELOPMENT FUND

5 For assistance to units of State and local govern-
6 ment, and to other entities, for economic and community
7 development activities, and for other purposes,
8 \$3,308,090,000, to remain available until September 30,
9 2014, unless otherwise specified: *Provided*, That of the
10 total amount provided, not less than \$2,948,090,000 is for
11 carrying out the community development block grant pro-
12 gram under title I of the Housing and Community Devel-
13 opment Act of 1974, as amended (the "Act" herein) (42
14 U.S.C. 5301 et seq.): *Provided further*, That unless explic-
15 itly provided for under this heading, not to exceed 20 per-
16 cent of any grant made with funds appropriated under this
17 heading shall be expended for planning and management
18 development and administration: *Provided further*, That
19 \$60,000,000 shall be for grants to Indian tribes notwith-
20 standing section 106(a)(1) of such Act, of which, notwith-
21 standing any other provision of law (including section 204
22 of this Act), up to \$3,960,000 may be used for emer-
23 gencies that constitute imminent threats to health and
24 safety: *Provided further*, That none of the funds made
25 available under such heading ~~by this division~~ may be used

this

1 for grants for the Economic Development Initiative
2 (“EDI”) or Neighborhood Initiatives activities, Rural In-
3 novation Fund, or for grants pursuant to section 107 of
4 the Housing and Community Development Act of 1974
5 (42 U.S.C. 5307): *Provided further*, That the Department
6 shall notify grantees of their formula allocation within 60
7 days of enactment of this Act.

8

9 COMMUNITY DEVELOPMENT LOAN GUARANTEES

10 PROGRAM ACCOUNT

11 For the cost of guaranteed loans, \$5,952,000, to re-
12 main available until September 30, 2013, as authorized
13 by section 108 of the Housing and Community Develop-
14 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
15 costs, including the cost of modifying such loans, shall be
16 as defined in section 502 of the Congressional Budget Act
17 of 1974: *Provided further*, That these funds are available
18 to subsidize total loan principal, any part of which is to
19 be guaranteed, not to exceed \$240,000,000, notwith-
20 standing any aggregate limitation on outstanding obliga-
21 tions guaranteed in section 108(k) of the Housing and
22 Community Development Act of 1974, as amended.

23 HOME INVESTMENT PARTNERSHIPS PROGRAM

24 For the HOME investment partnerships program, as
25 authorized under title II of the Cranston-Gonzalez Na-

1 tional Affordable Housing Act, as amended,
2 \$1,000,000,000, to remain available until September 30,
3 2014: *Provided*, That notwithstanding the amount made
4 available under this heading, the threshold reduction re-
5 quirements in sections 216(10) and 217(b)(4) of such Act
6 shall not apply to allocation of such amount: *Provided fur-*
7 *ther*, That funds made available under this heading used
8 for projects not completed within 4 years of the commit-
9 ment date, as determined by a signature of each party
10 to the agreement shall be repaid: *Provided further*, That
11 the Secretary may extend the deadline for 1 year if the
12 Secretary determines that the failure to complete the
13 project is beyond the control of the participating jurisdic-
14 tion: *Provided further*, That no funds provided under this
15 heading may be committed to any project included as part
16 of a participating jurisdiction's plan under section 105(b),
17 unless each participating jurisdiction certifies that it has
18 conducted an underwriting review, assessed developer ca-
19 pacity and fiscal soundness, and examined neighborhood
20 market conditions to ensure adequate need for each
21 project: *Provided further*, That any homeownership units
22 funded under this heading which cannot be sold to an eli-
23 gible homeowner within 6 months of project completion
24 shall be rented to an eligible tenant: *Provided further*,
25 That no funds provided under this heading may be award-

1 ed for development activities to a community housing de-
2 velopment organization that cannot demonstrate that it is
3 has staff with demonstrated development experience: *Pro-*
4 *vided further*, That funds provided in prior appropriations
5 Acts for technical assistance, that were made available for
6 Community Housing Development Organizations technical
7 assistance, and that still remain available, may be used
8 for HOME technical assistance notwithstanding the pur-
9 poses for which such amounts were appropriated: *Provided*
10 *further*, That the Department shall notify grantees of their
11 formula allocation within 60 days of enactment of this Act.

12 SELF-HELP AND ASSISTED HOMEOWNERSHIP

13 OPPORTUNITY PROGRAM

14 For the Self-Help and Assisted Homeownership Op-
15 portunity Program, as authorized under section 11 of the
16 Housing Opportunity Program Extension Act of 1996, as
17 amended, \$53,500,000, to remain available until Sep-
18 tember 30, 2014: *Provided*, That of the total amount pro-
19 vided under this heading, \$13,500,000 shall be made
20 available to the Self-Help and Assisted Homeownership
21 Opportunity Program as authorized under section 11 of
22 the Housing Opportunity Program Extension Act of 1996,
23 as amended: *Provided further*, That \$35,000,000 shall be
24 made available for the second, third and fourth capacity
25 building activities authorized under section 4(a) of the

1 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
2 of which not less than \$5,000,000 may be made available
3 for rural capacity-building activities: *Provided further,*
4 That \$5,000,000 shall be made available for capacity-
5 building activities for national organizations with expertise
6 in rural housing, including experience working with rural
7 housing organizations, local governments, and Indian
8 tribes.

9 HOMELESS ASSISTANCE GRANTS

10 (INCLUDING TRANSFER OF FUNDS)

11 For the emergency solutions grants program as au-
12 thorized under subtitle B of title IV of the McKinney-
13 Vento Homeless Assistance Act, as amended; the con-
14 tinuum of care program as authorized under subtitle C
15 of title IV of such Act; and the rural housing stability as-
16 sistance program as authorized under subtitle D of title
17 IV of such Act, \$1,901,190,000, of which \$1,896,190,000
18 shall remain available until September 30, 2014, and of
19 which \$5,000,000 shall remain available until expended
20 for project-based rental assistance with rehabilitation
21 projects with 10-year grant terms and any rental assist-
22 ance amounts that are recaptured under such continuum
23 of care program shall remain available until expended:
24 *Provided,* That not less than \$250,000,000 of the funds
25 appropriated under this heading shall be available for such

1 emergency solutions grants program: *Provided further,*
2 That not less than \$1,593,000,000 of the funds appro-
3 priated under this heading shall be available for such con-
4 tinuum of care and rural housing stability assistance pro-
5 grams: *Provided further,* That up to \$7,000,000 of the
6 funds appropriated under this heading shall be available
7 for the national homeless data analysis project: *Provided*
8 *further,* That all funds awarded for supportive services
9 under the continuum of care program and the rural hous-
10 ing stability assistance program shall be matched by not
11 less than 25 percent in cash or in kind by each grantee:
12 *Provided further,* That for all match requirements applica-
13 ble to funds made available under this heading for this
14 fiscal year and prior years, a grantee may use (or could
15 have used) as a source of match funds other funds admin-
16 istered by the Secretary and other Federal agencies unless
17 there is (or was) a specific statutory prohibition on any
18 such use of any such funds: *Provided further,* That the
19 Secretary shall renew on an annual basis expiring con-
20 tracts or amendments to contracts funded under the con-
21 tinuum of care program if the program is determined to
22 be needed under the applicable continuum of care and
23 meets appropriate program requirements and financial
24 standards, as determined by the Secretary: *Provided fur-*
25 *ther,* That all awards of assistance under this heading

1 shall be required to coordinate and integrate homeless pro-
2 grams with other mainstream health, social services, and
3 employment programs for which homeless populations
4 may be eligible, including Medicaid, State Children’s
5 Health Insurance Program, Temporary Assistance for
6 Needy Families, Food Stamps, and services funding
7 through the Mental Health and Substance Abuse Block
8 Grant, Workforce Investment Act, and the Welfare-to-
9 Work grant program: *Provided further*, That all balances
10 for Shelter Plus Care renewals previously funded from the
11 Shelter Plus Care Renewal account and transferred to this
12 account shall be available, if recaptured, for continuum of
13 care renewals in fiscal year 2012: *Provided further*, That
14 the Department shall notify grantees of their formula allo-
15 cation from amounts allocated (which may represent ini-
16 tial or final amounts allocated) for the emergency solu-
17 tions grant program within 60 days of enactment of this
18 Act.

19 HOUSING PROGRAMS

20 PROJECT-BASED RENTAL ASSISTANCE

21 For activities and assistance for the provision of
22 project-based subsidy contracts under the United States
23 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
24 Act”), not otherwise provided for, \$8,939,672,000, to re-
25 main available until expended, shall be available on Octo-

ber 1, 2011 (in addition to the \$400,000,000 previously
appropriated under this heading that became available Oc-
tober 1, 2011), and \$400,000,000, to remain available
until expended, shall be available on October 1, 2012: *Pro-*
vided, That the amounts made available under this head-
ing shall be available for expiring or terminating section
8 project-based subsidy contracts (including section 8
moderate rehabilitation contracts), for amendments to sec-
tion 8 project-based subsidy contracts (including section
8 moderate rehabilitation contracts), for contracts entered
into pursuant to section 441 of the McKinney-Vento
Homeless Assistance Act (42 U.S.C. 11401), for renewal
of section 8 contracts for units in projects that are subject
to approved plans of action under the Emergency Low In-
come Housing Preservation Act of 1987 or the Low-In-
come Housing Preservation and Resident Homeownership
Act of 1990, and for administrative and other expenses
associated with project-based activities and assistance
funded under this paragraph: *Provided further*, That of
the total amounts provided under this heading, not to ex-
ceed \$289,000,000 shall be available for performance-
based contract administrators for section 8 project-based
assistance: *Provided further*, That the Secretary of Hous-
ing and Urban Development may also use such amounts
in the previous proviso for performance-based contract ad-

1 ministrators for the administration of: interest reduction
2 payments pursuant to section 236(a) of the National
3 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
4 payments pursuant to section 101 of the Housing and
5 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
6 tion 236(f)(2) rental assistance payments (12 U.S.C.
7 1715z-1(f)(2)); project rental assistance contracts for the
8 elderly under section 202(c)(2) of the Housing Act of
9 1959 (12 U.S.C. 1701q); project rental assistance con-
10 tracts for supportive housing for persons with disabilities
11 under section 811(d)(2) of the Cranston-Gonzalez Na-
12 tional Affordable Housing Act (42 U.S.C. 8013(d)(2));
13 project assistance contracts pursuant to section 202(h) of
14 the Housing Act of 1959 (Public Law 86-372; 73 Stat.
15 667); and loans under section 202 of the Housing Act of
16 1959 (Public Law 86-372; 73 Stat. 667): *Provided fur-*
17 *ther*, That amounts recaptured under this heading may be
18 used for renewals of or amendments to section 8 project-
19 based contracts or for performance-based contract admin-
20 istrators, notwithstanding the purposes for which such
21 amounts were appropriated.

