

112TH CONGRESS
1ST SESSION

H. R. 3671

Making consolidated appropriations for the fiscal year ending September 30, 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2011

Mr. ROGERS of Kentucky introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

Making consolidated appropriations for the fiscal year ending September 30, 2012, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consolidated Appro-
5 priations Act, 2012”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.

Sec. 5. Statement of appropriations.

Sec. 6. Availability of funds.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2012

Title I—Military Personnel, Army

Title II—Operation and Maintenance

Title III—Procurement

Title IV—Research, Development, Test and Evaluation

Title V—Revolving and Management Funds

Title VI—Other Department of Defense Programs

Title VII—Related agencies

Title VIII—General provisions

Title IX—Overseas contingency operations

DIVISION B—ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS ACT, 2012

Title I—Corps of Engineers—Civil

Title II—Department of the Interior

Title III—Department of Energy

Title IV—Independent agencies

Title V—General provisions

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2012

Title I—Department of the Treasury

Title II—Executive Office of the President and Funds Appropriated to the
President

Title III—The Judiciary

Title IV—District of Columbia

Title V—Independent agencies

Title VI—General provisions—This Act

Title VII—General provisions—Government-wide

Title VIII—General provisions—District of Columbia

DIVISION D—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2012

Title I—Departmental management and operations

Title II—Security, enforcement, and investigations

Title III—Protection, preparedness, response, and recovery

Title IV—Research and development, training, and services

Title V—General provisions

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of the Interior

Title II—Environmental Protection Agency

Title III—Related agencies

Title IV—General provisions

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related agencies

Title V—General provisions

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012

Title I—Legislative Branch

Title II—General provisions

DIVISION H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related agencies

Title IV—Overseas contingency operations

Title V—General provisions

DIVISION I—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2012

Title I—Department of State and related agency

Title II—United States Agency for International Development

Title III—Bilateral economic assistance

Title IV—International security assistance

Title V—Multilateral assistance

Title VI—Export and investment assistance

Title VII—General provisions

Title VIII—Overseas contingency operations

1 SEC. 3. REFERENCES.

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 SEC. 4. EXPLANATORY STATEMENT.

7 The explanatory statement regarding this Act printed
8 in the House of Representatives section of the Congres-
9 sional Record on or about December 16, 2011 by the

1 Chairman of the Committee of Appropriations of the
2 House shall have the same effect with respect to the allo-
3 cation of funds and implementation of this Act as if it
4 were a joint explanatory statement of a committee of con-
5 ference.

6 **SEC. 5. STATEMENT OF APPROPRIATIONS.**

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

10 **SEC. 6. AVAILABILITY OF FUNDS.**

11 Each amount designated in this Act by the Congress
12 for Overseas Contingency Operations/Global War on Ter-
13 rorism pursuant to section 251(b)(2)(A) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985 shall
15 be available (or rescinded, if applicable) only if the Presi-
16 dent subsequently so designates all such amounts and
17 transmits such designations to the Congress.

1 **DIVISION A—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS ACT, 2012**

3 **TITLE I—MILITARY PERSONNEL, ARMY**

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty, (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 for members of the Reserve Officers' Training Corps; and
12 for payments pursuant to section 156 of Public Law 97–
13 377, as amended (42 U.S.C. 402 note), and to the Depart-
14 ment of Defense Military Retirement Fund,
15 \$43,298,409,000.

16 **MILITARY PERSONNEL, NAVY**

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the
22 Navy on active duty (except members of the Reserve pro-
23 vided for elsewhere), midshipmen, and aviation cadets; for
24 members of the Reserve Officers' Training Corps; and for
25 payments pursuant to section 156 of Public Law 97–377,

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$26,803,334,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$13,635,136,000.

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the Air
20 Force on active duty (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 for members of the Reserve Officers' Training Corps; and
23 for payments pursuant to section 156 of Public Law 97-
24 377, as amended (42 U.S.C. 402 note), and to the Depart-

1 ment of Defense Military Retirement Fund,
2 \$28,096,708,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$4,289,407,000.

16 RESERVE PERSONNEL, NAVY

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Navy Re-
19 serve on active duty under section 10211 of title 10,
20 United States Code, or while serving on active duty under
21 section 12301(d) of title 10, United States Code, in con-
22 nection with performing duty specified in section 12310(a)
23 of title 10, United States Code, or while undergoing re-
24 serve training, or while performing drills or equivalent
25 duty, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,935,544,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$644,722,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,712,705,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Army Na-
9 tional Guard while on duty under section 10211, 10302,
10 or 12402 of title 10 or section 708 of title 32, United
11 States Code, or while serving on duty under section
12 12301(d) of title 10 or section 502(f) of title 32, United
13 States Code, in connection with performing duty specified
14 in section 12310(a) of title 10, United States Code, or
15 while undergoing training, or while performing drills or
16 equivalent duty or other duty, and expenses authorized by
17 section 16131 of title 10, United States Code; and for pay-
18 ments to the Department of Defense Military Retirement
19 Fund, \$7,585,645,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Air Na-
23 tional Guard on duty under section 10211, 10305, or
24 12402 of title 10 or section 708 of title 32, United States
25 Code, or while serving on duty under section 12301(d) of

1 title 10 or section 502(f) of title 32, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going training, or while performing drills or equivalent
5 duty or other duty, and expenses authorized by section
6 16131 of title 10, United States Code; and for payments
7 to the Department of Defense Military Retirement Fund,
8 \$3,088,929,000.

1 TITLE II
2 OPERATION AND MAINTENANCE
3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law; and not to exceed \$12,478,000 can be used
7 for emergencies and extraordinary expenses, to be ex-
8 pended on the approval or authority of the Secretary of
9 the Army, and payments may be made on his certificate
10 of necessity for confidential military purposes,
11 \$31,072,902,000.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law; and not to exceed
16 \$14,804,000 can be used for emergencies and extraor-
17 dinary expenses, to be expended on the approval or author-
18 ity of the Secretary of the Navy, and payments may be
19 made on his certificate of necessity for confidential mili-
20 tary purposes, \$38,120,821,000.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$5,542,937,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law; and not to exceed \$7,699,000 can be
5 used for emergencies and extraordinary expenses, to be ex-
6 pended on the approval or authority of the Secretary of
7 the Air Force, and payments may be made on his certifi-
8 cate of necessity for confidential military purposes,
9 \$34,985,486,000.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of activities and agen-
14 cies of the Department of Defense (other than the military
15 departments), as authorized by law, \$30,152,008,000:
16 *Provided*, That not more than \$47,026,000 may be used
17 for the Combatant Commander Initiative Fund authorized
18 under section 166a of title 10, United States Code: *Pro-*
19 *vided further*, That not to exceed \$36,000,000 can be used
20 for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 Defense, and payments may be made on his certificate of
23 necessity for confidential military purposes: *Provided fur-*
24 *ther*, That of the funds provided under this heading, not
25 less than \$34,311,000 shall be made available for the Pro-

1 curement Technical Assistance Cooperative Agreement
2 Program, of which not less than \$3,600,000 shall be avail-
3 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
4 *vided further*, That none of the funds appropriated or oth-
5 erwise made available by this Act may be used to plan
6 or implement the consolidation of a budget or appropria-
7 tions liaison office of the Office of the Secretary of De-
8 fense, the office of the Secretary of a military department,
9 or the service headquarters of one of the Armed Forces
10 into a legislative affairs or legislative liaison office: *Pro-*
11 *vided further*, That \$8,420,000, to remain available until
12 expended, is available only for expenses relating to certain
13 classified activities, and may be transferred as necessary
14 by the Secretary of Defense to operation and maintenance
15 appropriations or research, development, test and evalua-
16 tion appropriations, to be merged with and to be available
17 for the same time period as the appropriations to which
18 transferred: *Provided further*, That any ceiling on the in-
19 vestment item unit cost of items that may be purchased
20 with operation and maintenance funds shall not apply to
21 the funds described in the preceding proviso: *Provided fur-*
22 *ther*, That the transfer authority provided under this head-
23 ing is in addition to any other transfer authority provided
24 elsewhere in this Act.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,071,733,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$1,305,134,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Marine Corps Re-
22 serve; repair of facilities and equipment; hire of passenger
23 motor vehicles; travel and transportation; care of the dead;
24 recruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$271,443,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,274,359,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$6,924,932,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For expenses of training, organizing, and admin-
3 istering the Air National Guard, including medical and
4 hospital treatment and related expenses in non-Federal
5 hospitals; maintenance, operation, and repairs to struc-
6 tures and facilities; transportation of things, hire of pas-
7 senger motor vehicles; supplying and equipping the Air
8 National Guard, as authorized by law; expenses for repair,
9 modification, maintenance, and issue of supplies and
10 equipment, including those furnished from stocks under
11 the control of agencies of the Department of Defense;
12 travel expenses (other than mileage) on the same basis as
13 authorized by law for Air National Guard personnel on
14 active Federal duty, for Air National Guard commanders
15 while inspecting units in compliance with National Guard
16 Bureau regulations when specifically authorized by the
17 Chief, National Guard Bureau, \$6,098,780,000.

18 UNITED STATES COURT OF APPEALS FOR THE ARMED

19 FORCES

20 For salaries and expenses necessary for the United
21 States Court of Appeals for the Armed Forces,
22 \$13,861,000, of which not to exceed \$5,000 may be used
23 for official representation purposes.

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$346,031,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Army shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Army, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Army, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation:
18 *Provided further*, That the transfer authority provided
19 under this heading is in addition to any other transfer au-
20 thority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, NAVY

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Navy, \$308,668,000, to
24 remain available until transferred: *Provided*, That the Sec-
25 retary of the Navy shall, upon determining that such

1 funds are required for environmental restoration, reduc-
2 tion and recycling of hazardous waste, removal of unsafe
3 buildings and debris of the Department of the Navy, or
4 for similar purposes, transfer the funds made available by
5 this appropriation to other appropriations made available
6 to the Department of the Navy, to be merged with and
7 to be available for the same purposes and for the same
8 time period as the appropriations to which transferred:
9 *Provided further*, That upon a determination that all or
10 part of the funds transferred from this appropriation are
11 not necessary for the purposes provided herein, such
12 amounts may be transferred back to this appropriation:
13 *Provided further*, That the transfer authority provided
14 under this heading is in addition to any other transfer au-
15 thority provided elsewhere in this Act.

16 ENVIRONMENTAL RESTORATION, AIR FORCE
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Air Force, \$525,453,000,
19 to remain available until transferred: *Provided*, That the
20 Secretary of the Air Force shall, upon determining that
21 such funds are required for environmental restoration, re-
22 duction and recycling of hazardous waste, removal of un-
23 safe buildings and debris of the Department of the Air
24 Force, or for similar purposes, transfer the funds made
25 available by this appropriation to other appropriations

1 made available to the Department of the Air Force, to be
2 merged with and to be available for the same purposes
3 and for the same time period as the appropriations to
4 which transferred: *Provided further*, That upon a deter-
5 mination that all or part of the funds transferred from
6 this appropriation are not necessary for the purposes pro-
7 vided herein, such amounts may be transferred back to
8 this appropriation: *Provided further*, That the transfer au-
9 thority provided under this heading is in addition to any
10 other transfer authority provided elsewhere in this Act.

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$10,716,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
2 may be transferred back to this appropriation: *Provided*
3 *further*, That the transfer authority provided under this
4 heading is in addition to any other transfer authority pro-
5 vided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, FORMERLY USED
7 DEFENSE SITES
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$326,495,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris at sites formerly used by the Depart-
15 ment of Defense, transfer the funds made available by this
16 appropriation to other appropriations made available to
17 the Department of the Army, to be merged with and to
18 be available for the same purposes and for the same time
19 period as the appropriations to which transferred: *Pro-*
20 *vided further*, That upon a determination that all or part
21 of the funds transferred from this appropriation are not
22 necessary for the purposes provided herein, such amounts
23 may be transferred back to this appropriation: *Provided*
24 *further*, That the transfer authority provided under this

1 heading is in addition to any other transfer authority pro-
2 vided elsewhere in this Act.

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

4 For expenses relating to the Overseas Humanitarian,
5 Disaster, and Civic Aid programs of the Department of
6 Defense (consisting of the programs provided under sec-
7 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
8 United States Code), \$107,662,000, to remain available
9 until September 30, 2013.

10 COOPERATIVE THREAT REDUCTION ACCOUNT

11 For assistance to the republics of the former Soviet
12 Union and, with appropriate authorization by the Depart-
13 ment of Defense and Department of State, to countries
14 outside of the former Soviet Union, including assistance
15 provided by contract or by grants, for facilitating the
16 elimination and the safe and secure transportation and
17 storage of nuclear, chemical and other weapons; for estab-
18 lishing programs to prevent the proliferation of weapons,
19 weapons components, and weapon-related technology and
20 expertise; for programs relating to the training and sup-
21 port of defense and military personnel for demilitarization
22 and protection of weapons, weapons components and
23 weapons technology and expertise, and for defense and
24 military contacts, \$508,219,000, to remain available until
25 September 30, 2014: *Provided*, That of the amounts pro-

1 vided under this heading, not less than \$13,500,000 shall
2 be available only to support the dismantling and disposal
3 of nuclear submarines, submarine reactor components,
4 and security enhancements for transport and storage of
5 nuclear warheads in the Russian Far East and North.

6 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

7 DEVELOPMENT FUND

8 For the Department of Defense Acquisition Work-
9 force Development Fund, \$105,501,000.

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$5,360,334,000, to remain available
17 for obligation until September 30, 2014.

18 MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,884,424,000, to remain
15 available for obligation until September 30, 2014.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$7,924,214,000, to remain available for obligation until
8 September 30, 2014.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$17,675,734,000, to remain available for obligation until
21 September 30, 2014.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,224,432,000, to remain available for obliga-
9 tion until September 30, 2014.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$626,848,000, to remain avail-
25 able for obligation until September 30, 2014.

1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-
3 tion, or conversion of vessels as authorized by law, includ-
4 ing armor and armament thereof, plant equipment, appli-
5 ances, and machine tools and installation thereof in public
6 and private plants; reserve plant and Government and con-
7 tractor-owned equipment layaway; procurement of critical,
8 long lead time components and designs for vessels to be
9 constructed or converted in the future; and expansion of
10 public and private plants, including land necessary there-
11 for, and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title, as follows:

14 Carrier Replacement Program (AP),
15 \$554,798,000;

16 Virginia Class Submarine, \$3,221,314,000;

17 Virginia Class Submarine (AP),
18 \$1,461,361,000;

19 CVN Refuelings (AP), \$529,652,000;

20 DDG-1000 Program, \$453,727,000;

21 DDG-51 Destroyer, \$1,980,709,000;

22 DDG-51 Destroyer (AP), \$100,723,000;

23 Littoral Combat Ship, \$1,755,093,000;

24 LPD-17, \$1,837,444,000;

25 LHA-Replacement, \$1,999,191,000;

1 Joint High Speed Vessel, \$372,332,000;
2 Oceanographic Ships, \$89,000,000;
3 Moored Training Ship, \$131,200,000;
4 LCAC Service Life Extension Program,
5 \$84,076,000;
6 Service Craft, \$3,863,000; and
7 For outfitting, post delivery, conversions, and
8 first destination transportation, \$270,639,000.
9 Completion of Prior Year Shipbuilding Pro-
10 grams, \$73,992,000.

11 In all: \$14,919,114,000, to remain available for obli-
12 gation until September 30, 2016: *Provided*, That addi-
13 tional obligations may be incurred after September 30,
14 2016, for engineering services, tests, evaluations, and
15 other such budgeted work that must be performed in the
16 final stage of ship construction: *Provided further*, That
17 none of the funds provided under this heading for the con-
18 struction or conversion of any naval vessel to be con-
19 structed in shipyards in the United States shall be ex-
20 pended in foreign facilities for the construction of major
21 components of such vessel: *Provided further*, That none
22 of the funds provided under this heading shall be used
23 for the construction of any naval vessel in foreign ship-
24 yards.

1 OTHER PROCUREMENT, NAVY

2 For procurement, production, and modernization of
3 support equipment and materials not otherwise provided
4 for, Navy ordnance (except ordnance for new aircraft, new
5 ships, and ships authorized for conversion); the purchase
6 of passenger motor vehicles for replacement only; expan-
7 sion of public and private plants, including the land nec-
8 essary therefor, and such lands and interests therein, may
9 be acquired, and construction prosecuted thereon prior to
10 approval of title; and procurement and installation of
11 equipment, appliances, and machine tools in public and
12 private plants; reserve plant and Government and con-
13 tractor-owned equipment layaway, \$6,013,385,000, to re-
14 main available for obligation until September 30, 2014.

15 PROCUREMENT, MARINE CORPS

16 For expenses necessary for the procurement, manu-
17 facture, and modification of missiles, armament, military
18 equipment, spare parts, and accessories therefor; plant
19 equipment, appliances, and machine tools, and installation
20 thereof in public and private plants; reserve plant and
21 Government and contractor-owned equipment layaway; ve-
22 hicles for the Marine Corps, including the purchase of pas-
23 senger motor vehicles for replacement only; and expansion
24 of public and private plants, including land necessary
25 therefor, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title, \$1,422,570,000, to remain available for ob-
3 ligation until September 30, 2014.

4 AIRCRAFT PROCUREMENT, AIR FORCE
5 (INCLUDING TRANSFER OF FUNDS)

6 For construction, procurement, and modification of
7 aircraft and equipment, including armor and armament,
8 specialized ground handling equipment, and training de-
9 vices, spare parts, and accessories therefor; specialized
10 equipment; expansion of public and private plants, Gov-
11 ernment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway; and
17 other expenses necessary for the foregoing purposes in-
18 cluding rents and transportation of things,
19 \$12,950,000,000, to remain available for obligation until
20 September 30, 2014: *Provided*, That of the amount made
21 available under this heading, \$63,500,000 made available
22 for C-130J aircraft shall be transferred to the Depart-
23 ment of Homeland Security, Coast Guard, “Acquisition,
24 Construction, and Improvements”: *Provided further*, That
25 the transfer authority provided under this heading is in

1 addition to any other transfer authority provided else-
2 where in this Act.

3 MISSILE PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 missiles, spacecraft, rockets, and related equipment, in-
6 cluding spare parts and accessories therefor, ground han-
7 dling equipment, and training devices; expansion of public
8 and private plants, Government-owned equipment and in-
9 stallation thereof in such plants, erection of structures,
10 and acquisition of land, for the foregoing purposes, and
11 such lands and interests therein, may be acquired, and
12 construction prosecuted thereon prior to approval of title;
13 reserve plant and Government and contractor-owned
14 equipment layaway; and other expenses necessary for the
15 foregoing purposes including rents and transportation of
16 things, \$6,080,877,000, to remain available for obligation
17 until September 30, 2014.

18 PROCUREMENT OF AMMUNITION, AIR FORCE

19 For construction, procurement, production, and
20 modification of ammunition, and accessories therefor; spe-
21 cialized equipment and training devices; expansion of pub-
22 lic and private plants, including ammunition facilities, au-
23 thorized by section 2854 of title 10, United States Code,
24 and the land necessary therefor, for the foregoing pur-
25 poses, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$499,185,000, to remain avail-
7 able for obligation until September 30, 2014.

8 OTHER PROCUREMENT, AIR FORCE

9 For procurement and modification of equipment (in-
10 cluding ground guidance and electronic control equipment,
11 and ground electronic and communication equipment),
12 and supplies, materials, and spare parts therefor, not oth-
13 erwise provided for; the purchase of passenger motor vehi-
14 cles for replacement only; lease of passenger motor vehi-
15 cles; and expansion of public and private plants, Govern-
16 ment-owned equipment and installation thereof in such
17 plants, erection of structures, and acquisition of land, for
18 the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon, prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway,
22 \$17,403,564,000, to remain available for obligation until
23 September 30, 2014.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$4,893,428,000, to remain available for obligation until
15 September 30, 2014.

16 DEFENSE PRODUCTION ACT PURCHASES

17 For activities by the Department of Defense pursuant
18 to sections 108, 301, 302, and 303 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
20 2093), \$169,964,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION
4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$8,745,492,000, to remain avail-
10 able for obligation until September 30, 2013.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$17,753,940,000, to remain avail-
17 able for obligation until September 30, 2013: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces:
21 *Provided further*, That funds appropriated in this para-
22 graph shall be available for the Cobra Judy program.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$26,535,996,000, to remain avail-
7 able for obligation until September 30, 2013.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE
10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses of activities and agencies of the Depart-
12 ment of Defense (other than the military departments),
13 necessary for basic and applied scientific research, devel-
14 opment, test and evaluation; advanced research projects
15 as may be designated and determined by the Secretary
16 of Defense, pursuant to law; maintenance, rehabilitation,
17 lease, and operation of facilities and equipment,
18 \$19,193,955,000, to remain available for obligation until
19 September 30, 2013: *Provided*, That of the funds made
20 available in this paragraph, \$200,000,000 for the Defense
21 Rapid Innovation Program shall only be available for ex-
22 penses, not otherwise provided for, to include program
23 management and oversight, to conduct research, develop-
24 ment, test and evaluation to include proof of concept dem-
25 onstration; engineering, testing, and validation; and tran-

1 sition to full-scale production: *Provided further*, That the
2 Secretary of Defense may transfer funds provided herein
3 for the Defense Rapid Innovation Program to appropria-
4 tions for research, development, test and evaluation to ac-
5 complish the purpose provided herein: *Provided further*,
6 That this transfer authority is in addition to any other
7 transfer authority available to the Department of Defense:
8 *Provided further*, That the Secretary of Defense shall, not
9 fewer than 30 days prior to making transfers from this
10 appropriation, notify the congressional defense committees
11 in writing of the details of any such transfer.

12 OPERATIONAL TEST AND EVALUATION, DEFENSE

13 For expenses, not otherwise provided for, necessary
14 for the independent activities of the Director, Operational
15 Test and Evaluation, in the direction and supervision of
16 operational test and evaluation, including initial oper-
17 ational test and evaluation which is conducted prior to,
18 and in support of, production decisions; joint operational
19 testing and evaluation; and administrative expenses in
20 connection therewith, \$191,292,000, to remain available
21 for obligation until September 30, 2013.

1 TITLE V
2 REVOLVING AND MANAGEMENT FUNDS
3 DEFENSE WORKING CAPITAL FUNDS
4 For the Defense Working Capital Funds,
5 \$1,575,010,000.
6 NATIONAL DEFENSE SEALIFT FUND
7 For National Defense Sealift Fund programs,
8 projects, and activities, and for expenses of the National
9 Defense Reserve Fleet, as established by section 11 of the
10 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
11 and for the necessary expenses to maintain and preserve
12 a U.S.-flag merchant fleet to serve the national security
13 needs of the United States, \$1,100,519,000, to remain
14 available until expended: *Provided*, That none of the funds
15 provided in this paragraph shall be used to award a new
16 contract that provides for the acquisition of any of the
17 following major components unless such components are
18 manufactured in the United States: auxiliary equipment,
19 including pumps, for all shipboard services; propulsion
20 system components (engines, reduction gears, and propel-
21 lers); shipboard cranes; and spreaders for shipboard
22 cranes: *Provided further*, That the exercise of an option
23 in a contract awarded through the obligation of previously
24 appropriated funds shall not be considered to be the award
25 of a new contract: *Provided further*, That the Secretary

1 of the military department responsible for such procure-
2 ment may waive the restrictions in the first proviso on
3 a case-by-case basis by certifying in writing to the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate that adequate domestic supplies are not
6 available to meet Department of Defense requirements on
7 a timely basis and that such an acquisition must be made
8 in order to acquire capability for national security pur-
9 poses.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$32,482,059,000; of which
7 \$30,582,235,000 shall be for operation and maintenance,
8 of which not to exceed 1 percent shall remain available
9 until September 30, 2013, and of which up to
10 \$16,512,141,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$632,518,000, to remain available for obligation until Sep-
13 tember 30, 2014, shall be for procurement; and of which
14 \$1,267,306,000, to remain available for obligation until
15 September 30, 2013, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$8,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations.

1 available to the Department of Defense for military per-
2 sonnel of the reserve components serving under the provi-
3 sions of title 10 and title 32, United States Code; for oper-
4 ation and maintenance; for procurement; and for research,
5 development, test and evaluation, \$1,209,620,000: *Pro-*
6 *vided*, That the funds appropriated under this heading
7 shall be available for obligation for the same time period
8 and for the same purpose as the appropriation to which
9 transferred: *Provided further*, That upon a determination
10 that all or part of the funds transferred from this appro-
11 priation are not necessary for the purposes provided here-
12 in, such amounts may be transferred back to this appro-
13 priation: *Provided further*, That the transfer authority pro-
14 vided under this heading is in addition to any other trans-
15 fer authority contained elsewhere in this Act: *Provided fur-*
16 *ther*, That \$23,000,000 may not be obligated or expended
17 until the Secretary of Defense submits an implementation
18 plan for the expansion of prescription drug testing to the
19 congressional defense committees.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-
22 spector General in carrying out the provisions of the In-
23 spector General Act of 1978, as amended, \$346,919,000,
24 of which \$341,419,000 shall be for operation and mainte-
25 nance, of which not to exceed \$700,000 is available for

1 emergencies and extraordinary expenses to be expended on
2 the approval or authority of the Inspector General, and
3 payments may be made on the Inspector General's certifi-
4 cate of necessity for confidential military purposes; of
5 which \$1,000,000, to remain available until September 30,
6 2014, shall be for procurement; and of which \$4,500,000,
7 to remain available until September 30, 2013, shall be for
8 research, development, testing, and evaluation.

- 1 TITLE VII
- 2 RELATED AGENCIES
- 3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
- 4 DISABILITY SYSTEM FUND
- 5 For payment to the Central Intelligence Agency Re-
- 6 tirement and Disability System Fund, to maintain the
- 7 proper funding level for continuing the operation of the
- 8 Central Intelligence Agency Retirement and Disability
- 9 System, \$513,700,000.
- 10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
- 11 For necessary expenses of the Intelligence Commu-
- 12 nity Management Account, \$547,891,000.

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TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further*, That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress: *Provided further*, That
13 a request for multiple reprogrammings of funds using au-
14 thority provided in this section shall be made prior to June
15 30, 2012: *Provided further*, That transfers among military
16 personnel appropriations shall not be taken into account
17 for purposes of the limitation on the amount of funds that
18 may be transferred under this section.

19 SEC. 8006. (a) With regard to the list of specific pro-
20 grams, projects, and activities (and the dollar amounts
21 and adjustments to budget activities corresponding to
22 such programs, projects, and activities) contained in the
23 tables titled “Explanation of Project Level Adjustments”
24 in the explanatory statement described in section 4 (in the
25 matter preceding division A of this consolidated Act), the

1 obligation and expenditure of amounts appropriated or
2 otherwise made available in this Act for those programs,
3 projects, and activities for which the amounts appro-
4 priated exceed the amounts requested are hereby required
5 by law to be carried out in the manner provided by such
6 tables to the same extent as if the tables were included
7 in the text of this Act.

8 (b) Amounts specified in the referenced tables de-
9 scribed in subsection (a) shall not be treated as subdivi-
10 sions of appropriations for purposes of section 8005 of this
11 Act: *Provided*, That section 8005 shall apply when trans-
12 fers of the amounts described in subsection (a) occur be-
13 tween appropriation accounts.

14 SEC. 8007. (a) Not later than 60 days after enact-
15 ment of this Act, the Department of Defense shall submit
16 a report to the congressional defense committees to estab-
17 lish the baseline for application of reprogramming and
18 transfer authorities for fiscal year 2012: *Provided*, That
19 the report shall include—

20 (1) a table for each appropriation with a sepa-
21 rate column to display the President's budget re-
22 quest, adjustments made by Congress, adjustments
23 due to enacted rescissions, if appropriate, and the
24 fiscal year enacted level;

1 appropriation accounts in such amounts as may be deter-
2 mined by the Secretary of Defense, with the approval of
3 the Office of Management and Budget, except that such
4 transfers may not be made unless the Secretary of Defense
5 has notified the Congress of the proposed transfer. Except
6 in amounts equal to the amounts appropriated to working
7 capital funds in this Act, no obligations may be made
8 against a working capital fund to procure or increase the
9 value of war reserve material inventory, unless the Sec-
10 retary of Defense has notified the Congress prior to any
11 such obligation.

12 SEC. 8009. Funds appropriated by this Act may not
13 be used to initiate a special access program without prior
14 notification 30 calendar days in advance to the congres-
15 sional defense committees.

16 SEC. 8010. None of the funds provided in this Act
17 shall be available to initiate: (1) a multiyear contract that
18 employs economic order quantity procurement in excess of
19 \$20,000,000 in any one year of the contract or that in-
20 cludes an unfunded contingent liability in excess of
21 \$20,000,000; or (2) a contract for advance procurement
22 leading to a multiyear contract that employs economic
23 order quantity procurement in excess of \$20,000,000 in
24 any one year, unless the congressional defense committees
25 have been notified at least 30 days in advance of the pro-

1 posed contract award: *Provided*, That no part of any ap-
2 propriation contained in this Act shall be available to ini-
3 tiate a multiyear contract for which the economic order
4 quantity advance procurement is not funded at least to
5 the limits of the Government's liability: *Provided further*,
6 That no part of any appropriation contained in this Act
7 shall be available to initiate multiyear procurement con-
8 tracts for any systems or component thereof if the value
9 of the multiyear contract would exceed \$500,000,000 un-
10 less specifically provided in this Act: *Provided further*,
11 That no multiyear procurement contract can be termi-
12 nated without 10-day prior notification to the congres-
13 sional defense committees: *Provided further*, That the exe-
14 cution of multiyear authority shall require the use of a
15 present value analysis to determine lowest cost compared
16 to an annual procurement: *Provided further*, That none of
17 the funds provided in this Act may be used for a multiyear
18 contract executed after the date of the enactment of this
19 Act unless in the case of any such contract—

20 (1) the Secretary of Defense has submitted to
21 Congress a budget request for full funding of units
22 to be procured through the contract and, in the case
23 of a contract for procurement of aircraft, that in-
24 cludes, for any aircraft unit to be procured through
25 the contract for which procurement funds are re-

1 requested in that budget request for production be-
2 yond advance procurement activities in the fiscal
3 year covered by the budget, full funding of procure-
4 ment of such unit in that fiscal year;

5 (2) cancellation provisions in the contract do
6 not include consideration of recurring manufacturing
7 costs of the contractor associated with the produc-
8 tion of unfunded units to be delivered under the con-
9 tract;

10 (3) the contract provides that payments to the
11 contractor under the contract shall not be made in
12 advance of incurred costs on funded units; and

13 (4) the contract does not provide for a price ad-
14 justment based on a failure to award a follow-on
15 contract.

16 Funds appropriated in title III of this Act may be
17 used for a multiyear procurement contract as follows:

18 UH-60M/HH-60M and MH-60R/MH-60S Heli-
19 copter Airframes; and MH-60R/S Mission Avionics and
20 Common Cockpits.

21 SEC. 8011. Within the funds appropriated for the op-
22 eration and maintenance of the Armed Forces, funds are
23 hereby appropriated pursuant to section 401 of title 10,
24 United States Code, for humanitarian and civic assistance
25 costs under chapter 20 of title 10, United States Code.

1 Such funds may also be obligated for humanitarian and
2 civic assistance costs incidental to authorized operations
3 and pursuant to authority granted in section 401 of chap-
4 ter 20 of title 10, United States Code, and these obliga-
5 tions shall be reported as required by section 401(d) of
6 title 10, United States Code: *Provided*, That funds avail-
7 able for operation and maintenance shall be available for
8 providing humanitarian and similar assistance by using
9 Civic Action Teams in the Trust Territories of the Pacific
10 Islands and freely associated states of Micronesia, pursu-
11 ant to the Compact of Free Association as authorized by
12 Public Law 99–239: *Provided further*, That upon a deter-
13 mination by the Secretary of the Army that such action
14 is beneficial for graduate medical education programs con-
15 ducted at Army medical facilities located in Hawaii, the
16 Secretary of the Army may authorize the provision of med-
17 ical services at such facilities and transportation to such
18 facilities, on a nonreimbursable basis, for civilian patients
19 from American Samoa, the Commonwealth of the North-
20 ern Mariana Islands, the Marshall Islands, the Federated
21 States of Micronesia, Palau, and Guam.

22 SEC. 8012. (a) During fiscal year 2012, the civilian
23 personnel of the Department of Defense may not be man-
24 aged on the basis of any end-strength, and the manage-
25 ment of such personnel during that fiscal year shall not

1 be subject to any constraint or limitation (known as an
2 end-strength) on the number of such personnel who may
3 be employed on the last day of such fiscal year.

4 (b) The fiscal year 2013 budget request for the De-
5 partment of Defense as well as all justification material
6 and other documentation supporting the fiscal year 2013
7 Department of Defense budget request shall be prepared
8 and submitted to the Congress as if subsections (a) and
9 (b) of this provision were effective with regard to fiscal
10 year 2013.

11 (c) Nothing in this section shall be construed to apply
12 to military (civilian) technicians.

13 SEC. 8013. None of the funds made available by this
14 Act shall be used in any way, directly or indirectly, to in-
15 fluence congressional action on any legislation or appro-
16 priation matters pending before the Congress.

17 SEC. 8014. None of the funds appropriated by this
18 Act shall be available for the basic pay and allowances of
19 any member of the Army participating as a full-time stu-
20 dent and receiving benefits paid by the Secretary of Vet-
21 erans Affairs from the Department of Defense Education
22 Benefits Fund when time spent as a full-time student is
23 credited toward completion of a service commitment: *Pro-*
24 *vided*, That this section shall not apply to those members
25 who have reenlisted with this option prior to October 1,

1 1987: *Provided further*, That this section applies only to
2 active components of the Army.

3 (TRANSFER OF FUNDS)

4 SEC. 8015. Funds appropriated in title III of this Act
5 for the Department of Defense Pilot Mentor-Protege Pro-
6 gram may be transferred to any other appropriation con-
7 tained in this Act solely for the purpose of implementing
8 a Mentor-Protege Program developmental assistance
9 agreement pursuant to section 831 of the National De-
10 fense Authorization Act for Fiscal Year 1991 (Public Law
11 101–510; 10 U.S.C. 2302 note), as amended, under the
12 authority of this provision or any other transfer authority
13 contained in this Act.

14 SEC. 8016. None of the funds in this Act may be
15 available for the purchase by the Department of Defense
16 (and its departments and agencies) of welded shipboard
17 anchor and mooring chain 4 inches in diameter and under
18 unless the anchor and mooring chain are manufactured
19 in the United States from components which are substan-
20 tially manufactured in the United States: *Provided*, That
21 for the purpose of this section, the term “manufactured”
22 shall include cutting, heat treating, quality control, testing
23 of chain and welding (including the forging and shot blast-
24 ing process): *Provided further*, That for the purpose of this
25 section substantially all of the components of anchor and

1 mooring chain shall be considered to be produced or manu-
2 factured in the United States if the aggregate cost of the
3 components produced or manufactured in the United
4 States exceeds the aggregate cost of the components pro-
5 duced or manufactured outside the United States: *Pro-*
6 *vided further*, That when adequate domestic supplies are
7 not available to meet Department of Defense requirements
8 on a timely basis, the Secretary of the service responsible
9 for the procurement may waive this restriction on a case-
10 by-case basis by certifying in writing to the Committees
11 on Appropriations that such an acquisition must be made
12 in order to acquire capability for national security pur-
13 poses.

14 SEC. 8017. None of the funds available to the De-
15 partment of Defense may be used to demilitarize or dis-
16 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
17 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
18 to demilitarize or destroy small arms ammunition or am-
19 munition components that are not otherwise prohibited
20 from commercial sale under Federal law, unless the small
21 arms ammunition or ammunition components are certified
22 by the Secretary of the Army or designee as unserviceable
23 or unsafe for further use.

24 SEC. 8018. No more than \$500,000 of the funds ap-
25 propriated or made available in this Act shall be used dur-

1 ing a single fiscal year for any single relocation of an orga-
2 nization, unit, activity or function of the Department of
3 Defense into or within the National Capital Region: *Pro-*
4 *vided*, That the Secretary of Defense may waive this re-
5 striction on a case-by-case basis by certifying in writing
6 to the congressional defense committees that such a relo-
7 cation is required in the best interest of the Government.

8 SEC. 8019. In addition to the funds provided else-
9 where in this Act, \$15,000,000 is appropriated only for
10 incentive payments authorized by section 504 of the In-
11 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
12 That a prime contractor or a subcontractor at any tier
13 that makes a subcontract award to any subcontractor or
14 supplier as defined in section 1544 of title 25, United
15 States Code, or a small business owned and controlled by
16 an individual or individuals defined under section 4221(9)
17 of title 25, United States Code, shall be considered a con-
18 tractor for the purposes of being allowed additional com-
19 pensation under section 504 of the Indian Financing Act
20 of 1974 (25 U.S.C. 1544) whenever the prime contract
21 or subcontract amount is over \$500,000 and involves the
22 expenditure of funds appropriated by an Act making Ap-
23 propriations for the Department of Defense with respect
24 to any fiscal year: *Provided further*, That notwithstanding
25 section 1906 of title 41, United States Code, this section

1 shall be applicable to any Department of Defense acquisi-
2 tion of supplies or services, including any contract and any
3 subcontract at any tier for acquisition of commercial items
4 produced or manufactured, in whole or in part, by any
5 subcontractor or supplier defined in section 1544 of title
6 25, United States Code, or a small business owned and
7 controlled by an individual or individuals defined under
8 section 4221(9) of title 25, United States Code.

9 SEC. 8020. Funds appropriated by this Act for the
10 Defense Media Activity shall not be used for any national
11 or international political or psychological activities.

12 SEC. 8021. During the current fiscal year, the De-
13 partment of Defense is authorized to incur obligations of
14 not to exceed \$350,000,000 for purposes specified in sec-
15 tion 2350j(c) of title 10, United States Code, in anticipa-
16 tion of receipt of contributions, only from the Government
17 of Kuwait, under that section: *Provided*, That upon re-
18 ceipt, such contributions from the Government of Kuwait
19 shall be credited to the appropriations or fund which in-
20 curred such obligations.

21 SEC. 8022. (a) Of the funds made available in this
22 Act, not less than \$37,745,000 shall be available for the
23 Civil Air Patrol Corporation, of which—

24 (1) \$27,838,000 shall be available from “Oper-
25 ation and Maintenance, Air Force” to support Civil

1 Air Patrol Corporation operation and maintenance,
2 readiness, counterdrug activities, and drug demand
3 reduction activities involving youth programs;

4 (2) \$8,990,000 shall be available from “Aircraft
5 Procurement, Air Force”; and

6 (3) \$917,000 shall be available from “Other
7 Procurement, Air Force” for vehicle procurement.

8 (b) The Secretary of the Air Force should waive reim-
9 bursement for any funds used by the Civil Air Patrol for
10 counter-drug activities in support of Federal, State, and
11 local government agencies.

12 SEC. 8023. (a) None of the funds appropriated in this
13 Act are available to establish a new Department of De-
14 fense (department) federally funded research and develop-
15 ment center (FFRDC), either as a new entity, or as a
16 separate entity administrated by an organization man-
17 aging another FFRDC, or as a nonprofit membership cor-
18 poration consisting of a consortium of other FFRDCs and
19 other nonprofit entities.

20 (b) No member of a Board of Directors, Trustees,
21 Overseers, Advisory Group, Special Issues Panel, Visiting
22 Committee, or any similar entity of a defense FFRDC,
23 and no paid consultant to any defense FFRDC, except
24 when acting in a technical advisory capacity, may be com-
25 pensated for his or her services as a member of such enti-

1 ty, or as a paid consultant by more than one FFRDC in
2 a fiscal year: *Provided*, That a member of any such entity
3 referred to previously in this subsection shall be allowed
4 travel expenses and per diem as authorized under the Fed-
5 eral Joint Travel Regulations, when engaged in the per-
6 formance of membership duties.

7 (c) Notwithstanding any other provision of law, none
8 of the funds available to the department from any source
9 during fiscal year 2012 may be used by a defense FFRDC,
10 through a fee or other payment mechanism, for construc-
11 tion of new buildings, for payment of cost sharing for
12 projects funded by Government grants, for absorption of
13 contract overruns, or for certain charitable contributions,
14 not to include employee participation in community service
15 and/or development.

16 (d) Notwithstanding any other provision of law, of
17 the funds available to the department during fiscal year
18 2012, not more than 5,750 staff years of technical effort
19 (staff years) may be funded for defense FFRDCs: *Pro-*
20 *vided*, That of the specific amount referred to previously
21 in this subsection, not more than 1,125 staff years may
22 be funded for the defense studies and analysis FFRDCs:
23 *Provided further*, That this subsection shall not apply to
24 staff years funded in the National Intelligence Program
25 (NIP) and the Military Intelligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2013 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

7 (f) Notwithstanding any other provision of this Act,
8 the total amount appropriated in this Act for FFRDCs
9 is hereby reduced by \$150,245,000.

10 SEC. 8024. None of the funds appropriated or made
11 available in this Act shall be used to procure carbon, alloy
12 or armor steel plate for use in any Government-owned fa-
13 cility or property under the control of the Department of
14 Defense which were not melted and rolled in the United
15 States or Canada: *Provided*, That these procurement re-
16 strictions shall apply to any and all Federal Supply Class
17 9515, American Society of Testing and Materials (ASTM)
18 or American Iron and Steel Institute (AISI) specifications
19 of carbon, alloy or armor steel plate: *Provided further*,
20 That the Secretary of the military department responsible
21 for the procurement may waive this restriction on a case-
22 by-case basis by certifying in writing to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate that adequate domestic supplies are not available
25 to meet Department of Defense requirements on a timely

1 basis and that such an acquisition must be made in order
2 to acquire capability for national security purposes: *Pro-*
3 *vided further*, That these restrictions shall not apply to
4 contracts which are in being as of the date of the enact-
5 ment of this Act.

6 SEC. 8025. For the purposes of this Act, the term
7 “congressional defense committees” means the Armed
8 Services Committee of the House of Representatives, the
9 Armed Services Committee of the Senate, the Sub-
10 committee on Defense of the Committee on Appropriations
11 of the Senate, and the Subcommittee on Defense of the
12 Committee on Appropriations of the House of Representa-
13 tives.

14 SEC. 8026. During the current fiscal year, the De-
15 partment of Defense may acquire the modification, depot
16 maintenance and repair of aircraft, vehicles and vessels
17 as well as the production of components and other De-
18 fense-related articles, through competition between De-
19 partment of Defense depot maintenance activities and pri-
20 vate firms: *Provided*, That the Senior Acquisition Execu-
21 tive of the military department or Defense Agency con-
22 cerned, with power of delegation, shall certify that success-
23 ful bids include comparable estimates of all direct and in-
24 direct costs for both public and private bids: *Provided fur-*
25 *ther*, That Office of Management and Budget Circular A-

1 76 shall not apply to competitions conducted under this
2 section.

3 SEC. 8027. (a)(1) If the Secretary of Defense, after
4 consultation with the United States Trade Representative,
5 determines that a foreign country which is party to an
6 agreement described in paragraph (2) has violated the
7 terms of the agreement by discriminating against certain
8 types of products produced in the United States that are
9 covered by the agreement, the Secretary of Defense shall
10 rescind the Secretary's blanket waiver of the Buy Amer-
11 ican Act with respect to such types of products produced
12 in that foreign country.

13 (2) An agreement referred to in paragraph (1) is any
14 reciprocal defense procurement memorandum of under-
15 standing, between the United States and a foreign country
16 pursuant to which the Secretary of Defense has prospec-
17 tively waived the Buy American Act for certain products
18 in that country.

19 (b) The Secretary of Defense shall submit to the Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 2012. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

3 (c) For purposes of this section, the term “Buy
4 American Act” means chapter 83 of title 41, United
5 States Code.

6 SEC. 8028. During the current fiscal year, amounts
7 contained in the Department of Defense Overseas Military
8 Facility Investment Recovery Account established by sec-
9 tion 2921(c)(1) of the National Defense Authorization Act
10 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
11 be available until expended for the payments specified by
12 section 2921(c)(2) of that Act.

13 SEC. 8029. (a) Notwithstanding any other provision
14 of law, the Secretary of the Air Force may convey at no
15 cost to the Air Force, without consideration, to Indian
16 tribes located in the States of Nevada, Idaho, North Da-
17 kota, South Dakota, Montana, Oregon, Minnesota, and
18 Washington relocatable military housing units located at
19 Grand Forks Air Force Base, Malmstrom Air Force Base,
20 Mountain Home Air Force Base, Ellsworth Air Force
21 Base, and Minot Air Force Base that are excess to the
22 needs of the Air Force.

23 (b) The Secretary of the Air Force shall convey, at
24 no cost to the Air Force, military housing units under sub-
25 section (a) in accordance with the request for such units

1 that are submitted to the Secretary by the Operation
2 Walking Shield Program on behalf of Indian tribes located
3 in the States of Nevada, Idaho, North Dakota, South Da-
4 kota, Montana, Oregon, Minnesota, and Washington. Any
5 such conveyance shall be subject to the condition that the
6 housing units shall be removed within a reasonable period
7 of time, as determined by the Secretary.

8 (c) The Operation Walking Shield Program shall re-
9 solve any conflicts among requests of Indian tribes for
10 housing units under subsection (a) before submitting re-
11 quests to the Secretary of the Air Force under subsection
12 (b).

13 (d) In this section, the term “Indian tribe” means
14 any recognized Indian tribe included on the current list
15 published by the Secretary of the Interior under section
16 104 of the Federally Recognized Indian Tribe Act of 1994
17 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
18 1).

19 SEC. 8030. During the current fiscal year, appropria-
20 tions which are available to the Department of Defense
21 for operation and maintenance may be used to purchase
22 items having an investment item unit cost of not more
23 than \$250,000.

24 SEC. 8031. (a) During the current fiscal year, none
25 of the appropriations or funds available to the Department

1 of Defense Working Capital Funds shall be used for the
2 purchase of an investment item for the purpose of acquir-
3 ing a new inventory item for sale or anticipated sale dur-
4 ing the current fiscal year or a subsequent fiscal year to
5 customers of the Department of Defense Working Capital
6 Funds if such an item would not have been chargeable
7 to the Department of Defense Business Operations Fund
8 during fiscal year 1994 and if the purchase of such an
9 investment item would be chargeable during the current
10 fiscal year to appropriations made to the Department of
11 Defense for procurement.

12 (b) The fiscal year 2013 budget request for the De-
13 partment of Defense as well as all justification material
14 and other documentation supporting the fiscal year 2013
15 Department of Defense budget shall be prepared and sub-
16 mitted to the Congress on the basis that any equipment
17 which was classified as an end item and funded in a pro-
18 curement appropriation contained in this Act shall be
19 budgeted for in a proposed fiscal year 2013 procurement
20 appropriation and not in the supply management business
21 area or any other area or category of the Department of
22 Defense Working Capital Funds.

23 SEC. 8032. None of the funds appropriated by this
24 Act for programs of the Central Intelligence Agency shall
25 remain available for obligation beyond the current fiscal

1 year, except for funds appropriated for the Reserve for
2 Contingencies, which shall remain available until Sep-
3 tember 30, 2013: *Provided*, That funds appropriated,
4 transferred, or otherwise credited to the Central Intel-
5 ligence Agency Central Services Working Capital Fund
6 during this or any prior or subsequent fiscal year shall
7 remain available until expended: *Provided further*, That
8 any funds appropriated or transferred to the Central Intel-
9 ligence Agency for advanced research and development ac-
10 quisition, for agent operations, and for covert action pro-
11 grams authorized by the President under section 503 of
12 the National Security Act of 1947, as amended, shall re-
13 main available until September 30, 2013.

14 SEC. 8033. Notwithstanding any other provision of
15 law, funds made available in this Act for the Defense In-
16 telligence Agency may be used for the design, develop-
17 ment, and deployment of General Defense Intelligence
18 Program intelligence communications and intelligence in-
19 formation systems for the Services, the Unified and Speci-
20 fied Commands, and the component commands.

21 SEC. 8034. Of the funds appropriated to the Depart-
22 ment of Defense under the heading “Operation and Main-
23 tenance, Defense-Wide”, not less than \$12,000,000 shall
24 be made available only for the mitigation of environmental
25 impacts, including training and technical assistance to

1 tribes, related administrative support, the gathering of in-
2 formation, documenting of environmental damage, and de-
3 veloping a system for prioritization of mitigation and cost
4 to complete estimates for mitigation, on Indian lands re-
5 sulting from Department of Defense activities.

6 SEC. 8035. (a) None of the funds appropriated in this
7 Act may be expended by an entity of the Department of
8 Defense unless the entity, in expending the funds, com-
9 plies with the Buy American Act. For purposes of this
10 subsection, the term “Buy American Act” means chapter
11 83 of title 41, United States Code.

12 (b) If the Secretary of Defense determines that a per-
13 son has been convicted of intentionally affixing a label
14 bearing a “Made in America” inscription to any product
15 sold in or shipped to the United States that is not made
16 in America, the Secretary shall determine, in accordance
17 with section 2410f of title 10, United States Code, wheth-
18 er the person should be debarred from contracting with
19 the Department of Defense.

20 (c) In the case of any equipment or products pur-
21 chased with appropriations provided under this Act, it is
22 the sense of the Congress that any entity of the Depart-
23 ment of Defense, in expending the appropriation, purchase
24 only American-made equipment and products, provided
25 that American-made equipment and products are cost-

1 competitive, quality competitive, and available in a timely
2 fashion.

3 SEC. 8036. None of the funds appropriated by this
4 Act shall be available for a contract for studies, analysis,
5 or consulting services entered into without competition on
6 the basis of an unsolicited proposal unless the head of the
7 activity responsible for the procurement determines—

8 (1) as a result of thorough technical evaluation,
9 only one source is found fully qualified to perform
10 the proposed work;

11 (2) the purpose of the contract is to explore an
12 unsolicited proposal which offers significant sci-
13 entific or technological promise, represents the prod-
14 uct of original thinking, and was submitted in con-
15 fidence by one source; or

16 (3) the purpose of the contract is to take ad-
17 vantage of unique and significant industrial accom-
18 plishment by a specific concern, or to insure that a
19 new product or idea of a specific concern is given fi-
20 nancial support: *Provided*, That this limitation shall
21 not apply to contracts in an amount of less than
22 \$25,000, contracts related to improvements of equip-
23 ment that is in development or production, or con-
24 tracts as to which a civilian official of the Depart-
25 ment of Defense, who has been confirmed by the

1 Senate, determines that the award of such contract
2 is in the interest of the national defense.

3 SEC. 8037. (a) Except as provided in subsections (b)
4 and (c), none of the funds made available by this Act may
5 be used—

6 (1) to establish a field operating agency; or

7 (2) to pay the basic pay of a member of the
8 Armed Forces or civilian employee of the depart-
9 ment who is transferred or reassigned from a head-
10 quarters activity if the member or employee's place
11 of duty remains at the location of that headquarters.

12 (b) The Secretary of Defense or Secretary of a mili-
13 tary department may waive the limitations in subsection
14 (a), on a case-by-case basis, if the Secretary determines,
15 and certifies to the Committees on Appropriations of the
16 House of Representatives and Senate that the granting
17 of the waiver will reduce the personnel requirements or
18 the financial requirements of the department.

19 (c) This section does not apply to—

20 (1) field operating agencies funded within the
21 National Intelligence Program;

22 (2) an Army field operating agency established
23 to eliminate, mitigate, or counter the effects of im-
24 provised explosive devices, and, as determined by the
25 Secretary of the Army, other similar threats; or

1 (3) an Army field operating agency established
2 to improve the effectiveness and efficiencies of bio-
3 metric activities and to integrate common biometric
4 technologies throughout the Department of Defense.

5 SEC. 8038. The Secretary of Defense, notwith-
6 standing any other provision of law, acting through the
7 Office of Economic Adjustment of the Department of De-
8 fense, may use funds made available in this Act under the
9 heading “Operation and Maintenance, Defense-Wide” to
10 make grants and supplement other Federal funds in ac-
11 cordance with the guidance provided in the explanatory
12 statement described in section 4 (in the matter preceding
13 division A of this consolidated Act).

14 SEC. 8039. (a) None of the funds appropriated by
15 this Act shall be available to convert to contractor per-
16 formance an activity or function of the Department of De-
17 fense that, on or after the date of the enactment of this
18 Act, is performed by Department of Defense civilian em-
19 ployees unless—

20 (1) the conversion is based on the result of a
21 public-private competition that includes a most effi-
22 cient and cost effective organization plan developed
23 by such activity or function;

24 (2) the Competitive Sourcing Official deter-
25 mines that, over all performance periods stated in

1 the solicitation of offers for performance of the ac-
2 tivity or function, the cost of performance of the ac-
3 tivity or function by a contractor would be less costly
4 to the Department of Defense by an amount that
5 equals or exceeds the lesser of—

6 (A) 10 percent of the most efficient organi-
7 zation's personnel-related costs for performance
8 of that activity or function by Federal employ-
9 ees; or

10 (B) \$10,000,000; and

11 (3) the contractor does not receive an advan-
12 tage for a proposal that would reduce costs for the
13 Department of Defense by—

14 (A) not making an employer-sponsored
15 health insurance plan available to the workers
16 who are to be employed in the performance of
17 that activity or function under the contract; or

18 (B) offering to such workers an employer-
19 sponsored health benefits plan that requires the
20 employer to contribute less towards the pre-
21 mium or subscription share than the amount
22 that is paid by the Department of Defense for
23 health benefits for civilian employees under
24 chapter 89 of title 5, United States Code.

1 (b)(1) The Department of Defense, without regard
2 to subsection (a) of this section or subsection (a), (b), or
3 (c) of section 2461 of title 10, United States Code, and
4 notwithstanding any administrative regulation, require-
5 ment, or policy to the contrary shall have full authority
6 to enter into a contract for the performance of any com-
7 mercial or industrial type function of the Department of
8 Defense that—

9 (A) is included on the procurement list es-
10 tablished pursuant to section 2 of the Javits-
11 Wagner-O'Day Act (section 8503 of title 41,
12 United States Code);

13 (B) is planned to be converted to perform-
14 ance by a qualified nonprofit agency for the
15 blind or by a qualified nonprofit agency for
16 other severely handicapped individuals in ac-
17 cordance with that Act; or

18 (C) is planned to be converted to perform-
19 ance by a qualified firm under at least 51 per-
20 cent ownership by an Indian tribe, as defined in
21 section 4(e) of the Indian Self-Determination
22 and Education Assistance Act (25 U.S.C.
23 450b(e)), or a Native Hawaiian Organization,
24 as defined in section 8(a)(15) of the Small
25 Business Act (15 U.S.C. 637(a)(15)).

1 “Aircraft Procurement, Army, 2010/2012”,
2 \$5,100,000;

3 “Procurement of Weapons and Tracked Combat
4 Vehicles, Army, 2010/2012”, \$4,353,000;

5 “Procurement of Ammunition, Army, 2010/
6 2012”, \$21,674,000;

7 “Other Procurement, Army, 2010/2012”,
8 \$58,647,000;

9 “Aircraft Procurement, Navy, 2010/2012”,
10 \$90,000,000;

11 “Aircraft Procurement, Air Force, 2010/2012”,
12 \$32,897,000;

13 “Missile Procurement, Air Force, 2010/2012”,
14 \$3,889,000;

15 “Other Procurement, Air Force, 2010/2012”,
16 \$12,200,000;

17 “Procurement, Defense-Wide, 2010/2012”,
18 \$716,000;

19 “Aircraft Procurement, Army, 2011/2013”,
20 \$21,500,000;

21 “Missile Procurement, Army, 2011/2013”,
22 \$99,800,000;

23 “Procurement of Weapons and Tracked Combat
24 Vehicles, Army, 2011/2013”, \$18,834,000;

1 “Procurement of Ammunition, Army, 2011/
2 2013”, \$15,000,000;

3 “Other Procurement, Army, 2011/2013”,
4 \$438,436,000;

5 “Aircraft Procurement, Navy, 2011/2013”,
6 \$78,000,000;

7 “Weapons Procurement, Navy, 2011/2013”,
8 \$34,276,000;

9 “Procurement of Ammunition, Navy and Ma-
10 rine Corps, 2011/2013”, \$28,262,000;

11 “Other Procurement, Navy, 2011/2013”,
12 \$59,598,000;

13 Under the heading, “Shipbuilding and Conver-
14 sion, Navy, 2011/2015”: Littoral Combat Ship Ad-
15 vance Procurement: \$110,351,000;

16 “Aircraft Procurement, Air Force, 2011/2013”,
17 \$220,213,000;

18 “Missile Procurement, Air Force, 2011/2013”,
19 \$193,900,000;

20 “Other Procurement, Air Force, 2011/2013”,
21 \$52,868,000;

22 “Procurement, Defense-Wide, 2011/2013”,
23 \$4,312,000;

24 “Research, Development, Test and Evaluation,
25 Army, 2011/2012”, \$356,625,000;

1 “Research, Development, Test and Evaluation,
2 Navy, 2011/2012”, \$65,687,000;

3 “Research, Development, Test and Evaluation,
4 Air Force, 2011/2012”, \$258,094,000;

5 “Research, Development, Test and Evaluation,
6 Defense-Wide, 2011/2012”, \$254,284,000;

7 “Defense Health Program, 2011/2012”,
8 \$257,000:

9 *Provided*, That the funds rescinded from the
10 National Defense Sealift accounts are those de-
11 scribed under the heading “National Defense Sealift
12 Fund” in Public Law 107–117, Public Law 107–
13 248, and Public Law 108–87, or for the purposes
14 described in section 115 of division H of Public Law
15 108–199, as amended by section 1017 of division A
16 of Public Law 109–13.

17 SEC. 8041. None of the funds available in this Act
18 may be used to reduce the authorized positions for mili-
19 tary technicians (dual status) of the Army National
20 Guard, Air National Guard, Army Reserve and Air Force
21 Reserve for the purpose of applying any administratively
22 imposed civilian personnel ceiling, freeze, or reduction on
23 military technicians (dual status), unless such reductions
24 are a direct result of a reduction in military force struc-
25 ture.

1 SEC. 8042. None of the funds appropriated or other-
2 wise made available in this Act may be obligated or ex-
3 pended for assistance to the Democratic People's Republic
4 of Korea unless specifically appropriated for that purpose.

5 SEC. 8043. Funds appropriated in this Act for oper-
6 ation and maintenance of the Military Departments, Com-
7 batant Commands and Defense Agencies shall be available
8 for reimbursement of pay, allowances and other expenses
9 which would otherwise be incurred against appropriations
10 for the National Guard and Reserve when members of the
11 National Guard and Reserve provide intelligence or coun-
12 terintelligence support to Combatant Commands, Defense
13 Agencies and Joint Intelligence Activities, including the
14 activities and programs included within the National Intel-
15 ligence Program and the Military Intelligence Program:
16 *Provided*, That nothing in this section authorizes deviation
17 from established Reserve and National Guard personnel
18 and training procedures.

19 SEC. 8044. During the current fiscal year, none of
20 the funds appropriated in this Act may be used to reduce
21 the civilian medical and medical support personnel as-
22 signed to military treatment facilities below the September
23 30, 2003, level: *Provided*, That the Service Surgeons Gen-
24 eral may waive this section by certifying to the congres-
25 sional defense committees that the beneficiary population

1 is declining in some catchment areas and civilian strength
2 reductions may be consistent with responsible resource
3 stewardship and capitation-based budgeting.

4 SEC. 8045. (a) None of the funds available to the
5 Department of Defense for any fiscal year for drug inter-
6 diction or counter-drug activities may be transferred to
7 any other department or agency of the United States ex-
8 cept as specifically provided in an appropriations law.

9 (b) None of the funds available to the Central Intel-
10 ligence Agency for any fiscal year for drug interdiction
11 and counter-drug activities may be transferred to any
12 other department or agency of the United States except
13 as specifically provided in an appropriations law.

14 SEC. 8046. None of the funds appropriated by this
15 Act may be used for the procurement of ball and roller
16 bearings other than those produced by a domestic source
17 and of domestic origin: *Provided*, That the Secretary of
18 the military department responsible for such procurement
19 may waive this restriction on a case-by-case basis by certi-
20 fying in writing to the Committees on Appropriations of
21 the House of Representatives and the Senate, that ade-
22 quate domestic supplies are not available to meet Depart-
23 ment of Defense requirements on a timely basis and that
24 such an acquisition must be made in order to acquire ca-
25 pability for national security purposes: *Provided further*,

1 That this restriction shall not apply to the purchase of
2 “commercial items”, as defined by section 4(12) of the
3 Office of Federal Procurement Policy Act, except that the
4 restriction shall apply to ball or roller bearings purchased
5 as end items.

6 SEC. 8047. None of the funds in this Act may be
7 used to purchase any supercomputer which is not manu-
8 factured in the United States, unless the Secretary of De-
9 fense certifies to the congressional defense committees
10 that such an acquisition must be made in order to acquire
11 capability for national security purposes that is not avail-
12 able from United States manufacturers.

13 SEC. 8048. None of the funds made available in this
14 or any other Act may be used to pay the salary of any
15 officer or employee of the Department of Defense who ap-
16 proves or implements the transfer of administrative re-
17 sponsibilities or budgetary resources of any program,
18 project, or activity financed by this Act to the jurisdiction
19 of another Federal agency not financed by this Act with-
20 out the express authorization of Congress: *Provided*, That
21 this limitation shall not apply to transfers of funds ex-
22 pressly provided for in Defense Appropriations Acts, or
23 provisions of Acts providing supplemental appropriations
24 for the Department of Defense.

1 SEC. 8049. (a) Notwithstanding any other provision
2 of law, none of the funds available to the Department of
3 Defense for the current fiscal year may be obligated or
4 expended to transfer to another nation or an international
5 organization any defense articles or services (other than
6 intelligence services) for use in the activities described in
7 subsection (b) unless the congressional defense commit-
8 tees, the Committee on Foreign Affairs of the House of
9 Representatives, and the Committee on Foreign Relations
10 of the Senate are notified 15 days in advance of such
11 transfer.

12 (b) This section applies to—

13 (1) any international peacekeeping or peace-en-
14 forcement operation under the authority of chapter
15 VI or chapter VII of the United Nations Charter
16 under the authority of a United Nations Security
17 Council resolution; and

18 (2) any other international peacekeeping, peace-
19 enforcement, or humanitarian assistance operation.

20 (c) A notice under subsection (a) shall include the
21 following:

22 (1) A description of the equipment, supplies, or
23 services to be transferred.

24 (2) A statement of the value of the equipment,
25 supplies, or services to be transferred.

1 (3) In the case of a proposed transfer of equip-
2 ment or supplies—

3 (A) a statement of whether the inventory
4 requirements of all elements of the Armed
5 Forces (including the reserve components) for
6 the type of equipment or supplies to be trans-
7 ferred have been met; and

8 (B) a statement of whether the items pro-
9 posed to be transferred will have to be replaced
10 and, if so, how the President proposes to pro-
11 vide funds for such replacement.

12 SEC. 8050. None of the funds available to the De-
13 partment of Defense under this Act shall be obligated or
14 expended to pay a contractor under a contract with the
15 Department of Defense for costs of any amount paid by
16 the contractor to an employee when—

17 (1) such costs are for a bonus or otherwise in
18 excess of the normal salary paid by the contractor
19 to the employee; and

20 (2) such bonus is part of restructuring costs as-
21 sociated with a business combination.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8051. During the current fiscal year, no more
24 than \$30,000,000 of appropriations made in this Act
25 under the heading “Operation and Maintenance, Defense-

1 Wide” may be transferred to appropriations available for
2 the pay of military personnel, to be merged with, and to
3 be available for the same time period as the appropriations
4 to which transferred, to be used in support of such per-
5 sonnel in connection with support and services for eligible
6 organizations and activities outside the Department of De-
7 fense pursuant to section 2012 of title 10, United States
8 Code.

9 SEC. 8052. During the current fiscal year, in the case
10 of an appropriation account of the Department of Defense
11 for which the period of availability for obligation has ex-
12 pired or which has closed under the provisions of section
13 1552 of title 31, United States Code, and which has a
14 negative unliquidated or unexpended balance, an obliga-
15 tion or an adjustment of an obligation may be charged
16 to any current appropriation account for the same purpose
17 as the expired or closed account if—

18 (1) the obligation would have been properly
19 chargeable (except as to amount) to the expired or
20 closed account before the end of the period of avail-
21 ability or closing of that account;

22 (2) the obligation is not otherwise properly
23 chargeable to any current appropriation account of
24 the Department of Defense; and

1 (3) in the case of an expired account, the obli-
2 gation is not chargeable to a current appropriation
3 of the Department of Defense under the provisions
4 of section 1405(b)(8) of the National Defense Au-
5 thorization Act for Fiscal Year 1991, Public Law
6 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
7 *vided*, That in the case of an expired account, if sub-
8 sequent review or investigation discloses that there
9 was not in fact a negative unliquidated or unex-
10 pended balance in the account, any charge to a cur-
11 rent account under the authority of this section shall
12 be reversed and recorded against the expired ac-
13 count: *Provided further*, That the total amount
14 charged to a current appropriation under this sec-
15 tion may not exceed an amount equal to 1 percent
16 of the total appropriation for that account.

17 SEC. 8053. (a) Notwithstanding any other provision
18 of law, the Chief of the National Guard Bureau may per-
19 mit the use of equipment of the National Guard Distance
20 Learning Project by any person or entity on a space-avail-
21 able, reimbursable basis. The Chief of the National Guard
22 Bureau shall establish the amount of reimbursement for
23 such use on a case-by-case basis.

24 (b) Amounts collected under subsection (a) shall be
25 credited to funds available for the National Guard Dis-

1 tance Learning Project and be available to defray the costs
2 associated with the use of equipment of the project under
3 that subsection. Such funds shall be available for such
4 purposes without fiscal year limitation.

5 SEC. 8054. Using funds made available by this Act
6 or any other Act, the Secretary of the Air Force, pursuant
7 to a determination under section 2690 of title 10, United
8 States Code, may implement cost-effective agreements for
9 required heating facility modernization in the
10 Kaiserslautern Military Community in the Federal Repub-
11 lic of Germany: *Provided*, That in the City of
12 Kaiserslautern and at the Rhine Ordnance Barracks area,
13 such agreements will include the use of United States an-
14 thracite as the base load energy for municipal district heat
15 to the United States Defense installations: *Provided fur-*
16 *ther*, That at Landstuhl Army Regional Medical Center
17 and Ramstein Air Base, furnished heat may be obtained
18 from private, regional or municipal services, if provisions
19 are included for the consideration of United States coal
20 as an energy source.

21 SEC. 8055. None of the funds appropriated in title
22 IV of this Act may be used to procure end-items for deliv-
23 ery to military forces for operational training, operational
24 use or inventory requirements: *Provided*, That this restric-
25 tion does not apply to end-items used in development,

1 prototyping, and test activities preceding and leading to
2 acceptance for operational use: *Provided further*, That this
3 restriction does not apply to programs funded within the
4 National Intelligence Program: *Provided further*, That the
5 Secretary of Defense may waive this restriction on a case-
6 by-case basis by certifying in writing to the Committees
7 on Appropriations of the House of Representatives and the
8 Senate that it is in the national security interest to do
9 so.

10 SEC. 8056. None of the funds made available in this
11 Act may be used to approve or license the sale of the F-
12 22A advanced tactical fighter to any foreign government:
13 *Provided*, That the Department of Defense may conduct
14 or participate in studies, research, design and other activi-
15 ties to define and develop a future export version of the
16 F-22A that protects classified and sensitive information,
17 technologies and U.S. warfighting capabilities.

18 SEC. 8057. (a) The Secretary of Defense may, on a
19 case-by-case basis, waive with respect to a foreign country
20 each limitation on the procurement of defense items from
21 foreign sources provided in law if the Secretary determines
22 that the application of the limitation with respect to that
23 country would invalidate cooperative programs entered
24 into between the Department of Defense and the foreign
25 country, or would invalidate reciprocal trade agreements

1 for the procurement of defense items entered into under
2 section 2531 of title 10, United States Code, and the
3 country does not discriminate against the same or similar
4 defense items produced in the United States for that coun-
5 try.

6 (b) Subsection (a) applies with respect to—

7 (1) contracts and subcontracts entered into on
8 or after the date of the enactment of this Act; and

9 (2) options for the procurement of items that
10 are exercised after such date under contracts that
11 are entered into before such date if the option prices
12 are adjusted for any reason other than the applica-
13 tion of a waiver granted under subsection (a).

14 (c) Subsection (a) does not apply to a limitation re-
15 garding construction of public vessels, ball and roller bear-
16 ings, food, and clothing or textile materials as defined by
17 section 11 (chapters 50–65) of the Harmonized Tariff
18 Schedule and products classified under headings 4010,
19 4202, 4203, 6401 through 6406, 6505, 7019, 7218
20 through 7229, 7304.41 through 7304.49, 7306.40, 7502
21 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

22 SEC. 8058. (a) None of the funds made available by
23 this Act may be used to support any training program in-
24 volving a unit of the security forces or police of a foreign
25 country if the Secretary of Defense has received credible

1 information from the Department of State that the unit
2 has committed a gross violation of human rights, unless
3 all necessary corrective steps have been taken.

4 (b) The Secretary of Defense, in consultation with the
5 Secretary of State, shall ensure that prior to a decision
6 to conduct any training program referred to in subsection
7 (a), full consideration is given to all credible information
8 available to the Department of State relating to human
9 rights violations by foreign security forces.

10 (c) The Secretary of Defense, after consultation with
11 the Secretary of State, may waive the prohibition in sub-
12 section (a) if he determines that such waiver is required
13 by extraordinary circumstances.

14 (d) Not more than 15 days after the exercise of any
15 waiver under subsection (c), the Secretary of Defense shall
16 submit a report to the congressional defense committees
17 describing the extraordinary circumstances, the purpose
18 and duration of the training program, the United States
19 forces and the foreign security forces involved in the train-
20 ing program, and the information relating to human rights
21 violations that necessitates the waiver.

22 SEC. 8059. None of the funds appropriated or other-
23 wise made available by this or other Department of De-
24 fense Appropriations Acts may be obligated or expended
25 for the purpose of performing repairs or maintenance to

1 military family housing units of the Department of De-
2 fense, including areas in such military family housing
3 units that may be used for the purpose of conducting offi-
4 cial Department of Defense business.

5 SEC. 8060. Notwithstanding any other provision of
6 law, funds appropriated in this Act under the heading
7 “Research, Development, Test and Evaluation, Defense-
8 Wide” for any new start advanced concept technology
9 demonstration project or joint capability demonstration
10 project may only be obligated 45 days after a report, in-
11 cluding a description of the project, the planned acquisi-
12 tion and transition strategy and its estimated annual and
13 total cost, has been provided in writing to the congress-
14 sional defense committees: *Provided*, That the Secretary
15 of Defense may waive this restriction on a case-by-case
16 basis by certifying to the congressional defense committees
17 that it is in the national interest to do so.

18 SEC. 8061. The Secretary of Defense shall provide
19 a classified quarterly report beginning 30 days after enact-
20 ment of this Act, to the House and Senate Appropriations
21 Committees, Subcommittees on Defense on certain mat-
22 ters as directed in the classified annex accompanying this
23 Act.

24 SEC. 8062. During the current fiscal year, none of
25 the funds available to the Department of Defense may be

1 used to provide support to another department or agency
2 of the United States if such department or agency is more
3 than 90 days in arrears in making payment to the Depart-
4 ment of Defense for goods or services previously provided
5 to such department or agency on a reimbursable basis:
6 *Provided*, That this restriction shall not apply if the de-
7 partment is authorized by law to provide support to such
8 department or agency on a nonreimbursable basis, and is
9 providing the requested support pursuant to such author-
10 ity: *Provided further*, That the Secretary of Defense may
11 waive this restriction on a case-by-case basis by certifying
12 in writing to the Committees on Appropriations of the
13 House of Representatives and the Senate that it is in the
14 national security interest to do so.

15 SEC. 8063. Notwithstanding section 12310(b) of title
16 10, United States Code, a Reserve who is a member of
17 the National Guard serving on full-time National Guard
18 duty under section 502(f) of title 32, United States Code,
19 may perform duties in support of the ground-based ele-
20 ments of the National Ballistic Missile Defense System.

21 SEC. 8064. None of the funds provided in this Act
22 may be used to transfer to any nongovernmental entity
23 ammunition held by the Department of Defense that has
24 a center-fire cartridge and a United States military no-
25 menclature designation of “armor penetrator”, “armor

1 piercing (AP)”, “armor piercing incendiary (API)”, or
2 “armor-piercing incendiary tracer (API-T)”, except to an
3 entity performing demilitarization services for the Depart-
4 ment of Defense under a contract that requires the entity
5 to demonstrate to the satisfaction of the Department of
6 Defense that armor piercing projectiles are either: (1) ren-
7 dered incapable of reuse by the demilitarization process;
8 or (2) used to manufacture ammunition pursuant to a con-
9 tract with the Department of Defense or the manufacture
10 of ammunition for export pursuant to a License for Per-
11 manent Export of Unclassified Military Articles issued by
12 the Department of State.

13 SEC. 8065. Notwithstanding any other provision of
14 law, the Chief of the National Guard Bureau, or his des-
15 ignee, may waive payment of all or part of the consider-
16 ation that otherwise would be required under section 2667
17 of title 10, United States Code, in the case of a lease of
18 personal property for a period not in excess of 1 year to
19 any organization specified in section 508(d) of title 32,
20 United States Code, or any other youth, social, or fra-
21 ternal nonprofit organization as may be approved by the
22 Chief of the National Guard Bureau, or his designee, on
23 a case-by-case basis.

24 SEC. 8066. None of the funds appropriated by this
25 Act shall be used for the support of any nonappropriated

1 funds activity of the Department of Defense that procures
2 malt beverages and wine with nonappropriated funds for
3 resale (including such alcoholic beverages sold by the
4 drink) on a military installation located in the United
5 States unless such malt beverages and wine are procured
6 within that State, or in the case of the District of Colum-
7 bia, within the District of Columbia, in which the military
8 installation is located: *Provided*, That in a case in which
9 the military installation is located in more than one State,
10 purchases may be made in any State in which the installa-
11 tion is located: *Provided further*, That such local procure-
12 ment requirements for malt beverages and wine shall
13 apply to all alcoholic beverages only for military installa-
14 tions in States which are not contiguous with another
15 State: *Provided further*, That alcoholic beverages other
16 than wine and malt beverages, in contiguous States and
17 the District of Columbia shall be procured from the most
18 competitive source, price and other factors considered.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8067. Of the amounts appropriated in this Act
21 under the heading "Operation and Maintenance, Army",
22 \$124,493,000 shall remain available until expended: *Pro-*
23 *vided*, That notwithstanding any other provision of law,
24 the Secretary of Defense is authorized to transfer such
25 funds to other activities of the Federal Government: *Pro-*

1 *vided further*, That the Secretary of Defense is authorized
2 to enter into and carry out contracts for the acquisition
3 of real property, construction, personal services, and oper-
4 ations related to projects carrying out the purposes of this
5 section: *Provided further*, That contracts entered into
6 under the authority of this section may provide for such
7 indemnification as the Secretary determines to be nec-
8 essary: *Provided further*, That projects authorized by this
9 section shall comply with applicable Federal, State, and
10 local law to the maximum extent consistent with the na-
11 tional security, as determined by the Secretary of Defense.

12 SEC. 8068. Section 8106 of the Department of De-
13 fense Appropriations Act, 1997 (titles I through VIII of
14 the matter under subsection 101(b) of Public Law 104–
15 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
16 tinue in effect to apply to disbursements that are made
17 by the Department of Defense in fiscal year 2012.

18 SEC. 8069. In addition to amounts provided else-
19 where in this Act, \$4,000,000 is hereby appropriated to
20 the Department of Defense, to remain available for obliga-
21 tion until expended: *Provided*, That notwithstanding any
22 other provision of law, that upon the determination of the
23 Secretary of Defense that it shall serve the national inter-
24 est, these funds shall be available only for a grant to the
25 Fisher House Foundation, Inc., only for the construction

1 and furnishing of additional Fisher Houses to meet the
2 needs of military family members when confronted with
3 the illness or hospitalization of an eligible military bene-
4 ficiary.

5 SEC. 8070. (a) IN GENERAL.—Subchapter I of chap-
6 ter 88 of title 10, United States Code, is amended by add-
7 ing the following new section at its end—

8 **“§ 1790. MILITARY PERSONNEL CITIZENSHIP**
9 **PROCESSING.**

10 “AUTHORIZATION OF PAYMENTS.—Using funds pro-
11 vided for operation and maintenance and notwithstanding
12 section 2215 of title 10, United States Code, the Secretary
13 of Defense may reimburse the Secretary of Homeland Se-
14 curity for costs associated with the processing and adju-
15 dication by the United States Citizenship and Immigration
16 Services (USCIS) of applications for naturalization de-
17 scribed in sections 328(b)(4) and 329(b)(4) of the Immi-
18 gration and Nationality Act (8 U.S.C. §§ 1439(b)(4) and
19 1440(b)(4)). Such reimbursements shall be deposited and
20 remain available as provided by sections 286(m) and (n)
21 of such Act (8 U.S.C. § 1356(m)). Such reimbursements
22 shall be based on actual costs incurred by USCIS for proc-
23 essing applications for naturalization, and shall not exceed
24 \$7,500,000 per fiscal year.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of subchapter I of chapter 88 of title 10,
3 United States Code, is amended by inserting after the
4 item relating to section 1789 the following new item:

“1790. Military personnel citizenship processing.”.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8071. Of the amounts appropriated in this Act
7 under the heading “Research, Development, Test and
8 Evaluation, Defense-Wide”, \$235,700,000 shall be for the
9 Israeli Cooperative Programs: *Provided*, That of this
10 amount, \$110,525,000 shall be for the Short Range Bal-
11 listic Missile Defense (SRBMD) program, including cruise
12 missile defense research and development under the
13 SRBMD program, of which \$15,000,000 shall be for pro-
14 duction activities of SRBMD missiles in the United States
15 and in Israel to meet Israel’s defense requirements con-
16 sistent with each nation’s laws, regulations, and proce-
17 dures, \$66,220,000 shall be available for an upper-tier
18 component to the Israeli Missile Defense Architecture, and
19 \$58,955,000 shall be for the Arrow System Improvement
20 Program including development of a long range, ground
21 and airborne, detection suite: *Provided further*, That funds
22 made available under this provision for production of mis-
23 siles and missile components may be transferred to appro-
24 priations available for the procurement of weapons and
25 equipment, to be merged with and to be available for the

1 same time period and the same purposes as the appropria-
2 tion to which transferred: *Provided further*, That the
3 transfer authority provided under this provision is in addi-
4 tion to any other transfer authority contained in this Act.

5 SEC. 8072. (a) None of the funds available to the
6 Department of Defense may be obligated to modify com-
7 mand and control relationships to give Fleet Forces Com-
8 mand operational and administrative control of U.S. Navy
9 forces assigned to the Pacific fleet.

10 (b) None of the funds available to the Department
11 of Defense may be obligated to modify command and con-
12 trol relationships to give United States Transportation
13 Command operational and administrative control of C-
14 130 and KC-135 forces assigned to the Pacific and Euro-
15 pean Air Force Commands.

16 (c) The command and control relationships in sub-
17 sections (a) and (b) which existed on March 13, 2011,
18 shall remain in force unless changes are specifically au-
19 thorized in a subsequent Act.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8073. Of the amounts appropriated in this Act
22 under the heading “Shipbuilding and Conversion, Navy”,
23 \$73,992,000 shall be available until September 30, 2012,
24 to fund prior year shipbuilding cost increases: *Provided*,
25 That upon enactment of this Act, the Secretary of the

1 Navy shall transfer funds to the following appropriations
2 in the amounts specified: *Provided further*, That the
3 amounts transferred shall be merged with and be available
4 for the same purposes as the appropriations to which
5 transferred to:

6 (1) Under the heading “Shipbuilding and Con-
7 version, Navy, 2005/2012”: LPD–17 Amphibious
8 Transport Dock Program \$18,627,000;

9 (2) Under the heading “Shipbuilding and Con-
10 version, Navy, 2006/2012”: LPD–17 Amphibious
11 Transport Dock Program \$23,437,000; and

12 (3) Under the heading “Shipbuilding and Con-
13 version, Navy, 2008/2012”: LPD–17 Amphibious
14 Transport Dock Program \$31,928,000.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8074. (a) Of the amounts appropriated in title
17 IV of this Act under the heading “Research, Development,
18 Test and Evaluation, Army”, for Budget Activities 4, 5
19 and 7, \$50,000,000 shall be transferred to Program Ele-
20 ment 0605601A: *Provided*, That no funds may be trans-
21 ferred until 30 days after the Secretary of the Army pro-
22 vides to the congressional defense committees a report in-
23 cluding the details of any such transfer: *Provided further*,
24 That the transfer authority provided under this provision

1 is in addition to any other transfer authority contained
2 in this Act.

3 (b) Of the amounts appropriated in title IV of this
4 Act under the heading “Research, Development, Test and
5 Evaluation, Air Force”, for Budget Activities 4, 5 and 7,
6 \$34,000,000 shall be transferred to Program Element
7 0605807F: *Provided*, That no funds may be transferred
8 until 30 days after the Secretary of the Air Force provides
9 to the congressional defense committees a report including
10 the details of any such transfer: *Provided further*, That
11 the transfer authority provided under this provision is in
12 addition to any other transfer authority contained in this
13 Act.

14 SEC. 8075. Funds appropriated by this Act, or made
15 available by the transfer of funds in this Act, for intel-
16 ligence activities are deemed to be specifically authorized
17 by the Congress for purposes of section 504 of the Na-
18 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
19 year 2012 until the enactment of the Intelligence Author-
20 ization Act for Fiscal Year 2012.

21 SEC. 8076. None of the funds provided in this Act
22 shall be available for obligation or expenditure through a
23 reprogramming of funds that creates or initiates a new
24 program, project, or activity unless such program, project,
25 or activity must be undertaken immediately in the interest

1 of national security and only after written prior notifica-
2 tion to the congressional defense committees.

3 SEC. 8077. The budget of the President for fiscal
4 year 2013 submitted to the Congress pursuant to section
5 1105 of title 31, United States Code, shall include sepa-
6 rate budget justification documents for costs of United
7 States Armed Forces' participation in contingency oper-
8 ations for the Military Personnel accounts, the Operation
9 and Maintenance accounts, and the Procurement ac-
10 counts: *Provided*, That these documents shall include a de-
11 scription of the funding requested for each contingency op-
12 eration, for each military service, to include all Active and
13 Reserve components, and for each appropriations account:
14 *Provided further*, That these documents shall include esti-
15 mated costs for each element of expense or object class,
16 a reconciliation of increases and decreases for each contin-
17 gency operation, and programmatic data including, but
18 not limited to, troop strength for each Active and Reserve
19 component, and estimates of the major weapons systems
20 deployed in support of each contingency: *Provided further*,
21 That these documents shall include budget exhibits OP-
22 5 and OP-32 (as defined in the Department of Defense
23 Financial Management Regulation) for all contingency op-
24 erations for the budget year and the two preceding fiscal
25 years.

1 SEC. 8078. None of the funds in this Act may be
2 used for research, development, test, evaluation, procure-
3 ment or deployment of nuclear armed interceptors of a
4 missile defense system.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8079. In addition to the amounts appropriated
7 or otherwise made available elsewhere in this Act,
8 \$44,000,000 is hereby appropriated to the Department of
9 Defense: *Provided*, That upon the determination of the
10 Secretary of Defense that it shall serve the national inter-
11 est, he shall make grants in the amounts specified as fol-
12 lows: \$20,000,000 to the United Service Organizations
13 and \$24,000,000 to the Red Cross.

14 SEC. 8080. None of the funds appropriated or made
15 available in this Act shall be used to reduce or disestablish
16 the operation of the 53rd Weather Reconnaissance Squad-
17 ron of the Air Force Reserve, if such action would reduce
18 the WC-130 Weather Reconnaissance mission below the
19 levels funded in this Act: *Provided*, That the Air Force
20 shall allow the 53rd Weather Reconnaissance Squadron to
21 perform other missions in support of national defense re-
22 quirements during the non-hurricane season.

23 SEC. 8081. None of the funds provided in this Act
24 shall be available for integration of foreign intelligence in-
25 formation unless the information has been lawfully col-

1 section: *Provided further*, That the Secretary may not
2 transfer any funds until 30 days after the proposed trans-
3 fer has been reported to the Committees on Appropria-
4 tions of the House of Representatives and the Senate, un-
5 less a response from the Committees is received sooner:
6 *Provided further*, That any funds transferred pursuant to
7 this section shall retain the same period of availability as
8 when originally appropriated: *Provided further*, That the
9 transfer authority provided by this section is in addition
10 to any other transfer authority contained elsewhere in this
11 Act.

12 SEC. 8084. For purposes of section 7108 of title 41,
13 United States Code, any subdivision of appropriations
14 made under the heading “Shipbuilding and Conversion,
15 Navy” that is not closed at the time reimbursement is
16 made shall be available to reimburse the Judgment Fund
17 and shall be considered for the same purposes as any sub-
18 division under the heading “Shipbuilding and Conversion,
19 Navy” appropriations in the current fiscal year or any
20 prior fiscal year.

21 SEC. 8085. (a) None of the funds appropriated by
22 this Act may be used to transfer research and develop-
23 ment, acquisition, or other program authority relating to
24 current tactical unmanned aerial vehicles (TUAVs) from
25 the Army.

1 (b) The Army shall retain responsibility for and oper-
2 ational control of the MQ-1C Sky Warrior Unmanned
3 Aerial Vehicle (UAV) in order to support the Secretary
4 of Defense in matters relating to the employment of un-
5 manned aerial vehicles.

6 SEC. 8086. Up to \$15,000,000 of the funds appro-
7 priated under the heading “Operation and Maintenance,
8 Navy” may be made available for the Asia Pacific Re-
9 gional Initiative Program for the purpose of enabling the
10 Pacific Command to execute Theater Security Cooperation
11 activities such as humanitarian assistance, and payment
12 of incremental and personnel costs of training and exer-
13 cising with foreign security forces: *Provided*, That funds
14 made available for this purpose may be used, notwith-
15 standing any other funding authorities for humanitarian
16 assistance, security assistance or combined exercise ex-
17 penses: *Provided further*, That funds may not be obligated
18 to provide assistance to any foreign country that is other-
19 wise prohibited from receiving such type of assistance
20 under any other provision of law.

21 SEC. 8087. None of the funds appropriated by this
22 Act for programs of the Office of the Director of National
23 Intelligence shall remain available for obligation beyond
24 the current fiscal year, except for funds appropriated for

1 research and technology, which shall remain available until
2 September 30, 2013.

3 SEC. 8088. For purposes of section 1553(b) of title
4 31, United States Code, any subdivision of appropriations
5 made in this Act under the heading “Shipbuilding and
6 Conversion, Navy” shall be considered to be for the same
7 purpose as any subdivision under the heading “Ship-
8 building and Conversion, Navy” appropriations in any
9 prior fiscal year, and the 1 percent limitation shall apply
10 to the total amount of the appropriation.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8089. During the current fiscal year, not to ex-
13 ceed \$200,000,000 from funds available under “Operation
14 and Maintenance, Defense-Wide” may be transferred to
15 the Department of State “Global Security Contingency
16 Fund”: *Provided*, That this transfer authority is in addi-
17 tion to any other transfer authority available to the De-
18 partment of Defense: *Provided further*, That the Secretary
19 of Defense shall, not fewer than 30 days prior to making
20 transfers to the Department of State “Global Security
21 Contingency Fund”, notify the congressional defense com-
22 mittees in writing with the source of funds and a detailed
23 justification, execution plan, and timeline for each pro-
24 posed project.

1 SEC. 8090. The Director of National Intelligence
2 shall include the budget exhibits identified in paragraphs
3 (1) and (2) as described in the Department of Defense
4 Financial Management Regulation with the congressional
5 budget justification books:

6 (1) For procurement programs requesting more
7 than \$10,000,000 in any fiscal year, the P-1, Pro-
8 curement Program; P-5, Cost Analysis; P-5a, Pro-
9 curement History and Planning; P-21, Production
10 Schedule; and P-40, Budget Item Justification.

11 (2) For research, development, test and evalua-
12 tion projects requesting more than \$5,000,000 in
13 any fiscal year, the R-1, Research, Development,
14 Test and Evaluation Program; R-2, Research, De-
15 velopment, Test and Evaluation Budget Item Jus-
16 tification; R-3, Research, Development, Test and
17 Evaluation Project Cost Analysis; and R-4, Re-
18 search, Development, Test and Evaluation Program
19 Schedule Profile.

20 SEC. 8091. The amounts appropriated in title II of
21 this Act are hereby reduced by \$515,000,000 to reflect
22 excess cash balances in Department of Defense Working
23 Capital Funds, as follows: From “Operation and Mainte-
24 nance, Army”, \$515,000,000.

1 SEC. 8092. (a) Not later than 60 days after enact-
2 ment of this Act, the Office of the Director of National
3 Intelligence shall submit a report to the congressional in-
4 telligence committees to establish the baseline for applica-
5 tion of reprogramming and transfer authorities for fiscal
6 year 2012: *Provided*, That the report shall include—

7 (1) a table for each appropriation with a sepa-
8 rate column to display the President’s budget re-
9 quest, adjustments made by Congress, adjustments
10 due to enacted rescissions, if appropriate, and the
11 fiscal year enacted level;

12 (2) a delineation in the table for each appro-
13 priation by Expenditure Center and project; and

14 (3) an identification of items of special congres-
15 sional interest.

16 (b) None of the funds provided for the National Intel-
17 ligence Program in this Act shall be available for re-
18 programming or transfer until the report identified in sub-
19 section (a) is submitted to the congressional intelligence
20 committees, unless the Director of National Intelligence
21 certifies in writing to the congressional intelligence com-
22 mittees that such reprogramming or transfer is necessary
23 as an emergency requirement.

24 SEC. 8093. (a) None of the funds provided for the
25 National Intelligence Program in this or any prior appro-

1 priations Act shall be available for obligation or expendi-
2 ture through a reprogramming or transfer of funds in ac-
3 cordance with section 102A(d) of the National Security
4 Act of 1947 (50 U.S.C. 403–1(d)) that—

5 (1) creates a new start effort;

6 (2) terminates a program with appropriated
7 funding of \$10,000,000 or more;

8 (3) transfers funding into or out of the Na-
9 tional Intelligence Program; or

10 (4) transfers funding between appropriations,
11 unless the congressional intelligence committees are noti-
12 fied 30 days in advance of such reprogramming of funds;
13 this notification period may be reduced for urgent national
14 security requirements.

15 (b) None of the funds provided for the National Intel-
16 ligence Program in this or any prior appropriations Act
17 shall be available for obligation or expenditure through a
18 reprogramming or transfer of funds in accordance with
19 section 102A(d) of the National Security Act of 1947 (50
20 U.S.C. 403–1(d)) that results in a cumulative increase or
21 decrease of the levels specified in the classified annex un-
22 less the congressional intelligence committees are notified
23 30 days in advance of such reprogramming of funds; this
24 notification period may be reduced for urgent national se-
25 curity requirements.

1 SEC. 8094. The Director of National Intelligence
2 shall submit to Congress each year, at or about the time
3 that the President's budget is submitted to Congress that
4 year under section 1105(a) of title 31, United States
5 Code, a future-years intelligence program (including asso-
6 ciated annexes) reflecting the estimated expenditures and
7 proposed appropriations included in that budget. Any such
8 future-years intelligence program shall cover the fiscal
9 year with respect to which the budget is submitted and
10 at least the four succeeding fiscal years.

11 SEC. 8095. For the purposes of this Act, the term
12 "congressional intelligence committees" means the Perma-
13 nent Select Committee on Intelligence of the House of
14 Representatives, the Select Committee on Intelligence of
15 the Senate, the Subcommittee on Defense of the Com-
16 mittee on Appropriations of the House of Representatives,
17 and the Subcommittee on Defense of the Committee on
18 Appropriations of the Senate.

19 SEC. 8096. The Department of Defense shall con-
20 tinue to report incremental contingency operations costs
21 for Operation New Dawn and Operation Enduring Free-
22 dom on a monthly basis in the Cost of War Execution
23 Report as prescribed in the Department of Defense Finan-
24 cial Management Regulation Department of Defense In-

1 instruction 7000.14, Volume 12, Chapter 23 “Contingency
2 Operations”, Annex 1, dated September 2005.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8097. During the current fiscal year, not to ex-
5 ceed \$11,000,000 from each of the appropriations made
6 in title II of this Act for “Operation and Maintenance,
7 Army”, “Operation and Maintenance, Navy”, and “Oper-
8 ation and Maintenance, Air Force” may be transferred by
9 the military department concerned to its central fund es-
10 tablished for Fisher Houses and Suites pursuant to sec-
11 tion 2493(d) of title 10, United States Code.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8098. Of the funds appropriated in the Intel-
14 ligence Community Management Account for the Program
15 Manager for the Information Sharing Environment,
16 \$20,000,000 is available for transfer by the Director of
17 National Intelligence to other departments and agencies
18 for purposes of Government-wide information sharing ac-
19 tivities: *Provided*, That funds transferred under this provi-
20 sion are to be merged with and available for the same pur-
21 poses and time period as the appropriation to which trans-
22 ferred: *Provided further*, That the Office of Management
23 and Budget must approve any transfers made under this
24 provision.

1 SEC. 8099. Funds appropriated by this Act for oper-
2 ation and maintenance may be available for the purpose
3 of making remittances to the Defense Acquisition Work-
4 force Development Fund in accordance with the require-
5 ments of section 1705 of title 10, United States Code.

6 SEC. 8100. (a) Any agency receiving funds made
7 available in this Act, shall, subject to subsections (b) and
8 (c), post on the public website of that agency any report
9 required to be submitted by the Congress in this or any
10 other Act, upon the determination by the head of the agen-
11 cy that it shall serve the national interest.

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

13 (1) the public posting of the report com-
14 promises national security; or

15 (2) the report contains proprietary information.

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

20 SEC. 8101. (a) None of the funds appropriated or
21 otherwise made available by this Act may be expended for
22 any Federal contract for an amount in excess of
23 \$1,000,000, unless the contractor agrees not to—

24 (1) enter into any agreement with any of its
25 employees or independent contractors that requires,

1 as a condition of employment, that the employee or
2 independent contractor agree to resolve through ar-
3 bitration any claim under title VII of the Civil
4 Rights Act of 1964 or any tort related to or arising
5 out of sexual assault or harassment, including as-
6 sault and battery, intentional infliction of emotional
7 distress, false imprisonment, or negligent hiring, su-
8 pervision, or retention; or

9 (2) take any action to enforce any provision of
10 an existing agreement with an employee or inde-
11 pendent contractor that mandates that the employee
12 or independent contractor resolve through arbitra-
13 tion any claim under title VII of the Civil Rights Act
14 of 1964 or any tort related to or arising out of sex-
15 ual assault or harassment, including assault and
16 battery, intentional infliction of emotional distress,
17 false imprisonment, or negligent hiring, supervision,
18 or retention.

19 (b) None of the funds appropriated or otherwise
20 made available by this Act may be expended for any Fed-
21 eral contract unless the contractor certifies that it requires
22 each covered subcontractor to agree not to enter into, and
23 not to take any action to enforce any provision of, any
24 agreement as described in paragraphs (1) and (2) of sub-
25 section (a), with respect to any employee or independent

1 contractor performing work related to such subcontract.
2 For purposes of this subsection, a “covered subcon-
3 tractor” is an entity that has a subcontract in excess of
4 \$1,000,000 on a contract subject to subsection (a).

5 (c) The prohibitions in this section do not apply with
6 respect to a contractor’s or subcontractor’s agreements
7 with employees or independent contractors that may not
8 be enforced in a court of the United States.

9 (d) The Secretary of Defense may waive the applica-
10 tion of subsection (a) or (b) to a particular contractor or
11 subcontractor for the purposes of a particular contract or
12 subcontract if the Secretary or the Deputy Secretary per-
13 sonally determines that the waiver is necessary to avoid
14 harm to national security interests of the United States,
15 and that the term of the contract or subcontract is not
16 longer than necessary to avoid such harm. The determina-
17 tion shall set forth with specificity the grounds for the
18 waiver and for the contract or subcontract term selected,
19 and shall state any alternatives considered in lieu of a
20 waiver and the reasons each such alternative would not
21 avoid harm to national security interests of the United
22 States. The Secretary of Defense shall transmit to Con-
23 gress, and simultaneously make public, any determination
24 under this subsection not less than 15 business days be-

1 fore the contract or subcontract addressed in the deter-
2 mination may be awarded.

3 SEC. 8102. (a)(1) No National Intelligence Program
4 funds appropriated in this Act may be used for a mission
5 critical or mission essential business management infor-
6 mation technology system that is not registered with the
7 Director of National Intelligence. A system shall be con-
8 sidered to be registered with that officer upon the fur-
9 nishing notice of the system, together with such informa-
10 tion concerning the system as the Director of the Business
11 Transformation Office may prescribe.

12 (2) During the fiscal year 2012 no funds may be obli-
13 gated or expended for a financial management automated
14 information system, a mixed information system sup-
15 porting financial and non-financial systems, or a business
16 system improvement of more than \$3,000,000, within the
17 Intelligence Community without the approval of the Busi-
18 ness Transformation Investment Review Board.

19 (b) This section shall not apply to any programmatic
20 or analytic systems or programmatic or analytic system
21 improvements.

22 SEC. 8103. None of the funds made available under
23 this Act may be distributed to the Association of Commu-
24 nity Organizations for Reform Now (ACORN) or its sub-
25 sidiaries.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8104. From within the funds appropriated for
3 operation and maintenance for the Defense Health Pro-
4 gram in this Act, up to \$135,631,000, shall be available
5 for transfer to the Joint Department of Defense-Depart-
6 ment of Veterans Affairs Medical Facility Demonstration
7 Fund in accordance with the provisions of section 1704
8 of the National Defense Authorization Act for Fiscal Year
9 2010, Public Law 111–84: *Provided*, That for purposes
10 of section 1704(b), the facility operations funded are oper-
11 ations of the integrated Captain James A. Lovell Federal
12 Health Care Center, consisting of the North Chicago Vet-
13 erans Affairs Medical Center, the Navy Ambulatory Care
14 Center, and supporting facilities designated as a combined
15 Federal medical facility as described by section 706 of
16 Public Law 110–417: *Provided further*, That additional
17 funds may be transferred from funds appropriated for op-
18 eration and maintenance for the Defense Health Program
19 to the Joint Department of Defense-Department of Vet-
20 erans Affairs Medical Facility Demonstration Fund upon
21 written notification by the Secretary of Defense to the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate.

24 SEC. 8105. Section 310(b) of the Supplemental Ap-
25 propriations Act, 2009 (Public Law 111–32; 124 Stat.

1 1871), as amended by Public Law 112–10, is amended
2 by striking “2 years” both places it appears and inserting
3 “3 years”.

4 SEC. 8106. The Office of the Director of National
5 Intelligence shall not employ more Senior Executive em-
6 ployees than are specified in the classified annex: *Pro-*
7 *vided*, That not later than 90 days after the enactment
8 of this Act, the Director of National Intelligence shall sub-
9 mit to the congressional intelligence committees the Office
10 of the Director of National Intelligence strategic human
11 capital plan and the Office of Director of National Intel-
12 ligence current and future grade structure, to include Gen-
13 eral Schedule 15 positions.

14 SEC. 8107. None of the funds appropriated or other-
15 wise made available by this Act may be obligated or ex-
16 pended to pay a retired general or flag officer to serve
17 as a senior mentor advising the Department of Defense
18 unless such retired officer files a Standard Form 278 (or
19 successor form concerning public financial disclosure
20 under part 2634 of title 5, Code of Federal Regulations)
21 to the Office of Government Ethics.

22 SEC. 8108. Appropriations available to the Depart-
23 ment of Defense may be used for the purchase of heavy
24 and light armored vehicles for the physical security of per-
25 sonnel or for force protection purposes up to a limit of

1 \$250,000 per vehicle, notwithstanding price or other limi-
2 tations applicable to the purchase of passenger carrying
3 vehicles.

4 SEC. 8109. The Inspector General of the Department
5 of Defense shall conduct a review of Anti-deficiency Act
6 violations and their causes in the Department of Defense
7 Military Personnel accounts. Based on the findings of the
8 review, the Inspector General shall submit to the congres-
9 sional defense committees a report containing the results
10 of the review and recommendations for corrective actions
11 to be implemented.

12 SEC. 8110. Of the amounts appropriated for “Oper-
13 ation and Maintenance, Defense-Wide”, \$33,000,000 shall
14 be available to the Secretary of Defense, notwithstanding
15 any other provision of law, acting through the Office of
16 Economic Adjustment of the Department of Defense, to
17 make grants, conclude cooperative agreements, and sup-
18 plement other Federal funds, to remain available until ex-
19 pended, to assist the civilian population of Guam in re-
20 sponse to the military buildup of Guam, to include ad-
21 dressing the need for vehicles and supplies for civilian stu-
22 dent transportation, preservation and repository of arti-
23 facts unearthed during military construction, and con-
24 struction of a mental health and substance abuse facility:
25 *Provided*, That the Secretary of Defense shall, not fewer

1 than 15 days prior to obligating funds for this purpose,
2 notify the congressional defense committees in writing of
3 the details of any such obligation.

4 SEC. 8111. None of the funds made available by this
5 Act may be used by the Secretary of Defense to take bene-
6 ficial occupancy of more than 2,000 parking spaces (other
7 than handicap-reserved spaces) to be provided by the
8 BRAC 133 project: *Provided*, That this limitation may be
9 waived in part if: (1) the Secretary of Defense certifies
10 to Congress that levels of service at existing intersections
11 in the vicinity of the project have not experienced failing
12 levels of service as defined by the Transportation Research
13 Board Highway Capacity Manual over a consecutive 90-
14 day period; (2) the Department of Defense and the Vir-
15 ginia Department of Transportation agree on the number
16 of additional parking spaces that may be made available
17 to employees of the facility subject to continued 90-day
18 traffic monitoring; and (3) the Secretary of Defense noti-
19 fies the congressional defense committees in writing at
20 least 14 days prior to exercising this waiver of the number
21 of additional parking spaces to be made available: *Pro-*
22 *vided further*, That the Secretary of Defense shall imple-
23 ment the Department of Defense Inspector General rec-
24 ommendations outlined in report number DODIG–2012–
25 024, and certify to Congress not later than 180 days after

1 enactment of this Act that the recommendations have been
2 implemented.

3 SEC. 8112. (a) None of the funds provided in this
4 title for Operation and Maintenance may be available for
5 obligation or expenditure to relocate Air Force program
6 offices, or acquisition management functions of major
7 weapons systems, to a central location, or to any location
8 other than the Air Force Material Command site where
9 they are currently located until 30 days after the Sec-
10 retary of the Air Force submits the initial report under
11 subsection (b).

12 (b) The Secretary of the Air Force shall submit to
13 the congressional defense committees a report which in-
14 cludes the following: a listing of all Air Force Material
15 Command functions to be transferred and an identifica-
16 tion of the locations where these functions will be trans-
17 ferred from and to; a listing of all Air Force Material
18 Command personnel positions to be transferred and an
19 identification of the locations these positions will be trans-
20 ferred from and to; and the cost benefit analysis and the
21 life-cycle cost analysis underpinning the Secretary of the
22 Air Force's decision to relocate Air Force Material Com-
23 mand functions and personnel.

24 SEC. 8113. Not later than 120 days after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall resume quarterly reporting of the numbers of civilian
2 personnel end strength by appropriation account for each
3 and every appropriation account used to finance Federal
4 civilian personnel salaries to the congressional defense
5 committees within 15 days after the end of each fiscal
6 quarter.

7 SEC. 8114. In addition to amounts provided else-
8 where in this Act, \$10,000,000 is hereby appropriated, for
9 an additional amount for “Research, Development, Test
10 and Evaluation, Army”, to remain available until Sep-
11 tember 30, 2013. Such funds may be available for the Sec-
12 retary of the Army to conduct research on alternative en-
13 ergy resources for deployed forces.

14 SEC. 8115. The Secretary of Defense shall study and
15 report to the Congressional Defense Committees the feasi-
16 bility of using commercially available telecommunications
17 expense management solutions across the Department of
18 Defense by March 1, 2012.

19 SEC. 8116. None of the funds appropriated in this
20 or any other Act may be used to plan, prepare for, or oth-
21 erwise take any action to undertake or implement the sep-
22 aration of the National Intelligence Program budget from
23 the Department of Defense budget.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8117. Upon a determination by the Director of
3 National Intelligence that such action is necessary and in
4 the national interest, the Director may, with the approval
5 of the Office of Management and Budget, transfer not to
6 exceed \$2,000,000,000 of the funds made available in this
7 Act for the National Intelligence Program: *Provided*, That
8 such authority to transfer may not be used unless for
9 higher priority items, based on unforeseen intelligence re-
10 quirements, than those for which originally appropriated
11 and in no case where the item for which funds are re-
12 quested has been denied by the Congress: *Provided further*,
13 That a request for multiple reprogrammings of funds
14 using authority provided in this section shall be made
15 prior to June 30, 2012.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8118. In addition to amounts provided else-
18 where in this Act, there is appropriated \$250,000,000, for
19 an additional amount for “Operation and Maintenance,
20 Defense-Wide”, to be available until expended: *Provided*,
21 That such funds shall only be available to the Secretary
22 of Defense, acting through the Office of Economic Adjust-
23 ment of the Department of Defense, or for transfer to the
24 Secretary of Education, notwithstanding any other provi-
25 sion of law, to make grants, conclude cooperative agree-

1 ments, or supplement other Federal funds to construct,
2 renovate, repair, or expand elementary and secondary pub-
3 lic schools on military installations in order to address ca-
4 pacity or facility condition deficiencies at such schools:
5 *Provided further*, That in making such funds available, the
6 Office of Economic Adjustment or the Secretary of Edu-
7 cation shall give priority consideration to those military
8 installations with schools having the most serious capacity
9 or facility condition deficiencies as determined by the Sec-
10 retary of Defense.

11 SEC. 8119. None of the funds appropriated or other-
12 wise made available in this or any other Act may be used
13 to transfer, release, or assist in the transfer or release to
14 or within the United States, its territories, or possessions
15 Khalid Sheikh Mohammed or any other detainee who—

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

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

21 SEC. 8120. (a)(1) Except as provided in paragraph
22 (2) and subsection (d), none of the funds appropriated or
23 otherwise made available in this or any other Act may be
24 used to transfer any individual detained at Guantanamo
25 to the custody or control of the individual's country of ori-

1 gin, any other foreign country, or any other foreign entity
2 unless the Secretary of Defense submits to Congress the
3 certification described in subsection (b) not later than 30
4 days before the transfer of the individual.

5 (2) Paragraph (1) shall not apply to any action taken
6 by the Secretary to transfer any individual detained at
7 Guantanamo to effectuate—

8 (A) an order affecting the disposition of the in-
9 dividual that is issued by a court or competent tri-
10 bunal of the United States having lawful jurisdiction
11 (which the Secretary shall notify Congress of
12 promptly after issuance); or

13 (B) a pre-trial agreement entered in a military
14 commission case prior to the date of the enactment
15 of this Act.

16 (b) A certification described in this subsection is a
17 written certification made by the Secretary of Defense,
18 with the concurrence of the Secretary of State and in con-
19 sultation with the Director of National Intelligence, that—

20 (1) the government of the foreign country or
21 the recognized leadership of the foreign entity to
22 which the individual detained at Guantanamo is to
23 be transferred—

1 (A) is not a designated state sponsor of
2 terrorism or a designated foreign terrorist orga-
3 nization;

4 (B) maintains control over each detention
5 facility in which the individual is to be detained
6 if the individual is to be housed in a detention
7 facility;

8 (C) is not, as of the date of the certifi-
9 cation, facing a threat that is likely to substan-
10 tially affect its ability to exercise control over
11 the individual;

12 (D) has taken or agreed to take effective
13 actions to ensure that the individual cannot
14 take action to threaten the United States, its
15 citizens, or its allies in the future;

16 (E) has taken or agreed to take such ac-
17 tions as the Secretary of Defense determines
18 are necessary to ensure that the individual can-
19 not engage or reengage in any terrorist activity;
20 and

21 (F) has agreed to share with the United
22 States any information that—

23 (i) is related to the individual or any
24 associates of the individual; and

1 (ii) could affect the security of the
2 United States, its citizens, or its allies; and

3 (2) includes an assessment, in classified or un-
4 classified form, of the capacity, willingness, and past
5 practices (if applicable) of the foreign country or en-
6 tity in relation to the Secretary's certifications.

7 (c)(1) Except as provided in paragraph (2) and sub-
8 section (d), none of the funds appropriated or otherwise
9 made available in this or any other Act may be used to
10 transfer any individual detained at Guantanamo to the
11 custody or control of the individual's country of origin, any
12 other foreign country, or any other foreign entity if there
13 is a confirmed case of any individual who was detained
14 at United States Naval Station, Guantanamo Bay, Cuba,
15 at any time after September 11, 2001, who was trans-
16 ferred to such foreign country or entity and subsequently
17 engaged in any terrorist activity.

18 (2) Paragraph (1) shall not apply to any action taken
19 by the Secretary to transfer any individual detained at
20 Guantanamo to effectuate—

21 (A) an order affecting the disposition of the in-
22 dividual that is issued by a court or competent tri-
23 bunal of the United States having lawful jurisdiction
24 (which the Secretary shall notify Congress of
25 promptly after issuance); or

1 (B) a pre-trial agreement entered in a military
2 commission case prior to the date of the enactment
3 of this Act.

4 (d)(1) The Secretary of Defense may waive the appli-
5 cability to a detainee transfer of a certification require-
6 ment specified in subparagraph (D) or (E) of subsection
7 (b)(1) or the prohibition in subsection (c), if the Secretary
8 certifies the rest of the criteria required by subsection (b)
9 for transfers prohibited by (c) and, with the concurrence
10 of the Secretary of State and in consultation with the Di-
11 rector of National Intelligence, determines that—

12 (A) alternative actions will be taken to address
13 the underlying purpose of the requirement or re-
14 quirements to be waived;

15 (B) in the case of a waiver of subparagraph (D)
16 or (E) of subsection (b)(1), it is not possible to cer-
17 tify that the risks addressed in the paragraph to be
18 waived have been completely eliminated, but the ac-
19 tions to be taken under subparagraph (A) will sub-
20 stantially mitigate such risks with regard to the indi-
21 vidual to be transferred;

22 (C) in the case of a waiver of subsection (c), the
23 Secretary has considered any confirmed case in
24 which an individual who was transferred to the
25 country subsequently engaged in terrorist activity,

1 and the actions to be taken under subparagraph (A)
2 will substantially mitigate the risk of recidivism with
3 regard to the individual to be transferred; and

4 (D) the transfer is in the national security in-
5 terests of the United States.

6 (2) Whenever the Secretary makes a determination
7 under paragraph (1), the Secretary shall submit to the ap-
8 propriate committees of Congress, not later than 30 days
9 before the transfer of the individual concerned, the fol-
10 lowing:

11 (A) A copy of the determination and the waiver
12 concerned.

13 (B) A statement of the basis for the determina-
14 tion, including—

15 (i) an explanation why the transfer is in
16 the national security interests of the United
17 States; and

18 (ii) in the case of a waiver of subparagraph
19 (D) or (E) of subsection (b)(1), an explanation
20 why it is not possible to certify that the risks
21 addressed in the subparagraph to be waived
22 have been completely eliminated.

23 (C) A summary of the alternative actions to be
24 taken to address the underlying purpose of, and to

1 mitigate the risks addressed in, the subparagraph or
2 subsection to be waived.

3 (D) The assessment required by subsection
4 (b)(2).

5 (e) In this section:

6 (1) The term “appropriate committees of Con-
7 gress” means—

8 (A) the Committee on Armed Services, the
9 Committee on Appropriations, and the Select
10 Committee on Intelligence of the Senate; and

11 (B) the Committee on Armed Services, the
12 Committee on Appropriations, and the Perma-
13 nent Select Committee on Intelligence of the
14 House of Representatives.

15 (2) The term “individual detained at Guanta-
16 namo” means any individual located at United
17 States Naval Station, Guantanamo Bay, Cuba, as of
18 October 1, 2009, who—

19 (A) is not a citizen of the United States or
20 a member of the Armed Forces of the United
21 States; and

22 (B) is—

23 (i) in the custody or under the control
24 of the Department of Defense; or

1 (ii) otherwise under detention at
2 United States Naval Station, Guantanamo
3 Bay, Cuba.

4 (3) The term “foreign terrorist organization”
5 means any organization so designated by the Sec-
6 retary of State under section 219 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1189).

8 SEC. 8121. (a) None of the funds appropriated or
9 otherwise made available in this or any other Act may be
10 used to construct, acquire, or modify any facility in the
11 United States, its territories, or possessions to house any
12 individual described in subsection (c) for the purposes of
13 detention or imprisonment in the custody or under the ef-
14 fective control of the Department of Defense.

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

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

21 (1) is not a citizen of the United States or a
22 member of the Armed Forces of the United States;
23 and

24 (2) is—

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

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

5 SEC. 8122. Of the funds made available to the De-
6 partment of Defense under “Operation and Maintenance,
7 Defense-Wide” in title II, \$1,000,000 may be available to
8 the Department to competitively commission an inde-
9 pendent assessment of the current and prospective situa-
10 tion on the ground in Afghanistan and Pakistan, including
11 the strategic environment in and around Afghanistan and
12 Pakistan; the security, political, and economic and recon-
13 struction developments in those two countries; and rel-
14 evant policy recommendations relating thereto.

15 SEC. 8123. Not later than 90 days after the date of
16 the enactment of this Act, the Secretary of Defense shall
17 submit to the congressional defense committees a report
18 on the approximately \$100,000,000,000 in efficiency sav-
19 ings identified by the military departments in the defense
20 budget covering fiscal years 2012 through 2016 that are
21 to be reinvested in the priorities of the military depart-
22 ments. Such report shall include an analysis of—

23 (1) each savings identified by the military de-
24 partments, including—

1 (A) the budget account from which such
2 savings will be derived;

3 (B) the number of military personnel and
4 full-time civilian employees of the Federal Gov-
5 ernment affected by such savings;

6 (C) the estimated reductions in the number
7 and funding of contractor personnel caused by
8 such savings; and

9 (D) a specific description of activities or
10 services that will be affected by such savings,
11 including the locations of such activities or serv-
12 ices; and

13 (2) each reinvestment planned to be funded
14 with such savings, including—

15 (A) with respect to such reinvestment in
16 procurement and research, development, test
17 and evaluation accounts, the budget account to
18 which such savings will be reinvested, including,
19 by line item, the number of items to be pro-
20 cured, as shown in annual P-1 and R-1 docu-
21 ments;

22 (B) with respect to such reinvestment in
23 military personnel and operation and mainte-
24 nance accounts, the budget account and the
25 subactivity (as shown in annual-1 and O-1

1 budget documents) to which such savings will
2 be reinvested;

3 (C) the number of military personnel and
4 full-time civilian employees of the Federal Gov-
5 ernment affected by such reinvestment;

6 (D) the estimated number and funding of
7 contractor personnel affected by such reinvest-
8 ment; and

9 (E) a specific description of activities or
10 services that will be affected by such reinvest-
11 ment, including the locations of such activities
12 or services.

13 SEC. 8124. None of the funds made available by this
14 Act may be used to enter into a contract, memorandum
15 of understanding, or cooperative agreement with, make a
16 grant to, or provide a loan or loan guarantee to, any cor-
17 poration that any unpaid Federal tax liability that has
18 been assessed, for which all judicial and administrative
19 remedies have been exhausted or have lapsed, and that
20 is not being paid in a timely manner pursuant to an agree-
21 ment with the authority responsible for collecting the tax
22 liability, where the awarding agency is aware of the unpaid
23 tax liability, unless the agency has considered suspension
24 or debarment of the corporation and made a determination

1 that this further action is not necessary to protect the in-
2 terests of the Government.

