

In the Senate of the United States,

November 1, 2011.

Resolved, That the bill from the House of Representatives (H.R. 2112) entitled “An Act 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.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert the following:

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

4 *The following sums are appropriated, out of any*
5 *money in the Treasury not otherwise appropriated, for Ag-*
6 *riculture, Rural Development, Food and Drug Administra-*
7 *tion, and Related Agencies programs for the fiscal year end-*
8 *ing September 30, 2012, and for other purposes, namely:*

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TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$4,798,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$473,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$11,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$13,514,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

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

1 *OFFICE OF CIVIL RIGHTS*

2 *For necessary expenses of the Office of Civil Rights,*
3 *\$21,558,000.*

4 *OFFICE OF THE ASSISTANT SECRETARY FOR*
5 *ADMINISTRATION*

6 *For necessary expenses of the Office of the Assistant*
7 *Secretary for Administration, \$764,000.*

8 *AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL*
9 *PAYMENTS*

10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *For payment of space rental and related costs pursu-*
12 *ant to Public Law 92–313, including authorities pursuant*
13 *to the 1984 delegation of authority from the Administrator*
14 *of General Services to the Department of Agriculture under*
15 *40 U.S.C. 486, for programs and activities of the Depart-*
16 *ment which are included in this Act, and for alterations*
17 *and other actions needed for the Department and its agen-*
18 *cies to consolidate unneeded space into configurations suit-*
19 *able for release to the Administrator of General Services,*
20 *and for the operation, maintenance, improvement, and re-*
21 *pair of Agriculture buildings and facilities, and for related*
22 *costs, \$230,416,000, to remain available until expended, of*
23 *which \$164,470,000 shall be available for payments to the*
24 *General Services Administration for rent; of which*
25 *\$13,800,000 for payment to the Department of Homeland*

1 *Security for building security activities; and of which*
2 *\$52,146,000 for buildings operations and maintenance ex-*
3 *penses: Provided, That the Secretary may use unobligated*
4 *prior year balances of an agency or office that are no longer*
5 *available for new obligation to cover shortfalls incurred in*
6 *prior year rental payments for such agency or office: Pro-*
7 *vided further, That the Secretary is authorized to transfer*
8 *funds from a Departmental agency to this account to re-*
9 *cover the full cost of the space and security expenses of that*
10 *agency that are funded by this account when the actual*
11 *costs exceed the agency estimate which will be available for*
12 *the activities and payments described herein.*

13 *HAZARDOUS MATERIALS MANAGEMENT*

14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For necessary expenses of the Department of Agri-*
16 *culture, to comply with the Comprehensive Environmental*
17 *Response, Compensation, and Liability Act (42 U.S.C.*
18 *9601 et seq.) and the Resource Conservation and Recovery*
19 *Act (42 U.S.C. 6901 et seq.), \$3,792,000, to remain avail-*
20 *able until expended: Provided, That appropriations and*
21 *funds available herein to the Department for Hazardous*
22 *Materials Management may be transferred to any agency*
23 *of the Department for its use in meeting all requirements*
24 *pursuant to the above Acts on Federal and non-Federal*
25 *lands.*

1 *DEPARTMENTAL ADMINISTRATION*
2 *(INCLUDING TRANSFERS OF FUNDS)*

3 *For Departmental Administration, \$28,165,000, to*
4 *provide for necessary expenses for management support*
5 *services to offices of the Department and for general admin-*
6 *istration, security, repairs and alterations, and other mis-*
7 *cellaneous supplies and expenses not otherwise provided for*
8 *and necessary for the practical and efficient work of the*
9 *Department: Provided, That this appropriation shall be re-*
10 *imbursed from applicable appropriations in this Act for*
11 *travel expenses incident to the holding of hearings as re-*
12 *quired by 5 U.S.C. 551–558: Provided further, That*
13 *\$8,000,000 of the amount made available by this heading*
14 *shall be transferred to carry out the program authorized*
15 *under section 14 of the Watershed Protection and Flood Pre-*
16 *vention Act (16 U.S.C. 1012).*

17 *OFFICE OF THE ASSISTANT SECRETARY FOR*
18 *CONGRESSIONAL RELATIONS*
19 *(INCLUDING TRANSFERS OF FUNDS)*

20 *For necessary expenses of the Office of the Assistant*
21 *Secretary for Congressional Relations to carry out the pro-*
22 *grams funded by this Act, including programs involving*
23 *intergovernmental affairs and liaison within the executive*
24 *branch, \$3,676,000: Provided, That these funds may be*
25 *transferred to agencies of the Department of Agriculture*

1 *funded by this Act to maintain personnel at the agency*
2 *level: Provided further, That no funds made available by*
3 *this appropriation may be obligated after 30 days from the*
4 *date of enactment of this Act, unless the Secretary has noti-*
5 *fied the Committees on Appropriations of both Houses of*
6 *Congress on the allocation of these funds by USDA agency:*
7 *Provided further, That no other funds appropriated to the*
8 *Department by this Act shall be available to the Depart-*
9 *ment for support of activities of congressional relations.*

10 *OFFICE OF COMMUNICATIONS*

11 *For necessary expenses of the Office of Communica-*
12 *tions, \$8,105,000.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *For necessary expenses of the Office of Inspector Gen-*
15 *eral, including employment pursuant to the Inspector Gen-*
16 *eral Act of 1978, \$84,121,000, including such sums as may*
17 *be necessary for contracting and other arrangements with*
18 *public agencies and private persons pursuant to section*
19 *6(a)(9) of the Inspector General Act of 1978, and including*
20 *not to exceed \$125,000 for certain confidential operational*
21 *expenses, including the payment of informants, to be ex-*
22 *pended under the direction of the Inspector General pursu-*
23 *ant to Public Law 95-452 and section 1337 of Public Law*
24 *97-98.*

1 *OFFICE OF THE GENERAL COUNSEL*

2 *For necessary expenses of the Office of the General*
3 *Counsel, \$39,345,000.*

4 *OFFICE OF THE UNDER SECRETARY FOR RESEARCH,*
5 *EDUCATION AND ECONOMICS*

6 *For necessary expenses of the Office of the Under Sec-*
7 *retary for Research, Education and Economics, \$848,000.*

8 *ECONOMIC RESEARCH SERVICE*

9 *For necessary expenses of the Economic Research Serv-*
10 *ice, \$77,723,000.*

11 *NATIONAL AGRICULTURAL STATISTICS SERVICE*

12 *For necessary expenses of the National Agricultural*
13 *Statistics Service, \$152,616,000, of which up to \$41,639,000*
14 *shall be available until expended for the Census of Agri-*
15 *culture.*

16 *AGRICULTURAL RESEARCH SERVICE*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Agricultural Research*
19 *Service and for acquisition of lands by donation, exchange,*
20 *or purchase at a nominal cost not to exceed \$100, and for*
21 *land exchanges where the lands exchanged shall be of equal*
22 *value or shall be equalized by a payment of money to the*
23 *grantor which shall not exceed 25 percent of the total value*
24 *of the land or interests transferred out of Federal ownership,*
25 *\$1,094,647,000: Provided, That appropriations hereunder*

1 shall be available for the operation and maintenance of air-
2 craft and the purchase of not to exceed one for replacement
3 only: Provided further, That appropriations hereunder shall
4 be available pursuant to 7 U.S.C. 2250 for the construction,
5 alteration, and repair of buildings and improvements, but
6 unless otherwise provided, the cost of constructing any one
7 building shall not exceed \$375,000, except for headhouses
8 or greenhouses which shall each be limited to \$1,200,000,
9 and except for 10 buildings to be constructed or improved
10 at a cost not to exceed \$750,000 each, and the cost of alter-
11 ing any one building during the fiscal year shall not exceed
12 10 percent of the current replacement value of the building
13 or \$375,000, whichever is greater: Provided further, That
14 the limitations on alterations contained in this Act shall
15 not apply to modernization or replacement of existing fa-
16 cilities at Beltsville, Maryland: Provided further, That ap-
17 propriations hereunder shall be available for granting ease-
18 ments at the Beltsville Agricultural Research Center: Pro-
19 vided further, That the foregoing limitations shall not apply
20 to replacement of buildings needed to carry out the Act of
21 April 24, 1948 (21 U.S.C. 113a): Provided further, That
22 funds may be received from any State, other political sub-
23 division, organization, or individual for the purpose of es-
24 tablishing or operating any research facility or research

1 *project of the Agricultural Research Service, as authorized*
2 *by law.*

3 *NATIONAL INSTITUTE OF FOOD AND AGRICULTURE*
4 *RESEARCH AND EDUCATION ACTIVITIES*

5 *For payments to agricultural experiment stations, for*
6 *cooperative forestry and other research, for facilities, and*
7 *for other expenses, \$709,825,000, as follows: to carry out*
8 *the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–*
9 *i), \$236,334,000; for grants for cooperative forestry research*
10 *(16 U.S.C. 582a through a–7), \$32,934,000; for payments*
11 *to eligible institutions (7 U.S.C. 3222), \$50,898,000, pro-*
12 *vided that each institution receives no less than \$1,000,000;*
13 *for special grants (7 U.S.C. 450i(c)), \$4,181,000; for com-*
14 *petitive grants on improved pest control (7 U.S.C. 450i(c)),*
15 *\$15,830,000; for competitive grants (7 U.S.C. 450(i)(b)),*
16 *\$265,987,000, to remain available until expended; for the*
17 *support of animal health and disease programs (7 U.S.C.*
18 *3195), \$2,944,000; for supplemental and alternative crops*
19 *and products (7 U.S.C. 3319d), \$833,000; for grants for re-*
20 *search pursuant to the Critical Agricultural Materials Act*
21 *(7 U.S.C. 178 et seq.), \$1,081,000, to remain available until*
22 *expended; for the 1994 research grants program for 1994*
23 *institutions pursuant to section 536 of Public Law 103–*
24 *382 (7 U.S.C. 301 note), \$1,801,000, to remain available*
25 *until expended; for rangeland research grants (7 U.S.C.*

1 3333), \$961,000; for higher education graduate fellowship
2 grants (7 U.S.C. 3152(b)(6)), \$3,774,000, to remain avail-
3 able until expended (7 U.S.C. 2209b); for a program pursu-
4 ant to section 1415A of the National Agricultural Research,
5 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
6 3151a), \$4,790,000, to remain available until expended; for
7 higher education challenge grants (7 U.S.C. 3152(b)(1)),
8 \$5,530,000; for a higher education multicultural scholars
9 program (7 U.S.C. 3152(b)(5)), \$1,239,000, to remain
10 available until expended (7 U.S.C. 2209b); for an education
11 grants program for Hispanic-serving Institutions (7 U.S.C.
12 3241), \$9,219,000; for competitive grants for the purpose
13 of carrying out all provisions of 7 U.S.C. 3156 to indi-
14 vidual eligible institutions or consortia of eligible institu-
15 tions in Alaska and in Hawaii, with funds awarded equally
16 to each of the States of Alaska and Hawaii, \$3,194,000;
17 for a secondary agriculture education program and 2-year
18 post-secondary education, (7 U.S.C. 3152(j)), \$981,000; for
19 aquaculture grants (7 U.S.C. 3322), \$3,920,000; for sus-
20 tainable agriculture research and education (7 U.S.C.
21 5811), \$14,471,000; for a program of capacity building
22 grants (7 U.S.C. 3152(b)(4)) to institutions eligible to re-
23 ceive funds under 7 U.S.C. 3221 and 3222, \$19,336,000,
24 to remain available until expended (7 U.S.C. 2209b); for
25 capacity building grants for non-land-grant colleges of agri-

1 *culture (7 U.S.C. 3319i), \$5,000,000, to remain available*
2 *until expended; for competitive grants for policy research*
3 *(7 U.S.C. 3155), \$4,000,000, which shall be obligated within*
4 *120 days of the enactment of this Act; for payments to the*
5 *1994 Institutions pursuant to section 534(a)(1) of Public*
6 *Law 103–382, \$3,335,000; for resident instruction grants*
7 *for insular areas under section 1491 of the National Agri-*
8 *cultural Research, Extension, and Teaching Policy Act of*
9 *1977 (7 U.S.C. 3363), \$898,000; for distance education*
10 *grants for insular areas under section 1490 of the National*
11 *Agricultural Research, Extension, and Teaching Policy Act*
12 *of 1977 (7 U.S.C. 3362), \$749,000; for a new era rural tech-*
13 *nology program pursuant to section 1473E of the National*
14 *Agricultural Research, Extension, and Teaching Policy Act*
15 *of 1977 (7 U.S.C. 3319e), \$856,000; for a competitive grants*
16 *program for farm business management and benchmarking*
17 *(7 U.S.C. 5925f), \$1,497,000; for a competitive grants pro-*
18 *gram regarding biobased energy (7 U.S.C. 8114),*
19 *\$2,246,000; and for necessary expenses of Research and*
20 *Education Activities, \$11,006,000, of which \$2,645,000 for*
21 *the Research, Education, and Economics Information Sys-*
22 *tem and \$2,089,000 for the Electronic Grants Information*
23 *System, are to remain available until expended.*

1 Act, \$9,918,000; payments for the farm safety program
2 under section 3(d) of the Act, \$4,610,000; payments for New
3 Technologies for Ag Extension under section 3(d) of the Act,
4 \$1,660,000; payments to upgrade research, extension, and
5 teaching facilities at institutions eligible to receive funds
6 under 7 U.S.C. 3221 and 3222, \$19,730,000, to remain
7 available until expended; payments for youth-at-risk pro-
8 grams under section 3(d) of the Smith-Lever Act,
9 \$7,975,000; for youth farm safety education and certifi-
10 cation extension grants, to be awarded competitively under
11 section 3(d) of the Act, \$461,000; payments for carrying
12 out the provisions of the Renewable Resources Extension Act
13 of 1978 (16 U.S.C. 1671 et seq.), \$3,929,000; payments for
14 the federally recognized Tribes Extension Program under
15 section 3(d) of the Smith-Lever Act, \$3,039,000; payments
16 for sustainable agriculture programs under section 3(d) of
17 the Act, \$4,696,000; payments for rural health and safety
18 education as authorized by section 502(i) of Public Law
19 92-419 (7 U.S.C. 2662(i)), \$1,735,000; payments for coop-
20 erative extension work by eligible institutions (7 U.S.C.
21 3221), \$42,592,000, provided that each institution receives
22 no less than \$1,000,000; payments to carry out the food ani-
23 mal residue avoidance database program as authorized by
24 7 U.S.C. 7642, \$1,000,000; payments to carry out section
25 1672(e)(49) of the Food, Agriculture, Conservation, and

1 *Trade Act of 1990 (7 U.S.C. 5925), as amended, \$400,000;*
2 *and for necessary expenses of Extension Activities,*
3 *\$8,388,000.*

4 *INTEGRATED ACTIVITIES*

5 *For the integrated research, education, and extension*
6 *grants programs, including necessary administrative ex-*
7 *penses, \$25,948,000, as follows: for competitive grants pro-*
8 *grams authorized under section 406 of the Agricultural Re-*
9 *search, Extension, and Education Reform Act of 1998 (7*
10 *U.S.C. 7626), \$17,964,000, including \$8,982,000 for the*
11 *water quality program, \$2,994,000 for regional pest man-*
12 *agement centers, \$1,996,000 for the methyl bromide transi-*
13 *tion program, and \$3,992,000 for the organic transition*
14 *program; for a competitive international science and edu-*
15 *cation grants program authorized under section 1459A of*
16 *the National Agricultural Research, Extension, and Teach-*
17 *ing Policy Act of 1977 (7 U.S.C. 3292b), to remain avail-*
18 *able until expended, \$998,000; \$998,000 for the regional*
19 *rural development centers program; and \$5,988,000 for the*
20 *Food and Agriculture Defense Initiative authorized under*
21 *section 1484 of the National Agricultural Research, Exten-*
22 *sion, and Teaching Policy Act of 1977, to remain available*
23 *until September 30, 2013.*

1 *OFFICE OF THE UNDER SECRETARY FOR MARKETING AND*
2 *REGULATORY PROGRAMS*

3 *For necessary expenses of the Office of the Under Sec-*
4 *retary for Marketing and Regulatory Programs, \$848,000.*

5 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*

6 *SALARIES AND EXPENSES*

7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For necessary expenses of the Animal and Plant*
9 *Health Inspection Service, including up to \$30,000 for rep-*
10 *resentation allowances and for expenses pursuant to the*
11 *Foreign Service Act of 1980 (22 U.S.C. 4085),*
12 *\$820,110,000, of which \$1,000,000, to be available until ex-*
13 *pended, shall be available for the control of outbreaks of in-*
14 *sects, plant diseases, animal diseases and for control of pest*
15 *animals and birds (“contingency fund”) to the extent nec-*
16 *essary to meet emergency conditions; of which \$17,848,000,*
17 *to remain available until expended, shall be used for the*
18 *cotton pests program for cost share purposes or for debt re-*
19 *tirement for active eradication zones; of which \$7,000,000,*
20 *to remain available until expended, shall be for Animal*
21 *Disease Traceability; of which \$891,000 shall be for activi-*
22 *ties under the authority of the Horse Protection Act of 1970,*
23 *as amended (15 U.S.C. 1831); of which \$48,733,000, to re-*
24 *main available until expended, shall be used to support*
25 *avian health; of which \$4,474,000, to remain available until*

1 expended, shall be for information technology infrastruc-
2 ture; of which \$153,950,000, to remain available until ex-
3 pended, shall be for specialty crop pests; of which
4 \$9,068,000, to remain available until expended, shall be for
5 field crop and rangeland ecosystem pests; of which
6 \$58,962,000, to remain available until expended, shall be
7 for tree and wood pests; of which \$3,568,000, to remain
8 available until expended, shall be for the National Veteri-
9 nary Stockpile; of which up to \$1,500,000, to remain avail-
10 able until expended, shall be for the scrapie program for
11 indemnities; of which \$1,000,000, to remain available until
12 expended, shall be for wildlife services methods development;
13 of which \$1,500,000, to remain available until expended,
14 shall be for the wildlife services damage management pro-
15 gram for aviation safety; and of which \$5,000,000, to re-
16 main available until expended, shall be for the screwworm
17 program: Provided further, That no funds shall be used to
18 formulate or administer a brucellosis eradication program
19 for the current fiscal year that does not require minimum
20 matching by the States of at least 40 percent: Provided fur-
21 ther, That this appropriation shall be available for the oper-
22 ation and maintenance of aircraft and the purchase of not
23 to exceed four, of which two shall be for replacement only:
24 Provided further, That, in addition, in emergencies which
25 threaten any segment of the agricultural production indus-

1 *try of this country, the Secretary may transfer from other*
2 *appropriations or funds available to the agencies or cor-*
3 *porations of the Department such sums as may be deemed*
4 *necessary, to be available only in such emergencies for the*
5 *arrest and eradication of contagious or infectious disease*
6 *or pests of animals, poultry, or plants, and for expenses*
7 *in accordance with sections 10411 and 10417 of the Animal*
8 *Health Protection Act (7 U.S.C. 8310 and 8316) and sec-*
9 *tions 431 and 442 of the Plant Protection Act (7 U.S.C.*
10 *7751 and 7772), and any unexpended balances of funds*
11 *transferred for such emergency purposes in the preceding*
12 *fiscal year shall be merged with such transferred amounts:*
13 *Provided further, That appropriations hereunder shall be*
14 *available pursuant to law (7 U.S.C. 2250) for the repair*
15 *and alteration of leased buildings and improvements, but*
16 *unless otherwise provided the cost of altering any one build-*
17 *ing during the fiscal year shall not exceed 10 percent of*
18 *the current replacement value of the building.*

19 *In fiscal year 2012, the agency is authorized to collect*
20 *fees to cover the total costs of providing technical assistance,*
21 *goods, or services requested by States, other political sub-*
22 *divisions, domestic and international organizations, foreign*
23 *governments, or individuals, provided that such fees are*
24 *structured such that any entity's liability for such fees is*
25 *reasonably based on the technical assistance, goods, or serv-*

1 *ices provided to the entity by the agency, and such fees shall*
2 *be reimbursed to this account, to remain available until ex-*
3 *pended, without further appropriation, for providing such*
4 *assistance, goods, or services.*

5 *BUILDINGS AND FACILITIES*

6 *For plans, construction, repair, preventive mainte-*
7 *nance, environmental support, improvement, extension, al-*
8 *teration, and purchase of fixed equipment or facilities, as*
9 *authorized by 7 U.S.C. 2250, and acquisition of land as*
10 *authorized by 7 U.S.C. 428a, \$3,176,000, to remain avail-*
11 *able until expended.*

12 *AGRICULTURAL MARKETING SERVICE*

13 *MARKETING SERVICES*

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

21 *Fees may be collected for the cost of standardization*
22 *activities, as established by regulation pursuant to law (31*
23 *U.S.C. 9701).*

1 *GRAIN INSPECTION, PACKERS AND STOCKYARDS*2 *ADMINISTRATION*3 *SALARIES AND EXPENSES*

4 *For necessary expenses of the Grain Inspection, Pack-*
5 *ers and Stockyards Administration, \$38,248,000: Provided,*
6 *That this appropriation shall be available pursuant to law*
7 *(7 U.S.C. 2250) for the alteration and repair of buildings*
8 *and improvements, but the cost of altering any one building*
9 *during the fiscal year shall not exceed 10 percent of the cur-*
10 *rent replacement value of the building.*

11 *LIMITATION ON INSPECTION AND WEIGHING SERVICES*12 *EXPENSES*

13 *Not to exceed \$50,000,000 (from fees collected) shall be*
14 *obligated during the current fiscal year for inspection and*
15 *weighing services: Provided, That if grain export activities*
16 *require additional supervision and oversight, or other un-*
17 *controllable factors occur, this limitation may be exceeded*
18 *by up to 10 percent with notification to the Committees*
19 *on Appropriations of both Houses of Congress.*

20 *OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY*

21 *For necessary expenses of the Office of the Under Sec-*
22 *retary for Food Safety, \$770,000.*

23 *FOOD SAFETY AND INSPECTION SERVICE*

24 *For necessary expenses to carry out services authorized*
25 *by the Federal Meat Inspection Act, the Poultry Products*

1 *Inspection Act, and the Egg Products Inspection Act, in-*
2 *cluding not to exceed \$50,000 for representation allowances*
3 *and for expenses pursuant to section 8 of the Act approved*
4 *August 3, 1956 (7 U.S.C. 1766), \$1,006,503,000; and in*
5 *addition, \$1,000,000 may be credited to this account from*
6 *fees collected for the cost of laboratory accreditation as au-*
7 *thorized by section 1327 of the Food, Agriculture, Conserva-*
8 *tion and Trade Act of 1990 (7 U.S.C. 138f): Provided, That*
9 *funds provided for the Public Health Data Communication*
10 *Infrastructure system shall remain available until ex-*
11 *pende: Provided further, That no fewer than 148 full-time*
12 *equivalent positions shall be employed during fiscal year*
13 *2012 for purposes dedicated solely to inspections and en-*
14 *forcement related to the Humane Methods of Slaughter Act:*
15 *Provided further, That the Food Safety and Inspection*
16 *Service shall continue implementation of section 11016 of*
17 *Public Law 110–246: Provided further, That this appro-*
18 *priation shall be available pursuant to law (7 U.S.C. 2250)*
19 *for the alteration and repair of buildings and improve-*
20 *ments, but the cost of altering any one building during the*
21 *fiscal year shall not exceed 10 percent of the current replace-*
22 *ment value of the building.*

1 *OFFICE OF THE UNDER SECRETARY FOR FARM AND*
2 *FOREIGN AGRICULTURAL SERVICES*

3 *For necessary expenses of the Office of the Under Sec-*
4 *retary for Farm and Foreign Agricultural Services,*
5 *\$848,000.*

6 *FARM SERVICE AGENCY*
7 *SALARIES AND EXPENSES*
8 *(INCLUDING TRANSFERS OF FUNDS)*

9 *For necessary expenses of the Farm Service Agency,*
10 *\$1,181,781,000: Provided, That the Secretary is authorized*
11 *to use the services, facilities, and authorities (but not the*
12 *funds) of the Commodity Credit Corporation to make pro-*
13 *gram payments for all programs administered by the Agen-*
14 *cy: Provided further, That other funds made available to*
15 *the Agency for authorized activities may be advanced to and*
16 *merged with this account: Provided further, That funds*
17 *made available to county committees shall remain available*
18 *until expended.*

19 *STATE MEDIATION GRANTS*

20 *For grants pursuant to section 502(b) of the Agricul-*
21 *tural Credit Act of 1987, as amended (7 U.S.C. 5101–5106),*
22 *\$3,759,000.*

23 *GRASSROOTS SOURCE WATER PROTECTION PROGRAM*

24 *For necessary expenses to carry out wellhead or*
25 *groundwater protection activities under section 12400 of*

1 *the Food Security Act of 1985 (16 U.S.C. 3839bb–2),*
2 *\$3,817,000, to remain available until expended.*

3 *DAIRY INDEMNITY PROGRAM*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses involved in making indemnity*
6 *payments to dairy farmers and manufacturers of dairy*
7 *products under a dairy indemnity program, such sums as*
8 *may be necessary, to remain available until expended: Pro-*
9 *vided, That such program is carried out by the Secretary*
10 *in the same manner as the dairy indemnity program de-*
11 *scribed in the Agriculture, Rural Development, Food and*
12 *Drug Administration, and Related Agencies Appropria-*
13 *tions Act, 2001 (Public Law 106–387, 114 Stat. 1549A–*
14 *12).*

15 *AGRICULTURAL CREDIT INSURANCE FUND PROGRAM*

16 *ACCOUNT*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For gross obligations for the principal amount of di-*
19 *rect and guaranteed farm ownership (7 U.S.C. 1922 et seq.)*
20 *and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe*
21 *land acquisition loans (25 U.S.C. 488), boll weevil loans*
22 *(7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C.*
23 *1924 et seq.), and Indian highly fractionated land loans*
24 *(25 U.S.C. 488), to be available from funds in the Agricul-*
25 *tural Credit Insurance Fund, as follows: farm ownership*

1 loans, \$1,975,000,000, of which \$1,500,000,000 shall be for
2 unsubsidized guaranteed loans and \$475,000,000 shall be
3 for direct loans; operating loans, \$2,519,982,000, of which
4 \$1,500,000,000 shall be for unsubsidized guaranteed loans,
5 and \$1,019,982,000 shall be for direct loans; Indian tribe
6 land acquisition loans, \$2,000,000; guaranteed conservation
7 loans, \$150,000,000; Indian highly fractionated land loans,
8 \$10,000,000; and for boll weevil eradication program loans,
9 \$100,000,000: Provided, That the Secretary shall deem the
10 pink bollworm to be a boll weevil for the purpose of boll
11 weevil eradication program loans.

12 For the cost of direct and guaranteed loans, including
13 the cost of modifying loans as defined in section 502 of the
14 Congressional Budget Act of 1974, as follows: direct farm
15 ownership loans, \$22,800,000; operating loans,
16 \$83,525,000, of which \$26,100,000 shall be for unsubsidized
17 guaranteed loans, and \$57,425,000 shall be for direct loans;
18 and Indian highly fractionated land loans, \$193,000.

19 In addition, for administrative expenses necessary to
20 carry out the direct and guaranteed loan programs,
21 \$297,237,000, of which \$289,728,000 shall be transferred to
22 and merged with the appropriation for “Farm Service
23 Agency, Salaries and Expenses”.

24 Funds appropriated by this Act to the Agricultural
25 Credit Insurance Fund Program Account for farm owner-

1 *ship, operating and conservation direct loans and guaran-*
2 *teed loans may be transferred among these programs: Pro-*
3 *vided, That the Committees on Appropriations of both*
4 *Houses of Congress are notified at least 15 days in advance*
5 *of any transfer.*

6 *RISK MANAGEMENT AGENCY*

7 *For necessary expenses of the Risk Management Agen-*
8 *cy, \$74,900,000: Provided, That the funds made available*
9 *under section 522(e) of the Federal Crop Insurance Act (7*
10 *U.S.C. 1522(e)) may be used for the Common Information*
11 *Management System: Provided further, That not to exceed*
12 *\$1,000 shall be available for official reception and represen-*
13 *tation expenses, as authorized by 7 U.S.C. 1506(i).*

14 *CORPORATIONS*

15 *The following corporations and agencies are hereby au-*
16 *thorized to make expenditures, within the limits of funds*
17 *and borrowing authority available to each such corporation*
18 *or agency and in accord with law, and to make contracts*
19 *and commitments without regard to fiscal year limitations*
20 *as provided by section 104 of the Government Corporation*
21 *Control Act as may be necessary in carrying out the pro-*
22 *grams set forth in the budget for the current fiscal year for*
23 *such corporation or agency, except as hereinafter provided.*

1 *FEDERAL CROP INSURANCE CORPORATION FUND*

2 *For payments as authorized by section 516 of the Fed-*
3 *eral Crop Insurance Act (7 U.S.C. 1516), such sums as may*
4 *be necessary, to remain available until expended.*

5 *COMMODITY CREDIT CORPORATION FUND*

6 *REIMBURSEMENT FOR NET REALIZED LOSSES*

7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For the current fiscal year, such sums as may be nec-*
9 *essary to reimburse the Commodity Credit Corporation for*
10 *net realized losses sustained, but not previously reimbursed,*
11 *pursuant to section 2 of the Act of August 17, 1961 (15*
12 *U.S.C. 713a-11): Provided, That of the funds available to*
13 *the Commodity Credit Corporation under section 11 of the*
14 *Commodity Credit Corporation Charter Act (15 U.S.C.*
15 *714i) for the conduct of its business with the Foreign Agri-*
16 *cultural Service, up to \$5,000,000 may be transferred to*
17 *and used by the Foreign Agricultural Service for informa-*
18 *tion resource management activities of the Foreign Agricul-*
19 *tural Service that are not related to Commodity Credit Cor-*
20 *poration business.*

21 *HAZARDOUS WASTE MANAGEMENT*

22 *(LIMITATION ON EXPENSES)*

23 *For the current fiscal year, the Commodity Credit Cor-*
24 *poration shall not expend more than \$5,000,000 for site in-*
25 *vestigation and cleanup expenses, and operations and*

1 *maintenance expenses to comply with the requirement of*
2 *section 107(g) of the Comprehensive Environmental Re-*
3 *sponse, Compensation, and Liability Act (42 U.S.C.*
4 *9607(g)), and section 6001 of the Resource Conservation*
5 *and Recovery Act (42 U.S.C. 6961).*

6 *TITLE II*

7 *CONSERVATION PROGRAMS*

8 *OFFICE OF THE UNDER SECRETARY FOR NATURAL*
9 *RESOURCES AND ENVIRONMENT*

10 *For necessary expenses of the Office of the Under Sec-*
11 *retary for Natural Resources and Environment, \$848,000.*

12 *NATURAL RESOURCES CONSERVATION SERVICE*

13 *CONSERVATION OPERATIONS*

14 *For necessary expenses for carrying out the provisions*
15 *of the Act of April 27, 1935 (16 U.S.C. 590a–f), including*
16 *preparation of conservation plans and establishment of*
17 *measures to conserve soil and water (including farm irriga-*
18 *tion and land drainage and such special measures for soil*
19 *and water management as may be necessary to prevent*
20 *floods and the siltation of reservoirs and to control agricul-*
21 *tural related pollutants); operation of conservation plant*
22 *materials centers; classification and mapping of soil; dis-*
23 *semination of information; acquisition of lands, water, and*
24 *interests therein for use in the plant materials program by*
25 *donation, exchange, or purchase at a nominal cost not to*

1 *exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C.*
2 *428a); purchase and erection or alteration or improvement*
3 *of permanent and temporary buildings; and operation and*
4 *maintenance of aircraft, \$828,159,000, to remain available*
5 *until September 30, 2013: Provided, That appropriations*
6 *hereunder shall be available pursuant to 7 U.S.C. 2250 for*
7 *construction and improvement of buildings and public im-*
8 *provements at plant materials centers, except that the cost*
9 *of alterations and improvements to other buildings and*
10 *other public improvements shall not exceed \$250,000: Pro-*
11 *vided further, That when buildings or other structures are*
12 *erected on non-Federal land, that the right to use such land*
13 *is obtained as provided in 7 U.S.C. 2250a.*

14 *TITLE III*

15 *RURAL DEVELOPMENT PROGRAMS*

16 *OFFICE OF THE UNDER SECRETARY FOR RURAL*

17 *DEVELOPMENT*

18 *For necessary expenses of the Office of the Under Sec-*
19 *retary for Rural Development, \$848,000.*

20 *RURAL DEVELOPMENT SALARIES AND EXPENSES*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *For necessary expenses for carrying out the adminis-*
23 *tration and implementation of programs in the Rural De-*
24 *velopment mission area, including activities with institu-*
25 *tions concerning the development and operation of agricul-*

1 *tural cooperatives; and for cooperative agreements;*
 2 *\$182,023,000: Provided, That notwithstanding any other*
 3 *provision of law, funds appropriated under this section*
 4 *may be used for advertising and promotional activities that*
 5 *support the Rural Development mission area: Provided fur-*
 6 *ther, That not more than \$5,000 may be expended to pro-*
 7 *vide modest nonmonetary awards to non-USDA employees:*
 8 *Provided further, That any balances available from prior*
 9 *years for the Rural Utilities Service, Rural Housing Serv-*
 10 *ice, and the Rural Business—Cooperative Service salaries*
 11 *and expenses accounts shall be transferred to and merged*
 12 *with this appropriation.*

13 *RURAL HOUSING SERVICE*

14 *RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT*

15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For gross obligations for the principal amount of di-*
 17 *rect and guaranteed loans as authorized by title V of the*
 18 *Housing Act of 1949, to be available from funds in the rural*
 19 *housing insurance fund, as follows: \$24,900,000,000 for*
 20 *loans to section 502 borrowers, of which \$900,000,000 shall*
 21 *be for direct loans, and of which \$24,000,000,000 shall be*
 22 *for unsubsidized guaranteed loans; \$10,000,000 for section*
 23 *504 housing repair loans; \$64,478,000 for section 515 rental*
 24 *housing; \$130,000,000 for section 538 guaranteed multi-*
 25 *family housing loans; \$10,000,000 for credit sales of single*

1 *family housing acquired property; and \$5,000,000 for sec-*
2 *tion 523 self-help housing land development loans.*

3 *For the cost of direct and guaranteed loans, including*
4 *the cost of modifying loans, as defined in section 502 of*
5 *the Congressional Budget Act of 1974, as follows: section*
6 *502 loans, \$42,570,000 shall be for direct loans; section 504*
7 *housing repair loans, \$1,421,000; and repair, rehabilita-*
8 *tion, and new construction of section 515 rental housing,*
9 *\$22,000,000: Provided, That hereafter, the Secretary may*
10 *charge a guarantee fee of up to 4 percent on section 502*
11 *guaranteed loans: Provided further, That to support the*
12 *loan program level for section 538 guaranteed loans made*
13 *available under this heading the Secretary may charge or*
14 *adjust any fees to cover the projected cost of such loan guar-*
15 *antees pursuant to the provisions of the Credit Reform Act*
16 *of 1990 (2 U.S.C. 661 et seq.), and the interest on such*
17 *loans may not be subsidized: Provided further, That of the*
18 *total amount appropriated in this paragraph, the amount*
19 *equal to the amount of Rural Housing Insurance Fund Pro-*
20 *gram Account funds allocated by the Secretary for Rural*
21 *Economic Area Partnership Zones for the fiscal year 2011,*
22 *shall be available through June 30, 2012, for communities*
23 *designated by the Secretary of Agriculture as Rural Eco-*
24 *nomie Area Partnership Zones: Provided further, That any*
25 *balances for a demonstration program for the preservation*

1 *and revitalization of the section 515 multi-family rental*
2 *housing properties as authorized by Public Law 109–97,*
3 *Public Law 110–5, and Public Law 111–80 shall be trans-*
4 *ferred to and merged with the “Rural Housing Service,*
5 *Multi-family Housing Revitalization Program Account”.*

6 *In addition, for the cost of direct loans, grants, and*
7 *contracts, as authorized by 42 U.S.C. 1484 and 1486,*
8 *\$16,000,000, to remain available until expended, for direct*
9 *farm labor housing loans and domestic farm labor housing*
10 *grants and contracts: Provided, That any balances avail-*
11 *able for the Farm Labor Program Account shall be trans-*
12 *ferred and merged with this account.*

13 *In addition, for administrative expenses necessary to*
14 *carry out the direct and guaranteed loan programs,*
15 *\$430,800,000 shall be transferred to and merged with the*
16 *appropriation for “Rural Development, Salaries and Ex-*
17 *penses”.*

18 *RENTAL ASSISTANCE PROGRAM*

19 *For rental assistance agreements entered into or re-*
20 *newed pursuant to the authority under section 521(a)(2)*
21 *or agreements entered into in lieu of debt forgiveness or*
22 *payments for eligible households as authorized by section*
23 *502(c)(5)(D) of the Housing Act of 1949, \$904,653,000;*
24 *and, in addition, such sums as may be necessary, as author-*
25 *ized by section 521(c) of the Act, to liquidate debt incurred*

1 prior to fiscal year 1992 to carry out the rental assistance
2 program under section 521(a)(2) of the Act: Provided, That
3 of this amount not less than \$2,000,000 is available for
4 newly constructed units financed by section 515 of the
5 Housing Act of 1949, and not less than \$2,000,000 is for
6 newly constructed units financed under sections 514 and
7 516 of the Housing Act of 1949: Provided further, That
8 rental assistance agreements entered into or renewed during
9 the current fiscal year shall be funded for a 1-year period:
10 Provided further, That any unexpended balances remaining
11 at the end of such 1-year agreements may be transferred
12 and used for the purposes of any debt reduction; mainte-
13 nance, repair, or rehabilitation of any existing projects;
14 preservation; and rental assistance activities authorized
15 under title V of the Act: Provided further, That rental as-
16 sistance provided under agreements entered into prior to
17 fiscal year 2012 for a farm labor multi-family housing
18 project financed under section 514 or 516 of the Act may
19 not be recaptured for use in another project until such as-
20 sistance has remained unused for a period of 12 consecutive
21 months, if such project has a waiting list of tenants seeking
22 such assistance or the project has rental assistance eligible
23 tenants who are not receiving such assistance: Provided fur-
24 ther, That such recaptured rental assistance shall, to the
25 extent practicable, be applied to another farm labor multi-

1 *family housing project financed under section 514 or 516*
2 *of the Act.*

3 *MULTI-FAMILY HOUSING REVITALIZATION PROGRAM*

4 *ACCOUNT*

5 *For the rural housing voucher program as authorized*
6 *under section 542 of the Housing Act of 1949, but notwith-*
7 *standing subsection (b) of such section, and for additional*
8 *costs to conduct a demonstration program for the preserva-*
9 *tion and revitalization of multi-family rental housing prop-*
10 *erties described in this paragraph, \$13,000,000, to remain*
11 *available until expended: Provided, That of the funds made*
12 *available under this heading, \$11,000,000, shall be avail-*
13 *able for rural housing vouchers to any low-income household*
14 *(including those not receiving rental assistance) residing in*
15 *a property financed with a section 515 loan which has been*
16 *prepaid after September 30, 2005: Provided further, That*
17 *the amount of such voucher shall be the difference between*
18 *comparable market rent for the section 515 unit and the*
19 *tenant paid rent for such unit: Provided further, That funds*
20 *made available for such vouchers shall be subject to the*
21 *availability of annual appropriations: Provided further,*
22 *That the Secretary shall, to the maximum extent prac-*
23 *ticable, administer such vouchers with current regulations*
24 *and administrative guidance applicable to section 8 hous-*
25 *ing vouchers administered by the Secretary of the Depart-*

1 *ment of Housing and Urban Development: Provided fur-*
2 *ther, That if the Secretary determines that the amount*
3 *made available for vouchers in this or any other Act is not*
4 *needed for vouchers, the Secretary may use such funds for*
5 *the demonstration program for the preservation and revital-*
6 *ization of multi-family rental housing properties described*
7 *in this paragraph: Provided further, That of the funds made*
8 *available under this heading, \$2,000,000 shall be available*
9 *for a demonstration program for the preservation and revi-*
10 *talization of the sections 514, 515, and 516 multi-family*
11 *rental housing properties to restructure existing USDA*
12 *multi-family housing loans, as the Secretary deems appro-*
13 *priate, expressly for the purposes of ensuring the project has*
14 *sufficient resources to preserve the project for the purpose*
15 *of providing safe and affordable housing for low-income*
16 *residents and farm laborers including reducing or elimi-*
17 *nating interest; deferring loan payments, subordinating, re-*
18 *ducing or reamortizing loan debt; and other financial as-*
19 *sistance including advances, payments and incentives (in-*
20 *cluding the ability of owners to obtain reasonable returns*
21 *on investment) required by the Secretary: Provided further,*
22 *That the Secretary shall as part of the preservation and*
23 *revitalization agreement obtain a restrictive use agreement*
24 *consistent with the terms of the restructuring: Provided fur-*
25 *ther, That if the Secretary determines that additional funds*

1 *for vouchers described in this paragraph are needed, funds*
2 *for the preservation and revitalization demonstration pro-*
3 *gram may be used for such vouchers: Provided further, That*
4 *if Congress enacts legislation to permanently authorize a*
5 *multi-family rental housing loan restructuring program*
6 *similar to the demonstration program described herein, the*
7 *Secretary may use funds made available for the demonstra-*
8 *tion program under this heading to carry out such legisla-*
9 *tion with the prior approval of the Committees on Appro-*
10 *priations of both Houses of Congress: Provided further, That*
11 *in addition to any other available funds, the Secretary may*
12 *expend not more than \$1,000,000 total, from the program*
13 *funds made available under this heading, for administra-*
14 *tive expenses for activities funded under this heading.*

15 *MUTUAL AND SELF-HELP HOUSING GRANTS*

16 *For grants and contracts pursuant to section*
17 *523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c),*
18 *\$30,000,000, to remain available until expended: Provided,*
19 *That of the total amount appropriated under this heading,*
20 *the amount equal to the amount of Mutual and Self- Help*
21 *Housing Grants allocated by the Secretary for Rural Eco-*
22 *nomic Area Partnership Zones for the fiscal year 2011,*
23 *shall be available through June 30, 2012, for communities*
24 *designated by the Secretary of Agriculture as Rural Eco-*
25 *nomic Area Partnership Zones.*

1 RURAL HOUSING ASSISTANCE GRANTS

2 (INCLUDING TRANSFER OF FUNDS)

3 *For grants and contracts for very low-income housing*
4 *repair, supervisory and technical assistance, compensation*
5 *for construction defects, and rural housing preservation*
6 *made by the Rural Housing Service, as authorized by 42*
7 *U.S.C. 1474, 1479(c), 1490e, and 1490m, \$34,271,000, to*
8 *remain available until expended: Provided, That of the total*
9 *amount appropriated under this heading, the amount equal*
10 *to the amount of Rural Housing Assistance Grants allo-*
11 *cated by the Secretary for Rural Economic Area Partner-*
12 *ship Zones for the fiscal year 2011, shall be available*
13 *through June 30, 2012, for communities designated by the*
14 *Secretary of Agriculture as Rural Economic Area Partner-*
15 *ship Zones: Provided further, That any balances to carry*
16 *out a housing demonstration program to provide revolving*
17 *loans for the preservation of low-income multi-family hous-*
18 *ing projects as authorized in Public Law 108–447 and Pub-*
19 *lic Law 109–97 shall be transferred to and merged with*
20 *the “Rural Housing Service, Multi-family Housing Revital-*
21 *ization Program Account”.*

22 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

23 (INCLUDING TRANSFERS OF FUNDS)

24 *For gross obligations for the principal amount of di-*
25 *rect loans as authorized by section 306 and described in*

1 *section 381E(d)(1) of the Consolidated Farm and Rural De-*
2 *velopment Act, \$1,300,000,000.*

3 *For the cost of grants for rural community facilities*
4 *programs as authorized by section 306 and described in sec-*
5 *tion 381E(d)(1) of the Consolidated Farm and Rural Devel-*
6 *opment Act, \$26,274,000, to remain available until ex-*
7 *pendent: Provided, That \$4,242,000 of the amount appro-*
8 *priated under this heading shall be available for a Rural*
9 *Community Development Initiative: Provided further, That*
10 *such funds shall be used solely to develop the capacity and*
11 *ability of private, nonprofit community-based housing and*
12 *community development organizations, low-income rural*
13 *communities, and Federally Recognized Native American*
14 *Tribes to undertake projects to improve housing, community*
15 *facilities, community and economic development projects in*
16 *rural areas: Provided further, That such funds shall be*
17 *made available to qualified private, nonprofit and public*
18 *intermediary organizations proposing to carry out a pro-*
19 *gram of financial and technical assistance: Provided fur-*
20 *ther, That such intermediary organizations shall provide*
21 *matching funds from other sources, including Federal funds*
22 *for related activities, in an amount not less than funds pro-*
23 *vided: Provided further, That \$5,938,000 of the amount ap-*
24 *propriated under this heading shall be to provide grants*
25 *for facilities in rural communities with extreme unemploy-*

1 *ment and severe economic depression (Public Law 106–*
2 *387), with up to 5 percent for administration and capacity*
3 *building in the State rural development offices: Provided*
4 *further, That \$3,369,000 of the amount appropriated under*
5 *this heading shall be available for community facilities*
6 *grants to tribal colleges, as authorized by section 306(a)(19)*
7 *of such Act: Provided further, That of the amount appro-*
8 *priated under this heading, the amount equal to the amount*
9 *of Rural Community Facilities Program Account funds al-*
10 *located by the Secretary for Rural Economic Area Partner-*
11 *ship Zones for the fiscal year 2011, shall be available*
12 *through June 30, 2012, for communities designated by the*
13 *Secretary of Agriculture as Rural Economic Area Partner-*
14 *ship Zones for the rural community programs described in*
15 *section 381E(d)(1) of the Consolidated Farm and Rural De-*
16 *velopment Act: Provided further, That sections 381E–H and*
17 *381N of the Consolidated Farm and Rural Development Act*
18 *are not applicable to the funds made available under this*
19 *heading: Provided further, That any prior balances in the*
20 *Rural Development, Rural Community Advancement Pro-*
21 *gram account for programs authorized by section 306 and*
22 *described in section 381E(d)(1) of such Act be transferred*
23 *and merged with this account and any other prior balances*
24 *from the Rural Development, Rural Community Advance-*

1 *ment Program account that the Secretary determines is ap-*
2 *propriate to transfer.*

3 *RURAL BUSINESS—COOPERATIVE SERVICE*

4 *RURAL BUSINESS PROGRAM ACCOUNT*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For the cost of loan guarantees and grants, for the*
7 *rural business development programs authorized by sections*
8 *306 and 310B and described in sections 310B(f) and*
9 *381E(d)(3) of the Consolidated Farm and Rural Develop-*
10 *ment Act, \$79,665,000, to remain available until expended:*
11 *Provided, That of the amount appropriated under this*
12 *heading, not to exceed \$475,000 shall be made available for*
13 *a grant to a qualified national organization to provide tech-*
14 *nical assistance for rural transportation in order to pro-*
15 *mote economic development and \$2,900,000 shall be for*
16 *grants to the Delta Regional Authority (7 U.S.C. 2009aa*
17 *et seq.) for any Rural Community Advancement Program*
18 *purpose as described in section 381E(d) of the Consolidated*
19 *Farm and Rural Development Act, of which not more than*
20 *5 percent may be used for administrative expenses: Pro-*
21 *vided further, That \$4,000,000 of the amount appropriated*
22 *under this heading shall be for business grants to benefit*
23 *Federally Recognized Native American Tribes, including*
24 *\$250,000 for a grant to a qualified national organization*
25 *to provide technical assistance for rural transportation in*

1 *order to promote economic development: Provided further,*
2 *That of the amount appropriated under this heading, the*
3 *amount equal to the amount of Rural Business Program*
4 *Account funds allocated by the Secretary for Rural Eco-*
5 *nomie Area Partnership Zones for the fiscal year 2011,*
6 *shall be available through June 30, 2012, for communities*
7 *designated by the Secretary of Agriculture as Rural Eco-*
8 *nomie Area Partnership Zones for the rural business and*
9 *cooperative development programs described in section*
10 *381E(d)(3) of the Consolidated Farm and Rural Develop-*
11 *ment Act: Provided further, That sections 381E–H and*
12 *381N of the Consolidated Farm and Rural Development Act*
13 *are not applicable to funds made available under this head-*
14 *ing: Provided further, That any prior balances in the Rural*
15 *Development, Rural Community Advancement Program ac-*
16 *count for programs authorized by sections 306 and 310B*
17 *and described in sections 310B(f) and 381E(d)(3) of such*
18 *Act be transferred and merged with this account and any*
19 *other prior balances from the Rural Development, Rural*
20 *Community Advancement Program account that the Sec-*
21 *retary determines is appropriate to transfer.*

22 *RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For the principal amount of direct loans, as authorized*
25 *by the Rural Development Loan Fund (42 U.S.C. 9812(a)),*

1 \$20,661,000. For the cost of direct loans, \$7,000,000, as au-
2 thorized by the Rural Development Loan Fund (42 U.S.C.
3 9812(a)), of which \$1,000,000 shall be available through
4 June 30, 2012, for Federally Recognized Native American
5 Tribes and of which \$2,000,000 shall be available through
6 June 30, 2012, for Mississippi Delta Region counties (as
7 determined in accordance with Public Law 100–460): Pro-
8 vided, That such costs, including the cost of modifying such
9 loans, shall be as defined in section 502 of the Congressional
10 Budget Act of 1974: Provided further, That of the total
11 amount appropriated under this heading, the amount equal
12 to the amount of Rural Development Loan Fund Program
13 Account funds allocated by the Secretary for Rural Eco-
14 nomic Area Partnership Zones for the fiscal year 2011,
15 shall be available through June 30, 2012, for communities
16 designated by the Secretary of Agriculture as Rural Eco-
17 nomic Area Partnership Zones.

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

1 *grants, as authorized by section 231 of the Agricultural*
 2 *Risk Protection Act of 2000 (7 U.S.C. 1621 note).*

3 *RURAL ENERGY FOR AMERICA PROGRAM*

4 *For the cost of a program of loan guarantees and*
 5 *grants, under the same terms and conditions as authorized*
 6 *by section 9007 of the Farm Security and Rural Investment*
 7 *Act of 2002 (7 U.S.C. 8107), \$4,500,000: Provided, That*
 8 *the cost of loan guarantees, including the cost of modifying*
 9 *such loans, shall be as defined in section 502 of the Congres-*
 10 *sional Budget Act of 1974.*

11 *RURAL UTILITIES SERVICE*

12 *RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT*

13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For the cost of direct loans, loan guarantees, and*
 15 *grants for the rural water, waste water, waste disposal, and*
 16 *solid waste management programs authorized by sections*
 17 *306, 306A, 306C, 306D, 306E, and 310B and described in*
 18 *sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the*
 19 *Consolidated Farm and Rural Development Act,*
 20 *\$509,295,000, to remain available until expended, of which*
 21 *not to exceed \$422,000 shall be available for the rural utili-*
 22 *ties program described in section 306(a)(2)(B) of such Act,*
 23 *and of which not to exceed \$844,000 shall be available for*
 24 *the rural utilities program described in section 306E of*
 25 *such Act: Provided, That \$67,200,000 of the amount appro-*

1 *priated under this heading shall be for loans and grants*
2 *including water and waste disposal systems grants author-*
3 *ized by 306C(a)(2)(B) and 306D of the Consolidated Farm*
4 *and Rural Development Act, Federally recognized Native*
5 *American Tribes authorized by 306C(a)(1), and the Depart-*
6 *ment of Hawaiian Home Lands (of the State of Hawaii):*
7 *Provided further, That funding provided for section 306D*
8 *of the Consolidated Farm and Rural Development Act may*
9 *be provided to a consortium formed pursuant to section 325*
10 *of Public Law 105–83: Provided further, That not more*
11 *than 2 percent of the funding provided for section 306D*
12 *of the Consolidated Farm and Rural Development Act may*
13 *be used by the State of Alaska for training and technical*
14 *assistance programs and not more than 2 percent of the*
15 *funding provided for section 306D of the Consolidated*
16 *Farm and Rural Development Act may be used by a consor-*
17 *tium formed pursuant to section 325 of Public Law 105–*
18 *83 for training and technical assistance programs: Pro-*
19 *vided further, That not to exceed \$19,000,000 of the amount*
20 *appropriated under this heading shall be for technical as-*
21 *sistance grants for rural water and waste systems pursuant*
22 *to section 306(a)(14) of such Act, unless the Secretary*
23 *makes a determination of extreme need, of which \$5,750,000*
24 *shall be made available for a grant to a qualified non-profit*
25 *multi-state regional technical assistance organization, with*

1 *experience in working with small communities on water*
2 *and waste water problems, the principal purpose of such*
3 *grant shall be to assist rural communities with populations*
4 *of 3,300 or less, in improving the planning, financing, de-*
5 *velopment, operation, and management of water and waste*
6 *water systems, and of which not less than \$800,000 shall*
7 *be for a qualified national Native American organization*
8 *to provide technical assistance for rural water systems for*
9 *tribal communities: Provided further, That not to exceed*
10 *\$15,000,000 of the amount appropriated under this heading*
11 *shall be for contracting with qualified national organiza-*
12 *tions for a circuit rider program to provide technical assist-*
13 *ance for rural water systems: Provided further, That of the*
14 *amount appropriated under this heading, the amount equal*
15 *to the amount of Rural Water and Waste Disposal Program*
16 *Account funds allocated by the Secretary for Rural Eco-*
17 *nomie Area Partnership Zones for the fiscal year 2011,*
18 *shall be available through June 30, 2012, for communities*
19 *designated by the Secretary of Agriculture as Rural Eco-*
20 *nomie Area Partnership Zones for the rural utilities pro-*
21 *grams described in section 381E(d)(2) of the Consolidated*
22 *Farm and Rural Development Act: Provided further, That*
23 *\$10,000,000 of the amount appropriated under this heading*
24 *shall be transferred to, and merged with, the Rural Utilities*
25 *Service, High Energy Cost Grants Account to provide*

1 *grants authorized under section 19 of the Rural Electrifica-*
 2 *tion Act of 1936 (7 U.S.C. 918a): Provided further, That*
 3 *any prior year balances for high cost energy grants author-*
 4 *ized by section 19 of the Rural Electrification Act of 1936*
 5 *(7 U.S.C. 918a) shall be transferred to and merged with*
 6 *the Rural Utilities Service, High Energy Costs Grants Ac-*
 7 *count: Provided further, That sections 381E–H and 381N*
 8 *of the Consolidated Farm and Rural Development Act are*
 9 *not applicable to the funds made available under this head-*
 10 *ing: Provided further, That any prior balances in the Rural*
 11 *Development, Rural Community Advancement Program ac-*
 12 *count programs authorized by sections 306, 306A, 306C,*
 13 *306D, 306E, and 310B and described in sections*
 14 *306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be*
 15 *transferred to and merged with this account and any other*
 16 *prior balances from the Rural Development, Rural Commu-*
 17 *nity Advancement Program account that the Secretary de-*
 18 *termines is appropriate to transfer.*

19 *RURAL ELECTRIFICATION AND TELECOMMUNICATIONS*

20 *LOANS PROGRAM ACCOUNT*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *The principal amount of direct and guaranteed loans*
 23 *as authorized by sections 305 and 306 of the Rural Elec-*
 24 *trification Act of 1936 (7 U.S.C. 935 and 936) shall be*
 25 *made as follows: 5 percent rural electrification loans,*

1 *For grants for telemedicine and distance learning serv-*
2 *ices in rural areas, as authorized by 7 U.S.C. 950aaa et*
3 *seq., \$28,570,000, to remain available until expended: Pro-*
4 *vided, That \$3,000,000 shall be made available for grants*
5 *authorized by 379G of the Consolidated Farm and Rural*
6 *Development Act: Provided further, That \$3,000,000 shall*
7 *be made available to those noncommercial educational tele-*
8 *vision broadcast stations that serve rural areas and are*
9 *qualified for Community Service Grants by the Corporation*
10 *for Public Broadcasting under section 396(k) of the Com-*
11 *munications Act of 1934, including associated translators*
12 *and repeaters, regardless of the location of their main trans-*
13 *mitter, studio-to-transmitter links, and equipment to allow*
14 *local control over digital content and programming through*
15 *the use of high definition broadcast, multi-casting and*
16 *datacasting technologies.*

17 *For the cost of broadband loans, as authorized by sec-*
18 *tion 601 of the Rural Electrification Act, \$8,000,000, to re-*
19 *main available until expended: Provided, That the cost of*
20 *direct loans shall be as defined in section 502 of the Con-*
21 *gressional Budget Act of 1974.*

22 *In addition, \$10,372,000, to remain available until ex-*
23 *pended, for a grant program to finance broadband trans-*
24 *mission in rural areas eligible for Distance Learning and*

1 *Telemedicine Program benefits authorized by 7 U.S.C.*
2 *950aaa.*

3 *TITLE IV*

4 *DOMESTIC FOOD PROGRAMS*

5 *OFFICE OF THE UNDER SECRETARY FOR FOOD,*

6 *NUTRITION AND CONSUMER SERVICES*

7 *For necessary expenses of the Office of the Under Sec-*
8 *retary for Food, Nutrition and Consumer Services,*
9 *\$770,000.*

10 *FOOD AND NUTRITION SERVICE*

11 *CHILD NUTRITION PROGRAMS*

12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For necessary expenses to carry out the Richard B.*
14 *Russell National School Lunch Act (42 U.S.C. 1751 et seq.),*
15 *except section 21, and the Child Nutrition Act of 1966 (42*
16 *U.S.C. 1771 et seq.), except sections 17 and 21;*
17 *\$18,151,176,000, to remain available through September*
18 *30, 2013, of which such sums as are made available under*
19 *section 14222(b)(1) of the Food, Conservation, and Energy*
20 *Act of 2008 (Public Law 110–246), as amended by this Act,*
21 *shall be merged with and available for the same time period*
22 *and purposes as provided herein: Provided, That the total*
23 *amount available, \$1,000,000 shall be available to imple-*
24 *ment section 23 of the Child Nutrition Act of 1966 (42*
25 *U.S.C. 1771 et seq): Provided further, That section*

1 14222(b)(1) of the Food, Conservation, and Energy Act of
2 2008 is amended by adding at the end before the period,
3 “except section 21, and the Child Nutrition Act of 1966 (42
4 U.S.C. 1771 et seq.), except sections 17 and 21”.