22 HOUSING FOR THE ELDERLY

23 For amendments to capital advance contracts for
24 housing for the elderly, as authorized by section 202 of
25 the Housing Act of 1959, as amended, and for project

1 rental assistance for the elderly under section 202(c)(2)
2 of such Act, including amendments to contracts for such
3 assistance and renewal of expiring contracts for such as-
4 sistance for up to a 1-year term, and for senior preserva-
5 tion rental assistance contracts, as authorized by section
6 811(e) of the American Housing and Economic Oppor-
7 tunity Act of 2000, as amended, and for supportive serv-
8 ices associated with the housing, \$374,627,000 to remain
9 available until September 30, 2015: *Provided*, That of the
10 amount provided under this heading, up to \$91,000,000
11 shall be for service coordinators and the continuation of
12 existing congregate service grants for residents of assisted
13 housing projects, and of which up to \$25,000,000 shall
14 be for grants under section 202b of the Housing Act of
15 1959 (12 U.S.C. 1701q-2) for conversion of eligible
16 projects under such section to assisted living, service-en-
17 riched housing, or related use for substantial and emer-
18 gency repairs as determined by the Secretary: *Provided*
19 *further*, That amounts under this heading shall be avail-
20 able for Real Estate Assessment Center inspections and
21 inspection-related activities associated with section 202
22 capital advance projects: *Provided further*, That the Sec-
23 retary may waive the provisions of section 202 governing
24 the terms and conditions of project rental assistance, ex-

1 That the Secretary shall conduct a demonstration pro-
2 gram to make available funds provided under this heading
3 for project rental assistance to State housing finance
4 agencies and other appropriate entities as authorized
5 under section 811(b)(3) of the Cranston-Gonzalez Na-
6 tional Affordable Housing Act (42 U.S.C. 8013(b)(3)).

7 HOUSING COUNSELING ASSISTANCE 

8 For contracts, grants, and other assistance excluding
9 loans, as authorized under section 106 of the Housing and
10 Urban Development Act of 1968, as amended,
11 \$45,000,000, including up to \$2,500,000 for administra-
12 tive contract services, to remain available until September
13 30, 2012: *Provided*, That grants made available from
14 amounts provided under this heading shall be awarded
15 within 120 days of enactment of this Act: *Provided further*,
16 That funds shall be used for providing counseling and ad-
17 vice to tenants and homeowners, both current and pro-
18 spective, with respect to property maintenance, financial
19 management/literacy, and such other matters as may be
20 appropriate to assist them in improving their housing con-
21 ditions, meeting their financial needs, and fulfilling the re-
22 sponsibilities of tenancy or homeownership; for program
23 administration; and for housing counselor training.

1 OTHER ASSISTED HOUSING PROGRAMS

2 RENTAL HOUSING ASSISTANCE

3 For amendments to or extensions for up to 1 year
4 of contracts under section 101 of the Housing and Urban
5 Development Act of 1965 (12 U.S.C. 1701s) and section
6 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-
7 1) in State-aided, noninsured rental housing projects,
8 \$1,300,000, to remain available until expended.

9 RENT SUPPLEMENT

10 (RESCISSION)

11 Of the amounts recaptured from terminated con-
12 tracts under section 101 of the Housing and Urban Devel-
13 opment Act of 1965 (12 U.S.C. 1701s) and section 236
14 of the National Housing Act (12 U.S.C. 1715z-1)
15 \$231,600,000 are rescinded: *Provided*, That no amounts
16 may be rescinded from amounts that were designated by
17 the Congress as an emergency requirement pursuant to
18 the Concurrent Resolution on the Budget or the Balanced
19 Budget and Emergency Deficit Control Act of 1985, as
20 amended.

21 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

22 FUND

23 For necessary expenses as authorized by the National
24 Manufactured Housing Construction and Safety Stand-
25 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to

1 \$6,500,000, to remain available until expended, of which
2 \$4,000,000 is to be derived from the Manufactured Hous-
3 ing Fees Trust Fund: *Provided*, That not to exceed the
4 total amount appropriated under this heading shall be
5 available from the general fund of the Treasury to the ex-
6 tent necessary to incur obligations and make expenditures
7 pending the receipt of collections to the Fund pursuant
8 to section 620 of such Act: *Provided further*, That the
9 amount made available under this heading from the gen-
10 eral fund shall be reduced as such collections are received
11 during fiscal year 2012 so as to result in a final fiscal
12 year 2012 appropriation from the general fund estimated
13 at not more than \$2,500,000 and fees pursuant to such
14 section 620 shall be modified as necessary to ensure such
15 a final fiscal year 2012 appropriation: *Provided further*,
16 That for the dispute resolution and installation programs,
17 the Secretary of Housing and Urban Development may
18 assess and collect fees from any program participant: *Pro-*
19 *vided further*, That such collections shall be deposited into
20 the Fund, and the Secretary, as provided herein, may use
21 such collections, as well as fees collected under section
22 620, for necessary expenses of such Act: *Provided further*,
23 That notwithstanding the requirements of section 620 of
24 such Act, the Secretary may carry out responsibilities of
25 the Secretary under such Act through the use of approved

1 service providers that are paid directly by the recipients
2 of their services.

3 FEDERAL HOUSING ADMINISTRATION
4 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
5 (INCLUDING TRANSFERS OF FUNDS)

6 New commitments to guarantee single family loans
7 insured under the Mutual Mortgage Insurance Fund shall
8 not exceed \$400,000,000,000, to remain available until
9 September 30, 2013: *Provided*, That during fiscal year
10 2012, obligations to make direct loans to carry out the
11 purposes of section 204(g) of the National Housing Act,
12 as amended, shall not exceed \$50,000,000: *Provided fur-*
13 *ther*, That the foregoing amount in the previous proviso
14 shall be for loans to nonprofit and governmental entities
15 in connection with sales of single family real properties
16 owned by the Secretary and formerly insured under the
17 Mutual Mortgage Insurance Fund. For administrative
18 contract expenses of the Federal Housing Administration,
19 \$207,000,000, to remain available until September 30,
20 2013, of which up to \$71,500,000 may be transferred to
21 and merged with the Working Capital Fund: *Provided fur-*
22 *ther*, That to the extent guaranteed loan commitments ex-
23 ceed \$200,000,000,000 on or before April 1, 2012, an ad-
24 ditional \$1,400 for administrative contract expenses shall
25 be available for each \$1,000,000 in additional guaranteed

1 loan commitments (including a pro rata amount for any
2 amount below \$1,000,000), but in no case shall funds
3 made available by this proviso exceed \$30,000,000.

4 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

5 During fiscal year 2012, commitments to guarantee
6 loans incurred under the General and Special Risk Insur-
7 ance Funds, as authorized by sections 238 and 519 of the
8 National Housing Act (12 U.S.C. 1715z-3 and 1735c),
9 shall not exceed \$25,000,000,000 in total loan principal,
10 any part of which is to be guaranteed.

11 Gross obligations for the principal amount of direct
12 loans, as authorized by sections 204(g), 207(l), 238, and
13 519(a) of the National Housing Act, shall not exceed
14 \$20,000,000, which shall be for loans to nonprofit and
15 governmental entities in connection with the sale of single
16 family real properties owned by the Secretary and for-
17 merly insured under such Act.

18 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

19 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

20 GUARANTEE PROGRAM ACCOUNT

21 New commitments to issue guarantees to carry out
22 the purposes of section 306 of the National Housing Act,
23 as amended (12 U.S.C. 1721(g)), shall not exceed
24 \$500,000,000,000, to remain available until September
25 30, 2013: *Provided*, That \$19,500,000 shall be available

1 for personnel compensation and benefits, and other admin-
2 istrative expenses of the Government National Mortgage
3 Association: *Provided further*, That to the extent that
4 guaranteed loan commitments will and do exceed
5 \$155,000,000,000 on or before April 1, 2012, an addi-
6 tional \$100 for personnel compensation and benefits, and
7 administrative expenses shall be available until expended
8 for each \$1,000,000 in additional guaranteed loan com-
9 mitments (including a pro rata amount for any amount
10 below \$1,000,000), but in no case shall funds made avail-
11 able by this proviso exceed \$3,000,000: *Provided further*,
12 That receipts from Commitment and Multiclass fees col-
13 lected pursuant to title III of the National Housing Act,
14 as amended, shall be credited as offsetting collections to
15 this account.