3 SEC. 8125. None of the funds made available by this
4 Act may be used to enter into a contract, memorandum
5 of understanding, or cooperative agreement with, make a
6 grant to, or provide a loan or loan guarantee to, any cor-
7 poration that was convicted of a felony criminal violation
8 under any Federal law within the preceding 24 months,
9 where the awarding agency is aware of the conviction, un-
10 less the agency has considered suspension or debarment
11 of the corporation and made a determination that this fur-
12 ther action is not necessary to protect the interests of the
13 Government.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8126. There is hereby established in the Treas-
16 ury of the United States the “Military Intelligence Pro-
17 gram Transfer Fund”. In addition to amounts provided
18 elsewhere in this Act, there is appropriated \$310,758,000
19 for the “Military Intelligence Program Transfer Fund”:
20 *Provided*, That of the funds made available in this section,
21 the Secretary of Defense may transfer these funds only
22 to “Operation and Maintenance, Defense-Wide” or “Re-
23 search, Development, Test and Evaluation, Defense-
24 Wide” and only for the purposes described in the classified
25 annex accompanying this Act: *Provided further*, That the

1 Secretary shall notify the congressional defense commit-
2 tees in writing of the details of any such transfer not fewer
3 than 15 days prior to making such transfers: *Provided fur-*
4 *ther*, That funds transferred shall be merged with and be
5 available for the same purposes and for the same time pe-
6 riod as the appropriations to which the funds are trans-
7 ferred: *Provided further*, That this transfer authority is in
8 addition to any other transfer authority provided in this
9 Act.

10 SEC. 8127. None of the funds made available by this
11 Act may be used in contravention of section 1590 or 1591
12 of title 18, United States Code, or in contravention of the
13 requirements of section 106(g) or (h) of the Trafficking
14 Victims Protection Act of 2000 (22 U.S.C. 7104(g) or
15 (h)).

16 SEC. 8128. None of the funds made available by this
17 Act for international military education and training, for-
18 eign military financing, excess defense articles, assistance
19 under section 1206 of the National Defense Authorization
20 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
21 3456), issuance for direct commercial sales of military
22 equipment, or peacekeeping operations for the countries
23 of Chad, Yemen, Somalia, Sudan, Democratic Republic of
24 the Congo, and Burma may be used to support any mili-
25 tary training or operations that include child soldiers, as

1 defined by the Child Soldiers Prevention Act of 2008, and
2 except if such assistance is otherwise permitted under sec-
3 tion 404 of the Child Soldiers Prevention Act of 2008
4 (Public Law 110–457; 22 U.S.C. 2370c–1).

5 SEC. 8129. None of the funds made available by this
6 Act may be used in contravention of the War Powers Res-
7 olution (50 U.S.C. 1541 et seq.).

1 TITLE IX
2 OVERSEAS CONTINGENCY OPERATIONS
3 MILITARY PERSONNEL
4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$7,195,335,000: *Provided*, That such amounts in
7 this paragraph are designated by the Congress for Over-
8 seas Contingency Operations/Global War on Terrorism
9 pursuant to section 251(b)(2)(A) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 MILITARY PERSONNEL, NAVY

12 For an additional amount for “Military Personnel,
13 Navy”, \$1,259,234,000: *Provided*, That such amounts in
14 this paragraph are designated by the Congress for Over-
15 seas Contingency Operations/Global War on Terrorism
16 pursuant to section 251(b)(2)(A) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985.

18 MILITARY PERSONNEL, MARINE CORPS

19 For an additional amount for “Military Personnel,
20 Marine Corps”, \$714,360,000: *Provided*, That such
21 amounts in this paragraph are designated by the Congress
22 for Overseas Contingency Operations/Global War on Ter-
23 rorism pursuant to section 251(b)(2)(A) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$1,492,381,000: *Provided*, That such
4 amounts in this paragraph are designated by the Congress
5 for Overseas Contingency Operations/Global War on Ter-
6 rorism pursuant to section 251(b)(2)(A) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$207,162,000: *Provided*, That such amounts in
11 this paragraph are designated by the Congress for Over-
12 seas Contingency Operations/Global War on Terrorism
13 pursuant to section 251(b)(2)(A) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 RESERVE PERSONNEL, NAVY

16 For an additional amount for “Reserve Personnel,
17 Navy”, \$44,530,000: *Provided*, That such amounts in this
18 paragraph are designated by the Congress for Overseas
19 Contingency Operations/Global War on Terrorism pursu-
20 ant to section 251(b)(2)(A) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$25,421,000: *Provided*, That such
25 amounts in this paragraph are designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985.

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force” \$26,815,000: *Provided*, That such amounts in
7 this paragraph are designated by the Congress for Over-
8 seas Contingency Operations/Global War on Terrorism
9 pursuant to section 251(b)(2)(A) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-
13 sonnel, Army”, \$664,579,000: *Provided*, That such
14 amounts in this paragraph are designated by the Congress
15 for Overseas Contingency Operations/Global War on Ter-
16 rorism pursuant to section 251(b)(2)(A) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-
20 sonnel, Air Force”, \$9,435,000: *Provided*, That such
21 amounts in this paragraph are designated by the Congress
22 for Overseas Contingency Operations/Global War on Ter-
23 rorism pursuant to section 251(b)(2)(A) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$44,794,156,000: *Provided*, That such
5 amounts in this paragraph are designated by the Congress
6 for Overseas Contingency Operations/Global War on Ter-
7 rorism pursuant to section 251(b)(2)(A) of the Balanced
8 Budget and Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$7,674,026,000: *Provided*, That such
12 amounts in this paragraph are designated by the Congress
13 for Overseas Contingency Operations/Global War on Ter-
14 rorism pursuant to section 251(b)(2)(A) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$3,935,210,000: *Provided*, That
19 such amounts in this paragraph are designated by the
20 Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force”, \$10,879,347,000: *Provided*, That
4 such amounts in this paragraph are designated by the
5 Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A) of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985.

9 OPERATION AND MAINTENANCE, DEFENSE-WIDE

10 For an additional amount for “Operation and Main-
11 tenance, Defense-Wide”, \$9,252,211,000: *Provided*, That
12 each amount in this section is designated by the Congress
13 for Overseas Contingency Operations/Global War on Ter-
14 rorism pursuant to section 251(b)(2)(A) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985: *Pro-*
16 *vided further*, That of the funds provided under this head-
17 ing: Not to exceed \$1,690,000,000, to remain available
18 until September 30, 2013, for payments to reimburse key
19 cooperating nations for logistical, military, and other sup-
20 port, including access, provided to United States military
21 operations in support of Operation Enduring Freedom,
22 Operation New Dawn, and post-operation Iraq border se-
23 curity related to the activities of the Office of Security
24 Cooperation in Iraq, notwithstanding any other provision
25 of law: *Provided further*, That such reimbursement pay-

1 ments may be made in such amounts as the Secretary of
2 Defense, with the concurrence of the Secretary of State,
3 and in consultation with the Director of the Office of Man-
4 agement and Budget, may determine, in his discretion,
5 based on documentation determined by the Secretary of
6 Defense to adequately account for the support provided,
7 and such determination is final and conclusive upon the
8 accounting officers of the United States, and 15 days fol-
9 lowing notification to the appropriate congressional com-
10 mittees: *Provided further*, That the requirement to provide
11 notification shall not apply with respect to a reimburse-
12 ment for access based on an international agreement: *Pro-*
13 *vided further*, That these funds may be used for the pur-
14 pose of providing specialized training and procuring sup-
15 plies and specialized equipment and providing such sup-
16 plies and loaning such equipment on a non-reimbursable
17 basis to coalition forces supporting United States military
18 operations in Afghanistan, and 15 days following notifica-
19 tion to the appropriate congressional committees: *Provided*
20 *further*, That the Secretary of Defense shall provide quar-
21 terly reports to the congressional defense committees on
22 the use of funds provided in this paragraph.

23 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Army Reserve”, \$217,500,000: *Provided*, That

1 such amounts in this paragraph are designated by the
2 Congress for Overseas Contingency Operations/Global
3 War on Terrorism pursuant to section 251(b)(2)(A) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 OPERATION AND MAINTENANCE, NAVY RESERVE

7 For an additional amount for “Operation and Main-
8 tenance, Navy Reserve”, \$74,148,000: *Provided*, That
9 such amounts in this paragraph are designated by the
10 Congress for Overseas Contingency Operations/Global
11 War on Terrorism pursuant to section 251(b)(2)(A) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 OPERATION AND MAINTENANCE, MARINE CORPS

15 RESERVE

16 For an additional amount for “Operation and Main-
17 tenance, Marine Corps Reserve”, \$36,084,000: *Provided*,
18 That such amounts in this paragraph are designated by
19 the Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force Reserve”, \$142,050,000: *Provided*,

1 That such amounts in this paragraph are designated by
2 the Congress for Overseas Contingency Operations/Global
3 War on Terrorism pursuant to section 251(b)(2)(A) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 OPERATION AND MAINTENANCE, ARMY NATIONAL
7 GUARD

8 For an additional amount for “Operation and Main-
9 tenance, Army National Guard”, \$377,544,000: *Provided*,
10 That such amounts in this paragraph are designated by
11 the Congress for Overseas Contingency Operations/Global
12 War on Terrorism pursuant to section 251(b)(2)(A) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

16 For an additional amount for “Operation and Main-
17 tenance, Air National Guard”, \$34,050,000: *Provided*,
18 That such amounts in this paragraph are designated by
19 the Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

1 AFGHANISTAN INFRASTRUCTURE FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For the “Afghanistan Infrastructure Fund”,
4 \$400,000,000, to remain available until September 30,
5 2013: *Provided*, That such sums shall be available for in-
6 frastructure projects in Afghanistan, notwithstanding any
7 other provision of law, which shall be undertaken by the
8 Secretary of State, unless the Secretary of State and the
9 Secretary of Defense jointly decide that a specific project
10 will be undertaken by the Department of Defense: *Pro-*
11 *vided further*, That the infrastructure referred to in the
12 preceding proviso is in support of the counterinsurgency
13 strategy, requiring funding for facility and infrastructure
14 projects, including, but not limited to, water, power, and
15 transportation projects and related maintenance and
16 sustainment costs: *Provided further*, That the authority to
17 undertake such infrastructure projects is in addition to
18 any other authority to provide assistance to foreign na-
19 tions: *Provided further*, That any projects funded by this
20 appropriation shall be jointly formulated and concurred in
21 by the Secretary of State and Secretary of Defense: *Pro-*
22 *vided further*, That funds may be transferred to the De-
23 partment of State for purposes of undertaking projects,
24 which funds shall be considered to be economic assistance
25 under the Foreign Assistance Act of 1961 for purposes

1 of making available the administrative authorities con-
2 tained in that Act: *Provided further*, That the transfer au-
3 thority in the preceding proviso is in addition to any other
4 authority available to the Department of Defense to trans-
5 fer funds: *Provided further*, That any unexpended funds
6 transferred to the Secretary of State under this authority
7 shall be returned to the Afghanistan Infrastructure Fund
8 if the Secretary of State, in coordination with the Sec-
9 retary of Defense, determines that the project cannot be
10 implemented for any reason, or that the project no longer
11 supports the counterinsurgency strategy in Afghanistan:
12 *Provided further*, That any funds returned to the Sec-
13 retary of Defense under the previous proviso shall be avail-
14 able for use under this appropriation and shall be treated
15 in the same manner as funds not transferred to the Sec-
16 retary of State: *Provided further*, That contributions of
17 funds for the purposes provided herein to the Secretary
18 of State in accordance with section 635(d) of the Foreign
19 Assistance Act from any person, foreign government, or
20 international organization may be credited to this Fund,
21 to remain available until expended, and used for such pur-
22 poses: *Provided further*, That the Secretary of Defense
23 shall, not fewer than 15 days prior to making transfers
24 to or from, or obligations from the Fund, notify the appro-
25 priate committees of Congress in writing of the details of

1 any such transfer: *Provided further*, That the “appropriate
2 committees of Congress” are the Committees on Armed
3 Services, Foreign Relations and Appropriations of the
4 Senate and the Committees on Armed Services, Foreign
5 Affairs and Appropriations of the House of Representa-
6 tives: *Provided further*, That such amounts in this para-
7 graph are designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 AFGHANISTAN SECURITY FORCES FUND

12 For the “Afghanistan Security Forces Fund”,
13 \$11,200,000,000, to remain available until September 30,
14 2013: *Provided*, That such funds shall be available to the
15 Secretary of Defense, notwithstanding any other provision
16 of law, for the purpose of allowing the Commander, Com-
17 bined Security Transition Command—Afghanistan, or the
18 Secretary’s designee, to provide assistance, with the con-
19 currence of the Secretary of State, to the security forces
20 of Afghanistan, including the provision of equipment, sup-
21 plies, services, training, facility and infrastructure repair,
22 renovation, and construction, and funding: *Provided fur-*
23 *ther*, That the authority to provide assistance under this
24 heading is in addition to any other authority to provide
25 assistance to foreign nations: *Provided further*, That con-

1 tributions of funds for the purposes provided herein from
2 any person, foreign government, or international organiza-
3 tion may be credited to this Fund and used for such pur-
4 poses: *Provided further*, That the Secretary of Defense
5 shall notify the congressional defense committees in writ-
6 ing upon the receipt and upon the obligation of any con-
7 tribution, delineating the sources and amounts of the
8 funds received and the specific use of such contributions:
9 *Provided further*, That the Secretary of Defense shall, not
10 fewer than 15 days prior to obligating from this appro-
11 priation account, notify the congressional defense commit-
12 tees in writing of the details of any such obligation: *Pro-*
13 *vided further*, That the Secretary of Defense shall notify
14 the congressional defense committees of any proposed new
15 projects or transfer of funds between budget sub-activity
16 groups in excess of \$20,000,000: *Provided further*, That
17 such amounts in this paragraph are designated by the
18 Congress for Overseas Contingency Operations/Global
19 War on Terrorism pursuant to section 251(b)(2)(A) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985.

22 PROCUREMENT

23 AIRCRAFT PROCUREMENT, ARMY

24 For an additional amount for “Aircraft Procurement,
25 Army”, \$1,137,381,000, to remain available until Sep-

1 tember 30, 2014: *Provided*, That such amounts in this
2 paragraph are designated by the Congress for Overseas
3 Contingency Operations/Global War on Terrorism pursu-
4 ant to section 251(b)(2)(A) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 MISSILE PROCUREMENT, ARMY

7 For an additional amount for “Missile Procurement,
8 Army”, \$126,556,000, to remain available until Sep-
9 tember 30, 2014: *Provided*, That such amounts in this
10 paragraph are designated by the Congress for Overseas
11 Contingency Operations/Global War on Terrorism pursu-
12 ant to section 251(b)(2)(A) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985.

14 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

15 VEHICLES, ARMY

16 For an additional amount for “Procurement of Weap-
17 ons and Tracked Combat Vehicles, Army”, \$37,117,000,
18 to remain available until September 30, 2014: *Provided*,
19 That such amounts in this paragraph are designated by
20 the Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For an additional amount for “Procurement of Am-
3 muniton, Army”, \$208,381,000, to remain available until
4 September 30, 2014: *Provided*, That such amounts in this
5 paragraph are designated by the Congress for Overseas
6 Contingency Operations/Global War on Terrorism pursu-
7 ant to section 251(b)(2)(A) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OTHER PROCUREMENT, ARMY

10 For an additional amount for “Other Procurement,
11 Army”, \$1,334,345,000, to remain available until Sep-
12 tember 30, 2014: *Provided*, That such amounts in this
13 paragraph are designated by the Congress for Overseas
14 Contingency Operations/Global War on Terrorism pursu-
15 ant to section 251(b)(2)(A) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 AIRCRAFT PROCUREMENT, NAVY

18 For an additional amount for “Aircraft Procurement,
19 Navy”, \$480,935,000, to remain available until September
20 30, 2014: *Provided*, That such amounts in this paragraph
21 are designated by the Congress for Overseas Contingency
22 Operations/Global War on Terrorism pursuant to section
23 251(b)(2)(A) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 WEAPONS PROCUREMENT, NAVY

2 For an additional amount for “Weapons Procure-
3 ment, Navy”, \$41,070,000, to remain available until Sep-
4 tember 30, 2014: *Provided*, That such amounts in this
5 paragraph are designated by the Congress for Overseas
6 Contingency Operations/Global War on Terrorism pursu-
7 ant to section 251(b)(2)(A) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
10 CORPS

11 For an additional amount for “Procurement of Am-
12 munition, Navy and Marine Corps”, \$317,100,000, to re-
13 main available until September 30, 2014: *Provided*, That
14 such amounts in this paragraph are designated by the
15 Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 OTHER PROCUREMENT, NAVY

20 For an additional amount for “Other Procurement,
21 Navy”, \$236,125,000, to remain available until September
22 30, 2014: *Provided*, That such amounts in this paragraph
23 are designated by the Congress for Overseas Contingency
24 Operations/Global War on Terrorism pursuant to section

1 251(b)(2)(A) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 PROCUREMENT, MARINE CORPS

4 For an additional amount for “Procurement, Marine
5 Corps”, \$1,233,996,000, to remain available until Sep-
6 tember 30, 2014: *Provided*, That such amounts in this
7 paragraph are designated by the Congress for Overseas
8 Contingency Operations/Global War on Terrorism pursu-
9 ant to section 251(b)(2)(A) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 AIRCRAFT PROCUREMENT, AIR FORCE

12 For an additional amount for “Aircraft Procurement,
13 Air Force”, \$1,235,777,000, to remain available until
14 September 30, 2014: *Provided*, That such amounts in this
15 paragraph are designated by the Congress for Overseas
16 Contingency Operations/Global War on Terrorism pursu-
17 ant to section 251(b)(2)(A) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 MISSILE PROCUREMENT, AIR FORCE

20 For an additional amount for “Missile Procurement,
21 Air Force”, \$41,220,000, to remain available until Sep-
22 tember 30, 2014: *Provided*, That such amounts in this
23 paragraph are designated by the Congress for Overseas
24 Contingency Operations/Global War on Terrorism pursu-

1 ant to section 251(b)(2)(A) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For an additional amount for “Procurement of Am-
5 munition, Air Force”, \$109,010,000, to remain available
6 until September 30, 2014: *Provided*, That such amounts
7 in this paragraph are designated by the Congress for
8 Overseas Contingency Operations/Global War on Ter-
9 rorism pursuant to section 251(b)(2)(A) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985.

11 OTHER PROCUREMENT, AIR FORCE

12 For an additional amount for “Other Procurement,
13 Air Force”, \$3,088,510,000, to remain available until
14 September 30, 2014: *Provided*, That such amounts in this
15 paragraph are designated by the Congress for Overseas
16 Contingency Operations/Global War on Terrorism pursu-
17 ant to section 251(b)(2)(A) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 PROCUREMENT, DEFENSE-WIDE

20 For an additional amount for “Procurement, De-
21 fense-Wide”, \$405,768,000, to remain available until Sep-
22 tember 30, 2014: *Provided*, That such amounts in this
23 paragraph are designated by the Congress for Overseas
24 Contingency Operations/Global War on Terrorism pursu-

1 ant to section 251(b)(2)(A) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 NATIONAL GUARD AND RESERVE EQUIPMENT

4 For procurement of aircraft, missiles, tracked combat
5 vehicles, ammunition, other weapons and other procure-
6 ment for the reserve components of the Armed Forces,
7 \$1,000,000,000, to remain available for obligation until
8 September 30, 2014: *Provided*, That the Chiefs of Na-
9 tional Guard and Reserve components shall, not later than
10 30 days after the enactment of this Act, individually sub-
11 mit to the congressional defense committees the mod-
12 ernization priority assessment for their respective Na-
13 tional Guard or Reserve component: *Provided further*,
14 That such amounts in this paragraph are designated by
15 the Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
20 (INCLUDING TRANSFER OF FUNDS)

21 For the Mine Resistant Ambush Protected Vehicle
22 Fund, \$2,600,170,000, to remain available until Sep-
23 tember 30, 2013: *Provided*, That such funds shall be avail-
24 able to the Secretary of Defense, notwithstanding any
25 other provision of law, to procure, sustain, transport, and

1 field Mine Resistant Ambush Protected vehicles: *Provided*
2 *further*, That the Secretary shall transfer such funds only
3 to appropriations made available in this or any other Act
4 for operation and maintenance; procurement; research, de-
5 velopment, test and evaluation; and defense working cap-
6 ital funds to accomplish the purpose provided herein: *Pro-*
7 *vided further*, That such transferred funds shall be merged
8 with and be available for the same purposes and the same
9 time period as the appropriation to which transferred:
10 *Provided further*, That this transfer authority is in addi-
11 tion to any other transfer authority available to the De-
12 partment of Defense: *Provided further*, That the Secretary
13 shall, not fewer than 10 days prior to making transfers
14 from this appropriation, notify the congressional defense
15 committees in writing of the details of any such transfer:
16 *Provided further*, That such amounts in this paragraph are
17 designated by the Congress for Overseas Contingency Op-
18 erations/Global War on Terrorism pursuant to section
19 251(b)(2)(A) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Army”, \$18,513,000, to re-
7 main available until September 30, 2013: *Provided*, That
8 such amounts in this paragraph are designated by the
9 Congress for Overseas Contingency Operations/Global
10 War on Terrorism pursuant to section 251(b)(2)(A) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 NAVY

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Navy”, \$53,884,000, to re-
17 main available until September 30, 2013: *Provided*, That
18 such amounts in this paragraph are designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Air Force”, \$259,600,000, to
5 remain available until September 30, 2013: *Provided*,
6 That such amounts in this paragraph are designated by
7 the Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 DEFENSE-WIDE

13 For an additional amount for “Research, Develop-
14 ment, Test and Evaluation, Defense-Wide”,
15 \$194,361,000, to remain available until September 30,
16 2013: *Provided*, That such amounts in this paragraph are
17 designated by the Congress for Overseas Contingency Op-
18 erations/Global War on Terrorism pursuant to section
19 251(b)(2)(A) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 REVOLVING AND MANAGEMENT FUNDS

22 DEFENSE WORKING CAPITAL FUNDS

23 For an additional amount for “Defense Working
24 Capital Funds”, \$435,013,000: *Provided*, That such
25 amounts in this paragraph are designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985.

4 OTHER DEPARTMENT OF DEFENSE PROGRAMS
5 DEFENSE HEALTH PROGRAM

6 For an additional amount for “Defense Health Pro-
7 gram”, \$1,228,288,000, which shall be for operation and
8 maintenance, to remain available until September 30,
9 2012: *Provided*, That such amounts in this paragraph are
10 designated by the Congress for Overseas Contingency Op-
11 erations/Global War on Terrorism pursuant to section
12 251(b)(2)(A) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
15 DEFENSE

16 For an additional amount for “Drug Interdiction and
17 Counter-Drug Activities, Defense”, \$456,458,000, to re-
18 main available until September 30, 2013: *Provided*, That
19 such amounts in this paragraph are designated by the
20 Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For the “Joint Improvised Explosive Device Defeat
4 Fund”, \$2,441,984,000, to remain available until Sep-
5 tember 30, 2014: *Provided*, That such funds shall be avail-
6 able to the Secretary of Defense, notwithstanding any
7 other provision of law, for the purpose of allowing the Di-
8 rector of the Joint Improvised Explosive Device Defeat
9 Organization to investigate, develop and provide equip-
10 ment, supplies, services, training, facilities, personnel and
11 funds to assist United States forces in the defeat of impro-
12 vised explosive devices: *Provided further*, That the Sec-
13 retary of Defense may transfer funds provided herein to
14 appropriations for military personnel; operation and main-
15 tenance; procurement; research, development, test and
16 evaluation; and defense working capital funds to accom-
17 plish the purpose provided herein: *Provided further*, That
18 this transfer authority is in addition to any other transfer
19 authority available to the Department of Defense: *Pro-*
20 *vided further*, That the Secretary of Defense shall, not
21 fewer than 15 days prior to making transfers from this
22 appropriation, notify the congressional defense committees
23 in writing of the details of any such transfer: *Provided*
24 *further*, That such amounts in this paragraph are des-
25 ignated by the Congress for Overseas Contingency Oper-

1 ations/Global War on Terrorism pursuant to section
2 251(b)(2)(A) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 OFFICE OF THE INSPECTOR GENERAL

5 For an additional amount for the “Office of the In-
6 spector General”, \$11,055,000: *Provided*, That such
7 amounts in this paragraph are designated by the Congress
8 for Overseas Contingency Operations/Global War on Ter-
9 rorism pursuant to section 251(b)(2)(A) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985.

11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 9001. Notwithstanding any other provision of
13 law, funds made available in this title are in addition to
14 amounts appropriated or otherwise made available for the
15 Department of Defense for fiscal year 2012.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 9002. Upon the determination of the Secretary
18 of Defense that such action is necessary in the national
19 interest, the Secretary may, with the approval of the Of-
20 fice of Management and Budget, transfer up to
21 \$4,000,000,000 between the appropriations or funds made
22 available to the Department of Defense in this title: *Pro-*
23 *vided*, That the Secretary shall notify the Congress
24 promptly of each transfer made pursuant to the authority
25 in this section: *Provided further*, That the authority pro-

1 vided in this section is in addition to any other transfer
2 authority available to the Department of Defense and is
3 subject to the same terms and conditions as the authority
4 provided in the Department of Defense Appropriations
5 Act, 2012.

6 SEC. 9003. Supervision and administration costs as-
7 sociated with a construction project funded with appro-
8 priations available for operation and maintenance, “Af-
9 ghanistan Infrastructure Fund”, or the “Afghanistan Se-
10 curity Forces Fund” provided in this Act and executed
11 in direct support of overseas contingency operations in Af-
12 ghanistan, may be obligated at the time a construction
13 contract is awarded: *Provided*, That for the purpose of this
14 section, supervision and administration costs include all
15 in-house Government costs.

16 SEC. 9004. From funds made available in this title,
17 the Secretary of Defense may purchase for use by military
18 and civilian employees of the Department of Defense in
19 the U.S. Central Command area of responsibility: (a) pas-
20 senger motor vehicles up to a limit of \$75,000 per vehicle;
21 and (b) heavy and light armored vehicles for the physical
22 security of personnel or for force protection purposes up
23 to a limit of \$250,000 per vehicle, notwithstanding price
24 or other limitations applicable to the purchase of pas-
25 senger carrying vehicles.

1 SEC. 9005. Not to exceed \$400,000,000 of the
2 amount appropriated in this title under the heading “Op-
3 eration and Maintenance, Army” may be used, notwith-
4 standing any other provision of law, to fund the Com-
5 mander’s Emergency Response Program (CERP), for the
6 purpose of enabling military commanders in Afghanistan
7 to respond to urgent, small-scale, humanitarian relief and
8 reconstruction requirements within their areas of responsi-
9 bility: *Provided*, That each project (including any ancillary
10 or related elements in connection with such project) exe-
11 cuted under this authority shall not exceed \$20,000,000:
12 *Provided further*, That not later than 45 days after the
13 end of each fiscal year quarter, the Secretary of Defense
14 shall submit to the congressional defense committees a re-
15 port regarding the source of funds and the allocation and
16 use of funds during that quarter that were made available
17 pursuant to the authority provided in this section or under
18 any other provision of law for the purposes described here-
19 in: *Provided further*, That, not later than 30 days after
20 the end of each month, the Army shall submit to the con-
21 gressional defense committees monthly commitment, obli-
22 gation, and expenditure data for the Commander’s Emer-
23 gency Response Program in Afghanistan: *Provided further*,
24 That not less than 15 days before making funds available
25 pursuant to the authority provided in this section or under

1 any other provision of law for the purposes described here-
2 in for a project with a total anticipated cost for completion
3 of \$5,000,000 or more, the Secretary shall submit to the
4 congressional defense committees a written notice con-
5 taining each of the following:

6 (1) The location, nature and purpose of the
7 proposed project, including how the project is in-
8 tended to advance the military campaign plan for
9 the country in which it is to be carried out.

10 (2) The budget, implementation timeline with
11 milestones, and completion date for the proposed
12 project, including any other CERP funding that has
13 been or is anticipated to be contributed to the com-
14 pletion of the project.

15 (3) A plan for the sustainment of the proposed
16 project, including the agreement with either the host
17 nation, a non-Department of Defense agency of the
18 United States Government or a third-party contrib-
19 utor to finance the sustainment of the activities and
20 maintenance of any equipment or facilities to be pro-
21 vided through the proposed project.

22 SEC. 9006. Funds available to the Department of De-
23 fense for operation and maintenance may be used, not-
24 withstanding any other provision of law, to provide sup-
25 plies, services, transportation, including airlift and sealift,

1 and other logistical support to coalition forces supporting
2 military and stability operations in Iraq and Afghanistan:
3 *Provided*, That the Secretary of Defense shall provide
4 quarterly reports to the congressional defense committees
5 regarding support provided under this section.

6 SEC. 9007. None of the funds appropriated or other-
7 wise made available by this or any other Act shall be obli-
8 gated or expended by the United States Government for
9 a purpose as follows:

10 (1) To establish any military installation or
11 base for the purpose of providing for the permanent
12 stationing of United States Armed Forces in Iraq.

13 (2) To exercise United States control over any
14 oil resource of Iraq.

15 (3) To establish any military installation or
16 base for the purpose of providing for the permanent
17 stationing of United States Armed Forces in Af-
18 ghanistan.

19 SEC. 9008. None of the funds made available in this
20 Act may be used in contravention of the following laws
21 enacted or regulations promulgated to implement the
22 United Nations Convention Against Torture and Other
23 Cruel, Inhuman or Degrading Treatment or Punishment
24 (done at New York on December 10, 1984):

1 (1) Section 2340A of title 18, United States
2 Code.

3 (2) Section 2242 of the Foreign Affairs Reform
4 and Restructuring Act of 1998 (division G of Public
5 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
6 note) and regulations prescribed thereto, including
7 regulations under part 208 of title 8, Code of Fed-
8 eral Regulations, and part 95 of title 22, Code of
9 Federal Regulations.

10 (3) Sections 1002 and 1003 of the Department
11 of Defense, Emergency Supplemental Appropriations
12 to Address Hurricanes in the Gulf of Mexico, and
13 Pandemic Influenza Act, 2006 (Public Law 109–
14 148).

15 SEC. 9009. None of the funds provided for the “Af-
16 ghanistan Security Forces Fund” (ASFF) may be obli-
17 gated prior to the approval of a financial and activity plan
18 by the Afghanistan Resources Oversight Council (AROC)
19 of the Department of Defense: *Provided*, That the AROC
20 must approve the requirement and acquisition plan for any
21 service requirements in excess of \$50,000,000 annually
22 and any non-standard equipment requirements in excess
23 of \$100,000,000 using ASFF: *Provided further*, That the
24 AROC must approve all projects and the execution plan
25 under the “Afghanistan Infrastructure Fund” (AIF) and

1 any project in excess of \$5,000,000 from the Commanders
2 Emergency Response Program (CERP): *Provided further,*
3 That the Department of Defense must certify to the con-
4 gressional defense committees that the AROC has con-
5 vened and approved a process for ensuring compliance
6 with the requirements in the preceding provisos and ac-
7 companying report language for the ASFF, AIF, and
8 CERP.

9 SEC. 9010. (a) FUNDING FOR OUTREACH AND RE-
10 INTEGRATION SERVICES UNDER YELLOW RIBBON RE-
11 INTEGRATION PROGRAM.—Of the amounts appropriated
12 or otherwise made available by title IX, up to \$20,000,000
13 may be available for outreach and reintegration services
14 under the Yellow Ribbon Reintegration Program under
15 section 582(h) of the National Defense Authorization Act
16 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
17 125; 10 U.S.C. 10101 note).

18 (b) SUPPLEMENT NOT SUPPLANT.—The amount
19 made available by subsection (a) for the services described
20 in that subsection is in addition to any other amounts
21 available in this Act for such services.

22 SEC. 9011. Funds made available in this title to the
23 Department of Defense for operation and maintenance
24 may be used to purchase items having an investment unit
25 cost of not more than \$250,000: *Provided,* That, upon de-

1 termination by the Secretary of Defense that such action
2 is necessary to meet the operational requirements of a
3 Commander of a Combatant Command engaged in contin-
4 gency operations overseas, such funds may be used to pur-
5 chase items having an investment item unit cost of not
6 more than \$500,000.

7 SEC. 9012. Notwithstanding any other provision of
8 law, up to \$150,000,000 of funds made available in this
9 title under the heading “Operation and Maintenance,
10 Army” may be obligated and expended for purposes of the
11 Task Force for Business and Stability Operations, subject
12 to the direction and control of the Secretary of Defense,
13 with concurrence of the Secretary of State, to carry out
14 strategic business and economic assistance activities in Af-
15 ghanistan in support of Operation Enduring Freedom:
16 *Provided*, That not less than 15 days before making funds
17 available pursuant to the authority provided in this section
18 for any project with a total anticipated cost of \$5,000,000
19 or more, the Secretary shall submit to the congressional
20 defense committees a written notice containing a detailed
21 justification and timeline for each proposed project.

22 SEC. 9013. From funds made available to the De-
23 partment of Defense in this title under the heading “Oper-
24 ation and Maintenance, Air Force” up to \$524,000,000
25 may be used by the Secretary of Defense, notwithstanding

1 any other provision of law, to support United States Gov-
2 ernment transition activities in Iraq by funding the oper-
3 ations and activities of the Office of Security Cooperation
4 in Iraq and security assistance teams, including life sup-
5 port, transportation and personal security, and facilities
6 renovation and construction: *Provided*, That not less than
7 15 days before making funds available pursuant to the au-
8 thority provided in this section, the Secretary shall submit
9 to the congressional defense committees a written notice
10 containing a detailed justification and timeline for each
11 proposed site.

12 SEC. 9014. The amounts appropriated in title IX of
13 this Act are hereby reduced by \$4,042,500,000 to reflect
14 reduced troop strength in theater: *Provided*, That the re-
15 ductions shall be applied to the military personnel and op-
16 eration and maintenance appropriations only: *Provided*
17 *further*, That the Secretary of Defense shall, not fewer
18 than 15 days prior to reducing funds for this purpose, no-
19 tify the congressional defense committees in writing of the
20 details of any such reduction by appropriation and budget
21 line item.

22 SEC. 9015. Of the funds appropriated in Department
23 of Defense Appropriations Acts, the following funds are
24 hereby rescinded from the following accounts and pro-
25 grams in the specified amounts: *Provided*, That such

1 amounts are designated by the Congress for Overseas
2 Contingency Operations/Global War on Terrorism pursu-
3 ant to section 251(b)(2)(A) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985:

5 “Overseas Contingency Operations Transfer
6 Fund, 2010”, \$356,810,000;

7 “Procurement of Ammunition, Army, 2010/
8 2012”, \$21,000,000;

9 “Other Procurement, Air Force, 2010/2012”,
10 \$2,250,000.

11 This division may be cited as the “Department
12 of Defense Appropriations Act, 2012”.

1 **DIVISION B—ENERGY AND WATER DEVEL-**
2 **OPMENT APPROPRIATIONS ACT, 2012**

3 TITLE I

4 CORPS OF ENGINEERS—CIVIL

5 DEPARTMENT OF THE ARMY

6 CORPS OF ENGINEERS—CIVIL

7 The following appropriations shall be expended under
8 the direction of the Secretary of the Army and the super-
9 vision of the Chief of Engineers for authorized civil func-
10 tions of the Department of the Army pertaining to river
11 and harbor, flood and storm damage reduction, shore pro-
12 tection, aquatic ecosystem restoration, and related efforts.

13 INVESTIGATIONS

14 For expenses necessary where authorized by law for
15 the collection and study of basic information pertaining
16 to river and harbor, flood and storm damage reduction,
17 shore protection, aquatic ecosystem restoration, and re-
18 lated needs; for surveys and detailed studies, and plans
19 and specifications of proposed river and harbor, flood and
20 storm damage reduction, shore protection, and aquatic
21 ecosystem restoration projects and related efforts prior to
22 construction; for restudy of authorized projects; and for
23 miscellaneous investigations and, when authorized by law,
24 surveys and detailed studies, and plans and specifications

1 of projects prior to construction, \$125,000,000, to remain
2 available until expended.

3 CONSTRUCTION

4 For expenses necessary for the construction of river
5 and harbor, flood and storm damage reduction, shore pro-
6 tection, aquatic ecosystem restoration, and related
7 projects authorized by law; for conducting detailed studies,
8 and plans and specifications, of such projects (including
9 those involving participation by States, local governments,
10 or private groups) authorized or made eligible for selection
11 by law (but such detailed studies, and plans and specifica-
12 tions, shall not constitute a commitment of the Govern-
13 ment to construction); \$1,694,000,000, to remain avail-
14 able until expended; of which such sums as are necessary
15 to cover the Federal share of construction costs for facili-
16 ties under the Dredged Material Disposal Facilities pro-
17 gram shall be derived from the Harbor Maintenance Trust
18 Fund as authorized by Public Law 104–303; and of which
19 such sums as are necessary to cover one-half of the costs
20 of construction, replacement, rehabilitation, and expansion
21 of inland waterways projects (including only Olmsted Lock
22 and Dam, Ohio River, Illinois and Kentucky; Emsworth
23 Locks and Dam, Ohio River, Pennsylvania; Lock and
24 Dams 2, 3, and 4, Monongahela River, Pennsylvania; and

1 Lock and Dam 27, Mississippi River, Illinois) shall be de-
2 rived from the Inland Waterways Trust Fund.

3 MISSISSIPPI RIVER AND TRIBUTARIES

4 For expenses necessary for flood damage reduction
5 projects and related efforts in the Mississippi River allu-
6 vial valley below Cape Girardeau, Missouri, as authorized
7 by law, \$252,000,000, to remain available until expended,
8 of which such sums as are necessary to cover the Federal
9 share of eligible operation and maintenance costs for in-
10 land harbors shall be derived from the Harbor Mainte-
11 nance Trust Fund.

12 OPERATION AND MAINTENANCE

13 For expenses necessary for the operation, mainte-
14 nance, and care of existing river and harbor, flood and
15 storm damage reduction, aquatic ecosystem restoration,
16 and related projects authorized by law; providing security
17 for infrastructure owned or operated by the Corps, includ-
18 ing administrative buildings and laboratories; maintaining
19 harbor channels provided by a State, municipality, or
20 other public agency that serve essential navigation needs
21 of general commerce, where authorized by law; surveying
22 and charting northern and northwestern lakes and con-
23 necting waters; clearing and straightening channels; and
24 removing obstructions to navigation, \$2,412,000,000, to
25 remain available until expended, of which such sums as

1 are necessary to cover the Federal share of eligible oper-
2 ation and maintenance costs for coastal harbors and chan-
3 nels, and for inland harbors shall be derived from the Har-
4 bor Maintenance Trust Fund; of which such sums as be-
5 come available from the special account for the Corps of
6 Engineers established by the Land and Water Conserva-
7 tion Fund Act of 1965 (16 U.S.C. 4601–6a(i)) shall be
8 derived from that account for resource protection, re-
9 search, interpretation, and maintenance activities related
10 to resource protection in the areas at which outdoor recre-
11 ation is available; and of which such sums as become avail-
12 able from fees collected under section 217 of Public Law
13 104–303 shall be used to cover the cost of operation and
14 maintenance of the dredged material disposal facilities for
15 which such fees have been collected: *Provided*, That 1 per-
16 cent of the total amount of funds provided for each of the
17 programs, projects or activities funded under this heading
18 shall not be allocated to a field operating activity prior
19 to the beginning of the fourth quarter of the fiscal year
20 and shall be available for use by the Chief of Engineers
21 to fund such emergency activities as the Chief of Engi-
22 neers determines to be necessary and appropriate, and
23 that the Chief of Engineers shall allocate during the
24 fourth quarter any remaining funds which have not been
25 used for emergency activities proportionally in accordance

1 with the amounts provided for the programs, projects or
2 activities.

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws
5 pertaining to regulation of navigable waters and wetlands,
6 \$193,000,000, to remain available until September 30,
7 2013.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

9 For expenses necessary to clean up contamination
10 from sites in the United States resulting from work per-
11 formed as part of the Nation's early atomic energy pro-
12 gram, \$109,000,000, to remain available until expended.

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-
15 cane, and other natural disasters and support emergency
16 operations, repairs, and other activities in response to
17 such disasters as authorized by law, \$27,000,000, to re-
18 main available until expended.

19 EXPENSES

20 For expenses necessary for the supervision and gen-
21 eral administration of the civil works program in the head-
22 quarters of the Corps of Engineers and the offices of the
23 Division Engineers; and for costs of management and op-
24 eration of the Humphreys Engineer Center Support Activ-
25 ity, the Institute for Water Resources, the United States

1 Army Engineer Research and Development Center, and
2 the United States Army Corps of Engineers Finance Cen-
3 ter allocable to the civil works program, \$185,000,000, to
4 remain available until September 30, 2013, of which not
5 to exceed \$5,000 may be used for official reception and
6 representation purposes and only during the current fiscal
7 year: *Provided*, That no part of any other appropriation
8 provided in title I of this Act shall be available to fund
9 the civil works activities of the Office of the Chief of Engi-
10 neers or the civil works executive direction and manage-
11 ment activities of the division offices: *Provided further*,
12 That any Flood Control and Coastal Emergencies appro-
13 priation may be used to fund the supervision and general
14 administration of emergency operations, repairs, and other
15 activities in response to any flood, hurricane, or other nat-
16 ural disaster.

17 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
18 FOR CIVIL WORKS

19 For the Office of the Assistant Secretary of the Army
20 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
21 \$5,000,000, to remain available until September 30, 2013.

22 ADMINISTRATIVE PROVISION

23 The Revolving Fund, Corps of Engineers, shall be
24 available during the current fiscal year for purchase (not

1 to exceed 100 for replacement only) and hire of passenger
2 motor vehicles for the civil works program.

3 GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL
4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 101. (a) None of the funds provided in title I
6 of this Act, or provided by previous appropriations Acts
7 to the agencies or entities funded in title I of this Act
8 that remain available for obligation or expenditure in fiscal
9 year 2012, shall be available for obligation or expenditure
10 through a reprogramming of funds that:

11 (1) creates or initiates a new program, project,
12 or activity;

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

14 (3) increases funds or personnel for any pro-
15 gram, project, or activity for which funds have been
16 denied or restricted by this Act, unless prior ap-
17 proval is received from the House and Senate Com-
18 mittees on Appropriations;

19 (4) proposes to use funds directed for a specific
20 activity for a different purpose, unless prior approval
21 is received from the House and Senate Committees
22 on Appropriations;

23 (5) augments or reduces existing programs,
24 projects or activities in excess of the amounts con-
25 tained in subsections 6 through 10, unless prior ap-

1 proval is received from the House and Senate Com-
2 mittees on Appropriations;

3 (6) INVESTIGATIONS.—For a base level over
4 \$100,000, reprogramming of 25 percent of the base
5 amount up to a limit of \$150,000 per project, study
6 or activity is allowed: *Provided*, That for a base level
7 less than \$100,000, the reprogramming limit is
8 \$25,000: *Provided further*, That up to \$25,000 may
9 be reprogrammed into any continuing study or activ-
10 ity that did not receive an appropriation for existing
11 obligations and concomitant administrative expenses;

12 (7) CONSTRUCTION.—For a base level over
13 \$2,000,000, reprogramming of 15 percent of the
14 base amount up to a limit of \$3,000,000 per project,
15 study or activity is allowed: *Provided*, That for a
16 base level less than \$2,000,000, the reprogramming
17 limit is \$300,000: *Provided further*, That up to
18 \$3,000,000 may be reprogrammed for settled con-
19 tractor claims, changed conditions, or real estate de-
20 ficiency judgments: *Provided further*, That up to
21 \$300,000 may be reprogrammed into any continuing
22 study or activity that did not receive an appropria-
23 tion for existing obligations and concomitant admin-
24 istrative expenses;

1 (8) OPERATION AND MAINTENANCE.—Unlim-
2 ited reprogramming authority is granted in order for
3 the Corps to be able to respond to emergencies: *Pro-*
4 *vided*, That the Chief of Engineers must notify the
5 House and Senate Committees on Appropriations of
6 these emergency actions as soon thereafter as prac-
7 ticable: *Provided further*, That for a base level over
8 \$1,000,000, reprogramming of 15 percent of the
9 base amount a limit of \$5,000,000 per project, study
10 or activity is allowed: *Provided further*, That for a
11 base level less than \$1,000,000, the reprogramming
12 limit is \$150,000: *Provided further*, That \$150,000
13 may be reprogrammed into any continuing study or
14 activity that did not receive an appropriation;

15 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
16 The same reprogramming guidelines for the Inves-
17 tigations, Construction, and Operation and Mainte-
18 nance portions of the Mississippi River and Tribu-
19 taries Account as listed above; and

20 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
21 TION PROGRAM.—Reprogramming of up to 15 per-
22 cent of the base of the receiving project is permitted.

23 (b) DE MINIMUS REPROGRAMMINGS.—In no case
24 should a reprogramming for less than \$50,000 be sub-

1 mitted to the House and Senate Committees on Appro-
2 priations.

3 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
4 section (a)(1) shall not apply to any project or activity
5 funded under the continuing authorities program.

6 (d) Not later than 60 days after the date of enact-
7 ment of this Act, the Corps of Engineers shall submit a
8 report to the House and Senate Committees on Appropria-
9 tions to establish the baseline for application of re-
10 programming and transfer authorities for the current fis-
11 cal year: *Provided*, That the report shall include:

12 (1) A table for each appropriation with a sepa-
13 rate column to display the President's budget re-
14 quest, adjustments made by Congress, adjustments
15 due to enacted rescissions, if appropriate, and the
16 fiscal year enacted level;

17 (2) A delineation in the table for each appro-
18 priation both by object class and program, project
19 and activity as detailed in the budget appendix for
20 the respective appropriations; and

21 (3) An identification of items of special congres-
22 sional interest.

23 SEC. 102. None of the funds made available in this
24 title may be used to award or modify any contract that
25 commits funds beyond the amounts appropriated for that

1 program, project, or activity that remain unobligated, ex-
2 cept that such amounts may include any funds that have
3 been made available through reprogramming pursuant to
4 section 101.

5 SEC. 103. None of the funds in this Act, or previous
6 Acts, making funds available for Energy and Water Devel-
7 opment, shall be used to award any continuing contract
8 that commits additional funding from the Inland Water-
9 ways Trust Fund unless or until such time that a long-
10 term mechanism to enhance revenues in this Fund suffi-
11 cient to meet the cost-sharing authorized in the Water Re-
12 sources Development Act of 1986 (Public Law 99–662)
13 is enacted.

14 SEC. 104. Within 120 days of the date of the Chief
15 of Engineers Report on a water resource matter, the As-
16 sistant Secretary of the Army (Civil Works) shall submit
17 the report to the appropriate authorizing and appro-
18 priating committees of the Congress.

19 SEC. 105. During the fiscal year period covered by
20 this Act, the Secretary of the Army is authorized to imple-
21 ment measures recommended in the efficacy study author-
22 ized under section 3061 of the Water Resources Develop-
23 ment Act of 2007 (121 Stat. 1121) or in interim reports,
24 with such modifications or emergency measures as the
25 Secretary of the Army determines to be appropriate, to

1 prevent aquatic nuisance species from dispersing into the
2 Great Lakes by way of any hydrologic connection between
3 the Great Lakes and the Mississippi River Basin.

4 SEC. 106. The Secretary is authorized to transfer to
5 “Corps of Engineers—Civil—Construction” up to
6 \$100,000,000 of the funds provided for reinforcing or re-
7 placing flood walls under the heading “Corps of Engi-
8 neers—Civil—Flood Control and Coastal Emergencies” in
9 Public Law 109–234 and Public Law 110–252 and up to
10 \$75,000,000 of the funds provided for projects and meas-
11 ures for the West Bank and Vicinity and Lake
12 Ponchartrain and Vicinity projects under the heading
13 “Corps of Engineers—Civil—Flood Control and Coastal
14 Emergencies” in Public Law 110–28, to be used with
15 funds provided for the West Bank and Vicinity project
16 under the heading “Corps of Engineers—Civil—Construc-
17 tion” in Public Law 110–252 and Public Law 110–329,
18 consistent with 65 percent Federal and 35 percent non-
19 Federal cost share and the financing of, and payment
20 terms for, the non-Federal cash contribution associated
21 with the West Bank and Vicinity project.

22 SEC. 107. The Secretary of the Army may transfer
23 to the Fish and Wildlife Service, and the Fish and Wildlife
24 Service may accept and expend, up to \$3,800,000 of funds
25 provided in this title under the heading “Operation and

1 Maintenance” to mitigate for fisheries lost due to Corps
2 of Engineers projects.

3 SEC. 108. The Secretary of the Army may authorize
4 a member of the Armed Forces under the Secretary’s ju-
5 risdiction and employees of the Department of the Army
6 to serve without compensation as director, officer, or oth-
7 erwise in the management of the organization established
8 to support and maintain the participation of the United
9 States in the permanent international commission of the
10 congresses of navigation, or any successor entity.

11 SEC. 109. (a) ACQUISITION.—The Secretary is au-
12 thorized to acquire any real property and associated real
13 property interests in the vicinity of Hanover, New Hamp-
14 shire as may be needed for the Engineer Research and
15 Development Center laboratory facilities at the Cold Re-
16 gions Research and Engineering Laboratory. This real
17 property to be acquired consists of 18.5 acres more or less,
18 identified as Tracts 101–1 and 101–2, together with all
19 necessary easements located entirely within the Town of
20 Hanover, New Hampshire. The real property is generally
21 bounded to the east by state route 10-Lyme Road, to the
22 north by the vacant property of the Trustees of the Dart-
23 mouth College, to the south by Fletcher Circle graduate
24 student housing owned by the Trustees of Dartmouth Col-
25 lege, and to the west by approximately 9 acres of real

1 property acquired in fee through condemnation in 1981
2 by the Secretary of the Army.

3 (b) REVOLVING FUND.—The Secretary is authorized
4 to use the Revolving Fund (33 U.S.C. 576) through the
5 Plant Replacement and Improvement Program to acquire
6 the real property and associated real property interests in
7 subsection (a). The Secretary shall ensure that the Revolv-
8 ing Fund is appropriately reimbursed from the benefitting
9 appropriations.

10 (c) RIGHT OF FIRST REFUSAL.—The Secretary may
11 provide the Seller of any real property and associated
12 property interests identified in subsection (a)—

13 (1) a right of first refusal to acquire such prop-
14 erty, or any portion thereof, in the event the prop-
15 erty, or any portion thereof, is no longer needed by
16 the Department of the Army.

17 (2) a right of first refusal to acquire any real
18 property or associated real property interests ac-
19 quired by condemnation in Civil Action No. 81–360–
20 L, in the event the property, or any portion thereof,
21 is no longer needed by the Department of the Army.

22 (3) the purchase of any property by the Seller
23 exercising either right of first refusal authorized in
24 this section shall be for consideration acceptable to
25 the Secretary and shall be for not less than fair

1 market value at the time the property becomes avail-
2 able for purchase. The right of first refusal author-
3 ized in this section shall not inure to the benefit of
4 the Sellers successors or assigns.

5 (d) DISPOSAL.—The Secretary of the Army is au-
6 thorized to dispose of any property or associated real prop-
7 erty interests that are subject to the exercise of the right
8 of first refusal as set forth herein.

9 SEC. 110. None of the funds made available in this
10 Act may be used by the Corps of Engineers to relocate,
11 or study the relocation of, any regional division head-
12 quarters of the Corps located at a military installation or
13 any permanent employees of such headquarters.

14 SEC. 111. (a) Section 5 of the Act entitled “An Act
15 authorizing the construction of certain public works on
16 rivers and harbors for flood control, and for other pur-
17 poses,” approved June 22, 1936, (33 U.S.C. 701h), is
18 amended by—

19 (1) inserting “for work, which includes planning
20 and design,” before “to be expended”;

21 (2) striking “flood control or environmental res-
22 toration work” and inserting “water resources devel-
23 opment study or project”; and

24 (3) inserting “: *Provided further*, That the term
25 ‘States’ means the several States, the District of Co-

1 lumbia, the commonwealths, territories, and posses-
2 sions of the United States, and Federally recognized
3 Indian tribes” before the period.

4 (b) The Secretary shall notify the appropriate com-
5 mittees of Congress prior to initiation of negotiations for
6 accepting contributed funds under 33 U.S.C. 701h.

7 SEC. 112. With respect to the property covered by
8 the deed described in Auditor’s instrument No. 2006–
9 014428 of Benton County, Washington, approximately 1.5
10 acres, the following deed restrictions are hereby extin-
11 guished and of no further force and effect:

12 (1) The reversionary interest and use restric-
13 tions related to port and industrial purposes;

14 (2) The right for the District Engineer to re-
15 view all pre-construction plans and/or specifications
16 pertaining to construction and/or maintenance of
17 any structure intended for human habitation, if the
18 elevation of the property is above the standard
19 project flood elevation; and

20 (3) The right of the District Engineer to object
21 to, and thereby prevent, in his/her discretion, such
22 activity.

23 SEC. 113. That portion of the project for navigation,
24 Block Island Harbor of Refuge, Rhode Island adopted by
25 the Rivers and Harbors Act of July 11, 1870, consisting

1 of the cut-stone breakwater lining the west side of the
2 Inner Basin; beginning at a point with coordinates
3 N32579.55, E312625.53, thence running northerly about
4 76.59 feet to a point with coordinates N32655.92,
5 E312631.32, thence running northerly about 206.81 feet
6 to a point with coordinates N32858.33, E312673.74,
7 thence running easterly about 109.00 feet to a point with
8 coordinates N32832.15, E312779.54, shall no longer be
9 authorized after the date of enactment.

10 SEC. 114. The Secretary of the Army, acting through
11 the Chief of Engineers, is authorized, using amounts avail-
12 able in the Revolving Fund established by section 101 of
13 the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to
14 construct a Consolidated Infrastructure Research Equip-
15 ment Facility, an Environmental Processes and Risk Lab,
16 a Hydraulic Research Facility, an Engineer Research and
17 Development Center headquarters building, a Modular
18 Hydraulic Flume building, and to purchase real estate,
19 perform construction, and make facility, utility, street,
20 road, and infrastructure improvements to the Engineer
21 Research and Development Center's installations and fa-
22 cilities. The Secretary shall ensure that the Revolving
23 Fund is appropriately reimbursed from the benefitting ap-
24 propriations.

1 SEC. 115. Section 1148 of the Water Resources De-
2 velopment Act of 1986 (100 Stat. 4254; 110 Stat. 3718;
3 114 Stat. 2609) is amended by striking subsection (b) and
4 inserting the following:

5 “(b) DISPOSITION OF ACQUIRED LAND.—The Sec-
6 retary may transfer land acquired under this section to
7 the non-Federal sponsor by quitclaim deed subject to such
8 terms and conditions as the Secretary determines to be
9 in the public interest.”.

10 SEC. 116. The New London Disposal Site and the
11 Cornfield Shoals Disposal Site in Long Island Sound se-
12 lected by the Department of the Army as alternative
13 dredged material disposal sites under section 103(b) of the
14 Marine Protection, Research, and Sanctuaries Act of
15 1972, as amended, shall remain open for 5 years after en-
16 actment of this Act to allow for completion of a Supple-
17 mental Environmental Impact Statement to support final
18 designation of an Ocean Dredged Material Disposal Site
19 in eastern Long Island Sound under section 102(c) of the
20 Marine Protection, Research, and Sanctuaries Act of
21 1972.

22 SEC. 117. (a) That portion of the project for naviga-
23 tion, Newport Harbor, Rhode Island adopted by the Rivers
24 and Harbors Acts of March 2, 1907 (34 Stat. 1075); June
25 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845);

1 and, modified by the Consolidated Appropriations Act,
2 2000, Public Law 106–113, appendix E, title II, section
3 221 (113 Stat. 1501A–298); consisting of a 13-foot an-
4 chorage, an 18-foot anchorage, a 21-foot channel, and 18-
5 foot channels described by the following shall no longer
6 be authorized after the date of enactment of this Act: the
7 21-Foot Entrance Channel, beginning at a point (1) with
8 coordinates 374986.03, 150611.01; thence running south
9 46 degrees 54 minutes 30.7 seconds east 900.01 feet to
10 a point (2) with coordinates 375643.27, 149996.16;
11 thence running south 8 degrees 4 minutes 58.3 east
12 2,376.87 feet to a point (3) with coordinates 375977.47,
13 147643.00; thence running south 4 degrees 28 minutes
14 20.4 seconds west 738.56 feet to a point (4) with coordi-
15 nates 375919.88, 146906.60; thence running south 6 de-
16 grees 2 minutes 42.4 seconds east 1,144.00 feet to a point
17 (5) with coordinates 376040.35, 145768.96; thence run-
18 ning south 34 degrees 5 minutes 51.7 seconds west 707.11
19 feet to a point (6) with coordinates 375643.94,
20 145183.41; thence running south 73 degrees 11 minutes
21 42.9 seconds west 1,300.00 feet to the end point (7) with
22 coordinates 374399.46, 144807.57; returning at a point
23 with coordinates (8) with coordinates 374500.64,
24 144472.51; thence running north 73 degrees 11 minutes
25 42.9 seconds east 1,582.85 feet to a point (9) with coordi-

1 nates 376015.90, 144930.13; thence running north 34 de-
2 grees 5 minutes 51.7 seconds east 615.54 feet to a point
3 (10) with coordinates 376360.97, 145439.85; thence run-
4 ning north 2 degrees 10 minutes 43.3 seconds west
5 2,236.21 feet to a point (11) with coordinates 376275.96,
6 147674.45; thence running north 8 degrees 4 minutes
7 55.6 seconds west 2,652.83 feet to a point (12) with co-
8 ordinates 375902.99, 150300.93; thence running north 46
9 degrees 54 minutes 30.7 seconds west 881.47 feet to an
10 end point (13) with coordinates 375259.29, 150903.12;
11 and the 18-Foot South Goat Island Channel beginning at
12 a point (14) with coordinates 375509.09, 149444.83;
13 thence running south 25 degrees 44 minutes 0.5 second
14 east 430.71 feet to a point (15) with coordinates
15 375696.10, 149056.84; thence running south 10 degrees
16 13 minutes 27.4 seconds east 1,540.89 feet to a point (16)
17 with coordinates 375969.61, 147540.41; thence running
18 south 4 degrees 29 minutes 11.3 seconds west 1,662.92
19 feet to a point (17) with coordinates 375839.53,
20 145882.59; thence running south 34 degrees 5 minutes
21 51.7 seconds west 547.37 feet to a point (18) with coordi-
22 nates 375532.67, 145429.32; thence running south 86 de-
23 grees 47 minutes 37.7 seconds west 600.01 feet to an end
24 point (19) with coordinates 374933.60, 145395.76; and
25 the 18-Foot Entrance Channel beginning at a point (20)

1 with coordinates 374567.14, 144252.33; thence running
2 north 73 degrees 11 minutes 42.9 seconds east 1,899.22
3 feet to a point (21) with coordinates 376385.26,
4 144801.42; thence running north 2 degrees 10 minutes
5 41.5 seconds west 638.89 feet to an end point (10) with
6 coordinates 376360.97, 145439.85; and the 18-Foot
7 South Anchorage beginning at a point (22) with coordi-
8 nates 376286.81, 147389.37; thence running north 78 de-
9 grees 56 minutes 15.6 seconds east 404.86 feet to a point
10 (23) with coordinates 376684.14, 147467.05; thence run-
11 ning north 78 degrees 56 minutes 15.6 seconds east
12 1,444.33 feet to a point (24) with coordinates 378101.63,
13 147744.18; thence running south 5 degrees 18 minutes
14 43.8 seconds west 1,228.20 feet to a point (25) with co-
15 ordinates 377987.92, 146521.26; thence running south 3
16 degrees 50 minutes 3.4 seconds east 577.84 feet to a point
17 (26) with coordinates 378026.56, 145944.71; thence run-
18 ning south 44 degrees 32 minutes 14.7 seconds west
19 2,314.09 feet to a point (27) with coordinates 376403.52,
20 144295.24 thence running south 60 degrees 5 minutes
21 58.2 seconds west 255.02 feet to an end point (28) with
22 coordinates 376182.45, 144168.12; and the 13-Foot An-
23 chorage beginning at a point (29) with coordinates
24 376363.39, 143666.99; thence running north 63 degrees
25 34 minutes 19.3 seconds east 1,962.37 feet to a point (30)

1 with coordinates 378120.68, 144540.38; thence running
2 north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet
3 to an end point (26) with coordinates 378026.56,
4 145944.71; and the 18-Foot East Channel beginning at
5 a point (23) with coordinates 376684.14, 147467.05;
6 thence running north 2 degrees 10 minutes 43.3 seconds
7 west 262.95 feet to a point (31) with coordinates
8 376674.14, 147729.81; thence running north 9 degrees 42
9 minutes 20.3 seconds west 301.35 feet to a point (32) with
10 coordinates 376623.34, 148026.85; thence running south
11 80 degrees 17 minutes 42.4 seconds west 313.6 feet to
12 a point (33) with coordinates 376314.23, 147973.99;
13 thence running north 7 degrees 47 minutes 21.9 seconds
14 west 776.24 feet to an end point (34) with coordinates
15 376209.02, 148743.06; and the 18-Foot North Anchorage
16 beginning at a point (35) with coordinates 376123.98,
17 148744.69; thence running south 88 degrees 54 minutes
18 16.2 seconds east 377.90 feet to a point (36) with coordi-
19 nates 376501.82, 148737.47; thence running north 9 de-
20 grees 42 minutes 19.0 seconds west 500.01 feet to a point
21 (37) with coordinates 376417.52, 149230.32; thence run-
22 ning north 6 degrees 9 minutes 53.2 seconds west
23 1,300.01 feet to an end point (38) with coordinates
24 376277.92, 150522.81.

1 (b) The area described by the following shall be reded-
2 icated as an eighteen-foot channel and turning basin: Be-
3 ginning at a point (1) with coordinates N144759.41,
4 E374413.16; thence running north 73 degrees 11 minutes
5 42.9 seconds east 1,252.88 feet to a point (2) with coordi-
6 nates N145121.63, E375612.53; thence running north 26
7 degrees 29 minutes 48.1 seconds east 778.89 feet to a
8 point (3) with coordinates N145818.71, E375960.04;
9 thence running north 0 degrees 3 minutes 38.1 seconds
10 west 1,200.24 feet to a point (4) with coordinates
11 N147018.94, E375958.77; thence running north 2 de-
12 grees 22 minutes 45.2 seconds east 854.35 feet to a point
13 (5) with coordinates N147872.56, E375994.23; thence
14 running north 7 degrees 47 minutes 21.9 seconds west
15 753.83 feet to a point (6) with coordinates N148619.44,
16 E375892.06; thence running north 88 degrees 46 minutes
17 16.7 seconds east 281.85 feet to a point (7) with coordi-
18 nates N148625.48, E376173.85; thence running south 7
19 degrees 47 minutes 21.9 seconds east 716.4 feet to a point
20 (8) with coordinates N147915.69, E376270.94; thence
21 running north 80 degrees 17 minutes 42.3 seconds east
22 315.3 feet to a point (9) with coordinates N147968.85,
23 E.76581.73; thence running south 9 degrees 42 minutes
24 20.3 seconds east 248.07 feet to a point (10) with coordi-
25 nates N147724.33, E376623.55; thence running south 2

1 degrees 10 minutes 43.3 seconds east 318.09 feet to a
2 point (11) with coordinates N147406.47, E376635.64;
3 thence running north 78 degrees 56 minutes 15.6 seconds
4 east 571.11 feet to a point (12) with coordinates
5 N147516.06, E377196.15; thence running south 88 de-
6 grees 57 minutes 2.3 seconds east 755.09 feet to a point
7 (13) with coordinates N147502.23, E377951.11; thence
8 running south 1 degree 2 minutes 57.7 seconds west
9 100.00 feet to a point (14) with coordinates N147402.25,
10 E377949.28; thence running north 88 degrees 57 minutes
11 2.3 seconds west 744.48 feet to a point (15) with coordi-
12 nates N147415.88, E377204.92; thence running south 78
13 degrees 56 minutes 15.6 seconds west 931.17 feet to a
14 point (16) with coordinates N147237.21, E376291.06;
15 thence running south 39 degrees 26 minutes 18.7 seconds
16 west 208.34 feet to a point (17) with coordinates
17 N147076.31, E376158.71; thence running south 0 de-
18 grees 3 minutes 38.1 seconds east 1,528.26 feet to a point
19 (18) with coordinates N145548.05, E376160.32; thence
20 running south 26 degrees 29 minutes 48.1 seconds west
21 686.83 feet to a point (19) with coordinates N144933.37,
22 E375853.90; thence running south 73 degrees 11 minutes
23 42.9 seconds west 1,429.51 feet to end at a point (20)
24 with coordinates N144520.08, E374485.44.

1 SEC. 118. None of the funds made available to the
2 Corps of Engineers by this Act may be used for the re-
3 moval or associated mitigation of Federal Energy Regu-
4 latory Commission Project number 2342.

5 SEC. 119. None of the funds made available by this
6 Act may be used for the study of the Missouri River
7 Projects authorized in section 108 of the Energy and
8 Water Development and Related Agencies Appropriations
9 Act, 2009 (division C of Public Law 111–8).

10 SEC. 120. None of the funds made available in this
11 Act may be used to continue the study conducted by the
12 Army Corps of Engineers pursuant to section 5018(a)(1)
13 of the Water Resources Development Act of 2007.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$27,154,000, to remain
7 available until expended, of which \$2,000,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission. In addition, for nec-
11 essary expenses incurred in carrying out related respon-
12 sibilities of the Secretary of the Interior, \$1,550,000. For
13 fiscal year 2012, the Commission may use an amount not
14 to exceed \$1,500,000 for administrative expenses.

15 BUREAU OF RECLAMATION

16 The following appropriations shall be expended to
17 execute authorized functions of the Bureau of Reclama-
18 tion:

19 WATER AND RELATED RESOURCES

20 (INCLUDING TRANSFERS OF FUNDS)

21 For management, development, and restoration of
22 water and related natural resources and for related activi-
23 ties, including the operation, maintenance, and rehabilita-
24 tion of reclamation and other facilities, participation in
25 fulfilling related Federal responsibilities to Native Ameri-

1 cans, and related grants to, and cooperative and other
2 agreements with, State and local governments, federally
3 recognized Indian tribes, and others, \$895,000,000, to re-
4 main available until expended, of which \$10,698,000 shall
5 be available for transfer to the Upper Colorado River
6 Basin Fund and \$6,136,000 shall be available for transfer
7 to the Lower Colorado River Basin Development Fund;
8 of which such amounts as may be necessary may be ad-
9 vanced to the Colorado River Dam Fund: *Provided*, That
10 such transfers may be increased or decreased within the
11 overall appropriation under this heading: *Provided further*,
12 That of the total appropriated, the amount for program
13 activities that can be financed by the Reclamation Fund
14 or the Bureau of Reclamation special fee account estab-
15 lished by 16 U.S.C. 460l-6a(i) shall be derived from that
16 Fund or account: *Provided further*, That funds contributed
17 under 43 U.S.C. 395 are available until expended for the
18 purposes for which contributed: *Provided further*, That
19 funds advanced under 43 U.S.C. 397a shall be credited
20 to this account and are available until expended for the
21 same purposes as the sums appropriated under this head-
22 ing: *Provided further*, That of the amounts provided here-
23 in, funds may be used for high priority projects which
24 shall be carried out by the Youth Conservation Corps, as
25 authorized by 16 U.S.C. 1706.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, habi-
3 tat restoration, improvement, and acquisition provisions of
4 the Central Valley Project Improvement Act, \$53,068,000,
5 to be derived from such sums as may be collected in the
6 Central Valley Project Restoration Fund pursuant to sec-
7 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
8 102–575, to remain available until expended: *Provided*,
9 That the Bureau of Reclamation is directed to assess and
10 collect the full amount of the additional mitigation and
11 restoration payments authorized by section 3407(d) of
12 Public Law 102–575: *Provided further*, That none of the
13 funds made available under this heading may be used for
14 the acquisition or leasing of water for in-stream purposes
15 if the water is already committed to in-stream purposes
16 by a court adopted decree or order.

17 CALIFORNIA BAY-DELTA RESTORATION

18 (INCLUDING TRANSFERS OF FUNDS)

19 For carrying out activities authorized by the Water
20 Supply, Reliability, and Environmental Improvement Act,
21 consistent with plans to be approved by the Secretary of
22 the Interior, \$39,651,000, to remain available until ex-
23 pended, of which such amounts as may be necessary to
24 carry out such activities may be transferred to appropriate
25 accounts of other participating Federal agencies to carry

1 out authorized purposes: *Provided*, That funds appro-
2 priated herein may be used for the Federal share of the
3 costs of CALFED Program management: *Provided fur-*
4 *ther*, That the use of any funds provided to the California
5 Bay-Delta Authority for program-wide management and
6 oversight activities shall be subject to the approval of the
7 Secretary of the Interior: *Provided further*, That CALFED
8 implementation shall be carried out in a balanced manner
9 with clear performance measures demonstrating concur-
10 rent progress in achieving the goals and objectives of the
11 Program.

12 POLICY AND ADMINISTRATION

13 For necessary expenses of policy, administration, and
14 related functions in the Office of the Commissioner, the
15 Denver office, and offices in the five regions of the Bureau
16 of Reclamation, to remain available until September 30,
17 2013, \$60,000,000, to be derived from the Reclamation
18 Fund and be nonreimbursable as provided in 43 U.S.C.
19 377: *Provided*, That no part of any other appropriation
20 in this Act shall be available for activities or functions
21 budgeted as policy and administration expenses.

22 ADMINISTRATIVE PROVISION

23 Appropriations for the Bureau of Reclamation shall
24 be available for purchase of not to exceed five passenger
25 motor vehicles, which are for replacement only.

1 GENERAL PROVISIONS—DEPARTMENT OF THE
2 INTERIOR

3 SEC. 201. (a) None of the funds provided in title II
4 of this Act for Water and Related Resources, or provided
5 by previous appropriations Acts to the agencies or entities
6 funded in title II of this Act for Water and Related Re-
7 sources that remain available for obligation or expenditure
8 in fiscal year 2012, shall be available for obligation or ex-
9 penditure through a reprogramming of funds that—

10 (1) initiates or creates a new program, project,
11 or activity;

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

13 (3) increases funds for any program, project, or
14 activity for which funds have been denied or re-
15 stricted by this Act, unless prior approval is received
16 from the Committees on Appropriations of the
17 House of Representatives and the Senate;

18 (4) restarts or resumes any program, project or
19 activity for which funds are not provided in this Act,
20 unless prior approval is received from the Commit-
21 tees on Appropriations of the House of Representa-
22 tives and the Senate;

23 (5) transfers funds in excess of the following
24 limits, unless prior approval is received from the

1 Committees on Appropriations of the House of Rep-
2 resentatives and the Senate:

3 (A) 15 percent for any program, project or
4 activity for which \$2,000,000 or more is avail-
5 able at the beginning of the fiscal year; or

6 (B) \$300,000 for any program, project or
7 activity for which less than \$2,000,000 is avail-
8 able at the beginning of the fiscal year;

9 (6) transfers more than \$500,000 from either
10 the Facilities Operation, Maintenance, and Rehabili-
11 tation category or the Resources Management and
12 Development category to any program, project, or
13 activity in the other category, unless prior approval
14 is received from the Committees on Appropriations
15 of the House of Representatives and the Senate; or

16 (7) transfers, where necessary to discharge legal
17 obligations of the Bureau of Reclamation, more than
18 \$5,000,000 to provide adequate funds for settled
19 contractor claims, increased contractor earnings due
20 to accelerated rates of operations, and real estate de-
21 ficiency judgments, unless prior approval is received
22 from the Committees on Appropriations of the
23 House of Representatives and the Senate.

1 (b) Subsection (a)(5) shall not apply to any transfer
2 of funds within the Facilities Operation, Maintenance, and
3 Rehabilitation category.

4 (c) For purposes of this section, the term “transfer”
5 means any movement of funds into or out of a program,
6 project, or activity.

7 (d) The Bureau of Reclamation shall submit reports
8 on a quarterly basis to the Committees on Appropriations
9 of the House of Representatives and the Senate detailing
10 all the funds reprogrammed between programs, projects,
11 activities, or categories of funding. The first quarterly re-
12 port shall be submitted not later than 60 days after the
13 date of enactment of this Act.

14 SEC. 202. (a) None of the funds appropriated or oth-
15 erwise made available by this Act may be used to deter-
16 mine the final point of discharge for the interceptor drain
17 for the San Luis Unit until development by the Secretary
18 of the Interior and the State of California of a plan, which
19 shall conform to the water quality standards of the State
20 of California as approved by the Administrator of the En-
21 vironmental Protection Agency, to minimize any detri-
22 mental effect of the San Luis drainage waters.

23 (b) The costs of the Kesterson Reservoir Cleanup
24 Program and the costs of the San Joaquin Valley Drain-
25 age Program shall be classified by the Secretary of the

1 Interior as reimbursable or nonreimbursable and collected
2 until fully repaid pursuant to the “Cleanup Program-
3 ternative Repayment Plan” and the “SJVDP-Alternative
4 Repayment Plan” described in the report entitled “Repay-
5 ment Report, Kesterson Reservoir Cleanup Program and
6 San Joaquin Valley Drainage Program, February 1995”,
7 prepared by the Department of the Interior, Bureau of
8 Reclamation. Any future obligations of funds by the
9 United States relating to, or providing for, drainage serv-
10 ice or drainage studies for the San Luis Unit shall be fully
11 reimbursable by San Luis Unit beneficiaries of such serv-
12 ice or studies pursuant to Federal reclamation law.

13 SEC. 203. Section 529(b)(3) of Public Law 106–541,
14 as amended by section 115 of Public Law 109–103, is fur-
15 ther amended by striking “\$20,000,000” and inserting
16 “\$30,000,000” in lieu thereof.

17 SEC. 204. Section 8 of the Water Desalination Act
18 of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is
19 amended—

20 (1) in subsection (a), in the first sentence, by
21 striking “2011” and inserting “2013”; and

22 (2) in subsection (b), by striking “\$25,000,000
23 for fiscal years 1997 through 2011” and inserting
24 “\$3,000,000 for each of fiscal years 2012 through
25 2013”.

1 SEC. 205. The Federal policy for addressing Califor-
2 nia's water supply and environmental issues related to the
3 Bay-Delta shall be consistent with State law, including the
4 co-equal goals of providing a more reliable water supply
5 for the State of California and protecting, restoring, and
6 enhancing the Delta ecosystem. The Secretary of the Inte-
7 rior, the Secretary of Commerce, the Army Corps of Engi-
8 neers and the Environmental Protection Agency Adminis-
9 trator shall jointly coordinate the efforts of the relevant
10 agencies and work with the State of California and other
11 stakeholders to complete and issue the Bay Delta Con-
12 servation Plan Final Environmental Impact Statement no
13 later than February 15, 2013. Nothing herein modifies ex-
14 isting requirements of Federal law.

15 SEC. 206. The Secretary of the Interior may partici-
16 pate in non-Federal groundwater banking programs to in-
17 crease the operational flexibility, reliability, and efficient
18 use of water in the State of California, and this participa-
19 tion may include making payment for the storage of Cen-
20 tral Valley Project water supplies, the purchase of stored
21 water, the purchase of shares or an interest in ground
22 banking facilities, or the use of Central Valley Project
23 water as a medium of payment for groundwater banking
24 services: *Provided*, That the Secretary of the Interior shall
25 participate in groundwater banking programs only to the

1 extent allowed under State law and consistent with water
2 rights applicable to the Central Valley Project: *Provided*
3 *further*, That any water user to which banked water is de-
4 livered shall pay for such water in the same manner pro-
5 vided by that water user's then-current Central Valley
6 Project water service, repayment, or water rights settle-
7 ment contract at the rate provided by the then-current
8 Central-Valley Project Irrigation or Municipal and Indus-
9 trial Rate Setting Policies; and: *Provided further*, That in
10 implementing this section, the Secretary of the Interior
11 shall comply with applicable environmental laws, including
12 the National Environmental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.) and the Endangered Species Act of 1973
14 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or
15 limit the Secretary's existing authority to use groundwater
16 banking to meet existing fish and wildlife obligations.

17 SEC. 207. (a) Subject to compliance with all applica-
18 ble Federal and State laws, a transfer of irrigation water
19 among Central Valley Project contractors from the Friant,
20 San Felipe, West San Joaquin, and Delta divisions, and
21 a transfer from a long-term Friant Division water service
22 or repayment contractor to a temporary or prior tem-
23 porary service contractors within the place of use in exist-
24 ence on the date of the transfer, as identified in the Bu-
25 reau of Reclamation water rights permits for the Friant

1 Division, shall be considered to meet the conditions de-
2 scribed in subparagraphs (A) and (I) of section 3405(a)(1)
3 of the Reclamation Projects Authorization and Adjust-
4 ment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

5 (b) The Secretary of the Interior, acting through the
6 Director of the United States Fish and Wildlife Service
7 and the Commissioner of the Bureau of Reclamation shall
8 initiate and complete, on the most expedited basis prac-
9 ticable, programmatic environmental compliance so as to
10 facilitate voluntary water transfers within the Central Val-
11 ley Project, consistent with all applicable Federal and
12 State law.

13 (c) Not later than 180 days after the date of enact-
14 ment of this Act and each of the 4 years thereafter, the
15 Commissioner of the Bureau of Reclamation shall submit
16 to the Committee on Appropriations of the House of Rep-
17 resentatives and the Committee on Appropriations of the
18 Senate a report that describes the status of efforts to help
19 facilitate and improve the water transfers within the Cen-
20 tral Valley Project and water transfers between the Cen-
21 tral Valley Project and other water projects in the State
22 of California; evaluates potential effects of this Act on
23 Federal programs, Indian tribes, Central Valley Project
24 operations, the environment, groundwater aquifers, ref-
25 uges, and communities; and provides recommendations on

- 1 ways to facilitate and improve the process for these trans-
- 2 fers.

1 SEC. 208. (a) PERMITTED USES.—Section 2507(b)
2 of the Farm Security and Rural Investment Act of 2002
3 (43 U.S.C. 2211 note; Public Law 107–171) is amend-
4 ed—

5 (1) in the matter preceding paragraph (1), by
6 striking “In any case in which there are willing sell-
7 ers” and inserting “For the benefit of at-risk nat-
8 ural desert terminal lakes and associated riparian
9 and watershed resources, in any case in which there
10 are willing sellers or willing participants”;

11 (2) in paragraph (2), by striking “in the Walk-
12 er River” and all that follows through “119 Stat.
13 2268”;

14 (3) in paragraph (3), by striking “in the Walk-
15 er River Basin”.

16 (b) WALKER BASIN RESTORATION PROGRAM.—Sec-
17 tion 208(b) of the Energy and Water Development and
18 Related Agencies Appropriations Act, 2010 (Public Law
19 111–85; 123 Stat. 2858) is amended—

20 (1) in paragraph (1)(B)(iv), by striking “exer-
21 cise water rights” and inserting “manage land,
22 water appurtenant to the land, and related inter-
23 ests”;

24 (2) in paragraph (2)(A), by striking “The
25 amount made available under subsection (a)(1) shall

1 be provided to the National Fish and Wildlife Foun-
2 dation” and inserting “Any amount made available
3 to the National Fish and Wildlife Foundation under
4 subsection (a) shall be provided”.

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY
5 (INCLUDING RESCISSION OF FUNDS)
6 For Department of Energy expenses including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment, and other expenses necessary for energy
9 efficiency and renewable energy activities in carrying out
10 the purposes of the Department of Energy Organization
11 Act (42 U.S.C. 7101 et seq.), including the acquisition or
12 condemnation of any real property or any facility or for
13 plant or facility acquisition, construction, or expansion,
14 \$1,825,000,000, to remain available until expended: *Pro-*
15 *vided*, That \$165,000,000 shall be available until Sep-
16 *tember 30, 2013 for program direction: Provided further,*
17 *That for the purposes of allocating weatherization assist-*
18 *ance funds appropriated by this Act to States and tribes,*
19 *the Secretary of Energy may waive the allocation formula*
20 *established pursuant to section 414(a) of the Energy Con-*
21 *servation and Production Act (42 U.S.C. 6864(a)): Pro-*
22 *vided further*, That of the unobligated balances available
23 under this heading, \$9,909,000 are hereby rescinded: *Pro-*
24 *vided further*, That no amounts may be rescinded from
25 amounts that were designated by the Congress as an

1 emergency requirement pursuant to the Concurrent Reso-
2 lution on the Budget or the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for elec-
8 tricity delivery and energy reliability activities in carrying
9 out the purposes of the Department of Energy Organiza-
10 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
11 tion or condemnation of any real property or any facility
12 or for plant or facility acquisition, construction, or expan-
13 sion, \$139,500,000, to remain available until expended:
14 *Provided*, That \$27,010,000 shall be available until Sep-
15 tember 30, 2013 for program direction.

16 NUCLEAR ENERGY

17 For Department of Energy expenses including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment, and other expenses necessary for nuclear
20 energy activities in carrying out the purposes of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including the acquisition or condemnation of any
23 real property or any facility or for plant or facility acquisi-
24 tion, construction, or expansion, and the purchase of not
25 more than 10 buses, all for replacement only,

1 \$768,663,000, to remain available until expended: *Pro-*
2 *vided*, That \$91,000,000 shall be available until Sep-
3 tember 30, 2013 for program direction.

4 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

5 (INCLUDING RESCISSION OF FUNDS)

6 For necessary expenses in carrying out fossil energy
7 research and development activities, under the authority
8 of the Department of Energy Organization Act (Public
9 Law 95–91), including the acquisition of interest, includ-
10 ing defeasible and equitable interests in any real property
11 or any facility or for plant or facility acquisition or expan-
12 sion, and for conducting inquiries, technological investiga-
13 tions and research concerning the extraction, processing,
14 use, and disposal of mineral substances without objection-
15 able social and environmental costs (30 U.S.C. 3, 1602,
16 and 1603), \$534,000,000, to remain available until ex-
17 pended: *Provided*, That \$120,000,000 shall be available
18 until September 30, 2013 for program direction: *Provided*
19 *further*, That for all programs funded under Fossil Energy
20 appropriations in this Act or any other Act, the Secretary
21 may vest fee title or other property interests acquired
22 under projects in any entity, including the United States:
23 *Provided further*, That of prior-year balances,
24 \$187,000,000 are hereby rescinded: *Provided further*,
25 That no rescission made by the previous proviso shall

1 apply to any amount previously appropriated in Public
2 Law 111-5 or designated by the Congress as an emer-
3 gency requirement pursuant to a concurrent resolution on
4 the budget or the Balanced Budget and Emergency Def-
5 icit Control Act of 1985.

6 NAVAL PETROLEUM AND OIL SHALE RESERVES

7 For expenses necessary to carry out naval petroleum
8 and oil shale reserve activities, \$14,909,000, to remain
9 available until expended: *Provided*, That, notwithstanding
10 any other provision of law, unobligated funds remaining
11 from prior years shall be available for all naval petroleum
12 and oil shale reserve activities.

13 STRATEGIC PETROLEUM RESERVE

14 For necessary expenses for Strategic Petroleum Re-
15 serve facility development and operations and program
16 management activities pursuant to the Energy Policy and
17 Conservation Act of 1975, as amended (42 U.S.C. 6201
18 et seq.), \$192,704,000, to remain available until expended.

19 SPR PETROLEUM ACCOUNT

20 (INCLUDING RESCISSION OF FUNDS)

21 Of the amounts deposited in the SPR Petroleum Ac-
22 count established under section 167 of the Energy Policy
23 and Conservation Act (42 U.S.C. 6247) in fiscal year
24 2011 which remain available for obligation under that sec-
25 tion, \$500,000,000 are hereby permanently rescinded.

1 NORTHEAST HOME HEATING OIL RESERVE

2 (INCLUDING RESCISSION OF FUNDS)

3 For necessary expenses for Northeast Home Heating
4 Oil Reserve storage, operation, and management activities
5 pursuant to the Energy Policy and Conservation Act,
6 \$10,119,000, to remain available until expended: *Pro-*
7 *vided*, That amounts net of the purchase of 1 million bar-
8 rels of petroleum distillates in fiscal year 2011; costs re-
9 lated to transportation, delivery, and storage; and sales
10 of petroleum distillate from the Reserve under section 182
11 of the Energy Policy and Conservation Act (42 U.S.C.
12 6250a) are hereby permanently rescinded: *Provided fur-*
13 *ther*, That notwithstanding section 181 of the Energy Pol-
14 icy and Conservation Act (42 U.S.C. 6250), for fiscal year
15 2012 and hereafter, the Reserve shall contain no more
16 than 1 million barrels of petroleum distillate.

17 ENERGY INFORMATION ADMINISTRATION

18 For necessary expenses in carrying out the activities
19 of the Energy Information Administration, \$105,000,000,
20 to remain available until expended.

21 NON-DEFENSE ENVIRONMENTAL CLEANUP

22 For Department of Energy expenses, including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment and other expenses necessary for non-de-
25 fense environmental cleanup activities in carrying out the

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction, or expansion,
5 \$235,721,000, to remain available until expended.

6 URANIUM ENRICHMENT DECONTAMINATION AND
7 DECOMMISSIONING FUND

8 For necessary expenses in carrying out uranium en-
9 richment facility decontamination and decommissioning,
10 remedial actions, and other activities of title II of the
11 Atomic Energy Act of 1954, and title X, subtitle A, of
12 the Energy Policy Act of 1992, \$472,930,000, to be de-
13 rived from the Uranium Enrichment Decontamination and
14 Decommissioning Fund, to remain available until ex-
15 pended.

16 SCIENCE

17 For Department of Energy expenses including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment, and other expenses necessary for science
20 activities in carrying out the purposes of the Department
21 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
22 cluding the acquisition or condemnation of any real prop-
23 erty or facility or for plant or facility acquisition, construc-
24 tion, or expansion, and purchase of not more than 49 pas-
25 senger motor vehicles for replacement only, including one

1 used for operating expenses within this account, and may
2 remain available until expended, as authorized by section
3 201 of Public Law 95–238, notwithstanding the provisions
4 of 31 U.S.C. 3302: *Provided further*, That the sum herein
5 appropriated shall be reduced by the amount of miscella-
6 neous revenues received during 2012, and any related ap-
7 propriated receipt account balances remaining from prior
8 years' miscellaneous revenues, so as to result in a final
9 fiscal year 2012 appropriation from the general fund esti-
10 mated at not more than \$126,000,000.

11 OFFICE OF THE INSPECTOR GENERAL

12 For necessary expenses of the Office of the Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, as amended, \$42,000,000, to remain
15 available until expended.

16 ATOMIC ENERGY DEFENSE ACTIVITIES

17 NATIONAL NUCLEAR SECURITY

18 ADMINISTRATION

19 WEAPONS ACTIVITIES

20 For Department of Energy expenses, including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment and other incidental expenses necessary for
23 atomic energy defense weapons activities in carrying out
24 the purposes of the Department of Energy Organization
25 Act (42 U.S.C. 7101 et seq.), including the acquisition or

1 condemnation of any real property or any facility or for
2 plant or facility acquisition, construction, or expansion,
3 the purchase of not to exceed one ambulance and one air-
4 craft; \$7,233,997,000, to remain available until expended:
5 *Provided*, That of such amount not more than
6 \$89,425,000 may be made available for the B-61 Life Ex-
7 tension Program until the Administrator of the National
8 Nuclear Security Administration submits to the Commit-
9 tees on Appropriations of the House of Representatives
10 and the Senate a final report on the Phase 6.2a design
11 definition and cost study.

12 DEFENSE NUCLEAR NONPROLIFERATION

13 (INCLUDING RESCISSION OF FUNDS)

14 For Department of Energy expenses, including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment and other incidental expenses necessary for
17 defense nuclear nonproliferation activities, in carrying out
18 the purposes of the Department of Energy Organization
19 Act (42 U.S.C. 7101 et seq.), including the acquisition or
20 condemnation of any real property or any facility or for
21 plant or facility acquisition, construction, or expansion,
22 and the purchase of not to exceed one passenger motor
23 vehicle for replacement only, \$2,324,303,000, to remain
24 available until expended: *Provided*, That of the unobli-
25 gated balances available under this heading, \$21,000,000

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for atomic
7 energy defense environmental cleanup activities in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
10 sition or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, and the purchase of not to exceed one ambulance
13 and one fire truck for replacement only, \$5,023,000,000,
14 to remain available until expended: *Provided*, That
15 \$321,628,000 shall be available until September 30, 2013
16 for program direction.

17 OTHER DEFENSE ACTIVITIES

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other expenses, necessary for atomic
21 energy defense, other defense activities, and classified ac-
22 tivities, in carrying out the purposes of the Department
23 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
24 cluding the acquisition or condemnation of any real prop-
25 erty or any facility or for plant or facility acquisition, con-

1 struction, or expansion, and the purchase of not to exceed
2 10 passenger motor vehicles for replacement only,
3 \$823,364,000: *Provided*, That \$114,086,000 shall be
4 available until September 30, 2013 for program direction.

5 POWER MARKETING ADMINISTRATIONS

6 BONNEVILLE POWER ADMINISTRATION FUND

7 Expenditures from the Bonneville Power Administra-
8 tion Fund, established pursuant to Public Law 93-454,
9 are approved for the Kootenai River Native Fish Con-
10 servation Aquaculture Program, Lolo Creek Permanent
11 Weir Facility, and Improving Anadromous Fish produc-
12 tion on the Warm Springs Reservation, and, in addition,
13 for official reception and representation expenses in an
14 amount not to exceed \$7,000. During fiscal year 2012,
15 no new direct loan obligations may be made.

16 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
17 ADMINISTRATION

18 For necessary expenses of operation and maintenance
19 of power transmission facilities and of marketing electric
20 power and energy, including transmission wheeling and
21 ancillary services pursuant to section 5 of the Flood Con-
22 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
23 eastern power area, \$8,428,000, to remain available until
24 expended: *Provided*, That notwithstanding 31 U.S.C. 3302
25 and section 5 of the Flood Control Act of 1944, up to

1 \$8,428,000 collected by the Southeastern Power Adminis-
2 tration from the sale of power and related services shall
3 be credited to this account as discretionary offsetting col-
4 lections, to remain available until expended for the sole
5 purpose of funding the annual expenses of the South-
6 eastern Power Administration: *Provided further*, That the
7 sum herein appropriated for annual expenses shall be re-
8 duced as collections are received during the fiscal year so
9 as to result in a final fiscal year 2012 appropriation esti-
10 mated at not more than \$0: *Provided further*, That, not-
11 withstanding 31 U.S.C. 3302, up to \$100,162,000 col-
12 lected by the Southeastern Power Administration pursu-
13 ant to the Flood Control Act of 1944 to recover purchase
14 power and wheeling expenses shall be credited to this ac-
15 count as offsetting collections, to remain available until
16 expended for the sole purpose of making purchase power
17 and wheeling expenditures: *Provided further*, That for pur-
18 poses of this appropriation, annual expenses means ex-
19 penditures that are generally recovered in the same year
20 that they are incurred (excluding purchase power and
21 wheeling expenses).

22 OPERATION AND MAINTENANCE, SOUTHWESTERN
23 POWER ADMINISTRATION

24 For necessary expenses of operation and maintenance
25 of power transmission facilities and of marketing electric

1 power and energy, for construction and acquisition of
2 transmission lines, substations and appurtenant facilities,
3 and for administrative expenses, including official recep-
4 tion and representation expenses in an amount not to ex-
5 ceed \$1,500 in carrying out section 5 of the Flood Control
6 Act of 1944 (16 U.S.C. 825s), as applied to the South-
7 western Power Administration, \$45,010,000, to remain
8 available until expended: *Provided*, That notwithstanding
9 31 U.S.C. 3302 and section 5 of the Flood Control Act
10 of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected
11 by the Southwestern Power Administration from the sale
12 of power and related services shall be credited to this ac-
13 count as discretionary offsetting collections, to remain
14 available until expended, for the sole purpose of funding
15 the annual expenses of the Southwestern Power Adminis-
16 tration: *Provided further*, That the sum herein appro-
17 priated for annual expenses shall be reduced as collections
18 are received during the fiscal year so as to result in a final
19 fiscal year 2012 appropriation estimated at not more than
20 \$11,892,000: *Provided further*, That, notwithstanding 31
21 U.S.C. 3302, up to \$40,000,000 collected by the South-
22 western Power Administration pursuant to the Flood Con-
23 trol Act of 1944 to recover purchase power and wheeling
24 expenses shall be credited to this account as offsetting col-
25 lections, to remain available until expended for the sole

1 purpose of making purchase power and wheeling expendi-
2 tures: *Provided further*, That for purposes of this appro-
3 priation, annual expenses means expenditures that are
4 generally recovered in the same year that they are in-
5 curred (excluding purchase power and wheeling expenses).

6 CONSTRUCTION, REHABILITATION, OPERATION AND
7 MAINTENANCE, WESTERN AREA POWER ADMINIS-
8 TRATION

9 For carrying out the functions authorized by title III,
10 section 302(a)(1)(E) of the Act of August 4, 1977 (42
11 U.S.C. 7152), and other related activities including con-
12 servation and renewable resources programs as author-
13 ized, including official reception and representation ex-
14 penses in an amount not to exceed \$1,500; \$285,900,000,
15 to remain available until expended, of which \$278,856,000
16 shall be derived from the Department of the Interior Rec-
17 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
18 3302, section 5 of the Flood Control Act of 1944 (16
19 U.S.C. 825s), and section 1 of the Interior Department
20 Appropriation Act, 1939 (43 U.S.C. 392a), up to
21 \$189,932,000 collected by the Western Area Power Ad-
22 ministration from the sale of power and related services
23 shall be credited to this account as discretionary offsetting
24 collections, to remain available until expended, for the sole
25 purpose of funding the annual expenses of the Western

1 Area Power Administration: *Provided further*, That the
2 sum herein appropriated for annual expenses shall be re-
3 duced as collections are received during the fiscal year so
4 as to result in a final fiscal year 2012 appropriation esti-
5 mated at not more than \$95,968,000, of which
6 \$88,924,000 is derived from the Reclamation Fund: *Pro-*
7 *vided further*, That of the amount herein appropriated, not
8 more than \$3,375,000 is for deposit into the Utah Rec-
9 lamation Mitigation and Conservation Account pursuant
10 to title IV of the Reclamation Projects Authorization and
11 Adjustment Act of 1992: *Provided further*, That notwith-
12 standing 31 U.S.C. 3302, up to \$306,541,000 collected
13 by the Western Area Power Administration pursuant to
14 the Flood Control Act of 1944 and the Reclamation
15 Project Act of 1939 to recover purchase power and wheel-
16 ing expenses shall be credited to this account as offsetting
17 collections, to remain available until expended for the sole
18 purpose of making purchase power and wheeling expendi-
19 tures: *Provided further*, That for purposes of this appro-
20 priation, annual expenses means expenditures that are
21 generally recovered in the same year that they are in-
22 curred (excluding purchase power and wheeling expenses).

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

3 For operation, maintenance, and emergency costs for
4 the hydroelectric facilities at the Falcon and Amistad
5 Dams, \$4,169,000, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
7 and Maintenance Fund of the Western Area Power Ad-
8 ministration, as provided in section 2 of the Act of June
9 18, 1954 (68 Stat. 255) as amended: *Provided*, That not-
10 withstanding the provisions of that Act and of 31 U.S.C.
11 3302, up to \$3,949,000 collected by the Western Area
12 Power Administration from the sale of power and related
13 services from the Falcon and Amistad Dams shall be cred-
14 ited to this account as discretionary offsetting collections,
15 to remain available until expended for the sole purpose
16 of funding the annual expenses of the hydroelectric facili-
17 ties of these Dams and associated Western Area Power
18 Administration activities: *Provided further*, That the sum
19 herein appropriated for annual expenses shall be reduced
20 as collections are received during the fiscal year so as to
21 result in a final fiscal year 2012 appropriation estimated
22 at not more than \$220,000: *Provided further*, That for
23 purposes of this appropriation, annual expenses means ex-
24 penditures that are generally recovered in the same year
25 that they are incurred.

1 FEDERAL ENERGY REGULATORY COMMISSION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Energy Regu-
4 latory Commission to carry out the provisions of the De-
5 partment of Energy Organization Act (42 U.S.C. 7101 et
6 seq.), including services as authorized by 5 U.S.C. 3109,
7 the hire of passenger motor vehicles, and official reception
8 and representation expenses not to exceed \$3,000,
9 \$304,600,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 not to exceed \$304,600,000 of revenues from fees and an-
12 nual charges, and other services and collections in fiscal
13 year 2012 shall be retained and used for necessary ex-
14 penses in this account, and shall remain available until
15 expended: *Provided further*, That the sum herein appro-
16 priated from the general fund shall be reduced as revenues
17 are received during fiscal year 2012 so as to result in a
18 final fiscal year 2012 appropriation from the general fund
19 estimated at not more than \$0.

20 GENERAL PROVISIONS—DEPARTMENT OF
21 ENERGY

22 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

23 SEC. 301. (a) No appropriation, funds, or authority
24 made available by this title for the Department of Energy
25 shall be used to initiate or resume any program, project,

1 or activity or to prepare or initiate Requests For Proposals
2 or similar arrangements (including Requests for
3 Quotations, Requests for Information, and Funding Op-
4 portunity Announcements) for a program, project, or ac-
5 tivity if the program, project, or activity has not been
6 funded by Congress.

7 (b) The Department of Energy may not, with respect
8 to any program, project, or activity that uses budget au-
9 thority made available in this title under the heading “De-
10 partment of Energy—Energy Programs”, enter into a
11 multi-year contract, award a multi-year grant, or enter
12 into a multi-year cooperative agreement unless the con-
13 tract, grant, or cooperative agreement includes a clause
14 conditioning the Federal Government’s obligation on the
15 availability of future-year budget authority and the Sec-
16 retary notifies the Committees on Appropriations of the
17 House of Representatives and the Senate at least 14 days
18 in advance.

19 (c) Except as provided in this section, the amounts
20 made available by this title shall be expended as author-
21 ized by law for the projects and activities specified in the
22 “Conference” column in the “Department of Energy”
23 table included under the heading “Title III—Department
24 of Energy” in the explanatory statement described in sec-

1 tion 4 (in the matter preceding division A of this consoli-
2 dated Act).

3 (d) The amounts made available by this title may be
4 reprogrammed for any program, project, or activity, and
5 the Department shall notify the Committees on Appropria-
6 tions of the House of Representatives and the Senate at
7 least 30 days prior to the use of any proposed reprogram-
8 ming which would cause any program, project, or activity
9 funding level to increase or decrease by more than
10 \$5,000,000 or 10 percent, whichever is less, during the
11 time period covered by this Act.

12 (e) Notwithstanding subsection (c), none of the funds
13 provided in this title shall be available for obligation or
14 expenditure through a reprogramming of funds that—

15 (1) creates, initiates, or eliminates a program,
16 project, or activity,

17 (2) increases funds or personnel for any pro-
18 gram, project, or activity for which funds are denied
19 or restricted by this Act, or

20 (3) reduces funds that are directed to be used
21 for a specific program, project, or activity by this
22 Act.

23 (f)(1) The Secretary of Energy may waive any re-
24 quirement or restriction in this section that applies to the
25 use of funds made available for the Department of Energy

1 if compliance with such requirement or restriction would
2 pose a substantial risk to human health, the environment,
3 welfare, or national security.

4 (2) The Secretary of Energy shall notify the Commit-
5 tees on Appropriations of any waiver under paragraph (1)
6 as soon as practicable, but not later than 3 days after the
7 date of the activity to which a requirement or restriction
8 would otherwise have applied. Such notice shall include an
9 explanation of the substantial risk under paragraph (1)
10 that permitted such waiver.

11 SEC. 302. The unexpended balances of prior appro-
12 priations provided for activities in this Act may be avail-
13 able to the same appropriation accounts for such activities
14 established pursuant to this title. Available balances may
15 be merged with funds in the applicable established ac-
16 counts and thereafter may be accounted for as one fund
17 for the same time period as originally enacted.

18 SEC. 303. Funds appropriated by this or any other
19 Act, or made available by the transfer of funds in this
20 Act, for intelligence activities are deemed to be specifically
21 authorized by the Congress for purposes of section 504
22 of the National Security Act of 1947 (50 U.S.C. 414) dur-
23 ing fiscal year 2012 until the enactment of the Intelligence
24 Authorization Act for fiscal year 2012.

1 SEC. 304. (a) SUBMISSION TO CONGRESS.—The Sec-
2 retary of Energy shall submit to Congress each year, at
3 the time that the President’s budget is submitted to Con-
4 gress that year under section 1105(a) of title 31, United
5 States Code, a future-years energy program reflecting the
6 estimated expenditures and proposed appropriations in-
7 cluded in that budget. Any such future-years energy pro-
8 gram shall cover the fiscal year with respect to which the
9 budget is submitted and at least the four succeeding fiscal
10 years. A future-years energy program shall be included in
11 the fiscal year 2014 budget submission to Congress and
12 every fiscal year thereafter.

13 (b) ELEMENTS.—Each future-years energy program
14 shall contain the following:

15 (1) The estimated expenditures and proposed
16 appropriations necessary to support programs,
17 projects, and activities of the Secretary of Energy
18 during the 5-fiscal year period covered by the pro-
19 gram, expressed in a level of detail comparable to
20 that contained in the budget submitted by the Presi-
21 dent to Congress under section 1105 of title 31,
22 United States Code.

23 (2) The estimated expenditures and proposed
24 appropriations shaped by high-level, prioritized pro-
25 gram and budgetary guidance that is consistent with

1 the administration's policies and out year budget
2 projections and reviewed by the Department of En-
3 ergy's (DOE) senior leadership to ensure that the
4 future-years energy program is consistent and con-
5 gruent with previously established program and
6 budgetary guidance.

7 (3) A description of the anticipated workload
8 requirements for each DOE national laboratory dur-
9 ing the 5-fiscal year period.

10 (c) CONSISTENCY IN BUDGETING.—

11 (1) The Secretary of Energy shall ensure that
12 amounts described in subparagraph (A) of para-
13 graph (2) for any fiscal year are consistent with
14 amounts described in subparagraph (B) of para-
15 graph (2) for that fiscal year.

16 (2) Amounts referred to in paragraph (1) are
17 the following:

18 (A) The amounts specified in program and
19 budget information submitted to Congress by
20 the Secretary of Energy in support of expendi-
21 ture estimates and proposed appropriations in
22 the budget submitted to Congress by the Presi-
23 dent under section 1105(a) of title 31, United
24 States Code, for any fiscal year, as shown in

1 the future-years energy program submitted pur-
2 suant to subsection (a).

3 (B) The total amounts of estimated ex-
4 penditures and proposed appropriations nec-
5 essary to support the programs, projects, and
6 activities of the administration included pursu-
7 ant to paragraph (5) of section 1105(a) of such
8 title in the budget submitted to Congress under
9 that section for any fiscal year.

10 SEC. 305. Section 1702 of the Energy Policy Act of
11 2005 (42 U.S.C. 16512) is amended—

12 (1) by striking subsection (b) and inserting the
13 following:

14 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-
15 TION.—

16 “(1) IN GENERAL.—No guarantee shall be
17 made unless—

18 “(A) an appropriation for the cost of the
19 guarantee has been made;

20 “(B) the Secretary has received from the
21 borrower a payment in full for the cost of the
22 guarantee and deposited the payment into the
23 Treasury; or

24 “(C) a combination of one or more appro-
25 priations under subparagraph (A) and one or

1 more payments from the borrower under sub-
2 paragraph (B) has been made that is sufficient
3 to cover the cost of the guarantee.”.

4 SEC. 306. Plant or construction projects for which
5 amounts are made available under this and subsequent ap-
6 propriation Acts with a current estimated cost of less than
7 \$10,000,000 are considered for purposes of section 4703
8 of Public Law 107–314 as a plant project for which the
9 approved total estimated cost does not exceed the minor
10 construction threshold and for purposes of section 4704
11 of Public Law 107–314 as a construction project with a
12 current estimated cost of less than a minor construction
13 threshold.

14 SEC. 307. In section 839b(h)(10)(B) of title 16,
15 United States Code, strike “\$1,000,000” and insert
16 “\$2,500,000”.

17 SEC. 308. None of the funds made available in this
18 title shall be used for the construction of facilities classi-
19 fied as high-hazard nuclear facilities under 10 CFR Part
20 830 unless independent oversight is conducted by the Of-
21 fice of Health, Safety, and Security to ensure the project
22 is in compliance with nuclear safety requirements.

23 SEC. 309. Of the amounts appropriated in this title,
24 \$73,300,000 are hereby rescinded, to reflect savings from
25 the contractor pay freeze instituted by the Department.

1 The Department shall allocate the rescission among the
2 appropriations made in this title.

3 SEC. 310. None of the funds made available in this
4 title may be used to approve critical decision-2 or critical
5 decision-3 under Department of Energy Order 413.3B, or
6 any successive departmental guidance, for construction
7 projects where the total project cost exceeds
8 \$100,000,000, until a separate independent cost estimate
9 has been developed for the project for that critical deci-
10 sion.

11 SEC. 311. None of the funds made available in this
12 title may be used to make a grant allocation, discretionary
13 grant award, discretionary contract award, or Other
14 Transaction Agreement, or to issue a letter of intent, to-
15 taling in excess of \$1,000,000, or to announce publicly the
16 intention to make such an allocation, award, or Agree-
17 ment, or to issue such a letter, including a contract cov-
18 ered by the Federal Acquisition Regulation, unless the
19 Secretary of Energy notifies the Committees on Appro-
20 priations of the Senate and the House of Representatives
21 at least 3 full business days in advance of making such
22 an allocation, award, or Agreement, or issuing such a let-
23 ter: *Provided*, That if the Secretary of Energy determines
24 that compliance with this section would pose a substantial
25 risk to human life, health, or safety, an allocation, award,

1 or Agreement may be made, or a letter may be issued,
2 without advance notification, and the Secretary shall no-
3 tify the Committees on Appropriations of the Senate and
4 the House of Representatives not later than 5 full business
5 days after the date on which such an allocation, award,
6 or Agreement is made or letter issued: *Provided further*,
7 That the notification shall include the recipient of the
8 award, the amount of the award, the fiscal year for which
9 the funds for the award were appropriated, and the ac-
10 count and program from which the funds are being drawn,
11 the title of the award, and a brief description of the activ-
12 ity for which the award is made.

13 SEC. 312. (a) Any determination (including a deter-
14 mination made prior to the date of enactment of this Act)
15 by the Secretary pursuant to section 3112(d)(2)(B) of the
16 USEC Privatization Act (110 Stat. 1321–335), as amend-
17 ed, that the sale or transfer of uranium will not have an
18 adverse material impact on the domestic uranium mining,
19 conversion, or enrichment industry shall be valid for not
20 more than 2 calendar years subsequent to such determina-
21 tion.

22 (b) Not less than 30 days prior to the transfer, sale,
23 barter, distribution, or other provision of uranium in any
24 form for the purpose of accelerating cleanup at a Federal

1 site, the Secretary shall notify the House and Senate Com-
2 mittees on Appropriations of the following:

3 (1) the amount of uranium to be transferred,
4 sold, bartered, distributed, or otherwise provided;

5 (2) an estimate by the Secretary of the gross
6 market value of the uranium on the expected date
7 of the transfer, sale, barter, distribution, or other
8 provision of the uranium;

9 (3) the expected date of transfer, sale, barter,
10 distribution, or other provision of the uranium;

11 (4) the recipient of the uranium; and

12 (5) the value of the services the Secretary ex-
13 pects to receive in exchange for the uranium, includ-
14 ing any reductions to the gross value of the uranium
15 by the recipient.

16 (c) Not later than June 30, 2012, the Secretary shall
17 submit to the House and Senate Committees on Appro-
18 priations a revised excess uranium inventory management
19 plan for fiscal years 2013 through 2018.

20 (d) Not later than December 31, 2011 the Secretary
21 shall submit to the House and Senate Committees on Ap-
22 propriations a report evaluating the economic feasibility
23 of re-enriching depleted uranium located at Federal sites.

24 SEC. 313. None of the funds made available by this
25 Act may be used to pay the salaries of Department of En-

1 ergy employees to carry out section 407 of division A of
2 the American Recovery and Reinvestment Act of 2009.

3 SEC. 314. (a) The Secretary of Energy may openly
4 compete and issue an award to allow a third party, on
5 a fee-for-service basis, to operate and maintain a metering
6 station of the Strategic Petroleum Reserve that is under-
7 utilized (as defined in section 102–75.50 of title 41, Code
8 of Federal Regulations (or successor regulations)) and re-
9 lated equipment.

10 (b) Not later than 30 days before the issuance of such
11 award, the Secretary of Energy shall certify to the Com-
12 mittees on Appropriations of the House of Representatives
13 and the Senate that the award will not reduce the reli-
14 ability or accessibility of the Strategic Petroleum Reserve,
15 raise costs of oil in the local market, or negatively impact
16 the supply of oil to current users.

17 (c) Funds collected under subsection (a) shall be de-
18 posited in the general fund of the Treasury.

19 SEC. 315. None of the funds made available in this
20 Act may be used—

21 (1) to implement or enforce section 430.32(x)
22 of title 10, Code of Federal Regulations; or

23 (2) to implement or enforce the standards es-
24 tablished by the tables contained in section
25 325(i)(1)(B) of the Energy Policy and Conservation

1 Act (42 U.S.C. 6295(i)(1)(B)) with respect to
2 BPAR incandescent reflector lamps, BR incandes-
3 cent reflector lamps, and ER incandescent reflector
4 lamps.

5 SEC. 316. Recipients of grants awarded by the De-
6 partment in excess of \$1,000,000 shall certify that they
7 will, by the end of the fiscal year, upgrade the efficiency
8 of their facilities by replacing any lighting that does not
9 meet or exceed the energy efficiency standard for incan-
10 descent light bulbs set forth in section 325 of the Energy
11 Policy and Conservation Act (42 U.S.C. 6295).

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, as amended, for necessary expenses for the Federal
7 Co-Chairman and the Alternate on the Appalachian Re-
8 gional Commission, for payment of the Federal share of
9 the administrative expenses of the Commission, including
10 services as authorized by 5 U.S.C. 3109, and hire of pas-
11 senger motor vehicles, \$68,263,000, to remain available
12 until expended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For necessary expenses of the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$29,130,000, to remain
19 available until September 30, 2013: *Provided*, That within
20 90 days of enactment of this Act, the Defense Nuclear
21 Facilities Safety Board shall enter into an agreement for
22 inspector general services with the Office of Inspector
23 General for the Nuclear Regulatory Commission for fiscal
24 years 2012 and 2013: *Provided further*, That at the expi-
25 ration of such agreement, the Defense Nuclear Facilities

1 Safety Board shall procure inspector general services an-
2 nually thereafter.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

5 For necessary expenses of the Delta Regional Author-
6 ity and to carry out its activities, as authorized by the
7 Delta Regional Authority Act of 2000, as amended, not-
8 withstanding sections 382C(b)(2), 382F(d), 382M, and
9 382N of said Act, \$11,677,000, to remain available until
10 expended.

11 DENALI COMMISSION

12 For expenses of the Denali Commission including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment as necessary and other expenses,
15 \$10,679,000, to remain available until expended, notwith-
16 standing the limitations contained in section 306(g) of the
17 Denali Commission Act of 1998: *Provided*, That funds
18 shall be available for construction projects in an amount
19 not to exceed 80 percent of total project cost for distressed
20 communities, as defined by section 307 of the Denali Com-
21 mission Act of 1998 (division C, title III, Public Law 105-
22 277), as amended by section 701 of appendix D, title VII,
23 Public Law 106-113 (113 Stat. 1501A-280), and an
24 amount not to exceed 50 percent for non-distressed com-
25 munities.

1 NORTHERN BORDER REGIONAL COMMISSION

2 For necessary expenses of the Northern Border Re-
3 gional Commission in carrying out activities authorized by
4 subtitle V of title 40, United States Code, \$1,497,000, to
5 remain available until expended: *Provided*, That such
6 amounts shall be available for administrative expenses,
7 notwithstanding section 15751(b) of title 40, United
8 States Code.

9 SOUTHEAST CRESCENT REGIONAL COMMISSION

10 For necessary expenses of the Southeast Crescent Re-
11 gional Commission in carrying out activities authorized by
12 subtitle V of title 40, United States Code, \$250,000, to
13 remain available until expended.

14 NUCLEAR REGULATORY COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Commission in car-
17 rying out the purposes of the Energy Reorganization Act
18 of 1974, as amended, and the Atomic Energy Act of 1954,
19 as amended, including official representation expenses
20 (not to exceed \$25,000), \$1,027,240,000, to remain avail-
21 able until expended: *Provided*, That of the amount appro-
22 priated herein, not more than \$9,000,000 may be made
23 available for salaries and other support costs for the Office
24 of the Commission: *Provided further*, That revenues from
25 licensing fees, inspection services, and other services and

1 collections estimated at \$899,726,000 in fiscal year 2012
2 shall be retained and used for necessary salaries and ex-
3 penses in this account, notwithstanding 31 U.S.C. 3302,
4 and shall remain available until expended: *Provided fur-*
5 *ther*, That the sum herein appropriated shall be reduced
6 by the amount of revenues received during fiscal year
7 2012 so as to result in a final fiscal year 2012 appropria-
8 tion estimated at not more than \$127,514,000: *Provided*
9 *further*, That of the amounts appropriated under this
10 heading, \$10,000,000 shall be for university research and
11 development in areas relevant to their respective organiza-
12 tion's mission, and \$5,000,000 shall be for a Nuclear
13 Science and Engineering Grant Program that will support
14 multiyear projects that do not align with programmatic
15 missions but are critical to maintaining the discipline of
16 nuclear science and engineering.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, \$10,860,000, to remain available
21 until September 30, 2013: *Provided*, That revenues from
22 licensing fees, inspection services, and other services and
23 collections estimated at \$9,774,000 in fiscal year 2012
24 shall be retained and be available until expended, for nec-
25 essary salaries and expenses in this account, notwith-

1 standing section 3302 of title 31, United States Code: *Pro-*
2 *vided further*, That the sum herein appropriated shall be
3 reduced by the amount of revenues received during fiscal
4 year 2012 so as to result in a final fiscal year 2012 appro-
5 priation estimated at not more than \$1,086,000.

6 NUCLEAR WASTE TECHNICAL REVIEW BOARD

7 SALARIES AND EXPENSES

8 For necessary expenses of the Nuclear Waste Tech-
9 nical Review Board, as authorized by Public Law 100–
10 203, section 5051, \$3,400,000 to be derived from the Nu-
11 clear Waste Fund, and to remain available until expended.

12 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

13 NATURAL GAS TRANSPORTATION PROJECTS

14 For necessary expenses for the Office of the Federal
15 Coordinator for Alaska Natural Gas Transportation
16 Projects pursuant to the Alaska Natural Gas Pipeline Act
17 of 2004, \$1,000,000.

18 GENERAL PROVISIONS—INDEPENDENT

19 AGENCIES

20 SEC. 401. (a) None of the funds provided in this title
21 for “Nuclear Regulatory Commission—Salaries and Ex-
22 penses” shall be available for obligation or expenditure
23 through a reprogramming of funds that—

1 (1) increases funds or personnel for any pro-
2 gram, project, or activity for which funds are denied
3 or restricted by this Act; or

4 (2) reduces funds that are directed to be used
5 for a specific program, project, or activity by this
6 Act.

7 (b) The Chairman of the Nuclear Regulatory Com-
8 mission may not terminate any program, project, or activ-
9 ity without the approval of a majority vote of the Commis-
10 sioners of the Nuclear Regulatory Commission approving
11 such action.

12 (c) The Nuclear Regulatory Commission may waive
13 the restriction on reprogramming under subsection (a) on
14 a case-by-case basis by certifying to the Committees on
15 Appropriations of the House of Representatives and the
16 Senate that such action is required to address national
17 security or imminent risks to public safety. Each such
18 waiver certification shall include a letter from the Chair-
19 man of the Commission that a majority of Commissioners
20 of the Nuclear Regulatory Commission have voted and ap-
21 proved the reprogramming waiver certification.

22 SEC. 402. The Nuclear Regulatory Commission shall
23 require reactor licensees to re-evaluate the seismic, tsu-
24 nami, flooding, and other external hazards at their sites
25 against current applicable Commission requirements and

1 guidance for such licenses as expeditiously as possible, and
2 thereafter when appropriate, as determined by the Com-
3 mission, and require each licensee to respond to the Com-
4 mission that the design basis for each reactor meets the
5 requirements of its license, current applicable Commission
6 requirements and guidance for such license. Based upon
7 the evaluations conducted pursuant to this section and
8 other information it deems relevant, the Commission shall
9 require licensees to update the design basis for each reac-
10 tor, if necessary.

TITLE V

GENERAL PROVISIONS

1
2
3 SEC. 501. None of the funds appropriated by this Act
4 may be used in any way, directly or indirectly, to influence
5 congressional action on any legislation or appropriation
6 matters pending before Congress, other than to commu-
7 nicate to Members of Congress as described in 18 U.S.C.
8 1913.

9 SEC. 502. None of the funds made available in this
10 Act may be transferred to any department, agency, or in-
11 strumentality of the United States Government, except
12 pursuant to a transfer made by, or transfer authority pro-
13 vided in this Act or any other appropriation Act.