5 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
6 WOMEN, INFANTS, AND CHILDREN (WIC)

7 For necessary expenses to carry out the special supple-
8 mental nutrition program as authorized by section 17 of
9 the Child Nutrition Act of 1966 (42 U.S.C. 1786),
10 \$6,582,497,000, to remain available through September 30,
11 2013: Provided, That notwithstanding section 17(h)(10) of
12 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)),
13 of the amounts made available under this heading, not less
14 than \$60,000,000 shall be used for breast-feeding peer coun-
15 selors and other related activities: Provided further, That
16 funds made available for the purposes specified in section
17 17(h)(10)(B) shall only be made available upon a deter-
18 mination by the Secretary that funds are available to meet
19 caseload requirements: Provided further, That none of the
20 funds provided in this account shall be available for the
21 purchase of infant formula except in accordance with the
22 cost containment and competitive bidding requirements
23 specified in section 17 of such Act: Provided further, That
24 none of the funds provided shall be available for activities
25 that are not fully reimbursed by other Federal Government

1 departments or agencies unless authorized by section 17 of
2 such Act.

3 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

4 For necessary expenses to carry out the Food and Nu-
5 trition Act of 2008 (7 U.S.C. 2011 et seq.), \$80,402,722,000,
6 of which \$3,000,000,000, to remain available through Sep-
7 tember 30, 2013, shall be placed in reserve for use only in
8 such amounts and at such times as may become necessary
9 to carry out program operations: Provided, That funds pro-
10 vided herein shall be expended in accordance with section
11 16 of the Food and Nutrition Act of 2008: Provided further,
12 That of the funds made available under this heading,
13 \$1,000,000 may be used to provide nutrition education serv-
14 ices to state agencies and Federally recognized tribes par-
15 ticipating in the Food Distribution Program on Indian
16 Reservations: Provided further, That this appropriation
17 shall be subject to any work registration or workfare re-
18 quirements as may be required by law: Provided further,
19 That funds made available for Employment and Training
20 under this heading shall remain available until expended,
21 notwithstanding section 16(h)(1) of the Food and Nutrition
22 Act of 2008: Provided further, That funds made available
23 under this heading may be used to enter into contracts and
24 employ staff to conduct studies, evaluations, or to conduct
25 activities related to program integrity provided that such

1 *activities are authorized by the Food and Nutrition Act of*
2 *2008.*

3 *COMMODITY ASSISTANCE PROGRAM*

4 *For necessary expenses to carry out disaster assistance*
5 *and the Commodity Supplemental Food Program as au-*
6 *thorized by section 4(a) of the Agriculture and Consumer*
7 *Protection Act of 1973 (7 U.S.C. 612c note); the Emergency*
8 *Food Assistance Act of 1983; special assistance for the nu-*
9 *clear affected islands, as authorized by section 103(f)(2) of*
10 *the Compact of Free Association Amendments Act of 2003*
11 *(Public Law 108–188); and the Farmers’ Market Nutrition*
12 *Program, as authorized by section 17(m) of the Child Nutri-*
13 *tion Act of 1966, \$242,336,000, to remain available through*
14 *September 30, 2013: Provided, That none of these funds*
15 *shall be available to reimburse the Commodity Credit Cor-*
16 *poration for commodities donated to the program: Provided*
17 *further, That notwithstanding any other provision of law,*
18 *effective with funds made available in fiscal year 2011 to*
19 *support the Seniors Farmers’ Market Nutrition Program,*
20 *as authorized by section 4402 of the Farm Security and*
21 *Rural Investment Act of 2002, such funds shall remain*
22 *available through September 30, 2013: Provided further,*
23 *That of the funds made available under section 27(a) of*
24 *the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)),*

1 *the Secretary may use up to 10 percent for costs associated*
 2 *with the distribution of commodities.*

3 *NUTRITION PROGRAMS ADMINISTRATION*

4 *For necessary administrative expenses of the Food and*
 5 *Nutrition Service for carrying out any domestic nutrition*
 6 *assistance program, \$140,130,000: Provided, That*
 7 *\$2,000,000 shall be used for the purposes of section 4404*
 8 *of Public Law 107-171, as amended by section 4401 of Pub-*
 9 *lic Law 110-246.*

10 *TITLE V*

11 *FOREIGN ASSISTANCE AND RELATED PROGRAMS*

12 *FOREIGN AGRICULTURAL SERVICE*

13 *SALARIES AND EXPENSES*

14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For necessary expenses of the Foreign Agricultural*
 16 *Service, including not to exceed \$158,000 for representation*
 17 *allowances and for expenses pursuant to section 8 of the*
 18 *Act approved August 3, 1956 (7 U.S.C. 1766),*
 19 *\$176,347,000: Provided, That the Service may utilize ad-*
 20 *vances of funds, or reimburse this appropriation for expend-*
 21 *itures made on behalf of Federal agencies, public and pri-*
 22 *vate organizations and institutions under agreements exe-*
 23 *cuted pursuant to the agricultural food production assist-*
 24 *ance programs (7 U.S.C. 1737) and the foreign assistance*
 25 *programs of the United States Agency for International De-*

1 *velopment: Provided further, That funds made available for*
 2 *middle-income country training programs and up to*
 3 *\$2,000,000 of the Foreign Agricultural Service appropria-*
 4 *tion solely for the purpose of offsetting fluctuations in inter-*
 5 *national currency exchange rates, subject to documentation*
 6 *by the Foreign Agricultural Service, shall remain available*
 7 *until expended.*

8 *FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR*
 9 *PROGRESS PROGRAM ACCOUNT*
 10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *For administrative expenses to carry out the credit*
 12 *program of title I, Food for Peace Act (Public Law 83-*
 13 *480) and the Food for Progress Act of 1985, \$2,666,000,*
 14 *shall be transferred to and merged with the appropriation*
 15 *for “Farm Service Agency, Salaries and Expenses”: Pro-*
 16 *vided, That funds made available for the cost of agreements*
 17 *under title I of the Agricultural Trade Development and*
 18 *Assistance Act of 1954 and for title I ocean freight differen-*
 19 *tial may be used interchangeably between the two accounts*
 20 *with prior notice to the Committees on Appropriations of*
 21 *both Houses of Congress.*

22 *FOOD FOR PEACE TITLE II GRANTS*

23 *For expenses during the current fiscal year, not other-*
 24 *wise recoverable, and unrecovered prior years’ costs, includ-*
 25 *ing interest thereon, under the Food for Peace Act (Public*

1 *Law 83-480, as amended), for commodities supplied in*
 2 *connection with dispositions abroad under title II of said*
 3 *Act, \$1,562,000,000, to remain available until expended.*

4 *MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION*
 5 *AND CHILD NUTRITION PROGRAM GRANTS*

6 *For necessary expenses to carry out the provisions of*
 7 *section 3107 of the Farm Security and Rural Investment*
 8 *Act of 2002 (7 U.S.C. 1736o-1), \$188,000,000, to remain*
 9 *available until expended: Provided, That the Commodity*
 10 *Credit Corporation is authorized to provide the services, fa-*
 11 *cilities, and authorities for the purpose of implementing*
 12 *such section, subject to reimbursement from amounts pro-*
 13 *vided herein.*

14 *COMMODITY CREDIT CORPORATION EXPORT (LOANS)*
 15 *CREDIT GUARANTEE PROGRAM ACCOUNT*
 16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For administrative expenses to carry out the Com-*
 18 *modity Credit Corporation's export guarantee program,*
 19 *GSM 102 and GSM 103, \$6,465,000; to cover common over-*
 20 *head expenses as permitted by section 11 of the Commodity*
 21 *Credit Corporation Charter Act and in conformity with the*
 22 *Federal Credit Reform Act of 1990, of which \$6,129,000*
 23 *shall be transferred to and merged with the appropriation*
 24 *for "Foreign Agricultural Service, Salaries and Expenses",*
 25 *and of which \$336,000 shall be transferred to and merged*

1 *with the appropriation for “Farm Service Agency, Salaries*
2 *and Expenses”.*

3

TITLE VI

4

RELATED AGENCIES AND FOOD AND DRUG

5

ADMINISTRATION

6

DEPARTMENT OF HEALTH AND HUMAN

7

SERVICES

8

FOOD AND DRUG ADMINISTRATION

9

SALARIES AND EXPENSES

10 *For necessary expenses of the Food and Drug Adminis-*
11 *tration, including hire and purchase of passenger motor ve-*
12 *hicles; for payment of space rental and related costs pursu-*
13 *ant to Public Law 92–313 for programs and activities of*
14 *the Food and Drug Administration which are included in*
15 *this Act; for rental of special purpose space in the District*
16 *of Columbia or elsewhere; for miscellaneous and emergency*
17 *expenses of enforcement activities, authorized and approved*
18 *by the Secretary and to be accounted for solely on the Sec-*
19 *retary’s certificate, not to exceed \$25,000; and notwith-*
20 *standing section 521 of Public Law 107–188;*
21 *\$3,859,402,000: Provided, That of the amount provided*
22 *under this heading, \$702,172,000 shall be derived from pre-*
23 *scription drug user fees authorized by 21 U.S.C. 379h shall*
24 *be credited to this account and remain available until ex-*
25 *pended, and shall not include any fees pursuant to 21*

1 *U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2013*
2 *but collected in fiscal year 2012; \$57,605,000 shall be de-*
3 *rived from medical device user fees authorized by 21 U.S.C.*
4 *379j, and shall be credited to this account and remain*
5 *available until expended; \$21,768,000 shall be derived from*
6 *animal drug user fees authorized by 21 U.S.C. 379j, and*
7 *shall be credited to this account and remain available until*
8 *expended; \$5,706,000 shall be derived from animal generic*
9 *drug user fees authorized by 21 U.S.C. 379f, and shall be*
10 *credited to this account and shall remain available until*
11 *expended; \$477,000,000 shall be derived from tobacco prod-*
12 *uct user fees authorized by 21 U.S.C. 387s and shall be cred-*
13 *ited to this account and remain available until expended;*
14 *\$12,364,000 shall be derived from food and feed recall fees*
15 *authorized by section 743 of the Federal Food, Drug, and*
16 *Cosmetic Act (Public Law 75–717), as amended by the Food*
17 *Safety Modernization Act (Public Law 111–353), and shall*
18 *be credited to this account and remain available until ex-*
19 *pended; \$14,700,000 shall be derived from food reinspection*
20 *fees authorized by section 743 of the Federal Food, Drug,*
21 *and Cosmetic Act (Public Law 75–717), as amended by the*
22 *Food Safety Modernization Act (Public Law 111–353), and*
23 *shall be credited to this account and remain available until*
24 *expended; and \$71,066,000 shall be derived from voluntary*
25 *qualified importer program fees authorized by section 743*

1 *of the Federal Food, Drug, and Cosmetic Act (Public Law*
2 *75–717), as amended by the Food Safety Modernization Act*
3 *(Public Law 111–353), and shall be credited to this account*
4 *and remain available until expended: Provided further,*
5 *That in addition and notwithstanding any other provision*
6 *under this heading, amounts collected for prescription drug*
7 *user fees that exceed the fiscal year 2012 limitation are ap-*
8 *propriated and shall be credited to this account and remain*
9 *available until expended: Provided further, That fees de-*
10 *rived from prescription drug, medical device, animal drug,*
11 *animal generic drug, and tobacco product assessments for*
12 *fiscal year 2012 received during fiscal year 2012, including*
13 *any such fees assessed prior to fiscal year 2012 but credited*
14 *for fiscal year 2012, shall be subject to the fiscal year 2012*
15 *limitations: Provided further, That none of these funds shall*
16 *be used to develop, establish, or operate any program of user*
17 *fees authorized by 31 U.S.C. 9701: Provided further, That*
18 *of the total amount appropriated: (1) \$944,979,000 shall*
19 *be for the Center for Food Safety and Applied Nutrition*
20 *and related field activities in the Office of Regulatory Af-*
21 *airs; (2) \$978,205,000 shall be for the Center for Drug*
22 *Evaluation and Research and related field activities in the*
23 *Office of Regulatory Affairs, of which no less than*
24 *\$52,947,000 shall be available for the Office of Generic*
25 *Drugs; (3) \$328,886,000 shall be for the Center for Biologics*

1 *Evaluation and Research and for related field activities in*
2 *the Office of Regulatory Affairs; (4) \$166,365,000 shall be*
3 *for the Center for Veterinary Medicine and for related field*
4 *activities in the Office of Regulatory Affairs; (5)*
5 *\$356,659,000 shall be for the Center for Devices and Radio-*
6 *logical Health and for related field activities in the Office*
7 *of Regulatory Affairs; (6) \$60,039,000 shall be for the Na-*
8 *tional Center for Toxicological Research; (7) \$454,751,000*
9 *shall be for the Center for Tobacco Products and for related*
10 *field activities in the Office of Regulatory Affairs; (8) not*
11 *to exceed \$133,879,000 shall be for Rent and Related activi-*
12 *ties, of which \$43,981,000 is for White Oak Consolidation,*
13 *other than the amounts paid to the General Services Ad-*
14 *ministration for rent; (9) not to exceed \$209,392,000 shall*
15 *be for payments to the General Services Administration for*
16 *rent; and (10) \$226,247,000 shall be for other activities, in-*
17 *cluding the Office of the Commissioner of Food and Drugs,*
18 *the Office of Foods, the Office of Medical and Tobacco Prod-*
19 *ucts, the Office of Global and Regulatory Policy, the Office*
20 *of Operations, the Office of the Chief Scientist, and central*
21 *services for these offices: Provided further, That not to ex-*
22 *ceed \$25,000 of this amount shall be for official reception*
23 *and representation expenses, not otherwise provided for, as*
24 *determined by the Commissioner: Provided further, That*
25 *funds be may transferred from one specified activity to an-*

1 *other with the prior approval of the Committees on Appro-*
2 *priations of both Houses of Congress: Provided further, That*
3 *not later than 90 days after the date of enactment of this*
4 *Act, the Secretary of Health and Human Services shall sub-*
5 *mit to Congress a report that discloses, with respect to all*
6 *drugs, devices, and biological products approved, cleared,*
7 *or licensed under the Federal Food, Drug, and Cosmetic Act*
8 *or the Public Health Service Act during calendar year*
9 *2011, including such drugs, devices, and biological products*
10 *so approved, cleared, or licensed using funds made available*
11 *under this Act: (1) the average number of calendar days*
12 *that elapsed from the date that drug applications (includ-*
13 *ing any supplements) were submitted to such Secretary*
14 *under section 505 of the Federal Food, Drug, and Cosmetic*
15 *Act (21 U.S.C. 355) until the date that the drugs were ap-*
16 *proved under such section 505; (2) the average number of*
17 *calendar days that elapsed from the date that applications*
18 *for device clearance (including any supplements) under sec-*
19 *tion 510(k) of such Act (21 U.S.C. 360(k)) or for premarket*
20 *approval (including any supplements) under section 515 of*
21 *such Act (21 U.S.C. 360e) were submitted to such Secretary*
22 *until the date that the devices were cleared under such sec-*
23 *tion 510(k) or approved under such section 515; and (3)*
24 *the average number of calendar days that elapsed from the*
25 *date that biological license applications (including any sup-*

1 *plements) were submitted to such Secretary under section*
2 *351 of the Public Health Service Act (42 U.S.C. 262) until*
3 *the date that the biological products were licensed under*
4 *such section 351.*

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

10 *BUILDINGS AND FACILITIES*

11 *For plans, construction, repair, improvement, exten-*
12 *sion, alteration, and purchase of fixed equipment or facili-*
13 *ties of or used by the Food and Drug Administration, where*
14 *not otherwise provided, \$8,982,000, to remain available*
15 *until expended.*

16 *INDEPENDENT AGENCY*

17 *FARM CREDIT ADMINISTRATION*

18 *LIMITATION ON ADMINISTRATIVE EXPENSES*

19 *Not to exceed \$62,000,000 (from assessments collected*
20 *from farm credit institutions, including the Federal Agri-*
21 *cultural Mortgage Corporation) shall be obligated during*
22 *the current fiscal year for administrative expenses as au-*
23 *thorized under 12 U.S.C. 2249: Provided, That this limita-*
24 *tion shall not apply to expenses associated with receiver-*
25 *ships.*

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

1
2
3
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.*

11 *SEC. 702. The Secretary of Agriculture may transfer*
12 *unobligated balances of discretionary funds appropriated*
13 *by this Act or other available unobligated discretionary bal-*
14 *ances of the Department of Agriculture to the Working Cap-*
15 *ital Fund for the acquisition of plant and capital equip-*
16 *ment necessary for the delivery of financial, administrative,*
17 *and information technology services of primary benefit to*
18 *the agencies of the Department of Agriculture: Provided,*
19 *That none of the funds made available by this Act or any*
20 *other Act shall be transferred to the Working Capital Fund*
21 *without the prior approval of the agency administrator:*
22 *Provided further, That none of the funds transferred to the*
23 *Working Capital Fund pursuant to this section shall be*
24 *available for obligation without written notification to and*
25 *the prior approval of the Committees on Appropriations of*

1 *both Houses of Congress: Provided further, That none of the*
2 *funds appropriated by this Act or made available to the*
3 *Department's Working Capital Fund shall be available for*
4 *obligation or expenditure to make any changes to the De-*
5 *partment's National Finance Center without written notifi-*
6 *cation to and prior approval of the Committees on Appro-*
7 *priations of both Houses of Congress as required by section*
8 *711 of this Act: Provided further, That of annual income*
9 *amounts in the Working Capital Fund of the Department*
10 *of Agriculture allocated for the National Finance Center,*
11 *the Secretary may reserve not more than 4 percent for the*
12 *replacement or acquisition of capital equipment, including*
13 *equipment for the improvement and implementation of a*
14 *financial management plan, information technology, and*
15 *other systems of the National Finance Center or to pay any*
16 *unforeseen, extraordinary cost of the National Finance Cen-*
17 *ter: Provided further, That none of the amounts reserved*
18 *shall be available for obligation unless the Secretary sub-*
19 *mits written notification of the obligation to the Committees*
20 *on Appropriations of the House of Representatives and the*
21 *Senate: Provided further, That the limitation on the obliga-*
22 *tion of funds pending notification to Congressional Com-*
23 *mittees shall not apply to any obligation that, as deter-*
24 *mined by the Secretary, is necessary to respond to a de-*
25 *clared state of emergency that significantly impacts the op-*

1 *erations of the National Finance Center; or to evacuate em-*
2 *ployees of the National Finance Center to a safe haven to*
3 *continue operations of the National Finance Center.*

4 *SEC. 703. No part of any appropriation contained in*
5 *this Act shall remain available for obligation beyond the*
6 *current fiscal year unless expressly so provided herein.*

7 *SEC. 704. No funds appropriated by this Act may be*
8 *used to pay negotiated indirect cost rates on cooperative*
9 *agreements or similar arrangements between the United*
10 *States Department of Agriculture and nonprofit institu-*
11 *tions in excess of 10 percent of the total direct cost of the*
12 *agreement when the purpose of such cooperative arrange-*
13 *ments is to carry out programs of mutual interest between*
14 *the two parties. This does not preclude appropriate pay-*
15 *ment of indirect costs on grants and contracts with such*
16 *institutions when such indirect costs are computed on a*
17 *similar basis for all agencies for which appropriations are*
18 *provided in this Act.*

19 *SEC. 705. Appropriations to the Department of Agri-*
20 *culture for the cost of direct and guaranteed loans made*
21 *available in the current fiscal year shall remain available*
22 *until expended to disburse obligations made in the current*
23 *fiscal year for the following accounts: the Rural Develop-*
24 *ment Loan Fund program account, the Rural Electrifica-*

1 *tion and Telecommunication Loans program account, and*
2 *the Rural Housing Insurance Fund program account.*

3 *SEC. 706. Hereafter, none of the funds appropriated*
4 *by this Act may be used to carry out section 410 of the*
5 *Federal Meat Inspection Act (21 U.S.C. 679a) or section*
6 *30 of the Poultry Products Inspection Act (21 U.S.C. 471).*

7 *SEC. 707. None of the funds made available to the De-*
8 *partment of Agriculture by this Act may be used to acquire*
9 *new information technology systems or significant up-*
10 *grades, as determined by the Office of the Chief Information*
11 *Officer, without the approval of the Chief Information Offi-*
12 *cer and the concurrence of the Executive Information Tech-*
13 *nology Investment Review Board: Provided, That notwith-*
14 *standing any other provision of law, none of the funds ap-*
15 *propriated or otherwise made available by this Act may be*
16 *transferred to the Office of the Chief Information Officer*
17 *without written notification to and the prior approval of*
18 *the Committees on Appropriations of both Houses of Con-*
19 *gress: Provided further, That none of the funds available*
20 *to the Department of Agriculture for information technology*
21 *shall be obligated for projects over \$25,000 prior to receipt*
22 *of written approval by the Chief Information Officer.*

23 *SEC. 708. Funds made available under section 1240I*
24 *and section 1241(a) of the Food Security Act of 1985 and*
25 *section 524(b) of the Federal Crop Insurance Act (7 U.S.C.*

1 1524(b)) in the current fiscal year shall remain available
2 until expended to disburse obligations made in the current
3 fiscal year.

4 *SEC. 709. Hereafter, notwithstanding any other provi-*
5 *sion of law, any former RUS borrower that has repaid or*
6 *prepaid an insured, direct or guaranteed loan under the*
7 *Rural Electrification Act, or any not-for-profit utility that*
8 *is eligible to receive an insured or direct loan under such*
9 *Act, shall be eligible for assistance under section*
10 *313(b)(2)(B) of such Act in the same manner as a borrower*
11 *under such Act.*

12 *SEC. 710. Notwithstanding any other provision of law,*
13 *for the purposes of a grant under section 412 of the Agricul-*
14 *tural Research, Extension, and Education Reform Act of*
15 *1998, none of the funds in this or any other Act may be*
16 *used to prohibit the provision of in-kind support from non-*
17 *Federal sources under section 412(e)(3) in the form of unre-*
18 *covered indirect costs not otherwise charged against the*
19 *grant, consistent with the indirect rate of cost approved for*
20 *a recipient.*

21 *SEC. 711. Except as otherwise specifically provided by*
22 *law, unobligated balances remaining available at the end*
23 *of the fiscal year from appropriations made available for*
24 *salaries and expenses in this Act for the Farm Service Agen-*
25 *cy and the Rural Development mission area, shall remain*

1 *available through September 30, 2013, for information tech-*
2 *nology expenses.*

3 *SEC. 712. The Secretary of Agriculture may authorize*
4 *a State agency to use funds provided in this Act to exceed*
5 *the maximum amount of liquid infant formula specified in*
6 *7 C.F.R. 246.10 when issuing liquid infant formula to par-*
7 *ticipants.*

8 *SEC. 713. No employee of the Department of Agri-*
9 *culture may be detailed or assigned from an agency or office*
10 *funded by this Act or any other Act to any other agency*
11 *or office of the Department for more than 30 days unless*
12 *the individual's employing agency or office is fully reim-*
13 *bursed by the receiving agency or office for the salary and*
14 *expenses of the employee for the period of assignment.*

15 *SEC. 714. In the case of each program established or*
16 *amended by the Food, Conservation, and Energy Act of*
17 *2008 (Public Law 110–246), other than by title I or subtitle*
18 *A of title III of such Act, or programs for which indefinite*
19 *amounts were provided in that Act that is authorized or*
20 *required to be carried out using funds of the Commodity*
21 *Credit Corporation—*

22 *(1) such funds shall be available for salaries and*
23 *related administrative expenses, including technical*
24 *assistance, associated with the implementation of the*
25 *program, without regard to the limitation on the total*

1 *amount of allotments and fund transfers contained in*
2 *section 11 of the Commodity Credit Corporation*
3 *Charter Act (15 U.S.C. 714i); and*

4 *(2) the use of such funds for such purpose shall*
5 *not be considered to be a fund transfer or allotment*
6 *for purposes of applying the limitation on the total*
7 *amount of allotments and fund transfers contained in*
8 *such section.*

9 *SEC. 715. Funds provided by this Act may be used*
10 *notwithstanding the requirements of 7 U.S.C. 1736f(e)(1).*

11 *SEC. 716. None of the funds made available by this*
12 *or any other Act may be used to close or relocate a Rural*
13 *Development office unless or until the Secretary of Agri-*
14 *culture determines the cost effectiveness and/or enhancement*
15 *of program delivery or that the closing or relocation would*
16 *result in cost savings: Provided, That not later than 120*
17 *days before the date of the proposed closure or relocation,*
18 *the Secretary notifies in writing the Committees on Appro-*
19 *priation of the House and Senate, and the members of Con-*
20 *gress from the State in which the office is located of the*
21 *proposed closure or relocation and provides a report that*
22 *describes the justifications for such closures and relocations.*

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

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

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

15 *SEC. 719. Of the funds made available by this Act, not*
16 *more than \$1,800,000 shall be used to cover necessary ex-*
17 *penses of activities related to all advisory committees, pan-*
18 *els, commissions, and task forces of the Department of Agri-*
19 *culture, except for panels used to comply with negotiated*
20 *rule makings and panels used to evaluate competitively*
21 *awarded grants.*

22 *SEC. 720. Notwithstanding any other provision of law,*
23 *school food authorities which received a grant for equipment*
24 *assistance under the grant program carried out pursuant*
25 *to the heading "Food and Nutrition Service Child Nutrition*

1 *Programs” in title I of division A of the American Recovery*
2 *and Reinvestment Act of 2009 (Public Law 111–5) shall*
3 *be eligible to receive a grant under section 749 (j) of the*
4 *Agriculture, Rural Development, Food and Drug Adminis-*
5 *tration, and Related Agencies Appropriations Act, 2010*
6 *(Public Law 111–80).*

7 *SEC. 721. There is hereby appropriated \$1,996,000 to*
8 *carry out section 1621 of Public Law 110–246.*

9 *SEC. 722. There is hereby appropriated \$600,000 to*
10 *the Farm Service Agency to carry out a pilot program to*
11 *demonstrate the use of new technologies that increase the*
12 *rate of growth of re-forested hardwood trees on private non-*
13 *industrial forests lands, enrolling lands on the coast of the*
14 *Gulf of Mexico that were damaged by Hurricane Katrina*
15 *in 2005.*

16 *SEC. 723. (a) None of the funds provided by this Act,*
17 *or provided by previous Appropriations Acts to the agencies*
18 *funded by this Act that remain available for obligation or*
19 *expenditure in the current fiscal year, or provided from any*
20 *accounts in the Treasury of the United States derived by*
21 *the collection of fees available to the agencies funded by this*
22 *Act, shall be available for obligation or expenditure through*
23 *a reprogramming of funds, or in the case of the Department*
24 *of Agriculture, through use of the authority provided by sec-*
25 *tion 702(b) of the Department of Agriculture Organic Act*

1 of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–
2 106 (7 U.S.C. 2263), that—

3 (1) creates new programs;

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

5 (3) increases funds or personnel by any means
6 for any project or activity for which funds have been
7 denied or restricted;

8 (4) relocates an office or employees;

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

10 (6) contracts out or privatizes any functions or
11 activities presently performed by Federal employees;
12 unless the Secretary of Agriculture or the Secretary of
13 Health and Human Services (as the case may be) no-
14 tifies, in writing, the Committees on Appropriations
15 of both Houses of Congress at least 30 days in ad-
16 vance of the reprogramming of such funds or the use
17 of such authority.

18 (b) None of the funds provided by this Act, or provided
19 by previous Appropriations Acts to the agencies funded by
20 this Act that remain available for obligation or expenditure
21 in the current fiscal year, or provided from any accounts
22 in the Treasury of the United States derived by the collec-
23 tion of fees available to the agencies funded by this Act,
24 shall be available for obligation or expenditure for activi-
25 ties, programs, or projects through a reprogramming or use

1 *of the authorities referred to in subsection (a) involving*
2 *funds in excess of \$500,000 or 10 percent, whichever is less,*
3 *that:*

4 (1) *augments existing programs, projects, or ac-*
5 *tivities;*

6 (2) *reduces by 10 percent funding for any exist-*
7 *ing program, project, or activity, or numbers of per-*
8 *sonnel by 10 percent as approved by Congress; or*

9 (3) *results from any general savings from a re-*
10 *duction in personnel which would result in a change*
11 *in existing programs, activities, or projects as ap-*
12 *proved by Congress; unless the Secretary of Agri-*
13 *culture or the Secretary of Health and Human Serv-*
14 *ices (as the case may be) notifies, in writing, the*
15 *Committees on Appropriations of both Houses of Con-*
16 *gress at least 30 days in advance of the reprogram-*
17 *ming of such funds or the use of such authority.*

18 (c) *The Secretary of Agriculture or the Secretary of*
19 *Health and Human Services shall notify in writing the*
20 *Committees on Appropriations of both Houses of Congress*
21 *before implementing any program or activity not carried*
22 *out during the previous fiscal year unless the program or*
23 *activity is funded by this Act or specifically funded by any*
24 *other Act.*

1 (d) *As described in this section, no funds may be used*
2 *for any activities unless the Secretary of Agriculture or the*
3 *Secretary of Health and Human Services receives in writ-*
4 *ing from the Committee on Appropriations of both Houses*
5 *of Congress confirmation of receipt of the notification re-*
6 *quired in this section.*

7 *SEC. 724. None of the funds appropriated by this or*
8 *any other Act shall be used to pay the salaries and expenses*
9 *of personnel who prepare or submit appropriations lan-*
10 *guage as part of the President's Budget submission to the*
11 *Congress of the United States for programs under the juris-*
12 *isdiction of the Appropriations Subcommittees on Agri-*
13 *culture, Rural Development, Food and Drug Administra-*
14 *tion, and Related Agencies that assumes revenues or reflects*
15 *a reduction from the previous year due to user fees pro-*
16 *posals that have not been enacted into law prior to the sub-*
17 *mission of the Budget unless such Budget submission identi-*
18 *fies which additional spending reductions should occur in*
19 *the event the user fees proposals are not enacted prior to*
20 *the date of the convening of a committee of conference for*
21 *the fiscal year 2013 appropriations Act.*

22 *SEC. 725. The Secretary may reserve, through April*
23 *1, 2012, up to 5 percent of the funding available for the*
24 *following items for projects in areas that are engaged in*
25 *strategic regional development planning as defined by the*

1 *Secretary: business and industry guaranteed loans; rural*
2 *development loan fund; rural business enterprise grants;*
3 *rural business opportunity grants; rural economic develop-*
4 *ment program; rural microenterprise program; biorefinery*
5 *assistance program; rural energy for America program;*
6 *value-added producer grants; broadband program; water*
7 *and waste program; and rural community facilities pro-*
8 *gram.*

9 *SEC. 726. None of the funds appropriated or otherwise*
10 *made available by this or any other Act shall be used to*
11 *pay the salaries and expenses of personnel to carry out the*
12 *following:*

13 *(1) The Conservation Stewardship Program au-*
14 *thorized by sections 1238D–1238G of the Food Secu-*
15 *rity of Act 1985 (16 U.S.C. 3838d–3838g) in excess*
16 *of \$809,000,000;*

17 *(2) The Watershed Rehabilitation program au-*
18 *thorized by section 14(h) of the Watershed Protection*
19 *and Flood Prevention Act (16 U.S.C. 1012(h));*

20 *(3) The Environmental Quality Incentives Pro-*
21 *gram as authorized by sections 1240–1240H of the*
22 *Food Security Act of 1985 (16 U.S.C. 3839aa–*
23 *3839aa–8) in excess of \$1,400,000,000: Provided,*
24 *That up to \$20,000,000 of the funds made available*
25 *for the Environmental Quality Incentives Program as*

1 *authorized by sections 1240–1240H of the Food Secu-*
2 *urity Act of 1985 (16 U.S.C. 3839aa–3839aa(8)) may*
3 *be transferred to a program as authorized by 16*
4 *U.S.C. 1301–1311 to enroll agricultural lands that*
5 *experienced significant flooding, as determined by the*
6 *Secretary, in calendar year 2011: Provided further,*
7 *That no more than \$10,000,000 may be used for*
8 *agreements entered into with owners or operators in*
9 *any one State;*

10 *(4) The Farmland Protection Program as au-*
11 *thorized by section 1238I of the Food Security Act of*
12 *1985 (16 U.S.C. 3838i) in excess of \$150,000,000;*

13 *(5) The Grassland Reserve Program as author-*
14 *ized by sections 1238O–1238Q of the Food Security*
15 *Act of 1985 (16 U.S.C. 3838o–3838q) in excess of*
16 *140,907 acres in fiscal year 2012;*

17 *(6) The Wetlands Reserve Program authorized by*
18 *sections 1237–1237F of the Food Security Act of 1985*
19 *(16 U.S.C. 3837–3837f) to enroll in excess of 185,800*
20 *acres in fiscal year 2012;*

21 *(7) The Wildlife Habitat Incentives Act author-*
22 *ized by section 1240N of the Food Security Act of*
23 *1985 (16 U.S.C. 3839bb–1)) in excess of \$50,000,000;*

1 (8) *The Voluntary Public Access and Habitat In-*
2 *centives Program authorized by section 1240R of the*
3 *Food Security Act of 1985 (16 U.S.C. 3839bb–5);*

4 (9) *The Bioenergy Program for Advanced*
5 *Biofuels authorized by section 9005 of the Farm Secu-*
6 *rity and Rural Investment Act of 2002 (7 U.S.C.*
7 *8105) in excess of \$75,000,000;*

8 (10) *The Rural Energy for America Program*
9 *authorized by section 9007 of the Farm Security and*
10 *Rural Investment Act of 2002 (7 U.S.C. 8107) in ex-*
11 *cess of \$34,000,000;*

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

16 (12) *Agricultural Management Assistance Pro-*
17 *gram as authorized by section 524 of the Federal*
18 *Crop Insurance Act, as amended (7 U.S.C. 1524) in*
19 *excess of \$2,500,000 for the Natural Resources Con-*
20 *servaion Service; and*

21 (13) *A program under subsection (b)(2)(A)(iv) of*
22 *section 14222 of Public Law 110–246 in excess of*
23 *\$948,000,000, as follows: Child Nutrition Programs*
24 *Entitlement Commodities—\$465,000,000; State Op-*
25 *tion Contracts—\$5,000,000; Removal of Defective*

1 *Commodities—\$2,500,000: Provided, That none of the*
2 *funds made available in this Act or any other Act*
3 *shall be used for salaries and expenses to carry out*
4 *section 19(i)(1)(E) of the Richard B. Russell National*
5 *School Lunch Act as amended by section 4304 of Pub-*
6 *lic Law 110–246 in excess of \$20,000,000, including*
7 *the transfer of funds under subsection (c) of section*
8 *14222 of Public Law 110–246, until October 1, 2012:*
9 *Provided further, That \$133,000,000 made available*
10 *on October 1, 2012, to carry out section 19(i)(1)(E)*
11 *of the Richard B. Russell National School Lunch Act*
12 *as amended by section 4304 of Public Law 110–246*
13 *shall be excluded from the limitation described in sub-*
14 *section (b)(2)(A)(v) of section 14222 of Public Law*
15 *110–246: Provided further, That none of the funds ap-*
16 *propriated or otherwise made available by this or any*
17 *other Act shall be used to pay the salaries or expenses*
18 *of any employee of the Department of Agriculture or*
19 *officer of the Commodity Credit Corporation to carry*
20 *out clause 3 of section 32 of the Agricultural Adjust-*
21 *ment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c,*
22 *as amended), or for any surplus removal activities or*
23 *price support activities under section 5 of the Com-*
24 *modity Credit Corporation Charter Act: Provided fur-*
25 *ther, That of the available unobligated balances under*

1 **(b)(2)(A)(iv)** of section 14222 of Public Law 110–246,
2 \$150,000,000 are hereby rescinded.

3 **SEC. 727.** Hereafter, notwithstanding section
4 **310B(g)(5)** of the Consolidated Farm and Rural Develop-
5 ment Act (7 U.S.C. 1932(g)(5)), the Secretary may assess
6 a one-time fee for any guaranteed business and industry
7 loan in an amount that does not exceed 3 percent of the
8 guaranteed principal portion of the loan.

9 **SEC. 728.** None of the funds appropriated or otherwise
10 made available to the Department of Agriculture or the
11 Food and Drug Administration shall be used to transmit
12 or otherwise make available to any non-Department of Ag-
13 riculture or non-Department of Health and Human Serv-
14 ices employee questions or responses to questions that are
15 a result of information requested for the appropriations
16 hearing process.

17 **SEC. 729.** (a) Clause (ii) of section 524(b)(4)(B) of the
18 Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is
19 amended—

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

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

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

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

7 **(d)** *Section 1241(a)(6)(E) of the Food Security Act of*
8 *1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking*
9 *“fiscal year 2012” and inserting “each of fiscal years 2012*
10 *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 year*
15 *2014 in the case of the programs specified in para-*
16 *graphs (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 of*
21 *1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking*
22 *“2012” and inserting “2014”.*

23 **SEC. 730.** *Any unobligated funds included under*
24 *Treasury symbol codes 12X3336, 12X2268, 12X0132,*

1 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are
2 hereby rescinded.

3 *SEC. 731. Of the unobligated balances provided pursu-*
4 *ant to section 16(h)(1)(A) of the Food and Nutrition Act*
5 *of 2008, \$11,000,000 are hereby rescinded.*

6 *SEC. 732. There is hereby appropriated for the “Emer-*
7 *gency Conservation Program”, for expenses resulting from*
8 *a major disaster designation pursuant to the Robert T.*
9 *Stafford Disaster Relief and Emergency Assistance Act (42*
10 *U.S.C. 5122(2)), \$78,000,000, to remain available until ex-*
11 *pended: Provided, That this amount is designated by Con-*
12 *gress as being for disaster relief pursuant to section*
13 *251(b)(2)(D) of the Balanced Budget and Emergency Def-*
14 *icit Control Act of 1985 (Public Law 99–177), as amended:*
15 *Provided further, That there is hereby appropriated for the*
16 *“Emergency Forest Restoration Program”, for expenses re-*
17 *sulting from a major disaster designation pursuant to the*
18 *Robert T. Stafford Disaster Relief and Emergency Assist-*
19 *ance Act (42 U.S.C. 5122(2)), \$49,000,000, to remain avail-*
20 *able until expended: Provided further, That this amount is*
21 *designated by Congress as being for disaster relief pursuant*
22 *to section 251(b)(2)(D) of the Balanced Budget and Emer-*
23 *gency Deficit Control Act of 1985 (Public Law 99–177),*
24 *as amended: Provided further, That there is hereby appro-*
25 *priated for the “Emergency Watershed Protection Pro-*

1 gram”, for expenses resulting from a major disaster des-
2 ignation pursuant to the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5122(2)),
4 \$139,000,000, to remain available until expended: Provided
5 further, That this amount is designated by Congress as
6 being for disaster relief pursuant to section 251(b)(2)(D)
7 of the Balanced Budget and Emergency Deficit Control Act
8 of 1985 (Public Law 99–177), as amended.

9 SEC. 733. (a) Notwithstanding any other provision of
10 this Act—

11 (1) the amount provided under section 732 for
12 the emergency conservation program for expenses re-
13 sulting from a major disaster designation pursuant to
14 the Robert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5122(2)) is increased by
16 \$48,700,000; and

17 (2) the amount provided under section 732 for
18 the emergency watershed protection program for ex-
19 penses resulting from a major disaster designation
20 pursuant to the Robert T. Stafford Disaster Relief
21 and Emergency Assistance Act (42 U.S.C. 5122(2)) is
22 increased by \$61,200,000.

23 (b) The additional amounts provided under subsection
24 (a)—

1 (1) are designated by Congress as being for dis-
2 aster relief pursuant to section 251(b)(2)(D) of the
3 Balanced Budget and Emergency Deficit Control Act
4 of 1985 (2 U.S.C. 901(b)(2)(D));

5 (2) are subject to the same terms and conditions
6 as any other amounts provided under section 732 for
7 the same purposes; and

8 (3) shall remain available until expended.

9 SEC. 734. Unobligated balances not to exceed
10 \$31,000,000 for the “Emergency Watershed Protection Pro-
11 gram” provided in Public Law 108–199, Public Law 109–
12 234, and Public Law 110–28 shall be available for the pur-
13 poses of such program for disasters occurring in 2011, and
14 shall remain available until expended: Provided, That the
15 amounts made available by this section are designated by
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985 (Public Law 99–
19 177), as amended.

20 SEC. 735. None of the funds made available by this
21 Act may be used to implement an interim final or final
22 rule that—

23 (1) sets any maximum limits on the serving of
24 vegetables in school meal programs established under
25 the Richard B. Russell National School Lunch Act

1 (42 U.S.C. 1751 et seq.) and by section 4 of the Child
2 Nutrition Act of 1966 (42 U.S.C. 1773); or

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

6 SEC. 736. For fiscal year 2012, section 363 of the Con-
7 solidated Farm and Rural Development Act (7 U.S.C.
8 2006e) shall not apply to a project funded under the com-
9 munity facilities programs authorized under such Act.

10 SEC. 737. Not later than 30 days after the date of en-
11 actment of this Act, the Secretary of Agriculture shall sub-
12 mit to the Committee on Appropriations of the House of
13 Representatives and the Committee on Appropriations of
14 the Senate a report describing plans to implement reduc-
15 tions to salaries and expenses accounts included in this Act.

16 SEC. 738. None of the funds made available by this
17 Act may be used by the Secretary of Agriculture to provide
18 direct payments under section 1103 or 1303 of the Food,
19 Conservation, and Energy Act of 2008 (7 U.S.C. 8713,
20 8753) to any person or legal entity that has an average
21 adjusted gross income (as defined in section 1001D of the
22 Food Security Act of 1985 (7 U.S.C. 1308–3a)) in excess
23 of \$1,000,000.

1 *Americans and aliens by contract for services; rental of*
2 *space abroad for periods not exceeding 10 years, and ex-*
3 *penses of alteration, repair, or improvement; purchase or*
4 *construction of temporary demountable exhibition struc-*
5 *tures for use abroad; payment of tort claims, in the manner*
6 *authorized in the first paragraph of 28 U.S.C. 2672 when*
7 *such claims arise in foreign countries; not to exceed*
8 *\$245,250 for official representation expenses abroad; pur-*
9 *chase of passenger motor vehicles for official use abroad, not*
10 *to exceed \$45,000 per vehicle; obtaining insurance on offi-*
11 *cial motor vehicles; and rental of tie lines, \$441,104,000,*
12 *to remain available until September 30, 2013, of which*
13 *\$9,439,000 is to be derived from fees to be retained and used*
14 *by the International Trade Administration, notwith-*
15 *standing 31 U.S.C. 3302: Provided further, That the provi-*
16 *sions of the first sentence of section 105(f) and all of section*
17 *108(c) of the Mutual Educational and Cultural Exchange*
18 *Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply*
19 *in carrying out these activities without regard to section*
20 *5412 of the Omnibus Trade and Competitiveness Act of*
21 *1988 (15 U.S.C. 4912); and that for the purpose of this*
22 *Act, contributions under the provisions of the Mutual Edu-*
23 *cational and Cultural Exchange Act of 1961 shall include*
24 *payment for assessments for services provided as part of*
25 *these activities: Provided further, That up to \$2,500,000*

1 *from amounts provided herein may be available for nec-*
2 *essary expenses of the Commercial Law Development Pro-*
3 *gram, including those authorized under section 636(a) of*
4 *the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)).*

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 Commerce,*
9 *including costs associated with the performance of export*
10 *administration field activities both domestically and*
11 *abroad; full medical coverage for dependent members of im-*
12 *mediate families of employees stationed overseas; employ-*
13 *ment 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 \$11,250 for official*
17 *representation expenses abroad; awards of compensation to*
18 *informers under the Export Administration Act of 1979,*
19 *and as authorized by 22 U.S.C. 401(b); and purchase of*
20 *passenger motor vehicles for official use and motor vehicles*
21 *for law enforcement use with special requirement vehicles*
22 *eligible for purchase without regard to any price limitation*
23 *otherwise established by law, \$98,138,000, to remain avail-*
24 *able until expended, of which \$31,279,000 shall be for in-*
25 *spection and other activities related to national security:*

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

13 *ECONOMIC DEVELOPMENT ADMINISTRATION*

14 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

15 *For grants for economic development assistance as pro-*
16 *vided by the Public Works and Economic Development Act*
17 *of 1965, for trade adjustment assistance, and for grants au-*
18 *thorized by section 27 of the Stevenson-Wydler Technology*
19 *Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added*
20 *by section 603 of the America COMPETES Reauthorization*
21 *Act of 2010 (Public Law 111–358), \$220,000,000, to remain*
22 *available until expended, of which \$1,000,000 shall be for*
23 *economic adjustment assistance grants under section 209 of*
24 *the Public Works and Economic Development Act of 1965*

1 *(42 U.S.C. 3149) to support innovative, utility-adminis-*
2 *tered energy efficiency programs for small businesses.*

3 *For an additional amount for “Economic Development*
4 *Assistance Programs” for expenses related to disaster relief,*
5 *long-term recovery, and restoration of infrastructure in*
6 *areas that received a major disaster designation in 2011*
7 *pursuant to the Robert T. Stafford Disaster Relief and*
8 *Emergency Assistance Act (42 U.S.C. 5122(2)),*
9 *\$135,000,000, to remain available until expended: Pro-*
10 *vided, That such amount is designated by Congress as being*
11 *for disaster relief pursuant to section 251(b)(2)(D) of the*
12 *Balanced Budget and Emergency Deficit Control Act of*
13 *1985 (Public Law 99–177), as amended.*

14 *For an additional amount for “Economic Development*
15 *Assistance Programs” for expenses related to disaster relief,*
16 *long-term recovery, and restoration of infrastructure in*
17 *areas that received a major disaster designation in 2011*
18 *pursuant to the Robert T. Stafford Disaster Relief and*
19 *Emergency Assistance Act (42 U.S.C. 5122(2)),*
20 *\$365,000,000, to remain available until expended: Pro-*
21 *vided, That such amount is designated by Congress as being*
22 *for disaster relief pursuant to section 251(b)(2)(D) of the*
23 *Balanced Budget and Emergency Deficit Control Act of*
24 *1985 (Public Law 99–177), as amended.*

1 *herein, funds may be used for promotion, outreach, and*
2 *marketing activities.*

3 *PERIODIC CENSUSES AND PROGRAMS*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses to collect and publish statistics*
6 *for periodic censuses and programs provided for by law,*
7 *\$690,000,000, to remain available until September 30,*
8 *2013: Provided, That from amounts provided herein, funds*
9 *may be used for additional promotion, outreach, and mar-*
10 *keting activities: Provided further, That within the amounts*
11 *appropriated, \$1,000,000 shall be transferred to the Office*
12 *of the Inspector General for activities associated with car-*
13 *rying out investigations and audits related to the Bureau*
14 *of the Census.*

15 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*

16 *ADMINISTRATION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses, as provided for by law, of the*
19 *National Telecommunications and Information Adminis-*
20 *tration (NTIA), \$45,568,000, to remain available until*
21 *September 30, 2013: Provided, That, notwithstanding 31*
22 *U.S.C. 1535(d), the Secretary of Commerce shall charge*
23 *Federal agencies for costs incurred in spectrum manage-*
24 *ment, analysis, operations, and related services, and such*
25 *fees shall be retained and used as offsetting collections for*

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

11 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*
12 *CONSTRUCTION*

13 *For the administration of prior-year grants, recoveries*
14 *and unobligated balances of funds previously appropriated*
15 *are hereafter 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 TRANSFER OF FUNDS)*

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

1 *the general fund shall be reduced as offsetting collections*
2 *assessed and collected pursuant to 15 U.S.C. 1113 and 35*
3 *U.S.C. 41 and 376 are received during fiscal year 2012,*
4 *so as to result in a fiscal year 2012 appropriation from*
5 *the general fund estimated at \$0: Provided further, That*
6 *during fiscal year 2012, should the total amount of offset-*
7 *ting fee collections and the surcharge provided herein be less*
8 *than \$2,706,313,000 this amount shall be reduced accord-*
9 *ingly: Provided further, That any amount received in excess*
10 *of \$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 the Patent and Trademark Office shall submit a*
14 *spending plan to the Committees on Appropriations of the*
15 *House of Representatives and the Senate for any amounts*
16 *made available by the preceding proviso and such spending*
17 *plan shall be treated as a reprogramming under section 505*
18 *of this Act and shall not be available for obligation or ex-*
19 *penditure except in compliance with the procedures set forth*
20 *in that section: Provided further, That from amounts pro-*
21 *vided herein, not to exceed \$750 shall be made available*
22 *in fiscal year 2012 for official reception and representation*
23 *expenses: Provided further, That in fiscal year 2012 from*
24 *the amounts made available for "Salaries and Expenses"*
25 *for the USPTO, the amounts necessary to pay: (1) the dif-*

1 *ference between the percentage of basic pay contributed by*
2 *the USPTO and employees under section 8334(a) of title*
3 *5, 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 subchapter*
7 *III of chapter 83 of that title; and (2) the present value*
8 *of the otherwise unfunded accruing costs, as determined by*
9 *OPM for USPTO's specific use of post-retirement life insur-*
10 *ance and post-retirement health benefits coverage for all*
11 *USPTO employees who are enrolled in Federal Employees*
12 *Health Benefits (FEHB) and Federal Employees Group*
13 *Life Insurance (FEGLI), shall be transferred to the Civil*
14 *Service Retirement and Disability Fund, the Employees*
15 *Life Insurance Fund, and the Employees Health Benefits*
16 *Fund, as appropriate, and shall be available for the author-*
17 *ized purposes of those accounts: Provided further, That any*
18 *differences between the present value factors published in*
19 *OPM's yearly 300 series benefit letters and the factors that*
20 *OPM provides for PTO's specific use shall be recognized as*
21 *an imputed cost on PTO's financial statements, where ap-*
22 *plicable: Provided further, That sections 801, 802, and 803*
23 *of division B, Public Law 108-447 shall remain in effect*
24 *during fiscal year 2012: Provided further, That the Director*
25 *may, this year, reduce by regulation fees payable for docu-*

1 *ments in patent and trademark matters, in connection with*
2 *the filing of documents filed electronically in a form pre-*
3 *scribed by the Director: Provided further, That there shall*
4 *be a surcharge of 15 percent, as provided for by section 11(i)*
5 *of the Leahy-Smith America Invents Act: Provided further,*
6 *That hereafter the Director shall reduce fees for providing*
7 *prioritized examination of utility and plant patent appli-*
8 *cations by 50 percent for small entities that qualify for re-*
9 *duced fees under 35 U.S.C. 41(h)(1), so long as the fees of*
10 *the prioritized examination program are set to recover the*
11 *estimated cost of the program: Provided further, That the*
12 *receipts collected as a result of these surcharges shall be*
13 *available within the amounts provided herein to the United*
14 *States Patent and Trademark Office without fiscal year*
15 *limitation, for all authorized activities and operations of*
16 *the Office: Provided further, That within the amounts ap-*
17 *propriated, \$1,000,000 shall be transferred to the Office of*
18 *Inspector General for activities associated with carrying out*
19 *investigations and audits related to the USPTO.*

20 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
21 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

22 *For necessary expenses of the National Institute of*
23 *Standards and Technology, \$500,000,000, to remain avail-*
24 *able until expended, of which not to exceed \$9,000,000 may*
25 *be transferred to the “Working Capital Fund”: Provided,*

1 *That not to exceed \$5,000 shall be for official reception and*
2 *representation expenses.*

3 *INDUSTRIAL TECHNOLOGY SERVICES*

4 *For necessary expenses of the Industrial Technology*
5 *Services, \$120,000,000 to remain available until expended:*
6 *Provided, That of the amounts appropriated herein,*
7 *\$120,000,000 shall be for the Hollings Manufacturing Ex-*
8 *tension Partnership.*

9 *CONSTRUCTION OF RESEARCH FACILITIES*

10 *For construction of new research facilities, including*
11 *architectural and engineering design, and for renovation*
12 *and maintenance of existing facilities, not otherwise pro-*
13 *vided for the National Institute of Standards and Tech-*
14 *nology, as authorized by 15 U.S.C. 278c–278e, \$60,000,000,*
15 *to remain available until expended.*

16 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
17 *OPERATIONS, RESEARCH, AND FACILITIES*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses of activities authorized by law*
20 *for the National Oceanic and Atmospheric Administration,*
21 *including maintenance, operation, and hire of aircraft and*
22 *vessels; grants, contracts, or other payments to nonprofit*
23 *organizations for the purposes of conducting activities pur-*
24 *suant to cooperative agreements; and relocation of facilities,*
25 *\$3,134,327,000, to remain available until September 30,*

1 2013, except for funds provided for cooperative enforcement,
2 which shall remain available until September 30, 2014:
3 Provided, That fees and donations received by the National
4 Ocean Service for the management of national marine sanc-
5 tuaries may be retained and used for the salaries and ex-
6 penses associated with those activities, notwithstanding 31
7 U.S.C. 3302: Provided further, That in addition,
8 \$109,098,000 shall be derived by transfer from the fund en-
9 titled “Promote and Develop Fishery Products and Re-
10 search Pertaining to American Fisheries”: Provided fur-
11 ther, That of the \$3,250,425,000 provided for in direct obli-
12 gations under this heading \$3,134,327,000 is appropriated
13 from the general fund, and \$109,098,000 is provided by
14 transfer and \$7,000,000 is derived from recoveries of prior
15 year obligations: Provided further, That payments of funds
16 made available under this heading to the Department of
17 Commerce Working Capital Fund including Department of
18 Commerce General Counsel legal services shall not exceed
19 \$41,105,000: Provided further, That the total amount avail-
20 able for the National Oceanic and Atmospheric Administra-
21 tion corporate services administrative support costs shall
22 not exceed \$219,291,000: Provided further, That any devi-
23 ation from the amounts designated for specific activities in
24 the explanatory statement accompanying this Act, or any
25 use of deobligated balances of funds provided under this