16 POLICY DEVELOPMENT AND RESEARCH

17 RESEARCH AND TECHNOLOGY

18 For contracts, grants, and necessary expenses of pro-
19 grams of research and studies relating to housing and
20 urban problems, not otherwise provided for, as authorized
21 by title V of the Housing and Urban Development Act
22 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
23 out the functions of the Secretary of Housing and Urban
24 Development under section 1(a)(1)(i) of Reorganization
25 Plan No. 2 of 1968, \$46,000,000, to remain available

1 until September 30, 2013: *Provided*, That with respect to
2 amounts made available under this heading, notwith-
3 standing section 204 of this title, the Secretary may enter
4 into cooperative agreements funded with philanthropic en-
5 tities, other Federal agencies, or State or local govern-
6 ments and their agencies for research projects: *Provided*
7 *further*, That with respect to the previous proviso, such
8 partners to the cooperative agreements must contribute at
9 least a 50 percent match toward the cost of the project:
10 *Provided further*, That for non-competitive agreements en-
11 tered into in accordance with the previous two provisos,
12 the Secretary of Housing and Urban Development shall
13 comply with section 2(b) of the Federal Funding Account-
14 ability and Transparency Act of 2006 (Public Law 109-
15 282, 31 U.S.C. note) in lieu of compliance with section
16 102(a)(4)(C) with respect to documentation of award deci-
17 sions.

18 . FAIR HOUSING AND EQUAL OPPORTUNITY

19 FAIR HOUSING ACTIVITIES

20 For contracts, grants, and other assistance, not oth-
21 erwise provided for, as authorized by title VIII of the Civil
22 Rights Act of 1968, as amended by the Fair Housing
23 Amendments Act of 1988, and section 561 of the Housing
24 and Community Development Act of 1987, as amended,
25 \$70,847,000, to remain available until September 30,

1 2013, of which \$42,500,000 shall be to carry out activities
2 pursuant to such section 561: *Provided*, That notwith-
3 standing 31 U.S.C. 3302, the Secretary may assess and
4 collect fees to cover the costs of the Fair Housing Training
5 Academy, and may use such funds to provide such train-
6 ing: *Provided further*, That no funds made available under
7 this heading shall be used to lobby the executive or legisla-
8 tive branches of the Federal Government in connection
9 with a specific contract, grant or loan: *Provided further*,
10 That of the funds made available under this heading,
11 \$300,000 shall be available to the Secretary of Housing
12 and Urban Development for the creation and promotion
13 of translated materials and other programs that support
14 the assistance of persons with limited English proficiency
15 in utilizing the services provided by the Department of
16 Housing and Urban Development.

17 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

18 CONTROL

19 LEAD HAZARD REDUCTION

20 For the Lead Hazard Reduction Program, as author-
21 ized by section 1011 of the Residential Lead-Based Paint
22 Hazard Reduction Act of 1992, \$120,000,000, to remain
23 available until September 30, 2013: *Provided*, That up to
24 \$10,000,000 of that amount shall be for the Healthy
25 Homes Initiative, pursuant to sections 501 and 502 of the

1 Housing and Urban Development Act of 1970 that shall
2 include research, studies, testing, and demonstration ef-
3 forts, including education and outreach concerning lead-
4 based paint poisoning and other housing-related diseases
5 and hazards: *Provided further*, That for purposes of envi-
6 ronmental review, pursuant to the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
8 other provisions of the law that further the purposes of
9 such Act, a grant under the Healthy Homes Initiative, Op-
10 eration Lead Elimination Action Plan (LEAP), or the
11 Lead Technical Studies program under this heading or
12 under prior appropriations Acts for such purposes under
13 this heading, shall be considered to be funds for a special
14 project for purposes of section 305(c) of the Multifamily
15 Housing Property Disposition Reform Act of 1994: *Pro-*
16 *vided further*, That of the total amount made available
17 under this heading, \$45,000,000 shall be made available
18 on a competitive basis for areas with the highest lead paint
19 abatement needs: *Provided further*, That each recipient of
20 funds provided under the third proviso shall make a
21 matching contribution in an amount not less than 25 per-
22 cent: *Provided further*, That each applicant shall certify
23 adequate capacity that is acceptable to the Secretary to
24 carry out the proposed use of funds pursuant to a notice
25 of funding availability: *Provided further*, That amounts

1 made available under this heading in this or prior appro-
2 priations Acts, and that still remain available, may be used
3 for any purpose under this heading notwithstanding the
4 purpose for which such amounts were appropriated if a
5 program competition is undersubscribed and there are
6 other program competitions under this heading that are
7 oversubscribed.

8 WORKING CAPITAL FUND

9 For additional capital for the Working Capital Fund
10 (42 U.S.C. 3535) for the ~~maintenance of infrastructure~~
11 ~~for Department-wide information technology systems, for~~
12 the continuing operation and maintenance of both Depart-
13 ment-wide and program-specific information systems, and
14 for program-related maintenance activities, \$199,035,000,
15 to remain available until September 30, 2013: *Provided,*
16 That any amounts transferred to this Fund under this Act
17 shall remain available until expended: *Provided further,*
18 That any amounts transferred to this Fund from amounts
19 appropriated by previously enacted appropriations Acts
20 may be used for the purposes specified under this Fund,
21 in addition to any other information technology the pur-
22 poses for which such amounts were appropriated: *Provided*
23 *further,* That not more than 25 percent of the funds made
24 available under this heading for Development, Moderniza-
25 tion and Enhancement, including development and deploy-

and program-specific

development of,
modifications to,
and

1 ment of a Next Generation of Voucher Management Sys-
2 tem and development and deployment of modernized Fed-
3 eral Housing Administration systems may be obligated
4 until the Secretary submits to the Committees on Appro-
5 priations a plan for expenditure that—(A) identifies for
6 each modernization project: (i) the functional and per-
7 formance capabilities to be delivered and the mission bene-
8 fits to be realized, (ii) the estimated life-cycle cost, and
9 (iii) key milestones to be met; (B) demonstrates that each
10 modernization project is: (i) compliant with the depart-
11 ment’s enterprise architecture, (ii) being managed in ac-
12 cordance with applicable life-cycle management policies
13 and guidance, (iii) subject to the department’s capital
14 planning and investment control requirements, and (iv)
15 supported by an adequately staffed project office; and (C)
16 has been reviewed by the Government Accountability Of-
17 fice.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary salaries and expenses of the Office of
20 Inspector General in carrying out the Inspector General
21 Act of 1978, as amended, \$124,000,000: *Provided*, That
22 the Inspector General shall have independent authority
23 over all personnel issues within this office.

TRANSFORMATION INITIATIVE

~~(INCLUDING TRANSFER OF FUNDS)~~

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, \$50,000,000 to remain available until September 30, 2014: *Provided*, That with respect to amounts made available under this heading for research, evaluation and program metrics or program demonstrations, the Secretary may make grants or enter into cooperative agreements if such grants or agreements include a substantial match contribution, notwithstanding section 204 of this title.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Sec-

](Including Rescission and Transfer of Funds)[
(SC)

1 retary of Housing and Urban Development for which set-
2 tlement occurred after January 1, 1992, in accordance
3 with such section. Notwithstanding the previous sentence,
4 the Secretary may award up to 15 percent of the budget
5 authority or cash recaptured and not rescinded or remitted
6 to the Treasury to provide project owners with incentives
7 to refinance their project at a lower interest rate.

8 SEC. 202. None of the amounts made available under
9 this Act may be used during fiscal year 2012 to investigate
10 or prosecute under the Fair Housing Act any otherwise
11 lawful activity engaged in by one or more persons, includ-
12 ing the filing or maintaining of a nonfrivolous legal action,
13 that is engaged in solely for the purpose of achieving or
14 preventing action by a Government official or entity, or
15 a court of competent jurisdiction.

16 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
17 of the AIDS Housing Opportunity Act (42 U.S.C.
18 12903(c)(1)(A)), from any amounts made available under
19 this title for fiscal year 2012 that are allocated under such
20 section, the Secretary of Housing and Urban Development
21 shall allocate and make a grant, in the amount determined
22 under subsection (b), for any State that—

23 (1) received an allocation in a prior fiscal year
24 under clause (ii) of such section; and

1 (1) allocating to the city of Jersey City, New
2 Jersey, the proportion of the metropolitan area's or
3 division's amount that is based on the number of
4 cases of AIDS reported in the portion of the metro-
5 politan area or division that is located in Hudson
6 County, New Jersey, and adjusting for the propor-
7 tion of the metropolitan division's high-incidence
8 bonus if this area in New Jersey also has a higher
9 than average per capita incidence of AIDS; and

10 (2) allocating to the city of Paterson, New Jer-
11 sey, the proportion of the metropolitan area's or di-
12 vision's amount that is based on the number of cases
13 of AIDS reported in the portion of the metropolitan
14 area or division that is located in Bergen County
15 and Passaic County, New Jersey, and adjusting for
16 the proportion of the metropolitan division's high in-
17 cidence bonus if this area in New Jersey also has a
18 higher than average per capita incidence of AIDS.
19 The recipient cities shall use amounts allocated
20 under this subsection to carry out eligible activities
21 under section 855 of the AIDS Housing Opportunity
22 Act (42 U.S.C. 12904) in their respective portions
23 of the metropolitan division that is located in New
24 Jersey.

1 (d) Notwithstanding any other provision of law, the
2 amount allocated for fiscal year 2012 under section 854(c)
3 of the AIDS Housing Opportunity Act (42 U.S.C.
4 12903(c)) to areas with a higher than average per capita
5 incidence of AIDS, shall be adjusted by the Secretary on
6 the basis of area incidence reported over a 3-year period.

7 SEC. 204. Except as explicitly provided in law, any
8 grant, cooperative agreement or other assistance made
9 pursuant to title II of this Act shall be made on a competi-
10 tive basis and in accordance with section 102 of the De-
11 partment of Housing and Urban Development Reform Act
12 of 1989 (42 U.S.C. 3545).

13 SEC. 205. Funds of the Department of Housing and
14 Urban Development subject to the Government Corpora-
15 tion Control Act or section 402 of the Housing Act of
16 1950 shall be available, without regard to the limitations
17 on administrative expenses, for legal services on a contract
18 or fee basis, and for utilizing and making payment for
19 services and facilities of the Federal National Mortgage
20 Association, Government National Mortgage Association,
21 Federal Home Loan Mortgage Corporation, Federal Fi-
22 nancing Bank, Federal Reserve banks or any member
23 thereof, Federal Home Loan banks, and any insured bank
24 within the meaning of the Federal Deposit Insurance Cor-
25 poration Act, as amended (12 U.S.C. 1811-1).