14 SEC. 503. None of the funds made available under
15 this Act may be expended for any new hire by any Federal
16 agency funded in this Act that is not verified through the
17 E-Verify Program as described in section 403(a) of the
18 Illegal Immigration Reform and Immigrant Responsibility
19 Act of 1996 (8 U.S.C. 1324a note).

20 SEC. 504. None of the funds made available by this
21 Act may be used to enter into a contract, memorandum
22 of understanding, or cooperative agreement with, make a
23 grant to, or provide a loan or loan guarantee to any cor-
24 poration that was convicted (or had an officer or agent
25 of such corporation acting on behalf of the corporation

1 convicted) of a felony criminal violation under any Federal
2 law within the preceding 24 months, where the awarding
3 agency is aware of the conviction, unless the agency has
4 considered suspension or debarment of the corporation, or
5 such officer or agent, and made a determination that this
6 further action is not necessary to protect the interests of
7 the Government.

8 SEC. 505. None of the funds made available by this
9 Act may be used to enter into a contract, memorandum
10 of understanding, or cooperative agreement with, make a
11 grant to, or provide a loan or loan guarantee to, any cor-
12 poration that has any unpaid Federal tax liability that has
13 been assessed, for which all judicial and administrative
14 remedies have been exhausted or have lapsed, and that
15 is not being paid in a timely manner pursuant to an agree-
16 ment with the authority responsible for collecting the tax
17 liability, where the awarding agency is aware of the unpaid
18 tax liability, unless the agency has considered suspension
19 or debarment of the corporation and made a determination
20 that this further action is not necessary to protect the in-
21 terests of the Government.

22 SEC. 506. None of the funds made available by this
23 Act may be used in contravention of Executive Order No.
24 12898 of February 11, 1994 (“Federal Actions to Address

1 Environmental Justice in Minority Populations and Low-
2 Income Populations”).

3 This division may be cited as the “Energy and Water
4 Development and Related Agencies Appropriations Act,
5 2012”.

1 **DIVISION C—FINANCIAL SERVICES AND**
2 **GENERAL GOVERNMENT APPROPRIA-**
3 **TIONS ACT, 2012**

4 TITLE I

5 DEPARTMENT OF THE TREASURY

6 DEPARTMENTAL OFFICES

7 SALARIES AND EXPENSES

8 For necessary expenses of the Departmental Offices
9 including operation and maintenance of the Treasury
10 Building and Annex; hire of passenger motor vehicles;
11 maintenance, repairs, and improvements of, and purchase
12 of commercial insurance policies for, real properties leased
13 or owned overseas, when necessary for the performance
14 of official business; terrorism and financial intelligence ac-
15 tivities; executive direction program activities; inter-
16 national affairs and economic policy activities; domestic fi-
17 nance and tax policy activities; and Treasury-wide man-
18 agement policies and programs activities, \$308,388,000:
19 *Provided*, That of the amount appropriated under this
20 heading, \$100,000,000 is for the Office of Terrorism and
21 Financial Intelligence, of which not to exceed \$26,608,000
22 is available for administrative expenses: *Provided further*,
23 That of the amount appropriated under this heading, not
24 to exceed \$3,000,000, to remain available until September
25 30, 2013, is for information technology modernization re-

1 requirements; not to exceed \$350,000 is for official reception
2 and representation expenses; and not to exceed \$258,000
3 is for unforeseen emergencies of a confidential nature, to
4 be allocated and expended under the direction of the Sec-
5 retary of the Treasury and to be accounted for solely on
6 his certificate: *Provided further*, That of the amount ap-
7 propriated under this heading, \$6,787,000, to remain
8 available until September 30, 2013, is for the Treasury-
9 wide Financial Statement Audit and Internal Control Pro-
10 gram: *Provided further*, That of the amount appropriated
11 under this heading, \$500,000, to remain available until
12 September 30, 2013, is for secure space requirements:
13 *Provided further*, That of the amount appropriated under
14 this heading, up to \$3,400,000, to remain available until
15 September 30, 2014, is to develop and implement pro-
16 grams within the Office of Critical Infrastructure Protec-
17 tion and Compliance Policy, including entering into coop-
18 erative agreements: *Provided further*, That notwith-
19 standing any other provision of law, of the amount appro-
20 priated under this heading, up to \$1,000,000 may be con-
21 tributed to the Organization for Economic Cooperation
22 and Development for the Department's participation in
23 programs related to global tax administration.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, \$29,641,000, including hire of pas-
6 senger motor vehicles; of which not to exceed \$100,000
7 shall be available for unforeseen emergencies of a con-
8 fidential nature, to be allocated and expended under the
9 direction of the Inspector General of the Treasury; and
10 of which not to exceed \$2,500 shall be available for official
11 reception and representation expenses.

12 TREASURY INSPECTOR GENERAL FOR TAX

13 ADMINISTRATION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Treasury Inspector
16 General for Tax Administration in carrying out the In-
17 spector General Act of 1978, including purchase (not to
18 exceed 150 for replacement only for police-type use) and
19 hire of passenger motor vehicles (31 U.S.C. 1343(b));
20 services authorized by 5 U.S.C. 3109, at such rates as
21 may be determined by the Inspector General for Tax Ad-
22 ministration; \$151,696,000, of which not to exceed
23 \$500,000 shall be available for unforeseen emergencies of
24 a confidential nature, to be allocated and expended under
25 the direction of the Inspector General for Tax Administra-

1 tion; and of which not to exceed \$1,500 shall be available
2 for official reception and representation expenses.

3 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
4 ASSET RELIEF PROGRAM
5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of the Special
7 Inspector General in carrying out the provisions of the
8 Emergency Economic Stabilization Act of 2008 (Public
9 Law 110–343), \$41,800,000.

10 FINANCIAL CRIMES ENFORCEMENT NETWORK
11 SALARIES AND EXPENSES

12 For necessary expenses of the Financial Crimes En-
13 forcement Network, including hire of passenger motor ve-
14 hicles; travel and training expenses, including for course
15 development, of non-Federal and foreign government per-
16 sonnel to attend meetings and training concerned with do-
17 mestic and foreign financial intelligence activities, law en-
18 forcement, and financial regulation; not to exceed \$14,000
19 for official reception and representation expenses; and for
20 assistance to Federal law enforcement agencies, with or
21 without reimbursement, \$110,788,000, of which not to ex-
22 ceed \$34,335,000 shall remain available until September
23 30, 2014: *Provided*, That funds appropriated in this ac-
24 count may be used to procure personal services contracts.

1 TREASURY FORFEITURE FUND

2 (RESCISSION)

3 Of the unobligated balances available under this
4 heading, \$950,000,000 are rescinded.

5 FINANCIAL MANAGEMENT SERVICE

6 SALARIES AND EXPENSES

7 For necessary expenses of the Financial Management
8 Service, \$217,805,000, of which not to exceed \$4,210,000
9 shall remain available until September 30, 2014, for infor-
10 mation systems modernization initiatives; and of which not
11 to exceed \$2,500 shall be available for official reception
12 and representation expenses.

13 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

14 SALARIES AND EXPENSES

15 For necessary expenses of carrying out section 1111
16 of the Homeland Security Act of 2002, including hire of
17 passenger motor vehicles, \$99,878,000; of which not to ex-
18 ceed \$6,000 for official reception and representation ex-
19 penses; not to exceed \$50,000 for cooperative research and
20 development programs for laboratory services; and provi-
21 sion of laboratory assistance to State and local agencies
22 with or without reimbursement: *Provided*, That of the
23 amount appropriated under this heading, \$2,000,000 shall
24 be for the costs of special law enforcement agents to target
25 tobacco smuggling and other criminal diversion activities.

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to section 5136 of title 31, United States
4 Code, the United States Mint is provided funding through
5 the United States Mint Public Enterprise Fund for costs
6 associated with the production of circulating coins, numis-
7 matic coins, and protective services, including both oper-
8 ating expenses and capital investments. The aggregate
9 amount of new liabilities and obligations incurred during
10 fiscal year 2012 under such section 5136 for circulating
11 coinage and protective service capital investments of the
12 United States Mint shall not exceed \$20,000,000.

13 BUREAU OF THE PUBLIC DEBT

14 ADMINISTERING THE PUBLIC DEBT

15 For necessary expenses connected with any public-
16 debt issues of the United States, \$173,635,000, of which
17 not to exceed \$2,500 shall be available for official recep-
18 tion and representation expenses, and of which not to ex-
19 ceed \$10,000,000 shall remain available until September
20 30, 2014 to reduce improper payments: *Provided*, That
21 the sum appropriated herein from the general fund for fis-
22 cal year 2012 shall be reduced by not more than
23 \$8,000,000 as definitive security issue fees and Legacy
24 Treasury Direct Investor Account Maintenance fees are
25 collected, so as to result in a final fiscal year 2012 appro-

1 priation from the general fund estimated at \$165,635,000.
2 In addition, \$165,000 to be derived from the Oil Spill Li-
3 ability Trust Fund to reimburse the Bureau for adminis-
4 trative and personnel expenses for financial management
5 of the Fund, as authorized by section 1012 of Public Law
6 101-380.

7 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
8 FUND PROGRAM ACCOUNT

9 To carry out the Community Development Banking
10 and Financial Institutions Act of 1994 (Public Law 103-
11 325), including services authorized by 5 U.S.C. 3109, but
12 at rates for individuals not to exceed the per diem rate
13 equivalent to the rate for ES-3, notwithstanding section
14 4707(e) of title 12, United States Code with regard to
15 Small and/or Emerging Community Development Finan-
16 cial Institutions Assistance awards, \$221,000,000, to re-
17 main available until September 30, 2013; of which
18 \$12,000,000, notwithstanding section 4707(e) of title 12,
19 United States Code, shall be for financial assistance, tech-
20 nical assistance, training and outreach programs, designed
21 to benefit Native American, Native Hawaiian, and Alas-
22 kan Native communities and provided primarily through
23 qualified community development lender organizations
24 with experience and expertise in community development
25 banking and lending in Indian country, Native American

1 organizations, tribes and tribal organizations and other
2 suitable providers; of which, notwithstanding section
3 108(d) of such Act, up to \$22,000,000 shall be for a
4 Healthy Food Financing Initiative to provide grants and
5 loans to community development financial institutions for
6 the purpose of offering affordable financing and technical
7 assistance to expand the availability of healthy food op-
8 tions in distressed communities; of which \$18,000,000
9 shall be for the Bank Enterprise Awards program; and
10 of which up to \$22,965,000 may be used for administra-
11 tive expenses, including administration of the New Mar-
12 kets Tax Credit; of which up to \$10,315,000 may be used
13 for the cost of direct loans; and of which up to \$250,000
14 may be used for administrative expenses to carry out the
15 direct loan program: *Provided*, That the cost of direct
16 loans, including the cost of modifying such loans, shall be
17 as defined in section 502 of the Congressional Budget Act
18 of 1974: *Provided further*, That these funds are available
19 to subsidize gross obligations for the principal amount of
20 direct loans not to exceed \$25,000,000: *Provided further*,
21 That of the funds awarded under this heading, not less
22 than 10 percent shall be used for projects that serve popu-
23 lations living in persistent poverty counties (where such
24 term is defined as any county that has had 20 percent
25 or more of its population living in poverty over the past

1 30 years, as measured by the 1990, 2000, and 2010 de-
2 cennial censuses).

3 INTERNAL REVENUE SERVICE

4 TAXPAYER SERVICES

5 For necessary expenses of the Internal Revenue Serv-
6 ice to provide taxpayer services, including pre-filing assist-
7 ance and education, filing and account services, taxpayer
8 advocacy services, and other services as authorized by 5
9 U.S.C. 3109, at such rates as may be determined by the
10 Commissioner, \$2,239,703,000, of which not less than
11 \$5,600,000 shall be for the Tax Counseling for the Elderly
12 Program, of which not less than \$9,750,000 shall be avail-
13 able for low-income taxpayer clinic grants, of which not
14 less than \$12,000,000, to remain available until Sep-
15 tember 30, 2013, shall be available for a Community Vol-
16 unteer Income Tax Assistance matching grants program
17 for tax return preparation assistance, of which not less
18 than \$205,000,000 shall be available for operating ex-
19 penses of the Taxpayer Advocate Service, and of which
20 \$15,481,000 shall be for expenses necessary to implement
21 the tax credit in title II of division A of the Trade Act
22 of 2002 (Public Law 107–210).

23 ENFORCEMENT

24 For necessary expenses for tax enforcement activities
25 of the Internal Revenue Service to determine and collect

1 property, equipment, construction and renovation of facili-
2 ties; of which not to exceed \$1,000,000 shall remain avail-
3 able until September 30, 2014, for research; of which not
4 less than \$2,000,000 shall be for the Internal Revenue
5 Service Oversight Board; of which not to exceed \$25,000
6 shall be for official reception and representation expenses:
7 *Provided*, That not later than 14 days after the end of
8 each quarter of each fiscal year, the Internal Revenue
9 Service shall submit a report to the House and Senate
10 Committees on Appropriations and the Comptroller Gen-
11 eral of the United States detailing the cost and schedule
12 performance for its major information technology invest-
13 ments, including the purpose and life-cycle stages of the
14 investments; the reasons for any cost and schedule
15 variances; the risks of such investments and strategies the
16 Internal Revenue Service is using to mitigate such risks;
17 and the expected developmental milestones to be achieved
18 and costs to be incurred in the next quarter: *Provided fur-*
19 *ther*, That the Internal Revenue Service shall include, in
20 its budget justification for fiscal year 2013, a summary
21 of cost and schedule performance information for its major
22 information technology systems.

23 BUSINESS SYSTEMS MODERNIZATION

24 For necessary expenses of the Internal Revenue Serv-
25 ice's business systems modernization program,

1 \$330,210,000, to remain available until September 30,
2 2014, for the capital asset acquisition of information tech-
3 nology systems, including management and related con-
4 tractual costs of said acquisitions, including related Inter-
5 nal Revenue Service labor costs, and contractual costs as-
6 sociated with operations authorized by 5 U.S.C. 3109:
7 *Provided*, That not later than 14 days after the end of
8 each quarter of each fiscal year, the Internal Revenue
9 Service shall submit a report to the House and Senate
10 Committees on Appropriations and the Comptroller Gen-
11 eral of the United States detailing the cost and schedule
12 performance for CADE2 and Modernized e-File informa-
13 tion technology investments, including the purposes and
14 life-cycle stages of the investments; the reasons for any
15 cost and schedule variances; the risks of such investments
16 and the strategies the Internal Revenue Service is using
17 to mitigate such risks; and the expected developmental
18 milestones to be achieved and costs to be incurred in the
19 next quarter.

20 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

21 SERVICE

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 101. Not to exceed 5 percent of any appropria-
24 tion made available in this Act to the Internal Revenue
25 Service or not to exceed 3 percent of appropriations under

1 the heading “Enforcement” may be transferred to any
2 other Internal Revenue Service appropriation upon the ad-
3 vance approval of the Committees on Appropriations.

4 SEC. 102. The Internal Revenue Service shall main-
5 tain a training program to ensure that Internal Revenue
6 Service employees are trained in taxpayers’ rights, in deal-
7 ing courteously with taxpayers, and in cross-cultural rela-
8 tions.

9 SEC. 103. The Internal Revenue Service shall insti-
10 tute and enforce policies and procedures that will safe-
11 guard the confidentiality of taxpayer information and pro-
12 tect taxpayers against identity theft.

13 SEC. 104. Funds made available by this or any other
14 Act to the Internal Revenue Service shall be available for
15 improved facilities and increased staffing to provide suffi-
16 cient and effective 1–800 help line service for taxpayers.
17 The Commissioner shall continue to make the improve-
18 ment of the Internal Revenue Service 1–800 help line serv-
19 ice a priority and allocate resources necessary to increase
20 phone lines and staff to improve the Internal Revenue
21 Service 1–800 help line service.

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
2 TREASURY
3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 105. Appropriations to the Department of the
5 Treasury in this Act shall be available for uniforms or al-
6 lowances therefor, as authorized by law (5 U.S.C. 5901),
7 including maintenance, repairs, and cleaning; purchase of
8 insurance for official motor vehicles operated in foreign
9 countries; purchase of motor vehicles without regard to the
10 general purchase price limitations for vehicles purchased
11 and used overseas for the current fiscal year; entering into
12 contracts with the Department of State for the furnishing
13 of health and medical services to employees and their de-
14 pendants serving in foreign countries; and services author-
15 ized by 5 U.S.C. 3109.

16 SEC. 106. Not to exceed 2 percent of any appropria-
17 tions in this Act made available to the Departmental Of-
18 fices—Salaries and Expenses, Office of Inspector General,
19 Special Inspector General for the Troubled Asset Relief
20 Program, Financial Management Service, Alcohol and To-
21 bacco Tax and Trade Bureau, Financial Crimes Enforce-
22 ment Network, and Bureau of the Public Debt, may be
23 transferred between such appropriations upon the advance
24 approval of the Committees on Appropriations: *Provided*,

1 That no transfer may increase or decrease any such appro-
2 priation by more than 2 percent.

3 SEC. 107. Not to exceed 2 percent of any appropria-
4 tion made available in this Act to the Internal Revenue
5 Service may be transferred to the Treasury Inspector Gen-
6 eral for Tax Administration's appropriation upon the ad-
7 vance approval of the Committees on Appropriations: *Pro-*
8 *vided*, That no transfer may increase or decrease any such
9 appropriation by more than 2 percent.

10 SEC. 108. Of the funds available for the purchase of
11 law enforcement vehicles, no funds may be obligated until
12 the Secretary of the Treasury certifies that the purchase
13 by the respective Treasury bureau is consistent with de-
14 partmental vehicle management principles: *Provided*, That
15 the Secretary may delegate this authority to the Assistant
16 Secretary for Management.

17 SEC. 109. None of the funds appropriated in this Act
18 or otherwise available to the Department of the Treasury
19 or the Bureau of Engraving and Printing may be used
20 to redesign the \$1 Federal Reserve note.

21 SEC. 110. The Secretary of the Treasury may trans-
22 fer funds from Financial Management Service, Salaries
23 and Expenses to the Debt Collection Fund as necessary
24 to cover the costs of debt collection: *Provided*, That such
25 amounts shall be reimbursed to such salaries and expenses

1 account from debt collections received in the Debt Collec-
2 tion Fund.

3 SEC. 111. Section 122(g)(1) of Public Law 105–119
4 (5 U.S.C. 3104 note), is further amended by striking “12
5 years” and inserting “14 years”.

6 SEC. 112. None of the funds appropriated or other-
7 wise made available by this or any other Act may be used
8 by the United States Mint to construct or operate any mu-
9 seum without the explicit approval of the Committees on
10 Appropriations of the House of Representatives and the
11 Senate, the House Committee on Financial Services, and
12 the Senate Committee on Banking, Housing and Urban
13 Affairs.

14 SEC. 113. None of the funds appropriated or other-
15 wise made available by this or any other Act or source
16 to the Department of the Treasury, the Bureau of Engrav-
17 ing and Printing, and the United States Mint, individually
18 or collectively, may be used to consolidate any or all func-
19 tions of the Bureau of Engraving and Printing and the
20 United States Mint without the explicit approval of the
21 House Committee on Financial Services; the Senate Com-
22 mittee on Banking, Housing, and Urban Affairs; and the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate.

1 SEC. 114. Funds appropriated by this Act, or made
2 available by the transfer of funds in this Act, for the De-
3 partment of the Treasury’s intelligence or intelligence re-
4 lated activities are deemed to be specifically authorized by
5 the Congress for purposes of section 504 of the National
6 Security Act of 1947 (50 U.S.C. 414) during fiscal year
7 2012 until the enactment of the Intelligence Authorization
8 Act for Fiscal Year 2012.

9 SEC. 115. Not to exceed \$5,000 shall be made avail-
10 able from the Bureau of Engraving and Printing’s Indus-
11 trial Revolving Fund for necessary official reception and
12 representation expenses.

13 SEC. 116. Section 5114(c) of title 31, United States
14 Code (relating to engraving and printing currency and se-
15 curity documents), is amended by striking “for a period
16 of not more than 4 years”.

17 SEC. 117. In the current fiscal year and each fiscal
18 year hereafter, any person who forwards to the Bureau
19 of Engraving and Printing a mutilated paper currency
20 claim equal to or exceeding \$10,000 for redemption will
21 be required to provide the Bureau their taxpayer identi-
22 fication number.

23 SEC. 118. Section 5318(g)(2)(A) of title 31, United
24 States Code, is amended—

1 (1) by striking clause (i) and inserting the fol-
2 lowing:

3 “(i) neither the financial institution,
4 director, officer, employee, or agent of such
5 institution (whether or not any such per-
6 son is still employed by the institution),
7 nor any other current or former director,
8 officer, or employee of, or contractor for,
9 the financial institution or other reporting
10 person, may notify any person involved in
11 the transaction that the transaction has
12 been reported; and”;

13 (2) in clause (ii)—

14 (A) by striking “no officer or employee of”
15 and inserting “no current or former officer or
16 employee of or contractor for”; and

17 (B) by inserting “or for” before “any
18 State”.

19 SEC. 119. Section 5319 of title 31, United States
20 Code (relating to availability of reports), is amended by
21 inserting after “title 5” the following: “, and may not be
22 disclosed under any State, local, tribal, or territorial ‘free-
23 dom of information’, ‘open government’, or similar law”.

24 SEC. 120. Section 5331(a) of title 31, United States
25 Code, is amended—

1 (1) by striking paragraph (1) and inserting the
2 following:

3 “(1)(A) who is engaged in a trade or business,
4 and”;

5 (2) by redesignating paragraph (2) as subpara-
6 graph (B);

7 (3) in subparagraph (B), as so redesignated, by
8 adding “or” at the end; and

9 (4) by inserting after subparagraph (B), as so
10 redesignated, the following new paragraph:

11 “(2) who is required to file a report under sec-
12 tion 6050I(g) of the Internal Revenue Code of
13 1986.”.

14 SEC. 121. The Secretary of the Treasury shall submit
15 a Capital Investment Plan to the Committees on Appro-
16 priations of the Senate and the House of Representatives
17 not later than 30 days following the submission of the an-
18 nual budget for the Administration submitted by the
19 President: *Provided*, That such Capital Investment Plan
20 shall include capital investment spending from all accounts
21 within the Department of the Treasury, including but not
22 limited to the Department-wide Systems and Capital In-
23 vestment Programs account, the Working Capital Fund
24 account, and the Treasury Forfeiture Fund account: *Pro-*
25 *vided further*, That such Capital Investment Plan shall in-

1 clude expenditures occurring in previous fiscal years for
2 each capital investment project that has not been fully
3 completed.

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

1 TITLE II
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 COMPENSATION OF THE PRESIDENT

5 For compensation of the President, including an ex-
6 pense allowance at the rate of \$50,000 per annum as au-
7 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
8 of the funds made available for official expenses shall be
9 expended for any other purpose and any unused amount
10 shall revert to the Treasury pursuant to 31 U.S.C. 1552.

11 THE WHITE HOUSE
12 SALARIES AND EXPENSES

13 For necessary expenses for the White House as au-
14 thorized by law, including not to exceed \$3,850,000 for
15 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
16 subsistence expenses as authorized by 3 U.S.C. 105, which
17 shall be expended and accounted for as provided in that
18 section; hire of passenger motor vehicles, newspapers,
19 periodicals, and travel (not to exceed \$100,000 to be ex-
20 pended and accounted for as provided by 3 U.S.C. 103);
21 and not to exceed \$19,000 for official entertainment ex-
22 penses, to be available for allocation within the Executive
23 Office of the President; and for necessary expenses of the
24 Office of Policy Development, including services as author-
25 ized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$56,974,000.

1 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

2 OPERATING EXPENSES

3 For the care, maintenance, repair and alteration, re-
4 furnishing, improvement, heating, and lighting, including
5 electric power and fixtures, of the Executive Residence at
6 the White House and official entertainment expenses of
7 the President, \$13,425,000, to be expended and accounted
8 for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

9 REIMBURSABLE EXPENSES

10 For the reimbursable expenses of the Executive Resi-
11 dence at the White House, such sums as may be nec-
12 essary: *Provided*, That all reimbursable operating expenses
13 of the Executive Residence shall be made in accordance
14 with the provisions of this paragraph: *Provided further*,
15 That, notwithstanding any other provision of law, such
16 amount for reimbursable operating expenses shall be the
17 exclusive authority of the Executive Residence to incur ob-
18 ligations and to receive offsetting collections, for such ex-
19 penses: *Provided further*, That the Executive Residence
20 shall require each person sponsoring a reimbursable polit-
21 ical event to pay in advance an amount equal to the esti-
22 mated cost of the event, and all such advance payments
23 shall be credited to this account and remain available until
24 expended: *Provided further*, That the Executive Residence
25 shall require the national committee of the political party

1 of the President to maintain on deposit \$25,000, to be
2 separately accounted for and available for expenses relat-
3 ing to reimbursable political events sponsored by such
4 committee during such fiscal year: *Provided further*, That
5 the Executive Residence shall ensure that a written notice
6 of any amount owed for a reimbursable operating expense
7 under this paragraph is submitted to the person owing
8 such amount within 60 days after such expense is in-
9 curred, and that such amount is collected within 30 days
10 after the submission of such notice: *Provided further*, That
11 the Executive Residence shall charge interest and assess
12 penalties and other charges on any such amount that is
13 not reimbursed within such 30 days, in accordance with
14 the interest and penalty provisions applicable to an out-
15 standing debt on a United States Government claim under
16 31 U.S.C. 3717: *Provided further*, That each such amount
17 that is reimbursed, and any accompanying interest and
18 charges, shall be deposited in the Treasury as miscella-
19 neous receipts: *Provided further*, That the Executive Resi-
20 dence shall prepare and submit to the Committees on Ap-
21 propriations, by not later than 90 days after the end of
22 the fiscal year covered by this Act, a report setting forth
23 the reimbursable operating expenses of the Executive Res-
24 idence during the preceding fiscal year, including the total
25 amount of such expenses, the amount of such total that

1 consists of reimbursable official and ceremonial events, the
2 amount of such total that consists of reimbursable political
3 events, and the portion of each such amount that has been
4 reimbursed as of the date of the report: *Provided further*,
5 That the Executive Residence shall maintain a system for
6 the tracking of expenses related to reimbursable events
7 within the Executive Residence that includes a standard
8 for the classification of any such expense as political or
9 nonpolitical: *Provided further*, That no provision of this
10 paragraph may be construed to exempt the Executive Res-
11 idence from any other applicable requirement of sub-
12 chapter I or II of chapter 37 of title 31, United States
13 Code.

14 WHITE HOUSE REPAIR AND RESTORATION

15 For the repair, alteration, and improvement of the
16 Executive Residence at the White House, \$750,000, to re-
17 main available until expended, for required maintenance,
18 resolution of safety and health issues, and continued pre-
19 ventative maintenance.

20 COUNCIL OF ECONOMIC ADVISERS

21 SALARIES AND EXPENSES

22 For necessary expenses of the Council of Economic
23 Advisers in carrying out its functions under the Employ-
24 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,192,000.

1 NATIONAL SECURITY COUNCIL AND HOMELAND
2 SECURITY COUNCIL
3 SALARIES AND EXPENSES

4 For necessary expenses of the National Security
5 Council and the Homeland Security Council, including
6 services as authorized by 5 U.S.C. 3109, \$13,048,000.

7 OFFICE OF ADMINISTRATION
8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Administra-
10 tion, including services as authorized by 5 U.S.C. 3109
11 and 3 U.S.C. 107, and hire of passenger motor vehicles,
12 \$112,952,000, of which \$10,403,000 shall remain avail-
13 able until expended for continued modernization of the in-
14 formation technology infrastructure within the Executive
15 Office of the President.

16 OFFICE OF MANAGEMENT AND BUDGET
17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Management
19 and Budget, including hire of passenger motor vehicles
20 and services as authorized by 5 U.S.C. 3109 and to carry
21 out the provisions of chapter 35 of title 44, United States
22 Code, \$89,456,000, of which not to exceed \$3,000 shall
23 be available for official representation expenses: *Provided*,
24 That none of the funds appropriated in this Act for the
25 Office of Management and Budget may be used for the

1 purpose of reviewing any agricultural marketing orders or
2 any activities or regulations under the provisions of the
3 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.
4 601 et seq.): *Provided further*, That none of the funds
5 made available for the Office of Management and Budget
6 by this Act may be expended for the altering of the tran-
7 script of actual testimony of witnesses, except for testi-
8 mony of officials of the Office of Management and Budget,
9 before the Committees on Appropriations or their sub-
10 committees: *Provided further*, That none of the funds pro-
11 vided in this or prior Acts shall be used, directly or indi-
12 rectly, by the Office of Management and Budget, for eval-
13 uating or determining if water resource project or study
14 reports submitted by the Chief of Engineers acting
15 through the Secretary of the Army are in compliance with
16 all applicable laws, regulations, and requirements relevant
17 to the Civil Works water resource planning process: *Pro-*
18 *vided further*, That the Office of Management and Budget
19 shall have not more than 60 days in which to perform
20 budgetary policy reviews of water resource matters on
21 which the Chief of Engineers has reported: *Provided fur-*
22 *ther*, That the Director of the Office of Management and
23 Budget shall notify the appropriate authorizing and ap-
24 propriating committees when the 60-day review is initi-
25 ated: *Provided further*, That if water resource reports have

1 not been transmitted to the appropriate authorizing and
2 appropriating committees within 15 days after the end of
3 the Office of Management and Budget review period based
4 on the notification from the Director, Congress shall as-
5 sume Office of Management and Budget concurrence with
6 the report and act accordingly.

7 OFFICE OF NATIONAL DRUG CONTROL POLICY

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of National
10 Drug Control Policy; for research activities pursuant to
11 the Office of National Drug Control Policy Reauthoriza-
12 tion Act of 2006 (Public Law 109–469); not to exceed
13 \$10,000 for official reception and representation expenses;
14 and for participation in joint projects or in the provision
15 of services on matters of mutual interest with nonprofit,
16 research, or public organizations or agencies, with or with-
17 out reimbursement, \$24,500,000: *Provided*, That the Of-
18 fice is authorized to accept, hold, administer, and utilize
19 gifts, both real and personal, public and private, without
20 fiscal year limitation, for the purpose of aiding or facili-
21 tating the work of the Office.

1 FEDERAL DRUG CONTROL PROGRAMS
2 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Office of National
5 Drug Control Policy's High Intensity Drug Trafficking
6 Areas Program, \$238,522,000, to remain available until
7 September 30, 2013, for drug control activities consistent
8 with the approved strategy for each of the designated
9 High Intensity Drug Trafficking Areas ("HIDTAs"), of
10 which not less than 51 percent shall be transferred to
11 State and local entities for drug control activities and shall
12 be obligated not later than 120 days after enactment of
13 this Act: *Provided*, That up to 49 percent may be trans-
14 ferred to Federal agencies and departments in amounts
15 determined by the Director of the Office of National Drug
16 Control Policy, of which up to \$2,700,000 may be used
17 for auditing services and associated activities (including
18 up to \$500,000 to ensure the continued operation and
19 maintenance of the Performance Management System):
20 *Provided further*, That, notwithstanding the requirements
21 of Public Law 106-58, any unexpended funds obligated
22 prior to fiscal year 2010 may be used for any other ap-
23 proved activities of that HIDTA, subject to reprogram-
24 ming requirements: *Provided further*, That each HIDTA
25 designated as of September 30, 2011, shall be funded at

1 not less than the fiscal year 2011 base level, unless the
2 Director submits to the Committees on Appropriations of
3 the House of Representatives and the Senate justification
4 for changes to those levels based on clearly articulated pri-
5 orities and published Office of National Drug Control Pol-
6 icy performance measures of effectiveness: *Provided fur-*
7 *ther*, That the Director shall notify the Committees on Ap-
8 propriations of the initial allocation of fiscal year 2012
9 funding among HIDTAs not later than 45 days after en-
10 actment of this Act, and shall notify the Committees of
11 planned uses of discretionary HIDTA funding, as deter-
12 mined in consultation with the HIDTA Directors, not
13 later than 90 days after enactment of this Act.

14 OTHER FEDERAL DRUG CONTROL PROGRAMS

15 (INCLUDING TRANSFERS OF FUNDS)

16 For other drug control activities authorized by the
17 Office of National Drug Control Policy Reauthorization
18 Act of 2006 (Public Law 109–469), \$105,550,000, to re-
19 main available until expended, which shall be available as
20 follows: \$92,000,000 for the Drug-Free Communities Pro-
21 gram, of which \$2,000,000 shall be made available as di-
22 rected by section 4 of Public Law 107–82, as amended
23 by Public Law 109–469 (21 U.S.C. 1521 note);
24 \$1,400,000 for drug court training and technical assist-
25 ance; \$9,000,000 for anti-doping activities; \$1,900,000 for

1 the United States membership dues to the World Anti-
2 Doping Agency; and \$1,250,000 shall be made available
3 as directed by section 1105 of Public Law 109–469.

4 INTEGRATED, EFFICIENT AND EFFECTIVE USES OF
5 INFORMATION TECHNOLOGY
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for the furtherance of inte-
8 grated, efficient and effective uses of information tech-
9 nology in the Federal Government, \$5,000,000, to remain
10 available until expended: *Provided*, That the Director of
11 the Office of Management and Budget may transfer these
12 funds to one or more other agencies to carry out projects
13 to meet these purposes: *Provided further*, That the Direc-
14 tor of the Office of Management and Budget shall submit
15 quarterly reports to the Committees on Appropriations of
16 the House and the Senate identifying the savings achieved
17 by the Office of Management and Budget’s government-
18 wide information technology reform efforts: *Provided fur-*
19 *ther*, That such report shall include savings identified by
20 fiscal year, agency and appropriation.

21 UNANTICIPATED NEEDS

22 For expenses necessary to enable the President to
23 meet unanticipated needs, in furtherance of the national
24 interest, security, or defense which may arise at home or
25 abroad during the current fiscal year, as authorized by

1 3 U.S.C. 108, \$988,000, to remain available until Sep-
2 tember 30, 2013.

3 SPECIAL ASSISTANCE TO THE PRESIDENT

4 SALARIES AND EXPENSES

5 For necessary expenses to enable the Vice President
6 to provide assistance to the President in connection with
7 specially assigned functions; services as authorized by 5
8 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
9 penses as authorized by 3 U.S.C. 106, which shall be ex-
10 pended and accounted for as provided in that section; and
11 hire of passenger motor vehicles, \$4,328,000.

12 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

13 OPERATING EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For the care, operation, refurnishing, improvement,
16 and to the extent not otherwise provided for, heating and
17 lighting, including electric power and fixtures, of the offi-
18 cial residence of the Vice President; the hire of passenger
19 motor vehicles; and not to exceed \$90,000 for official en-
20 tertainment expenses of the Vice President, to be ac-
21 counted for solely on his certificate, \$307,000: *Provided,*
22 That advances or repayments or transfers from this ap-
23 propriation may be made to any department or agency for
24 expenses of carrying out such activities.

1 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
2 THE PRESIDENT AND FUNDS APPROPRIATED TO
3 THE PRESIDENT

4 (INCLUDING TRANSFERS OF FUNDS AND RESCISSIONS)

5 SEC. 201. From funds made available in this Act
6 under the headings “The White House”, “Executive Resi-
7 dence at the White House”, “White House Repair and
8 Restoration”, “Council of Economic Advisers”, “National
9 Security Council and Homeland Security Council”, “Of-
10 fice of Administration”, “Special Assistance to the Presi-
11 dent”, and “Official Residence of the Vice President”, the
12 Director of the Office of Management and Budget (or
13 such other officer as the President may designate in writ-
14 ing), may, 15 days after giving notice to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate, transfer not to exceed 10 percent of any such ap-
17 propriation to any other such appropriation, to be merged
18 with and available for the same time and for the same
19 purposes as the appropriation to which transferred: *Pro-*
20 *vided*, That the amount of an appropriation shall not be
21 increased by more than 50 percent by such transfers: *Pro-*
22 *vided further*, That no amount shall be transferred from
23 “Special Assistance to the President” or “Official Resi-
24 dence of the Vice President” without the approval of the
25 Vice President.

1 SEC. 202. The Director of the Office of Management
2 and Budget shall submit to the Committees on Appropria-
3 tions of the House and the Senate a report on the imple-
4 mentation of Executive Order 13563 (76 Fed. Reg. 3821;
5 relating to Improving Regulation and Regulatory Review)
6 by April 2, 2012. The report shall include information
7 on—

8 (a) increasing public participation in the rulemaking
9 process and reducing uncertainty;

10 (b) improving coordination across Federal agencies to
11 eliminate redundant, inconsistent, and overlapping regula-
12 tions; and

13 (c) identifying existing regulations that have been re-
14 viewed and determined to be outmoded, ineffective, or ex-
15 cessively burdensome.

16 SEC. 203. Within 120 days after the date of enact-
17 ment of this section, the Director of the Office of Manage-
18 ment and Budget shall submit a report to the Committees
19 on Appropriations of the House and the Senate on the
20 costs of implementing the Dodd-Frank Wall Street Re-
21 form and Consumer Protection Act (Public Law 111–
22 203). Such report shall include—

23 (1) the estimated mandatory and discretionary
24 obligations of funds through fiscal year 2014, by
25 Federal agency and by fiscal year, including—

1 (A) the estimated obligations by cost in-
2 puts such as rent, information technology, con-
3 tracts, and personnel;

4 (B) the methodology and data sources used
5 to calculate such estimated obligations; and

6 (C) the specific section of such Act that re-
7 quires the obligation of funds; and

8 (2) the estimated receipts through fiscal year
9 2014 from assessments, user fees, and other fees by
10 the Federal agency making the collections, by fiscal
11 year, including—

12 (A) the methodology and data sources used
13 to calculate such estimated collections; and

14 (B) the specific section of such Act that
15 authorizes the collection of funds.

16 SEC. 204. The Director of the Office of National
17 Drug Control Policy shall submit to the Committees on
18 Appropriations of the House of Representatives and the
19 Senate not later than 60 days after the date of enactment
20 of this Act, and prior to the initial obligation of more than
21 20 percent of the funds appropriated in any account under
22 the heading “Office of National Drug Control Policy”, a
23 detailed narrative and financial plan on the proposed uses
24 of all funds under the account by program, project, and
25 activity: *Provided*, That the reports required by this sec-

1 tion shall be updated and submitted to the Committees
2 on Appropriations every 6 months and shall include infor-
3 mation detailing how the estimates and assumptions con-
4 tained in previous reports have changed: *Provided further*,
5 That any new projects and changes in funding of ongoing
6 projects shall be subject to the prior approval of the Com-
7 mittees on Appropriations.

8 SEC. 205. Not to exceed 2 percent of any appropria-
9 tions in this Act made available to the Office of National
10 Drug Control Policy may be transferred between appro-
11 priated programs upon the advance approval of the Com-
12 mittees on Appropriations: *Provided*, That no transfer
13 may increase or decrease any such appropriation by more
14 than 3 percent.

15 SEC. 206. Not to exceed \$1,000,000 of any appro-
16 priations in this Act made available to the Office of Na-
17 tional Drug Control Policy may be reprogrammed within
18 a program, project, or activity upon the advance approval
19 of the Committees on Appropriations.

20 SEC. 207. From the unobligated balances of prior
21 year appropriations made available for the Counterdrug
22 Technology Assessment Center, \$5,244,639 are rescinded.

23 SEC. 208. From the unobligated balances of prior
24 year appropriations made available for Other Federal
25 Drug Control Programs, \$359,958 for a chronic users

1 study and \$5,723,403 for the National Anti-Drug Youth
2 Media Campaign are rescinded.

3 SEC. 209. Of the unobligated balances available
4 under the heading “Executive Office of the President and
5 Funds Appropriated to the President—Partnership Fund
6 for Program Integrity Innovation” in title II of division
7 C of the Consolidated Appropriations Act, 2010 (Public
8 Law 111–117), \$10,000,000 are rescinded. In addition to
9 the amounts made available under such heading in this
10 Act, \$10,000,000 are appropriated, to remain available
11 until September 30, 2013.

12 This title may be cited as the “Executive Office of
13 the President Appropriations Act, 2012”.

1 TITLE III
2 THE JUDICIARY
3 SUPREME COURT OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For expenses necessary for the operation of the Su-
6 preme Court, as required by law, excluding care of the
7 building and grounds, including purchase or hire, driving,
8 maintenance, and operation of an automobile for the Chief
9 Justice, not to exceed \$10,000 for the purpose of trans-
10 porting Associate Justices, and hire of passenger motor
11 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
12 to exceed \$10,000 for official reception and representation
13 expenses; and for miscellaneous expenses, to be expended
14 as the Chief Justice may approve, \$74,819,000, of which
15 \$2,000,000 shall remain available until expended.

16 CARE OF THE BUILDING AND GROUNDS

17 For such expenditures as may be necessary to enable
18 the Architect of the Capitol to carry out the duties im-
19 posed upon the Architect by 40 U.S.C. 6111 and 6112,
20 \$8,159,000, to remain available until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT

3 SALARIES AND EXPENSES

4 For salaries of the chief judge, judges, and other offi-
5 cers and employees, and for necessary expenses of the
6 court, as authorized by law, \$32,511,000.

7 UNITED STATES COURT OF INTERNATIONAL TRADE

8 SALARIES AND EXPENSES

9 For salaries of the chief judge and eight judges, sala-
10 ries of the officers and employees of the court, services,
11 and necessary expenses of the court, as authorized by law,
12 \$21,447,000.

13 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

14 JUDICIAL SERVICES

15 SALARIES AND EXPENSES

16 For the salaries of circuit and district judges (includ-
17 ing judges of the territorial courts of the United States),
18 justices and judges retired from office or from regular ac-
19 tive service, judges of the United States Court of Federal
20 Claims, bankruptcy judges, magistrate judges, and all
21 other officers and employees of the Federal Judiciary not
22 otherwise specifically provided for, necessary expenses of
23 the courts, and the purchase, rental, repair, and cleaning
24 of uniforms for Probation and Pretrial Services Office
25 staff, as authorized by law, \$5,015,000,000 (including the

1 purchase of firearms and ammunition); of which not to
2 exceed \$27,817,000 shall remain available until expended
3 for space alteration projects and for furniture and fur-
4 nishings related to new space alteration and construction
5 projects.

6 In addition, for expenses of the United States Court
7 of Federal Claims associated with processing cases under
8 the National Childhood Vaccine Injury Act of 1986 (Pub-
9 lic Law 99-660), not to exceed \$5,000,000, to be appro-
10 priated from the Vaccine Injury Compensation Trust
11 Fund.

12 DEFENDER SERVICES

13 For the operation of Federal Defender organizations;
14 the compensation and reimbursement of expenses of attor-
15 neys appointed to represent persons under 18 U.S.C.
16 3006A and 3599, and for the compensation and reim-
17 bursement of expenses of persons furnishing investigative,
18 expert, and other services for such representations as au-
19 thorized by law; the compensation (in accordance with the
20 maximums under 18 U.S.C. 3006A) and reimbursement
21 of expenses of attorneys appointed to assist the court in
22 criminal cases where the defendant has waived representa-
23 tion by counsel; the compensation and reimbursement of
24 expenses of attorneys appointed to represent jurors in civil
25 actions for the protection of their employment, as author-

1 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
2 bursement of expenses of attorneys appointed under 18
3 U.S.C. 983(b)(1) in connection with certain judicial civil
4 forfeiture proceedings; the compensation and reimburse-
5 ment of travel expenses of guardians ad litem appointed
6 under 18 U.S.C. 4100(b); and for necessary training and
7 general administrative expenses, \$1,031,000,000, to re-
8 main available until expended.

9 FEES OF JURORS AND COMMISSIONERS

10 For fees and expenses of jurors as authorized by 28
11 U.S.C. 1871 and 1876; compensation of jury commis-
12 sioners as authorized by 28 U.S.C. 1863; and compensa-
13 tion of commissioners appointed in condemnation cases
14 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
15 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$51,908,000,
16 to remain available until expended: *Provided*, That the
17 compensation of land commissioners shall not exceed the
18 daily equivalent of the highest rate payable under 5 U.S.C.
19 5332.

20 COURT SECURITY

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses, not otherwise provided for,
23 incident to the provision of protective guard services for
24 United States courthouses and other facilities housing
25 Federal court operations, and the procurement, installa-

1 tion, and maintenance of security systems and equipment
2 for United States courthouses and other facilities housing
3 Federal court operations, including building ingress-egress
4 control, inspection of mail and packages, directed security
5 patrols, perimeter security, basic security services provided
6 by the Federal Protective Service, and other similar activi-
7 ties as authorized by section 1010 of the Judicial Improve-
8 ment and Access to Justice Act (Public Law 100–702),
9 \$500,000,000, of which not to exceed \$15,000,000 shall
10 remain available until expended, to be expended directly
11 or transferred to the United States Marshals Service,
12 which shall be responsible for administering the Judicial
13 Facility Security Program consistent with standards or
14 guidelines agreed to by the Director of the Administrative
15 Office of the United States Courts and the Attorney Gen-
16 eral.

17 ADMINISTRATIVE OFFICE OF THE UNITED STATES

18 COURTS

19 SALARIES AND EXPENSES

20 For necessary expenses of the Administrative Office
21 of the United States Courts as authorized by law, includ-
22 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
23 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
24 advertising and rent in the District of Columbia and else-

1 where, \$82,909,000, of which not to exceed \$8,500 is au-
2 thorized for official reception and representation expenses.

3 FEDERAL JUDICIAL CENTER

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Judicial Cen-
6 ter, as authorized by Public Law 90–219, \$27,000,000;
7 of which \$1,800,000 shall remain available through Sep-
8 tember 30, 2013, to provide education and training to
9 Federal court personnel; and of which not to exceed
10 \$1,500 is authorized for official reception and representa-
11 tion expenses.

12 JUDICIAL RETIREMENT FUNDS

13 PAYMENT TO JUDICIARY TRUST FUNDS

14 For payment to the Judicial Officers' Retirement
15 Fund, as authorized by 28 U.S.C. 377(o), \$86,968,000;
16 to the Judicial Survivors' Annuities Fund, as authorized
17 by 28 U.S.C. 376(e), \$12,600,000; and to the United
18 States Court of Federal Claims Judges' Retirement Fund,
19 as authorized by 28 U.S.C. 178(l), \$4,200,000.

20 UNITED STATES SENTENCING COMMISSION

21 SALARIES AND EXPENSES

22 For the salaries and expenses necessary to carry out
23 the provisions of chapter 58 of title 28, United States
24 Code, \$16,500,000, of which not to exceed \$1,000 is au-
25 thorized for official reception and representation expenses.

1 ADMINISTRATIVE PROVISIONS—THE JUDICIARY
2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 301. Appropriations and authorizations made in
4 this title which are available for salaries and expenses shall
5 be available for services as authorized by 5 U.S.C. 3109.

6 SEC. 302. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the Judi-
8 ciary in this Act may be transferred between such appro-
9 priations, but no such appropriation, except “Courts of
10 Appeals, District Courts, and Other Judicial Services, De-
11 fender Services” and “Courts of Appeals, District Courts,
12 and Other Judicial Services, Fees of Jurors and Commis-
13 sioners”, shall be increased by more than 10 percent by
14 any such transfers: *Provided*, That any transfer pursuant
15 to this section shall be treated as a reprogramming of
16 funds under sections 604 and 608 of this Act and shall
17 not be available for obligation or expenditure except in
18 compliance with the procedures set forth in section 608.

19 SEC. 303. Notwithstanding any other provision of
20 law, the salaries and expenses appropriation for “Courts
21 of Appeals, District Courts, and Other Judicial Services”
22 shall be available for official reception and representation
23 expenses of the Judicial Conference of the United States:
24 *Provided*, That such available funds shall not exceed
25 \$11,000 and shall be administered by the Director of the

1 Administrative Office of the United States Courts in the
2 capacity as Secretary of the Judicial Conference.

3 SEC. 304. Section 3314(a) of title 40, United States
4 Code, shall be applied by substituting “Federal” for “exec-
5 utive” each place it appears.

6 SEC. 305. In accordance with 28 U.S.C. 561–569,
7 and notwithstanding any other provision of law, the
8 United States Marshals Service shall provide, for such
9 courthouses as its Director may designate in consultation
10 with the Director of the Administrative Office of the
11 United States Courts, for purposes of a pilot program, the
12 security services that 40 U.S.C. 1315 authorizes the De-
13 partment of Homeland Security to provide, except for the
14 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
15 ing-specific security services at these courthouses, the Di-
16 rector of the Administrative Office of the United States
17 Courts shall reimburse the United States Marshals Service
18 rather than the Department of Homeland Security.

19 SEC. 306. Section 203(c) of the Judicial Improve-
20 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
21 note), is amended—

22 (1) in the third sentence (relating to the Dis-
23 trict of Kansas), by striking “20 years” and insert-
24 ing “21 years”; and

1 (2) in the seventh sentence (related to the Dis-
2 trict of Hawaii), by striking “17 years” and insert-
3 ing “18 years”.

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

1 TITLE IV
2 DISTRICT OF COLUMBIA
3 FEDERAL FUNDS
4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT
5 For a Federal payment to the District of Columbia,
6 to be deposited into a dedicated account, for a nationwide
7 program to be administered by the Mayor, for District of
8 Columbia resident tuition support, \$30,000,000, to remain
9 available until expended: *Provided*, That such funds, in-
10 cluding any interest accrued thereon, may be used on be-
11 half of eligible District of Columbia residents to pay an
12 amount based upon the difference between in-State and
13 out-of-State tuition at public institutions of higher edu-
14 cation, or to pay up to \$2,500 each year at eligible private
15 institutions of higher education: *Provided further*, That the
16 awarding of such funds may be prioritized on the basis
17 of a resident's academic merit, the income and need of
18 eligible students and such other factors as may be author-
19 ized: *Provided further*, That the District of Columbia gov-
20 ernment shall maintain a dedicated account for the Resi-
21 dent Tuition Support Program that shall consist of the
22 Federal funds appropriated to the Program in this Act
23 and any subsequent appropriations, any unobligated bal-
24 ances from prior fiscal years, and any interest earned in
25 this or any fiscal year: *Provided further*, That the account

1 shall be under the control of the District of Columbia
2 Chief Financial Officer, who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and the Senate for these funds show-
8 ing, by object class, the expenditures made and the pur-
9 pose therefor.

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

12 For a Federal payment of necessary expenses, as de-
13 termined by the Mayor of the District of Columbia in writ-
14 ten consultation with the elected county or city officials
15 of surrounding jurisdictions, \$14,900,000, to remain
16 available until expended and in addition any funds that
17 remain available from prior year appropriations under this
18 heading for the District of Columbia Government, for the
19 costs of providing public safety at events related to the
20 presence of the national capital in the District of Colum-
21 bia, including support requested by the Director of the
22 United States Secret Service Division in carrying out pro-
23 tective duties under the direction of the Secretary of
24 Homeland Security, and for the costs of providing support
25 to respond to immediate and specific terrorist threats or

1 attacks in the District of Columbia or surrounding juris-
2 ditions.

3 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
4 COURTS

5 For salaries and expenses for the District of Colum-
6 bia Courts, \$232,841,000 to be allocated as follows: for
7 the District of Columbia Court of Appeals, \$12,830,000,
8 of which not to exceed \$2,500 is for official reception and
9 representation expenses; for the District of Columbia Su-
10 perior Court, \$114,209,000, of which not to exceed \$2,500
11 is for official reception and representation expenses; for
12 the District of Columbia Court System, \$66,712,000, of
13 which not to exceed \$2,500 is for official reception and
14 representation expenses; and \$39,090,000, to remain
15 available until September 30, 2013, for capital improve-
16 ments for District of Columbia courthouse facilities: *Pro-*
17 *vided*, That funds made available for capital improvements
18 shall be expended consistent with the District of Columbia
19 Courts master plan study and building evaluation report:
20 *Provided further*, That notwithstanding any other provi-
21 sion of law, all amounts under this heading shall be appor-
22 tioned quarterly by the Office of Management and Budget
23 and obligated and expended in the same manner as funds
24 appropriated for salaries and expenses of other Federal
25 agencies: *Provided further*, That 30 days after providing

1 written notice to the Committees on Appropriations of the
2 House of Representatives and the Senate, the District of
3 Columbia Courts may reallocate not more than
4 \$3,000,000 of the funds provided under this heading
5 among the items and entities funded under this heading
6 but no such allocation shall be increased by more than
7 10 percent.

8 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
9 DISTRICT OF COLUMBIA COURTS
10 (INCLUDING TRANSFER OF FUNDS)

11 For payments authorized under section 11–2604 and
12 section 11–2605, D.C. Official Code (relating to represen-
13 tation provided under the District of Columbia Criminal
14 Justice Act), payments for counsel appointed in pro-
15 ceedings in the Family Court of the Superior Court of the
16 District of Columbia under chapter 23 of title 16, D.C.
17 Official Code, or pursuant to contractual agreements to
18 provide guardian ad litem representation, training, tech-
19 nical assistance, and such other services as are necessary
20 to improve the quality of guardian ad litem representation,
21 payments for counsel appointed in adoption proceedings
22 under chapter 3 of title 16, D.C. Official Code, and pay-
23 ments authorized under section 21–2060, D.C. Official
24 Code (relating to services provided under the District of
25 Columbia Guardianship, Protective Proceedings, and Du-

1 rable Power of Attorney Act of 1986), \$55,000,000, to
2 remain available until expended: *Provided*, That funds pro-
3 vided under this heading shall be administered by the
4 Joint Committee on Judicial Administration in the Dis-
5 trict of Columbia: *Provided further*, That notwithstanding
6 any other provision of law, this appropriation shall be ap-
7 portioned quarterly by the Office of Management and
8 Budget and obligated and expended in the same manner
9 as funds appropriated for expenses of other Federal agen-
10 cies: *Provided further*, That not more than \$10,000,000
11 of the funds provided in this account may be transferred
12 to, and merged with, funds made available under the head-
13 ing “Federal Payment to the District of Columbia Courts”
14 for District of Columbia courthouse facilities.

15 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
16 FENDER SUPERVISION AGENCY FOR THE DISTRICT
17 OF COLUMBIA

18 For salaries and expenses, including the transfer and
19 hire of motor vehicles, of the Court Services and Offender
20 Supervision Agency for the District of Columbia, as au-
21 thorized by the National Capital Revitalization and Self-
22 Government Improvement Act of 1997, \$212,983,000, of
23 which not to exceed \$2,000 is for official reception and
24 representation expenses related to Community Supervision
25 and Pretrial Services Agency programs; of which not to

1 exceed \$25,000 is for dues and assessments relating to
2 the implementation of the Court Services and Offender
3 Supervision Agency Interstate Supervision Act of 2002;
4 of which \$1,000,000 shall remain available until Sep-
5 tember 30, 2014 for relocation of the Pretrial Services
6 Agency drug testing laboratory; of which \$153,548,000
7 shall be for necessary expenses of Community Supervision
8 and Sex Offender Registration, to include expenses relat-
9 ing to the supervision of adults subject to protection or-
10 ders or the provision of services for or related to such per-
11 sons; of which \$59,435,000 shall be available to the Pre-
12 trial Services Agency: *Provided*, That notwithstanding any
13 other provision of law, all amounts under this heading
14 shall be apportioned quarterly by the Office of Manage-
15 ment and Budget and obligated and expended in the same
16 manner as funds appropriated for salaries and expenses
17 of other Federal agencies: *Provided further*, That not less
18 than \$1,500,000 shall be available for re-entrant housing
19 in the District of Columbia: *Provided further*, That the Di-
20 rector is authorized to accept and use gifts in the form
21 of in-kind contributions of space and hospitality to support
22 offender and defendant programs, and equipment and vo-
23 cational training services to educate and train offenders
24 and defendants: *Provided further*, That the Director shall
25 keep accurate and detailed records of the acceptance and

1 use of any gift or donation under the previous proviso,
2 and shall make such records available for audit and public
3 inspection: *Provided further*, That the Court Services and
4 Offender Supervision Agency Director is authorized to ac-
5 cept and use reimbursement from the District of Columbia
6 Government for space and services provided on a cost re-
7 imburseable basis.

8 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

9 PUBLIC DEFENDER SERVICE

10 For salaries and expenses, including the transfer and
11 hire of motor vehicles, of the District of Columbia Public
12 Defender Service, as authorized by the National Capital
13 Revitalization and Self-Government Improvement Act of
14 1997, \$37,241,000: *Provided*, That notwithstanding any
15 other provision of law, all amounts under this heading
16 shall be apportioned quarterly by the Office of Manage-
17 ment and Budget and obligated and expended in the same
18 manner as funds appropriated for salaries and expenses
19 of Federal agencies.

20 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

21 WATER AND SEWER AUTHORITY

22 For a Federal payment to the District of Columbia
23 Water and Sewer Authority, \$15,000,000, to remain avail-
24 able until expended, to continue implementation of the
25 Combined Sewer Overflow Long-Term Plan: *Provided*,

1 That the District of Columbia Water and Sewer Authority
2 provides a 100 percent match for this payment.

3 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

4 COORDINATING COUNCIL

5 For a Federal payment to the Criminal Justice Co-
6 ordinating Council, \$1,800,000, to remain available until
7 expended, to support initiatives related to the coordination
8 of Federal and local criminal justice resources in the Dis-
9 trict of Columbia.

10 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

11 For a Federal payment, to remain available until
12 September 30, 2013, to the Commission on Judicial Dis-
13 abilities and Tenure, \$295,000, and for the Judicial Nomi-
14 nation Commission, \$205,000.

15 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

16 For a Federal payment for a school improvement pro-
17 gram in the District of Columbia, \$60,000,000, to remain
18 available until expended, for payments authorized under
19 the Scholarship for Opportunity and Results Act (division
20 C of Public Law 112–10).

21 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

22 NATIONAL GUARD

23 For a Federal payment to the District of Columbia
24 National Guard, \$375,000, to remain available until ex-
25 pended for the Major General David F. Wherley, Jr. Dis-

1 trict of Columbia National Guard Retention and College
2 Access Program.

3 FEDERAL PAYMENT FOR TESTING AND TREATMENT OF
4 HIV/AIDS

5 For a Federal payment to the District of Columbia
6 for the testing of individuals for, and the treatment of in-
7 dividuals with, human immunodeficiency virus and ac-
8 quired immunodeficiency syndrome in the District of Co-
9 lumbia, \$5,000,000.

10 DISTRICT OF COLUMBIA FUNDS

11 The following amounts are appropriated for the Dis-
12 trict of Columbia for the current fiscal year out of the
13 General Fund of the District of Columbia (“General
14 Fund”), except as otherwise specifically provided: *Pro-*
15 *vided*, That notwithstanding any other provision of law,
16 except as provided in section 450A of the District of Co-
17 lumbia Home Rule Act, (114 Stat. 2440; D.C. Official
18 Code, section 1–204.50a) and provisions of this Act, the
19 total amount appropriated in this Act for operating ex-
20 penses for the District of Columbia for fiscal year 2012
21 under this heading shall not exceed the lesser of the sum
22 of the total revenues of the District of Columbia for such
23 fiscal year or \$10,916,966,000 (of which \$6,208,646,000
24 shall be from local funds, (including \$526,594,000 from
25 dedicated taxes), \$1,015,449,000 shall be from Federal

1 grant funds, \$1,499,115,000 from Medicaid payments,
2 \$2,040,504,000 shall be from other funds, and
3 \$25,677,000 shall be from private funds, and
4 \$127,575,000 shall be from funds previously appropriated
5 in this Act as Federal payments: *Provided further*, That
6 of the local funds, such amounts as may be necessary may
7 be derived from the District's General Fund balance: *Pro-*
8 *vided further*, That of these funds the District's intra-District
9 authority shall be \$619,632,000: in addition, for capital
10 construction projects, an increase of \$4,007,501,000,
11 of which \$2,934,011,000 shall be from local funds,
12 \$223,858,000 from the District of Columbia Highway
13 Trust Fund, \$33,140,000 from the Local Transportation
14 Fund, \$816,492,000 from Federal grant funds, and a re-
15 scission of \$2,849,882,000 of which \$1,796,345,000 shall
16 be from local funds, \$749,426,000 from Federal grant
17 funds, \$252,694,000 from the District of Columbia Highway
18 Trust Fund, and \$51,416,000 from the Local Transportation
19 Fund appropriated under this heading in prior
20 fiscal years, for a net amount of \$1,157,619,000, to remain
21 available until expended: *Provided further*, That the
22 amounts provided under this heading are to be available,
23 allocated, and expended as proposed under title III of the
24 Fiscal Year 2012 Budget Request Act of 2011, at the rate
25 set forth under "District of Columbia Funds Division of

1 Expenses” as included in the Fiscal Year 2012 Proposed
2 Budget and Financial Plan submitted to the Congress by
3 the District of Columbia: *Provided further*, That this
4 amount may be increased by proceeds of one-time trans-
5 actions, which are expended for emergency or unantici-
6 pated operating or capital needs: *Provided further*, That
7 such increases shall be approved by enactment of local
8 District law and shall comply with all reserve requirements
9 contained in the District of Columbia Home Rule Act:
10 *Provided further*, That the Chief Financial Officer of the
11 District of Columbia shall take such steps as are necessary
12 to assure that the District of Columbia meets these re-
13 quirements, including the apportioning by the Chief Fi-
14 nancial Officer of the appropriations and funds made
15 available to the District during fiscal year 2012, except
16 that the Chief Financial Officer may not reprogram for
17 operating expenses any funds derived from bonds, notes,
18 or other obligations issued for capital projects.

19 This title may be cited as the “District of Columbia
20 Appropriations Act, 2012”.

1 TITLE V
2 INDEPENDENT AGENCIES
3 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For necessary expenses of the Administrative Con-
6 ference of the United States, authorized by 5 U.S.C. 591
7 et seq., \$2,900,000, to remain available until September
8 30, 2013, of which not to exceed \$1,000 is for official re-
9 ception and representation expenses.

10 CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION
11 SALARIES AND EXPENSES

12 For payment to the Christopher Columbus Fellow-
13 ship Foundation, established by section 423 of Public Law
14 102–281, \$450,000, to remain available until expended.

15 CONSUMER PRODUCT SAFETY COMMISSION
16 SALARIES AND EXPENSES

17 For necessary expenses of the Consumer Product
18 Safety Commission, including hire of passenger motor ve-
19 hicles, services as authorized by 5 U.S.C. 3109, but at
20 rates for individuals not to exceed the per diem rate equiv-
21 alent to the maximum rate payable under 5 U.S.C. 5376,
22 purchase of nominal awards to recognize non-Federal offi-
23 cials' contributions to Commission activities, and not to
24 exceed \$4,000 for official reception and representation ex-
25 penses, \$114,500,000, of which \$500,000 shall remain

1 available until September 30, 2013, to implement the Vir-
2 ginia Graeme Baker Pool and Spa Safety Act grant pro-
3 gram as provided by section 1405 of Public Law 110–140
4 (15 U.S.C. 8004).

5 ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT
6 SAFETY COMMISSION

7 SEC. 501. Section 4(g) of the Consumer Product
8 Safety Act (15 U.S.C. 2053(g)) is amended by adding at
9 the end the following:

10 “(5) The Chairman may provide to officers and
11 employees of the Commission who are appointed or
12 assigned by the Commission to serve abroad (as de-
13 fined in section 102 of the Foreign Service Act of
14 1980 (22 U.S.C. 3902)) travel benefits similar to
15 those authorized for members of the Foreign Service
16 of the United Service under chapter 9 of such Act
17 (22 U.S.C. 4081 et seq.).”.

18 SEC. 502. (a) EXTENSION OF GRANT PROGRAM.—
19 Section 1405(e) of the Virginia Graeme Baker Pool and
20 Spa Safety Act (15 U.S.C. 8004(e)) is amended by strik-
21 ing “2011” and inserting “2012”.

22 (b) NEW SWIMMING POOLS.—Section 1405(b) of the
23 Virginia Graeme Baker Pool and Spa Safety Act (15
24 U.S.C. 8004 (b)) is amended by inserting “constructed
25 after the date that is 6 months after the date of enactment

1 of the Financial Services and General Government Appro-
2 priations Act, 2012” after “swimming pools”.

3 SEC. 503. Not later than 1 year after the date of
4 the enactment of this Act, the Comptroller General of the
5 United States shall conduct an analysis of the potential
6 safety risks associated with new and emerging consumer
7 products, including chemicals and other materials used in
8 their manufacture, taking into account the ability and au-
9 thority of the Consumer Product Safety Commission—

10 (1) to identify, assess, and address such risks
11 in a timely manner; and

12 (2) to keep abreast of the effects of new and
13 emerging consumer products on public health and
14 safety.

15 SEC. 504. Not later than 150 days after the date of
16 the enactment of this Act, the Comptroller General of the
17 United States shall conduct an analysis of—

18 (1) the extent to which manufacturers comply
19 with voluntary industry standards for consumer
20 products, particularly with respect to inexpensive,
21 imported products;

22 (2) whether there are consequences for such
23 manufacturers for failing to comply with such stand-
24 ards;

1 (3) whether the Consumer Product Safety Com-
2 mission has the authority and the ability to require
3 compliance with such standards; and

4 (4) whether there are patterns of non-compli-
5 ance with such standards among certain types of
6 products or certain types of manufacturers.

7 ELECTION ASSISTANCE COMMISSION

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out the Help Amer-
11 ica Vote Act of 2002 (Public Law 107–252), \$11,500,000,
12 of which \$2,750,000 shall be transferred to the National
13 Institute of Standards and Technology for election reform
14 activities authorized under the Help America Vote Act of
15 2002, and of which \$1,250,000 shall be for the Office of
16 Inspector General.

17 FEDERAL COMMUNICATIONS COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Communica-
20 tions Commission, as authorized by law, including uni-
21 forms and allowances therefor, as authorized by 5 U.S.C.
22 5901–5902; not to exceed \$4,000 for official reception and
23 representation expenses; purchase and hire of motor vehi-
24 cles; special counsel fees; and services as authorized by
25 5 U.S.C. 3109, \$339,844,000: *Provided*, That

1 \$339,844,000 of offsetting collections shall be assessed
2 and collected pursuant to section 9 of title I of the Com-
3 munications Act of 1934, shall be retained and used for
4 necessary expenses in this appropriation, and shall remain
5 available until expended: *Provided further*, That the sum
6 herein appropriated shall be reduced as such offsetting
7 collections are received during fiscal year 2012 so as to
8 result in a final fiscal year 2012 appropriation estimated
9 at \$0: *Provided further*, That any offsetting collections re-
10 ceived in excess of \$339,844,000 in fiscal year 2012 shall
11 not be available for obligation: *Provided further*, That re-
12 maining offsetting collections from prior years collected in
13 excess of the amount specified for collection in each such
14 year and otherwise becoming available on October 1, 2011,
15 shall not be available for obligation: *Provided further*, That
16 notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from
17 the use of a competitive bidding system that may be re-
18 tained and made available for obligation shall not exceed
19 \$85,000,000 for fiscal year 2012: *Provided further*, That
20 of the amount appropriated under this heading, not less
21 than \$9,750,000 shall be for the salaries and expenses of
22 the Office of Inspector General.

1 ADMINISTRATIVE PROVISIONS—FEDERAL
2 COMMUNICATIONS COMMISSION

3 SEC. 510. Section 302 of the Universal Service
4 Antideficiency Temporary Suspension Act is amended by
5 striking “December 31, 2011”, each place it appears and
6 inserting “December 31, 2013”.

7 SEC. 511. None of the funds appropriated by this Act
8 may be used by the Federal Communications Commission
9 to modify, amend, or change its rules or regulations for
10 universal service support payments to implement the Feb-
11 ruary 27, 2004 recommendations of the Federal-State
12 Joint Board on Universal Service regarding single connec-
13 tion or primary line restrictions on universal service sup-
14 port payments.

15 FEDERAL DEPOSIT INSURANCE CORPORATION
16 OFFICE OF THE INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, \$45,261,000, to be derived from the
20 Deposit Insurance Fund or, only when appropriate, the
21 FSLIC Resolution Fund.

22 FEDERAL ELECTION COMMISSION
23 SALARIES AND EXPENSES

24 For necessary expenses to carry out the provisions
25 of the Federal Election Campaign Act of 1971,

1 \$66,367,000, of which not to exceed \$5,000 shall be avail-
2 able for reception and representation expenses.

3 FEDERAL LABOR RELATIONS AUTHORITY

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out functions of the
6 Federal Labor Relations Authority, pursuant to Reorga-
7 nization Plan Numbered 2 of 1978, and the Civil Service
8 Reform Act of 1978, including services authorized by 5
9 U.S.C. 3109, and including hire of experts and consult-
10 ants, hire of passenger motor vehicles, and including offi-
11 cial reception and representation expenses (not to exceed
12 \$1,500) and rental of conference rooms in the District of
13 Columbia and elsewhere, \$24,723,000: *Provided*, That
14 public members of the Federal Service Impasses Panel
15 may be paid travel expenses and per diem in lieu of sub-
16 sistence as authorized by law (5 U.S.C. 5703) for persons
17 employed intermittently in the Government service, and
18 compensation as authorized by 5 U.S.C. 3109: *Provided*
19 *further*, That notwithstanding 31 U.S.C. 3302, funds re-
20 ceived from fees charged to non-Federal participants at
21 labor-management relations conferences shall be credited
22 to and merged with this account, to be available without
23 further appropriation for the costs of carrying out these
24 conferences.

1 FEDERAL TRADE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Trade Com-
4 mission, including uniforms or allowances therefor, as au-
5 thorized by 5 U.S.C. 5901–5902; services as authorized
6 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
7 not to exceed \$2,000 for official reception and representa-
8 tion expenses, \$311,563,000, to remain available until ex-
9 pended: *Provided*, That not to exceed \$300,000 shall be
10 available for use to contract with a person or persons for
11 collection services in accordance with the terms of 31
12 U.S.C. 3718: *Provided further*, That, notwithstanding any
13 other provision of law, not to exceed \$108,000,000 of off-
14 setting collections derived from fees collected for
15 premerger notification filings under the Hart-Scott-Ro-
16 dino Antitrust Improvements Act of 1976 (15 U.S.C.
17 18a), regardless of the year of collection, shall be retained
18 and used for necessary expenses in this appropriation:
19 *Provided further*, That, notwithstanding any other provi-
20 sion of law, not to exceed \$21,000,000 in offsetting collec-
21 tions derived from fees sufficient to implement and enforce
22 the Telemarketing Sales Rule, promulgated under the
23 Telemarketing and Consumer Fraud and Abuse Preven-
24 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
25 account, and be retained and used for necessary expenses

1 in this appropriation: *Provided further*, That the sum here-
2 in appropriated from the general fund shall be reduced
3 as such offsetting collections are received during fiscal
4 year 2012, so as to result in a final fiscal year 2012 appro-
5 priation from the general fund estimated at not more than
6 \$182,563,000: *Provided further*, That none of the funds
7 made available to the Federal Trade Commission may be
8 used to implement subsection (e)(2)(B) of section 43 of
9 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

10 GENERAL SERVICES ADMINISTRATION

11 REAL PROPERTY ACTIVITIES

12 FEDERAL BUILDINGS FUND

13 LIMITATIONS ON AVAILABILITY OF REVENUE

14 Amounts in the Fund, including revenues and collec-
15 tions deposited into the Fund shall be available for nec-
16 essary expenses of real property management and related
17 activities not otherwise provided for, including operation,
18 maintenance, and protection of federally owned and leased
19 buildings; rental of buildings in the District of Columbia;
20 restoration of leased premises; moving governmental agen-
21 cies (including space adjustments and telecommunications
22 relocation expenses) in connection with the assignment, al-
23 location and transfer of space; contractual services inci-
24 dent to cleaning or servicing buildings, and moving; repair
25 and alteration of federally owned buildings including

1 grounds, approaches and appurtenances; care and safe-
2 guarding of sites; maintenance, preservation, demolition,
3 and equipment; acquisition of buildings and sites by pur-
4 chase, condemnation, or as otherwise authorized by law;
5 acquisition of options to purchase buildings and sites; con-
6 version and extension of federally owned buildings; pre-
7 liminary planning and design of projects by contract or
8 otherwise; construction of new buildings (including equip-
9 ment for such buildings); and payment of principal, inter-
10 est, and any other obligations for public buildings acquired
11 by installment purchase and purchase contract; in the ag-
12 gregate amount of \$8,017,967,000, of which: (1)
13 \$50,000,000 shall remain available until expended for con-
14 struction and acquisition (including funds for sites and ex-
15 penses, and associated design and construction services):
16 *Provided*, That the General Services Administration shall
17 submit a detailed plan, by project, regarding the use of
18 funds to the Committees on Appropriations of the House
19 of Representatives and the Senate within 30 days of enact-
20 ment of this section and will provide notification to the
21 Committees within 15 days prior to any changes regarding
22 the use of these funds; (2) \$280,000,000 shall remain
23 available until expended for repairs and alterations, which
24 includes associated design and construction services, of
25 which \$260,000,000 is for Basic Repairs and Alterations

1 and \$20,000,000 is for a Judiciary Capital Security pro-
2 gram: *Provided further*, That funds made available in this
3 or any previous Act in the Federal Buildings Fund for
4 Repairs and Alterations shall, for prospectus projects, be
5 limited to the amount identified for each project, except
6 each project in this or any previous Act may be increased
7 by an amount not to exceed 10 percent unless advance
8 approval is obtained from the Committees on Appropria-
9 tions of a greater amount: *Provided further*, That addi-
10 tional projects for which prospectuses have been fully ap-
11 proved may be funded under this category only if advance
12 approval is obtained from the Committees on Appropria-
13 tions: *Provided further*, That the amounts provided in this
14 or any prior Act for “Repairs and Alterations” may be
15 used to fund costs associated with implementing security
16 improvements to buildings necessary to meet the minimum
17 standards for security in accordance with current law and
18 in compliance with the reprogramming guidelines of the
19 appropriate Committees of the House and Senate: *Pro-*
20 *vided further*, That the difference between the funds ap-
21 propriated and expended on any projects in this or any
22 prior Act, under the heading “Repairs and Alterations”,
23 may be transferred to Basic Repairs and Alterations or
24 used to fund authorized increases in prospectus projects:
25 *Provided further*, That all funds for repairs and alterations

1 prospectus projects shall expire on September 30, 2013
2 and remain in the Federal Buildings Fund except funds
3 for projects as to which funds for design or other funds
4 have been obligated in whole or in part prior to such date:
5 *Provided further*, That the amount provided in this or any
6 prior Act for Basic Repairs and Alterations may be used
7 to pay claims against the Government arising from any
8 projects under the heading “Repairs and Alterations” or
9 used to fund authorized increases in prospectus projects;
10 (3) \$126,801,000 for installment acquisition payments in-
11 cluding payments on purchase contracts which shall re-
12 main available until expended; (4) \$5,210,198,000 for
13 rental of space which shall remain available until ex-
14 pended; and (5) \$2,350,968,000 for building operations
15 which shall remain available until expended: *Provided fur-*
16 *ther*, That funds available to the General Services Admin-
17 istration shall not be available for expenses of any con-
18 struction, repair, alteration and acquisition project for
19 which a prospectus, if required by 40 U.S.C. 3307(a), has
20 not been approved, except that necessary funds may be
21 expended for each project for required expenses for the
22 development of a proposed prospectus: *Provided further*,
23 That funds available in the Federal Buildings Fund may
24 be expended for emergency repairs when advance approval
25 is obtained from the Committees on Appropriations: *Pro-*

1 management, and related technology activities; and serv-
2 ices as authorized by 5 U.S.C. 3109; \$61,115,000.

3 OPERATING EXPENSES

4 For expenses authorized by law, not otherwise pro-
5 vided for, for Government-wide activities associated with
6 utilization and donation of surplus personal property; dis-
7 posal of real property; agency-wide policy direction, man-
8 agement, and communications; the Civilian Board of Con-
9 tract Appeals; services as authorized by 5 U.S.C. 3109;
10 and not to exceed \$7,500 for official reception and rep-
11 resentation expenses; \$69,500,000.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General and service authorized by 5 U.S.C. 3109,
15 \$58,000,000: *Provided*, That not to exceed \$15,000 shall
16 be available for payment for information and detection of
17 fraud against the Government, including payment for re-
18 covery of stolen Government property: *Provided further*,
19 That not to exceed \$2,500 shall be available for awards
20 to employees of other Federal agencies and private citizens
21 in recognition of efforts and initiatives resulting in en-
22 hanced Office of Inspector General effectiveness.

1 ELECTRONIC GOVERNMENT FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses in support of interagency
4 projects that enable the Federal Government to expand
5 its ability to conduct activities electronically, through the
6 development and implementation of innovative uses of the
7 Internet and other electronic methods, \$12,400,000, to re-
8 main available until expended: *Provided*, That these funds
9 may be transferred to Federal agencies to carry out the
10 purpose of the Fund: *Provided further*, That this transfer
11 authority shall be in addition to any other transfer author-
12 ity provided in this Act: *Provided further*, That such trans-
13 fers may not be made until 10 days after a proposed
14 spending plan and explanation for each project to be un-
15 dertaken has been submitted to the Committees on Appro-
16 priations of the House of Representatives and the Senate.

17 ALLOWANCES AND OFFICE STAFF FOR FORMER
18 PRESIDENTS

19 For carrying out the provisions of the Act of August
20 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
21 \$3,671,000.

22 FEDERAL CITIZEN SERVICES FUND

23 For necessary expenses of the Office of Citizen Serv-
24 ices and Innovative Technologies, including services au-
25 thorized by 5 U.S.C. 3109, \$34,100,000, to be deposited

1 into the Federal Citizen Services Fund: *Provided*, That the
2 appropriations, revenues, and collections deposited into
3 the Fund shall be available for necessary expenses of Fed-
4 eral Citizen Services activities in the aggregate amount
5 not to exceed \$90,000,000. Appropriations, revenues, and
6 collections accruing to this Fund during fiscal year 2012
7 in excess of such amount shall remain in the Fund and
8 shall not be available for expenditure except as authorized
9 in appropriations Acts.

10 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

11 ADMINISTRATION

12 (INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

13 SEC. 520. Funds available to the General Services
14 Administration shall be available for the hire of passenger
15 motor vehicles.

16 SEC. 521. Funds in the Federal Buildings Fund
17 made available for fiscal year 2012 for Federal Buildings
18 Fund activities may be transferred between such activities
19 only to the extent necessary to meet program require-
20 ments: *Provided*, That any proposed transfers shall be ap-
21 proved in advance to the Committees on Appropriations
22 of the House of Representatives and the Senate.

23 SEC. 522. Except as otherwise provided in this title,
24 funds made available by this Act shall be used to transmit
25 a fiscal year 2013 request for United States Courthouse

1 construction only if the request: (1) meets the design guide
2 standards for construction as established and approved by
3 the General Services Administration, the Judicial Con-
4 ference of the United States, and the Office of Manage-
5 ment and Budget; (2) reflects the priorities of the Judicial
6 Conference of the United States as set out in its approved
7 5-year construction plan; and (3) includes a standardized
8 courtroom utilization study of each facility to be con-
9 structed, replaced, or expanded.

10 SEC. 523. None of the funds provided in this Act may
11 be used to increase the amount of occupiable square feet,
12 provide cleaning services, security enhancements, or any
13 other service usually provided through the Federal Build-
14 ings Fund, to any agency that does not pay the rate per
15 square foot assessment for space and services as deter-
16 mined by the General Services Administration in consider-
17 ation of the Public Buildings Amendments Act of 1972
18 (Public Law 92–313).

19 SEC. 524. From funds made available under the
20 heading “Federal Buildings Fund, Limitations on Avail-
21 ability of Revenue”, claims against the Government of less
22 than \$250,000 arising from direct construction projects
23 and acquisition of buildings may be liquidated from sav-
24 ings effected in other construction projects with prior noti-

1 fication to the Committees on Appropriations of the House
2 of Representatives and the Senate.

3 SEC. 525. In any case in which the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives and the Committee on Environment and Pub-
6 lic Works of the Senate adopt a resolution granting lease
7 authority pursuant to a prospectus transmitted to Con-
8 gress by the Administrator of the General Services Admin-
9 istration under 40 U.S.C. 3307, the Administrator shall
10 ensure that the delineated area of procurement is identical
11 to the delineated area included in the prospectus for all
12 lease agreements, except that, if the Administrator deter-
13 mines that the delineated area of the procurement should
14 not be identical to the delineated area included in the pro-
15 spectus, the Administrator shall provide an explanatory
16 statement to each of such committees and the Committees
17 on Appropriations of the House of Representatives and the
18 Senate prior to exercising any lease authority provided in
19 the resolution.

20 SEC. 526. Section 1703 of title 41 U.S.C. is amended
21 in paragraph (i)(6) by:

22 (1) deleting “for training”; and

23 (2) deleting “paragraph (2)” and inserting in
24 lieu thereof “subparagraphs (A) and (C) to (J) of
25 section 1122(a)(5) of this title”.

1 MERIT SYSTEMS PROTECTION BOARD
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out functions of the
5 Merit Systems Protection Board pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978, the Civil Service Reform
7 Act of 1978, and the Whistleblower Protection Act of
8 1989 (5 U.S.C. 5509 note), including services as author-
9 ized by 5 U.S.C. 3109, rental of conference rooms in the
10 District of Columbia and elsewhere, hire of passenger
11 motor vehicles, direct procurement of survey printing, and
12 not to exceed \$2,000 for official reception and representa-
13 tion expenses, \$40,258,000, to remain available until Sep-
14 tember 30, 2013, together with not to exceed \$2,345,000,
15 to remain available until September 30, 2013, for adminis-
16 trative expenses to adjudicate retirement appeals to be
17 transferred from the Civil Service Retirement and Dis-
18 ability Fund in amounts determined by the Merit Systems
19 Protection Board.

20 MORRIS K. UDALL AND STEWART L. UDALL
21 FOUNDATION

22 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND
23 For payment to the Morris K. Udall and Stewart L.
24 Udall Trust Fund, pursuant to the Morris K. Udall and
25 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et

1 seq.), \$2,200,000, to remain available until expended, of
2 which, notwithstanding sections 8 and 9 of such Act: (1)
3 up to \$50,000 shall be used to conduct financial audits
4 pursuant to the Accountability of Tax Dollars Act of 2002
5 (Public Law 107–289); and (2) up to \$1,000,000 shall
6 be available to carry out the activities authorized by sec-
7 tion 6(7) of Public Law 102–259 (20 U.S.C. 5604(7)).

8 ENVIRONMENTAL DISPUTE RESOLUTION FUND

9 For payment to the Environmental Dispute Resolu-
10 tion Fund to carry out activities authorized in the Envi-
11 ronmental Policy and Conflict Resolution Act of 1998,
12 \$3,792,000, to remain available until expended.

13 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

14 OPERATING EXPENSES

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses in connection with the admin-
17 istration of the National Archives and Records Adminis-
18 tration (including the Information Security Oversight Of-
19 fice) and archived Federal records and related activities,
20 as provided by law, and for expenses necessary for the re-
21 view and declassification of documents and the activities
22 of the Public Interest Declassification Board, and for nec-
23 essary expenses in connection with the operations and
24 maintenance of the electronic records archives to include
25 all direct project costs associated with research, program

1 management, and corrective and adaptive software main-
2 tenance, and for the hire of passenger motor vehicles, and
3 for uniforms or allowances therefor, as authorized by law
4 (5 U.S.C. 5901 et seq.), including maintenance, repairs,
5 and cleaning, \$373,300,000: *Provided*, That all remaining
6 balances appropriated in prior fiscal years under the head-
7 ing “Electronic Records Archives” shall be transferred to
8 this account.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Reform Act of 2008, Public Law 110–409, 122
13 Stat. 4302–16 (2008), and the Inspector General Act of
14 1978 (5 U.S.C. App.), and for the hire of passenger motor
15 vehicles, \$4,100,000.

16 REPAIRS AND RESTORATION

17 For the repair, alteration, and improvement of ar-
18 chives facilities, and to provide adequate storage for hold-
19 ings, \$9,100,000, to remain available until expended: *Pro-*
20 *vided*, That from amounts made available for the Military
21 Personnel Records Center requirement study under this
22 heading in Public Law 108–199, the remaining unobli-
23 gated balances shall be available to implement the Na-
24 tional Archives and Records Administration Capital Im-
25 provement Plan: *Provided further*, That from amounts

1 made available under this heading in Public Law 111–8
2 for construction costs and related services for building the
3 addition to the John F. Kennedy Presidential Library and
4 Museum and other necessary expenses, including ren-
5 ovating the Library as needed in constructing the addi-
6 tion, the remaining unobligated balances shall be available
7 to implement the National Archives and Records Adminis-
8 tration Capital Improvement Plan.

9 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

10 COMMISSION

11 GRANTS PROGRAM

12 For necessary expenses for allocations and grants for
13 historical publications and records as authorized by 44
14 U.S.C. 2504, \$5,000,000, to remain available until ex-
15 pended.

16 NATIONAL CREDIT UNION ADMINISTRATION

17 CENTRAL LIQUIDITY FACILITY

18 During fiscal year 2012, gross obligations of the Cen-
19 tral Liquidity Facility for the principal amount of new di-
20 rect loans to member credit unions, as authorized by 12
21 U.S.C. 1795 et seq., shall be the amount authorized by
22 section 307(a)(4)(A) of the Federal Credit Union Act (12
23 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative ex-
24 penses of the Central Liquidity Facility in fiscal year 2012
25 shall not exceed \$1,250,000.

1 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

2 For the Community Development Revolving Loan
3 Fund program as authorized by 42 U.S.C. 9812, 9822
4 and 9910, \$1,247,000 shall be available until September
5 30, 2013 for technical assistance to low-income designated
6 credit unions.

7 OFFICE OF GOVERNMENT ETHICS

8 SALARIES AND EXPENSES

9 For necessary expenses to carry out functions of the
10 Office of Government Ethics pursuant to the Ethics in
11 Government Act of 1978, and the Ethics Reform Act of
12 1989, including services as authorized by 5 U.S.C. 3109,
13 rental of conference rooms in the District of Columbia and
14 elsewhere, hire of passenger motor vehicles, and not to ex-
15 ceed \$1,500 for official reception and representation ex-
16 penses, \$13,664,000.

17 OFFICE OF PERSONNEL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF TRUST FUNDS)

20 For necessary expenses to carry out functions of the
21 Office of Personnel Management (OPM) pursuant to Re-
22 organization Plan Numbered 2 of 1978 and the Civil Serv-
23 ice Reform Act of 1978, including services as authorized
24 by 5 U.S.C. 3109; medical examinations performed for
25 veterans by private physicians on a fee basis; rental of con-

1 ference rooms in the District of Columbia and elsewhere;
2 hire of passenger motor vehicles; not to exceed \$2,500 for
3 official reception and representation expenses; advances
4 for reimbursements to applicable funds of OPM and the
5 Federal Bureau of Investigation for expenses incurred
6 under Executive Order No. 10422 of January 9, 1953,
7 as amended; and payment of per diem and/or subsistence
8 allowances to employees where Voting Rights Act activities
9 require an employee to remain overnight at his or her post
10 of duty, \$97,774,000, of which \$6,004,000 shall remain
11 available until expended for the Enterprise Human Re-
12 sources Integration project, of which \$642,000 may be for
13 strengthening the capacity and capabilities of the acquisi-
14 tion workforce (as defined by the Office of Federal Pro-
15 curement Policy Act, as amended (41 U.S.C. 4001 et
16 seq.)), including the recruitment, hiring, training, and re-
17 tention of such workforce and information technology in
18 support of acquisition workforce effectiveness or for man-
19 agement solutions to improve acquisition management,
20 and of which \$1,416,000 shall remain available until ex-
21 pended for the Human Resources Line of Business
22 project; and in addition \$112,516,000 for administrative
23 expenses, to be transferred from the appropriate trust
24 funds of OPM without regard to other statutes, including
25 direct procurement of printed materials, for the retirement

1 and insurance programs: *Provided*, That the provisions of
2 this appropriation shall not affect the authority to use ap-
3 plicable trust funds as provided by sections 8348(a)(1)(B),
4 and 9004(f)(2)(A) of title 5, United States Code: *Provided*
5 *further*, That no part of this appropriation shall be avail-
6 able for salaries and expenses of the Legal Examining
7 Unit of OPM established pursuant to Executive Order No.
8 9358 of July 1, 1943, or any successor unit of like pur-
9 pose: *Provided further*, That the President's Commission
10 on White House Fellows, established by Executive Order
11 No. 11183 of October 3, 1964, may, during fiscal year
12 2012, accept donations of money, property, and personal
13 services: *Provided further*, That such donations, including
14 those from prior years, may be used for the development
15 of publicity materials to provide information about the
16 White House Fellows, except that no such donations shall
17 be accepted for travel or reimbursement of travel expenses,
18 or for the salaries of employees of such Commission.

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF TRUST FUNDS)

22 For necessary expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, including services as authorized by
25 5 U.S.C. 3109, hire of passenger motor vehicles,

1 \$3,142,000, and in addition, not to exceed \$21,174,000
2 for administrative expenses to audit, investigate, and pro-
3 vide other oversight of the Office of Personnel Manage-
4 ment's retirement and insurance programs, to be trans-
5 ferred from the appropriate trust funds of the Office of
6 Personnel Management, as determined by the Inspector
7 General: *Provided*, That the Inspector General is author-
8 ized to rent conference rooms in the District of Columbia
9 and elsewhere.

10 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

11 HEALTH BENEFITS

12 For payment of Government contributions with re-
13 spect to retired employees, as authorized by chapter 89
14 of title 5, United States Code, and the Retired Federal
15 Employees Health Benefits Act (74 Stat. 849), such sums
16 as may be necessary.

17 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE

18 LIFE INSURANCE

19 For payment of Government contributions with re-
20 spect to employees retiring after December 31, 1989, as
21 required by chapter 87 of title 5, United States Code, such
22 sums as may be necessary.

1 POSTAL REGULATORY COMMISSION
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Postal Regulatory
5 Commission in carrying out the provisions of the Postal
6 Accountability and Enhancement Act (Public Law 109–
7 435), \$14,304,000, to be derived by transfer from the
8 Postal Service Fund and expended as authorized by sec-
9 tion 603(a) of such Act.

10 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
11 SALARIES AND EXPENSES

12 For necessary expenses of the Privacy and Civil Lib-
13 erties Oversight Board, as authorized by section 1061 of
14 the Intelligence Reform and Terrorism Prevention Act of
15 2004 (5 U.S.C. 601 note), \$900,000, to remain available
16 until September 30, 2013.

17 RECOVERY ACCOUNTABILITY AND TRANSPARENCY
18 BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Recovery Account-
21 ability and Transparency Board to carry out the provi-
22 sions of title XV of the American Recovery and Reinvest-
23 ment Act of 2009 (Public Law 111–5), and to develop and
24 test information technology resources and oversight mech-
25 anisms to enhance transparency of and detect and reme-

1 diate waste, fraud, and abuse in Federal spending,
2 \$28,350,000, to remain available until September 30,
3 2013.

4 SECURITIES AND EXCHANGE COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses for the Securities and Ex-
7 change Commission, including services as authorized by
8 5 U.S.C. 3109, the rental of space (to include multiple
9 year leases) in the District of Columbia and elsewhere, and
10 not to exceed \$3,500 for official reception and representa-
11 tion expenses, \$1,321,000,000, to remain available until
12 expended; of which not less than \$6,795,000 shall be for
13 the Office of Inspector General; of which not to exceed
14 \$45,000 shall be available for a permanent secretariat for
15 the International Organization of Securities Commissions;
16 and of which not to exceed \$100,000 shall be available
17 for expenses for consultations and meetings hosted by the
18 Commission with foreign governmental and other regu-
19 latory officials, members of their delegations and staffs to
20 exchange views concerning securities matters, such ex-
21 penses to include necessary logistic and administrative ex-
22 penses and the expenses of Commission staff and foreign
23 invitees in attendance including: (1) incidental expenses
24 such as meals; (2) travel and transportation; and (3) re-
25 lated lodging or subsistence: *Provided*, That fees and

1 charges authorized by section 31 of the Securities Ex-
2 change Act of 1934 (15 U.S.C. 78ee) shall be credited to
3 this account as offsetting collections: *Provided further*,
4 That not to exceed \$1,321,000,000 of such offsetting col-
5 lections shall be available until expended for necessary ex-
6 penses of this account: *Provided further*, That the total
7 amount appropriated under this heading from the general
8 fund for fiscal year 2012 shall be reduced as such offset-
9 ting fees are received so as to result in a final total fiscal
10 year 2012 appropriation from the general fund estimated
11 at not more than \$0.

12 SELECTIVE SERVICE SYSTEM

13 SALARIES AND EXPENSES

14 For necessary expenses of the Selective Service Sys-
15 tem, including expenses of attendance at meetings and of
16 training for uniformed personnel assigned to the Selective
17 Service System, as authorized by 5 U.S.C. 4101–4118 for
18 civilian employees; purchase of uniforms, or allowances
19 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
20 passenger motor vehicles; services as authorized by 5
21 U.S.C. 3109; and not to exceed \$750 for official reception
22 and representation expenses; \$23,984,000: *Provided*, That
23 during the current fiscal year, the President may exempt
24 this appropriation from the provisions of 31 U.S.C. 1341,
25 whenever the President deems such action to be necessary

1 in the interest of national defense: *Provided further*, That
2 none of the funds appropriated by this Act may be ex-
3 pended for or in connection with the induction of any per-
4 son into the Armed Forces of the United States.

5 SMALL BUSINESS ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses, not otherwise provided for,
8 of the Small Business Administration as authorized by
9 Public Law 108–447, including hire of passenger motor
10 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
11 not to exceed \$3,500 for official reception and representa-
12 tion expenses, \$417,348,000: *Provided*, That the Adminis-
13 trator is authorized to charge fees to cover the cost of pub-
14 lications developed by the Small Business Administration,
15 and certain loan program activities, including fees author-
16 ized by section 5(b) of the Small Business Act: *Provided*
17 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
18 received from all such activities shall be credited to this
19 account, to remain available until expended, for carrying
20 out these purposes without further appropriations: *Pro-*
21 *vided further*, That the Small Business Administration
22 may accept gifts in an amount not to exceed \$4,000,000
23 and may co-sponsor activities, each in accordance with sec-
24 tion 132(a) of division K of Public Law 108–447, during
25 fiscal year 2012: *Provided further*, That \$112,500,000

1 shall be available to fund grants for performance in fiscal
2 year 2012 or fiscal year 2013 as authorized by section
3 21 of the Small Business Act, to remain available until
4 September 30, 2013: *Provided further*, That \$20,000,000
5 shall remain available until September 30, 2013 for mar-
6 keting, management, and technical assistance under sec-
7 tion 7(m) of the Small Business Act (15 U.S.C.
8 636(m)(4)) by intermediaries that make microloans under
9 the microloan program: *Provided further*, That \$7,100,000
10 shall be available for the Loan Modernization and Ac-
11 counting System, to be available until September 30,
12 2013: *Provided further*, That \$2,000,000 shall be for the
13 Federal and State Technology Partnership Program under
14 section 34 of the Small Business Act (15 U.S.C. 657d).

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$16,267,000.

19 OFFICE OF ADVOCACY

20 For necessary expenses of the Office of Advocacy in
21 carrying out the provisions of title II of Public Law 94–
22 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
23 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to
24 remain available until expended.

1 BUSINESS LOANS PROGRAM ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans, \$3,678,000, to remain
4 available until expended, and for the cost of guaranteed
5 loans as authorized by section 7(a) of the Small Business
6 Act (Public Law 85-536) and section 503 of the Small
7 Business Investment Act of 1958 (Public Law 85-699),
8 \$207,100,000, to remain available until expended: *Pro-*
9 *vided*, That such costs, including the cost of modifying
10 such loans, shall be as defined in section 502 of the Con-
11 gressional Budget Act of 1974: *Provided further*, That
12 subject to section 502 of the Congressional Budget Act
13 of 1974, during fiscal year 2012 commitments to guar-
14 antee loans under section 503 of the Small Business In-
15 vestment Act of 1958 shall not exceed \$7,500,000,000:
16 *Provided further*, That during fiscal year 2012 commit-
17 ments for general business loans authorized under section
18 7(a) of the Small Business Act shall not exceed
19 \$17,500,000,000 for a combination of amortizing term
20 loans and the aggregated maximum line of credit provided
21 by revolving loans: *Provided further*, That during fiscal
22 year 2012 commitments to guarantee loans for debentures
23 under section 303(b) of the Small Business Investment
24 Act of 1958 shall not exceed \$3,000,000,000: *Provided*
25 *further*, That during fiscal year 2012, guarantees of trust

1 certificates authorized by section 5(g) of the Small Busi-
2 ness Act shall not exceed a principal amount of
3 \$12,000,000,000. In addition, for administrative expenses
4 to carry out the direct and guaranteed loan programs,
5 \$147,958,000, which may be transferred to and merged
6 with the appropriations for Salaries and Expenses.

7 DISASTER LOANS PROGRAM ACCOUNT

8 (INCLUDING TRANSFERS OF FUNDS)

9 For administrative expenses to carry out the direct
10 loan program authorized by section 7(b) of the Small
11 Business Act, \$117,300,000, to be available until ex-
12 pended, of which \$1,000,000 is for the Office of Inspector
13 General of the Small Business Administration for audits
14 and reviews of disaster loans and the disaster loan pro-
15 grams and shall be transferred to and merged with the
16 appropriations for the Office of Inspector General; of
17 which \$110,300,000 is for direct administrative expenses
18 of loan making and servicing to carry out the direct loan
19 program, which may be transferred to and merged with
20 the appropriations for Salaries and Expenses; and of
21 which \$6,000,000 is for indirect administrative expenses
22 for the direct loan program, which may be transferred to
23 and merged with the appropriations for Salaries and Ex-
24 penses.

1 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

2 ADMINISTRATION

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 530. Not to exceed 5 percent of any appropria-
5 tion made available for the current fiscal year for the
6 Small Business Administration in this Act may be trans-
7 ferred between such appropriations, but no such appro-
8 priation shall be increased by more than 10 percent by
9 any such transfers: *Provided*, That any transfer pursuant
10 to this paragraph shall be treated as a reprogramming of
11 funds under section 608 of this Act and shall not be avail-
12 able for obligation or expenditure except in compliance
13 with the procedures set forth in that section.

14 SEC. 531. Section 7(d)(5)(D) of the Small Business
15 Act (15 U.S.C. 636(d)(5)(D)) is amended by striking
16 “three years” and inserting “7 years”.

17 SEC. 532. Beginning in fiscal year 2013 and each fis-
18 cal year thereafter, the budget request for the Small Busi-
19 ness Administration shall provide a detailed justification
20 of any proposed changes from the enacted level by indi-
21 vidual appropriation. The detailed justification shall in-
22 clude at a minimum a description of each credit and non-
23 credit program including amount of funding and costs by
24 appropriation account and fiscal year. For activities fund-
25 ed in multiple appropriations, the budget justification

1 shall specify the amount included in each enacted appro-
2 priation, the amount proposed in the budget year and a
3 justification for any proposed changes.

4 UNITED STATES POSTAL SERVICE

5 PAYMENT TO THE POSTAL SERVICE FUND

6 For payment to the Postal Service Fund for revenue
7 forgone on free and reduced rate mail, pursuant to sub-
8 sections (c) and (d) of section 2401 of title 39, United
9 States Code, \$78,153,000, which shall not be available for
10 obligation until October 1, 2012: *Provided*, That mail for
11 overseas voting and mail for the blind shall continue to
12 be free: *Provided further*, That 6-day delivery and rural
13 delivery of mail shall continue at not less than the 1983
14 level: *Provided further*, That none of the funds made avail-
15 able to the Postal Service by this Act shall be used to im-
16 plement any rule, regulation, or policy of charging any of-
17 ficer or employee of any State or local child support en-
18 forcement agency, or any individual participating in a
19 State or local program of child support enforcement, a fee
20 for information requested or provided concerning an ad-
21 dress of a postal customer: *Provided further*, That none
22 of the funds provided in this Act shall be used to consoli-
23 date or close small rural and other small post offices in
24 fiscal year 2012.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$241,468,000, to be derived by
7 transfer from the Postal Service Fund and expended as
8 authorized by section 603(b)(3) of the Postal Account-
9 ability and Enhancement Act (Public Law 109–435).

10 UNITED STATES TAX COURT

11 SALARIES AND EXPENSES

12 For necessary expenses, including contract reporting
13 and other services as authorized by 5 U.S.C. 3109,
14 \$51,079,000: *Provided*, That travel expenses of the judges
15 shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSIONS)

1
2
3
4 SEC. 601. None of the funds in this Act shall be used
5 for the planning or execution of any program to pay the
6 expenses of, or otherwise compensate, non-Federal parties
7 intervening in regulatory or adjudicatory proceedings
8 funded in this Act.

9 SEC. 602. None of the funds appropriated in this Act
10 shall remain available for obligation beyond the current
11 fiscal year, nor may any be transferred to other appropria-
12 tions, unless expressly so provided herein.

13 SEC. 603. The expenditure of any appropriation
14 under this Act for any consulting service through procure-
15 ment contract pursuant to 5 U.S.C. 3109, shall be limited
16 to those contracts where such expenditures are a matter
17 of public record and available for public inspection, except
18 where otherwise provided under existing law, or under ex-
19 isting Executive order issued pursuant to existing law.

20 SEC. 604. None of the funds made available in this
21 Act may be transferred to any department, agency, or in-
22 strumentality of the United States Government, except
23 pursuant to a transfer made by, or transfer authority pro-
24 vided in, this Act or any other appropriations Act.

1 SEC. 605. None of the funds made available by this
2 Act shall be available for any activity or for paying the
3 salary of any Government employee where funding an ac-
4 tivity or paying a salary to a Government employee would
5 result in a decision, determination, rule, regulation, or pol-
6 icy that would prohibit the enforcement of section 307 of
7 the Tariff Act of 1930 (19 U.S.C. 1307).

8 SEC. 606. No funds appropriated pursuant to this
9 Act may be expended by an entity unless the entity agrees
10 that in expending the assistance the entity will comply
11 with the Buy American Act (41 U.S.C. 10a–10c).

12 SEC. 607. No funds appropriated or otherwise made
13 available under this Act shall be made available to any
14 person or entity that has been convicted of violating the
15 Buy American Act (41 U.S.C. 10a–10c).

16 SEC. 608. Except as otherwise provided in this Act,
17 none of the funds provided in this Act, provided by pre-
18 vious appropriations Acts to the agencies or entities fund-
19 ed in this Act that remain available for obligation or ex-
20 penditure in fiscal year 2012, or provided from any ac-
21 counts in the Treasury derived by the collection of fees
22 and available to the agencies funded by this Act, shall be
23 available for obligation or expenditure through a re-
24 programming of funds that: (1) creates a new program;
25 (2) eliminates a program, project, or activity; (3) increases

1 funds or personnel for any program, project, or activity
2 for which funds have been denied or restricted by the Con-
3 gress; (4) proposes to use funds directed for a specific ac-
4 tivity by the Committee on Appropriations of either the
5 House of Representatives or the Senate for a different
6 purpose; (5) augments existing programs, projects, or ac-
7 tivities in excess of \$5,000,000 or 10 percent, whichever
8 is less; (6) reduces existing programs, projects, or activi-
9 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
10 creates or reorganizes offices, programs, or activities un-
11 less prior approval is received from the Committees on Ap-
12 propriations of the House of Representatives and the Sen-
13 ate: *Provided*, That prior to any significant reorganization
14 or restructuring of offices, programs, or activities, each
15 agency or entity funded in this Act shall consult with the
16 Committees on Appropriations of the House of Represent-
17 atives and the Senate: *Provided further*, That not later
18 than 60 days after the date of enactment of this Act, each
19 agency funded by this Act shall submit a report to the
20 Committees on Appropriations of the House of Represent-
21 atives and the Senate to establish the baseline for applica-
22 tion of reprogramming and transfer authorities for the
23 current fiscal year: *Provided further*, That at a minimum
24 the report shall include: (1) a table for each appropriation
25 with a separate column to display the President's budget

1 request, adjustments made by Congress, adjustments due
2 to enacted rescissions, if appropriate, and the fiscal year
3 enacted level; (2) a delineation in the table for each appro-
4 priation both by object class and program, project, and
5 activity as detailed in the budget appendix for the respec-
6 tive appropriation; and (3) an identification of items of
7 special congressional interest: *Provided further*, That the
8 amount appropriated or limited for salaries and expenses
9 for an agency shall be reduced by \$100,000 per day for
10 each day after the required date that the report has not
11 been submitted to the Congress.

12 SEC. 609. Except as otherwise specifically provided
13 by law, not to exceed 50 percent of unobligated balances
14 remaining available at the end of fiscal year 2012 from
15 appropriations made available for salaries and expenses
16 for fiscal year 2012 in this Act, shall remain available
17 through September 30, 2013, for each such account for
18 the purposes authorized: *Provided*, That a request shall
19 be submitted to the Committees on Appropriations of the
20 House of Representatives and the Senate for approval
21 prior to the expenditure of such funds: *Provided further*,
22 That these requests shall be made in compliance with re-
23 programming guidelines.

24 SEC. 610. None of the funds made available in this
25 Act may be used by the Executive Office of the President

1 to request from the Federal Bureau of Investigation any
2 official background investigation report on any individual,
3 except when—

4 (1) such individual has given his or her express
5 written consent for such request not more than 6
6 months prior to the date of such request and during
7 the same presidential administration; or

8 (2) such request is required due to extraor-
9 dinary circumstances involving national security.

10 SEC. 611. The cost accounting standards promul-
11 gated under chapter 15 of title 41, United States Code
12 shall not apply with respect to a contract under the Fed-
13 eral Employees Health Benefits Program established
14 under chapter 89 of title 5, United States Code.

15 SEC. 612. For the purpose of resolving litigation and
16 implementing any settlement agreements regarding the
17 nonforeign area cost-of-living allowance program, the Of-
18 fice of Personnel Management may accept and utilize
19 (without regard to any restriction on unanticipated travel
20 expenses imposed in an Appropriations Act) funds made
21 available to the Office of Personnel Management pursuant
22 to court approval.

23 SEC. 613. No funds appropriated by this Act shall
24 be available to pay for an abortion, or the administrative
25 expenses in connection with any health plan under the

1 Federal employees health benefits program which provides
2 any benefits or coverage for abortions.

3 SEC. 614. The provision of section 613 shall not
4 apply where the life of the mother would be endangered
5 if the fetus were carried to term, or the pregnancy is the
6 result of an act of rape or incest.

7 SEC. 615. In order to promote Government access to
8 commercial information technology, the restriction on pur-
9 chasing nondomestic articles, materials, and supplies set
10 forth in chapter 83 of title 41, United States Code (popu-
11 larly known as the Buy American Act), shall not apply
12 to the acquisition by the Federal Government of informa-
13 tion technology (as defined in section 11101 of title 40,
14 United States Code), that is a commercial item (as defined
15 in section 103 of title 41, United States Code).

16 SEC. 616. Notwithstanding section 1353 of title 31,
17 United States Code, no officer or employee of any regu-
18 latory agency or commission funded by this Act may ac-
19 cept on behalf of that agency, nor may such agency or
20 commission accept, payment or reimbursement from a
21 non-Federal entity for travel, subsistence, or related ex-
22 penses for the purpose of enabling an officer or employee
23 to attend and participate in any meeting or similar func-
24 tion relating to the official duties of the officer or em-
25 ployee when the entity offering payment or reimbursement

1 is a person or entity subject to regulation by such agency
2 or commission, or represents a person or entity subject
3 to regulation by such agency or commission, unless the
4 person or entity is an organization described in section
5 501(c)(3) of the Internal Revenue Code of 1986 and ex-
6 empt from tax under section 501(a) of such Code.

7 SEC. 617. The Public Company Accounting Oversight
8 Board shall have authority to obligate funds for the schol-
9 arship program established by section 109(c)(2) of the
10 Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an
11 aggregate amount not exceeding the amount of funds col-
12 lected by the Board as of December 31, 2011, including
13 accrued interest, as a result of the assessment of monetary
14 penalties. Funds available for obligation in fiscal year
15 2012 shall remain available until expended.

16 SEC. 618. From the unobligated balances of prior
17 year appropriations made available for the Privacy and
18 Civil Liberties Oversight Board, \$998,000 are rescinded.

19 SEC. 619. Section 1107 of title 31, United States
20 Code, is amended by adding to the end thereof the fol-
21 lowing: “The President shall transmit promptly to Con-
22 gress without change, proposed deficiency and supple-
23 mental appropriations submitted to the President by the
24 legislative branch and the judicial branch.”.

1 SEC. 620. Notwithstanding section 708 of this Act,
2 funds made available to the Commodity Futures Trading
3 Commission and the Securities and Exchange Commission
4 by this or any other Act may be used for the interagency
5 funding and sponsorship of a joint advisory committee to
6 advise on emerging regulatory issues.

7 SEC. 621. For purposes of Public Law 109–285, the
8 period described in section 5134(f)(1)(B) of title 31,
9 United States Code, shall be treated as a 2-year, 9-month
10 period.

11 SEC. 622. The Help America Vote Act of 2002 (Pub-
12 lic Law 107–252) is amended by:

13 (1) inserting in section 255(b)(42 U.S.C.
14 15405) “posted on the Commission’s website with a
15 notice” after “cause to have the plan”;

16 (2) inserting in section 253(d)(42 U.S.C.
17 15403) “notice of” prior to “the State plan”;

18 (3) inserting in section 254(a)(11)(42 U.S.C.
19 15404) “notice of” prior to “the change”; and

20 (4) inserting in section 254(a)(11)(C)(42
21 U.S.C. 15404) “notice of” prior to “the change”.

22 SEC. 623. From the unobligated balances available
23 in the Securities and Exchange Commission Reserve Fund
24 established by section 991 of the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act (Public Law 111–
2 203), \$25,000,000 are rescinded.

3 SEC. 624. The Department of the Treasury, the Ex-
4 ecutive Office of the President, the Judiciary, the Federal
5 Communications Commission, the Federal Trade Commis-
6 sion, the General Services Administration, the National
7 Archives and Records Administration, the Securities and
8 Exchange Commission, and the Small Business Adminis-
9 tration shall provide the Committees on Appropriations of
10 the House and the Senate a quarterly accounting of the
11 cumulative balances of any unobligated funds that were
12 received by such agency during any previous fiscal year.

13 SEC. 625. (a)(1) Notwithstanding any other provision
14 of law, an Executive agency covered by this Act otherwise
15 authorized to enter into contracts for either leases or the
16 construction or alteration of real property for office, meet-
17 ing, storage, or other space must consult with the General
18 Services Administration before issuing a solicitation for of-
19 fers of new leases or construction contracts, and in the
20 case of succeeding leases, before entering into negotiations
21 with the current lessor.

22 (2) Any such agency with authority to enter into an
23 emergency lease may do so during any period declared by
24 the President to require emergency leasing authority with
25 respect to such agency.

1 (b) For purposes of this section, the term “Executive
2 agency covered by this Act” means any Executive agency
3 provided funds by this Act, but does not include the Gen-
4 eral Services Administration or the United States Postal
5 Service.

6 SEC. 626. None of the funds made available in this
7 Act may be used by the Federal Trade Commission to
8 complete the draft report entitled “Interagency Working
9 Group on Food Marketed to Children: Preliminary Pro-
10 posed Nutrition Principles to Guide Industry Self-Regu-
11 latory Efforts” unless the Interagency Working Group on
12 Food Marketed to Children complies with Executive Order
13 13563.

14 SEC. 627. None of the funds made available by this
15 Act may be used to pay the salaries and expenses for the
16 following positions:

17 (1) Director, White House Office of Health Re-
18 form.

19 (2) Assistant to the President for Energy and
20 Climate Change.

21 (3) Senior Advisor to the Secretary of the
22 Treasury assigned to the Presidential Task Force on
23 the Auto Industry and Senior Counselor for Manu-
24 facturing Policy.

25 (4) White House Director of Urban Affairs.

1 SEC. 628. None of the funds made available in this
2 Act may be used by the Federal Communications Commis-
3 sion to remove the conditions imposed on commercial ter-
4 restrial operations in the Order and Authorization adopted
5 by the Commission on January 26, 2011 (DA 11–133),
6 or otherwise permit such operations, until the Commission
7 has resolved concerns of potential widespread harmful in-
8 terference by such commercial terrestrial operations to
9 commercially available Global Positioning System devices.

10 SEC. 629. None of the funds made available by this
11 Act may be expended for any new hire by any Federal
12 agency funded in this Act that is not verified through the
13 E-Verify Program established under section 403(a) of the
14 Illegal Immigration Reform and Immigrant Responsibility
15 Act of 1996 (8 U.S.C. 1324a note).

16 SEC. 630. None of the funds made available by this
17 Act may be used to enter into a contract, memorandum
18 of understanding, or cooperative agreement with, make a
19 grant to, or provide a loan or loan guarantee to, any cor-
20 poration with respect to which any unpaid Federal tax li-
21 ability has been assessed, for which all judicial and admin-
22 istrative remedies have been exhausted or have lapsed, and
23 that is not being paid in a timely manner pursuant to an
24 agreement with the authority responsible for collecting the
25 tax liability, where the awarding agency is aware of the

1 unpaid tax liability, unless the agency has considered sus-
2 pension or debarment of the corporation and made a de-
3 termination that this further action is not necessary to
4 protect the interests of the Government.

5 SEC. 631. None of the funds made available by this
6 Act may be used to enter into a contract, memorandum
7 of understanding, or cooperative agreement with, make a
8 grant to, or provide a loan or loan guarantee to, any cor-
9 poration that was convicted or had an officer or agent of
10 such corporation acting on behalf of the corporation con-
11 victed of a felony criminal violation under any Federal law
12 within the preceding 24 months, where the awarding agen-
13 cy is aware of the conviction, unless the agency has consid-
14 ered suspension or debarment of the corporation, or such
15 officer or agent and made a determination that this fur-
16 ther action is not necessary to protect the interests of the
17 Government.

18 SEC. 632. During fiscal year 2012, for purposes of
19 section 908(b)(1) of the Trade Sanctions Reform and Ex-
20 port Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)),
21 the term “payment of cash in advance” shall be inter-
22 preted as payment before the transfer of title to, and con-
23 trol of, the exported items to the Cuban purchaser.

1 SEC. 633. Section 8909a(d)(3)(A)(v) of title 5,
2 United States Code, is amended by striking the date speci-
3 fied in such section and inserting “August 1, 2012”.

4 SEC. 634. Any amendments made after January 19,
5 2009, to the regulations set forth in sections
6 515.560(a)(1), 515.560(c)(4)(i), 515.561, and 515.570 of
7 title 31, Code of Federal Regulations, are hereby repealed,
8 and such regulations are restored and shall be carried out
9 as in effect on such date, notwithstanding any guidelines,
10 opinions, letters, Presidential directives, or agency prac-
11 tices relating to such regulations issued or carried out
12 after such date: *Provided*, That any references in such sec-
13 tion 515.561 to the regulations set forth in section
14 515.560(c) of such Code shall be considered to be ref-
15 erences to such regulations as in effect on January 19,
16 2009.

1

TITLE VII

2

GENERAL PROVISIONS—GOVERNMENT-WIDE

3

DEPARTMENTS, AGENCIES, AND CORPORATIONS

4

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

15

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this sec-

1 tion may not be exceeded by more than 5 percent for elec-
2 tric or hybrid vehicles purchased for demonstration under
3 the provisions of the Electric and Hybrid Vehicle Re-
4 search, Development, and Demonstration Act of 1976:
5 *Provided further*, That the limits set forth in this section
6 may be exceeded by the incremental cost of clean alter-
7 native fuels vehicles acquired pursuant to Public Law
8 101–549 over the cost of comparable conventionally fueled
9 vehicles: *Provided further*, That the limits set forth in this
10 section shall not apply to any vehicle that is a commercial
11 item and which operates on emerging motor vehicle tech-
12 nology, including but not limited to electric, plug-in hybrid
13 electric, and hydrogen fuel cell vehicles.

14 SEC. 703. Appropriations of the executive depart-
15 ments and independent establishments for the current fis-
16 cal year available for expenses of travel, or for the ex-
17 penses of the activity concerned, are hereby made available
18 for quarters allowances and cost-of-living allowances, in
19 accordance with 5 U.S.C. 5922–5924.