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

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

14 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

15 *For procurement, acquisition and construction of cap-*
16 *ital assets, including alteration and modification costs, of*
17 *the National Oceanic and Atmospheric Administration*
18 *(NOAA), \$1,833,594,000, to remain available until Sep-*
19 *tember 30, 2014, except funds provided for construction of*
20 *facilities which shall remain available until expended: Pro-*
21 *vided, That of the \$1,841,594,000 provided for in direct ob-*
22 *ligations under this heading, \$1,833,594,000 is appro-*
23 *priated from the general fund and \$8,000,000 is provided*
24 *from recoveries of prior year obligations: Provided further,*
25 *That any deviation from the amounts designated for spe-*

1 *cific activities in the explanatory statement accompanying*
2 *this Act, or any use of deobligated balances of funds pro-*
3 *vided under this heading in previous years, shall be subject*
4 *to the procedures set forth in section 505 of this Act: Pro-*
5 *vided further, That the Secretary of Commerce shall include*
6 *in budget justification materials that the Secretary submits*
7 *to Congress in support of the Department of Commerce*
8 *budget (as submitted with the budget of the President under*
9 *section 1105(a) of title 31, United States Code) an estimate*
10 *for each NOAA Procurement, Acquisition or Construction*
11 *project having a total of more than \$5,000,000 and simulta-*
12 *neously the budget justification shall include an estimate*
13 *of the budgetary requirements for each such project for each*
14 *of the 5 subsequent fiscal years.*

15 *PACIFIC COASTAL SALMON RECOVERY FUND*

16 *For necessary expenses associated with the restoration*
17 *of Pacific salmon populations, \$65,000,000, to remain*
18 *available until September 30, 2013: Provided, That of the*
19 *funds provided herein the Secretary of Commerce may issue*
20 *grants to the States of Washington, Oregon, Idaho, Nevada,*
21 *California, and Alaska, and Federally recognized tribes of*
22 *the Columbia River and Pacific Coast (including Alaska)*
23 *for projects necessary for conservation of salmon and*
24 *steelhead populations, for restoration of populations that*
25 *are listed as threatened or endangered, or identified by a*

1 *State as at-risk to be so-listed, for maintaining populations*
2 *necessary for exercise of tribal treaty fishing rights or na-*
3 *tive subsistence fishing, or for conservation of Pacific coast-*
4 *al salmon and steelhead habitat, based on guidelines to be*
5 *developed by the Secretary of Commerce: Provided further,*
6 *That all funds shall be allocated based on scientific and*
7 *other merit principles and shall not be available for mar-*
8 *keting activities: Provided further, That funds disbursed to*
9 *States shall be subject to a matching requirement of funds*
10 *or documented in-kind contributions of at least 33 percent*
11 *of the Federal funds.*

12 *FISHERMEN'S CONTINGENCY FUND*

13 *For carrying out the provisions of title IV of Public*
14 *Law 95-372, not to exceed \$350,000, to be derived from re-*
15 *ceipts collected pursuant to that Act, to remain available*
16 *until expended.*

17 *FISHERIES FINANCE PROGRAM ACCOUNT*

18 *Subject to section 502 of the Congressional Budget Act*
19 *of 1974, during fiscal year 2012, obligations of direct loans*
20 *may not exceed \$24,000,000 for Individual Fishing Quota*
21 *loans and not to exceed \$59,000,000 for traditional direct*
22 *loans as authorized by the Merchant Marine Act of 1936:*
23 *Provided, That none of the funds made available under this*
24 *heading may be used for direct loans for any new fishing*

1 *vessel that will increase the harvesting capacity in any*
2 *United States fishery.*

3 *DEPARTMENTAL MANAGEMENT*

4 *SALARIES AND EXPENSES*

5 *For expenses necessary for the departmental manage-*
6 *ment of the Department of Commerce provided for by law,*
7 *including not to exceed \$5,000 for official reception and*
8 *representation, \$56,726,000.*

9 *RENOVATION AND MODERNIZATION*

10 *For expenses necessary, including blast windows, for*
11 *the renovation and modernization of Department of Com-*
12 *merce facilities, \$5,000,000, to remain available until ex-*
13 *pended.*

14 *OFFICE OF INSPECTOR GENERAL*

15 *For necessary expenses of the Office of Inspector Gen-*
16 *eral in carrying out the provisions of the Inspector General*
17 *Act of 1978 (5 U.S.C. App.) (as amended), \$26,946,000.*

18 *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

19 *SEC. 101. During the current fiscal year, applicable*
20 *appropriations and funds made available to the Depart-*
21 *ment of Commerce by this Act shall be available for the*
22 *activities specified in the Act of October 26, 1949 (15 U.S.C.*
23 *1514), to the extent and in the manner prescribed by the*
24 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*
25 *advanced payments not otherwise authorized only upon the*

1 *certification of officials designated by the Secretary of Com-*
2 *merce that such payments are in the public interest.*

3 *SEC. 102. During the current fiscal year, appropria-*
4 *tions made available to the Department of Commerce by*
5 *this Act for salaries and expenses shall be available for hire*
6 *of passenger motor vehicles as authorized by 31 U.S.C. 1343*
7 *and 1344; services as authorized by 5 U.S.C. 3109; and uni-*
8 *forms or allowances therefor, as authorized by law (5 U.S.C.*
9 *5901–5902).*

10 *SEC. 103. Not to exceed 5 percent of any appropriation*
11 *made available for the current fiscal year for the Depart-*
12 *ment of Commerce in this Act may be transferred between*
13 *such appropriations, but no such appropriation shall be in-*
14 *creased by more than 10 percent by any such transfers: Pro-*
15 *vided, That any transfer pursuant to this section shall be*
16 *treated as a reprogramming of funds under section 505 of*
17 *this Act and shall not be available for obligation or expendi-*
18 *ture except in compliance with the procedures set forth in*
19 *that section: Provided further, That the Secretary of Com-*
20 *merce shall notify the Committees on Appropriations at*
21 *least 15 days in advance of the acquisition or disposal of*
22 *any capital asset (including land, structures, and equip-*
23 *ment) not specifically provided for in this Act or any other*
24 *law appropriating funds for the Department of Commerce:*
25 *Provided further, That for the National Oceanic and Atmos-*

1 *pheric Administration this section shall provide for trans-*
2 *fers among appropriations made only to the National Oce-*
3 *anic and Atmospheric Administration and such appropria-*
4 *tions may not be transferred and reprogrammed to other*
5 *Department of Commerce bureaus and appropriation ac-*
6 *counts.*

7 *SEC. 104. Any costs incurred by a department or agen-*
8 *cy funded under this title resulting from personnel actions*
9 *taken in response to funding reductions included in this*
10 *title or from actions taken for the care and protection of*
11 *loan collateral or grant property shall be absorbed within*
12 *the total budgetary resources available to such department*
13 *or agency: Provided, That the authority to transfer funds*
14 *between appropriations accounts as may be necessary to*
15 *carry out this section is provided in addition to authorities*
16 *included elsewhere in this Act: Provided further, That use*
17 *of funds to carry out this section shall be treated as a re-*
18 *programming of funds under section 505 of this Act and*
19 *shall not be available for obligation or expenditure except*
20 *in compliance with the procedures set forth in that section.*

21 *SEC. 105. The requirements set forth by section 112*
22 *of division B of Public Law 110–161 are hereby adopted*
23 *by reference.*

24 *SEC. 106. Notwithstanding any other law, the Sec-*
25 *retary may furnish services (including but not limited to*

1 *utilities, telecommunications, and security services) nec-*
2 *essary to support the operation, maintenance, and improve-*
3 *ment of space that persons, firms or organizations are au-*
4 *thorized pursuant to the Public Buildings Cooperative Use*
5 *Act of 1976 or other authority to use or occupy in the Her-*
6 *bert C. Hoover Building, Washington, DC, or other build-*
7 *ings, the maintenance, operation, and protection of which*
8 *has been delegated to the Secretary from the Administrator*
9 *of General Services pursuant to the Federal Property and*
10 *Administrative Services Act of 1949, as amended, on a re-*
11 *imbursable or non-reimbursable basis. Amounts received as*
12 *reimbursement for services provided under this section or*
13 *the authority under which the use or occupancy of the space*
14 *is authorized, up to \$200,000, shall be credited to the appro-*
15 *priation or fund which initially bears the costs of such serv-*
16 *ices.*

17 *SEC. 107. Nothing in this title shall be construed to*
18 *prevent a grant recipient from deterring child pornography,*
19 *copyright infringement, or any other unlawful activity over*
20 *its networks.*

21 *SEC. 108. The administration of the National Oceanic*
22 *and Atmospheric Administration is authorized to use, with*
23 *their consent, with reimbursement and subject to the limits*
24 *of available appropriations, the land, services, equipment,*
25 *personnel, and facilities of any department, agency or in-*

1 *strumentality of the United States, or of any State, local*
2 *government, Indian tribal government, Territory or posses-*
3 *sion, or of any political subdivision thereof, or of any for-*
4 *eign government or international organization for purposes*
5 *related to carrying out the responsibilities of any statute*
6 *administered by the National Oceanic and Atmospheric Ad-*
7 *ministration.*

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

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

1 *of collections pursuant to 16 U.S.C. 1437, which are cur-*
2 *rently deposited in the Operations, Research, and Facilities*
3 *account: Provided, That all unobligated balances that have*
4 *been collected pursuant to 16 U.S.C. 1861 or any other ma-*
5 *rine resource law enforced by the Secretary of Commerce*
6 *with the exception of 16 U.S.C. 1437 shall be transferred*
7 *from the Operations, Research, and Facilities account into*
8 *the Fisheries Enforcement Asset Forfeiture Fund and shall*
9 *remain available until expended.*

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

21 *SEC. 112. Notwithstanding any other provision of law,*
22 *the National Oceanic and Atmospheric Administration is*
23 *authorized to receive and expend funds made available by*
24 *any Federal agency, State or subdivision thereof, public or*
25 *private organization, or individual to carry out any statute*

1 *administered by the National Oceanic and Atmospheric Ad-*
2 *ministration: Provided, That use of funds to carry out this*
3 *section shall be treated as a reprogramming of funds under*
4 *section 505 of this Act and shall not be available for obliga-*
5 *tion or expenditure except in compliance with the proce-*
6 *dures set forth in that section.*

7 *SEC. 113. (a) The Secretary of State shall ensure par-*
8 *ticipation in the Commission for the Conservation and*
9 *Management of Highly Migratory Fish Stocks in the West-*
10 *ern and Central Pacific Ocean (“Commission”) and its sub-*
11 *sidary bodies by American Samoa, Guam, and the North-*
12 *ern Mariana Islands (collectively, the U.S. Participating*
13 *Territories) to the same extent provided to the territories*
14 *of other nations.*

15 *(b) The U.S. Participating Territories are each au-*
16 *thorized to use, assign, allocate, and manage catch limits*
17 *of highly migratory fish stocks, or fishing effort limits,*
18 *agreed to by the Commission for the participating terri-*
19 *tories of the Convention for the Conservation and Manage-*
20 *ment of Highly Migratory Fish Stocks in the Western and*
21 *Central Pacific Ocean, through arrangements with U.S.*
22 *vessels with permits issued under the Pelagics Fishery Man-*
23 *agement Plan of the Western Pacific Region. Vessels under*
24 *such arrangements are integral to the domestic fisheries of*
25 *the U.S. Participating Territories provided that such ar-*

1 *rangements shall impose no requirements regarding where*
2 *such vessels must fish or land their catch and shall be fund-*
3 *ed by deposits to the Western Pacific Sustainable Fisheries*
4 *Fund in support of fisheries development projects identified*
5 *in a Territory's Marine Conservation Plan and adopted*
6 *pursuant to section 204 of the Magnuson-Stevens Fishery*
7 *Conservation and Management Act (16 U.S.C. 1824). The*
8 *Secretary of Commerce shall attribute catches made by ves-*
9 *sels operating under such arrangements to the U.S. Partici-*
10 *pating Territories for the purposes of annual reporting to*
11 *the Commission.*

12 *(c) The Western Pacific Regional Fisheries Manage-*
13 *ment Council—*

14 *(1) is authorized to accept and deposit into the*
15 *Western Pacific Sustainable Fisheries Fund funding*
16 *for arrangements pursuant to subsection (b);*

17 *(2) shall use amounts deposited under paragraph*
18 *(1) that are attributable to a particular U.S. Partici-*
19 *pating Territory only for implementation of that Ter-*
20 *ritory's Marine Conservation Plan adopted pursuant*
21 *to section 204 of the Magnuson-Stevens Fishery Con-*
22 *servation and Management Act (16 U.S.C. 1824); and*

23 *(3) shall recommend an amendment to the*
24 *Pelagics Fishery Management Plan for the Western*

1 *Pacific Region, and associated regulations, to imple-*
2 *ment this section.*

3 *(d) Subsection (b) shall remain in effect until such*
4 *time as—*

5 *(1) the Western Pacific Regional Fishery Man-*
6 *agement Council recommends an amendment to the*
7 *Pelagics Fishery Management Plan for the Western*
8 *Pacific Region, and implementing regulations, to the*
9 *Secretary of Commerce that authorize use, assign-*
10 *ment, allocation, and management of catch limits of*
11 *highly migratory fish stocks, or fishing effort limits,*
12 *established by the Commission and applicable to U.S.*
13 *Participating Territories;*

14 *(2) the Secretary of Commerce approves the*
15 *amendment as recommended; and*

16 *(3) such implementing regulations become effec-*
17 *tive.*

18 *SEC. 114. (a) REPORT TO CONGRESS.—Not later than*
19 *6 months after the date of the enactment of this Act, the*
20 *National Aquatic Animal Health Task Force shall submit*
21 *to the Committee on Commerce, Science, and Transpor-*
22 *tation of the Senate and the Committee on Natural Re-*
23 *sources of the House of Representatives a report of the find-*
24 *ings of the research objectives described in subsection (b).*

1 (b) *RESEARCH AND SURVEILLANCE.*—*The National*
2 *Aquatic Animal Health Task Force shall establish Infec-*
3 *tious Salmon Anemia research objectives, in collaboration*
4 *the with the Government of Canada, and Federal, State,*
5 *and tribal governments, including the Department of Fish*
6 *and Wildlife of Washington and the Department of Fish*
7 *and Game of Alaska, to assess—*

8 (1) *the prevalence of Infectious Salmon Anemia*
9 *in both wild and aquaculture salmonid populations*
10 *throughout Alaska, Washington, Oregon, California,*
11 *and Idaho;*

12 (2) *genetic susceptibility by population and spe-*
13 *cies;*

14 (3) *susceptibility of populations to Infectious*
15 *Salmon Anemia from geographic and oceanographic*
16 *factors;*

17 (4) *potential transmission pathways between in-*
18 *fectious Canadian sockeye and uninfected salmonid*
19 *populations in United States waters;*

20 (5) *management strategies to rapidly respond to*
21 *potential Infectious Salmon Anemia outbreaks in both*
22 *wild and aquaculture populations, including securing*
23 *the water supplies at conservation hatcheries to pro-*
24 *tect hatchery fish from exposure to the Infectious*

1 *Salmon Anemia virus present in incoming surface*
2 *water;*

3 (6) *potential economic impacts of Infectious*
4 *Salmon Anemia;*

5 (7) *any role foreign salmon farms may have in*
6 *spreading Infectious Salmon Anemia to wild popu-*
7 *lations;*

8 (8) *the identity of any potential Federal, State,*
9 *tribal, and international research partners;*

10 (9) *available baseline data, including baseline*
11 *data available from a collaborating entity; and*

12 (10) *other Infectious Salmon Anemia research*
13 *priorities, as determined by the Task Force.*

14 *This title may be cited as the “Department of Com-*
15 *merce Appropriations Act, 2012”.*

16 *TITLE II*

17 *DEPARTMENT OF JUSTICE*

18 *GENERAL ADMINISTRATION*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary for the administration of the*
21 *Department of Justice, \$115,886,000, of which not to exceed*
22 *\$4,000,000 for security and construction of Department of*
23 *Justice facilities shall remain available until expended:*
24 *Provided, That the Attorney General is authorized to trans-*
25 *fer funds appropriated within General Administration to*

1 *any office in this account: Provided further, That*
2 *\$18,903,000 is for Department Leadership; \$8,311,000 is*
3 *for Intergovernmental Relations/External Affairs;*
4 *\$12,925,000 is for Executive Support/Professional Respon-*
5 *sibility; and \$75,747,000 is for the Justice Management Di-*
6 *vision: Provided further, That any change in amounts spec-*
7 *ified in the preceding proviso greater than 5 percent shall*
8 *be submitted for approval to the House and Senate Commit-*
9 *tees on Appropriations consistent with the terms of section*
10 *505 of this Act: Provided further, That this transfer author-*
11 *ity is in addition to transfers authorized under section 505*
12 *of this Act.*

13 *NATIONAL DRUG INTELLIGENCE CENTER*

14 *For necessary expenses of the National Drug Intel-*
15 *ligence Center, including reimbursement of Air Force per-*
16 *sonnel for the National Drug Intelligence Center to support*
17 *the Department of Defense's counter-drug intelligence re-*
18 *sponsibilities, \$20,000,000: Provided, That the National*
19 *Drug Intelligence Center shall maintain the personnel and*
20 *technical resources to provide timely support to law enforce-*
21 *ment authorities and the intelligence community by con-*
22 *ducting document and computer exploitation of materials*
23 *collected in Federal, State, and local law enforcement activ-*
24 *ity associated with counter-drug, counterterrorism, and na-*
25 *tional security investigations and operations.*

1 *JUSTICE INFORMATION SHARING TECHNOLOGY*

2 *For necessary expenses for information sharing tech-*
3 *nology, including planning, development, deployment and*
4 *departmental direction, \$47,000,000, to remain available*
5 *until expended.*

6 *TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS*

7 *For the costs of developing and implementing a na-*
8 *tionwide Integrated Wireless Network supporting Federal*
9 *law enforcement communications, and for the costs of oper-*
10 *ations and maintenance of existing Land Mobile Radio leg-*
11 *acy systems, \$87,000,000, to remain available until ex-*
12 *pended: Provided, That the Attorney General shall transfer*
13 *to this account all funds made available to the Department*
14 *of Justice for the purchase of portable and mobile radios:*
15 *Provided further, That any transfer made under the pre-*
16 *ceding proviso shall be subject to section 505 of this Act.*

17 *ADMINISTRATIVE REVIEW AND APPEALS*18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For expenses necessary for the administration of par-*
20 *don and clemency petitions and immigration-related activi-*
21 *ties, \$294,082,000, of which \$4,000,000 shall be derived by*
22 *transfer from the Executive Office for Immigration Review*
23 *fees deposited in the “Immigration Examinations Fee” ac-*
24 *count.*

1

DETENTION TRUSTEE

2

*For necessary expenses of the Federal Detention Trust-
ee, \$1,563,453,000, to remain available until expended: Pro-
vided, That the Trustee shall be responsible for managing
the Justice Prisoner and Alien Transportation System:
Provided further, That not to exceed \$20,000,000 shall be
considered “funds appropriated for State and local law en-
forcement assistance” pursuant to 18 U.S.C. 4013(b).*

9

OFFICE OF INSPECTOR GENERAL

10

*For necessary expenses of the Office of Inspector Gen-
eral, \$84,199,000, including not to exceed \$10,000 to meet
unforeseen emergencies of a confidential character.*

13

UNITED STATES PAROLE COMMISSION

14

SALARIES AND EXPENSES

15

*For necessary expenses of the United States Parole
Commission as authorized, \$12,577,000.*

17

LEGAL ACTIVITIES

18

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

19

*For expenses necessary for the legal activities of the
Department of Justice, not otherwise provided for, includ-
ing not to exceed \$20,000 for expenses of collecting evidence,
to be expended under the direction of, and to be accounted
for solely under the certificate of, the Attorney General; and
rent of private or Government-owned space in the District
of Columbia, \$846,099,000, of which not to exceed*

1 \$10,000,000 for litigation support contracts shall remain
2 available until expended: Provided, That of the total
3 amount appropriated, not to exceed \$7,500 shall be avail-
4 able to INTERPOL Washington for official reception and
5 representation expenses: Provided further, That notwith-
6 standing section 205 of this Act, upon a determination by
7 the Attorney General that emergent circumstances require
8 additional funding for litigation activities of the Civil Divi-
9 sion, the Attorney General may transfer such amounts to
10 “Salaries and Expenses, General Legal Activities” from
11 available appropriations for the current fiscal year for the
12 Department of Justice, as may be necessary to respond to
13 such circumstances: Provided further, That any transfer
14 pursuant to the previous proviso shall be treated as a re-
15 programming under section 505 of this Act and shall not
16 be available for obligation or expenditure except in compli-
17 ance with the procedures set forth in that section: Provided
18 further, That of the amount appropriated, such sums as
19 may be necessary shall be available to reimburse the Office
20 of Personnel Management for salaries and expenses associ-
21 ated with the election monitoring program under section
22 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Pro-
23 vided further, That of the amounts provided under this
24 heading for the election monitoring program \$3,390,000,
25 shall remain available until expended.

1 *In addition, for reimbursement of expenses of the De-*
2 *partment of Justice associated with processing cases under*
3 *the National Childhood Vaccine Injury Act of 1986, not to*
4 *exceed \$7,833,000, to be appropriated from the Vaccine In-*
5 *jury Compensation Trust Fund.*

6 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

7 *For expenses necessary for the enforcement of antitrust*
8 *and kindred laws, \$159,587,000, to remain available until*
9 *expended: Provided, That notwithstanding any other provi-*
10 *sion of law, fees collected for premerger notification filings*
11 *under the Hart-Scott-Rodino Antitrust Improvements Act*
12 *of 1976 (15 U.S.C. 18a), regardless of the year of collection*
13 *(and estimated to be \$108,000,000 in fiscal year 2012),*
14 *shall be retained and used for necessary expenses in this*
15 *appropriation, and shall remain available until expended:*
16 *Provided further, That the sum herein appropriated from*
17 *the general fund shall be reduced as such offsetting collec-*
18 *tions are received during fiscal year 2012, so as to result*
19 *in a final fiscal year 2012 appropriation from the general*
20 *fund estimated at \$51,587,000.*

21 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

22 *For necessary expenses of the Offices of the United*
23 *States Attorneys, including inter-governmental and cooper-*
24 *ative agreements, \$1,891,532,000: Provided, That of the*
25 *total amount appropriated, not to exceed \$6,000 shall be*

1 *available for official reception and representation expenses:*
2 *Provided further, That not to exceed \$25,000,000 shall re-*
3 *main available until expended: Provided further, That of*
4 *the amount provided under this heading, not less than*
5 *\$43,184,000 shall be used for salaries and expenses for as-*
6 *sistant U.S. Attorneys to carry out section 704 of the Adam*
7 *Walsh Child Protection and Safety Act of 2006 (Public Law*
8 *109–248) concerning the prosecution of offenses relating to*
9 *the sexual exploitation of children.*

10 *UNITED STATES TRUSTEE SYSTEM FUND*

11 *For necessary expenses of the United States Trustee*
12 *Program, as authorized, \$234,115,000, to remain available*
13 *until expended and to be derived from the United States*
14 *Trustee System Fund: Provided, That notwithstanding any*
15 *other provision of law, deposits to the Fund shall be avail-*
16 *able in such amounts as may be necessary to pay refunds*
17 *due depositors: Provided further, That, notwithstanding*
18 *any other provision of law, \$234,115,000 of offsetting collec-*
19 *tions pursuant to 28 U.S.C. 589a(b) shall be retained and*
20 *used for necessary expenses in this appropriation and shall*
21 *remain available until expended: Provided further, That the*
22 *sum herein appropriated from the Fund shall be reduced*
23 *as such offsetting collections are received during fiscal year*
24 *2012, so as to result in a final fiscal year 2012 appropria-*
25 *tion from the Fund estimated at \$0.*

1 SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT
2 COMMISSION

3 *For expenses necessary to carry out the activities of*
4 *the Foreign Claims Settlement Commission, including serv-*
5 *ices as authorized by section 3109 of title 5, United States*
6 *Code, \$2,071,000.*

7 FEES AND EXPENSES OF WITNESSES

8 *For fees and expenses of witnesses, for expenses of con-*
9 *tracts for the procurement and supervision of expert wit-*
10 *nesses, for private counsel expenses, including advances,*
11 *and for expenses of foreign counsel, \$270,000,000, to remain*
12 *available until expended: Provided, That not to exceed*
13 *\$10,000,000 may be made available for construction of*
14 *buildings for protected witness safesites: Provided further,*
15 *That not to exceed \$3,000,000 may be made available for*
16 *the purchase and maintenance of armored and other vehi-*
17 *cles for witness security caravans: Provided further, That*
18 *not to exceed \$11,000,000 may be made available for the*
19 *purchase, installation, maintenance, and upgrade of secure*
20 *telecommunications equipment and a secure automated in-*
21 *formation network to store and retrieve the identities and*
22 *locations of protected witnesses.*

23 SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

24 *For necessary expenses of the Community Relations*
25 *Service, \$11,227,000: Provided, That notwithstanding sec-*

1 *tion 205 of this Act, upon a determination by the Attorney*
2 *General that emergent circumstances require additional*
3 *funding for conflict resolution and violence prevention ac-*
4 *tivities of the Community Relations Service, the Attorney*
5 *General may transfer such amounts to the Community Re-*
6 *lations Service, from available appropriations for the cur-*
7 *rent fiscal year for the Department of Justice, as may be*
8 *necessary to respond to such circumstances: Provided fur-*
9 *ther, That any transfer pursuant to the preceding proviso*
10 *shall be treated as a reprogramming under section 505 of*
11 *this Act and shall not be available for obligation or expendi-*
12 *ture except in compliance with the procedures set forth in*
13 *that section.*

14 *ASSETS FORFEITURE FUND*

15 *For expenses authorized by 28 U.S.C. 524(c)(1)(B),*
16 *(F), and (G), \$20,990,000, to be derived from the Depart-*
17 *ment of Justice Assets Forfeiture Fund.*

18 *UNITED STATES MARSHALS SERVICE*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the United States Marshals*
21 *Service, \$1,111,041,000; of which not to exceed \$10,000,000*
22 *shall be available for necessary expenses for increased dep-*
23 *uty marshals and staff related to Southwest border enforce-*
24 *ment until September 30, 2012; of which not to exceed*
25 *\$6,000 shall be available for official reception and represen-*

1 *tation expenses; and of which not to exceed \$20,000,000*
2 *shall remain available until expended.*

3 *CONSTRUCTION*

4 *For construction in space controlled, occupied or uti-*
5 *lized by the United States Marshals Service for prisoner*
6 *holding and related support, \$20,250,000, of which*
7 *\$8,250,000 shall be available for detention upgrades at Fed-*
8 *eral courthouses located in the Southwest border region, to*
9 *remain available until expended; of which not less than*
10 *\$9,696,000 shall be available for the costs of courthouse secu-*
11 *rity equipment, including furnishings, relocations, and tele-*
12 *phone systems and cabling.*

13 *NATIONAL SECURITY DIVISION*

14 *SALARIES AND EXPENSES*

15 *For expenses necessary to carry out the activities of*
16 *the National Security Division, \$86,007,000; of which not*
17 *to exceed \$5,000,000 for information technology systems*
18 *shall remain available until expended: Provided, That not-*
19 *withstanding section 205 of this Act, upon a determination*
20 *by the Attorney General that emergent circumstances re-*
21 *quire additional funding for the activities of the National*
22 *Security Division, the Attorney General may transfer such*
23 *amounts to this heading from available appropriations for*
24 *the current fiscal year for the Department of Justice, as*
25 *may be necessary to respond to such circumstances: Pro-*

1 *vided further, That any transfer pursuant to the preceding*
2 *proviso shall be treated as a reprogramming under section*
3 *505 of this Act and shall not be available for obligation*
4 *or expenditure except in compliance with the procedures set*
5 *forth in that section.*

6 *INTERAGENCY LAW ENFORCEMENT*

7 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

8 *For necessary expenses for the identification, inves-*
9 *tigation, and prosecution of individuals associated with the*
10 *most significant drug trafficking and affiliated money*
11 *laundering organizations not otherwise provided for, to in-*
12 *clude inter-governmental agreements with State and local*
13 *law enforcement agencies engaged in the investigation and*
14 *prosecution of individuals involved in organized crime drug*
15 *trafficking, \$516,962,000, of which \$50,000,000 shall re-*
16 *main available until expended: Provided, That any*
17 *amounts obligated from appropriations under this heading*
18 *may be used under authorities available to the organiza-*
19 *tions reimbursed from this appropriation.*

20 *FEDERAL BUREAU OF INVESTIGATION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Federal Bureau of Inves-*
23 *tigation for detection, investigation, and prosecution of*
24 *crimes against the United States, \$7,785,000,000, of which*
25 *not to exceed \$150,000,000 shall remain available until ex-*

1 *pended: Provided, That not to exceed \$153,750 shall be*
2 *available for official reception and representation expenses.*

3 *CONSTRUCTION*

4 *For all necessary expenses, to include the cost of equip-*
5 *ment, furniture, and information technology requirements,*
6 *related to construction or acquisition of buildings, facilities*
7 *and sites by purchase, or as otherwise authorized by law;*
8 *conversion, modification and extension of Federally owned*
9 *buildings; and preliminary planning and design of projects;*
10 *\$75,000,000, to remain available until expended.*

11 *DRUG ENFORCEMENT ADMINISTRATION*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Drug Enforcement Ad-*
14 *ministration, including not to exceed \$70,000 to meet un-*
15 *foreseen emergencies of a confidential character pursuant*
16 *to 28 U.S.C. 530C; and expenses for conducting drug edu-*
17 *cation and training programs, including travel and related*
18 *expenses for participants in such programs and the dis-*
19 *tribution of items of token value that promote the goals of*
20 *such programs, \$1,900,084,000; of which not to exceed*
21 *\$75,000,000 shall remain available until expended; and of*
22 *which not to exceed \$75,000 shall be available for official*
23 *reception and representation expenses.*

1

CONSTRUCTION

2

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$10,000,000, to remain available until expended.

8

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

9

EXPLOSIVES

10

SALARIES AND EXPENSES

11

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,090,292,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$20,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or

1 *centralizing, within the Department of Justice, the records,*
2 *or any portion thereof, of acquisition and disposition of*
3 *firearms maintained by Federal firearms licensees: Pro-*
4 *vided further, That no funds appropriated herein shall be*
5 *used to pay administrative expenses or the compensation*
6 *of any officer or employee of the United States to implement*
7 *an amendment or amendments to 27 CFR 478.118 or to*
8 *change the definition of “Curios or relics” in 27 CFR*
9 *478.11 or remove any item from ATF Publication 5300.11*
10 *as it existed on January 1, 1994: Provided further, That*
11 *none of the funds appropriated herein shall be available to*
12 *investigate or act upon applications for relief from Federal*
13 *firearms disabilities under 18 U.S.C. 925(c): Provided fur-*
14 *ther, That such funds shall be available to investigate and*
15 *act upon applications filed by corporations for relief from*
16 *Federal firearms disabilities under section 925(c) of title*
17 *18, United States Code: Provided further, That no funds*
18 *made available by this or any other Act may be used to*
19 *transfer the functions, missions, or activities of the Bureau*
20 *of Alcohol, Tobacco, Firearms and Explosives to other agen-*
21 *cies or Departments in fiscal year 2012: Provided further,*
22 *That, beginning in fiscal year 2012 and thereafter, no funds*
23 *appropriated under this or any other Act may be used to*
24 *disclose part or all of the contents of the Firearms Trace*
25 *System database maintained by the National Trace Center*

1 *of the Bureau of Alcohol, Tobacco, Firearms and Explosives*
2 *or any information required to be kept by licensees pursu-*
3 *ant to section 923(g) of title 18, United States Code, or re-*
4 *quired to be reported pursuant to paragraphs (3) and (7)*
5 *of such section 923(g), except to: (1) a Federal, State, local,*
6 *or tribal law enforcement agency, or a Federal, State, or*
7 *local prosecutor; or (2) a foreign law enforcement agency*
8 *solely in connection with or for use in a criminal investiga-*
9 *tion or prosecution; or (3) a Federal agency for a national*
10 *security or intelligence purpose; unless such disclosure of*
11 *such data to any of the entities described in (1), (2) or (3)*
12 *of this proviso would compromise the identity of any under-*
13 *cover law enforcement officer or confidential informant, or*
14 *interfere with any case under investigation; and no person*
15 *or entity described in (1), (2) or (3) shall knowingly and*
16 *publicly disclose such data; and all such data shall be im-*
17 *mune from legal process, shall not be subject to subpoena*
18 *or other discovery, shall be inadmissible in evidence, and*
19 *shall not be used, relied on, or disclosed in any manner,*
20 *nor shall testimony or other evidence be permitted based*
21 *on the data, in a civil action in any State (including the*
22 *District of Columbia) or Federal court or in an administra-*
23 *tive proceeding other than a proceeding commenced by the*
24 *Bureau of Alcohol, Tobacco, Firearms and Explosives to en-*
25 *force the provisions of chapter 44 of such title, or a review*

1 *of such an action or proceeding; except that this proviso*
2 *shall not be construed to prevent: (A) the disclosure of statis-*
3 *tical information concerning total production, importation,*
4 *and exportation by each licensed importer (as defined in*
5 *section 921(a)(9) of such title) and licensed manufacturer*
6 *(as defined in section 921(a)(10) of such title); (B) the shar-*
7 *ing or exchange of such information among and between*
8 *Federal, State, local, or foreign law enforcement agencies,*
9 *Federal, State, or local prosecutors, and Federal national*
10 *security, intelligence, or counterterrorism officials; or (C)*
11 *the publication of annual statistical reports on products*
12 *regulated by the Bureau of Alcohol, Tobacco, Firearms and*
13 *Explosives, including total production, importation, and*
14 *exportation by each licensed importer (as so defined) and*
15 *licensed manufacturer (as so defined), or statistical aggre-*
16 *gate data regarding firearms traffickers and trafficking*
17 *channels, or firearms misuse, felons, and trafficking inves-*
18 *tigations: Provided further, That no funds made available*
19 *by this or any other Act shall be expended to promulgate*
20 *or implement any rule requiring a physical inventory of*
21 *any business licensed under section 923 of title 18, United*
22 *States Code: Provided further, That no funds under this Act*
23 *may be used to electronically retrieve information gathered*
24 *pursuant to 18 U.S.C. 923(g)(4) by name or any personal*
25 *identification code: Provided further, That no funds author-*

1 ized or made available under this or any other Act may
2 be used to deny any application for a license under section
3 923 of title 18, United States Code, or renewal of such a
4 license due to a lack of business activity, provided that the
5 applicant is otherwise eligible to receive such a license, and
6 is eligible to report business income or to claim an income
7 tax deduction for business expenses under the Internal Rev-
8 enue Code of 1986.

9 *FEDERAL PRISON SYSTEM*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Federal Prison System*
12 *for the administration, operation, and maintenance of Fed-*
13 *eral penal and correctional institutions, including purchase*
14 *(not to exceed 835, of which 808 are for replacement only)*
15 *and hire of law enforcement and passenger motor vehicles,*
16 *and for the provision of technical assistance and advice on*
17 *corrections related issues to foreign governments,*
18 *\$6,589,781,000: Provided, That the Attorney General may*
19 *transfer to the Health Resources and Services Administra-*
20 *tion such amounts as may be necessary for direct expendi-*
21 *tures by that Administration for medical relief for inmates*
22 *of Federal penal and correctional institutions: Provided*
23 *further, That the Director of the Federal Prison System,*
24 *where necessary, may enter into contracts with a fiscal*
25 *agent or fiscal intermediary claims processor to determine*

1 *the amounts payable to persons who, on behalf of the Fed-*
2 *eral Prison System, furnish health services to individuals*
3 *committed to the custody of the Federal Prison System: Pro-*
4 *vided further, That not to exceed \$4,500 shall be available*
5 *for official reception and representation expenses: Provided*
6 *further, That not to exceed \$50,000,000 shall remain avail-*
7 *able for necessary operations until September 30, 2013:*
8 *Provided further, That, of the amounts provided for con-*
9 *tract confinement, not to exceed \$20,000,000 shall remain*
10 *available until expended to make payments in advance for*
11 *grants, contracts and reimbursable agreements, and other*
12 *expenses authorized by section 501(c) of the Refugee Edu-*
13 *cation Assistance Act of 1980 (8 U.S.C. 1522 note), for the*
14 *care and security in the United States of Cuban and Hai-*
15 *tian entrants: Provided further, That the Director of the*
16 *Federal Prison System may accept donated property and*
17 *services relating to the operation of the prison card program*
18 *from a not-for-profit entity which has operated such pro-*
19 *gram in the past notwithstanding the fact that such not-*
20 *for-profit entity furnishes services under contracts to the*
21 *Federal Prison System relating to the operation of pre-re-*
22 *lease services, halfway houses, or other custodial facilities.*

23 *BUILDINGS AND FACILITIES*

24 *For planning, acquisition of sites and construction of*
25 *new facilities; purchase and acquisition of facilities and re-*

1 *modeling, and equipping of such facilities for penal and*
2 *correctional use, including all necessary expenses incident*
3 *thereto, by contract or force account; and constructing, re-*
4 *modeling, and equipping necessary buildings and facilities*
5 *at existing penal and correctional institutions, including*
6 *all necessary expenses incident thereto, by contract or force*
7 *account, \$90,000,000, to remain available until expended,*
8 *of which not less than \$66,965,000 shall be available only*
9 *for modernization, maintenance and repair, and of which*
10 *not to exceed \$14,000,000 shall be available to construct*
11 *areas for inmate work programs: Provided, That labor of*
12 *United States prisoners may be used for work performed*
13 *under this appropriation: Provided further, That none of*
14 *the funds provided under this heading in this or any prior*
15 *Act shall be available for the acquisition of any facility that*
16 *is to be used wholly or in part for the incarceration or de-*
17 *tention of any individual detained at Naval Station, Guan-*
18 *tanamo Bay, Cuba, as of June 24, 2009.*

19 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

20 *The Federal Prison Industries, Incorporated, is hereby*
21 *authorized to make such expenditures, within the limits of*
22 *funds and borrowing authority available, and in accord*
23 *with the law, and to make such contracts and commitments,*
24 *without regard to fiscal year limitations as provided by sec-*
25 *tion 9104 of title 31, United States Code, as may be nec-*

1 *essary in carrying out the program set forth in the budget*
2 *for the current fiscal year for such corporation, including*
3 *purchase (not to exceed five for replacement only) and hire*
4 *of passenger motor vehicles.*

5 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*
6 *PRISON INDUSTRIES, INCORPORATED*

7 *Not to exceed \$2,700,000 of the funds of the Federal*
8 *Prison Industries, Incorporated shall be available for its ad-*
9 *ministrative expenses, and for services as authorized by sec-*
10 *tion 3109 of title 5, United States Code, to be computed*
11 *on an accrual basis to be determined in accordance with*
12 *the corporation's current prescribed accounting system, and*
13 *such amounts shall be exclusive of depreciation, payment*
14 *of claims, and expenditures which such accounting system*
15 *requires to be capitalized or charged to cost of commodities*
16 *acquired or produced, including selling and shipping ex-*
17 *penses, and expenses in connection with acquisition, con-*
18 *struction, operation, maintenance, improvement, protec-*
19 *tion, or disposition of facilities and other property belong-*
20 *ing to the corporation or in which it has an interest.*

1 *STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES*
2 *OFFICE ON VIOLENCE AGAINST WOMEN*
3 *VIOLENCE AGAINST WOMEN PREVENTION AND*
4 *PROSECUTION PROGRAMS*

5 *For grants, contracts, cooperative agreements, and*
6 *other assistance for the prevention and prosecution of vio-*
7 *lence against women, as authorized by the Omnibus Crime*
8 *Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et*
9 *seq.) (“the 1968 Act”); the Violent Crime Control and Law*
10 *Enforcement Act of 1994 (Public Law 103–322) (“the 1994*
11 *Act”); the Victims of Child Abuse Act of 1990 (Public Law*
12 *101–647) (“the 1990 Act”); the Prosecutorial Remedies and*
13 *Other Tools to end the Exploitation of Children Today Act*
14 *of 2003 (Public Law 108–21); the Juvenile Justice and De-*
15 *linquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.)*
16 *(“the 1974 Act”); the Victims of Trafficking and Violence*
17 *Protection Act of 2000 (Public Law 106–386) (“the 2000*
18 *Act”); and the Violence Against Women and Department*
19 *of Justice Reauthorization Act of 2005 (Public Law 109–*
20 *162) (“the 2005 Act”); and for related victims services,*
21 *\$417,663,000, to remain available until expended: Pro-*
22 *vided, That except as otherwise provided by law, not to ex-*
23 *ceed 3 percent of funds made available under this heading*
24 *may be used for expenses related to evaluation, training,*

1 *and technical assistance: Provided further, That of the*
2 *amount provided—*

3 (1) *\$194,000,000 is for grants to combat violence*
4 *against women, as authorized by part T of the 1968*
5 *Act, of which, notwithstanding such part T,*
6 *\$10,000,000 shall be available for programs relating*
7 *to children exposed to violence;*

8 (2) *\$25,000,000 is for transitional housing as-*
9 *sistance grants for victims of domestic violence, stalk-*
10 *ing or sexual assault as authorized by section 40299*
11 *of the 1994 Act;*

12 (3) *\$3,000,000 is for the National Institute of*
13 *Justice for research and evaluation of violence against*
14 *women and related issues addressed by grant pro-*
15 *grams of the Office on Violence Against Women;*

16 (4) *\$10,000,000 is for a grant program to pro-*
17 *vide services to advocate for and respond to youth vic-*
18 *tims of domestic violence, dating violence, sexual as-*
19 *sault, and stalking; assistance to children and youth*
20 *exposed to such violence; programs to engage men and*
21 *youth in preventing such violence; and assistance to*
22 *middle and high school students through education*
23 *and other services related to such violence: Provided,*
24 *That unobligated balances available for the programs*
25 *authorized by sections 41201, 41204, 41303 and*

1 *41305 of the 1994 Act shall be available for this pro-*
2 *gram: Provided further, That 10 percent of the total*
3 *amount available for this grant program shall be*
4 *available for grants under the program authorized by*
5 *section 2015 of the 1968 Act;*

6 *(5) \$45,913,000 is for grants to encourage arrest*
7 *policies as authorized by part U of the 1968 Act, of*
8 *which \$5,000,000 is for a homicide initiative;*

9 *(6) \$25,000,000 is for sexual assault victims as-*
10 *sistance, as authorized by section 41601 of the 1994*
11 *Act;*

12 *(7) \$34,000,000 is for rural domestic violence*
13 *and child abuse enforcement assistance grants, as au-*
14 *thorized by section 40295 of the 1994 Act;*

15 *(8) \$9,000,000 is for grants to reduce violent*
16 *crimes against women on campus, as authorized by*
17 *section 304 of the 2005 Act;*

18 *(9) \$45,000,000 is for legal assistance for vic-*
19 *tims, as authorized by section 1201 of the 2000 Act;*

20 *(10) \$4,000,000 is for enhanced training and*
21 *services to end violence against and abuse of women*
22 *in later life, as authorized by section 40802 of the*
23 *1994 Act;*

1 (11) \$11,250,000 is for the safe havens for chil-
2 dren program, as authorized by section 1301 of the
3 2000 Act;

4 (12) \$5,000,000 is for education and training to
5 end violence against and abuse of women with dis-
6 abilities, as authorized by section 1402 of the 2000
7 Act;

8 (13) \$4,000,000 is for the court training and im-
9 provements program, as authorized by section 41002
10 of the 1994 Act, of which \$1,000,000 is to be used for
11 a family court initiative;

12 (14) \$1,000,000 is for the National Resource
13 Center on Workplace Responses to assist victims of
14 domestic violence, as authorized by section 41501 of
15 the 1994 Act;

16 (15) \$1,000,000 is for analysis and research on
17 violence against Indian women, as authorized by sec-
18 tion 904 of the 2005 Act; and

19 (16) \$500,000 is for the Office on Violence
20 Against Women to establish a national clearinghouse
21 that provides training and technical assistance on
22 issues relating to sexual assault of American Indian
23 and Alaska Native women.

1 (“the 2002 Act”); and other programs; \$121,000,000, to re-
2 main available until expended, of which—

3 (1) \$45,000,000 is for criminal justice statistics
4 programs, and other activities, as authorized by part
5 C of title I of the 1968 Act, of which \$36,000,000 is
6 for the administration and redesign of the National
7 Crime Victimization Survey;

8 (2) \$40,000,000 is for research, development, and
9 evaluation programs, and other activities as author-
10 ized by part B of title I of the 1968 Act and subtitle
11 D of title II of the 2002 Act: Provided, That of the
12 amounts provided under this heading, \$5,000,000 is
13 transferred directly to the National Institute of
14 Standards and Technology’s Office of Law Enforce-
15 ment Standards from the National Institute of Justice
16 for research, testing and evaluation programs;

17 (3) \$1,000,000 is for an evaluation clearinghouse
18 program; and

19 (4) \$35,000,000 is for regional information shar-
20 ing activities, as authorized by part M of title I of
21 the 1968 Act.

22 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

23 (INCLUDING TRANSFER OF FUNDS)

24 For grants, contracts, cooperative agreements, and
25 other assistance authorized by the Violent Crime Control

1 *and Law Enforcement Act of 1994 (Public Law 103–322)*
2 *(“the 1994 Act”); the Omnibus Crime Control and Safe*
3 *Streets Act of 1968 (“the 1968 Act”); the Justice for All*
4 *Act of 2004 (Public Law 108–405); the Victims of Child*
5 *Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”);*
6 *the Trafficking Victims Protection Reauthorization Act of*
7 *2005 (Public Law 109–164); the Violence Against Women*
8 *and Department of Justice Reauthorization Act of 2005*
9 *(Public Law 109–162) (“the 2005 Act”); the Adam Walsh*
10 *Child Protection and Safety Act of 2006 (Public Law 109–*
11 *248) (“the Adam Walsh Act”); the Victims of Trafficking*
12 *and Violence Protection Act of 2000 (Public Law 106–386);*
13 *the NICS Improvement Amendments Act of 2007 (Public*
14 *Law 110–180); subtitle D of title II of the Homeland Secu-*
15 *urity Act of 2002 (Public Law 107–296) (“the 2002 Act”);*
16 *the Second Chance Act of 2007 (Public Law 110–199); the*
17 *Prioritizing Resources and Organization for Intellectual*
18 *Property Act of 2008 (Public Law 110–403); the Victims*
19 *of Crime Act of 1984 (Public Law 98–473); the Mentally*
20 *Ill Offender Treatment and Crime Reduction Reauthoriza-*
21 *tion and Improvement Act of 2008 (Public Law 110–416);*
22 *and other programs; \$1,063,498,000, to remain available*
23 *until expended as follows—*

24 (1) \$395,000,000 for the Edward Byrne Memo-
25 rial Justice Assistance Grant program as authorized

1 *by subpart 1 of part E of title I of the 1968 Act (ex-*
2 *cept that section 1001(c), and the special rules for*
3 *Puerto Rico under section 505(g), of title I of the*
4 *1968 Act shall not apply for purposes of this Act);*
5 *and, notwithstanding such subpart 1, to support in-*
6 *novative, place-based, evidence-based approaches to*
7 *fighting crime and improving public safety, of which*
8 *\$3,000,000 is for a program to improve State and*
9 *local law enforcement intelligence capabilities includ-*
10 *ing antiterrorism training and training to ensure*
11 *that constitutional rights, civil liberties, civil rights,*
12 *and privacy interests are protected throughout the in-*
13 *telligence process, \$4,000,000 is for a State and local*
14 *assistance help desk and diagnostic center program,*
15 *\$5,000,000 is for a program to improve State, local*
16 *and tribal probation supervision efforts and strate-*
17 *gies, and \$3,000,000 is for a Preventing Violence*
18 *Against Law Enforcement Officer Resilience and Sur-*
19 *vivability Initiative (VALOR): Provided, That funds*
20 *made available under this heading may be used at the*
21 *discretion of the Assistant Attorney General for the*
22 *Office of Justice Programs to train Federal law en-*
23 *forcement under the VALOR Officer Safety Training*
24 *Initiative;*

1 (2) \$273,000,000 for the State Criminal Alien
2 Assistance Program, as authorized by section
3 241(i)(5) of the Immigration and Nationality Act (8
4 U.S.C. 1231(i)(5)): Provided, That no jurisdiction
5 shall request compensation for any cost greater than
6 the actual cost for Federal immigration and other de-
7 tainees housed in State and local detention facilities;

8 (3) \$20,000,000 for the Northern and Southwest
9 Border Prosecutor Initiatives to reimburse State,
10 county, parish, tribal or municipal governments for
11 costs associated with the prosecution of criminal cases
12 declined by local offices of the United States Attor-
13 neys;

14 (4) \$21,000,000 for competitive grants to im-
15 prove the functioning of the criminal justice system,
16 to prevent or combat juvenile delinquency, and to as-
17 sist victims of crime (other than compensation);

18 (5) \$10,500,000 for victim services programs for
19 victims of trafficking, as authorized by section
20 107(b)(2) of Public Law 106–386 and for programs
21 authorized under Public Law 109–164: Provided,
22 That no less than \$4,690,000 shall be for victim serv-
23 ices grants for foreign national victims of trafficking;

24 (6) \$35,000,000 for Drug Courts, as authorized
25 by section 1001(25)(A) of title I of the 1968 Act;

1 (7) \$9,000,000 for mental health courts and
2 adult and juvenile collaboration program grants, as
3 authorized by parts V and HH of title I of the 1968
4 Act, and the Mentally Ill Offender Treatment and
5 Crime Reduction Reauthorization and Improvement
6 Act of 2008 (Public Law 110–416);

7 (8) \$10,000,000 for grants for Residential Sub-
8 stance Abuse Treatment for State Prisoners, as au-
9 thorized by part S of title I of the 1968 Act;

10 (9) \$4,000,000 for the Capital Litigation Im-
11 provement Grant Program, as authorized by section
12 426 of Public Law 108–405;

13 (10) \$10,000,000 for economic, high technology
14 and Internet crime prevention grants, as authorized
15 by section 401 of Public Law 110–403;

16 (11) \$5,000,000 for a student loan repayment as-
17 sistance program pursuant to section 952 of Public
18 Law 110–315;

19 (12) \$23,000,000 for activities, including sex of-
20 fender management assistance, authorized by the
21 Adam Walsh Act and the Violent Crime Control Act
22 of 1994 (Public Law 103–322);

23 (13) \$10,000,000 for an initiative relating to
24 children exposed to violence;

1 (14) \$20,000,000 for an Edward Byrne Memo-
2 rial criminal justice innovation program;

3 (15) \$24,850,000 for the matching grant pro-
4 gram for law enforcement armor vests, as authorized
5 by section 2501 of title I of the 1968 Act: Provided,
6 That \$1,500,000 is transferred directly to the Na-
7 tional Institute of Standards and Technology's Office
8 of Law Enforcement Standards for research, testing
9 and evaluation programs;

10 (16) \$1,000,000 for the National Sex Offender
11 Public Web site;

12 (17) \$10,000,000 for competitive and evidence-
13 based programs to reduce gun crime and gang vio-
14 lence;

15 (18) \$10,000,000 for grants to assist State and
16 tribal governments as authorized by the NICS Im-
17 provement Amendments Act of 2007 (Public Law
18 110–180);

19 (19) \$8,000,000 for the National Criminal His-
20 tory Improvement Program for grants to upgrade
21 criminal records;

22 (20) \$15,000,000 for Paul Coverdell Forensic
23 Sciences Improvement Grants under part BB of title
24 I of the 1968 Act;

1 (21) \$131,000,000 for DNA-related and forensic
2 programs and activities, of which—

3 (A) \$123,000,000 is for the purposes of
4 DNA analysis and DNA capacity enhancement
5 as defined in the DNA Analysis Backlog Elimination
6 Act of 2000 (the Debbie Smith DNA
7 Backlog Grant Program), of which not less than
8 \$85,500,000 is to be used for grants to crime laboratories
9 for purposes under 42 U.S.C. 14135,
10 section (a); not less than \$11,000,000 is to be
11 used for the purposes of the Solving Cold Cases
12 with DNA Grant Program; not less than
13 \$11,000,000 is to be used to audit and report on
14 the extent of the backlog; and the remainder of
15 funds appropriated under this paragraph may
16 be used to support training programs specific to
17 the needs of DNA laboratory personnel, and for
18 programs outlined in sections 303, 304, 305 and
19 308 of Public Law 108–405;

20 (B) \$4,000,000 is for the purposes described
21 in the Kirk Bloodsworth Post-Conviction DNA
22 Testing Program (Public Law 108–405, section
23 412); and

1 162) (“the 2005 Act”); the *Missing Children’s Assistance*
2 *Act* (42 U.S.C. 5771 *et seq.*); the *Prosecutorial Remedies*
3 *and Other Tools to end the Exploitation of Children Today*
4 *Act of 2003* (Public Law 108–21); the *Victims of Child*
5 *Abuse Act of 1990* (Public Law 101–647) (“the 1990 Act”);
6 the *Adam Walsh Child Protection and Safety Act of 2006*
7 (Public Law 109–248) (“the Adam Walsh Act”); the *PRO-*
8 *TECT Our Children Act of 2008* (Public Law 110–401);
9 and other juvenile justice programs, \$251,000,000, to re-
10 main available until expended as follows—

11 (1) \$45,000,000 for programs authorized by sec-
12 tion 221 of the 1974 Act, and for training and tech-
13 nical assistance to assist small, non-profit organiza-
14 tions with the Federal grants process;

15 (2) \$55,000,000 for youth mentoring grants;

16 (3) \$33,000,000 for delinquency prevention, as
17 authorized by section 505 of the 1974 Act, of which,
18 pursuant to sections 261 and 262 thereof—

19 (A) \$15,000,000 shall be for the Tribal
20 Youth Program;

21 (B) \$8,000,000 shall be for gang and youth
22 violence education, prevention and intervention,
23 and related activities; and

24 (C) \$10,000,000 shall be for programs and
25 activities to enforce State laws prohibiting the

1 *sale of alcoholic beverages to minors or the pur-*
2 *chase or consumption of alcoholic beverages by*
3 *minors, for prevention and reduction of con-*
4 *sumption of alcoholic beverages by minors, and*
5 *for technical assistance and training;*

6 (4) \$20,000,000 for programs authorized by the
7 *Victims of Child Abuse Act of 1990;*

8 (5) \$30,000,000 for the *Juvenile Accountability*
9 *Block Grants program as authorized by part R of*
10 *title I of the 1968 Act and Guam shall be considered*
11 *a State;*

12 (6) \$8,000,000 for *community-based violence pre-*
13 *vention initiatives; and*

14 (7) \$60,000,000 for *missing and exploited chil-*
15 *dren programs, including as authorized by sections*
16 *404(b) and 405(a) of the 1974 Act:*

17 *Provided, That not more than 10 percent of each amount*
18 *may be used for research, evaluation, and statistics activi-*
19 *ties designed to benefit the programs or activities author-*
20 *ized: Provided further, That not more than 2 percent of each*
21 *amount may be used for training and technical assistance:*
22 *Provided further, That the previous two provisos shall not*
23 *apply to grants and projects authorized by sections 261 and*
24 *262 of the 1974 Act.*

1 *SALARIES AND EXPENSES*

2 *For necessary expenses, not elsewhere specified in this*
3 *title, for management and administration of programs*
4 *within the Office of Justice Programs, \$118,572,000.*

5 *PUBLIC SAFETY OFFICER BENEFITS*

6 *For payments and expenses authorized under section*
7 *1001(a)(4) of title I of the Omnibus Crime Control and Safe*
8 *Streets Act of 1968, such sums as are necessary (including*
9 *amounts for administrative costs, which amounts shall be*
10 *paid to the “Salaries and Expenses” account), to remain*
11 *available until expended; and \$16,300,000 for payments au-*
12 *thorized by section 1201(b) of such Act and for educational*
13 *assistance authorized by section 1218 of such Act, to remain*
14 *available until expended: Provided, That notwithstanding*
15 *section 205 of this Act, upon a determination by the Attor-*
16 *ney General that emergent circumstances require additional*
17 *funding for such disability and education payments, the At-*
18 *torney General may transfer such amounts to “Public Safe-*
19 *ty Officer Benefits” from available appropriations for the*
20 *current fiscal year for the Department of Justice as may*
21 *be necessary to respond to such circumstances: Provided fur-*
22 *ther, That any transfer pursuant to the previous proviso*
23 *shall be treated as a reprogramming under section 505 of*
24 *this Act and shall not be available for obligation or expendi-*