1 SEC. 206. Unless otherwise provided for in this Act
2 or through a reprogramming of funds, no part of any ap-
3 propriation for the Department of Housing and Urban
4 Development shall be available for any program, project
5 or activity in excess of amounts set forth in the budget
6 estimates submitted to Congress.

7 SEC. 207. Corporations and agencies of the Depart-
8 ment of Housing and Urban Development which are sub-
9 ject to the Government Corporation Control Act are here-
10 by authorized to make such expenditures, within the limits
11 of funds and borrowing authority available to each such
12 corporation or agency and in accordance with law, and to
13 make such contracts and commitments without regard to
14 fiscal year limitations as provided by section 104 of such
15 Act as may be necessary in carrying out the programs set
16 forth in the budget for 2012 for such corporation or agen-
17 cy except as hereinafter provided: *Provided*, That collec-
18 tions of these corporations and agencies may be used for
19 new loan or mortgage purchase commitments only to the
20 extent expressly provided for in this Act (unless such loans
21 are in support of other forms of assistance provided for
22 in this or prior appropriations Acts), except that this pro-
23 viso shall not apply to the mortgage insurance or guaranty
24 operations of these corporations, or where loans or mort-

1 gage purchases are necessary to protect the financial in-
2 terest of the United States Government.

3 SEC. 208. The Secretary of Housing and Urban De-
4 velopment shall provide quarterly reports to the House
5 and Senate Committees on Appropriations regarding all
6 uncommitted, unobligated, recaptured and excess funds in
7 each program and activity within the jurisdiction of the
8 Department and shall submit additional, updated budget
9 information to these Committees upon request.

10 SEC. 209. (a) Notwithstanding any other provision
11 of law, the amount allocated for fiscal year 2012 under
12 section 854(c) of the AIDS Housing Opportunity Act (42
13 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on
14 behalf of the Wilmington, Delaware-Maryland-New Jersey
15 Metropolitan Division (hereafter "metropolitan division"),
16 shall be adjusted by the Secretary of Housing and Urban
17 Development by allocating to the State of New Jersey the
18 proportion of the metropolitan division's amount that is
19 based on the number of cases of AIDS reported in the
20 portion of the metropolitan division that is located in New
21 Jersey, and adjusting for the proportion of the metropoli-
22 tan division's high incidence bonus if this area in New Jer-
23 sey also has a higher than average per capita incidence
24 of AIDS. The State of New Jersey shall use amounts allo-
25 cated to the State under this subsection to carry out eligi-

1 ble activities under section 855 of the AIDS Housing Op-
2 portunity Act (42 U.S.C. 12904) in the portion of the met-
3 ropolitan division that is located in New Jersey.

4 (b) Notwithstanding any other provision of law, the
5 Secretary of Housing and Urban Development shall allo-
6 cate to Wake County, North Carolina, the amounts that
7 otherwise would be allocated for fiscal year 2012 under
8 section 854(c) of the AIDS Housing Opportunity Act (42
9 U.S.C. 12903(c)) to the city of Raleigh, North Carolina,
10 on behalf of the Raleigh-Cary North Carolina Metropoli-
11 tan Statistical Area. Any amounts allocated to Wake
12 County shall be used to carry out eligible activities under
13 section 855 of such Act (42 U.S.C. 12904) within such
14 metropolitan statistical area.

15 (c) Notwithstanding section 854(c) of the AIDS
16 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
17 retary of Housing and Urban Development may adjust the
18 allocation of the amounts that otherwise would be allo-
19 cated for fiscal year 2012 under section 854(c) of such
20 Act, upon the written request of an applicant, in conjunc-
21 tion with the State(s), for a formula allocation on behalf
22 of a metropolitan statistical area, to designate the State
23 or States in which the metropolitan statistical area is lo-
24 cated as the eligible grantee(s) of the allocation. In the
25 case that a metropolitan statistical area involves more

1 than one State, such amounts allocated to each State shall
2 be in proportion to the number of cases of AIDS reported
3 in the portion of the metropolitan statistical area located
4 in that State. Any amounts allocated to a State under this
5 section shall be used to carry out eligible activities within
6 the portion of the metropolitan statistical area located in
7 that State.

8 SEC. 210. The President's formal budget request for
9 fiscal year 2013, as well as the Department of Housing
10 and Urban Development's congressional budget justifica-
11 tions to be submitted to the Committees on Appropriations
12 of the House of Representatives and the Senate, shall use
13 the identical account and sub-account structure provided
14 under this Act.

15 SEC. 211. A public housing agency or such other enti-
16 ty that administers Federal housing assistance for the
17 Housing Authority of the county of Los Angeles, Cali-
18 fornia, the States of Alaska, Iowa, and Mississippi shall
19 not be required to include a resident of public housing or
20 a recipient of assistance provided under section 8 of the
21 United States Housing Act of 1937 on the board of direc-
22 tors or a similar governing board of such agency or entity
23 as required under section (2)(b) of such Act. Each public
24 housing agency or other entity that administers Federal
25 housing assistance under section 8 for the Housing Au-

1 thority of the county of Los Angeles, California and the
2 States of Alaska, Iowa and Mississippi that chooses not
3 to include a resident of public housing or a recipient of
4 section 8 assistance on the board of directors or a similar
5 governing board shall establish an advisory board of not
6 less than six residents of public housing or recipients of
7 section 8 assistance to provide advice and comment to the
8 public housing agency or other administering entity on
9 issues related to public housing and section 8. Such advi-
10 sory board shall meet not less than quarterly.

11 SEC. 212. (a) Notwithstanding any other provision
12 of law, subject to the conditions listed in subsection (b),
13 for fiscal years 2012 and 2013, the Secretary of Housing
14 and Urban Development may authorize the transfer of
15 some or all project-based assistance, debt and statutorily
16 required low-income and very low-income use restrictions,
17 associated with one or more multifamily housing project
18 to another multifamily housing project or projects.

19 (b) PHASED TRANSFERS.—Transfers of project-
20 based assistance under this section may be done in phases
21 to accommodate the financing and other requirements re-
22 lated to rehabilitating or constructing the project or
23 projects to which the assistance is transferred, to ensure
24 that such project or projects meet the standards under
25 section (c).

1 (c) The transfer authorized in subsection (a) is sub-
2 ject to the following conditions:

3 (1) NUMBER AND BEDROOM SIZE OF UNITS.—

4 (A) For occupied units in the transferring
5 project: the number of low-income and very low-
6 income units and the configuration (i.e. bed-
7 room size) provided by the transferring project
8 shall be no less than when transferred to the re-
9 ceiving project or projects and the net dollar
10 amount of Federal assistance provided by the
11 transferring project shall remain the same in
12 the receiving project or projects.

13 (B) For unoccupied units in the transfer-
14 ring project: the Secretary may authorize a re-
15 duction in the number of dwelling units in the
16 receiving project or projects to allow for a re-
17 configuration of bedroom sizes to meet current
18 market demands, as determined by the Sec-
19 retary and provided there is no increase in the
20 project-based section 8 budget authority.

21 (2) The transferring project shall, as deter-
22 mined by the Secretary, be either physically obsolete
23 or economically nonviable.

1 (3) The receiving project or projects shall meet
2 or exceed applicable physical standards established
3 by the Secretary.

4 (4) The owner or mortgagor of the transferring
5 project shall notify and consult with the tenants re-
6 siding in the transferring project and provide a cer-
7 tification of approval by all appropriate local govern-
8 mental officials.

9 (5) The tenants of the transferring project who
10 remain eligible for assistance to be provided by the
11 receiving project or projects shall not be required to
12 vacate their units in the transferring project or
13 projects until new units in the receiving project are
14 available for occupancy.

15 (6) The Secretary determines that this transfer
16 is in the best interest of the tenants.

17 (7) If either the transferring project or the re-
18 ceiving project or projects meets the condition speci-
19 fied in subsection (d)(2)(A), any lien on the receiv-
20 ing project resulting from additional financing ob-
21 tained by the owner shall be subordinate to any
22 FHA-insured mortgage lien transferred to, or placed
23 on, such project by the Secretary, except that the
24 Secretary may waive this requirement upon deter-
25 mination that such a waiver is necessary to facilitate

1 the financing of acquisition, construction, and/or re-
2 habilitation of the receiving project or projects.

3 (8) If the transferring project meets the re-
4 quirements of subsection (c)(2)(E), the owner or
5 mortgagor of the receiving project or projects shall
6 execute and record either a continuation of the exist-
7 ing use agreement or a new use agreement for the
8 project where, in either case, any use restrictions in
9 such agreement are of no lesser duration than the
10 existing use restrictions.