20 SEC. 704. Unless otherwise specified during the cur-
21 rent fiscal year, no part of any appropriation contained
22 in this or any other Act shall be used to pay the compensa-
23 tion of any officer or employee of the Government of the
24 United States (including any agency the majority of the
25 stock of which is owned by the Government of the United

1 States) whose post of duty is in the continental United
2 States unless such person: (1) is a citizen of the United
3 States; (2) is a person who is lawfully admitted for perma-
4 nent residence and is seeking citizenship as outlined in 8
5 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted
6 as a refugee under 8 U.S.C. 1157 or is granted asylum
7 under 8 U.S.C. 1158 and has filed a declaration of inten-
8 tion to become a lawful permanent resident and then a
9 citizen when eligible; or (4) is a person who owes alle-
10 giance to the United States: *Provided*, That for purposes
11 of this section, affidavits signed by any such person shall
12 be considered prima facie evidence that the requirements
13 of this section with respect to his or her status are being
14 complied with: *Provided further*, That for purposes of sub-
15 sections (2) and (3) such affidavits shall be submitted
16 prior to employment and updated thereafter as necessary:
17 *Provided further*, That any person making a false affidavit
18 shall be guilty of a felony, and upon conviction, shall be
19 fined no more than \$4,000 or imprisoned for not more
20 than 1 year, or both: *Provided further*, That the above
21 penal clause shall be in addition to, and not in substitution
22 for, any other provisions of existing law: *Provided further*,
23 That any payment made to any officer or employee con-
24 trary to the provisions of this section shall be recoverable
25 in action by the Federal Government: *Provided further*,

1 That this section shall not apply to any person who is an
2 officer or employee of the Government of the United
3 States on the date of enactment of this Act, or to inter-
4 national broadcasters employed by the Broadcasting
5 Board of Governors, or to temporary employment of trans-
6 lators, or to temporary employment in the field service
7 (not to exceed 60 days) as a result of emergencies: *Pro-*
8 *vided further*, That this section does not apply to the em-
9 ployment as Wildland firefighters for not more than 120
10 days of nonresident aliens employed by the Department
11 of the Interior or the USDA Forest Service pursuant to
12 an agreement with another country.

13 SEC. 705. Appropriations available to any depart-
14 ment or agency during the current fiscal year for nec-
15 essary expenses, including maintenance or operating ex-
16 penses, shall also be available for payment to the General
17 Services Administration for charges for space and services
18 and those expenses of renovation and alteration of build-
19 ings and facilities which constitute public improvements
20 performed in accordance with the Public Buildings Act of
21 1959 (73 Stat. 479), the Public Buildings Amendments
22 of 1972 (86 Stat. 216), or other applicable law.

23 SEC. 706. In addition to funds provided in this or
24 any other Act, all Federal agencies are authorized to re-
25 ceive and use funds resulting from the sale of materials,

1 including Federal records disposed of pursuant to a
2 records schedule recovered through recycling or waste pre-
3 vention programs. Such funds shall be available until ex-
4 pended for the following purposes:

5 (1) Acquisition, waste reduction and prevention,
6 and recycling programs as described in Executive
7 Order No. 13423 (January 24, 2007), including any
8 such programs adopted prior to the effective date of
9 the Executive order.

10 (2) Other Federal agency environmental man-
11 agement programs, including, but not limited to, the
12 development and implementation of hazardous waste
13 management and pollution prevention programs.

14 (3) Other employee programs as authorized by
15 law or as deemed appropriate by the head of the
16 Federal agency.

17 SEC. 707. Funds made available by this or any other
18 Act for administrative expenses in the current fiscal year
19 of the corporations and agencies subject to chapter 91 of
20 title 31, United States Code, shall be available, in addition
21 to objects for which such funds are otherwise available,
22 for rent in the District of Columbia; services in accordance
23 with 5 U.S.C. 3109; and the objects specified under this
24 head, all the provisions of which shall be applicable to the
25 expenditure of such funds unless otherwise specified in the

1 Act by which they are made available: *Provided*, That in
2 the event any functions budgeted as administrative ex-
3 penses are subsequently transferred to or paid from other
4 funds, the limitations on administrative expenses shall be
5 correspondingly reduced.

6 SEC. 708. No part of any appropriation contained in
7 this or any other Act shall be available for interagency
8 financing of boards (except Federal Executive Boards),
9 commissions, councils, committees, or similar groups
10 (whether or not they are interagency entities) which do
11 not have a prior and specific statutory approval to receive
12 financial support from more than one agency or instru-
13 mentality.

14 SEC. 709. None of the funds made available pursuant
15 to the provisions of this Act shall be used to implement,
16 administer, or enforce any regulation which has been dis-
17 approved pursuant to a joint resolution duly adopted in
18 accordance with the applicable law of the United States.

19 SEC. 710. During the period in which the head of
20 any department or agency, or any other officer or civilian
21 employee of the Federal Government appointed by the
22 President of the United States, holds office, no funds may
23 be obligated or expended in excess of \$5,000 to furnish
24 or redecorate the office of such department head, agency
25 head, officer, or employee, or to purchase furniture or

1 make improvements for any such office, unless advance
2 notice of such furnishing or redecoration is transmitted
3 to the Committees on Appropriations of the House of Rep-
4 resentatives and the Senate. For the purposes of this sec-
5 tion, the term “office” shall include the entire suite of of-
6 fices assigned to the individual, as well as any other space
7 used primarily by the individual or the use of which is
8 directly controlled by the individual.

9 SEC. 711. Notwithstanding section 31 U.S.C. 1346,
10 or section 708 of this Act, funds made available for the
11 current fiscal year by this or any other Act shall be avail-
12 able for the interagency funding of national security and
13 emergency preparedness telecommunications initiatives
14 which benefit multiple Federal departments, agencies, or
15 entities, as provided by Executive Order No. 12472 (April
16 3, 1984).

17 SEC. 712. (a) None of the funds appropriated by this
18 or any other Act may be obligated or expended by any
19 Federal department, agency, or other instrumentality for
20 the salaries or expenses of any employee appointed to a
21 position of a confidential or policy-determining character
22 excepted from the competitive service pursuant to 5
23 U.S.C. 3302, without a certification to the Office of Per-
24 sonnel Management from the head of the Federal depart-
25 ment, agency, or other instrumentality employing the

1 Schedule C appointee that the Schedule C position was
2 not created solely or primarily in order to detail the em-
3 ployee to the White House.

4 (b) The provisions of this section shall not apply to
5 Federal employees or members of the armed forces de-
6 tailed to or from—

7 (1) the Central Intelligence Agency;

8 (2) the National Security Agency;

9 (3) the Defense Intelligence Agency;

10 (4) the National Geospatial-Intelligence Agency;

11 (5) the offices within the Department of De-
12 fense for the collection of specialized national foreign
13 intelligence through reconnaissance programs;

14 (6) the Bureau of Intelligence and Research of
15 the Department of State;

16 (7) any agency, office, or unit of the Army,
17 Navy, Air Force, or Marine Corps, the Department
18 of Homeland Security, the Federal Bureau of Inves-
19 tigation or the Drug Enforcement Administration of
20 the Department of Justice, the Department of
21 Transportation, the Department of the Treasury, or
22 the Department of Energy performing intelligence
23 functions; or

24 (8) the Director of National Intelligence or the
25 Office of the Director of National Intelligence.

1 SEC. 713. No part of any appropriation contained in
2 this or any other Act shall be available for the payment
3 of the salary of any officer or employee of the Federal
4 Government, who—

5 (1) prohibits or prevents, or attempts or threat-
6 ens to prohibit or prevent, any other officer or em-
7 ployee of the Federal Government from having any
8 direct oral or written communication or contact with
9 any Member, committee, or subcommittee of the
10 Congress in connection with any matter pertaining
11 to the employment of such other officer or employee
12 or pertaining to the department or agency of such
13 other officer or employee in any way, irrespective of
14 whether such communication or contact is at the ini-
15 tiative of such other officer or employee or in re-
16 sponse to the request or inquiry of such Member,
17 committee, or subcommittee; or

18 (2) removes, suspends from duty without pay,
19 demotes, reduces in rank, seniority, status, pay, or
20 performance or efficiency rating, denies promotion
21 to, relocates, reassigns, transfers, disciplines, or dis-
22 crimines in regard to any employment right, enti-
23 tlement, or benefit, or any term or condition of em-
24 ployment of, any other officer or employee of the
25 Federal Government, or attempts or threatens to

1 commit any of the foregoing actions with respect to
2 such other officer or employee, by reason of any
3 communication or contact of such other officer or
4 employee with any Member, committee, or sub-
5 committee of the Congress as described in paragraph
6 (1).

7 SEC. 714. (a) None of the funds made available in
8 this or any other Act may be obligated or expended for
9 any employee training that—

10 (1) does not meet identified needs for knowl-
11 edge, skills, and abilities bearing directly upon the
12 performance of official duties;

13 (2) contains elements likely to induce high lev-
14 els of emotional response or psychological stress in
15 some participants;

16 (3) does not require prior employee notification
17 of the content and methods to be used in the train-
18 ing and written end of course evaluation;

19 (4) contains any methods or content associated
20 with religious or quasi-religious belief systems or
21 “new age” belief systems as defined in Equal Em-
22 ployment Opportunity Commission Notice N-
23 915.022, dated September 2, 1988; or

1 (5) is offensive to, or designed to change, par-
2 ticipants' personal values or lifestyle outside the
3 workplace.

4 (b) Nothing in this section shall prohibit, restrict, or
5 otherwise preclude an agency from conducting training
6 bearing directly upon the performance of official duties.

7 SEC. 715. (a) No funds appropriated in this or any
8 other Act may be used to implement or enforce the agree-
9 ments in Standard Forms 312 and 4414 of the Govern-
10 ment or any other nondisclosure policy, form, or agree-
11 ment if such policy, form, or agreement does not contain
12 the following provisions: "These restrictions are consistent
13 with and do not supersede, conflict with, or otherwise alter
14 the employee obligations, rights, or liabilities created by
15 Executive Order No. 12958; section 7211 of title 5,
16 United States Code (governing disclosures to Congress);
17 section 1034 of title 10, United States Code, as amended
18 by the Military Whistleblower Protection Act (governing
19 disclosure to Congress by members of the military); sec-
20 tion 2302(b)(8) of title 5, United States Code, as amended
21 by the Whistleblower Protection Act of 1989 (governing
22 disclosures of illegality, waste, fraud, abuse or public
23 health or safety threats); the Intelligence Identities Pro-
24 tection Act of 1982 (50 U.S.C. 421 et seq.) (governing
25 disclosures that could expose confidential Government

1 agents); and the statutes which protect against disclosure
2 that may compromise the national security, including sec-
3 tions 641, 793, 794, 798, and 952 of title 18, United
4 States Code, and section 4(b) of the Subversive Activities
5 Act of 1950 (50 U.S.C. 783(b)). The definitions, require-
6 ments, obligations, rights, sanctions, and liabilities created
7 by said Executive order and listed statutes are incor-
8 porated into this agreement and are controlling.”: *Pro-*
9 *vided*, That notwithstanding the preceding provision of
10 this section, a nondisclosure policy form or agreement that
11 is to be executed by a person connected with the conduct
12 of an intelligence or intelligence-related activity, other
13 than an employee or officer of the United States Govern-
14 ment, may contain provisions appropriate to the particular
15 activity for which such document is to be used. Such form
16 or agreement shall, at a minimum, require that the person
17 will not disclose any classified information received in the
18 course of such activity unless specifically authorized to do
19 so by the United States Government. Such nondisclosure
20 forms shall also make it clear that they do not bar disclo-
21 sures to Congress, or to an authorized official of an execu-
22 tive agency or the Department of Justice, that are essen-
23 tial to reporting a substantial violation of law.

24 (b) Effective 180 days after enactment of this Act,
25 subsection (a) is amended by—

1 (1) striking “Executive Order No. 12958” and
2 inserting “Executive Order No. 13526 (75 Fed. Reg.
3 707), or any successor thereto”;

4 (2) after “the Intelligence Identities Protection
5 Act of 1982 (50 U.S.C. 421 et seq.) (governing dis-
6 closures that could expose confidential Government
7 agents);” inserting “sections 7(e) and 8H of the In-
8 spector General Act of 1978 (5 U.S.C. App.) (relat-
9 ing to disclosures to an inspector general, the inspec-
10 tors general of the Intelligence Community, and
11 Congress); section 103H(g)(3) of the National Secu-
12 rity Act of 1947 (50 U.S.C. 403–3h(g)(3) (relating
13 to disclosures to the inspector general of the Intel-
14 ligence Community); sections 17(d)(5) and 17(e)(3)
15 of the Central Intelligence Agency Act of 1949 (50
16 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to dis-
17 closures to the Inspector General of the Central In-
18 telligence Agency and Congress);”; and

19 (3) after “Subversive Activities” inserting
20 “Control”.

21 (c) A nondisclosure agreement entered into before the
22 effective date of the amendment in subsection (b) may
23 continue to be implemented and enforced after that effec-
24 tive date if it complies with the requirements of subsection

1 (a) that were in effect prior to the effective date of the
2 amendment in subsection (b).

3 SEC. 716. No part of any funds appropriated in this
4 or any other Act shall be used by an agency of the execu-
5 tive branch, other than for normal and recognized execu-
6 tive-legislative relationships, for publicity or propaganda
7 purposes, and for the preparation, distribution or use of
8 any kit, pamphlet, booklet, publication, radio, television,
9 or film presentation designed to support or defeat legisla-
10 tion pending before the Congress, except in presentation
11 to the Congress itself.

12 SEC. 717. None of the funds appropriated by this or
13 any other Act may be used by an agency to provide a Fed-
14 eral employee's home address to any labor organization
15 except when the employee has authorized such disclosure
16 or when such disclosure has been ordered by a court of
17 competent jurisdiction.

18 SEC. 718. None of the funds made available in this
19 Act or any other Act may be used to provide any non-
20 public information such as mailing or telephone lists to
21 any person or any organization outside of the Federal
22 Government without the approval of the Committees on
23 Appropriations of the House of Representatives and the
24 Senate.

1 SEC. 719. No part of any appropriation contained in
2 this or any other Act shall be used directly or indirectly,
3 including by private contractor, for publicity or propa-
4 ganda purposes within the United States not heretofore
5 authorized by the Congress.

6 SEC. 720. (a) In this section, the term “agency”—

7 (1) means an Executive agency, as defined
8 under 5 U.S.C. 105; and

9 (2) includes a military department, as defined
10 under section 102 of such title, the Postal Service,
11 and the Postal Regulatory Commission.

12 (b) Unless authorized in accordance with law or regu-
13 lations to use such time for other purposes, an employee
14 of an agency shall use official time in an honest effort
15 to perform official duties. An employee not under a leave
16 system, including a Presidential appointee exempted under
17 5 U.S.C. 6301(2), has an obligation to expend an honest
18 effort and a reasonable proportion of such employee’s time
19 in the performance of official duties.

20 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
21 tion 708 of this Act, funds made available for the current
22 fiscal year by this or any other Act to any department
23 or agency, which is a member of the Federal Accounting
24 Standards Advisory Board (FASAB), shall be available to

1 finance an appropriate share of FASAB administrative
2 costs.

3 (TRANSFER OF FUNDS)

4 SEC. 722. Notwithstanding 31 U.S.C. 1346 and sec-
5 tion 708 of this Act, the head of each Executive depart-
6 ment and agency is hereby authorized to transfer to or
7 reimburse “General Services Administration, Government-
8 wide Policy” with the approval of the Director of the Of-
9 fice of Management and Budget, funds made available for
10 the current fiscal year by this or any other Act, including
11 rebates from charge card and other contracts: *Provided*,
12 That these funds shall be administered by the Adminis-
13 trator of General Services to support Government-wide
14 and other multi-agency financial, information technology,
15 procurement, and other management innovations, initia-
16 tives, and activities, as approved by the Director of the
17 Office of Management and Budget, in consultation with
18 the appropriate interagency and multi-agency groups des-
19 igned by the Director (including the President’s Man-
20 agement Council for overall management improvement ini-
21 tiatives, the Chief Financial Officers Council for financial
22 management initiatives, the Chief Information Officers
23 Council for information technology initiatives, the Chief
24 Human Capital Officers Council for human capital initia-
25 tives, the Chief Acquisition Officers Council for procure-

1 ment initiatives, and the Performance Improvement Coun-
2 cil for performance improvement initiatives): *Provided fur-*
3 *ther*, That the total funds transferred or reimbursed shall
4 not exceed \$17,000,000 for Government-Wide innovations,
5 initiatives, and activities: *Provided further*, That the funds
6 transferred to or for reimbursement of “General Services
7 Administration, Government-wide Policy” during fiscal
8 year 2012 shall remain available for obligation through
9 September 30, 2013: *Provided further*, That such trans-
10 fers or reimbursements may only be made after 15 days
11 following notification of the Committees on Appropriations
12 by the Director of the Office of Management and Budget.

13 SEC. 723. Notwithstanding any other provision of
14 law, a woman may breastfeed her child at any location
15 in a Federal building or on Federal property, if the woman
16 and her child are otherwise authorized to be present at
17 the location.

18 SEC. 724. Notwithstanding 31 U.S.C. 1346, or sec-
19 tion 708 of this Act, funds made available for the current
20 fiscal year by this or any other Act shall be available for
21 the interagency funding of specific projects, workshops,
22 studies, and similar efforts to carry out the purposes of
23 the National Science and Technology Council (authorized
24 by Executive Order No. 12881), which benefit multiple
25 Federal departments, agencies, or entities: *Provided*, That

1 the Office of Management and Budget shall provide a re-
2 port describing the budget of and resources connected with
3 the National Science and Technology Council to the Com-
4 mittees on Appropriations, the House Committee on
5 Science and Technology, and the Senate Committee on
6 Commerce, Science, and Transportation 90 days after en-
7 actment of this Act.

8 SEC. 725. Any request for proposals, solicitation,
9 grant application, form, notification, press release, or
10 other publications involving the distribution of Federal
11 funds shall indicate the agency providing the funds, the
12 Catalog of Federal Domestic Assistance Number, as appli-
13 cable, and the amount provided: *Provided*, That this provi-
14 sion shall apply to direct payments, formula funds, and
15 grants received by a State receiving Federal funds.

16 SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY
17 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
18 the funds made available in this or any other Act may
19 be used by any Federal agency—

20 (1) to collect, review, or create any aggregation
21 of data, derived from any means, that includes any
22 personally identifiable information relating to an in-
23 dividual's access to or use of any Federal Govern-
24 ment Internet site of the agency; or

1 (2) to enter into any agreement with a third
2 party (including another government agency) to col-
3 lect, review, or obtain any aggregation of data, de-
4 rived from any means, that includes any personally
5 identifiable information relating to an individual's
6 access to or use of any nongovernmental Internet
7 site.

8 (b) EXCEPTIONS.—The limitations established in
9 subsection (a) shall not apply to—

10 (1) any record of aggregate data that does not
11 identify particular persons;

12 (2) any voluntary submission of personally iden-
13 tifiable information;

14 (3) any action taken for law enforcement, regu-
15 latory, or supervisory purposes, in accordance with
16 applicable law; or

17 (4) any action described in subsection (a)(1)
18 that is a system security action taken by the oper-
19 ator of an Internet site and is necessarily incident
20 to providing the Internet site services or to pro-
21 tecting the rights or property of the provider of the
22 Internet site.

23 (c) DEFINITIONS.—For the purposes of this section:

1 (1) The term “regulatory” means agency ac-
2 tions to implement, interpret or enforce authorities
3 provided in law.

4 (2) The term “supervisory” means examina-
5 tions of the agency’s supervised institutions, includ-
6 ing assessing safety and soundness, overall financial
7 condition, management practices and policies and
8 compliance with applicable standards as provided in
9 law.

10 SEC. 727. (a) None of the funds appropriated by this
11 Act may be used to enter into or renew a contract which
12 includes a provision providing prescription drug coverage,
13 except where the contract also includes a provision for con-
14 traceptive coverage.

15 (b) Nothing in this section shall apply to a contract
16 with—

17 (1) any of the following religious plans:

18 (A) Personal Care’s HMO; and

19 (B) OSF HealthPlans, Inc.; and

20 (2) any existing or future plan, if the carrier
21 for the plan objects to such coverage on the basis of
22 religious beliefs.

23 (c) In implementing this section, any plan that enters
24 into or renews a contract under this section may not sub-
25 ject any individual to discrimination on the basis that the

1 individual refuses to prescribe or otherwise provide for
2 contraceptives because such activities would be contrary
3 to the individual's religious beliefs or moral convictions.

4 (d) Nothing in this section shall be construed to re-
5 quire coverage of abortion or abortion-related services.

6 SEC. 728. The United States is committed to ensur-
7 ing the health of its Olympic, Pan American, and
8 Paralympic athletes, and supports the strict adherence to
9 anti-doping in sport through testing, adjudication, edu-
10 cation, and research as performed by nationally recognized
11 oversight authorities.

12 SEC. 729. Notwithstanding any other provision of
13 law, funds appropriated for official travel by Federal de-
14 partments and agencies may be used by such departments
15 and agencies, if consistent with Office of Management and
16 Budget Circular A-126 regarding official travel for Gov-
17 ernment personnel, to participate in the fractional aircraft
18 ownership pilot program.

19 SEC. 730. Notwithstanding any other provision of
20 law, none of the funds appropriated or made available
21 under this Act or any other appropriations Act may be
22 used to implement or enforce restrictions or limitations on
23 the Coast Guard Congressional Fellowship Program, or to
24 implement the proposed regulations of the Office of Per-
25 sonnel Management to add sections 300.311 through

1 300.316 to part 300 of title 5 of the Code of Federal Reg-
2 ulations, published in the Federal Register, volume 68,
3 number 174, on September 9, 2003 (relating to the detail
4 of executive branch employees to the legislative branch).

5 SEC. 731. Notwithstanding any other provision of
6 law, no executive branch agency shall purchase, construct,
7 and/or lease any additional facilities, except within or con-
8 tiguous to existing locations, to be used for the purpose
9 of conducting Federal law enforcement training without
10 the advance approval of the Committees on Appropriations
11 of the House of Representatives and the Senate, except
12 that the Federal Law Enforcement Training Center is au-
13 thorized to obtain the temporary use of additional facilities
14 by lease, contract, or other agreement for training which
15 cannot be accommodated in existing Center facilities.

16 SEC. 732. (a) For fiscal year 2012, no funds shall
17 be available for transfers or reimbursements to the E-Gov-
18 ernment initiatives sponsored by the Office of Manage-
19 ment and Budget prior to 15 days following submission
20 of a report to the Committees on Appropriations of the
21 House of Representatives and the Senate by the Director
22 of the Office of Management and Budget and receipt of
23 approval to transfer funds by the Committees on Appro-
24 priations of the House of Representatives and the Senate.

1 (b) The report in subsection (a) and other required
2 justification materials shall include at a minimum—

3 (1) a description of each initiative including but
4 not limited to its objectives, benefits, development
5 status, risks, cost effectiveness (including estimated
6 net costs or savings to the government), and the es-
7 timated date of full operational capability;

8 (2) the total development cost of each initiative
9 by fiscal year including costs to date, the estimated
10 costs to complete its development to full operational
11 capability, and estimated annual operations and
12 maintenance costs; and

13 (3) the sources and distribution of funding by
14 fiscal year and by agency and bureau for each initia-
15 tive including agency contributions to date and esti-
16 mated future contributions by agency.

17 (c) No funds shall be available for obligation or ex-
18 penditure for new E-Government initiatives without the
19 explicit approval of the Committees on Appropriations of
20 the House of Representatives and the Senate.

21 SEC. 733. None of the funds appropriated or other-
22 wise made available by this or any other Act may be used
23 to begin or announce a study or public-private competition
24 regarding the conversion to contractor performance of any
25 function performed by Federal employees pursuant to Of-

1 fice of Management and Budget Circular A-76 or any
2 other administrative regulation, directive, or policy.

3 SEC. 734. Unless otherwise authorized by existing
4 law, none of the funds provided in this Act or any other
5 Act may be used by an executive branch agency to produce
6 any prepackaged news story intended for broadcast or dis-
7 tribution in the United States, unless the story includes
8 a clear notification within the text or audio of the pre-
9 packaged news story that the prepackaged news story was
10 prepared or funded by that executive branch agency.

11 SEC. 735. None of the funds made available in this
12 Act may be used in contravention of section 552a of title
13 5, United States Code (popularly known as the Privacy
14 Act) and regulations implementing that section.

15 SEC. 736. Each executive department and agency
16 shall evaluate the creditworthiness of an individual before
17 issuing the individual a government travel charge card.
18 Such evaluations for individually billed travel charge cards
19 shall include an assessment of the individual's consumer
20 report from a consumer reporting agency as those terms
21 are defined in section 603 of the Fair Credit Reporting
22 Act (Public Law 91-508): *Provided*, That the department
23 or agency may not issue a government travel charge card
24 to an individual that either lacks a credit history or is
25 found to have an unsatisfactory credit history as a result

1 of this evaluation: *Provided further*, That this restriction
2 shall not preclude issuance of a restricted-use charge,
3 debit, or stored value card made in accordance with agency
4 procedures to: (1) an individual with an unsatisfactory
5 credit history where such card is used to pay travel ex-
6 penses and the agency determines there is no suitable al-
7 ternative payment mechanism available before issuing the
8 card; or (2) an individual who lacks a credit history. Each
9 executive department and agency shall establish guidelines
10 and procedures for disciplinary actions to be taken against
11 agency personnel for improper, fraudulent, or abusive use
12 of government charge cards, which shall include appro-
13 priate disciplinary actions for use of charge cards for pur-
14 poses, and at establishments, that are inconsistent with
15 the official business of the Department or agency or with
16 applicable standards of conduct.

17 SEC. 737. (a) DEFINITIONS.—For purposes of this
18 section the following definitions apply:

19 (1) GREAT LAKES.—The terms “Great Lakes”
20 and “Great Lakes State” have the same meanings
21 as such terms have in section 506 of the Water Re-
22 sources Development Act of 2000 (42 U.S.C.
23 1962d–22).

24 (2) GREAT LAKES RESTORATION ACTIVITIES.—
25 The term “Great Lakes restoration activities”

1 means any Federal or State activity primarily or en-
2 tirely within the Great Lakes watershed that seeks
3 to improve the overall health of the Great Lakes eco-
4 system.

5 (b) REPORT.—Not later than 45 days after submis-
6 sion of the budget of the President to Congress, the Direc-
7 tor of the Office of Management and Budget, in coordina-
8 tion with the Governor of each Great Lakes State and the
9 Great Lakes Interagency Task Force, shall submit to the
10 appropriate authorizing and appropriating committees of
11 the Senate and the House of Representatives a financial
12 report, certified by the Secretary of each agency that has
13 budget authority for Great Lakes restoration activities,
14 containing—

15 (1) an interagency budget crosscut report
16 that—

17 (A) displays the budget proposed, including
18 any planned interagency or intra-agency trans-
19 fer, for each of the Federal agencies that car-
20 ries out Great Lakes restoration activities in
21 the upcoming fiscal year, separately reporting
22 the amount of funding to be provided under ex-
23 isting laws pertaining to the Great Lakes eco-
24 system; and

1 (B) identifies all expenditures since fiscal
2 year 2004 by the Federal Government and
3 State governments for Great Lakes restoration
4 activities;

5 (2) a detailed accounting of all funds received
6 and obligated by all Federal agencies and, to the ex-
7 tent available, State agencies using Federal funds,
8 for Great Lakes restoration activities during the cur-
9 rent and previous fiscal years;

10 (3) a budget for the proposed projects (includ-
11 ing a description of the project, authorization level,
12 and project status) to be carried out in the upcom-
13 ing fiscal year with the Federal portion of funds for
14 activities; and

15 (4) a listing of all projects to be undertaken in
16 the upcoming fiscal year with the Federal portion of
17 funds for activities.

18 SEC. 738. (a) IN GENERAL.—None of the funds ap-
19 propriated or otherwise made available by this or any
20 other Act may be used for any Federal Government con-
21 tract with any foreign incorporated entity which is treated
22 as an inverted domestic corporation under section 835(b)
23 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
24 or any subsidiary of such an entity.

25 (b) WAIVERS.—

1 (1) IN GENERAL.—Any Secretary shall waive
2 subsection (a) with respect to any Federal Govern-
3 ment contract under the authority of such Secretary
4 if the Secretary determines that the waiver is re-
5 quired in the interest of national security.

6 (2) REPORT TO CONGRESS.—Any Secretary
7 issuing a waiver under paragraph (1) shall report
8 such issuance to Congress.

9 (c) EXCEPTION.—This section shall not apply to any
10 Federal Government contract entered into before the date
11 of the enactment of this Act, or to any task order issued
12 pursuant to such contract.

13 SEC. 739. None of the funds made available by this
14 or any other Act may be used to implement, administer,
15 enforce, or apply the rule entitled “Competitive Area”
16 published by the Office of Personnel Management in the
17 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
18 et seq.).

19 SEC. 740. Section 743 of the Consolidated Appropria-
20 tions Act, 2010 (Public Law 111–117; 31 U.S.C. 501
21 note) is amended in subsection (a)(3), by inserting after
22 “exercise of an option” the following: “, and task orders
23 issued under any such contract,”.

24 SEC. 741. During fiscal year 2012, for each employee
25 who—

1 (1) retires under section 8336(d)(2) or
2 8414(b)(1)(B) of title 5, United States Code, or

3 (2) retires under any other provision of sub-
4 chapter III of chapter 83 or chapter 84 of such title
5 5 and receives a payment as an incentive to sepa-
6 rate, the separating agency shall remit to the Civil
7 Service Retirement and Disability Fund an amount
8 equal to the Office of Personnel Management's aver-
9 age unit cost of processing a retirement claim for
10 the preceding fiscal year. Such amounts shall be
11 available until expended to the Office of Personnel
12 Management and shall be deemed to be an adminis-
13 trative expense under section 8348(a)(1)(B) of title
14 5, United States Code.

15 SEC. 742. Except as expressly provided otherwise,
16 any reference to "this Act" contained in any title other
17 than title IV or VIII shall not apply to such title IV or
18 VIII.

19 SEC. 743. (a) None of the funds made available in
20 this or any other Act may be used to recommend or re-
21 quire any entity submitting an offer for a Federal contract
22 to disclose any of the following information as a condition
23 of submitting the offer:

24 (1) Any payment consisting of a contribution,
25 expenditure, independent expenditure, or disburse-

1 ment for an electioneering communication that is
2 made by the entity, its officers or directors, or any
3 of its affiliates or subsidiaries to a candidate for
4 election for Federal office or to a political com-
5 mittee, or that is otherwise made with respect to any
6 election for Federal office.

7 (2) Any disbursement of funds (other than a
8 payment described in paragraph (1)) made by the
9 entity, its officers or directors, or any of its affiliates
10 or subsidiaries to any person with the intent or the
11 reasonable expectation that the person will use the
12 funds to make a payment described in paragraph
13 (1).

14 (b) In this section, each of the terms “contribution”,
15 “expenditure”, “independent expenditure”, “election-
16 eering communication”, “candidate”, “election”, and
17 “Federal office” has the meaning given such term in the
18 Federal Election Campaign Act of 1971 (2 U.S.C. 431
19 et seq.).

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 801. There are appropriated from the applicable
6 funds of the District of Columbia such sums as may be
7 necessary for making refunds and for the payment of legal
8 settlements or judgments that have been entered against
9 the District of Columbia government.

10 SEC. 802. None of the Federal funds provided in this
11 Act shall be used for publicity or propaganda purposes or
12 implementation of any policy including boycott designed
13 to support or defeat legislation pending before Congress
14 or any State legislature.

15 SEC. 803. (a) None of the Federal funds provided
16 under this Act to the agencies funded by this Act, both
17 Federal and District government agencies, that remain
18 available for obligation or expenditure in fiscal year 2012,
19 or provided from any accounts in the Treasury of the
20 United States derived by the collection of fees available
21 to the agencies funded by this Act, shall be available for
22 obligation or expenditures for an agency through a re-
23 programming of funds which—

24 (1) creates new programs;

1 (2) eliminates a program, project, or responsi-
2 bility center;

3 (3) establishes or changes allocations specifi-
4 cally denied, limited or increased under this Act;

5 (4) increases funds or personnel by any means
6 for any program, project, or responsibility center for
7 which funds have been denied or restricted;

8 (5) re-establishes any program or project pre-
9 viously deferred through reprogramming;

10 (6) augments any existing program, project, or
11 responsibility center through a reprogramming of
12 funds in excess of \$3,000,000 or 10 percent, which-
13 ever is less; or

14 (7) increases by 20 percent or more personnel
15 assigned to a specific program, project or responsi-
16 bility center,

17 unless the Committees on Appropriations of the House of
18 Representatives and the Senate are notified in writing 15
19 days in advance of the reprogramming.

20 (b) The District of Columbia government is author-
21 ized to approve and execute reprogramming and transfer
22 requests of local funds under this title through November
23 1, 2012.

24 SEC. 804. None of the Federal funds provided in this
25 Act may be used by the District of Columbia to provide

1 for salaries, expenses, or other costs associated with the
2 offices of United States Senator or United States Rep-
3 resentative under section 4(d) of the District of Columbia
4 Statehood Constitutional Convention Initiatives of 1979
5 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

6 SEC. 805. Except as otherwise provided in this sec-
7 tion, none of the funds made available by this Act or by
8 any other Act may be used to provide any officer or em-
9 ployee of the District of Columbia with an official vehicle
10 unless the officer or employee uses the vehicle only in the
11 performance of the officer's or employee's official duties.
12 For purposes of this section, the term "official duties"
13 does not include travel between the officer's or employee's
14 residence and workplace, except in the case of—

15 (1) an officer or employee of the Metropolitan
16 Police Department who resides in the District of Co-
17 lumbia or a District of Columbia government em-
18 ployee as may otherwise be designated by the Chief
19 of the Department;

20 (2) at the discretion of the Fire Chief, an offi-
21 cer or employee of the District of Columbia Fire and
22 Emergency Medical Services Department who re-
23 sides in the District of Columbia and is on call 24
24 hours a day or is otherwise designated by the Fire
25 Chief;

1 (3) at the discretion of the Director of the De-
2 partment of Corrections, an officer or employee of
3 the District of Columbia Department of Corrections
4 who resides in the District of Columbia and is on
5 call 24 hours a day or is otherwise designated by the
6 Director;

7 (4) the Mayor of the District of Columbia; and

8 (5) the Chairman of the Council of the District
9 of Columbia.

10 SEC. 806. (a) None of the Federal funds contained
11 in this Act may be used by the District of Columbia Attor-
12 ney General or any other officer or entity of the District
13 government to provide assistance for any petition drive or
14 civil action which seeks to require Congress to provide for
15 voting representation in Congress for the District of Co-
16 lumbia.

17 (b) Nothing in this section bars the District of Co-
18 lumbia Attorney General from reviewing or commenting
19 on briefs in private lawsuits, or from consulting with offi-
20 cials of the District government regarding such lawsuits.

21 SEC. 807. None of the Federal funds contained in
22 this Act may be used to distribute any needle or syringe
23 for the purpose of preventing the spread of blood borne
24 pathogens in any location that has been determined by the

1 local public health or local law enforcement authorities to
2 be inappropriate for such distribution.

3 SEC. 808. Nothing in this Act may be construed to
4 prevent the Council or Mayor of the District of Columbia
5 from addressing the issue of the provision of contraceptive
6 coverage by health insurance plans, but it is the intent
7 of Congress that any legislation enacted on such issue
8 should include a “conscience clause” which provides excep-
9 tions for religious beliefs and moral convictions.

10 SEC. 809. Hereafter, as part of the submission of the
11 annual budget justification, the Mayor of the District of
12 Columbia shall submit to the Committees on Appropria-
13 tions of the House of Representatives and the Senate, the
14 Committee on Oversight and Government Reform of the
15 House of Representatives, and the Committee on Home-
16 land Security and Governmental Affairs of the Senate a
17 report addressing—

18 (1) crime, including the homicide rate, imple-
19 mentation of community policing, and the number of
20 police officers on local beats;

21 (2) access to substance and alcohol abuse treat-
22 ment, including the number of treatment slots, the
23 number of people served, the number of people on
24 waiting lists, and the effectiveness of treatment pro-
25 grams, the retention rates in treatment programs,

1 and the recidivism/re-arrest rates for treatment par-
2 ticipants;

3 (3) education, including access to special edu-
4 cation services and student achievement to be pro-
5 vided in consultation with the District of Columbia
6 Public Schools, repeated grade rates, high school
7 graduation rates, and post-secondary education at-
8 tendance rates;

9 (4) improvement in basic District services, in-
10 cluding rat control and abatement; and

11 (5) application for and management of Federal
12 grants, including the number and type of grants for
13 which the District was eligible but failed to apply
14 and the number and type of grants awarded to the
15 District but for which the District failed to spend
16 the amounts received.

17 SEC. 810. None of the Federal funds contained in
18 this Act may be used to enact or carry out any law, rule,
19 or regulation to legalize or otherwise reduce penalties asso-
20 ciated with the possession, use, or distribution of any
21 schedule I substance under the Controlled Substances Act
22 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
23 rivative.

24 SEC. 811. None of the funds appropriated under this
25 Act shall be expended for any abortion except where the

1 life of the mother would be endangered if the fetus were
2 carried to term or where the pregnancy is the result of
3 an act of rape or incest.

4 SEC. 812. (a) No later than 30 calendar days after
5 the date of the enactment of this Act, the Chief Financial
6 Officer for the District of Columbia shall submit to the
7 appropriate committees of Congress, the Mayor, and the
8 Council of the District of Columbia, a revised appropriated
9 funds operating budget in the format of the budget that
10 the District of Columbia government submitted pursuant
11 to section 442 of the District of Columbia Home Rule Act
12 (D.C. Official Code, sec. 1-204.42), for all agencies of the
13 District of Columbia government for fiscal year 2012 that
14 is in the total amount of the approved appropriation and
15 that realigns all budgeted data for personal services and
16 other-than-personal services, respectively, with anticipated
17 actual expenditures.

18 (b) This section shall apply only to an agency for
19 which the Chief Financial Officer for the District of Co-
20 lumbia certifies that a reallocation is required to address
21 unanticipated changes in program requirements.

22 SEC. 813. No later than 30 calendar days after the
23 date of the enactment of this Act, the Chief Financial Offi-
24 cer for the District of Columbia shall submit to the appro-
25 priate committees of Congress, the Mayor, and the Council

1 for the District of Columbia, a revised appropriated funds
2 operating budget for the District of Columbia Public
3 Schools that aligns schools budgets to actual enrollment.
4 The revised appropriated funds budget shall be in the for-
5 mat of the budget that the District of Columbia govern-
6 ment submitted pursuant to section 442 of the District
7 of Columbia Home Rule Act (D.C. Official Code, Sec. 1-
8 204.42).

9 SEC. 814. Amounts appropriated in this Act as oper-
10 ating funds may be transferred to the District of Colum-
11 bia's enterprise and capital funds and such amounts, once
12 transferred, shall retain appropriation authority consistent
13 with the provisions of this Act.

14 SEC. 815. Notwithstanding any other laws, for this
15 and succeeding fiscal years, the Director of the District
16 of Columbia Public Defender Service shall, to the extent
17 the Director considers appropriate, provide representation
18 for and hold harmless, or provide liability insurance for,
19 any person who is an employee, member of the Board of
20 Trustees, or officer of the District of Columbia Public De-
21 fender Service for money damages arising out of any
22 claim, proceeding, or case at law relating to the furnishing
23 of representational services or management services or re-
24 lated services while acting within the scope of that per-
25 son's office or employment, including, but not limited to

1 such claims, proceedings, or cases at law involving employ-
2 ment actions, injury, loss of liberty, property damage, loss
3 of property, or personal injury, or death arising from mal-
4 practice or negligence of any such officer or employee.

5 SEC. 816. Section 346 of the District of Columbia
6 Appropriations Act, 2005 (Public Law 108–335) is
7 amended—

8 (1) in the title, by striking “BIENNIAL”;

9 (2) in subsection (a), by striking “Biennial
10 management” and inserting “Management”;

11 (3) in subsection (a), by striking “States.” and
12 inserting “States every five years.”; and

13 (4) in subsection (b)(6), by striking “2” and in-
14 serting “5”.

15 SEC. 817. Except as expressly provided otherwise,
16 any reference to “this Act” contained in this title or in
17 title IV shall be treated as referring only to the provisions
18 of this title or of title IV.

19 This division may be cited as the “Financial Services
20 and General Government Appropriations Act, 2012”.

1 **DIVISION D—DEPARTMENT OF HOME-**
2 **LAND SECURITY APPROPRIATIONS**
3 **ACT, 2012**

4 TITLE I—DEPARTMENTAL MANAGEMENT AND
5 OPERATIONS

6

7 OFFICE OF THE SECRETARY AND EXECUTIVE
8 MANAGEMENT

9 For necessary expenses of the Office of the Secretary
10 of Homeland Security, as authorized by section 102 of the
11 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
12 tive management of the Department of Homeland Secu-
13 rity, as authorized by law, \$133,159,000: *Provided*, That
14 not to exceed \$51,000 shall be for official reception and
15 representation expenses, of which \$17,000 shall be made
16 available to the Office of Policy for Visa Waiver Program
17 negotiations in Washington, DC, and for other inter-
18 national activities: *Provided further*, That all official costs
19 associated with the use of government aircraft by Depart-
20 ment of Homeland Security personnel to support official
21 travel of the Secretary and the Deputy Secretary shall be
22 paid from amounts made available for the Immediate Of-
23 fice of the Secretary and the Immediate Office of the Dep-
24 uty Secretary: *Provided further*, That of the total amount
25 made available under this heading, \$1,800,000 shall re-

1 main available until March 30, 2012, for the Office of
2 Counternarcotics Enforcement, of which up to \$1,800,000
3 may, notwithstanding section 503 of this Act, be trans-
4 ferred to the Office of Policy: *Provided further*, That
5 amounts transferred pursuant to the preceding proviso
6 shall remain available until September 30, 2012: *Provided*
7 *further*, That the Assistant Secretary for Policy shall sub-
8 mit to the Committees on Appropriations of the Senate
9 and the House of Representatives not later than March
10 30, 2012, an expenditure plan for the Office of Policy
11 which includes a detailed description of any funds trans-
12 ferred to the Office for counternarcotics enforcement and
13 activities related to risk management and analysis: *Pro-*
14 *vided further*, That \$30,000,000 shall not be available for
15 obligation until the Secretary of Homeland Security sub-
16 mits to the Committees on Appropriations of the Senate
17 and the House of Representatives a comprehensive plan
18 for implementation of the biometric air exit system, as
19 mandated in Public Law 110–53, including the estimated
20 costs of implementation.

21 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

22 For necessary expenses of the Office of the Under
23 Secretary for Management, as authorized by sections 701
24 through 705 of the Homeland Security Act of 2002 (6
25 U.S.C. 341 through 345), \$235,587,000, of which not to

1 exceed \$2,500 shall be for official reception and represen-
2 tation expenses: *Provided*, That of the total amount made
3 available under this heading, \$5,000,000 shall remain
4 available until September 30, 2016, solely for the alter-
5 ation and improvement of facilities, tenant improvements,
6 and relocation costs to consolidate Department head-
7 quarters operations at the Nebraska Avenue Complex; and
8 \$14,172,000 shall remain available until September 30,
9 2014, for the Human Resources Information Technology
10 program: *Provided further*, That the Under Secretary for
11 Management shall, pursuant to the requirements con-
12 tained in the explanatory statement described in section
13 4 (in the matter preceding division A of this consolidated
14 Act), provide to the Committees on Appropriations of the
15 Senate and the House of Representatives a Comprehensive
16 Acquisition Status Report with the President's budget for
17 fiscal year 2013 as submitted under section 1105(a) of
18 title 31, United States Code, and quarterly updates to
19 such report not later than 30 days after the completion
20 of each quarter.

21 OFFICE OF THE CHIEF FINANCIAL OFFICER

22 For necessary expenses of the Office of the Chief Fi-
23 nancial Officer, as authorized by section 103 of the Home-
24 land Security Act of 2002 (6 U.S.C. 113), \$50,860,000.

1 OFFICE OF THE CHIEF INFORMATION OFFICER

2 For necessary expenses of the Office of the Chief In-
3 formation Officer, as authorized by section 103 of the
4 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
5 partment-wide technology investments, \$257,300,000; of
6 which \$105,500,000 shall be available for salaries and ex-
7 penses; and of which \$151,800,000, to remain available
8 until September 30, 2014, shall be available for develop-
9 ment and acquisition of information technology equip-
10 ment, software, services, and related activities for the De-
11 partment of Homeland Security: *Provided*, That the De-
12 partment of Homeland Security Chief Information Officer
13 shall submit to the Committees on Appropriations of the
14 Senate and the House of Representatives, at the time that
15 the President's budget is submitted each year under sec-
16 tion 1105(a) of title 31, United States Code, a multi-year
17 investment and management plan, to include each of fiscal
18 years 2012 through 2015, for all information technology
19 acquisition projects funded under this heading or funded
20 by multiple components of the Department of Homeland
21 Security through reimbursable agreements, that in-
22 cludes—

23 (1) the proposed appropriations included for
24 each project and activity tied to mission require-
25 ments, program management capabilities, perform-

1 ance levels, and specific capabilities and services to
2 be delivered;

3 (2) the total estimated cost and projected
4 timeline of completion for all multi-year enhance-
5 ments, modernizations, and new capabilities that are
6 proposed in such budget or underway;

7 (3) a detailed accounting of operations and
8 maintenance and contractor services costs; and

9 (4) a current acquisition program baseline for
10 each project, that—

11 (A) notes and explains any deviations in
12 cost, performance parameters, schedule, or esti-
13 mated date of completion from the original ac-
14 quisition program baseline;

15 (B) aligns the acquisition programs cov-
16 ered by the baseline to mission requirements by
17 defining existing capabilities, identifying known
18 capability gaps between such existing capabili-
19 ties and stated mission requirements, and ex-
20 plaining how each increment will address such
21 known capability gaps; and

22 (C) defines life-cycle costs for such pro-
23 grams.

1 ANALYSIS AND OPERATIONS

2 For necessary expenses for intelligence analysis and
3 operations coordination activities, as authorized by title II
4 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
5 seq.), \$338,068,000; of which not to exceed \$4,250 shall
6 be for official reception and representation expenses; and
7 of which \$141,521,000 shall remain available until Sep-
8 tember 30, 2013.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978 (5 U.S.C. App.), \$117,000,000, of
13 which not to exceed \$300,000 may be used for certain con-
14 fidential operational expenses, including the payment of
15 informants, to be expended at the direction of the Inspec-
16 tor General.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 SALARIES AND EXPENSES

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 7,500 (6,500
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,680,118,000; of which \$3,274,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to section 9505(c)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
18 withstanding section 1511(e)(1) of the Homeland Security
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
20 \$38,250 shall be for official reception and representation
21 expenses; of which not less than \$287,901,000 shall be
22 for Air and Marine Operations; of which such sums as
23 become available in the Customs User Fee Account, except
24 sums subject to section 13031(f)(3) of the Consolidated
25 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.

1 58c(f)(3)), shall be derived from that account; of which
2 not to exceed \$150,000 shall be available for payment for
3 rental space in connection with preclearance operations;
4 of which not to exceed \$1,000,000 shall be for awards of
5 compensation to informants, to be accounted for solely
6 under the certificate of the Secretary of Homeland Secu-
7 rity: *Provided*, That for fiscal year 2012, the overtime lim-
8 itation prescribed in section 5(c)(1) of the Act of February
9 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
10 withstanding any other provision of law, none of the funds
11 appropriated by this Act may be available to compensate
12 any employee of U.S. Customs and Border Protection for
13 overtime, from whatever source, in an amount that ex-
14 ceeds such limitation, except in individual cases deter-
15 mined by the Secretary of Homeland Security, or the des-
16 ignee of the Secretary, to be necessary for national secu-
17 rity purposes, to prevent excessive costs, or in cases of
18 immigration emergencies: *Provided further*, That the Bor-
19 der Patrol shall maintain an active duty presence of not
20 less than 21,370 full-time equivalent agents protecting the
21 borders of the United States in the fiscal year: *Provided*
22 *further*, That the Commissioner of U.S. Customs and Bor-
23 der Protection shall submit to the Committees on Appro-
24 priations of the Senate and the House of Representatives,
25 with the congressional budget justification, a multi-year

1 investment and management plan, to include each fiscal
2 year starting with the current fiscal year and the 3 subse-
3 quent fiscal years, for inspection and detection technology
4 supporting operations under this heading, including all
5 non-intrusive inspection and radiation detection tech-
6 nology, that provides—

7 (1) the funding level for all inspection and de-
8 tection technology equipment by source;

9 (2) the inventory of inspection and detection
10 technology equipment by type and age;

11 (3) the proposed appropriations for procure-
12 ment of inspection and detection technology equip-
13 ment by type, including quantity, for deployment,
14 and for operations and maintenance;

15 (4) projected funding levels for procurement of
16 inspection and detection technology equipment by
17 type, including quantity, for deployment, and for op-
18 erations and maintenance for each of the 3 subse-
19 quent fiscal years; and

20 (5) a current acquisition program baseline
21 that—

22 (A) aligns the acquisition of each tech-
23 nology to mission requirements by defining ex-
24 isting capabilities of comparable legacy tech-
25 nology assets, identifying known capability gaps

1 between such existing capabilities and stated
2 mission requirements, and explaining how the
3 acquisition of each technology will address such
4 known capability gaps;

5 (B) defines life-cycle costs for each tech-
6 nology, including all associated costs of major
7 acquisitions systems infrastructure and transi-
8 tion to operations, delineated by purpose and
9 fiscal year for the projected service life of the
10 technology; and

11 (C) includes a phase-out and decommis-
12 sioning schedule delineated by fiscal year for ex-
13 isting legacy technology assets that each tech-
14 nology is intended to replace or recapitalize.

15 AUTOMATION MODERNIZATION

16 For expenses for U.S. Customs and Border Protec-
17 tion automated systems, \$334,275,000, to remain avail-
18 able until September 30, 2014, of which not less than
19 \$140,000,000 shall be for the development of the Auto-
20 mated Commercial Environment: *Provided*, That of the
21 total amount made available under this heading,
22 \$25,000,000 may not be obligated for the Automated
23 Commercial Environment program until the Commissioner
24 of U.S. Customs and Border Protection submits to the
25 Committees on Appropriations of the Senate and the

1 House of Representatives, not later than 60 days after the
2 date of enactment of this Act, an expenditure plan for the
3 Automated Commercial Environment program including
4 results to date, plans for the program, and a list of
5 projects with associated funding from prior appropriations
6 and provided by this Act.

7 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
8 TECHNOLOGY

9 For expenses for border security fencing, infrastruc-
10 ture, and technology, \$400,000,000, to remain available
11 until September 30, 2014: *Provided*, That of the total
12 amount made available under this heading, \$60,000,000
13 shall not be obligated until the Committees on Appropria-
14 tions of the Senate and the House of Representatives re-
15 ceive a detailed plan for expenditure, prepared by the
16 Commissioner of U.S. Customs and Border Protection,
17 and submitted not later than 90 days after the date of
18 enactment of this Act, for a program to establish and
19 maintain a security barrier along the borders of the
20 United States of fencing and vehicle barriers, where prac-
21 ticable, and of other forms of tactical infrastructure and
22 technology: *Provided further*, That the Commissioner of
23 U.S. Customs and Border Protection shall submit to the
24 Committees on Appropriations of the Senate and the
25 House of Representatives, at the time that the President's

1 budget is submitted each year under section 1105(a) of
2 title 31, United States Code, a multi-year investment and
3 management plan for the Border Security Fencing, Infra-
4 structure, and Technology account, that includes for each
5 tactical infrastructure and technology deployment—

6 (1) the funding level in that budget and pro-
7 jected funding levels for each of the next 3 fiscal
8 years, including a description of the purpose of such
9 funds;

10 (2) the deployment plan, by border segment,
11 that aligns each deployment to mission requirements
12 by defining existing capabilities, identifying known
13 capability gaps between such existing capabilities
14 and stated mission requirements related to achieving
15 operational control, and explaining how each tactical
16 infrastructure or technology deployment will address
17 such known capability gaps; and

18 (3) a current acquisition program baseline
19 that—

20 (A) notes and explains any deviations in
21 cost, performance parameters, schedule, or esti-
22 mated date of completion from the most recent
23 acquisition program baseline approved by the
24 Department of Homeland Security Acquisition
25 Review Board;

1 (B) includes a phase-out and life-cycle re-
2 capitalization schedule delineated by fiscal year
3 for existing and new tactical infrastructure and
4 technology deployments that each deployment is
5 intended to replace or recapitalize; and

6 (C) includes qualitative performance
7 metrics that assess the effectiveness of new and
8 existing tactical infrastructure and technology
9 deployments and inform the next multi-year in-
10 vestment and management plan related to
11 achieving operational control of the Northern
12 and Southwest borders of the United States.

13 AIR AND MARINE INTERDICTION, OPERATIONS,
14 MAINTENANCE, AND PROCUREMENT

15 For necessary expenses for the operations, mainte-
16 nance, and procurement of marine vessels, aircraft, un-
17 manned aircraft systems, and other related equipment of
18 the air and marine program, including operational train-
19 ing and mission-related travel, the operations of which in-
20 clude the following: the interdiction of narcotics and other
21 goods; the provision of support to Federal, State, and local
22 agencies in the enforcement or administration of laws en-
23 forced by the Department of Homeland Security; and, at
24 the discretion of the Secretary of Homeland Security, the
25 provision of assistance to Federal, State, and local agen-

1 cies in other law enforcement and emergency humani-
2 tarian efforts, \$503,966,000, to remain available until
3 September 30, 2014: *Provided*, That no aircraft or other
4 related equipment, with the exception of aircraft that are
5 one of a kind and have been identified as excess to U.S.
6 Customs and Border Protection requirements and aircraft
7 that have been damaged beyond repair, shall be trans-
8 ferred to any other Federal agency, department, or office
9 outside of the Department of Homeland Security during
10 fiscal year 2012 without the prior approval of the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives: *Provided further*, That the Secretary of
13 Homeland Security shall report to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives, not later than 90 days after the date of enactment
16 of this Act, on the update to the 5-year strategic plan for
17 the air and marine program directed in conference report
18 109–241 accompanying Public Law 109–90 that address-
19 es missions, structure, operations, equipment, facilities,
20 and resources including deployment and command and
21 control requirements, and includes a recapitalization plan
22 with milestones and funding, and a detailed staffing plan
23 with associated costs to achieve full staffing to meet all
24 mission requirements.

1 CONSTRUCTION AND FACILITIES MANAGEMENT

2 For necessary expenses to plan, acquire, construct,
3 renovate, equip, furnish, operate, manage, and maintain
4 buildings, facilities, and related infrastructure necessary
5 for the administration and enforcement of the laws relat-
6 ing to customs, immigration, and border security,
7 \$236,596,000, to remain available until September 30,
8 2016: *Provided*, That for fiscal year 2012 and thereafter,
9 the annual budget submission of U.S. Customs and Bor-
10 der Protection for “Construction and Facilities Manage-
11 ment” shall, in consultation with the General Services Ad-
12 ministration, include a detailed 5-year plan for all Federal
13 land border port of entry projects with a yearly update
14 of total projected future funding needs delineated by land
15 port of entry: *Provided further*, That the Commissioner of
16 U.S. Customs and Border Protection shall submit to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives, at the time that the President’s
19 budget is submitted each year under section 1105(a) of
20 title 31, United States Code, an inventory of the real prop-
21 erty of U.S. Customs and Border Protection and a plan
22 for each activity and project proposed for funding under
23 this heading that includes the full cost by fiscal year of
24 each activity and project proposed and underway in fiscal
25 year 2013.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for enforcement of immigra-
4 tion and customs laws, detention and removals, and inves-
5 tigation, including overseas vetted units operations; and
6 purchase and lease of up to 3,790 (2,350 for replacement
7 only) police-type vehicles; \$5,528,874,000; of which not to
8 exceed \$10,000,000 shall be available until expended for
9 conducting special operations under section 3131 of the
10 Customs Enforcement Act of 1986 (19 U.S.C. 2081); of
11 which not to exceed \$12,750 shall be for official reception
12 and representation expenses; of which not to exceed
13 \$2,000,000 shall be for awards of compensation to inform-
14 ants, to be accounted for solely under the certificate of
15 the Secretary of Homeland Security; of which not less
16 than \$305,000 shall be for promotion of public awareness
17 of the child pornography tipline and activities to counter
18 child exploitation; of which not less than \$5,400,000 shall
19 be used to facilitate agreements consistent with section
20 287(g) of the Immigration and Nationality Act (8 U.S.C.
21 1357(g)); and of which not to exceed \$11,216,000 shall
22 be available to fund or reimburse other Federal agencies
23 for the costs associated with the care, maintenance, and
24 repatriation of smuggled aliens unlawfully present in the
25 United States: *Provided*, That none of the funds made

1 available under this heading shall be available to com-
2 pensate any employee for overtime in an annual amount
3 in excess of \$35,000, except that the Secretary of Home-
4 land Security, or the designee of the Secretary, may waive
5 that amount as necessary for national security purposes
6 and in cases of immigration emergencies: *Provided further,*
7 That of the total amount provided, \$15,770,000 shall be
8 for activities to enforce laws against forced child labor,
9 of which not to exceed \$6,000,000 shall remain available
10 until expended: *Provided further,* That of the total amount
11 available, not less than \$1,600,000,000 shall be available
12 to identify aliens convicted of a crime who may be deport-
13 able, and to remove them from the United States once
14 they are judged deportable, of which \$189,064,000 shall
15 remain available until September 30, 2013: *Provided fur-*
16 *ther,* That the Assistant Secretary of Homeland Security
17 for U.S. Immigration and Customs Enforcement shall re-
18 port to the Committees on Appropriations of the Senate
19 and the House of Representatives, not later than 45 days
20 after the end of each quarter of the fiscal year, on progress
21 in implementing the preceding proviso and the funds obli-
22 gated during that quarter to make such progress: *Provided*
23 *further,* That the Secretary of Homeland Security shall
24 prioritize the identification and removal of aliens convicted
25 of a crime by the severity of that crime: *Provided further,*

1 That funding made available under this heading shall
2 maintain a level of not less than 34,000 detention beds
3 through September 30, 2012: *Provided further*, That of
4 the total amount provided, not less than \$2,750,843,000
5 is for detention and removal operations, including trans-
6 portation of unaccompanied minor aliens: *Provided fur-*
7 *ther*, That of the total amount provided, \$10,300,000 shall
8 remain available until September 30, 2013, for the Visa
9 Security Program: *Provided further*, That none of the
10 funds provided under this heading may be used to con-
11 tinue a delegation of law enforcement authority authorized
12 under section 287(g) of the Immigration and Nationality
13 Act (8 U.S.C. 1357(g)) if the Department of Homeland
14 Security Inspector General determines that the terms of
15 the agreement governing the delegation of authority have
16 been violated: *Provided further*, That none of the funds
17 provided under this heading may be used to continue any
18 contract for the provision of detention services if the two
19 most recent overall performance evaluations received by
20 the contracted facility are less than “adequate” or the
21 equivalent median score in any subsequent performance
22 evaluation system: *Provided further*, That nothing under
23 this heading shall prevent U.S. Immigration and Customs
24 Enforcement from exercising those authorities provided
25 under immigration laws (as defined in section 101(a)(17))

1 of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(17))) during priority operations pertaining to
3 aliens convicted of a crime.

4 AUTOMATION MODERNIZATION

5 For expenses of immigration and customs enforce-
6 ment automated systems, \$21,710,000, to remain avail-
7 able until September 30, 2016.

8 TRANSPORTATION SECURITY ADMINISTRATION

9 AVIATION SECURITY

10 For necessary expenses of the Transportation Secu-
11 rity Administration related to providing civil aviation secu-
12 rity services pursuant to the Aviation and Transportation
13 Security Act (Public Law 107–71; 115 Stat. 597; 49
14 U.S.C. 40101 note), \$5,253,956,000, to remain available
15 until September 30, 2013, of which not to exceed \$8,500
16 shall be for official reception and representation expenses:
17 *Provided*, That of the total amount made available under
18 this heading, not to exceed \$4,167,631,000 shall be for
19 screening operations, of which \$543,103,000 shall be
20 available for explosives detection systems; \$204,768,000
21 shall be for checkpoint support; and not to exceed
22 \$1,086,325,000 shall be for aviation security direction and
23 enforcement: *Provided further*, That of the amount made
24 available in the preceding proviso for explosives detection
25 systems, \$222,738,000 shall be available for the purchase

1 and installation of these systems, of which not less than
2 10 percent shall be available for the purchase and installa-
3 tion of certified explosives detection systems at medium-
4 and small-sized airports: *Provided further*, That any award
5 to deploy explosives detection systems shall be based on
6 risk, the airport's current reliance on other screening solu-
7 tions, lobby congestion resulting in increased security con-
8 cerns, high injury rates, airport readiness, and increased
9 cost effectiveness: *Provided further*, That security service
10 fees authorized under section 44940 of title 49, United
11 States Code, shall be credited to this appropriation as off-
12 setting collections and shall be available only for aviation
13 security: *Provided further*, That the sum appropriated
14 under this heading from the general fund shall be reduced
15 on a dollar-for-dollar basis as such offsetting collections
16 are received during fiscal year 2012 so as to result in a
17 final fiscal year appropriation from the general fund esti-
18 mated at not more than \$3,223,956,000: *Provided further*,
19 That any security service fees collected in excess of the
20 amount made available under this heading shall become
21 available during fiscal year 2013: *Provided further*, That
22 notwithstanding section 44923 of title 49, United States
23 Code, for fiscal year 2012, any funds in the Aviation Secu-
24 rity Capital Fund established by section 44923(h) of title
25 49, United States Code, may be used for the procurement

1 and installation of explosives detection systems or for the
2 issuance of other transaction agreements for the purpose
3 of funding projects described in section 44923(a): *Pro-*
4 *vided further*, That none of the funds made available in
5 this Act may be used for any recruiting or hiring of per-
6 sonnel into the Transportation Security Administration
7 that would cause the agency to exceed a staffing level of
8 46,000 full-time equivalent screeners: *Provided further*,
9 That the preceding proviso shall not apply to personnel
10 hired as part-time employees: *Provided further*, That not
11 later than 90 days after the date of enactment of this Act,
12 the Secretary of Homeland Security shall submit to the
13 Committees on Appropriations of the Senate and the
14 House of Representatives a detailed report on—

15 (1) the Department of Homeland Security ef-
16 forts and resources being devoted to develop more
17 advanced integrated passenger screening tech-
18 nologies for the most effective security of passengers
19 and baggage at the lowest possible operating and ac-
20 quisition costs;

21 (2) how the Transportation Security Adminis-
22 tration is deploying its existing passenger and bag-
23 gage screener workforce in the most cost effective
24 manner; and

1 (3) labor savings from the deployment of im-
2 proved technologies for passenger and baggage
3 screening and how those savings are being used to
4 offset security costs or reinvested to address security
5 vulnerabilities:

6 *Provided further,* That Members of the United States
7 House of Representatives and United States Senate, in-
8 cluding the leadership; the heads of Federal agencies and
9 commissions, including the Secretary, Deputy Secretary,
10 Under Secretaries, and Assistant Secretaries of the De-
11 partment of Homeland Security; the United States Attor-
12 ney General, Deputy Attorney General, Assistant Attor-
13 neys General, and the United States Attorneys; and senior
14 members of the Executive Office of the President, includ-
15 ing the Director of the Office of Management and Budget,
16 shall not be exempt from Federal passenger and baggage
17 screening.

18 SURFACE TRANSPORTATION SECURITY

19 For necessary expenses of the Transportation Secu-
20 rity Administration related to surface transportation secu-
21 rity activities, \$134,748,000, to remain available until
22 September 30, 2013.

1 FEDERAL AIR MARSHALS

2 For necessary expenses of the Federal Air Marshals,
3 \$966,115,000.

4 COAST GUARD

5 OPERATING EXPENSES

6 For necessary expenses for the operation and mainte-
7 nance of the Coast Guard, not otherwise provided for; pur-
8 chase or lease of not to exceed 25 passenger motor vehi-
9 cles, which shall be for replacement only; purchase or lease
10 of small boats for contingent and emergent requirements
11 (at a unit cost of no more than \$700,000) and repairs
12 and service-life replacements, not to exceed a total of
13 \$31,000,000; purchase or lease of boats necessary for
14 overseas deployments and activities; minor shore construc-
15 tion projects not exceeding \$1,000,000 in total cost at any
16 location; payments pursuant to section 156 of Public Law
17 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
18 ation and welfare; \$7,051,054,000, of which \$598,000,000
19 shall be for defense-related activities, of which
20 \$258,000,000 is designated by the Congress for Overseas
21 Contingency Operations/Global War on Terrorism pursu-
22 ant to section 251(b)(2)(A) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985; of which
24 \$24,500,000 shall be derived from the Oil Spill Liability
25 Trust Fund to carry out the purposes of section

1 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
2 2712(a)(5)); and of which not to exceed \$17,000 shall be
3 for official reception and representation expenses: *Pro-*
4 *vided*, That none of the funds made available by this Act
5 shall be for expenses incurred for recreational vessels
6 under section 12114 of title 46, United States Code, ex-
7 cept to the extent fees are collected from owners of yachts
8 and credited to this appropriation: *Provided further*, That
9 the Coast Guard shall comply with the requirements of
10 section 527 of the National Defense Authorization Act for
11 Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to
12 the Coast Guard Academy: *Provided further*, That of the
13 funds provided under this heading, \$75,000,000 shall be
14 withheld from obligation for Coast Guard Headquarters
15 Directorates until a revised future-years capital invest-
16 ment plan for fiscal years 2013 through 2017, as specified
17 under the heading Coast Guard “Acquisition, Construc-
18 tion, and Improvements” of this Act is submitted to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives: *Provided further*, That funds
21 made available under this heading for Overseas Contin-
22 gency Operations/Global War on Terrorism may be allo-
23 cated by program, project, and activity, notwithstanding
24 section 503 of this Act.

1 ENVIRONMENTAL COMPLIANCE AND RESTORATION

2 For necessary expenses to carry out the environ-
3 mental compliance and restoration functions of the Coast
4 Guard under chapter 19 of title 14, United States Code,
5 \$13,500,000, to remain available until September 30,
6 2016.

7 RESERVE TRAINING

8 For necessary expenses of the Coast Guard Reserve,
9 as authorized by law; operations and maintenance of the
10 Coast Guard reserve program; personnel and training
11 costs; and equipment and services; \$134,278,000.

12 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of acquisition, construction,
14 renovation, and improvement of aids to navigation, shore
15 facilities, vessels, and aircraft, including equipment related
16 thereto; and maintenance, rehabilitation, lease and oper-
17 ation of facilities and equipment; as authorized by law;
18 \$1,403,924,000, of which \$20,000,000 shall be derived
19 from the Oil Spill Liability Trust Fund to carry out the
20 purposes of section 1012(a)(5) of the Oil Pollution Act
21 of 1990 (33 U.S.C. 2712(a)(5)); of which \$20,000,000
22 shall remain available until September 30, 2016, for mili-
23 tary family housing, of which not more than \$14,000,000
24 shall be derived from the Coast Guard Housing Fund, es-
25 tablished pursuant to 14 U.S.C. 687; of which

1 \$642,000,000 shall be available until September 30, 2016,
2 to acquire, effect major repairs to, renovate, or improve
3 vessels, small boats, and related equipment; of which
4 \$289,900,000 shall be available until September 30, 2016,
5 to acquire, effect major repairs to, renovate, or improve
6 aircraft or increase aviation capability; of which
7 \$161,140,000 shall be available until September 30, 2016,
8 for other acquisition programs; of which \$180,692,000
9 shall be available until September 30, 2016, for shore fa-
10 cilities and aids to navigation, including waterfront facili-
11 ties at Navy installations used by the Coast Guard; of
12 which \$110,192,000 shall be available for personnel com-
13 pensation and benefits and related costs: *Provided*, That
14 the funds provided by this Act shall be immediately avail-
15 able and allotted to contract for long lead time materials,
16 components, and designs for the sixth National Security
17 Cutter notwithstanding the availability of funds for pro-
18 duction costs or post-production costs: *Provided further*,
19 That the Secretary of Homeland Security shall submit to
20 the Committees on Appropriations of the Senate and the
21 House of Representatives, at the time that the President's
22 budget is submitted each year under section 1105(a) of
23 title 31, United States Code, a future-years capital invest-
24 ment plan for the Coast Guard that identifies for each
25 requested capital asset—

1 (1) the proposed appropriations included in that
2 budget;

3 (2) the total estimated cost of completion, in-
4 cluding and clearly delineating the costs of associ-
5 ated major acquisition systems infrastructure and
6 transition to operations;

7 (3) projected funding levels for each fiscal year
8 for the next 5 fiscal years or until acquisition pro-
9 gram baseline or project completion, whichever is
10 earlier;

11 (4) an estimated completion date at the pro-
12 jected funding levels; and

13 (5) a current acquisition program baseline for
14 each capital asset, as applicable, that—

15 (A) includes the total acquisition cost of
16 each asset, subdivided by fiscal year and includ-
17 ing a detailed description of the purpose of the
18 proposed funding levels for each fiscal year, in-
19 cluding for each fiscal year funds requested for
20 design, pre-acquisition activities, production,
21 structural modifications, missionization, post-
22 delivery, and transition to operations costs;

23 (B) includes a detailed project schedule
24 through completion, subdivided by fiscal year,
25 that details—

1 (i) quantities planned for each fiscal
2 year; and

3 (ii) major acquisition and project
4 events, including development of oper-
5 ational requirements, contracting actions,
6 design reviews, production, delivery, test
7 and evaluation, and transition to oper-
8 ations, including necessary training, shore
9 infrastructure, and logistics;

10 (C) notes and explains any deviations in
11 cost, performance parameters, schedule, or esti-
12 mated date of completion from the original ac-
13 quisition program baseline and the most recent
14 baseline approved by the Department of Home-
15 land Security's Acquisition Review Board, if ap-
16 plicable;

17 (D) aligns the acquisition of each asset to
18 mission requirements by defining existing capa-
19 bilities of comparable legacy assets, identifying
20 known capability gaps between such existing ca-
21 pabilities and stated mission requirements, and
22 explaining how the acquisition of each asset will
23 address such known capability gaps;

24 (E) defines life-cycle costs for each asset
25 and the date of the estimate on which such

1 costs are based, including all associated costs of
2 major acquisitions systems infrastructure and
3 transition to operations, delineated by purpose
4 and fiscal year for the projected service life of
5 the asset;

6 (F) includes the earned value management
7 system summary schedule performance index
8 and cost performance index for each asset, if
9 applicable; and

10 (G) includes a phase-out and decommis-
11 sioning schedule delineated by fiscal year for
12 each existing legacy asset that each asset is in-
13 tended to replace or recapitalize:

14 *Provided further*, That the Secretary of Homeland Secu-
15 rity shall ensure that amounts specified in the future-years
16 capital investment plan are consistent, to the maximum
17 extent practicable, with proposed appropriations necessary
18 to support the programs, projects, and activities of the
19 Coast Guard in the President's budget as submitted under
20 section 1105(a) of title 31, United States Code, for that
21 fiscal year: *Provided further*, That any inconsistencies be-
22 tween the capital investment plan and proposed appropria-
23 tions shall be identified and justified: *Provided further*,
24 That subsections (a) and (b) of section 6402 of Public

1 Law 110–28 shall apply with respect to the amounts made
2 available under this heading.

3 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

4 For necessary expenses for applied scientific re-
5 search, development, test, and evaluation; and for mainte-
6 nance, rehabilitation, lease, and operation of facilities and
7 equipment; as authorized by law; \$27,779,000, to remain
8 available until September 30, 2016, of which \$500,000
9 shall be derived from the Oil Spill Liability Trust Fund
10 to carry out the purposes of section 1012(a)(5) of the Oil
11 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*,
12 That there may be credited to and used for the purposes
13 of this appropriation funds received from State and local
14 governments, other public authorities, private sources, and
15 foreign countries for expenses incurred for research, devel-
16 opment, testing, and evaluation.

17 RETIRED PAY

18 For retired pay, including the payment of obligations
19 otherwise chargeable to lapsed appropriations for this pur-
20 pose, payments under the Retired Serviceman’s Family
21 Protection and Survivor Benefits Plans, payment for ca-
22 reer status bonuses, concurrent receipts and combat-re-
23 lated special compensation under the National Defense
24 Authorization Act, and payments for medical care of re-
25 tired personnel and their dependents under chapter 55 of

1 title 10, United States Code, \$1,440,157,000, to remain
2 available until expended.

3 UNITED STATES SECRET SERVICE

4 SALARIES AND EXPENSES

5 For necessary expenses of the United States Secret
6 Service, including purchase of not to exceed 652 vehicles
7 for police-type use for replacement only; hire of passenger
8 motor vehicles; purchase of motorcycles made in the
9 United States; hire of aircraft; services of expert witnesses
10 at such rates as may be determined by the Director of
11 the Secret Service; rental of buildings in the District of
12 Columbia, and fencing, lighting, guard booths, and other
13 facilities on private or other property not in Government
14 ownership or control, as may be necessary to perform pro-
15 tective functions; payment of per diem or subsistence al-
16 lowances to employees in cases in which a protective as-
17 signment on the actual day or days of the visit of a
18 protectee requires an employee to work 16 hours per day
19 or to remain overnight at a post of duty; conduct of and
20 participation in firearms matches; presentation of awards;
21 travel of United States Secret Service employees on pro-
22 tective missions without regard to the limitations on such
23 expenditures in this or any other Act if approval is ob-
24 tained in advance from the Committees on Appropriations
25 of the Senate and the House of Representatives; research

1 and development; grants to conduct behavioral research in
2 support of protective research and operations; and pay-
3 ment in advance for commercial accommodations as may
4 be necessary to perform protective functions;
5 \$1,661,237,000, of which not to exceed \$21,250 shall be
6 for official reception and representation expenses; of which
7 not to exceed \$100,000 shall be to provide technical assist-
8 ance and equipment to foreign law enforcement organiza-
9 tions in counterfeit investigations; of which \$2,366,000
10 shall be for forensic and related support of investigations
11 of missing and exploited children; and of which
12 \$6,000,000 shall be for a grant for activities related to
13 investigations of missing and exploited children and shall
14 remain available until September 30, 2013: *Provided,*
15 That up to \$18,000,000 for protective travel shall remain
16 available until September 30, 2013: *Provided further,* That
17 up to \$19,307,000 for National Special Security Events
18 shall remain available until September 30, 2013: *Provided*
19 *further,* That the United States Secret Service is author-
20 ized to obligate funds in anticipation of reimbursements
21 from Federal agencies and entities, as defined in section
22 105 of title 5, United States Code, for personnel receiving
23 training sponsored by the James J. Rowley Training Cen-
24 ter, except that total obligations at the end of the fiscal
25 year shall not exceed total budgetary resources available

1 under this heading at the end of the fiscal year: *Provided*
2 *further*, That none of the funds made available under this
3 heading shall be available to compensate any employee for
4 overtime in an annual amount in excess of \$35,000, except
5 that the Secretary of Homeland Security, or the designee
6 of the Secretary, may waive that amount as necessary for
7 national security purposes: *Provided further*, That none of
8 the funds made available to the United States Secret Serv-
9 ice by this Act or by previous appropriations Acts may
10 be made available for the protection of the head of a Fed-
11 eral agency other than the Secretary of Homeland Secu-
12 rity: *Provided further*, That the Director of the United
13 States Secret Service may enter into an agreement to pro-
14 vide such protection on a fully reimbursable basis: *Pro-*
15 *vided further*, That of the total amount made available
16 under this heading, \$43,843,000, to remain available until
17 September 30, 2014, is for information integration and
18 technology transformation: *Provided further*, That
19 \$20,000,000 made available in the preceding proviso shall
20 not be obligated to purchase or install information tech-
21 nology equipment until the Department of Homeland Se-
22 curity Chief Information Officer submits a report to the
23 Committees on Appropriations of the Senate and the
24 House of Representatives certifying that all plans for inte-
25 gration and transformation are consistent with Depart-

1 ment of Homeland Security data center migration and en-
2 terprise architecture requirements: *Provided further*, That
3 none of the funds made available to the United States Se-
4 cret Service by this Act or by previous appropriations Acts
5 may be obligated for the purpose of opening a new perma-
6 nent domestic or overseas office or location unless the
7 Committees on Appropriations of the Senate and the
8 House of Representatives are notified 15 days in advance
9 of such obligation.

10 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
11 RELATED EXPENSES

12 For necessary expenses for acquisition, construction,
13 repair, alteration, and improvement of facilities,
14 \$5,380,000, to remain available until September 30, 2016.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 MANAGEMENT AND ADMINISTRATION

6 For salaries and expenses of the Office of the Under
7 Secretary for the National Protection and Programs Di-
8 rectorate, support for operations, information technology,
9 and the Office of Risk Management and Analysis,
10 \$50,695,000: *Provided*, That not to exceed \$4,250 shall
11 be for official reception and representation expenses: *Pro-*
12 *vided further*, That, subject to section 503 of this Act, the
13 Secretary of Homeland Security may transfer up to
14 \$4,241,000 to the Office of Policy under the heading De-
15 partmental Management and Operations “Office of the
16 Secretary and Executive Management” for activities re-
17 lated to risk management and analysis: *Provided further*,
18 That in the preceding proviso notification shall take place
19 not later than 90 days after the date of enactment of this
20 Act: *Provided further*, That any funds not transferred pur-
21 suant to the penultimate proviso shall be available solely
22 to close out the Office of Risk Management and Analysis
23 not later than September 30, 2012, and shall not be avail-
24 able for further transfer or reprogramming pursuant to
25 section 503 of this Act.

1 will be fully funded in fiscal year 2012 through revenues
2 and collection of security fees, and shall adjust the fees
3 to ensure fee collections are sufficient to ensure that the
4 Federal Protective Service maintains not fewer than 1,371
5 full-time equivalent staff and 1,007 full-time equivalent
6 Police Officers, Inspectors, Area Commanders, and Spe-
7 cial Agents who, while working, are directly engaged on
8 a daily basis protecting and enforcing laws at Federal
9 buildings (referred to as “in-service field staff”): *Provided*
10 *further*, That an expenditure plan for fiscal year 2012
11 shall be provided to the Committees on Appropriations of
12 the Senate and the House of Representatives not later
13 than 60 days after the date of enactment of this Act: *Pro-*
14 *vided further*, That the Director of the Federal Protective
15 Service shall include with the submission of the Presi-
16 dent’s fiscal year 2013 budget a strategic human capital
17 plan that aligns fee collections to personnel requirements
18 based on a current threat assessment.

19 UNITED STATES VISITOR AND IMMIGRANT STATUS

20 INDICATOR TECHNOLOGY

21 For necessary expenses for the United States Visitor
22 and Immigrant Status Indicator Technology program, as
23 authorized by section 110 of the Illegal Immigration Re-
24 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
25 1365a), \$306,802,000, of which \$9,400,000 is for develop-

1 ment of a comprehensive plan for implementation of bio-
2 metric air exit and improvements to biographic entry-exit
3 capabilities: *Provided*, That of the total amount made
4 available under this heading, \$194,295,000 is to remain
5 available until September 30, 2014: *Provided further*, That
6 of the total amount provided, \$50,000,000 may not be ob-
7 ligated for the United States Visitor and Immigrant Sta-
8 tus Indicator Technology program until the Secretary of
9 Homeland Security submits to the Committees on Appro-
10 priations of the Senate and the House of Representatives
11 at the time that the President’s budget is submitted each
12 year under section 1105(a) of title 31, United States
13 Code, a multi-year investment and management plan, to
14 include each fiscal year starting with the current fiscal
15 year, and the following 3 fiscal years, for the United
16 States Visitor and Immigrant Status Indicator Technology
17 program that includes—

18 (1) the proposed appropriations for each activ-
19 ity tied to mission requirements and outcomes, pro-
20 gram management capabilities, performance levels,
21 and specific capabilities and services to be delivered,
22 noting any deviations in cost or performance from
23 the prior fiscal year expenditure or investment and
24 management plan;

1 Health Affairs shall submit an expenditure plan for fiscal
2 year 2012 to the Committees on Appropriations of the
3 Senate and the House of Representatives not later than
4 60 days after the date of enactment of this Act.

5 FEDERAL EMERGENCY MANAGEMENT AGENCY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Emergency
8 Management Agency, \$895,350,000, including activities
9 authorized by the National Flood Insurance Act of 1968
10 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
11 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
12 seq.), the Cerro Grande Fire Assistance Act of 2000 (divi-
13 sion C, title I, 114 Stat. 583), the Earthquake Hazards
14 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the De-
15 fense Production Act of 1950 (50 U.S.C. App. 2061 et
16 seq.), sections 107 and 303 of the National Security Act
17 of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.
18 3 of 1978 (5 U.S.C. App.), the Homeland Security Act
19 of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina
20 Emergency Management Reform Act of 2006 (Public Law
21 109–295; 120 Stat. 1394): *Provided*, That not to exceed
22 \$2,500 shall be for official reception and representation
23 expenses: *Provided further*, That the Administrator of the
24 Federal Emergency Management Agency may reprogram
25 funds made available under this heading between pro-

1 grams, projects, and activities prior to April 16, 2012, not-
2 withstanding section 503 of this Act: *Provided further,*
3 That \$1,400,000 of the funds available for the Office of
4 the Administrator of the Federal Emergency Management
5 Agency shall not be available for obligation until the Ad-
6 ministrator of the Federal Emergency Management Agen-
7 cy submits to the Committees on Appropriations of the
8 Senate and the House of Representatives the National
9 Preparedness Report required by Public Law 109–295
10 and a comprehensive plan to implement a system to meas-
11 ure the effectiveness of grants to State and local commu-
12 nities in fiscal year 2012: *Provided further,* That for pur-
13 poses of planning, coordination, execution, and decision
14 making related to mass evacuation during a disaster, the
15 Governors of the State of West Virginia and the Common-
16 wealth of Pennsylvania, or their designees, shall be incor-
17 porated into efforts to integrate the activities of Federal,
18 State, and local governments in the National Capital Re-
19 gion, as defined in section 882 of the Homeland Security
20 Act of 2002 (Public Law 107–296): *Provided further,* That
21 of the total amount made available under this heading,
22 \$41,250,000 shall be for the Urban Search and Rescue
23 Response System, of which not to exceed \$1,600,000 may
24 be made available for administrative costs; \$5,493,000
25 shall be for the Office of National Capital Region Coordi-

1 nation; not to exceed \$12,000,000 shall remain available
2 until September 30, 2013, for capital improvements at the
3 Mount Weather Emergency Operations Center; and not
4 less than \$13,662,000 shall be for expenses related to
5 modernization of automated systems: *Provided further,*
6 That the Administrator of the Federal Emergency Man-
7 agement Agency, in consultation with the Department of
8 Homeland Security Chief Information Officer, shall sub-
9 mit to the Committees on Appropriations of the Senate
10 and the House of Representatives a strategic plan, not
11 later than 180 days after the date of enactment of this
12 Act, for the funds specified in the preceding proviso re-
13 lated to modernization of automated systems, that in-
14 cludes—

15 (1) a comprehensive plan to automate and mod-
16 ernize information systems to resolve current ineffi-
17 ciencies, integrate data, and aid in better perform-
18 ance of executing the Agency-wide mission;

19 (2) a description of the appropriations for each
20 project and activity tied to mission requirements and
21 outcomes, program management capabilities, per-
22 formance levels, and specific capabilities and services
23 to be delivered;

24 (3) the total estimated cost and projected
25 timeline of completion for all multi-year enhance-

1 ments, modernizations, and new capabilities pro-
2 posed and underway covering a period of no less
3 than 3 years;

4 (4) a detailed accounting of operations and
5 maintenance and contractor services costs; and

6 (5) the current or planned acquisition programs
7 including—

8 (A) how the programs align to mission re-
9 quirements by defining existing capabilities,
10 identifying known capability gaps between such
11 existing capabilities and stated mission require-
12 ments, and explaining how each increment will
13 address a known capability gap;

14 (B) how programs provide quantifiable in-
15 formation that aids in understanding national
16 emergency management capabilities;

17 (C) how programs ensure information
18 sharing among homeland security partners; and

19 (D) life-cycle costs for all acquisitions.

20 STATE AND LOCAL PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For grants, contracts, cooperative agreements, and
23 other activities, \$1,349,681,000, which shall be distrib-
24 uted, according to threat, vulnerability, and consequence,

1 at the discretion of the Secretary of Homeland Security
2 based on the following authorities:

3 (1) The State Homeland Security Grant Pro-
4 gram under section 2004 of the Homeland Security
5 Act of 2002 (6 U.S.C. 605): *Provided*, That notwith-
6 standing subsection (c)(4) of such section 2004, for
7 fiscal year 2012, the Commonwealth of Puerto Rico
8 shall make available to local and tribal governments
9 amounts provided to the Commonwealth of Puerto
10 Rico under this paragraph in accordance with sub-
11 section (c)(1) of such section 2004.

12 (2) The Urban Area Security Initiative under
13 section 2003 of the Homeland Security Act of 2002
14 (6 U.S.C. 604).

15 (3) The Metropolitan Medical Response System
16 under section 635 of the Post-Katrina Emergency
17 Management Reform Act of 2006 (6 U.S.C. 723).

18 (4) The Citizen Corps Program.

19 (5) Public Transportation Security Assistance
20 and Railroad Security Assistance, under sections
21 1406 and 1513 of the Implementing Recommenda-
22 tions of the 9/11 Commission Act of 2007 (6 U.S.C.
23 1135 and 1163), including Amtrak security: *Pro-*
24 *vided*, That such public transportation security as-

1 sistance shall be provided directly to public transpor-
2 tation agencies.

3 (6) Over-the-Road Bus Security Assistance
4 under section 1532 of the Implementing Rec-
5 ommendations of the 9/11 Commission Act of 2007
6 (6 U.S.C. 1182).

7 (7) Port Security Grants in accordance with 46
8 U.S.C. 70107.

9 (8) The Driver's License Security Grants Pro-
10 gram in accordance with section 204 of the REAL
11 ID Act of 2005 (49 U.S.C. 30301 note).

12 (9) The Interoperable Emergency Communica-
13 tions Grant Program under section 1809 of the
14 Homeland Security Act of 2002 (6 U.S.C. 579).

15 (10) Emergency Operations Centers under sec-
16 tion 614 of the Robert T. Stafford Disaster Relief
17 and Emergency Assistance Act (42 U.S.C. 5196c).

18 (11) Buffer Zone Protection Program Grants.

19 (12) Organizations (as described under section
20 501(c)(3) of the Internal Revenue Code of 1986 and
21 exempt from tax section 501(a) of such code) deter-
22 mined by the Secretary to be at high risk of a ter-
23 rorist attack:

24 *Provided*, That of the amount provided under this heading,
25 \$50,000,000 shall be for Operation Stonegarden and no

1 less than \$100,000,000 shall be for areas at the highest
2 threat of a terrorist attack: *Provided further*, That
3 \$231,681,000 shall be for training, exercises, technical as-
4 sistance, and other programs, of which \$155,500,000 shall
5 be for training of State, local, and tribal emergency re-
6 sponse providers: *Provided further*, That for grants under
7 paragraphs (1) through (12), applications for grants shall
8 be made available to eligible applicants not later than 60
9 days after the date of enactment of this Act, that eligible
10 applicants shall submit applications not later than 80 days
11 after the grant announcement, and the Administrator of
12 the Federal Emergency Management Agency shall act
13 within 65 days after the receipt of an application: *Provided*
14 *further*, That notwithstanding section 2008(a)(11) of the
15 Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)),
16 or any other provision of law, a grantee may use not more
17 than 5 percent of the amount of a grant made available
18 under this heading for expenses directly related to admin-
19 istration of the grant: *Provided further*, That 6.8 percent
20 of the amounts provided under this heading shall be trans-
21 ferred to the Federal Emergency Management Agency
22 “Salaries and Expenses” account for program administra-
23 tion: *Provided further*, That for grants under paragraphs
24 (1) and (2), the installation of communication towers is
25 not considered construction of a building or other physical

1 facility: *Provided further*, That grantees shall provide re-
2 ports on their use of funds, as determined necessary by
3 the Secretary of Homeland Security: *Provided further*,
4 That in fiscal year 2012: (a) the Center for Domestic Pre-
5 paredness may provide training to emergency response
6 providers from the Federal Government, foreign govern-
7 ments, or private entities, if the Center for Domestic Pre-
8 paredness is reimbursed for the cost of such training, and
9 any reimbursement under this subsection shall be credited
10 to the account from which the expenditure being reim-
11 bursed was made and shall be available, without fiscal year
12 limitation, for the purposes for which amounts in the ac-
13 count may be expended; (b) the head of the Center for
14 Domestic Preparedness shall ensure that any training pro-
15 vided under (a) does not interfere with the primary mis-
16 sion of the Center to train state and local emergency re-
17 sponse providers; and (c) subject to (b), nothing in (a)
18 prohibits the Center for Domestic Preparedness from pro-
19 viding training to employees of the Federal Emergency
20 Management Agency in existing chemical, biological, radi-
21 ological, nuclear, explosives, mass casualty, and medical
22 surge courses pursuant to 5 U.S.C. 4103 without reim-
23 bursement for the cost of such training.

1 FIREFIGHTER ASSISTANCE GRANTS

2 For necessary expenses for programs authorized by
3 the Federal Fire Prevention and Control Act of 1974 (15
4 U.S.C. 2201 et seq.), \$675,000,000, to remain available
5 until September 30, 2013, of which \$337,500,000 shall
6 be available to carry out section 33 of that Act (15 U.S.C.
7 2229) and \$337,500,000 shall be available to carry out
8 section 34 of that Act (15 U.S.C. 2229a): *Provided*, That
9 not to exceed 5 percent of the amount available under this
10 heading shall be available for program administration.

11 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

12 For necessary expenses for emergency management
13 performance grants, as authorized by the National Flood
14 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
15 ert T. Stafford Disaster Relief and Emergency Assistance
16 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
17 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
18 organization Plan No. 3 of 1978 (5 U.S.C. App.),
19 \$350,000,000: *Provided*, That total administrative costs
20 shall not exceed 3 percent of the total amount appro-
21 priated under this heading.

22 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

23 The aggregate charges assessed during fiscal year
24 2012, as authorized in title III of the Departments of Vet-
25 erans Affairs and Housing and Urban Development, and

1 Independent Agencies Appropriations Act, 1999 (42
2 U.S.C. 5196e), shall not be less than 100 percent of the
3 amounts anticipated by the Department of Homeland Se-
4 curity necessary for its radiological emergency prepared-
5 ness program for the next fiscal year: *Provided*, That the
6 methodology for assessment and collection of fees shall be
7 fair and equitable and shall reflect costs of providing such
8 services, including administrative costs of collecting such
9 fees: *Provided further*, That fees received under this head-
10 ing shall be deposited in this account as offsetting collec-
11 tions and will become available for authorized purposes on
12 October 1, 2012, and remain available until expended.

13 UNITED STATES FIRE ADMINISTRATION

14 For necessary expenses of the United States Fire Ad-
15 ministration and for other purposes, as authorized by the
16 Federal Fire Prevention and Control Act of 1974 (15
17 U.S.C. 2201 et seq.) and the Homeland Security Act of
18 2002 (6 U.S.C. 101 et seq.), \$44,038,000.

19 DISASTER RELIEF FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses in carrying out the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5121 et seq.), \$700,000,000, to remain avail-
24 able until expended, of which \$24,000,000 shall be trans-
25 ferred to the Department of Homeland Security Office of

1 Inspector General for audits and investigations related to
2 disasters: *Provided*, That the Administrator of the Federal
3 Emergency Management Agency shall submit an expendi-
4 ture plan to the Committees on Appropriations of the Sen-
5 ate and the House of Representatives detailing the use of
6 the funds made available in this or any other Act for dis-
7 aster readiness and support not later than 60 days after
8 the date of enactment of this Act: *Provided further*, That
9 the Administrator of the Federal Emergency Management
10 Agency shall submit to such Committees a quarterly re-
11 port detailing obligations against the expenditure plan and
12 a justification for any changes from the initial plan: *Pro-*
13 *vided further*, That the matter under this heading in title
14 III of division E of Public Law 110–161 is amended by
15 striking the fourth proviso: *Provided further*, That the Ad-
16 ministrator of the Federal Emergency Management Agen-
17 cy shall submit to the Committees on Appropriations of
18 the Senate and the House of Representatives the following
19 reports, including a specific description of the methodology
20 and the source data used in developing such reports:

21 (1) an estimate of the following amounts shall
22 be submitted for the budget year at the time that
23 the President’s budget is submitted each year under
24 section 1105(a) of title 31, United States Code:

1 (A) the unobligated balance of funds to be
2 carried over from the prior fiscal year to the
3 budget year;

4 (B) the unobligated balance of funds to be
5 carried over from the budget year to the budget
6 year plus 1;

7 (C) the amount of obligations for non-cata-
8 strophic events for the budget year;

9 (D) the amount of obligations for the
10 budget year for catastrophic events delineated
11 by event and by State;

12 (E) the total amount that has been pre-
13 viously obligated or will be required for cata-
14 strophic events delineated by event and by State
15 for all prior years, the current year, the budget
16 year, the budget year plus 1, the budget year
17 plus 2, and the budget year plus 3 and beyond;

18 (F) the amount of previously obligated
19 funds that will be recovered for the budget
20 year;

21 (G) the amount that will be required for
22 obligations for emergencies, as described in sec-
23 tion 102(1) of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42
25 U.S.C. 5122(1)), major disasters, as described

1 in section 102(2) of the Robert T. Stafford Dis-
2 aster Relief and Emergency Assistance Act (42
3 U.S.C. 5122(2)), fire management assistance
4 grants, as described in section 420 of the Rob-
5 ert T. Stafford Disaster Relief and Emergency
6 Assistance Act (42 U.S.C. 5187), surge activi-
7 ties, and disaster readiness and support activi-
8 ties;

9 (H) the amount required for activities not
10 covered under section 251(b)(2)(D)(iii) of the
11 Balanced Budget and Emergency Deficit Con-
12 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii);
13 Public Law 99–177);

14 (2) an estimate or actual amounts, if available,
15 of the following for the current fiscal year shall be
16 submitted not later than the fifth day of each month
17 beginning with the first full month after the date of
18 enactment of this Act:

19 (A) a summary of the amount of appro-
20 priations made available by source, the trans-
21 fers executed, the previously allocated funds re-
22 covered, and the commitments, allocations, and
23 obligations made;

24 (B) a table of disaster relief activity delin-
25 eated by month, including—

- 1 (i) the beginning and ending balances;
- 2 (ii) the total obligations to include
- 3 amounts obligated for fire assistance,
- 4 emergencies, surge, and disaster support
- 5 activities;
- 6 (iii) the obligations for catastrophic
- 7 events delineated by event and by State;
- 8 and
- 9 (iv) the amount of previously obli-
- 10 gated funds that are recovered;
- 11 (C) a summary of allocations, obligations,
- 12 and expenditures for catastrophic events delin-
- 13 eated by event; and
- 14 (D) the date on which funds appropriated
- 15 will be exhausted.

16 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

17 For activities under section 319 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
20 *Provided*, That gross obligations for the principal amount
21 of direct loans shall not exceed \$25,000,000: *Provided fur-*
22 *ther*, That the cost of modifying such loans shall be as
23 defined in section 502 of the Congressional Budget Act
24 of 1974 (2 U.S.C. 661a).

1 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

2 For necessary expenses, including administrative
3 costs, under section 1360 of the National Flood Insurance
4 Act of 1968 (42 U.S.C. 4101), \$97,712,000, and such ad-
5 ditional sums as may be provided by State and local gov-
6 ernments or other political subdivisions for cost-shared
7 mapping activities under section 1360(f)(2) of such Act
8 (42 U.S.C. 4101(f)(2)), to remain available until ex-
9 pended.

10 NATIONAL FLOOD INSURANCE FUND

11 For activities under the National Flood Insurance
12 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
13 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
14 \$171,000,000, which shall be derived from offsetting col-
15 lections assessed and collected under section 1308(d) of
16 the National Flood Insurance Act of 1968 (42 U.S.C.
17 4015(d)); of which not to exceed \$22,000,000 shall be
18 available for salaries and expenses associated with flood
19 mitigation and flood insurance operations; and not less
20 than \$149,000,000 shall be available for flood plain man-
21 agement and flood mapping, which shall remain available
22 until September 30, 2013: *Provided*, That any additional
23 fees collected pursuant to section 1308(d) of the National
24 Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall
25 be credited as an offsetting collection to this account, to

1 be available for flood plain management and flood map-
2 ping: *Provided further*, That in fiscal year 2012, no funds
3 shall be available from the National Flood Insurance Fund
4 under section 1310 of that Act (42 U.S.C. 4017) in excess
5 of:

- 6 (1) \$132,000,000 for operating expenses;
- 7 (2) \$1,007,571,000 for commissions and taxes
8 of agents;
- 9 (3) such sums as are necessary for interest on
10 Treasury borrowings; and
- 11 (4) \$60,000,000, which shall remain available
12 until expended for flood mitigation actions; of which
13 not less than \$10,000,000 is for severe repetitive
14 loss properties under section 1361A of the National
15 Flood Insurance Act of 1968 (42 U.S.C. 4102a); of
16 which \$10,000,000 shall be for repetitive insurance
17 claims properties under section 1323 of the National
18 Flood Insurance Act of 1968 (42 U.S.C. 4030); and
19 of which \$40,000,000 shall be for flood mitigation
20 assistance under section 1366 of the National Flood
21 Insurance Act of 1968 (42 U.S.C. 4104e), notwith-
22 standing subparagraphs (B) and (C) of subsection
23 (b)(3) and subsection (f) of section 1366 of the Na-
24 tional Flood Insurance Act of 1968 (42 U.S.C.
25 4104e) and notwithstanding subsection (a)(7) of sec-

1 tion 1310 of the National Flood Insurance Act of
2 1968 (42 U.S.C. 4017):

3 *Provided further*, That the amounts collected under section
4 102 of the Flood Disaster Protection Act of 1973 (42
5 U.S.C. 4012a) and section 1366(i) of the National Flood
6 Insurance Act of 1968 shall be deposited in the National
7 Flood Insurance Fund to supplement other amounts speci-
8 fied as available for section 1366 of the National Flood
9 Insurance Act of 1968, notwithstanding subsection (f)(8)
10 of such section 102 (42 U.S.C. 4012a(f)(8)) and sub-
11 section 1366(i) and paragraphs (2) and (3) of section
12 1367(b) of the National Flood Insurance Act of 1968 (42
13 U.S.C. 4104c(i), 4104d(b)(2)–(3)): *Provided further*, That
14 total administrative costs shall not exceed 4 percent of the
15 total appropriation.

16 NATIONAL PREDISASTER MITIGATION FUND

17 For the predisaster mitigation grant program under
18 section 203 of the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5133),
20 \$35,500,000, to remain available until expended: *Pro-*
21 *vided*, That the total administrative costs associated with
22 such grants shall not exceed \$3,000,000 of the total
23 amount made available under this heading.

1 EMERGENCY FOOD AND SHELTER

2 To carry out the emergency food and shelter program
3 pursuant to title III of the McKinney-Vento Homeless As-
4 sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to
5 remain available until expended: *Provided*, That total ad-
6 ministrative costs shall not exceed 3.5 percent of the total
7 amount made available under this heading.

1 TITLE IV
2 RESEARCH AND DEVELOPMENT, TRAINING,
3 AND SERVICES
4 UNITED STATES CITIZENSHIP AND IMMIGRATION
5 SERVICES

6 For necessary expenses for citizenship and immigra-
7 tion services, \$102,424,000 for the E-Verify Program, as
8 described in section 403(a) of the Illegal Immigration Re-
9 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
10 1324a note), to assist United States employers with main-
11 taining a legal workforce: *Provided*, That notwithstanding
12 any other provision of law, funds otherwise made available
13 to United States Citizenship and Immigration Services
14 may be used to acquire, operate, equip, and dispose of up
15 to 5 vehicles, for replacement only, for areas where the
16 Administrator of General Services does not provide vehi-
17 cles for lease: *Provided further*, That the Director of
18 United States Citizenship and Immigration Services may
19 authorize employees who are assigned to those areas to
20 use such vehicles to travel between the employees' resi-
21 dences and places of employment.

22 FEDERAL LAW ENFORCEMENT TRAINING CENTER
23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Law Enforce-
25 ment Training Center, including materials and support

1 costs of Federal law enforcement basic training; the pur-
2 chase of not to exceed 117 vehicles for police-type use and
3 hire of passenger motor vehicles; expenses for student ath-
4 letic and related activities; the conduct of and participa-
5 tion in firearms matches and presentation of awards; pub-
6 lic awareness and enhancement of community support of
7 law enforcement training; room and board for student in-
8 terns; a flat monthly reimbursement to employees author-
9 ized to use personal mobile phones for official duties; and
10 services as authorized by section 3109 of title 5, United
11 States Code; \$238,957,000; of which up to \$48,978,000
12 shall remain available until September 30, 2013, for mate-
13 rials and support costs of Federal law enforcement basic
14 training; of which \$300,000 shall remain available until
15 expended to be distributed to Federal law enforcement
16 agencies for expenses incurred participating in training ac-
17 creditation; and of which not to exceed \$10,200 shall be
18 for official reception and representation expenses: *Pro-*
19 *vided*, That the Center is authorized to obligate funds in
20 anticipation of reimbursements from agencies receiving
21 training sponsored by the Center, except that total obliga-
22 tions at the end of the fiscal year shall not exceed total
23 budgetary resources available at the end of the fiscal year:
24 *Provided further*, That section 1202(a) of Public Law
25 107–206 (42 U.S.C. 3771 note), as amended by Public

1 Law 111–83 (123 Stat. 2166), is further amended by
2 striking “December 31, 2012” and inserting “December
3 31, 2014”: *Provided further*, That the Director of the Fed-
4 eral Law Enforcement Training Center shall schedule
5 basic or advanced law enforcement training, or both, at
6 all four training facilities under the control of the Federal
7 Law Enforcement Training Center to ensure that such
8 training facilities are operated at the highest capacity
9 throughout the fiscal year: *Provided further*, That the Fed-
10 eral Law Enforcement Training Accreditation Board, in-
11 cluding representatives from the Federal law enforcement
12 community and non-Federal accreditation experts involved
13 in law enforcement training, shall lead the Federal law
14 enforcement training accreditation process to continue the
15 implementation of measuring and assessing the quality
16 and effectiveness of Federal law enforcement training pro-
17 grams, facilities, and instructors.

18 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

19 RELATED EXPENSES

20 For acquisition of necessary additional real property
21 and facilities, construction, and ongoing maintenance, fa-
22 cility improvements, and related expenses of the Federal
23 Law Enforcement Training Center, \$32,456,000, to re-
24 main available until September 30, 2016: *Provided*, That
25 the Center is authorized to accept reimbursement to this

1 appropriation from government agencies requesting the
2 construction of special use facilities.

3 SCIENCE AND TECHNOLOGY

4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the Office of the Under
6 Secretary for Science and Technology and for manage-
7 ment and administration of programs and activities, as
8 authorized by title III of the Homeland Security Act of
9 2002 (6 U.S.C. 181 et seq.), \$135,000,000: *Provided*,
10 That not to exceed \$8,500 shall be for official reception
11 and representation expenses.

12 RESEARCH, DEVELOPMENT, ACQUISITION, AND

13 OPERATIONS

14 For necessary expenses for science and technology re-
15 search, including advanced research projects, development,
16 test and evaluation, acquisition, and operations as author-
17 ized by title III of the Homeland Security Act of 2002
18 (6 U.S.C. 181 et seq.), and the purchase or lease of not
19 to exceed 5 vehicles, \$533,000,000, of which
20 \$356,500,000, to remain available until September 30,
21 2014; and of which \$176,500,000, to remain available
22 until September 30, 2016, solely for operation and con-
23 struction of laboratory facilities.

1 DOMESTIC NUCLEAR DETECTION OFFICE
2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Domestic Nuclear
4 Detection Office, as authorized by title XIX of the Home-
5 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
6 agement and administration of programs and activities,
7 \$38,000,000: *Provided*, That not to exceed \$2,500 shall
8 be for official reception and representation expenses: *Pro-*
9 *vided further*, That not later than 180 days after the date
10 of enactment of this Act, the Secretary of Homeland Secu-
11 rity shall submit to the Committees on Appropriations of
12 the Senate and the House of Representatives a strategic
13 plan of investments necessary to implement the Depart-
14 ment of Homeland Security's responsibilities under the do-
15 mestic component of the global nuclear detection architec-
16 ture that shall:

17 (1) define each Departmental entity's roles and
18 responsibilities in support of the domestic detection
19 architecture, including any existing or planned pro-
20 grams to pre-screen cargo or conveyances overseas;

21 (2) identify and describe the specific invest-
22 ments being made by Departmental organizations in
23 fiscal year 2012, and planned for fiscal year 2013,
24 to support the domestic architecture and the secu-

1 rity of sea, land, and air pathways into the United
2 States;

3 (3) describe the investments necessary to close
4 known vulnerabilities and gaps, including associated
5 costs and timeframes, and estimates of feasibility
6 and cost effectiveness; and

7 (4) explain how the Department's research and
8 development funding is furthering the implementa-
9 tion of the domestic nuclear detection architecture,
10 including specific investments planned for each of
11 fiscal years 2012 and 2013.

12 RESEARCH, DEVELOPMENT, AND OPERATIONS

13 For necessary expenses for radiological and nuclear
14 research, development, testing, evaluation, and operations,
15 \$215,000,000, to remain available until September 30,
16 2014.

17 SYSTEMS ACQUISITION

18 For expenses for the Domestic Nuclear Detection Of-
19 fice acquisition and deployment of radiological detection
20 systems in accordance with the global nuclear detection
21 architecture, \$37,000,000, to remain available until Sep-
22 tember 30, 2014.

TITLE V

GENERAL PROVISIONS

1
2
3 SEC. 501. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 502. Subject to the requirements of section 503
7 of this Act, the unexpended balances of prior appropria-
8 tions provided for activities in this Act may be transferred
9 to appropriation accounts for such activities established
10 pursuant to this Act, may be merged with funds in the
11 applicable established accounts, and thereafter may be ac-
12 counted for as one fund for the same time period as origi-
13 nally enacted.

14 SEC. 503. (a) None of the funds provided by this Act,
15 provided by previous appropriations Acts to the agencies
16 in or transferred to the Department of Homeland Security
17 that remain available for obligation or expenditure in fiscal
18 year 2012, or provided from any accounts in the Treasury
19 of the United States derived by the collection of fees avail-
20 able to the agencies funded by this Act, shall be available
21 for obligation or expenditure through a reprogramming of
22 funds that:

- 23 (1) creates a new program, project, or activity;
24 (2) eliminates a program, project, office, or ac-
25 tivity;

1 (3) increases funds for any program, project, or
2 activity for which funds have been denied or re-
3 stricted by the Congress;

4 (4) proposes to use funds directed for a specific
5 activity by either of the Committees on Appropria-
6 tions of the Senate or the House of Representatives
7 for a different purpose; or

8 (5) contracts out any function or activity for
9 which funding levels were requested for Federal full-
10 time equivalents in the object classification tables
11 contained in the fiscal year 2012 Budget Appendix
12 for the Department of Homeland Security, as modi-
13 fied by the explanatory statement described in sec-
14 tion 4 (in the matter preceding division A of this
15 consolidated Act), unless the Committees on Appro-
16 priations of the Senate and the House of Represent-
17 atives are notified 15 days in advance of such re-
18 programming of funds.

19 (b) None of the funds provided by this Act, provided
20 by previous appropriations Acts to the agencies in or
21 transferred to the Department of Homeland Security that
22 remain available for obligation or expenditure in fiscal
23 year 2012, or provided from any accounts in the Treasury
24 of the United States derived by the collection of fees or
25 proceeds available to the agencies funded by this Act, shall

1 be available for obligation or expenditure for programs,
2 projects, or activities through a reprogramming of funds
3 in excess of \$5,000,000 or 10 percent, whichever is less,
4 that:

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

7 (2) reduces by 10 percent funding for any exist-
8 ing program, project, or activity, or reduces the
9 numbers of personnel by 10 percent as approved by
10 the Congress; or

11 (3) results from any general savings from a re-
12 duction in personnel that would result in a change
13 in existing programs, projects, or activities as ap-
14 proved by the Congress, unless the Committees on
15 Appropriations of the Senate and the House of Rep-
16 resentatives are notified 15 days in advance of such
17 reprogramming of funds.

18 (c) Not to exceed 5 percent of any appropriation
19 made available for the current fiscal year for the Depart-
20 ment of Homeland Security by this Act or provided by
21 previous appropriations Acts may be transferred between
22 such appropriations, but no such appropriation, except as
23 otherwise specifically provided, shall be increased by more
24 than 10 percent by such transfers: *Provided*, That any
25 transfer under this section shall be treated as a re-

1 programming of funds under subsection (b) and shall not
2 be available for obligation unless the Committees on Ap-
3 propriations of the Senate and the House of Representa-
4 tives are notified 15 days in advance of such transfer.

5 (d) Notwithstanding subsections (a), (b), and (c) of
6 this section, no funds shall be reprogrammed within or
7 transferred between appropriations after June 30, except
8 in extraordinary circumstances that imminently threaten
9 the safety of human life or the protection of property.

10 (e) The notification thresholds and procedures set
11 forth in this section shall apply to any use of deobligated
12 balances of funds provided in previous Department of
13 Homeland Security Appropriations Acts.

14 SEC. 504. The Department of Homeland Security
15 Working Capital Fund, established pursuant to section
16 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
17 continue operations as a permanent working capital fund
18 for fiscal year 2012: *Provided*, That none of the funds ap-
19 propriated or otherwise made available to the Department
20 of Homeland Security may be used to make payments to
21 the Working Capital Fund, except for the activities and
22 amounts allowed in the President’s fiscal year 2012 budg-
23 et: *Provided further*, That funds provided to the Working
24 Capital Fund shall be available for obligation until ex-
25 pended to carry out the purposes of the Working Capital

1 Fund: *Provided further*, That all departmental components
2 shall be charged only for direct usage of each Working
3 Capital Fund service: *Provided further*, That funds pro-
4 vided to the Working Capital Fund shall be used only for
5 purposes consistent with the contributing component: *Pro-*
6 *vided further*, That the Working Capital Fund shall be
7 paid in advance or reimbursed at rates which will return
8 the full cost of each service: *Provided further*, That the
9 Working Capital Fund shall be subject to the require-
10 ments of section 503 of this Act.

11 SEC. 505. Except as otherwise specifically provided
12 by law, not to exceed 50 percent of unobligated balances
13 remaining available at the end of fiscal year 2012 from
14 appropriations for salaries and expenses for fiscal year
15 2012 in this Act shall remain available through September
16 30, 2013, in the account and for the purposes for which
17 the appropriations were provided: *Provided*, That prior to
18 the obligation of such funds, a request shall be submitted
19 to the Committees on Appropriations of the Senate and
20 the House of Representatives for approval in accordance
21 with section 503 of this Act.

22 SEC. 506. Funds made available by this Act for intel-
23 ligence activities are deemed to be specifically authorized
24 by the Congress for purposes of section 504 of the Na-
25 tional Security Act of 1947 (50 U.S.C. 414) during fiscal

1 year 2012 until the enactment of an Act authorizing intel-
2 ligence activities for fiscal year 2012.

3 SEC. 507. (a) Except as provided in subsections (b)
4 and (c), none of the funds made available by this Act may
5 be used to—

6 (1) make or award a grant allocation, grant,
7 contract, other transaction agreement, task or deliv-
8 ery order on a Department of Homeland Security
9 multiple award contract, or to issue a letter of intent
10 totaling in excess of \$1,000,000;

11 (2) award a task or delivery order requiring an
12 obligation of funds in an amount greater than
13 \$10,000,000 from multi-year Department of Home-
14 land Security funds or a task or delivery order that
15 would cause cumulative obligations of multi-year
16 funds in a single account to exceed 50 percent of the
17 total amount appropriated; or

18 (3) announce publicly the intention to make or
19 award items under paragraph (1) or (2), including
20 a contract covered by the Federal Acquisition Regu-
21 lation.

22 (b) The Secretary of Homeland Security may waive
23 the prohibition under subsection (a) if the Secretary noti-
24 fies the Committees on Appropriations of the Senate and
25 the House of Representatives at least 3 full business days

1 in advance of making an award or issuing a letter as de-
2 scribed in that subsection.

3 (c) If the Secretary of Homeland Security determines
4 that compliance with this section would pose a substantial
5 risk to human life, health, or safety, an award may be
6 made without notification, and the Secretary shall notify
7 the Committees on Appropriations of the Senate and the
8 House of Representatives not later than 5 full business
9 days after such an award is made or letter issued.

10 (d) A notification under this section—

11 (1) may not involve funds that are not available
12 for obligation; and

13 (2) shall include the amount of the award, the
14 fiscal year for which the funds for the award were
15 appropriated, and the account from which the funds
16 are being drawn.

17 (e) The Administrator of the Federal Emergency
18 Management Agency shall brief the Committees on Appro-
19 priations of the Senate and the House of Representatives
20 5 full business days in advance of announcing publicly the
21 intention of making an award under “State and Local
22 Programs”.

23 SEC. 508. Notwithstanding any other provision of
24 law, no agency shall purchase, construct, or lease any ad-
25 ditional facilities, except within or contiguous to existing

1 locations, to be used for the purpose of conducting Federal
2 law enforcement training without the advance approval of
3 the Committees on Appropriations of the Senate and the
4 House of Representatives, except that the Federal Law
5 Enforcement Training Center is authorized to obtain the
6 temporary use of additional facilities by lease, contract,
7 or other agreement for training that cannot be accommo-
8 dated in existing Center facilities.

9 SEC. 509. None of the funds appropriated or other-
10 wise made available by this Act may be used for expenses
11 for any construction, repair, alteration, or acquisition
12 project for which a prospectus otherwise required under
13 chapter 33 of title 40, United States Code, has not been
14 approved, except that necessary funds may be expended
15 for each project for required expenses for the development
16 of a proposed prospectus.

17 SEC. 510. Sections 520, 522, and 530, of the Depart-
18 ment of Homeland Security Appropriations Act, 2008 (di-
19 vision E of Public Law 110–161; 121 Stat. 2073 and
20 2074) shall apply with respect to funds made available in
21 this Act in the same manner as such sections applied to
22 funds made available in that Act.

23 SEC. 511. None of the funds made available in this
24 Act may be used in contravention of the applicable provi-
25 sions of the Buy American Act (41 U.S.C. 10a et seq.).

1 SEC. 512. None of the funds made available in this
2 Act may be used by any person other than the Privacy
3 Officer appointed under subsection (a) of section 222 of
4 the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to
5 alter, direct that changes be made to, delay, or prohibit
6 the transmission to Congress of any report prepared under
7 paragraph (6) of such subsection.

8 SEC. 513. None of the funds made available in this
9 Act may be used to amend the oath of allegiance required
10 by section 337 of the Immigration and Nationality Act
11 (8 U.S.C. 1448).

12 SEC. 514. Within 45 days after the end of each
13 month, the Chief Financial Officer of the Department of
14 Homeland Security shall submit to the Committees on Ap-
15 propriations of the Senate and the House of Representa-
16 tives a monthly budget and staffing report for that month
17 that includes total obligations, on-board versus funded
18 full-time equivalent staffing levels, and the number of con-
19 tract employees for each office of the Department.

20 SEC. 515. None of the funds appropriated by this Act
21 may be used to process or approve a competition under
22 Office of Management and Budget Circular A-76 for serv-
23 ices provided as of June 1, 2004, by employees (including
24 employees serving on a temporary or term basis) of United
25 States Citizenship and Immigration Services of the De-

1 partment of Homeland Security who are known as of that
2 date as Immigration Information Officers, Contact Rep-
3 resentatives, or Investigative Assistants.

4 SEC. 516. Except as provided in section 44945 of title
5 49, United States Code, funds appropriated or transferred
6 to Transportation Security Administration “Aviation Se-
7 curity”, “Administration”, and “Transportation Security
8 Support” for fiscal years 2004 and 2005 that are recov-
9 ered or deobligated shall be available only for the procure-
10 ment or installation of explosives detection systems, air
11 cargo, baggage, and checkpoint screening systems, subject
12 to notification: *Provided*, That quarterly reports shall be
13 submitted to the Committees on Appropriations of the
14 Senate and the House of Representatives on any funds
15 that are recovered or deobligated.

16 SEC. 517. Any funds appropriated to Coast Guard
17 “Acquisition, Construction, and Improvements” for fiscal
18 years 2002, 2003, 2004, 2005, and 2006 for the 110–
19 123 foot patrol boat conversion that are recovered, col-
20 lected, or otherwise received as the result of negotiation,
21 mediation, or litigation, shall be available until expended
22 for the Fast Response Cutter program.

23 SEC. 518. Section 532(a) of Public Law 109–295
24 (120 Stat. 1384) is amended by striking “2011” and in-
25 serting “2012”.