1 *ture except in compliance with the procedures set forth in*
2 *that section.*

3 *COMMUNITY ORIENTED POLICING SERVICES*

4 *COMMUNITY ORIENTED POLICING SERVICES PROGRAMS*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For activities authorized by the Violent Crime Control*
7 *and Law Enforcement Act of 1994 (Public Law 103–322);*
8 *the Omnibus Crime Control and Safe Streets Act of 1968*
9 *(“the 1968 Act”); and the Violence Against Women and De-*
10 *partment of Justice Reauthorization Act of 2005 (Public*
11 *Law 109–162) (“the 2005 Act”), \$231,500,000, to remain*
12 *available until expended: Provided, That any balances*
13 *made available through prior year deobligations shall only*
14 *be available in accordance with section 505 of this Act. Of*
15 *the amount provided:*

16 *(1) \$1,500,000 is for research, testing, and eval-*
17 *uation programs regarding law enforcement tech-*
18 *nologies and interoperable communications, and re-*
19 *lated law enforcement and public safety equipment,*
20 *which shall be transferred directly to the National In-*
21 *stitute of Standards and Technology’s Office of Law*
22 *Enforcement Standards from the Community Ori-*
23 *ented Policing Services Office;*

24 *(2) \$10,000,000 is for anti-methamphetamine-re-*
25 *lated activities, which shall be transferred to the Drug*

1 *Enforcement Administration upon enactment of this*
2 *Act;*

3 (3) *\$20,000,000 is for improving tribal law en-*
4 *forcement, including hiring, equipment, training, and*
5 *anti-methamphetamine activities; and*

6 (4) *\$200,000,000 is for grants under section*
7 *1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for*
8 *the hiring and rehiring of additional career law en-*
9 *forcement officers under part Q of such title notwith-*
10 *standing subsection (i) of such section: Provided, That*
11 *notwithstanding subsection (g) of the 1968 Act (42*
12 *U.S.C. 3796dd), the Federal share of the costs of a*
13 *project funded by such grants may not exceed 75 per-*
14 *cent unless the Director of the Office of Community*
15 *Oriented Policing Services waives, wholly or in part,*
16 *the requirement of a non-Federal contribution to the*
17 *costs of a project: Provided further, That notwith-*
18 *standing 42 U.S.C. 3796dd-3(c), funding for hiring*
19 *or rehiring a career law enforcement officer may not*
20 *exceed \$125,000, unless the Director of the Office of*
21 *Community Oriented Policing Services grants a*
22 *waiver from this limitation: Provided further, That*
23 *within the amounts appropriated, \$28,000,000 shall*
24 *be used for the hiring and rehiring of tribal law en-*
25 *forcement officers: Provided further, That within the*

1 *amounts appropriated, \$10,000,000 is for community*
2 *policing development activities.*

3 *SALARIES AND EXPENSES*

4 *For necessary expenses, not elsewhere specified in this*
5 *title, for management and administration of programs*
6 *within the Community Oriented Policing Services Office,*
7 *\$24,500,000.*

8 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

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

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

21 *SEC. 203. None of the funds appropriated under this*
22 *title shall be used to require any person to perform, or fa-*
23 *cilitate in any way the performance of, any abortion.*

24 *SEC. 204. Nothing in the preceding section shall re-*
25 *move the obligation of the Director of the Bureau of Prisons*

1 *to provide escort services necessary for a female inmate to*
2 *receive such service outside the Federal facility: Provided,*
3 *That nothing in this section in any way diminishes the*
4 *effect of section 203 intended to address the philosophical*
5 *beliefs of individual employees of the Bureau of Prisons.*

6 *SEC. 205. Not to exceed 5 percent of any appropriation*
7 *made available for the current fiscal year for the Depart-*
8 *ment of Justice in this Act may be transferred between such*
9 *appropriations, but no such appropriation, except as other-*
10 *wise specifically provided, shall be increased by more than*
11 *10 percent by any such transfers: Provided, That any trans-*
12 *fer pursuant to this section shall be treated as a reprogram-*
13 *ming of funds under section 505 of this Act and shall not*
14 *be available for obligation except in compliance with the*
15 *procedures set forth in that section.*

16 *SEC. 206. The Attorney General is authorized to extend*
17 *through September 30, 2013, the Personnel Management*
18 *Demonstration Project transferred to the Attorney General*
19 *pursuant to section 1115 of the Homeland Security Act of*
20 *2002, Public Law 107–296 (28 U.S.C. 599B) without limi-*
21 *tation on the number of employees or the positions covered.*

22 *SEC. 207. Notwithstanding any other provision of law,*
23 *Public Law 102–395 section 102(b) shall extend to the Bu-*
24 *reau of Alcohol, Tobacco, Firearms and Explosives in the*
25 *conduct of undercover investigative operations and shall*

1 *apply without fiscal year limitation with respect to any*
2 *undercover investigative operation by the Bureau of Alco-*
3 *hol, Tobacco, Firearms and Explosives that is necessary for*
4 *the detection and prosecution of crimes against the United*
5 *States.*

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

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

19 *(b) The preceding sentence does not preclude the rent-*
20 *ing, maintenance, or purchase of audiovisual or electronic*
21 *equipment for inmate training, religious, or educational*
22 *programs.*

23 *SEC. 210. None of the funds made available under this*
24 *title shall be obligated or expended for any new or enhanced*
25 *information technology program having total estimated de-*

1 *velopment costs in excess of \$100,000,000, unless the Deputy*
2 *Attorney General and the investment review board certify*
3 *to the Committees on Appropriations that the information*
4 *technology program has appropriate program management*
5 *and contractor oversight mechanisms in place, and that the*
6 *program is compatible with the enterprise architecture of*
7 *the Department of Justice.*

8 *SEC. 211. The notification thresholds and procedures*
9 *set forth in section 505 of this Act shall apply to deviations*
10 *from the amounts designated for specific activities in this*
11 *Act and accompanying statement, and to any use of*
12 *deobligated balances of funds provided under this title in*
13 *previous years.*

14 *SEC. 212. None of the funds appropriated by this Act*
15 *may be used to plan for, begin, continue, finish, process,*
16 *or approve a public-private competition under the Office*
17 *of Management and Budget Circular A-76 or any successor*
18 *administrative regulation, directive, or policy for work per-*
19 *formed by employees of the Bureau of Prisons or of Federal*
20 *Prison Industries, Incorporated.*

21 *SEC. 213. Notwithstanding any other provision of law,*
22 *no funds shall be available for the salary, benefits, or ex-*
23 *penses of any United States Attorney assigned dual or addi-*
24 *tional responsibilities by the Attorney General or his des-*

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

3 *SEC. 214. 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 Act under the head-*
7 *ings for “Research Evaluation and Statistics”, “State and*
8 *Local Law Enforcement Assistance”, and “Juvenile Justice*
9 *Programs”—*

10 *(1) Up to 3 percent of funds made available for*
11 *grant or reimbursement programs may be used to*
12 *provide training and technical assistance;*

13 *(2) Up to 3 percent of funds made available for*
14 *grant or reimbursement programs under such head-*
15 *ings, except for amounts appropriated specifically for*
16 *research, evaluation, or statistical programs adminis-*
17 *tered by the National Institute of Justice and the Bu-*
18 *reau of Justice Statistics, shall be transferred to and*
19 *merged with funds provided to the National Institute*
20 *of Justice and the Bureau of Justice Statistics, to be*
21 *used by them for research, evaluation or statistical*
22 *purposes, without regard to the authorizations for*
23 *such grant or reimbursement programs, and of such*
24 *amounts, \$1,300,000 shall be transferred to the Bu-*

1 *reau of Prisons for Federal inmate research and eval-*
2 *uation purposes; and*

3 *(3) 7 percent of funds made available for grant*
4 *or reimbursement programs:*

5 *(A) under the heading “State and Local*
6 *Law Enforcement Assistance”; or*

7 *(B) under the headings “Research, Evalua-*
8 *tion and Statistics” and “Juvenile Justice Pro-*
9 *grams”, to be transferred to and merged with*
10 *funds made available under the heading “State*
11 *and Local Law Enforcement Assistance”, shall*
12 *be available for tribal criminal justice assistance*
13 *without regard to the authorizations for such*
14 *grant or reimbursement programs.*

15 *SEC. 215. Notwithstanding any other provision of law,*
16 *section 20109(a), in subtitle A of title II of the Violent*
17 *Crime Control and Law Enforcement Act of 1994 (42*
18 *U.S.C. 13709(a)), shall not apply to amounts made avail-*
19 *able by this title.*

20 *SEC. 216. Section 530A of title 28, United States Code,*
21 *is hereby amended by replacing “appropriated” with “used*
22 *from appropriations”, and by inserting “(2),” before “(3)”.*

23 *SEC. 217. (a) Within 30 days of enactment of this Act,*
24 *the Attorney General shall report to the Committees on Ap-*
25 *propriations of the House of Representatives and the Senate*

1 *a cost and schedule estimate for the final operating capa-*
2 *bility of the Federal Bureau of Investigation’s Sentinel pro-*
3 *gram, including the costs of Bureau employees engaged in*
4 *development work, the costs of operating and maintaining*
5 *Sentinel for 2 years after achievement of the final operating*
6 *capability, and a detailed list of the functionalities included*
7 *in the final operating capability compared to the*
8 *functionalities included in the previous program baseline.*

9 *(b) The report described in subsection (a) shall be sub-*
10 *mitted concurrently to the Department of Justice Office of*
11 *Inspector General (OIG) and, within 60 days of receiving*
12 *such report, the OIG shall provide an assessment of such*
13 *report to the Committees on Appropriations of the House*
14 *of Representatives and the Senate.*

15 *SEC. 218. No funds made available under this Act*
16 *shall be used to allow the knowing transfer of firearms to*
17 *agents of drug cartels where law enforcement personnel of*
18 *the United States do not continuously monitor or control*
19 *such firearms at all times.*

20 *EVALUATION OF GULF COAST CLAIMS FACILITY*

21 *SEC. 219. The Attorney General shall identify an inde-*
22 *pendent auditor to evaluate the Gulf Coast Claims Facility.*

23 *This title may be cited as the “Department of Justice*
24 *Appropriations Act, 2012”.*

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TITLE III
SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,100 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$6,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,100,000,000, to remain available until September 30, 2013, of which up to

1 \$10,000,000 shall be available for a reimbursable agreement
2 with the Department of Energy for the purpose of re-estab-
3 lishing facilities to produce fuel required for radio-isotope
4 thermoelectric generators to enable future missions: Pro-
5 vided, That the development cost (as defined under 51
6 U.S.C. 30104) for the James Webb Space Telescope shall
7 not exceed \$8,000,000,000: Provided further, That should
8 the individual identified under subparagraph (c)(2)(E) of
9 section 30104 of title 51 as responsible for the James Webb
10 Space Telescope determine that the development cost of the
11 program is likely to exceed that limitation, the individual
12 shall immediately notify the Administrator and the in-
13 crease shall be treated as if it meets the 30 percent threshold
14 described in subsection (f) of section 30104 of title 51.

15 *AERONAUTICS*

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

1 *mission and administrative aircraft, \$501,000,000, to re-*
2 *main available until September 30, 2013.*

3 *SPACE TECHNOLOGY*

4 *For necessary expenses, not otherwise provided for, in*
5 *the conduct and support of space research and technology*
6 *development activities, including research, development, op-*
7 *erations, support, and services; maintenance and repair, fa-*
8 *cility planning and design; space flight, spacecraft control,*
9 *and communications activities; program management; per-*
10 *sonnel and related costs, including uniforms or allowances*
11 *therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-*
12 *penses; purchase and hire of passenger motor vehicles; and*
13 *purchase, lease, charter, maintenance, and operation of*
14 *mission and administrative aircraft, \$637,000,000, to re-*
15 *main available until September 30, 2013.*

16 *EXPLORATION*

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

1 purchase, lease, charter, maintenance, and operation of
2 mission and administrative aircraft, \$3,775,000,000, to re-
3 main available until September 30, 2013: Provided, That
4 not less than \$1,200,000,000 shall be for the Orion multi-
5 purpose crew vehicle, not less than \$1,800,000,000 shall be
6 for the heavy lift launch vehicle system which shall have
7 a lift capacity not less than 130 tons and which shall have
8 an upper stage and other core elements developed simulta-
9 neously, \$500,000,000 shall be for commercial spaceflight
10 activities, and \$275,000,000 shall be for exploration re-
11 search and development: Provided further, That
12 \$192,600,000 of the funds provided for commercial
13 spaceflight activities shall only be available after the NASA
14 Administrator certifies to the Committees on Appropria-
15 tions, in writing, that NASA has published the required no-
16 tifications of NASA contract actions implementing the ac-
17 quisition strategy for the heavy lift launch vehicle system
18 identified in section 302 of Public Law 111–267 and has
19 begun to execute relevant contract actions in support of de-
20 velopment of the heavy lift launch vehicle system: Provided
21 further, That funds made available under this heading
22 within this Act may be transferred to “Construction and
23 Environmental Compliance and Restoration” for construc-
24 tion activities related to the Orion multipurpose crew vehi-
25 cle and the heavy lift launch vehicle system: Provided fur-

1 *ther, That funds so transferred shall be subject to the 5 per-*
2 *cent but shall not be subject to the 10 percent transfer limi-*
3 *tation described under the Administrative Provisions in*
4 *this Act for the National Aeronautics and Space Adminis-*
5 *tration, shall be available until September 30, 2017, and*
6 *shall be treated as a reprogramming under section 505 of*
7 *this Act.*

8 *SPACE OPERATIONS*

9 *For necessary expenses, not otherwise provided for, in*
10 *the conduct and support of space operations research and*
11 *development activities, including research, development, op-*
12 *erations, support and services; space flight, spacecraft con-*
13 *trol and communications activities including operations,*
14 *production, and services; maintenance and repair, facility*
15 *planning and design; program management; personnel and*
16 *related costs, including uniforms or allowances therefor, as*
17 *authorized by 5 U.S.C. 5901–5902; travel expenses; pur-*
18 *chase and hire of passenger motor vehicles; and purchase,*
19 *lease, charter, maintenance and operation of mission and*
20 *administrative aircraft, \$4,285,000,000, to remain avail-*
21 *able until September 30, 2013: Provided, That of the*
22 *amounts provided under this heading, not more than*
23 *\$650,900,000 shall be for Space Shuttle operations, produc-*
24 *tion, research, development, and support, not more than*
25 *\$2,803,500,000 shall be for International Space Station op-*

1 *erations, production, research, development, and support,*
2 *not more than \$168,000,000 shall be for the 21st Century*
3 *Launch Complex, and not more than \$662,600,000 shall be*
4 *for Space and Flight Support: Provided further, That funds*
5 *made available under this heading for 21st Century Launch*
6 *Complex may be transferred to “Construction and Environ-*
7 *mental Compliance and Restoration” for construction ac-*
8 *tivities only at NASA-owned facilities: Provided further,*
9 *That funds so transferred shall not be subject to the transfer*
10 *limitations described in the Administrative Provisions in*
11 *this Act for the National Aeronautics and Space Adminis-*
12 *tration, shall be available until September 30, 2017, and*
13 *shall be treated as a reprogramming under section 505 of*
14 *this Act.*

15 *EDUCATION*

16 *For necessary expenses, not otherwise provided for, in*
17 *carrying out aerospace and aeronautical education research*
18 *and development activities, including research, develop-*
19 *ment, operations, support, and services; program manage-*
20 *ment; personnel and related costs, 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, \$138,400,000, to re-*
25 *main available until September 30, 2013.*

1 *CROSS AGENCY SUPPORT*

2 *For necessary expenses, not otherwise provided for, in*
3 *the conduct and support of science, aeronautics, explo-*
4 *ration, space operations and education research and devel-*
5 *opment activities, including research, development, oper-*
6 *ations, support, and services; maintenance and repair, fa-*
7 *cility planning and design; space flight, spacecraft control,*
8 *and communications activities; program management; per-*
9 *sonnel and related costs, including uniforms or allowances*
10 *therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-*
11 *penses; purchase and hire of passenger motor vehicles; not*
12 *to exceed \$52,500 for official reception and representation*
13 *expenses; and purchase, lease, charter, maintenance, and*
14 *operation of mission and administrative aircraft,*
15 *\$3,043,073,000: Provided, That not less than \$39,100,000*
16 *shall be available for independent verification and valida-*
17 *tion activities: Provided further, That contracts may be en-*
18 *tered into under this heading in fiscal year 2012 for main-*
19 *tenance and operation of facilities, and for other services,*
20 *to be provided during the next fiscal year.*

21 *CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND*22 *RESTORATION*

23 *For necessary expenses for construction of facilities in-*
24 *cluding repair, rehabilitation, revitalization, and modifica-*
25 *tion of facilities, construction of new facilities and addi-*

1 *tions to existing facilities, facility planning and design,*
2 *and restoration, and acquisition or condemnation of real*
3 *property, as authorized by law, and environmental compli-*
4 *ance and restoration, \$422,000,000, to remain available*
5 *until September 30, 2017: Provided, That hereafter, not-*
6 *withstanding section 315 of the National Aeronautics and*
7 *Space Act of 1958 (42 U.S.C. 2459j), all proceeds from*
8 *leases entered into under that section shall be deposited into*
9 *this account and shall be available for a period of 5 years,*
10 *to the extent provided in annual appropriations Acts: Pro-*
11 *vided further, That such proceeds shall be available for obli-*
12 *gation for fiscal year 2012 in an amount not to exceed*
13 *\$3,960,000: Provided further, That each annual budget re-*
14 *quest shall include an annual estimate of gross receipts and*
15 *collections and proposed use of all funds collected pursuant*
16 *to section 315 of the National Aeronautics and Space Act*
17 *of 1958 (42 U.S.C. 2459j).*

18 *OFFICE OF INSPECTOR GENERAL*

19 *For necessary expenses of the Office of Inspector Gen-*
20 *eral in carrying out the Inspector General Act of 1978,*
21 *\$37,300,000.*

22 *ADMINISTRATIVE PROVISIONS*

23 *Funds for announced prizes otherwise authorized shall*
24 *remain available, without fiscal year limitation, until the*
25 *prize is claimed or the offer is withdrawn.*

1 *Not to exceed 5 percent of any appropriation made*
2 *available for the current fiscal year for the National Aero-*
3 *nautics and Space Administration in this Act may be*
4 *transferred between such appropriations, but no such ap-*
5 *propriation, except as otherwise specifically provided, shall*
6 *be increased by more than 10 percent by any such transfers.*
7 *Balances so transferred shall be merged with and available*
8 *for the same purposes and the same time period as the ap-*
9 *propriations to which transferred. Any transfer pursuant*
10 *to this provision shall be treated as a reprogramming of*
11 *funds under section 505 of this Act and shall not be avail-*
12 *able for obligation except in compliance with the procedures*
13 *set forth in that section.*

14 *The unexpired balances of previous accounts, for ac-*
15 *tivities for which funds are provided under this Act, may*
16 *be transferred to the new accounts established in this Act*
17 *that provide such activity. Balances so transferred shall be*
18 *merged with the funds in the newly established accounts,*
19 *but shall be available under the same terms, conditions and*
20 *period of time as previously appropriated.*

21 *Section 40902 of title 51, United States Code, is*
22 *amended by adding at the end the following:*

23 *“(d) AVAILABILITY OF FUNDS.—The interest accruing*
24 *from the National Aeronautics and Space Administration*
25 *Endeavor Teacher Fellowship Trust Fund principal shall*

1 *be available in fiscal year 2012 for the purpose of the En-*
2 *deavor Science Teacher Certificate Program.”.*

3 *Section 20145(b)(1) of title 51 is amended by inserting*
4 *“(A)” before “A person” and adding at the end thereof the*
5 *following new subparagraph (B) as follows:*

6 *“(B) Notwithstanding subparagraph (A),*
7 *the Administrator may accept in-kind consider-*
8 *ation for leases entered into for the purpose of*
9 *developing renewable energy production facili-*
10 *ties.”.*

11 *The spending plan required by section 540 of this Act*
12 *shall be provided by NASA at the theme, program, project*
13 *and activity level. The spending plan, as well as any subse-*
14 *quent change of an amount established in that spending*
15 *plan that meets the notification requirements of section 505*
16 *of this Act, shall be treated as a reprogramming under sec-*
17 *tion 505 of this Act and shall not be available for obligation*
18 *or expenditure except in compliance with the procedures set*
19 *forth in that section.*

20 *NATIONAL SCIENCE FOUNDATION*

21 *RESEARCH AND RELATED ACTIVITIES*

22 *For necessary expenses in carrying out the National*
23 *Science Foundation Act of 1950, as amended (42 U.S.C.*
24 *1861–1875), and the Act to establish a National Medal of*
25 *Science (42 U.S.C. 1880–1881); services as authorized by*

1 5 U.S.C. 3109; maintenance and operation of aircraft and
2 purchase of flight services for research support; acquisition
3 of aircraft; and authorized travel; \$5,443,000,000, to re-
4 main available until September 30, 2013, of which not to
5 exceed \$550,000,000 shall remain available until expended
6 for polar research and operations support, and for reim-
7 bursement to other Federal agencies for operational and
8 science support and logistical and other related activities
9 for the United States Antarctic program: Provided, That
10 receipts for scientific support services and materials fur-
11 nished by the National Research Centers and other National
12 Science Foundation supported research facilities may be
13 credited to this appropriation: Provided further, That not
14 less than \$146,830,000 shall be available for activities au-
15 thorized by section 7002(c)(2)(A)(iv) of Public Law 110-
16 69: Provided further, That up to \$100,000,000 of funds
17 made available under this heading within this Act may be
18 transferred to “Major Research Equipment and Facilities
19 Construction”: Provided further, That funds so transferred
20 shall not be subject to the transfer limitations described in
21 the Administrative Provisions in this Act for the National
22 Science Foundation, and shall be available until expended
23 only after notification of such transfer to the Committees
24 on Appropriations.

1 MAJOR RESEARCH EQUIPMENT AND FACILITIES

2 CONSTRUCTION

3 *For necessary expenses for the acquisition, construc-*
4 *tion, commissioning, and upgrading of major research*
5 *equipment, facilities, and other such capital assets pursuant*
6 *to the National Science Foundation Act of 1950, as amend-*
7 *ed (42 U.S.C. 1861–1875), including authorized travel,*
8 *\$117,055,000, to remain available until expended: Pro-*
9 *vided, That none of the funds may be used to reimburse*
10 *the Judgment Fund.*

11 EDUCATION AND HUMAN RESOURCES

12 *For necessary expenses in carrying out science, mathe-*
13 *matics and engineering education and human resources*
14 *programs and activities pursuant to the National Science*
15 *Foundation Act of 1950, as amended (42 U.S.C. 1861–*
16 *1875), including services as authorized by 5 U.S.C. 3109,*
17 *authorized travel, and rental of conference rooms in the Dis-*
18 *trict of Columbia, \$829,000,000, to remain available until*
19 *September 30, 2013: Provided, That not less than*
20 *\$54,890,000 shall be available until expended for activities*
21 *authorized by section 7030 of Public Law 110–69.*

22 AGENCY OPERATIONS AND AWARD MANAGEMENT

23 *For agency operations and award management nec-*
24 *essary in carrying out the National Science Foundation Act*
25 *of 1950, as amended (42 U.S.C. 1861–1875); services au-*

1 *thorized by 5 U.S.C. 3109; hire of passenger motor vehicles;*
2 *not to exceed \$6,900 for official reception and representa-*
3 *tion expenses; uniforms or allowances therefor, as author-*
4 *ized by 5 U.S.C. 5901–5902; rental of conference rooms in*
5 *the District of Columbia; and reimbursement of the Depart-*
6 *ment of Homeland Security for security guard services;*
7 *\$290,400,000: Provided, That contracts may be entered into*
8 *under this heading in fiscal year 2012 for maintenance and*
9 *operation of facilities, and for other services, to be provided*
10 *during the next fiscal year.*

11 *OFFICE OF THE NATIONAL SCIENCE BOARD*

12 *For necessary expenses (including payment of salaries,*
13 *authorized travel, hire of passenger motor vehicles, the rent-*
14 *al of conference rooms in the District of Columbia, and the*
15 *employment of experts and consultants under section 3109*
16 *of title 5, United States Code) involved in carrying out sec-*
17 *tion 4 of the National Science Foundation Act of 1950, as*
18 *amended (42 U.S.C. 1863) and Public Law 86–209 (42*
19 *U.S.C. 1880 et seq.), \$4,440,000: Provided, That not to ex-*
20 *ceed \$2,100 shall be available for official reception and rep-*
21 *resentation expenses.*

22 *OFFICE OF INSPECTOR GENERAL*

23 *For necessary expenses of the Office of Inspector Gen-*
24 *eral as authorized by the Inspector General Act of 1978,*
25 *as amended, \$14,200,000.*

1 *missioners for more than 75 billable days, with the excep-*
2 *tion of the chairperson, who is permitted 125 billable days:*
3 *Provided further, That none of the funds appropriated in*
4 *this paragraph shall be used for any activity or expense*
5 *that is not explicitly authorized by 42 U.S.C. 1975a: Pro-*
6 *vided further, That there shall be an Inspector General at*
7 *the Commission on Civil Rights who shall have the duties,*
8 *responsibilities, and authorities specified in the Inspector*
9 *General Act of 1978, as amended: Provided further, That*
10 *an individual appointed to the position of Inspector Gen-*
11 *eral of the Equal Employment Opportunity Commission*
12 *(EEOC) shall, by virtue of such appointment, also hold the*
13 *position of Inspector General of the Commission on Civil*
14 *Rights: Provided further, That the Inspector General of the*
15 *Commission on Civil Rights shall utilize personnel of the*
16 *Office of Inspector General of EEOC in performing the du-*
17 *ties of the Inspector General of the Commission on Civil*
18 *Rights, and shall not appoint any individuals to positions*
19 *within the Commission on Civil Rights: Provided further,*
20 *That of the amounts made available in this paragraph,*
21 *\$800,000 shall be transferred directly to the Office of Inspec-*
22 *tor General of EEOC upon enactment of this Act for sala-*
23 *ries and expenses necessary to carry out the duties of the*
24 *Inspector General of the Commission on Civil Rights.*

1 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Equal Employment Op-*
4 *portunity Commission as authorized by title VII of the*
5 *Civil Rights Act of 1964, the Age Discrimination in Em-*
6 *ployment Act of 1967, the Equal Pay Act of 1963, the Amer-*
7 *icans with Disabilities Act of 1990, the Civil Rights Act*
8 *of 1991, the Genetic Information Non-Discrimination Act*
9 *(GINA) of 2008 (Public Law 110–233), the ADA Amend-*
10 *ments Act of 2008 (Public Law 110–325), and the Lilly*
11 *Ledbetter Fair Pay Act of 2009 (Public Law 111–2), in-*
12 *cluding services as authorized by 5 U.S.C. 3109; hire of pas-*
13 *senger motor vehicles as authorized by 31 U.S.C. 1343(b);*
14 *and nonmonetary awards to private citizens, \$329,837,000:*
15 *Provided, That the Commission is authorized to make*
16 *available for official reception and representation expenses*
17 *not to exceed \$1,875 from available funds: Provided further,*
18 *That the Commission may take no action to implement any*
19 *workforce repositioning, restructuring, or reorganization*
20 *until such time as the Committees on Appropriations have*
21 *been notified of such proposals, in accordance with the re-*
22 *programming requirements of section 505 of this Act: Pro-*
23 *vided further, That the Chair is authorized to accept and*
24 *use any gift or donation to carry out the work of the Com-*
25 *mission.*

1 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

2 *For payments to State and local enforcement agencies*
3 *for authorized services to the Commission, \$29,400,000.*

4 *INTERNATIONAL TRADE COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the International Trade*
7 *Commission, including hire of passenger motor vehicles,*
8 *and services as authorized by 5 U.S.C. 3109, and not to*
9 *exceed \$1,875 for official reception and representation ex-*
10 *penses, \$80,062,000, to remain available until expended.*

11 *LEGAL SERVICES CORPORATION*

12 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

13 *For payment to the Legal Services Corporation to*
14 *carry out the purposes of the Legal Services Corporation*
15 *Act of 1974, \$396,106,000, of which \$370,506,000 is for*
16 *basic field programs and required independent audits;*
17 *\$4,200,000 is for the Office of Inspector General, of which*
18 *such amounts as may be necessary may be used to conduct*
19 *additional audits of recipients; \$17,000,000 is for manage-*
20 *ment and grants oversight; \$3,400,000 is for client self-help*
21 *and information technology; and \$1,000,000 is for loan re-*
22 *payment assistance: Provided, That the Legal Services Cor-*
23 *poration may continue to provide locality pay to officers*
24 *and employees at a rate no greater than that provided by*
25 *the Federal Government to Washington, DC-based employ-*

1 *ees as authorized by 5 U.S.C. 5304, notwithstanding section*
2 *1005(d) of the Legal Services Corporation Act, 42 U.S.C.*
3 *2996(d): Provided further, That the authorities provided in*
4 *section 205 of this Act shall be applicable to the Legal Serv-*
5 *ices Corporation.*

6 *ADMINISTRATIVE PROVISION—LEGAL SERVICES*

7 *CORPORATION*

8 *None of the funds appropriated in this Act to the Legal*
9 *Services Corporation shall be expended for any purpose pro-*
10 *hibited or limited by, or contrary to any of the provisions*
11 *of, sections 501, 502, 503, 504, 505, and 506 of Public Law*
12 *105–119, and all funds appropriated in this Act to the*
13 *Legal Services Corporation shall be subject to the same*
14 *terms and conditions set forth in such sections, except that*
15 *all references in sections 502 and 503 to 1997 and 1998*
16 *shall be deemed to refer instead to 2011 and 2012, respec-*
17 *tively.*

18 *Section 504 of the Departments of Commerce, Justice,*
19 *and State, the Judiciary, and Related Agencies Appropria-*
20 *tions Act, 1996 (as contained in Public Law 104–134) is*
21 *amended:*

22 *(1) in subsection (a), in the matter preceding*
23 *paragraph (1), by inserting after “)” the following:*
24 *“that uses Federal funds (or funds from any source*

1 *with regard to paragraphs (14) and (15) in a man-*
2 *ner”;*

3 *(2) by striking subsection (d); and*

4 *(3) by redesignating subsections (e) and (f) as*
5 *subsections (d) and (e), respectively.*

6 *MARINE MAMMAL COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Marine Mammal Com-*
9 *mission as authorized by title II of Public Law 92–522,*
10 *\$3,025,000.*

11 *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Office of the United*
14 *States Trade Representative, including the hire of passenger*
15 *motor vehicles and the employment of experts and consult-*
16 *ants as authorized by 5 U.S.C. 3109, \$46,775,000, of which*
17 *\$1,000,000 shall remain available until expended: Provided,*
18 *That not to exceed \$93,000 shall be available for official*
19 *reception and representation expenses.*

20 *STATE JUSTICE INSTITUTE*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the State Justice Institute,*
23 *as authorized by the State Justice Institute Authorization*
24 *Act of 1984 (42 U.S.C. 10701 et seq.) \$5,019,000, of which*
25 *\$500,000 shall remain available until September 30, 2013:*

1 *Provided, That not to exceed \$1,875 shall be available for*
2 *official reception and representation expenses.*

3 *COMMISSION ON WARTIME RELOCATION AND INTERNMENT*
4 *OF LATIN AMERICANS OF JAPANESE DESCENT*
5 *SALARIES AND EXPENSES*

6 *For necessary expenses to carry out the activities of*
7 *the Commission on Wartime Relocation and Internment of*
8 *Latin Americans of Japanese Descent, as authorized by sec-*
9 *tion 541 of this Act, \$1,700,000 shall be available until ex-*
10 *pended.*

11 *TITLE V*

12 *GENERAL PROVISIONS*

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

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

19 *SEC. 503. The expenditure of any appropriation under*
20 *this Act for any consulting service through procurement*
21 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
22 *those contracts where such expenditures are a matter of pub-*
23 *lic record and available for public inspection, except where*
24 *otherwise provided under existing law, or under existing*
25 *Executive order issued pursuant to existing law.*

1 *SEC. 504. If any provision of this Act or the applica-*
2 *tion of such provision to any person or circumstances shall*
3 *be held invalid, the remainder of the Act and the applica-*
4 *tion of each provision to persons or circumstances other*
5 *than those as to which it is held invalid shall not be affected*
6 *thereby.*

7 *SEC. 505. (a) None of the funds provided under this*
8 *Act, or provided under previous appropriations Acts to the*
9 *agencies funded by this Act that remain available for obli-*
10 *gation or expenditure in fiscal year 2012, or provided from*
11 *any accounts in the Treasury of the United States derived*
12 *by the collection of fees available to the agencies funded by*
13 *this Act, shall be available for obligation or expenditure*
14 *through the reprogramming of funds that—*

15 *(1) creates or initiates a new program, project or*
16 *activity, unless the House and Senate Committees on*
17 *Appropriations are notified 15 days in advance of*
18 *such reprogramming of funds;*

19 *(2) eliminates a program, project or activity,*
20 *unless the House and Senate Committees on Appro-*
21 *priations are notified 15 days in advance of such re-*
22 *programming of funds;*

23 *(3) increases funds or personnel by any means*
24 *for any project or activity for which funds have been*
25 *denied or restricted by this Act, unless the House and*

1 *Senate Committees on Appropriations are notified 15*
2 *days in advance of such reprogramming of funds;*

3 *(4) relocates an office or employees, unless the*
4 *House and Senate Committees on Appropriations are*
5 *notified 15 days in advance of such reprogramming*
6 *of funds;*

7 *(5) reorganizes or renames offices, programs or*
8 *activities, unless the House and Senate Committees*
9 *on Appropriations are notified 15 days in advance of*
10 *such reprogramming of funds;*

11 *(6) contracts out or privatizes any functions or*
12 *activities presently performed by Federal employees,*
13 *unless the House and Senate Committees on Appro-*
14 *priations are notified 15 days in advance of such re-*
15 *programming of funds;*

16 *(7) proposes to use funds directed for a specific*
17 *activity by either the House or Senate Committee on*
18 *Appropriations for a different purpose, unless the*
19 *House and Senate Committees on Appropriations are*
20 *notified 15 days in advance of such reprogramming*
21 *of funds;*

22 *(8) augments funds for existing programs,*
23 *projects or activities in excess of \$500,000 or 10 per-*
24 *cent, whichever is less, or reduces by 10 percent fund-*
25 *ing for any program, project or activity, or numbers*

1 of personnel by 10 percent as approved by Congress,
2 unless the House and Senate Committees on Appro-
3 priations are notified 15 days in advance of such re-
4 programming of funds; or

5 (9) results from any general savings, including
6 savings from a reduction in personnel, which would
7 result in a change in existing programs, projects or
8 activities as approved by Congress, unless the House
9 and Senate Committees on Appropriations are noti-
10 fied 15 days in advance of such reprogramming of
11 funds.

12 (b) None of the funds in provided under this Act, or
13 provided under previous appropriations Acts to the agencies
14 funded by this Act that remain available for obligation or
15 expenditure in fiscal year 2012, or provided from any ac-
16 counts in the Treasury of the United States derived by the
17 collection of fees available to the agencies funded by this
18 Act, shall be available for obligation or expenditure through
19 the reprogramming of funds after August 1, except in ex-
20 traordinary circumstances, and only after the House and
21 Senate Committees on Appropriations are notified 30 days
22 in advance of such reprogramming of funds.

23 SEC. 506. Hereafter, none of the funds made available
24 in this or any other Act may be used to implement, admin-
25 ister, or enforce any guidelines of the Equal Employment

1 *Opportunity Commission covering harassment based on re-*
2 *ligion, when it is made known to the Federal entity or offi-*
3 *cial to which such funds are made available that such*
4 *guidelines do not differ in any respect from the proposed*
5 *guidelines published by the Commission on October 1, 1993*
6 *(58 Fed. Reg. 51266).*

7 *SEC. 507. If it has been finally determined by a court*
8 *or Federal agency that any person intentionally affixed a*
9 *label bearing a “Made in America” inscription, or any in-*
10 *scription with the same meaning, to any product sold in*
11 *or shipped to the United States that is not made in the*
12 *United States, the person shall be ineligible to receive any*
13 *contract or subcontract made with funds made available in*
14 *this Act, pursuant to the debarment, suspension, and ineli-*
15 *gibility procedures described in sections 9.400 through*
16 *9.409 of title 48, Code of Federal Regulations.*

17 *SEC. 508. The Departments of Commerce and Justice,*
18 *the National Science Foundation, and the National Aero-*
19 *nautics and Space Administration, shall provide to the*
20 *House and Senate Committees on Appropriations a quar-*
21 *terly accounting of the cumulative balances of any unobli-*
22 *gated funds that were received by such agency during any*
23 *previous fiscal year.*

24 *SEC. 509. Any costs incurred by a department or agen-*
25 *cy funded under this Act resulting from, or to prevent, per-*

1 *sonnel actions taken in response to funding reductions in-*
2 *cluded in this Act shall be absorbed within the total budg-*
3 *etary resources available to such department or agency:*
4 *Provided, That the authority to transfer funds between ap-*
5 *propriations accounts as may be necessary to carry out this*
6 *section is provided in addition to authorities included else-*
7 *where in this Act: Provided further, That use of funds to*
8 *carry out this section shall be treated as a reprogramming*
9 *of funds under section 505 of this Act and shall not be avail-*
10 *able for obligation or expenditure except in compliance with*
11 *the procedures set forth in that section.*

12 *SEC. 510. None of the funds provided by this Act shall*
13 *be available to promote the sale or export of tobacco or to-*
14 *bacco products, or to seek the reduction or removal by any*
15 *foreign country of restrictions on the marketing of tobacco*
16 *or tobacco products, except for restrictions which are not*
17 *applied equally to all tobacco or tobacco products of the*
18 *same type.*

19 *SEC. 511. None of the funds appropriated pursuant*
20 *to this Act or any other provision of law may be used for—*

21 *(1) the implementation of any tax or fee in con-*
22 *nection with the implementation of subsection 922(t)*
23 *of title 18, United States Code; and*

24 *(2) any system to implement subsection 922(t) of*
25 *title 18, United States Code, that does not require and*

1 *result in the destruction of any identifying informa-*
2 *tion submitted by or on behalf of any person who has*
3 *been determined not to be prohibited from possessing*
4 *or receiving a firearm no more than 24 hours after*
5 *the system advises a Federal firearms licensee that*
6 *possession or receipt of a firearm by the prospective*
7 *transferee would not violate subsection (g) or (n) of*
8 *section 922 of title 18, United States Code, or State*
9 *law.*

10 *SEC. 512. Notwithstanding any other provision of law,*
11 *amounts deposited or available in the Fund established*
12 *under 42 U.S.C. 10601 in any fiscal year in excess of*
13 *\$705,000,000 shall not be available for obligation until the*
14 *following fiscal year.*

15 *SEC. 513. None of the funds made available to the De-*
16 *partment of Justice in this Act may be used to discriminate*
17 *against or denigrate the religious or moral beliefs of stu-*
18 *dents who participate in programs for which financial as-*
19 *sistance is provided from those funds, or of the parents or*
20 *legal guardians of such students.*

21 *SEC. 514. None of the funds made available in this*
22 *Act may be transferred to any department, agency, or in-*
23 *strumentality of the United States Government, except pur-*
24 *suant to a transfer made by, or transfer authority provided*
25 *in, this Act or any other appropriations Act.*

1 *SEC. 515. Any funds provided in this Act used to im-*
2 *plement E-Government Initiatives shall be subject to the*
3 *procedures set forth in section 505 of this Act.*

4 *SEC. 516. (a) Tracing studies conducted by the Bureau*
5 *of Alcohol, Tobacco, Firearms and Explosives are released*
6 *without adequate disclaimers regarding the limitations of*
7 *the data.*

8 *(b) The Bureau of Alcohol, Tobacco, Firearms and Ex-*
9 *plosives shall include in all such data releases, language*
10 *similar to the following that would make clear that trace*
11 *data cannot be used to draw broad conclusions about fire-*
12 *arms-related crime:*

13 *(1) Firearm traces are designed to assist law en-*
14 *forcement authorities in conducting investigations by*
15 *tracking the sale and possession of specific firearms.*
16 *Law enforcement agencies may request firearms traces*
17 *for any reason, and those reasons are not necessarily*
18 *reported to the Federal Government. Not all firearms*
19 *used in crime are traced and not all firearms traced*
20 *are used in crime.*

21 *(2) Firearms selected for tracing are not chosen*
22 *for purposes of determining which types, makes, or*
23 *models of firearms are used for illicit purposes. The*
24 *firearms selected do not constitute a random sample*
25 *and should not be considered representative of the*

1 *larger universe of all firearms used by criminals, or*
2 *any subset of that universe. Firearms are normally*
3 *traced to the first retail seller, and sources reported*
4 *for firearms traced do not necessarily represent the*
5 *sources or methods by which firearms in general are*
6 *acquired for use in crime.*

7 *SEC. 517. (a) The Inspectors General of the Depart-*
8 *ment of Commerce, the Department of Justice, the National*
9 *Aeronautics and Space Administration, the National*
10 *Science Foundation, and the Legal Services Corporation*
11 *shall conduct audits, pursuant to the Inspector General Act*
12 *(5 U.S.C. App.), of grants or contracts for which funds are*
13 *appropriated by this Act, and shall submit reports to Con-*
14 *gress on the progress of such audits, which may include pre-*
15 *liminary findings and a description of areas of particular*
16 *interest, within 180 days after initiating such an audit and*
17 *every 180 days thereafter until any such audit is completed.*

18 *(b) Within 60 days after the date on which an audit*
19 *described in subsection (a) by an Inspector General is com-*
20 *pleted, the Secretary, Attorney General, Administrator, Di-*
21 *rector, or President, as appropriate, shall make the results*
22 *of the audit available to the public on the Internet website*
23 *maintained by the Department, Administration, Founda-*
24 *tion, or Corporation, respectively. The results shall be made*
25 *available in redacted form to exclude—*

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

3 (2) *sensitive personal information for any indi-*
4 *vidual, the public access to which could be used to*
5 *commit identity theft or for other inappropriate or*
6 *unlawful purposes.*

7 (c) *A grant or contract funded by amounts appro-*
8 *priated by this Act may not be used for the purpose of de-*
9 *fraying the costs of a banquet or conference that is not di-*
10 *rectly and programmatically related to the purpose for*
11 *which the grant or contract was awarded, such as a banquet*
12 *or conference held in connection with planning, training,*
13 *assessment, review, or other routine purposes related to a*
14 *project funded by the grant or contract.*

15 (d) *Any person awarded a grant or contract funded*
16 *by amounts appropriated by this Act shall submit a state-*
17 *ment to the Secretary of Commerce, the Attorney General,*
18 *the Administrator, Director, or President, as appropriate,*
19 *certifying that no funds derived from the grant or contract*
20 *will be made available through a subcontract or in any*
21 *other manner to another person who has a financial interest*
22 *in the person awarded the grant or contract.*

23 (e) *The provisions of the preceding subsections of this*
24 *section shall take effect 30 days after the date on which the*
25 *Director of the Office of Management and Budget, in con-*

1 *sultation with the Director of the Office of Government Eth-*
2 *ics, determines that a uniform set of rules and requirements,*
3 *substantially similar to the requirements in such sub-*
4 *sections, consistently apply under the executive branch eth-*
5 *ics program to all Federal departments, agencies, and enti-*
6 *ties.*

7 *SEC. 518. None of the funds appropriated or otherwise*
8 *made available under this Act may be used to issue patents*
9 *on claims directed to or encompassing a human organism.*

10 *SEC. 519. None of the funds made available in this*
11 *Act shall be used in any way whatsoever to support or jus-*
12 *tify the use of torture by any official or contract employee*
13 *of the United States Government.*

14 *SEC. 520. (a) Notwithstanding any other provision of*
15 *law or treaty, none of the funds appropriated or otherwise*
16 *made available under this Act or any other Act may be*
17 *expended or obligated by a department, agency, or instru-*
18 *mentality of the United States to pay administrative ex-*
19 *penses or to compensate an officer or employee of the United*
20 *States in connection with requiring an export license for*
21 *the export to Canada of components, parts, accessories or*
22 *attachments for firearms listed in Category I, section 121.1*
23 *of title 22, Code of Federal Regulations (International Traf-*
24 *ficking in Arms Regulations (ITAR), part 121, as it existed*
25 *on April 1, 2005) with a total value not exceeding \$500*

1 *wholesale in any transaction, provided that the conditions*
2 *of subsection (b) of this section are met by the exporting*
3 *party for such articles.*

4 (b) *The foregoing exemption from obtaining an export*
5 *license—*

6 (1) *does not exempt an exporter from filing any*
7 *Shipper's Export Declaration or notification letter re-*
8 *quired by law, or from being otherwise eligible under*
9 *the laws of the United States to possess, ship, trans-*
10 *port, or export the articles enumerated in subsection*
11 *(a); and*

12 (2) *does not permit the export without a license*
13 *of—*

14 (A) *fully automatic firearms and compo-*
15 *nents and parts for such firearms, other than for*
16 *end use by the Federal Government, or a Provin-*
17 *cial or Municipal Government of Canada;*

18 (B) *barrels, cylinders, receivers (frames) or*
19 *complete breech mechanisms for any firearm list-*
20 *ed in Category I, other than for end use by the*
21 *Federal Government, or a Provincial or Munic-*
22 *ipal Government of Canada; or*

23 (C) *articles for export from Canada to an-*
24 *other foreign destination.*

1 (c) *In accordance with this section, the District Direc-*
2 *tors of Customs and postmasters shall permit the permanent*
3 *or temporary export without a license of any unclassified*
4 *articles specified in subsection (a) to Canada for end use*
5 *in Canada or return to the United States, or temporary*
6 *import of Canadian-origin items from Canada for end use*
7 *in the United States or return to Canada for a Canadian*
8 *citizen.*

9 (d) *The President may require export licenses under*
10 *this section on a temporary basis if the President deter-*
11 *mines, upon publication first in the Federal Register, that*
12 *the Government of Canada has implemented or maintained*
13 *inadequate import controls for the articles specified in sub-*
14 *section (a), such that a significant diversion of such articles*
15 *has and continues to take place for use in international*
16 *terrorism or in the escalation of a conflict in another na-*
17 *tion. The President shall terminate the requirements of a*
18 *license when reasons for the temporary requirements have*
19 *ceased.*

20 SEC. 521. *Notwithstanding any other provision of law,*
21 *no department, agency, or instrumentality of the United*
22 *States receiving appropriated funds under this Act or any*
23 *other Act shall obligate or expend in any way such funds*
24 *to pay administrative expenses or the compensation of any*
25 *officer or employee of the United States to deny any appli-*

1 *cation submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and*
2 *qualified pursuant to 27 CFR section 478.112 or .113, for*
3 *a permit to import United States origin “curios or relics”*
4 *firearms, parts, or ammunition.*

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

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

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

12 *(3) paragraph 4 of article 15.9 of the United*
13 *States-Morocco Free Trade Agreement.*

14 *SEC. 523. None of the funds made available in this*
15 *Act may be used to authorize or issue a national security*
16 *letter in contravention of any of the following laws author-*
17 *izing the Federal Bureau of Investigation to issue national*
18 *security letters: The Right to Financial Privacy Act; The*
19 *Electronic Communications Privacy Act; The Fair Credit*
20 *Reporting Act; The National Security Act of 1947; USA*
21 *PATRIOT Act; and the laws amended by these Acts.*

22 *SEC. 524. If at any time during any quarter, the pro-*
23 *gram manager of a project within the jurisdiction of the*
24 *Departments of Commerce or Justice, the National Aero-*
25 *navics and Space Administration, or the National Science*

1 *Foundation totaling more than \$75,000,000 has reasonable*
2 *cause to believe that the total program cost has increased*
3 *by 10 percent, the program manager shall immediately in-*
4 *form the Secretary, Administrator, or Director. The Sec-*
5 *retary, Administrator, or Director shall notify the House*
6 *and Senate Committees on Appropriations within 30 days*
7 *in writing of such increase, and shall include in such notice:*
8 *the date on which such determination was made; a state-*
9 *ment of the reasons for such increases; the action taken and*
10 *proposed to be taken to control future cost growth of the*
11 *project; changes made in the performance or schedule mile-*
12 *stones and the degree to which such changes have contrib-*
13 *uted to the increase in total program costs or procurement*
14 *costs; new estimates of the total project or procurement*
15 *costs; and a statement validating that the project's manage-*
16 *ment structure is adequate to control total project or pro-*
17 *curement costs.*

18 *SEC. 525. Funds appropriated by this Act, or made*
19 *available by the transfer of funds in this Act, for intelligence*
20 *or intelligence related activities are deemed to be specifi-*
21 *cally authorized by the Congress for purposes of section 504*
22 *of the National Security Act of 1947 (50 U.S.C. 414) during*
23 *fiscal year 2012 until the enactment of the Intelligence Au-*
24 *thorization Act for fiscal year 2012.*

1 *SEC. 526. The Departments, agencies, and commis-*
2 *sions funded under this Act, shall establish and maintain*
3 *on the homepages of their Internet websites—*

4 *(1) a direct link to the Internet websites of their*
5 *Offices of Inspectors General; and*

6 *(2) a mechanism on the Offices of Inspectors*
7 *General website by which individuals may anony-*
8 *mously report cases of waste, fraud, or abuse with re-*
9 *spect to those Departments, agencies, and commis-*
10 *sions.*

11 *SEC. 527. None of the funds appropriated or otherwise*
12 *made available by this Act may be used to enter into a*
13 *contract in an amount greater than \$5,000,000 or to award*
14 *a grant in excess of such amount unless the prospective con-*
15 *tractor or grantee certifies in writing to the agency award-*
16 *ing the contract or grant that, to the best of its knowledge*
17 *and belief, the contractor or grantee has filed all Federal*
18 *tax returns required during the three years preceding the*
19 *certification, has not been convicted of a criminal offense*
20 *under the Internal Revenue Code of 1986, and has not, more*
21 *than 90 days prior to certification, been notified of any*
22 *unpaid Federal tax assessment for which the liability re-*
23 *mains unsatisfied, unless the assessment is the subject of*
24 *an installment agreement or offer in compromise that has*
25 *been approved by the Internal Revenue Service and is not*

1 *in default, or the assessment is the subject of a non-frivolous*
2 *administrative or judicial proceeding.*

3 *SEC. 528. None of the funds appropriated or otherwise*
4 *made available in this Act may be used in a manner that*
5 *is inconsistent with the principal negotiating objective of*
6 *the United States with respect to trade remedy laws to pre-*
7 *serve the ability of the United States—*

8 *(1) to enforce vigorously its trade laws, including*
9 *antidumping, countervailing duty, and safeguard*
10 *laws;*

11 *(2) to avoid agreements that—*

12 *(A) lessen the effectiveness of domestic and*
13 *international disciplines on unfair trade, espe-*
14 *cially dumping and subsidies; or*

15 *(B) lessen the effectiveness of domestic and*
16 *international safeguard provisions, in order to*
17 *ensure that United States workers, agricultural*
18 *producers, and firms can compete fully on fair*
19 *terms and enjoy the benefits of reciprocal trade*
20 *concessions; and*

21 *(3) to address and remedy market distortions*
22 *that lead to dumping and subsidization, including*
23 *overcapacity, cartelization, and market-access bar-*
24 *riers.*

(RESCISSIONS)

1

2 *SEC. 529. (a) Of the unobligated balances available to*
3 *the Department of Commerce, the following funds are hereby*
4 *rescinded, not later than September 30, 2012, from the fol-*
5 *lowing account in the specified amount:*

6 *(1) “National Telecommunications and Informa-*
7 *tion Administration, Information Infrastructure*
8 *Grants”, \$2,000,000; and*

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

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

14 *(c) Of the unobligated balances available to the Depart-*
15 *ment of Justice from prior appropriations, the following*
16 *funds are hereby rescinded, not later than September 30,*
17 *2012, from the following accounts in the specified*
18 *amounts—*

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

20 *(2) “Legal Activities, Assets Forfeiture Fund”,*
21 *\$620,000,000; and an additional \$25,000,000 shall be*
22 *permanently rescinded;*

23 *(3) “United States Marshals Service, Salaries*
24 *and Expenses”, \$7,200,000;*

1 (4) “*Drug Enforcement Administration, Salaries*
2 *and Expenses*”, \$30,000,000;

3 (5) “*Federal Prison System, Buildings and Fa-*
4 *cilities*”, \$35,000,000;

5 (6) “*Office of Justice Programs*”, \$42,600,000;

6 (7) “*Community Oriented Policing Services*”,
7 \$10,200,000; and

8 (8) “*Office on Violence Against Women*”,
9 \$5,000,000.