11 (d) For purposes of this section—

12 (1) the terms “low-income” and “very low-in-
13 come” shall have the meanings provided by the stat-
14 ute and/or regulations governing the program under
15 which the project is insured or assisted;

16 (2) the term “multifamily housing project”
17 means housing that meets one of the following con-
18 ditions—

19 (A) housing that is subject to a mortgage
20 insured under the National Housing Act;

21 (B) housing that has project-based assist-
22 ance attached to the structure including
23 projects undergoing mark to market debt re-
24 structuring under the Multifamily Assisted
25 Housing Reform and Affordability Housing Act;

1 (C) housing that is assisted under section
2 202 of the Housing Act of 1959 as amended by
3 section 801 of the Cranston-Gonzales National
4 Affordable Housing Act;

5 (D) housing that is assisted under section
6 202 of the Housing Act of 1959, as such sec-
7 tion existed before the enactment of the Cran-
8 ston-Gonzales National Affordable Housing Act;
9 or

10 (E) housing or vacant land that is subject
11 to a use agreement;

12 (3) the term “project-based assistance”
13 means—

14 (A) assistance provided under section 8(b)
15 of the United States Housing Act of 1937;

16 (B) assistance for housing constructed or
17 substantially rehabilitated pursuant to assist-
18 ance provided under section 8(b)(2) of such Act
19 (as such section existed immediately before Oc-
20 tober 1, 1983);

21 (C) rent supplement payments under sec-
22 tion 101 of the Housing and Urban Develop-
23 ment Act of 1965;

24 (D) interest reduction payments under sec-
25 tion 236 and/or additional assistance payments

1 under section 236(f)(2) of the National Hous-
2 ing Act;

3 (E) assistance payments made under sec-
4 tion 202(c)(2) of the Housing Act of 1959; and

5 (F) assistance payments made under sec-
6 tion 811(d)(2) of the Housing Act of 1959;

7 (4) the term “receiving project or projects”
8 means the multifamily housing project or projects to
9 which some or all of the project-based assistance,
10 debt, and statutorily required use low-income and
11 very low-income restrictions are to be transferred;

12 (5) the term “transferring project” means the
13 multifamily housing project which is transferring
14 some or all of the project-based assistance, debt and
15 the statutorily required low-income and very low-in-
16 come use restrictions to the receiving project or
17 projects; and

18 (6) the term “Secretary” means the Secretary
19 of Housing and Urban Development.

20 SEC. 213. The funds made available for Native Alas-
21 kans under the heading “Native American Housing Block
22 Grants” in title III of this Act shall be allocated to the
23 same Native Alaskan housing block grant recipients that
24 received funds in fiscal year 2005.

1 SEC. 214. No funds provided under this title may be
2 used for an audit of the Government National Mortgage
3 Association that makes applicable requirements under the
4 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

5 SEC. 215. (a) No assistance shall be provided under
6 section 8 of the United States Housing Act of 1937 (42
7 U.S.C. 1437f) to any individual who—

8 (1) is enrolled as a student at an institution of
9 higher education (as defined under section 102 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1002));

12 (2) is under 24 years of age;

13 (3) is not a veteran;

14 (4) is unmarried;

15 (5) does not have a dependent child;

16 (6) is not a person with disabilities, as such
17 term is defined in section 3(b)(3)(E) of the United
18 States Housing Act of 1937 (42 U.S.C.
19 1437a(b)(3)(E)) and was not receiving assistance
20 under such section 8 as of November 30, 2005; and

21 (7) is not otherwise individually eligible, or has
22 parents who, individually or jointly, are not eligible,
23 to receive assistance under section 8 of the United
24 States Housing Act of 1937 (42 U.S.C. 1437f).

1 (b) For purposes of determining the eligibility of a
2 person to receive assistance under section 8 of the United
3 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
4 cial assistance (in excess of amounts received for tuition
5 and any other required fees and charges) that an indi-
6 vidual receives under the Higher Education Act of 1965
7 (20 U.S.C. 1001 et seq.), from private sources, or an insti-
8 tution of higher education (as defined under the Higher
9 Education Act of 1965 (20 U.S.C. 1002)), shall be consid-
10 ered income to that individual, except for a person over
11 the age of 23 with dependent children.

12 SEC. 216. Notwithstanding the limitation in the first
13 sentence of section 255(g) of the National Housing Act
14 (12 U.S.C. 1715z-g), the Secretary of Housing and Urban
15 Development may, until September 30, 2012, insure and
16 enter into commitments to insure mortgages under section
17 255(g) of the National Housing Act (12 U.S.C. 1715z-
18 20).

19 SEC. 217. Notwithstanding any other provision of
20 law, in fiscal year 2012, in managing and disposing of any
21 multifamily property that is owned or has a mortgage held
22 by the Secretary of Housing and Urban Development, and
23 during the process of foreclosure on any property with a
24 contract for rental assistance payments under section 8
25 of the United States Housing Act of 1937 or other Fed-

1 eral programs, the Secretary shall maintain any rental as-
2 sistance payments under section 8 of the United States
3 Housing Act of 1937 and other programs that are at-
4 tached to any dwelling units in the property. To the extent
5 the Secretary determines, in consultation with the tenants
6 and the local government, that such a multifamily prop-
7 erty owned or held by the Secretary is not feasible for con-
8 tinued rental assistance payments under such section 8
9 or other programs, based on consideration of (1) the costs
10 of rehabilitating and operating the property and all avail-
11 able Federal, State, and local resources, including rent ad-
12 justments under section 524 of the Multifamily Assisted
13 Housing Reform and Affordability Act of 1997
14 (“MAHRAA”) and (2) environmental conditions that can-
15 not be remedied in a cost-effective fashion, the Secretary
16 may, in consultation with the tenants of that property,
17 contract for project-based rental assistance payments with
18 an owner or owners of other existing housing properties,
19 or provide other rental assistance. The Secretary shall also
20 take appropriate steps to ensure that project-based con-
21 tracts remain in effect prior to foreclosure, subject to the
22 exercise of contractual abatement remedies to assist relo-
23 cation of tenants for imminent major threats to health and
24 safety after written notice to and informed consent of the
25 affected tenants and use of other available remedies, such

1 as partial abatements or receivership. After disposition of
2 any multifamily property described under this section, the
3 contract and allowable rent levels on such properties shall
4 be subject to the requirements under section 524 of
5 MAHRAA.

6 SEC. 218. The Secretary of Housing and Urban De-
7 velopment shall report quarterly to the House of Rep-
8 resentatives and Senate Committees on Appropriations on
9 HUD's use of all sole-source contracts, including terms
10 of the contracts, cost, and a substantive rationale for
11 using a sole-source contract.

12 SEC. 219. During fiscal year 2012, in the provision
13 of rental assistance under section 8(o) of the United
14 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
15 nection with a program to demonstrate the economy and
16 effectiveness of providing such assistance for use in as-
17 sisted living facilities that is carried out in the counties
18 of the State of Michigan notwithstanding paragraphs (3)
19 and (18)(B)(iii) of such section 8(o), a family residing in
20 an assisted living facility in any such county, on behalf
21 of which a public housing agency provides assistance pur-
22 suant to section 8(o)(18) of such Act, may be required,
23 at the time the family initially receives such assistance,
24 to pay rent in an amount exceeding 40 percent of the
25 monthly adjusted income of the family by such a percent-

1 age or amount as the Secretary of Housing and Urban
2 Development determines to be appropriate.

3 SEC. 220. Notwithstanding any other provision of
4 law, the recipient of a grant under section 202b of the
5 Housing Act of 1959 (12 U.S.C. 1701q) after December
6 26, 2000, in accordance with the unnumbered paragraph
7 at the end of section 202(b) of such Act, may, at its op-
8 tion, establish a single-asset nonprofit entity to own the
9 project and may lend the grant funds to such entity, which
10 may be a private nonprofit organization described in sec-
11 tion 831 of the American Homeownership and Economic
12 Opportunity Act of 2000.

13 SEC. 221. The amounts provided under the sub-
14 heading "Program Account" under the heading "Commu-
15 nity Development Loan Guarantees" may be used to guar-
16 antee, or make commitments to guarantee, notes, or other
17 obligations issued by any State on behalf of non-entitle-
18 ment communities in the State in accordance with the re-
19 quirements of section 108 of the Housing and Community
20 Development Act of 1974: *Provided*, That any State re-
21 ceiving such a guarantee or commitment shall distribute
22 all funds subject to such guarantee to the units of general
23 local government in non-entitlement areas that received
24 the commitment.

1 SEC. 222. Section 24 of the United States Housing
2 Act of 1937 (42 U.S.C. 1437v) is amended—

3 (1) in subsection (m)(1), by striking “fiscal
4 year” and all that follows through the period at the
5 end and inserting “fiscal year 2012.”; and

6 (2) in subsection (o), by striking “September”
7 and all that follows through the period at the end
8 and inserting “September 30, 2012.”.

9 SEC. 223. Public housing agencies that own and oper-
10 ate 400 or fewer public housing units may elect to be ex-
11 empt from any asset management requirement imposed by
12 the Secretary of Housing and Urban Development in con-
13 nection with the operating fund rule: *Provided*, That an
14 agency seeking a discontinuance of a reduction of subsidy
15 under the operating fund formula shall not be exempt
16 from asset management requirements.

17 SEC. 224. With respect to the use of amounts pro-
18 vided in this Act and in future Acts for the operation, cap-
19 ital improvement and management of public housing as
20 authorized by sections 9(d) and 9(e) of the United States
21 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
22 Secretary shall not impose any requirement or guideline
23 relating to asset management that restricts or limits in
24 any way the use of capital funds for central office costs
25 pursuant to section 9(g)(1) or 9(g)(2) of the United States

1 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
2 *vided*, That a public housing agency may not use capital
3 funds authorized under section 9(d) for activities that are
4 eligible under section 9(e) for assistance with amounts
5 from the operating fund in excess of the amounts per-
6 mitted under section 9(g)(1) or 9(g)(2).

7 SEC. 225. No official or employee of the Department
8 of Housing and Urban Development shall be designated
9 as an allotment holder unless the Office of the Chief Fi-
10 nancial Officer has determined that such allotment holder
11 has implemented an adequate system of funds control and
12 has received training in funds control procedures and di-
13 rectives. The Chief Financial Officer shall ensure that, not
14 later than 90 days after the date of enactment of this Act,
15 a trained allotment holder shall be designated for each
16 HUD subaccount under the heading "Administration, Op-
17 erations, and Management" as well as each account receiv-
18 ing appropriations for "Program Office Salaries and Ex-
19 penses" within the Department of Housing and Urban
20 Development.