1 SEC. 519. The functions of the Federal Law Enforce-
2 ment Training Center instructor staff shall be classified
3 as inherently governmental for the purpose of the Federal
4 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
5 note).

6 SEC. 520. (a) Except as provided in subsection (b),
7 none of the funds appropriated in this or any other Act
8 to the “Office of the Secretary and Executive Manage-
9 ment”, the “Office of the Under Secretary for Manage-
10 ment”, or the “Office of the Chief Financial Officer”, may
11 be obligated for a grant or contract funded under such
12 headings by any means other than full and open competi-
13 tion.

14 (b) Subsection (a) does not apply to obligation of
15 funds for a contract awarded—

16 (1) by a means that is required by a Federal
17 statute, including obligation for a purchase made
18 under a mandated preferential program, including
19 the AbilityOne Program, that is authorized under
20 the Javits-Wagner-O’Day Act (41 U.S.C. 46 et
21 seq.);

22 (2) pursuant to the Small Business Act (15
23 U.S.C. 631 et seq.);

24 (3) in an amount less than the simplified acqui-
25 sition threshold described under section 302A(a) of

1 the Federal Property and Administrative Services
2 Act of 1949 (41 U.S.C. 252a(a)); or

3 (4) by another Federal agency using funds pro-
4 vided through an interagency agreement.

5 (c)(1) Subject to paragraph (2), the Secretary of
6 Homeland Security may waive the application of this sec-
7 tion for the award of a contract in the interest of national
8 security or if failure to do so would pose a substantial risk
9 to human health or welfare.

10 (2) Not later than 5 days after the date on which
11 the Secretary of Homeland Security issues a waiver under
12 this subsection, the Secretary shall submit notification of
13 that waiver to the Committees on Appropriations of the
14 Senate and the House of Representatives, including a de-
15 scription of the applicable contract to which the waiver
16 applies and an explanation of why the waiver authority
17 was used: *Provided*, That the Secretary may not delegate
18 the authority to grant such a waiver.

19 (d) In addition to the requirements established by
20 subsections (a), (b), and (c) of this section, the Inspector
21 General of the Department of Homeland Security shall re-
22 view departmental contracts awarded through means other
23 than a full and open competition to assess departmental
24 compliance with applicable laws and regulations: *Provided*,
25 That the Inspector General shall review selected contracts

1 awarded in the previous fiscal year through means other
2 than a full and open competition: *Provided further*, That
3 in selecting which contracts to review, the Inspector Gen-
4 eral shall consider the cost and complexity of the goods
5 and services to be provided under the contract, the criti-
6 cality of the contract to fulfilling Department missions,
7 past performance problems on similar contracts or by the
8 selected vendor, complaints received about the award proc-
9 ess or contractor performance, and such other factors as
10 the Inspector General deems relevant: *Provided further*,
11 That the Inspector General shall report the results of the
12 reviews to the Committees on Appropriations of the Sen-
13 ate and the House of Representatives no later than Feb-
14 ruary 6, 2012.

15 SEC. 521. None of the funds provided by this or pre-
16 vious appropriations Acts shall be used to fund any posi-
17 tion designated as a Principal Federal Official (or the suc-
18 cessor thereto) for any Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
20 declared disasters or emergencies unless—

21 (1) The responsibilities of the Principal Federal
22 Official do not include operational functions related
23 to incident management, including coordination of
24 operations, and are consistent with the requirements
25 of subsection 509(c) and subsections 503(c)(3) and

1 (c)(4)(A) of the Homeland Security Act of 2002 (6
2 U.S.C. 319(e) and 313(c)(3) and (c)(4)(A)) and sec-
3 tion 302 of the Robert T. Stafford Disaster Relief
4 and Assistance Act (42 U.S.C. 5143);

5 (2) Not later than 10 business days after the
6 latter of the date on which the Secretary of Home-
7 land Security appoints the Principal Federal Official
8 and the date on which the President issues a dec-
9 laration under section 401 or section 501 of the
10 Robert T. Stafford Disaster Relief and Emergency
11 Assistance Act (42 U.S.C. 5170 and 5191, respec-
12 tively), the Secretary of Homeland Security shall
13 submit a notification of the appointment of the Prin-
14 cipal Federal Official and a description of the re-
15 sponsibilities of such Official and how such respon-
16 sibilities are consistent with paragraph (1) to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives, the Transportation and
19 Infrastructure Committee of the House of Rep-
20 resentatives, and the Homeland Security and Gov-
21 ernmental Affairs Committee of the Senate; and

22 (3) Not later than 60 days after the date of en-
23 actment of this Act, the Secretary shall provide a re-
24 port specifying timeframes and milestones regarding
25 the update of operations, planning and policy docu-

1 ments, and training and exercise protocols, to ensure
2 consistency with paragraph (1) of this section.

3 SEC. 522. None of the funds made available in this
4 or any other Act for fiscal years 2012 and thereafter may
5 be used to enforce section 4025(1) of Public Law 108–
6 458 unless the Administrator of the Transportation Secu-
7 rity Administration reverses the determination of July 19,
8 2007, that butane lighters are not a significant threat to
9 civil aviation security.

10 SEC. 523. None of the funds provided or otherwise
11 made available in this Act shall be available to carry out
12 section 872 of the Homeland Security Act of 2002 (6
13 U.S.C. 452).

14 SEC. 524. Funds made available in this Act may be
15 used to alter operations within the Civil Engineering Pro-
16 gram of the Coast Guard nationwide, including civil engi-
17 neering units, facilities design and construction centers,
18 maintenance and logistics commands, and the Coast
19 Guard Academy, except that none of the funds provided
20 in this Act may be used to reduce operations within any
21 Civil Engineering Unit unless specifically authorized by a
22 statute enacted after the date of enactment of this Act.

23 SEC. 525. None of the funds made available in this
24 Act may be used by United States Citizenship and Immi-
25 gration Services to grant an immigration benefit unless

1 the results of background checks required by law to be
2 completed prior to the granting of the benefit have been
3 received by United States Citizenship and Immigration
4 Services, and the results do not preclude the granting of
5 the benefit.

6 SEC. 526. None of the funds made available in this
7 or any other Act for fiscal year 2012 and thereafter may
8 be used to destroy or put out to pasture any horse or other
9 equine belonging to any component or agency of the De-
10 partment of Homeland Security that has become unfit for
11 service, unless the trainer or handler is first given the op-
12 tion to take possession of the equine through an adoption
13 program that has safeguards against slaughter and inhu-
14 mane treatment.

15 SEC. 527. Section 831 of the Homeland Security Act
16 of 2002 (6 U.S.C. 391) is amended—

17 (1) in subsection (a), by striking “Until Sep-
18 tember 30, 2011,” and inserting “Until September
19 30, 2012,”;

20 (2) by striking subsection (b);

21 (3) by redesignating subsections (c), (d), and
22 (e) as subsections (b), (c), and (d), respectively; and

23 (4) in subsection (c)(1) (as redesignated by
24 paragraph (3) of this section), by striking “Sep-

1 tember 30, 2011,” and inserting “September 30,
2 2012,”.

3 SEC. 528. The Secretary of Homeland Security shall
4 require that all contracts of the Department of Homeland
5 Security that provide award fees link such fees to success-
6 ful acquisition outcomes (which outcomes shall be speci-
7 fied in terms of cost, schedule, and performance).

8 SEC. 529. Notwithstanding any other provision of
9 law, none of the funds provided in this or any other Act
10 shall be used to approve a waiver of the navigation and
11 vessel-inspection laws pursuant to 46 U.S.C. 501(b) for
12 the transportation of crude oil distributed from the Stra-
13 tegic Petroleum Reserve until the Secretary of Homeland
14 Security, after consultation with the Secretaries of the De-
15 partments of Energy and Transportation and representa-
16 tives from the United States flag maritime industry, takes
17 adequate measures to ensure the use of United States flag
18 vessels: *Provided*, That the Secretary shall notify the Com-
19 mittees on Appropriations of the Senate and the House
20 of Representatives, the Committee on Commerce, Science,
21 and Transportation of the Senate, and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives within 48 hours of any request for waivers
24 of navigation and vessel-inspection laws pursuant to 46
25 U.S.C. 501(b).

1 SEC. 530. None of the funds made available to the
2 Office of the Secretary and Executive Management under
3 this Act may be expended for any new hires by the Depart-
4 ment of Homeland Security that are not verified through
5 the E-Verify Program as described in section 403(a) of
6 the Illegal Immigration Reform and Immigrant Responsi-
7 bility Act of 1996 (8 U.S.C. 1324a note).

8 SEC. 531. None of the funds in this Act shall be used
9 to reduce the United States Coast Guard's Operations
10 Systems Center mission or its government-employed or
11 contract staff levels.

12 SEC. 532. None of the funds made available in this
13 Act for U.S. Customs and Border Protection may be used
14 to prevent an individual not in the business of importing
15 a prescription drug (within the meaning of section 801(g)
16 of the Federal Food, Drug, and Cosmetic Act) from im-
17 porting a prescription drug from Canada that complies
18 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
19 That this section shall apply only to individuals trans-
20 porting on their person a personal-use quantity of the pre-
21 scription drug, not to exceed a 90-day supply: *Provided*
22 *further*, That the prescription drug may not be—

23 (1) a controlled substance, as defined in section
24 102 of the Controlled Substances Act (21 U.S.C.
25 802); or

1 (2) a biological product, as defined in section
2 351 of the Public Health Service Act (42 U.S.C.
3 262).

4 SEC. 533. None of the funds appropriated by this Act
5 may be used to conduct, or to implement the results of,
6 a competition under Office of Management and Budget
7 Circular A-76 for activities performed with respect to the
8 Coast Guard National Vessel Documentation Center.

9 SEC. 534. The Secretary of Homeland Security, in
10 consultation with the Secretary of the Treasury, shall no-
11 tify the Committees on Appropriations of the Senate and
12 the House of Representatives of any proposed transfers
13 of funds available under section 9703.1 (g)(4)(B) of title
14 31, United States Code (as added by Public Law 102-
15 393) from the Department of the Treasury Forfeiture
16 Fund to any agency within the Department of Homeland
17 Security: *Provided*, That none of the funds identified for
18 such a transfer may be obligated until the Committees on
19 Appropriations of the Senate and the House of Represent-
20 atives approve the proposed transfers.

21 SEC. 535. None of the funds made available in this
22 Act may be used for planning, testing, piloting, or devel-
23 oping a national identification card.

24 SEC. 536. If the Administrator of the Transportation
25 Security Administration determines that an airport does

1 not need to participate in the E-Verify Program as de-
2 scribed in section 403(a) of the Illegal Immigration Re-
3 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
4 1324a note), the Administrator shall certify to the Com-
5 mittees on Appropriations of the Senate and the House
6 of Representatives that no security risks will result from
7 such non-participation.

8 SEC. 537. (a) Notwithstanding any other provision
9 of this Act, except as provided in subsection (b), and 30
10 days after the date on which the President determines
11 whether to declare a major disaster because of an event
12 and any appeal is completed, the Administrator shall pub-
13 lish on the Web site of the Federal Emergency Manage-
14 ment Agency a report regarding that decision that shall
15 summarize damage assessment information used to deter-
16 mine whether to declare a major disaster.

17 (b) The Administrator may redact from a report
18 under subsection (a) any data that the Administrator de-
19 termines would compromise national security.

20 (c) In this section—

21 (1) the term “Administrator” means the Ad-
22 ministrator of the Federal Emergency Management
23 Agency; and

24 (2) the term “major disaster” has the meaning
25 given that term in section 102 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5122).

3 SEC. 538. (a) Notwithstanding any other provision
4 of law during fiscal year 2012 or any subsequent fiscal
5 year, if the Secretary of Homeland Security determines
6 that the National Bio- and Agro-defense Facility should
7 be located at a site other than Plum Island, New York,
8 the Secretary shall ensure that the Administrator of Gen-
9 eral Services sells through public sale all real and related
10 personal property and transportation assets which support
11 Plum Island operations, subject to such terms and condi-
12 tions as may be necessary to protect Government interests
13 and meet program requirements.

14 (b) The proceeds of such sale described in subsection
15 (a) shall be deposited as offsetting collections into the De-
16 partment of Homeland Security Science and Technology
17 “Research, Development, Acquisition, and Operations” ac-
18 count and, subject to appropriation, shall be available until
19 expended, for site acquisition, construction, and costs re-
20 lated to the construction of the National Bio- and Agro-
21 defense Facility, including the costs associated with the
22 sale, including due diligence requirements, necessary envi-
23 ronmental remediation at Plum Island, and reimburse-
24 ment of expenses incurred by the General Services Admin-
25 istration.

1 SEC. 539. Any official that is required by this Act
2 to report or to certify to the Committees on Appropria-
3 tions of the Senate and the House of Representatives may
4 not delegate such authority to perform that act unless spe-
5 cifically authorized herein.

6 SEC. 540. Section 550(b) of the Department of
7 Homeland Security Appropriations Act, 2007 (Public Law
8 109–295; 6 U.S.C. 121 note), as amended by section 550
9 of the Department of Homeland Security Appropriations
10 Act, 2010 (Public Law 111–83), is further amended by
11 striking “on October 4, 2011” and inserting “on October
12 4, 2012”.

13 SEC. 541. None of the funds appropriated or other-
14 wise made available in this or any other Act may be used
15 to transfer, release, or assist in the transfer or release to
16 or within the United States, its territories, or possessions
17 Khalid Sheikh Mohammed or any other detainee who—

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

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

23 SEC. 542. None of the funds made available in this
24 Act may be used for first-class travel by the employees
25 of agencies funded by this Act in contravention of sections

1 301–10.122 through 301.10–124 of title 41, Code of Fed-
2 eral Regulations.

3 SEC. 543. None of the funds made available in this
4 Act may be used to propose or effect a disciplinary or ad-
5 verse action, with respect to any Department of Homeland
6 Security employee who engages regularly with the public
7 in the performance of his or her official duties solely be-
8 cause that employee elects to utilize protective equipment
9 or measures, including but not limited to surgical masks,
10 N95 respirators, gloves, or hand-sanitizers, where use of
11 such equipment or measures is in accord with Department
12 of Homeland Security policy, and Centers for Disease
13 Control and Prevention and Office of Personnel Manage-
14 ment guidance.

15 SEC. 544. None of the funds made available in this
16 Act may be used to employ workers described in section
17 274A(h)(3) of the Immigration and Nationality Act (8
18 U.S.C. 1324a(h)(3)).

19 SEC. 545. (a) Any company that collects or retains
20 personal information directly from any individual who par-
21 ticipates in the Registered Traveler program of the Trans-
22 portation Security Administration shall safeguard and dis-
23 pose of such information in accordance with the require-
24 ments in—

1 (1) the National Institute for Standards and
2 Technology Special Publication 800–30, entitled
3 “Risk Management Guide for Information Tech-
4 nology Systems”;

5 (2) the National Institute for Standards and
6 Technology Special Publication 800–53, Revision 3,
7 entitled “Recommended Security Controls for Fed-
8 eral Information Systems and Organizations,”; and

9 (3) any supplemental standards established by
10 the Administrator of the Transportation Security
11 Administration (referred to in this section as the
12 “Administrator”).

13 (b) The airport authority or air carrier operator that
14 sponsors the company under the Registered Traveler pro-
15 gram shall be known as the Sponsoring Entity.

16 (c) The Administrator shall require any company cov-
17 ered by subsection (a) to provide, not later than 30 days
18 after the date of enactment of this Act, to the Sponsoring
19 Entity written certification that the procedures used by
20 the company to safeguard and dispose of information are
21 in compliance with the requirements under subsection (a).
22 Such certification shall include a description of the proce-
23 dures used by the company to comply with such require-
24 ments.

1 SEC. 546. For fiscal year 2012 and thereafter, for
2 purposes of section 210C of the Homeland Security Act
3 of 2002 (6 U.S.C. 124j), a rural area shall also include
4 any area that is located in a metropolitan statistical area
5 and a county, borough, parish, or area under the jurisdic-
6 tion of an Indian tribe with a population of not more than
7 50,000.

8 SEC. 547. Notwithstanding any other provision of
9 this Act, none of the funds appropriated or otherwise
10 made available by this Act may be used to pay award or
11 incentive fees for contractor performance that has been
12 judged to be below satisfactory performance or perform-
13 ance that does not meet the basic requirements of a con-
14 tract.

15 SEC. 548. (a) Not later than 180 days after the date
16 of enactment of this Act, the Administrator of the Trans-
17 portation Security Administration shall submit to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives, a report that either—

20 (1) certifies that the requirement for screening
21 all air cargo on passenger aircraft by the deadline
22 under section 44901(g) of title 49, United States
23 Code, has been met; or

1 (2) includes a strategy to comply with the re-
2 quirements under title 44901(g) of title 49, United
3 States Code, including—

4 (A) a plan to meet the requirement under
5 section 44901(g) of title 49, United States
6 Code, to screen 100 percent of air cargo trans-
7 ported on passenger aircraft arriving in the
8 United States in foreign air transportation (as
9 that term is defined in section 40102 of that
10 title); and

11 (B) specification of—

12 (i) the percentage of such air cargo
13 that is being screened; and

14 (ii) the schedule for achieving screen-
15 ing of 100 percent of such air cargo.

16 (b) The Administrator shall continue to submit re-
17 ports described in subsection (a)(2) every 180 days there-
18 after until the Administrator certifies that the Transpor-
19 tation Security Administration has achieved screening of
20 100 percent of such air cargo.

21 SEC. 549. In developing any process to screen avia-
22 tion passengers and crews for transportation or national
23 security purposes, the Secretary of Homeland Security
24 shall ensure that all such processes take into consideration

1 such passengers' and crews' privacy and civil liberties con-
2 sistent with applicable laws, regulations, and guidance.

3 SEC. 550. (a) None of the funds made available in
4 this Act may be obligated for construction of the National
5 Bio- and Agro-defense Facility until the Department of
6 Homeland Security—

7 (1) completes 50 percent of design planning for
8 the National Bio- and Agro-defense Facility;

9 (2) submits to the Committees on Appropria-
10 tions of the Senate and the House of Representa-
11 tives a revised site-specific biosafety and biosecurity
12 mitigation risk assessment that describes how to sig-
13 nificantly reduce risks of conducting essential re-
14 search and diagnostic testing at the National Bio-
15 and Agro-defense Facility and addresses short-
16 comings identified in the National Academy of
17 Sciences' evaluation of the initial site-specific bio-
18 safety and biosecurity mitigation risk assessment;
19 and

20 (3) submits to the Committees on Appropria-
21 tions of the Senate and the House of Representa-
22 tives the results of the National Academy of
23 Sciences' review of the risk assessment as described
24 in subsection (c).

1 (b) The revised site-specific biosafety and biosecurity
2 mitigation risk assessment required by subsection (a)
3 shall—

4 (1) include a quantitative risk assessment for
5 foot-and-mouth disease virus, in particular epidemio-
6 logical and economic impact modeling to determine
7 the overall risk of operating the facility for its ex-
8 pected 50-year life span, taking into account strate-
9 gies to mitigate risk of foot-and-mouth disease virus
10 release from the laboratory and ensure safe oper-
11 ations at the approved National Bio- and Agro-de-
12 fense Facility site;

13 (2) address the impact of surveillance, response,
14 and mitigation plans (developed in consultation with
15 local, State, and Federal authorities and appropriate
16 stakeholders) if a release occurs, to detect and con-
17 trol the spread of disease; and

18 (3) include overall risks of the most dangerous
19 pathogens the Department of Homeland Security ex-
20 pects to hold in the National Bio- and Agro-defense
21 Facility's biosafety level 4 facility, and effectiveness
22 of mitigation strategies to reduce those risks.

23 (c) The Department of Homeland Security shall enter
24 into a contract with the National Academy of Sciences to
25 evaluate the adequacy and validity of the risk assessment

1 required by subsection (a). The National Academy of
2 Sciences shall submit a report on such evaluation within
3 four months after the date the Department of Homeland
4 Security concludes its risk assessment.

5 SEC. 551. (a) Notwithstanding section 1356(n) of
6 title 8, United States Code, of the funds deposited into
7 the Immigration Examinations Fee Account, \$10,000,000
8 shall be available to United States Citizenship and Immi-
9 gration Services in fiscal year 2012 for the purpose of pro-
10 viding an immigrant integration grants program.

11 (b) None of the funds made available to United
12 States Citizenship and Immigration Services for grants for
13 immigrant integration may be used to provide services to
14 aliens who have not been lawfully admitted for permanent
15 residence.

16 SEC. 552. For an additional amount for necessary ex-
17 penses for reimbursement of the actual costs to State and
18 local governments for providing emergency management,
19 public safety, and security at events, as determined by the
20 Administrator of the Federal Emergency Management
21 Agency, related to the presence of a National Special Se-
22 curity Event, \$7,500,000, to remain available until Sep-
23 tember 30, 2013.

24 SEC. 553. Notwithstanding the 10 percent limitation
25 contained in section 503(c) of this Act, the Secretary of

1 Homeland Security may transfer to the fund established
2 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
3 priations available to the Department of Homeland Secu-
4 rity: *Provided*, That the Secretary shall notify the Commit-
5 tees on Appropriations of the Senate and the House of
6 Representatives 5 days in advance of such transfer.

7 SEC. 554. The administrative law judge annuitants
8 participating in the Senior Administrative Law Judge
9 Program managed by the Director of the Office of Per-
10 sonnel Management under section 3323 of title 5, United
11 States Code, shall be available on a temporary re-employ-
12 ment basis to conduct arbitrations of disputes as part of
13 the arbitration panel established by the President under
14 section 601 of division A of the American Recovery and
15 Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.
16 164).

17 SEC. 555. None of the funds appropriated or other-
18 wise made available by this Act may be used by the De-
19 partment of Homeland Security to enter into any federal
20 contract unless such contract is entered into in accordance
21 with the requirements of the Federal Property and Admin-
22 istrative Services Act of 1949 (41 U.S.C. 253) or Chapter
23 137 of title 10, United States Code, and the Federal Ac-
24 quisition Regulation, unless such contract is otherwise au-

1 thORIZED by statute to be entered into without regard to
2 the above referenced statutes.

3 SEC. 556. (a) For an additional amount for data cen-
4 ter migration, \$70,000,000.

5 (b) Funds made available in subsection (a) for data
6 center migration may be transferred by the Secretary of
7 Homeland Security between appropriations for the same
8 purpose, notwithstanding section 503 of this Act.

9 (c) No transfer described in subsection (b) shall occur
10 until 15 days after the Committees on Appropriations of
11 the Senate and the House of Representatives are notified
12 of such transfer.

13 SEC. 557. For fiscal year 2012 and thereafter, U.S.
14 Customs and Border Protection's Advanced Training Cen-
15 ter is authorized to charge fees for any service and/or
16 thing of value it provides to Federal Government or non-
17 government entities or individuals, so long as the fees
18 charged do not exceed the full costs associated with the
19 service or thing of value provided: *Provided*, That notwith-
20 standing 31 U.S.C. 3302(b), fees collected by the Ad-
21 vanced Training Center are to be deposited into a separate
22 account entitled "Advanced Training Center Revolving
23 Fund", and be available, without further appropriations,
24 for necessary expenses of the Advanced Training Center
25 program, and are to remain available until expended.

1 SEC. 558. Section 559(e) of Public Law 111–83 is
2 amended—

3 (a) in the matter preceding the first proviso, by strik-
4 ing “law, sell” and inserting “law, hereafter sell”; and

5 (b) in the first proviso—

6 (1) by striking “shall be deposited” and insert-
7 ing “shall hereafter be deposited”; and

8 (2) by striking “subject to appropriation,” and
9 inserting “without further appropriations,”.

10 SEC. 559. Notwithstanding any other provision of
11 law, should the Secretary of Homeland Security determine
12 that specific U.S. Immigration and Customs Enforcement
13 Service Processing Centers or other U.S. Immigration and
14 Customs Enforcement owned detention facilities no longer
15 meet the mission need, the Secretary is authorized to dis-
16 pose of individual Service Processing Centers or other
17 U.S. Immigration and Customs Enforcement owned de-
18 tention facilities by directing the Administrator of General
19 Services to sell all real and related personal property which
20 support Service Processing Centers or other U.S. Immi-
21 gration and Customs Enforcement owned detention facili-
22 ties, subject to such terms and conditions as necessary to
23 protect Government interests and meet program require-
24 ments: *Provided*, That the proceeds, net of the costs of
25 sale incurred by the General Services Administration and

1 U.S. Immigration and Customs Enforcement, shall be de-
2 posited as offsetting collections into a separate account
3 that shall be available, subject to appropriation, until ex-
4 pended for other real property capital asset needs of exist-
5 ing U.S. Immigration and Customs Enforcement assets,
6 excluding daily operations and maintenance costs, as the
7 Secretary deems appropriate: *Provided further*, That any
8 sale or collocation of federally owned detention facilities
9 shall not result in the maintenance of fewer than 34,000
10 detention beds: *Provided further*, That the Committees on
11 Appropriations of the Senate and the House of Represent-
12 atives shall be notified 15 days prior to the announcement
13 of any proposed sale or collocation.

14 SEC. 560. For an additional amount for the “Office
15 of the Under Secretary for Management”, \$55,979,000,
16 to remain available until expended, for necessary expenses
17 to plan, acquire, construct, renovate, remediate, equip,
18 furnish, and occupy buildings and facilities for the consoli-
19 dation of department headquarters at St. Elizabeths and
20 associated mission support consolidation: *Provided*, That
21 the Committees on Appropriations of the Senate and the
22 House of Representatives shall receive an expenditure plan
23 not later than 90 days after the date of enactment of this
24 Act detailing the allocation of these funds.

1 SEC. 561. None of the funds made available by this
2 Act may be used to enforce the requirements in—

3 (1) section 34(a)(1)(A) of the Federal Fire Pre-
4 vention and Control Act of 1974 (15 U.S.C.
5 2229(a)(1)(A));

6 (2) section 34(a)(1)(B) of such Act;

7 (3) section 34(c)(1) of such Act;

8 (4) section 34(c)(2) of such Act;

9 (5) section 34(c)(4)(A) of such Act; and

10 (6) section 34(a)(1)(E) of such Act.

11 SEC. 562. Notwithstanding the requirement under
12 section 34(a)(1)(A) of the Federal Fire Prevention and
13 Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that
14 grants must be used to increase the number of firefighters
15 in fire departments, the Secretary of Homeland Security,
16 in making grants under section 34 of such Act using the
17 funds appropriated for fiscal year 2011, shall grant waiv-
18 ers from the requirements of subsections (a)(1)(B), (c)(1),
19 (c)(2), and (c)(4)(A) of such section: *Provided*, That sec-
20 tion 34(a)(1)(E) of such Act shall not apply with respect
21 to funds appropriated for fiscal year 2011 for grants
22 under section 34 of such Act: *Provided further*, That the
23 Secretary of Homeland Security, in making grants under
24 section 34 of such Act, shall ensure that funds appro-

1 priated for fiscal year 2011 are made available for the hir-
2 ing, rehiring, or retention of firefighters.

3 SEC. 563. For fiscal year 2012 and thereafter, not-
4 withstanding section 1012(a)(5) of the Oil Pollution Act
5 of 1990 (33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in
6 the event that a spill of national significance occurs, any
7 payment of amounts from the Oil Spill Liability Trust
8 Fund pursuant to section 1012(a)(1) of the Oil Pollution
9 Act of 1990 (33 U.S.C. 2712(a)(1)) for the removal costs
10 incurred by the Coast Guard for such spill, shall be cred-
11 ited directly to the accounts of the Coast Guard current
12 at the time such removal costs were incurred or when re-
13 imbursement is received: *Provided*, That such amounts
14 shall be merged with and, without further appropriations,
15 made available for the same time period and the same pur-
16 pose as the appropriation to which it is credited.

17 SEC. 564. (a) CIVIL PENALTIES FOR CIRCUM-
18 VENTING SECURITY SCREENING.—Section
19 46301(a)(5)(A)(i) of title 49, United States Code, is
20 amended—

21 (1) by striking “or chapter 449” and inserting
22 “chapter 449”; and

23 (2) by inserting “, or section 46314(a)” after
24 “44909”).

1 (b) CRIMINAL PENALTIES FOR CIRCUMVENTING SE-
2 CURITY SCREENING.—Section 46314(b)(2) of title 49,
3 United States Code, is amended by inserting “with intent
4 to evade security procedures or restrictions or” after “of
5 this section”.

6 (c) NOTICE OF PENALTIES.—Section 46314 of title
7 49, United States Code, is amended by adding at the end
8 the following new subsection:

9 “(c) NOTICE OF PENALTIES.—

10 “(1) IN GENERAL.—Each operator of an air-
11 port in the United States that is required to estab-
12 lish an air transportation security program pursuant
13 to section 44903(c) shall ensure that signs that meet
14 such requirements as the Secretary of Homeland Se-
15 curity may prescribe providing notice of the pen-
16 alties imposed under section 46301(a)(5)(A)(i) and
17 subsection (b) of this section are displayed near all
18 screening locations, all locations where passengers
19 exit the sterile area, and such other locations at the
20 airport as the Secretary of Homeland Security deter-
21 mines appropriate.

22 “(2) EFFECT OF SIGNS ON PENALTIES.—An in-
23 dividual shall be subject to a penalty imposed under
24 section 46301(a)(5)(A)(i) or subsection (b) of this

1 section without regard to whether signs are dis-
2 played at an airport as required by paragraph (1).”.

3 SEC. 565. (a) SHORT TITLE.—This section may be
4 cited as the “Disaster Assistance Recoupment Fairness
5 Act of 2011”.

6 (b) DEBTS SINCE 2005.—

7 (1) DEFINITION.—In this section, the term
8 “covered assistance” means assistance provided—

9 (A) under section 408 of the Robert T.
10 Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5174); and

12 (B) in relation to a major disaster declared
13 by the President under section 401 of the Rob-
14 ert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5170) during the pe-
16 riod beginning on August 28, 2005, and ending
17 on December 31, 2010.

18 (2) WAIVER AUTHORITY.—The Administrator
19 of the Federal Emergency Management Agency—

20 (A) subject to subparagraph (B) and para-
21 graph (3), may waive a debt owed to the United
22 States related to covered assistance provided to
23 an individual or household if—

1 (i) the covered assistance was distrib-
2 uted based on an error by the Federal
3 Emergency Management Agency;

4 (ii) there was no fault on behalf of the
5 debtor; and

6 (iii) the collection of the debt would be
7 against equity and good conscience; and

8 (B) may not waive a debt under subpara-
9 graph (A) if the debt involves fraud, the presen-
10 tation of a false claim, or misrepresentation by
11 the debtor or any party having an interest in
12 the claim.

13 (3) PRESUMPTION OF REPAYMENT.—In deter-
14 mining whether to waive a debt under paragraph
15 (2), the Administrator of the Federal Emergency
16 Management Agency shall presume that, if the ad-
17 justed gross income (as defined under section 62 of
18 the Internal Revenue Code of 1986) of the house-
19 hold of the debtor for the last taxable year ending
20 in or with the calendar year preceding the date on
21 which the income is determined exceeds \$90,000, the
22 debtor should be required to make at least a partial
23 payment on the debt.

24 (4) REPORTING.—Not later than 3 months
25 after the date of enactment of this Act, and every

1 3 months thereafter until the date that is 18 months
2 after the date of enactment of this Act, the Inspec-
3 tor General of the Department of Homeland Secu-
4 rity shall submit a report that assesses the cost-ef-
5 fectiveness of the efforts of the Federal Emergency
6 Management Agency to recoup improper payments
7 under the Individuals and Household Program under
8 section 408 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5174)
10 to—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs and the Sub-
13 committee on Homeland Security of the Com-
14 mittee on Appropriations of the Senate; and

15 (B) the Committee on Homeland Security,
16 the Committee on Transportation and Infra-
17 structure, and the Subcommittee on Homeland
18 Security of the Committee on Appropriations of
19 the House of Representatives.

20 SEC. 566. (a) Notwithstanding section 312 of the
21 Robert T. Stafford Disaster Relief and Emergency Assist-
22 ance Act and subject to subsection (b), recipients of Small
23 Business Administration Disaster loans for disaster-re-
24 lated damage to their homes may be eligible for reimburse-
25 ment at the discretion of the state, under Section 404 of

1 that Act, for documented and eligible mitigation work per-
2 formed on their home.

3 (b) LIMITATIONS.—

4 (1) Any reimbursement provided to or on behalf
5 of a homeowner pursuant to subsection (a) shall not
6 exceed the amount of the disaster loan that may be
7 used and was used for disaster mitigation activities;
8 and

9 (2) Subsection (a) shall only apply if the dis-
10 aster loan and assistance provided under section 404
11 were made available in response to the same disaster
12 declaration.

13 (3) Shall be applicable only to disasters de-
14 clared by the President under section 401 of the
15 Robert T. Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5170) during the period
17 beginning on August 28, 2005 and ending on Au-
18 gust 28, 2006.

19 (c) If a state chooses to use funds under section 404
20 to reimburse homeowners as provided in subsection (a),
21 it shall make payments in the following order:

22 (1) First, to the Small Business Administration
23 on behalf of the eligible homeowner for the purpose
24 of reducing, but not below zero, the homeowner's

1 outstanding debt obligation to the Small Business
2 Administration for the disaster loan; and

3 (2) Second, any remaining reimbursement shall
4 be paid directly to the homeowner.

5 SEC. 567. None of the funds made available under
6 this Act or any prior appropriations Act may be provided
7 to the Association of Community Organizations for Re-
8 form Now (ACORN), or any of its affiliates, subsidiaries,
9 or allied organizations.

10 SEC. 568. The Commissioner of U.S. Customs and
11 Border Protection and the Assistant Secretary of Home-
12 land Security for U.S. Immigration and Customs Enforce-
13 ment each shall submit to the Committees on Appropria-
14 tions of the Senate and the House of Representatives with
15 the congressional budget justification, a multi-year invest-
16 ment and management plan, to include each year starting
17 with the current fiscal year and the 3 subsequent fiscal
18 years, for their respective Offices of Information Tech-
19 nology to include for that office—

20 (1) the funding level by source for all funds to
21 be executed;

22 (2) the funding included for each project and
23 activity tied to mission requirements, program man-
24 agement capabilities, performance levels, and specific
25 capabilities and services to be delivered;

1 (5) \$3,121,248 from Department of Homeland
2 Security “Office for Domestic Preparedness”;

3 (6) \$678,213 from Federal Emergency Manage-
4 ment Agency “National Predisaster Mitigation
5 Fund”;

6 (7) \$5,201,000 from “Working Capital Fund”;

7 (8) \$95,998 from “Counterterrorism Fund”;

8 (9) \$41,091 from U.S. Customs and Border
9 Protection “Violent Crime Reduction Fund”; and

10 (10) \$153,095 from U.S. Immigration and Cus-
11 toms Enforcement “Violent Crime Reduction Trust
12 Fund”.

13 (RESCISSIONS)

14 SEC. 571. The following unobligated balances made
15 available to the Department of Homeland Security pursu-
16 ant to section 505 of Department of Homeland Security
17 Appropriations Act, 2011 (Public Law 112–10; 125 Stat.
18 147) are rescinded:

19 (1) \$178,783 from “Analysis and Operations”;

20 (2) \$1,619,907 from U.S. Customs and Border
21 Protection “Salaries and Expenses”;

22 (3) \$296,022 from Transportation Security Ad-
23 ministration “Federal Air Marshals”;

24 (4) \$37,800,412 from Coast Guard “Operating
25 Expenses”;

1 ances are hereby rescinded from the following accounts
2 and programs in the specified amounts:

3 (1) \$10,000,000 from U.S. Immigration and
4 Customs Enforcement “Salaries and Expenses”;

5 (2) \$10,000,000 from U.S. Immigration and
6 Customs Enforcement “Automation Modernization”;

7 (3) \$5,000,000 from U.S. Customs and Border
8 Protection “Automation Modernization”: *Provided,*
9 That no funds shall be rescinded from prior year ap-
10 propriations provided for the TECS modernization
11 program;

12 (4) \$71,300,000 from Transportation Security
13 Administration “Aviation Security” account
14 70x0550;

15 (5) \$7,000,000 from U.S. Customs and Border
16 Protection “Border Security Fencing, Infrastruc-
17 ture, and Technology”;

18 (6) \$2,427,336 from Coast Guard “Acquisition,
19 Construction, and Improvements”;

20 (7) \$5,000,000 from the “Office of the Chief
21 Information Officer” related to Emerge2; and

22 (8) \$27,400,000 from National Protection and
23 Programs Directorate “United States Visitor and
24 Immigrant Indicator Technology”.

1 SEC. 573. Sections 1309(a) and 1319 of the National
2 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and
3 4026) are each amended by striking “September 30,
4 2011” and inserting “the earlier of the date of the enact-
5 ment into law of an Act that specifically amends the date
6 specified in this section or May 31, 2012”.

7 This Act may be cited as the “Department of Home-
8 land Security Appropriations Act, 2012”.

1 **DIVISION E—DEPARTMENT OF THE INTE-**
2 **RIOR, ENVIRONMENT, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2012**

4 **TITLE I—DEPARTMENT OF THE INTERIOR**

5

6 **BUREAU OF LAND MANAGEMENT**

7 **MANAGEMENT OF LANDS AND RESOURCES**

8 For necessary expenses for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to Public Law 96–487
17 (16 U.S.C. 3150(a)), \$961,900,000, to remain available
18 until expended; of which \$3,000,000 shall be available in
19 fiscal year 2012 subject to a match by at least an equal
20 amount by the National Fish and Wildlife Foundation for
21 cost-shared projects supporting conservation of Bureau
22 lands; and such funds shall be advanced to the Foundation
23 as a lump-sum grant without regard to when expenses are
24 incurred.

1 istrative expenses and acquisition of lands or waters, or
2 interests therein, \$22,380,000, to be derived from the
3 Land and Water Conservation Fund and to remain avail-
4 able until expended.

5 OREGON AND CALIFORNIA GRANT LANDS

6 For expenses necessary for management, protection,
7 and development of resources and for construction, oper-
8 ation, and maintenance of access roads, reforestation, and
9 other improvements on the revested Oregon and California
10 Railroad grant lands, on other Federal lands in the Or-
11 egon and California land-grant counties of Oregon, and
12 on adjacent rights-of-way; and acquisition of lands or in-
13 terests therein, including existing connecting roads on or
14 adjacent to such grant lands; \$112,043,000, to remain
15 available until expended: *Provided*, That 25 percent of the
16 aggregate of all receipts during the current fiscal year
17 from the revested Oregon and California Railroad grant
18 lands is hereby made a charge against the Oregon and
19 California land-grant fund and shall be transferred to the
20 General Fund in the Treasury in accordance with the sec-
21 ond paragraph of subsection (b) of title II of the Act of
22 August 28, 1937 (50 Stat. 876).

23 RANGE IMPROVEMENTS

24 For rehabilitation, protection, and acquisition of
25 lands and interests therein, and improvement of Federal

1 rangelands pursuant to section 401 of the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C. 1701),
3 notwithstanding any other Act, sums equal to 50 percent
4 of all moneys received during the prior fiscal year under
5 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
6 315 et seq.) and the amount designated for range improve-
7 ments from grazing fees and mineral leasing receipts from
8 Bankhead-Jones lands transferred to the Department of
9 the Interior pursuant to law, but not less than
10 \$10,000,000, to remain available until expended: *Pro-*
11 *vided*, That not to exceed \$600,000 shall be available for
12 administrative expenses.

13 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

14 For administrative expenses and other costs related
15 to processing application documents and other authoriza-
16 tions for use and disposal of public lands and resources,
17 for costs of providing copies of official public land docu-
18 ments, for monitoring construction, operation, and termi-
19 nation of facilities in conjunction with use authorizations,
20 and for rehabilitation of damaged property, such amounts
21 as may be collected under Public Law 94-579, as amend-
22 ed, and Public Law 93-153, to remain available until ex-
23 pended: *Provided*, That, notwithstanding any provision to
24 the contrary of section 305(a) of Public Law 94-579 (43
25 U.S.C. 1735(a)), any moneys that have been or will be

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

16 MISCELLANEOUS TRUST FUNDS

17 In addition to amounts authorized to be expended
18 under existing laws, there is hereby appropriated such
19 amounts as may be contributed under section 307 of the
20 Act of October 21, 1976 (43 U.S.C. 1701), and such
21 amounts as may be advanced for administrative costs, sur-
22 veys, appraisals, and costs of making conveyances of omit-
23 ted lands under section 211(b) of that Act, to remain
24 available until expended.

1 ADMINISTRATIVE PROVISIONS

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

1 fied amount of money in support of the project may be
2 carried out by the Bureau on a reimbursable basis. Appro-
3 priations herein made shall not be available for the de-
4 struction of healthy, unadopted, wild horses and burros
5 in the care of the Bureau or its contractors or for the
6 sale of wild horses and burros that results in their destruc-
7 tion for processing into commercial products.

8 UNITED STATES FISH AND WILDLIFE SERVICE

9 RESOURCE MANAGEMENT

10 For necessary expenses of the United States Fish and
11 Wildlife Service, as authorized by law, and for scientific
12 and economic studies, general administration, and for the
13 performance of other authorized functions related to such
14 resources, \$1,228,142,000, to remain available until Sep-
15 tember 30, 2013 except as otherwise provided herein: *Pro-*
16 *vided*, That not to exceed \$20,902,000 shall be used for
17 implementing subsections (a), (b), (c), and (e) of section
18 4 of the Endangered Species Act, as amended, (except for
19 processing petitions, developing and issuing proposed and
20 final regulations, and taking any other steps to implement
21 actions described in subsection (c)(2)(A), (c)(2)(B)(i), or
22 (c)(2)(B)(ii)), of which not to exceed \$7,472,000 shall be
23 used for any activity regarding the designation of critical
24 habitat, pursuant to subsection (a)(3), excluding litigation
25 support, for species listed pursuant to subsection (a)(1)

1 prior to October 1, 2010; of which not to exceed
2 \$1,500,000 shall be used for any activity regarding peti-
3 tions to list species that are indigenous to the United
4 States pursuant to subsections (b)(3)(A) and (b)(3)(B);
5 and, of which not to exceed \$1,500,000 shall be used for
6 implementing subsections (a), (b), (c), and (e) of section
7 4 of the Endangered Species Act, as amended, for species
8 that are not indigenous to the United States: *Provided fur-*
9 *ther*, That, in fiscal year 2012 and hereafter of the amount
10 available for law enforcement, up to \$400,000, to remain
11 available until expended, may at the discretion of the Sec-
12 retary be used for payment for information, rewards, or
13 evidence concerning violations of laws administered by the
14 Service, and miscellaneous and emergency expenses of en-
15 forcement activity, authorized or approved by the Sec-
16 retary and to be accounted for solely on the Secretary's
17 certificate: *Provided further*, That in fiscal year 2012 and
18 hereafter, of the amount provided for environmental con-
19 taminants, up to \$1,000,000 may remain available until
20 expended for contaminant sample analyses.

21 CONSTRUCTION

22 For construction, improvement, acquisition, or re-
23 moval of buildings and other facilities required in the con-
24 servation, management, investigation, protection, and uti-
25 lization of fish and wildlife resources, and the acquisition

1 of lands and interests therein; \$23,088,000, to remain
2 available until expended.

3 LAND ACQUISITION

4 For expenses necessary to carry out the Land and
5 Water Conservation Fund Act of 1965, as amended (16
6 U.S.C. 4601–4 through 11), including administrative ex-
7 penses, and for acquisition of land or waters, or interest
8 therein, in accordance with statutory authority applicable
9 to the United States Fish and Wildlife Service,
10 \$54,720,000, to be derived from the Land and Water Con-
11 servation Fund and to remain available until expended,
12 of which, notwithstanding 16 U.S.C. 4601–9, not more
13 than \$5,000,000 shall be for land conservation partner-
14 ships authorized by the Highlands Conservation Act of
15 2004, including not to exceed \$160,000 for administrative
16 expenses: *Provided*, That none of the funds appropriated
17 for specific land acquisition projects may be used to pay
18 for any administrative overhead, planning or other man-
19 agement costs.

20 COOPERATIVE ENDANGERED SPECIES CONSERVATION

21 FUND

22 For expenses necessary to carry out section 6 of the
23 Endangered Species Act of 1973, as amended (16 U.S.C.
24 1531 et seq.), \$47,757,000, to remain available until ex-
25 pended, of which \$22,757,000 is to be derived from the

1 Cooperative Endangered Species Conservation Fund; and
2 of which \$25,000,000 is to be derived from the Land and
3 Water Conservation Fund.

4 NATIONAL WILDLIFE REFUGE FUND

5 For expenses necessary to implement the Act of Octo-
6 ber 17, 1978 (16 U.S.C. 715s), \$13,980,000.

7 NORTH AMERICAN WETLANDS CONSERVATION FUND

8 For expenses necessary to carry out the provisions
9 of the North American Wetlands Conservation Act, as
10 amended (16 U.S.C. 4401 et seq.), \$35,554,000, to re-
11 main available until expended.

12 NEOTROPICAL MIGRATORY BIRD CONSERVATION

13 For expenses necessary to carry out the Neotropical
14 Migratory Bird Conservation Act, as amended, (16 U.S.C.
15 6101 et seq.), \$3,792,000, to remain available until ex-
16 pended.

17 MULTINATIONAL SPECIES CONSERVATION FUND

18 For expenses necessary to carry out the African Ele-
19 phant Conservation Act (16 U.S.C. 4201 et seq.), the
20 Asian Elephant Conservation Act of 1997 (16 U.S.C.
21 4261 et seq.), the Rhinoceros and Tiger Conservation Act
22 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
23 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
24 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
25 et seq.), \$9,481,000, to remain available until expended.

1 STATE AND TRIBAL WILDLIFE GRANTS

2 For wildlife conservation grants to States and to the
3 District of Columbia, Puerto Rico, Guam, the United
4 States Virgin Islands, the Northern Mariana Islands,
5 American Samoa, and Indian tribes under the provisions
6 of the Fish and Wildlife Act of 1956 and the Fish and
7 Wildlife Coordination Act, for the development and imple-
8 mentation of programs for the benefit of wildlife and their
9 habitat, including species that are not hunted or fished,
10 \$61,421,000, to remain available until expended: *Pro-*
11 *vided*, That of the amount provided herein, \$4,275,000 is
12 for a competitive grant program for Indian tribes not sub-
13 ject to the remaining provisions of this appropriation: *Pro-*
14 *vided further*, That \$5,741,000 is for a competitive grant
15 program for States, territories, and other jurisdictions
16 with approved plans, not subject to the remaining provi-
17 sions of this appropriation: *Provided further*, That the Sec-
18 retary shall, after deducting \$10,016,000 and administra-
19 tive expenses, apportion the amount provided herein in the
20 following manner: (1) to the District of Columbia and to
21 the Commonwealth of Puerto Rico, each a sum equal to
22 not more than one-half of 1 percent thereof; and (2) to
23 Guam, American Samoa, the United States Virgin Is-
24 lands, and the Commonwealth of the Northern Mariana
25 Islands, each a sum equal to not more than one-fourth

1 of 1 percent thereof: *Provided further*, That the Secretary
2 shall apportion the remaining amount in the following
3 manner: (1) one-third of which is based on the ratio to
4 which the land area of such State bears to the total land
5 area of all such States; and (2) two-thirds of which is
6 based on the ratio to which the population of such State
7 bears to the total population of all such States: *Provided*
8 *further*, That the amounts apportioned under this para-
9 graph shall be adjusted equitably so that no State shall
10 be apportioned a sum which is less than 1 percent of the
11 amount available for apportionment under this paragraph
12 for any fiscal year or more than 5 percent of such amount:
13 *Provided further*, That the Federal share of planning
14 grants shall not exceed 75 percent of the total costs of
15 such projects and the Federal share of implementation
16 grants shall not exceed 65 percent of the total costs of
17 such projects: *Provided further*, That the non-Federal
18 share of such projects may not be derived from Federal
19 grant programs: *Provided further*, That any amount ap-
20 portioned in 2012 to any State, territory, or other jurisdic-
21 tion that remains unobligated as of September 30, 2013,
22 shall be reapportioned, together with funds appropriated
23 in 2014, in the manner provided herein.

1 ADMINISTRATIVE PROVISIONS

2 The United States Fish and Wildlife Service may
3 carry out the operations of Service programs by direct ex-
4 penditure, contracts, grants, cooperative agreements and
5 reimbursable agreements with public and private entities.
6 Appropriations and funds available to the United States
7 Fish and Wildlife Service shall be available for repair of
8 damage to public roads within and adjacent to reservation
9 areas caused by operations of the Service; options for the
10 purchase of land at not to exceed \$1 for each option; facili-
11 ties incident to such public recreational uses on conserva-
12 tion areas as are consistent with their primary purpose;
13 and the maintenance and improvement of aquaria, build-
14 ings, and other facilities under the jurisdiction of the Serv-
15 ice and to which the United States has title, and which
16 are used pursuant to law in connection with management,
17 and investigation of fish and wildlife resources: *Provided*,
18 That notwithstanding 44 U.S.C. 501, the Service may,
19 under cooperative cost sharing and partnership arrange-
20 ments authorized by law, procure printing services from
21 cooperators in connection with jointly produced publica-
22 tions for which the cooperators share at least one-half the
23 cost of printing either in cash or services and the Service
24 determines the cooperator is capable of meeting accepted
25 quality standards: *Provided further*, That the Service may

1 accept donated aircraft as replacements for existing air-
2 craft.

3 NATIONAL PARK SERVICE

4 OPERATION OF THE NATIONAL PARK SYSTEM

5 For expenses necessary for the management, oper-
6 ation, and maintenance of areas and facilities adminis-
7 tered by the National Park Service and for the general
8 administration of the National Park Service,
9 \$2,240,152,000, of which \$9,832,000 for planning and
10 interagency coordination in support of Everglades restora-
11 tion and \$97,883,000 for maintenance, repair, or rehabili-
12 tation projects for constructed assets, operation of the Na-
13 tional Park Service automated facility management soft-
14 ware system, and comprehensive facility condition assess-
15 ments shall remain available until September 30, 2013.

16 NATIONAL RECREATION AND PRESERVATION

17 For expenses necessary to carry out recreation pro-
18 grams, natural programs, cultural programs, heritage
19 partnership programs, environmental compliance and re-
20 view, international park affairs, and grant administration,
21 not otherwise provided for, \$59,975,000: *Provided*, That
22 section 502(c) of the Chesapeake Bay Initiative Act of
23 1998 (16 U.S.C. 461 note; Public Law 105–312) is
24 amended by striking “2011” and inserting “2013”.

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the National
3 Historic Preservation Act (16 U.S.C. 470), and the Omni-
4 bus Parks and Public Lands Management Act of 1996
5 (Public Law 104–333), \$56,000,000, to be derived from
6 the Historic Preservation Fund and to remain available
7 until September 30, 2013.

8 CONSTRUCTION

9 (INCLUDING RESCISSION OF FUNDS)

10 For construction, improvements, repair, or replace-
11 ment of physical facilities, including modifications author-
12 ized by section 104 of the Everglades National Park Pro-
13 tection and Expansion Act of 1989 (16 U.S.C. 410r–8),
14 \$159,621,000, to remain available until expended: *Pro-*
15 *vided*, That notwithstanding any other provision of law,
16 a single procurement for the project to repair damage to
17 the Washington Monument may be issued that includes
18 the full scope of the project, so long as the solicitation
19 and contract shall contain the clause “availability of ap-
20 propriated funds” found in CFR section 52.232.18 of title
21 48.

22 From funds previously made available under this
23 heading, \$4,000,000 are rescinded.

1 LAND AND WATER CONSERVATION FUND

2 (RESCISSION)

3 The contract authority provided for fiscal year 2012
4 by 16 U.S.C. 4601–10a is rescinded.

5 LAND ACQUISITION AND STATE ASSISTANCE

6 For expenses necessary to carry out the Land and
7 Water Conservation Act of 1965, as amended (16 U.S.C.
8 4601–4 through 11), including administrative expenses,
9 and for acquisition of lands or waters, or interest therein,
10 in accordance with the statutory authority applicable to
11 the National Park Service, \$102,060,000, to be derived
12 from the Land and Water Conservation Fund and to re-
13 main available until expended, of which \$45,000,000 is for
14 the State assistance program and of which \$9,000,000
15 shall be for the American Battlefield Protection Program
16 grants as authorized by section 7301 of the Omnibus Pub-
17 lic Land Management Act of 2009 (Public Law 111–11).

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 In addition to other uses set forth in section 407(d)
21 of Public Law 105–391, franchise fees credited to a sub-
22 account shall be available for expenditure by the Sec-
23 retary, without further appropriation, for use at any unit
24 within the National Park System to extinguish or reduce
25 liability for Possessory Interest or leasehold surrender in-

1 terest. Such funds may only be used for this purpose to
2 the extent that the benefitting unit anticipated franchise
3 fee receipts over the term of the contract at that unit ex-
4 ceed the amount of funds used to extinguish or reduce
5 liability. Franchise fees at the benefitting unit shall be
6 credited to the sub-account of the originating unit over
7 a period not to exceed the term of a single contract at
8 the benefitting unit, in the amount of funds so expended
9 to extinguish or reduce liability.

10 For the costs of administration of the Land and
11 Water Conservation Fund grants authorized by section
12 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
13 of 2006 (Public Law 109–432), the National Park Service
14 may retain up to 3 percent of the amounts which are au-
15 thorized to be disbursed under such section, such retained
16 amounts to remain available until expended.

17 National Park Service funds may be transferred to
18 the Federal Highway Administration (FHWA), Depart-
19 ment of Transportation, for purposes authorized under 23
20 U.S.C. 204. Transfers may include a reasonable amount
21 for FHWA administrative support costs.

22 UNITED STATES GEOLOGICAL SURVEY

23 SURVEYS, INVESTIGATIONS, AND RESEARCH

24 For expenses necessary for the United States Geo-
25 logical Survey to perform surveys, investigations, and re-

1 search covering topography, geology, hydrology, biology,
2 and the mineral and water resources of the United States,
3 its territories and possessions, and other areas as author-
4 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
5 to their mineral and water resources; give engineering su-
6 pervision to power permittees and Federal Energy Regu-
7 latory Commission licensees; administer the minerals ex-
8 ploration program (30 U.S.C. 641); conduct inquiries into
9 the economic conditions affecting mining and materials
10 processing industries (30 U.S.C. 3, 21a, and 1603; 50
11 U.S.C. 98g(1)) and related purposes as authorized by law;
12 and to publish and disseminate data relative to the fore-
13 going activities; \$1,069,744,000, to remain available until
14 September 30, 2013; of which \$51,569,700 shall remain
15 available until expended for satellite operations; and of
16 which \$7,292,000 shall be available until expended for de-
17 ferred maintenance and capital improvement projects that
18 exceed \$100,000 in cost: *Provided*, That none of the funds
19 provided for the ecosystem research activity shall be used
20 to conduct new surveys on private property, unless specifi-
21 cally authorized in writing by the property owner: *Pro-*
22 *vided further*, That no part of this appropriation shall be
23 used to pay more than one-half the cost of topographic
24 mapping or water resources data collection and investiga-

1 tions carried on in cooperation with States and municipali-
2 ties.

3 ADMINISTRATIVE PROVISIONS

4 From within the amount appropriated for activities
5 of the United States Geological Survey such sums as are
6 necessary shall be available for reimbursement to the Gen-
7 eral Services Administration for security guard services;
8 contracting for the furnishing of topographic maps and
9 for the making of geophysical or other specialized surveys
10 when it is administratively determined that such proce-
11 dures are in the public interest; construction and mainte-
12 nance of necessary buildings and appurtenant facilities;
13 acquisition of lands for gauging stations and observation
14 wells; expenses of the United States National Committee
15 on Geology; and payment of compensation and expenses
16 of persons on the rolls of the Survey duly appointed to
17 represent the United States in the negotiation and admin-
18 istration of interstate compacts: *Provided*, That activities
19 funded by appropriations herein made may be accom-
20 plished through the use of contracts, grants, or coopera-
21 tive agreements as defined in section 6302 of title 31,
22 United States Code: *Provided further*, That the United
23 States Geological Survey may enter into contracts or coop-
24 erative agreements directly with individuals or indirectly
25 with institutions or nonprofit organizations, without re-

1 gard to 41 U.S.C. 5, for the temporary or intermittent
2 services of students or recent graduates, who shall be con-
3 sidered employees for the purpose of chapters 57 and 81
4 of title 5, United States Code, relating to compensation
5 for travel and work injuries, and chapter 171 of title 28,
6 United States Code, relating to tort claims, but shall not
7 be considered to be Federal employees for any other pur-
8 poses.

9 BUREAU OF OCEAN ENERGY MANAGEMENT

10 OCEAN ENERGY MANAGEMENT

11 For expenses necessary for granting leases, ease-
12 ments, rights-of-way and agreements for use for oil and
13 gas, other minerals, energy, and marine-related purposes
14 on the Outer Continental Shelf and approving operations
15 related thereto, as authorized by law; for environmental
16 studies, as authorized by law; for implementing other laws
17 to the extent provided by Presidential or Secretarial dele-
18 gation; and for matching grants or cooperative agree-
19 ments, \$59,792,000, to remain available until September
20 30, 2013; and an amount not to exceed \$101,082,000, to
21 be credited to this appropriation and to remain available
22 until expended, from additions to receipts resulting from
23 increases to rates in effect on August 5, 1993, that are
24 collected and disbursed by the Secretary, and from cost
25 recovery fees from activities conducted by the Bureau of

1 Ocean Energy Management pursuant to the Outer Conti-
2 nental Shelf Lands Act, including studies, assessments,
3 analysis, and miscellaneous administrative activities: *Pro-*
4 *vided*, That notwithstanding 31 U.S.C. 3302, in fiscal year
5 2012, such amounts as are assessed under 31 U.S.C. 9701
6 shall be collected and credited to this account and shall
7 be available until expended for necessary expenses: *Pro-*
8 *vided further*, That to the extent \$101,082,000 in addition
9 to receipts are not realized from the sources of receipts
10 stated above, the amount needed to reach \$101,082,000
11 shall be credited to this appropriation from receipts result-
12 ing from rental rates for Outer Continental Shelf leases
13 in effect before August 5, 1993: *Provided further*, That
14 for fiscal year 2012 and each fiscal year thereafter, the
15 term “qualified Outer Continental Shelf revenues”, as de-
16 fined in section 102(9)(A) of the Gulf of Mexico Energy
17 Security Act, division C of Public Law 109–432, shall in-
18 clude only the portion of rental revenues that would have
19 been collected by the Secretary at the rental rates in effect
20 before August 5, 1993: *Provided further*, That not to ex-
21 ceed \$3,000 shall be available for reasonable expenses re-
22 lated to promoting volunteer beach and marine cleanup
23 activities.

1 BUREAU OF SAFETY AND ENVIRONMENTAL
2 ENFORCEMENT
3 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT
4 For expenses necessary for the regulation of oper-
5 ations related to leases, easements, rights-of-way and
6 agreements for use for oil and gas, other minerals, energy,
7 and marine-related purposes on the Outer Continental
8 Shelf, as authorized by law; for enforcing and imple-
9 menting laws and regulations as authorized by law and
10 to the extent provided by Presidential or Secretarial dele-
11 gation; and for matching grants or cooperative agree-
12 ments, \$61,473,000, to remain available until September
13 30, 2013; and an amount not to exceed \$59,081,000 to
14 be credited to this appropriation and to remain available
15 until expended, from additions to receipts resulting from
16 increases to rates in effect on August 5, 1993, that are
17 collected and disbursed by the Secretary, from cost recov-
18 ery fees from activities conducted by the Bureau of Safety
19 and Environmental Enforcement pursuant to the Outer
20 Continental Shelf Lands Act, including studies, assess-
21 ments, analysis, and miscellaneous administrative activi-
22 ties: *Provided*, That notwithstanding 31 U.S.C. 3302, in
23 fiscal year 2012, such amounts as are assessed under 31
24 U.S.C. 9701 shall be collected and credited to this account
25 and shall be available until expended for necessary ex-

1 penses: *Provided further*, That to the extent \$59,081,000
2 in addition to receipts are not realized from the sources
3 of receipts stated above, the amount needed to reach
4 \$59,081,000 shall be credited to this appropriation from
5 receipts resulting from rental rates for Outer Continental
6 Shelf leases in effect before August 5, 1993: *Provided fur-*
7 *ther*, That for fiscal year 2012 and each fiscal year there-
8 after, the term “qualified Outer Continental Shelf reve-
9 nues”, as defined in section 102(9)(A) of the Gulf of Mex-
10 ico Energy Security Act, division C of Public Law 109–
11 432, shall include only the portion of rental revenues that
12 would have been collected by the Secretary at the rental
13 rates in effect before August 5, 1993.

14 For an additional amount, \$62,000,000, to remain
15 available until expended, which shall be derived from non-
16 refundable inspection fees collected in fiscal year 2012, as
17 provided in this Act: *Provided*, That to the extent that
18 such amounts are not realized from such fees, the amount
19 needed to reach \$62,000,000 shall be credited to this ap-
20 propriation from receipts resulting from rental rates for
21 Outer Continental Shelf leases in effect before August 5,
22 1993: *Provided further*, That to the extent that amounts
23 realized from such fees exceed \$62,000,000, the amounts
24 realized in excess of \$62,000,000 shall be credited to this
25 appropriation and remain available until expended: *Pro-*

1 *vided further*, That for fiscal year 2012, not less than 50
2 percent of the inspection fees collected by the Bureau of
3 Safety and Environmental Enforcement will be used to
4 fund personnel and mission-related costs to expand capac-
5 ity and expedite the orderly development, subject to envi-
6 ronmental safeguards, of the Outer Continental Shelf pur-
7 suant to the Outer Continental Shelf Lands Act (43
8 U.S.C. 1331 et seq.), including the review of applications
9 for permits to drill.

10 OIL SPILL RESEARCH

11 For necessary expenses to carry out title I, section
12 1016, title IV, sections 4202 and 4303, title VII, and title
13 VIII, section 8201 of the Oil Pollution Act of 1990,
14 \$14,923,000, which shall be derived from the Oil Spill Li-
15 ability Trust Fund, to remain available until expended.

16 OFFICE OF SURFACE MINING RECLAMATION AND
17 ENFORCEMENT

18 REGULATION AND TECHNOLOGY

19 For necessary expenses to carry out the provisions
20 of the Surface Mining Control and Reclamation Act of
21 1977, Public Law 95–87, as amended, \$122,950,000, to
22 remain available until September 30, 2013: *Provided*,
23 That appropriations for the Office of Surface Mining Rec-
24 lamation and Enforcement may provide for the travel and
25 per diem expenses of State and tribal personnel attending

1 Office of Surface Mining Reclamation and Enforcement
2 sponsored training: *Provided further*, That, in fiscal year
3 2012, up to \$40,000 collected by the Office of Surface
4 Mining from permit fees pursuant to section 507 of Public
5 Law 95–87 (30 U.S.C. 1257) shall be credited to this ac-
6 count as discretionary offsetting collections, to remain
7 available until expended: *Provided further*, That the sum
8 herein appropriated shall be reduced as collections are re-
9 ceived during the fiscal year so as to result in a final fiscal
10 year 2012 appropriation estimated at not more than
11 \$122,910,000: *Provided further*, That, in subsequent fiscal
12 years, all amounts collected by the Office of Surface Min-
13 ing from permit fees pursuant to section 507 of Public
14 Law 95–87 (30 U.S.C. 1257) shall be credited to this ac-
15 count as discretionary offsetting collections, to remain
16 available until expended.

17 ABANDONED MINE RECLAMATION FUND

18 For necessary expenses to carry out title IV of the
19 Surface Mining Control and Reclamation Act of 1977,
20 Public Law 95–87, as amended, \$27,443,000, to be de-
21 rived from receipts of the Abandoned Mine Reclamation
22 Fund and to remain available until expended: *Provided*,
23 That pursuant to Public Law 97–365, the Department of
24 the Interior is authorized to use up to 20 percent from
25 the recovery of the delinquent debt owed to the United

1 States Government to pay for contracts to collect these
2 debts: *Provided further*, That funds made available under
3 title IV of Public Law 95–87 may be used for any required
4 non-Federal share of the cost of projects funded by the
5 Federal Government for the purpose of environmental res-
6 toration related to treatment or abatement of acid mine
7 drainage from abandoned mines: *Provided further*, That
8 such projects must be consistent with the purposes and
9 priorities of the Surface Mining Control and Reclamation
10 Act: *Provided further*, That amounts provided under this
11 heading may be used for the travel and per diem expenses
12 of State and tribal personnel attending Office of Surface
13 Mining Reclamation and Enforcement sponsored training.

14

ADMINISTRATIVE PROVISION

15 With funds available for the Technical Innovation
16 and Professional Services program in this Act, the Sec-
17 retary may transfer title for computer hardware, software
18 and other technical equipment to State and tribal regu-
19 latory and reclamation programs.

20 BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN

21

EDUCATION

22

OPERATION OF INDIAN PROGRAMS

23

(INCLUDING TRANSFER OF FUNDS)

24 For expenses necessary for the operation of Indian
25 programs, as authorized by law, including the Snyder Act

1 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
2 termination and Education Assistance Act of 1975 (25
3 U.S.C. 450 et seq.), as amended, the Education Amend-
4 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
5 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
6 as amended, \$2,371,532,000, to remain available until
7 September 30, 2013 except as otherwise provided herein;
8 of which not to exceed \$8,500 may be for official reception
9 and representation expenses; of which not to exceed
10 \$74,911,000 shall be for welfare assistance payments:
11 *Provided*, That in cases of designated Federal disasters,
12 the Secretary may exceed such cap, from the amounts pro-
13 vided herein, to provide for disaster relief to Indian com-
14 munities affected by the disaster; of which, notwith-
15 standing any other provision of law, including but not lim-
16 ited to the Indian Self-Determination Act of 1975, as
17 amended, not to exceed \$219,560,000 shall be available
18 for payments for contract support costs associated with
19 ongoing contracts, grants, compacts, or annual funding
20 agreements entered into with the Bureau prior to or dur-
21 ing fiscal year 2012, as authorized by such Act, except
22 that tribes and tribal organizations may use their tribal
23 priority allocations for unmet contract support costs of on-
24 going contracts, grants, or compacts, or annual funding
25 agreements and for unmet welfare assistance costs; of

1 which not to exceed \$590,484,000 for school operations
2 costs of Bureau-funded schools and other education pro-
3 grams shall become available on July 1, 2012, and shall
4 remain available until September 30, 2013; and of which
5 not to exceed \$48,049,000 shall remain available until ex-
6 pended for housing improvement, road maintenance, at-
7 torney fees, litigation support, the Indian Self-Determina-
8 tion Fund, land records improvement, and the Navajo-
9 Hopi Settlement Program: *Provided further*, That notwith-
10 standing any other provision of law, including but not lim-
11 ited to the Indian Self-Determination Act of 1975, as
12 amended, and 25 U.S.C. 2008, not to exceed \$46,327,000
13 within and only from such amounts made available for
14 school operations shall be available for administrative cost
15 grants associated with ongoing grants entered into with
16 the Bureau prior to or during fiscal year 2011 for the
17 operation of Bureau-funded schools, and up to \$500,000
18 within and only from such amounts made available for ad-
19 ministrative cost grants shall be available for the transi-
20 tional costs of initial administrative cost grants to grant-
21 ees that assume operation on or after July 1, 2011, of
22 Bureau-funded schools: *Provided further*, That any for-
23 estry funds allocated to a tribe which remain unobligated
24 as of September 30, 2013, may be transferred during fis-
25 cal year 2014 to an Indian forest land assistance account

1 established for the benefit of the holder of the funds within
2 the holder's trust fund account: *Provided further*, That
3 any such unobligated balances not so transferred shall ex-
4 pire on September 30, 2014: *Provided further*, That in
5 order to enhance the safety of Bureau field employees, the
6 Bureau may use funds to purchase uniforms or other iden-
7 tifying articles of clothing for personnel.

8 CONSTRUCTION

9 (INCLUDING TRANSFER OF FUNDS)

10 For construction, repair, improvement, and mainte-
11 nance of irrigation and power systems, buildings, utilities,
12 and other facilities, including architectural and engineer-
13 ing services by contract; acquisition of lands, and interests
14 in lands; and preparation of lands for farming, and for
15 construction of the Navajo Indian Irrigation Project pur-
16 suant to Public Law 87-483, \$123,828,000, to remain
17 available until expended: *Provided*, That such amounts as
18 may be available for the construction of the Navajo Indian
19 Irrigation Project may be transferred to the Bureau of
20 Reclamation: *Provided further*, That not to exceed 6 per-
21 cent of contract authority available to the Bureau of In-
22 dian Affairs from the Federal Highway Trust Fund may
23 be used to cover the road program management costs of
24 the Bureau: *Provided further*, That any funds provided for
25 the Safety of Dams program pursuant to 25 U.S.C. 13

1 shall be made available on a nonreimbursable basis: *Pro-*
2 *vided further*, That for fiscal year 2012, in implementing
3 new construction or facilities improvement and repair
4 project grants in excess of \$100,000 that are provided to
5 grant schools under Public Law 100–297, as amended, the
6 Secretary of the Interior shall use the Administrative and
7 Audit Requirements and Cost Principles for Assistance
8 Programs contained in 43 CFR part 12 as the regulatory
9 requirements: *Provided further*, That such grants shall not
10 be subject to section 12.61 of 43 CFR; the Secretary and
11 the grantee shall negotiate and determine a schedule of
12 payments for the work to be performed: *Provided further*,
13 That in considering grant applications, the Secretary shall
14 consider whether such grantee would be deficient in assur-
15 ing that the construction projects conform to applicable
16 building standards and codes and Federal, tribal, or State
17 health and safety standards as required by 25 U.S.C.
18 2005(b), with respect to organizational and financial man-
19 agement capabilities: *Provided further*, That if the Sec-
20 retary declines a grant application, the Secretary shall fol-
21 low the requirements contained in 25 U.S.C. 2504(f): *Pro-*
22 *vided further*, That any disputes between the Secretary
23 and any grantee concerning a grant shall be subject to
24 the disputes provision in 25 U.S.C. 2507(e): *Provided fur-*
25 *ther*, That in order to ensure timely completion of con-

1 struction projects, the Secretary may assume control of
2 a project and all funds related to the project, if, within
3 18 months of the date of enactment of this Act, any grant-
4 ee receiving funds appropriated in this Act or in any prior
5 Act, has not completed the planning and design phase of
6 the project and commenced construction: *Provided further*,
7 That this appropriation may be reimbursed from the Of-
8 fice of the Special Trustee for American Indians appro-
9 priation for the appropriate share of construction costs for
10 space expansion needed in agency offices to meet trust re-
11 form implementation.

12 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
13 MISCELLANEOUS PAYMENTS TO INDIANS

14 For payments and necessary administrative expenses
15 for implementation of Indian land and water claim settle-
16 ments pursuant to Public Laws 99-264, 100-580, 101-
17 618, 108-447, and 111-11, and for implementation of
18 other land and water rights settlements, \$32,855,000, to
19 remain available until expended.

20 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

21 For the cost of guaranteed loans and insured loans,
22 \$7,114,000, of which \$964,000 is for administrative ex-
23 penses, as authorized by the Indian Financing Act of
24 1974, as amended: *Provided*, That such costs, including
25 the cost of modifying such loans, shall be as defined in

1 section 502 of the Congressional Budget Act of 1974: *Pro-*
2 *vided further*, That these funds are available to subsidize
3 total loan principal, any part of which is to be guaranteed
4 or insured, not to exceed \$73,365,796.

5 ADMINISTRATIVE PROVISIONS

6 The Bureau of Indian Affairs may carry out the oper-
7 ation of Indian programs by direct expenditure, contracts,
8 cooperative agreements, compacts, and grants, either di-
9 rectly or in cooperation with States and other organiza-
10 tions.

11 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
12 Affairs may contract for services in support of the man-
13 agement, operation, and maintenance of the Power Divi-
14 sion of the San Carlos Irrigation Project.

15 Appropriations for the Bureau of Indian Affairs (ex-
16 cept the Revolving Fund for Loans Liquidating Account,
17 Indian Loan Guaranty and Insurance Fund Liquidating
18 Account, Indian Guaranteed Loan Financing Account, In-
19 dian Direct Loan Financing Account, and the Indian
20 Guaranteed Loan Program account) shall be available for
21 expenses of exhibits.

22 Notwithstanding any other provision of law, no funds
23 available to the Bureau of Indian Affairs for central office
24 oversight and Executive Direction and Administrative
25 Services (except executive direction and administrative

1 services funding for Tribal Priority Allocations, regional
2 offices, and facilities operations and maintenance) shall be
3 available for contracts, grants, compacts, or cooperative
4 agreements with the Bureau of Indian Affairs under the
5 provisions of the Indian Self-Determination Act or the
6 Tribal Self-Governance Act of 1994 (Public Law 103–
7 413).

8 In the event any tribe returns appropriations made
9 available by this Act to the Bureau of Indian Affairs, this
10 action shall not diminish the Federal Government’s trust
11 responsibility to that tribe, or the government-to-govern-
12 ment relationship between the United States and that
13 tribe, or that tribe’s ability to access future appropria-
14 tions.

15 Notwithstanding any other provision of law, no funds
16 available to the Bureau, other than the amounts provided
17 herein for assistance to public schools under 25 U.S.C.
18 452 et seq., shall be available to support the operation of
19 any elementary or secondary school in the State of Alaska.

20 Appropriations made available in this or any other
21 Act for schools funded by the Bureau shall be available
22 only to the schools in the Bureau school system as of Sep-
23 tember 1, 1996. No funds available to the Bureau shall
24 be used to support expanded grades for any school or dor-
25 mitory beyond the grade structure in place or approved

1 by the Secretary of the Interior at each school in the Bu-
2 reau school system as of October 1, 1995, except that any
3 school or school program that was closed and removed
4 from the Bureau school system between 1951 and 1972,
5 and its respective tribe's relationship with the Federal
6 Government was terminated, shall be reinstated to the Bu-
7 reau system and supported at a level based on its grade
8 structure and average student enrollment for the 2009–
9 2010, 2010–2011 and 2011–2012 school years. Funds
10 made available under this Act may not be used to establish
11 a charter school at a Bureau-funded school (as that term
12 is defined in section 1141 of the Education Amendments
13 of 1978 (25 U.S.C. 2021)), except that a charter school
14 that is in existence on the date of the enactment of this
15 Act and that has operated at a Bureau-funded school be-
16 fore September 1, 1999, may continue to operate during
17 that period, but only if the charter school pays to the Bu-
18 reau a pro rata share of funds to reimburse the Bureau
19 for the use of the real and personal property (including
20 buses and vans), the funds of the charter school are kept
21 separate and apart from Bureau funds, and the Bureau
22 does not assume any obligation for charter school pro-
23 grams of the State in which the school is located if the
24 charter school loses such funding. Employees of Bureau-
25 funded schools sharing a campus with a charter school and

1 performing functions related to the charter school's oper-
2 ation and employees of a charter school shall not be treat-
3 ed as Federal employees for purposes of chapter 171 of
4 title 28, United States Code.

5 Notwithstanding any other provision of law, including
6 section 113 of title I of appendix C of Public Law 106-
7 113, if in fiscal year 2003 or 2004 a grantee received indi-
8 rect and administrative costs pursuant to a distribution
9 formula based on section 5(f) of Public Law 101-301, the
10 Secretary shall continue to distribute indirect and admin-
11 istrative cost funds to such grantee using the section 5(f)
12 distribution formula.

13 DEPARTMENTAL OFFICES

14 OFFICE OF THE SECRETARY

15 DEPARTMENTAL OPERATIONS

16 For necessary expenses for management of the De-
17 partment of the Interior, including the collection and dis-
18 bursement of royalties, fees, and other mineral revenue
19 proceeds, as authorized by law, \$262,317,000, to remain
20 available until September 30, 2013; of which not to exceed
21 \$15,000 may be for official reception and representation
22 expenses; and of which up to \$1,000,000 shall be available
23 for workers compensation payments and unemployment
24 compensation payments associated with the orderly clo-
25 sure of the United States Bureau of Mines; and of which

1 \$12,712,000 for the Office of Valuation Services is to be
2 derived from the Land and Water Conservation Fund and
3 shall remain available until expended; and of which
4 \$38,300,000 shall remain available until expended for the
5 purpose of mineral revenue management activities: *Pro-*
6 *vided*, That, for fiscal year 2012, up to \$400,000 of the
7 payments authorized by the Act of October 20, 1976, as
8 amended (31 U.S.C. 6901–6907) may be retained for ad-
9 ministrative expenses of the Payments in Lieu of Taxes
10 Program: *Provided further*, That no payment shall be
11 made pursuant to that Act to otherwise eligible units of
12 local government if the computed amount of the payment
13 is less than \$100: *Provided further*, That notwithstanding
14 any other provision of law, \$15,000 under this heading
15 shall be available for refunds of overpayments in connec-
16 tion with certain Indian leases in which the Secretary con-
17 curred with the claimed refund due, to pay amounts owed
18 to Indian allottees or tribes, or to correct prior unrecover-
19 able erroneous payments: *Provided further*, That, notwith-
20 standing the provisions of section 35(b) of the Mineral
21 Leasing Act, as amended (30 U.S.C. 191(b)), the Sec-
22 retary shall deduct 2 percent from the amount payable to
23 each State in fiscal year 2012 and deposit the amount de-
24 ducted to miscellaneous receipts of the Treasury.

1 INSULAR AFFAIRS

2 ASSISTANCE TO TERRITORIES

3 For expenses necessary for assistance to territories
4 under the jurisdiction of the Department of the Interior
5 and other jurisdictions identified in section 104(e) of Pub-
6 lic Law 108–188, \$87,997,000, of which: (1) \$78,517,000
7 shall remain available until expended for territorial assist-
8 ance, including general technical assistance, maintenance
9 assistance, disaster assistance, insular management con-
10 trols, coral reef initiative activities, and brown tree snake
11 control and research; grants to the judiciary in American
12 Samoa for compensation and expenses, as authorized by
13 law (48 U.S.C. 1661(c)); grants to the Government of
14 American Samoa, in addition to current local revenues, for
15 construction and support of governmental functions;
16 grants to the Government of the Virgin Islands as author-
17 ized by law; grants to the Government of Guam, as au-
18 thorized by law; and grants to the Government of the
19 Northern Mariana Islands as authorized by law (Public
20 Law 94–241; 90 Stat. 272); and (2) \$9,480,000 shall be
21 available until September 30, 2013 for salaries and ex-
22 penses of the Office of Insular Affairs: *Provided*, That all
23 financial transactions of the territorial and local govern-
24 ments herein provided for, including such transactions of
25 all agencies or instrumentalities established or used by

1 such governments, may be audited by the Government Ac-
2 countability Office, at its discretion, in accordance with
3 chapter 35 of title 31, United States Code: *Provided fur-*
4 *ther*, That Northern Mariana Islands Covenant grant
5 funding shall be provided according to those terms of the
6 Agreement of the Special Representatives on Future
7 United States Financial Assistance for the Northern Mar-
8 iana Islands approved by Public Law 104–134: *Provided*
9 *further*, That the funds for the program of operations and
10 maintenance improvement are appropriated to institu-
11 tionalize routine operations and maintenance improvement
12 of capital infrastructure with territorial participation and
13 cost sharing to be determined by the Secretary based on
14 the grantee’s commitment to timely maintenance of its
15 capital assets: *Provided further*, That any appropriation
16 for disaster assistance under this heading in this Act or
17 previous appropriations Acts may be used as non-Federal
18 matching funds for the purpose of hazard mitigation
19 grants provided pursuant to section 404 of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5170c).

22 COMPACT OF FREE ASSOCIATION

23 For grants and necessary expenses, \$3,318,000, to
24 remain available until expended, as provided for in sec-
25 tions 221(a)(2) and 233 of the Compact of Free Associa-

1 tion for the Republic of Palau; and section 221(a)(2) of
2 the Compacts of Free Association for the Government of
3 the Republic of the Marshall Islands and the Federated
4 States of Micronesia, as authorized by Public Law 99–
5 658 and Public Law 108–188.

6 ADMINISTRATIVE PROVISIONS

7 (INCLUDING TRANSFER OF FUNDS)

8 At the request of the Governor of Guam, the Sec-
9 retary may transfer discretionary funds or mandatory
10 funds provided under section 104(e) of Public Law 108–
11 188 and Public Law 104–134, that are allocated for
12 Guam, to the Secretary of Agriculture for the subsidy cost
13 of direct or guaranteed loans, plus not to exceed three per-
14 cent of the amount of the subsidy transferred for the cost
15 of loan administration, for the purposes authorized by the
16 Rural Electrification Act of 1936 and section 306(a)(1)
17 of the Consolidated Farm and Rural Development Act for
18 construction and repair projects in Guam, and such funds
19 shall remain available until expended: *Provided*, That such
20 costs, including the cost of modifying such loans, shall be
21 as defined in section 502 of the Congressional Budget Act
22 of 1974: *Provided further*, That such loans or loan guaran-
23 tees may be made without regard to the population of the
24 area, credit elsewhere requirements, and restrictions on
25 the types of eligible entities under the Rural Electrifica-

1 tion Act of 1936 and section 306(a)(1) of the Consolidated
2 Farm and Rural Development Act: *Provided further*, That
3 any funds transferred to the Secretary of Agriculture shall
4 be in addition to funds otherwise made available to make
5 or guarantee loans under such authorities.

6 OFFICE OF THE SOLICITOR

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the Solicitor,
9 \$66,296,000.

10 OFFICE OF INSPECTOR GENERAL

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Inspector
13 General, \$49,471,000.

14 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

15 INDIANS

16 FEDERAL TRUST PROGRAMS

17 (INCLUDING TRANSFER OF FUNDS)

18 For the operation of trust programs for Indians by
19 direct expenditure, contracts, cooperative agreements,
20 compacts, and grants, \$152,319,000, to remain available
21 until expended, of which not to exceed \$31,171,000 from
22 this or any other Act, shall be available for historical ac-
23 counting: *Provided*, That funds for trust management im-
24 provements and litigation support may, as needed, be
25 transferred to or merged with the Bureau of Indian Af-

1 fairs, “Operation of Indian Programs” account; the Office
2 of the Solicitor, “Salaries and Expenses” account; and the
3 Office of the Secretary, “Salaries and Expenses” account:
4 *Provided further*, That funds made available through con-
5 tracts or grants obligated during fiscal year 2012, as au-
6 thorized by the Indian Self-Determination Act of 1975 (25
7 U.S.C. 450 et seq.), shall remain available until expended
8 by the contractor or grantee: *Provided further*, That, not-
9 withstanding any other provision of law, the statute of lim-
10 itations shall not commence to run on any claim, including
11 any claim in litigation pending on the date of the enact-
12 ment of this Act, concerning losses to or mismanagement
13 of trust funds, until the affected tribe or individual Indian
14 has been furnished with an accounting of such funds from
15 which the beneficiary can determine whether there has
16 been a loss: *Provided further*, That, notwithstanding any
17 other provision of law, the Secretary shall not be required
18 to provide a quarterly statement of performance for any
19 Indian trust account that has not had activity for at least
20 18 months and has a balance of \$15 or less: *Provided fur-*
21 *ther*, That the Secretary shall issue an annual account
22 statement and maintain a record of any such accounts and
23 shall permit the balance in each such account to be with-
24 drawn upon the express written request of the account
25 holder: *Provided further*, That not to exceed \$50,000 is

1 available for the Secretary to make payments to correct
2 administrative errors of either disbursements from or de-
3 posits to Individual Indian Money or Tribal accounts after
4 September 30, 2002: *Provided further*, That erroneous
5 payments that are recovered shall be credited to and re-
6 main available in this account for this purpose.

7 DEPARTMENT-WIDE PROGRAMS

8 WILDLAND FIRE MANAGEMENT

9 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

10 For necessary expenses for fire preparedness, sup-
11 pression operations, fire science and research, emergency
12 rehabilitation, hazardous fuels reduction, and rural fire as-
13 sistance by the Department of the Interior, \$566,495,000,
14 to remain available until expended, of which not to exceed
15 \$6,137,000 shall be for the renovation or construction of
16 fire facilities: *Provided*, That such funds are also available
17 for repayment of advances to other appropriation accounts
18 from which funds were previously transferred for such
19 purposes: *Provided further*, That persons hired pursuant
20 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
21 ing without cost from funds available from this appropria-
22 tion: *Provided further*, That notwithstanding 42 U.S.C.
23 1856d, sums received by a bureau or office of the Depart-
24 ment of the Interior for fire protection rendered pursuant
25 to 42 U.S.C. 1856 et seq., protection of United States

1 property, may be credited to the appropriation from which
2 funds were expended to provide that protection, and are
3 available without fiscal year limitation: *Provided further*,
4 That using the amounts designated under this title of this
5 Act, the Secretary of the Interior may enter into procure-
6 ment contracts, grants, or cooperative agreements, for
7 hazardous fuels reduction activities, and for training and
8 monitoring associated with such hazardous fuels reduction
9 activities, on Federal land, or on adjacent non-Federal
10 land for activities that benefit resources on Federal land:
11 *Provided further*, That the costs of implementing any co-
12 operative agreement between the Federal Government and
13 any non-Federal entity may be shared, as mutually agreed
14 on by the affected parties: *Provided further*, That notwith-
15 standing requirements of the Competition in Contracting
16 Act, the Secretary, for purposes of hazardous fuels reduc-
17 tion activities, may obtain maximum practicable competi-
18 tion among: (1) local private, nonprofit, or cooperative en-
19 tities; (2) Youth Conservation Corps crews, Public Lands
20 Corps (Public Law 109–154), or related partnerships with
21 State, local, or nonprofit youth groups; (3) small or micro-
22 businesses; or (4) other entities that will hire or train lo-
23 cally a significant percentage, defined as 50 percent or
24 more, of the project workforce to complete such contracts:
25 *Provided further*, That in implementing this section, the

1 Secretary shall develop written guidance to field units to
2 ensure accountability and consistent application of the au-
3 thorities provided herein: *Provided further*, That funds ap-
4 propriated under this heading may be used to reimburse
5 the United States Fish and Wildlife Service and the Na-
6 tional Marine Fisheries Service for the costs of carrying
7 out their responsibilities under the Endangered Species
8 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
9 ference, as required by section 7 of such Act, in connection
10 with wildland fire management activities: *Provided further*,
11 That the Secretary of the Interior may use wildland fire
12 appropriations to enter into noncompetitive sole-source
13 leases of real property with local governments, at or below
14 fair market value, to construct capitalized improvements
15 for fire facilities on such leased properties, including but
16 not limited to fire guard stations, retardant stations, and
17 other initial attack and fire support facilities, and to make
18 advance payments for any such lease or for construction
19 activity associated with the lease: *Provided further*, That
20 the Secretary of the Interior and the Secretary of Agri-
21 culture may authorize the transfer of funds appropriated
22 for wildland fire management, in an aggregate amount not
23 to exceed \$50,000,000, between the Departments when
24 such transfers would facilitate and expedite wildland fire
25 management programs and projects: *Provided further*,

1 That funds provided for wildfire suppression shall be avail-
2 able for support of Federal emergency response actions:
3 *Provided further,* That funds appropriated under this
4 heading shall be available for assistance to or through the
5 Department of State in connection with forest and range-
6 land research, technical information, and assistance in for-
7 eign countries, and, with the concurrence of the Secretary
8 of State, shall be available to support forestry, wildland
9 fire management, and related natural resource activities
10 outside the United States and its territories and posses-
11 sions, including technical assistance, education and train-
12 ing, and cooperation with United States and international
13 organizations: *Provided further,* That before obligating any
14 of the funds provided herein for wildland fire suppression,
15 the Secretary of the Interior shall obligate all unobligated
16 balances previously made available under this heading
17 that, when appropriated, were designated by Congress as
18 an emergency requirement pursuant to the Concurrent
19 Resolution on the Budget or the Balanced Budget and
20 Emergency Deficit Control Act of 1985 and notify the
21 Committees on Appropriations of the House of Represent-
22 atives and the Senate in writing of the imminent need to
23 begin obligating funds provided herein for wildland fire
24 suppression: *Provided further,* That of the funds made

1 available under this heading for wildland fire suppression
2 in fiscal year 2011, \$82,000,000 are rescinded.

3 FLAME WILDFIRE SUPPRESSION RESERVE FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for large fire suppression op-
6 erations of the Department of the Interior and as a re-
7 serve fund for suppression and Federal emergency re-
8 sponse activities, \$92,000,000, to remain available until
9 expended: *Provided*, That such amounts are available only
10 for transfer to the “Wildland Fire Management” account
11 and only following a declaration by the Secretary that ei-
12 ther (1) a wildland fire suppression event meets certain
13 previously established risk-based written criteria for sig-
14 nificant complexity, severity, or threat posed by the fire
15 or (2) funds in the “Wildland Fire Management” account
16 will be exhausted within 30 days.

17 CENTRAL HAZARDOUS MATERIALS FUND

18 For necessary expenses of the Department of the In-
19 terior and any of its component offices and bureaus for
20 the response action, including associated activities, per-
21 formed pursuant to the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act, as amended (42
23 U.S.C. 9601 et seq.), \$10,149,000, to remain available
24 until expended.

1 NATURAL RESOURCE DAMAGE ASSESSMENT AND
2 RESTORATION
3 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

4 To conduct natural resource damage assessment and
5 restoration activities by the Department of the Interior
6 necessary to carry out the provisions of the Comprehensive
7 Environmental Response, Compensation, and Liability
8 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
9 Water Pollution Control Act, as amended (33 U.S.C. 1251
10 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
11 et seq.), and Public Law 101–337, as amended (16 U.S.C.
12 19jj et seq.), \$6,263,000, to remain available until ex-
13 pended.

14 WORKING CAPITAL FUND

15 For the acquisition of a departmental financial and
16 business management system, information technology im-
17 provements of general benefit to the Department,
18 strengthening the Department’s acquisition workforce ca-
19 pacity and capabilities, and consolidation of facilities and
20 operations throughout the Department, \$62,019,000, to
21 remain available until expended: *Provided*, That such
22 funds shall be available for training, recruitment, reten-
23 tion, and hiring members of the acquisition workforce as
24 defined by the Office of Federal Procurement Policy Act
25 as amended (41 U.S.C. 401 et seq.): *Provided further*,

1 That none of the funds appropriated in this Act or any
2 other Act may be used to establish reserves in the Working
3 Capital Fund account other than for accrued annual leave
4 and depreciation of equipment without prior approval of
5 the House of Representatives and Senate Committees on
6 Appropriations: *Provided further*, That the Secretary may
7 assess reasonable charges to State, local and tribal govern-
8 ment employees for training services provided by the Na-
9 tional Indian Program Training Center, other than train-
10 ing related to Public Law 93–638: *Provided further*, That
11 the Secretary may lease or otherwise provide space and
12 related facilities, equipment or professional services of the
13 National Indian Program Training Center to State, local
14 and tribal government employees or persons or organiza-
15 tions engaged in cultural, educational, or recreational ac-
16 tivities (as defined in section 3306(a) of title 40, United
17 States Code) at the prevailing rate for similar space, facili-
18 ties, equipment, or services in the vicinity of the National
19 Indian Program Training Center: *Provided further*, That
20 all funds received pursuant to the two preceding provisos
21 shall be credited to this account, shall be available until
22 expended, and shall be used by the Secretary for necessary
23 expenses of the National Indian Program Training Center.

1 ADMINISTRATIVE PROVISION

2 There is hereby authorized for acquisition from avail-
3 able resources within the Working Capital Fund, 15 air-
4 craft, 10 of which shall be for replacement and which may
5 be obtained by donation, purchase or through available ex-
6 cess surplus property: *Provided*, That existing aircraft
7 being replaced may be sold, with proceeds derived or
8 trade-in value used to offset the purchase price for the
9 replacement aircraft.

10 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

11 (INCLUDING TRANSFERS OF FUNDS)

12 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

13 SEC. 101. Appropriations made in this title shall be
14 available for expenditure or transfer (within each bureau
15 or office), with the approval of the Secretary, for the emer-
16 gency reconstruction, replacement, or repair of aircraft,
17 buildings, utilities, or other facilities or equipment dam-
18 aged or destroyed by fire, flood, storm, or other unavoid-
19 able causes: *Provided*, That no funds shall be made avail-
20 able under this authority until funds specifically made
21 available to the Department of the Interior for emer-
22 gencies shall have been exhausted: *Provided further*, That
23 all funds used pursuant to this section must be replenished
24 by a supplemental appropriation which must be requested
25 as promptly as possible.

1 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

2 SEC. 102. The Secretary may authorize the expendi-
3 ture or transfer of any no year appropriation in this title,
4 in addition to the amounts included in the budget pro-
5 grams of the several agencies, for the suppression or emer-
6 gency prevention of wildland fires on or threatening lands
7 under the jurisdiction of the Department of the Interior;
8 for the emergency rehabilitation of burned-over lands
9 under its jurisdiction; for emergency actions related to po-
10 tential or actual earthquakes, floods, volcanoes, storms, or
11 other unavoidable causes; for contingency planning subse-
12 quent to actual oil spills; for response and natural resource
13 damage assessment activities related to actual oil spills or
14 releases of hazardous substances into the environment; for
15 the prevention, suppression, and control of actual or po-
16 tential grasshopper and Mormon cricket outbreaks on
17 lands under the jurisdiction of the Secretary, pursuant to
18 the authority in section 417(b) of Public Law 106–224
19 (7 U.S.C. 7717(b)); for emergency reclamation projects
20 under section 410 of Public Law 95–87; and shall trans-
21 fer, from any no year funds available to the Office of Sur-
22 face Mining Reclamation and Enforcement, such funds as
23 may be necessary to permit assumption of regulatory au-
24 thority in the event a primacy State is not carrying out
25 the regulatory provisions of the Surface Mining Act: *Pro-*

1 *vided*, That appropriations made in this title for wildland
2 fire operations shall be available for the payment of obliga-
3 tions incurred during the preceding fiscal year, and for
4 reimbursement to other Federal agencies for destruction
5 of vehicles, aircraft, or other equipment in connection with
6 their use for wildland fire operations, such reimbursement
7 to be credited to appropriations currently available at the
8 time of receipt thereof: *Provided further*, That for wildland
9 fire operations, no funds shall be made available under
10 this authority until the Secretary determines that funds
11 appropriated for “wildland fire operations” and “FLAME
12 Wildfire Suppression Reserve Fund” shall be exhausted
13 within 30 days: *Provided further*, That all funds used pur-
14 suant to this section must be replenished by a supple-
15 mental appropriation which must be requested as prompt-
16 ly as possible: *Provided further*, That such replenishment
17 funds shall be used to reimburse, on a pro rata basis, ac-
18 counts from which emergency funds were transferred.

19 AUTHORIZED USE OF FUNDS

20 SEC. 103. Appropriations made to the Department
21 of the Interior in this title shall be available for services
22 as authorized by section 3109 of title 5, United States
23 Code, when authorized by the Secretary, in total amount
24 not to exceed \$500,000; purchase and replacement of
25 motor vehicles, including specially equipped law enforce-

1 tribal base funds, to alleviate tribal funding inequities by
2 transferring funds to address identified, unmet needs,
3 dual enrollment, overlapping service areas or inaccurate
4 distribution methodologies. No tribe shall receive a reduc-
5 tion in Tribal Priority Allocation funds of more than 10
6 percent in fiscal year 2012. Under circumstances of dual
7 enrollment, overlapping service areas or inaccurate dis-
8 tribution methodologies, the 10 percent limitation does not
9 apply.

10 PAYMENT OF FEES

11 SEC. 106. The Secretary of the Interior may use dis-
12 cretionary funds to pay private attorney fees and costs for
13 employees and former employees of the Department of the
14 Interior reasonably incurred in connection with *Cobell v.*
15 *Salazar* to the extent that such fees and costs are not paid
16 by the Department of Justice or by private insurance. In
17 no case shall the Secretary make payments under this sec-
18 tion that would result in payment of hourly fees in excess
19 of the highest hourly rate approved by the District Court
20 for the District of Columbia for counsel in *Cobell v. Sala-*
21 *zar*.

22 EVERGLADES ECOSYSTEM RESTORATION

23 SEC. 107. This and any subsequent fiscal year, the
24 National Park Service is authorized to implement modi-
25 fications to the Tamiami Trail as described in, and in ac-

1 cordance with, the preferred alternative identified in the
2 final environmental impact statement noticed in the Fed-
3 eral Register on December 14, 2010, (75 Fed. Reg.
4 77896), relating to restoration efforts of the Everglades
5 ecosystem.

6 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

7 SEC. 108. Notwithstanding any other provision of
8 law, the Secretary of the Interior is authorized to acquire
9 lands, waters, or interests therein including the use of all
10 or part of any pier, dock, or landing within the State of
11 New York and the State of New Jersey, for the purpose
12 of operating and maintaining facilities in the support of
13 transportation and accommodation of visitors to Ellis,
14 Governors, and Liberty Islands, and of other program and
15 administrative activities, by donation or with appropriated
16 funds, including franchise fees (and other monetary con-
17 sideration), or by exchange; and the Secretary is author-
18 ized to negotiate and enter into leases, subleases, conces-
19 sion contracts or other agreements for the use of such fa-
20 cilities on such terms and conditions as the Secretary may
21 determine reasonable.

22 OUTER CONTINENTAL SHELF INSPECTION FEES

23 SEC. 109. (a) In fiscal year 2012, the Secretary shall
24 collect a nonrefundable inspection fee, which shall be de-
25 posited in the “Ocean Energy Management” account,

1 from the designated operator for facilities subject to in-
2 spection under 43 U.S.C. 1348(e).

3 (b) Annual fees shall be collected for facilities that
4 are above the waterline, excluding drilling rigs, and are
5 in place at the start of the fiscal year. Fees for fiscal year
6 2012 shall be:

7 (1) \$10,500 for facilities with no wells, but with
8 processing equipment or gathering lines;

9 (2) \$17,000 for facilities with 1 to 10 wells,
10 with any combination of active or inactive wells; and

11 (3) \$31,500 for facilities with more than 10
12 wells, with any combination of active or inactive
13 wells.

14 (c) Fees for drilling rigs shall be assessed for all in-
15 spections completed in fiscal year 2012. Fees for fiscal
16 year 2012 shall be:

17 (1) \$30,500 per inspection for rigs operating in
18 water depths of 500 feet or more; and

19 (2) \$16,700 per inspection for rigs operating in
20 water depths of less than 500 feet.

21 (d) The Secretary shall bill designated operators
22 under subsection (b) within 60 days, with payment re-
23 quired within 30 days of billing. The Secretary shall bill
24 designated operators under subsection (c) within 30 days

1 of the end of the month in which the inspection occurred,
2 with payment required within 30 days of billing.

3 OIL AND GAS LEASING INTERNET PROGRAM

4 SEC. 110. Notwithstanding section 17(b)(1)(A) of the
5 Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Sec-
6 retary of the Interior shall have the authority to establish
7 an oil and gas leasing Internet program, under which the
8 Secretary may conduct lease sales through methods other
9 than oral bidding.

10 INDIAN PROBATE JUDGES

11 SEC. 111. Section 108 of Public Law 109–54 (the
12 Department of the Interior, Environment, and Related
13 Agencies Appropriations Act, 2006) is amended by strik-
14 ing “in fiscal years 2006 through 2010, for the purpose
15 of reducing the backlog of” and inserting “for fiscal year
16 2006 and each fiscal year thereafter, for the purpose of
17 adjudicating”.

18 BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION

19 AND ENFORCEMENT REORGANIZATION

20 SEC. 112. The Secretary of the Interior, in order to
21 implement a reorganization of the Bureau of Ocean En-
22 ergy Management, Regulation and Enforcement, may es-
23 tablish accounts and transfer funds among and between
24 the offices and bureaus affected by the reorganization only

1 in conformance with the reprogramming guidelines de-
2 scribed in the report accompanying this Act.

3 AUTHORIZED USE OF INDIAN EDUCATION FUNDS

4 SEC. 113. Beginning July 1, 2008, any funds (includ-
5 ing investments and interest earned, except for construc-
6 tion funds) held by a Public Law 100–297 grant or a Pub-
7 lic Law 93–638 contract school shall, upon retrocession
8 to or re-assumption by the Bureau of Indian Education,
9 remain available to the Bureau of Indian Education for
10 a period of 5 years from the date of retrocession or re-
11 assumption for the benefit of the programs approved for
12 the school on October 1, 1995.

13 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
14 BURRO HOLDING FACILITIES

15 SEC. 114. (a) Notwithstanding any other provision
16 of this Act, the Secretary of the Interior may enter into
17 multiyear cooperative agreements with nonprofit organiza-
18 tions and other appropriate entities, and may enter into
19 multiyear contracts in accordance with the provisions of
20 section 304B of the Federal Property and Administrative
21 Services Act of 1949 (41 U.S.C. 254c) (except that the
22 5-year term restriction in subsection (d) shall not apply),
23 for the long-term care and maintenance of excess wild free
24 roaming horses and burros by such organizations or enti-
25 ties on private land. Such cooperative agreements and con-

1 tracts may not exceed 10 years, subject to renewal at the
2 discretion of the Secretary.

3 (b) During fiscal year 2012 and subsequent fiscal
4 years, in carrying out work involving cooperation with any
5 State or political subdivision thereof, the Bureau of Land
6 Management may record obligations against accounts re-
7 ceivable from any such entities.

8 BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

9 SEC. 115. (a)(1) Notwithstanding any other provision
10 of law or Federal regulation, including section 586(e) of
11 title 40, United States Code, the Director of the BIE, or
12 the Director's designee, is authorized to enter into agree-
13 ments with public and private persons and entities that
14 provide for such persons and entities to rent or lease the
15 land or facilities of a Bureau-operated school for such pe-
16 riods of time as the school is Bureau operated, in exchange
17 for a consideration (in the form of funds) that benefits
18 the school, as determined by the head of the school.

19 (2) Funds received under paragraph (1) shall be re-
20 tained by the school and used for school purposes other-
21 wise authorized by law. Any funds received under para-
22 graph (1) are hereby made available until expended for
23 such purposes, notwithstanding section 3302 of title 31,
24 United States Code.

1 (3) Nothing in this section shall be construed to allow
2 for the diminishment of, or otherwise affect, the appro-
3 priation of funds to the budget accounts for the operation
4 and maintenance of Bureau-operated schools. No funds
5 shall be withheld from the distribution to the budget of
6 any Bureau-operated school due to the receipt by the
7 school of a benefit in accordance with this section.

8 (b) Notwithstanding any provision of title 5, United
9 States Code, or any regulation promulgated under such
10 title, education personnel who are under the direction and
11 supervision of the Secretary of the Interior may partici-
12 pate in a fundraising activity for the benefit of a Bureau-
13 operated school in an official capacity as part of their offi-
14 cial duties. When participating in such an official capacity,
15 the employee may use the employee's official title, position,
16 and authority. Nothing in this subsection shall be con-
17 strued to authorize participation in political activity (as
18 such term is used in section 7324 of title 5, United States
19 Code) otherwise prohibited by law.

20 (c) The Secretary of the Interior shall promulgate
21 regulations to carry out this section not later than 16
22 months after the date of the enactment of this Act. Such
23 regulations shall include—

1 (1) standards for the appropriate use of Bu-
2 reau-operated school lands and facilities by third
3 parties under a rental or lease agreement;

4 (2) provisions for the establishment and admin-
5 istration of mechanisms for the acceptance of con-
6 sideration for the use and benefit of a school in ac-
7 cordance with this section (including, in appropriate
8 cases, the establishment and administration of trust
9 funds);

10 (3) accountability standards to ensure ethical
11 conduct; and

12 (4) provisions for monitoring the amount and
13 terms of consideration received, the manner in which
14 the consideration is used, and any results achieved
15 by such use.

16 (d) Provisions of this section shall apply to fiscal
17 years 2012 through 2014.

18 AUTHORIZED USE OF FUNDS

19 SEC. 116. Section 3006 of Public Law 111–212 is
20 amended by striking “For fiscal years 2010 and 2011”
21 and inserting “For fiscal years 2010 through 2012”.

22 MASS MARKING OF SALMONIDS

23 SEC. 117. The United States Fish and Wildlife Serv-
24 ice shall, in carrying out its responsibilities to protect
25 threatened and endangered species of salmon, implement

1 a system of mass marking of salmonid stocks, intended
2 for harvest, that are released from federally operated or
3 federally financed hatcheries including but not limited to
4 fish releases of coho, chinook, and steelhead species.
5 Marked fish must have a visible mark that can be readily
6 identified by commercial and recreational fishers.

7 PROHIBITION ON USE OF FUNDS

8 SEC. 118. (a) Any proposed new use of the Arizona
9 & California Railroad Company's Right of Way for convey-
10 ance of water shall not proceed unless the Secretary of
11 the Interior certifies that the proposed new use is within
12 the scope of the Right of Way.

13 (b) No funds appropriated or otherwise made avail-
14 able to the Department of the Interior may be used, in
15 relation to any proposal to store water underground for
16 the purpose of export, for approval of any right-of-way or
17 similar authorization on the Mojave National Preserve or
18 lands managed by the Needles Field Office of the Bureau
19 of Land Management, or for carrying out any activities
20 associated with such right-of-way or similar approval.

21 YUKON-CHARLEY NATIONAL PRESERVE

22 SEC. 119. None of the funds made available by this
23 Act may be used by the Secretary of the Interior to imple-
24 ment or enforce regulations concerning boating within
25 Yukon-Charley National Preserve, including waters sub-

1 ject to the jurisdiction of the United States, pursuant to
2 section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h))
3 or any other authority. This section does not affect the
4 authority of the Coast Guard to regulate the use of waters
5 subject to the jurisdiction of the United States within the
6 Yukon-Charley National Preserve.

7
8 REPUBLIC OF PALAU

9 SEC. 120. (a) IN GENERAL.—Subject to subsection
10 (c), the United States Government, through the Secretary
11 of the Interior shall provide to the Government of Palau
12 for fiscal year 2012 grants in amounts equal to the annual
13 amounts specified in subsections (a), (c), and (d) of sec-
14 tion 211 of the Compact of Free Association between the
15 Government of the United States of America and the Gov-
16 ernment of Palau (48 U.S.C. 1931 note) (referred to in
17 this section as the “Compact”).

18 (b) PROGRAMMATIC ASSISTANCE.—Subject to sub-
19 section (c), the United States shall provide programmatic
20 assistance to the Republic of Palau for fiscal year 2012
21 in amounts equal to the amounts provided in subsections
22 (a) and (b)(1) of section 221 of the Compact.

23 (c) LIMITATIONS ON ASSISTANCE.—

24 (1) IN GENERAL.—The grants and pro-
25 grammatic assistance provided under subsections (a)
and (b) shall be provided to the same extent and in

1 the same manner as the grants and assistance were
2 provided in fiscal year 2009.

3 (2) TRUST FUND.—If the Government of Palau
4 withdraws more than \$5,000,000 from the trust
5 fund established under section 211(f) of the Com-
6 pact, amounts to be provided under subsections (a)
7 and (b) shall be withheld from the Government of
8 Palau.

9 HIRING AUTHORITIES

10 SEC. 121. (a) DIRECT HIRE AUTHORITY.—

11 (1) During fiscal year 2012 and thereafter, the
12 Secretary of the Interior may appoint, without re-
13 gard to the provisions of subchapter I of chapter 33
14 of title 5, United States Code, other than sections
15 3303 and 3328 of such title, a qualified candidate
16 described in paragraph (1) directly to a position with
17 a land managing agency of the Department of the
18 Interior for which the candidate meets Office of Per-
19 sonnel Management qualification standards.

20 (2) Paragraph (1) applies with respect to a
21 former resource assistant (as defined in section 203
22 of the Public Land Corps Act (16 U.S.C. 1722))
23 who—

24 (A) completed a rigorous undergraduate or
25 graduate summer internship with a land man-

1 aging agency, such as the National Park Serv-
2 ice Business Plan Internship;

3 (B) successfully fulfilled the requirements
4 of the internship program; and

5 (C) subsequently earned an undergraduate
6 or graduate degree from an accredited institu-
7 tion of higher education.

8 (3) The direct hire authority under this sub-
9 section may not be exercised with respect to a spe-
10 cific qualified candidate after the end of the two-
11 year period beginning on the date on which the can-
12 didate completed the undergraduate or graduate de-
13 gree, as the case may be.

14 (b) LOCAL HIRE AUTHORITY.—Section 1308 of the
15 Alaska National Interest Lands Conservation Act of 1980
16 (16 U.S.C. 3198) is amended—

17 (1) in subsection (a), by striking “establish a
18 program” and inserting “establish an excepted serv-
19 ice appointment authority,”;

20 (2) in subsection (b), by striking “competitive
21 service as defined in section 2102 of such title for
22 which such person is eligible under subchapter I of
23 chapter 33 of such title, in selection to such posi-
24 tion” and inserting “excepted service as defined in
25 section 2103 of such title”;

1 (3) in subsection (e), by redesignating para-
2 graph (2) as paragraph (3) and inserting after para-
3 graph (1) the following new paragraph (2):

4 “(2) CONVERSION TO COMPETITIVE SERVICE.—
5 Employees who satisfactorily complete two years of
6 continuous service in a permanent appointment
7 made under subsection (a) and who meet satisfac-
8 tory performance and competitive service qualifica-
9 tion requirements shall have their appointment con-
10 verted to competitive service career-conditional or
11 career employment as appropriate. This paragraph
12 applies to individuals appointed on or after March
13 30, 2009. An employee who does not meet competi-
14 tive service qualification requirements after two
15 years of continuous service in an appointment made
16 under subsection (a) shall be converted upon meet-
17 ing such qualification requirements. Temporary and
18 time-limited appointments will be made in the ex-
19 cepted service. There is no provision for conversion
20 to competitive service when appointments are time-
21 limited.”.

22 (c) GULF OF MEXICO REGION.—For fiscal years
23 2012 and 2013, funds made available in this title for the
24 Bureau of Ocean Energy Management and the Bureau of
25 Safety and Environmental Enforcement may be used by

1 the Secretary of the Interior to establish higher minimum
2 rates of basic pay for employees of the Department of the
3 Interior in the Gulf of Mexico Region in the Geophysicist
4 (GS-1313), Geologist (GS-1350), and Petroleum Engi-
5 neer (GS-0881) job series at grades 5 through 15 at rates
6 no greater than 25 percent above the minimum rates of
7 basic pay normally scheduled, and such higher rates shall
8 be consistent with the subsections (e) through (h) of sec-
9 tion 5305 of title 5, United States Code.

10 BUREAU OF LAND MANAGEMENT ACTIONS REGARDING
11 GRAZING ON PUBLIC LANDS

12 SEC. 122. (a) EXHAUSTION OF ADMINISTRATIVE RE-
13 VIEW REQUIRED.—

14 (1) For fiscal years 2012 and 2013 only, a per-
15 son may bring a civil action challenging a decision
16 of the Bureau of Land Management concerning
17 grazing on public lands (as defined in section 103(e)
18 of the Federal Land Policy and Management Act of
19 1976 (43 U.S.C. 1702(e))) in a Federal district
20 court only if the person has exhausted the adminis-
21 trative hearings and appeals procedures established
22 by the Department of the Interior, including having
23 filed a timely appeal and a request for stay.

24 (2) An issue may be considered in the judicial
25 review of a decision referred to in paragraph (1)

1 only if the issue was raised in the administrative re-
2 view process described in such paragraph.

3 (3) An exception to the requirement of exhaust-
4 ing the administrative review process before seeking
5 judicial review shall be available if a Federal court
6 finds that the agency failed or was unable to make
7 information timely available during the administra-
8 tive review process for issues of material fact. For
9 the purposes of this paragraph, the term “timely”
10 means within 120 calendar days after the date that
11 the challenge to the agency action or amendment at
12 issue is received for administrative review.

13 (b) ACCEPTANCE OF DONATION OF CERTAIN EXIST-
14 ING PERMITS OR LEASES.—

15 (1) During fiscal year 2012 and thereafter, the
16 Secretary of the Interior shall accept the donation of
17 any valid existing permits or leases authorizing graz-
18 ing on public lands within the California Desert
19 Conservation Area. With respect to each permit or
20 lease donated under this paragraph, the Secretary
21 shall terminate the grazing permit or lease, ensure
22 a permanent end (except as provided in paragraph
23 (2)), to grazing on the land covered by the permit
24 or lease, and make the land available for mitigation
25 by allocating the forage to wildlife use consistent

1 with any applicable Habitat Conservation Plan, sec-
2 tion 10(a)(1)(B) permit, or section 7 consultation
3 under the Endangered Species Act of 1973 (16
4 U.S.C. 1531 et seq.).

5 (2) If the land covered by a permit or lease do-
6 nated under paragraph (1) is also covered by an-
7 other valid existing permit or lease that is not do-
8 nated under such paragraph, the Secretary of the
9 Interior shall reduce the authorized grazing level on
10 the land covered by the permit or lease to reflect the
11 donation of the permit or lease under paragraph (1).
12 To ensure that there is a permanent reduction in the
13 level of grazing on the land covered by a permit or
14 lease donated under paragraph (1), the Secretary
15 shall not allow grazing use to exceed the authorized
16 level under the remaining valid existing permit or
17 lease that is not donated.

18 TRAILING LIVESTOCK OVER PUBLIC LAND

19 SEC. 123. During fiscal years 2012 through 2013
20 only, the Bureau of Land Management may, at its sole
21 discretion, review planning and implementation decisions
22 regarding the trailing of livestock across public lands, in-
23 cluding, but not limited to, issuance of crossing or trailing
24 authorizations or permits, under the National Environ-
25 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Tem-

1 porary trailing or crossing authorizations across public
2 lands shall not be subject to protest and/or appeal under
3 subpart E of part 4 of title 43, Code of Federal Regula-
4 tions, and subpart 4160 of part 4100 of such title.

5 LEASE AUTHORIZATION

6 SEC. 124. (a) IN GENERAL.—The Secretary of the
7 Interior (referred to in this section as the “Secretary”)
8 may lease to the Savannah Bar Pilots Association, or a
9 successor organization, no more than 30,000 square feet
10 of land and improvements within Fort Pulaski National
11 Monument (referred to in this section as the “Monu-
12 ment”) at the location on Cockspur Island that has been
13 used continuously by the Savannah Bar Pilots Association
14 since 1940.

15 (b) RENTAL FEE AND PROCEEDS.—

16 (1) RENTAL FEE.—For the lease authorized by
17 this Act, the Secretary shall require a rental fee
18 based on fair market value adjusted, as the Sec-
19 retary deems appropriate, for amounts to be ex-
20 pended by the lessee for property preservation,
21 maintenance, or repair and related expenses.

22 (2) PROCEEDS.—Disposition of the proceeds
23 from the rental fee required pursuant to paragraph
24 (1) shall be made in accordance with section 3(k)(5)
25 of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)).

1 (c) TERMS AND CONDITIONS.—A lease entered into
2 under this section—

3 (1) shall be for a term of no more than 10
4 years and, at the Secretary’s discretion, for succes-
5 sive terms of no more than 10 years at a time; and

6 (2) shall include any terms and conditions the
7 Secretary determines to be necessary to protect the
8 resources of the Monument and the public interest.

9 (d) EXEMPTION FROM APPLICABLE LAW.—Except
10 as provided in section 2(b)(2) of this Act, the lease author-
11 ized by this Act shall not be subject to section 3(k) of
12 Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321
13 of Act of June 30, 1932 (40 U.S.C. 1302).

14 WILD LANDS FUNDING PROHIBITION

15 SEC. 125. None of the funds made available in this
16 Act or any other Act may be used to implement, admin-
17 ister, or enforce Secretarial Order No. 3310 issued by the
18 Secretary of the Interior on December 22, 2010: *Provided*,
19 That nothing in this section shall restrict the Secretary’s
20 authorities under sections 201 and 202 of the Federal
21 Land Policy and Management Act of 1976 (43 U.S.C.
22 1711 and 1712).

1 tation expenses, \$2,682,514,000, to remain available until
2 September 30, 2013: *Provided*, That of the funds included
3 under this heading, not less than \$410,375,000 shall be
4 for Geographic Programs specified in the explanatory
5 statement described in section 4 (in the matter preceding
6 division A of this consolidated Act).

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, as amended, \$42,000,000, to remain
11 available until September 30, 2013.

12 BUILDINGS AND FACILITIES

13 For construction, repair, improvement, extension, al-
14 teration, and purchase of fixed equipment or facilities of,
15 or for use by, the Environmental Protection Agency,
16 \$36,428,000, to remain available until expended.