10 (d) *Within 30 days of enactment of this Act, the De-*
11 *partment of Justice shall submit to the Committees on Ap-*
12 *propriations of the House of Representatives and the Senate*
13 *a report specifying the amount of each rescission made pur-*
14 *suant to this section.*

15 (e) *The rescissions contained in this section shall not*
16 *apply to funds provided in this Act.*

17 SEC. 530. *None of the funds made available in this*
18 *Act may be used to purchase first class or premium airline*
19 *travel in contravention of sections 301–10.122 through 301–*
20 *10.124 of title 41 of the Code of Federal Regulations.*

21 SEC. 531. *None of the funds made available in this*
22 *Act may be used to send or otherwise pay for the attendance*
23 *of more than 50 employees from a Federal department or*
24 *agency at any single conference occurring outside the*
25 *United States.*

1 *SEC. 532. None of the funds appropriated or otherwise*
2 *made available in this or any other Act may be used to*
3 *transfer, release, or assist in the transfer or release to or*
4 *within the United States, its territories, or possessions*
5 *Khalid Sheikh Mohammed or any other detainee who—*

6 *(1) is not a United States citizen or a member*
7 *of the Armed Forces of the United States; and*

8 *(2) is or was held on or after June 24, 2009, at*
9 *the United States Naval Station, Guantanamo Bay,*
10 *Cuba, by the Department of Defense.*

11 *SEC. 533. (a) None of the funds appropriated or other-*
12 *wise made available in this or any other Act may be used*
13 *to construct, acquire, or modify any facility in the United*
14 *States, its territories, or possessions to house any individual*
15 *described in subsection (c) for the purposes of detention or*
16 *imprisonment in the custody or under the effective control*
17 *of the Department of Defense.*

18 *(b) The prohibition in subsection (a) shall not apply*
19 *to any modification of facilities at United States Naval*
20 *Station, Guantanamo Bay, Cuba.*

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

24 *(1) is not a citizen of the United States or a*
25 *member of the Armed Forces of the United States; and*

1 (2) is—

2 (A) *in the custody or under the effective*
3 *control of the Department of Defense; or*

4 (B) *otherwise under detention at United*
5 *States Naval Station, Guantanamo Bay, Cuba.*

6 *SEC. 534. None of the funds made available under this*
7 *Act may be distributed to the Association of Community*
8 *Organizations for Reform Now (ACORN) or its subsidi-*
9 *aries.*

10 *SEC. 535. To the extent practicable, funds made avail-*
11 *able in this Act should be used to purchase light bulbs that*
12 *are “Energy Star” qualified or have the “Federal Energy*
13 *Management Program” designation.*

14 *SEC. 536. The Director of the Office of Management*
15 *and Budget shall instruct any department, agency, or in-*
16 *strumentality of the United States Government receiving*
17 *funds appropriated under this Act to track undisbursed bal-*
18 *ances in expired grant accounts and include in its annual*
19 *performance plan and performance and accountability re-*
20 *ports the following:*

21 (1) *Details on future action the department,*
22 *agency, or instrumentality will take to resolve*
23 *undisbursed balances in expired grant accounts.*

1 (2) *The method that the department, agency, or*
2 *instrumentality uses to track undisbursed balances in*
3 *expired grant accounts.*

4 (3) *Identification of undisbursed balances in ex-*
5 *pired grant accounts that may be returned to the*
6 *Treasury of the United States.*

7 (4) *In the preceding 3 fiscal years, details on the*
8 *total number of expired grant accounts with*
9 *undisbursed balances (on the first day of each fiscal*
10 *year) for the department, agency, or instrumentality*
11 *and the total finances that have not been obligated to*
12 *a specific project remaining in the accounts.*

13 *SEC. 537. None of the funds made available in this*
14 *Act may be used to relocate the Bureau of the Census or*
15 *employees from the Department of Commerce to the juris-*
16 *isdiction of the Executive Office of the President.*

17 *SEC. 538. (a) The head of any department, agency,*
18 *board or commission funded by this Act shall submit quar-*
19 *terly reports to the Inspector General, or the senior ethics*
20 *official for any entity without an inspector general, of the*
21 *appropriate department, agency, board or commission re-*
22 *garding the costs and contracting procedures relating to*
23 *each conference held by the department, agency, board or*
24 *commission during fiscal year 2012 for which the cost to*
25 *the Government was more than \$20,000.*

1 **(b)** *Each report submitted under subsection (a) shall*
2 *include, for each conference described in that subsection held*
3 *during the applicable quarter—*

4 **(1)** *a description of the subject of and number of*
5 *participants attending that conference;*

6 **(2)** *a detailed statement of the costs to the Gov-*
7 *ernment relating to that conference, including—*

8 **(A)** *the cost of any food or beverages;*

9 **(B)** *the cost of any audio-visual services;*

10 *and*

11 **(C)** *a discussion of the methodology used to*
12 *determine which costs relate to that conference;*

13 *and*

14 **(3)** *a description of the contracting procedures*
15 *relating to that conference, including—*

16 **(A)** *whether contracts were awarded on a*
17 *competitive basis for that conference; and*

18 **(B)** *a discussion of any cost comparison*
19 *conducted by the department, agency, board or*
20 *commission in evaluating potential contractors*
21 *for that conference.*

22 **SEC. 539.** *(a) None of the funds made available in this*
23 *Act may be used to maintain or establish a computer net-*
24 *work unless such network blocks the viewing, downloading,*
25 *and exchanging of pornography.*

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

5 **SEC. 540.** *The Departments of Commerce and Justice,*
6 *the National Aeronautics and Space Administration, and*
7 *the National Science Foundation are directed to submit*
8 *spending plans, signed by the respective department or*
9 *agency head, to the House and Senate Committees on Ap-*
10 *propriations within 30 days of enactment of this Act.*

11 **SEC. 541.** *The amount appropriated or otherwise made*
12 *available by title IV under the heading “COMMISSION ON*
13 *WARTIME RELOCATION AND INTERNMENT OF LATIN AMERI-*
14 *CANS OF JAPANESE DESCENT” is hereby reduced by*
15 *\$1,700,000.*

16 **SEC. 542.** *The provisions of sections 517(c), 531, and*
17 *538 shall apply to all agencies and departments funded by*
18 *divisions A, B, and C.*

19 **SEC. 543.** *(a) The matter under the heading “SALA-*
20 *RIES AND EXPENSES” under the heading “OFFICE OF THE*
21 *UNITED STATES TRADE REPRESENTATIVE” in title IV of*
22 *this division is amended by striking “\$46,775,000” and in-*
23 *serting “\$51,251,000”.*

24 **(b)** *Of the unobligated balance of amounts made avail-*
25 *able to the Department of Justice for a fiscal year before*

1 *fiscal year 2012 for the “Legal Activities, Assets Forfeiture*
2 *Fund” account, there are permanently rescinded*
3 *\$8,000,000, in addition to the amount rescinded pursuant*
4 *to section 529(c)(2).*

5 *This Act may be cited as the “Commerce, Justice,*
6 *Science, and Related Agencies Appropriations Act, 2012”.*

7 ***DIVISION C—TRANSPORTATION, HOUSING***
8 ***AND URBAN DEVELOPMENT, AND RE-***
9 ***LATED AGENCIES***

10 *That the following sums are appropriated, out of any*
11 *money in the Treasury not otherwise appropriated, for the*
12 *Departments of Transportation, and Housing and Urban*
13 *Development, and related agencies for the fiscal year ending*
14 *September 30, 2012, and for other purposes, namely:*

15 ***TITLE I***

16 ***DEPARTMENT OF TRANSPORTATION***

17 ***OFFICE OF THE SECRETARY***

18 ***SALARIES AND EXPENSES***

19 *For necessary expenses of the Office of the Secretary,*
20 *\$102,202,000, of which not to exceed \$2,618,000 shall be*
21 *available for the immediate Office of the Secretary; not to*
22 *exceed \$981,000 shall be available for the Immediate Office*
23 *of the Deputy Secretary; not to exceed \$19,515,000 shall be*
24 *available for the Office of the General Counsel; not to exceed*
25 *\$11,004,000 shall be available for the Office of the Under*

1 *Secretary of Transportation for Policy; not to exceed*
2 *\$10,538,000 shall be available for the Office of the Assistant*
3 *Secretary for Budget and Programs; not to exceed*
4 *\$2,544,000 shall be available for the Office of the Assistant*
5 *Secretary for Governmental Affairs; not to exceed*
6 *\$25,469,000 shall be available for the Office of the Assistant*
7 *Secretary for Administration; not to exceed \$2,046,000 shall*
8 *be available for the Office of Public Affairs; not to exceed*
9 *\$1,649,000 shall be available for the Office of the Executive*
10 *Secretariat; not to exceed \$1,492,000 shall be available for*
11 *the Office of Small and Disadvantaged Business Utiliza-*
12 *tion; not to exceed \$10,578,000 for the Office of Intelligence,*
13 *Security, and Emergency Response; and not to exceed*
14 *\$13,768,000 shall be available for the Office of the Chief*
15 *Information Officer: Provided, That the Secretary of Trans-*
16 *portation is authorized to transfer funds appropriated for*
17 *any office of the Office of the Secretary to any other office*
18 *of the Office of the Secretary: Provided further, That no ap-*
19 *propriation for any office shall be increased or decreased*
20 *by more than 5 percent by all such transfers: Provided fur-*
21 *ther, That notice of any change in funding greater than*
22 *5 percent shall be submitted for approval to the House and*
23 *Senate Committees on Appropriations: Provided further,*
24 *That not to exceed \$60,000 shall be for allocation within*
25 *the Department for official reception and representation ex-*

1 *penses as the Secretary may determine: Provided further,*
2 *That notwithstanding any other provision of law, excluding*
3 *fees authorized in Public Law 107–71, there may be cred-*
4 *ited to this appropriation up to \$2,500,000 in funds re-*
5 *ceived in user fees: Provided further, That none of the funds*
6 *provided in this Act shall be available for the position of*
7 *Assistant Secretary for Public Affairs.*

8 *NATIONAL INFRASTRUCTURE INVESTMENTS*

9 *For capital investments in surface transportation in-*
10 *frastructure, \$550,000,000, to remain available through*
11 *September 30, 2013: Provided, That the Secretary of Trans-*
12 *portation shall distribute funds provided under this heading*
13 *as discretionary grants to be awarded to a State, local gov-*
14 *ernment, transit agency, or a collaboration among such en-*
15 *tities on a competitive basis for projects that will have a*
16 *significant impact on the Nation, a metropolitan area, or*
17 *a region: Provided further, That projects eligible for funding*
18 *provided under this heading shall include, but not be lim-*
19 *ited to, highway or bridge projects eligible under title 23,*
20 *United States Code; public transportation projects eligible*
21 *under chapter 53 of title 49, United States Code; passenger*
22 *and freight rail transportation projects; and port infra-*
23 *structure investments: Provided further, That the Secretary*
24 *may use up to 35 percent of the funds made available under*
25 *this heading for the purpose of paying the subsidy and ad-*

1 *ministrative costs of projects eligible for Federal credit as-*
2 *sistance under chapter 6 of title 23, United States Code,*
3 *if the Secretary finds that such use of the funds would ad-*
4 *vance the purposes of this paragraph: Provided further,*
5 *That in distributing funds provided under this heading, the*
6 *Secretary shall take such measures so as to ensure an equi-*
7 *table geographic distribution of funds, an appropriate bal-*
8 *ance in addressing the needs of urban and rural areas, and*
9 *the investment in a variety of transportation modes: Pro-*
10 *vided further, That a grant funded under this heading shall*
11 *be not less than \$10,000,000 and not greater than*
12 *\$200,000,000: Provided further, That not more than 25 per-*
13 *cent of the funds made available under this heading may*
14 *be awarded to projects in a single State: Provided further,*
15 *That the Federal share of the costs for which an expenditure*
16 *is made under this heading shall be, at the option of the*
17 *recipient, up to 80 percent: Provided further, That the Sec-*
18 *retary shall give priority to projects that require a contribu-*
19 *tion of Federal funds in order to complete an overall financ-*
20 *ing package: Provided further, That not less than*
21 *\$120,000,000 of the funds provided under this heading shall*
22 *be for projects located in rural areas: Provided further, That*
23 *for projects located in rural areas, the minimum grant size*
24 *shall be \$1,000,000 and the Secretary may increase the Fed-*
25 *eral share of costs above 80 percent: Provided further, That*

1 *projects conducted using funds provided under this heading*
2 *must comply with the requirements of subchapter IV of*
3 *chapter 31 of title 40, United States Code: Provided further,*
4 *That the Secretary shall conduct a new competition to select*
5 *the grants and credit assistance awarded under this head-*
6 *ing: Provided further, That the Secretary may retain up*
7 *to \$25,000,000 of the funds provided under this heading,*
8 *and may transfer portions of those funds to the Administra-*
9 *tors of the Federal Highway Administration, the Federal*
10 *Transit Administration, the Federal Railroad Administra-*
11 *tion and the Federal Maritime Administration, to fund the*
12 *award and oversight of grants and credit assistance made*
13 *under this heading.*

14 *FINANCIAL MANAGEMENT CAPITAL*

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

19 *CYBER SECURITY INITIATIVES*

20 *For necessary expenses for cyber security initiatives,*
21 *including improvement of network perimeter controls and*
22 *identity management, testing and assessment of informa-*
23 *tion technology against business, security, and other re-*
24 *quirements, implementation of Federal cyber security ini-*
25 *tiatives and information infrastructure enhancements, im-*

1 *plementation of enhanced security controls on network de-*
2 *vices, and enhancement of cyber security workforce training*
3 *tools, \$10,000,000, to remain available through September*
4 *30, 2013.*

5 *OFFICE OF CIVIL RIGHTS*

6 *For necessary expenses of the Office of Civil Rights,*
7 *\$9,648,000.*

8 *TRANSPORTATION PLANNING, RESEARCH, AND*
9 *DEVELOPMENT*

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

14 *WORKING CAPITAL FUND*

15 *For necessary expenses for operating costs and capital*
16 *outlays of the Working Capital Fund, not to exceed*
17 *\$147,596,000 shall be paid from appropriations made*
18 *available to the Department of Transportation: Provided,*
19 *That such services shall be provided on a competitive basis*
20 *to entities within the Department of Transportation: Pro-*
21 *vided further, That the above limitation on operating ex-*
22 *penses shall not apply to non-DOT entities: Provided fur-*
23 *ther, That no funds appropriated in this Act to an agency*
24 *of the Department shall be transferred to the Working Cap-*
25 *ital Fund without the approval of the agency modal admin-*

1 *istrator: Provided further, That no assessments may be lev-*
2 *ied against any program, budget activity, subactivity or*
3 *project funded by this Act unless notice of such assessments*
4 *and the basis therefor are presented to the House and Senate*
5 *Committees on Appropriations and are approved by such*
6 *Committees.*

7 *MINORITY BUSINESS RESOURCE CENTER PROGRAM*

8 *For the cost of guaranteed loans, \$351,000, as author-*
9 *ized by 49 U.S.C. 332: Provided, That such costs, including*
10 *the cost of modifying such loans, shall be as defined in sec-*
11 *tion 502 of the Congressional Budget Act of 1974: Provided*
12 *further, That these funds are available to subsidize total*
13 *loan principal, any part of which is to be guaranteed, not*
14 *to exceed \$18,367,000. In addition, for administrative ex-*
15 *penses to carry out the guaranteed loan program, \$570,000.*

16 *MINORITY BUSINESS OUTREACH*

17 *For necessary expenses of Minority Business Resource*
18 *Center outreach activities, \$3,068,000, to remain available*
19 *until September 30, 2013: Provided, That notwithstanding*
20 *49 U.S.C. 332, these funds may be used for business oppor-*
21 *tunities related to any mode of transportation.*

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

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

7 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
8 *OF TRANSPORTATION*

9 *SEC. 101. None of the funds made available in this*
10 *Act to the Department of Transportation may be obligated*
11 *for the Office of the Secretary of Transportation to approve*
12 *assessments or reimbursable agreements pertaining to funds*
13 *appropriated to the modal administrations in this Act, ex-*
14 *cept for activities underway on the date of enactment of*
15 *this Act, unless such assessments or agreements have com-*
16 *pleted the normal reprogramming process for Congressional*
17 *notification.*

18 *SEC. 102. None of the funds made available under this*
19 *Act may be obligated or expended to establish or implement*
20 *a program under which essential air service communities*
21 *are required to assume subsidy costs commonly referred to*
22 *as the EAS local participation program.*

23 *SEC. 103. The Secretary or his designee may engage*
24 *in activities with States and State legislators to consider*
25 *proposals related to the reduction of motorcycle fatalities.*

(RESCISSION)

1

2 *SEC. 104. Of the amounts made available by section*
3 *185 of Public Law 109–115, all unobligated balances as of*
4 *the date of enactment of this Act are hereby rescinded.*

5

6 *SEC. 105. Notwithstanding section 3324 of title 31,*
7 *United States Code, in addition to authority provided by*
8 *section 327 of title 49, United States Code, the Depart-*
9 *ment's Working Capital Fund is hereby authorized to pro-*
10 *vide payments in advance to vendors that are necessary to*
11 *carry out the Federal transit pass transportation fringe*
12 *benefit program under Executive Order 13150 and section*
13 *3049 of Public Law 109–59: Provided, That the Depart-*
14 *ment shall include adequate safeguards in the contract with*
15 *the vendors to ensure timely and high-quality performance*
under the contract.

16

17 *SEC. 106. The Secretary shall post on the Web site of*
18 *the Department of Transportation a schedule of all meetings*
19 *of the Credit Council, including the agenda for each meet-*
20 *ing, and require the Credit Council to record the minutes*
of each meeting.

1 *FEDERAL AVIATION ADMINISTRATION*2 *OPERATIONS*3 *(AIRPORT AND AIRWAY TRUST FUND)*4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses of the Federal Aviation Admin-*
6 *istration, not otherwise provided for, including operations*
7 *and research activities related to commercial space trans-*
8 *portation, administrative expenses for research and develop-*
9 *ment, establishment of air navigation facilities, the oper-*
10 *ation (including leasing) and maintenance of aircraft, sub-*
11 *sidizing the cost of aeronautical charts and maps sold to*
12 *the public, lease or purchase of passenger motor vehicles for*
13 *replacement only, in addition to amounts made available*
14 *by Public Law 108–176, \$9,635,710,000, of which*
15 *\$5,000,000,000 shall be derived from the Airport and Air-*
16 *way Trust Fund, of which not to exceed \$7,560,815,000*
17 *shall be available for air traffic organization activities; not*
18 *to exceed \$1,253,381,000 shall be available for aviation safe-*
19 *ty activities; not to exceed \$15,005,000 shall be available*
20 *for commercial space transportation activities; not to exceed*
21 *\$112,459,000 shall be available for financial services activi-*
22 *ties; not to exceed \$98,858,000 shall be available for human*
23 *resources program activities; not to exceed \$337,944,000*
24 *shall be available for region and center operations and re-*
25 *gional coordination activities; not to exceed \$207,065,000*

1 shall be available for staff offices; and not to exceed
2 \$50,183,000 shall be available for information services: Pro-
3 vided, That not to exceed 2 percent of any budget activity,
4 except for aviation safety budget activity, may be trans-
5 ferred to any budget activity under this heading: Provided
6 further, That no transfer may increase or decrease any ap-
7 propriation by more than 2 percent: Provided further, That
8 any transfer in excess of 2 percent shall be treated as a
9 reprogramming of funds under section 405 of this Act and
10 shall not be available for obligation or expenditure except
11 in compliance with the procedures set forth in that section:
12 Provided further, That not later than May 31, 2012, the
13 Administrator shall submit to the House and Senate Com-
14 mittees on Appropriations a comprehensive report that de-
15 scribes all of the findings and conclusions reached during
16 the Federal Aviation Administration's efforts to develop an
17 objective, data-driven method for placing air traffic control-
18 lers after the successful completion of their training at the
19 Federal Aviation Administration Academy, lists all avail-
20 able options for establishing such method, and discusses the
21 benefits and challenges of each option: Provided further,
22 That not later than March 31 of each fiscal year hereafter,
23 the Administrator of the Federal Aviation Administration
24 shall transmit to Congress an annual update to the report
25 submitted to Congress in December 2004 pursuant to sec-

1 *tion 221 of Public Law 108–176: Provided further, That*
2 *the amount herein appropriated shall be reduced by*
3 *\$100,000 for each day after March 31 that such report has*
4 *not been submitted to the Congress: Provided further, That*
5 *not later than March 31 of each fiscal year hereafter, the*
6 *Administrator shall transmit to Congress a companion re-*
7 *port that describes a comprehensive strategy for staffing,*
8 *hiring, and training flight standards and aircraft certifi-*
9 *cation staff in a format similar to the one utilized for the*
10 *controller staffing plan, including stated attrition estimates*
11 *and numerical hiring goals by fiscal year, and a benchmark*
12 *for assessing the amount of time aviation inspectors spend*
13 *directly observing industry field operations: Provided fur-*
14 *ther, That the amount herein appropriated shall be reduced*
15 *by \$100,000 per day for each day after March 31 that such*
16 *report has not been submitted to Congress: Provided further,*
17 *That funds may be used to enter into a grant agreement*
18 *with a nonprofit standard-setting organization to assist in*
19 *the development of aviation safety standards: Provided fur-*
20 *ther, That none of the funds in this Act shall be available*
21 *for new applicants for the second career training program:*
22 *Provided further, That none of the funds in this Act shall*
23 *be available for the Federal Aviation Administration to fi-*
24 *nalize or implement any regulation that would promulgate*
25 *new aviation user fees not specifically authorized by law*

1 *after the date of the enactment of this Act: Provided further,*
2 *That there may be credited to this appropriation as offset-*
3 *ting collections funds received from States, counties, mu-*
4 *nicipalities, foreign authorities, other public authorities,*
5 *and private sources for expenses incurred in the provision*
6 *of agency services, including receipts for the maintenance*
7 *and operation of air navigation facilities, and for issuance,*
8 *renewal or modification of certificates, including airman,*
9 *aircraft, and repair station certificates, or for tests related*
10 *thereto, or for processing major repair or alteration forms:*
11 *Provided further, That of the funds appropriated under this*
12 *heading, not less than \$9,500,000 shall be for the contract*
13 *tower cost-sharing program: Provided further, That none of*
14 *the funds in this Act for aeronautical charting and cartog-*
15 *raphy are available for activities conducted by, or coordi-*
16 *nated through, the Working Capital Fund.*

17 *FACILITIES AND EQUIPMENT*

18 *(AIRPORT AND AIRWAY TRUST FUND)*

19 *For necessary expenses, not otherwise provided for, for*
20 *acquisition, establishment, technical support services, im-*
21 *provement by contract or purchase, and hire of national*
22 *airspace systems and experimental facilities and equip-*
23 *ment, as authorized under part A of subtitle VII of title*
24 *49, United States Code, including initial acquisition of nec-*
25 *essary sites by lease or grant; engineering and service test-*

1 *ing, including construction of test facilities and acquisition*
2 *of necessary sites by lease or grant; construction and fur-*
3 *nishing of quarters and related accommodations for officers*
4 *and employees of the Federal Aviation Administration sta-*
5 *tioned at remote localities where such accommodations are*
6 *not available; and the purchase, lease, or transfer of aircraft*
7 *from funds available under this heading, including aircraft*
8 *for aviation regulation and certification; to be derived from*
9 *the Airport and Airway Trust Fund, \$2,630,731,000, of*
10 *which \$474,000,000 shall remain available until September*
11 *30, 2012, and of which \$2,156,731,000 shall remain avail-*
12 *able until September 30, 2014: Provided, That there may*
13 *be credited to this appropriation funds received from States,*
14 *counties, municipalities, other public authorities, and pri-*
15 *vate sources, for expenses incurred in the establishment, im-*
16 *provement, and modernization of national airspace sys-*
17 *tems: Provided further, That upon initial submission to the*
18 *Congress of the fiscal year 2013 President's budget, the Sec-*
19 *retary of Transportation shall transmit to the Congress a*
20 *comprehensive capital investment plan for the Federal*
21 *Aviation Administration which includes funding for each*
22 *budget line item for fiscal years 2013 through 2017, with*
23 *total funding for each year of the plan constrained to the*
24 *funding targets for those years as estimated and approved*
25 *by the Office of Management and Budget.*

1 *RESEARCH, ENGINEERING, AND DEVELOPMENT*2 *(AIRPORT AND AIRWAY TRUST FUND)*

3 *For necessary expenses, not otherwise provided for, for*
4 *research, engineering, and development, as authorized*
5 *under part A of subtitle VII of title 49, United States Code,*
6 *including construction of experimental facilities and acqui-*
7 *sition of necessary sites by lease or grant, \$157,000,000, to*
8 *be derived from the Airport and Airway Trust Fund and*
9 *to remain available until September 30, 2014: Provided,*
10 *That there may be credited to this appropriation as offset-*
11 *ting collections, funds received from States, counties, mu-*
12 *nicipalities, other public authorities, and private sources,*
13 *which shall be available for expenses incurred for research,*
14 *engineering, and development.*

15 *GRANTS-IN-AID FOR AIRPORTS*16 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*17 *(LIMITATION ON OBLIGATIONS)*18 *(AIRPORT AND AIRWAY TRUST FUND)*19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For liquidation of obligations incurred for grants-in-*
21 *aid for airport planning and development, and noise com-*
22 *patibility planning and programs as authorized under sub-*
23 *chapter I of chapter 471 and subchapter I of chapter 475*
24 *of title 49, United States Code, and under other law author-*
25 *izing such obligations; for procurement, installation, and*

1 *commissioning of runway incursion prevention devices and*
2 *systems at airports of such title; for grants authorized under*
3 *section 41743 of title 49, United States Code; and for in-*
4 *spection activities and administration of airport safety pro-*
5 *grams, including those related to airport operating certifi-*
6 *cates under section 44706 of title 49, United States Code,*
7 *\$4,691,000,000 to be derived from the Airport and Airway*
8 *Trust Fund and to remain available until expended: Pro-*
9 *vided, That none of the funds under this heading shall be*
10 *available for the planning or execution of programs the obli-*
11 *gations for which are in excess of \$3,515,000,000 in fiscal*
12 *year 2012, notwithstanding section 47117(g) of title 49,*
13 *United States Code: Provided further, That none of the*
14 *funds under this heading shall be available for the replace-*
15 *ment of baggage conveyor systems, reconfiguration of ter-*
16 *минаl baggage areas, or other airport improvements that*
17 *are necessary to install bulk explosive detection systems:*
18 *Provided further, That notwithstanding any other provision*
19 *of law, of funds limited under this heading, not more than*
20 *\$101,000,000 shall be obligated for administration, not less*
21 *than \$15,000,000 shall be available for the airport coopera-*
22 *tive research program, not less than \$29,250,000 shall be*
23 *for Airport Technology Research and \$6,000,000, to remain*
24 *available until expended, shall be available and transferred*
25 *to "Office of the Secretary, Salaries and Expenses" to carry*

1 *out the Small Community Air Service Development Pro-*
2 *gram.*

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 during*
10 *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 prohi-*
18 *bition of funds in this section does not apply to negotiations*
19 *between the agency and airport sponsors to achieve agree-*
20 *ment on “below-market” rates for these items or to grant*
21 *assurances that require airport sponsors to provide land*
22 *without cost to the FAA for air traffic control facilities.*

23 *SEC. 112. The Administrator of the Federal Aviation*
24 *Administration may reimburse amounts made available to*
25 *satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49*

1 *U.S.C. 45303: Provided, That during fiscal year 2012, 49*
2 *U.S.C. 41742(b) shall not apply, and any amount remain-*
3 *ing in such account at the close of that fiscal year may*
4 *be made available to satisfy section 41742(a)(1) for the sub-*
5 *sequent fiscal year.*

6 *SEC. 113. Amounts collected under section 40113(e) of*
7 *title 49, United States Code, shall be credited to the appro-*
8 *priation current at the time of collection, to be merged with*
9 *and available for the same purposes of such appropriation.*

10 *SEC. 114. None of the funds limited by this Act for*
11 *grants under the Airport Improvement Program shall be*
12 *made available to the sponsor of a commercial service air-*
13 *port if such sponsor fails to agree to a request from the*
14 *Secretary of Transportation for cost-free space in a nonrev-*
15 *enue producing, public use area of the airport terminal or*
16 *other airport facilities for the purpose of carrying out a*
17 *public service air passenger rights and consumer outreach*
18 *campaign.*

19 *SEC. 115. None of the funds in this Act shall be avail-*
20 *able for paying premium pay under subsection 5546(a) of*
21 *title 5, United States Code, to any Federal Aviation Admin-*
22 *istration employee unless such employee actually performed*
23 *work during the time corresponding to such premium pay.*

24 *SEC. 116. None of the funds in this Act may be obli-*
25 *gated or expended for an employee of the Federal Aviation*

1 Administration to purchase a store gift card or gift certifi-
2 cate through use of a Government-issued credit card.

3 *SEC. 117. The Secretary shall apportion to the sponsor*
4 *of an airport that received scheduled or unscheduled air*
5 *service from a large certified air carrier (as defined in part*
6 *241 of title 14 Code of Federal Regulations, or such other*
7 *regulations as may be issued by the Secretary under the*
8 *authority of section 41709) an amount equal to the min-*
9 *imum apportionment specified in 49 U.S.C. 47114(c), if*
10 *the Secretary determines that airport had more than 10,000*
11 *passenger boardings in the preceding calendar year, based*
12 *on data submitted to the Secretary under part 241 of title*
13 *14, Code of Federal Regulations.*

14 *SEC. 118. None of the funds in this Act may be obli-*
15 *gated or expended for retention bonuses for an employee of*
16 *the Federal Aviation Administration without the prior*
17 *written approval of the Deputy Assistant Secretary for Ad-*
18 *ministration of the Department of Transportation.*

19 *SEC. 119. Subparagraph (D) of section 47124(b)(3) of*
20 *title 49, United States Code, is amended by striking “ben-*
21 *efit.” and inserting “benefit, with the maximum allowable*
22 *local cost share capped at 20 percent.”.*

23 *SEC. 119A. Notwithstanding any other provision of*
24 *law, none of the funds made available under this Act or*
25 *any prior Act may be used to implement or to continue*

1 *to implement any limitation on the ability of any owner*
2 *or operator of a private aircraft to obtain, upon a request*
3 *to the Administrator of the Federal Aviation Administra-*
4 *tion, a blocking of that owner's or operator's aircraft reg-*
5 *istration number from any display of the Federal Aviation*
6 *Administration's Aircraft Situational Display to Industry*
7 *data that is made available to the public, except data made*
8 *available to a Government agency, for the noncommercial*
9 *flights of that owner or operator.*

10 *SEC. 119B. (a) COMPENSATION FOR FEDERAL EM-*
11 *PLOYEES.—Any Federal employees furloughed as a result*
12 *of the lapse in expenditure authority from the Airport and*
13 *Airway Trust Fund after 11:59 p.m. on July 22, 2011,*
14 *through August 5, 2011, may be compensated for the period*
15 *of that lapse at their standard rates of compensation, as*
16 *determined under policies established by the Secretary of*
17 *Transportation.*

18 *(b) RATIFICATION OF ESSENTIAL ACTIONS.—All ac-*
19 *tions taken by Federal employees, contractors, and grantees*
20 *for the purposes of maintaining the essential level of Gov-*
21 *ernment operations, services, and activities to protect life*
22 *and property and to bring about orderly termination of*
23 *Government functions during the lapse in expenditure au-*
24 *thority from the Airport and Airway Trust Fund after*
25 *11:59 p.m. on July 22, 2011, through August 5, 2011, are*

1 *hereby ratified and approved, if otherwise in accord with*
2 *the provisions of the Airport and Airway Extension Act of*
3 *2011, part IV (Public Law 112–27).*

4 *(c) TRUST FUND CODE.—Paragraph (1) of section*
5 *9502(d) of the Internal Revenue Code of 1986 (26 U.S.C.*
6 *9502(d)(1)) is amended by inserting “or the Department*
7 *of Transportation Appropriations Act, 2012” before the*
8 *semicolon at the end of subparagraph (A).*

9 *FEDERAL HIGHWAY ADMINISTRATION*

10 *FEDERAL-AID HIGHWAYS*

11 *LIMITATION ON ADMINISTRATIVE EXPENSES*

12 *(HIGHWAY TRUST FUND)*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *Not to exceed \$415,533,000, together with advances*
15 *and reimbursements received by the Federal Highway Ad-*
16 *ministration, shall be paid in accordance with law from*
17 *appropriations made available by this Act to the Federal*
18 *Highway Administration for necessary expenses for admin-*
19 *istration and operation. In addition, not to exceed*
20 *\$3,220,000 shall be paid from appropriations made avail-*
21 *able by this Act and transferred to the Appalachian Re-*
22 *gional Commission in accordance with section 104 of title*
23 *23, United States Code.*

LIMITATION ON OBLIGATIONS

(HIGHWAY TRUST FUND)

1 *None of the funds in this Act shall be available for*
2 *the implementation or execution of programs, the obliga-*
3 *tions for which are in excess of \$41,107,000,000 for Federal-*
4 *aid highways and highway safety construction programs for*
5 *fiscal year 2012: Provided, That within the \$41,107,000,000*
6 *obligation limitation on Federal-aid highways and highway*
7 *safety construction programs, not more than \$429,800,000*
8 *shall be available for the implementation or execution of*
9 *programs for transportation research (chapter 5 of title 23,*
10 *United States Code; sections 111, 5505, and 5506 of title*
11 *49, United States Code; and title 5 of Public Law 109-*
12 *59) for fiscal year 2012: Provided further, That this limita-*
13 *tion on transportation research programs shall not apply*
14 *to any authority previously made available for obligation:*
15 *Provided further, That the Secretary may, as authorized by*
16 *section 605(b) of title 23, United States Code, collect and*
17 *spend fees to cover the costs of services of expert firms, in-*
18 *cluding counsel, in the field of municipal and project fi-*
19 *nance to assist in the underwriting and servicing of Federal*
20 *credit instruments and all or a portion of the costs to the*
21 *Federal Government of servicing such credit instruments:*
22 *Provided further, That such fees are available until ex-*
23 *pende to pay for such costs: Provided further, That such*
24 *pende to pay for such costs: Provided further, That such*
25 *pende to pay for such costs: Provided further, That such*

1 *amounts are in addition to administrative expenses that*
2 *are also available for such purpose, and are not subject to*
3 *any obligation limitation or the limitation on administra-*
4 *tive expenses under section 608 of title 23, United States*
5 *Code.*

6 *LIQUIDATION OF CONTRACT AUTHORIZATION*

7 *(HIGHWAY TRUST FUND)*

8 *For carrying out the provisions of title 23, United*
9 *States Code, that are attributable to Federal-aid highways,*
10 *not otherwise provided, including reimbursement for sums*
11 *expended pursuant to the provisions of 23 U.S.C. 308,*
12 *\$41,846,000,000 or so much thereof as may be available in*
13 *and derived from the Highway Trust Fund (other than the*
14 *Mass Transit Account), to remain available until expended.*

15 *EMERGENCY RELIEF*

16 *For an additional amount for the Emergency Relief*
17 *Program as authorized under section 125 of title 23, United*
18 *States Code, \$1,900,000,000, to remain available until ex-*
19 *pended, for expenses resulting from a major disaster des-*
20 *ignated pursuant to the Robert T. Stafford Disaster Relief*
21 *and Emergency Assistance Act (42 U.S.C. 5122(2)): Pro-*
22 *vided, That notwithstanding section 125(d)(1) of title 23,*
23 *United States Code, for an event resulting from a disaster*
24 *eligible under section 125 of title 23, United States Code,*
25 *in a State occurring in fiscal years 2011 or 2012, the Sec-*

1 *retary of Transportation may obligate under the Emer-*
2 *gency Relief Program more than \$100,000,000 for eligible*
3 *expenses: Provided further, That notwithstanding section*
4 *120 of title 23, United States Code, for expenses resulting*
5 *from a disaster eligible under section 125 of title 23, United*
6 *States Code, occurring in fiscal years 2011 or 2012, the Sec-*
7 *retary shall extend the time period in 120(e) in consider-*
8 *ation of any delay in the State's ability to access damaged*
9 *facilities to evaluate damage and estimate the cost of repair:*
10 *Provided further, That notwithstanding sections 120(a) and*
11 *120(b) of title 23, United States Code, the Federal share*
12 *for permanent repairs resulting from a disaster eligible*
13 *under section 125 of title 23, United States Code, occurring*
14 *in fiscal years 2011 or 2012 may be up to 100 percent at*
15 *the Secretary's discretion if the eligible expenses incurred*
16 *by a State due to such a disaster exceeds twice the State's*
17 *annual apportionment under the Federal-aid Highway pro-*
18 *gram for the year in which the disaster occurred: Provided*
19 *further, That the amount provided under this heading is*
20 *designated by Congress as being for disaster relief pursuant*
21 *to section 251(b)(2)(D) of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985 (Public Law 99-177),*
23 *as amended.*

1

RESCISSION

2

Of unobligated balances of funds made available for obligation from the general fund of the Treasury for programs administered by the Federal Highway Administration in Public Laws 91-605, 93-87, 93-643, 94-280, 96-131, 97-424, 98-8, 98-473, 99-190, 100-17, 100-202, 100-457, 101-164, 101-516, 102-143, 102-240, 103-122, 103-331, 106-346, 107-87, 108-7 and 108-199, excluding any unobligated balance of funds provided for the Appalachian Development Highway System, \$73,000,000 are permanently rescinded.

12

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

13

ADMINISTRATION

14

SEC. 120. (a) For fiscal year 2012, the Secretary of Transportation shall—

16

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax

23

24

1 *evasion program; and the Bureau of Transportation*
2 *Statistics;*

3 *(2) not distribute an amount from the obligation*
4 *limitation for Federal-aid highways that is equal to*
5 *the unobligated balance of amounts made available*
6 *from the Highway Trust Fund (other than the Mass*
7 *Transit Account) for Federal-aid highways and high-*
8 *way safety programs for previous fiscal years the*
9 *funds for which are allocated by the Secretary;*

10 *(3) determine the ratio that—*

11 *(A) the obligation limitation for Federal-aid*
12 *highways, less the aggregate of amounts not dis-*
13 *tributed under paragraphs (1) and (2), bears to*

14 *(B) the total of the sums authorized to be*
15 *appropriated for Federal-aid highways and high-*
16 *way safety construction programs (other than*
17 *sums authorized to be appropriated for provi-*
18 *sions of law described in paragraphs (1) through*
19 *(9) of subsection (b) and sums authorized to be*
20 *appropriated for section 105 of title 23, United*
21 *States Code, equal to the amount referred to in*
22 *subsection (b)(10) for such fiscal year), less the*
23 *aggregate of the amounts not distributed under*
24 *paragraphs (1) and (2) of this subsection;*

1 (4)(A) distribute the obligation limitation for
2 Federal-aid highways, less the aggregate amounts not
3 distributed under paragraphs (1) and (2), for sections
4 1301, 1302, and 1934 of the *Safe, Accountable, Flexi-*
5 *ble, Efficient Transportation Equity Act: A Legacy*
6 *for Users*; sections 117 and section 144(g) of title 23,
7 *United States Code*; and section 14501 of title 40,
8 *United States Code*, so that the amount of obligation
9 authority available for each of such sections is equal
10 to the amount determined by multiplying the ratio
11 determined under paragraph (3) by the sums author-
12 ized to be appropriated for that section for the fiscal
13 year; and

14 (B) distribute \$2,000,000,000 for section 105 of
15 title 23, *United States Code*;

16 (5) distribute the obligation limitation provided
17 for Federal-aid highways, less the aggregate amounts
18 not distributed under paragraphs (1) and (2) and
19 amounts distributed under paragraph (4), for each of
20 the programs that are allocated by the Secretary
21 under the *Safe, Accountable, Flexible, Efficient Trans-*
22 *portation Equity Act: A Legacy for Users* and title
23 23, *United States Code* (other than to programs to
24 which paragraphs (1) and (4) apply), by multiplying
25 the ratio determined under paragraph (3) by the

1 *amounts authorized to be appropriated for each such*
2 *program for such fiscal year; and*

3 (6) *distribute the obligation limitation provided*
4 *for Federal-aid highways, less the aggregate amounts*
5 *not distributed under paragraphs (1) and (2) and*
6 *amounts distributed under paragraphs (4) and (5),*
7 *for Federal-aid highways and highway safety con-*
8 *struction programs (other than the amounts appor-*
9 *tioned for the equity bonus program, but only to the*
10 *extent that the amounts apportioned for the equity*
11 *bonus program for the fiscal year are greater than*
12 *\$2,639,000,000, and the Appalachian development*
13 *highway system program) that are apportioned by the*
14 *Secretary under the Safe, Accountable, Flexible, Effi-*
15 *cient Transportation Equity Act: A Legacy for Users*
16 *and title 23, United States Code, in the ratio that—*

17 (A) *amounts authorized to be appropriated*
18 *for such programs that are apportioned to each*
19 *State for such fiscal year, bear to*

20 (B) *the total of the amounts authorized to*
21 *be appropriated for such programs that are ap-*
22 *portioned to all States for such fiscal year.*

23 (b) *EXCEPTIONS FROM OBLIGATION LIMITATION.—*
24 *The obligation limitation for Federal-aid highways shall*
25 *not apply to obligations:*

1 (1) *under section 125 of title 23, United States*
2 *Code;*

3 (2) *under section 147 of the Surface Transpor-*
4 *tation Assistance Act of 1978;*

5 (3) *under section 9 of the Federal-Aid Highway*
6 *Act of 1981;*

7 (4) *under subsections (b) and (j) of section 131*
8 *of the Surface Transportation Assistance Act of 1982;*

9 (5) *under subsections (b) and (c) of section 149*
10 *of the Surface Transportation and Uniform Reloca-*
11 *tion Assistance Act of 1987;*

12 (6) *under sections 1103 through 1108 of the*
13 *Intermodal Surface Transportation Efficiency Act of*
14 *1991;*

15 (7) *under section 157 of title 23, United States*
16 *Code, as in effect on the day before the date of the en-*
17 *actment of the Transportation Equity Act for the 21st*
18 *Century;*

19 (8) *under section 105 of title 23, United States*
20 *Code, as in effect for fiscal years 1998 through 2004,*
21 *but only in an amount equal to \$639,000,000 for each*
22 *of those fiscal years;*

23 (9) *for Federal-aid highway programs for which*
24 *obligation authority was made available under the*
25 *Transportation Equity Act for the 21st Century or*

1 *subsequent public laws for multiple years or to re-*
2 *main available until used, but only to the extent that*
3 *the obligation authority has not lapsed or been used;*

4 *(10) under section 105 of title 23, United States*
5 *Code, but only in an amount equal to \$639,000,000*
6 *for each of fiscal years 2005 through 2010; and*

7 *(11) under section 1603 of the Safe, Accountable,*
8 *Flexible, Efficient Transportation Equity Act: A Leg-*
9 *acy for Users, to the extent that funds obligated in ac-*
10 *cordance with that section were not subject to a limi-*
11 *tation on obligations at the time at which the funds*
12 *were initially made available for obligation.*

13 *(c) REDISTRIBUTION OF UNUSED OBLIGATION AU-*
14 *THORITY.—Notwithstanding subsection (a), the Secretary*
15 *shall, after August 1 of such fiscal year, revise a distribu-*
16 *tion of the obligation limitation made available under sub-*
17 *section (a) if the amount distributed cannot be obligated*
18 *during that fiscal year, and redistribute sufficient amounts*
19 *to those States able to obligate amounts in addition to those*
20 *previously distributed during that fiscal year, giving pri-*
21 *ority to those States having large unobligated balances of*
22 *funds apportioned under sections 104 and 144 of title 23,*
23 *United States Code.*

24 *(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO*
25 *TRANSPORTATION RESEARCH PROGRAMS.—The obligation*

1 *limitation shall apply to transportation research programs*
2 *carried out under chapter 5 of title 23, United States Code,*
3 *and title V (research title) of the Safe, Accountable, Flexible,*
4 *Efficient Transportation Equity Act: A Legacy for Users,*
5 *except that obligation authority made available for such*
6 *programs under such limitation shall remain available for*
7 *a period of 3 fiscal years and shall be in addition to the*
8 *amount of any limitation imposed on obligations for Fed-*
9 *eral-aid highway and highway safety construction pro-*
10 *grams for future fiscal years.*

11 (e) *REDISTRIBUTION OF CERTAIN AUTHORIZED*
12 *FUNDS.—*

13 (1) *IN GENERAL.—Not later than 30 days after*
14 *the date of the distribution of obligation limitation*
15 *under subsection (a), the Secretary shall distribute to*
16 *the States any funds that—*

17 (A) *are authorized to be appropriated for*
18 *such fiscal year for Federal-aid highways pro-*
19 *grams; and*

20 (B) *the Secretary determines will not be al-*
21 *located to the States, and will not be available*
22 *for obligation, in such fiscal year due to the im-*
23 *position of any obligation limitation for such fis-*
24 *cal year.*

1 (2) *RATIO.*—*Funds shall be distributed under*
2 *paragraph (1) in the same ratio as the distribution*
3 *of obligation authority under subsection (a)(6).*

4 (3) *AVAILABILITY.*—*Funds distributed under*
5 *paragraph (1) shall be available for any purposes de-*
6 *scribed in section 133(b) of title 23, United States*
7 *Code.*

8 (f) *SPECIAL LIMITATION CHARACTERISTICS.*—*Obliga-*
9 *tion limitation distributed for a fiscal year under sub-*
10 *section (a)(4) for the provision specified in subsection (a)(4)*
11 *shall—*

12 (1) *remain available until used for obligation of*
13 *funds for that provision; and*

14 (2) *be in addition to the amount of any limita-*
15 *tion imposed on obligations for Federal-aid highway*
16 *and highway safety construction programs for future*
17 *fiscal years.*

18 (g) *LIMITATION ON STATUTORY CONSTRUCTION.*—
19 *Nothing in this section shall be construed to limit the dis-*
20 *tribution of obligation authority under subsection (a)(4)(A)*
21 *for each of the individual projects numbered greater than*
22 *3676 listed in the table contained in section 1702 of the*
23 *Safe, Accountable, Flexible, Efficient Transportation Eq-*
24 *uity Act: A Legacy for Users.*

1 *SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-*
2 *ceived by the Bureau of Transportation Statistics from the*
3 *sale of data products, for necessary expenses incurred pur-*
4 *suant to 49 U.S.C. 111 may be credited to the Federal-aid*
5 *Highways account for the purpose of reimbursing the Bu-*
6 *reau for such expenses: Provided, That such funds shall be*
7 *subject to the obligation limitation for Federal-aid High-*
8 *ways and highway safety construction programs.*

9 *SEC. 122. Not less than 15 days prior to waiving,*
10 *under his statutory authority, any Buy America require-*
11 *ment for Federal-aid highway projects, the Secretary of*
12 *Transportation shall make an informal public notice and*
13 *comment opportunity on the intent to issue such waiver and*
14 *the reasons therefor: Provided, That the Secretary shall pro-*
15 *vide an annual report to the House and Senate Committees*
16 *on Appropriations on any waivers granted under the Buy*
17 *America requirements.*

18 *SEC. 123. (a) IN GENERAL.—Except as provided in*
19 *subsection (b), none of the funds made available, limited,*
20 *or otherwise affected by this Act shall be used to approve*
21 *or otherwise authorize the imposition of any toll on any*
22 *segment of highway located on the Federal-aid system in*
23 *the State of Texas that—*

24 *(1) as of the date of enactment of this Act, is not*
25 *tolled;*

1 (2) *is constructed with Federal assistance pro-*
2 *vided under title 23, United States Code; and*

3 (3) *is in actual operation as of the date of enact-*
4 *ment of this Act.*

5 (b) *EXCEPTIONS.—*

6 (1) *NUMBER OF TOLL LANES.—Subsection (a)*
7 *shall not apply to any segment of highway on the*
8 *Federal-aid system described in that subsection that,*
9 *as of the date on which a toll is imposed on the seg-*
10 *ment, will have the same number of nontoll lanes as*
11 *were in existence prior to that date.*

12 (2) *HIGH-OCCUPANCY VEHICLE LANES.—A high-*
13 *occupancy vehicle lane that is converted to a toll lane*
14 *shall not be subject to this section, and shall not be*
15 *considered to be a nontoll lane for purposes of deter-*
16 *mining whether a highway will have fewer nontoll*
17 *lanes than prior to the date of imposition of the toll,*
18 *if—*

19 (A) *high-occupancy vehicles occupied by the*
20 *number of passengers specified by the entity op-*
21 *erating the toll lane may use the toll lane with-*
22 *out paying a toll, unless otherwise specified by*
23 *the appropriate county, town, municipal or*
24 *other local government entity, or public toll road*
25 *or transit authority; or*

1 (B) each high-occupancy vehicle lane that
2 was converted to a toll lane was constructed as
3 a temporary lane to be replaced by a toll lane
4 under a plan approved by the appropriate coun-
5 ty, town, municipal or other local government
6 entity, or public toll road or transit authority.

7 SEC. 124. Of the funds made available in fiscal year
8 2012 for the Surface Transportation Research, Develop-
9 ment, and Deployment Program, the Secretary of Transpor-
10 tation shall transfer \$5,000,000 to the Bureau of Transpor-
11 tation Statistics to carry out section 111 of title 49, United
12 States Code: Provided, That an equivalent amount of fiscal
13 year 2012 obligation limitation associated with the funds
14 to be transferred shall also be transferred.

15 SEC. 125. Section 127(a)(11) of title 23, United States
16 Code, is amended to read as follows:

17 “(11)(A) With respect to all portions of the
18 Interstate Highway System in the State of Maine,
19 laws (including regulations) of that State concerning
20 vehicle weight limitations applicable to other State
21 highways shall be applicable in lieu of the require-
22 ments under this subsection.

23 “(B) With respect to all portions of the Interstate
24 Highway System in the State of Vermont, laws (in-
25 cluding regulations) of that State concerning vehicle

1 *weight limitations applicable to other State highways*
2 *shall be applicable in lieu of the requirements under*
3 *this subsection.”.*

4 *SEC. 126. Section 112 of the Surface and Air Trans-*
5 *portation Programs Extension Act of 2011 is amended by*
6 *striking “\$196,427,625” and inserting “an amount equal*
7 *to one-half the sum authorized for such purpose for fiscal*
8 *year 2011 by section 412(a)(2) of the Surface Transpor-*
9 *tation Extension Act of 2010”.*

10 *SEC. 127. Any road, highway, or bridge that is in op-*
11 *eration for less than 30 years or under construction, dam-*
12 *aged by an emergency declared by the Governor of the State*
13 *and concurred in by the Secretary, or declared by the Presi-*
14 *dent pursuant to the Robert T. Stafford Disaster Relief and*
15 *Emergency Assistance Act (42 U.S.C. 5121), may be recon-*
16 *structed in the same location with the same capacity, di-*
17 *mensions, and design as before the emergency and shall be*
18 *exempt from any environmental reviews, approvals, licens-*
19 *ing, and permit requirements under—*

20 *(1) the National Environmental Policy Act of*
21 *1969 (42 U.S.C. 4321 et seq.);*

22 *(2) sections 402 and 404 of the Federal Water*
23 *Pollution Control Act (33 U.S.C. 1342, 1344);*

24 *(3) the National Historic Preservation Act (16*
25 *U.S.C. 470 et seq.);*

1 (4) *the Migratory Bird Treaty Act (16 U.S.C.*
2 *703 et seq.)*;

3 (5) *the Wild and Scenic Rivers Act (16 U.S.C.*
4 *1271 et seq.)*;

5 (6) *the Fish and Wildlife Coordination Act (16*
6 *U.S.C. 661 et seq.)*;

7 (7) *the Endangered Species Act of 1973 (16*
8 *U.S.C. 1531 et seq.)*, *except when the reconstruction*
9 *occurs in designated critical habitat for threatened*
10 *and endangered species*;

11 (8) *Executive Order 11990 (42 U.S.C. 4321 note;*
12 *relating to the protection of wetlands)*; *and*

13 (9) *any Federal law (including regulations) re-*
14 *quiring no net loss of wetlands.*

15 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

16 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

17 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

18 *(LIMITATION ON OBLIGATIONS)*

19 *(HIGHWAY TRUST FUND)*

20 *For payment of obligations incurred in the implemen-*
21 *tation, execution and administration of motor carrier safe-*
22 *ty operations and programs pursuant to section 31104(i)*
23 *of title 49, United States Code, and sections 4127 and 4134*
24 *of Public Law 109–59, \$250,023,000, to be derived from the*
25 *Highway Trust Fund (other than the Mass Transit Ac-*

1 count), together with advances and reimbursements received
2 by the Federal Motor Carrier Safety Administration, the
3 sum of which shall remain available until expended: Pro-
4 vided, That none of the funds derived from the Highway
5 Trust Fund in this Act shall be available for the implemen-
6 tation, execution or administration of programs, the obliga-
7 tions for which are in excess of \$250,023,000, for “Motor
8 Carrier Safety Operations and Programs” of which
9 \$8,543,000, to remain available for obligation until Sep-
10 tember 30, 2014, is for the research and technology program
11 and \$1,000,000 shall be available for commercial motor ve-
12 hicle operator’s grants to carry out section 4134 of Public
13 Law 109–59: Provided further, That notwithstanding any
14 other provision of law, none of the funds under this heading
15 for outreach and education shall be available for transfer:
16 Provided further, That the Federal Motor Carrier Safety
17 Administration shall transmit to Congress a report on
18 March 30, 2012, and September 30, 2012, on the agency’s
19 ability to meet its requirement to conduct compliance re-
20 views on high-risk carriers.

1 *MOTOR CARRIER SAFETY GRANTS*
2 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
3 *(LIMITATION ON OBLIGATIONS)*
4 *(HIGHWAY TRUST FUND)*
5 *(INCLUDING RESCISSION)*

6 *For payment of obligations incurred in carrying out*
7 *sections 31102, 31104(a), 31106, 31107, 31109, 31309,*
8 *31313 of title 49, United States Code, and sections 4126*
9 *and 4128 of Public Law 109–59, \$307,000,000, to be de-*
10 *rived from the Highway Trust Fund (other than the Mass*
11 *Transit Account) and to remain available until expended:*
12 *Provided, That none of the funds in this Act shall be avail-*
13 *able for the implementation or execution of programs, the*
14 *obligations for which are in excess of \$307,000,000, for*
15 *“Motor Carrier Safety Grants”; of which \$212,000,000 shall*
16 *be available for the motor carrier safety assistance program*
17 *to carry out sections 31102 and 31104(a) of title 49, United*
18 *States Code; \$30,000,000 shall be available for the commer-*
19 *cial driver’s license improvements program to carry out sec-*
20 *tion 31313 of title 49, United States Code; \$32,000,000 shall*
21 *be available for the border enforcement grants program to*
22 *carry out section 31107 of title 49, United States Code;*
23 *\$5,000,000 shall be available for the performance and reg-*
24 *istration information system management program to*
25 *carry out sections 31106(b) and 31109 of title 49, United*

1 *States Code; \$25,000,000 shall be available for the commer-*
2 *cial vehicle information systems and networks deployment*
3 *program to carry out section 4126 of Public Law 109–59;*
4 *and \$3,000,000 shall be available for the safety data im-*
5 *provement program to carry out section 4128 of Public Law*
6 *109–59: Provided further, That of the funds made available*
7 *for the motor carrier safety assistance program,*
8 *\$32,000,000 shall be available for audits of new entrant*
9 *motor carriers: Provided further, That of the prior year un-*
10 *obligated balances for the commercial vehicle information*
11 *systems and networks deployment program, \$1,000,000 is*
12 *permanently rescinded.*

13 *ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER*
14 *SAFETY ADMINISTRATION*

15 *SEC. 130. Funds appropriated or limited in this Act*
16 *shall be subject to the terms and conditions stipulated in*
17 *section 350 of Public Law 107–87 and section 6901 of Pub-*
18 *lic Law 110–28, including that the Secretary submit a re-*
19 *port to the House and Senate Appropriations Committees*
20 *annually on the safety and security of transportation into*
21 *the United States by Mexico-domiciled motor carriers.*

22 *SEC. 131. Notwithstanding any other provision of law,*
23 *States receiving funds for core or expanded deployment ac-*
24 *tivities under the Commercial Vehicle Information Systems*
25 *and Networks program pursuant to sections 4101(c)(4) and*

1 4126 of Public Law 109–59 that did not meet award eligi-
2 bility requirements set forth in section 4126; received grant
3 amounts in excess of the maximum amounts specified in
4 sections 4126(c)(2) or 4126(d)(3); or were awarded grants
5 either prior to or after the expiration of the period of per-
6 formance specified in a grant agreement, shall not be re-
7 quired to repay grant amounts received in error under such
8 sections and, in addition, shall be reimbursed for core or
9 expanded deployment expenditures such States made before
10 the date of the enactment of this Act in reliance on a grant
11 awarded in error under such sections.