21 SEC. 226. The Secretary of Housing and Urban De-
22 velopment shall report quarterly to the House and Senate
23 Committees on Appropriations on the status of all section
24 8 project-based housing, including the number of all
25 project-based units by region as well as an analysis of all

1 federally subsidized housing being refinanced under the
2 Mark-to-Market program. The Secretary shall in the re-
3 port identify all existing units maintained by region as sec-
4 tion 8 project-based units and all project-based units that
5 have opted out of section 8 or have otherwise been elimi-
6 nated as section 8 project-based units. The Secretary shall
7 identify in detail and by project all the efforts made by
8 the Department to preserve all section 8 project-based
9 housing units and all the reasons for any units which
10 opted out or otherwise were lost as section 8 project-based
11 units. Such analysis shall include a review of the impact
12 of the loss of any subsidized units in that housing market-
13 place, such as the impact of cost and the loss of available
14 subsidized, low-income housing in areas with scarce hous-
15 ing resources for low-income families.

16 SEC. 227. Payment of attorney fees in program-re-
17 lated litigation must be paid from individual program of-
18 fice personnel benefits and compensation funding. The an-
19 nual budget submission for program office personnel ben-
20 efit and compensation funding must include program-re-
21 lated litigation costs for attorney fees as a separate line
22 item request.

23 SEC. 228. The Secretary of the Department of Hous-
24 ing and Urban Development shall for fiscal year 2012 and
25 subsequent fiscal years, notify the public through the Fed-

1 eral Register and other means, as determined appropriate,
2 of the issuance of a notice of the availability of assistance
3 or notice of funding availability (NOFA) for any program
4 or discretionary fund administered by the Secretary that
5 is to be competitively awarded. Notwithstanding any other
6 provision of law, for fiscal year 2012 and subsequent fiscal
7 years, the Secretary may make the NOFA available only
8 on the Internet at the appropriate Government Web site
9 or through other electronic media, as determined by the
10 Secretary.

11 SEC. 229. The Secretary of the Department of Hous-
12 ing and Urban Development is authorized to transfer up
13 to 5 percent or \$5,000,000, whichever is less, of the funds
14 appropriated for any office funded under the heading “Ad-
15 ministration, Operations, and Management” to any other
16 office funded under such heading: *Provided*, That no ap-
17 propriation for any office funded under the heading “Ad-
18 ministration, Operations, and Management” shall be in-
19 creased or decreased by more than 5 percent or
20 \$5,000,000, whichever is less, without prior written ap-
21 proval of the House and Senate Committees on Appropria-
22 tions: *Provided further*, That the Secretary is authorized
23 to transfer up to 5 percent or \$5,000,000, whichever is
24 less, of the funds appropriated for any account funded
25 under the general heading “Program Office Salaries and

1 Expenses” to any other account funded under such head-
2 ing: *Provided further*, That no appropriation for any ac-
3 count funded under the general heading “Program Office
4 Salaries and Expenses” shall be increased or decreased by
5 more than 5 percent or \$5,000,000, whichever is less,
6 without prior written approval of the House and Senate
7 Committees on Appropriations: *Provided further*, That the
8 Secretary may transfer funds made available for salaries
9 and expenses between any office funded under the heading
10 “Administration, Operations and Management” and any
11 account funded under the general heading “Program Of-
12 fice Salaries and Expenses”, but only with the prior writ-
13 ten approval of the House and Senate Committees on Ap-
14 propriations.

15 SEC. 230. The Disaster Housing Assistance Pro-
16 grams, administered by the Department of Housing and
17 Urban Development, shall be considered a “program of
18 the Department of Housing and Urban Development”
19 under section 904 of the McKinney Act for the purpose
20 of income verifications and matching.

21 SEC. 231. The Comptroller General of the United
22 States shall carry out a study of the effectiveness of the
23 block grant programs administered by the Office of Com-
24 munity Planning and Development of the Department of
25 Housing and Urban Development, including an examina-

1 tion of best practices utilized by program grantees and
2 performance metrics utilized by the Department. Not later
3 than 180 days of enactment of this Act, the Comptroller
4 General shall submit a report to the Congress describing
5 its findings, including such best practices and performance
6 metrics.

7 SEC. 232. The Secretary shall take actions necessary
8 to improve data quality, data management, and grantee
9 oversight and accountability with respect to programs and
10 activities administered by the Office of Community Plan-
11 ning and Development. The Secretary shall address the
12 problems identified by the Inspector General of the De-
13 partment in audits and audit reports since 2006, including
14 ongoing audits, with respect to such programs and activi-
15 ties. Not later than 120 days after enactment of this Act,
16 the Secretary shall submit a report to the Congress on
17 progress achieved by the Department with respect to ad-
18 dressing such problems and identifying further improve-
19 ments that can be made (including improvements relating
20 to information technology) and proposed actions and
21 timelines to carry out such improvements.

22 SEC. 233. Of the amounts made available for salaries
23 and expenses under all accounts under this title (except
24 for the Office of Inspector General account), a total of
25 up to \$10,000,000 may be transferred to and merged with

1 amounts made available in the “Working Capital Fund”
2 account under this title.

3 SEC. 234. (a) None of the funds made available by
4 this Act for purposes authorized under section 8 (only with
5 respect to the tenant-based rental assistance program)
6 and section 9 of the United States Housing Act of 1937
7 (42 U.S.C. 1437 et seq.) may be used by any public hous-
8 ing agency for any amount of salary, for the chief execu-
9 tive officer of which, or any other official or employee of
10 which, that exceeds the annual rate of basic pay payable
11 for a position at level IV of the Executive Schedule at any
12 time during any public housing agency fiscal year 2012.

13 (b) Subsection (a) shall take effect 120 days after
14 the date of enactment of this Act.

15 SEC. 235. Title II of division I of Public Law 108–
16 447 and title III of Public Law 109–115 are each amend-
17 ed by striking the item related to “Flexible Subsidy
18 Fund”.

19 SEC. 236. Of the unobligated balances remaining
20 from funds appropriated under the heading “Tenant-
21 Based Rental Assistance” under the “Full-Year Con-
22 tinuing Appropriations Act, 2011”, \$650,000,000 are re-
23 scinded from the \$4,000,000,000 which are available on
24 October 1, 2011: *Provided*, That such amounts may be
25 derived from reductions to public housing agencies’ cal-

1 endar year 2012 allocations based on the excess amounts
2 of public housing agencies' net restricted assets accounts,
3 including the net restricted assets of MTW agencies (in
4 accordance with VMS data in calendar year 2011 that is
5 verifiable and complete), as determined by the Secretary.

6 SEC. 237. Section 579 of the Multifamily Assisted
7 Housing Reform and Affordability Act of 1997 (42 U.S.C.
8 1437f) is amended by striking "October 1, 2011" each
9 place it appears and inserting in lieu thereof "October 1,
10 2015".

11 SEC. 238. Notwithstanding any other provision of
12 law, for mortgages for which a Federal Housing Adminis-
13 tration case number has been assigned during the period
14 beginning on the date of enactment of this Act and ending
15 on December 31, 2013, the dollar amount limitation on
16 the principal obligation for purposes of section 203 of the
17 National Housing Act (12 U.S.C. 1709) shall be consid-
18 ered to be, except for purposes of section 255(g) of such
19 Act (12 U.S.C. 1715z-20(g)), the greater of—

20 (1) the dollar amount limitation on the prin-
21 cipal obligation of a mortgage determined under sec-
22 tion 203(b)(2) of the National Housing Act (12
23 U.S.C. 1709(b)(2)); or

24 (2) the dollar amount limitation that was pre-
25 scribed for such size residence for such area for

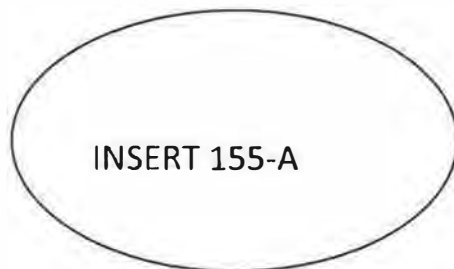
1 2008 pursuant to section 202 of the Economic Stim-
2 ulus Act of 2008 (Public Law 110–185; 122 Stat.
3 620).

4 SEC. 239. Of the funds made available for the ‘De-
5 partment of Housing and Urban Development, Commu-
6 nity Planning and Development, Community Development
7 Fund’, up to \$300,000,000, to remain available until ex-
8 pended, shall be for necessary expenses for activities au-
9 thorized under title I of the Housing and Community De-
10 velopment Act of 1974 (Public Law 93–383) related to
11 disaster relief, long-term recovery, restoration of infra-
12 structure and housing, and economic revitalization in the
13 most impacted and distressed areas resulting from a
14 major disaster declared pursuant to the Robert T. Staf-
15 ford Disaster Relief and Emergency Assistance Act (42
16 U.S.C. 5121 et seq.) in 2011: *Provided*, That funds shall
17 be awarded directly to the State or unit of general local
18 government at the discretion of the Secretary: *Provided*
19 *further*, That prior to the obligation of funds a grantee
20 shall submit a plan to the Secretary detailing the proposed
21 use of all funds, including criteria for eligibility and how
22 the use of these funds will address long-term recovery and
23 restoration of infrastructure: *Provided further*, That such
24 funds may not be used for activities reimbursable by, or
25 for which funds are made available by, the Federal Emer-

1 gency Management Agency or the Army Corps of Engi-
2 neers: *Provided further*, That funds allocated under this
3 heading shall not be considered relevant to the non-dis-
4 aster formula allocations under the Community Develop-
5 ment Fund: *Provided further*, That a State or subdivision
6 thereof may use up to 5 percent of its allocation for ad-
7 ministrative costs: *Provided further*, That in administering
8 the funds under this heading, the Secretary of Housing
9 and Urban Development may waive, or specify alternative
10 requirements for, any provision of any statute or regula-
11 tion that the Secretary administers in connection with the
12 obligation by the Secretary or the use by the recipient of
13 these funds or guarantees (except for requirements related
14 to fair housing, nondiscrimination, labor standards, and
15 the environment), upon a request by a State or subdivision
16 thereof explaining why such waiver is required to facilitate
17 the use of such funds or guarantees, if the Secretary finds
18 that such waiver would not be inconsistent with the overall
19 purpose of title I of the Housing and Community Develop-
20 ment Act of 1974: *Provided further*, That the Secretary
21 shall publish in the Federal Register any waiver of any
22 statute or regulation that the Secretary administers pur-
23 suant to title I of the Housing and Community Develop-
24 ment Act of 1974 no later than 5 days before the effective
25 date of such waiver.