17 HAZARDOUS SUBSTANCE SUPERFUND

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses to carry out the Comprehen-
20 sive Environmental Response, Compensation, and Liabil-
21 ity Act of 1980 (CERCLA), as amended, including sec-
22 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
23 9611) \$1,215,753,000, to remain available until expended,
24 consisting of such sums as are available in the Trust Fund
25 on September 30, 2011, as authorized by section 517(a)

1 of the Superfund Amendments and Reauthorization Act
2 of 1986 (SARA) and up to \$1,215,753,000 as a payment
3 from general revenues to the Hazardous Substance Super-
4 fund for purposes as authorized by section 517(b) of
5 SARA, as amended: *Provided*, That funds appropriated
6 under this heading may be allocated to other Federal
7 agencies in accordance with section 111(a) of CERCLA:
8 *Provided further*, That of the funds appropriated under
9 this heading, \$9,955,000 shall be paid to the “Office of
10 Inspector General” appropriation to remain available until
11 September 30, 2013, and \$23,016,000 shall be paid to the
12 “Science and Technology” appropriation to remain avail-
13 able until September 30, 2013.

14 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
15 PROGRAM

16 For necessary expenses to carry out leaking under-
17 ground storage tank cleanup activities authorized by sub-
18 title I of the Solid Waste Disposal Act, as amended,
19 \$104,309,000, to remain available until expended, of
20 which \$73,809,000 shall be for carrying out leaking un-
21 derground storage tank cleanup activities authorized by
22 section 9003(h) of the Solid Waste Disposal Act, as
23 amended; \$30,500,000 shall be for carrying out the other
24 provisions of the Solid Waste Disposal Act specified in sec-
25 tion 9508(e) of the Internal Revenue Code, as amended:

1 *Provided*, That the Administrator is authorized to use ap-
2 propriations made available under this heading to imple-
3 ment section 9013 of the Solid Waste Disposal Act to pro-
4 vide financial assistance to federally recognized Indian
5 tribes for the development and implementation of pro-
6 grams to manage underground storage tanks.

7 INLAND OIL SPILL PROGRAMS

8 For expenses necessary to carry out the Environ-
9 mental Protection Agency's responsibilities under the Oil
10 Pollution Act of 1990, \$18,274,000, to be derived from
11 the Oil Spill Liability trust fund, to remain available until
12 expended.

13 STATE AND TRIBAL ASSISTANCE GRANTS

14 For environmental programs and infrastructure as-
15 sistance, including capitalization grants for State revolv-
16 ing funds and performance partnership grants,
17 \$3,618,727,000, to remain available until expended, of
18 which \$1,468,806,000 shall be for making capitalization
19 grants for the Clean Water State Revolving Funds under
20 title VI of the Federal Water Pollution Control Act, as
21 amended (the "Act"); of which \$919,363,000 shall be for
22 making capitalization grants for the Drinking Water State
23 Revolving Funds under section 1452 of the Safe Drinking
24 Water Act, as amended: *Provided*, That for fiscal year
25 2012, to the extent there are sufficient eligible project ap-

1 plications, not less than 10 percent of the funds made
2 available under this title to each State for Clean Water
3 State Revolving Fund capitalization grants shall be used
4 by the State for projects to address green infrastructure,
5 water or energy efficiency improvements, or other environ-
6 mentally innovative activities: *Provided further*, That for
7 fiscal year 2012, funds made available under this title to
8 each State for Drinking Water State Revolving Fund cap-
9 italization grants may, at the discretion of each State, be
10 used for projects to address green infrastructure, water
11 or energy efficiency improvements, or other environ-
12 mentally innovative activities; \$5,000,000 shall be for ar-
13 chitectural, engineering, planning, design, construction
14 and related activities in connection with the construction
15 of high priority water and wastewater facilities in the area
16 of the United States-Mexico Border, after consultation
17 with the appropriate border commission; \$10,000,000
18 shall be for grants to the State of Alaska to address drink-
19 ing water and wastewater infrastructure needs of rural
20 and Alaska Native Villages: *Provided further*, That, of
21 these funds: (1) the State of Alaska shall provide a match
22 of 25 percent; (2) no more than 5 percent of the funds
23 may be used for administrative and overhead expenses;
24 and (3) the State of Alaska shall make awards consistent
25 with the State-wide priority list established in conjunction

1 with the Agency and the U.S. Department of Agriculture
2 for all water, sewer, waste disposal, and similar projects
3 carried out by the State of Alaska that are funded under
4 section 221 of the Federal Water Pollution Control Act
5 (33 U.S.C. 1301) or the Consolidated Farm and Rural
6 Development Act (7 U.S.C. 1921 et seq.) which shall allo-
7 cate not less than 25 percent of the funds provided for
8 projects in regional hub communities; \$95,000,000 shall
9 be to carry out section 104(k) of the Comprehensive Envi-
10 ronmental Response, Compensation, and Liability Act of
11 1980 (CERCLA), as amended, including grants, inter-
12 agency agreements, and associated program support costs;
13 \$30,000,000 shall be for grants under title VII, subtitle
14 G of the Energy Policy Act of 2005, as amended; and
15 \$1,090,558,000 shall be for grants, including associated
16 program support costs, to States, federally recognized
17 tribes, interstate agencies, tribal consortia, and air pollu-
18 tion control agencies for multi-media or single media pol-
19 lution prevention, control and abatement and related ac-
20 tivities, including activities pursuant to the provisions set
21 forth under this heading in Public Law 104–134, and for
22 making grants under section 103 of the Clean Air Act for
23 particulate matter monitoring and data collection activi-
24 ties subject to terms and conditions specified by the Ad-
25 ministrator, of which \$49,396,000 shall be for carrying

1 out section 128 of CERCLA, as amended, \$9,980,000
2 shall be for Environmental Information Exchange Net-
3 work grants, including associated program support costs,
4 \$18,463,000 of the funds available for grants under sec-
5 tion 106 of the Act shall be for State participation in
6 national- and State-level statistical surveys of water re-
7 sources and enhancements to State monitoring programs,
8 and, in addition to funds appropriated under the heading
9 “Leaking Underground Storage Tank Trust Fund Pro-
10 gram” to carry out the provisions of the Solid Waste Dis-
11 posal Act specified in section 9508(c) of the Internal Rev-
12 enue Code other than section 9003(h) of the Solid Waste
13 Disposal Act, as amended, \$1,550,000 shall be for grants
14 to States under section 2007(f)(2) of the Solid Waste Dis-
15 posal Act, as amended: *Provided further*, That notwith-
16 standing section 603(d)(7) of the Federal Water Pollution
17 Control Act, the limitation on the amounts in a State
18 water pollution control revolving fund that may be used
19 by a State to administer the fund shall not apply to
20 amounts included as principal in loans made by such fund
21 in fiscal year 2012 and prior years where such amounts
22 represent costs of administering the fund to the extent
23 that such amounts are or were deemed reasonable by the
24 Administrator, accounted for separately from other assets
25 in the fund, and used for eligible purposes of the fund,

1 including administration: *Provided further*, That for fiscal
2 year 2012, and notwithstanding section 518(f) of the Act,
3 the Administrator is authorized to use the amounts appro-
4 priated for any fiscal year under section 319 of that Act
5 to make grants to federally recognized Indian tribes pur-
6 suant to sections 319(h) and 518(e) of that Act: *Provided*
7 *further*, That for fiscal year 2012, notwithstanding the
8 limitation on amounts in section 518(e) of the Federal
9 Water Pollution Control Act and section 1452(i) of the
10 Safe Drinking Water Act, up to a total of 2 percent of
11 the funds appropriated for State Revolving Funds under
12 such Acts may be reserved by the Administrator for grants
13 under section 518(c) and section 1452(i) of such Acts:
14 *Provided further*, That for fiscal year 2012, notwith-
15 standing the amounts specified in section 205(c) of the
16 Federal Water Pollution Control Act, up to 1.5 percent
17 of the aggregate funds appropriated for the Clean Water
18 State Revolving Fund program under the Act less any
19 sums reserved under section 518(c) of the Act, may be
20 reserved by the Administrator for grants made under title
21 II of the Clean Water Act for American Samoa, Guam,
22 the Commonwealth of the Northern Marianas, and United
23 States Virgin Islands: *Provided further*, That for fiscal
24 year 2012, notwithstanding the limitations on amounts
25 specified in section 1452(j) of the Safe Drinking Water

1 Act, up to 1.5 percent of the funds appropriated for the
2 Drinking Water State Revolving Fund programs under
3 the Safe Drinking Water Act may be reserved by the Ad-
4 ministrator for grants made under section 1452(j) of the
5 Safe Drinking Water Act: *Provided further*, That not less
6 than 20 percent but not more than 30 percent of the funds
7 made available under this title to each State for Clean
8 Water State Revolving Fund capitalization grants and not
9 less than 20 percent but not more than 30 percent of the
10 funds made available under this title to each State for
11 Drinking Water State Revolving Fund capitalization
12 grants shall be used by the State to provide additional sub-
13 sidy to eligible recipients in the form of forgiveness of
14 principal, negative interest loans, or grants (or any com-
15 bination of these), and shall be so used by the State only
16 where such funds are provided as initial financing for an
17 eligible recipient or to buy, refinance, or restructure the
18 debt obligations of eligible recipients only where such debt
19 was incurred on or after the date of enactment of this
20 Act, except that for the Clean Water State Revolving
21 Fund capitalization grant appropriation this section shall
22 only apply to the portion that exceeds \$1,000,000,000:
23 *Provided further*, That no funds provided by this appro-
24 priations Act to address the water, wastewater and other
25 critical infrastructure needs of the colonias in the United

1 States along the United States-Mexico border shall be
2 made available to a county or municipal government un-
3 less that government has established an enforceable local
4 ordinance, or other zoning rule, which prevents in that ju-
5 risdiction the development or construction of any addi-
6 tional colonia areas, or the development within an existing
7 colonia the construction of any new home, business, or
8 other structure which lacks water, wastewater, or other
9 necessary infrastructure: *Provided further*, That for fiscal
10 year 2012 and hereafter, the Administrator may transfer
11 funds provided for tribal set-asides through funds appro-
12 priated for the Clean Water State Revolving Funds and
13 for the Drinking Water State Revolving Funds between
14 those accounts in such manner as the Administrator
15 deems appropriate, but not to exceed the transfer limits
16 given to States under section 302(a) of Public Law 104-
17 182.

18 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

19 PROTECTION AGENCY

20 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

21 For fiscal year 2012, notwithstanding 31 U.S.C.
22 6303(1) and 6305(1), the Administrator of the Environ-
23 mental Protection Agency, in carrying out the Agency's
24 function to implement directly Federal environmental pro-
25 grams required or authorized by law in the absence of an

1 acceptable tribal program, may award cooperative agree-
2 ments to federally recognized Indian tribes or Intertribal
3 consortia, if authorized by their member tribes, to assist
4 the Administrator in implementing Federal environmental
5 programs for Indian tribes required or authorized by law,
6 except that no such cooperative agreements may be award-
7 ed from funds designated for State financial assistance
8 agreements.

9 The Administrator of the Environmental Protection
10 Agency is authorized to collect and obligate pesticide reg-
11 istration service fees in accordance with section 33 of the
12 Federal Insecticide, Fungicide, and Rodenticide Act, as
13 amended by Public Law 110–94, the Pesticide Registra-
14 tion Improvement Renewal Act.

15 The Administrator is authorized to transfer up to
16 \$300,000,000 of the funds appropriated for the Great
17 Lakes Restoration Initiative under the heading “Environ-
18 mental Programs and Management” to the head of any
19 Federal department or agency, with the concurrence of
20 such head, to carry out activities that would support the
21 Great Lakes Restoration Initiative and Great Lakes
22 Water Quality Agreement programs, projects, or activities;
23 to enter into an interagency agreement with the head of
24 such Federal department or agency to carry out these ac-
25 tivities; and to make grants to governmental entities, non-

1 profit organizations, institutions, and individuals for plan-
2 ning, research, monitoring, outreach, and implementation
3 in furtherance of the Great Lakes Restoration Initiative
4 and the Great Lakes Water Quality Agreement.

5 From unobligated balances available to the Adminis-
6 trator of the Environmental Protection Agency,
7 \$50,000,000 are permanently rescinded: *Provided*, That of
8 these funds, \$5,000,000 shall be rescinded from unobli-
9 gated balances within the “Hazardous Substance Super-
10 fund” account; \$5,000,000 shall be rescinded from unobli-
11 gated Brownfields balances within the “State and Tribal
12 Assistance Grants” account; \$5,000,000 shall be re-
13 scinded from unobligated Mexico Border balances within
14 the “State and Tribal Assistance Grants” account;
15 \$5,000,000 shall be rescinded from unobligated Diesel
16 Emissions Reduction Act balances within the “State and
17 Tribal Assistance Grants” account; \$20,000,000 shall be
18 rescinded from unobligated categorical grant balances
19 within the “State and Tribal Assistance Grants” account;
20 and \$10,000,000 shall be rescinded from unobligated
21 Clean Water State Revolving Funds balances within the
22 “State and Tribal Assistance Grants” account: *Provided*
23 *further*, That no amounts may be rescinded from amounts
24 that were designated by the Congress as an emergency re-
25 quirement pursuant to the Concurrent Resolution on the

1 Budget or the Balanced Budget and Emergency Deficit
2 Control Act of 1985, as amended.

3 For fiscal year 2012 and each fiscal year thereafter,
4 the requirements of section 513 of the Federal Water Pol-
5 lution Control Act (33 U.S.C. 1372) shall apply to the
6 construction of treatment works carried out in whole or
7 in part with assistance made available by a State water
8 pollution control revolving fund as authorized by title VI
9 of that Act (33 U.S.C. 1381 et seq.), or with assistance
10 made available under section 205(m) of that Act (33
11 U.S.C. 1285(m)), or both.

12 For fiscal year 2012 and each fiscal year thereafter,
13 the requirements of section 1450(e) of the Safe Drinking
14 Water Act (42 U.S.C. 300j–9(e)) shall apply to any con-
15 struction project carried out in whole or in part with as-
16 sistance made available by a drinking water treatment re-
17 volving loan fund as authorized by section 1452 of that
18 Act (42 U.S.C. 300j–12).

19 Notwithstanding section 104 of the Comprehensive
20 Environmental Response, Compensation, and Liability Act
21 (42 U.S.C. 9604), the Administrator may authorize the
22 expenditure or transfer of up to \$10,000,000 from any
23 appropriation in this title, in addition to the amounts in-
24 cluded in the “Inland Oil Spill Programs” account, for
25 removal activities related to actual oil spills 5 days after

1 notifying the House and Senate Committees on Appropria-
2 tions of the intention to expend or transfer such funds:
3 *Provided*, That no funds shall be expended or transferred
4 under this authority until the Administrator determines
5 that amounts made available for expenditure in the “In-
6 land Oil Spill Programs” account will be exhausted within
7 30 days: *Provided further*, That such funds shall be replen-
8 ished to the appropriation that was the source of the ex-
9 penditure or transfer, following EPA’s receipt of reim-
10 bursement from the Oil Spill Liability Trust Fund pursu-
11 ant to the Oil Pollution Act of 1990.

1 TITLE III—RELATED AGENCIES

2

3 DEPARTMENT OF AGRICULTURE

4

FOREST SERVICE

5

FOREST AND RANGELAND RESEARCH

6 For necessary expenses of forest and rangeland re-
7 search as authorized by law, \$295,773,000, to remain
8 available until expended: *Provided*, That of the funds pro-
9 vided, \$64,372,000 is for the forest inventory and analysis
10 program.

11

STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-
13 viding technical and financial assistance to States, terri-
14 tories, possessions, and others, and for forest health man-
15 agement, including treatments of pests, pathogens, and
16 invasive or noxious plants and for restoring and rehabili-
17 tating forests damaged by pests or invasive plants, cooper-
18 ative forestry, and education and land conservation activi-
19 ties and conducting an international program as author-
20 ized, \$253,331,000, to remain available until expended, as
21 authorized by law; of which \$53,388,000 is to be derived
22 from the Land and Water Conservation Fund.

23

NATIONAL FOREST SYSTEM

24 For necessary expenses of the Forest Service, not
25 otherwise provided for, for management, protection, im-

1 improvement, and utilization of the National Forest System,
2 \$1,556,628,000, to remain available until expended: *Pro-*
3 *vided*, That of the funds provided, \$336,049,000 shall be
4 for forest products: *Provided further*, That of the funds
5 provided, \$40,000,000 shall be deposited in the Collabo-
6 rative Forest Landscape Restoration Fund for ecological
7 restoration treatments as authorized by 16 U.S.C.
8 7303(f): *Provided further*, That of the funds provided, up
9 to \$68,000,000 is for the Integrated Resource Restoration
10 pilot program for Region 1, Region 3 and Region 4: *Pro-*
11 *vided further*, That of the funds provided for forest prod-
12 ucts, up to \$44,585,000 may be transferred to support
13 the Integrated Resource Restoration pilot program in the
14 preceding proviso.

15 CAPITAL IMPROVEMENT AND MAINTENANCE

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Forest Service, not
18 otherwise provided for, \$394,721,000, to remain available
19 until expended, for construction, capital improvement,
20 maintenance and acquisition of buildings and other facili-
21 ties and infrastructure; and for construction, reconstruc-
22 tion, decommissioning (including decommissioning unau-
23 thorized roads not part of the transportation system), and
24 maintenance of forest roads and trails by the Forest Serv-
25 ice as authorized by 16 U.S.C. 532–538 and 23 U.S.C.

1 101 and 205: *Provided*, That \$45,000,000 shall be des-
2 ignated for urgently needed road decommissioning, road
3 and trail repair and maintenance and associated activities,
4 and removal of fish passage barriers, especially in areas
5 where Forest Service roads may be contributing to water
6 quality problems in streams and water bodies which sup-
7 port threatened, endangered, or sensitive species or com-
8 munity water sources: *Provided further*, That funds be-
9 coming available in fiscal year 2012 under the Act of
10 March 4, 1913 (16 U.S.C. 501) shall be transferred to
11 the General Fund of the Treasury and shall not be avail-
12 able for transfer or obligation for any other purpose unless
13 the funds are appropriated: *Provided further*, That of the
14 funds provided for decommissioning of roads, up to
15 \$13,000,000 may be transferred to the “National Forest
16 System” to support the Integrated Resource Restoration
17 pilot program.

18 LAND ACQUISITION

19 For expenses necessary to carry out the provisions
20 of the Land and Water Conservation Fund Act of 1965,
21 as amended (16 U.S.C. 4601–4 through 11), including ad-
22 ministrative expenses, and for acquisition of land or
23 waters, or interest therein, in accordance with statutory
24 authority applicable to the Forest Service, \$52,605,000,

1 to be derived from the Land and Water Conservation
2 Fund and to remain available until expended.

3 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
4 ACTS

5 For acquisition of lands within the exterior bound-
6 aries of the Cache, Uinta, and Wasatch National Forests,
7 Utah; the Toiyabe National Forest, Nevada; and the An-
8 geles, San Bernardino, Sequoia, and Cleveland National
9 Forests, California, as authorized by law, \$955,000, to be
10 derived from forest receipts.

11 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

12 For acquisition of lands, such sums, to be derived
13 from funds deposited by State, county, or municipal gov-
14 ernments, public school districts, or other public school au-
15 thorities, and for authorized expenditures from funds de-
16 posited by non-Federal parties pursuant to Land Sale and
17 Exchange Acts, pursuant to the Act of December 4, 1967,
18 as amended (16 U.S.C. 484a), to remain available until
19 expended (16 U.S.C. 460l-516-617a, 555a; Public Law
20 96-586; Public Law 76-589, 76-591; and Public Law
21 78-310).

22 RANGE BETTERMENT FUND

23 For necessary expenses of range rehabilitation, pro-
24 tection, and improvement, 50 percent of all moneys re-
25 ceived during the prior fiscal year, as fees for grazing do-

1 mestic livestock on lands in National Forests in the 16
2 Western States, pursuant to section 401(b)(1) of Public
3 Law 94–579, as amended, to remain available until ex-
4 pended, of which not to exceed 6 percent shall be available
5 for administrative expenses associated with on-the-ground
6 range rehabilitation, protection, and improvements.

7 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
8 RANGELAND RESEARCH

9 For expenses authorized by 16 U.S.C. 1643(b),
10 \$45,000, to remain available until expended, to be derived
11 from the fund established pursuant to the above Act.

12 MANAGEMENT OF NATIONAL FOREST LANDS FOR
13 SUBSISTENCE USES

14 For necessary expenses of the Forest Service to man-
15 age Federal lands in Alaska for subsistence uses under
16 title VIII of the Alaska National Interest Lands Conserva-
17 tion Act (Public Law 96–487), \$2,577,000, to remain
18 available until expended.

19 WILDLAND FIRE MANAGEMENT
20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses for forest fire presuppression
22 activities on National Forest System lands, for emergency
23 fire suppression on or adjacent to such lands or other
24 lands under fire protection agreement, hazardous fuels re-
25 duction on or adjacent to such lands, and for emergency

1 rehabilitation of burned-over National Forest System
2 lands and water, \$1,737,631,000, to remain available until
3 expended: *Provided*, That such funds including unobli-
4 gated balances under this heading, are available for repay-
5 ment of advances from other appropriations accounts pre-
6 viously transferred for such purposes: *Provided further*,
7 That such funds shall be available to reimburse State and
8 other cooperating entities for services provided in response
9 to wildfire and other emergencies or disasters to the extent
10 such reimbursements by the Forest Service for non-fire
11 emergencies are fully repaid by the responsible emergency
12 management agency: *Provided further*, That, notwith-
13 standing any other provision of law, \$7,262,000 of funds
14 appropriated under this appropriation shall be available
15 for the Forest Service in support of fire science research
16 authorized by the Joint Fire Science Program, including
17 all Forest Service authorities for the use of funds, such
18 as contracts, grants, research joint venture agreements,
19 and cooperative agreements: *Provided further*, That all au-
20 thorities for the use of funds, including the use of con-
21 tracts, grants, and cooperative agreements, available to
22 execute the Forest and Rangeland Research appropria-
23 tion, are also available in the utilization of these funds
24 for Fire Science Research: *Provided further*, That funds
25 provided shall be available for emergency rehabilitation

1 and restoration, hazardous fuels reduction activities in the
2 urban-wildland interface, support to Federal emergency
3 response, and wildfire suppression activities of the Forest
4 Service: *Provided further*, That of the funds provided,
5 \$317,584,000 is for hazardous fuels reduction activities,
6 \$21,734,000 is for research activities and to make com-
7 petitive research grants pursuant to the Forest and
8 Rangeland Renewable Resources Research Act, as amend-
9 ed (16 U.S.C. 1641 et seq.), \$55,564,000 is for State fire
10 assistance, \$6,366,000 is for volunteer fire assistance,
11 \$15,983,000 is for forest health activities on Federal lands
12 and \$8,366,000 is for forest health activities on State and
13 private lands: *Provided further*, That amounts in this
14 paragraph may be transferred to the “State and Private
15 Forestry”, “National Forest System”, and “Forest and
16 Rangeland Research” accounts to fund State fire assist-
17 ance, volunteer fire assistance, forest health management,
18 forest and rangeland research, the Joint Fire Science Pro-
19 gram, vegetation and watershed management, heritage
20 site rehabilitation, and wildlife and fish habitat manage-
21 ment and restoration: *Provided further*, That the costs of
22 implementing any cooperative agreement between the Fed-
23 eral Government and any non-Federal entity may be
24 shared, as mutually agreed on by the affected parties: *Pro-*
25 *vided further*, That up to \$15,000,000 of the funds pro-

1 vided herein may be used by the Secretary of Agriculture
2 to enter into procurement contracts or cooperative agree-
3 ments or to issue grants for hazardous fuels reduction and
4 for training or monitoring associated with such hazardous
5 fuels reduction activities on Federal land or on non-Fed-
6 eral land if the Secretary determines such activities imple-
7 ment a community wildfire protection plan (or equivalent)
8 and benefit resources on Federal land: *Provided further*,
9 That funds made available to implement the Community
10 Forest Restoration Act, Public Law 106–393, title VI,
11 shall be available for use on non-Federal lands in accord-
12 ance with authorities made available to the Forest Service
13 under the “State and Private Forestry” appropriation:
14 *Provided further*, That the Secretary of the Interior and
15 the Secretary of Agriculture may authorize the transfer
16 of funds appropriated for wildland fire management, in
17 an aggregate amount not to exceed \$50,000,000, between
18 the Departments when such transfers would facilitate and
19 expedite wildland fire management programs and projects:
20 *Provided further*, That of the funds provided for hazardous
21 fuels reduction, not to exceed \$5,000,000 may be used to
22 make grants, using any authorities available to the Forest
23 Service under the “State and Private Forestry” appro-
24 priation, for the purpose of creating incentives for in-
25 creased use of biomass from National Forest System

1 lands: *Provided further*, That no amounts may be cancelled
2 from amounts that were designated by the Congress as
3 an emergency requirement pursuant to the Concurrent
4 Resolution on the Budget or the Balanced Budget and
5 Emergency Deficit Control Act of 1985, as amended: *Pro-*
6 *vided further*, That before obligating any of the funds pro-
7 vided herein for wildland fire suppression, the Secretary
8 of Agriculture shall obligate all unobligated balances pre-
9 viously made available under this heading (including the
10 unobligated balances transferred to Forest Service ac-
11 counts under this heading by division B of the Consoli-
12 dated Security, Disaster Assistance, and Continuing Ap-
13 propriations Act, 2009 (Public Law 110–329, 122 Stat.
14 3594)) that, when appropriated, were designated by Con-
15 gress as an emergency requirement pursuant to the Con-
16 current Resolution on the Budget or the Balanced Budget
17 and Emergency Deficit Control Act of 1985 and notify
18 the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate in writing of the imminent
20 need to begin obligating funds provided herein for wildland
21 fire suppression: *Provided further*, That funds designated
22 for wildfire suppression, including funds transferred from
23 the “FLAME Wildfire Suppression Reserve Fund”, shall
24 be assessed for cost pools on the same basis as such as-
25 sessments are calculated against other agency programs:

1 *Provided further*, That of the funds for hazardous fuels
2 reduction, up to \$21,000,000 may be transferred to the
3 “National Forest System” to support the Integrated Re-
4 source Restoration pilot program.

5 FLAME WILDFIRE SUPPRESSION RESERVE FUND
6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses for large fire suppression op-
8 erations of the Department of Agriculture and as a reserve
9 fund for suppression and Federal emergency response ac-
10 tivities, \$315,886,000, to remain available until expended:
11 *Provided*, That such amounts are available only for trans-
12 fer to the “Wildland Fire Management” account and only
13 following a declaration by the Secretary that either (1)
14 a wildland fire suppression event meets certain previously
15 established risk-based written criteria for significant com-
16 plexity, severity, or threat posed by the fire or (2) funds
17 in the “Wildland Fire Management” account will be ex-
18 hausted within 30 days.

19 ADMINISTRATIVE PROVISIONS—FOREST SERVICE
20 (INCLUDING TRANSFERS OF FUNDS)

21 Appropriations to the Forest Service for the current
22 fiscal year shall be available for: (1) purchase of passenger
23 motor vehicles; acquisition of passenger motor vehicles
24 from excess sources, and hire of such vehicles; purchase,
25 lease, operation, maintenance, and acquisition of aircraft

1 from excess sources to maintain the operable fleet for use
2 in Forest Service wildland fire programs and other Forest
3 Service programs; notwithstanding other provisions of law,
4 existing aircraft being replaced may be sold, with proceeds
5 derived or trade-in value used to offset the purchase price
6 for the replacement aircraft; (2) services pursuant to 7
7 U.S.C. 2225, and not to exceed \$100,000 for employment
8 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
9 ation of buildings and other public improvements (7
10 U.S.C. 2250); (4) acquisition of land, waters, and inter-
11 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
12 pursuant to the Volunteers in the National Forest Act of
13 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
14 of uniforms as authorized by 5 U.S.C. 5901–5902; and
15 (7) for debt collection contracts in accordance with 31
16 U.S.C. 3718(c).

17 Any appropriations or funds available to the Forest
18 Service may be transferred to the Wildland Fire Manage-
19 ment appropriation for forest firefighting, emergency re-
20 habilitation of burned-over or damaged lands or waters
21 under its jurisdiction, and fire preparedness due to severe
22 burning conditions upon the Secretary’s notification of the
23 House and Senate Committees on Appropriations that all
24 fire suppression funds appropriated under the headings
25 “Wildland Fire Management” and “FLAME Wildfire

1 Suppression Reserve Fund” will be obligated within 30
2 days: *Provided*, That all funds used pursuant to this para-
3 graph must be replenished by a supplemental appropria-
4 tion which must be requested as promptly as possible.

5 Funds appropriated to the Forest Service shall be
6 available for assistance to or through the Agency for Inter-
7 national Development in connection with forest and range-
8 land research, technical information, and assistance in for-
9 eign countries, and shall be available to support forestry
10 and related natural resource activities outside the United
11 States and its territories and possessions, including tech-
12 nical assistance, education and training, and cooperation
13 with U.S., private, and international organizations. The
14 Forest Service, acting for the International Program, may
15 sign direct funding agreements with foreign governments
16 and institutions as well as other domestic agencies (includ-
17 ing the U.S. Agency for International Development, the
18 Department of State, and the Millennium Challenge Cor-
19 poration), U.S. private sector firms, institutions and orga-
20 nizations to provide technical assistance and training pro-
21 grams overseas on forestry and rangeland management.

22 None of the funds made available to the Forest Serv-
23 ice in this Act or any other Act with respect to any fiscal
24 year shall be subject to transfer under the provisions of
25 section 702(b) of the Department of Agriculture Organic

1 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
2 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
3 Law 107–107 (7 U.S.C. 8316(b)).

4 None of the funds available to the Forest Service may
5 be reprogrammed without the advance approval of the
6 House and Senate Committees on Appropriations in ac-
7 cordance with the reprogramming procedures contained in
8 the explanatory statement described in section 4 (in the
9 matter preceding division A of this consolidated Act).

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

24 Of the funds available to the Forest Service up to
25 \$5,000,000 shall be available for priority projects within

1 the scope of the approved budget, which shall be carried
2 out by the Youth Conservation Corps and shall be carried
3 out under the authority of the Public Lands Corps Act
4 of 1993, Public Law 103–82, as amended by Public Lands
5 Corps Healthy Forests Restoration Act of 2005, Public
6 Law 109–154.

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

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

1 project at the same rate that the recipient has obtained
2 the non-Federal matching funds: *Provided further*, That
3 authorized investments of Federal funds held by the Foun-
4 dation may be made only in interest-bearing obligations
5 of the United States or in obligations guaranteed as to
6 both principal and interest by the United States.

7 Pursuant to section 2(b)(2) of Public Law 98-244,
8 \$3,000,000 of the funds available to the Forest Service
9 may be advanced to the National Fish and Wildlife Foun-
10 dation in a lump sum to aid cost-share conservation
11 projects, without regard to when expenses are incurred,
12 on or benefitting National Forest System lands or related
13 to Forest Service programs: *Provided*, That such funds
14 shall be matched on at least a one-for-one basis by the
15 Foundation or its sub-recipients: *Provided further*, That
16 the Foundation may transfer Federal funds to a Federal
17 or non-Federal recipient for a project at the same rate
18 that the recipient has obtained the non-Federal matching
19 funds.

20 Funds appropriated to the Forest Service shall be
21 available for interactions with and providing technical as-
22 sistance to rural communities and natural resource-based
23 businesses for sustainable rural development purposes.

24 Funds appropriated to the Forest Service shall be
25 available for payments to counties within the Columbia

1 River Gorge National Scenic Area, pursuant to section
2 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
3 663.

4 Any funds appropriated to the Forest Service may
5 be used to meet the non-Federal share requirement in sec-
6 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
7 3056(c)(2)).

8 Funds available to the Forest Service, not to exceed
9 \$55,000,000, shall be assessed for the purpose of per-
10 forming fire, administrative and other facilities mainte-
11 nance and decommissioning. Such assessments shall occur
12 using a square foot rate charged on the same basis the
13 agency uses to assess programs for payment of rent, utili-
14 ties, and other support services.

15 Notwithstanding any other provision of law, any ap-
16 propriations or funds available to the Forest Service not
17 to exceed \$500,000 may be used to reimburse the Office
18 of the General Counsel (OGC), Department of Agri-
19 culture, for travel and related expenses incurred as a re-
20 sult of OGC assistance or participation requested by the
21 Forest Service at meetings, training sessions, management
22 reviews, land purchase negotiations and similar nonlitiga-
23 tion-related matters. Future budget justifications for both
24 the Forest Service and the Department of Agriculture

1 should clearly display the sums previously transferred and
2 the requested funding transfers.

3 An eligible individual who is employed in any project
4 funded under title V of the Older American Act of 1965
5 (42 U.S.C. 3056 et seq.) and administered by the Forest
6 Service shall be considered to be a Federal employee for
7 purposes of chapter 171 of title 28, United States Code.

8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 INDIAN HEALTH SERVICE

11 INDIAN HEALTH SERVICES

12 For expenses necessary to carry out the Act of Au-
13 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
14 tion Act, the Indian Health Care Improvement Act, and
15 titles II and III of the Public Health Service Act with re-
16 spect to the Indian Health Service, \$3,872,377,000, to-
17 gether with payments received during the fiscal year pur-
18 suant to 42 U.S.C. 238(b) and 238b for services furnished
19 by the Indian Health Service: *Provided*, That funds made
20 available to tribes and tribal organizations through con-
21 tracts, grant agreements, or any other agreements or com-
22 pacts authorized by the Indian Self-Determination and
23 Education Assistance Act of 1975 (25 U.S.C. 450), shall
24 be deemed to be obligated at the time of the grant or con-
25 tract award and thereafter shall remain available to the

1 tribe or tribal organization without fiscal year limitation:
2 *Provided further*, That \$844,927,000 for contract medical
3 care, including \$51,500,000 for the Indian Catastrophic
4 Health Emergency Fund, shall remain available until ex-
5 pended: *Provided further*, That of the funding provided for
6 information technology activities and, notwithstanding any
7 other provision of law, \$4,000,000 shall be allocated at
8 the discretion of the Director of the Indian Health Service:
9 *Provided further*, That of the funds provided, up to
10 \$36,000,000 shall remain available until expended for im-
11 plementation of the loan repayment program under section
12 108 of the Indian Health Care Improvement Act: *Provided*
13 *further*, That the amounts collected by the Federal Gov-
14 ernment as authorized by sections 104 and 108 of the In-
15 dian Health Care Improvement Act (25 U.S.C. 1613a and
16 1616a) during the preceding fiscal year for breach of con-
17 tracts shall be deposited to the Fund authorized by section
18 108A of the Act (25 U.S.C. 1616a-1) and shall remain
19 available until expended and, notwithstanding section
20 108A(c) of the Act (25 U.S.C. 1616a-1(c)), funds shall
21 be available to make new awards under the loan repay-
22 ment and scholarship programs under sections 104 and
23 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided*
24 *further*, That notwithstanding any other provision of law,
25 the amounts made available within this account for the

1 methamphetamine and suicide prevention and treatment
2 initiative and for the domestic violence prevention initia-
3 tive shall be allocated at the discretion of the Director of
4 the Indian Health Service and shall remain available until
5 expended: *Provided further*, That funds provided in this
6 Act may be used for annual contracts and grants that fall
7 within 2 fiscal years, provided the total obligation is re-
8 corded in the year the funds are appropriated: *Provided*
9 *further*, That the amounts collected by the Secretary of
10 Health and Human Services under the authority of title
11 IV of the Indian Health Care Improvement Act shall re-
12 main available until expended for the purpose of achieving
13 compliance with the applicable conditions and require-
14 ments of titles XVIII and XIX of the Social Security Act,
15 except for those related to the planning, design, or con-
16 struction of new facilities: *Provided further*, That funding
17 contained herein for scholarship programs under the In-
18 dian Health Care Improvement Act (25 U.S.C. 1613)
19 shall remain available until expended: *Provided further*,
20 That amounts received by tribes and tribal organizations
21 under title IV of the Indian Health Care Improvement Act
22 shall be reported and accounted for and available to the
23 receiving tribes and tribal organizations until expended:
24 *Provided further*, That, notwithstanding any other provi-
25 sion of law, of the amounts provided herein, not to exceed

1 \$472,193,000 shall be for payments to tribes and tribal
2 organizations for contract or grant support costs associ-
3 ated with contracts, grants, self-governance compacts, or
4 annual funding agreements between the Indian Health
5 Service and a tribe or tribal organization pursuant to the
6 Indian Self-Determination Act of 1975, as amended, prior
7 to or during fiscal year 2012, of which not to exceed
8 \$10,000,000 may be used for contract support costs asso-
9 ciated with new or expanded self-determination contracts,
10 grants, self-governance compacts, or annual funding
11 agreements: *Provided further*, That the Bureau of Indian
12 Affairs may collect from the Indian Health Service, tribes
13 and tribal organizations operating health facilities pursu-
14 ant to Public Law 93–638, such individually identifiable
15 health information relating to disabled children as may be
16 necessary for the purpose of carrying out its functions
17 under the Individuals with Disabilities Education Act (20
18 U.S.C. 1400, et seq.): *Provided further*, That the Indian
19 Health Care Improvement Fund may be used, as needed,
20 to carry out activities typically funded under the Indian
21 Health Facilities account.

22 INDIAN HEALTH FACILITIES

23 For construction, repair, maintenance, improvement,
24 and equipment of health and related auxiliary facilities,
25 including quarters for personnel; preparation of plans,

1 specifications, and drawings; acquisition of sites, purchase
2 and erection of modular buildings, and purchases of trail-
3 ers; and for provision of domestic and community sanita-
4 tion facilities for Indians, as authorized by section 7 of
5 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
6 Self-Determination Act, and the Indian Health Care Im-
7 provement Act, and for expenses necessary to carry out
8 such Acts and titles II and III of the Public Health Serv-
9 ice Act with respect to environmental health and facilities
10 support activities of the Indian Health Service,
11 \$441,052,000, to remain available until expended: *Pro-*
12 *vided*, That notwithstanding any other provision of law,
13 funds appropriated for the planning, design, construction,
14 renovation or expansion of health facilities for the benefit
15 of an Indian tribe or tribes may be used to purchase land
16 on which such facilities will be located: *Provided further*,
17 That not to exceed \$500,000 shall be used by the Indian
18 Health Service to purchase TRANSAM equipment from
19 the Department of Defense for distribution to the Indian
20 Health Service and tribal facilities: *Provided further*, That
21 none of the funds appropriated to the Indian Health Serv-
22 ice may be used for sanitation facilities construction for
23 new homes funded with grants by the housing programs
24 of the United States Department of Housing and Urban
25 Development: *Provided further*, That not to exceed

1 \$2,700,000 from this account and the “Indian Health
2 Services” account shall be used by the Indian Health Serv-
3 ice to obtain ambulances for the Indian Health Service
4 and tribal facilities in conjunction with an existing inter-
5 agency agreement between the Indian Health Service and
6 the General Services Administration: *Provided further*,
7 That not to exceed \$500,000 shall be placed in a Demoli-
8 tion Fund, to remain available until expended, and be used
9 by the Indian Health Service for the demolition of Federal
10 buildings.

11 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

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

1 the provisions of the Indian Health Care Improvement
2 Act, non-Indian patients may be extended health care at
3 all tribally administered or Indian Health Service facili-
4 ties, subject to charges, and the proceeds along with funds
5 recovered under the Federal Medical Care Recovery Act
6 (42 U.S.C. 2651–2653) shall be credited to the account
7 of the facility providing the service and shall be available
8 without fiscal year limitation: *Provided further*, That not-
9 withstanding any other law or regulation, funds trans-
10 ferred from the Department of Housing and Urban Devel-
11 opment to the Indian Health Service shall be administered
12 under Public Law 86–121, the Indian Sanitation Facilities
13 Act and Public Law 93–638, as amended: *Provided fur-*
14 *ther*, That funds appropriated to the Indian Health Serv-
15 ice in this Act, except those used for administrative and
16 program direction purposes, shall not be subject to limita-
17 tions directed at curtailing Federal travel and transpor-
18 tation: *Provided further*, That none of the funds made
19 available to the Indian Health Service in this Act shall
20 be used for any assessments or charges by the Department
21 of Health and Human Services unless identified in the
22 budget justification and provided in this Act, or approved
23 by the House and Senate Committees on Appropriations
24 through the reprogramming process: *Provided further*,
25 That notwithstanding any other provision of law, funds

1 previously or herein made available to a tribe or tribal or-
2 ganization through a contract, grant, or agreement au-
3 thorized by title I or title V of the Indian Self-Determina-
4 tion and Education Assistance Act of 1975 (25 U.S.C.
5 450), may be deobligated and reobligated to a self-deter-
6 mination contract under title I, or a self-governance agree-
7 ment under title V of such Act and thereafter shall remain
8 available to the tribe or tribal organization without fiscal
9 year limitation: *Provided further*, That none of the funds
10 made available to the Indian Health Service in this Act
11 shall be used to implement the final rule published in the
12 Federal Register on September 16, 1987, by the Depart-
13 ment of Health and Human Services, relating to the eligi-
14 bility for the health care services of the Indian Health
15 Service until the Indian Health Service has submitted a
16 budget request reflecting the increased costs associated
17 with the proposed final rule, and such request has been
18 included in an appropriations Act and enacted into law:
19 *Provided further*, That with respect to functions trans-
20 ferred by the Indian Health Service to tribes or tribal or-
21 ganizations, the Indian Health Service is authorized to
22 provide goods and services to those entities on a reimburs-
23 able basis, including payments in advance with subsequent
24 adjustment, and the reimbursements received therefrom,
25 along with the funds received from those entities pursuant

1 to the Indian Self-Determination Act, may be credited to
2 the same or subsequent appropriation account from which
3 the funds were originally derived, with such amounts to
4 remain available until expended: *Provided further*, That re-
5 imbursements for training, technical assistance, or serv-
6 ices provided by the Indian Health Service will contain
7 total costs, including direct, administrative, and overhead
8 associated with the provision of goods, services, or tech-
9 nical assistance: *Provided further*, That the appropriation
10 structure for the Indian Health Service may not be altered
11 without advance notification to the House and Senate
12 Committees on Appropriations.

13 NATIONAL INSTITUTES OF HEALTH

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

15 SCIENCES

16 For necessary expenses for the National Institute of
17 Environmental Health Sciences in carrying out activities
18 set forth in section 311(a) of the Comprehensive Environ-
19 mental Response, Compensation, and Liability Act of
20 1980, as amended, and section 126(g) of the Superfund
21 Amendments and Reauthorization Act of 1986,
22 \$79,054,000.

1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
2 REGISTRY
3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
4 HEALTH

5 For necessary expenses for the Agency for Toxic Sub-
6 stances and Disease Registry (ATSDR) in carrying out
7 activities set forth in sections 104(i) and 111(c)(4) of the
8 Comprehensive Environmental Response, Compensation,
9 and Liability Act of 1980 (CERCLA), as amended; section
10 118(f) of the Superfund Amendments and Reauthoriza-
11 tion Act of 1986 (SARA), as amended; and section 3019
12 of the Solid Waste Disposal Act, as amended,
13 \$76,337,000, of which up to \$1,000 per eligible employee
14 of the Agency for Toxic Substances and Disease Registry
15 shall remain available until expended for Individual Learn-
16 ing Accounts: *Provided*, That notwithstanding any other
17 provision of law, in lieu of performing a health assessment
18 under section 104(i)(6) of CERCLA, the Administrator
19 of ATSDR may conduct other appropriate health studies,
20 evaluations, or activities, including, without limitation,
21 biomedical testing, clinical evaluations, medical moni-
22 toring, and referral to accredited healthcare providers:
23 *Provided further*, That in performing any such health as-
24 sessment or health study, evaluation, or activity, the Ad-
25 ministrator of ATSDR shall not be bound by the deadlines

1 in section 104(i)(6)(A) of CERCLA: *Provided further*,
2 That none of the funds appropriated under this heading
3 shall be available for ATSDR to issue in excess of 40 toxi-
4 cological profiles pursuant to section 104(I) of CERCLA
5 during fiscal year 2012, and existing profiles may be up-
6 dated as necessary.

7 OTHER RELATED AGENCIES

8 EXECUTIVE OFFICE OF THE PRESIDENT

9 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

10 ENVIRONMENTAL QUALITY

11 For necessary expenses to continue functions as-
12 signed to the Council on Environmental Quality and Office
13 of Environmental Quality pursuant to the National Envi-
14 ronmental Policy Act of 1969, the Environmental Quality
15 Improvement Act of 1970, and Reorganization Plan No.
16 1 of 1977, and not to exceed \$750 for official reception
17 and representation expenses, \$3,153,000: *Provided*, That
18 notwithstanding section 202 of the National Environ-
19 mental Policy Act of 1970, the Council shall consist of
20 one member, appointed by the President, by and with the
21 advice and consent of the Senate, serving as chairman and
22 exercising all powers, functions, and duties of the Council.

1 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses in carrying out activities pur-
4 suant to section 112(r)(6) of the Clean Air Act, as amend-
5 ed, including hire of passenger vehicles, uniforms or allow-
6 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
7 for services authorized by 5 U.S.C. 3109 but at rates for
8 individuals not to exceed the per diem equivalent to the
9 maximum rate payable for senior level positions under 5
10 U.S.C. 5376, \$11,147,000: *Provided*, That the Chemical
11 Safety and Hazard Investigation Board (Board) shall have
12 not more than three career Senior Executive Service posi-
13 tions: *Provided further*, That notwithstanding any other
14 provision of law, the individual appointed to the position
15 of Inspector General of the Environmental Protection
16 Agency (EPA) shall, by virtue of such appointment, also
17 hold the position of Inspector General of the Board: *Pro-*
18 *vided further*, That notwithstanding any other provision
19 of law, the Inspector General of the Board shall utilize
20 personnel of the Office of Inspector General of EPA in
21 performing the duties of the Inspector General of the
22 Board, and shall not appoint any individuals to positions
23 within the Board.

1 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Navajo and
4 Hopi Indian Relocation as authorized by Public Law 93–
5 531, \$7,750,000, to remain available until expended: *Pro-*
6 *vided*, That funds provided in this or any other appropria-
7 tions Act are to be used to relocate eligible individuals and
8 groups including evictees from District 6, Hopi-partitioned
9 lands residents, those in significantly substandard hous-
10 ing, and all others certified as eligible and not included
11 in the preceding categories: *Provided further*, That none
12 of the funds contained in this or any other Act may be
13 used by the Office of Navajo and Hopi Indian Relocation
14 to evict any single Navajo or Navajo family who, as of
15 November 30, 1985, was physically domiciled on the lands
16 partitioned to the Hopi Tribe unless a new or replacement
17 home is provided for such household: *Provided further*,
18 That no relocatee will be provided with more than one new
19 or replacement home: *Provided further*, That the Office
20 shall relocate any certified eligible relocatees who have se-
21 lected and received an approved homesite on the Navajo
22 reservation or selected a replacement residence off the
23 Navajo reservation or on the land acquired pursuant to
24 25 U.S.C. 640d–10.

1 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
2 CULTURE AND ARTS DEVELOPMENT
3 PAYMENT TO THE INSTITUTE

4 For payment to the Institute of American Indian and
5 Alaska Native Culture and Arts Development, as author-
6 ized by title XV of Public Law 99–498, as amended (20
7 U.S.C. 56 part A), \$8,533,000.

8 SMITHSONIAN INSTITUTION
9 SALARIES AND EXPENSES

10 For necessary expenses of the Smithsonian Institu-
11 tion, as authorized by law, including research in the fields
12 of art, science, and history; development, preservation, and
13 documentation of the National Collections; presentation of
14 public exhibits and performances; collection, preparation,
15 dissemination, and exchange of information and publica-
16 tions; conduct of education, training, and museum assist-
17 ance programs; maintenance, alteration, operation, lease
18 agreements of no more than 30 years, and protection of
19 buildings, facilities, and approaches; not to exceed
20 \$100,000 for services as authorized by 5 U.S.C. 3109; and
21 purchase, rental, repair, and cleaning of uniforms for em-
22 ployees, \$636,530,000, to remain available until Sep-
23 tember 30, 2013, except as otherwise provided herein; of
24 which not to exceed \$20,137,000 for the instrumentation
25 program, collections acquisition, exhibition reinstallation,

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

9 FACILITIES CAPITAL

10 For necessary expenses of repair, revitalization, and
11 alteration of facilities owned or occupied by the Smithso-
12 nian Institution, by contract or otherwise, as authorized
13 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
14 and for construction, including necessary personnel,
15 \$175,000,000, to remain available until expended, of
16 which not to exceed \$10,000 is for services as authorized
17 by 5 U.S.C. 3109, and of which \$75,000,000 shall be to
18 complete design and begin construction of the National
19 Museum of African American History and Culture: *Pro-*
20 *vided*, That during fiscal year 2012 and any succeeding
21 fiscal year, a single procurement for construction of the
22 National Museum of African American History and Cul-
23 ture, as authorized under section 8 of the National Mu-
24 seum of African American History and Culture Act (20
25 U.S.C. 80r-6), may be issued that includes the full scope

1 of the project: *Provided further*, That the solicitation and
2 contract shall contain the clause “availability of funds”
3 found at 48 CFR 52.232.18.

4 NATIONAL GALLERY OF ART

5 SALARIES AND EXPENSES

6 For the upkeep and operations of the National Gal-
7 lery of Art, the protection and care of the works of art
8 therein, and administrative expenses incident thereto, as
9 authorized by the Act of March 24, 1937 (50 Stat. 51),
10 as amended by the public resolution of April 13, 1939
11 (Public Resolution 9, Seventy-sixth Congress), including
12 services as authorized by 5 U.S.C. 3109; payment in ad-
13 vance when authorized by the treasurer of the Gallery for
14 membership in library, museum, and art associations or
15 societies whose publications or services are available to
16 members only, or to members at a price lower than to the
17 general public; purchase, repair, and cleaning of uniforms
18 for guards, and uniforms, or allowances therefor, for other
19 employees as authorized by law (5 U.S.C. 5901–5902);
20 purchase or rental of devices and services for protecting
21 buildings and contents thereof, and maintenance, alter-
22 ation, improvement, and repair of buildings, approaches,
23 and grounds; and purchase of services for restoration and
24 repair of works of art for the National Gallery of Art by
25 contracts made, without advertising, with individuals,

1 firms, or organizations at such rates or prices and under
2 such terms and conditions as the Gallery may deem prop-
3 er, \$114,066,000, of which not to exceed \$3,481,000 for
4 the special exhibition program shall remain available until
5 expended.

6 REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

7 For necessary expenses of repair, restoration and
8 renovation of buildings, grounds and facilities owned or
9 occupied by the National Gallery of Art, by contract or
10 otherwise, for operating lease agreements of no more than
11 10 years, with no extensions or renewals beyond the 10
12 years, that address space needs created by the ongoing
13 renovations in the Master Facilities Plan, as authorized,
14 \$14,516,000, to remain available until expended: *Pro-*
15 *vided*, That contracts awarded for environmental systems,
16 protection systems, and exterior repair or renovation of
17 buildings of the National Gallery of Art may be negotiated
18 with selected contractors and awarded on the basis of con-
19 tractor qualifications as well as price.

20 JOHN F. KENNEDY CENTER FOR THE PERFORMING

21 ARTS

22 OPERATIONS AND MAINTENANCE

23 For necessary expenses for the operation, mainte-
24 nance and security of the John F. Kennedy Center for
25 the Performing Arts, \$23,200,000.

1 CAPITAL REPAIR AND RESTORATION

2 For necessary expenses for capital repair and restora-
3 tion of the existing features of the building and site of
4 the John F. Kennedy Center for the Performing Arts,
5 \$13,650,000, to remain available until expended.

6 WOODROW WILSON INTERNATIONAL CENTER FOR

7 SCHOLARS

8 SALARIES AND EXPENSES

9 For expenses necessary in carrying out the provisions
10 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
11 1356) including hire of passenger vehicles and services as
12 authorized by 5 U.S.C. 3109, \$11,005,000, to remain
13 available until September 30, 2013.

14 NATIONAL FOUNDATION ON THE ARTS AND THE

15 HUMANITIES

16 NATIONAL ENDOWMENT FOR THE ARTS

17 GRANTS AND ADMINISTRATION

18 For necessary expenses to carry out the National
19 Foundation on the Arts and the Humanities Act of 1965,
20 \$146,255,000 shall be available to the National Endow-
21 ment for the Arts for the support of projects and produc-
22 tions in the arts, including arts education and public out-
23 reach activities, through assistance to organizations and
24 individuals pursuant to section 5 of the Act, for program

1 support, and for administering the functions of the Act,
2 to remain available until expended.

3 NATIONAL ENDOWMENT FOR THE HUMANITIES

4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 \$146,255,000, to remain available until expended, of
8 which \$135,500,000 shall be available for support of ac-
9 tivities in the humanities, pursuant to section 7(c) of the
10 Act and for administering the functions of the Act; and
11 \$10,755,000 shall be available to carry out the matching
12 grants program pursuant to section 10(a)(2) of the Act
13 including \$8,370,000 for the purposes of section 7(h):
14 *Provided*, That appropriations for carrying out section
15 10(a)(2) shall be available for obligation only in such
16 amounts as may be equal to the total amounts of gifts,
17 bequests, and devises of money, and other property accept-
18 ed by the chairman or by grantees of the Endowment
19 under the provisions of subsections 11(a)(2)(B) and
20 11(a)(3)(B) during the current and preceding fiscal years
21 for which equal amounts have not previously been appro-
22 priated.

23 ADMINISTRATIVE PROVISIONS

24 None of the funds appropriated to the National
25 Foundation on the Arts and the Humanities may be used

1 to process any grant or contract documents which do not
2 include the text of 18 U.S.C. 1913: *Provided*, That none
3 of the funds appropriated to the National Foundation on
4 the Arts and the Humanities may be used for official re-
5 ception and representation expenses: *Provided further*,
6 That funds from nonappropriated sources may be used as
7 necessary for official reception and representation ex-
8 penses: *Provided further*, That the Chairperson of the Na-
9 tional Endowment for the Arts may approve grants of up
10 to \$10,000, if in the aggregate this amount does not ex-
11 ceed 5 percent of the sums appropriated for grantmaking
12 purposes per year: *Provided further*, That such small grant
13 actions are taken pursuant to the terms of an expressed
14 and direct delegation of authority from the National Coun-
15 cil on the Arts to the Chairperson.

16 COMMISSION OF FINE ARTS

17 SALARIES AND EXPENSES

18 For expenses of the Commission of Fine Arts under
19 Chapter 91 of title 40, United States Code, \$2,400,000:
20 *Provided*, That the Commission is authorized to charge
21 fees to cover the full costs of its publications, and such
22 fees shall be credited to this account as an offsetting col-
23 lection, to remain available until expended without further
24 appropriation: *Provided further*, That the Commission is
25 authorized to accept gifts, including objects, papers, art-

1 work, drawings and artifacts, that pertain to the history
2 and design of the Nation’s Capital or the history and ac-
3 tivities of the Commission of Fine Arts, for the purpose
4 of artistic display, study or education.

5 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

6 For necessary expenses as authorized by Public Law
7 99–190 (20 U.S.C. 956a), as amended, \$2,000,000.

8 ADMINISTRATIVE PROVISION

9 The item relating to “National Capital Arts and Cul-
10 tural Affairs” in the Department of the Interior and Re-
11 lated Agencies Appropriations Act, 1986, as enacted into
12 law by section 101(d) of Public Law 99–190 (99 Stat.
13 1261; 20 U.S.C. 956a) is amended—

14 (1) by deleting the last sentence in the second
15 paragraph and replacing it with the following: “Each
16 eligible organization must have its principal place of
17 business in the District of Columbia and in a facility
18 or facilities located in the District of Columbia.”;
19 and

20 (2) in the third paragraph, by deleting “in addi-
21 tion to those herein named” at the end of the sen-
22 tence.

1 ADVISORY COUNCIL ON HISTORIC PRESERVATION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Advisory Council on
4 Historic Preservation (Public Law 89–665, as amended),
5 \$6,108,000.

6 NATIONAL CAPITAL PLANNING COMMISSION
7 SALARIES AND EXPENSES

8 For necessary expenses of the National Capital Plan-
9 ning Commission under chapter 87 of title 40, United
10 States Code, including services as authorized by 5 U.S.C.
11 3109, \$8,154,000: *Provided*, That one-quarter of 1 per-
12 cent of the funds provided under this heading may be used
13 for official reception and representational expenses associ-
14 ated with hosting international visitors engaged in the
15 planning and physical development of world capitals.

16 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
17 HOLOCAUST MEMORIAL MUSEUM

18 For expenses of the Holocaust Memorial Museum, as
19 authorized by Public Law 106–292 (36 U.S.C. 2301–
20 2310), \$50,798,000, of which \$515,000 shall remain
21 available until September 30, 2014, for the Museum’s
22 equipment replacement program; and of which \$1,900,000
23 for the Museum’s repair and rehabilitation program and
24 \$1,264,000 for the Museum’s outreach initiatives program
25 shall remain available until expended.

1 PRESIDIO TRUST

2 PRESIDIO TRUST FUND

3 For necessary expenses to carry out title I of the Om-
4 nibus Parks and Public Lands Management Act of 1996,
5 \$12,000,000 shall be available to the Presidio Trust, to
6 remain available until expended.

7 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses, including the costs of con-
10 struction design, of the Dwight D. Eisenhower Memorial
11 Commission, \$2,000,000, to remain available until ex-
12 pended.

13 CAPITAL CONSTRUCTION

14 For necessary expenses of the Dwight D. Eisenhower
15 Memorial Commission for design and construction of a
16 memorial in honor of Dwight D. Eisenhower, as author-
17 ized by Public Law 106–79, \$30,990,000, to remain avail-
18 able until expended: *Provided*, That beginning in fiscal
19 year 2012 and thereafter, any procurement for the con-
20 struction of the permanent memorial to Dwight D. Eisen-
21 hower, as authorized by section 8162 of the Department
22 of Defense Appropriations Act, 2000 (16 U.S.C. 431 note;
23 Public Law 106–79), as amended by section 8120 of the
24 Department of Defense Appropriations Act, 2002 (Public
25 Law 107–117), may be issued which includes the full

1 scope of the project: *Provided further*, That the solicitation
2 and contract with respect to the procurement shall contain
3 the “availability of funds” clause described in section
4 52.232.18 of title 48, Code of Federal Regulations: *Pro-*
5 *vided further*, That the funds appropriated herein shall be
6 deemed to satisfy the criteria for issuing a permit con-
7 tained in 40 U.S.C. 8906(a)(4) and (b).

1 TITLE IV—GENERAL PROVISIONS

2

3 (INCLUDING TRANSFERS OF FUNDS)

4 LIMITATION ON CONSULTING SERVICES

5 SEC. 401. The expenditure of any appropriation
6 under this Act for any consulting service through procure-
7 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
8 to those contracts where such expenditures are a matter
9 of public record and available for public inspection, except
10 where otherwise provided under existing law, or under ex-
11 isting Executive order issued pursuant to existing law.

12 RESTRICTION ON USE OF FUNDS

13 SEC. 402. No part of any appropriation contained in
14 this Act shall be available for any activity or the publica-
15 tion or distribution of literature that in any way tends to
16 promote public support or opposition to any legislative
17 proposal on which Congressional action is not complete
18 other than to communicate to Members of Congress as
19 described in 18 U.S.C. 1913.

20 OBLIGATION OF APPROPRIATIONS

21 SEC. 403. No part of any appropriation contained in
22 this Act shall remain available for obligation beyond the
23 current fiscal year unless expressly so provided herein.

1 PROHIBITION ON USE OF FUNDS FOR PERSONAL
2 SERVICES

3 SEC. 404. None of the funds provided in this Act to
4 any department or agency shall be obligated or expended
5 to provide a personal cook, chauffeur, or other personal
6 servants to any officer or employee of such department
7 or agency except as otherwise provided by law.

8 DISCLOSURE OF ADMINISTRATIVE EXPENSES

9 SEC. 405. Estimated overhead charges, deductions,
10 reserves or holdbacks from programs, projects, activities
11 and subactivities to support government-wide, depart-
12 mental, agency, or bureau administrative functions or
13 headquarters, regional, or central operations shall be pre-
14 sented in annual budget justifications and subject to ap-
15 proval by the Committees on Appropriations of the House
16 of Representatives and the Senate. Changes to such esti-
17 mates shall be presented to the Committees on Appropria-
18 tions for approval.

19 GIANT SEQUOIA

20 SEC. 406. None of the funds in this Act may be used
21 to plan, prepare, or offer for sale timber from trees classi-
22 fied as giant sequoia (*Sequoiadendron giganteum*) which
23 are located on National Forest System or Bureau of Land
24 Management lands in a manner different than such sales
25 were conducted in fiscal year 2011.

1 MINING APPLICATIONS

2 SEC. 407. (a) LIMITATION OF FUNDS.—None of the
3 funds appropriated or otherwise made available pursuant
4 to this Act shall be obligated or expended to accept or
5 process applications for a patent for any mining or mill
6 site claim located under the general mining laws.

7 (b) EXCEPTIONS.—Subsection (a) shall not apply if
8 the Secretary of the Interior determines that, for the claim
9 concerned (1) a patent application was filed with the Sec-
10 retary on or before September 30, 1994; and (2) all re-
11 quirements established under sections 2325 and 2326 of
12 the Revised Statutes (30 U.S.C. 29 and 30) for vein or
13 lode claims, sections 2329, 2330, 2331, and 2333 of the
14 Revised Statutes (30 U.S.C. 35, 36, and 37) for placer
15 claims, and section 2337 of the Revised Statutes (30
16 U.S.C. 42) for mill site claims, as the case may be, were
17 fully complied with by the applicant by that date.

18 (c) REPORT.—On September 30, 2013, the Secretary
19 of the Interior shall file with the House and Senate Com-
20 mittees on Appropriations and the Committee on Natural
21 Resources of the House and the Committee on Energy and
22 Natural Resources of the Senate a report on actions taken
23 by the Department under the plan submitted pursuant to
24 section 314(c) of the Department of the Interior and Re-

1 lated Agencies Appropriations Act, 1997 (Public Law
2 104–208).

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

16 CONTRACT SUPPORT COSTS

17 SEC. 408. Notwithstanding any other provision of
18 law, amounts appropriated to or otherwise designated in
19 committee reports for the Bureau of Indian Affairs and
20 the Indian Health Service by Public Laws 103–138, 103–
21 332, 104–134, 104–208, 105–83, 105–277, 106–113,
22 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
23 109–289, division B and Continuing Appropriations Reso-
24 lution, 2007 (division B of Public Law 109–289, as
25 amended by Public Laws 110–5 and 110–28), Public

1 Laws 110–92, 110–116, 110–137, 110–149, 110–161,
2 110–329, 111–6, 111–8, 111–88, and 112–10 for pay-
3 ments for contract support costs associated with self-de-
4 termination or self-governance contracts, grants, com-
5 pacts, or annual funding agreements with the Bureau of
6 Indian Affairs or the Indian Health Service as funded by
7 such Acts, are the total amounts available for fiscal years
8 1994 through 2011 for such purposes, except that the Bu-
9 reau of Indian Affairs, tribes and tribal organizations may
10 use their tribal priority allocations for unmet contract sup-
11 port costs of ongoing contracts, grants, self-governance
12 compacts, or annual funding agreements.

13 FOREST MANAGEMENT PLANS

14 SEC. 409. The Secretary of Agriculture shall not be
15 considered to be in violation of subparagraph 6(f)(5)(A)
16 of the Forest and Rangeland Renewable Resources Plan-
17 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
18 more than 15 years have passed without revision of the
19 plan for a unit of the National Forest System. Nothing
20 in this section exempts the Secretary from any other re-
21 quirement of the Forest and Rangeland Renewable Re-
22 sources Planning Act (16 U.S.C. 1600 et seq.) or any
23 other law: *Provided*, That if the Secretary is not acting
24 expeditiously and in good faith, within the funding avail-
25 able, to revise a plan for a unit of the National Forest

1 System, this section shall be void with respect to such plan
2 and a court of proper jurisdiction may order completion
3 of the plan on an accelerated basis.

4 PROHIBITION WITHIN NATIONAL MONUMENTS

5 SEC. 410. No funds provided in this Act may be ex-
6 pended to conduct preleasing, leasing and related activities
7 under either the Mineral Leasing Act (30 U.S.C. 181 et
8 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
9 1331 et seq.) within the boundaries of a National Monu-
10 ment established pursuant to the Act of June 8, 1906 (16
11 U.S.C. 431 et seq.) as such boundary existed on January
12 20, 2001, except where such activities are allowed under
13 the Presidential proclamation establishing such monu-
14 ment.

15 AMENDMENTS TO THE TEMPORARY EMERGENCY

16 WILDFIRE SUPPRESSION ACT

17 SEC. 411. The Temporary Emergency Wildfire Sup-
18 pression Act (42 U.S.C. 1856m et seq.) is amended—

19 (1) in the first section (42 U.S.C. 1856m
20 note)—

21 (A) by striking “That this” and inserting
22 the following:

23 **“SECTION 1. SHORT TITLE.**

24 “This”; and

25 (B) by striking “Temporary”;

1 (2) by striking section 2 (42 U.S.C. 1856m)
2 and inserting the following:

3 **“SEC. 2. DEFINITIONS.**

4 “In this Act:

5 “(1) ASSUME ANY AND ALL LIABILITY.—The
6 term ‘assume any and all liability’ means—

7 “(A) the payment of—

8 “(i) any judgment, settlement, fine,
9 penalty, or cost assessment (including pre-
10 vailing party legal fees) associated with the
11 applicable litigation; and

12 “(ii) any cost incurred in handling the
13 applicable litigation (including legal fees);
14 and

15 “(B) with respect to a Federal firefighter,
16 arranging for, and paying the costs of, rep-
17 resentation in the applicable litigation.

18 “(2) FEDERAL FIREFIGHTER.—The term ‘Fed-
19 eral firefighter’ means an individual furnished by the
20 Secretary of Agriculture or the Secretary of the In-
21 terior under an agreement entered into under sec-
22 tion 3.

23 “(3) FOREIGN FIRE ORGANIZATION.—The term
24 ‘foreign fire organization’ means any foreign govern-

1 mental, public, or private entity that has wildfire
2 protection resources.

3 “(4) FOREIGN FIREFIGHTER.—The term ‘for-
4 foreign firefighter’ means an individual furnished by a
5 foreign fire organization under an agreement entered
6 into under section 3.

7 “(5) WILDFIRE.—The term ‘wildfire’ means
8 any forest or range fire.

9 “(6) WILDFIRE PROTECTION RESOURCES.—The
10 term ‘wildfire protection resources’ means any per-
11 sonnel, supplies, equipment, or other resources re-
12 quired for wildfire presuppression and suppression
13 activities.”;

14 (3) in section 3 (42 U.S.C. 1856n)—

15 (A) in subsection (a)—

16 (i) by striking “(a)(1) The Secretary
17 of Agriculture” and inserting the following:

18 “(a) EXCHANGE OF WILDFIRE PROTECTION RE-
19 SOURCES UNDER A RECIPROCAL AGREEMENT WITH A
20 FOREIGN FIRE ORGANIZATION.—

21 “(1) AUTHORITY TO ENTER INTO A RECIP-
22 ROCAL AGREEMENT.—The Secretary of Agri-
23 culture”;

1 (ii) in paragraph (2), by striking “(2)
2 Any agreement” and inserting the fol-
3 lowing:

4 “(2) REQUIREMENTS FOR A RECIPROCAL
5 AGREEMENT.—Any agreement”;

6 (B) in subsection (b)—

7 (i) by striking “(b) In the absence”
8 and inserting the following:

9 “(b) EXCHANGE OF WILDFIRE PROTECTION RE-
10 SOURCES WITHOUT A RECIPROCAL AGREEMENT.—In the
11 absence”; and

12 (ii) in paragraph (1), by striking
13 “United States, and” and inserting
14 “United States; and”;

15 (C) in subsection (c), by striking “(c) Not-
16 withstanding” and inserting the following:

17 “(c) REIMBURSEMENT UNDER AGREEMENTS WITH
18 CANADA.—Notwithstanding”; and

19 (D) in subsection (d)—

20 (i) by striking, “(d) Any service” and
21 inserting the following:

22 “(d) SERVICE PERFORMED UNDER THIS ACT BY
23 FEDERAL EMPLOYEES.—

24 “(1) IN GENERAL.—Any service”; and

1 (ii) in the second sentence, by striking
2 “The” and inserting the following:

3 “(2) EFFECT.—Except as provided in section 4,
4 the”;

5 (4) by redesignating section 4 (42 U.S.C.
6 1856o) as section 5;

7 (5) by inserting after section 3 the following:

8 **“SEC. 4. RECIPROCAL AGREEMENTS WITH LIABILITY COV-**
9 **ERAGE.**

10 “(a) PROTECTION FROM LIABILITY FOR FOREIGN
11 FIREFIGHTERS AND FOREIGN FIRE ORGANIZATIONS.—

12 Subject to subsection (b), in an agreement with a foreign
13 fire organization entered into under section 3, the Sec-
14 retary of Agriculture and the Secretary of the Interior
15 may provide that—

16 “(1) a foreign firefighter shall be considered to
17 be an employee of the United States for purposes of
18 tort liability while the foreign firefighter is acting
19 within the scope of an official duty under the agree-
20 ment; and

21 “(2) any claim against the foreign fire organi-
22 zation or any legal organization associated with the
23 foreign firefighter that arises out of an act or omis-
24 sion of the foreign firefighter in the performance of
25 an official duty under the agreement, or that arises

1 out of any other act, omission, or occurrence for
2 which the foreign fire organization or legal organiza-
3 tion associated with the foreign firefighter is legally
4 responsible under applicable law, may be prosecuted
5 only—

6 “(A) against the United States; and

7 “(B) as if the act or omission were the act
8 or omission of an employee of the United
9 States.

10 “(b) PROTECTION FROM LIABILITY FOR FEDERAL
11 FIREFIGHTERS AND THE FEDERAL GOVERNMENT.—The
12 Secretary of Agriculture and the Secretary of the Interior
13 may provide the protections under subsection (a) if the
14 foreign fire organization agrees—

15 “(1) to assume any and all liability for any
16 legal action brought against the Federal firefighter
17 for an act or omission of the Federal firefighter
18 while acting within the scope of an official duty
19 under the agreement; and

20 “(2) to the extent the United States or any
21 legal organization associated with the Federal fire-
22 fighter is not entitled to immunity from the jurisdic-
23 tion of the courts having jurisdiction over the foreign
24 fire organization receiving the services of the Fed-
25 eral firefighters, to assume any and all liability for

1 any legal action brought against the United States
2 or the legal organization arising out of—

3 “(A) an act or omission of the Federal
4 firefighter in the performance of an official
5 duty under the agreement; or

6 “(B) any other act, omission, or occurrence
7 for which the United States or the legal organi-
8 zation associated with the Federal firefighter is
9 legally responsible under the laws applicable to
10 the foreign fire organization.”; and

11 (6) in section 5 (as redesignated by paragraph
12 (4))—

13 (A) by striking “under section 3(c)” and
14 inserting “under this Act”; and

15 (B) in the proviso—

16 (i) by striking “wildfire protection re-
17 sources or personnel” each place it appears
18 and inserting “wildfire protection resources
19 (including personnel)”;

20 (ii) by inserting “for wildfire suppres-
21 sion activities” before “unless”; and

22 (iii) by striking “provide wildfire pro-
23 tection” and inserting “provide wildfire
24 suppression”.

1 CONTRACTING AUTHORITIES

2 SEC. 412. In awarding a Federal contract with funds
3 made available by this Act, notwithstanding Federal Gov-
4 ernment procurement and contracting laws, the Secretary
5 of Agriculture and the Secretary of the Interior (the “Sec-
6 retaries”) may, in evaluating bids and proposals, through
7 fiscal year 2013, give consideration to local contractors
8 who are from, and who provide employment and training
9 for, dislocated and displaced workers in an economically
10 disadvantaged rural community, including those histori-
11 cally timber-dependent areas that have been affected by
12 reduced timber harvesting on Federal lands and other for-
13 est-dependent rural communities isolated from significant
14 alternative employment opportunities: *Provided*, That not-
15 withstanding Federal Government procurement and con-
16 tracting laws the Secretaries may award contracts, grants
17 or cooperative agreements to local non-profit entities,
18 Youth Conservation Corps or related partnerships with
19 State, local or non-profit youth groups, or small or micro-
20 business or disadvantaged business: *Provided further*, That
21 the contract, grant, or cooperative agreement is for forest
22 hazardous fuels reduction, watershed or water quality
23 monitoring or restoration, wildlife or fish population moni-
24 toring, road decommissioning, trail maintenance or im-
25 provement, or habitat restoration or management: *Pro-*

1 *vided further*, That the terms “rural community” and
2 “economically disadvantaged” shall have the same mean-
3 ings as in section 2374 of Public Law 101–624 (16 U.S.C.
4 6612): *Provided further*, That the Secretaries shall develop
5 guidance to implement this section: *Provided further*, That
6 nothing in this section shall be construed as relieving the
7 Secretaries of any duty under applicable procurement
8 laws, except as provided in this section.

9 LIMITATION ON TAKINGS

10 SEC. 413. Unless otherwise provided herein, no funds
11 appropriated in this Act for the acquisition of lands or
12 interests in lands may be expended for the filing of dec-
13 larations of taking or complaints in condemnation without
14 the approval of the House and Senate Committees on Ap-
15 propriations: *Provided*, That this provision shall not apply
16 to funds appropriated to implement the Everglades Na-
17 tional Park Protection and Expansion Act of 1989, or to
18 funds appropriated for Federal assistance to the State of
19 Florida to acquire lands for Everglades restoration pur-
20 poses.

21 TIMBER SALE REQUIREMENTS

22 SEC. 414. No timber sale in Alaska’s Region 10 shall
23 be advertised if the indicated rate is deficit (defined as
24 the value of the timber is not sufficient to cover all logging
25 and stumpage costs and provide a normal profit and risk

1 allowance under the Forest Service's appraisal process)
2 when appraised using a residual value appraisal. The west-
3 ern red cedar timber from those sales which is surplus
4 to the needs of the domestic processors in Alaska, shall
5 be made available to domestic processors in the contiguous
6 48 United States at prevailing domestic prices. All addi-
7 tional western red cedar volume not sold to Alaska or con-
8 tiguous 48 United States domestic processors may be ex-
9 ported to foreign markets at the election of the timber sale
10 holder. All Alaska yellow cedar may be sold at prevailing
11 export prices at the election of the timber sale holder.

12 EXTENSION OF GRAZING PERMITS

13 SEC. 415. The terms and conditions of section 325
14 of Public Law 108–108 (117 Stat. 1307), regarding graz-
15 ing permits at the Department of the Interior and the
16 Forest Service, shall remain in effect for fiscal years 2012
17 and 2013. A grazing permit or lease issued by the Sec-
18 retary of the Interior for lands administered by the Bu-
19 reau of Land Management that is the subject of a request
20 for a grazing preference transfer shall be issued, without
21 further processing, for the remaining time period in the
22 existing permit or lease using the same mandatory terms
23 and conditions. If the authorized officer determines a
24 change in the mandatory terms and conditions is required,

1 the new permit must be processed as directed in section
2 325 of Public Law 108–108.

3 PROHIBITION ON NO-BID CONTRACTS

4 SEC. 416. None of the funds appropriated or other-
5 wise made available by this Act to executive branch agen-
6 cies may be used to enter into any Federal contract unless
7 such contract is entered into in accordance with the re-
8 quirements of Chapter 33 of title 41, United States Code,
9 or Chapter 137 of title 10, United States Code, and the
10 Federal Acquisition Regulation, unless—

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

15 (2) such contract is authorized by the Indian
16 Self-Determination and Education and Assistance
17 Act (Public Law 93–638, 25 U.S.C. 450 et seq., as
18 amended) or by any other Federal laws that specifi-
19 cally authorize a contract within an Indian tribe as
20 defined in section 4(e) of that Act (25 U.S.C.
21 450b(e)); or

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

1 POSTING OF REPORTS

2 SEC. 417. (a) Any agency receiving funds made avail-
3 able in this Act, shall, subject to subsections (b) and (c),
4 post on the public website of that agency any report re-
5 quired to be submitted by the Congress in this or any
6 other Act, upon the determination by the head of the agen-
7 cy that it shall serve the national interest.

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

9 (1) the public posting of the report com-
10 promises national security; or

11 (2) the report contains proprietary information.

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

16 NATIONAL ENDOWMENT FOR THE ARTS GRANT

17 GUIDELINES

18 SEC. 418. Of the funds provided to the National En-
19 dowment for the Arts—

20 (1) The Chairperson shall only award a grant
21 to an individual if such grant is awarded to such in-
22 dividual for a literature fellowship, National Herit-
23 age Fellowship, or American Jazz Masters Fellow-
24 ship.

1 ties, who have historically been outside the purview
2 of arts and humanities programs due to factors such
3 as a high incidence of income below the poverty line
4 or to geographic isolation.

5 (2) The term “poverty line” means the poverty
6 line (as defined by the Office of Management and
7 Budget, and revised annually in accordance with sec-
8 tion 673(2) of the Community Services Block Grant
9 Act (42 U.S.C. 9902(2))) applicable to a family of
10 the size involved.

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

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

23 (1) the Chairperson shall establish a grant cat-
24 egory for projects, productions, workshops, or pro-

1 grams that are of national impact or availability or
2 are able to tour several States;

3 (2) the Chairperson shall not make grants ex-
4 ceeding 15 percent, in the aggregate, of such funds
5 to any single State, excluding grants made under the
6 authority of paragraph (1);

7 (3) the Chairperson shall report to the Con-
8 gress annually and by State, on grants awarded by
9 the Chairperson in each grant category under sec-
10 tion 5 of such Act; and

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

14 USE OF COMPETITIVE GRANT FUNDS

15 SEC. 420. Section 6(d) of Public Law 96–297 (16
16 U.S.C. 431 note), as added by section 101 of Public Law
17 108–126, is amended by inserting “, except funds awarded
18 through competitive grants,” after “No Federal funds”.

19 FOREST SERVICE FACILITY REALIGNMENT AND
20 ENHANCEMENT

21 SEC. 421. Section 503(f) of the Forest Service Re-
22 alignment and Enhancement Act of 2005 (title V of Public
23 Law 109–54; 16 U.S.C. 580d note), as amended by sec-
24 tion 422(1) of Public Law 111–8 (123 Stat. 748), is fur-
25 ther amended by striking “2011” and inserting “2016”.

1 SERVICE FIRST

2 SEC. 422. Section 330 of the Department of the Inte-
3 rior and Related Agencies Appropriations Act, 2001 (Pub-
4 lic Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note),
5 concerning Service First authorities, as amended by sec-
6 tion 428 of Public Law 109–54 (119 Stat. 555–556) and
7 section 418 of Public Law 111–8 (123 Stat. 747), is
8 amended—

9 (1) by striking in the first sentence “In fiscal
10 years 2001 through 2011”, and inserting “In fiscal
11 year 2012 and each fiscal year thereafter”; and

12 (2) by striking in the first sentence “pilot pro-
13 grams” and inserting “programs”.

14 FEDERAL, STATE, COOPERATIVE FOREST, RANGE-LAND
15 AND WATERSHED RESTORATION IN UTAH

16 SEC. 423. The authority provided by section 337 of
17 the Department of the Interior and Related Agencies Ap-
18 propriations Act, 2005 (Public Law 108–447; 118 Stat.
19 3012), as amended, shall remain in effect until September
20 30, 2013.

21 STATUS OF BALANCES OF APPROPRIATIONS

22 SEC. 424. The Department of the Interior, the Envi-
23 ronmental Protection Agency, the Forest Service, and the
24 Indian Health Service shall provide the Committees on
25 Appropriations of the House of Representatives and Sen-

1 ate quarterly reports on the status of balances of appro-
2 priations including all uncommitted, committed, and unob-
3 ligated funds in each program and activity.

4 REPORT ON USE OF CLIMATE CHANGE FUNDS

5 SEC. 425. Not later than 120 days after the date on
6 which the President's fiscal year 2013 budget request is
7 submitted to Congress, the President shall submit a com-
8 prehensive report to the Committee on Appropriations of
9 the House of Representatives and the Committee on Ap-
10 propriations of the Senate describing in detail all Federal
11 agency funding, domestic and international, for climate
12 change programs, projects and activities in fiscal year
13 2011, including an accounting of funding by agency with
14 each agency identifying climate change programs, projects
15 and activities and associated costs by line item as pre-
16 sented in the President's Budget Appendix, and including
17 citations and linkages where practicable to each strategic
18 plan that is driving funding within each climate change
19 program, project and activity listed in the report.

20 PROHIBITION ON USE OF FUNDS

21 SEC. 426. Notwithstanding any other provision of
22 law, none of the funds made available in this Act or any
23 other Act may be used to promulgate or implement any
24 regulation requiring the issuance of permits under title V
25 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon

1 dioxide, nitrous oxide, water vapor, or methane emissions
2 resulting from biological processes associated with live-
3 stock production.

4 GREENHOUSE GAS REPORTING RESTRICTIONS

5 SEC. 427. Notwithstanding any other provision of
6 law, none of the funds made available in this or any other
7 Act may be used to implement any provision in a rule,
8 if that provision requires mandatory reporting of green-
9 house gas emissions from manure management systems.

10 FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS

11 SEC. 428. Hereafter, upon issuance of final regula-
12 tions, the Secretary of Agriculture, acting through the
13 Chief of the Forest Service, shall apply section 105(a) of
14 the Healthy Forests Restoration Act of 2003 (16 U.S.C.
15 6515(a)), providing for a pre-decisional objection process,
16 to proposed actions of the Forest Service concerning
17 projects and activities implementing land and resource
18 management plans developed under the Forest and Range-
19 land Renewable Resources Planning Act of 1974 (16
20 U.S.C. 1600 et seq.), and documented with a Record of
21 Decision or Decision Notice, in lieu of subsections (c), (d),
22 and (e) of section 322 of Public Law 102–381 (16 U.S.C.
23 1612 note), providing for an administrative appeal proc-
24 ess: *Provided*, That if the Chief of the Forest Service de-
25 termines an emergency situation exists for which imme-

1 diate implementation of a proposed action is necessary,
2 the proposed action shall not be subject to the pre-
3 decisional objection process, and implementation shall
4 begin immediately after the Forest Service gives notice of
5 the final decision for the proposed action: *Provided further*,
6 That this section shall not apply to an authorized haz-
7 ardous fuel reduction project under title I of the Healthy
8 Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

9 SILVICULTURAL ACTIVITIES

10 SEC. 429. From the date of enactment of this Act
11 until September 30, 2012, the Administrator of the Envi-
12 ronmental Protection Agency shall not require a permit
13 under section 402 of the Federal Water Pollution Control
14 Act (33 U.S.C. 1342), nor shall the Administrator directly
15 or indirectly require any State to require a permit, for dis-
16 charges of stormwater runoff from roads, the construc-
17 tion, use, or maintenance of which are associated with sil-
18 vicultural activities, or from other silvicultural activities
19 involving nursery operations, site preparation, reforest-
20 ation and subsequent cultural treatment, thinning, pre-
21 scribed burning, pest and fire control, harvesting oper-
22 ations, or surface drainage.

23 CLAIM MAINTENANCE FEE AMENDMENTS

24 SEC. 430. Section 10101 of the Omnibus Budget
25 Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—

1 (1) in subsection (a)—

2 (A) by striking so much as precedes the
3 second sentence and inserting the following:

4 “(a) CLAIM MAINTENANCE FEE.—

5 “(1) LODE MINING CLAIMS, MILL SITES, AND
6 TUNNEL SITES.—The holder of each unpatented lode
7 mining claim, mill site, or tunnel site, located pursu-
8 ant to the mining laws of the United States on or
9 after August 10, 1993, shall pay to the Secretary of
10 the Interior, on or before September 1 of each year,
11 to the extent provided in advance in appropriations
12 Acts, a claim maintenance fee of \$100 per claim or
13 site, respectively.”; and

14 (B) by adding at the end the following:

15 “(2) PLACER MINING CLAIMS.—The holder of
16 each unpatented placer mining claim located pursu-
17 ant to the mining laws of the United States located
18 before, on, or after August 10, 1993, shall pay to
19 the Secretary of the Interior, on or before September
20 1 of each year, the claim maintenance fee described
21 in subsection (a), for each 20 acres of the placer
22 claim or portion thereof.”; and

23 (2) in subsection (b), by striking the first sen-
24 tence and inserting the following: “The claim main-
25 tenance fee under subsection (a) shall be paid for

1 the year in which the location is made, at the time
2 the location notice is recorded with the Bureau of
3 Land Management.”.

4 DOMESTIC LIVESTOCK GRAZING

5 SEC. 431. (a) PROHIBITION REGARDING POTENTIAL
6 DOMESTIC SHEEP AND BIGHORN SHEEP CONTACT ON
7 NATIONAL FOREST SYSTEM LAND.—Notwithstanding
8 any other provision of law or regulation (other than the
9 Endangered Species Act of 1973 and regulations issued
10 under such Act), none of the funds made available by this
11 Act or made available by any other Act for fiscal year
12 2012 only may be used to carry out—

13 (1) any new management restrictions on domes-
14 tic sheep on parcels of National Forest System land
15 (as defined in the Forest and Rangeland Renewable
16 Resources Planning Act of 1974 (16 U.S.C.
17 1609(a))) with potential domestic sheep and bighorn
18 sheep (whether native or nonnative) contact in ex-
19 cess of the management restrictions that existed on
20 July 1, 2011; or

21 (2) any other agency regulation for managing
22 bighorn sheep populations on any allotment of such
23 National Forest System land if the management ac-
24 tion will result in a reduction in the number of do-

1 mestic livestock permitted to graze on the allotment
2 or in the distribution of livestock on the allotment.

3 (b) EXCEPTION.—Notwithstanding subsection (a),
4 the Secretary of Agriculture may make such management
5 changes as the Secretary determines to be necessary to
6 manage bighorn sheep if the management changes—

7 (1) are consistent with the wildlife plans of the
8 relevant State fish and game agency and determined
9 in consultation with that agency; and

10 (2) are developed in consultation with the af-
11 fected permittees.

12 (c) BUREAU OF LAND MANAGEMENT LANDS.—In
13 circumstances involving conflicts between bighorn sheep
14 and domestic sheep grazing on public lands (as defined
15 in section 103 of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1702)), the Bureau of Land
17 Management may only modify or cancel domestic sheep
18 grazing permits after consulting with the appropriate
19 State fish and game agency. However, if the State in ques-
20 tion has an approved State Wildlife Management Plan
21 that addresses, with specificity, bighorn sheep manage-
22 ment, then the Bureau of Land Management modification
23 or cancellation of permits in that State shall conform to
24 the bighorn sheep management objectives in the State
25 Wildlife Management Plan, unless conformance would be

1 inconsistent with Federal statute or regulation. The Bu-
2 reau of Land Management shall be bound by the require-
3 ments of this subsection until September 30, 2012.

4 (d) VOLUNTARY CLOSURE OF ALLOTMENTS.—Noth-
5 ing in this section shall be construed as limiting the vol-
6 untary closure of existing domestic sheep allotments when
7 the closure is agreed to in writing between the permittee
8 and the Secretary of the Interior or the Secretary of Agri-
9 culture and is carried out for the purpose of reducing con-
10 flicts between domestic sheep and bighorn sheep.

11 (e) WAIVER OF GRAZING PERMITS AND LEASES.—
12 The Secretary of the Interior and the Secretary of Agri-
13 culture may accept the voluntary waiver of any valid exist-
14 ing lease or permit authorizing grazing on National Forest
15 System land described in subsection (a) or public lands
16 described in subsection (c). If the grazing permit or lease
17 for a grazing allotment is only partially within the area
18 of potential domestic sheep and bighorn sheep contact, the
19 affected permittee may elect to waive only the portion of
20 the grazing permit or lease that is within that area. The
21 Secretary concerned shall—

22 (1) terminate each permit or lease waived or
23 portion of a permit or lease waived under this sub-
24 section;

1 (2) in the fourth sentence, by inserting “and
2 this Act” after “regulations”.

3 (c) Section 328(b) of the Clean Air Act (42 U.S.C.
4 7627(b)) is amended in the first sentence—

5 (1) by striking “Gulf Coast”; and

6 (2) by inserting “or are adjacent to the North
7 Slope Borough of the State of Alaska” after “Ala-
8 bama”.

9 (d) The transfer of air quality permitting authority
10 pursuant to this section shall not invalidate or stay—

11 (1) any air quality permit pending or existing
12 as of the date of the enactment of this Act; or

13 (2) any proceeding related thereto.

14 (e)(1) The Comptroller General of the United States
15 shall undertake a study on the process for air quality per-
16 mitting in the Outer Continental Shelf.

17 (2) The study shall consist of a comparison of air
18 quality permitting for Outer Continental Shelf sources (as
19 such term is defined in section 328(a)(4) of the Clean Air
20 Act (42 U.S.C. 7627(a)(4)) by the Department of the In-
21 terior with such permitting by the Environmental Protec-
22 tion Agency, taking into account the time elapsed between
23 application and permit approval, the number of applica-
24 tions, and the experiences and assessments of the appli-
25 cants.

1 grant to, or provide a loan or loan guarantee to, any cor-
2 poration with respect to which any unpaid Federal tax li-
3 ability that has been assessed, for which all judicial and
4 administrative remedies have been exhausted or have
5 lapsed, and that is not being paid in a timely manner pur-
6 suant to an agreement with the authority responsible for
7 collecting the tax liability, where the awarding agency is
8 aware of the unpaid tax liability, unless the agency has
9 considered suspension or debarment of the corporation
10 and made a determination that this further action is not
11 necessary to protect the interests of the Government.

12 ALASKA NATIVE REGIONAL HEALTH ENTITIES

13 SEC. 435. (a) Notwithstanding any other provision
14 of law and until October 1, 2013, the Indian Health Serv-
15 ice may not disburse funds for the provision of health care
16 services pursuant to Public Law 93–638 (25 U.S.C. 450
17 et seq.) to any Alaska Native village or Alaska Native vil-
18 lage corporation that is located within the area served by
19 an Alaska Native regional health entity.

20 (b) Nothing in this section shall be construed to pro-
21 hibit the disbursal of funds to any Alaska Native village
22 or Alaska Native village corporation under any contract
23 or compact entered into prior to May 1, 2006, or to pro-
24 hibit the renewal of any such agreement.

25 (c) For the purpose of this section, Eastern Aleutian
26 Tribes, Inc., the Council of Athabascan Tribal Govern-

1 ments, and the Native Village of Eyak shall be treated
2 as Alaska Native regional health entities to which funds
3 may be disbursed under this section.

4 GENERAL REDUCTION

5 SEC. 436. (a) ACROSS-THE-BOARD RESCISSIONS.—

6 There is hereby rescinded an amount equal to 0.16 percent
7 of the budget authority provided for fiscal year 2012 for
8 any discretionary appropriation in titles I through IV of
9 this Act.

10 (b) PROPORTIONATE APPLICATION.—Any rescission
11 made by subsection (a) shall be applied proportionately—

12 (1) to each discretionary account and each item
13 of budget authority described in subsection (a); and

14 (2) within each such account and item, to each
15 program, project, and activity (with programs,
16 projects, and activities as delineated in the appro-
17 priation Act or accompanying reports for the rel-
18 evant fiscal year covering such account or item, or
19 for accounts and items not included in appropriation
20 Acts, as delineated in the most recently submitted
21 President’s budget).

22 (c) INDIAN LAND AND WATER CLAIM SETTLE-
23 MENTS.—Under the heading “Bureau of Indian Affairs,
24 Indian Land and Water Claim Settlements and Miscella-
25 neous Payments to Indians”, the across-the-board rescis-

1 sion in this section, and any subsequent across-the-board
2 rescission for fiscal year 2012, shall apply only to the first
3 dollar amount in the paragraph and the distribution of
4 the rescission shall be at the discretion of the Secretary
5 of the Interior who shall submit a report on such distribu-
6 tion and the rationale therefore to the House and Senate
7 Committees on Appropriations.

8 (d) OMB REPORT.—Within 30 days after the date
9 of the enactment of this section the Director of the Office
10 of Management and Budget shall submit to the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate a report specifying the account and
13 amount of each rescission made pursuant to this section.

14 This division may be cited as the “Department of the
15 Interior, Environment, and Related Agencies Appropria-
16 tions Act, 2012”.

1 **DIVISION F—DEPARTMENTS OF LABOR,**
2 **HEALTH AND HUMAN SERVICES, EDU-**
3 **CATION, AND RELATED AGENCIES AP-**
4 **PROPRIATIONS ACT, 2012**

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of the Workforce Investment
11 Act of 1998 (referred to in this Act as “WIA”), the Sec-
12 ond Chance Act of 2007, and the Women in Apprentice-
13 ship and Non-Traditional Occupations Act of 1992
14 (“WANTO”), including the purchase and hire of pas-
15 senger motor vehicles, the construction, alteration, and re-
16 pair of buildings and other facilities, and the purchase of
17 real property for training centers as authorized by the
18 WIA, \$3,195,383,000, plus reimbursements, shall be
19 available. Of the amounts provided:

20 (1) for grants to States for adult employment
21 and training activities, youth activities, and dis-
22 located worker employment and training activities,
23 \$2,605,268,000 as follows:

24 (A) \$770,922,000 for adult employment
25 and training activities, of which \$58,922,000

1 shall be available for the period July 1, 2012,
2 through June 30, 2013, and of which
3 \$712,000,000 shall be available for the period
4 October 1, 2012 through June 30, 2013;

5 (B) \$825,914,000 for youth activities,
6 which shall be available for the period April 1,
7 2012 through June 30, 2013; and

8 (C) \$1,008,432,000 for dislocated worker
9 employment and training activities, of which
10 \$148,432,000 shall be available for the period
11 July 1, 2012 through June 30, 2013, and of
12 which \$860,000,000 shall be available for the
13 period October 1, 2012 through June 30, 2013:

14 *Provided*, That notwithstanding the transfer limita-
15 tion under section 133(b)(4) of the WIA, up to 30
16 percent of such funds may be transferred by a local
17 board if approved by the Governor: *Provided further*,
18 That a local board may award a contract to an insti-
19 tution of higher education or other eligible training
20 provider if the local board determines that it would
21 facilitate the training of multiple individuals in high-
22 demand occupations, if such contract does not limit
23 customer choice: *Provided further*, That notwith-
24 standing section 128(a)(1) of the WIA, the amount
25 available to the Governor for statewide workforce in-

1 vestment activities shall not exceed 5 percent of the
2 amount allotted to the State from each of the appro-
3 priations under the preceding subparagraphs;

4 (2) for federally administered programs,
5 \$487,053,000 as follows:

6 (A) \$224,112,000 for the dislocated work-
7 ers assistance national reserve, of which
8 \$24,112,000 shall be available for the period
9 July 1, 2012 through June 30, 2013, and of
10 which \$200,000,000 shall be available for the
11 period October 1, 2012 through June 30, 2013:
12 *Provided*, That funds provided to carry out sec-
13 tion 132(a)(2)(A) of the WIA may be used to
14 provide assistance to a State for statewide or
15 local use in order to address cases where there
16 have been worker dislocations across multiple
17 sectors or across multiple local areas and such
18 workers remain dislocated; coordinate the State
19 workforce development plan with emerging eco-
20 nomic development needs; and train such eligi-
21 ble dislocated workers: *Provided further*, That
22 funds provided to carry out section 171(d) of
23 the WIA may be used for demonstration
24 projects that provide assistance to new entrants
25 in the workforce and incumbent workers: *Pro-*

1 *vided further*, That none of the funds shall be
2 obligated to carry out section 173(e) of the
3 WIA;

4 (B) \$47,652,000 for Native American pro-
5 grams, which shall be available for the period
6 July 1, 2012 through June 30, 2013;

7 (C) \$84,451,000 for migrant and seasonal
8 farmworker programs under section 167 of the
9 WIA, including \$78,253,000 for formula grants
10 (of which not less than 70 percent shall be for
11 employment and training services), \$5,689,000
12 for migrant and seasonal housing (of which not
13 less than 70 percent shall be for permanent
14 housing), and \$509,000 for other discretionary
15 purposes, which shall be available for the period
16 July 1, 2012 through June 30, 2013: *Provided*,
17 That notwithstanding any other provision of
18 law or related regulation, the Department of
19 Labor shall take no action limiting the number
20 or proportion of eligible participants receiving
21 related assistance services or discouraging
22 grantees from providing such services;

23 (D) \$998,000 for carrying out the
24 WANTO, which shall be available for the period
25 July 1, 2012 through June 30, 2013; and

1 (E) \$79,840,000 for YouthBuild activities
2 as described in section 173A of the WIA, which
3 shall be available for the period April 1, 2012
4 through June 30, 2013; and

5 (F) \$50,000,000 to be available to the Sec-
6 retary of Labor (referred to in this title as
7 “Secretary”) for the Workforce Innovation
8 Fund to carry out projects that demonstrate in-
9 novative strategies or replicate effective evi-
10 dence-based strategies that align and strength-
11 en the workforce investment system in order to
12 improve program delivery and education and
13 employment outcomes for beneficiaries, which
14 shall be for the period July 1, 2012 through
15 September 30, 2013: *Provided*, That amounts
16 shall be available for awards to States or State
17 agencies that are eligible for assistance under
18 any program authorized under the WIA, con-
19 sortia of States, or partnerships, including re-
20 gional partnerships: *Provided further*, That not
21 more than 5 percent of the funds available for
22 workforce innovation activities shall be for tech-
23 nical assistance and evaluations related to the
24 projects carried out with these funds;

1 (3) for national activities, \$103,062,000, as fol-
2 lows:

3 (A) \$6,616,000, in addition to any
4 amounts available under paragraph (2), for Pi-
5 lots, Demonstrations, and Research, which shall
6 be available for the period April 1, 2012
7 through June 30, 2013: *Provided*, That funds
8 made available by Public Law 112–10 that were
9 designated for grants to address the employ-
10 ment and training needs of young parents may
11 be used for other pilots, demonstrations, and
12 research activities and for implementation ac-
13 tivities related to the VOW to Hire Heroes Act
14 of 2011 and may be transferred to “State Un-
15 employment Insurance and Employment Service
16 Operations” to carry out such implementation
17 activities;

18 (B) \$80,390,000 for ex-offender activities,
19 under the authority of section 171 of the WIA
20 and section 212 of the Second Chance Act of
21 2007, which shall be available for the period
22 April 1, 2012 through June 30, 2013, notwith-
23 standing the requirements of section
24 171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Pro-*
25 *vided*, That of this amount, \$20,000,000 shall

1 be for competitive grants to national and re-
2 gional intermediaries for activities that prepare
3 young ex-offenders and school dropouts for em-
4 ployment, with a priority for projects serving
5 high-crime, high-poverty areas;

6 (C) \$9,581,000 for Evaluation, which shall
7 be available for the period July 1, 2012 through
8 June 30, 2013; and

9 (D) \$6,475,000 for the Workforce Data
10 Quality Initiative, under the authority of section
11 171(c)(2) of the WIA, which shall be available
12 for the period July 1, 2012 through June 30,
13 2013, and which shall not be subject to the re-
14 quirements of section 171(c)(4)(D).

15 OFFICE OF JOBS CORPS

16 To carry out subtitle C of title I of the WIA, includ-
17 ing Federal administrative expenses, the purchase and
18 hire of passenger motor vehicles, the construction, alter-
19 ation, and repairs of buildings and other facilities, and the
20 purchase of real property for training centers as author-
21 ized by the WIA, \$1,706,171,000, plus reimbursements,
22 as follows:

23 (1) \$1,572,049,000 for Job Corps Operations,
24 which shall be available for the period July 1, 2012
25 through June 30, 2013;

1 (2) \$104,990,000 for construction, rehabilita-
2 tion and acquisition of Job Corps Centers, which
3 shall be available for the period July 1, 2012
4 through June 30, 2015: *Provided*, That the Sec-
5 retary may transfer up to 15 percent of such funds
6 to meet the operational needs of such centers or to
7 achieve administrative efficiencies: *Provided further*,
8 That any funds transferred pursuant to the pre-
9 ceding proviso shall not be available for obligation
10 after June 30, 2013; and

11 (3) \$29,132,000 for necessary expenses of the
12 Office of Job Corps, which shall be available for obli-
13 gation for the period October 1, 2011 through Sep-
14 tember 30, 2012:

15 *Provided further*, That no funds from any other appropria-
16 tion shall be used to provide meal services at or for Job
17 Corps centers.

18 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

19 AMERICANS

20 To carry out title V of the Older Americans Act of
21 1965 (referred to in this Act as “OAA”), \$449,100,000,
22 which shall be available for the period July 1, 2012
23 through June 30, 2013, and may be recaptured and reobli-
24 gated in accordance with section 517(c) of the OAA.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2012 of trade ad-
3 justment benefit payments and allowances under part I
4 of subchapter B of chapter 2 of title II of the Trade Act
5 of 1974, and section 246 of that Act; and for training,
6 employment and case management services, allowances for
7 job search and relocation, and related State administrative
8 expenses under part II of subchapter B of chapter 2 of
9 title II of the Trade Act of 1974, including benefit pay-
10 ments, allowances, training, employment and case man-
11 agement services, and related State administration pro-
12 vided pursuant to section 231(a) of the Trade Adjustment
13 Assistance Extension Act of 2011, \$1,100,100,000, to-
14 gether with such amounts as may be necessary to be
15 charged to the subsequent appropriation for payments for
16 any period subsequent to September 15, 2012.

17 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

18 SERVICE OPERATIONS

19 For authorized administrative expenses,
20 \$86,231,000, together with not to exceed \$3,958,441,000
21 which may be expended from the Employment Security
22 Administration Account in the Unemployment Trust Fund
23 (“the Trust Fund”), of which:

24 (1) \$3,181,154,000 from the Trust Fund is for
25 grants to States for the administration of State un-

1 employment insurance laws as authorized under title
2 III of the Social Security Act (including not less
3 than \$10,000,000 to conduct in-person reemploy-
4 ment and eligibility assessments and unemployment
5 insurance improper payment reviews), the adminis-
6 tration of unemployment insurance for Federal em-
7 ployees and for ex-service members as authorized
8 under 5 U.S.C. 8501–8523, and the administration
9 of trade readjustment allowances, reemployment
10 trade adjustment assistance, and alternative trade
11 adjustment assistance under the Trade Act of 1974
12 and under section 231(a) of the Trade Adjustment
13 Assistance Extension Act of 2011, and shall be
14 available for obligation by the States through De-
15 cember 31, 2012, except that funds used for auto-
16 mation acquisitions or competitive grants awarded to
17 States for improved operations, or reemployment
18 and eligibility assessments and improper payments
19 shall be available for obligation by the States
20 through September 30, 2014, and funds used for
21 unemployment insurance workloads experienced by
22 the States through September 30, 2012 shall be
23 available for Federal obligation through December
24 31, 2012;

1 (2) \$11,287,000 from the Trust Fund is for na-
2 tional activities necessary to support the administra-
3 tion of the Federal-State unemployment insurance
4 system;

5 (3) \$679,531,000 from the Trust Fund, to-
6 gether with \$22,638,000 from the General Fund of
7 the Treasury, is for grants to States in accordance
8 with section 6 of the Wagner-Peyser Act, and shall
9 be available for Federal obligation for the period
10 July 1, 2012 through June 30, 2013;

11 (4) \$20,952,000 from the Trust Fund is for na-
12 tional activities of the Employment Service, includ-
13 ing administration of the work opportunity tax cred-
14 it under section 51 of the Internal Revenue Code of
15 1986, and the provision of technical assistance and
16 staff training under the Wagner-Peyser Act, includ-
17 ing not to exceed \$1,228,000 that may be used for
18 amortization payments to States which had inde-
19 pendent retirement plans in their State employment
20 service agencies prior to 1980;

21 (5) \$65,517,000 from the Trust Fund is for the
22 administration of foreign labor certifications and re-
23 lated activities under the Immigration and Nation-
24 ality Act and related laws, of which \$50,418,000
25 shall be available for the Federal administration of

1 such activities, and \$15,099,000 shall be available
2 for grants to States for the administration of such
3 activities; and

4 (6) \$63,593,000 from the General Fund is to
5 provide workforce information, national electronic
6 tools, and one-stop system building under the Wag-
7 ner-Peyser Act and section 171 (e)(2)(C) of the
8 WIA and shall be available for Federal obligation for
9 the period July 1, 2012 through June 30, 2013:

10 *Provided*, That to the extent that the Average Weekly In-
11 sured Unemployment (“AWIU”) for fiscal year 2012 is
12 projected by the Department of Labor to exceed
13 4,832,000, an additional \$28,600,000 from the Trust
14 Fund shall be available for obligation for every 100,000
15 increase in the AWIU level (including a pro rata amount
16 for any increment less than 100,000) to carry out title
17 III of the Social Security Act: *Provided further*, That
18 funds appropriated in this Act that are allotted to a State
19 to carry out activities under title III of the Social Security
20 Act may be used by such State to assist other States in
21 carrying out activities under such title III if the other
22 States include areas that have suffered a major disaster
23 declared by the President under the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act: *Provided*
25 *further*, That the Secretary may use funds appropriated

1 for grants to States under title III of the Social Security
2 Act to make payments on behalf of States for the use of
3 the National Directory of New Hires under section
4 453(j)(8) of such Act: *Provided further*, That funds appro-
5 priated in this Act which are used to establish a national
6 one-stop career center system, or which are used to sup-
7 port the national activities of the Federal-State unemploy-
8 ment insurance or immigration programs, may be obli-
9 gated in contracts, grants, or agreements with non-State
10 entities: *Provided further*, That funds appropriated under
11 this Act for activities authorized under title III of the So-
12 cial Security Act and the Wagner-Peyser Act may be used
13 by States to fund integrated Unemployment Insurance
14 and Employment Service automation efforts, notwith-
15 standing cost allocation principles prescribed under the
16 Office of Management and Budget Circular A-87: *Pro-*
17 *vided further*, That the Secretary, at the request of a State
18 participating in a consortium with other States, may
19 reallocate funds allotted to such State under title III of the
20 Social Security Act to other States participating in the
21 consortium in order to carry out activities that benefit the
22 administration of the unemployment compensation law of
23 the State making the request.

24 In addition, \$50,000,000 from the Employment Se-
25 curity Administration Account of the Unemployment

1 PENSION BENEFIT GUARANTY CORPORATION

2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 The Pension Benefit Guaranty Corporation (“Cor-
4 poration”) is authorized to make such expenditures, in-
5 cluding financial assistance authorized by subtitle E of
6 title IV of the Employee Retirement Income Security Act
7 of 1974, within limits of funds and borrowing authority
8 available to the Corporation, and in accord with law, and
9 to make such contracts and commitments without regard
10 to fiscal year limitations, as provided by 31 U.S.C. 9104,
11 as may be necessary in carrying out the program, includ-
12 ing associated administrative expenses, through Sep-
13 tember 30, 2012, for the Corporation: *Provided*, That
14 none of the funds available to the Corporation for fiscal
15 year 2012 shall be available for obligations for administra-
16 tive expenses in excess of \$476,901,000: *Provided further*,
17 That to the extent that the number of new plan partici-
18 pants in plans terminated by the Corporation exceeds
19 100,000 in fiscal year 2012, an amount not to exceed an
20 additional \$9,200,000 shall be available through Sep-
21 tember 30, 2013, for obligation for administrative ex-
22 penses for every 20,000 additional terminated partici-
23 pants: *Provided further*, That an additional \$50,000 shall
24 be made available through September 30, 2013, for obliga-
25 tion for investment management fees for every

1 \$25,000,000 in assets received by the Corporation as a
2 result of new plan terminations or asset growth, after ap-
3 proval by the Office of Management and Budget and noti-
4 fication of the Committees on Appropriations of the House
5 of Representatives and the Senate: *Provided further*, That
6 obligations in excess of the amounts provided in this para-
7 graph may be incurred for unforeseen and extraordinary
8 pretermination expenses or extraordinary multiemployer
9 program related expenses after approval by the Office of
10 Management and Budget and notification of the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate.

13 WAGE AND HOUR DIVISION

14 SALARIES AND EXPENSES

15 For necessary expenses for the Wage and Hour Divi-
16 sion, including reimbursement to State, Federal, and local
17 agencies and their employees for inspection services ren-
18 dered, \$227,491,000.

19 OFFICE OF LABOR MANAGEMENT STANDARDS

20 SALARIES AND EXPENSES

21 For necessary expenses for the Office of Labor Man-
22 agement Standards, \$41,367,000.

1 OFFICE OF FEDERAL CONTRACT COMPLIANCE
2 PROGRAMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the Office of Federal Con-
5 tract Compliance Programs, \$105,386,000.

6 OFFICE OF WORKERS' COMPENSATION PROGRAMS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Workers'
9 Compensation Programs, \$115,939,000, together with
10 \$2,124,000 which may be expended from the Special Fund
11 in accordance with sections 39(c), 44(d), and 44(j) of the
12 Longshore and Harbor Worker's Compensation Act.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-
16 penses (except administrative expenses) accruing during
17 the current or any prior fiscal year authorized by 5 U.S.C.
18 81; continuation of benefits as provided for under the
19 heading "Civilian War Benefits" in the Federal Security
20 Agency Appropriation Act, 1947; the Employees' Com-
21 pensation Commission Appropriation Act, 1944; sections
22 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
23 cent of the additional compensation and benefits required
24 by section 10(h) of the Longshore and Harbor Workers'
25 Compensation Act, \$350,000,000, together with such

1 amounts as may be necessary to be charged to the subse-
2 quent year appropriation for the payment of compensation
3 and other benefits for any period subsequent to August
4 15 of the current year: *Provided*, That amounts appro-
5 priated may be used under 5 U.S.C. 8104 by the Secretary
6 to reimburse an employer, who is not the employer at the
7 time of injury, for portions of the salary of a re-employed,
8 disabled beneficiary: *Provided further*, That balances of re-
9 imbursements unobligated on September 30, 2011, shall
10 remain available until expended for the payment of com-
11 pensation, benefits, and expenses: *Provided further*, That
12 in addition there shall be transferred to this appropriation
13 from the Postal Service and from any other corporation
14 or instrumentality required under 5 U.S.C. 8147(c) to pay
15 an amount for its fair share of the cost of administration,
16 such sums as the Secretary determines to be the cost of
17 administration for employees of such fair share entities
18 through September 30, 2012: *Provided further*, That of
19 those funds transferred to this account from the fair share
20 entities to pay the cost of administration of the Federal
21 Employees' Compensation Act, \$59,488,000 shall be made
22 available to the Secretary as follows:

- 23 (1) For enhancement and maintenance of auto-
24 mated data processing systems and telecommuni-
25 cations systems, \$17,253,000;

1 (2) For automated workload processing oper-
2 ations, including document imaging, centralized mail
3 intake, and medical bill processing, \$26,769,000;

4 (3) For periodic roll management and medical
5 review, \$15,466,000; and

6 (4) The remaining funds shall be paid into the
7 Treasury as miscellaneous receipts:

8 *Provided further*, That the Secretary may require that any
9 person filing a notice of injury or a claim for benefits
10 under 5 U.S.C. 81, or the Longshore and Harbor Work-
11 ers' Compensation Act, provide as part of such notice and
12 claim, such identifying information (including Social Secu-
13 rity account number) as such regulations may prescribe.

14 SPECIAL BENEFITS FOR DISABLED COAL MINERS

15 For carrying out title IV of the Federal Mine Safety
16 and Health Act of 1977, as amended by Public Law 107-
17 275, \$141,227,000, to remain available until expended.

18 For making after July 31 of the current fiscal year,
19 benefit payments to individuals under title IV of such Act,
20 for costs incurred in the current fiscal year, such amounts
21 as may be necessary.

22 For making benefit payments under title IV for the
23 first quarter of fiscal year 2013, \$40,000,000, to remain
24 available until expended.

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

2 OCCUPATIONAL ILLNESS COMPENSATION FUND

3 For necessary expenses to administer the Energy
4 Employees Occupational Illness Compensation Program
5 Act, \$52,147,000, to remain available until expended: *Pro-*
6 *vided*, That the Secretary may require that any person fil-
7 ing a claim for benefits under the Act provide as part of
8 such claim such identifying information (including Social
9 Security account number) as may be prescribed.

10 BLACK LUNG DISABILITY TRUST FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 Such sums as may be necessary from the Black Lung
13 Disability Trust Fund (“Fund”), to remain available until
14 expended, for payment of all benefits authorized by section
15 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code
16 of 1986; and repayment of, and payment of interest on
17 advances, as authorized by section 9501(d)(4) of that Act.
18 In addition, the following amounts may be expended from
19 the Fund for fiscal year 2012 for expenses of operation
20 and administration of the Black Lung Benefits program,
21 as authorized by section 9501(d)(5): not to exceed
22 \$32,906,000 for transfer to the Office of Workers’ Com-
23 pensation Programs, “Salaries and Expenses”; not to ex-
24 ceed \$25,217,000 for transfer to Departmental Manage-
25 ment, “Salaries and Expenses”; not to exceed \$327,000

1 for transfer to Departmental Management, “Office of In-
2 spector General”; and not to exceed \$356,000 for pay-
3 ments into miscellaneous receipts for the expenses of the
4 Department of the Treasury.

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety
8 and Health Administration, \$565,857,000, including not
9 to exceed \$104,393,000 which shall be the maximum
10 amount available for grants to States under section 23(g)
11 of the Occupational Safety and Health Act (“Act”), which
12 grants shall be no less than 50 percent of the costs of
13 State occupational safety and health programs required to
14 be incurred under plans approved by the Secretary under
15 section 18 of the Act; and, in addition, notwithstanding
16 31 U.S.C. 3302, the Occupational Safety and Health Ad-
17 ministration may retain up to \$200,000 per fiscal year
18 of training institute course tuition fees, otherwise author-
19 ized by law to be collected, and may utilize such sums for
20 occupational safety and health training and education:
21 *Provided*, That notwithstanding 31 U.S.C. 3302, the Sec-
22 retary is authorized, during the fiscal year ending Sep-
23 tember 30, 2012, to collect and retain fees for services
24 provided to Nationally Recognized Testing Laboratories,
25 and may utilize such sums, in accordance with the provi-

1 sions of 29 U.S.C. 9a, to administer national and inter-
2 national laboratory recognition programs that ensure the
3 safety of equipment and products used by workers in the
4 workplace: *Provided further*, That none of the funds ap-
5 propriated under this paragraph shall be obligated or ex-
6 pended to prescribe, issue, administer, or enforce any
7 standard, rule, regulation, or order under the Act which
8 is applicable to any person who is engaged in a farming
9 operation which does not maintain a temporary labor
10 camp and employs 10 or fewer employees: *Provided fur-*
11 *ther*, That no funds appropriated under this paragraph
12 shall be obligated or expended to administer or enforce
13 any standard, rule, regulation, or order under the Act with
14 respect to any employer of 10 or fewer employees who is
15 included within a category having a Days Away, Re-
16 stricted, or Transferred (DART) occupational injury and
17 illness rate, at the most precise industrial classification
18 code for which such data are published, less than the na-
19 tional average rate as such rates are most recently pub-
20 lished by the Secretary, acting through the Bureau of
21 Labor Statistics, in accordance with section 24 of the Act,
22 except—

23 (1) to provide, as authorized by the Act, con-
24 sultation, technical assistance, educational and train-
25 ing services, and to conduct surveys and studies;

1 (2) to conduct an inspection or investigation in
2 response to an employee complaint, to issue a cita-
3 tion for violations found during such inspection, and
4 to assess a penalty for violations which are not cor-
5 rected within a reasonable abatement period and for
6 any willful violations found;

7 (3) to take any action authorized by the Act
8 with respect to imminent dangers;

9 (4) to take any action authorized by the Act
10 with respect to health hazards;

11 (5) to take any action authorized by the Act
12 with respect to a report of an employment accident
13 which is fatal to one or more employees or which re-
14 sults in hospitalization of two or more employees,
15 and to take any action pursuant to such investiga-
16 tion authorized by the Act; and

17 (6) to take any action authorized by the Act
18 with respect to complaints of discrimination against
19 employees for exercising rights under the Act:

20 *Provided further*, That the foregoing proviso shall not
21 apply to any person who is engaged in a farming operation
22 which does not maintain a temporary labor camp and em-
23 ploys 10 or fewer employees: *Provided further*, That
24 \$10,729,000 shall be available for Susan Harwood train-
25 ing grants.