12 *SEC. 132. (a) No recipient of funds made available in*
13 *this Act shall disseminate personal information (as defined*
14 *in 18 U.S.C. 2725(3)) obtained by a State department of*
15 *motor vehicles in connection with a motor vehicle record*
16 *as defined in 18 U.S.C. 2725(1), except as provided in 18*
17 *U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.*

18 *(b) Notwithstanding subsection (a), the Secretary shall*
19 *not withhold funds provided in this Act for any grantee*
20 *if a State is in noncompliance with this provision.*

21 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

22 *OPERATIONS AND RESEARCH*

23 *For expenses necessary to discharge the functions of the*
24 *Secretary, with respect to traffic and highway safety under*
25 *subtitle C of title X of Public Law 109–59 and chapter 301*

1 *and part C of subtitle VI of title 49, United States Code,*
2 *\$140,146,000, of which \$20,000,000 shall remain available*
3 *through September 30, 2013.*

4 *OPERATIONS AND RESEARCH*

5 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

6 *(LIMITATION ON OBLIGATIONS)*

7 *(HIGHWAY TRUST FUND)*

8 *For payment of obligations incurred in carrying out*
9 *the provisions of 23 U.S.C. 403, and chapter 303 of title*
10 *49, United States Code, \$109,500,000, to be derived from*
11 *the Highway Trust Fund (other than the Mass Transit Ac-*
12 *count) and to remain available until expended: Provided,*
13 *That none of the funds in this Act shall be available for*
14 *the planning or execution of programs the total obligations*
15 *for which, in fiscal year 2012, are in excess of \$109,500,000*
16 *for programs authorized under 23 U.S.C. 403 and chapter*
17 *303 of title 49, United States Code: Provided further, That*
18 *within the \$109,500,000 obligation limitation for oper-*
19 *ations and research, \$20,000,000 shall remain available*
20 *until September 30, 2013 and shall be in addition to the*
21 *amount of any limitation imposed on obligations for future*
22 *years.*

1 *HIGHWAY TRAFFIC SAFETY GRANTS*
2 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
3 *(LIMITATION ON OBLIGATIONS)*
4 *(HIGHWAY TRUST FUND)*

5 *For payment of obligations incurred in carrying out*
6 *the provisions of 23 U.S.C. 402, 405, 406, 408, and 410*
7 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
8 *Law 109–59, to remain available until expended,*
9 *\$550,328,000 to be derived from the Highway Trust Fund*
10 *(other than the Mass Transit Account): Provided, That none*
11 *of the funds in this Act shall be available for the planning*
12 *or execution of programs the total obligations for which, in*
13 *fiscal year 2012, are in excess of \$550,328,000 for programs*
14 *authorized under 23 U.S.C. 402, 405, 406, 408, and 410*
15 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
16 *Law 109–59, of which \$235,000,000 shall be for “Highway*
17 *Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall*
18 *be for “Occupant Protection Incentive Grants” under 23*
19 *U.S.C. 405; \$48,500,000 shall be for “Safety Belt Perform-*
20 *ance Grants” under 23 U.S.C. 406, and such obligation*
21 *limitation shall remain available until September 30, 2013*
22 *in accordance with subsection (f) of such section 406 and*
23 *shall be in addition to the amount of any limitation im-*
24 *posed on obligations for such grants for future fiscal years,*
25 *of which up to \$10,000,000 may be made available by the*

1 *Secretary as grants to States that enact and enforce laws*
2 *to prevent distracted driving; \$34,500,000 shall be for*
3 *“State Traffic Safety Information System Improvements”*
4 *under 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-*
5 *Impaired Driving Countermeasures Incentive Grant Pro-*
6 *gram” under 23 U.S.C. 410; \$25,328,000 shall be for “Ad-*
7 *ministrative Expenses” under section 2001(a)(11) of Public*
8 *Law 109–59; \$29,000,000 shall be for “High Visibility En-*
9 *forcement Program” under section 2009 of Public Law 109–*
10 *59; \$7,000,000 shall be for “Motorcyclist Safety” under sec-*
11 *tion 2010 of Public Law 109–59; and \$7,000,000 shall be*
12 *for “Child Safety and Child Booster Seat Safety Incentive*
13 *Grants” under section 2011 of Public Law 109–59: Pro-*
14 *vided further, That of the funds made available for grants*
15 *to States that enact and enforce laws to prevent distracted*
16 *driving, up to \$5,000,000 may be available for the develop-*
17 *ment, production, and use of broadcast and print media*
18 *advertising for distracted driving prevention: Provided fur-*
19 *ther, That none of these funds shall be used for construction,*
20 *rehabilitation, or remodeling costs, or for office furnishings*
21 *and fixtures for State, local or private buildings or struc-*
22 *tures: Provided further, That not to exceed \$500,000 of the*
23 *funds made available for section 410 “Alcohol-Impaired*
24 *Driving Countermeasures Grants” shall be available for*
25 *technical assistance to the States: Provided further, That*

1 *not to exceed \$750,000 of the funds made available for the*
2 *“High Visibility Enforcement Program” shall be available*
3 *for the evaluation required under section 2009(f) of Public*
4 *Law 109–59: Provided further, That of the amounts made*
5 *available under this heading for “Safety Belt Performance*
6 *Grants”, \$25,000,000 shall be available until expended for*
7 *the modernization of the National Automotive Sampling*
8 *System (NASS), and \$5,000,000 shall be available for the*
9 *development of the Driver Alcohol Detection System for*
10 *Safety (DADSS), and \$8,500,000 shall be available for*
11 *“State Traffic Safety Information System Improvements”*
12 *under 23 U.S.C. 408.*

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 sec-*
17 *tion 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 for*
21 *travel and related expenses for State management reviews*
22 *and to pay for core competency development training and*
23 *related expenses for highway safety staff.*

24 *SEC. 141. The limitations on obligations for the pro-*
25 *grams of the National Highway Traffic Safety Administra-*

1 *tion set in this Act shall not apply to obligations for which*
2 *obligation authority was made available in previous public*
3 *laws for multiple years but only to the extent that the obli-*
4 *gation 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 Admin-*
10 *istration, not otherwise provided for, \$176,596,000, of which*
11 *\$12,300,000 shall remain available until expended.*

12 *RAILROAD RESEARCH AND DEVELOPMENT*

13 *For necessary expenses for railroad research and devel-*
14 *opment, \$30,000,000, to remain available until expended.*

15 *RAILROAD REHABILITATION AND IMPROVEMENT FINANCING*

16 *PROGRAM*

17 *The Secretary of Transportation is authorized to issue*
18 *to the Secretary of the Treasury notes or other obligations*
19 *pursuant to section 512 of the Railroad Revitalization and*
20 *Regulatory Reform Act of 1976 (Public Law 94-210), as*
21 *amended, in such amounts and at such times as may be*
22 *necessary to pay any amounts required pursuant to the*
23 *guarantee of the principal amount of obligations under sec-*
24 *tions 511 through 513 of such Act, such authority to exist*
25 *as long as any such guaranteed obligation is outstanding:*

1 *Provided, That pursuant to section 502 of such Act, as*
2 *amended, no new direct loans or loan guarantee commit-*
3 *ments shall be made using Federal funds for the credit risk*
4 *premium during fiscal year 2012.*

5 *OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD*
6 *PASSENGER CORPORATION*

7 *To enable the Secretary of Transportation to make*
8 *quarterly grants to the National Railroad Passenger Cor-*
9 *poration for the operation of intercity passenger rail, as*
10 *authorized by section 101 of the Passenger Rail Investment*
11 *and Improvement Act of 2008 (division B of Public Law*
12 *110–432), \$544,000,000, to remain available until ex-*
13 *pended: Provided, That the amounts available under this*
14 *paragraph shall be available for the Secretary to approve*
15 *funding to cover operating losses for the Corporation only*
16 *after receiving and reviewing a grant request for each spe-*
17 *cific train route: Provided further, That each such grant*
18 *request shall be accompanied by a detailed financial anal-*
19 *ysis, revenue projection, and capital expenditure projection*
20 *justifying the Federal support to the Secretary’s satisfac-*
21 *tion: Provided further, That not later than 60 days after*
22 *enactment of this Act, the Corporation shall transmit, in*
23 *electronic format, to the Secretary, the House and Senate*
24 *Committees on Appropriations, the House Committee on*
25 *Transportation and Infrastructure and the Senate Com-*

1 *mittee on Commerce, Science, and Transportation the an-*
2 *nual budget and business plan and the 5-Year Financial*
3 *Plan for fiscal year 2012 required under section 204 of the*
4 *Passenger Rail Investment and Improvement Act of 2008:*
5 *Provided further, That the budget, business plan, and the*
6 *5-Year Financial Plan shall also include a separate ac-*
7 *counting of ridership, revenues, and capital and operating*
8 *expenses for the Northeast Corridor; commuter service; long-*
9 *distance Amtrak service; State-supported service; each*
10 *intercity train route, including Autotrain; and commercial*
11 *activities including contract operations: Provided further,*
12 *That the budget, business plan and the 5-Year Financial*
13 *Plan shall include a description of work to be funded, along*
14 *with cost estimates and an estimated timetable for comple-*
15 *tion of the projects covered by these plans: Provided further,*
16 *That the budget, business plan and the 5-Year Financial*
17 *Plan shall include annual information on the maintenance,*
18 *refurbishment, replacement, and expansion for all Amtrak*
19 *rolling stock consistent with the comprehensive fleet plan:*
20 *Provided further, That the Corporation shall provide semi-*
21 *annual reports in electronic format regarding the pending*
22 *business plan, which shall describe the work completed to*
23 *date, any changes to the business plan, and the reasons for*
24 *such changes, and shall identify all sole-source contract*
25 *awards which shall be accompanied by a justification as*

1 *to why said contract was awarded on a sole-source basis:*
2 *Provided further, That the Corporation's budget, business*
3 *plan, 5-Year Financial Plan, semiannual reports, and all*
4 *subsequent supplemental plans shall be displayed on the*
5 *Corporation's Web site within a reasonable timeframe fol-*
6 *lowing their submission to the appropriate entities: Pro-*
7 *vided further, That none of the funds under this heading*
8 *may be obligated or expended until the Corporation agrees*
9 *to continue abiding by the provisions of paragraphs 1, 2,*
10 *5, 9, and 11 of the summary of conditions for the direct*
11 *loan agreement of June 28, 2002, in the same manner as*
12 *in effect on the date of enactment of this Act: Provided fur-*
13 *ther, That the Corporation shall submit to the House and*
14 *Senate Committees on Appropriations a budget request for*
15 *fiscal year 2013 in similar format and substance to those*
16 *submitted by executive agencies of the Federal Government.*

17 *CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL*
18 *RAILROAD PASSENGER CORPORATION*

19 *To enable the Secretary of Transportation to make*
20 *grants to the National Railroad Passenger Corporation for*
21 *capital investments as authorized by section 101(c) and*
22 *219(b) of the Passenger Rail Investment and Improvement*
23 *Act of 2008 (division B of Public Law 110-432),*
24 *\$936,778,000, to remain available until expended, of which*
25 *not to exceed \$271,000,000 shall be for debt service obliga-*

1 *tions as authorized by section 102 of such Act: Provided,*
2 *That after an initial distribution of up to \$200,000,000,*
3 *which shall be used by the Corporation as a working capital*
4 *account, all remaining funds shall be provided to the Cor-*
5 *poration only on a reimbursable basis: Provided further,*
6 *That the Secretary may retain up to one-fourth of 1 percent*
7 *of the funds provided under this heading to fund the costs*
8 *of project management oversight of capital projects funded*
9 *by grants provided under this heading, as authorized by*
10 *subsection 101(d) of division B of Public Law 110-432:*
11 *Provided further, That the Secretary shall approve funding*
12 *for capital expenditures, including advance purchase orders*
13 *of materials, for the Corporation only after receiving and*
14 *reviewing a grant request for each specific capital project*
15 *justifying the Federal support to the Secretary's satisfac-*
16 *tion: Provided further, That none of the funds under this*
17 *heading may be used to subsidize operating losses of the*
18 *Corporation: Provided further, That none of the funds*
19 *under this heading may be used for capital projects not ap-*
20 *proved by the Secretary of Transportation or on the Cor-*
21 *poration's fiscal year 2012 business plan.*

22 *CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS*

23 *AND INTERCITY PASSENGER RAIL SERVICE*

24 *To enable the Secretary of Transportation to make*
25 *grants for high-speed rail projects as authorized under sec-*

1 *tion 26106 of title 49, United States Code, capital invest-*
2 *ment grants to support intercity passenger rail service as*
3 *authorized under section 24406 of title 49, United States*
4 *Code, and congestion grants as authorized under section*
5 *24105 of title 49, United States Code, and to enter into*
6 *cooperative agreements for these purposes as authorized,*
7 *\$100,000,000, to remain available until expended: Pro-*
8 *vided, That the Administrator of the Federal Railroad Ad-*
9 *ministration may retain up to 2 percent of the funds pro-*
10 *vided under this heading to fund the award and oversight*
11 *by the Administrator of grants and cooperative agreements*
12 *for intercity and high-speed rail: Provided further, That*
13 *funds provided under this paragraph are available to the*
14 *Administrator for the purposes of conducting research and*
15 *demonstrating technologies supporting the development of*
16 *high-speed rail in the United States, including the dem-*
17 *onstration of next-generation rolling stock fleet technology*
18 *and the implementation of the Rail Cooperative Research*
19 *Program authorized by section 24910 of title 49, United*
20 *States Code: Provided further, That funds provided under*
21 *this paragraph may be used for planning activities that*
22 *lead directly to the development of a passenger rail corridor*
23 *investment plan consistent with the requirements estab-*
24 *lished by the Administrator or a State rail plan consistent*
25 *with chapter 227 of title 49, United States Code: Provided*

1 *further, That funds made available for planning activities*
2 *under the previous proviso may be used to facilitate the*
3 *preparation of a service development plan and related envi-*
4 *ronmental impact statement for high-speed corridors located*
5 *in multiple States: Provided further, That the Federal share*
6 *payable of the costs for which a grant or cooperative agree-*
7 *ments is made under this heading shall not exceed 80 per-*
8 *cent: Provided further, That in addition to the provisions*
9 *of title 49, United States Code, that apply to each of the*
10 *individual programs funded under this heading, subsections*
11 *24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of*
12 *title 49, United States Code, shall also apply to the provi-*
13 *sion of funds provided under this heading: Provided further,*
14 *That a project need not be in a State rail plan developed*
15 *under chapter 227 of title 49, United States Code, to be*
16 *eligible for assistance under this heading: Provided further,*
17 *That recipients of grants under this paragraph shall con-*
18 *duct all procurement transactions using such grant funds*
19 *in a manner that provides full and open competition, as*
20 *determined by the Secretary, in compliance with existing*
21 *labor agreements.*

22 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

23 *ADMINISTRATION*

24 *SEC. 150. Hereafter, notwithstanding any other provi-*
25 *sion of law, funds provided in this Act for the National*

1 *Railroad Passenger Corporation shall immediately cease to*
2 *be available to said Corporation in the event that the Cor-*
3 *poration contracts to have services provided at or from any*
4 *location outside the United States. For purposes of this sec-*
5 *tion, the word “services” shall mean any service that was,*
6 *as of July 1, 2006, performed by a full-time or part-time*
7 *Amtrak employee whose base of employment is located with-*
8 *in the United States.*

9 *SEC. 151. The Secretary of Transportation may re-*
10 *ceive and expend cash, or receive and utilize spare parts*
11 *and similar items, from non-United States Government*
12 *sources to repair damages to or replace United States Gov-*
13 *ernment owned automated track inspection cars and equip-*
14 *ment as a result of third-party liability for such damages,*
15 *and any amounts collected under this section shall be cred-*
16 *ited directly to the Railroad Safety and Operations account*
17 *of the Federal Railroad Administration, and shall remain*
18 *available until expended for the repair, operation and*
19 *maintenance of automated track inspection cars and equip-*
20 *ment in connection with the automated track inspection*
21 *program.*

22 *SEC. 152. Notwithstanding any other provisions of*
23 *law, rule or regulation, the Secretary of Transportation is*
24 *authorized to allow the issuer of any preferred stock here-*
25 *tofore sold to the Department to redeem or repurchase such*

1 *stock upon the payment to the Department of an amount*
2 *determined by the Secretary.*

3 *FEDERAL TRANSIT ADMINISTRATION*

4 *ADMINISTRATIVE EXPENSES*

5 *For necessary administrative expenses of the Federal*
6 *Transit Administration's programs authorized by chapter*
7 *53 of title 49, United States Code, \$98,713,000: Provided,*
8 *That none of the funds provided or limited in this Act may*
9 *be used to create a permanent office of transit security*
10 *under this heading: Provided further, That upon submission*
11 *to the Congress of the fiscal year 2013 President's budget,*
12 *the Secretary of Transportation shall transmit to Congress*
13 *the annual report on New Starts, including proposed allo-*
14 *cations of funds for fiscal year 2013.*

15 *FORMULA AND BUS GRANTS*

16 *(LIQUIDATION OF CONTRACT AUTHORITY)*

17 *(LIMITATION ON OBLIGATIONS)*

18 *(HIGHWAY TRUST FUND)*

19 *For payment of obligations incurred in carrying out*
20 *the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310,*
21 *5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section*
22 *3038 of Public Law 105-178, as amended, \$9,400,000,000*
23 *to be derived from the Mass Transit Account of the High-*
24 *way Trust Fund and to remain available until expended:*
25 *Provided, That funds available for the implementation or*

1 *execution of programs authorized under 49 U.S.C. 5305,*
2 *5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335,*
3 *5339, and 5340 and section 3038 of Public Law 105–178,*
4 *as amended, shall not exceed total obligations of*
5 *\$8,360,565,000 in fiscal year 2012.*

6 *RESEARCH AND UNIVERSITY RESEARCH CENTERS*

7 *For necessary expenses to carry out 49 U.S.C. 5306,*
8 *5312–5315, 5322, and 5506, \$40,000,000, to remain avail-*
9 *able until expended: Provided, That \$9,000,000 is available*
10 *to carry out the transit cooperative research program under*
11 *section 5313 of title 49, United States Code, \$4,100,000 is*
12 *available for the National Transit Institute under section*
13 *5315 of title 49, United States Code, and \$6,500,000 is*
14 *available for university transportation centers program*
15 *under section 5506 of title 49, United States Code: Provided*
16 *further, That \$25,400,000 is available to carry out national*
17 *research programs under sections 5312, 5313, 5314, and*
18 *5322 of title 49, United States Code.*

19 *CAPITAL INVESTMENT GRANTS*

20 *(INCLUDING RESCISSION AND TRANSFER OF FUNDS)*

21 *For necessary expenses to carry out section 5309 of*
22 *title 49, United States Code, \$1,955,000,000, to remain*
23 *available until expended, of which \$38,000,000 shall be*
24 *available to carry out section 5309(e) of such title: Pro-*
25 *vided, That not less than \$510,000,000 shall be available*

1 *for preliminary engineering, final design, and construction*
2 *of projects expected to receive a Full Funding Grant Agree-*
3 *ments during calendar year 2012: Provided further, That*
4 *the funds awarded for preliminary engineering and final*
5 *design under such a grant shall be made available to cover*
6 *those costs immediately upon grant award: Provided fur-*
7 *ther, That of the funds appropriated under this heading in*
8 *Public Law 111–8, \$27,000,000 are hereby rescinded.*

9 *GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS*
10 *REDUCTIONS*

11 *For grants to public transit agencies for capital invest-*
12 *ments that will reduce the energy consumption or green-*
13 *house gas emissions of their public transportation systems,*
14 *\$25,000,000, to remain available through September 30,*
15 *2014: Provided, That priority shall be given to projects that*
16 *use innovative and potentially replicable approaches to re-*
17 *ducing energy consumption or greenhouse gas emissions.*

18 *WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY*

19 *For grants to the Washington Metropolitan Area Tran-*
20 *sit Authority as authorized under section 601 of division*
21 *B of Public Law 110–432, \$150,000,000, to remain avail-*
22 *able until expended: Provided, That the Secretary shall ap-*
23 *prove grants for capital and preventive maintenance ex-*
24 *penditures for the Washington Metropolitan Area Transit*
25 *Authority only after receiving and reviewing a request for*

1 *each specific project: Provided further, That prior to ap-*
2 *proving such grants, the Secretary shall determine that the*
3 *Washington Metropolitan Area Transit Authority has*
4 *placed the highest priority on those investments that will*
5 *improve the safety of the system.*

6 *ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT*

7 *ADMINISTRATION*

8 *SEC. 160. The limitations on obligations for the pro-*
9 *grams of the Federal Transit Administration shall not*
10 *apply to any authority under 49 U.S.C. 5338, previously*
11 *made available for obligation, or to any other authority pre-*
12 *viously made available for obligation.*

13 *SEC. 161. Notwithstanding any other provision of law,*
14 *funds appropriated or limited by this Act under the Federal*
15 *Transit Administration's discretionary program appro-*
16 *priations headings for projects specified in this Act or iden-*
17 *tified in reports accompanying this Act not obligated by*
18 *September 30, 2014, and other recoveries, shall be directed*
19 *to projects eligible to use the funds for the purposes for*
20 *which they were originally provided.*

21 *SEC. 162. Notwithstanding any other provision of law,*
22 *any funds appropriated before October 1, 2011, under any*
23 *section of chapter 53 of title 49, United States Code, that*
24 *remain available for expenditure, may be transferred to and*

1 *administered under the most recent appropriation heading*
2 *for any such section.*

3 *SEC. 163. Notwithstanding any other provision of law,*
4 *unobligated funds made available for new fixed guideway*
5 *system projects under the heading “Federal Transit Admin-*
6 *istration, Capital Investment Grants” in any appropria-*
7 *tions Act prior to this Act may be used during this fiscal*
8 *year to satisfy expenses incurred for such projects.*

9 *SEC. 164. In addition to the amounts made available*
10 *under section 5327(c)(1) of title 49, United States Code, the*
11 *Secretary may use, for program management activities de-*
12 *scribed in section 5327(c)(2), 1 percent of the amount made*
13 *available to carry out section 5316 of title 49, United States*
14 *Code: Provided, That funds made available for program*
15 *management oversight shall be used to oversee the compli-*
16 *ance of a recipient or subrecipient of Federal transit assist-*
17 *ance consistent with activities identified under section*
18 *5327(c)(2) and for purposes of enforcement.*

19 *SEC. 165. (a) Notwithstanding any other provision of*
20 *law, unobligated funds or recoveries under section 5309 of*
21 *title 49, United States Code, that are available to the Sec-*
22 *retary of Transportation for reallocation shall be directed*
23 *to projects eligible to use the funds for the purposes for*
24 *which they were originally provided.*

1 *SEC. 166. Funds made available for Alaska or Hawaii*
2 *ferry boats or ferry terminal facilities pursuant to 49*
3 *U.S.C. 5309(m)(6)(B) may be used to construct new vessels*
4 *and facilities, or to improve existing vessels and facilities,*
5 *including both the passenger and vehicle-related elements of*
6 *such vessels and facilities, and for repair facilities.*

7 *SEC. 167. Hereafter, the Secretary may not enforce*
8 *regulations related to charter bus service under part 604*
9 *of title 49, Code of Federal Regulations, for any transit*
10 *agency who during fiscal year 2008 was both initially*
11 *granted a 60-day period to come into compliance with part*
12 *604, and then was subsequently granted an exception from*
13 *said part.*

14 *SEC. 168. Hereafter, for purposes of applying the*
15 *project justification and local financial commitment cri-*
16 *teria of 49 U.S.C. 5309(d) to a New Starts project, the Sec-*
17 *retary may consider the costs and ridership of any con-*
18 *ected project in an instance in which private parties are*
19 *making significant financial contributions to the construc-*
20 *tion of the connected project; additionally, the Secretary*
21 *may consider the significant financial contributions of pri-*
22 *vate parties to the connected project in calculating the non-*
23 *Federal share of net capital project costs for the New Starts*
24 *project.*

1 *SEC. 169. Hereafter, all bus new fixed guideway cap-*
2 *ital projects recommended in the President's fiscal year*
3 *2012 budget request for funds appropriated under the Cap-*
4 *ital Investment Grants heading in this Act or any other*
5 *Act shall be funded instead from amounts allocated under*
6 *49 U.S.C. 5309(m)(2)(C): Provided, That all such projects*
7 *shall remain subject to the appropriate requirements of 49*
8 *U.S.C. 5309(d) and (e).*

9 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

10 *The Saint Lawrence Seaway Development Corpora-*
11 *tion is hereby authorized to make such expenditures, within*
12 *the limits of funds and borrowing authority available to*
13 *the Corporation, and in accord with law, and to make such*
14 *contracts and commitments without regard to fiscal year*
15 *limitations as provided by section 104 of the Government*
16 *Corporation Control Act, as amended, as may be necessary*
17 *in carrying out the programs set forth in the Corporation's*
18 *budget for the current fiscal year.*

19 *OPERATIONS AND MAINTENANCE*

20 *(HARBOR MAINTENANCE TRUST FUND)*

21 *For necessary expenses for operations, maintenance,*
22 *and capital asset renewal of those portions of the St. Law-*
23 *rence Seaway owned, operated, and maintained by the*
24 *Saint Lawrence Seaway Development Corporation,*

1 \$34,000,000, to be derived from the Harbor Maintenance
2 Trust Fund, pursuant to Public Law 99–662.

3 *MARITIME ADMINISTRATION*

4 *MARITIME SECURITY PROGRAM*

5 *For necessary expenses to maintain and preserve a*
6 *U.S.-flag merchant fleet to serve the national security needs*
7 *of the United States, \$174,000,000, to remain available*
8 *until expended.*

9 *OPERATIONS AND TRAINING*

10 *(INCLUDING RESCISSION)*

11 *For necessary expenses of operations and training ac-*
12 *tivities authorized by law, \$154,886,000, of which*
13 *\$11,100,000 shall remain available until expended for*
14 *maintenance and repair of training ships at State Mari-*
15 *time Academies, and of which \$2,400,000 shall remain*
16 *available through September 30, 2013 for Student Incentive*
17 *Program payments at State Maritime Academies, and of*
18 *which \$22,485,000 shall remain available until expended*
19 *for facilities maintenance and repair, equipment, and cap-*
20 *ital improvements at the United State Merchant Marine*
21 *Academy: Provided, That amounts apportioned for the*
22 *United States Merchant Marine Academy shall be available*
23 *only upon allotments made personally by the Secretary of*
24 *Transportation or the Assistant Secretary for Budget and*
25 *Programs: Provided further, That the Superintendent, Dep-*

1 *uty Superintendent and the Director of the Office of Re-*
2 *source Management of the United State Merchant Marine*
3 *Academy may not be allotment holders for the United States*
4 *Merchant Marine Academy, and the Administrator of the*
5 *Maritime Administration shall hold all allotments made by*
6 *the Secretary of Transportation or the Assistant Secretary*
7 *for Budget and Programs under the previous proviso: Pro-*
8 *vided further, That 50 percent of the funding made avail-*
9 *able for the United States Merchant Marine Academy under*
10 *this heading shall be available only after the Secretary, in*
11 *consultation with the Superintendent and the Maritime Ad-*
12 *ministrator, completes a plan detailing by program or ac-*
13 *tivity how such funding will be expended at the Academy,*
14 *and this plan is submitted to the House and Senate Com-*
15 *mittees on Appropriations: Provided further, That of the*
16 *prior year unobligated balances under this heading for in-*
17 *formation technology requirements of Public Law 111–207,*
18 *\$1,000,000 are permanently rescinded.*

19 *SHIP DISPOSAL*

20 *For necessary expenses related to the disposal of obso-*
21 *lete vessels in the National Defense Reserve Fleet of the Mar-*
22 *itime Administration, \$10,000,000, to remain available*
23 *until expended.*

1 *utilities and services and make necessary repairs in connec-*
2 *tion with any lease, contract, or occupancy involving Gov-*
3 *ernment property under control of the Maritime Adminis-*
4 *tration, and payments received therefor shall be credited to*
5 *the appropriation charged with the cost thereof: Provided,*
6 *That rental payments under any such lease, contract, or*
7 *occupancy for items other than such utilities, services, or*
8 *repairs shall be covered into the Treasury as miscellaneous*
9 *receipts.*

10 *SEC. 171. Notwithstanding any other provision of law,*
11 *none of the funds provided in this or any other Act shall*
12 *hereafter be used to make a determination of the nonavail-*
13 *ability of qualified United States flag capacity for purposes*
14 *of 46 U.S.C. 501(b) for the transportation of crude oil dis-*
15 *tributed from the Strategic Petroleum Reserve unless as*
16 *part of that determination the Secretary of Transportation,*
17 *after consultation with representatives from the United*
18 *States flag maritime industry, provides to the Secretary of*
19 *Homeland Security a list of United States flag vessels with*
20 *single or collective capacity that may be capable of pro-*
21 *viding the requested transportation services and a written*
22 *justification for not using such United States flag vessels.*

1 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*2 *ADMINISTRATION*3 *OPERATIONAL EXPENSES*4 *(PIPELINE SAFETY FUND)*5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary operational expenses of the Pipeline and*
7 *Hazardous Materials Safety Administration, \$22,158,000,*
8 *of which \$639,000 shall be derived from the Pipeline Safety*
9 *Fund: Provided, That \$1,000,000 shall be transferred to*
10 *“Pipeline Safety” in order to fund “Pipeline Safety Infor-*
11 *mation Grants to Communities” as authorized under sec-*
12 *tion 60130 of title 49, United States Code.*

13 *HAZARDOUS MATERIALS SAFETY*

14 *For expenses necessary to discharge the hazardous ma-*
15 *terials safety functions of the Pipeline and Hazardous Ma-*
16 *terials Safety Administration, \$39,020,000, of which*
17 *\$1,716,000 shall remain available until September 30,*
18 *2014: Provided, That up to \$800,000 in fees collected under*
19 *49 U.S.C. 5108(g) shall be deposited in the general fund*
20 *of the Treasury as offsetting receipts: Provided further, That*
21 *there may be credited to this appropriation, to be available*
22 *until expended, funds received from States, counties, mu-*
23 *nicipalities, other public authorities, and private sources*
24 *for expenses incurred for training, for reports publication*

1 *and dissemination, and for travel incurred in performance*
2 *of hazardous materials exemptions and approvals functions.*

3 *PIPELINE SAFETY*

4 *(PIPELINE SAFETY FUND)*

5 *(OIL SPILL LIABILITY TRUST FUND)*

6 *For expenses necessary to conduct the functions of the*
7 *pipeline safety program, for grants-in-aid to carry out a*
8 *pipeline safety program, as authorized by 49 U.S.C. 60107,*
9 *and to discharge the pipeline program responsibilities of*
10 *the Oil Pollution Act of 1990, \$118,364,000, of which*
11 *\$21,510,000 shall be derived from the Oil Spill Liability*
12 *Trust Fund and shall remain available until September 30,*
13 *2014; of which \$93,854,000 shall be derived from the Pipe-*
14 *line Safety Fund, of which \$54,265,000 shall remain avail-*
15 *able until September 30, 2014; of which \$3,000,000, to re-*
16 *main available until expended, shall be derived from the*
17 *Pipeline Safety Design Review Fund, as established by this*
18 *Act.*

19 *EMERGENCY PREPAREDNESS GRANTS*

20 *(EMERGENCY PREPAREDNESS FUND)*

21 *For necessary expenses to carry out 49 U.S.C. 5128(b),*
22 *\$188,000, to be derived from the Emergency Preparedness*
23 *Fund, to remain available until September 30, 2013: Pro-*
24 *vided, That not more than \$28,318,000 shall be made avail-*
25 *able for obligation in fiscal year 2012 from amounts made*

1 *available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided*
 2 *further, That none of the funds made available by 49 U.S.C.*
 3 *5116(i), 5128(b), or 5128(c) shall be made available for ob-*
 4 *ligation by individuals other than the Secretary of Trans-*
 5 *portation, or his designee: Provided further, That unobli-*
 6 *gated balances of funds provided under this paragraph not*
 7 *needed for fiscal year 2012 from the sum made available*
 8 *herein shall remain available until expended to invest in*
 9 *the data management and information technology mod-*
 10 *ernization efforts, including related equipment and non-*
 11 *payroll administrative expenses associated solely with this*
 12 *information technology and telecommunications infrastruc-*
 13 *ture.*

14 *ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS*

15 *MATERIALS SAFETY ADMINISTRATION*

16 *COST RECOVERY FOR DESIGN REVIEWS*

17 *SEC. 180. Section 60117(n) of title 49, United States*
 18 *Code, is amended to read as follows:*

19 *“(n) COST RECOVERY FOR DESIGN REVIEWS.—*

20 *“(1) IN GENERAL.—If the Secretary conducts fa-*
 21 *cility design safety reviews in connection with a pro-*
 22 *posal to construct, expand, or operate a gas or haz-*
 23 *ardous liquid pipeline or liquefied natural gas pipe-*
 24 *line facility, including construction inspections and*
 25 *oversight, the Secretary may require the person or en-*

1 *tity proposing the project to pay the costs incurred by*
2 *the Secretary relating to such reviews. If the Sec-*
3 *retary exercises the cost recovery authority described*
4 *in this section, the Secretary shall prescribe a fee*
5 *structure and assessment methodology that is based on*
6 *the costs of providing these reviews and shall prescribe*
7 *procedures to collect fees under this section. This au-*
8 *thority is in addition to the authority provided in*
9 *section 60301 of this title.*

10 “(2) *NOTIFICATION.*—*For any new pipeline con-*
11 *struction project in which the Secretary will conduct*
12 *design reviews, the person or entity proposing the*
13 *project shall notify the Secretary and provide design*
14 *specifications, construction plans and procedures, and*
15 *related materials at least 120 days prior to the com-*
16 *mencement of construction.*

17 “(3) *DEPOSIT AND USE.*—*The Secretary shall de-*
18 *posit funds paid under this subsection into the Pipe-*
19 *line Safety Design Review Fund. Funds deposited*
20 *under this section are authorized to be appropriated*
21 *for the purposes set forth in this chapter. Fees author-*
22 *ized under this section shall be collected and available*
23 *for obligation only to the extent and in the amount*
24 *provided in advance in appropriations acts.”.*

1 *RESEARCH AND INNOVATIVE TECHNOLOGY*2 *ADMINISTRATION*3 *RESEARCH AND DEVELOPMENT*

4 *For necessary expenses of the Research and Innovative*
5 *Technology Administration, \$15,981,000, of which*
6 *\$9,007,000 shall remain available until September 30,*
7 *2014: Provided, That there may be credited to this appro-*
8 *priation, to be available until expended, funds received from*
9 *States, counties, municipalities, other public authorities,*
10 *and private sources for expenses incurred for training.*

11 *OFFICE OF INSPECTOR GENERAL*12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Office of Inspector Gen-*
14 *eral to carry out the provisions of the Inspector General*
15 *Act of 1978, as amended, \$82,409,000: Provided, That the*
16 *Inspector General shall have all necessary authority, in car-*
17 *rying out the duties specified in the Inspector General Act,*
18 *as amended (5 U.S.C. App. 3), to investigate allegations*
19 *of fraud, including false statements to the government (18*
20 *U.S.C. 1001), by any person or entity that is subject to*
21 *regulation by the Department: Provided further, That the*
22 *funds made available under this heading may be used to*
23 *investigate, pursuant to section 41712 of title 49, United*
24 *States Code:*

1 (1) *unfair or deceptive practices and unfair*
 2 *methods of competition by domestic and foreign air*
 3 *carriers and ticket agents; and*

4 (2) *the compliance of domestic and foreign air*
 5 *carriers with respect to item (1) of this proviso.*

6 *SURFACE TRANSPORTATION BOARD*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Surface Transportation*
 9 *Board, including services authorized by 5 U.S.C. 3109,*
 10 *\$29,310,000: Provided, That notwithstanding any other*
 11 *provision of law, not to exceed \$1,250,000 from fees estab-*
 12 *lished by the Chairman of the Surface Transportation*
 13 *Board shall be credited to this appropriation as offsetting*
 14 *collections and used for necessary and authorized expenses*
 15 *under this heading: Provided further, That the sum herein*
 16 *appropriated from the general fund shall be reduced on a*
 17 *dollar-for-dollar basis as such offsetting collections are re-*
 18 *ceived during fiscal year 2012, to result in a final appro-*
 19 *priation from the general fund estimated at no more than*
 20 *\$28,060,000.*

21 *GENERAL PROVISIONS—DEPARTMENT OF*

22 *TRANSPORTATION*

23 *SEC. 190. During the current fiscal year, applicable*
 24 *appropriations to the Department of Transportation shall*
 25 *be available for maintenance and operation of aircraft; hire*

1 *of passenger motor vehicles and aircraft; purchase of liabil-*
2 *ity insurance for motor vehicles operating in foreign coun-*
3 *tries on official department business; and uniforms or al-*
4 *lowances therefor, as authorized by law (5 U.S.C. 5901–*
5 *5902).*

6 *SEC. 191. Appropriations contained in this Act for the*
7 *Department of Transportation shall be available for services*
8 *as authorized by 5 U.S.C. 3109, but at rates for individuals*
9 *not to exceed the per diem rate equivalent to the rate for*
10 *an Executive Level IV.*

11 *SEC. 192. 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 by*
15 *this provision may be assigned on temporary detail outside*
16 *the Department of Transportation.*

17 *SEC. 193. Funds received by the Federal Highway Ad-*
18 *ministration, Federal Transit Administration, and Federal*
19 *Railroad Administration from States, counties, municipali-*
20 *ties, other public authorities, and private sources for ex-*
21 *penses incurred for training may be credited respectively*
22 *to the Federal Highway Administration’s “Federal-Aid*
23 *Highways” account, the Federal Transit Administration’s*
24 *“Research and University Research Centers” account, and*
25 *to the Federal Railroad Administration’s “Safety and Op-*

1 erations” account, except for State rail safety inspectors
2 participating in training pursuant to 49 U.S.C. 20105.

3 *SEC. 194. None of the funds in this Act to the Depart-*
4 *ment of Transportation may be used to make a grant unless*
5 *the Secretary of Transportation notifies the House and Sen-*
6 *ate Committees on Appropriations not less than 3 full busi-*
7 *ness days before any project competitively selected to receive*
8 *a discretionary grant award, any discretionary grant*
9 *award, letter of intent, or full funding grant agreement to-*
10 *taling \$1,000,000 or more is announced by the department*
11 *or its modal administrations from:*

12 (1) *any discretionary grant program of the Fed-*
13 *eral Highway Administration including the emer-*
14 *gency relief program;*

15 (2) *the airport improvement program of the Fed-*
16 *eral Aviation Administration;*

17 (3) *any program of the Federal Railroad Admin-*
18 *istration;*

19 (4) *any program of the Federal Transit Admin-*
20 *istration other than the formula grants and fixed*
21 *guideway modernization programs; or*

22 (5) *any funding provided under the headings*
23 *“National Infrastructure Investments” and “Assist-*
24 *ance to Small Shipyards” in this Act: Provided, That*
25 *the Secretary gives concurrent notification to the*

1 *House and Senate Committees on Appropriations for*
2 *any “quick release” of funds from the emergency relief*
3 *program: Provided further, That no notification shall*
4 *involve funds that are not available for obligation.*

5 *SEC. 195. Rebates, refunds, incentive payments, minor*
6 *fees and other funds received by the Department of Trans-*
7 *portation from travel management centers, charge card pro-*
8 *grams, the subleasing of building space, and miscellaneous*
9 *sources are to be credited to appropriations of the Depart-*
10 *ment of Transportation and allocated to elements of the De-*
11 *partment of Transportation using fair and equitable cri-*
12 *teria and such funds shall be available until expended.*

13 *SEC. 196. Amounts made available in this or any other*
14 *Act that the Secretary determines represent improper pay-*
15 *ments by the Department of Transportation to a third-*
16 *party contractor under a financial assistance award, which*
17 *are recovered pursuant to law, shall be available—*

18 *(1) to reimburse the actual expenses incurred by*
19 *the Department of Transportation in recovering im-*
20 *proper payments; and*

21 *(2) to pay contractors for services provided in re-*
22 *covering improper payments or contractor support in*
23 *the implementation of the Improper Payments Infor-*
24 *mation Act of 2002: Provided, That amounts in excess*
25 *of that required for paragraphs (1) and (2)—*

1 (A) shall be credited to and merged with the
2 appropriation from which the improper pay-
3 ments were made, and shall be available for the
4 purposes and period for which such appropria-
5 tions are available; or

6 (B) if no such appropriation remains avail-
7 able, shall be deposited in the Treasury as mis-
8 cellaneous receipts: Provided further, That prior
9 to the transfer of any such recovery to an appro-
10 priations account, the Secretary shall notify to
11 the House and Senate Committees on Appropria-
12 tions of the amount and reasons for such trans-
13 fer: Provided further, That for purposes of this
14 section, the term “improper payments”, has the
15 same meaning as that provided in section
16 2(d)(2) of Public Law 107–300.

17 SEC. 197. Notwithstanding any other provision of law,
18 if any funds provided in or limited by this Act are subject
19 to a reprogramming action that requires notice to be pro-
20 vided to the House and Senate Committees on Appropria-
21 tions, said reprogramming action shall be approved or de-
22 nied solely by the Committees on Appropriations: Provided,
23 That the Secretary may provide notice to other congres-
24 sional committees of the action of the Committees on Appro-
25 priations on such reprogramming but not sooner than 30

1 *days following the date on which the reprogramming action*
2 *has been approved or denied by the House and Senate Com-*
3 *mittees on Appropriations.*

4 *SEC. 198. None of the funds appropriated or otherwise*
5 *made available under this Act may be used by the Surface*
6 *Transportation Board of the Department of Transportation*
7 *to charge or collect any filing fee for rate or practice com-*
8 *plaints filed with the Board in an amount in excess of the*
9 *amount authorized for district court civil suit filing fees*
10 *under section 1914 of title 28, United States Code.*

11 *This title may be cited as the Department of Transpor-*
12 *tation Appropriations Act, 2012.*

13 *TITLE II*

14 *DEPARTMENT OF HOUSING AND URBAN*

15 *DEVELOPMENT*

16 *MANAGEMENT AND ADMINISTRATION*

17 *ADMINISTRATION, OPERATIONS, AND MANAGEMENT*

18 *For necessary salaries and expenses for administra-*
19 *tion, management and operations of the Department of*
20 *Housing and Urban Development, \$549,499,000, of which*
21 *not to exceed \$4,610,000 shall be available for the imme-*
22 *diat Office of the Secretary and Deputy Secretary; not to*
23 *exceed \$1,700,000 shall be available for the Office of Hear-*
24 *ings and Appeals; not to exceed \$741,000 shall be available*
25 *for the Office of Small and Disadvantaged Business Utiliza-*

1 tion; not to exceed \$47,984,000 shall be available for the
2 Office of the Chief Financial Officer; not to exceed
3 \$94,380,000 shall be available for the Office of the General
4 Counsel; not to exceed \$2,695,000 shall be available to the
5 Office of Congressional and Intergovernmental Relations;
6 not to exceed \$3,988,000 shall be available for the Office
7 of Public Affairs; not to exceed \$546,000 shall be available
8 to the Office of the Chief Operating Officer, not to exceed
9 \$256,744,000 shall be available for the Office of the Chief
10 Human Capital Officer; not to exceed \$10,476,000 shall be
11 available for the Office of Departmental Operations and Co-
12 ordination; not to exceed \$47,543,000 shall be available for
13 the Office of Field Policy and Management; not to exceed
14 \$14,654,000 shall be available for the Office of the Chief
15 Procurement Officer; not to exceed \$3,708,000 shall be
16 available for the Office of Departmental Equal Employment
17 Opportunity; not to exceed \$1,448,000 shall be available for
18 the Center for Faith-Based and Community Initiatives; not
19 to exceed \$2,627,000 shall be available for the Office of Sus-
20 tainable Housing and Communities; not to exceed
21 \$5,605,000 shall be available for the Office of Strategic
22 Planning and Management; not to exceed \$7,415,000 shall
23 be available for the Office of the Chief Disaster and Emer-
24 gency Management Officer; and not to exceed \$42,635,000
25 shall be available for the Office of the Chief Information

1 *Officer: Provided further, That the Secretary shall provide*
2 *the Committees on Appropriations quarterly written notifi-*
3 *cation regarding the status of pending congressional re-*
4 *ports: Provided further, That the Secretary shall provide*
5 *all signed reports required by Congress electronically: Pro-*
6 *vided further, That not to exceed \$25,000 of the amount*
7 *made available under this paragraph for the immediate Of-*
8 *fice of the Secretary shall be available for official reception*
9 *and representation expenses as the Secretary may deter-*
10 *mine.*

11 *PROGRAM OFFICE SALARIES AND EXPENSES*

12 *PUBLIC AND INDIAN HOUSING*

13 *For necessary salaries and expenses of the Office of*
14 *Public and Indian Housing, \$201,233,000.*

15 *COMMUNITY PLANNING AND DEVELOPMENT*

16 *For necessary salaries and expenses of the Office of*
17 *Community Planning and Development mission area,*
18 *\$101,076,000.*

19 *HOUSING*

20 *For necessary salaries and expenses of the Office of*
21 *Housing, \$392,796,000, of which \$8,200,000 shall be for the*
22 *Office of Risk and Regulatory Affairs.*

23 *POLICY DEVELOPMENT AND RESEARCH*

24 *For necessary salaries and expenses of the Office of*
25 *Policy Development and Research, \$23,016,000.*

1 *FAIR HOUSING AND EQUAL OPPORTUNITY*

2 *For necessary salaries and expenses of the Office of*
3 *Fair Housing and Equal Opportunity, \$74,766,000.*

4 *OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL*

5 *For necessary salaries and expenses of the Office of*
6 *Healthy Homes and Lead Hazard Control, \$7,502,000.*

7 *RENTAL ASSISTANCE DEMONSTRATION*

8 *To conduct a demonstration designed to preserve and*
9 *improve public housing through the voluntary conversion*
10 *of properties with assistance under section 9 of the U.S.*
11 *Housing Act of 1937, (hereinafter, “the Act”), to properties*
12 *with assistance under a project-based subsidy contract*
13 *under section 8 of the Act, which shall be eligible for renewal*
14 *under section 524 of the Multifamily Assisted Housing Re-*
15 *form and Affordability Act of 1997, or assistance under sec-*
16 *tion 8(o)(13) of the Act, the Secretary may transfer*
17 *amounts provided under the headings “Public Housing*
18 *Capital Fund” and “Public Housing Operating Fund” to*
19 *the headings “Tenant-Based Rental Assistance” or “Project-*
20 *Based Rental Assistance”: Provided, That project applica-*
21 *tions may be received under this demonstration until Sep-*
22 *tember 30, 2015: Provided further, That any increase in*
23 *cost for “Tenant-Based Rental Assistance” or “Project-*
24 *Based Rental Assistance” associated with such conversion*
25 *shall be equal to amounts transferred from “Public Housing*

1 *Capital Fund” and “Public Housing Operating Fund”:*
2 *Provided further, That not more than 60,000 units shall*
3 *be converted under the authority provided under this head-*
4 *ing: Provided further, That tenants of such converted prop-*
5 *erties shall, at a minimum, maintain the same rights under*
6 *such conversion as those provided under section 9 of the Act:*
7 *Provided further, That the Secretary shall select properties*
8 *from applications for conversion as part of this demonstra-*
9 *tion through a competitive process: Provided further, That*
10 *in establishing criteria for such competition, the Secretary*
11 *shall seek to demonstrate the feasibility of this conversion*
12 *model to recapitalize and operate public housing properties*
13 *(1) in different markets and geographic areas, (2) within*
14 *portfolios managed by public housing agencies of varying*
15 *sizes, and (3) by leveraging other sources of funding to re-*
16 *capitalize properties: Provided further, That the Secretary*
17 *shall provide an opportunity for public comment on draft*
18 *eligibility and selection criteria and procedures that will*
19 *apply to the selection of properties that will participate in*
20 *the demonstration: Provided further, That the Secretary*
21 *shall provide an opportunity for comment from residents*
22 *of properties to be proposed for participation in the dem-*
23 *onstration to the owners or public housing agencies respon-*
24 *sible for such properties: Provided further, That the Sec-*
25 *retary may waive or specify alternative requirements for*

1 *(except for requirements related to fair housing, non-*
2 *discrimination, labor standards, and the environment) any*
3 *provision of section 8(o)(13) or any provision that governs*
4 *the use of assistance from which a property is converted*
5 *under the demonstration or funds made available under the*
6 *headings of “Public Housing Capital Fund”, “Public Hous-*
7 *ing Operating Fund”, and “Project-Based Rental Assist-*
8 *ance”, under this Act or any prior Act or any Act enacted*
9 *during the period of conversion of assistance under the dem-*
10 *onstration for properties with assistance converted under*
11 *the demonstration, upon a finding by the Secretary that*
12 *any such waivers or alternative requirements are necessary*
13 *for the effective conversion of assistance under the dem-*
14 *onstration: Provided further, That the Secretary shall pub-*
15 *lish by notice in the Federal Register any waivers or alter-*
16 *native requirements pursuant to the previous proviso no*
17 *later than 10 days before the effective date of such notice:*
18 *Provided further, That the demonstration may proceed after*
19 *the Secretary publishes notice of its terms in the Federal*
20 *Register: Provided further, That notwithstanding sections*
21 *3 and 16 of the Act, the conversion of assistance under the*
22 *demonstration shall not be the basis for re-screening or ter-*
23 *mination of assistance or eviction of any tenant family in*
24 *a property participating in the demonstration, and such*
25 *a family shall not be considered a new admission for any*

1 *purpose, including compliance with income targeting re-*
2 *quirements: Provided further, That in the case of a property*
3 *with assistance converted under the demonstration from as-*
4 *sistance under section 9 of the Act, section 18 of the Act*
5 *shall not apply to a property converting assistance under*
6 *the demonstration for all or substantially all of its units,*
7 *the Secretary shall require ownership or control of assisted*
8 *units by a public or nonprofit entity except as determined*
9 *by the Secretary to be necessary pursuant to foreclosure,*
10 *bankruptcy, or termination and transfer of assistance for*
11 *material violations or substantial default, shall require*
12 *long-term renewable use and affordability restrictions for*
13 *assisted units, and may allow ownership to be transferred*
14 *to a for-profit entity to facilitate the use of tax credits only*
15 *if the public housing agency preserves its interest in the*
16 *property in a manner approved by the Secretary: Provided*
17 *further, That the Secretary may permit transfer of assist-*
18 *ance at or after conversion under the demonstration to re-*
19 *placement units subject to the requirements in the previous*
20 *proviso: Provided further, That the Secretary may establish*
21 *the requirements for converted assistance under the dem-*
22 *onstration through contracts, use agreements, regulations,*
23 *or other means: Provided further, That the Secretary shall*
24 *assess and publish findings regarding the impact of the con-*
25 *version of assistance under the demonstration on the preser-*

1 *vation and improvement of public housing, the amount of*
2 *private sector leveraging as a result of such conversion, and*
3 *the effect of such conversion on tenants.*

4 *PUBLIC AND INDIAN HOUSING*

5 *TENANT-BASED RENTAL ASSISTANCE*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For activities and assistance for the provision of ten-*
8 *ant-based rental assistance authorized under the United*
9 *States Housing Act of 1937, as amended (42 U.S.C. 1437*
10 *et seq.) (“the Act” herein), not otherwise provided for,*
11 *\$14,872,357,000, to remain available until expended, shall*
12 *be available on October 1, 2011 (in addition to the*
13 *\$4,000,000,000 previously appropriated under this heading*
14 *that will become available on October 1, 2011), and*
15 *\$4,000,000,000, to remain available until expended, shall*
16 *be available on October 1, 2012: Provided, That of the*
17 *amounts made available under this heading are provided*
18 *as follows:*

19 *(1) Not less than \$17,143,905,000 shall be avail-*
20 *able for renewals of expiring section 8 tenant-based*
21 *annual contributions contracts (including renewals of*
22 *enhanced vouchers under any provision of law au-*
23 *thorizing such assistance under section 8(t) of the*
24 *Act) and including renewal of other special purpose*
25 *incremental vouchers: Provided, That notwithstanding*

1 *any other provision of law, from amounts provided*
2 *under this paragraph and any carryover, the Sec-*
3 *retary for the calendar year 2012 funding cycle shall*
4 *provide renewal funding for each public housing*
5 *agency based on validated voucher management sys-*
6 *tem (VMS) leasing and cost data for the prior cal-*
7 *endar year and by applying an inflation factor as es-*
8 *tablished by the Secretary, by notice published in the*
9 *Federal Register, and by making any necessary ad-*
10 *justments for the costs associated with the first-time*
11 *renewal of vouchers under this paragraph including*
12 *tenant protection and HOPE VI vouchers: Provided*
13 *further, That none of the funds provided under this*
14 *paragraph may be used to fund a total number of*
15 *unit months under lease which exceeds a public hous-*
16 *ing agency's authorized level of units under contract,*
17 *except for public housing agencies participating in*
18 *the Moving to Work (MTW) demonstration, which are*
19 *instead governed by the terms and conditions of their*
20 *MTW agreements: Provided further, That the Sec-*
21 *retary shall, to the extent necessary to stay within the*
22 *amount specified under this paragraph (except as oth-*
23 *erwise modified under this Act), pro rate each public*
24 *housing agency's allocation otherwise established pur-*
25 *suant to this paragraph: Provided further, That ex-*

1 *cept as provided in the following provisos, the entire*
2 *amount specified under this paragraph (except as oth-*
3 *erwise modified under this Act) shall be obligated to*
4 *the public housing agencies based on the allocation*
5 *and pro rata method described above, and the Sec-*
6 *retary shall notify public housing agencies of their*
7 *annual budget not later than 60 days after enactment*
8 *of this Act: Provided further, That the Secretary may*
9 *extend the 60-day notification period with the prior*
10 *written approval of the House and Senate Committees*
11 *on Appropriations: Provided further, That public*
12 *housing agencies participating in the Moving to Work*
13 *demonstration shall be funded pursuant to their Mov-*
14 *ing to Work agreements and shall be subject to the*
15 *same pro rata adjustments under the previous pro-*
16 *visos: Provided further, That up to \$103,000,000 shall*
17 *be available only: (1) to adjust the allocations for*
18 *public housing agencies, after application for an ad-*
19 *justment by a public housing agency that experienced*
20 *a significant increase, as determined by the Sec-*
21 *retary, in renewal costs of tenant-based rental assist-*
22 *ance resulting from unforeseen circumstances or from*
23 *portability under section 8(r) of the Act; (2) for*
24 *vouchers that were not in use during the 12-month*
25 *period in order to be available to meet a commitment*

1 *pursuant to section 8(o)(13) of the Act; (3) for adjust-*
2 *ments for costs associated with HUD-Veterans Affairs*
3 *Supportive Housing (HUD-VASH) vouchers; and (4)*
4 *for incremental tenant-based assistance for eligible*
5 *families currently assisted under the Disaster Voucher*
6 *Program as authorized by Public Law 109–148 under*
7 *this heading and the Disaster Housing Assistance*
8 *Program for Hurricanes Ike and Gustav on the condi-*
9 *tion that such vouchers will not be re-issued when*
10 *families leave the program: Provided further, That of*
11 *the amounts made available under this paragraph, up*
12 *to \$15,000,000 may be transferred to and merged*
13 *with the appropriation for “Transformation Initia-*
14 *tive”;*

15 (2) *\$75,000,000 shall be for section 8 rental as-*
16 *stance for relocation and replacement of housing*
17 *units that are demolished or disposed of pursuant to*
18 *section 18 of the Act, conversion of section 23 projects*
19 *to assistance under section 8, the family unification*
20 *program under section 8(x) of the Act, relocation of*
21 *witnesses in connection with efforts to combat crime*
22 *in public and assisted housing pursuant to a request*
23 *from a law enforcement or prosecution agency, en-*
24 *hanced vouchers under any provision of law author-*
25 *izing such assistance under section 8(t) of the Act,*

1 *HOPE VI vouchers, mandatory and voluntary con-*
2 *versions, and tenant protection assistance including*
3 *replacement and relocation assistance or for project-*
4 *based assistance to prevent the displacement of unas-*
5 *sisted elderly tenants currently residing in section*
6 *202 properties financed between 1959 and 1974 that*
7 *are refinanced pursuant to Public Law 106–569, as*
8 *amended, or under the authority as provided under*
9 *this Act: Provided, That when a public housing devel-*
10 *opment is submitted for demolition or disposition*
11 *under section 18 of the Act, the Secretary may pro-*
12 *vide section 8 rental assistance when the units pose*
13 *an imminent health and safety risk to residents: Pro-*
14 *vided further, That the Secretary may only provide*
15 *replacement vouchers for units that were occupied*
16 *within the previous 24 months that cease to be avail-*
17 *able as assisted housing, subject only to the avail-*
18 *ability of funds: Provided further, That of the*
19 *amounts made available under this paragraph,*
20 *\$10,000,000 shall be available to provide tenant pro-*
21 *tection assistance, not otherwise provided under this*
22 *paragraph, to residents residing in low-vacancy areas*
23 *and who may have to pay rents greater than 30 per-*
24 *cent of household income, as the result of (1) the ma-*
25 *turity of a HUD-insured, HUD-held or section 202*

1 *loan that requires the permission of the Secretary*
2 *prior to loan prepayment; (2) the expiration of a*
3 *rental assistance contract for which the tenants are*
4 *not eligible for enhanced voucher or tenant protection*
5 *assistance under existing law; or (3) the expiration of*
6 *affordability restrictions accompanying a mortgage or*
7 *preservation program administered by the Secretary:*
8 *Provided further, That such tenant protection assist-*
9 *ance made available under the previous proviso may*
10 *be provided under the authority of section 8(t) or sec-*
11 *tion 8(o)(13) of the United States Housing Act of*
12 *1937 (42 U.S.C. 1437f(t)): Provided further, That the*
13 *Secretary shall issue guidance to implement the pre-*
14 *vious provisos, including, but not limited to, require-*
15 *ments for defining eligible at-risk households within*
16 *120 days of the enactment of this Act;*

17 (3) *\$1,400,000,000 shall be for administrative*
18 *and other expenses of public housing agencies in ad-*
19 *ministering the section 8 tenant-based rental assist-*
20 *ance program, of which up to \$50,000,000 shall be*
21 *available to the Secretary to allocate to public hous-*
22 *ing agencies that need additional funds to administer*
23 *their section 8 programs, including fees associated*
24 *with section 8 tenant protection rental assistance, the*
25 *administration of disaster related vouchers, Veterans*