Insert 155A

: *Provided further,* That an additional \$100,000,000 shall be available for the same purposes and terms described in this section and shall be designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.



1 This title may be cited as the “Department of Hous-
2 ing and Urban Development Appropriations Act, 2012”.

1

TITLE III

2

RELATED AGENCIES

3

ACCESS BOARD

4

SALARIES AND EXPENSES

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973,
7 as amended, \$7,400,000: *Provided*, That, notwithstanding
8 any other provision of law, there may be credited to this
9 appropriation funds received for publications and training
10 expenses.

11

FEDERAL MARITIME COMMISSION

12

SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
16 cluding services as authorized by 5 U.S.C. 3109; hire of
17 passenger motor vehicles as authorized by 31 U.S.C.
18 1343(b); and uniforms or allowances therefore, as author-
19 ized by 5 U.S.C. 5901–5902, \$24,100,000: *Provided*, That
20 not to exceed \$2,000 shall be available for official recep-
21 tion and representation expenses.

1 NATIONAL RAILROAD PASSENGER CORPORATION OFFICE

2 OF INSPECTOR GENERAL

3 ~~OFFICE OF INSPECTOR GENERAL~~

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of Inspector
6 General for the National Railroad Passenger Corporation
7 to carry out the provisions of the Inspector General Act
8 of 1978, as amended, \$20,500,000: *Provided*, That the In-
9 spector General shall have all necessary authority, in car-
10 rying out the duties specified in the Inspector General Act,
11 as amended (5 U.S.C. App. 3), to investigate allegations
12 of fraud, including false statements to the government (18
13 U.S.C. 1001), by any person or entity that is subject to
14 regulation by the National Railroad Passenger Corpora-
15 tion: *Provided further*, That the Inspector General may
16 enter into contracts and other arrangements for audits,
17 studies, analyses, and other services with public agencies
18 and with private persons, subject to the applicable laws
19 and regulations that govern the obtaining of such services
20 within the National Railroad Passenger Corporation: *Pro-*
21 *vided further*, That the Inspector General may select, ap-
22 point, and employ such officers and employees as may be
23 necessary for carrying out the functions, powers, and du-
24 ties of the Office of Inspector General, subject to the appli-
25 cable laws and regulations that govern such selections, ap-

1 pointments, and employment within Amtrak: *Provided fur-*
2 *ther*, That concurrent with the President's budget request
3 for fiscal year 2013, the Inspector General shall submit
4 to the House and Senate Committees on Appropriations
5 a budget request for fiscal year 2013 in similar format
6 and substance to those submitted by executive agencies
7 of the Federal Government.

8 NATIONAL TRANSPORTATION SAFETY BOARD

9 SALARIES AND EXPENSES

10 For necessary expenses of the National Transpor-
11 tation Safety Board, including hire of passenger motor ve-
12 hicles and aircraft; services as authorized by 5 U.S.C.
13 3109, but at rates for individuals not to exceed the per
14 diem rate equivalent to the rate for a GS-15; uniforms,
15 or allowances therefor, as authorized by law (5 U.S.C.
16 5901-5902), \$102,400,000, of which not to exceed \$2,000
17 may be used for official reception and representation ex-
18 penses. The amounts made available to the National
19 Transportation Safety Board in this Act include amounts
20 necessary to make lease payments on an obligation in-
21 curred in fiscal year 2001 for a capital lease.

1 NEIGHBORHOOD REINVESTMENT CORPORATION
2 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
3 CORPORATION

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$135,300,000, of which
8 \$5,000,000 shall be for a multi-family rental housing pro-
9 gram: *Provided*, That in addition, \$80,000,000 shall be
10 made available until expended to the Neighborhood Rein-
11 vestment Corporation for mortgage foreclosure mitigation
12 activities, under the following terms and conditions:

13 (1) The Neighborhood Reinvestment Corpora-
14 tion (“NRC”) shall make grants to counseling inter-
15 mediaries approved by the Department of Housing
16 and Urban Development (HUD) (with match to be
17 determined by the NRC based on affordability and
18 the economic conditions of an area; a match also
19 may be waived by the NRC based on the aforemen-
20 tioned conditions) to provide mortgage foreclosure
21 mitigation assistance primarily to States and areas
22 with high rates of defaults and foreclosures to help
23 eliminate the default and foreclosure of mortgages of
24 owner-occupied single-family homes that are at risk
25 of such foreclosure. Other than areas with high rates

1 of defaults and foreclosures, grants may also be pro-
2 vided to approved counseling intermediaries based on
3 a geographic analysis of the Nation by the NRC
4 which determines where there is a prevalence of
5 mortgages that are risky and likely to fail, including
6 any trends for mortgages that are likely to default
7 and face foreclosure. A State Housing Finance
8 Agency may also be eligible where the State Housing
9 Finance Agency meets all the requirements under
10 this paragraph. A HUD-approved counseling inter-
11 mediary shall meet certain mortgage foreclosure
12 mitigation assistance counseling requirements, as de-
13 termined by the NRC, and shall be approved by
14 HUD or the NRC as meeting these requirements.

15 (2) Mortgage foreclosure mitigation assistance
16 shall only be made available to homeowners of
17 owner-occupied homes with mortgages in default or
18 in danger of default. These mortgages shall likely be
19 subject to a foreclosure action and homeowners will
20 be provided such assistance that shall consist of ac-
21 tivities that are likely to prevent foreclosures and re-
22 sult in the long-term affordability of the mortgage
23 retained pursuant to such activity or another posi-
24 tive outcome for the homeowner. No funds made
25 available under this paragraph may be provided di-

1 rectly to lenders or homeowners to discharge out-
2 standing mortgage balances or for any other direct
3 debt reduction payments.

4 (3) The use of Mortgage Foreclosure Mitigation
5 Assistance by approved counseling intermediaries
6 and State Housing Finance Agencies shall involve a
7 reasonable analysis of the borrower's financial situa-
8 tion, an evaluation of the current value of the prop-
9 erty that is subject to the mortgage, counseling re-
10 garding the assumption of the mortgage by another
11 non-Federal party, counseling regarding the possible
12 purchase of the mortgage by a non-Federal third
13 party, counseling and advice of all likely restruc-
14 turing and refinancing strategies or the approval of
15 a work-out strategy by all interested parties.

16 (4) NRC may provide up to 15 percent of the
17 total funds under this paragraph to its own charter
18 members with expertise in foreclosure prevention
19 counseling, subject to a certification by the NRC
20 that the procedures for selection do not consist of
21 any procedures or activities that could be construed
22 as an unacceptable conflict of interest or have the
23 appearance of impropriety.

24 (5) HUD-approved counseling entities and
25 State Housing Finance Agencies receiving funds

1 under this paragraph shall have demonstrated expe-
2 rience in successfully working with financial institu-
3 tions as well as borrowers facing default, delin-
4 quency and foreclosure as well as documented coun-
5 seling capacity, outreach capacity, past successful
6 performance and positive outcomes with documented
7 counseling plans (including post mortgage fore-
8 closure mitigation counseling), loan workout agree-
9 ments and loan modification agreements. NRC may
10 use other criteria to demonstrate capacity in under-
11 served areas.

12 (6) Of the total amount made available under
13 this paragraph, up to \$3,000,000 may be made
14 available to build the mortgage foreclosure and de-
15 fault mitigation counseling capacity of counseling
16 intermediaries through NRC training courses with
17 HUD-approved counseling intermediaries and their
18 partners, except that private financial institutions
19 that participate in NRC training shall pay market
20 rates for such training.

21 (7) Of the total amount made available under
22 this paragraph, up to 5 percent may be used for as-
23 sociated administrative expenses for the NRC to
24 carry out activities provided under this section.

1 (8) Mortgage foreclosure mitigation assistance
2 grants may include a budget for outreach and adver-
3 tising, and training, as determined by the NRC.

4 (9) The NRC shall continue to report bi-annu-
5 ally to the House and Senate Committees on Appro-
6 priations as well as the Senate Banking Committee
7 and House Financial Services Committee on its ef-
8 forts to mitigate mortgage default.

9 UNITED STATES INTERAGENCY COUNCIL ON
10 HOMELESSNESS
11 OPERATING EXPENSES

12 For necessary expenses (including payment of sala-
13 ries, authorized travel, hire of passenger motor vehicles,
14 the rental of conference rooms, and the employment of ex-
15 perts and consultants under section 3109 of title 5, United
16 States Code) of the United States Interagency Council on
17 Homelessness in carrying out the functions pursuant to
18 title II of the McKinney-Vento Homeless Assistance Act,
19 as amended, \$3,300,000. Section 209 of the McKinney-
20 Vento Homeless Assistance Act (42 U.S.C. 11319) is
21 amended by striking all that follows “on” and inserting
22 “October 1, 2015”.

1

TITLE IV

2

GENERAL PROVISIONS—THIS ACT

3

SEC. 401. Such sums as may be necessary for fiscal
4 year 2012 pay raises for programs funded in this Act shall
5 be absorbed within the levels appropriated in this Act or
6 previous appropriations Acts.

7

SEC. 402. None of the funds in this Act shall be used
8 for the planning or execution of any program to pay the
9 expenses of, or otherwise compensate, non-Federal parties
10 intervening in regulatory or adjudicatory proceedings
11 funded in this Act.

12

SEC. 403. None of the funds appropriated in this Act
13 shall remain available for obligation beyond the current
14 fiscal year, nor may any be transferred to other appropria-
15 tions, unless expressly so provided herein.