1 MINE SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for the Mine Safety and
5 Health Administration, \$374,000,000, including purchase
6 and bestowal of certificates and trophies in connection
7 with mine rescue and first-aid work, and the hire of pas-
8 senger motor vehicles, including up to \$2,000,000 for
9 mine rescue and recovery activities; in addition, not to ex-
10 ceed \$750,000 may be collected by the National Mine
11 Health and Safety Academy for room, board, tuition, and
12 the sale of training materials, otherwise authorized by law
13 to be collected, to be available for mine safety and health
14 education and training activities, notwithstanding 31
15 U.S.C. 3302; and, in addition, the Mine Safety and Health
16 Administration may retain up to \$1,499,000 from fees col-
17 lected for the approval and certification of equipment, ma-
18 terials, and explosives for use in mines, and may utilize
19 such sums for such activities; and, in addition, the Sec-
20 retary may transfer from amounts provided under this
21 heading up to \$3,000,000 to “Departmental Manage-
22 ment” for activities related to the Office of the Solicitor’s
23 caseload before the Federal Mine Safety and Health Re-
24 view Commission; the Secretary is authorized to accept
25 lands, buildings, equipment, and other contributions from

1 public and private sources and to prosecute projects in co-
2 operation with other agencies, Federal, State, or private;
3 the Mine Safety and Health Administration is authorized
4 to promote health and safety education and training in
5 the mining community through cooperative programs with
6 States, industry, and safety associations; the Secretary is
7 authorized to recognize the Joseph A. Holmes Safety As-
8 sociation as a principal safety association and, notwith-
9 standing any other provision of law, may provide funds
10 and, with or without reimbursement, personnel, including
11 service of Mine Safety and Health Administration officials
12 as officers in local chapters or in the national organiza-
13 tion; and any funds available to the Department of Labor
14 may be used, with the approval of the Secretary, to pro-
15 vide for the costs of mine rescue and survival operations
16 in the event of a major disaster.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-
20 tistics, including advances or reimbursements to State,
21 Federal, and local agencies and their employees for serv-
22 ices rendered, \$542,921,000, together with not to exceed
23 \$67,303,000 which may be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund, of which \$1,500,000 may be used to

1 fund the mass layoff statistics program under section 15
2 of the Wagner-Peyser Act.

3 OFFICE OF DISABILITY EMPLOYMENT POLICY

4 SALARIES AND EXPENSES

5 For necessary expenses for the Office of Disability
6 Employment Policy to provide leadership, develop policy
7 and initiatives, and award grants furthering the objective
8 of eliminating barriers to the training and employment of
9 people with disabilities, \$38,953,000.

10 DEPARTMENTAL MANAGEMENT

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for Departmental Manage-
14 ment, including the hire of three passenger motor vehicles,
15 \$346,683,000, together with not to exceed \$326,000,
16 which may be expended from the Employment Security
17 Administration Account in the Unemployment Trust
18 Fund: *Provided*, That \$66,500,000 for the Bureau of
19 International Labor Affairs shall be available for obliga-
20 tion through December 31, 2012: *Provided further*, That
21 funds available to the Bureau of International Labor Af-
22 fairs may be used to administer or operate international
23 labor activities, bilateral and multilateral technical assist-
24 ance, and microfinance programs, by or through contracts,
25 grants, subgrants and other arrangements: *Provided fur-*

1 *ther*, That \$40,000,000 shall be for programs to combat
2 exploitative child labor internationally: *Provided further*,
3 That not less than \$6,500,000 shall be used to implement
4 model programs that address worker rights issues through
5 technical assistance in countries with which the United
6 States has free trade agreements or trade preference pro-
7 grams: *Provided further*, That \$8,500,000 shall be used
8 for program evaluation and shall be available for obliga-
9 tion through September 30, 2013: *Provided further*, That
10 funds available for program evaluation may be transferred
11 to any other appropriate account in the Department for
12 such purpose: *Provided further*, That the funds available
13 to the Women’s Bureau may be used for grants to serve
14 and promote the interests of women in the workforce.

15 VETERANS EMPLOYMENT AND TRAINING

16 Not to exceed \$212,060,000 may be derived from the
17 Employment Security Administration Account in the Un-
18 employment Trust Fund to carry out the provisions of 38
19 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
20 Public Law 103–353, and which shall be available for obli-
21 gation by the States through December 31, 2012, of which
22 \$2,444,000 is for the National Veterans’ Employment and
23 Training Services Institute.

24 In addition, to carry out Department of Labor pro-
25 grams under section 5(a)(1) of the Homeless Veterans

1 Comprehensive Assistance Act of 2001 and the Veterans
2 Workforce Investment Programs under section 168 of the
3 WIA, \$52,879,000, of which \$14,622,000 shall be avail-
4 able for obligation for the period July 1, 2012 through
5 June 30, 2013.

6 IT MODERNIZATION

7 For necessary expenses for Department of Labor cen-
8 tralized infrastructure technology investment activities re-
9 lated to support systems and modernization, \$19,852,000.

10 OFFICE OF INSPECTOR GENERAL

11 For salaries and expenses of the Office of Inspector
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, \$77,937,000, together with not to
14 exceed \$5,909,000 which may be expended from the Em-
15 ployment Security Administration Account in the Unem-
16 ployment Trust Fund.

17 GENERAL PROVISIONS

18 SEC. 101. None of the funds appropriated by this Act
19 for the Job Corps shall be used to pay the salary and bo-
20 nuses of an individual, either as direct costs or any prora-
21 tion as an indirect cost, at a rate in excess of Executive
22 Level II.

23 (TRANSFER OF FUNDS)

24 SEC. 102. Not to exceed 1 percent of any discre-
25 tionary funds (pursuant to the Balanced Budget and

1 Emergency Deficit Control Act of 1985) which are appro-
2 priated for the current fiscal year for the Department of
3 Labor in this Act may be transferred between a program,
4 project, or activity, but no such program, project, or activ-
5 ity shall be increased by more than 3 percent by any such
6 transfer: *Provided*, That the transfer authority granted by
7 this section shall be available only to meet emergency
8 needs and shall not be used to create any new program
9 or to fund any project or activity for which no funds are
10 provided in this Act: *Provided further*, That the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate are notified at least 15 days in advance
13 of any transfer.

14 SEC. 103. In accordance with Executive Order No.
15 13126, none of the funds appropriated or otherwise made
16 available pursuant to this Act shall be obligated or ex-
17 pended for the procurement of goods mined, produced,
18 manufactured, or harvested or services rendered, in whole
19 or in part, by forced or indentured child labor in industries
20 and host countries already identified by the United States
21 Department of Labor prior to enactment of this Act.

22 SEC. 104. None of the funds made available to the
23 Department of Labor for grants under section 414(c) of
24 the American Competitiveness and Workforce Improve-
25 ment Act of 1998 may be used for any purpose other than

1 competitive grants for training in the occupations and in-
2 dustries for which employers are using H-1B visas to hire
3 foreign workers, and the related activities necessary to
4 support such training.

5 SEC. 105. None of the funds made available by this
6 Act under the heading “Employment and Training Ad-
7 ministration” shall be used by a recipient or subrecipient
8 of such funds to pay the salary and bonuses of an indi-
9 vidual, either as direct costs or indirect costs, at a rate
10 in excess of Executive Level II. This limitation shall not
11 apply to vendors providing goods and services as defined
12 in Office of Management and Budget Circular A-133.
13 Where States are recipients of such funds, States may es-
14 tablish a lower limit for salaries and bonuses of those re-
15 ceiving salaries and bonuses from subrecipients of such
16 funds, taking into account factors including the relative
17 cost-of-living in the State, the compensation levels for
18 comparable State or local government employees, and the
19 size of the organizations that administer Federal pro-
20 grams involved including Employment and Training Ad-
21 ministration programs. Notwithstanding this section, the
22 limitation on salaries for the Job Corps shall continue to
23 be governed by section 101.

24 SEC. 106. The Secretary shall take no action to
25 amend, through regulatory or administration action, the

1 definition established in section 667.220 of title 20 of the
2 Code of Federal Regulations for functions and activities
3 under title I of WIA, or to modify, through regulatory or
4 administrative action, the procedure for redesignation of
5 local areas as specified in subtitle B of title I of that Act
6 (including applying the standards specified in section
7 116(a)(3)(B) of that Act, but notwithstanding the time
8 limits specified in section 116(a)(3)(B) of that Act), until
9 such time as legislation reauthorizing the Act is enacted.
10 Nothing in the preceding sentence shall permit or require
11 the Secretary to withdraw approval for such redesignation
12 from a State that received the approval not later than Oc-
13 tober 12, 2005, or to revise action taken or modify the
14 redesignation procedure being used by the Secretary in
15 order to complete such redesignation for a State that initi-
16 ated the process of such redesignation by submitting any
17 request for such redesignation not later than October 26,
18 2005.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 107. Notwithstanding section 102, the Sec-
21 retary may transfer funds made available to the Employ-
22 ment and Training Administration by this Act or by Pub-
23 lic Law 112–10, either directly or through a set-aside, for
24 technical assistance services to grantees to “Program Ad-

1 ministration” when it is determined that those services
2 will be more efficiently performed by Federal employees.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 108. (a) The Secretary may reserve not more
5 than 0.5 percent from each appropriation made available
6 in this Act identified in subsection (b) in order to carry
7 out evaluations of any of the programs or activities that
8 are funded under such accounts. Any funds reserved under
9 this section shall be transferred to “Departmental Man-
10 agement” for use by the Office of the Chief Evaluation
11 Officer within the Department of Labor, and shall be
12 available for obligation through September 30, 2013: *Pro-*
13 *vided*, That such funds shall only be available if the Chief
14 Evaluation Officer of the Department of Labor submits
15 a plan to the Committees on Appropriations of the House
16 of Representatives and the Senate describing the evalua-
17 tions to be carried out 15 days in advance of any transfer.

18 (b) The accounts referred to in subsection (a) are:
19 “Office of Job Corps”, “State Unemployment Insurance
20 and Employment Service Operations”, “Employee Bene-
21 fits Security Administration”, “Office of Workers’ Com-
22 pensation Programs”, “Wage and Hour Division”, “Office
23 of Federal Contract Compliance Programs”, “Office of
24 Labor Management Standards”, “Occupational Safety
25 and Health Administration”, “Mine Safety and Health

1 Administration”, and “Veterans Employment and Train-
2 ing”.

3 SEC. 109. None of the funds made available by this
4 Act may be used to promulgate the Definition of “Fidu-
5 ciary” regulation (Regulatory Identification Number
6 1210–AB32) published by the Employee Benefits Security
7 Administration of the Department of Labor on October
8 22, 2010 (75 Fed. Reg. 65263).

9 SEC. 110. None of the amounts made available under
10 this Act may be used to implement the rule entitled “Wage
11 Methodology for the Temporary Non-Agricultural Em-
12 ployment H–2B Program” (76 Fed. Reg. 3452 (January
13 19, 2011)).

14 SEC. 111. None of the funds made available by this
15 Act may be used to continue the development of or to pro-
16 mulgate, administer, enforce, or otherwise implement the
17 Occupational Injury and Illness Recording and Reporting
18 Requirements—Musculoskeletal Disorders (MSD) Column
19 regulation (Regulatory Identification Number 1218–
20 AC45) being developed by the Occupational Safety and
21 Health Administration of the Department of Labor.

22 SEC. 112. None of the funds made available by this
23 Act may be used to implement or enforce the proposed
24 rule entitled “Lowering Miners’ Exposure to Coal Mine
25 Dust, Including Continuous Personal Dust Monitors” reg-

1 ulation published by the Mine Safety and Health Adminis-
2 tration (MSHA) of the Department of Labor on October
3 19, 2010 (75 Fed. Reg. 64412, RIN 1219-AB64) until—

4 (1) the Government Accountability Office—

5 (A) issues, at a minimum, an interim re-
6 port which—

7 (i) evaluates the completeness of
8 MSHA's data collection and sampling, to
9 include an analysis of whether such data
10 supports current trends of the incidence of
11 lung disease arising from occupational ex-
12 posure to respirable coal mine dust across
13 working underground coal miners; and

14 (ii) assesses the sufficiency of
15 MSHA's analytical methodology; and

16 (B) not later than 240 days after enact-
17 ment of this Act, submits the report described
18 in subparagraph (A) to the Committees on Ap-
19 propriations of the House of Representatives
20 and the Senate; or

21 (2) the deadline described in paragraph (1)(B)
22 for submission of the report has passed.

23 SEC. 113. None of the funds made available by this
24 Act may be used by the Secretary to administer or enforce
25 29 CFR 779.372(c)(4).

- 1 This title may be cited as the “Department of Labor
- 2 Appropriations Act, 2012”.

1 TITLE II
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 HEALTH RESOURCES AND SERVICES ADMINISTRATION
5 PRIMARY HEALTH CARE

6 For carrying out titles II and III of the Public Health
7 Service Act (referred to in this Act as the “PHS Act”)
8 with respect to primary health care and the Native Hawai-
9 ian Health Care Act of 1988, \$1,598,957,000, of which
10 \$129,000 shall be available until expended for facilities
11 renovations at the Gillis W. Long Hansen’s Disease Cen-
12 ter: *Provided*, That no more than \$40,000 shall be avail-
13 able until expended for carrying out the provisions of sec-
14 tion 224(o) of the PHS Act, including associated adminis-
15 trative expenses and relevant evaluations: *Provided fur-*
16 *ther*, That no more than \$95,073,000 shall be available
17 until expended for carrying out the provisions of Public
18 Law 104–73 and for expenses incurred by the Department
19 of Health and Human Services (referred to in this Act
20 as “HHS”) pertaining to administrative claims made
21 under such law.

22 HEALTH WORKFORCE

23 For carrying out titles III, VII, and VIII of the PHS
24 Act with respect to the health workforce, section 1128E
25 of the Social Security Act, and the Health Care Quality

1 Improvement Act of 1986, \$734,402,000: *Provided*, That
2 sections 747(c)(2), 751(j)(2), and the proportional fund-
3 ing amounts in paragraphs (1) through (4) of section
4 756(e) of the PHS Act shall not apply to funds made
5 available under this heading: *Provided further*, That for
6 any program operating under section 751 of the PHS Act
7 on or before January 1, 2009, the Secretary of Health
8 and Human Services (referred to in this title as “Sec-
9 retary”) may waive any of the requirements contained in
10 sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for
11 the full project period of a grant under such section: *Pro-*
12 *vided further*, That no funds shall be available for section
13 340G–1 of the PHS Act: *Provided further*, That in addi-
14 tion to fees authorized by section 427(b) of the Health
15 Care Quality Improvement Act of 1986, fees shall be col-
16 lected for the full disclosure of information under such Act
17 sufficient to recover the full costs of operating the Na-
18 tional Practitioner Data Bank and shall remain available
19 until expended to carry out that Act: *Provided further*,
20 That fees collected for the full disclosure of information
21 under the “Health Care Fraud and Abuse Data Collection
22 Program”, authorized by section 1128E(d)(2) of the So-
23 cial Security Act, shall be sufficient to recover the full
24 costs of operating the program, and shall remain available
25 until expended to carry out that Act: *Provided further*,

1 That funds transferred to this account to carry out section
2 846 and subpart 3 of part D of title III of the PHS Act
3 may be used to make prior year adjustments to awards
4 made under such sections.

5 MATERNAL AND CHILD HEALTH

6 For carrying out titles III, XI, XII, and XIX of the
7 PHS Act with respect to maternal and child health, title
8 V of the Social Security Act, and section 712 of the Amer-
9 ican Jobs Creation Act of 2004, \$863,607,000: *Provided*,
10 That notwithstanding sections 502(a)(1) and 502(b)(1) of
11 the Social Security Act, not more than \$79,586,000 shall
12 be available for carrying out special projects of regional
13 and national significance pursuant to section 501(a)(2) of
14 such Act and \$10,400,000 shall be available for projects
15 described in paragraphs (A) through (F) of section
16 501(a)(3) of such Act.

17 RYAN WHITE HIV/AIDS PROGRAM

18 For carrying out title XXVI of the PHS Act with
19 respect to the Ryan White HIV/AIDS program,
20 \$2,326,665,000, of which \$1,995,670,000 shall remain
21 available to the Secretary of Health and Human Services
22 through September 30, 2014, for parts A and B of title
23 XXVI of the PHS Act, and of which not less than
24 \$900,000,000 shall be for State AIDS Drug Assistance
25 Programs under the authority of section 2616 or 311(c)

1 of such Act: *Provided*, That in addition to amounts pro-
2 vided herein, \$25,000,000 shall be available from amounts
3 available under section 241 of the PHS Act to carry out
4 parts A, B, C, and D of title XXVI of the PHS Act to
5 fund Special Projects of National Significance under sec-
6 tion 2691.

7 HEALTH CARE SYSTEMS

8 For carrying out titles III and XII of the PHS Act
9 with respect to health care systems, and the Stem Cell
10 Therapeutic and Research Act of 2005, \$83,526,000.

11 RURAL HEALTH

12 For carrying out titles III and IV of the PHS Act
13 with respect to rural health, section 427(a) of the Federal
14 Coal Mine Health and Safety Act, the Cardiac Arrest Sur-
15 vival Act of 2000, and sections 711 and 1820 of the Social
16 Security Act, \$139,832,000, of which \$41,118,000 from
17 general revenues, notwithstanding section 1820(j) of the
18 Social Security Act, shall be available for carrying out the
19 Medicare rural hospital flexibility grants program: *Pro-*
20 *vided*, That of the funds made available under this heading
21 for Medicare rural hospital flexibility grants, \$15,000,000
22 shall be available for the Small Rural Hospital Improve-
23 ment Grant Program for quality improvement and adop-
24 tion of health information technology and \$1,000,000
25 shall be to carry out section 1820(g)(6) of the Social Secu-

1 rity Act, with funds provided for grants under section
2 1820(g)(6) available for the purchase and implementation
3 of telehealth services, including pilots and demonstrations
4 on the use of electronic health records to coordinate rural
5 veterans care between rural providers and the Department
6 of Veterans Affairs electronic health record system: *Pro-*
7 *vided further*, That notwithstanding section 338J(k) of the
8 PHS Act, \$10,055,000 shall be available for State Offices
9 of Rural Health.

10

FAMILY PLANNING

11 For carrying out the program under title X of the
12 PHS Act to provide for voluntary family planning
13 projects, \$297,400,000: *Provided*, That amounts provided
14 to said projects under such title shall not be expended for
15 abortions, that all pregnancy counseling shall be nondirec-
16 tive, and that such amounts shall not be expended for any
17 activity (including the publication or distribution of lit-
18 erature) that in any way tends to promote public support
19 or opposition to any legislative proposal or candidate for
20 public office.

21

PROGRAM MANAGEMENT

22 For program support in the Health Resources and
23 Services Administration, \$161,815,000: *Provided*, That
24 funds made available under this heading may be used to
25 supplement program support funding provided under the

1 headings “Primary Health Care”, “Health Workforce”,
2 “Maternal and Child Health”, “Ryan White HIV/AIDS
3 Program”, “Health Care Systems”, and “Rural Health”.

4 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
5 ACCOUNT

6 Such sums as may be necessary to carry out the pur-
7 pose of the program, as authorized by title VII of the PHS
8 Act. For administrative expenses to carry out the guaran-
9 teed loan program, including section 709 of the PHS Act,
10 \$2,841,000.

11 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

12 For payments from the Vaccine Injury Compensation
13 Program Trust Fund (“Trust Fund”), such sums as may
14 be necessary for claims associated with vaccine-related in-
15 jury or death with respect to vaccines administered after
16 September 30, 1988, pursuant to subtitle 2 of title XXI
17 of the PHS Act, to remain available until expended: *Pro-*
18 *vided*, That for necessary administrative expenses, not to
19 exceed \$6,489,000 shall be available from the Trust Fund
20 to the Secretary.

21 CENTERS FOR DISEASE CONTROL AND PREVENTION

22 IMMUNIZATION AND RESPIRATORY DISEASES

23 For carrying out titles II, III, VII, XVII, and XXI,
24 and section 2821 of the PHS Act, titles II and IV of the
25 Immigration and Nationality Act, and section 501 of the

1 Refugee Education Assistance Act, with respect to immu-
2 nization and respiratory diseases, \$579,375,000: *Provided*,
3 That in addition to amounts provided herein, \$12,864,000
4 shall be available from amounts available under section
5 241 of the PHS Act to carry out the National Immuniza-
6 tion Surveys.

7 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED
8 DISEASES, AND TUBERCULOSIS PREVENTION

9 For carrying out titles II, III, VII, XVII, XXIII, and
10 XXVI of the PHS Act with respect to HIV/AIDS, viral
11 hepatitis, sexually transmitted diseases, and tuberculosis
12 prevention, \$1,105,995,000.

13 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

14 For carrying out titles II, III, VII, and XVII, and
15 section 2821 of the PHS Act, titles II and IV of the Immi-
16 gration and Nationality Act, and section 501 of the Ref-
17 ugee Education Assistance Act, with respect to emerging
18 and zoonotic infectious diseases, \$253,919,000.

19 CHRONIC DISEASE PREVENTION AND HEALTH
20 PROMOTION

21 For carrying out titles II, III, VII, XI, XV, XVII,
22 and XIX of the PHS Act with respect to chronic disease
23 prevention and health promotion, \$760,700,000: *Provided*,
24 That funds appropriated under this account may be avail-
25 able for making grants under section 1509 of the PHS

1 Act for not less than 21 States, tribes, or tribal organiza-
2 tions.

3 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
4 DISABILITIES AND HEALTH

5 For carrying out titles II, III, VII, XI, and XVII of
6 the PHS Act with respect to birth defects, developmental
7 disabilities, disabilities and health, \$138,072,000.

8 PUBLIC HEALTH SCIENTIFIC SERVICES

9 For carrying out titles II and III of the PHS Act
10 with respect to health statistics, surveillance, informatics,
11 and workforce development, \$144,795,000: *Provided*, That
12 in addition to amounts provided herein, \$247,769,000
13 shall be available from amounts available under section
14 241 of the PHS Act to carry out Public Health Scientific
15 Services.

16 ENVIRONMENTAL HEALTH

17 For carrying out titles II, III, VII, and XVII of the
18 PHS Act with respect to environmental health,
19 \$105,598,000.

20 INJURY PREVENTION AND CONTROL

21 For carrying out titles II, III, VII, and XVII of the
22 PHS Act with respect to injury prevention and control,
23 \$138,480,000.

1 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
2 HEALTH

3 For carrying out titles II, III, VII, and XVII of the
4 PHS Act, sections 101, 102, 103, 201, 202, 203, 301,
5 501, and 514 of the Federal Mine Safety and Health Act,
6 section 13 of the Mine Improvement and New Emergency
7 Response Act, and sections 20, 21, and 22 of the Occupa-
8 tional Safety and Health Act, with respect to occupational
9 safety and health, \$182,903,000: *Provided*, That in addi-
10 tion to amounts provided herein, \$110,724,000 shall be
11 available from amounts available under section 241 of the
12 PHS Act.

13 EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION
14 PROGRAM

15 For necessary expenses to administer the Energy
16 Employees Occupational Illness Compensation Program
17 Act, \$55,358,000, to remain available until expended, of
18 which \$4,500,000 shall be for use by or in support of the
19 Advisory Board on Radiation and Worker Health
20 (“Board”) to carry out its statutory responsibilities, in-
21 cluding obtaining audits, technical assistance, and other
22 support from the Board’s audit contractor with regard to
23 radiation dose estimation and reconstruction efforts, site
24 profiles, procedures, and review of Special Exposure Co-
25 hort petitions and evaluation reports: *Provided*, That this

1 amount shall be available consistent with the provision re-
2 garding administrative expenses in section 151(b) of divi-
3 sion B, title I of Public Law 106–554.

4 GLOBAL HEALTH

5 For carrying out titles II, III, VII and XVII of the
6 PHS Act with respect to global health, \$349,547,000, of
7 which \$118,023,000 for international HIV/AIDS shall re-
8 main available through September 30, 2013: *Provided*,
9 That funds may be used for purchase and insurance of
10 official motor vehicles in foreign countries.

11 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

12 For carrying out titles II, III, VII, and XVII of the
13 PHS Act with respect to public health preparedness and
14 response, and for expenses necessary to support activities
15 related to countering potential biological, nuclear, radio-
16 logical, and chemical threats to civilian populations,
17 \$1,306,906,000, of which \$509,486,000 shall remain
18 available until expended for the Strategic National Stock-
19 pile under section 319F–2 of the PHS Act.

20 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

21 For carrying out titles II, III, VII, XVII and XIX,
22 and section 2821 of the PHS Act and for cross-cutting
23 activities and program support that supplement activities
24 funded under the headings “Immunization and Res-
25 piratory Diseases”, “HIV/AIDS, Viral Hepatitis, Sexually

1 Transmitted Diseases, and Tuberculosis Prevention”,
2 “Emerging and Zoonotic Infectious Diseases”, “Chronic
3 Disease Prevention and Health Promotion”, “Birth De-
4 fects, Developmental Disabilities, Disabilities and
5 Health”, “Environmental Health”, “Injury Prevention
6 and Control”, “National Institute for Occupational Safety
7 and Health”, “Employees Occupational Illness Compensa-
8 tion Program Act”, “Global Health”, “Public Health Pre-
9 paredness and Response”, and “Public Health Scientific
10 Services”, \$621,445,000, of which \$30,000,000 shall be
11 available until September 30, 2013 for business services,
12 of which \$25,000,000 shall be available until September
13 30, 2016 for equipment, construction and renovation of
14 facilities, and of which \$80,000,000 shall be for the Pre-
15 ventive Health and Health Services Block Grant Program:
16 *Provided*, That paragraphs (1) through (3) of subsection
17 (b) of section 2821 of the PHS Act shall not apply to
18 funds appropriated under this heading and in all other ac-
19 counts of the Centers for Disease Control and Prevention
20 (referred to in this title as “CDC”): *Provided further*, That
21 funds appropriated under this heading and in all other ac-
22 counts of CDC may be used to support the purchase, hire,
23 maintenance, and operation of aircraft for use and support
24 of the activities of CDC: *Provided further*, That employees
25 of CDC or the Public Health Service, both civilian and

1 commissioned officers, detailed to States, municipalities,
2 or other organizations under authority of section 214 of
3 the PHS Act, or in overseas assignments, shall be treated
4 as non-Federal employees for reporting purposes only and
5 shall not be included within any personnel ceiling applica-
6 ble to the Agency, Service, or HHS during the period of
7 detail or assignment: *Provided further*, That CDC may use
8 up to \$10,000 from amounts appropriated to CDC in this
9 Act for official reception and representation expenses
10 when specifically approved by the Director of CDC: *Pro-*
11 *vided further*, That in addition, such sums as may be de-
12 rived from authorized user fees, which shall be credited
13 to the appropriation charged with the cost thereof: *Pro-*
14 *vided further*, That with respect to the previous proviso,
15 authorized user fees from the Vessel Sanitation Program
16 shall be available through September 30, 2013: *Provided*
17 *further*, That of the funds made available under this head-
18 ing, up to \$1,000 per eligible employee of CDC shall be
19 made available until expended for Individual Learning Ac-
20 counts: *Provided further*, That CDC may establish a
21 Working Capital Fund, with the authorities equivalent to
22 those provided in 42 U.S.C. 231, to improve the provision
23 of supplies and service.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL CANCER INSTITUTE

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to cancer, \$5,081,788,000, of which up
5 to \$8,000,000 may be used for facilities repairs and im-
6 provements at the National Cancer Institute—Frederick
7 Federally Funded Research and Development Center in
8 Frederick, Maryland.

9 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to cardiovascular, lung, and blood dis-
12 eases, and blood and blood products, \$3,084,851,000.

13 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
14 RESEARCH

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to dental disease, \$411,488,000.

17 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
18 KIDNEY DISEASES

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to diabetes and digestive and kidney dis-
21 ease, \$1,800,447,000.

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
2 AND STROKE

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to neurological disorders and stroke,
5 \$1,629,445,000.

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
7 DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to allergy and infectious diseases,
10 \$4,499,215,000.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to general medical sciences,
14 \$2,434,637,000: *Provided*, That not less than
15 \$276,480,000 is provided for the Institutional Develop-
16 ment Awards program.

17 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
18 CHILD HEALTH AND HUMAN DEVELOPMENT

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to child health and human development,
21 \$1,323,900,000.

22 NATIONAL EYE INSTITUTE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to eye diseases and visual disorders,
25 \$704,043,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$686,869,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to aging, \$1,105,530,000.

9 NATIONAL INSTITUTE OF ARTHRITIS AND
10 MUSCULOSKELETAL AND SKIN DISEASES

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to arthritis and musculoskeletal and skin
13 diseases, \$536,801,000.

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
15 COMMUNICATION DISORDERS

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to deafness and other communication dis-
18 orders, \$417,061,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to nursing research, \$145,043,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$460,389,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,055,362,000.

9 NATIONAL INSTITUTE OF MENTAL HEALTH

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to mental health, \$1,483,068,000.

12 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to human genome research,
15 \$513,844,000.

16 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
17 BIOENGINEERING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to biomedical imaging and bioengineering
20 research, \$338,998,000.

21 NATIONAL CENTER FOR COMPLEMENTARY AND
22 ALTERNATIVE MEDICINE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to complementary and alternative medi-
25 cine, \$128,299,000.

1 NATIONAL INSTITUTE ON MINORITY HEALTH AND
2 HEALTH DISPARITIES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to minority health and health disparities
5 research, \$276,963,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the PHS Act), \$69,754,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to health information communications,
13 \$338,278,000, of which \$4,000,000 shall be available until
14 September 30, 2013, for improvement of information sys-
15 tems: *Provided*, That in fiscal year 2012, the National Li-
16 brary of Medicine may enter into personal services con-
17 tracts for the provision of services in facilities owned, oper-
18 ated, or constructed under the jurisdiction of the National
19 Institutes of Health (referred to in this title as “NIH”):
20 *Provided further*, That in addition to amounts provided
21 herein, \$8,200,000 shall be available from amounts avail-
22 able under section 241 of the PHS Act to carry out the
23 purposes of the National Information Center on Health
24 Services Research and Health Care Technology estab-

1 lished under section 478A of the PHS Act and related
2 health services.

3 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
4 SCIENCES

5 For carrying out section 301 and title IV of the PHS
6 Act with respect to translational sciences, \$576,456,000:
7 *Provided*, That up to \$10,000,000 shall be available to im-
8 plement section 402C of the PHS Act, relating to the
9 Cures Acceleration Network: *Provided further*, That funds
10 appropriated may be used to support the reorganization
11 and activities required to eliminate the National Center
12 for Research Resources: *Provided further*, That the Direc-
13 tor of the NIH shall ensure that, of all funds made avail-
14 able to Institute, Center, and Office of the Director ac-
15 counts within “Department of Health and Human Serv-
16 ices, National Institutes of Health”, at least \$487,767,000
17 is provided to the Clinical and Translational Sciences
18 Awards program.

19 OFFICE OF THE DIRECTOR

20 For carrying out the responsibilities of the Office of
21 the Director, NIH, \$1,461,880,000, of which up to
22 \$25,000,000 shall be used to carry out section 213 of this
23 Act: *Provided*, That funding shall be available for the pur-
24 chase of not to exceed 29 passenger motor vehicles for re-
25 placement only: *Provided further*, That NIH is authorized

1 to collect third-party payments for the cost of clinical serv-
2 ices that are incurred in NIH research facilities and that
3 such payments shall be credited to the NIH Management
4 Fund: *Provided further*, That all funds credited to the
5 NIH Management Fund shall remain available for one fis-
6 cal year after the fiscal year in which they are deposited:
7 *Provided further*, That \$193,880,000 shall be available for
8 continuation of the National Children's Study: *Provided*
9 *further*, That \$545,962,000 shall be available for the Com-
10 mon Fund established under section 402A(c)(1) of the
11 PHS Act: *Provided further*, That of the funds provided
12 \$10,000 shall be for official reception and representation
13 expenses when specifically approved by the Director of the
14 NIH: *Provided further*, That the Office of AIDS Research
15 within the Office of the Director of the NIH may spend
16 up to \$8,000,000 to make grants for construction or ren-
17 ovation of facilities as provided for in section
18 2354(a)(5)(B) of the PHS Act.

19 BUILDINGS AND FACILITIES

20 For the study of, construction of, renovation of, and
21 acquisition of equipment for, facilities of or used by NIH,
22 including the acquisition of real property, \$125,581,000,
23 to remain available until September 30, 2016.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 MENTAL HEALTH

4 For carrying out titles III, V, and XIX of the PHS
5 Act with respect to mental health, and the Protection and
6 Advocacy for Individuals with Mental Illness Act,
7 \$934,853,000: *Provided*, That notwithstanding section
8 520A(f)(2) of the PHS Act, no funds appropriated for car-
9 rying out section 520A shall be available for carrying out
10 section 1971 of the PHS Act: *Provided further*, That in
11 addition to amounts provided herein, \$21,039,000 shall be
12 available under section 241 of the PHS Act to carry out
13 subpart I of part B of title XIX of the PHS Act to fund
14 section 1920(b) technical assistance, national data, data
15 collection and evaluation activities, and further that the
16 total available under this Act for section 1920(b) activities
17 shall not exceed 5 percent of the amounts appropriated
18 for subpart I of part B of title XIX: *Provided further*, That
19 section 520E(b)(2) of the PHS Act shall not apply to
20 funds appropriated under this Act for fiscal year 2012:
21 *Provided further*, That of the amount appropriated under
22 this heading, \$45,800,000 shall be for the National Child
23 Traumatic Stress Initiative as described in section 582 of
24 the PHS Act.

1 SUBSTANCE ABUSE TREATMENT

2 For carrying out titles III, V, and XIX of the PHS
3 Act with respect to substance abuse treatment and section
4 1922(a) of the PHS Act with respect to substance abuse
5 prevention, \$2,123,993,000: *Provided*, That in addition to
6 amounts provided herein, the following amounts shall be
7 available under section 241 of the PHS Act: (1)
8 \$79,200,000 to carry out subpart II of part B of title XIX
9 of the PHS Act to fund section 1935(b) technical assist-
10 ance, national data, data collection and evaluation activi-
11 ties, and further that the total available under this Act
12 for section 1935(b) activities shall not exceed 5 percent
13 of the amounts appropriated for subpart II of part B of
14 title XIX; and (2) \$2,000,000 to evaluate substance abuse
15 treatment programs: *Provided further*, That no funds shall
16 be available for the National All Schedules Prescription
17 Reporting system.

18 SUBSTANCE ABUSE PREVENTION

19 For carrying out titles III and V of the PHS Act
20 with respect to substance abuse prevention, \$186,361,000.

21 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

22 For program support and cross-cutting activities that
23 supplement activities funded under the headings “Mental
24 Health”, “Substance Abuse Treatment”, and “Substance
25 Abuse Prevention” in carrying out titles III, V and XIX

1 of the PHS Act and the Protection and Advocacy for Indi-
2 viduals with Mental Illness Act in the Substance Abuse
3 and Mental Health Services Administration,
4 \$109,106,000: *Provided*, That in addition to amounts pro-
5 vided herein, \$27,428,000 shall be available under section
6 241 of the PHS Act to supplement funds available to
7 carry out national surveys on drug abuse and mental
8 health, to collect and analyze program data, and to con-
9 duct public awareness and technical assistance activities:
10 *Provided further*, That funds made available under this
11 heading may be used to supplement program support
12 funding provided under the headings “Mental Health”,
13 “Substance Abuse Treatment”, and “Substance Abuse
14 Prevention”.

15 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

16 HEALTHCARE RESEARCH AND QUALITY

17 For carrying out titles III and IX of the PHS Act,
18 part A of title XI of the Social Security Act, and section
19 1013 of the Medicare Prescription Drug, Improvement,
20 and Modernization Act of 2003, \$369,053,000 shall be
21 available from amounts available under section 241 of the
22 PHS Act, notwithstanding subsection 947(c) of such Act:
23 *Provided*, That in addition, amounts received from Free-
24 dom of Information Act fees, reimbursable and inter-
25 agency agreements, and the sale of data shall be credited

1 to this appropriation and shall remain available until Sep-
2 tember 30, 2013.

3 CENTERS FOR MEDICARE AND MEDICAID SERVICES

4 GRANTS TO STATES FOR MEDICAID

5 For carrying out, except as otherwise provided, titles
6 XI and XIX of the Social Security Act, \$184,279,110,000,
7 to remain available until expended.

8 For making, after May 31, 2012, payments to States
9 under title XIX or in the case of section 1928 on behalf
10 of States under title XIX of the Social Security Act for
11 the last quarter of fiscal year 2012 for unanticipated costs
12 incurred for the current fiscal year, such sums as may be
13 necessary.

14 For making payments to States or in the case of sec-
15 tion 1928 on behalf of States under title XIX of the Social
16 Security Act for the first quarter of fiscal year 2013,
17 \$90,614,082,000, to remain available until expended.

18 Payment under such title XIX may be made for any
19 quarter with respect to a State plan or plan amendment
20 in effect during such quarter, if submitted in or prior to
21 such quarter and approved in that or any subsequent
22 quarter.

23 PAYMENTS TO HEALTH CARE TRUST FUNDS

24 For payment to the Federal Hospital Insurance
25 Trust Fund and the Federal Supplementary Medical In-

1 surance Trust Fund, as provided under sections 217(g),
2 1844, and 1860D–16 of the Social Security Act, sections
3 103(e) and 111(d) of the Social Security Amendments of
4 1965, section 278(d)(3) of Public Law 97–248, and for
5 administrative expenses incurred pursuant to section
6 201(g) of the Social Security Act, \$230,741,378,000.

7 In addition, for making matching payments under
8 section 1844 and benefit payments under section 1860D–
9 16 of the Social Security Act that were not anticipated
10 in budget estimates, such sums as may be necessary.

11 PROGRAM MANAGEMENT

12 For carrying out, except as otherwise provided, titles
13 XI, XVIII, XIX, and XXI of the Social Security Act, titles
14 XIII and XXVII of the PHS Act, the Clinical Laboratory
15 Improvement Amendments of 1988, and other responsibil-
16 ities of the Centers for Medicare and Medicaid Services,
17 not to exceed \$3,879,476,000, to be transferred from the
18 Federal Hospital Insurance Trust Fund and the Federal
19 Supplementary Medical Insurance Trust Fund, as author-
20 ized by section 201(g) of the Social Security Act; together
21 with all funds collected in accordance with section 353 of
22 the PHS Act and section 1857(e)(2) of the Social Security
23 Act, funds retained by the Secretary pursuant to section
24 302 of the Tax Relief and Health Care Act of 2006; and
25 such sums as may be collected from authorized user fees

1 and the sale of data, which shall be credited to this ac-
2 count and remain available until September 30, 2017: *Pro-*
3 *vided*, That all funds derived in accordance with 31 U.S.C.
4 9701 from organizations established under title XIII of
5 the PHS Act shall be credited to and available for carrying
6 out the purposes of this appropriation: *Provided further*,
7 That \$34,000,000, to remain available through September
8 30, 2013, shall be for contract costs for the Healthcare
9 Integrated General Ledger Accounting System: *Provided*
10 *further*, That the Secretary is directed to collect fees in
11 fiscal year 2012 from Medicare Advantage organizations
12 pursuant to section 1857(e)(2) of the Social Security Act
13 and from eligible organizations with risk-sharing contracts
14 under section 1876 of that Act pursuant to section
15 1876(k)(4)(D) of that Act: *Provided further*, That
16 \$44,000,000 shall be available for the State high-risk
17 health insurance pool program as authorized by the State
18 High Risk Pool Funding Extension Act of 2006.

19 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

20 In addition to amounts otherwise available for pro-
21 gram integrity and program management, \$310,377,000,
22 to remain available through September 30, 2013, to be
23 transferred from the Federal Hospital Insurance Trust
24 Fund and the Federal Supplementary Medical Insurance
25 Trust Fund, as authorized by section 201(g) of the Social

1 Security Act, of which \$219,879,000 shall be for the Medi-
2 care Integrity Program at the Centers for Medicare and
3 Medicaid Services, including administrative costs, to con-
4 duct oversight activities for Medicare Advantage under
5 Part C and the Medicare Prescription Drug Program
6 under Part D of the Social Security Act and for activities
7 described in section 1893(b) of such Act, of which
8 \$29,730,000 shall be for the Department of Health and
9 Human Services Office of Inspector General to carry out
10 fraud and abuse activities authorized by section
11 1817(k)(3) of such Act, of which \$31,038,000 shall be for
12 the Medicaid and Children’s Health Insurance Program
13 (“CHIP”) program integrity activities, and of which
14 \$29,730,000 shall be for the Department of Justice to
15 carry out fraud and abuse activities authorized by section
16 1817(k)(3) of such Act: *Provided*, That the report re-
17 quired by section 1817(k)(5) of the Social Security Act
18 for fiscal year 2012 shall include measures of the oper-
19 ational efficiency and impact on fraud, waste, and abuse
20 in the Medicare, Medicaid, and CHIP programs for the
21 funds provided by this appropriation.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

4 For making payments to States or other non-Federal
5 entities under titles I, IV–D, X, XI, XIV, and XVI of the
6 Social Security Act and the Act of July 5, 1960,
7 \$2,305,035,000, to remain available until expended; and
8 for such purposes for the first quarter of fiscal year 2013,
9 \$1,100,000,000, to remain available until expended.

10 For making payments to each State for carrying out
11 the program of Aid to Families with Dependent Children
12 under title IV–A of the Social Security Act before the ef-
13 fective date of the program of Temporary Assistance for
14 Needy Families with respect to such State, such sums as
15 may be necessary: *Provided*, That the sum of the amounts
16 available to a State with respect to expenditures under
17 such title IV–A in fiscal year 1997 under this appropria-
18 tion and under such title IV–A as amended by the Per-
19 sonal Responsibility and Work Opportunity Reconciliation
20 Act of 1996 shall not exceed the limitations under section
21 116(b) of such Act.

22 For making, after May 31 of the current fiscal year,
23 payments to States or other non-Federal entities under
24 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
25 Act and the Act of July 5, 1960, for the last 3 months

1 of the current fiscal year for unanticipated costs, incurred
2 for the current fiscal year, such sums as may be necessary.

3 LOW INCOME HOME ENERGY ASSISTANCE

4 For making payments under subsections (b) and (d)
5 of section 2602 of the Low Income Home Energy Assist-
6 ance Act of 1981, \$3,478,246,000: *Provided*, That all but
7 \$497,000,000 of such funds shall be allocated as though
8 the total appropriation for such payments for fiscal year
9 2012 was less than \$1,975,000,000: *Provided further*,
10 That notwithstanding section 2609A(a), of the amounts
11 appropriated under section 2602(b), not more than
12 \$3,000,000 of such amounts may be reserved by the Sec-
13 retary for technical assistance, training, and monitoring
14 of program activities for compliance with internal controls,
15 policies and procedures.

16 REFUGEE AND ENTRANT ASSISTANCE

17 For necessary expenses for refugee and entrant as-
18 sistance activities authorized by section 414 of the Immi-
19 gration and Nationality Act and section 501 of the Ref-
20 ugee Education Assistance Act of 1980, for carrying out
21 section 462 of the Homeland Security Act of 2002, section
22 235 of the William Wilberforce Trafficking Victims Pro-
23 tection Reauthorization Act of 2008, and the Trafficking
24 Victims Protection Act of 2000, for costs associated with
25 the care and placement of unaccompanied alien children,

1 and for carrying out the Torture Victims Relief Act of
2 1998, \$769,789,000, of which up to \$9,794,000 shall be
3 available to carry out the Trafficking Victims Protection
4 Act of 2000: *Provided*, That funds appropriated under this
5 heading pursuant to section 414(a) of the Immigration
6 and Nationality Act, section 462 of the Homeland Secu-
7 rity Act of 2002, section 235 of the William Wilberforce
8 Trafficking Victims Protection Reauthorization Act of
9 2008, and the Trafficking Victims Protection Act of 2000
10 for fiscal year 2012 shall be available for the costs of as-
11 sistance provided and other activities to remain available
12 through September 30, 2014.

13 PAYMENTS TO STATES FOR THE CHILD CARE AND
14 DEVELOPMENT BLOCK GRANT

15 For carrying out the Child Care and Development
16 Block Grant Act of 1990, \$2,282,627,000 shall be used
17 to supplement, not supplant State general revenue funds
18 for child care assistance for low-income families: *Provided*,
19 That \$19,433,000 shall be available for child care resource
20 and referral and school-aged child care activities, of which
21 \$1,000,000 shall be available to the Secretary for a com-
22 petitive grant for the operation of a national toll free hot-
23 line and Web site to develop and disseminate child care
24 consumer education information for parents and help par-
25 ents access child care in their local community: *Provided*

1 *further*, That, in addition to the amounts required to be
2 reserved by the States under section 658G, \$291,248,000
3 shall be reserved by the States for activities authorized
4 under section 658G, of which \$106,813,000 shall be for
5 activities that improve the quality of infant and toddler
6 care: *Provided further*, That \$9,890,000 shall be for use
7 by the Secretary for child care research, demonstration,
8 and evaluation activities.

9 SOCIAL SERVICES BLOCK GRANT

10 For making grants to States pursuant to section
11 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
12 *vided*, That notwithstanding subparagraph (B) of section
13 404(d)(2) of such Act, the applicable percent specified
14 under such subparagraph for a State to carry out State
15 programs pursuant to title XX of such Act shall be 10
16 percent.

17 CHILDREN AND FAMILIES SERVICES PROGRAMS

18 For carrying out, except as otherwise provided, the
19 Runaway and Homeless Youth Act, the Developmental
20 Disabilities Assistance and Bill of Rights Act, the Head
21 Start Act, the Child Abuse Prevention and Treatment Act,
22 sections 303 and 313 of the Family Violence Prevention
23 and Services Act, the Native American Programs Act of
24 1974, title II of the Child Abuse Prevention and Treat-
25 ment and Adoption Reform Act of 1978 (adoption oppor-

1 tunities), the Abandoned Infants Assistance Act of 1988,
2 section 291 of the Help America Vote Act of 2002, part
3 B–1 of title IV and sections 413, 1110, and 1115 of the
4 Social Security Act; for making payments under the Com-
5 munity Services Block Grant Act (“CSBG Act”), sections
6 439(i), 473B, and 477(i) of the Social Security Act, and
7 the Assets for Independence Act; and for necessary admin-
8 istrative expenses to carry out such Acts and titles I, IV,
9 V, X, XI, XIV, XVI, and XX of the Social Security Act,
10 the Act of July 5, 1960, the Low Income Home Energy
11 Assistance Act of 1981, title IV of the Immigration and
12 Nationality Act, and section 501 of the Refugee Education
13 Assistance Act of 1980, \$9,926,709,000, of which
14 \$39,421,000, to remain available through September 30,
15 2013, shall be for grants to States for adoption incentive
16 payments, as authorized by section 473A of the Social Se-
17 curity Act and may be made for adoptions completed be-
18 fore September 30, 2012: *Provided*, That \$7,983,633,000
19 shall be for making payments under the Head Start Act:
20 *Provided further*, That for purposes of allocating funds de-
21 scribed by the immediately preceding proviso, the term
22 “base grant” as used in subsection (a)(7)(A) of section
23 640 of such Act with respect to funding provided to a
24 Head Start agency (including each Early Head Start
25 agency) for fiscal year 2011 shall be calculated as de-

1 scribed in such subsection and to which amount shall be
2 added 50 percent of the amount of funds appropriated
3 under the heading “Department of Health and Human
4 Services, Administration for Children and Families, Chil-
5 dren and Family Services Programs” in Public Law 111–
6 5 and provided to such agency for carrying out expansion
7 of Head Start programs, as that phrase is used in sub-
8 section (a)(4)(D) of such section 640, and provided to
9 such agency as the ongoing funding level for operations
10 in the 12-month period beginning in fiscal year 2010: *Pro-*
11 *vided further*, That \$713,630,000 shall be for making pay-
12 ments under the CSBG Act: *Provided further*, That
13 \$35,340,000 shall be for sections 680 and 678E(b)(2) of
14 the CSBG Act, of which not less than \$30,000,000 shall
15 be for section 680(a)(2) and not less than \$4,990,000
16 shall be for section 680(a)(3)(B) of such Act: *Provided*
17 *further*, That in addition to amounts provided herein,
18 \$5,762,000 shall be available from amounts available
19 under section 241 of the PHS Act to carry out the provi-
20 sions of section 1110 of the Social Security Act: *Provided*
21 *further*, That to the extent Community Services Block
22 Grant funds are distributed as grant funds by a State to
23 an eligible entity as provided under the CSBG Act, and
24 have not been expended by such entity, they shall remain
25 with such entity for carryover into the next fiscal year for

1 expenditure by such entity consistent with program pur-
2 poses: *Provided further*, That the Secretary shall establish
3 procedures regarding the disposition of intangible assets
4 and program income that permit such assets acquired
5 with, and program income derived from, grant funds au-
6 thorized under section 680 of the CSBG Act to become
7 the sole property of such grantees after a period of not
8 more than 12 years after the end of the grant period for
9 any activity consistent with section 680(a)(2)(A) of the
10 CSBG Act: *Provided further*, That intangible assets in the
11 form of loans, equity investments and other debt instru-
12 ments, and program income may be used by grantees for
13 any eligible purpose consistent with section 680(a)(2)(A)
14 of the CSBG Act: *Provided further*, That these procedures
15 shall apply to such grant funds made available after No-
16 vember 29, 1999: *Provided further*, That funds appro-
17 priated for section 680(a)(2) of the CSBG Act shall be
18 available for financing construction and rehabilitation and
19 loans or investments in private business enterprises owned
20 by community development corporations: *Provided further*,
21 That \$5,245,000 shall be for activities authorized by sec-
22 tion 291 of the Help America Vote Act of 2002: *Provided*
23 *further*, That \$1,996,000 shall be for a human services
24 case management system for federally declared disasters,
25 to include a comprehensive national case management con-

1 tract and Federal costs of administering the system: *Pro-*
2 *vided further*, That up to \$2,000,000 shall be for improv-
3 ing the Public Assistance Reporting Information System,
4 including grants to States to support data collection for
5 a study of the system's effectiveness.

6 PROMOTING SAFE AND STABLE FAMILIES

7 For carrying out section 436 of the Social Security
8 Act, \$345,000,000 and section 437 of such Act,
9 \$63,184,000.

10 PAYMENTS FOR FOSTER CARE AND PERMANENCY

11 For making payments to States or other non-Federal
12 entities under title IV–E of the Social Security Act,
13 \$5,153,000,000.

14 For making payments to States or other non-Federal
15 entities under title IV–E of the Social Security Act, for
16 the first quarter of fiscal year 2013, \$2,100,000,000.

17 For making, after May 31 of the current fiscal year,
18 payments to States or other non-Federal entities under
19 section 474 of title IV–E of the Social Security Act, for
20 the last 3 months of the current fiscal year for unantici-
21 pated costs, incurred for the current fiscal year, such sums
22 as may be necessary.

1 ADMINISTRATION ON AGING
2 AGING SERVICES PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out, to the extent not otherwise pro-
5 vided, the Older Americans Act of 1965 (“OAA”), section
6 398 and title XXIX of the PHS Act, section 119 of the
7 Medicare Improvements for Patients and Providers Act of
8 2008, \$1,473,703,000: *Provided*, That amounts appro-
9 priated under this heading may be used for grants to
10 States under section 361 of the OAA only for disease pre-
11 vention and health promotion programs and activities
12 which have been demonstrated through rigorous evalua-
13 tion to be evidence-based and effective: *Provided further*,
14 That none of the funds provided shall be used to carry
15 out sections 1701 and 1703 of the PHS Act (with respect
16 to chronic disease self-management activity grants), ex-
17 cept that such funds may be used for necessary expenses
18 associated with administering any such grants awarded
19 prior to the date of the enactment of this Act: *Provided*
20 *further*, That the total amount available for fiscal year
21 2012 under this and any other Act to carry out activities
22 related to Aging and Disability Resource Centers under
23 subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the
24 OAA shall not exceed the amount obligated for such pur-
25 poses for fiscal year 2010 from funds available under Pub-

1 lie Law 111–117: *Provided further*, That notwithstanding
2 any other provision of this Act, funds made available
3 under this heading to carry out section 311 of the OAA
4 may be transferred to the Secretary of Agriculture in ac-
5 cordance with such section.

6 OFFICE OF THE SECRETARY

7 GENERAL DEPARTMENTAL MANAGEMENT

8 For necessary expenses, not otherwise provided, for
9 general departmental management, including hire of six
10 passenger motor vehicles, and for carrying out titles III,
11 XVII, and XXI of the PHS Act, the United States-Mexico
12 Border Health Commission Act, and research studies
13 under section 1110 of the Social Security Act,
14 \$475,221,000, together with \$69,211,000 from the
15 amounts available under section 241 of the PHS Act to
16 carry out national health or human services research and
17 evaluation activities: *Provided*, That of this amount,
18 \$53,783,000 shall be for minority AIDS prevention and
19 treatment activities: *Provided further*, That of the funds
20 made available under this heading, \$104,790,000 shall be
21 for making competitive contracts and grants to public and
22 private entities to fund medically accurate and age appro-
23 priate programs that reduce teen pregnancy and for the
24 Federal costs associated with administering and evalu-
25 ating such contracts and grants, of which not less than

1 \$75,000,000 shall be for replicating programs that have
2 been proven effective through rigorous evaluation to re-
3 duce teenage pregnancy, behavioral risk factors underlying
4 teenage pregnancy, or other associated risk factors, of
5 which not less than \$25,000,000 shall be available for re-
6 search and demonstration grants to develop, replicate, re-
7 fine, and test additional models and innovative strategies
8 for preventing teenage pregnancy, and of which any re-
9 maining amounts shall be available for training and tech-
10 nical assistance, evaluation, outreach, and additional pro-
11 gram support activities: *Provided further*, That of the
12 amounts provided under this heading from amounts avail-
13 able under section 241 of the PHS Act, \$8,455,000 shall
14 be available to carry out evaluations (including longitu-
15 dinal evaluations) of teenage pregnancy prevention ap-
16 proaches: *Provided further*, That of the funds made avail-
17 able under this heading, \$5,000,000 shall be for making
18 competitive grants to provide abstinence education (as de-
19 fined by section 510(b)(2)(A)–(H) of the Social Security
20 Act) to adolescents, and for Federal costs of administering
21 the grant: *Provided further*, That grants made under the
22 authority of section 510(b)(2)(A)–(H) of the Social Secu-
23 rity Act shall be made only to public and private entities
24 that agree that, with respect to an adolescent to whom
25 the entities provide abstinence education under such

1 grant, the entities will not provide to that adolescent any
2 other education regarding sexual conduct, except that, in
3 the case of an entity expressly required by law to provide
4 health information or services the adolescent shall not be
5 precluded from seeking health information or services
6 from the entity in a different setting than the setting in
7 which abstinence education was provided: *Provided fur-*
8 *ther*, That funds provided in this Act for embryo adoption
9 activities may be used to provide to individuals adopting
10 embryos, through grants and other mechanisms, medical
11 and administrative services deemed necessary for such
12 adoptions: *Provided further*, That such services shall be
13 provided consistent with 42 CFR 59.5(a)(4).

14 OFFICE OF MEDICARE HEARINGS AND APPEALS

15 For expenses necessary for administrative law judges
16 responsible for hearing cases under title XVIII of the So-
17 cial Security Act (and related provisions of title XI of such
18 Act), \$72,147,000, to be transferred in appropriate part
19 from the Federal Hospital Insurance Trust Fund and the
20 Federal Supplementary Medical Insurance Trust Fund.

21 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
22 INFORMATION TECHNOLOGY

23 For expenses necessary for the Office of the National
24 Coordinator for Health Information Technology, including
25 grants, contracts, and cooperative agreements for the de-

1 velopment and advancement of interoperable health infor-
2 mation technology, \$16,446,000: *Provided*, That in addi-
3 tion to amounts provided herein, \$44,811,000 shall be
4 available from amounts available under section 241 of the
5 PHS Act.

6 OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General, including the hire of passenger motor vehicles for
9 investigations, in carrying out the provisions of the Inspec-
10 tor General Act of 1978, \$50,178,000: *Provided*, That of
11 such amount, necessary sums shall be available for pro-
12 viding protective services to the Secretary and inves-
13 tigating non-payment of child support cases for which non-
14 payment is a Federal offense under 18 U.S.C. 228: *Pro-*
15 *vided further*, That at least 40 percent of the funds pro-
16 vided in this Act for the Office of Inspector General shall
17 be used only for investigations, audits, and evaluations
18 pertaining to the discretionary programs funded in this
19 Act.

20 OFFICE FOR CIVIL RIGHTS

21 For expenses necessary for the Office for Civil
22 Rights, \$41,016,000.

1 RETIREMENT PAY AND MEDICAL BENEFITS FOR
2 COMMISSIONED OFFICERS

3 For retirement pay and medical benefits of Public
4 Health Service Commissioned Officers as authorized by
5 law, for payments under the Retired Serviceman's Family
6 Protection Plan and Survivor Benefit Plan, and for med-
7 ical care of dependents and retired personnel under the
8 Dependents' Medical Care Act, such amounts as may be
9 required during the current fiscal year.

10 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
11 FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses necessary to support activities related
14 to countering potential biological, nuclear, radiological,
15 chemical, and cybersecurity threats to civilian populations,
16 and for other public health emergencies, \$569,452,000; of
17 which \$10,000,000 shall remain available until September
18 30, 2014 to support emergency operations.

19 From funds transferred to this account pursuant to
20 the fourth paragraph under this heading in Public Law
21 111-117, up to \$415,000,000 shall be available for ex-
22 penses necessary to support advanced research and devel-
23 opment pursuant to section 319L of the PHS Act, and
24 other administrative expenses of the Biomedical Advanced

1 Research and Development Authority to support addi-
2 tional advanced research and development.

3 GENERAL PROVISIONS

4 SEC. 201. Funds appropriated in this title shall be
5 available for not to exceed \$50,000 for official reception
6 and representation expenses when specifically approved by
7 the Secretary.

8 SEC. 202. The Secretary shall make available through
9 assignment not more than 60 employees of the Public
10 Health Service to assist in child survival activities and to
11 work in AIDS programs through and with funds provided
12 by the Agency for International Development, the United
13 Nations International Children's Emergency Fund or the
14 World Health Organization.

15 SEC. 203. None of the funds appropriated in this title
16 shall be used to pay the salary of an individual, through
17 a grant or other extramural mechanism, at a rate in excess
18 of Executive Level II.

19 SEC. 204. None of the funds appropriated in this Act
20 may be expended pursuant to section 241 of the PHS Act,
21 except for funds specifically provided for in this Act, or
22 for other taps and assessments made by any office located
23 in HHS, prior to the preparation and submission of a re-
24 port by the Secretary to the Committees on Appropria-

1 tions of the House of Representatives and the Senate de-
2 tailing the planned uses of such funds.

3 SEC. 205. Notwithstanding section 241(a) of the
4 PHS Act, such portion as the Secretary shall determine,
5 but not more than 2.5 percent, of any amounts appro-
6 priated for programs authorized under such Act shall be
7 made available for the evaluation (directly, or by grants
8 or contracts) of the implementation and effectiveness of
9 such programs.

10 (TRANSFER OF FUNDS)

11 SEC. 206. Not to exceed 1 percent of any discre-
12 tionary funds (pursuant to the Balanced Budget and
13 Emergency Deficit Control Act of 1985) which are appro-
14 priated for the current fiscal year for HHS in this Act
15 may be transferred between appropriations, but no such
16 appropriation shall be increased by more than 3 percent
17 by any such transfer: *Provided*, That the transfer author-
18 ity granted by this section shall not be used to create any
19 new program or to fund any project or activity for which
20 no funds are provided in this Act: *Provided further*, That
21 the Committees on Appropriations of the House of Rep-
22 resentatives and the Senate are notified at least 15 days
23 in advance of any transfer.

1 (TRANSFER OF FUNDS)

2 SEC. 207. The Director of the NIH, jointly with the
3 Director of the Office of AIDS Research, may transfer up
4 to 3 percent among institutes and centers from the total
5 amounts identified by these two Directors as funding for
6 research pertaining to the human immunodeficiency virus:
7 *Provided*, That the Committees on Appropriations of the
8 House of Representatives and the Senate are notified at
9 least 15 days in advance of any transfer.

10 (TRANSFER OF FUNDS)

11 SEC. 208. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the “Office of AIDS
16 Research” account. The Director of the Office of AIDS
17 Research shall transfer from such account amounts nec-
18 essary to carry out section 2353(d)(3) of the PHS Act.

19 SEC. 209. None of the funds appropriated in this Act
20 may be made available to any entity under title X of the
21 PHS Act unless the applicant for the award certifies to
22 the Secretary that it encourages family participation in
23 the decision of minors to seek family planning services and
24 that it provides counseling to minors on how to resist at-
25 tempts to coerce minors into engaging in sexual activities.

1 SEC. 210. Notwithstanding any other provision of
2 law, no provider of services under title X of the PHS Act
3 shall be exempt from any State law requiring notification
4 or the reporting of child abuse, child molestation, sexual
5 abuse, rape, or incest.

6 SEC. 211. None of the funds appropriated by this Act
7 (including funds appropriated to any trust fund) may be
8 used to carry out the Medicare Advantage program if the
9 Secretary denies participation in such program to an oth-
10 erwise eligible entity (including a Provider Sponsored Or-
11 ganization) because the entity informs the Secretary that
12 it will not provide, pay for, provide coverage of, or provide
13 referrals for abortions: *Provided*, That the Secretary shall
14 make appropriate prospective adjustments to the capita-
15 tion payment to such an entity (based on an actuarially
16 sound estimate of the expected costs of providing the serv-
17 ice to such entity's enrollees): *Provided further*, That noth-
18 ing in this section shall be construed to change the Medi-
19 care program's coverage for such services and a Medicare
20 Advantage organization described in this section shall be
21 responsible for informing enrollees where to obtain infor-
22 mation about all Medicare covered services.

23 SEC. 212. In order for HHS to carry out inter-
24 national health activities, including HIV/AIDS and other

1 infectious disease, chronic and environmental disease, and
2 other health activities abroad during fiscal year 2012:

3 (1) The Secretary may exercise authority equiv-
4 alent to that available to the Secretary of State in
5 section 2(c) of the State Department Basic Authori-
6 ties Act of 1956. The Secretary shall consult with
7 the Secretary of State and relevant Chief of Mission
8 to ensure that the authority provided in this section
9 is exercised in a manner consistent with section 207
10 of the Foreign Service Act of 1980 and other appli-
11 cable statutes administered by the Department of
12 State.

13 (2) The Secretary is authorized to provide such
14 funds by advance or reimbursement to the Secretary
15 of State as may be necessary to pay the costs of ac-
16 quisition, lease, alteration, renovation, and manage-
17 ment of facilities outside of the United States for
18 the use of HHS. The Department of State shall co-
19 operate fully with the Secretary to ensure that HHS
20 has secure, safe, functional facilities that comply
21 with applicable regulation governing location, set-
22 back, and other facilities requirements and serve the
23 purposes established by this Act. The Secretary is
24 authorized, in consultation with the Secretary of
25 State, through grant or cooperative agreement, to

1 make available to public or nonprofit private institu-
2 tions or agencies in participating foreign countries,
3 funds to acquire, lease, alter, or renovate facilities in
4 those countries as necessary to conduct programs of
5 assistance for international health activities, includ-
6 ing activities relating to HIV/AIDS and other infec-
7 tious diseases, chronic and environmental diseases,
8 and other health activities abroad.

9 (3) The Secretary is authorized to provide to
10 personnel appointed or assigned by the Secretary to
11 serve abroad, allowances and benefits similar to
12 those provided under chapter 9 of title I of the For-
13 eign Service Act of 1980, and 22 U.S.C. 4081
14 through 4086 and subject to such regulations pre-
15 scribed by the Secretary. The Secretary is further
16 authorized to provide locality-based comparability
17 payments (stated as a percentage) up to the amount
18 of the locality-based comparability payment (stated
19 as a percentage) that would be payable to such per-
20 sonnel under section 5304 of title 5, United States
21 Code if such personnel's official duty station were in
22 the District of Columbia. Leaves of absence for per-
23 sonnel under this subsection shall be on the same
24 basis as that provided under subchapter I of chapter
25 63 of title 5, United States Code, or section 903 of

1 the Foreign Service Act of 1980, to individuals serv-
2 ing in the Foreign Service.

3 SEC. 213. (a) AUTHORITY.—Notwithstanding any
4 other provision of law, the Director of NIH (“Director”)
5 may use funds available under section 402(b)(7) or
6 402(b)(12) of the PHS Act to enter into transactions
7 (other than contracts, cooperative agreements, or grants)
8 to carry out research identified pursuant to such section
9 402(b)(7) (pertaining to the Common Fund) or research
10 and activities described in such section 402(b)(12).

11 (b) PEER REVIEW.—In entering into transactions
12 under subsection (a), the Director may utilize such peer
13 review procedures (including consultation with appropriate
14 scientific experts) as the Director determines to be appro-
15 priate to obtain assessments of scientific and technical
16 merit. Such procedures shall apply to such transactions
17 in lieu of the peer review and advisory council review pro-
18 cedures that would otherwise be required under sections
19 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
20 and 494 of the PHS Act.

21 SEC. 214. Funds which are available for Individual
22 Learning Accounts for employees of CDC and the Agency
23 for Toxic Substances and Disease Registry (“ATSDR”)
24 may be transferred to appropriate accounts of CDC, to
25 be available only for Individual Learning Accounts: *Pro-*

1 *vided*, That such funds may be used for any individual
2 full-time equivalent employee while such employee is em-
3 ployed either by CDC or ATSDR.

4 SEC. 215. Notwithstanding any other provisions of
5 law, discretionary funds made available in this Act may
6 be used to continue operating the Council on Graduate
7 Medical Education established by section 301 of Public
8 Law 102–408.

9 SEC. 216. Not to exceed \$45,000,000 of funds appro-
10 priated by this Act to the institutes and centers of the
11 National Institutes of Health may be used for alteration,
12 repair, or improvement of facilities, as necessary for the
13 proper and efficient conduct of the activities authorized
14 herein, at not to exceed \$3,500,000 per project.

15 (TRANSFER OF FUNDS)

16 SEC. 217. Of the amounts made available for NIH,
17 1 percent of the amount made available for National Re-
18 search Service Awards (“NRSA”) shall be made available
19 to the Administrator of the Health Resources and Services
20 Administration to make NRSA awards for research in pri-
21 mary medical care to individuals affiliated with entities
22 who have received grants or contracts under section 747
23 of the PHS Act, and 1 percent of the amount made avail-
24 able for NRSA shall be made available to the Director of

1 the Agency for Healthcare Research and Quality to make
2 NRSA awards for health service research.

3 SEC. 218. None of the funds made available in this
4 title may be used, in whole or in part, to advocate or pro-
5 mote gun control.

6 SEC. 219. None of the funds appropriated or other-
7 wise made available in this Act may be expended to ad-
8 vance the creation of a Federally Funded Research and
9 Development Center at the Centers for Medicare and Med-
10 icaid Services, prior to a Federal Register notice being
11 issued that outlines: how this proposal would meet the spe-
12 cific requirements identified in FAR 35.017–2; agency
13 procedures that ensure small business competitiveness is
14 maintained; and the outline of a transparent award and
15 governance process to be employed.

16 SEC. 220. (a) The Secretary shall establish a publicly
17 accessible website to provide information regarding the
18 uses of funds made available under section 4002 of Public
19 Law 111–148.

20 (b) With respect to funds provided for fiscal year
21 2012, the Secretary shall include on the website estab-
22 lished under subsection (a) at a minimum the following
23 information:

24 (1) In the case of each transfer of funds under
25 section 4002(c), a statement indicating the program

1 or activity receiving funds, the operating division or
2 office that will administer the funds, and the
3 planned uses of the funds, to be posted not later
4 than the day after the transfer is made.

5 (2) Identification (along with a link to the full
6 text) of each funding opportunity announcement, re-
7 quest for proposals, or other announcement or solici-
8 tation of proposals for grants, cooperative agree-
9 ments, or contracts intended to be awarded using
10 such funds, to be posted not later than the day after
11 the announcement or solicitation is issued.

12 (3) Identification of each grant, cooperative
13 agreement, or contract with a value of \$25,000 or
14 more awarded using such funds, including the pur-
15 pose of the award and the identity of the recipient,
16 to be posted not later than 5 days after the award
17 is made.

18 (4) A report detailing the uses of all funds
19 transferred under section 4002(c) during the fiscal
20 year, to be posted not later than 90 days after the
21 end of the fiscal year.

22 (5) Semi-annual reports from each entity
23 awarded a grant, cooperative agreement, or contract
24 from such funds with a value of \$25,000 or more,
25 summarizing the activities undertaken and identi-

1 fying any sub-grants or sub-contracts awarded (in-
2 cluding the purpose of the award and the identity of
3 the recipient), to be posted not later than 30 days
4 after the end of each 6-month period.

5 SEC. 221. (a) ESTABLISHMENT OF NATIONAL CEN-
6 TER FOR ADVANCING TRANSLATIONAL SCIENCES; ELIMI-
7 NATION OF NATIONAL CENTER FOR RESEARCH RE-
8 SOURCES.—

9 (1) IN GENERAL.—Subpart 1 of part E of title
10 IV of the Public Health Service Act (42 U.S.C. 287
11 et seq.) is amended—

12 (A) in the subpart heading, by striking
13 “National Center for Research Resources” and
14 inserting “National Center for Advancing
15 Translational Sciences”;

16 (B) by striking sections 480 and 481; and

17 (C) by amending section 479 to read as
18 follows:

19 **“SEC. 479. NATIONAL CENTER FOR ADVANCING**
20 **TRANSLATIONAL SCIENCES.**

21 “(a) PURPOSE.—The purpose of the National Center
22 for Advancing Translational Sciences (in this subpart re-
23 ferred to as the ‘Center’) is to advance translational
24 sciences, including by—

1 “(1) coordinating and developing resources that
2 leverage basic research in support of translational
3 science; and

4 “(2) developing partnerships and working coop-
5 eratively to foster synergy in ways that do not create
6 duplication, redundancy, and competition with indus-
7 try activities.

8 “(b) CLINICAL TRIAL ACTIVITIES.—

9 “(1) IN GENERAL.—The Center may develop
10 and provide infrastructure and resources for all
11 phases of clinical trials research. Except as provided
12 in paragraph (2), the Center may support clinical
13 trials only through the end of phase IIA.

14 “(2) EXCEPTION.—The Center may support
15 clinical trial activities through the end of phase IIB
16 for a treatment for a rare disease or condition (as
17 defined in section 526 of the Federal Food, Drug,
18 and Cosmetic Act) so long as—

19 “(A) the Center gives public notice for a
20 period of at least 120 days of the Center’s in-
21 tention to support the clinical trial activities in
22 phase IIB;

23 “(B) no public or private organization pro-
24 vides credible written intent to the Center that
25 the organization has timely plans to further the

1 clinical trial activities or conduct clinical trials
2 of a similar nature beyond phase IIA; and

3 “(C) the Center ensures that support of
4 the clinical trial activities in phase IIB will not
5 increase the Federal Government’s liability be-
6 yond the award value of the Center’s support.

7 “(c) ANNUAL REPORT.—The Center shall publish an
8 annual report that, with respect to all research supported
9 by the Center, includes a complete list of—

10 “(1) the molecules being studied;

11 “(2) clinical trial activities being conducted;

12 “(3) the methods and tools in development;

13 “(4) ongoing partnerships, including—

14 “(A) the rationale for each partnership;

15 “(B) the status of each partnership;

16 “(C) the funding provided by the Center to
17 other entities pursuant to each partnership, and

18 “(D) the activities which have been trans-
19 ferred to industry pursuant to each partnership;
20 and

21 “(5) known research activity of other entities
22 that is or will expand upon research activity of the
23 Center.”.

24 (2) LIST OF INSTITUTES AND CENTERS.—Sec-
25 tion 401(b)(21) of the Public Health Service Act (42

1 U.S.C. 281(b)(21)) is amended by striking “Na-
2 tional Center for Research Resources” and inserting
3 “National Center for Advancing Translational
4 Sciences”.

5 (b) ASSIGNMENT OF CERTAIN FUNCTIONS OF
6 FORMER NATIONAL CENTER FOR RESEARCH RE-
7 SOURCES.—

8 (1) BIOMEDICAL AND BEHAVIORAL RESEARCH
9 FACILITIES.—Section 481A of the Public Health
10 Service Act (42 U.S.C. 287a–2)—

11 (A) is redesignated as section 404I and is
12 moved to follow section 404H of such Act (42
13 U.S.C. 283j); and

14 (B) is amended—

15 (i) in subsection (a)(1), by striking
16 “acting through the Director of the Center
17 or the Director of the National Institute of
18 Allergy and Infectious Diseases” and in-
19 serting “acting through the Office of the
20 Director of NIH or the Director of the Na-
21 tional Institute of Allergy and Infectious
22 Diseases”;

23 (ii) in subsections (c), (d), (e), and
24 (f)(2), by striking “Director of the Center
25 or the Director of the National Institute of

1 Allergy and Infectious Diseases” each
2 place it appears and inserting “Director of
3 NIH, acting through the Office of the Di-
4 rector of NIH or the National Institute of
5 Allergy and Infectious Diseases,”;

6 (iii) in subsection (b)(2), by striking
7 “Director of the Center” each place it ap-
8 pears and inserting “Director of NIH”;

9 (iv) in subsections (b)(3)(A), (f)(1),
10 and (g), by striking the comma at the end
11 of “Director of the Center,” each place it
12 appears;

13 (v) by striking “Director of the Cen-
14 ter” each place it appears and inserting
15 “Director of NIH, acting through the Of-
16 fice of the Director of NIH,”;

17 (vi) in subsection (b)—

18 (I) in paragraph (1)(A), by strik-
19 ing “within the Center”; and

20 (II) in paragraph (2)—

21 (aa) in subparagraph (A),
22 by striking “and the advisory
23 council established under section
24 480 (in this section referred to as
25 the ‘Advisory Council’)” and in-

1 serting “and the Council of
2 Councils established under sec-
3 tion 402(l) (in this section re-
4 ferred to as the ‘Council’)”; and
5 (bb) in subparagraphs (B),
6 (C), and (D), by striking “Advi-
7 sory” each place it appears; and
8 (vii) in subsection (g), by striking
9 “after consultation with the Advisory
10 Council” and inserting “after consultation
11 with the Council”.

12 (2) CONSTRUCTION OF REGIONAL CENTERS
13 FOR RESEARCH ON PRIMATES.—Section 481B of the
14 Public Health Service Act (42 U.S.C. 287a–3)—

15 (A) is redesignated as section 404J and is
16 moved to follow section 404I, as redesignated
17 by paragraph (1); and

18 (B) in subsection (a), is amended—

19 (i) by striking “by the National Cen-
20 ter for Research Resources” and inserting
21 “by the Director of NIH, acting through
22 the Office of the Director of NIH,”; and

23 (ii) by striking “481A” and inserting
24 “404I”.

1 (3) SANCTUARY SYSTEM FOR SURPLUS CHIM-
2 PANZEES.—Section 481C of the Public Health Serv-
3 ice Act (42 U.S.C. 287a–3a)—

4 (A) is redesignated as section 404K and is
5 moved to follow section 404J, as redesignated
6 by paragraph (2); and

7 (B) in subsection (d)(4)(A)(ii), is amended
8 by striking “that is carried out by the National
9 Center for Research Resources” and inserting
10 “that is carried out by the Director of NIH,
11 acting through the Office of the Director of
12 NIH,”.

13 (4) SHARED INSTRUMENTATION GRANT PRO-
14 GRAM.—Section 305 of the Public Health Improve-
15 ment Act (42 U.S.C. 287 note)—

16 (A) is redesignated as section 404L of the
17 Public Health Service Act and is moved to fol-
18 low section 404K of that Act, as redesignated
19 by paragraph (3); and

20 (B) is amended—

21 (i) by striking subsection (a) and re-
22 designating subsections (b) and (c) as sub-
23 sections (a) and (b), respectively;

24 (ii) in subsection (a), as so redesign-
25 ated, by striking “under the program de-

1 scribed in subsection (a)” and inserting
2 “under the Shared Instrumentation Grant
3 Program”;

4 (iii) by striking “Director of the Na-
5 tional Center for Research Resources”
6 each place it appears and inserting “Direc-
7 tor of NIH, acting through the Office of
8 the Director of NIH,”; and

9 (iv) in subsection (b), as so redesign-
10 nated—

11 (I) by striking “in subsection
12 (a)” and inserting “in subsection (a),
13 the”; and

14 (II) by striking “of the Public
15 Health Service Act (42 U.S.C.
16 289a)”.

17 (5) INSTITUTIONAL DEVELOPMENT AWARD
18 PROGRAM.—Title IV of the Public Health Service
19 Act (42 U.S.C. 281 et seq.) is amended—

20 (A) in section 461, by striking the section
21 heading and designation and all that follows
22 through “The general purpose” and inserting
23 the following:

1 **“SEC. 461. NATIONAL INSTITUTE OF GENERAL MEDICAL**
2 **SCIENCES.**

3 “(a) GENERAL PURPOSE.—The general purpose”;

4 (B) by moving subsection (g) of section
5 402 to the end of section 461, as amended, and
6 redesignating that subsection as subsection (b);
7 and

8 (C) in section 461(b), as so redesignated—

9 (i) by striking “(b)(1)(A) In the case
10 of” and inserting the following:

11 “(b) INSTITUTIONAL DEVELOPMENT AWARD PRO-
12 GRAM.—

13 “(1)(A) In the case of”;

14 (ii) by moving two ems to the right—

15 (I) subparagraphs (B) and (C) of
16 paragraph (1);

17 (II) clauses (i), (ii), and (iii) of
18 such subparagraph (C); and

19 (III) paragraph (2); and

20 (iii) in paragraph (1)(A), by striking
21 “acting through the Director of the Na-
22 tional Center for Research Resources” and
23 inserting “acting through the Director of
24 the National Institute of General Medical
25 Sciences”.

1 (c) ASSIGNMENT OF CERTAIN OFFICES AND FUNC-
2 TIONS TO NATIONAL CENTER FOR ADVANCING
3 TRANSLATIONAL SCIENCES.—

4 (1) CURES ACCELERATION NETWORK.—Section
5 402C of the Public Health Service Act (42 U.S.C.
6 282d)—

7 (A) is redesignated as section 480 and is
8 moved to follow section 479;

9 (B) in subsection (b), is amended in the
10 matter that precedes paragraph (1) by striking
11 “within the Office of the Director of NIH” and
12 inserting “within the Center”;

13 (C) by striking “Director of NIH” each
14 place it appears and inserting “Director of the
15 Center”; and

16 (D) in the headings of subsections (d)(4)
17 and (d)(4)(B), by striking “DIRECTOR OF NIH”
18 each place it appears and inserting “DIRECTOR
19 OF THE CENTER”.

20 (2) OFFICE OF RARE DISEASES.—Title IV of
21 the Public Health Service Act (42 U.S.C. 281 et
22 seq.) is amended—

23 (A) in section 404F—

24 (i) by redesignating such section as
25 section 481 and moving such section to fol-

1 low section 480, as redesignated by para-
2 graph (1);

3 (ii) in subsection (a)—

4 (I) by striking “within the Office
5 of the Director of NIH” and inserting
6 “within the Center”; and

7 (II) by striking “Director of
8 NIH” and inserting “Director of the
9 Center”; and

10 (iii) in subsection (b)(1)(C), by strik-
11 ing “404G” and inserting “481A”; and

12 (B) in section 401(c)(2)(A), by striking
13 “the Office of Rare Diseases,”.

14 (3) RARE DISEASE REGIONAL CENTERS OF EX-
15 CELLENCE.—Section 404G of the Public Health
16 Service Act (42 U.S.C. 283i) is redesignated as sec-
17 tion 481A and is moved to follow section 481, as re-
18 designated by paragraph (2).

19 (4) GENERAL CLINICAL RESEARCH CENTERS.—
20 Section 481D of the Public Health Service Act (42
21 U.S.C. 287a-4)—

22 (A) is redesignated as section 481B; and

23 (B) in subsection (a), is amended by strik-
24 ing “Director of the National Center for Re-

1 search Resources” and inserting “Director of
2 the Center”.

3 (d) CONFORMING AMENDMENTS.—Title IV of the
4 Public Health Service Act (42 U.S.C. 281 et seq.) is
5 amended—

6 (1) in section 402(b)(24) (42 U.S.C.
7 282(b)(24)), by striking “402C” and inserting
8 “480”;

9 (2) in section 404C(e)(3)(A) (42 U.S.C.
10 283e(e)(3)(A)), by striking “and the Director of the
11 Center for Research Resources”;

12 (3) in section 464z-3(i)(1) (42 U.S.C.
13 285t(i)(1))—

14 (A) by striking “Director of National Insti-
15 tute for Research Resources” and inserting
16 “Director of NIH”;

17 (B) by striking “481(c)(3)” and inserting
18 “404I(c)(2)”;

19 (C) by inserting “under such section” after
20 “Institutions of Emerging Excellence”;

21 (4) in section 499(c)(1)(E) (42 U.S.C.
22 290b(c)(1)(E)), by striking “section 402C” and in-
23 serting “section 480”.

24 SEC. 222. The discretionary appropriation for CDC
25 is hereby reduced by \$20,000,000: *Provided*, That the re-

1 duction should be taken from contracting and administra-
2 tive costs in each of the CDC accounts.

3 This title may be cited as the “Department of Health
4 and Human Services Appropriations Act, 2012”.

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I of the Elementary and Sec-
5 ondary Education Act of 1965 (referred to in this Act as
6 “ESEA”) and section 418A of the Higher Education Act
7 of 1965 (referred to in this Act as “HEA”),
8 \$15,750,983,000, of which \$4,817,117,000 shall become
9 available on July 1, 2012, and shall remain available
10 through September 30, 2013, and of which
11 \$10,841,177,000 shall become available on October 1,
12 2012, and shall remain available through September 30,
13 2013, for academic year 2012–2013: *Provided*, That
14 \$6,584,750,000 shall be for basic grants under section
15 1124 of the ESEA: *Provided further*, That up to
16 \$3,992,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2011, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$3,288,183,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,288,183,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$3,200,000 shall be to carry out sections 1501
3 and 1503 of the ESEA: *Provided further*, That
4 \$534,562,000 shall be available for school improvement
5 grants under section 1003(g) of the ESEA, which shall
6 be allocated by the Secretary through the formula de-
7 scribed in section 1003(g)(2) and shall be used consistent
8 with the requirements of section 1003(g), except that
9 State and local educational agencies may use such funds
10 to serve any school eligible to receive assistance under part
11 A of title I that has not made adequate yearly progress
12 for at least 2 years or is in the State's lowest quintile of
13 performance based on proficiency rates and, in the case
14 of secondary schools, priority shall be given to those
15 schools with graduation rates below 60 percent: *Provided*
16 *further*, That notwithstanding section 1003(g)(5)(A), each
17 State educational agency may establish a maximum
18 subgrant size of not more than \$2,000,000 for each par-
19 ticipating school applicable to such funds: *Provided fur-*
20 *ther*, That the Secretary may reserve up to 5 percent of
21 the funds available for section 1003(g) of the ESEA to
22 carry out activities to build State and local educational
23 agency capacity to implement effectively the school im-
24 provement grants program: *Provided further*, That
25 \$160,000,000 shall be available under section 1502 of the

1 ESEA for a comprehensive literacy development and edu-
2 cation program to advance literacy skills, including pre-
3 literacy skills, reading, and writing, for students from
4 birth through grade 12, including limited-English-pro-
5 ficient students and students with disabilities, of which
6 one-half of 1 percent shall be reserved for the Secretary
7 of the Interior for such a program at schools funded by
8 the Bureau of Indian Education, one-half of 1 percent
9 shall be reserved for grants to the outlying areas for such
10 a program, up to 5 percent may be reserved for national
11 activities, and the remainder shall be used to award com-
12 petitive grants to State educational agencies for such a
13 program, of which a State educational agency may reserve
14 up to 5 percent for State leadership activities, including
15 technical assistance and training, data collection, report-
16 ing, and administration, and shall subgrant not less than
17 95 percent to local educational agencies or, in the case
18 of early literacy, to local educational agencies or other
19 nonprofit providers of early childhood education that part-
20 ner with a public or private nonprofit organization or
21 agency with a demonstrated record of effectiveness in im-
22 proving the early literacy development of children from
23 birth through kindergarten entry and in providing profes-
24 sional development in early literacy, giving priority to such
25 agencies or other entities serving greater numbers or per-

1 centages of disadvantaged children: *Provided further*, That
2 the State educational agency shall ensure that at least 15
3 percent of the subgranted funds are used to serve children
4 from birth through age 5, 40 percent are used to serve
5 students in kindergarten through grade 5, and 40 percent
6 are used to serve students in middle and high school in-
7 cluding an equitable distribution of funds between middle
8 and high schools: *Provided further*, That eligible entities
9 receiving subgrants from State educational agencies shall
10 use such funds for services and activities that have the
11 characteristics of effective literacy instruction through
12 professional development, screening and assessment, tar-
13 geted interventions for students reading below grade level
14 and other research-based methods of improving classroom
15 instruction and practice.

16 IMPACT AID

17 For carrying out programs of financial assistance to
18 federally affected schools authorized by title VIII of the
19 ESEA, \$1,293,631,000, of which \$1,155,724,000 shall be
20 for basic support payments under section 8003(b),
21 \$48,505,000 shall be for payments for children with dis-
22 abilities under section 8003(d), \$17,474,000 shall be for
23 construction under section 8007(b) and shall remain avail-
24 able through September 30, 2013, \$67,074,000 shall be
25 for Federal property payments under section 8002, and

1 \$4,854,000, to remain available until expended, shall be
2 for facilities maintenance under section 8008: *Provided*,
3 That for purposes of computing the amount of a payment
4 for an eligible local educational agency under section
5 8003(a) for school year 2011–2012, children enrolled in
6 a school of such agency that would otherwise be eligible
7 for payment under section 8003(a)(1)(B) of such Act, but
8 due to the deployment of both parents or legal guardians,
9 or a parent or legal guardian having sole custody of such
10 children, or due to the death of a military parent or legal
11 guardian while on active duty (so long as such children
12 reside on Federal property as described in section
13 8003(a)(1)(B)), are no longer eligible under such section,
14 shall be considered as eligible students under such section,
15 provided such students remain in average daily attendance
16 at a school in the same local educational agency they at-
17 tended prior to their change in eligibility status.

18 SCHOOL IMPROVEMENT PROGRAMS

19 For carrying out school improvement activities au-
20 thorized by parts A and B of title II, part B of title IV,
21 parts A and B of title VI, and parts B and C of title VII
22 of the ESEA; the McKinney-Vento Homeless Assistance
23 Act; section 203 of the Educational Technical Assistance
24 Act of 2002; the Compact of Free Association Amend-
25 ments Act of 2003; and the Civil Rights Act of 1964,

1 \$4,550,018,000, of which \$2,725,246,000 shall become
2 available on July 1, 2012, and remain available through
3 September 30, 2013, and of which \$1,681,441,000 shall
4 become available on October 1, 2012, and shall remain
5 available through September 30, 2013, for academic year
6 2012–2013: *Provided*, That funds made available to carry
7 out part B of title VII of the ESEA may be used for con-
8 struction, renovation, and modernization of any elemen-
9 tary school, secondary school, or structure related to an
10 elementary school or secondary school, run by the Depart-
11 ment of Education of the State of Hawaii, that serves a
12 predominantly Native Hawaiian student body: *Provided*
13 *further*, That funds made available to carry out part C
14 of title VII of the ESEA shall be awarded on a competitive
15 basis, and also may be used for construction: *Provided fur-*
16 *ther*, That \$51,210,000 shall be available to carry out sec-
17 tion 203 of the Educational Technical Assistance Act of
18 2002: *Provided further*, That \$17,652,000 shall be avail-
19 able to carry out the Supplemental Education Grants pro-
20 gram for the Federated States of Micronesia and the Re-
21 public of the Marshall Islands: *Provided further*, That up
22 to 5 percent of these amounts may be reserved by the Fed-
23 erated States of Micronesia and the Republic of the Mar-
24 shall Islands to administer the Supplemental Education
25 Grants programs and to obtain technical assistance, over-

1 sight and consultancy services in the administration of
2 these grants and to reimburse the United States Depart-
3 ments of Labor, Health and Human Services, and Edu-
4 cation for such services: *Provided further*, That up to 1.5
5 percent of the funds for subpart 1 of part A of title II
6 of the ESEA shall be reserved by the Secretary for com-
7 petitive awards for teacher or principal training or profes-
8 sional enhancement activities to national not-for-profit or-
9 ganizations.

10 INDIAN EDUCATION

11 For expenses necessary to carry out, to the extent
12 not otherwise provided, title VII, part A of the ESEA,
13 \$131,027,000.

14 INNOVATION AND IMPROVEMENT

15 For carrying out activities authorized by part G of
16 title I, subpart 5 of part A and parts C and D of title
17 II, parts B, C, and D of title V of the ESEA, and sections
18 14006 and 14007 of division A of the American Recovery
19 and Reinvestment Act of 2009, as amended,
20 \$1,530,429,000: *Provided*, That the Secretary may use up
21 to \$550,000,000, which shall remain available for obliga-
22 tion through December 31, 2012, for section 14006 of di-
23 vision A of Public Law 111–5, as amended, to make
24 awards (including on the basis of previously submitted ap-
25 plications) to States or to local educational agencies, or

1 both, in accordance with the applicable requirements of
2 that section, as determined by the Secretary, and may use
3 up to 5 percent of such funds for technical assistance and
4 evaluation of the activities carried out under that section:
5 *Provided further*, That up to \$149,700,000 shall be avail-
6 able for obligation through December 31, 2012 for section
7 14007 of division A of Public Law 111–5, and up to 5
8 percent of such funds may be used for technical assistance
9 and the evaluation of activities carried out under such sec-
10 tion: *Provided further*, That \$300,000,000 of the funds for
11 subpart 1 of part D of title V of the ESEA shall be for
12 competitive grants to local educational agencies, including
13 charter schools that are local educational agencies, or
14 States, or partnerships of: (1) a local educational agency,
15 a State, or both; and (2) at least one nonprofit organiza-
16 tion to develop and implement performance-based com-
17 pensation systems for teachers, principals, and other per-
18 sonnel in high-need schools: *Provided further*, That such
19 performance-based compensation systems must consider
20 gains in student academic achievement as well as class-
21 room evaluations conducted multiple times during each
22 school year among other factors and provide educators
23 with incentives to take on additional responsibilities and
24 leadership roles: *Provided further*, That recipients of such
25 grants shall demonstrate that such performance-based

1 compensation systems are developed with the input of
2 teachers and school leaders in the schools and local edu-
3 cational agencies to be served by the grant: *Provided fur-*
4 *ther*, That recipients of such grants may use such funds
5 to develop or improve systems and tools (which may be
6 developed and used for the entire local educational agency
7 or only for schools served under the grant) that would en-
8 hance the quality and success of the compensation system,
9 such as high-quality teacher evaluations and tools to meas-
10 ure growth in student achievement: *Provided further*, That
11 applications for such grants shall include a plan to sustain
12 financially the activities conducted and systems developed
13 under the grant once the grant period has expired: *Pro-*
14 *vided further*, That up to 5 percent of such funds for com-
15 petitive grants shall be available for technical assistance,
16 training, peer review of applications, program outreach,
17 and evaluation activities: *Provided further*, That of the
18 funds available for part B of title V of the ESEA, the
19 Secretary shall use not less than \$23,000,000 to carry out
20 activities under section 5205(b) and under subpart 2: *Pro-*
21 *vided further*, That of the funds available for subpart 1
22 of part B of title V of the ESEA, and notwithstanding
23 section 5205(a), the Secretary may reserve up to
24 \$55,000,000 to make multiple awards to non-profit char-
25 ter management organizations and other entities that are

1 not for-profit entities for the replication and expansion of
2 successful charter school models and shall reserve up to
3 \$11,000,000 to carry out the activities described in section
4 5205(a), including improving quality and oversight of
5 charter schools and providing technical assistance and
6 grants to authorized public chartering agencies in order
7 to increase the number of high-performing charter schools:
8 *Provided further*, That each application submitted pursu-
9 ant to section 5203(a) shall describe a plan to monitor
10 and hold accountable authorized public chartering agen-
11 cies through such activities as providing technical assist-
12 ance or establishing a professional development program,
13 which may include evaluation, planning, training, and sys-
14 tems development for staff of authorized public chartering
15 agencies to improve the capacity of such agencies in the
16 State to authorize, monitor, and hold accountable charter
17 schools: *Provided further*, That each application submitted
18 pursuant to section 5203(a) shall contain assurances that
19 State law, regulations, or other policies require that: (1)
20 each authorized charter school in the State operate under
21 a legally binding charter or performance contract between
22 itself and the school's authorized public chartering agency
23 that describes the obligations and responsibilities of the
24 school and the public chartering agency; conduct annual,
25 timely, and independent audits of the school's financial

1 statements that are filed with the school's authorized pub-
2 lic chartering agency; and demonstrate improved student
3 academic achievement; and (2) authorized public char-
4 tering agencies use increases in student academic achieve-
5 ment for all groups of students described in section
6 1111(b)(2)(C)(v) of the ESEA as the most important fac-
7 tor when determining to renew or revoke a school's char-
8 ter.

9 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

10 For carrying out activities authorized by part A of
11 title IV and subparts 1, 2, and 10 of part D of title V
12 of the ESEA, \$256,237,000: *Provided*, That \$65,000,000
13 shall be available for subpart 2 of part A of title IV: *Pro-*
14 *vided further*, That \$60,000,000 shall be available for
15 Promise Neighborhoods and shall be available through De-
16 cember 31, 2012.

17 ENGLISH LANGUAGE ACQUISITION

18 For carrying out part A of title III of the ESEA,
19 \$733,530,000, which shall become available on July 1,
20 2012, and shall remain available through September 30,
21 2013, except that 6.5 percent of such amount shall be
22 available on October 1, 2011, and shall remain available
23 through September 30, 2013, to carry out activities under
24 section 3111(c)(1)(C): *Provided*, That the Secretary shall
25 use estimates of the American Community Survey child

1 counts for the most recent 3-year period available to cal-
2 culate allocations under such part.

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities
5 Education Act (“IDEA”) and the Special Olympics Sport
6 and Empowerment Act of 2004, \$12,647,066,000, of
7 which \$3,115,716,000 shall become available on July 1,
8 2012, and shall remain available through September 30,
9 2013, and of which \$9,283,383,000 shall become available
10 on October 1, 2012, and shall remain available through
11 September 30, 2013, for academic year 2012–2013: *Pro-*
12 *vided*, That the amount for section 611(b)(2) of the IDEA
13 shall be equal to the lesser of the amount available for
14 that activity during fiscal year 2011, increased by the
15 amount of inflation as specified in section 619(d)(2)(B)
16 of the IDEA, or the percent change in the funds appro-
17 priated under section 611(i) of the IDEA, but not less
18 than the amount for that activity during fiscal year 2011:
19 *Provided further*, That \$2,000,000, to remain available for
20 obligation through September 30, 2013, shall be for activi-
21 ties aimed at improving the outcomes of children receiving
22 Supplemental Security Income (SSI) and their families,
23 which may include competitive grants to States to improve
24 the provision and coordination of services for SSI child
25 recipients in order to achieve improved health status, in-

1 cluding both physical and emotional health, and education
2 and post-school outcomes, including completion of postsec-
3 ondary education and employment, and to improve serv-
4 ices and supports to the families or households of the SSI
5 child recipient, such as education and job training for the
6 parents: *Provided further*, That States may award sub-
7 grants for a portion of the funds to other public and pri-
8 vate, non-profit entities.

9 REHABILITATION SERVICES AND DISABILITY RESEARCH

10 For carrying out, to the extent not otherwise pro-
11 vided, the Rehabilitation Act of 1973, the Assistive Tech-
12 nology Act of 1998, and the Helen Keller National Center
13 Act, \$3,512,019,000: *Provided*, That the Secretary may
14 use amounts provided in this Act that remain available
15 subsequent to the reallocation of funds to States pursuant
16 to section 110(b) of the Rehabilitation Act for activities
17 aimed at improving the outcomes of children receiving
18 Supplemental Security Income (SSI) and their families,
19 including competitive grants to States to improve the pro-
20 vision and coordination of services for SSI child recipients
21 in order to achieve improved health status, education and
22 post-school outcomes, including completion of postsec-
23 ondary education and employment, and to improve serv-
24 ices and supports to the family or households of the SSI
25 child recipient, such as education and job training for the

1 parents: *Provided further*, That States may award sub-
2 grants for a portion of the funds to other public and pri-
3 vate, non-profit entities: *Provided further*, That any funds
4 made available subsequent to reallocation for activities
5 aimed at improving the outcomes of children receiving SSI
6 and their families shall remain available until September
7 30, 2013: *Provided further*, That \$2,000,000 shall be for
8 competitive grants to support alternative financing pro-
9 grams that provide for the purchase of assistive technology
10 devices, such as a low-interest loan fund; an interest buy-
11 down program; a revolving loan fund; a loan guarantee;
12 or insurance program: *Provided further*, That applicants
13 shall provide an assurance that, and information describ-
14 ing the manner in which, the alternative financing pro-
15 gram will expand and emphasize consumer choice and con-
16 trol: *Provided further*, That State agencies and commu-
17 nity-based disability organizations that are directed by
18 and operated for individuals with disabilities shall be eligi-
19 ble to compete.

20 SPECIAL INSTITUTIONS FOR PERSONS WITH
21 DISABILITIES

22 AMERICAN PRINTING HOUSE FOR THE BLIND

23 For carrying out the Act of March 3, 1879,
24 \$24,551,000.

1 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

2 For the National Technical Institute for the Deaf
3 under titles I and II of the Education of the Deaf Act
4 of 1986, \$65,546,000: *Provided*, That from the total
5 amount available, the Institute may at its discretion use
6 funds for the endowment program as authorized under
7 section 207 of such Act.

8 GALLAUDET UNIVERSITY

9 For the Kendall Demonstration Elementary School,
10 the Model Secondary School for the Deaf, and the partial
11 support of Gallaudet University under titles I and II of
12 the Education of the Deaf Act of 1986, \$125,754,000, of
13 which \$7,990,000 shall be for construction and shall re-
14 main available until expended: *Provided*, That from the
15 total amount available, the University may at its discre-
16 tion use funds for the endowment program as authorized
17 under section 207 of such Act.

18 CAREER, TECHNICAL, AND ADULT EDUCATION

19 For carrying out, to the extent not otherwise pro-
20 vided, the Carl D. Perkins Career and Technical Edu-
21 cation Act of 2006 and the Adult Education and Family
22 Literacy Act (referred to in this Act as the “AEFLA”),
23 \$1,738,946,000, of which \$947,946,000 shall become
24 available on July 1, 2012, and shall remain available
25 through September 30, 2013, and of which \$791,000,000

1 shall become available on October 1, 2012, and shall re-
2 main available through September 30, 2013: *Provided*,
3 That of the amount provided for Adult Education State
4 Grants, \$74,850,000 shall be made available for inte-
5 grated English literacy and civics education services to im-
6 migrants and other limited-English-proficient populations:
7 *Provided further*, That of the amount reserved for inte-
8 grated English literacy and civics education, notwith-
9 standing section 211 of the AEFLLA, 65 percent shall be
10 allocated to States based on a State's absolute need as
11 determined by calculating each State's share of a 10-year
12 average of the United States Citizenship and Immigration
13 Services data for immigrants admitted for legal permanent
14 residence for the 10 most recent years, and 35 percent
15 allocated to States that experienced growth as measured
16 by the average of the 3 most recent years for which United
17 States Citizenship and Immigration Services data for im-
18 migrants admitted for legal permanent residence are avail-
19 able, except that no State shall be allocated an amount
20 less than \$60,000: *Provided further*, That of the amounts
21 made available for AEFLLA, \$11,323,000 shall be for na-
22 tional leadership activities under section 243.

1 STUDENT FINANCIAL ASSISTANCE

2 For carrying out subparts 1 and 3 of part A, and
3 part C of title IV of the HEA, \$24,538,521,000, which
4 shall remain available through September 30, 2013.

5 The maximum Pell Grant for which a student shall
6 be eligible during award year 2012–2013 shall be \$4,860.

7 STUDENT AID ADMINISTRATION

8 For Federal administrative expenses to carry out part
9 D of title I, and subparts 1, 3, 4, 9, and 10 of part A,
10 and parts B, C, D, and E of title IV of the HEA,
11 \$1,045,363,000, to remain available until September 30,
12 2013.

13 HIGHER EDUCATION

14 For carrying out, to the extent not otherwise pro-
15 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
16 the Mutual Educational and Cultural Exchange Act of
17 1961, and section 117 of the Carl D. Perkins Career and
18 Technical Education Act of 2006, \$1,873,196,000: *Pro-*
19 *vided*, That \$608,000 shall be for data collection and eval-
20 uation activities for programs under the HEA, including
21 such activities needed to comply with the Government Per-
22 formance and Results Act of 1993: *Provided further*, That
23 notwithstanding any other provision of law, funds made
24 available in this Act to carry out title VI of the HEA and
25 section 102(b)(6) of the Mutual Educational and Cultural

1 Exchange Act of 1961 may be used to support visits and
2 study in foreign countries by individuals who are partici-
3 pating in advanced foreign language training and inter-
4 national studies in areas that are vital to United States
5 national security and who plan to apply their language
6 skills and knowledge of these countries in the fields of gov-
7 ernment, the professions, or international development:
8 *Provided further*, That of the funds referred to in the pre-
9 ceding proviso up to 1 percent may be used for program
10 evaluation, national outreach, and information dissemina-
11 tion activities: *Provided further*, That notwithstanding any
12 other provision of law, a recipient of a multi-year award
13 under section 316 of the HEA, as that section was in ef-
14 fect prior to the date of enactment of the Higher Edu-
15 cation Opportunity Act (referred to in this Act as
16 “HEOA”), that would have otherwise received a continu-
17 ation award for fiscal year 2012 under that section, shall
18 receive under section 316, as amended by the HEOA, not
19 less than the amount that such recipient would have re-
20 ceived under such a continuation award: *Provided further*,
21 That the portion of the funds received under section 316
22 by a recipient described in the preceding proviso that is
23 equal to the amount of such continuation award shall be
24 used in accordance with the terms of such continuation
25 award.

1 In addition, for administrative expenses to carry out
2 the Historically Black College and University Capital Fi-
3 nancing Program entered into pursuant to part D of title
4 III of the HEA, \$353,000.

5 INSTITUTE OF EDUCATION SCIENCES

6 For carrying out activities authorized by the Edu-
7 cation Sciences Reform Act of 2002, the National Assess-
8 ment of Educational Progress Authorization Act, section
9 208 of the Educational Technical Assistance Act of 2002,
10 and section 664 of the Individuals with Disabilities Edu-
11 cation Act, \$594,788,000, which shall remain available
12 through September 30, 2013: *Provided*, That funds avail-
13 able to carry out section 208 of the Educational Technical
14 Assistance Act may be used to link Statewide elementary
15 and secondary data systems with early childhood, postsec-
16 ondary, and workforce data systems, or to further develop
17 such systems: *Provided further*, That up to \$11,000,000
18 of the funds available to carry out section 208 of the Edu-
19 cational Technical Assistance Act may be used for awards
20 to public or private organizations or agencies to support
21 activities to improve data coordination, quality, and use
22 at the local, State, and national levels.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of three passenger motor vehicles,
7 \$447,104,000.

8 OFFICE FOR CIVIL RIGHTS

9 For expenses necessary for the Office for Civil
10 Rights, as authorized by section 203 of the Department
11 of Education Organization Act, \$102,818,000.

12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses necessary for the Office of the Inspector
14 General, as authorized by section 212 of the Department
15 of Education Organization Act, \$59,933,000.

16 GENERAL PROVISIONS

17 SEC. 301. No funds appropriated in this Act may be
18 used for the transportation of students or teachers (or for
19 the purchase of equipment for such transportation) in
20 order to overcome racial imbalance in any school or school
21 system, or for the transportation of students or teachers
22 (or for the purchase of equipment for such transportation)
23 in order to carry out a plan of racial desegregation of any
24 school or school system.

1 granted by this section shall not be used to create any
2 new program or to fund any project or activity for which
3 no funds are provided in this Act: *Provided further*, That
4 the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate are notified at least 15 days
6 in advance of any transfer.

7 SEC. 305. The Outlying Areas may consolidate funds
8 received under this Act, pursuant to 48 U.S.C. 1469a,
9 under part A of title V of the ESEA.

10 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
11 of Free Association Amendments Act of 2003 (48 U.S.C.
12 1921d(f)(1)(B)(ix)) shall be applied by substituting
13 “2012” for “2009”.

14 SEC. 307. (a) Notwithstanding any other provision
15 of law, the Secretary is authorized to modify the terms
16 and conditions of gulf hurricane disaster loans to affected
17 institutions pursuant to section 2601 of Public Law 109–
18 234 using the authority provided herein, on such terms
19 as the Secretary, the Secretary of the Treasury, and the
20 Director of the Office of Management and Budget jointly
21 determine are in the best interests of both the United
22 States and the borrowers, and necessary to mitigate the
23 economic effects of Hurricanes Katrina and Rita. Any
24 modification under this section shall not result in any net
25 cost to the Federal Government, as jointly determined by

1 the Secretary, the Secretary of the Treasury, and the Di-
2 rector of the Office of Management and Budget, beginning
3 on the date on which the Secretary modifies a loan under
4 this section.

5 (b) FEDERAL REGISTER NOTICE.—The Secretary,
6 the Secretary of the Treasury, and the Director of the Of-
7 fice of Management and Budget, shall jointly publish a
8 notice in the Federal Register prior to any modification
9 of loans under paragraph (a) that—

10 (1) establishes the terms and conditions gov-
11 erning the modifications authorized by paragraph
12 (a);

13 (2) includes an outline of the methodology and
14 factors that the Secretary, the Secretary of the
15 Treasury, and the Director of the Office of Manage-
16 ment and Budget, will jointly consider in evaluating
17 the modification of the loans made under this title;
18 and

19 (3) describes how the use of such methodology
20 and consideration of such factors used to determine
21 the modifications will ensure that loan modifications
22 do not result in any net cost to the Federal Govern-
23 ment.

24 (c) FEES.—An affected institution that receives a
25 modification to its disaster loan pursuant to section 2601

1 of Public Law 109–234 shall pay a fee to the Secretary
2 which shall be credited to the HBCU Hurricane Supple-
3 mental Loan Program. Such fees shall remain available
4 without fiscal year limitation to pay the modification costs.
5 The amount of the fee paid shall be equal to the modifica-
6 tion cost as jointly determined by the Secretary, the Sec-
7 retary of the Treasury, and the Director of the Office of
8 Management and Budget, calculated in accordance with
9 section 502 of the Federal Credit Reform Act of 1990,
10 as amended, of such loan.

11 SEC. 308. Section 14006(c)(2) of division A of the
12 American Recovery and Reinvestment Act of 2009 (as
13 amended by section 1832(b) of division B of Public Law
14 112–10) is amended by inserting before the period, “ex-
15 cept that such a State may use its grant funds to make
16 subgrants to public or private agencies and organizations
17 for activities consistent with the purposes of the grant”.

18 SEC. 309. (a) FEDERAL PELL GRANT ELIGI-
19 BILITY.—

20 (1) MINIMUM LEVEL.—Section 401(b)(4) of the
21 HEA (20 U.S.C. 1070a(b)(4)) is amended by strik-
22 ing “, except that” and all that follows and inserting
23 a period.

1 (2) DURATION OF AWARD PERIOD.—Section
2 401(c)(5) of the HEA (20 U.S.C. 1070a(c)(5)) is
3 amended—

4 (A) by striking “18” each place it appears
5 and inserting “12”; and

6 (B) by striking the last sentence.

7 (b) ZERO EXPECTED FAMILY CONTRIBUTION.—Sec-
8 tion 479(c) of the HEA (20 U.S.C. 1087ss(c)) is amend-
9 ed—

10 (1) in paragraph (1)(B), by striking “\$30,000”
11 and inserting “\$23,000”; and

12 (2) in paragraph (2)(B), by striking “\$30,000”
13 and inserting “\$23,000”.

14 (c) STUDENTS WHO ARE NOT HIGH SCHOOL GRAD-
15 UATES.—

16 (1) AMENDMENT.—Section 484(d) of the HEA
17 (20 U.S.C. 1091(d)) is amended—

18 (A) in the matter preceding paragraph (1),
19 by striking “meet one of the following stand-
20 ards:”;

21 (B) by striking paragraphs (1), (2), and
22 (4); and

23 (C) in paragraph (3), by striking “(3) The
24 student has” and inserting “have”; and

1 (2) TRANSITION.—The amendment made by
2 paragraph (1) shall apply to students who first en-
3 roll in a program of study on or after July 1, 2012.

4 (3) CONFORMING CHANGE.—Section 101(a)(1)
5 of the HEA (20 U.S.C. 1001(a)(1) is amended by
6 striking “section 484(d)(3)” and inserting “section
7 484(d)”.

8 (d) TEMPORARY ELIMINATION OF INTEREST SUB-
9 SIDY DURING STUDENT LOAN GRACE PERIOD.—

10 (1) Section 428(a)(3)(A)(i)(I) of the HEA (20
11 U.S.C. 1078(a)(3)(A)(i)(I)) is amended to read as
12 follows:

13 “(I) which accrues prior to the
14 date the student ceases to carry at
15 least one-half the normal full-time
16 academic workload (as determined by
17 the institution), or”.

18 (2) The amendment made by paragraph (1)
19 shall apply to new Federal Direct Stafford Loans
20 made on or after July 1, 2012 and before July 1,
21 2014.

22 (e) REVISED SPECIAL ALLOWANCE CALCULATION.—

23 (1) REVISED CALCULATION RULE.—Section
24 438(b)(2)(I) of the HEA (20 U.S.C. 1087–

1 1(b)(2)(I) is amended by adding at the end the fol-
2 lowing:

3 “(vii) REVISED CALCULATION RULE
4 TO REFLECT FINANCIAL MARKET CONDI-
5 TIONS.—

6 “(I) CALCULATION BASED ON
7 LIBOR.—For the calendar quarter be-
8 ginning on April 1, 2012 and each
9 subsequent calendar quarter, in com-
10 puting the special allowance paid pur-
11 suant to this subsection with respect
12 to loans described in subclause (II),
13 clause (i)(I) of this subparagraph
14 shall be applied by substituting ‘of the
15 1-month London Inter Bank Offered
16 Rate (LIBOR) for United States dol-
17 lars in effect for each of the days in
18 such quarter as compiled and released
19 by the British Bankers Association’
20 for ‘of the quotes of the 3-month com-
21 mercial paper (financial) rates in ef-
22 fect for each of the days in such quar-
23 ter as reported by the Federal Reserve
24 in Publication H–15 (or its successor)
25 for such 3-month period’.

1 “(II) LOANS ELIGIBLE FOR
2 LIBOR-BASED CALCULATION.—The
3 special allowance paid pursuant to
4 this subsection shall be calculated as
5 described in subclause (I) with respect
6 to special allowance payments for the
7 3-month period ending June 30,
8 2012, and each succeeding 3-month
9 period, on loans for which the first
10 disbursement is made on or after Jan-
11 uary 1, 2000, and before July 1,
12 2010, if, not later than April 1, 2012,
13 the holder of the loan (or, if the hold-
14 er acts as eligible lender trustee for
15 the beneficial owner of the loan, the
16 beneficial owner of the loan), affirma-
17 tively and permanently waives all con-
18 tractual, statutory, or other legal
19 rights to a special allowance paid pur-
20 suant to this subsection that is cal-
21 culated using the formula in effect at
22 the time the loans were first dis-
23 bursed.

24 “(III) TERMS OF WAIVER.—

1 “(aa) IN GENERAL.—A
2 waiver pursuant to subclause (II)
3 shall be in a form (printed or
4 electronic) prescribed by the Sec-
5 retary, and shall be applicable
6 to—

7 “(AA) all loans de-
8 scribed in such subclause
9 that the lender holds solely
10 in its own right under any
11 lender identification number
12 associated with the holder
13 (pursuant to section 487B);

14 “(BB) all loans de-
15 scribed in such subclause for
16 which the beneficial owner
17 has the authority to make
18 an election of a waiver under
19 such subclause, regardless of
20 the lender identification
21 number associated with the
22 loan or the lender that holds
23 the loan as eligible lender
24 trustee on behalf of such
25 beneficial owner; and

1 “(CC) all future cal-
2 culations of the special al-
3 lowance on loans that, on
4 the date of such waiver, are
5 loans described in subitem
6 (AA) or (BB), or that, after
7 such date, become loans de-
8 scribed in subitem (AA) or
9 (BB).

10 “(bb) EXCEPTIONS.—Any
11 waiver pursuant to subclause (II)
12 that is elected for loans described
13 in subitem (AA) or (BB) of item
14 (aa) shall not apply to any loan
15 described in such subitem for
16 which the lender or beneficial
17 owner of the loan demonstrates
18 to the satisfaction of the Sec-
19 retary that—

20 “(AA) in accordance
21 with an agreement entered
22 into before the date of en-
23 actment of this section by
24 which such lender or owner
25 is governed and that applies

1 to such loans, such lender or
2 owner is not legally per-
3 mitted to make an election
4 of such waiver with respect
5 to such loans without the
6 approval of one or more
7 third parties with an inter-
8 est in the loans, and that
9 the lender or owner followed
10 all available options under
11 such agreement to obtain
12 such approval, and was un-
13 able to do so; or

14 “(BB) such lender or
15 beneficial owner presented
16 the proposal of electing such
17 a waiver applicable to such
18 loans associated with an ob-
19 ligation rated by a nationally
20 recognized statistical rating
21 organization (as defined in
22 section 3(a)(62) of the Secu-
23 rities Exchange Act of
24 1934), and such rating orga-
25 nization provided a written

1 opinion that the agency
2 would downgrade the rating
3 applicable to such obligation
4 if the lender or owner elect-
5 ed such a waiver.”.

6 (2) CONFORMING AMENDMENTS.—Section
7 438(b)(2)(I) of the HEA (20 U.S.C. 1087–
8 1(b)(2)(I)) is further amended—

9 (A) in clause (i)(II), by striking “such av-
10 erage bond equivalent rate” and inserting “the
11 rate determined under subclause (I) (in accord-
12 ance with clause (vii))”; and

13 (B) in clause (v)(III), by striking “(iv),
14 and (vi)” and inserting “(iv), (vi), and (vii)”.

15 (f) REAPPROPRIATION OF MANDATORY SAVINGS.—
16 Section 401(b)(7)(A)(iv) of the HEA (20 U.S.C.
17 1070a(b)(7)(A)(iv)) is amended to read as follows:

18 “(iv) to carry out this section—

19 “(I) \$13,500,000,000 for fiscal
20 year 2011;

21 “(II) \$13,795,000,000 for fiscal
22 year 2012;

23 “(III) \$7,587,000,000 for fiscal
24 year 2013;

1 “(IV) \$588,000,000 for fiscal
2 year 2014;

3 “(V) \$0 for fiscal year 2015;

4 “(VI) \$0 for fiscal year 2016;

5 “(VII) \$1,574,000,000 for fiscal
6 year 2017;

7 “(VIII) \$1,382,000,000 for fiscal
8 year 2018;

9 “(IX) \$1,409,000,000 for fiscal
10 year 2019;

11 “(X) \$1,430,000,000 for fiscal
12 year 2020; and

13 “(XI) \$1,145,000,000 for fiscal
14 year 2021 and each succeeding fiscal
15 year.”.

16 (g) EFFECTIVE DATE.—The amendments made by
17 subsections (a), (b), and (c) shall take effect on July 1,
18 2012.

19 (h) INAPPLICABILITY OF NEGOTIATED RULEMAKING
20 AND MASTER CALENDAR EXCEPTION.—Sections 482(c)
21 and 492 of the HEA (20 U.S.C. 1089(c), 1098a) shall
22 not apply to the amendments made by this section, or to
23 any regulations promulgated under those amendments.

24 This title may be cited as the “Department of Edu-
25 cation Appropriations Act, 2012”.

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 established by Public Law 92–28, \$5,385,000.

9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 OPERATING EXPENSES

11 For necessary expenses for the Corporation for Na-
12 tional and Community Service (referred to in this title as
13 “CNCS”) to carry out the Domestic Volunteer Service Act
14 of 1973 (referred to in this title as “1973 Act”) and the
15 National and Community Service Act of 1990 (referred
16 to in this title as “1990 Act”), \$751,672,000, notwith-
17 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
18 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
19 amounts provided under this heading: (1) up to 1 percent
20 of program grant funds may be used to defray the costs
21 of conducting grant application reviews, including the use
22 of outside peer reviewers and electronic management of
23 the grants cycle; (2) \$44,900,000 shall be available for
24 expenses authorized under section 501(a)(4)(E) of the
25 1990 Act; (3) \$2,000,000 shall be available for expenses

1 to carry out sections 112(e), 179A, and 198O and subtitle
2 J of title I of the 1990 Act, notwithstanding section
3 501(a)(6) of the 1990 Act; (4) \$13,466,000 shall be avail-
4 able to provide assistance to State commissions on na-
5 tional and community service, under section 126(a) of the
6 1990 Act and notwithstanding section 501(a)(5)(B) of the
7 1990 Act; (5) \$31,942,000 shall be available to carry out
8 subtitle E of the 1990 Act; and (6) \$3,992,000 shall be
9 available for expenses authorized under section
10 501(a)(4)(F) of the 1990 Act, which, notwithstanding the
11 provisions of section 198P shall be awarded by CNCS on
12 a competitive basis: *Provided further*, That, with respect
13 to amounts provided under this heading for State Service
14 Commissions, section 126 of the 1990 Act shall be applied
15 by substituting “\$200,000” for “\$250,000” each place
16 that it appears.