1 *Affairs Supportive Housing vouchers, and other in-*
2 *cremental vouchers: Provided, That no less than*
3 *\$1,350,000,000 of the amount provided in this para-*
4 *graph shall be allocated to public housing agencies for*
5 *the calendar year 2012 funding cycle based on section*
6 *8(q) of the Act (and related Appropriation Act provi-*
7 *sions) as in effect immediately before the enactment*
8 *of the Quality Housing and Work Responsibility Act*
9 *of 1998 (Public Law 105–276): Provided further,*
10 *That if the amounts made available under this para-*
11 *graph are insufficient to pay the amounts determined*
12 *under the previous proviso, the Secretary may de-*
13 *crease the amounts allocated to agencies by a uniform*
14 *percentage applicable to all agencies receiving fund-*
15 *ing under this paragraph or may, to the extent nec-*
16 *essary to provide full payment of amounts determined*
17 *under the previous proviso, utilize unobligated bal-*
18 *ances, including recaptures and carryovers, remain-*
19 *ing from funds appropriated to the Department of*
20 *Housing and Urban Development under this heading*
21 *from prior fiscal years, notwithstanding the purposes*
22 *for which such amounts were appropriated: Provided*
23 *further, That amounts provided under this paragraph*
24 *shall be only for activities related to the provision of*

1 *tenant-based rental assistance authorized under sec-*
2 *tion 8, including related development activities;*

3 (4) *\$60,000,000 shall be available for family self-*
4 *sufficiency coordinators under section 23 of the Act;*

5 (5) *\$113,452,000 for the renewal of tenant-based*
6 *assistance contracts under section 811 of the Cran-*
7 *ston-Gonzalez National Affordable Housing Act (42*
8 *U.S.C. 8013), including necessary administrative ex-*
9 *penses;*

10 (6) *\$75,000,000 for incremental rental voucher*
11 *assistance for use through a supported housing pro-*
12 *gram administered in conjunction with the Depart-*
13 *ment of Veterans Affairs as authorized under section*
14 *8(o)(19) of the United States Housing Act of 1937:*
15 *Provided, That the Secretary of Housing and Urban*
16 *Development shall make such funding available, not-*
17 *withstanding section 204 (competition provision) of*
18 *this title, to public housing agencies that partner with*
19 *eligible VA Medical Centers or other entities as des-*
20 *ignated by the Secretary of the Department of Vet-*
21 *erans Affairs, based on geographical need for such as-*
22 *sistance as identified by the Secretary of the Depart-*
23 *ment of Veterans Affairs, public housing agency ad-*
24 *ministrative performance, and other factors as speci-*
25 *fied by the Secretary of Housing and Urban Develop-*

1 *ment in consultation with the Secretary of the De-*
2 *partment of Veterans Affairs: Provided further, That*
3 *the Secretary of Housing and Urban Development*
4 *may waive, or specify alternative requirements for (in*
5 *consultation with the Secretary of the Department of*
6 *Veterans Affairs), any provision of any statute or reg-*
7 *ulation that the Secretary of Housing and Urban De-*
8 *velopment administers in connection with the use of*
9 *funds made available under this paragraph (except*
10 *for requirements related to fair housing, non-*
11 *discrimination, labor standards, and the environ-*
12 *ment), upon a finding by the Secretary that any such*
13 *waivers or alternative requirements are necessary for*
14 *the effective delivery and administration of such*
15 *voucher assistance: Provided further, That assistance*
16 *made available under this paragraph shall continue*
17 *to remain available for homeless veterans upon turn-*
18 *over;*

19 *(7) \$5,000,000 for payments to public housing*
20 *authorities to be competitively awarded in order to*
21 *demonstrate the effectiveness of leveraging mainstream*
22 *resources to address the needs of families and individ-*
23 *uals who are homeless or at risk of homelessness, as*
24 *defined by the Secretary of Housing and Urban De-*
25 *velopment, to be administered by the Secretary in*

1 *conjunction with the Department of Health and*
2 *Human Services and the Department of Education:*
3 *Provided, That funds provided under this paragraph*
4 *shall be awarded to public housing authorities that*
5 *(1) partner with eligible State and local entities re-*
6 *sponsible for distributing Temporary Assistance for*
7 *Needy Families (TANF) and other health and human*
8 *services, as designated by the Secretary of the Depart-*
9 *ment of Health and Human Services, and (2) partner*
10 *with school homelessness liaisons funded through the*
11 *Department of Education's Education for Homeless*
12 *Children and Youth Program: Provided further, That*
13 *the funds may also be available to public housing au-*
14 *thorities that partner with eligible State Medicaid*
15 *agencies and State behavioral health entities, as des-*
16 *ignated by the Secretary of the Department of Health*
17 *and Human Services, to provide housing in conjunc-*
18 *tion with Medicaid case management, substance abuse*
19 *treatment, and mental health services; and*

20 *(8) The Secretary shall separately track all spe-*
21 *cial purpose vouchers funded under this heading.*

22 *HOUSING CERTIFICATE FUND*

23 *(RESCISSION)*

24 *Of the unobligated balances, including recaptures and*
25 *carryover, remaining from funds appropriated to the De-*

1 *partment of Housing and Urban Development under this*
2 *heading, \$200,000,000 are rescinded, to be effected by the*
3 *Secretary of Housing and Urban Development no later than*
4 *September 30, 2012: Provided, That if insufficient funds*
5 *exist under these headings, the remaining balance may be*
6 *derived from any other unobligated balances available*
7 *under any heading under this title funded in fiscal year*
8 *2011 and prior years: Provided further, That the Secretary*
9 *shall notify the Committees on Appropriations of the unob-*
10 *ligated balances used to meet this rescission 30 days in ad-*
11 *vance of such rescission: Provided further, That any such*
12 *balances governed by reallocation provisions under the stat-*
13 *ute authorizing the program for which the funds were origi-*
14 *nally appropriated shall be available for the rescission: Pro-*
15 *vided further, That any obligated balances of contract au-*
16 *thority from fiscal year 1974 and prior that have been ter-*
17 *minated shall be cancelled.*

18 *PUBLIC HOUSING CAPITAL FUND*

19 *For the Public Housing Capital Fund Program to*
20 *carry out capital and management activities for public*
21 *housing agencies, as authorized under section 9 of the*
22 *United States Housing Act of 1937 (42 U.S.C. 1437g) (the*
23 *“Act”) \$1,875,000,000, to remain available until September*
24 *30, 2015: Provided, That notwithstanding any other provi-*
25 *sion of law or regulation, during fiscal year 2012 the Sec-*

1 *retary of Housing and Urban Development may not dele-*
2 *gate to any Department official other than the Deputy Sec-*
3 *retary and the Assistant Secretary for Public and Indian*
4 *Housing any authority under paragraph (2) of section 9(j)*
5 *regarding the extension of the time periods under such sec-*
6 *tion: Provided further, That for purposes of such section*
7 *9(j), the term “obligate” means, with respect to amounts,*
8 *that the amounts are subject to a binding agreement that*
9 *will result in outlays, immediately or in the future: Pro-*
10 *vided further, That up to \$10,000,000 shall be to support*
11 *the ongoing Public Housing Financial and Physical Assess-*
12 *ment activities of the Real Estate Assessment Center*
13 *(REAC): Provided further, That of the total amount pro-*
14 *vided under this heading, not to exceed \$20,000,000 shall*
15 *be available for the Secretary to make grants, notwith-*
16 *standing section 204 of this Act, to public housing agencies*
17 *for emergency capital needs including safety and security*
18 *measures necessary to address crime and drug-related activ-*
19 *ity as well as needs resulting from unforeseen or unprevent-*
20 *able emergencies and natural disasters excluding Presi-*
21 *dentially declared emergencies and natural disasters under*
22 *the Robert T. Stafford Disaster Relief and Emergency Act*
23 *(42 U.S.C. 5121 et seq.) occurring in fiscal year 2012: Pro-*
24 *vided further, That of the total amount provided under this*
25 *heading \$50,000,000 shall be for supportive services, service*

1 *coordinator and congregate services as authorized by section*
2 *34 of the Act (42 U.S.C. 1437z-6) and the Native American*
3 *Housing Assistance and Self-Determination Act of 1996 (25*
4 *U.S.C. 4101 et seq.): Provided further, That of the total*
5 *amount provided under this heading, up to \$5,000,000 is*
6 *to support the costs of administrative and judicial receiver-*
7 *ships: Provided further, That from the funds made available*
8 *under this heading, the Secretary shall provide bonus*
9 *awards in fiscal year 2012 to public housing agencies that*
10 *are designated high performers.*

11 *PUBLIC HOUSING OPERATING FUND*

12 *For 2012 payments to public housing agencies for the*
13 *operation and management of public housing, as authorized*
14 *by section 9(e) of the United States Housing Act of 1937*
15 *(42 U.S.C. 1437g(e)), \$3,961,850,000, of which \$20,000,000*
16 *shall be available until September 30, 2013: Provided, That*
17 *in determining public housing agencies', including Moving*
18 *to Work agencies', calendar year 2012 funding allocations*
19 *under this heading, the Secretary shall take into account*
20 *public housing agencies' excess operating fund reserves, as*
21 *determined by the Secretary: Provided further, That Moving*
22 *to Work agencies shall receive a pro-rata reduction con-*
23 *sistent with their peer groups: Provided further, That no*
24 *public housing agency shall be left with less than \$100,000*
25 *in operating reserves: Provided further, That the Secretary*

1 *shall not offset excess reserves by more than \$750,000,000:*
2 *Provided further, That in implementing such allocation re-*
3 *ductions, the Secretary shall establish a process by which*
4 *public housing agencies can appeal the initial allocation*
5 *amounts and the Secretary shall consider adjustments based*
6 *on such factors, including prior funding reservations, com-*
7 *mitments related to mixed finance developments, or report-*
8 *ing errors: Provided further, That the Secretary shall notify*
9 *public housing agencies of such process and what docu-*
10 *mentation may be required as part of such appeal: Provided*
11 *further, That following the appeals process established*
12 *under the previous two provisos, the Secretary shall make*
13 *final allocations: Provided further, That of the amount pro-*
14 *vided under this heading up to \$20,000,000 may be set*
15 *aside to provide assistance to any public housing authority*
16 *who encounters financial hardship as a direct result of an*
17 *excess reserve offset applied to an allocation of funding*
18 *under this heading: Provided further, That the Secretary*
19 *shall provide flexibility to public housing agencies to use*
20 *excess operating reserves for capital improvements.*

21 *CHOICE NEIGHBORHOODS*

22 *For competitive grants under the Choice Neighborhoods*
23 *Initiative (subject to section 24 of the United States Hous-*
24 *ing Act of 1937 (42 U.S.C. 1437v), unless otherwise speci-*
25 *fied under this heading), for transformation, rehabilitation,*

1 *and replacement housing needs of both public and HUD-*
2 *assisted housing and to transform neighborhoods of poverty*
3 *into functioning, sustainable mixed income neighborhoods*
4 *with appropriate services, schools, public assets, transpor-*
5 *tation and access to jobs, \$120,000,000, to remain available*
6 *until September 30, 2014: Provided, That grant funds may*
7 *be used for resident and community services, community*
8 *development, and affordable housing needs in the commu-*
9 *nity, and for conversion of vacant or foreclosed properties*
10 *to affordable housing: Provided further, That grantees shall*
11 *undertake comprehensive local planning with input from*
12 *residents and the community, and that grantees shall pro-*
13 *vide a match in State, local, other Federal or private funds:*
14 *Provided further, That grantees may include local govern-*
15 *ments, tribal entities, public housing authorities, and non-*
16 *profits: Provided further, That for-profit developers may*
17 *apply jointly with a public entity: Provided further, That*
18 *of the amount provided, not less than \$80,000,000 shall be*
19 *awarded to public housing authorities: Provided further,*
20 *That such grantees shall create partnerships with other*
21 *local organizations including assisted housing owners, serv-*
22 *ice agencies, and resident organizations: Provided further,*
23 *That the Secretary shall consult with the Secretaries of*
24 *Education, Labor, Transportation, Health and Human*
25 *Services, Agriculture, and Commerce and the Adminis-*

1 *trator of the Environmental Protection Agency to coordi-*
2 *nate and leverage other appropriate Federal resources: Pro-*
3 *vided further, That no more than \$5,000,000 of funds made*
4 *available under this heading may be provided to assist com-*
5 *munities in developing comprehensive strategies for imple-*
6 *menting this program or implementing other revitalization*
7 *efforts in conjunction with community notice and input:*
8 *Provided further, That the Secretary shall develop and pub-*
9 *lish guidelines for the use of such competitive funds, includ-*
10 *ing but not limited to eligible activities, program require-*
11 *ments, and performance metrics.*

12 *NATIVE AMERICAN HOUSING BLOCK GRANTS*

13 *For the Native American Housing Block Grants pro-*
14 *gram, as authorized under title I of the Native American*
15 *Housing Assistance and Self-Determination Act of 1996*
16 *(NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to re-*
17 *main available until expended: Provided, That, notwith-*
18 *standing the Native American Housing Assistance and Self-*
19 *Determination Act of 1996, to determine the amount of the*
20 *allocation under title I of such Act for each Indian tribe,*
21 *the Secretary shall apply the formula under section 302 of*
22 *such Act with the need component based on single-race cen-*
23 *sus data and with the need component based on multi-race*
24 *census data, and the amount of the allocation for each In-*
25 *dian tribe shall be the greater of the two resulting allocation*

1 amounts: Provided further, That of the amounts made
2 available under this heading, \$3,500,000 shall be contracted
3 for assistance for a national organization representing Na-
4 tive American housing interests for providing training and
5 technical assistance to Indian housing authorities and trib-
6 ally designated housing entities as authorized under
7 NAHASDA; and \$4,250,000 shall be to support the inspec-
8 tion of Indian housing units, contract expertise, training,
9 and technical assistance in the training, oversight, and
10 management of such Indian housing and tenant-based as-
11 sistance, including up to \$300,000 for related travel: Pro-
12 vided further, That of the amount provided under this head-
13 ing, \$2,000,000 shall be made available for the cost of guar-
14 anteed notes and other obligations, as authorized by title
15 VI of NAHASDA: Provided further, That such costs, includ-
16 ing the costs of modifying such notes and other obligations,
17 shall be as defined in section 502 of the Congressional Budg-
18 et Act of 1974, as amended: Provided further, That these
19 funds are available to subsidize the total principal amount
20 of any notes and other obligations, any part of which is
21 to be guaranteed, not to exceed \$20,000,000.

22 NATIVE HAWAIIAN HOUSING BLOCK GRANT

23 For the Native Hawaiian Housing Block Grant pro-
24 gram, as authorized under title VIII of the Native American
25 Housing Assistance and Self-Determination Act of 1996 (25

1 *U.S.C. 4111 et seq.*), \$13,000,000, to remain available until
2 *expended: Provided, That of this amount, \$300,000 shall be*
3 *for training and technical assistance activities, including*
4 *up to \$100,000 for related travel by Hawaii-based HUD*
5 *employees.*

6 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

7 *ACCOUNT*

8 *For the cost of guaranteed loans, as authorized by sec-*
9 *tion 184 of the Housing and Community Development Act*
10 *of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available*
11 *until expended: Provided, That such costs, including the*
12 *costs of modifying such loans, shall be as defined in section*
13 *502 of the Congressional Budget Act of 1974: Provided fur-*
14 *ther, That these funds are available to subsidize total loan*
15 *principal, any part of which is to be guaranteed, up to*
16 *\$428,000,000: Provided further, That up to \$750,000 shall*
17 *be for administrative contract expenses including manage-*
18 *ment processes and systems to carry out the loan guarantee*
19 *program.*

20 *NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND*

21 *PROGRAM ACCOUNT*

22 *For the cost of guaranteed loans, as authorized by sec-*
23 *tion 184A of the Housing and Community Development Act*
24 *of 1992 (12 U.S.C. 1715z) and for such costs for loans used*
25 *for refinancing, \$386,000, to remain available until ex-*

1 *pended: Provided, That such costs, including the costs of*
2 *modifying such loans, shall be as defined in section 502 of*
3 *the Congressional Budget Act of 1974: Provided further,*
4 *That these funds are available to subsidize total loan prin-*
5 *cipal, any part of which is to be guaranteed, not to exceed*
6 *\$41,504,000.*

7 *COMMUNITY PLANNING AND DEVELOPMENT*

8 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

9 *For carrying out the Housing Opportunities for Per-*
10 *sons with AIDS program, as authorized by the AIDS Hous-*
11 *ing Opportunity Act (42 U.S.C. 12901 et seq.),*
12 *\$330,000,000, to remain available until September 30,*
13 *2013, except that amounts allocated pursuant to section*
14 *854(c)(3) of such Act shall remain available until Sep-*
15 *tember 30, 2014: Provided, That the Secretary shall renew*
16 *all expiring contracts for permanent supportive housing*
17 *that were funded under section 854(c)(3) of such Act that*
18 *meet all program requirements before awarding funds for*
19 *new contracts and activities authorized under this section.*

20 *COMMUNITY DEVELOPMENT FUND*

21 *For assistance to units of State and local government,*
22 *and to other entities, for economic and community develop-*
23 *ment activities, and for other purposes, \$3,001,027,000, to*
24 *remain available until September 30, 2013, unless otherwise*
25 *specified: Provided, That of the total amount provided,*

1 \$2,851,027,000 is for carrying out the community develop-
2 ment block grant program under title I of the Housing and
3 Community Development Act of 1974, as amended (the
4 “Act” herein) (42 U.S.C. 5301 et seq.): Provided further,
5 That unless explicitly provided for under this heading (ex-
6 cept for planning grants provided in the second paragraph
7 and amounts made available under the third paragraph),
8 not to exceed 20 percent of any grant made with funds ap-
9 propriated under this heading shall be expended for plan-
10 ning and management development and administration:
11 Provided further, That \$60,000,000 shall be for grants to
12 Indian tribes notwithstanding section 106(a)(1) of such Act,
13 of which, notwithstanding any other provision of law (in-
14 cluding section 204 of this Act), up to \$3,960,000 may be
15 used for emergencies that constitute imminent threats to
16 health and safety.

17 Of the amounts made available under this heading,
18 \$90,000,000 shall be made available for a Sustainable Com-
19 munities Initiative to improve regional planning efforts
20 that integrate housing and transportation decisions, and
21 increase the capacity to improve land use and zoning: Pro-
22 vided, That \$63,000,000 shall be for Regional Integrated
23 Planning Grants to support the linking of transportation
24 and land use planning: Provided further, That not less than
25 \$15,750,000 of the funding made available for Regional In-

1 *tegrated Planning Grants shall be awarded to metropolitan*
2 *areas of less than 500,000: Provided further, That*
3 *\$27,000,000 shall be for Community Challenge Planning*
4 *Grants to foster reform and reduce barriers to achieve af-*
5 *fordable, economically vital, and sustainable communities:*
6 *Provided further, That the Secretary will consult with the*
7 *Secretary of Transportation in evaluating grant proposals.*

8 *COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER*

9 *FUNDING*

10 *For an additional amount for the “Community Devel-*
11 *opment Fund”, for necessary expenses related to disaster*
12 *relief, long-term recovery, and restoration of infrastructure,*
13 *housing, and economic revitalization resulting from a*
14 *major disaster designation pursuant to the Robert T. Staf-*
15 *ford Disaster Relief and Emergency Assistance Act (42*
16 *U.S.C. 5122(2)) in 2011, \$400,000,000, to remain available*
17 *until expended, for activities authorized under title I of the*
18 *Housing and Community Development Act of 1974 (Public*
19 *Law 93–383): Provided, That the amount provided under*
20 *this heading is designated by Congress as being for disaster*
21 *relief pursuant to section 251(b)(2)(D) of the Balanced*
22 *Budget and Emergency Deficit Control Act of 1985 (Public*
23 *Law 99–177), as amended: Provided further, That funds*
24 *shall be awarded directly to the State or unit of general*
25 *local government at the discretion of the Secretary: Pro-*

1 *vided further, That prior to the obligation of funds a grant-*
2 *ee shall submit a plan to the Secretary detailing the pro-*
3 *posed use of all funds, including criteria for eligibility and*
4 *how the use of these funds will address long-term recovery*
5 *and restoration of infrastructure: Provided further, That*
6 *funds provided under this heading may be used by a State*
7 *or locality as a matching requirement, share, or contribu-*
8 *tion for any other Federal program: Provided further, That*
9 *such funds may not be used for activities reimbursable by,*
10 *or for which funds are made available by, the Federal*
11 *Emergency Management Agency or the Army Corps of En-*
12 *gineers: Provided further, That funds allocated under this*
13 *heading shall not adversely affect the amount of any for-*
14 *mula assistance received by a State or subdivision thereof*
15 *under the Community Development Fund: Provided fur-*
16 *ther, That a State or subdivision thereof may use up to*
17 *5 percent of its allocation for administrative costs: Provided*
18 *further, That in administering the funds under this head-*
19 *ing, the Secretary of Housing and Urban Development may*
20 *waive, or specify alternative requirements for, any provi-*
21 *sion of any statute or regulation that the Secretary admin-*
22 *isters in connection with the obligation by the Secretary*
23 *or the use by the recipient of these funds or guarantees (ex-*
24 *cept for requirements related to fair housing, non-*
25 *discrimination, labor standards, and the environment),*

1 *upon a request by a State or subdivision thereof explaining*
2 *why such waiver is required to facilitate the use of such*
3 *funds or guarantees, if the Secretary finds that such waiver*
4 *would not be inconsistent with the overall purpose of title*
5 *I of the Housing and Community Development Act of 1974:*
6 *Provided further, That the Secretary shall publish in the*
7 *Federal Register any waiver of any statute or regulation*
8 *that the Secretary administers pursuant to title I of the*
9 *Housing and Community Development Act of 1974 no later*
10 *than 5 days before the effective date of such waiver.*

11 *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM*

12 *ACCOUNT*

13 *For the cost of guaranteed loans, \$4,960,000, to remain*
14 *available until September 30, 2012, as authorized by section*
15 *108 of the Housing and Community Development Act of*
16 *1974 (42 U.S.C. 5308): Provided, That such costs, including*
17 *the cost of modifying such loans, shall be as defined in sec-*
18 *tion 502 of the Congressional Budget Act of 1974: Provided*
19 *further, That these funds are available to subsidize total*
20 *loan principal, any part of which is to be guaranteed, not*
21 *to exceed \$200,000,000, notwithstanding any aggregate lim-*
22 *itation on outstanding obligations guaranteed in section*
23 *108(k) of the Housing and Community Development Act*
24 *of 1974, as amended.*

1 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

2 *For the HOME investment partnerships program, as*
3 *authorized under title II of the Cranston-Gonzalez National*
4 *Affordable Housing Act, as amended, \$1,000,000,000, to re-*
5 *main available until September 30, 2013: Provided, That*
6 *notwithstanding the amount made available under this*
7 *heading, the threshold reduction requirements in sections*
8 *216(10) and 217(b)(4) of such Act shall not apply to alloca-*
9 *tion of such amount: Provided further, That funds made*
10 *available under this heading used for projects not completed*
11 *within 4 years of the commitment date, as determined by*
12 *a signature of each party to the agreement shall be repaid:*
13 *Provided further, That the Secretary may extend the dead-*
14 *line for 1 year if the Secretary determines that the failure*
15 *to complete the project is beyond the control of the partici-*
16 *pating jurisdiction: Provided further, That no funds pro-*
17 *vided under this heading may be committed to any project*
18 *included as part of a participating jurisdiction's plan*
19 *under section 105(b), unless each participating jurisdiction*
20 *certifies that it has conducted an underwriting review, as-*
21 *sessed developer capacity and fiscal soundness, and exam-*
22 *ined neighborhood market conditions to ensure adequate*
23 *need for each project: Provided further, That any homeown-*
24 *ership units funded under this heading which cannot be sold*
25 *to an eligible homeowner within 6 months of project comple-*

1 *tion shall be rented to an eligible tenant: Provided further,*
2 *That no funds provided under this heading may be awarded*
3 *for development activities to a community housing develop-*
4 *ment organization that cannot demonstrate that it is has*
5 *staff with demonstrated development experience: Provided*
6 *further, That funds provided in prior appropriations Acts*
7 *for technical assistance, that were made available for Com-*
8 *munity Housing Development Organizations technical as-*
9 *sistance, and that still remain available, may be used for*
10 *HOME technical assistance notwithstanding the purposes*
11 *for which such amounts were appropriated.*

12 *SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY*
13 *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, \$57,000,000, to remain available until September*
18 *30, 2013: Provided, That of the total amount provided*
19 *under this heading, \$17,000,000 shall be made available to*
20 *the Self-Help and Assisted Homeownership Opportunity*
21 *Program as authorized under section 11 of the Housing Op-*
22 *portunity Program Extension Act of 1996, as amended:*
23 *Provided further, That \$35,000,000 shall be made available*
24 *for the second, third and fourth capacity building activities*
25 *authorized under section 4(a) of the HUD Demonstration*

1 *Act of 1993 (42 U.S.C. 9816 note), of which not less than*
2 *\$5,000,000 may be made available for rural capacity-build-*
3 *ing activities: Provided further, That \$5,000,000 shall be*
4 *made available for capacity-building activities for a na-*
5 *tional organization with expertise in rural housing, includ-*
6 *ing experience working with rural housing organizations,*
7 *local governments, and Indian tribes.*

8 *HOMELESS ASSISTANCE GRANTS*
9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For the emergency solutions grants program as author-*
11 *ized under subtitle B of title IV of the McKinney-Vento*
12 *Homeless Assistance Act, as amended; the continuum of*
13 *care program as authorized under subtitle C of title IV of*
14 *such Act; and the rural housing stability assistance pro-*
15 *gram as authorized under subtitle D of title IV of such Act,*
16 *\$1,901,190,000, of which \$1,896,190,000 shall remain*
17 *available until September 30, 2014, and of which*
18 *\$5,000,000 shall remain available until expended for*
19 *project-based rental assistance with rehabilitation projects*
20 *with 10-year grant terms and any rental assistance*
21 *amounts that are recaptured under such continuum of care*
22 *program shall remain available until expended: Provided,*
23 *That not less than \$286,000,000 of the funds appropriated*
24 *under this heading shall be available for such emergency*
25 *solutions grants program: Provided further, That not less*

1 *than \$1,602,190,000 of the funds appropriated under this*
2 *heading shall be available for such continuum of care and*
3 *rural housing stability assistance programs: Provided fur-*
4 *ther, That up to \$8,000,000 of the funds appropriated under*
5 *this heading shall be available for the national homeless*
6 *data analysis project: Provided further, That for all match*
7 *requirements applicable to funds made available under this*
8 *heading for this fiscal year and prior years, a grantee may*
9 *use (or could have used) as a source of match funds other*
10 *funds administered by the Secretary and other Federal*
11 *agencies unless there is (or was) a specific statutory prohi-*
12 *bition on any such use of any such funds: Provided further,*
13 *That the Secretary shall renew on an annual basis expiring*
14 *contracts or amendments to contracts funded under the con-*
15 *tinuum of care program if the program is determined to*
16 *be needed under the applicable continuum of care and meets*
17 *appropriate program requirements and financial stand-*
18 *ards, as determined by the Secretary: Provided further,*
19 *That all awards of assistance under this heading shall be*
20 *required to coordinate and integrate homeless programs*
21 *with other mainstream health, social services, and employ-*
22 *ment programs for which homeless populations may be eli-*
23 *gible, including Medicaid, State Children's Health Insur-*
24 *ance Program, Temporary Assistance for Needy Families,*
25 *Food Stamps, and services funding through the Mental*

1 *Health and Substance Abuse Block Grant, Workforce In-*
2 *vestment Act, and the Welfare-to-Work grant program: Pro-*
3 *vided further, That all balances for Shelter Plus Care re-*
4 *newals previously funded from the Shelter Plus Care Re-*
5 *newal account and transferred to this account shall be*
6 *available, if recaptured, for continuum of care renewals in*
7 *fiscal year 2012.*

8

HOUSING PROGRAMS

9

PROJECT-BASED RENTAL ASSISTANCE

10 *For activities and assistance for the provision of*
11 *project-based subsidy contracts under the United States*
12 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”),*
13 *not otherwise provided for, \$9,018,672,000, to remain avail-*
14 *able until expended, shall be available on October 1, 2011*
15 *(in addition to the \$400,000,000 previously appropriated*
16 *under this heading that will become available October 1,*
17 *2012), and \$400,000,000, to remain available until ex-*
18 *pended, shall be available on October 1, 2012: Provided,*
19 *That the amounts made available under this heading shall*
20 *be available for expiring or terminating section 8 project-*
21 *based subsidy contracts (including section 8 moderate reha-*
22 *bilitation contracts), for amendments to section 8 project-*
23 *based subsidy contracts (including section 8 moderate reha-*
24 *bilitation contracts), for contracts entered into pursuant to*
25 *section 441 of the McKinney-Vento Homeless Assistance Act*

1 *(42 U.S.C. 11401), for renewal of section 8 contracts for*
2 *units in projects that are subject to approved plans of action*
3 *under the Emergency Low Income Housing Preservation*
4 *Act of 1987 or the Low-Income Housing Preservation and*
5 *Resident Homeownership Act of 1990, and for administra-*
6 *tive and other expenses associated with project-based activi-*
7 *ties and assistance funded under this paragraph: Provided*
8 *further, That of the total amounts provided under this head-*
9 *ing, not to exceed \$289,000,000 shall be available for per-*
10 *formance-based contract administrators for section 8*
11 *project-based assistance: Provided further, That the Sec-*
12 *retary of Housing and Urban Development may also use*
13 *such amounts in the previous proviso for performance-based*
14 *contract administrators for the administration of: interest*
15 *reduction payments pursuant to section 236(a) of the Na-*
16 *tional Housing Act (12 U.S.C. 1715z-1(a)); rent supple-*
17 *ment payments pursuant to section 101 of the Housing and*
18 *Urban Development Act of 1965 (12 U.S.C. 1701s); section*
19 *236(f)(2) rental assistance payments (12 U.S.C. 1715z-*
20 *1(f)(2)); project rental assistance contracts for the elderly*
21 *under section 202(c)(2) of the Housing Act of 1959 (12*
22 *U.S.C. 1701q); project rental assistance contracts for sup-*
23 *portive housing for persons with disabilities under section*
24 *811(d)(2) of the Cranston-Gonzalez National Affordable*
25 *Housing Act (42 U.S.C. 8013(d)(2)); project assistance con-*

1 *tracts pursuant to section 202(h) of the Housing Act of 1959*
2 *(Public Law 86–372; 73 Stat. 667); and loans under section*
3 *202 of the Housing Act of 1959 (Public Law 86–372; 73*
4 *Stat. 667): Provided further, That amounts recaptured*
5 *under this heading may be used for renewals of or amend-*
6 *ments to section 8 project-based contracts or for perform-*
7 *ance-based contract administrators, notwithstanding the*
8 *purposes for which such amounts were appropriated.*

9 *HOUSING FOR THE ELDERLY*

10 *For capital advances, including amendments to cap-*
11 *ital advance contracts, for housing for the elderly, as au-*
12 *thorized by section 202 of the Housing Act of 1959, as*
13 *amended, and for project rental assistance for the elderly*
14 *under section 202(c)(2) of such Act, including amendments*
15 *to contracts for such assistance and renewal of expiring con-*
16 *tracts for such assistance for up to a 1-year term, and for*
17 *senior preservation rental assistance contracts, as author-*
18 *ized by section 811(e) of the American Housing and Eco-*
19 *nomic Opportunity Act of 2000, as amended, and for sup-*
20 *portive services associated with the housing, \$369,627,000*
21 *to remain available until September 30, 2015: Provided,*
22 *That of the amount provided under this heading, up to*
23 *\$91,000,000 shall be for service coordinators and the con-*
24 *tinuation of existing congregate service grants for residents*
25 *of assisted housing projects, and of which up to \$20,000,000*

1 *shall be for grants under section 202b of the Housing Act*
2 *of 1959 (12 U.S.C. 1701q-2) for conversion of eligible*
3 *projects under such section to assisted living, service-en-*
4 *riched housing, or related use for substantial and emergency*
5 *repairs as determined by the Secretary: Provided further,*
6 *That amounts under this heading shall be available for Real*
7 *Estate Assessment Center inspections and inspection-related*
8 *activities associated with section 202 capital advance*
9 *projects: Provided further, That the Secretary may waive*
10 *the provisions of section 202 governing the terms and condi-*
11 *tions of project rental assistance, except that the initial con-*
12 *tract term for such assistance shall not exceed 5 years in*
13 *duration.*

14 *HOUSING FOR PERSONS WITH DISABILITIES*

15 *For capital advance contracts, including amendments*
16 *to capital advance contracts, for supportive housing for per-*
17 *sons with disabilities, as authorized by section 811 of the*
18 *Cranston-Gonzalez National Affordable Housing Act (42*
19 *U.S.C. 8013) and for project rental assistance for sup-*
20 *portive housing for persons with disabilities under section*
21 *811(d)(2) of such Act, including amendments to contracts*
22 *for such assistance and renewal of expiring contracts for*
23 *such assistance for up to a 1-year term, and for supportive*
24 *services associated with the housing for persons with dis-*
25 *abilities as authorized by section 811(b)(1) of such Act,*

1 \$150,000,000 to remain available until September 30, 2015:
2 *Provided, That the Secretary may waive the provisions of*
3 *section 811 governing the terms and conditions of project*
4 *rental assistance, except that the initial contract term for*
5 *such assistance shall not exceed 5 years in duration: Pro-*
6 *vided further, That amounts made available under this*
7 *heading shall be available for Real Estate Assessment Cen-*
8 *ter inspections and inspection-related activities associated*
9 *with section 811 Capital Advance Projects: Provided fur-*
10 *ther, That the Secretary shall conduct a demonstration pro-*
11 *gram to make available funds provided under this heading*
12 *for project rental assistance to State housing finance agen-*
13 *cies and other appropriate entities as authorized under sec-*
14 *tion 811(b)(3) of the Cranston-Gonzalez National Affordable*
15 *Housing Act (42 U.S.C. 8013(b)(3)).*

16 *HOUSING COUNSELING ASSISTANCE*

17 *For contracts, grants, and other assistance excluding*
18 *loans, as authorized under section 106 of the Housing and*
19 *Urban Development Act of 1968, as amended, \$60,000,000,*
20 *including up to \$2,500,000 for administrative contract*
21 *services, to remain available until September 30, 2012: Pro-*
22 *vided, That grants made available from amounts provided*
23 *under this heading shall be awarded within 120 days of*
24 *enactment of this Act: Provided further, That funds shall*
25 *be used for providing counseling and advice to tenants and*

1 *homeowners, both current and prospective, with respect to*
2 *property maintenance, financial management/literacy, and*
3 *such other matters as may be appropriate to assist them*
4 *in improving their housing conditions, meeting their finan-*
5 *cial needs, and fulfilling the responsibilities of tenancy or*
6 *homeownership; for program administration; and for hous-*
7 *ing counselor training.*

8 *OTHER ASSISTED HOUSING PROGRAMS*

9 *RENTAL HOUSING ASSISTANCE*

10 *For amendments to or extensions for up to 1 year of*
11 *contracts under section 101 of the Housing and Urban De-*
12 *velopment Act of 1965 (12 U.S.C. 1701s) and section*
13 *236(f)(2) of the National Housing Act (12 U.S.C. 1715z-*
14 *1) in State-aided, noninsured rental housing projects,*
15 *\$1,300,000, to remain available until expended.*

16 *RENT SUPPLEMENT*

17 *(RESCISSION)*

18 *Of the amounts recaptured from terminated contracts*
19 *under section 101 of the Housing and Urban Development*
20 *Act of 1965 (12 U.S.C. 1701s) and section 236 of the Na-*
21 *tional Housing Act (12 U.S.C. 1715z-1) \$231,600,000 are*
22 *rescinded: Provided, That no amounts may be rescinded*
23 *from amounts that were designated by the Congress as an*
24 *emergency requirement pursuant to the Concurrent Resolu-*

1 *tion on the Budget or the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985, as amended.*

3 *PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND*

4 *For necessary expenses as authorized by the National*
5 *Manufactured Housing Construction and Safety Standards*
6 *Act of 1974 (42 U.S.C. 5401 et seq.), up to \$9,000,000, to*
7 *remain available until expended, of which \$4,000,000 is to*
8 *be derived from the Manufactured Housing Fees Trust*
9 *Fund: Provided, That not to exceed the total amount appro-*
10 *priated under this heading shall be available from the gen-*
11 *eral fund of the Treasury to the extent necessary to incur*
12 *obligations and make expenditures pending the receipt of*
13 *collections to the Fund pursuant to section 620 of such Act:*
14 *Provided further, That the amount made available under*
15 *this heading from the general fund shall be reduced as such*
16 *collections are received during fiscal year 2011 so as to re-*
17 *sult in a final fiscal year 2011 appropriation from the gen-*
18 *eral fund estimated at not more than \$5,000,000 and fees*
19 *pursuant to such section 620 shall be modified as necessary*
20 *to ensure such a final fiscal year 2011 appropriation: Pro-*
21 *vided further, That for the dispute resolution and installa-*
22 *tion programs, the Secretary of Housing and Urban Devel-*
23 *opment may assess and collect fees from any program par-*
24 *ticipant: Provided further, That such collections shall be de-*
25 *posited into the Fund, and the Secretary, as provided here-*

1 *in, may use such collections, as well as fees collected under*
2 *section 620, for necessary expenses of such Act: Provided*
3 *further, That notwithstanding the requirements of section*
4 *620 of such Act, the Secretary may carry out responsibil-*
5 *ities of the Secretary under such Act through the use of ap-*
6 *proved service providers that are paid directly by the recipi-*
7 *ents of their services.*

8 *FEDERAL HOUSING ADMINISTRATION*

9 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *New commitments to guarantee single family loans in-*
12 *sured under the Mutual Mortgage Insurance Fund shall not*
13 *exceed \$400,000,000,000, to remain available until Sep-*
14 *tember 30, 2013: Provided, That during fiscal year 2012,*
15 *obligations to make direct loans to carry out the purposes*
16 *of section 204(g) of the National Housing Act, as amended,*
17 *shall not exceed \$50,000,000: Provided further, That the*
18 *foregoing amount in the previous proviso shall be for loans*
19 *to nonprofit and governmental entities in connection with*
20 *sales of single family real properties owned by the Secretary*
21 *and formerly insured under the Mutual Mortgage Insurance*
22 *Fund. For administrative contract expenses of the Federal*
23 *Housing Administration, \$206,586,000, to remain avail-*
24 *able until September 30, 2013, of which up to \$70,652,000*
25 *may be transferred to and merged with the Working Capital*

1 *Fund: Provided further, That to the extent guaranteed loan*
2 *commitments exceed \$200,000,000,000 on or before April 1,*
3 *2012, an additional \$1,400 for administrative contract ex-*
4 *penses shall be available for each \$1,000,000 in additional*
5 *guaranteed loan commitments (including a pro rata*
6 *amount for any amount below \$1,000,000), but in no case*
7 *shall funds made available by this proviso exceed*
8 *\$30,000,000.*

9 *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*

10 *During fiscal year 2012, commitments to guarantee*
11 *loans incurred under the General and Special Risk Insur-*
12 *ance Funds, as authorized by sections 238 and 519 of the*
13 *National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall*
14 *not exceed \$25,000,000,000 in total loan principal, any*
15 *part of which is to be guaranteed.*

16 *Gross obligations for the principal amount of direct*
17 *loans, as authorized by sections 204(g), 207(l), 238, and*
18 *519(a) of the National Housing Act, shall not exceed*
19 *\$20,000,000, which shall be for loans to nonprofit and gov-*
20 *ernmental entities in connection with the sale of single fam-*
21 *ily real properties owned by the Secretary and formerly in-*
22 *sured under such Act.*

1 *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*
2 *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*
3 *GUARANTEE PROGRAM ACCOUNT*

4 *New commitments to issue guarantees to carry out the*
5 *purposes of section 306 of the National Housing Act, as*
6 *amended (12 U.S.C. 1721(g)), shall not exceed*
7 *\$500,000,000,000, to remain available until September 30,*
8 *2013: Provided, That \$20,000,000 shall be available for per-*
9 *sonnel compensation and benefits, and other administrative*
10 *expenses of the Government National Mortgage Association:*
11 *Provided further, That to the extent that guaranteed loan*
12 *commitments will and do exceed \$300,000,000,000, an ad-*
13 *ditional \$100 for personnel compensation and benefits, and*
14 *administrative expenses shall be available until expended*
15 *for each \$1,000,000 in additional guaranteed loan commit-*
16 *ments (including a pro rata amount for any amount below*
17 *\$1,000,000): Provided further, That receipts from Commit-*
18 *ment and Multiclass fees collected pursuant to title III of*
19 *the National Housing Act, as amended, shall be credited*
20 *as offsetting collections to this account.*

21 *POLICY DEVELOPMENT AND RESEARCH*

22 *RESEARCH AND TECHNOLOGY*

23 *For contracts, grants, and necessary expenses of pro-*
24 *grams of research and studies relating to housing and*
25 *urban problems, not otherwise provided for, as authorized*

1 *by title V of the Housing and Urban Development Act of*
2 *1970 (12 U.S.C. 1701z-1 et seq.), including carrying out*
3 *the functions of the Secretary of Housing and Urban Devel-*
4 *opment under section 1(a)(1)(i) of Reorganization Plan No.*
5 *2 of 1968, \$45,825,000, to remain available until September*
6 *30, 2013: Provided, That with respect to amounts made*
7 *available under this heading, notwithstanding section 204*
8 *of this title, the Secretary may enter into cooperative agree-*
9 *ments funded with philanthropic entities, other Federal*
10 *agencies, or State or local governments and their agencies*
11 *for research projects: Provided further, That with respect*
12 *to the previous proviso, such partners to the cooperative*
13 *agreements must contribute at least a 50 percent match to-*
14 *ward the cost of the project: Provided further, That for non-*
15 *competitive agreements entered into in accordance with the*
16 *previous two provisos, the Secretary of Housing and Urban*
17 *Development shall comply with section 2(b) of the Federal*
18 *Funding Accountability and Transparency Act of 2006*
19 *(Public Law 109-282, 31 U.S.C. note) in lieu of compliance*
20 *with section 102(a)(4)(C) with respect to documentation of*
21 *award decisions.*

22 *FAIR HOUSING AND EQUAL OPPORTUNITY*

23 *FAIR HOUSING ACTIVITIES*

24 *For contracts, grants, and other assistance, not other-*
25 *wise provided for, as authorized by title VIII of the Civil*

1 *Rights Act of 1968, as amended by the Fair Housing*
2 *Amendments Act of 1988, and section 561 of the Housing*
3 *and Community Development Act of 1987, as amended,*
4 *\$70,847,000, to remain available until September 30, 2013,*
5 *of which \$42,500,000 shall be to carry out activities pursu-*
6 *ant to such section 561: Provided, That notwithstanding 31*
7 *U.S.C. 3302, the Secretary may assess and collect fees to*
8 *cover the costs of the Fair Housing Training Academy, and*
9 *may use such funds to provide such training: Provided fur-*
10 *ther, That no funds made available under this heading shall*
11 *be used to lobby the executive or legislative branches of the*
12 *Federal Government in connection with a specific contract,*
13 *grant or loan: Provided further, That of the funds made*
14 *available under this heading, \$300,000 shall be available*
15 *to the Secretary of Housing and Urban Development for*
16 *the creation and promotion of translated materials and*
17 *other programs that support the assistance of persons with*
18 *limited English proficiency in utilizing the services pro-*
19 *vided by the Department of Housing and Urban Develop-*
20 *ment.*

21 *OFFICE OF HEALTHY HOMES AND LEAD HAZARD*

22 *CONTROL*

23 *LEAD HAZARD REDUCTION*

24 *For the Lead Hazard Reduction Program, as author-*
25 *ized by section 1011 of the Residential Lead-Based Paint*

1 *Hazard Reduction Act of 1992, \$120,000,000, to remain*
2 *available until September 30, 2013, pursuant to sections*
3 *501 and 502 of the Housing and Urban Development Act*
4 *of 1970 that shall include research, studies, testing, and*
5 *demonstration efforts, including education and outreach*
6 *concerning lead-based paint poisoning and other housing-*
7 *related diseases and hazards: Provided, That for purposes*
8 *of environmental review, pursuant to the National Environ-*
9 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and*
10 *other provisions of the law that further the purposes of such*
11 *Act, a grant under the Healthy Homes Initiative, Oper-*
12 *ation Lead Elimination Action Plan (LEAP), or the Lead*
13 *Technical Studies program under this heading or under*
14 *prior appropriations Acts for such purposes under this*
15 *heading, shall be considered to be funds for a special project*
16 *for purposes of section 305(c) of the Multifamily Housing*
17 *Property Disposition Reform Act of 1994: Provided further,*
18 *That of the total amount made available under this head-*
19 *ing, \$45,000,000 shall be made available on a competitive*
20 *basis for areas with the highest lead paint abatement needs:*
21 *Provided further, That each recipient of funds provided*
22 *under the second proviso shall make a matching contribu-*
23 *tion in an amount not less than 25 percent: Provided fur-*
24 *ther, That the Secretary may waive the matching require-*
25 *ment cited in the preceding proviso on a case by case basis*

1 *if the Secretary determines that such a waiver is necessary*
2 *to advance the purposes of this program: Provided further,*
3 *That each applicant shall submit a detailed plan and strat-*
4 *egy that demonstrates adequate capacity that is acceptable*
5 *to the Secretary to carry out the proposed use of funds pur-*
6 *suant to a notice of funding availability: Provided further,*
7 *That amounts made available under this heading in this*
8 *or prior appropriations Acts, and that still remain avail-*
9 *able, may be used for any purpose under this heading not-*
10 *withstanding the purpose for which such amounts were ap-*
11 *propriated if a program competition is undersubscribed*
12 *and there are other program competitions under this head-*
13 *ing that are oversubscribed.*

14 *WORKING CAPITAL FUND*

15 *For additional capital for the Working Capital Fund*
16 *(42 U.S.C. 3535) for the maintenance of infrastructure for*
17 *Department-wide information technology systems, for the*
18 *continuing operation and maintenance of both Department-*
19 *wide and program-specific information systems, and for*
20 *program-related maintenance activities, \$192,475,000, to*
21 *remain available until September 30, 2013: Provided, That*
22 *any amounts transferred to this Fund under this Act shall*
23 *remain available until expended: Provided further, That*
24 *any amounts transferred to this Fund from amounts appro-*
25 *priated by previously enacted appropriations Acts may be*

1 *used for the purposes specified under this Fund, in addition*
2 *to any other information technology the purposes for which*
3 *such amounts were appropriated: Provided further, That*
4 *not more than 25 percent of the funds made available under*
5 *this heading for Development, Modernization and Enhance-*
6 *ment, including development and deployment of a Next*
7 *Generation of Voucher Management System and develop-*
8 *ment and deployment of modernized Federal Housing Ad-*
9 *ministration systems may be obligated until the Secretary*
10 *submits to the Committees on Appropriations a plan for*
11 *expenditure that—(A) identifies for each modernization*
12 *project: (i) the functional and performance capabilities to*
13 *be delivered and the mission benefits to be realized, (ii) the*
14 *estimated life-cycle cost, and (iii) key milestones to be met;*
15 *(B) demonstrates that each modernization project is: (i)*
16 *compliant with the department’s enterprise architecture,*
17 *(ii) being managed in accordance with applicable life-cycle*
18 *management policies and guidance, (iii) subject to the de-*
19 *partment’s capital planning and investment control re-*
20 *quirements, and (iv) supported by an adequately staffed*
21 *project office; and (C) has been reviewed by the Government*
22 *Accountability Office.*

23 *OFFICE OF INSPECTOR GENERAL*

24 *For necessary salaries and expenses of the Office of In-*
25 *spector General in carrying out the Inspector General Act*

1 of 1978, as amended, \$124,750,000: Provided, That the In-
2 spector General shall have independent authority over all
3 personnel issues within this office.

4 *TRANSFORMATION INITIATIVE*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *Of the amounts made available in this Act under each*
7 *of the following headings under this title, the Secretary may*
8 *transfer to, and merge with, this account up to 0.5 percent*
9 *from each such account, and such transferred amounts shall*
10 *be available until September 30, 2014, for: (1) research,*
11 *evaluation, and program metrics; (2) program demonstra-*
12 *tions; and (3) technical assistance and capacity building:*
13 *“Choice Neighborhoods Initiative”, “Housing Opportunities*
14 *for Persons With AIDS”, “Community Development*
15 *Fund”, “HOME Investment Partnerships Program”, “Self-*
16 *Help and Assisted Homeownership Opportunity Program”,*
17 *“Homeless Assistance Grants”, “Housing for the Elderly”,*
18 *“Housing for Persons With Disabilities”, “Housing Coun-*
19 *seling Assistance”, “Payment to Manufactured Housing*
20 *Fees Trust Fund”, “Mutual Mortgage Insurance Program*
21 *Account”, “Lead Hazard Reduction”, “Rental Housing As-*
22 *sistance”, and “Fair Housing Activities”: Provided, That*
23 *of the amounts made available under this paragraph, not*
24 *less than \$45,000,000 shall be available for technical assist-*
25 *ance and capacity building: Provided further, That tech-*

1 *nical assistance activities shall include, technical assistance*
2 *for HUD programs, including HOME, Community Devel-*
3 *opment Block Grant, homeless programs, HOPWA, HOPE*
4 *VI, Public Housing, the Housing Choice Voucher Program,*
5 *Fair Housing Initiative Program, Housing Counseling,*
6 *Healthy Homes, Sustainable Communities, and other tech-*
7 *nical assistance as determined by the Secretary: Provided*
8 *further, That the Secretary shall submit a plan to the House*
9 *and Senate Committees on Appropriations for approval de-*
10 *tailing how the funding provided under this heading will*
11 *be allocated to each of the four categories identified under*
12 *this heading and for what projects or activities funding will*
13 *be used: Provided further, That following the initial ap-*
14 *proval of this plan, the Secretary may amend the plan with*
15 *the approval of the House and Senate Committees on Ap-*
16 *propriations: Provided further, That with respect to*
17 *amounts made available under this heading for research,*
18 *evaluation, program metrics, and program demonstrations,*
19 *notwithstanding section 204 of this title, the Secretary may*
20 *make grants or enter into cooperative agreements that in-*
21 *clude a substantial match contribution.*

22 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*
23 *URBAN DEVELOPMENT*

24 *SEC. 201. Fifty percent of the amounts of budget au-*
25 *thority, or in lieu thereof 50 percent of the cash amounts*

1 associated with such budget authority, that are recaptured
2 from projects described in section 1012(a) of the Stewart
3 B. McKinney Homeless Assistance Amendments Act of 1988
4 (42 U.S.C. 1437 note) shall be rescinded or in the case of
5 cash, shall be remitted to the Treasury, and such amounts
6 of budget authority or cash recaptured and not rescinded
7 or remitted to the Treasury shall be used by State housing
8 finance agencies or local governments or local housing agen-
9 cies with projects approved by the Secretary of Housing and
10 Urban Development for which settlement occurred after
11 January 1, 1992, in accordance with such section. Notwith-
12 standing the previous sentence, the Secretary may award
13 up to 15 percent of the budget authority or cash recaptured
14 and not rescinded or remitted to the Treasury to provide
15 project owners with incentives to refinance their project at
16 a lower interest rate.

17 SEC. 202. None of the amounts made available under
18 this Act may be used during fiscal year 2012 to investigate
19 or prosecute under the Fair Housing Act any otherwise law-
20 ful activity engaged in by one or more persons, including
21 the filing or maintaining of a nonfrivolous legal action,
22 that is engaged in solely for the purpose of achieving or
23 preventing action by a Government official or entity, or a
24 court of competent jurisdiction.