16

SEC. 404. The expenditure of any appropriation
17 under this Act for any consulting service through procure-
18 ment contract pursuant to section 3109 of title 5, United
19 States Code, shall be limited to those contracts where such
20 expenditures are a matter of public record and available
21 for public inspection, except where otherwise provided
22 under existing law, or under existing Executive order
23 issued pursuant to existing law.

24

SEC. 405. Except as otherwise provided in this Act,
25 none of the funds provided in this Act, provided by pre-

1 vious appropriations Acts to the agencies or entities fund-
2 ed in this Act that remain available for obligation or ex-
3 penditure in fiscal year 2012, or provided from any ac-
4 counts in the Treasury derived by the collection of fees
5 and available to the agencies funded by this Act, shall be
6 available for obligation or expenditure through a re-
7 programming of funds that:

- 8 (1) creates a new program;
- 9 (2) eliminates a program, project, or activity;
- 10 (3) increases funds or personnel for any pro-
11 gram, project, or activity for which funds have been
12 denied or restricted by the Congress;
- 13 (4) proposes to use funds directed for a specific
14 activity by either the House or Senate Committees
15 on Appropriations for a different purpose;
- 16 (5) augments existing programs, projects, or ac-
17 tivities in excess of \$5,000,000 or 10 percent, which-
18 ever is less;
- 19 (6) reduces existing programs, projects, or ac-
20 tivities by \$5,000,000 or 10 percent, whichever is
21 less; or
- 22 (7) creates, reorganizes, or restructures a
23 branch, division, office, bureau, board, commission,
24 agency, administration, or department different from
25 the budget justifications submitted to the Commit-

1 tees on Appropriations or the table accompanying
2 the explanatory statement accompanying this Act,
3 whichever is more detailed, unless prior approval is
4 received from the House and Senate Committees on
5 Appropriations: *Provided*, That not later than 60
6 days after the date of enactment of this Act, each
7 agency funded by this Act shall submit a report to
8 the Committees on Appropriations of the Senate and
9 of the House of Representatives to establish the
10 baseline for application of reprogramming and trans-
11 fer authorities for the current fiscal year: *Provided*
12 *further*, That the report shall include:

13 (A) a table for each appropriation with a
14 separate column to display the President's
15 budget request, adjustments made by Congress,
16 adjustments due to enacted rescissions, if ap-
17 propriate, and the fiscal year enacted level;

18 (B) a delineation in the table for each ap-
19 propriation both by object class and program,
20 project, and activity as detailed in the budget
21 appendix for the respective appropriation; and

22 (C) an identification of items of special
23 congressional interest: *Provided further*, That
24 the amount appropriated or limited for salaries
25 and expenses for an agency shall be reduced by

1 \$100,000 per day for each day after the re-
2 quired date that the report has not been sub-
3 mitted to the Congress.

4 SEC. 406. Except as otherwise specifically provided
5 by law, not to exceed 50 percent of unobligated balances
6 remaining available at the end of fiscal year 2012 from
7 appropriations made available for salaries and expenses
8 for fiscal year 2012 in this Act, shall remain available
9 through September 30, 2013, for each such account for
10 the purposes authorized: *Provided*, That a request shall
11 be submitted to the House and Senate Committees on Ap-
12 propriations for approval prior to the expenditure of such
13 funds: *Provided further*, That these requests shall be made
14 in compliance with reprogramming guidelines under sec-
15 tion 405 of this Act.

16 SEC. 407. All Federal agencies and departments that
17 are funded under this Act shall issue a report to the House
18 and Senate Committees on Appropriations on all sole-
19 source contracts by no later than July 30, 2012. Such re-
20 port shall include the contractor, the amount of the con-
21 tract and the rationale for using a sole-source contract.

22 SEC. 408. (a) None of the funds made available in
23 this Act may be obligated or expended for any employee
24 training that—

1 (1) does not meet identified needs for knowl-
2 edge, skills, and abilities bearing directly upon the
3 performance of official duties;

4 (2) contains elements likely to induce high lev-
5 els of emotional response or psychological stress in
6 some participants; ~~does not require prior employee~~
7 ~~notification of the content and methods to be used~~
8 ~~in the training and written end of course evaluation;~~

9 (3) does not require prior employee notification
10 of the content and methods to be used in the train-
11 ing and written end of course evaluation;

12 (4) contains any methods or content associated
13 with religious or quasi-religious belief systems or
14 “new age” belief systems as defined in Equal Em-
15 ployment Opportunity Commission Notice N-
16 915.022, dated September 2, 1988; ~~and~~ or

17 (5) is offensive to, or designed to change, par-
18 ticipants’ personal values or lifestyle outside the
19 workplace.

20 (b) Nothing in this section shall prohibit, restrict, or
21 otherwise preclude an agency from conducting training
22 bearing directly upon the performance of official duties.

23 SEC. 409. No funds in this Act may be used to sup-
24 port any Federal, State, or local projects that seek to use
25 the power of eminent domain, unless eminent domain is

1 employed only for a public use: *Provided*, That for pur-
2 poses of this section, public use shall not be construed to
3 include economic development that primarily benefits pri-
4 vate entities: *Provided further*, That any use of funds for
5 mass transit, railroad, airport, seaport or highway projects
6 as well as utility projects which benefit or serve the gen-
7 eral public (including energy-related, communication-re-
8 lated, water-related and wastewater-related infrastruc-
9 ture), other structures designated for use by the general
10 public or which have other common-carrier or public-util-
11 ity functions that serve the general public and are subject
12 to regulation and oversight by the government, and
13 projects for the removal of an immediate threat to public
14 health and safety or brownsfield as defined in the Small
15 Business Liability Relief and Brownsfield Revitalization
16 Act (Public Law 107-118) shall be considered a public
17 use for purposes of eminent domain.

18 SEC. 410. None of the funds made available in this
19 Act may be transferred to any department, agency, or in-
20 strumentality of the United States Government, except
21 pursuant to a transfer made by, or transfer authority pro-
22 vided in, this Act or any other appropriations Act.

23 SEC. 411. No part of any appropriation contained in
24 this Act shall be available to pay the salary for any person
25 filling a position, other than a temporary position, for-

1 merly held by an employee who has left to enter the Armed
2 Forces of the United States and has satisfactorily com-
3 pleted his period of active military or naval service, and
4 has within 90 days after his release from such service or
5 from hospitalization continuing after discharge for a pe-
6 riod of not more than 1 year, made application for restora-
7 tion to his former position and has been certified by the
8 Office of Personnel Management as still qualified to per-
9 form the duties of his former position and has not been
10 restored thereto.

11 SEC. 412. No funds appropriated pursuant to this
12 Act may be expended by an entity unless the entity agrees
13 that in expending the assistance the entity will comply
14 with sections 2 through 4 of the Act of March 3, 1933
15 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
16 ican Act”).

17 SEC. 413. No funds appropriated or otherwise made
18 available under this Act shall be made available to any
19 person or entity that has been convicted of violating the
20 Buy American Act (41 U.S.C. 10a–10c).

21 SEC. 414. None of the funds made available in this
22 Act may be used for first-class airline accommodations in
23 contravention of sections 301–10.122 and 301–10.123 of
24 title 41, Code of Federal Regulations.

1 SEC. 415. None of the funds made available under
2 this Act or any prior Act may be provided to the Associa-
3 tion of Community Organizations for Reform Now
4 (ACORN), or any of its affiliates, subsidiaries, or allied
5 organizations.

6 SEC. 416. All agencies and departments funded by
7 this Act shall send to Congress at the end of the fiscal
8 year a report containing a complete inventory of the total
9 number of vehicles owned, permanently retired, and pur-
10 chased during fiscal year 2012 as well as the total cost
11 of the vehicle fleet, including maintenance, fuel, storage,
12 purchasing, and leasing.

13 This division may be cited as the "Transportation,
14 Housing and Urban Development, and Related Agencies
15 Appropriations Act, 2012".

1 **DIVISION D—FURTHER CONTINUING**
2 **APPROPRIATIONS, 2012**

3 SEC. 101. The Continuing Appropriations Act, 2012
4 (Public Law 112–36) is amended by striking the date
5 specified in section 106(3) and inserting “December 16,
6 2011”.

ROMAN

- 1 And the Senate agree to the same.
- 2 That the House recede from its disagreement to the
- 3 amendment of the Senate to the title of the bill and agree
- 4 to the same.

Managers on the part of the
HOUSE


HAROLD ROGERS


C.W. BILL YOUNG


JERRY LEWIS

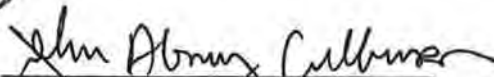

FRANK R. WOLF


JACK KINGSTON


TOM LATHAM


ROBERT B. ADERSHOLT


JO ANN EMERSON


JOHN ABNEY CULBERSON


JOHN R. CARTER

Managers on the part of the
Senate


Herb Kohl


Tom Harkin


Dianne Feinstein


Tim Johnson


Ben Nelson


Mark Pryor


Sherrod Brown


Daniel K. Inouye


Patty Murray


Barbara A. Mikulski

~~Managers on the part of the~~

Jo Bonner

JO BONNER

Steven C. Latourette

STEVEN C. LATOURETTE

Norman D. Dicks

NORMAN D. DICKS

Rosa L. DeLauro

ROSA L. DeLAURO

John W. Olver

JOHN W. OLVER

Ed Pastor

ED PASTOR

David E. Price

DAVID E. PRICE

Sam Farr

SAM FARR

Chaka Fattah

CHAKA FATTAH

Adam B. Schiff

ADAM B. SCHIFF

Roy Blunt

Roy Blunt

Thad Cochran

Thad Cochran

Mitch McConnell

Mitch McConnell

Susan Collins

Susan Collins

Jerry Moran

Jerry Moran

John Hoeven

John Hoeven

Kay Bailey Hutchison

Kay Bailey Hutchison

~~Richard C. Shelby~~