1 *SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of*
2 *the AIDS Housing Opportunity Act (42 U.S.C.*
3 *12903(c)(1)(A)), from any amounts made available under*
4 *this title for fiscal year 2012 that are allocated under such*
5 *section, the Secretary of Housing and Urban Development*
6 *shall allocate and make a grant, in the amount determined*
7 *under subsection (b), for any State that—*

8 *(1) received an allocation in a prior fiscal year*
9 *under clause (ii) of such section; and*

10 *(2) is not otherwise eligible for an allocation for*
11 *fiscal year 2012 under such clause (ii) because the*
12 *areas in the State outside of the metropolitan statis-*
13 *tical areas that qualify under clause (i) in fiscal year*
14 *2011 do not have the number of cases of acquired im-*
15 *munodeficiency syndrome (AIDS) required under*
16 *such clause.*

17 *(b) The amount of the allocation and grant for any*
18 *State described in subsection (a) shall be an amount based*
19 *on the cumulative number of AIDS cases in the areas of*
20 *that State that are outside of metropolitan statistical areas*
21 *that qualify under clause (i) of such section 854(c)(1)(A)*
22 *in fiscal year 2012, in proportion to AIDS cases among*
23 *cities and States that qualify under clauses (i) and (ii) of*
24 *such section and States deemed eligible under subsection*
25 *(a).*

1 (c) 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 the city of New York, New York, on behalf
5 of the New York-Wayne-White Plains, New York-New Jersey
6 Metropolitan Division (hereafter “metropolitan division”)
7 of the New York-Newark-Edison, NY–NJ–PA Metropolitan
8 Statistical Area, shall be adjusted by the Secretary of Hous-
9 ing and Urban Development by:

10 (1) allocating to the city of Jersey City, New
11 Jersey, the proportion of the metropolitan area’s or
12 division’s amount that is based on the number of
13 cases of AIDS reported in the portion of the metro-
14 politan area or division that is located in Hudson
15 County, New Jersey, and adjusting for the proportion
16 of the metropolitan division’s high-incidence bonus if
17 this area in New Jersey also has a higher than aver-
18 age per capita incidence of AIDS; and

19 (2) allocating to the city of Paterson, New Jer-
20 sey, the proportion of the metropolitan area’s or divi-
21 sion’s amount that is based on the number of cases of
22 AIDS reported in the portion of the metropolitan
23 area or division that is located in Bergen County and
24 Passaic County, New Jersey, and adjusting for the
25 proportion of the metropolitan division’s high inci-

1 *dence bonus if this area in New Jersey also has a*
2 *higher than average per capita incidence of AIDS.*
3 *The recipient cities shall use amounts allocated under*
4 *this subsection to carry out eligible activities under*
5 *section 855 of the AIDS Housing Opportunity Act*
6 *(42 U.S.C. 12904) in their respective portions of the*
7 *metropolitan division that is located in New Jersey.*

8 *(d) Notwithstanding any other provision of law, the*
9 *amount allocated for fiscal year 2012 under section 854(c)*
10 *of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c))*
11 *to areas with a higher than average per capita incidence*
12 *of AIDS, shall be adjusted by the Secretary on the basis*
13 *of area incidence reported over a 3-year period.*

14 *SEC. 204. Except as explicitly provided in law, any*
15 *grant, cooperative agreement or other assistance made pur-*
16 *suant to title II of this Act shall be made on a competitive*
17 *basis and in accordance with section 102 of the Department*
18 *of Housing and Urban Development Reform Act of 1989*
19 *(42 U.S.C. 3545).*

20 *SEC. 205. Funds of the Department of Housing and*
21 *Urban Development subject to the Government Corporation*
22 *Control Act or section 402 of the Housing Act of 1950 shall*
23 *be available, without regard to the limitations on adminis-*
24 *trative expenses, for legal services on a contract or fee basis,*
25 *and for utilizing and making payment for services and fa-*

1 *cilities of the Federal National Mortgage Association, Gov-*
2 *ernment National Mortgage Association, Federal Home*
3 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*
4 *eral Reserve banks or any member thereof, Federal Home*
5 *Loan banks, and any insured bank within the meaning of*
6 *the Federal Deposit Insurance Corporation Act, as amended*
7 *(12 U.S.C. 1811–1).*

8 *SEC. 206. Unless otherwise provided for in this Act*
9 *or through a reprogramming of funds, no part of any ap-*
10 *propriation for the Department of Housing and Urban De-*
11 *velopment shall be available for any program, project or*
12 *activity in excess of amounts set forth in the budget esti-*
13 *mates submitted to Congress.*

14 *SEC. 207. Corporations and agencies of the Depart-*
15 *ment of Housing and Urban Development which are subject*
16 *to the Government Corporation Control Act are hereby au-*
17 *thorized to make such expenditures, within the limits of*
18 *funds and borrowing authority available to each such cor-*
19 *poration or agency and in accordance with law, and to*
20 *make such contracts and commitments without regard to*
21 *fiscal year limitations as provided by section 104 of such*
22 *Act as may be necessary in carrying out the programs set*
23 *forth in the budget for 2012 for such corporation or agency*
24 *except as hereinafter provided: Provided, That collections*
25 *of these corporations and agencies may be used for new loan*

1 *or mortgage purchase commitments only to the extent ex-*
2 *pressly provided for in this Act (unless such loans are in*
3 *support of other forms of assistance provided for in this or*
4 *prior appropriations Acts), except that this proviso shall*
5 *not apply to the mortgage insurance or guaranty operations*
6 *of these corporations, or where loans or mortgage purchases*
7 *are necessary to protect the financial interest of the United*
8 *States Government.*

9 *SEC. 208. The Secretary of Housing and Urban Devel-*
10 *opment shall provide quarterly reports to the House and*
11 *Senate Committees on Appropriations regarding all uncom-*
12 *mited, unobligated, recaptured and excess funds in each*
13 *program and activity within the jurisdiction of the Depart-*
14 *ment and shall submit additional, updated budget informa-*
15 *tion to these Committees upon request.*

16 *SEC. 209. (a) Notwithstanding any other provision of*
17 *law, the amount allocated for fiscal year 2012 under section*
18 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
19 *12903(c)), to the city of Wilmington, Delaware, on behalf*
20 *of the Wilmington, Delaware-Maryland-New Jersey Metro-*
21 *politan Division (hereafter “metropolitan division”), shall*
22 *be adjusted by the Secretary of Housing and Urban Devel-*
23 *opment by allocating to the State of New Jersey the propor-*
24 *tion of the metropolitan division’s amount that is based on*
25 *the number of cases of AIDS reported in the portion of the*

1 *metropolitan division that is located in New Jersey, and*
2 *adjusting for the proportion of the metropolitan division's*
3 *high incidence bonus if this area in New Jersey also has*
4 *a higher than average per capita incidence of AIDS. The*
5 *State of New Jersey shall use amounts allocated to the State*
6 *under this subsection to carry out eligible activities under*
7 *section 855 of the AIDS Housing Opportunity Act (42*
8 *U.S.C. 12904) in the portion of the metropolitan division*
9 *that is located in New Jersey.*

10 *(b) Notwithstanding any other provision of law, the*
11 *Secretary of Housing and Urban Development shall allocate*
12 *to Wake County, North Carolina, the amounts that other-*
13 *wise would be allocated for fiscal year 2012 under section*
14 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
15 *12903(c)) to the city of Raleigh, North Carolina, on behalf*
16 *of the Raleigh-Cary North Carolina Metropolitan Statis-*
17 *tical Area. Any amounts allocated to Wake County shall*
18 *be used to carry out eligible activities under section 855*
19 *of such Act (42 U.S.C. 12904) within such metropolitan sta-*
20 *tistical area.*

21 *(c) Notwithstanding section 854(c) of the AIDS Hous-*
22 *ing Opportunity Act (42 U.S.C. 12903(c)), the Secretary*
23 *of Housing and Urban Development may adjust the alloca-*
24 *tion of the amounts that otherwise would be allocated for*
25 *fiscal year 2012 under section 854(c) of such Act, upon the*

1 *written request of an applicant, in conjunction with the*
2 *State(s), for a formula allocation on behalf of a metropoli-*
3 *tan statistical area, to designate the State or States in*
4 *which the metropolitan statistical area is located as the eli-*
5 *gible grantee(s) of the allocation. In the case that a metro-*
6 *politan statistical area involves more than one State, such*
7 *amounts allocated to each State shall be in proportion to*
8 *the number of cases of AIDS reported in the portion of the*
9 *metropolitan statistical area located in that State. Any*
10 *amounts allocated to a State under this section shall be used*
11 *to carry out eligible activities within the portion of the met-*
12 *ropolitan statistical area located in that State.*

13 *SEC. 210. The President's formal budget request for fis-*
14 *cal year 2013, as well as the Department of Housing and*
15 *Urban Development's congressional budget justifications to*
16 *be submitted to the Committees on Appropriations of the*
17 *House of Representatives and the Senate, shall use the iden-*
18 *tical account and sub-account structure provided under this*
19 *Act.*

20 *SEC. 211. A public housing agency or such other entity*
21 *that administers Federal housing assistance for the Housing*
22 *Authority of the county of Los Angeles, California, the*
23 *States of Alaska, Iowa, and Mississippi shall not be re-*
24 *quired to include a resident of public housing or a recipient*
25 *of assistance provided under section 8 of the United States*

1 *Housing Act of 1937 on the board of directors or a similar*
2 *governing board of such agency or entity as required under*
3 *section (2)(b) of such Act. Each public housing agency or*
4 *other entity that administers Federal housing assistance*
5 *under section 8 for the Housing Authority of the county*
6 *of Los Angeles, California and the States of Alaska, Iowa*
7 *and Mississippi that chooses not to include a resident of*
8 *public housing or a recipient of section 8 assistance on the*
9 *board of directors or a similar governing board shall estab-*
10 *lish an advisory board of not less than six residents of pub-*
11 *lic housing or recipients of section 8 assistance to provide*
12 *advice and comment to the public housing agency or other*
13 *administering entity on issues related to public housing and*
14 *section 8. Such advisory board shall meet not less than*
15 *quarterly.*

16 *SEC. 212. (a) Notwithstanding any other provision of*
17 *law, subject to the conditions listed in subsection (b), for*
18 *fiscal years 2012 and 2013, the Secretary of Housing and*
19 *Urban Development may authorize the transfer of some or*
20 *all project-based assistance, debt and statutorily required*
21 *low-income and very low-income use restrictions, associated*
22 *with one or more multifamily housing project to another*
23 *multifamily housing project or projects.*

24 *(b) PHASED TRANSFERS.—Transfers of project-based*
25 *assistance under this section may be done in phases to ac-*

1 *commodate the financing and other requirements related to*
2 *rehabilitating or constructing the project or projects to*
3 *which the assistance is transferred, to ensure that such*
4 *project or projects meet the standards under section (c).*

5 *(c) The transfer authorized in subsection (a) is subject*
6 *to the following conditions:*

7 *(1) NUMBER AND BEDROOM SIZE OF UNITS.—*

8 *(A) For occupied units in the transferring*
9 *project: the number of low-income and very low-*
10 *income units and the configuration (i.e. bedroom*
11 *size) provided by the transferring project shall be*
12 *no less than when transferred to the receiving*
13 *project or projects and the net dollar amount of*
14 *Federal assistance provided by the transferring*
15 *project shall remain the same in the receiving*
16 *project or projects.*

17 *(B) For unoccupied units in the transfer-*
18 *ring project: the Secretary may authorize a re-*
19 *duction in the number of dwelling units in the*
20 *receiving project or projects to allow for a recon-*
21 *figuration of bedroom sizes to meet current mar-*
22 *ket demands, as determined by the Secretary and*
23 *provided there is no increase in the project-based*
24 *section 8 budget authority.*

1 (2) *The transferring project shall, as determined*
2 *by the Secretary, be either physically obsolete or eco-*
3 *nomically nonviable.*

4 (3) *The receiving project or projects shall meet or*
5 *exceed applicable physical standards established by*
6 *the Secretary.*

7 (4) *The owner or mortgagor of the transferring*
8 *project shall notify and consult with the tenants re-*
9 *siding in the transferring project and provide a cer-*
10 *tification of approval by all appropriate local govern-*
11 *mental officials.*

12 (5) *The tenants of the transferring project who*
13 *remain eligible for assistance to be provided by the re-*
14 *ceiving project or projects shall not be required to va-*
15 *cate their units in the transferring project or projects*
16 *until new units in the receiving project are available*
17 *for occupancy.*

18 (6) *The Secretary determines that this transfer is*
19 *in the best interest of the tenants.*

20 (7) *If either the transferring project or the re-*
21 *ceiving project or projects meets the condition speci-*
22 *fied in subsection (d)(2)(A), any lien on the receiving*
23 *project resulting from additional financing obtained*
24 *by the owner shall be subordinate to any FHA-in-*
25 *sured mortgage lien transferred to, or placed on, such*

1 *project by the Secretary, except that the Secretary*
2 *may waive this requirement upon determination that*
3 *such a waiver is necessary to facilitate the financing*
4 *of acquisition, construction, and/or rehabilitation of*
5 *the receiving project or projects.*

6 *(8) If the transferring project meets the require-*
7 *ments of subsection (c)(2)(E), the owner or mortgagor*
8 *of the receiving project or projects shall execute and*
9 *record either a continuation of the existing use agree-*
10 *ment or a new use agreement for the project where,*
11 *in either case, any use restrictions in such agreement*
12 *are of no lesser duration than the existing use restric-*
13 *tions.*

14 *(d) For purposes of this section—*

15 *(1) the terms “low-income” and “very low-in-*
16 *come” shall have the meanings provided by the statute*
17 *and/or regulations governing the program under*
18 *which the project is insured or assisted;*

19 *(2) the term “multifamily housing project”*
20 *means housing that meets one of the following condi-*
21 *tions—*

22 *(A) housing that is subject to a mortgage*
23 *insured under the National Housing Act;*

24 *(B) housing that has project-based assist-*
25 *ance attached to the structure including projects*

1 *undergoing mark to market debt restructuring*
2 *under the Multifamily Assisted Housing Reform*
3 *and Affordability Housing Act;*

4 (C) *housing that is assisted under section*
5 *202 of the Housing Act of 1959 as amended by*
6 *section 801 of the Cranston-Gonzales National*
7 *Affordable Housing Act;*

8 (D) *housing that is assisted under section*
9 *202 of the Housing Act of 1959, as such section*
10 *existed before the enactment of the Cranston-*
11 *Gonzales National Affordable Housing Act; or*

12 (E) *housing or vacant land that is subject*
13 *to a use agreement;*

14 (3) *the term “project-based assistance” means—*

15 (A) *assistance provided under section 8(b)*
16 *of the United States Housing Act of 1937;*

17 (B) *assistance for housing constructed or*
18 *substantially rehabilitated pursuant to assistance*
19 *provided under section 8(b)(2) of such Act (as*
20 *such section existed immediately before October*
21 *1, 1983);*

22 (C) *rent supplement payments under sec-*
23 *tion 101 of the Housing and Urban Development*
24 *Act of 1965;*

1 (D) interest reduction payments under sec-
2 tion 236 and/or additional assistance payments
3 under section 236(f)(2) of the National Housing
4 Act;

5 (E) assistance payments made under sec-
6 tion 202(c)(2) of the Housing Act of 1959; and

7 (F) assistance payments made under section
8 811(d)(2) of the Housing Act of 1959;

9 (4) the term “receiving project or projects”
10 means the multifamily housing project or projects to
11 which some or all of the project-based assistance, debt,
12 and statutorily required use low-income and very
13 low-income restrictions are to be transferred;

14 (5) the term “transferring project” means the
15 multifamily housing project which is transferring
16 some or all of the project-based assistance, debt and
17 the statutorily required low-income and very low-in-
18 come use restrictions to the receiving project or
19 projects; and

20 (6) the term “Secretary” means the Secretary of
21 Housing and Urban Development.

22 SEC. 213. The funds made available for Native Alas-
23 kans under the heading “Native American Housing Block
24 Grants” in title III of this Act shall be allocated to the same

1 *Native Alaskan housing block grant recipients that received*
2 *funds in fiscal year 2005.*

3 *SEC. 214. No funds provided under this title may be*
4 *used for an audit of the Government National Mortgage As-*
5 *sociation that makes applicable requirements under the*
6 *Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).*

7 *SEC. 215. (a) No assistance shall be provided under*
8 *section 8 of the United States Housing Act of 1937 (42*
9 *U.S.C. 1437f) to any individual who—*

10 *(1) is enrolled as a student at an institution of*
11 *higher education (as defined under section 102 of the*
12 *Higher Education Act of 1965 (20 U.S.C. 1002));*

13 *(2) is under 24 years of age;*

14 *(3) is not a veteran;*

15 *(4) is unmarried;*

16 *(5) does not have a dependent child;*

17 *(6) is not a person with disabilities, as such*
18 *term is defined in section 3(b)(3)(E) of the United*
19 *States Housing Act of 1937 (42 U.S.C.*
20 *1437a(b)(3)(E)) and was not receiving assistance*
21 *under such section 8 as of November 30, 2005; and*

22 *(7) is not otherwise individually eligible, or has*
23 *parents who, individually or jointly, are not eligible,*
24 *to receive assistance under section 8 of the United*
25 *States Housing Act of 1937 (42 U.S.C. 1437f).*

1 **(b)** *For purposes of determining the eligibility of a per-*
2 *son to receive assistance under section 8 of the United States*
3 *Housing Act of 1937 (42 U.S.C. 1437f), any financial as-*
4 *sistance (in excess of amounts received for tuition) that an*
5 *individual receives under the Higher Education Act of 1965*
6 *(20 U.S.C. 1001 et seq.), from private sources, or an institu-*
7 *tion of higher education (as defined under the Higher Edu-*
8 *cation Act of 1965 (20 U.S.C. 1002)), shall be considered*
9 *income to that individual, except for a person over the age*
10 *of 23 with dependent children.*

11 **SEC. 216.** *Notwithstanding the limitation in the first*
12 *sentence of section 255(g) of the National Housing Act (12*
13 *U.S.C. 1715z–g), the Secretary of Housing and Urban De-*
14 *velopment may, until September 30, 2012, insure and enter*
15 *into commitments to insure mortgages under section 255(g)*
16 *of the National Housing Act (12 U.S.C. 1715z–20).*

17 **SEC. 217.** *Notwithstanding any other provision of law,*
18 *in fiscal year 2011, in managing and disposing of any mul-*
19 *tifamily property that is owned or has a mortgage held by*
20 *the Secretary of Housing and Urban Development, and dur-*
21 *ing the process of foreclosure on any property with a con-*
22 *tract for rental assistance payments under section 8 of the*
23 *United States Housing Act of 1937 or other Federal pro-*
24 *grams, the Secretary shall maintain any rental assistance*
25 *payments under section 8 of the United States Housing Act*

1 of 1937 and other programs that are attached to any dwell-
2 ing units in the property. To the extent the Secretary deter-
3 mines, in consultation with the tenants and the local gov-
4 ernment, that such a multifamily property owned or held
5 by the Secretary is not feasible for continued rental assist-
6 ance payments under such section 8 or other programs,
7 based on consideration of (1) the costs of rehabilitating and
8 operating the property and all available Federal, State, and
9 local resources, including rent adjustments under section
10 524 of the Multifamily Assisted Housing Reform and Af-
11 fordability Act of 1997 (“MAHRAA”) and (2) environ-
12 mental conditions that cannot be remedied in a cost-effec-
13 tive fashion, the Secretary may, in consultation with the
14 tenants of that property, contract for project-based rental
15 assistance payments with an owner or owners of other exist-
16 ing housing properties, or provide other rental assistance.
17 The Secretary shall also take appropriate steps to ensure
18 that project-based contracts remain in effect prior to fore-
19 closure, subject to the exercise of contractual abatement rem-
20 edies to assist relocation of tenants for imminent major
21 threats to health and safety after written notice to and in-
22 formed consent of the affected tenants and use of other avail-
23 able remedies, such as partial abatements or receivership.
24 After disposition of any multifamily property described
25 under this section, the contract and allowable rent levels

1 *on such properties shall be subject to the requirements under*
2 *section 524 of MAHRAA.*

3 *SEC. 218. During fiscal year 2012, in the provision*
4 *of rental assistance under section 8(o) of the United States*
5 *Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection*
6 *with a program to demonstrate the economy and effective-*
7 *ness of providing such assistance for use in assisted living*
8 *facilities that is carried out in the counties of the State of*
9 *Michigan notwithstanding paragraphs (3) and (18)(B)(iii)*
10 *of such section 8(o), a family residing in an assisted living*
11 *facility in any such county, on behalf of which a public*
12 *housing agency provides assistance pursuant to section*
13 *8(o)(18) of such Act, may be required, at the time the family*
14 *initially receives such assistance, to pay rent in an amount*
15 *exceeding 40 percent of the monthly adjusted income of the*
16 *family by such a percentage or amount as the Secretary*
17 *of Housing and Urban Development determines to be ap-*
18 *propriate.*

19 *SEC. 219. The Secretary of Housing and Urban Devel-*
20 *opment shall report quarterly to the House of Representa-*
21 *tives and Senate Committees on Appropriations on HUD's*
22 *use of all sole-source contracts, including terms of the con-*
23 *tracts, cost, and a substantive rationale for using a sole-*
24 *source contract.*

1 *SEC. 220. Notwithstanding any other provision of law,*
2 *the recipient of a grant under section 202b of the Housing*
3 *Act of 1959 (12 U.S.C. 1701q) after December 26, 2000,*
4 *in accordance with the unnumbered paragraph at the end*
5 *of section 202(b) of such Act, may, at its option, establish*
6 *a single-asset nonprofit entity to own the project and may*
7 *lend the grant funds to such entity, which may be a private*
8 *nonprofit organization described in section 831 of the*
9 *American Homeownership and Economic Opportunity Act*
10 *of 2000.*

11 *SEC. 221. (a) The amounts provided under the sub-*
12 *heading “Program Account” under the heading “Commu-*
13 *nity Development Loan Guarantees” may be used to guar-*
14 *antee, or make commitments to guarantee, notes, or other*
15 *obligations issued by any State on behalf of nonentitlement*
16 *communities in the State in accordance with the require-*
17 *ments of section 108 of the Housing and Community Devel-*
18 *opment Act of 1974 in fiscal year 2012 and subsequent*
19 *years: Provided, That, any State receiving such a guarantee*
20 *or commitment shall distribute all funds subject to such*
21 *guarantee to the units of general local government in non-*
22 *entitlement areas that received the commitment.*

23 *(b) Not later than 60 days after the date of enactment*
24 *of this Act, the Secretary of Housing and Urban Develop-*

1 *ment shall promulgate regulations governing the adminis-*
2 *tration of the funds described under subsection (a).*

3 *SEC. 222. Section 24 of the United States Housing Act*
4 *of 1937 (42 U.S.C. 1437v) is amended—*

5 *(1) in subsection (m)(1), by striking “fiscal*
6 *year” and all that follows through the period at the*
7 *end and inserting “fiscal year 2012.”; and*

8 *(2) in subsection (o), by striking “September”*
9 *and all that follows through the period at the end and*
10 *inserting “September 30, 2012.”.*

11 *SEC. 223. Public housing agencies that own and oper-*
12 *ate 400 or fewer public housing units may elect to be exempt*
13 *from any asset management requirement imposed by the*
14 *Secretary of Housing and Urban Development in connec-*
15 *tion with the operating fund rule: Provided, That an agency*
16 *seeking a discontinuance of a reduction of subsidy under*
17 *the operating fund formula shall not be exempt from asset*
18 *management requirements.*

19 *SEC. 224. With respect to the use of amounts provided*
20 *in this Act and in future Acts for the operation, capital*
21 *improvement and management of public housing as author-*
22 *ized by sections 9(d) and 9(e) of the United States Housing*
23 *Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary*
24 *shall not impose any requirement or guideline relating to*
25 *asset management that restricts or limits in any way the*

1 *use of capital funds for central office costs pursuant to sec-*
2 *tion 9(g)(1) or 9(g)(2) of the United States Housing Act*
3 *of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a pub-*
4 *lic housing agency may not use capital funds authorized*
5 *under section 9(d) for activities that are eligible under sec-*
6 *tion 9(e) for assistance with amounts from the operating*
7 *fund in excess of the amounts permitted under section*
8 *9(g)(1) or 9(g)(2).*

9 *SEC. 225. No official or employee of the Department*
10 *of Housing and Urban Development shall be designated as*
11 *an allotment holder unless the Office of the Chief Financial*
12 *Officer has determined that such allotment holder has im-*
13 *plemented an adequate system of funds control and has re-*
14 *ceived training in funds control procedures and directives.*
15 *The Chief Financial Officer shall ensure that, not later than*
16 *90 days after the date of enactment of this Act, a trained*
17 *allotment holder shall be designated for each HUD sub-*
18 *account under the heading “Administration, Operations,*
19 *and Management” as well as each account receiving appro-*
20 *priations for “Program Office Salaries and Expenses”*
21 *within the Department of Housing and Urban Develop-*
22 *ment.*

23 *SEC. 226. The Secretary of Housing and Urban Devel-*
24 *opment shall report quarterly to the House and Senate*
25 *Committees on Appropriations on the status of all section*

1 8 project-based housing, including the number of all project-
2 based units by region as well as an analysis of all federally
3 subsidized housing being refinanced under the Mark-to-
4 Market program. The Secretary shall in the report identify
5 all existing units maintained by region as section 8 project-
6 based units and all project-based units that have opted out
7 of section 8 or have otherwise been eliminated as section
8 8 project-based units. The Secretary shall identify in detail
9 and by project all the efforts made by the Department to
10 preserve all section 8 project-based housing units and all
11 the reasons for any units which opted out or otherwise were
12 lost as section 8 project-based units. Such analysis shall in-
13 clude a review of the impact of the loss of any subsidized
14 units in that housing marketplace, such as the impact of
15 cost and the loss of available subsidized, low-income housing
16 in areas with scarce housing resources for low-income fami-
17 lies.

18 *SEC. 227. Payment of attorney fees in program-related*
19 *litigation must be paid from individual program office per-*
20 *sonnel benefits and compensation funding. The annual*
21 *budget submission for program office personnel benefit and*
22 *compensation funding must include program-related litiga-*
23 *tion costs for attorney fees as a separate line item request.*

24 *SEC. 228. The Secretary of the Department of Housing*
25 *and Urban Development shall for fiscal year 2012 and sub-*

1 *sequent fiscal years, notify the public through the Federal*
2 *Register and other means, as determined appropriate, of*
3 *the issuance of a notice of the availability of assistance or*
4 *notice of funding availability (NOFA) for any program or*
5 *discretionary fund administered by the Secretary that is*
6 *to be competitively awarded. Notwithstanding any other*
7 *provision of law, for fiscal year 2012 and subsequent fiscal*
8 *years, the Secretary may make the NOFA available only*
9 *on the Internet at the appropriate Government Web site or*
10 *through other electronic media, as determined by the Sec-*
11 *retary.*

12 *SEC. 229. No property identified by the Secretary of*
13 *Housing and Urban Development as surplus Federal prop-*
14 *erty for use to assist the homeless shall be made available*
15 *to any homeless group unless the group is a member in good*
16 *standing under any of HUD's homeless assistance programs*
17 *or is in good standing with any other program which re-*
18 *ceives funds from any other Federal or State agency or enti-*
19 *ty: Provided, That an exception may be made for an entity*
20 *not involved with Federal homeless programs to use surplus*
21 *Federal property for the homeless only after the Secretary*
22 *or another responsible Federal agency has fully and com-*
23 *prehensively reviewed all relevant finances of the entity, the*
24 *track record of the entity in assisting the homeless, the abil-*
25 *ity of the entity to manage the property, including all costs,*

1 *the ability of the entity to administer homeless programs*
2 *in a manner that is effective to meet the needs of the home-*
3 *less population that is expected to use the property and any*
4 *other related issues that demonstrate a commitment to as-*
5 *sist the homeless: Provided further, That the Secretary shall*
6 *not require the entity to have cash in hand in order to dem-*
7 *onstrate financial ability but may rely on the entity's prior*
8 *demonstrated fund-raising ability or commitments for in-*
9 *kind donations of goods and services: Provided further, That*
10 *the Secretary shall make all such information and its deci-*
11 *sion regarding the award of the surplus property available*
12 *to the committees of jurisdiction, including a full justifica-*
13 *tion of the appropriateness of the use of the property to as-*
14 *sist the homeless as well as the appropriateness of the group*
15 *seeking to obtain the property to use such property to assist*
16 *the homeless: Provided further, That, this section shall*
17 *apply to properties in fiscal years 2011 and 2012 made*
18 *available as surplus Federal property for use to assist the*
19 *homeless.*

20 *SEC. 230. The Secretary of the Department of Housing*
21 *and Urban Development is authorized to transfer up to 5*
22 *percent or \$5,000,000, whichever is less, of the funds made*
23 *available for salaries and expenses under any account or*
24 *any set-aside within any account under this title under the*
25 *general heading "Program Office Salaries and Expenses",*

1 *and under the account heading “Administration, Oper-*
2 *ations and Management”, to any other such account or any*
3 *other such set-aside within any such account: Provided,*
4 *That no appropriation for salaries and expenses in any*
5 *such account or set-aside shall be increased or decreased by*
6 *more than 5 percent or \$5,000,000, whichever is less, with-*
7 *out prior written approval of the House and Senate Com-*
8 *mittees on Appropriations.*

9 *SEC. 231. The Disaster Housing Assistance Programs,*
10 *administered by the Department of Housing and Urban De-*
11 *velopment, shall be considered a “program of the Depart-*
12 *ment of Housing and Urban Development” under section*
13 *904 of the McKinney Act for the purpose of income*
14 *verifications and matching.*

15 *SEC. 232. Of the amounts made available for salaries*
16 *and expenses under all accounts under this title (except for*
17 *the Office of Inspector General account), a total of up to*
18 *\$10,000,000 may be transferred to and merged with*
19 *amounts made available in the “Working Capital Fund”*
20 *account under this title.*

21 *SEC. 233. Title II of division I of Public Law 108–*
22 *447 and title III of Public Law 109–115 are each amended*
23 *by striking the item related to “Flexible Subsidy Fund”.*

24 *SEC. 234. The Secretary of Housing and Urban Devel-*
25 *opment may increase, pursuant to this section, the number*

1 *of Moving-to-Work agencies authorized under section 204,*
2 *title II, of the Departments of Veterans Affairs and Housing*
3 *and Urban Development and Independent Agencies Appro-*
4 *priations Act, 1996 (Public Law 104–134; 110 Stat. 1321)*
5 *by adding to the program up to three Public Housing Agen-*
6 *cies that are High Performing Agencies under the Public*
7 *Housing Assessment System (PHAS) or the Section Eight*
8 *Management Assessment Program (SEMAP). No PHA shall*
9 *be granted this designation through this section that admin-*
10 *isters in excess of 20,000 aggregate housing vouchers and*
11 *public housing units. No PHA granted this designation*
12 *through this section shall receive more funding under sec-*
13 *tions 8 or 9 of the United States Housing Act of 1937 than*
14 *they otherwise would have received absent this designation.*
15 *In addition to other reporting requirements, all Moving-to-*
16 *Work agencies shall report financial data to the Depart-*
17 *ment of Housing and Urban Development as specified by*
18 *the Secretary, so that the effect of Moving-to-Work policy*
19 *changes can be measured.*

20 *SEC. 235. Of the unobligated balances remaining from*
21 *funds appropriated under the heading “Tenant-Based*
22 *Rental Assistance” under the “Full-Year Continuing Ap-*
23 *propriations Act, 2011”, \$750,000,000 are rescinded from*
24 *the \$4,000,000,000 which are available on October 1, 2011:*
25 *Provided, That such amounts may be derived from reduc-*

1 *tions to public housing agencies' calendar year 2012 alloca-*
2 *tions based on the excess amounts of public housing agen-*
3 *cies' net restricted assets accounts, including the net re-*
4 *stricted assets of MTW agencies (in accordance with VMS*
5 *data in calendar year 2011 that is verifiable and complete),*
6 *as determined by the Secretary: Provided further, That in*
7 *making such adjustments, the Secretary shall preserve pub-*
8 *lic housing authority reserves at no less than one month,*
9 *to the extent practicable.*

10 *SEC. 236. The United States Housing Act of 1937 (42*
11 *U.S.C. 1437) is amended—*

12 *(1) in section 3(a)(1) by inserting before the pe-*
13 *riod at the end of the second sentence the following:*
14 *“, except in the case of any family with a fixed in-*
15 *come, as defined by the Secretary, after the initial re-*
16 *view of the family's income, the public housing agen-*
17 *cy or owner shall not be required to conduct a review*
18 *of the family's income for any year for which such*
19 *family certifies, in accordance with such requirements*
20 *as the Secretary shall establish, that 90 percent or*
21 *more of the income of the family consists of fixed in-*
22 *come, and that the sources of such income have not*
23 *changed since the previous year, except that the public*
24 *housing agency or owner shall conduct a review of*

1 *each such family's income not less than once every 3*
2 *years”;*

3 *(2) in section 3(b)(2) by inserting after the sec-*
4 *ond sentence the following new sentence: “The term*
5 *‘extremely low-income families’ means very low-in-*
6 *come families whose incomes do not exceed the higher*
7 *of (A) the poverty guidelines updated periodically by*
8 *the Department of Health and Human Services under*
9 *the authority of section 673(2) of the Community*
10 *Services Block Grant Act (42 U.S.C. 9902(2)), appli-*
11 *cable to a family of the size involved; or (B) 30 per-*
12 *cent of the median family income for the area, as de-*
13 *termined by the Secretary, with adjustments for*
14 *smaller and larger families, except that the Secretary*
15 *may establish income ceilings higher or lower than 30*
16 *percent of the median for the area on the basis of the*
17 *Secretary’s findings that such variations are nec-*
18 *essary because of unusually high or low family in-*
19 *comes, and except that clause (A) of this sentence*
20 *shall not apply in the case of public housing agencies*
21 *located in Puerto Rico or any other territory or pos-*
22 *session of the United States.”;*

23 *(3) in paragraph (2) of section 3(b) by adding*
24 *at the end the following new sentence: “The Secretary*
25 *shall periodically, but not less than annually, deter-*

1 *mine or establish area median incomes and income*
2 *ceilings and limits in accordance with this para-*
3 *graph”;*

4 *(4) in section 3(b)(5)(A)—*

5 *(A) in clause (i) by striking “\$400” and in-*
6 *serting in lieu thereof “\$675”; and*

7 *(B) in clause (ii), in the matter preceding*
8 *subclause (I), by striking “3 percent” and insert-*
9 *ing in lieu thereof “10 percent”;*

10 *(5) in paragraph (1) of section 8(c)—*

11 *(A) by inserting “(A)” after the paragraph*
12 *designation;*

13 *(B) by striking the fourth, fifth, seventh,*
14 *eighth, ninth, and tenth sentences; and*

15 *(C) by adding at the end the following:*

16 *“(B) Fair market rentals for an area shall*
17 *be published not less than annually by the Sec-*
18 *retary on the Department’s Web site and in any*
19 *other manner specified by the Secretary. The*
20 *Secretary shall publish notice of the publication*
21 *of such fair market rentals in the Federal Reg-*
22 *ister, and such fair market rentals shall become*
23 *effective no earlier than 30 days after the date of*
24 *such publication. The Secretary shall establish a*
25 *procedure for public housing agencies and other*

1 *interested parties to comment on such fair mar-*
2 *ket rentals and to request, within a time speci-*
3 *fied by the Secretary, reevaluation of the fair*
4 *market rental in a jurisdiction. The Secretary*
5 *shall publish for comment in the Federal Reg-*
6 *ister notices of proposed material changes in the*
7 *methodology for estimating fair market rentals*
8 *and notices specifying the final decisions regard-*
9 *ing such proposed substantial methodological*
10 *changes and responses to public comments.”;*

11 *(6) in subparagraph (B) of section 8(o)(1) by in-*
12 *serting before the period at the end the following: “,*
13 *except that no public housing agency shall be required*
14 *as a result of a reduction in the fair market rental*
15 *to reduce the payment standard applied to a family*
16 *continuing to reside in a unit for which the family*
17 *was receiving assistance under this section at the time*
18 *the fair market rental was reduced. The Secretary*
19 *shall allow public housing agencies to request excep-*
20 *tion payment standards within fair market rental*
21 *areas subject to criteria and procedures established by*
22 *the Secretary”;*

23 *(7) in subparagraph (D) of section 8(o)(1) by in-*
24 *serting before the period at the end the following: “ex-*
25 *cept that a public housing agency may establish a*

1 *payment standard of not more than 120 percent of*
2 *the fair market rent, where necessary, as a reasonable*
3 *accommodation for a person with a disability, with-*
4 *out approval of the Secretary. A public housing agen-*
5 *cy may seek approval of the Secretary to use a pay-*
6 *ment standard greater than 120 percent of the fair*
7 *market rent as a reasonable accommodation for a dis-*
8 *abled family or other family with a person with a*
9 *disability. In connection with the use of any in-*
10 *creased payment standard established or approved*
11 *pursuant to either of the preceding two sentences as*
12 *a reasonable accommodation for a person with a dis-*
13 *ability, the Secretary may not establish additional re-*
14 *quirements regarding the amount of adjusted income*
15 *paid by such person for rent”;*

16 *(8) in section 16(a)(2)(A) by striking “families*
17 *whose incomes” and all that follows through “low*
18 *family incomes” and inserting in lieu thereof “ex-*
19 *tremely low-income families”;*

20 *(9) in section 16(b)(1) by striking “families*
21 *whose incomes” and all that follows through “low*
22 *family incomes” and inserting in lieu thereof “ex-*
23 *tremely low-income families”;* and

24 *(10) in section 16(c)(3) by striking “families*
25 *whose incomes” and all that follows through “low*

1 **(b) FANNIE MAE AND FREDDIE MAC LOAN LIMIT EX-**
2 **TENSION.—**

3 **(1) IN GENERAL.—***Notwithstanding any other*
4 *provision of law, for mortgage loans originated dur-*
5 *ing the period beginning on the date of enactment of*
6 *this Act and ending on December 31, 2013, the limi-*
7 *tation on the maximum original principal obligation*
8 *of a mortgage that may be purchased by the Federal*
9 *National Mortgage Association or the Federal Home*
10 *Loan Mortgage Corporation shall be the greater of—*

11 **(A)** *the limitation in effect at the time of*
12 *the purchase of the mortgage loan, as determined*
13 *pursuant to section 302(b)(2) of the Federal Na-*
14 *tional Mortgage Association Charter Act (12*
15 *U.S.C. 1717(b)(2)) or section 305(a)(2) of the*
16 *Federal Home Loan Mortgage Corporation Act*
17 *(12 U.S.C. 1454(a)(2)), respectively; or*

18 **(B)** *the limitation that was prescribed for*
19 *loans originated during the period beginning on*
20 *July 1, 2007 and ending on December 31, 2008,*
21 *pursuant to section 201 of the Economic Stim-*
22 *ulus Act of 2008 (Public Law 110–185, 122 Stat.*
23 *619).*

24 **(2) PREMIUM LOAN FEE.—**

1 (A) *IN GENERAL.*—Notwithstanding any
2 other provision of law, the Federal Housing Fi-
3 nance Agency shall, by rule or order, impose a
4 premium loan fee to be charged by the Federal
5 National Mortgage Association and the Federal
6 Home Loan Mortgage Corporation with respect
7 to mortgage loans made eligible for purchase by
8 the Federal National Mortgage Association and
9 the Federal Home Loan Mortgage Corporation
10 by a higher limitation provided under para-
11 graph (1)(B), annually during the life of the
12 loan, of 15 basis points of the unpaid principal
13 balance of the mortgage, to achieve an estimated
14 \$300,000,000 from the revenue raised from such
15 fees.

16 (B) *PREMIUM LOAN FEE STRUCTURE.*—The
17 premium loan fee is independent of any guar-
18 antee fees, upfront or ongoing, charged to the
19 borrower, and the premium loan fee shall not be
20 affected by changes in guarantee fees.

21 (3) *USE OF FEES.*—

22 (A) *IN GENERAL.*—The fees imposed under
23 paragraph (2) by the Federal Housing Finance
24 Agency shall be deposited in the fund established
25 under subparagraph (C), and shall be used to

1 *pay for costs associated with maintaining loan*
2 *limits established under this section.*

3 (B) *SUBJECT TO APPROPRIATIONS.—*
4 *Amounts in the fund established under subpara-*
5 *graph (C) shall be available only to the extent*
6 *provided in a subsequent appropriations Act.*

7 (C) *FUND.—There is established in the*
8 *United States Treasury a fund, for the deposit of*
9 *fees imposed under paragraph (2), to be used to*
10 *pay for costs associated with maintaining loan*
11 *limits established under this section.*

12 (4) *FHFA REPORT ON FEES.—The Federal*
13 *Housing Finance Agency shall include in each an-*
14 *nual report required by section 1601 of the Housing*
15 *and Economic Recovery Act of 2008 related to the pe-*
16 *riod described in paragraph (2)(B) a section that*
17 *provides the basis for and an analysis of the premium*
18 *loan fee charged in each year covered by the report.*

19 (c) *DEPARTMENT OF VETERANS AFFAIRS LOAN LIMIT*
20 *EXTENSION.—Section 501 of the Veterans' Benefits Im-*
21 *provement Act of 2008 (Public Law 110–389; 122 Stat.*
22 *4175; 38 U.S.C. 3703 note) is amended, in the matter before*
23 *paragraph (1), by striking “December 31, 2011” and insert-*
24 *ing “December 31, 2013”.*

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TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$24,100,000.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE

OF INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to

1 *carry out the provisions of the Inspector General Act of*
2 *1978, as amended, \$19,311,000: Provided, That the Inspec-*
3 *tor General shall have all necessary authority, in carrying*
4 *out the duties specified in the Inspector General Act, as*
5 *amended (5 U.S.C. App. 3), to investigate allegations of*
6 *fraud, including false statements to the government (18*
7 *U.S.C. 1001), by any person or entity that is subject to*
8 *regulation by the National Railroad Passenger Corpora-*
9 *tion: Provided further, That the Inspector General may*
10 *enter into contracts and other arrangements for audits,*
11 *studies, analyses, and other services with public agencies*
12 *and with private persons, subject to the applicable laws and*
13 *regulations that govern the obtaining of such services within*
14 *the National Railroad Passenger Corporation: Provided*
15 *further, That the Inspector General may select, appoint,*
16 *and employ such officers and employees as may be nec-*
17 *essary for carrying out the functions, powers, and duties*
18 *of the Office of Inspector General, subject to the applicable*
19 *laws and regulations that govern such selections, appoint-*
20 *ments, and employment within Amtrak: Provided further,*
21 *That concurrent with the President's budget request for fis-*
22 *cal year 2013, the Inspector General shall submit to the*
23 *House and Senate Committees on Appropriations a budget*
24 *request for fiscal year 2013 in similar format and substance*

1 *to those submitted by executive agencies of the Federal Gov-*
2 *ernment.*

3 *NATIONAL TRANSPORTATION SAFETY BOARD*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the National Transportation*
6 *Safety Board, including hire of passenger motor vehicles*
7 *and aircraft; services as authorized by 5 U.S.C. 3109, but*
8 *at rates for individuals not to exceed the per diem rate*
9 *equivalent to the rate for a GS-15; uniforms, or allowances*
10 *therefor, as authorized by law (5 U.S.C. 5901-5902),*
11 *\$99,275,000, of which not to exceed \$2,000 may be used for*
12 *official reception and representation expenses. The amounts*
13 *made available to the National Transportation Safety*
14 *Board in this Act include amounts necessary to make lease*
15 *payments on an obligation incurred in fiscal year 2001 for*
16 *a capital lease.*

17 *NEIGHBORHOOD REINVESTMENT CORPORATION*

18 *PAYMENT TO THE NEIGHBORHOOD REINVESTMENT*

19 *CORPORATION*

20 *For payment to the Neighborhood Reinvestment Cor-*
21 *poration for use in neighborhood reinvestment activities, as*
22 *authorized by the Neighborhood Reinvestment Corporation*
23 *Act (42 U.S.C. 8101-8107), \$135,000,000, of which*
24 *\$5,000,000 shall be for a multi-family rental housing pro-*
25 *gram: Provided, That in addition, \$65,000,000 shall be*

1 *made available until expended to the Neighborhood Rein-*
2 *vestment Corporation for mortgage foreclosure mitigation*
3 *activities, under the following terms and conditions:*

4 (1) *The Neighborhood Reinvestment Corporation*
5 *("NRC") shall make grants to counseling inter-*
6 *mediaries approved by the Department of Housing*
7 *and Urban Development (HUD) (with match to be*
8 *determined by the NRC based on affordability and the*
9 *economic conditions of an area; a match also may be*
10 *waived by the NRC based on the aforementioned con-*
11 *ditions) to provide mortgage foreclosure mitigation*
12 *assistance primarily to States and areas with high*
13 *rates of defaults and foreclosures to help eliminate the*
14 *default and foreclosure of mortgages of owner-occupied*
15 *single-family homes that are at risk of such fore-*
16 *closure. Other than areas with high rates of defaults*
17 *and foreclosures, grants may also be provided to ap-*
18 *proved counseling intermediaries based on a geo-*
19 *graphic analysis of the Nation by the NRC which de-*
20 *termines where there is a prevalence of mortgages that*
21 *are risky and likely to fail, including any trends for*
22 *mortgages that are likely to default and face fore-*
23 *closure. A State Housing Finance Agency may also be*
24 *eligible where the State Housing Finance Agency*
25 *meets all the requirements under this paragraph. A*

1 *HUD-approved counseling intermediary shall meet*
2 *certain mortgage foreclosure mitigation assistance*
3 *counseling requirements, as determined by the NRC,*
4 *and shall be approved by HUD or the NRC as meet-*
5 *ing these requirements.*

6 (2) *Mortgage foreclosure mitigation assistance*
7 *shall only be made available to homeowners of owner-*
8 *occupied homes with mortgages in default or in dan-*
9 *ger of default. These mortgages shall likely be subject*
10 *to a foreclosure action and homeowners will be pro-*
11 *vided such assistance that shall consist of activities*
12 *that are likely to prevent foreclosures and result in*
13 *the long-term affordability of the mortgage retained*
14 *pursuant to such activity or another positive outcome*
15 *for the homeowner. No funds made available under*
16 *this paragraph may be provided directly to lenders or*
17 *homeowners to discharge outstanding mortgage bal-*
18 *ances or for any other direct debt reduction payments.*

19 (3) *The use of Mortgage Foreclosure Mitigation*
20 *Assistance by approved counseling intermediaries and*
21 *State Housing Finance Agencies shall involve a rea-*
22 *sonable analysis of the borrower's financial situation,*
23 *an evaluation of the current value of the property*
24 *that is subject to the mortgage, counseling regarding*
25 *the assumption of the mortgage by another non-Fed-*

1 *eral party, counseling regarding the possible purchase*
2 *of the mortgage by a non-Federal third party, coun-*
3 *seling and advice of all likely restructuring and refi-*
4 *nancing strategies or the approval of a work-out*
5 *strategy by all interested parties.*

6 *(4) NRC may provide up to 15 percent of the*
7 *total funds under this paragraph to its own charter*
8 *members with expertise in foreclosure prevention*
9 *counseling, subject to a certification by the NRC that*
10 *the procedures for selection do not consist of any pro-*
11 *cedures or activities that could be construed as an un-*
12 *acceptable conflict of interest or have the appearance*
13 *of impropriety.*

14 *(5) HUD-approved counseling entities and State*
15 *Housing Finance Agencies receiving funds under this*
16 *paragraph shall have demonstrated experience in suc-*
17 *cessfully working with financial institutions as well*
18 *as borrowers facing default, delinquency and fore-*
19 *closure as well as documented counseling capacity,*
20 *outreach capacity, past successful performance and*
21 *positive outcomes with documented counseling plans*
22 *(including post mortgage foreclosure mitigation coun-*
23 *seling), loan workout agreements and loan modifica-*
24 *tion agreements. NRC may use other criteria to dem-*
25 *onstrate capacity in underserved areas.*

1 (6) *Of the total amount made available under*
2 *this paragraph, up to \$3,000,000 may be made avail-*
3 *able to build the mortgage foreclosure and default*
4 *mitigation counseling capacity of counseling inter-*
5 *mediaries through NRC training courses with HUD-*
6 *approved counseling intermediaries and their part-*
7 *ners, except that private financial institutions that*
8 *participate in NRC training shall pay market rates*
9 *for such training.*

10 (7) *Of the total amount made available under*
11 *this paragraph, up to 4 percent may be used for asso-*
12 *ciated administrative expenses for the NRC to carry*
13 *out activities provided under this section.*

14 (8) *Mortgage foreclosure mitigation assistance*
15 *grants may include a budget for outreach and adver-*
16 *tising, and training, as determined by the NRC.*

17 (9) *The NRC shall continue to report bi-annu-*
18 *ally to the House and Senate Committees on Appro-*
19 *priations as well as the Senate Banking Committee*
20 *and House Financial Services Committee on its ef-*
21 *forts to mitigate mortgage default.*

1 *UNITED STATES INTERAGENCY COUNCIL ON*
2 *HOMELESSNESS*
3 *OPERATING EXPENSES*

4 *For necessary expenses (including payment of salaries,*
5 *authorized travel, hire of passenger motor vehicles, the rent-*
6 *al of conference rooms, and the employment of experts and*
7 *consultants under section 3109 of title 5, United States*
8 *Code) of the United States Interagency Council on Home-*
9 *lessness in carrying out the functions pursuant to title II*
10 *of the McKinney-Vento Homeless Assistance Act, as amend-*
11 *ed, \$3,640,000.*

12 *TITLE IV*
13 *GENERAL PROVISIONS—THIS ACT*

14 *SEC. 401. Such sums as may be necessary for fiscal*
15 *year 2012 pay raises for programs funded in this Act shall*
16 *be absorbed within the levels appropriated in this Act or*
17 *previous appropriations Acts.*

18 *SEC. 402. None of the funds in this Act shall be used*
19 *for the planning or execution of any program to pay the*
20 *expenses of, or otherwise compensate, non-Federal parties*
21 *intervening in regulatory or adjudicatory proceedings fund-*
22 *ed in this Act.*

23 *SEC. 403. None of the funds appropriated in this Act*
24 *shall remain available for obligation beyond the current fis-*

1 *cal year, nor may any be transferred to other appropria-*
2 *tions, unless expressly so provided herein.*

3 *SEC. 404. The expenditure of any appropriation under*
4 *this Act for any consulting service through procurement*
5 *contract pursuant to section 3109 of title 5, United States*
6 *Code, shall be limited to those contracts where such expendi-*
7 *tures are a matter of public record and available for public*
8 *inspection, except where otherwise provided under existing*
9 *law, or under existing Executive order issued pursuant to*
10 *existing law.*

11 *SEC. 405. Except as otherwise provided in this Act,*
12 *none of the funds provided in this Act, provided by previous*
13 *appropriations Acts to the agencies or entities funded in*
14 *this Act that remain available for obligation or expenditure*
15 *in fiscal year 2012, or provided from any accounts in the*
16 *Treasury derived by the collection of fees and available to*
17 *the agencies funded by this Act, shall be available for obliga-*
18 *tion or expenditure through a reprogramming of funds that:*

- 19 (1) *creates a new program;*
20 (2) *eliminates a program, project, or activity;*
21 (3) *increases funds or personnel for any pro-*
22 *gram, project, or activity for which funds have been*
23 *denied or restricted by the Congress;*

1 (4) proposes to use funds directed for a specific
2 activity by either the House or Senate Committees on
3 Appropriations for a different purpose;

4 (5) augments existing programs, projects, or ac-
5 tivities in excess of \$5,000,000 or 10 percent, which-
6 ever is less;

7 (6) reduces existing programs, projects, or activi-
8 ties by \$5,000,000 or 10 percent, whichever is less; or

9 (7) creates, reorganizes, or restructures a branch,
10 division, office, bureau, board, commission, agency,
11 administration, or department different from the
12 budget justifications submitted to the Committees on
13 Appropriations or the table accompanying the explan-
14 atory statement accompanying this Act, whichever is
15 more detailed, unless prior approval is received from
16 the House and Senate Committees on Appropriations:
17 Provided, That not later than 60 days after the date
18 of enactment of this Act, each agency funded by this
19 Act shall submit a report to the Committees on Ap-
20 propriations of the Senate and of the House of Rep-
21 resentatives to establish the baseline for application of
22 reprogramming and transfer authorities for the cur-
23 rent fiscal year: Provided further, That the report
24 shall include:

1 (A) a table for each appropriation with a
2 separate column to display the President's budg-
3 et request, adjustments made by Congress, ad-
4 justments due to enacted rescissions, if appro-
5 priate, and the fiscal year enacted level;

6 (B) a delineation in the table for each ap-
7 propriation both by object class and program,
8 project, and activity as detailed in the budget
9 appendix for the respective appropriation; and

10 (C) an identification of items of special con-
11 gressional interest: Provided further, That the
12 amount appropriated or limited for salaries and
13 expenses for an agency shall be reduced by
14 \$100,000 per day for each day after the required
15 date that the report has not been submitted to the
16 Congress.

17 SEC. 406. Except as otherwise specifically provided by
18 law, not to exceed 50 percent of unobligated balances re-
19 maining available at the end of fiscal year 2012 from ap-
20 propriations made available for salaries and expenses for
21 fiscal year 2012 in this Act, shall remain available through
22 September 30, 2013, for each such account for the purposes
23 authorized: Provided, That a request shall be submitted to
24 the House and Senate Committees on Appropriations for
25 approval prior to the expenditure of such funds: Provided

1 *further, That these requests shall be made in compliance*
2 *with reprogramming guidelines under section 405 of this*
3 *Act.*

4 *SEC. 407. All Federal agencies and departments that*
5 *are funded under this Act shall issue a report to the House*
6 *and Senate Committees on Appropriations on all sole-*
7 *source contracts by no later than July 30, 2012. Such report*
8 *shall include the contractor, the amount of the contract and*
9 *the rationale for using a sole-source contract.*

10 *SEC. 408. (a) None of the funds made available in this*
11 *Act may be obligated or expended for any employee training*
12 *that—*

13 *(1) does not meet identified needs for knowledge,*
14 *skills, and abilities bearing directly upon the perform-*
15 *ance of official duties;*

16 *(2) contains elements likely to induce high levels*
17 *of emotional response or psychological stress in some*
18 *participants;*

19 *(3) does not require prior employee notification*
20 *of the content and methods to be used in the training*
21 *and written end of course evaluation;*

22 *(4) contains any methods or content associated*
23 *with religious or quasi-religious belief systems or*
24 *“new age” belief systems as defined in Equal Employ-*

1 *ment Opportunity Commission Notice N-915.022,*
2 *dated September 2, 1988; or*

3 *(5) is offensive to, or designed to change, partici-*
4 *pants' personal values or lifestyle outside the work-*
5 *place.*

6 *(b) Nothing in this section shall prohibit, restrict, or*
7 *otherwise preclude an agency from conducting training*
8 *bearing directly upon the performance of official duties.*

9 *SEC. 409. No funds in this Act may be used to support*
10 *any Federal, State, or local projects that seek to use the*
11 *power of eminent domain, unless eminent domain is em-*
12 *ployed only for a public use: Provided, That for purposes*
13 *of this section, public use shall not be construed to include*
14 *economic development that primarily benefits private enti-*
15 *ties: Provided further, That any use of funds for mass tran-*
16 *sit, railroad, airport, seaport or highway projects as well*
17 *as utility projects which benefit or serve the general public*
18 *(including energy-related, communication-related, water-re-*
19 *lated and wastewater-related infrastructure), other struc-*
20 *tures designated for use by the general public or which have*
21 *other common-carrier or public-utility functions that serve*
22 *the general public and are subject to regulation and over-*
23 *sight by the government, and projects for the removal of an*
24 *immediate threat to public health and safety or brownfield*
25 *as defined in the Small Business Liability Relief and*

1 *Brownsfield Revitalization Act (Public Law 107–118) shall*
2 *be considered a public use for purposes of eminent domain.*

3 *SEC. 410. None of the funds made available in this*
4 *Act may be transferred to any department, agency, or in-*
5 *strumentality of the United States Government, except pur-*
6 *suant to a transfer made by, or transfer authority provided*
7 *in, this Act or any other appropriations Act.*

8 *SEC. 411. No part of any appropriation contained in*
9 *this Act shall be available to pay the salary for any person*
10 *filling a position, other than a temporary position, formerly*
11 *held by an employee who has left to enter the Armed Forces*
12 *of the United States and has satisfactorily completed his*
13 *period of active military or naval service, and has within*
14 *90 days after his release from such service or from hos-*
15 *pitalization continuing after discharge for a period of not*
16 *more than 1 year, made application for restoration to his*
17 *former position and has been certified by the Office of Per-*
18 *sonnel Management as still qualified to perform the duties*
19 *of his former position and has not been restored thereto.*

20 *SEC. 412. No funds appropriated pursuant to this Act*
21 *may be expended by an entity unless the entity agrees that*
22 *in expending the assistance the entity will comply with sec-*
23 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
24 *10a–10c, popularly known as the “Buy American Act”).*

1 *SEC. 413. No funds appropriated or otherwise made*
2 *available under this Act shall be made available to any per-*
3 *son or entity that has been convicted of violating the Buy*
4 *American Act (41 U.S.C. 10a–10c).*

5 *SEC. 414. None of the funds made available in this*
6 *Act may be used for first-class airline accommodations in*
7 *contravention of sections 301–10.122 and 301–10.123 of*
8 *title 41, Code of Federal Regulations.*

9 *SEC. 415. None of the funds made available in this*
10 *Act may be used to purchase a light bulb for an office build-*
11 *ing unless the light bulb has, to the extent practicable, an*
12 *Energy Star or Federal Energy Management Program des-*
13 *ignation.*

14 *SEC. 416. None of the funds made available in this*
15 *Act may be used to establish, issue, implement, administer,*
16 *or enforce any prohibition or restriction on the establish-*
17 *ment or effectiveness of any occupancy preference for vet-*
18 *erans in supportive housing for the elderly that:*

19 *(1) is provided assistance by the Department of*
20 *Housing and Urban Development; and*

21 *(2) is or would be located on property of the De-*
22 *partment of Veterans Affairs; or*

23 *(3) is subject to an enhanced use lease with the*
24 *Department of Veterans Affairs.*

1 *SEC. 417. None of the funds made available under this*
2 *Act or any prior Act may be provided to the Association*
3 *of Community Organizations for Reform Now (ACORN),*
4 *or any of its affiliates, subsidiaries, or allied organizations.*

5 *SEC. 418. Concurrent with the issuance of any notice*
6 *of funding availability or any other notice designed to so-*
7 *licit applications for a program through which grants or*
8 *credit assistance are awarded through a competitive proc-*
9 *ess, the Secretary of Transportation and the Secretary of*
10 *Housing and Urban Development shall post on their Web*
11 *sites information about such program, including, but not*
12 *limited to, the goals of the program, the criteria that will*
13 *be used in awarding grants or credit assistance, and the*
14 *process by which applications will be selected for the award*
15 *of a grant or credit assistance: Provided, That concurrent*
16 *with the public announcement of grants or credit assistance*
17 *to be awarded through such competitive program, the Sec-*
18 *retary of Transportation and the Secretary of Housing and*
19 *Urban Development shall post on their Web sites informa-*
20 *tion on each applicant to be awarded a grant or credit as-*
21 *sistance, including, but not limited to, the name and ad-*
22 *dress of the applicant, the amount of the grant or credit*
23 *assistance to be awarded, the amount of financing expected*
24 *from other sources, and an explanation of how such award*
25 *is consistent with program goals.*

1 *SEC. 419. Notwithstanding section 701, none of the*
2 *funds made available by this Act may be used to purchase*
3 *new passenger motor vehicles, except for national security,*
4 *law enforcement needs, public transit, safety, and research:*
5 *Provided further, all agencies and departments funded by*
6 *divisions A, B, and C of this Act shall send to Congress*
7 *at the end of the Fiscal Year a report containing a complete*
8 *inventory of the total number of vehicles owned, perma-*
9 *nently retired, and purchased during Fiscal Year 2012 as*
10 *well as the total cost of the vehicle fleet, including mainte-*
11 *nance, fuel, storage, purchasing, and leasing.*

12 *SEC. 420 . A person or entity that receives a Federal*
13 *loan using amounts made available under division A, divi-*
14 *sion B, or division C of this Act may not repay the loan*
15 *using a Federal grant or other award funded with amounts*
16 *made available under division A, division B, or division*
17 *C of this Act: Provided further, a grant or other award*
18 *funded with amounts made available under division A, di-*
19 *vision B, or division C of this Act may not be used to repay*
20 *a Federal loan.*

21 *This Act may be cited as the “Transportation, Hous-*
22 *ing and Urban Development, and Related Agencies Appro-*
23 *priations Act, 2012”.*

Amend the title so as to read: “An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing

and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.”.

Attest:

Secretary.

112TH CONGRESS
1ST SESSION

H.R. 2112

AMENDMENTS