17 NATIONAL SERVICE TRUST

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses for the National Service
20 Trust established under subtitle D of title I of the 1990
21 Act, \$212,198,000, to remain available until expended:
22 *Provided*, That CNCS may transfer additional funds from
23 the amount provided within “Operating Expenses” allo-
24 cated to grants under subtitle C of title I of the 1990 Act
25 to the National Service Trust upon determination that

1 such transfer is necessary to support the activities of na-
2 tional service participants and after notice is transmitted
3 to the Committees on Appropriations of the House of Rep-
4 resentatives and the Senate: *Provided further*, That
5 amounts appropriated for or transferred to the National
6 Service Trust may be invested under section 145(b) of the
7 1990 Act without regard to the requirement to apportion
8 funds under 31 U.S.C. 1513(b).

9 SALARIES AND EXPENSES

10 For necessary expenses of administration as provided
11 under section 501(a)(5) of the 1990 Act and under section
12 504(a) of the 1973 Act, including payment of salaries, au-
13 thorized travel, hire of passenger motor vehicles, the rental
14 of conference rooms in the District of Columbia, the em-
15 ployment of experts and consultants authorized under 5
16 U.S.C. 3109, and not to exceed \$2,500 for official recep-
17 tion and representation expenses, \$83,000,000.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the Inspector General Act of 1978,
21 \$4,000,000.

22 ADMINISTRATIVE PROVISIONS

23 SEC. 401. CNCS shall make any significant changes
24 to program requirements, service delivery or policy only
25 through public notice and comment rulemaking. For fiscal

1 year 2012, during any grant selection process, an officer
2 or employee of CNCS shall not knowingly disclose any cov-
3 ered grant selection information regarding such selection,
4 directly or indirectly, to any person other than an officer
5 or employee of CNCS that is authorized by CNCS to re-
6 ceive such information.

7 SEC. 402. AmeriCorps programs receiving grants
8 under the National Service Trust program shall meet an
9 overall minimum share requirement of 24 percent for the
10 first 3 years that they receive AmeriCorps funding, and
11 thereafter shall meet the overall minimum share require-
12 ment as provided in section 2521.60 of title 45, Code of
13 Federal Regulations, without regard to the operating costs
14 match requirement in section 121(e) or the member sup-
15 port Federal share limitations in section 140 of the 1990
16 Act, and subject to partial waiver consistent with section
17 2521.70 of title 45, Code of Federal Regulations.

18 SEC. 403. Donations made to CNCS under section
19 196 of the 1990 Act for the purposes of financing pro-
20 grams and operations under titles I and II of the 1973
21 Act or subtitle B, C, D, or E of title I of the 1990 Act
22 shall be used to supplement and not supplant current pro-
23 grams and operations.

24 SEC. 404. In addition to the requirements in section
25 146(a) of the 1990 Act, use of an educational award for

1 the purpose described in section 148(a)(4) shall be limited
2 to individuals who are veterans as defined under section
3 101 of the Act.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For payment to the Corporation for Public Broad-
6 casting (referred to in this Act as “CPB”), as authorized
7 by the Communications Act of 1934, an amount which
8 shall be available within limitations specified by that Act,
9 for the fiscal year 2014, \$445,000,000: *Provided*, That
10 none of the funds made available to CPB by this Act shall
11 be used to pay for receptions, parties, or similar forms
12 of entertainment for Government officials or employees:
13 *Provided further*, That none of the funds made available
14 to CPB by this Act shall be available or used to aid or
15 support any program or activity from which any person
16 is excluded, or is denied benefits, or is discriminated
17 against, on the basis of race, color, national origin, reli-
18 gion, or sex: *Provided further*, That none of the funds
19 made available to CPB by this Act shall be used to apply
20 any political test or qualification in selecting, appointing,
21 promoting, or taking any other personnel action with re-
22 spect to officers, agents, and employees of CPB: *Provided*
23 *further*, That none of the funds made available to CPB
24 by this Act shall be used to support the Television Future
25 Fund or any similar purpose.

1 FEDERAL MEDIATION AND CONCILIATION SERVICE

2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Mediation
4 and Conciliation Service (“Service”) to carry out the func-
5 tions vested in it by the Labor-Management Relations Act,
6 1947, including hire of passenger motor vehicles; for ex-
7 penses necessary for the Labor-Management Cooperation
8 Act of 1978; and for expenses necessary for the Service
9 to carry out the functions vested in it by the Civil Service
10 Reform Act, \$46,250,000: *Provided*, That notwithstanding
11 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
12 special training activities and other conflict resolution
13 services and technical assistance, including those provided
14 to foreign governments and international organizations,
15 and for arbitration services shall be credited to and
16 merged with this account, and shall remain available until
17 expended: *Provided further*, That fees for arbitration serv-
18 ices shall be available only for education, training, and
19 professional development of the agency workforce: *Pro-*
20 *vided further*, That the Director of the Service is author-
21 ized to accept and use on behalf of the United States gifts
22 of services and real, personal, or other property in the aid
23 of any projects or functions within the Director’s jurisdic-
24 tion.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission, \$17,637,000.

6 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

7 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

8 AND ADMINISTRATION

9 For carrying out the Museum and Library Services
10 Act of 1996 and the National Museum of African Amer-
11 ican History and Culture Act, \$232,393,000.

12 MEDICAID AND CHIP PAYMENT AND ACCESS

13 COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1900 of
16 the Social Security Act, \$6,000,000.

17 MEDICARE PAYMENT ADVISORY COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary to carry out section 1805 of
20 the Social Security Act, \$11,800,000, to be transferred to
21 this appropriation from the Federal Hospital Insurance
22 Trust Fund and the Federal Supplementary Medical In-
23 surance Trust Fund.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, \$3,264,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, and other laws,
11 \$278,833,000: *Provided*, That no part of this appropria-
12 tion shall be available to organize or assist in organizing
13 agricultural laborers or used in connection with investiga-
14 tions, hearings, directives, or orders concerning bargaining
15 units composed of agricultural laborers as referred to in
16 section 2(3) of the Act of July 5, 1935, and as amended
17 by the Labor-Management Relations Act, 1947, and as de-
18 fined in section 3(f) of the Act of June 25, 1938, and
19 including in said definition employees engaged in the
20 maintenance and operation of ditches, canals, reservoirs,
21 and waterways when maintained or operated on a mutual,
22 nonprofit basis and at least 95 percent of the water stored
23 or supplied thereby is used for farming purposes.

1 ADMINISTRATIVE PROVISION

2 SEC. 405. None of the funds provided by this Act
3 or previous Acts making appropriations for the National
4 Labor Relations Board may be used to issue any new ad-
5 ministrative directive or regulation that would provide em-
6 ployees any means of voting through any electronic means
7 in an election to determine a representative for the pur-
8 poses of collective bargaining.

9 NATIONAL MEDIATION BOARD

10 SALARIES AND EXPENSES

11 For expenses necessary to carry out the provisions
12 of the Railway Labor Act, including emergency boards ap-
13 pointed by the President, \$13,436,000.

14 OCCUPATIONAL SAFETY AND HEALTH REVIEW

15 COMMISSION

16 SALARIES AND EXPENSES

17 For expenses necessary for the Occupational Safety
18 and Health Review Commission, \$11,689,000.

19 RAILROAD RETIREMENT BOARD

20 DUAL BENEFITS PAYMENTS ACCOUNT

21 For payment to the Dual Benefits Payments Ac-
22 count, authorized under section 15(d) of the Railroad Re-
23 tirement Act of 1974, \$51,000,000, which shall include
24 amounts becoming available in fiscal year 2012 pursuant
25 to section 224(e)(1)(B) of Public Law 98-76; and in addi-

1 tion, an amount, not to exceed 2 percent of the amount
2 provided herein, shall be available proportional to the
3 amount by which the product of recipients and the average
4 benefit received exceeds the amount available for payment
5 of vested dual benefits: *Provided*, That the total amount
6 provided herein shall be credited in 12 approximately
7 equal amounts on the first day of each month in the fiscal
8 year.

9 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

10 ACCOUNTS

11 For payment to the accounts established in the
12 Treasury for the payment of benefits under the Railroad
13 Retirement Act for interest earned on unnegotiated
14 checks, \$150,000, to remain available through September
15 30, 2013, which shall be the maximum amount available
16 for payment pursuant to section 417 of Public Law 98–
17 76.

18 LIMITATION ON ADMINISTRATION

19 For necessary expenses for the Railroad Retirement
20 Board (“Board”) for administration of the Railroad Re-
21 tirement Act and the Railroad Unemployment Insurance
22 Act, \$108,855,000, to be derived in such amounts as de-
23 termined by the Board from the railroad retirement ac-
24 counts and from moneys credited to the railroad unem-
25 ployment insurance administration fund.

1 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General for audit, investigatory and review activities, as
4 authorized by the Inspector General Act of 1978, not more
5 than \$8,170,000, to be derived from the railroad retire-
6 ment accounts and railroad unemployment insurance ac-
7 count.

8 SOCIAL SECURITY ADMINISTRATION

9 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

10 For payment to the Federal Old-Age and Survivors
11 Insurance Trust Fund and the Federal Disability Insur-
12 ance Trust Fund, as provided under sections 201(m),
13 228(g), and 1131(b)(2) of the Social Security Act,
14 \$20,404,000.

15 SUPPLEMENTAL SECURITY INCOME PROGRAM

16 For carrying out titles XI and XVI of the Social Se-
17 curity Act, section 401 of Public Law 92-603, section 212
18 of Public Law 93-66, as amended, and section 405 of
19 Public Law 95-216, including payment to the Social Secu-
20 rity trust funds for administrative expenses incurred pur-
21 suant to section 201(g)(1) of the Social Security Act,
22 \$37,582,991,000, to remain available until expended: *Pro-*
23 *vided*, That any portion of the funds provided to a State
24 in the current fiscal year and not obligated by the State
25 during that year shall be returned to the Treasury: *Pro-*

1 *vided further*, That not more than \$8,000,000 shall be
2 available for research and demonstrations under sections
3 1110 and 1144 of the Social Security Act and remain
4 available through September 30, 2013.

5 For making, after June 15 of the current fiscal year,
6 benefit payments to individuals under title XVI of the So-
7 cial Security Act, for unanticipated costs incurred for the
8 current fiscal year, such sums as may be necessary.

9 For making benefit payments under title XVI of the
10 Social Security Act for the first quarter of fiscal year
11 2013, \$18,200,000,000, to remain available until ex-
12 pended.

13 LIMITATION ON ADMINISTRATIVE EXPENSES

14 For necessary expenses, including the hire of two pas-
15 senger motor vehicles, and not to exceed \$20,000 for offi-
16 cial reception and representation expenses, not more than
17 \$10,555,494,000 may be expended, as authorized by sec-
18 tion 201(g)(1) of the Social Security Act, from any one
19 or all of the trust funds referred to in such section: *Pro-*
20 *vided*, That not less than \$2,150,000 shall be for the So-
21 cial Security Advisory Board: *Provided further*, That unob-
22 ligated balances of funds provided under this paragraph
23 at the end of fiscal year 2012 not needed for fiscal year
24 2012 shall remain available until expended to invest in the
25 Social Security Administration information technology

1 and telecommunications hardware and software infra-
2 structure, including related equipment and non-payroll ad-
3 ministrative expenses associated solely with this informa-
4 tion technology and telecommunications infrastructure:
5 *Provided further*, That the Commissioner of Social Secu-
6 rity shall notify the Committees on Appropriations of the
7 House of Representatives and the Senate prior to making
8 unobligated balances available under the authority in the
9 previous proviso: *Provided further*, That reimbursement to
10 the trust funds under this heading for expenditures for
11 official time for employees of the Social Security Adminis-
12 tration pursuant to 5 U.S.C. 7131, and for facilities or
13 support services for labor organizations pursuant to poli-
14 cies, regulations, or procedures referred to in section
15 7135(b) of such title shall be made by the Secretary of
16 the Treasury, with interest, from amounts in the general
17 fund not otherwise appropriated, as soon as possible after
18 such expenditures are made.

19 In addition, for continuing disability reviews under
20 titles II and XVI of the Social Security Act and for the
21 cost associated with conducting redeterminations of eligi-
22 bility under title XVI of the Social Security Act, not more
23 than \$274,000,000 may be expended, as authorized by
24 section 201(g)(1) of the Social Security Act, from any one
25 or all of the trust funds referred to therein: *Provided fur-*

1 *ther*, That the Commissioner shall provide to the Congress
2 (at the conclusion of the fiscal year) a report on the obliga-
3 tion and expenditure of these funds, similar to the reports
4 that were required by section 103(d)(2) of Public Law
5 104–121 for fiscal years 1996 through 2002.

6 In addition, \$161,000,000 to be derived from admin-
7 istration fees in excess of \$5.00 per supplementary pay-
8 ment collected pursuant to section 1616(d) of the Social
9 Security Act or section 212(b)(3) of Public Law 93–66,
10 which shall remain available until expended. To the extent
11 that the amounts collected pursuant to such sections in
12 fiscal year 2012 exceed \$161,000,000, the amounts shall
13 be available in fiscal year 2013 only to the extent provided
14 in advance in appropriations Acts.

15 In addition, up to \$1,000,000 to be derived from fees
16 collected pursuant to section 303(c) of the Social Security
17 Protection Act, which shall remain available until ex-
18 pended.

19 OFFICE OF INSPECTOR GENERAL

20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses necessary for the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$28,942,000, together with not to
24 exceed \$73,535,000, to be transferred and expended as
25 authorized by section 201(g)(1) of the Social Security Act

1 from the Federal Old-Age and Survivors Insurance Trust
2 Fund and the Federal Disability Insurance Trust Fund.

3 In addition, an amount not to exceed 3 percent of
4 the total provided in this appropriation may be transferred
5 from the “Limitation on Administrative Expenses”, Social
6 Security Administration, to be merged with this account,
7 to be available for the time and purposes for which this
8 account is available: *Provided*, That notice of such trans-
9 fers shall be transmitted promptly to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

1
2
3
4 SEC. 501. The Secretaries of Labor, Health and
5 Human Services, and Education are authorized to transfer
6 unexpended balances of prior appropriations to accounts
7 corresponding to current appropriations provided in this
8 Act. Such transferred balances shall be used for the same
9 purpose, and for the same periods of time, for which they
10 were originally appropriated.

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

14 SEC. 503. (a) No part of any appropriation contained
15 in this Act or transferred pursuant to section 4002 of
16 Public Law 111–148 shall be used, other than for normal
17 and recognized executive-legislative relationships, for pub-
18 licity or propaganda purposes, for the preparation, dis-
19 tribution, or use of any kit, pamphlet, booklet, publication,
20 electronic communication, radio, television, or video pres-
21 entation designed to support or defeat the enactment of
22 legislation before the Congress or any State or local legis-
23 lature or legislative body, except in presentation to the
24 Congress or any State or local legislature itself, or de-
25 signed to support or defeat any proposed or pending regu-

1 lation, administrative action, or order issued by the execu-
2 tive branch of any State or local government, except in
3 presentation to the executive branch of any State or local
4 government itself.

5 (b) No part of any appropriation contained in this
6 Act or transferred pursuant to section 4002 of Public Law
7 111–148 shall be used to pay the salary or expenses of
8 any grant or contract recipient, or agent acting for such
9 recipient, related to any activity designed to influence the
10 enactment of legislation, appropriations, regulation, ad-
11 ministrative action, or Executive order proposed or pend-
12 ing before the Congress or any State government, State
13 legislature or local legislature or legislative body, other
14 than for normal and recognized executive-legislative rela-
15 tionships or participation by an agency or officer of a
16 State, local or tribal government in policymaking and ad-
17 ministrative processes within the executive branch of that
18 government.

19 (c) The prohibitions in subsections (a) and (b) shall
20 include any activity to advocate or promote any proposed,
21 pending or future Federal, State or local tax increase, or
22 any proposed, pending, or future requirement or restric-
23 tion on any legal consumer product, including its sale or
24 marketing, including but not limited to the advocacy or
25 promotion of gun control.

1 SEC. 504. The Secretaries of Labor and Education
2 are authorized to make available not to exceed \$28,000
3 and \$20,000, respectively, from funds available for sala-
4 ries and expenses under titles I and III, respectively, for
5 official reception and representation expenses; the Direc-
6 tor of the Federal Mediation and Conciliation Service is
7 authorized to make available for official reception and rep-
8 resentation expenses not to exceed \$5,000 from the funds
9 available for “Federal Mediation and Conciliation Service,
10 Salaries and Expenses”; and the Chairman of the Na-
11 tional Mediation Board is authorized to make available for
12 official reception and representation expenses not to ex-
13 ceed \$5,000 from funds available for “National Mediation
14 Board, Salaries and Expenses”.

15 SEC. 505. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

1 (2) the dollar amount of Federal funds for the
2 project or program; and

3 (3) percentage and dollar amount of the total
4 costs of the project or program that will be financed
5 by non-governmental sources.

6 SEC. 506. (a) None of the funds appropriated in this
7 Act, and none of the funds in any trust fund to which
8 funds are appropriated in this Act, shall be expended for
9 any abortion.

10 (b) None of the funds appropriated in this Act, and
11 none of the funds in any trust fund to which funds are
12 appropriated in this Act, shall be expended for health ben-
13 efits coverage that includes coverage of abortion.

14 (c) The term “health benefits coverage” means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

18 SEC. 507. (a) The limitations established in the pre-
19 ceding section shall not apply to an abortion—

20 (1) if the pregnancy is the result of an act of
21 rape or incest; or

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

3 SEC. 508. (a) None of the funds made available in
4 this Act may be used for—

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

7 (2) research in which a human embryo or em-
8 bryos are destroyed, discarded, or knowingly sub-
9 jected to risk of injury or death greater than that
10 allowed for research on fetuses in utero under 45
11 CFR 46.204(b) and section 498(b) of the Public
12 Health Service Act (42 U.S.C. 289g(b)).

13 (b) For purposes of this section, the term “human
14 embryo or embryos” includes any organism, not protected
15 as a human subject under 45 CFR 46 as of the date of
16 the enactment of this Act, that is derived by fertilization,
17 parthenogenesis, cloning, or any other means from one or
18 more human gametes or human diploid cells.

19 SEC. 509. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished under section 202 of the Controlled Substances Act
24 except for normal and recognized executive-congressional
25 communications.

1 (b) The limitation in subsection (a) shall not apply
2 when there is significant medical evidence of a therapeutic
3 advantage to the use of such drug or other substance or
4 that federally sponsored clinical trials are being conducted
5 to determine therapeutic advantage.

6 SEC. 510. None of the funds made available in this
7 Act may be used to promulgate or adopt any final stand-
8 ard under section 1173(b) of the Social Security Act pro-
9 viding for, or providing for the assignment of, a unique
10 health identifier for an individual (except in an individ-
11 ual's capacity as an employer or a health care provider),
12 until legislation is enacted specifically approving the
13 standard.

14 SEC. 511. None of the funds made available in this
15 Act may be obligated or expended to enter into or renew
16 a contract with an entity if—

17 (1) such entity is otherwise a contractor with
18 the United States and is subject to the requirement
19 in 38 U.S.C. 4212(d) regarding submission of an
20 annual report to the Secretary of Labor concerning
21 employment of certain veterans; and

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 512. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriation Act.

6 SEC. 513. None of the funds made available by this
7 Act to carry out the Library Services and Technology Act
8 may be made available to any library covered by para-
9 graph (1) of section 224(f) of such Act, as amended by
10 the Children’s Internet Protection Act, unless such library
11 has made the certifications required by paragraph (4) of
12 such section.

13 SEC. 514. None of the funds made available by this
14 Act to carry out part D of title II of the Elementary and
15 Secondary Education Act of 1965 may be made available
16 to any elementary or secondary school covered by para-
17 graph (1) of section 2441(a) of such Act, as amended by
18 the Children’s Internet Protection Act and the No Child
19 Left Behind Act, unless the local educational agency with
20 responsibility for such covered school has made the certifi-
21 cations required by paragraph (2) of such section.

22 SEC. 515. (a) None of the funds provided under this
23 Act, or provided under previous appropriations Acts to the
24 agencies funded by this Act that remain available for obli-
25 gation or expenditure in fiscal year 2012, or provided from

1 any accounts in the Treasury of the United States derived
2 by the collection of fees available to the agencies funded
3 by this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds that—

5 (1) creates new programs;

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

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

10 (4) relocates an office or employees;

11 (5) reorganizes or renames offices;

12 (6) reorganizes programs or activities; or

13 (7) contracts out or privatizes any functions or
14 activities presently performed by Federal employees;

15 unless the Committees on Appropriations of the House of
16 Representatives and the Senate are notified 15 days in
17 advance of such reprogramming or of an announcement
18 of intent relating to such reprogramming, whichever oc-
19 curs earlier.

20 (b) None of the funds provided under this Act, or
21 provided under previous appropriations Acts to the agen-
22 cies funded by this Act that remain available for obligation
23 or expenditure in fiscal year 2012, or provided from any
24 accounts in the Treasury of the United States derived by
25 the collection of fees available to the agencies funded by

1 this Act, shall be available for obligation or expenditure
2 through a reprogramming of funds in excess of \$500,000
3 or 10 percent, whichever is less, that—

4 (1) augments existing programs, projects (in-
5 cluding construction projects), or activities;

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;

13 unless the Committees on Appropriations of the House of
14 Representatives and the Senate are notified 15 days in
15 advance of such reprogramming or of an announcement
16 of intent relating to such reprogramming, whichever oc-
17 curs earlier.

18 SEC. 516. (a) None of the funds made available in
19 this Act may be used to request that a candidate for ap-
20 pointment to a Federal scientific advisory committee dis-
21 close the political affiliation or voting history of the can-
22 didate or the position that the candidate holds with re-
23 spect to political issues not directly related to and nec-
24 essary for the work of the committee involved.

1 (b) None of the funds made available in this Act may
2 be used to disseminate information that is deliberately
3 false or misleading.

4 SEC. 517. Within 45 days of enactment of this Act,
5 each department and related agency funded through this
6 Act shall submit an operating plan that details at the pro-
7 gram, project, and activity level any funding allocations
8 for fiscal year 2012 that are different than those specified
9 in this Act, the accompanying detailed table in the state-
10 ment of the managers on the conference report accom-
11 panying this Act, or the fiscal year 2012 budget request.

12 SEC. 518. The Secretaries of Labor, Health and
13 Human Services, and Education shall each prepare and
14 submit to the Committees on Appropriations of the House
15 of Representatives and the Senate a report on the number
16 and amount of contracts, grants, and cooperative agree-
17 ments exceeding \$500,000 in value and awarded by the
18 Department on a non-competitive basis during each quar-
19 ter of fiscal year 2012, but not to include grants awarded
20 on a formula basis or directed by law. Such report shall
21 include the name of the contractor or grantee, the amount
22 of funding, the governmental purpose, including a jus-
23 tification for issuing the award on a non-competitive basis.
24 Such report shall be transmitted to the Committees within

1 30 days after the end of the quarter for which the report
2 is submitted.

3 SEC. 519. None of the funds appropriated or other-
4 wise made available by this Act may be used to enter into
5 a contract in an amount greater than \$5,000,000 or to
6 award a grant in excess of such amount unless the pro-
7 spective contractor or grantee certifies in writing to the
8 agency awarding the contract or grant that, to the best
9 of its knowledge and belief, the contractor or grantee has
10 filed all Federal tax returns required during the 3 years
11 preceding the certification, has not been convicted of a
12 criminal offense under the Internal Revenue Code of 1986,
13 and has not, more than 90 days prior to certification, been
14 notified of any unpaid Federal tax assessment for which
15 the liability remains unsatisfied, unless the assessment is
16 the subject of an installment agreement or offer in com-
17 promise that has been approved by the Internal Revenue
18 Service and is not in default, or the assessment is the sub-
19 ject of a non-frivolous administrative or judicial pro-
20 ceeding.

21 SEC. 520. None of the funds appropriated in this Act
22 shall be expended or obligated by the Commissioner of So-
23 cial Security, for purposes of administering Social Security
24 benefit payments under title II of the Social Security Act,
25 to process any claim for credit for a quarter of coverage

1 (RESCISSION)

2 SEC. 524. Of the funds made available under section
3 1322 of Public Law 111–148, \$400,000,000 are re-
4 scinded.

5 (RESCISSION)

6 SEC. 525. Of the funds made available for fiscal year
7 2012 under section 3403 of Public Law 111–148,
8 \$10,000,000 are rescinded.

9 SEC. 526. Not later than 30 days after the end of
10 each calendar quarter, beginning with the first quarter of
11 fiscal year 2013, the Departments of Labor, Health and
12 Human Services and Education and the Social Security
13 Administration shall provide the Committees on Appro-
14 priations of the House of Representatives and Senate a
15 quarterly report on the status of balances of appropria-
16 tions: *Provided*, That for balances that are unobligated
17 and uncommitted, committed, and obligated but unex-
18 pended, the quarterly reports shall separately identify the
19 amounts attributable to each source year of appropriation
20 (beginning with fiscal year 2012, or, to the extent feasible,
21 earlier fiscal years) from which balances were derived.

22 SEC. 527. (a) ACROSS-THE-BOARD RESCISSIONS.—
23 There is hereby rescinded an amount equal to 0.189 per-
24 cent of—

1 (1) the budget authority provided for fiscal year
2 2012 for any discretionary account of this Act; and

3 (2) the budget authority provided in any ad-
4 vance appropriation for fiscal year 2012 for any dis-
5 cretionary account in any prior fiscal year appro-
6 priation Act.

7 (b) PROPORTIONATE APPLICATION.—Any rescission
8 made by subsection (a) shall be applied proportionately—

9 (1) to each discretionary account and each item
10 of budget authority described in such subsection;
11 and

12 (2) within each such account and item, to each
13 program, project, and activity (with programs,
14 projects, and activities as delineated in this Act or
15 in the explanatory statement described in section 4
16 (in the matter preceding division A of this consoli-
17 dated Act)).

18 (c) EXCEPTION.—This section shall not apply to dis-
19 cretionary authority appropriated for the Federal Pell
20 Grants program under the heading “Department of Edu-
21 cation, Student Financial Assistance”.

22 (d) OMB REPORT.—Within 30 days after the date
23 of the enactment of this section, the Director of the Office
24 of Management and Budget shall submit to the Commit-
25 tees on Appropriations of the House of Representatives

1 and the Senate a report specifying the account and
2 amount of each rescission made pursuant to this section.

3 This division may be cited as the “Departments of
4 Labor, Health and Human Services, and Education, and
5 Related Agencies Appropriations Act, 2012”.

1 **DIVISION G—LEGISLATIVE BRANCH**
2 **APPROPRIATIONS ACT, 2012**
3 **TITLE I—LEGISLATIVE BRANCH**

4

5 **SENATE**6 **EXPENSE ALLOWANCES**

7 For expense allowances of the Vice President,
8 \$18,760; the President Pro Tempore of the Senate,
9 \$37,520; Majority Leader of the Senate, \$39,920; Minor-
10 ity Leader of the Senate, \$39,920; Majority Whip of the
11 Senate, \$9,980; Minority Whip of the Senate, \$9,980;
12 Chairmen of the Majority and Minority Conference Com-
13 mittees, \$4,690 for each Chairman; and Chairmen of the
14 Majority and Minority Policy Committees, \$4,690 for each
15 Chairman; in all, \$174,840.

16 **REPRESENTATION ALLOWANCES FOR THE MAJORITY**
17 **AND MINORITY LEADERS**

18 For representation allowances of the Majority and
19 Minority Leaders of the Senate, \$14,070 for each such
20 Leader; in all, \$28,140.

21 **SALARIES, OFFICERS AND EMPLOYEES**

22 For compensation of officers, employees, and others
23 as authorized by law, including agency contributions,
24 \$175,763,738, which shall be paid from this appropriation
25 without regard to the following limitations:

1 OFFICE OF THE VICE PRESIDENT

2 For the Office of the Vice President, \$2,361,248.

3 OFFICE OF THE PRESIDENT PRO TEMPORE

4 For the Office of the President Pro Tempore,
5 \$705,466.

6 OFFICES OF THE MAJORITY AND MINORITY LEADERS

7 For Offices of the Majority and Minority Leaders,
8 \$5,201,576.

9 OFFICES OF THE MAJORITY AND MINORITY WHIPS

10 For Offices of the Majority and Minority Whips,
11 \$3,281,424.

12 COMMITTEE ON APPROPRIATIONS

13 For salaries of the Committee on Appropriations,
14 \$14,863,573.

15 CONFERENCE COMMITTEES

16 For the Conference of the Majority and the Con-
17 ference of the Minority, at rates of compensation to be
18 fixed by the Chairman of each such committee,
19 \$1,619,195 for each such committee; in all, \$3,238,390.20 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
21 THE MAJORITY AND THE CONFERENCE OF THE MINORITY22 For Offices of the Secretaries of the Conference of
23 the Majority and the Conference of the Minority,
24 \$797,402.

1 POLICY COMMITTEES

2 For salaries of the Majority Policy Committee and
3 the Minority Policy Committee, \$1,653,905 for each such
4 committee; in all, \$3,307,810.

5 OFFICE OF THE CHAPLAIN

6 For Office of the Chaplain, \$405,886.

7 OFFICE OF THE SECRETARY

8 For Office of the Secretary, \$24,194,115.

9 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

10 For Office of the Sergeant at Arms and Doorkeeper,
11 \$73,000,000.

12 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND

13 MINORITY

14 For Offices of the Secretary for the Majority and the
15 Secretary for the Minority, \$1,722,388.

16 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

17 For agency contributions for employee benefits, as
18 authorized by law, and related expenses, \$42,684,460.

19 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

20 For salaries and expenses of the Office of the Legisla-
21 tive Counsel of the Senate, \$6,995,300.

22 OFFICE OF SENATE LEGAL COUNSEL

23 For salaries and expenses of the Office of Senate
24 Legal Counsel, \$1,449,000.

1 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
2 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
3 THE SENATE, AND SECRETARIES FOR THE MAJOR-
4 ITY AND MINORITY OF THE SENATE

5 For expense allowances of the Secretary of the Sen-
6 ate, \$7,110; Sergeant at Arms and Doorkeeper of the Sen-
7 ate, \$7,110; Secretary for the Majority of the Senate,
8 \$7,110; Secretary for the Minority of the Senate, \$7,110;
9 in all, \$28,440.

10 CONTINGENT EXPENSES OF THE SENATE

11 INQUIRIES AND INVESTIGATIONS

12 For expenses of inquiries and investigations ordered
13 by the Senate, or conducted under paragraph 1 of rule
14 XXVI of the Standing Rules of the Senate, section 112
15 of the Supplemental Appropriations and Rescission Act,
16 1980 (Public Law 96–304), and Senate Resolution 281,
17 96th Congress, agreed to March 11, 1980, \$131,305,860,
18 of which \$26,650,000 shall be available until September
19 30, 2014.

20 EXPENSES OF THE UNITED STATES SENATE CAUCUS ON

21 INTERNATIONAL NARCOTICS CONTROL

22 For expenses of the United States Senate Caucus on
23 International Narcotics Control, \$487,822.

1 SECRETARY OF THE SENATE

2 For expenses of the Office of the Secretary of the
3 Senate \$5,816,344 of which \$4,200,000 shall remain
4 available until September 30, 2016.

5 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

6 For expenses of the Office of the Sergeant at Arms
7 and Doorkeeper of the Senate, \$130,722,080, which shall
8 remain available until September 30, 2016.

9 MISCELLANEOUS ITEMS

10 For miscellaneous items, \$19,360,000, which shall
11 remain available until September 30, 2014.

12 SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE

13 ACCOUNT

14 For Senators' Official Personnel and Office Expense
15 Account, \$396,180,000 of which \$18,921,206 shall remain
16 available until September 30, 2014.

17 OFFICIAL MAIL COSTS

18 For expenses necessary for official mail costs of the
19 Senate, \$281,436.

20 ADMINISTRATIVE PROVISION

21 PAYMENT OF CERTAIN EXPENSES

22 SEC. 1. (a) IN GENERAL.—Subject to the approval
23 of the Committee on Appropriations of the Senate, if in
24 any fiscal year amounts in any appropriations account
25 under the heading “SENATE” under the heading “LEG-

1 ISLATIVE BRANCH” are available for more than 1 fis-
2 cal year, the Secretary of the Senate may establish proce-
3 dures for the payment of expenses with respect to that
4 account from any amounts available for that fiscal year.

5 (b) EFFECTIVE DATE.—This section shall apply to
6 fiscal year 2012 and each fiscal year thereafter.

7 HOUSE OF REPRESENTATIVES

8 SALARIES AND EXPENSES

9 For salaries and expenses of the House of Represent-
10 atives, \$1,225,680,000, as follows:

11 HOUSE LEADERSHIP OFFICES

12 For salaries and expenses, as authorized by law,
13 \$23,275,773, including: Office of the Speaker,
14 \$6,942,770, including \$25,000 for official expenses of the
15 Speaker; Office of the Majority Floor Leader, \$2,277,595,
16 including \$10,000 for official expenses of the Majority
17 Leader; Office of the Minority Floor Leader, \$7,432,812,
18 including \$10,000 for official expenses of the Minority
19 Leader; Office of the Majority Whip, including the Chief
20 Deputy Majority Whip, \$1,971,050, including \$5,000 for
21 official expenses of the Majority Whip; Office of the Mi-
22 nority Whip, including the Chief Deputy Minority Whip,
23 \$1,524,951, including \$5,000 for official expenses of the
24 Minority Whip; Republican Conference, \$1,572,788;
25 Democratic Caucus, \$1,553,807. In addition to the

1 amounts made available above, for salaries and expenses
2 under this heading, to be available during the period be-
3 ginning September 30, 2012, and ending December 31,
4 2013; \$5,818,948, including: Office of the Speaker,
5 \$1,735,694, including \$6,250 for official expenses of the
6 Speaker; Office of the Majority Floor Leader, \$569,399,
7 including \$2,500 for official expenses of the Majority
8 Leader; Office of the Minority Floor Leader, \$1,858,205,
9 including \$2,500 for official expenses of the Minority
10 Leader; Office of the Majority Whip, including the Chief
11 Deputy Majority Whip, \$492,763, including \$1,250 for of-
12 ficial expenses of the Majority Whip; Office of the Minor-
13 ity Whip, including the Chief Deputy Minority Whip,
14 \$381,238, including \$1,250 for official expenses of the Mi-
15 nority Whip; Republican Conference, \$393,197; Demo-
16 cratic Caucus, \$388,452.

17 MEMBERS' REPRESENTATIONAL ALLOWANCES
18 INCLUDING MEMBERS' CLERK HIRE, OFFICIAL
19 EXPENSES OF MEMBERS, AND OFFICIAL MAIL

20 For Members' representational allowances, including
21 Members' clerk hire, official expenses, and official mail,
22 \$573,939,282.

1 COMMITTEE EMPLOYEES

2 STANDING COMMITTEES, SPECIAL AND SELECT

3 For salaries and expenses of standing committees,
4 special and select, authorized by House resolutions,
5 \$125,964,870: *Provided*, That such amount shall remain
6 available for such salaries and expenses until December
7 31, 2012.

8 COMMITTEE ON APPROPRIATIONS

9 For salaries and expenses of the Committee on Ap-
10 propriations, \$26,665,785, including studies and examina-
11 tions of executive agencies and temporary personal serv-
12 ices for such committee, to be expended in accordance with
13 section 202(b) of the Legislative Reorganization Act of
14 1946 and to be available for reimbursement to agencies
15 for services performed: *Provided*, That such amount shall
16 remain available for such salaries and expenses until De-
17 cember 31, 2012.

18 SALARIES, OFFICERS AND EMPLOYEES

19 For salaries and expenses of officers and employees,
20 as authorized by law, \$177,628,400, including: for salaries
21 and expenses of the Office of the Clerk, including not more
22 than \$23,000, of which not more than \$20,000 is for the
23 Family Room, for official representation and reception ex-
24 penses, \$26,114,400, of which \$2,000,000 shall remain
25 available until expended; for salaries and expenses of the

1 Office of the Sergeant at Arms, including the position of
2 Superintendent of Garages and the Office of Emergency
3 Management, and including not more than \$3,000 for offi-
4 cial representation and reception expenses, \$12,585,000
5 of which \$4,445,000 shall remain available until expended;
6 for salaries and expenses of the Office of the Chief Admin-
7 istrative Officer including not more than \$3,000 for offi-
8 cial representation and reception expenses, \$116,782,000,
9 of which \$3,937,000 shall remain available until expended;
10 for salaries and expenses of the Office of the Inspector
11 General, \$5,045,000; for salaries and expenses of the Of-
12 fice of General Counsel, \$1,415,000; for the Office of the
13 Chaplain, \$179,000; for salaries and expenses of the Of-
14 fice of the Parliamentarian, including the Parliamen-
15 tarian, \$2,000 for preparing the Digest of Rules, and not
16 more than \$1,000 for official representation and reception
17 expenses, \$2,060,000; for salaries and expenses of the Of-
18 fice of the Law Revision Counsel of the House,
19 \$3,258,000; for salaries and expenses of the Office of the
20 Legislative Counsel of the House, \$8,814,000; for salaries
21 and expenses of the Office of Interparliamentary Affairs,
22 \$859,000; for other authorized employees, \$347,000; and
23 for salaries and expenses of the Historian, \$170,000.

1 ALLOWANCES AND EXPENSES

2 For allowances and expenses as authorized by House
3 resolution or law, \$292,386,942, including: supplies, mate-
4 rials, administrative costs and Federal tort claims,
5 \$3,696,118; official mail for committees, leadership of-
6 fices, and administrative offices of the House, \$201,000;
7 Government contributions for health, retirement, Social
8 Security, and other applicable employee benefits,
9 \$264,848,219; Business Continuity and Disaster Recov-
10 ery, \$17,112,072, of which \$5,000,000 shall remain avail-
11 able until expended; transition activities for new members
12 and staff, \$1,721,533; Wounded Warrior Program
13 \$2,500,000, to remain available until expended; Office of
14 Congressional Ethics, \$1,548,000; and miscellaneous
15 items including purchase, exchange, maintenance, repair
16 and operation of House motor vehicles, interparliamentary
17 receptions, and gratuities to heirs of deceased employees
18 of the House, \$760,000.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN
21 MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE
22 USED FOR DEFICIT REDUCTION OR TO REDUCE THE
23 FEDERAL DEBT.—Notwithstanding any other provision of
24 law, any amounts appropriated under this Act for
25 “HOUSE OF REPRESENTATIVES—SALARIES AND

1 EXPENSES—MEMBERS’ REPRESENTATIONAL ALLOW-
2 ANCES” shall be available only for fiscal year 2012. Any
3 amount remaining after all payments are made under such
4 allowances for fiscal year 2012 shall be deposited in the
5 Treasury and used for deficit reduction (or, if there is no
6 Federal budget deficit after all such payments have been
7 made, for reducing the Federal debt, in such manner as
8 the Secretary of the Treasury considers appropriate).

9 (b) REGULATIONS.—The Committee on House Ad-
10 ministration of the House of Representatives shall have
11 authority to prescribe regulations to carry out this section.

12 (c) DEFINITION.—As used in this section, the term
13 “Member of the House of Representatives” means a Rep-
14 resentative in, or a Delegate or Resident Commissioner
15 to, the Congress.

16 REPUBLICAN POLICY COMMITTEE

17 SEC. 102. (a) Section 109(a) of the Legislative
18 Branch Appropriations Act, 2005 (2 U.S.C. 74a–13(a))
19 is amended by striking “the chair of the Republican Con-
20 ference” and inserting the following: “the Speaker of the
21 House of Representatives (or, if the Speaker is not a mem-
22 ber of the Republican Party, the Minority Leader of the
23 House of Representatives)”.

24 (b) Section 109(b) of such Act (2 U.S.C. 74a–13(b))
25 is amended by striking the period at the end and inserting

1 the following: “, and which shall be obligated and ex-
2 pended as directed by the Speaker (or, if the Speaker is
3 not a member of the Republican party, the Minority Lead-
4 er).”.

5 (c) The amendment made by subsection (a) shall
6 apply with respect to fiscal year 2012 and each succeeding
7 fiscal year.

8 AUTHORITY OF SPEAKER AND MINORITY LEADER TO
9 ALLOCATE FUNDS AMONG CERTAIN HOUSE LEAD-
10 ERSHIP OFFICES

11 SEC. 103. (a) AUTHORITY OF SPEAKER.—

12 (1) AUTHORITY DESCRIBED.—Notwithstanding
13 any other provision of law (including any provision
14 of law that sets forth an allowance for official ex-
15 penses), the amount appropriated or otherwise made
16 available during a Congress for the salaries and ex-
17 penses of any office or authority described in para-
18 graph (2) shall be the amount allocated for such of-
19 fice or authority by the Speaker of the House of
20 Representatives from the aggregate amount appro-
21 priated or otherwise made available for all such of-
22 fices and authorities.

23 (2) OFFICES AND AUTHORITIES DESCRIBED.—

24 The offices and authorities described in this para-
25 graph are as follows:

1 (A) The Office of the Speaker.

2 (B) The Speaker's Office for Legislative
3 Floor Activities.

4 (C) The Republican Steering Committee (if
5 the Speaker is a member of the Republican
6 party) or the Democratic Steering and Policy
7 Committee (if the Speaker is a member of the
8 Democratic party).

9 (D) The Republican Policy Committee (if
10 the Speaker is a member of the Republican
11 party).

12 (E) Training and program development—
13 majority (as described under the heading
14 “House leadership offices” in the most recent
15 bill making appropriations for the legislative
16 branch that was enacted prior to the date of the
17 enactment of this Act).

18 (F) Cloakroom personnel—majority (as so
19 described).

20 (b) AUTHORITY OF MINORITY LEADER.—

21 (1) AUTHORITY DESCRIBED.—Notwithstanding
22 any other provision of law (including any provision
23 of law that sets forth an allowance for official ex-
24 penses), the amount appropriated or otherwise made
25 available during a Congress for the salaries and ex-

1 penses of any office or authority described in para-
2 graph (2) shall be the amount allocated for such of-
3 fice or authority by the Minority Leader of the
4 House of Representatives from the aggregate
5 amount appropriated or otherwise made available for
6 all such offices and authorities.

7 (2) OFFICES AND AUTHORITIES DESCRIBED.—

8 The offices and authorities described in this para-
9 graph are as follows:

10 (A) The Office of the Minority Leader.

11 (B) The Democratic Steering and Policy
12 Committee (if the Minority Leader is a member
13 of the Democratic party) or the Republican
14 Steering Committee (if the Minority Leader is
15 a member of the Republican party).

16 (C) The Republican Policy Committee (if
17 the Minority Leader is a member of the Repub-
18 lican party).

19 (D) Training and program development—
20 minority (as described under the heading
21 “House leadership offices” in the most recent
22 bill making appropriations for the legislative
23 branch that was enacted prior to the date of the
24 enactment of this Act).

1 (E) Cloakroom personnel—minority (as so
2 described).

3 (F) Nine minority employees (as so de-
4 scribed).

5 (c) EFFECTIVE DATE.—This section shall apply with
6 respect to any months occurring during the One Hundred
7 Twelfth Congress that begin after the date of the enact-
8 ment of this Act, and to any succeeding Congress.

9 REPUBLICAN CONFERENCE AND THE DEMOCRATIC
10 STEERING AND POLICY COMMITTEE

11 SEC. 104. (a) Section 103(b) of the Legislative
12 Branch Appropriations Act, 1999 (2 U.S.C. 74a–8(b)) is
13 amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “Subject to the allocation described in sub-
16 section (c), funds” and inserting “Funds”;

17 (2) in paragraph (1), by striking “direct;” and
18 inserting the following: “direct (or, if the Speaker is
19 not a member of the Republican Party, under such
20 terms and conditions as the Minority Leader of the
21 House of Representatives may direct);”; and

22 (3) in paragraph (2), by striking “direct.” and
23 inserting the following: “direct (or, if the Speaker is
24 a member of the Democratic Party, under such
25 terms and conditions as the Speaker may direct).”.

1 (b) Section 103 of such Act (2 U.S.C. 74a–8(c)) is
2 amended—

3 (1) by striking subsection (c); and

4 (2) by redesignating subsection (d) as sub-
5 section (c).

6 (c) The amendments made by this section shall take
7 effect as if included in the enactment of the Legislative
8 Branch Appropriations Act, 1999.

9 TRANSFER OF HOUSE EMERGENCY PLANNING, PRE-
10 PAREDNESS, AND OPERATIONS FUNCTIONS TO SER-
11 GEANT AT ARMS

12 SEC. 105. Effective February 1, 2010—

13 (1) section 905 of the Emergency Supplemental
14 Act, 2002 (2 U.S.C. 130i) is repealed; and

15 (2) the functions and responsibilities of the Of-
16 fice of Emergency Planning, Preparedness and Op-
17 erations under section 905 of such Act are trans-
18 ferred and assigned to the Sergeant at Arms of the
19 House of Representatives.

20 JOINT ITEMS

21 For Joint Committees, as follows:

22 JOINT ECONOMIC COMMITTEE

23 For salaries and expenses of the Joint Economic
24 Committee, \$4,203,000, to be disbursed by the Secretary
25 of the Senate.

1 For other joint items, as follows:

2 OFFICE OF THE ATTENDING PHYSICIAN

3 For medical supplies, equipment, and contingent ex-
4 penses of the emergency rooms, and for the Attending
5 Physician and his assistants, including: (1) an allowance
6 of \$2,175 per month to the Attending Physician; (2) an
7 allowance of \$1,300 per month to the Senior Medical Offi-
8 cer; (3) an allowance of \$725 per month each to three
9 medical officers while on duty in the Office of the Attend-
10 ing Physician; (4) an allowance of \$725 per month to 2
11 assistants and \$580 per month each not to exceed 11 as-
12 sistants on the basis heretofore provided for such assist-
13 ants; and (5) \$2,427,000 for reimbursement to the De-
14 partment of the Navy for expenses incurred for staff and
15 equipment assigned to the Office of the Attending Physi-
16 cian, which shall be advanced and credited to the applica-
17 ble appropriation or appropriations from which such sala-
18 ries, allowances, and other expenses are payable and shall
19 be available for all the purposes thereof, \$3,400,000, to
20 be disbursed by the Chief Administrative Officer of the
21 House of Representatives.

1 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES
2 SALARIES AND EXPENSES

3 For salaries and expenses of the Office of Congres-
4 sional Accessibility Services, \$1,363,000, to be disbursed
5 by the Secretary of the Senate.

6 ADMINISTRATIVE PROVISION

7 SEC. 1001. (a) IN GENERAL.—Section 102(a) of the
8 Legislative Branch Appropriations Act, 2002 (2 U.S.C.
9 60c–5(a)) is amended—

10 (1) in paragraph (1), by inserting “, except as
11 provided under subsection (b)(3)” after “means an
12 individual”; and

13 (2) by striking paragraphs (2) and (3) and in-
14 serting the following:

15 “(2) EMPLOYEE OF THE SENATE.—The term
16 ‘employee of the Senate’—

17 “(A) has the meaning given the term
18 under section 101 of the Congressional Ac-
19 countability Act of 1995 (2 U.S.C. 1301); and

20 “(B) includes any employee of the Office of
21 Congressional Accessibility Services whose pay
22 is disbursed by the Secretary of the Senate.

23 “(3) EMPLOYING OFFICE.—The term ‘employ-
24 ing office’—

1 “(A) means the employing office, as de-
2 fined under section 101 of the Congressional
3 Accountability Act of 1995 (2 U.S.C. 1301), of
4 an employee of the Senate; and

5 “(B) includes the Office of Congressional
6 Accessibility Services with respect to employees
7 of that office whose pay is disbursed by the
8 Secretary of the Senate.”.

9 (b) EXCLUSION FROM PARTICIPATION IN DUAL PRO-
10 GRAMS.—Section 102(b) of the Legislative Branch Appro-
11 priations Act, 2002 (2 U.S.C. 60c–5(b)) is amended by
12 adding at the end the following:

13 “(3) EXCLUSION FROM PARTICIPATION IN DUAL
14 PROGRAMS.—Notwithstanding section 5379 of title
15 5, United States Code, an employee of the Office of
16 Congressional Accessibility Services may not partici-
17 pate in the student loan repayment program through
18 an agreement under that section and participate in
19 the student loan repayment program through a serv-
20 ice agreement under this section at the same time.”.

21 (c) EFFECTIVE DATE AND APPLICATION.—The
22 amendments made by this section shall take effect on the
23 date of enactment of this Act and apply to service agree-
24 ments entered into under section 102 of the Legislative
25 Branch Appropriations Act, 2002 (2 U.S.C. 60c–5) or sec-

1 tion 5379 of title 5, United States Code, on or after that
2 date.

3 CAPITOL POLICE

4 SALARIES

5 For salaries of employees of the Capitol Police, in-
6 cluding overtime, hazardous duty pay differential, and
7 Government contributions for health, retirement, social se-
8 curity, professional liability insurance, and other applica-
9 ble employee benefits, \$277,133,000, to be disbursed by
10 the Chief of the Capitol Police or his designee.

11 GENERAL EXPENSES

12 For necessary expenses of the Capitol Police, includ-
13 ing motor vehicles, communications and other equipment,
14 security equipment and installation, uniforms, weapons,
15 supplies, materials, training, medical services, forensic
16 services, stenographic services, personal and professional
17 services, the employee assistance program, the awards pro-
18 gram, postage, communication services, travel advances,
19 relocation of instructor and liaison personnel for the Fed-
20 eral Law Enforcement Training Center, and not more
21 than \$5,000 to be expended on the certification of the
22 Chief of the Capitol Police in connection with official rep-
23 resentation and reception expenses, \$63,004,000, of which
24 \$2,400,000 shall remain available until September 30,
25 2014, to be disbursed by the Chief of the Capitol Police

1 or his designee: *Provided*, That, notwithstanding any other
2 provision of law, the cost of basic training for the Capitol
3 Police at the Federal Law Enforcement Training Center
4 for fiscal year 2012 shall be paid by the Secretary of
5 Homeland Security from funds available to the Depart-
6 ment of Homeland Security.

7 ADMINISTRATIVE PROVISIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 1101. Amounts appropriated for fiscal year
10 2012 for the Capitol Police may be transferred between
11 the headings “Salaries” and “General expenses” upon the
12 approval of the Committees on Appropriations of the
13 House of Representatives and the Senate.

14 WAIVER BY CHIEF OF CAPITOL POLICE OF CLAIMS ARISING
15 OUT OF ERRONEOUS PAYMENTS TO OFFICERS
16 AND EMPLOYEES

17 SEC. 1102. (a) WAIVER OF CLAIM.—Subject to the
18 joint approval of the Chief Administrative Officer of the
19 House of Representatives and the Secretary of the Senate,
20 the Chief of the United States Capitol Police may waive
21 in whole or in part a claim of the United States against
22 a person arising out of an erroneous payment of any pay
23 or allowances, other than travel and transportation ex-
24 penses and allowances, to an officer, member, or employee
25 of the United States Capitol Police, if the collection of the

1 claim would be against equity and good conscience and
2 not in the best interests of the United States.

3 (b) INVESTIGATION OF APPLICATION; REPORT.—The
4 Chief shall investigate each application for the waiver of
5 a claim under subsection (a) and shall submit a written
6 report of the investigation, including a description of the
7 facts and circumstances of the claim, to the Chief Admin-
8 istrative Officer of the House of Representatives and the
9 Secretary of the Senate, except that if the aggregate
10 amount of the claim involved exceeds \$1,500, the Comp-
11 troller General may also investigate the application and
12 submit a written report of the investigation, including a
13 description of the facts and circumstances of the claim,
14 to the Chief Administrative Officer of the House of Rep-
15 resentatives and the Secretary of the Senate.

16 (c) PROHIBITION OF WAIVER UNDER CERTAIN CIR-
17 CUMSTANCES.—The Chief may not exercise the authority
18 to waive a claim under subsection (a) if—

19 (1) in the Chief’s opinion, there exists in con-
20 nection with the claim an indication of fraud, mis-
21 representation, fault, or lack of good faith on the
22 part of the officer, member, or employee involved or
23 of any other person having an interest in obtaining
24 a waiver of the claim; or

1 (2) the Chief receives the application for the
2 waiver after the expiration of the 3-year period that
3 begins on the date on which the erroneous payment
4 of pay or allowances was discovered.

5 (d) CREDIT FOR WAIVER.—In the audit and settle-
6 ment of accounts of any accountable officer or official, full
7 credit shall be given for any amounts with respect to which
8 collection by the United States is waived under subsection
9 (a).

10 (e) EFFECT OF WAIVER.—An erroneous payment,
11 the collection of which is waived under subsection (a), is
12 deemed a valid payment for all purposes.

13 (f) CONSTRUCTION WITH OTHER LAWS.—This sec-
14 tion does not affect any authority under any other law
15 to litigate, settle, compromise, or waive any claim of the
16 United States.

17 (g) RULES AND REGULATIONS.—Subject to the ap-
18 proval of the Chief Administrative Officer of the House
19 of Representatives and the Secretary of the Senate, the
20 Chief shall promulgate rules and regulations to carry out
21 this section.

22 (h) EFFECTIVE DATE.—This section shall apply with
23 respect to payments of pay and allowances made at any
24 time after the Chief became the disbursing officer for the
25 United States Capitol Police pursuant to section 1018(a)

1 of the Legislative Branch Appropriations Act, 2003 (2
2 U.S.C. 1907(a)).

3 OFFICE OF COMPLIANCE

4 SALARIES AND EXPENSES

5 For salaries and expenses of the Office of Compli-
6 ance, as authorized by section 305 of the Congressional
7 Accountability Act of 1995 (2 U.S.C. 1385), \$3,817,000,
8 of which \$700,000 shall remain available until September
9 30, 2013: *Provided*, That not more than \$500 may be ex-
10 pended on the certification of the Executive Director of
11 the Office of Compliance in connection with official rep-
12 resentation and reception expenses.

13 CONGRESSIONAL BUDGET OFFICE

14 SALARIES AND EXPENSES

15 For salaries and expenses necessary for operation of
16 the Congressional Budget Office, including not more than
17 \$6,000 to be expended on the certification of the Director
18 of the Congressional Budget Office in connection with offi-
19 cial representation and reception expenses, \$43,787,000.

20 ARCHITECT OF THE CAPITOL

21 GENERAL ADMINISTRATION

22 For salaries for the Architect of the Capitol, and
23 other personal services, at rates of pay provided by law;
24 for surveys and studies in connection with activities under
25 the care of the Architect of the Capitol; for all necessary

1 expenses for the general and administrative support of the
2 operations under the Architect of the Capitol including the
3 Botanic Garden; electrical substations of the Capitol, Sen-
4 ate and House office buildings, and other facilities under
5 the jurisdiction of the Architect of the Capitol; including
6 furnishings and office equipment; including not more than
7 \$5,000 for official reception and representation expenses,
8 to be expended as the Architect of the Capitol may ap-
9 prove; for purchase or exchange, maintenance, and oper-
10 ation of a passenger motor vehicle, \$101,340,000, of
11 which \$3,749,000 shall remain available until September
12 30, 2016.

13 CAPITOL BUILDING

14 For all necessary expenses for the maintenance, care
15 and operation of the Capitol, \$36,154,000, of which
16 \$11,063,000 shall remain available until September 30,
17 2016.

18 CAPITOL GROUNDS

19 For all necessary expenses for care and improvement
20 of grounds surrounding the Capitol, the Senate and House
21 office buildings, and the Capitol Power Plant, \$9,852,000.

22 SENATE OFFICE BUILDINGS

23 For all necessary expenses for the maintenance, care
24 and operation of Senate office buildings; and furniture and
25 furnishings to be expended under the control and super-

1 vision of the Architect of the Capitol, \$71,128,000, of
2 which \$13,128,000 shall remain available until September
3 30, 2016.

4 HOUSE OFFICE BUILDINGS

5 For all necessary expenses for the maintenance, care
6 and operation of the House office buildings, \$94,154,000,
7 of which \$45,631,000 shall remain available until Sep-
8 tember 30, 2016.

9 In addition, for a payment to the House Historic
10 Buildings Revitalization Trust Fund, \$30,000,000, shall
11 remain available until expended.

12 CAPITOL POWER PLANT

13 For all necessary expenses for the maintenance, care
14 and operation of the Capitol Power Plant; lighting, heat-
15 ing, power (including the purchase of electrical energy)
16 and water and sewer services for the Capitol, Senate and
17 House office buildings, Library of Congress buildings, and
18 the grounds about the same, Botanic Garden, Senate ga-
19 rage, and air conditioning refrigeration not supplied from
20 plants in any of such buildings; heating the Government
21 Printing Office and Washington City Post Office, and
22 heating and chilled water for air conditioning for the Su-
23 preme Court Building, the Union Station complex, the
24 Thurgood Marshall Federal Judiciary Building and the
25 Folger Shakespeare Library, expenses for which shall be

1 advanced or reimbursed upon request of the Architect of
2 the Capitol and amounts so received shall be deposited
3 into the Treasury to the credit of this appropriation,
4 \$123,229,000, of which \$37,617,000 shall remain avail-
5 able until September 30, 2016: *Provided*, That not more
6 than \$9,000,000 of the funds credited or to be reimbursed
7 to this appropriation as herein provided shall be available
8 for obligation during fiscal year 2012.

9 LIBRARY BUILDINGS AND GROUNDS

10 For all necessary expenses for the mechanical and
11 structural maintenance, care and operation of the Library
12 buildings and grounds, \$46,876,000, of which
13 \$21,116,000 shall remain available until September 30,
14 2016.

15 CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

16 For all necessary expenses for the maintenance, care
17 and operation of buildings, grounds and security enhance-
18 ments of the United States Capitol Police, wherever lo-
19 cated, the Alternate Computer Facility, and AOC security
20 operations, \$21,500,000, of which \$3,473,000 shall re-
21 main available until September 30, 2016.

22 BOTANIC GARDEN

23 For all necessary expenses for the maintenance, care
24 and operation of the Botanic Garden and the nurseries,
25 buildings, grounds, and collections; and purchase and ex-

1 change, maintenance, repair, and operation of a passenger
2 motor vehicle; all under the direction of the Joint Com-
3 mittee on the Library, \$12,000,000: *Provided*, That of the
4 amount made available under this heading, the Architect
5 of the Capitol may obligate and expend such sums as may
6 be necessary for the maintenance, care and operation of
7 the National Garden established under section 307E of
8 the Legislative Branch Appropriations Act, 1989 (2
9 U.S.C. 2146), upon vouchers approved by the Architect
10 of the Capitol or a duly authorized designee.

11 CAPITOL VISITOR CENTER

12 For all necessary expenses for the operation of the
13 Capitol Visitor Center, \$21,276,000.

14 ADMINISTRATIVE PROVISIONS

15 (INCLUDING TRANSFER OF FUNDS)

16 USE OF CONSTRUCTION PROJECT FUNDS TO REIMBURSE

17 CAPITOL POLICE FOR RELATED OVERTIME COSTS

18 SEC. 1201. (a) PAYMENT OF OVERTIME COSTS.—

19 The Architect of the Capitol shall transfer amounts made
20 available for construction projects during a fiscal year to
21 the applicable appropriations accounts of the United
22 States Capitol Police in order to reimburse the Capitol Po-
23 lice for overtime costs incurred in connection with such
24 projects.

1 (b) EFFECTIVE DATE.—This section shall apply with
2 respect to fiscal year 2013 and each succeeding fiscal year.

3 TRANSFER TO ARCHITECT OF THE CAPITOL

4 SEC. 1202. (a) TRANSFER.—To the extent that the
5 Director of the National Park Service has jurisdiction and
6 control over any portion of the area described in sub-
7 section (b) and any monument or other facility which is
8 located within such area, such jurisdiction and control is
9 hereby transferred to the Architect of the Capitol as of
10 the date of the enactment of this Act.

11 (b) AREA DESCRIBED.—The area described in this
12 subsection is the property which is bounded on the north
13 by Pennsylvania Avenue Northwest, on the east by First
14 Street Northwest and First Street Southwest, on the
15 south by Maryland Avenue Southwest, and on the west
16 by Third Street Southwest and Third Street Northwest.

17 LIBRARY OF CONGRESS

18 SALARIES AND EXPENSES

19 For necessary expenses of the Library of Congress
20 not otherwise provided for, including development and
21 maintenance of the Library's catalogs; custody and custo-
22 dial care of the Library buildings; special clothing; clean-
23 ing, laundering and repair of uniforms; preservation of
24 motion pictures in the custody of the Library; operation
25 and maintenance of the American Folklife Center in the
26 Library; activities under the Civil Rights History Project

1 Act of 2009; preparation and distribution of catalog
2 records and other publications of the Library; hire or pur-
3 chase of one passenger motor vehicle; and expenses of the
4 Library of Congress Trust Fund Board not properly
5 chargeable to the income of any trust fund held by the
6 Board, \$420,093,000, of which not more than \$6,000,000
7 shall be derived from collections credited to this appropria-
8 tion during fiscal year 2012, and shall remain available
9 until expended, under the Act of June 28, 1902 (chapter
10 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than
11 \$350,000 shall be derived from collections during fiscal
12 year 2012 and shall remain available until expended for
13 the development and maintenance of an international legal
14 information database and activities related thereto: *Pro-*
15 *vided*, That the Library of Congress may not obligate or
16 expend any funds derived from collections under the Act
17 of June 28, 1902, in excess of the amount authorized for
18 obligation or expenditure in appropriations Acts: *Provided*
19 *further*, That the total amount available for obligation
20 shall be reduced by the amount by which collections are
21 less than \$6,350,000: *Provided further*, That of the total
22 amount appropriated, not more than \$12,000 may be ex-
23 pended, on the certification of the Librarian of Congress,
24 in connection with official representation and reception ex-
25 penses for the Overseas Field Offices: *Provided further*,

1 That of the total amount appropriated, \$6,959,000 shall
2 remain available until expended for the digital collections
3 and educational curricula program.

4 COPYRIGHT OFFICE

5 SALARIES AND EXPENSES

6 For all necessary expenses of the Copyright Office,
7 \$51,650,000, of which not more than \$28,029,000, to re-
8 main available until expended, shall be derived from collec-
9 tions credited to this appropriation during fiscal year 2012
10 under section 708(d) of title 17, United States Code: *Pro-*
11 *vided*, That not more than \$2,000,000 shall be derived
12 from prior year available unobligated balances: *Provided*
13 *further*, That the Copyright Office may not obligate or ex-
14 pend any funds derived from collections under such sec-
15 tion, in excess of the amount authorized for obligation or
16 expenditure in appropriations Acts: *Provided further*, That
17 not more than \$5,484,000 shall be derived from collections
18 during fiscal year 2012 under sections 111(d)(2),
19 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided*
20 *further*, That the total amount available for obligation
21 shall be reduced by the amount by which collections and
22 prior year available unobligated balances are less than
23 \$35,513,000: *Provided further*, That not more than
24 \$100,000 of the amount appropriated is available for the
25 maintenance of an “International Copyright Institute” in

1 the Copyright Office of the Library of Congress for the
2 purpose of training nationals of developing countries in
3 intellectual property laws and policies: *Provided further*,
4 That not more than \$4,250 may be expended, on the cer-
5 tification of the Librarian of Congress, in connection with
6 official representation and reception expenses for activities
7 of the International Copyright Institute and for copyright
8 delegations, visitors, and seminars: *Provided further*, That
9 notwithstanding any provision of chapter 8 of title 17,
10 United States Code, any amounts made available under
11 this heading which are attributable to royalty fees and
12 payments received by the Copyright Office pursuant to
13 sections 111, 119, and chapter 10 of such title may be
14 used for the costs incurred in the administration of the
15 Copyright Royalty Judges program, with the exception of
16 the costs of salaries and benefits for the Copyright Royalty
17 Judges and staff under section 802(e).

18 CONGRESSIONAL RESEARCH SERVICE

19 SALARIES AND EXPENSES

20 For all necessary expenses to carry out the provisions
21 of section 203 of the Legislative Reorganization Act of
22 1946 (2 U.S.C. 166) and to revise and extend the Anno-
23 tated Constitution of the United States of America,
24 \$106,790,000: *Provided*, That no part of such amount
25 may be used to pay any salary or expense in connection

1 with any publication, or preparation of material therefor
2 (except the Digest of Public General Bills), to be issued
3 by the Library of Congress unless such publication has
4 obtained prior approval of either the Committee on House
5 Administration of the House of Representatives or the
6 Committee on Rules and Administration of the Senate.

7 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED
8 SALARIES AND EXPENSES

9 For salaries and expenses to carry out the Act of
10 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
11 135a), \$50,674,000: *Provided*, That of the total amount
12 appropriated, \$650,000 shall be available to contract to
13 provide newspapers to blind and physically handicapped
14 residents at no cost to the individual.

15 ADMINISTRATIVE PROVISIONS

16 REIMBURSABLE AND REVOLVING FUND ACTIVITIES

17 SEC. 1301. (a) IN GENERAL.—For fiscal year 2012,
18 the obligational authority of the Library of Congress for
19 the activities described in subsection (b) may not exceed
20 \$169,725,000.

21 (b) ACTIVITIES.—The activities referred to in sub-
22 section (a) are reimbursable and revolving fund activities
23 that are funded from sources other than appropriations
24 to the Library in appropriations Acts for the legislative
25 branch.

1 FUNDS AVAILABLE FOR WORKERS COMPENSATION
2 PAYMENTS

3 SEC. 1303. (a) IN GENERAL.—Available balances of
4 expired Library of Congress appropriations shall be avail-
5 able to the Library of Congress to make the deposit to
6 the credit of the Employees' Compensation Fund required
7 by subsection 8147(b) of title 5, United States Code.

8 (b) EFFECTIVE DATE.—This section shall apply with
9 respect to appropriations for fiscal year 2012 and each
10 fiscal year thereafter.

11 PERMITTING USE OF PROCEEDS FROM DISPOSITION OF
12 SURPLUS OR OBSOLETE PERSONAL PROPERTY

13 SEC. 1304. (a) DISPOSITION OF PROPERTY.—Within
14 the limits of available appropriations, the Librarian of
15 Congress may dispose of surplus or obsolete personal
16 property of the Library of Congress by interagency trans-
17 fer, donation, sale, trade-in, or other appropriate method.

18 (b) USE OF PROCEEDS.—Any amounts received by
19 the Librarian of Congress from the disposition of property
20 under subsection (a) shall be credited to the funds avail-
21 able for the operations of the Library of Congress, and
22 shall be available to acquire the same or similar property
23 during the fiscal year in which the amounts are received
24 and the following fiscal year.

25 (c) EFFECTIVE DATE.—This section shall apply with
26 respect to fiscal year 2012 and each succeeding fiscal year.

1 GOVERNMENT PRINTING OFFICE
2 CONGRESSIONAL PRINTING AND BINDING
3 (INCLUDING TRANSFER OF FUNDS)

4 For authorized printing and binding for the Congress
5 and the distribution of Congressional information in any
6 format; printing and binding for the Architect of the Cap-
7 itol; expenses necessary for preparing the semimonthly
8 and session index to the Congressional Record, as author-
9 ized by law (section 902 of title 44, United States Code);
10 printing and binding of Government publications author-
11 ized by law to be distributed to Members of Congress; and
12 printing, binding, and distribution of Government publica-
13 tions authorized by law to be distributed without charge
14 to the recipient, \$90,700,000: *Provided*, That this appro-
15 priation shall not be available for paper copies of the per-
16 manent edition of the Congressional Record for individual
17 Representatives, Resident Commissioners or Delegates au-
18 thorized under section 906 of title 44, United States Code:
19 *Provided further*, That this appropriation shall be available
20 for the payment of obligations incurred under the appro-
21 priations for similar purposes for preceding fiscal years:
22 *Provided further*, That notwithstanding the 2-year limita-
23 tion under section 718 of title 44, United States Code,
24 none of the funds appropriated or made available under
25 this Act or any other Act for printing and binding and

1 related services provided to Congress under chapter 7 of
2 title 44, United States Code, may be expended to print
3 a document, report, or publication after the 27-month pe-
4 riod beginning on the date that such document, report,
5 or publication is authorized by Congress to be printed, un-
6 less Congress reauthorizes such printing in accordance
7 with section 718 of title 44, United States Code: *Provided*
8 *further*, That any unobligated or unexpended balances in
9 this account or accounts for similar purposes for preceding
10 fiscal years may be transferred to the Government Print-
11 ing Office revolving fund for carrying out the purposes of
12 this heading, subject to the approval of the Committees
13 on Appropriations of the House of Representatives and
14 Senate: *Provided further*, That notwithstanding sections
15 901, 902, and 906 of title 44, United States Code, this
16 appropriation may be used to prepare indexes to the Con-
17 gressional Record on only a monthly and session basis.

18 OFFICE OF SUPERINTENDENT OF DOCUMENTS

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses of the Office of Superintendent of Doc-
22 uments necessary to provide for the cataloging and index-
23 ing of Government publications and their distribution to
24 the public, Members of Congress, other Government agen-
25 cies, and designated depository and international exchange

1 libraries as authorized by law, \$35,000,000: *Provided*,
2 That amounts of not more than \$2,000,000 from current
3 year appropriations are authorized for producing and dis-
4 seminating congressional serial sets and other related pub-
5 lications for fiscal years 2010 and 2011 to depository and
6 other designated libraries: *Provided further*, That any un-
7 obligated or unexpended balances in this account or ac-
8 counts for similar purposes for preceding fiscal years may
9 be transferred to the Government Printing Office revolv-
10 ing fund for carrying out the purposes of this heading,
11 subject to the approval of the Committees on Appropria-
12 tions of the House of Representatives and Senate.

13 GOVERNMENT PRINTING OFFICE REVOLVING FUND

14 For payment to the Government Printing Office Re-
15 volving Fund, \$500,000 for information technology devel-
16 opment: *Provided*, That the Government Printing Office
17 is hereby authorized to make such expenditures, within the
18 limits of funds available and in accordance with law, and
19 to make such contracts and commitments without regard
20 to fiscal year limitations as provided by section 9104 of
21 title 31, United States Code, as may be necessary in car-
22 rying out the programs and purposes set forth in the
23 budget for the current fiscal year for the Government
24 Printing Office revolving fund: *Provided further*, That not
25 more than \$7,500 may be expended on the certification

1 of the Public Printer in connection with official represen-
2 tation and reception expenses: *Provided further*, That the
3 revolving fund shall be available for the hire or purchase
4 of not more than 12 passenger motor vehicles: *Provided*
5 *further*, That expenditures in connection with travel ex-
6 penses of the advisory councils to the Public Printer shall
7 be deemed necessary to carry out the provisions of title
8 44, United States Code: *Provided further*, That the revol-
9 ving fund shall be available for temporary or intermittent
10 services under section 3109(b) of title 5, United States
11 Code, but at rates for individuals not more than the daily
12 equivalent of the annual rate of basic pay for level V of
13 the Executive Schedule under section 5316 of such title:
14 *Provided further*, That activities financed through the re-
15 volving fund may provide information in any format: *Pro-*
16 *vided further*, That the revolving fund and the funds pro-
17 vided under the headings “Office of Superintendent of
18 Documents” and “Salaries and Expenses” may not be
19 used for contracted security services at GPO’s passport
20 facility in the District of Columbia.

21 GOVERNMENT ACCOUNTABILITY OFFICE

22 SALARIES AND EXPENSES

23 For necessary expenses of the Government Account-
24 ability Office, including not more than \$12,500 to be ex-
25 pended on the certification of the Comptroller General of

1 the United States in connection with official representa-
2 tion and reception expenses; temporary or intermittent
3 services under section 3109(b) of title 5, United States
4 Code, but at rates for individuals not more than the daily
5 equivalent of the annual rate of basic pay for level IV of
6 the Executive Schedule under section 5315 of such title;
7 hire of one passenger motor vehicle; advance payments in
8 foreign countries in accordance with section 3324 of title
9 31, United States Code; benefits comparable to those pay-
10 able under sections 901(5), (6), and (8) of the Foreign
11 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));
12 and under regulations prescribed by the Comptroller Gen-
13 eral of the United States, rental of living quarters in for-
14 eign countries, \$511,296,000: *Provided*, That, in addition,
15 \$22,304,000 of payments received under sections 782,
16 3521, and 9105 of title 31, United States Code, shall be
17 available without fiscal year limitation: *Provided further*,
18 That this appropriation and appropriations for adminis-
19 trative expenses of any other department or agency which
20 is a member of the National Intergovernmental Audit
21 Forum or a Regional Intergovernmental Audit Forum
22 shall be available to finance an appropriate share of either
23 Forum's costs as determined by the respective Forum, in-
24 cluding necessary travel expenses of non-Federal partici-
25 pants: *Provided further*, That payments hereunder to the

1 Forum may be credited as reimbursements to any appro-
2 priation from which costs involved are initially financed.

3 ADMINISTRATIVE PROVISION

4 SEC. 1401. (a) Section 210 of the Legislative Branch
5 Appropriations Act, 2005 (2 U.S.C. 60q) is amended—

6 (1) by striking subsection (d); and

7 (2) in subsection (f)(2)(A), by striking “United
8 States Code” and inserting “United States Code,
9 but excluding the Government Accountability Of-
10 fice”.

11 (b) Section 3521(1) of title 5, United States Code,
12 is amended by striking “section 105” and inserting “sec-
13 tion 105 (other than the Government Accountability Of-
14 fice)”.

15 (c) The amendments made by this section shall apply
16 with respect to voluntary separation incentive payments
17 made during fiscal year 2012 or any succeeding fiscal
18 year.

19 OPEN WORLD LEADERSHIP CENTER TRUST
20 FUND

21 For a payment to the Open World Leadership Center
22 Trust Fund for financing activities of the Open World
23 Leadership Center under section 313 of the Legislative
24 Branch Appropriations Act, 2001 (2 U.S.C. 1151),
25 \$10,000,000.

1 JOHN C. STENNIS CENTER FOR PUBLIC
2 SERVICE TRAINING AND DEVELOPMENT

3 For payment to the John C. Stennis Center for Pub-
4 lic Service Development Trust Fund established under
5 section 116 of the John C. Stennis Center for Public Serv-
6 ice Training and Development Act (2 U.S.C. 1105),
7 \$430,000.

1 TITLE II—GENERAL PROVISIONS

2

3 MAINTENANCE AND CARE OF PRIVATE VEHICLES

4 SEC. 201. No part of the funds appropriated in this
5 Act shall be used for the maintenance or care of private
6 vehicles, except for emergency assistance and cleaning as
7 may be provided under regulations relating to parking fa-
8 cilities for the House of Representatives issued by the
9 Committee on House Administration and for the Senate
10 issued by the Committee on Rules and Administration.

11

FISCAL YEAR LIMITATION

12 SEC. 202. No part of the funds appropriated in this
13 Act shall remain available for obligation beyond fiscal year
14 2012 unless expressly so provided in this Act.

15

RATES OF COMPENSATION AND DESIGNATION

16 SEC. 203. Whenever in this Act any office or position
17 not specifically established by the Legislative Pay Act of
18 1929 (46 Stat. 32 et seq.) is appropriated for or the rate
19 of compensation or designation of any office or position
20 appropriated for is different from that specifically estab-
21 lished by such Act, the rate of compensation and the des-
22 ignation in this Act shall be the permanent law with re-
23 spect thereto: *Provided*, That the provisions in this Act
24 for the various items of official expenses of Members, offi-
25 cers, and committees of the Senate and House of Rep-

1 representatives, and clerk hire for Senators and Members of
2 the House of Representatives shall be the permanent law
3 with respect thereto.

4 CONSULTING SERVICES

5 SEC. 204. The expenditure of any appropriation
6 under this Act for any consulting service through procure-
7 ment contract, under section 3109 of title 5, United States
8 Code, shall be limited to those contracts where such ex-
9 penditures are a matter of public record and available for
10 public inspection, except where otherwise provided under
11 existing law, or under existing Executive order issued
12 under existing law.

13 AWARDS AND SETTLEMENTS

14 SEC. 205. Such sums as may be necessary are appro-
15 priated to the account described in subsection (a) of sec-
16 tion 415 of the Congressional Accountability Act of 1995
17 (2 U.S.C. 1415(a)) to pay awards and settlements as au-
18 thorized under such subsection.

19 COSTS OF LBFMC

20 SEC. 206. Amounts available for administrative ex-
21 penses of any legislative branch entity which participates
22 in the Legislative Branch Financial Managers Council
23 (LBFMC) established by charter on March 26, 1996, shall
24 be available to finance an appropriate share of LBFMC
25 costs as determined by the LBFMC, except that the total

1 LBFMC costs to be shared among all participating legisla-
2 tive branch entities (in such allocations among the entities
3 as the entities may determine) may not exceed \$2,000.

4 LANDSCAPE MAINTENANCE

5 SEC. 207. The Architect of the Capitol, in consulta-
6 tion with the District of Columbia, is authorized to main-
7 tain and improve the landscape features, excluding streets,
8 in the irregular shaped grassy areas bounded by Wash-
9 ington Avenue, SW, on the northeast, Second Street, SW,
10 on the west, Square 582 on the south, and the beginning
11 of the I-395 tunnel on the southeast.

12 LIMITATION ON TRANSFERS

13 SEC. 208. None of the funds made available in this
14 Act may be transferred to any department, agency, or in-
15 strumentality of the United States Government, except
16 pursuant to a transfer made by, or transfer authority pro-
17 vided in, this Act or any other appropriation Act.

18 GUIDED TOURS OF THE CAPITOL

19 SEC. 209. (a) Except as provided in subsection (b),
20 none of the funds made available to the Architect of the
21 Capitol in this Act may be used to eliminate or restrict
22 guided tours of the United States Capitol which are led
23 by employees and interns of offices of Members of Con-
24 gress and other offices of the House of Representatives
25 and Senate.

1 (b) At the direction of the Capitol Police Board, or
2 at the direction of the Architect of the Capitol with the
3 approval of the Capitol Police Board, guided tours of the
4 United States Capitol which are led by employees and in-
5 terns described in subsection (a) may be suspended tempo-
6 rarily or otherwise subject to restriction for security or re-
7 lated reasons to the same extent as guided tours of the
8 United States Capitol which are led by the Architect of
9 the Capitol.

10 SEC. 210. None of the funds made available in this
11 Act may be used to deliver a printed copy of a bill, joint
12 resolution, or resolution to the office of a Member of the
13 House of Representatives (including a Delegate or Resi-
14 dent Commissioner to the Congress) unless the Member
15 requests a copy.

16 SEC. 211. None of the funds made available by this
17 Act may be used to deliver a printed copy of any version
18 of the Congressional Record to the office of a Member of
19 the House of Representatives (including a Delegate or
20 Resident Commissioner to the Congress).

21 SEC. 212. None of the funds made available in this
22 Act may be used by the Chief Administrative Officer of
23 the House of Representatives to make any payments from
24 any Members' Representational Allowance for the leasing
25 of a vehicle, excluding mobile district offices, in an aggre-

1 gate amount that exceeds \$1,000 for the vehicle in any
2 month.

3 This division may be cited as the “Legislative Branch
4 Appropriations Act, 2012”.

1 **DIVISION H—MILITARY CONSTRUCTION**
2 **AND VETERANS AFFAIRS AND RE-**
3 **LATED AGENCIES APPROPRIATIONS**
4 **ACT, 2012**

5 TITLE I

6 DEPARTMENT OF DEFENSE

7 MILITARY CONSTRUCTION, ARMY

8 For acquisition, construction, installation, and equip-
9 ment of temporary or permanent public works, military
10 installations, facilities, and real property for the Army as
11 currently authorized by law, including personnel in the
12 Army Corps of Engineers and other personal services nec-
13 essary for the purposes of this appropriation, and for con-
14 struction and operation of facilities in support of the func-
15 tions of the Commander in Chief, \$3,006,491,000, to re-
16 main available until September 30, 2016: *Provided*, That
17 of this amount, not to exceed \$229,741,000 shall be avail-
18 able for study, planning, design, architect and engineer
19 services, and host nation support, as authorized by law,
20 unless the Secretary of Army determines that additional
21 obligations are necessary for such purposes and notifies
22 the Committees on Appropriations of both Houses of Con-
23 gress of the determination and the reasons therefor.

1 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, naval in-
4 stallations, facilities, and real property for the Navy and
5 Marine Corps as currently authorized by law, including
6 personnel in the Naval Facilities Engineering Command
7 and other personal services necessary for the purposes of
8 this appropriation, \$2,112,823,000, to remain available
9 until September 30, 2016: *Provided*, That of this amount,
10 not to exceed \$84,362,000 shall be available for study,
11 planning, design, and architect and engineer services, as
12 authorized by law, unless the Secretary of Navy deter-
13 mines that additional obligations are necessary for such
14 purposes and notifies the Committees on Appropriations
15 of both Houses of Congress of the determination and the
16 reasons therefor.

17 MILITARY CONSTRUCTION, AIR FORCE

18 For acquisition, construction, installation, and equip-
19 ment of temporary or permanent public works, military
20 installations, facilities, and real property for the Air Force
21 as currently authorized by law, \$1,227,058,000, to remain
22 available until September 30, 2016: *Provided*, That of this
23 amount, not to exceed \$81,913,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Secretary of Air

1 Force determines that additional obligations are necessary
2 for such purposes and notifies the Committees on Appro-
3 priations of both Houses of Congress of the determination
4 and the reasons therefor.

5 MILITARY CONSTRUCTION, DEFENSE-WIDE

6 (INCLUDING TRANSFER OF FUNDS)

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, installa-
9 tions, facilities, and real property for activities and agen-
10 cies of the Department of Defense (other than the military
11 departments), as currently authorized by law,
12 \$3,431,957,000, to remain available until September 30,
13 2016: *Provided*, That such amounts of this appropriation
14 as may be determined by the Secretary of Defense may
15 be transferred to such appropriations of the Department
16 of Defense available for military construction or family
17 housing as the Secretary may designate, to be merged with
18 and to be available for the same purposes, and for the
19 same time period, as the appropriation or fund to which
20 transferred: *Provided further*, That of the amount appro-
21 priated, not to exceed \$430,602,000 shall be available for
22 study, planning, design, and architect and engineer serv-
23 ices, as authorized by law, unless the Secretary of Defense
24 determines that additional obligations are necessary for
25 such purposes and notifies the Committees on Appropria-

1 tions of both Houses of Congress of the determination and
2 the reasons therefor: *Provided further*, That of the amount
3 appropriated, notwithstanding any other provision of law,
4 \$24,118,000 shall be available for payments to the North
5 Atlantic Treaty Organization for the planning, design, and
6 construction of a new North Atlantic Treaty Organization
7 headquarters: *Provided further*, That the Department of
8 Defense shall not award a design contract to exceed the
9 20 percent design level for the Landstuhl Regional Med-
10 ical Center in Germany until the Secretary of Defense:
11 (1) provides the Committees on Appropriations of the
12 House of Representatives and the Senate a plan for imple-
13 menting the recommendations of the Government Ac-
14 countability Office with respect to the plans, baseline data,
15 and estimated cost of the facility; and (2) certifies in writ-
16 ing to the Committees that the facility is properly sized
17 and scoped to meet current and projected healthcare re-
18 quirements.

19 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

20 For construction, acquisition, expansion, rehabilita-
21 tion, and conversion of facilities for the training and ad-
22 ministration of the Army National Guard, and contribu-
23 tions therefor, as authorized by chapter 1803 of title 10,
24 United States Code, and Military Construction Authoriza-
25 tion Acts, \$773,592,000, to remain available until Sep-

1 tember 30, 2016: *Provided*, That of the amount appro-
2 priated, not to exceed \$20,671,000 shall be available for
3 study, planning, design, and architect and engineer serv-
4 ices, as authorized by law, unless the Director of the Army
5 National Guard determines that additional obligations are
6 necessary for such purposes and notifies the Committees
7 on Appropriations of both Houses of Congress of the de-
8 termination and the reasons therefor.

9 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air National Guard, and contributions
13 therefor, as authorized by chapter 1803 of title 10, United
14 States Code, and Military Construction Authorization
15 Acts, \$116,246,000, to remain available until September
16 30, 2016: *Provided*, That of the amount appropriated, not
17 to exceed \$12,225,000 shall be available for study, plan-
18 ning, design, and architect and engineer services, as au-
19 thorized by law, unless the Director of the Air National
20 Guard determines that additional obligations are nec-
21 essary for such purposes and notifies the Committees on
22 Appropriations of both Houses of Congress of the deter-
23 mination and the reasons therefor.

1 MILITARY CONSTRUCTION, ARMY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army Reserve as authorized by chapter
5 1803 of title 10, United States Code, and Military Con-
6 struction Authorization Acts, \$280,549,000, to remain
7 available until September 30, 2016: *Provided*, That of the
8 amount appropriated, not to exceed \$28,924,000 shall be
9 available for study, planning, design, and architect and en-
10 gineer services, as authorized by law, unless the Chief of
11 the Army Reserve determines that additional obligations
12 are necessary for such purposes and notifies the Commit-
13 tees on Appropriations of both Houses of Congress of the
14 determination and the reasons therefor.

15 MILITARY CONSTRUCTION, NAVY RESERVE

16 For construction, acquisition, expansion, rehabilita-
17 tion, and conversion of facilities for the training and ad-
18 ministration of the reserve components of the Navy and
19 Marine Corps as authorized by chapter 1803 of title 10,
20 United States Code, and Military Construction Authoriza-
21 tion Acts, \$26,299,000, to remain available until Sep-
22 tember 30, 2016: *Provided*, That of the amount appro-
23 priated, not to exceed \$2,591,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Secretary of the

1 Navy determines that additional obligations are necessary
2 for such purposes and notifies the Committees on Appro-
3 priations of both Houses of Congress of the determination
4 and the reasons therefor.

5 MILITARY CONSTRUCTION, AIR FORCE RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the Air Force Reserve as authorized by
9 chapter 1803 of title 10, United States Code, and Military
10 Construction Authorization Acts, \$33,620,000, to remain
11 available until September 30, 2016: *Provided*, That of the
12 amount appropriated, not to exceed \$2,200,000 shall be
13 available for study, planning, design, and architect and en-
14 gineer services, as authorized by law, unless the Chief of
15 the Air Force Reserve determines that additional obliga-
16 tions are necessary for such purposes and notifies the
17 Committees on Appropriations of both Houses of Congress
18 of the determination and the reasons therefor.

19 NORTH ATLANTIC TREATY ORGANIZATION

20 SECURITY INVESTMENT PROGRAM

21 For the United States share of the cost of the North
22 Atlantic Treaty Organization Security Investment Pro-
23 gram for the acquisition and construction of military fa-
24 cilities and installations (including international military
25 headquarters) and for related expenses for the collective

1 FAMILY HOUSING OPERATION AND MAINTENANCE,
2 NAVY AND MARINE CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for operation and maintenance, including debt
5 payment, leasing, minor construction, principal and inter-
6 est charges, and insurance premiums, as authorized by
7 law, \$367,863,000.

8 FAMILY HOUSING CONSTRUCTION, AIR FORCE

9 For expenses of family housing for the Air Force for
10 construction, including acquisition, replacement, addition,
11 expansion, extension, and alteration, as authorized by law,
12 \$60,042,000, to remain available until September 30,
13 2016.

14 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
15 FORCE

16 For expenses of family housing for the Air Force for
17 operation and maintenance, including debt payment, leas-
18 ing, minor construction, principal and interest charges,
19 and insurance premiums, as authorized by law,
20 \$429,523,000.

21 FAMILY HOUSING OPERATION AND MAINTENANCE,
22 DEFENSE-WIDE

23 For expenses of family housing for the activities and
24 agencies of the Department of Defense (other than the
25 military departments) for operation and maintenance,

1 leasing, and minor construction, as authorized by law,
2 \$50,723,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND

5 For the Department of Defense Family Housing Im-
6 provement Fund, \$2,184,000, to remain available until ex-
7 pended, for family housing initiatives undertaken pursu-
8 ant to section 2883 of title 10, United States Code, pro-
9 viding alternative means of acquiring and improving mili-
10 tary family housing and supporting facilities.

11 HOMEOWNERS ASSISTANCE FUND

12 For the Homeowners Assistance Fund established by
13 section 1013 of the Demonstration Cities and Metropoli-
14 tan Development Act of 1966, (42 U.S.C. 3374), as
15 amended by section 1001 of division A of the American
16 Recovery and Reinvestment Act of 2009 (Public Law 111–
17 5; 123 Stat. 194), \$1,284,000, to remain available until
18 expended: *Provided*, That the Secretary of Defense shall
19 not issue any regulation or otherwise take any action to
20 limit the submission prior to September 30, 2012, of ap-
21 plications for benefits, including permanent change of sta-
22 tion benefits, as provided under section 1013 of the Dem-
23 onstration Cities and Metropolitan Development Act of
24 1966, (42 U.S.C. 3374), as amended.

1 until expended: *Provided*, That the Department of Defense
2 shall notify the Committees on Appropriations of both
3 Houses of Congress 14 days prior to obligating an amount
4 for a construction project that exceeds or reduces the
5 amount identified for that project in the most recently
6 submitted budget request for this account by 20 percent
7 or \$2,000,000, whichever is less: *Provided further*, That
8 the previous proviso shall not apply to projects costing less
9 than \$5,000,000, except for those projects not previously
10 identified in any budget submission for this account and
11 exceeding the minor construction threshold under section
12 2805 of title 10, United States Code.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 101. None of the funds made available in this
15 title shall be expended for payments under a cost-plus-a-
16 fixed-fee contract for construction, where cost estimates
17 exceed \$25,000, to be performed within the United States,
18 except Alaska, without the specific approval in writing of
19 the Secretary of Defense setting forth the reasons there-
20 for.

21 SEC. 102. Funds made available in this title for con-
22 struction shall be available for hire of passenger motor ve-
23 hicles.

24 SEC. 103. Funds made available in this title for con-
25 struction may be used for advances to the Federal High-

1 way Administration, Department of Transportation, for
2 the construction of access roads as authorized by section
3 210 of title 23, United States Code, when projects author-
4 ized therein are certified as important to the national de-
5 fense by the Secretary of Defense.

6 SEC. 104. None of the funds made available in this
7 title may be used to begin construction of new bases in
8 the United States for which specific appropriations have
9 not been made.

10 SEC. 105. None of the funds made available in this
11 title shall be used for purchase of land or land easements
12 in excess of 100 percent of the value as determined by
13 the Army Corps of Engineers or the Naval Facilities Engi-
14 neering Command, except: (1) where there is a determina-
15 tion of value by a Federal court; (2) purchases negotiated
16 by the Attorney General or the designee of the Attorney
17 General; (3) where the estimated value is less than
18 \$25,000; or (4) as otherwise determined by the Secretary
19 of Defense to be in the public interest.

20 SEC. 106. None of the funds made available in this
21 title shall be used to: (1) acquire land; (2) provide for site
22 preparation; or (3) install utilities for any family housing,
23 except housing for which funds have been made available
24 in annual Acts making appropriations for military con-
25 struction.

1 SEC. 107. None of the funds made available in this
2 title for minor construction may be used to transfer or
3 relocate any activity from one base or installation to an-
4 other, without prior notification to the Committees on Ap-
5 propriations of both Houses of Congress.

6 SEC. 108. None of the funds made available in this
7 title may be used for the procurement of steel for any con-
8 struction project or activity for which American steel pro-
9 ducers, fabricators, and manufacturers have been denied
10 the opportunity to compete for such steel procurement.

11 SEC. 109. None of the funds available to the Depart-
12 ment of Defense for military construction or family hous-
13 ing during the current fiscal year may be used to pay real
14 property taxes in any foreign nation.

15 SEC. 110. None of the funds made available in this
16 title may be used to initiate a new installation overseas
17 without prior notification to the Committees on Appro-
18 priations of both Houses of Congress.

19 SEC. 111. None of the funds made available in this
20 title may be obligated for architect and engineer contracts
21 estimated by the Government to exceed \$500,000 for
22 projects to be accomplished in Japan, in any North Atlan-
23 tic Treaty Organization member country, or in countries
24 bordering the Arabian Sea, unless such contracts are

1 awarded to United States firms or United States firms
2 in joint venture with host nation firms.

3 SEC. 112. None of the funds made available in this
4 title for military construction in the United States terri-
5 tories and possessions in the Pacific and on Kwajalein
6 Atoll, or in countries bordering the Arabian Sea, may be
7 used to award any contract estimated by the Government
8 to exceed \$1,000,000 to a foreign contractor: *Provided*,
9 That this section shall not be applicable to contract
10 awards for which the lowest responsive and responsible bid
11 of a United States contractor exceeds the lowest respon-
12 sive and responsible bid of a foreign contractor by greater
13 than 20 percent: *Provided further*, That this section shall
14 not apply to contract awards for military construction on
15 Kwajalein Atoll for which the lowest responsive and re-
16 sponsible bid is submitted by a Marshallese contractor.

17 SEC. 113. The Secretary of Defense shall inform the
18 appropriate committees of both Houses of Congress, in-
19 cluding the Committees on Appropriations, of plans and
20 scope of any proposed military exercise involving United
21 States personnel 30 days prior to its occurring, if amounts
22 expended for construction, either temporary or permanent,
23 are anticipated to exceed \$100,000.

24 SEC. 114. Not more than 20 percent of the funds
25 made available in this title which are limited for obligation

1 during the current fiscal year shall be obligated during
2 the last 2 months of the fiscal year.

3 SEC. 115. Funds appropriated to the Department of
4 Defense for construction in prior years shall be available
5 for construction authorized for each such military depart-
6 ment by the authorizations enacted into law during the
7 current session of Congress.

8 SEC. 116. For military construction or family housing
9 projects that are being completed with funds otherwise ex-
10 pired or lapsed for obligation, expired or lapsed funds may
11 be used to pay the cost of associated supervision, inspec-
12 tion, overhead, engineering and design on those projects
13 and on subsequent claims, if any.

14 SEC. 117. Notwithstanding any other provision of
15 law, any funds made available to a military department
16 or defense agency for the construction of military projects
17 may be obligated for a military construction project or
18 contract, or for any portion of such a project or contract,
19 at any time before the end of the fourth fiscal year after
20 the fiscal year for which funds for such project were made
21 available, if the funds obligated for such project: (1) are
22 obligated from funds available for military construction
23 projects; and (2) do not exceed the amount appropriated
24 for such project, plus any amount by which the cost of
25 such project is increased pursuant to law.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 118. In addition to any other transfer authority
3 available to the Department of Defense, proceeds depos-
4 ited to the Department of Defense Base Closure Account
5 established by section 207(a)(1) of the Defense Authoriza-
6 tion Amendments and Base Closure and Realignment Act
7 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
8 of such Act, may be transferred to the account established
9 by section 2906(a)(1) of the Defense Base Closure and
10 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
11 merged with, and to be available for the same purposes
12 and the same time period as that account.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 119. Subject to 30 days prior notification, or
15 14 days for a notification provided in an electronic me-
16 dium pursuant to sections 480 and 2883 of title 10,
17 United States Code, to the Committees on Appropriations
18 of both Houses of Congress, such additional amounts as
19 may be determined by the Secretary of Defense may be
20 transferred to: (1) the Department of Defense Family
21 Housing Improvement Fund from amounts appropriated
22 for construction in “Family Housing” accounts, to be
23 merged with and to be available for the same purposes
24 and for the same period of time as amounts appropriated
25 directly to the Fund; or (2) the Department of Defense

1 Military Unaccompanied Housing Improvement Fund
2 from amounts appropriated for construction of military
3 unaccompanied housing in “Military Construction” ac-
4 counts, to be merged with and to be available for the same
5 purposes and for the same period of time as amounts ap-
6 propriated directly to the Fund: *Provided*, That appropria-
7 tions made available to the Funds shall be available to
8 cover the costs, as defined in section 502(5) of the Con-
9 gressional Budget Act of 1974, of direct loans or loan
10 guarantees issued by the Department of Defense pursuant
11 to the provisions of subchapter IV of chapter 169 of title
12 10, United States Code, pertaining to alternative means
13 of acquiring and improving military family housing, mili-
14 tary unaccompanied housing, and supporting facilities.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 120. In addition to any other transfer authority
17 available to the Department of Defense, amounts may be
18 transferred from the accounts established by sections
19 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
20 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
21 the fund established by section 1013(d) of the Demonstra-
22 tion Cities and Metropolitan Development Act of 1966 (42
23 U.S.C. 3374) to pay for expenses associated with the
24 Homeowners Assistance Program incurred under 42
25 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be

1 merged with and be available for the same purposes and
2 for the same time period as the fund to which transferred.

3 SEC. 121. Notwithstanding any other provision of
4 law, funds made available in this title for operation and
5 maintenance of family housing shall be the exclusive
6 source of funds for repair and maintenance of all family
7 housing units, including general or flag officer quarters:
8 *Provided*, That not more than \$35,000 per unit may be
9 spent annually for the maintenance and repair of any gen-
10 eral or flag officer quarters without 30 days prior notifica-
11 tion, or 14 days for a notification provided in an electronic
12 medium pursuant to sections 480 and 2883 of title 10,
13 United States Code, to the Committees on Appropriations
14 of both Houses of Congress, except that an after-the-fact
15 notification shall be submitted if the limitation is exceeded
16 solely due to costs associated with environmental remedi-
17 ation that could not be reasonably anticipated at the time
18 of the budget submission: *Provided further*, That the
19 Under Secretary of Defense (Comptroller) is to report an-
20 nually to the Committees on Appropriations of both
21 Houses of Congress all operation and maintenance ex-
22 penditures for each individual general or flag officer quar-
23 ters for the prior fiscal year.

24 SEC. 122. Amounts contained in the Ford Island Im-
25 provement Account established by subsection (h) of sec-

1 tion 2814 of title 10, United States Code, are appro-
2 priated and shall be available until expended for the pur-
3 poses specified in subsection (i)(1) of such section or until
4 transferred pursuant to subsection (i)(3) of such section.

5 SEC. 123. None of the funds made available in this
6 title, or in any Act making appropriations for military con-
7 struction which remain available for obligation, may be ob-
8 ligated or expended to carry out a military construction,
9 land acquisition, or family housing project at or for a mili-
10 tary installation approved for closure, or at a military in-
11 stallation for the purposes of supporting a function that
12 has been approved for realignment to another installation,
13 in 2005 under the Defense Base Closure and Realignment
14 Act of 1990 (part A of title XXIX of Public Law 101–
15 510; 10 U.S.C. 2687 note), unless such a project at a mili-
16 tary installation approved for realignment will support a
17 continuing mission or function at that installation or a
18 new mission or function that is planned for that installa-
19 tion, or unless the Secretary of Defense certifies that the
20 cost to the United States of carrying out such project
21 would be less than the cost to the United States of cancel-
22 ling such project, or if the project is at an active compo-
23 nent base that shall be established as an enclave or in the
24 case of projects having multi-agency use, that another
25 Government agency has indicated it will assume ownership

1 of the completed project. The Secretary of Defense may
2 not transfer funds made available as a result of this limi-
3 tation from any military construction project, land acquisi-
4 tion, or family housing project to another account or use
5 such funds for another purpose or project without the
6 prior approval of the Committees on Appropriations of
7 both Houses of Congress. This section shall not apply to
8 military construction projects, land acquisition, or family
9 housing projects for which the project is vital to the na-
10 tional security or the protection of health, safety, or envi-
11 ronmental quality: *Provided*, That the Secretary of De-
12 fense shall notify the congressional defense committees
13 within seven days of a decision to carry out such a military
14 construction project.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 124. During the 5-year period after appropria-
17 tions available in this Act to the Department of Defense
18 for military construction and family housing operation and
19 maintenance and construction have expired for obligation,
20 upon a determination that such appropriations will not be
21 necessary for the liquidation of obligations or for making
22 authorized adjustments to such appropriations for obliga-
23 tions incurred during the period of availability of such ap-
24 propriations, unobligated balances of such appropriations
25 may be transferred into the appropriation “Foreign Cur-

1 rency Fluctuations, Construction, Defense”, to be merged
2 with and to be available for the same time period and for
3 the same purposes as the appropriation to which trans-
4 ferred.

5 SEC. 125. Amounts appropriated or otherwise made
6 available in an account funded under the headings in this
7 title may be transferred among projects and activities
8 within the account in accordance with the reprogramming
9 guidelines for military construction and family housing
10 construction contained in Department of Defense Finan-
11 cial Management Regulation 7000.14–R, Volume 3, Chap-
12 ter 7, of February 2009, as in effect on the date of enact-
13 ment of this Act.

14 SEC. 126. (a) Notwithstanding any other provision
15 of law, the Secretary of the Army shall close Umatilla
16 Chemical Depot, Oregon, not later than 1 year after the
17 completion of chemical demilitarization activities required
18 under the Chemical Weapons Convention.

19 (b) The closure of the Umatilla Chemical Depot, Or-
20 egon, and subsequent management and property disposal
21 shall be carried out in accordance with procedures and au-
22 thorities contained in the Defense Base Closure and Re-
23 alignment Act of 1990 (part A of title XXIX of Public
24 Law 110–510; 10 U.S.C. 2687 note).

1 (c) Nothing in this section shall be construed to affect
2 or limit the application of, or any obligation to comply
3 with, any environmental law, including the Comprehensive
4 Environmental Response, Compensation, and Liability Act
5 of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste
6 Disposal Act (42 U.S.C. 6901 et seq.).

7 (d) The Secretary of the Army may retain minimum
8 essential ranges, facilities, and training areas at Umatilla
9 Chemical Depot, totaling approximately 7,500 acres, as a
10 training enclave for the reserve components of the Armed
11 Forces to permit the conduct of individual and annual
12 training.

13 SEC. 127. None of the funds made available by this
14 Act may be used by the Secretary of Defense to take bene-
15 ficial occupancy of more than 2,000 parking spaces (other
16 than handicap-reserved spaces) to be provided by the
17 BRAC 133 project: *Provided*, That this limitation may be
18 waived in part if: (1) the Secretary of Defense certifies
19 to Congress that levels of service at existing intersections
20 in the vicinity of the project have not experienced failing
21 levels of service as defined by the Transportation Research
22 Board Highway Capacity Manual over a consecutive 90-
23 day period; (2) the Department of Defense and the Vir-
24 ginia Department of Transportation agree on the number
25 of additional parking spaces that may be made available

1 to employees of the facility subject to continued 90-day
2 traffic monitoring; and (3) the Secretary of Defense noti-
3 fies the congressional defense committees in writing at
4 least 14 days prior to exercising this waiver of the number
5 of additional parking spaces to be made available: *Pro-*
6 *vided further*, That the Secretary of Defense shall imple-
7 ment the Department of Defense Inspector General rec-
8 ommendations outlined in report number DODIG–2012–
9 024, and certify to Congress not later than 180 days after
10 enactment of this Act that the recommendations have been
11 implemented.

12 SEC. 128. None of the funds appropriated or other-
13 wise made available by this title may be obligated or ex-
14 pended for a permanent United States Africa Command
15 headquarters outside of the United States until the Sec-
16 retary of Defense provides the congressional defense com-
17 mittees an analysis of all military construction costs asso-
18 ciated with establishing a permanent location overseas
19 versus in the United States.

20 SEC. 129. None of the funds made available by this
21 Act may be used for any action that relates to or promotes
22 the expansion of the boundaries or size of the Pinon Can-
23 yon Maneuver Site, Colorado.

24 SEC. 130. (a) Except as provided in subsection (b),
25 none of the funds made available in this Act may be used

1 by the Secretary of the Army to relocate a unit in the
2 Army that—

3 (1) performs a testing mission or function that
4 is not performed by any other unit in the Army and
5 is specifically stipulated in title 10, United States
6 Code; and

7 (2) is located at a military installation at which
8 the total number of civilian employees of the Depart-
9 ment of the Army and Army contractor personnel
10 employed exceeds 10 percent of the total number of
11 members of the regular and reserve components of
12 the Army assigned to the installation.

13 (b) EXCEPTION.—Subsection (a) shall not apply if
14 the Secretary of the Army certifies to the congressional
15 defense committees that in proposing the relocation of the
16 unit of the Army, the Secretary complied with Army Regu-
17 lation 5–10 relating to the policy, procedures, and respon-
18 sibilities for Army stationing actions.

19 (INCLUDING RESCISSIONS OF FUNDS)

20 SEC. 131. Of the unobligated balances available
21 under the following headings from prior appropriations
22 Acts (other than appropriations designated by law as
23 being for contingency operations directly related to the
24 global war on terrorism or as an emergency requirement),
25 the following amounts are hereby rescinded: “Military

1 Construction, Army”, \$100,000,000; “Military Construc-
2 tion, Navy and Marine Corps”, \$25,000,000; “Military
3 Construction, Air Force”, \$32,000,000; and “Military
4 Construction, Defense-Wide”, \$131,400,000.

5 (INCLUDING RESCISSION OF FUNDS)

6 SEC. 132. Of the unobligated balances available for
7 “Department of Defense Base Closure Account 2005”,
8 from prior appropriations Acts (other than appropriations
9 designated by law as being for contingency operations di-
10 rectly related to the global war on terrorism or as an emer-
11 gency requirement), \$258,776,000 are hereby rescinded.

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$51,237,567,000, to remain available until expended: *Pro-*
22 *vided*, That not to exceed \$32,187,000 of the amount ap-
23 propriated under this heading shall be reimbursed to
24 "General operating expenses, Veterans Benefits Adminis-
25 tration", "Medical support and compliance", and "Infor-

1 mation technology systems” for necessary expenses in im-
2 plementing the provisions of chapters 51, 53, and 55 of
3 title 38, United States Code, the funding source for which
4 is specifically provided as the “Compensation and pen-
5 sions” appropriation: *Provided further*, That such sums as
6 may be earned on an actual qualifying patient basis, shall
7 be reimbursed to “Medical care collections fund” to aug-
8 ment the funding of individual medical facilities for nurs-
9 ing home care provided to pensioners as authorized.

10 READJUSTMENT BENEFITS

11 For the payment of readjustment and rehabilitation
12 benefits to or on behalf of veterans as authorized by chap-
13 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
14 of title 38, United States Code, \$12,108,488,000, to re-
15 main available until expended: *Provided*, That expenses for
16 rehabilitation program services and assistance which the
17 Secretary is authorized to provide under subsection (a) of
18 section 3104 of title 38, United States Code, other than
19 under paragraphs (1), (2), (5), and (11) of that sub-
20 section, shall be charged to this account.

21 VETERANS INSURANCE AND INDEMNITIES

22 For military and naval insurance, national service life
23 insurance, servicemen’s indemnities, service-disabled vet-
24 erans insurance, and veterans mortgage life insurance as

1 authorized by chapters 19 and 21, title 38, United States
2 Code, \$100,252,000, to remain available until expended.

3 VETERANS HOUSING BENEFIT PROGRAM FUND

4 For the cost of direct and guaranteed loans, such
5 sums as may be necessary to carry out the program, as
6 authorized by subchapters I through III of chapter 37 of
7 title 38, United States Code: *Provided*, That such costs,
8 including the cost of modifying such loans, shall be as de-
9 fined in section 502 of the Congressional Budget Act of
10 1974: *Provided further*, That during fiscal year 2012,
11 within the resources available, not to exceed \$500,000 in
12 gross obligations for direct loans are authorized for spe-
13 cially adapted housing loans.

14 In addition, for administrative expenses to carry out
15 the direct and guaranteed loan programs, \$154,698,000.

16 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

17 For the cost of direct loans, \$19,000, as authorized
18 by chapter 31 of title 38, United States Code: *Provided*,
19 That such costs, including the cost of modifying such
20 loans, shall be as defined in section 502 of the Congres-
21 sional Budget Act of 1974: *Provided further*, That funds
22 made available under this heading are available to sub-
23 sidize gross obligations for the principal amount of direct
24 loans not to exceed \$3,019,000.

1 lie Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note)
2 \$41,354,000,000, plus reimbursements, shall become
3 available on October 1, 2012, and shall remain available
4 until September 30, 2013: *Provided*, That notwithstanding
5 any other provision of law, the Secretary of Veterans Af-
6 fairs shall establish a priority for the provision of medical
7 treatment for veterans who have service-connected disabil-
8 ities, lower income, or have special needs: *Provided further*,
9 That notwithstanding any other provision of law, the Sec-
10 retary of Veterans Affairs shall give priority funding for
11 the provision of basic medical benefits to veterans in en-
12 rollment priority groups 1 through 6: *Provided further*,
13 That notwithstanding any other provision of law, the Sec-
14 retary of Veterans Affairs may authorize the dispensing
15 of prescription drugs from Veterans Health Administra-
16 tion facilities to enrolled veterans with privately written
17 prescriptions based on requirements established by the
18 Secretary: *Provided further*, That the implementation of
19 the program described in the previous proviso shall incur
20 no additional cost to the Department of Veterans Affairs.

21 MEDICAL SUPPORT AND COMPLIANCE

22 For necessary expenses in the administration of the
23 medical, hospital, nursing home, domiciliary, construction,
24 supply, and research activities, as authorized by law; ad-
25 ministrative expenses in support of capital policy activi-

1 ties; and administrative and legal expenses of the Depart-
2 ment for collecting and recovering amounts owed the De-
3 partment as authorized under chapter 17 of title 38,
4 United States Code, and the Federal Medical Care Recov-
5 ery Act (42 U.S.C. 2651 et seq.); \$5,746,000,000, plus
6 reimbursements, shall become available on October 1,
7 2012, and shall remain available until September 30,
8 2013.

9 MEDICAL FACILITIES

10 For necessary expenses for the maintenance and op-
11 eration of hospitals, nursing homes, domiciliary facilities,
12 and other necessary facilities of the Veterans Health Ad-
13 ministration; for administrative expenses in support of
14 planning, design, project management, real property ac-
15 quisition and disposition, construction, and renovation of
16 any facility under the jurisdiction or for the use of the
17 Department; for oversight, engineering, and architectural
18 activities not charged to project costs; for repairing, alter-
19 ing, improving, or providing facilities in the several hos-
20 pitals and homes under the jurisdiction of the Depart-
21 ment, not otherwise provided for, either by contract or by
22 the hire of temporary employees and purchase of mate-
23 rials; for leases of facilities; and for laundry services,
24 \$5,441,000,000, plus reimbursements, shall become avail-

1 able on October 1, 2012, and shall remain available until
2 September 30, 2013.

3 MEDICAL AND PROSTHETIC RESEARCH

4 For necessary expenses in carrying out programs of
5 medical and prosthetic research and development as au-
6 thorized by chapter 73 of title 38, United States Code,
7 \$581,000,000, plus reimbursements, shall remain avail-
8 able until September 30, 2013.

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-
11 ministration for operations and maintenance, not other-
12 wise provided for, including uniforms or allowances there-
13 for; cemeterial expenses as authorized by law; purchase
14 of one passenger motor vehicle for use in cemeterial oper-
15 ations; hire of passenger motor vehicles; and repair, alter-
16 ation or improvement of facilities under the jurisdiction
17 of the National Cemetery Administration, \$250,934,000,
18 of which not to exceed \$25,100,000 shall remain available
19 until September 30, 2013: *Provided*, That none of the
20 funds under this heading may be used to expand the
21 Urban Initiative project beyond those sites outlined in the
22 fiscal year 2012 or previous budget submissions until the
23 National Cemetery Administration submits to the Com-
24 mittees on Appropriations of both Houses of Congress a
25 detailed strategy to serve the burial needs of veterans re-

1 siding in rural and highly rural areas: *Provided further,*
 2 That the report shall include a timeline for implementa-
 3 tion of such strategy and cost estimates of establishing
 4 new burial sites in at least five rural or highly rural loca-
 5 tions.

6 DEPARTMENTAL ADMINISTRATION

7 GENERAL ADMINISTRATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary operating expenses of the Department
 10 of Veterans Affairs, not otherwise provided for, including
 11 administrative expenses in support of Department-Wide
 12 capital planning, management and policy activities, uni-
 13 forms, or allowances therefor; not to exceed \$25,000 for
 14 official reception and representation expenses; hire of pas-
 15 senger motor vehicles; and reimbursement of the General
 16 Services Administration for security guard services,
 17 \$416,737,000, of which not to exceed \$20,837,000 shall
 18 remain available until September 30, 2013: *Provided,*
 19 That funds provided under this heading may be trans-
 20 ferred to “General operating expenses, Veterans Benefits
 21 Administration”.

22 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

23 ADMINISTRATION

24 For necessary operating expenses of the Veterans
 25 Benefits Administration, not otherwise provided for, in-

1 cluding hire of passenger motor vehicles, reimbursement
2 of the General Services Administration for security guard
3 services, and reimbursement of the Department of De-
4 fense for the cost of overseas employee mail,
5 \$2,018,764,000: *Provided*, That expenses for services and
6 assistance authorized under paragraphs (1), (2), (5), and
7 (11) of section 3104(a) of title 38, United States Code,
8 that the Secretary of Veterans Affairs determines are nec-
9 essary to enable entitled veterans: (1) to the maximum ex-
10 tent feasible, to become employable and to obtain and
11 maintain suitable employment; or (2) to achieve maximum
12 independence in daily living, shall be charged to this ac-
13 count: *Provided further*, That of the funds made available
14 under this heading, not to exceed \$105,000,000 shall re-
15 main available until September 30, 2013: *Provided further*,
16 That from the funds made available under this heading,
17 the Veterans Benefits Administration may purchase (on
18 a one-for-one replacement basis only) up to two passenger
19 motor vehicles for use in operations of that Administration
20 in Manila, Philippines.

21 INFORMATION TECHNOLOGY SYSTEMS

22 For necessary expenses for information technology
23 systems and telecommunications support, including devel-
24 opmental information systems and operational information
25 systems; for pay and associated costs; and for the capital

1 asset acquisition of information technology systems, in-
2 cluding management and related contractual costs of said
3 acquisitions, including contractual costs associated with
4 operations authorized by section 3109 of title 5, United
5 States Code, \$3,111,376,000, plus reimbursements: *Pro-*
6 *vided*, That \$915,000,000 shall be for pay and associated
7 costs, of which not to exceed \$25,000,000 shall remain
8 available until September 30, 2013: *Provided further*, That
9 \$1,616,018,000 shall be for operations and maintenance,
10 of which not to exceed \$110,000,000 shall remain avail-
11 able until September 30, 2013: *Provided further*, That
12 \$580,358,000 shall be for information technology systems
13 development, modernization, and enhancement, and shall
14 remain available until September 30, 2013: *Provided fur-*
15 *ther*, That none of the funds made available under this
16 heading may be obligated until the Department of Vet-
17 erans Affairs submits to the Committees on Appropria-
18 tions of both Houses of Congress, and such Committees
19 approve, a plan for expenditure that: (1) meets the capital
20 planning and investment control review requirements es-
21 tablished by the Office of Management and Budget; (2)
22 complies with the Department of Veterans Affairs enter-
23 prise architecture; (3) conforms with an established enter-
24 prise life cycle methodology; and (4) complies with the ac-
25 quisition rules, requirements, guidelines, and systems ac-

1 quision management practices of the Federal Govern-
2 ment: *Provided further*, That amounts made available for
3 information technology systems development, moderniza-
4 tion, and enhancement may not be obligated or expended
5 until the Secretary of Veterans Affairs or the Chief Infor-
6 mation Officer of the Department of Veterans Affairs sub-
7 mits to the Committees on Appropriations of both Houses
8 of Congress a certification of the amounts, in parts or in
9 full, to be obligated and expended for each development
10 project: *Provided further*, That amounts made available for
11 salaries and expenses, operations and maintenance, and
12 information technology systems development, moderniza-
13 tion, and enhancement may be transferred among the
14 three subaccounts after the Secretary of Veterans Affairs
15 requests from the Committees on Appropriations of both
16 Houses of Congress the authority to make the transfer
17 and an approval is issued: *Provided further*, That the
18 funds made available under this heading for information
19 technology systems development, modernization, and en-
20 hancement, shall be for the projects, and in the amounts,
21 specified under this heading in the explanatory statement
22 described in section 4 (in the matter preceding division
23 A of this consolidated Act).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, to include information technology, in carrying out
4 the provisions of the Inspector General Act of 1978 (5
5 U.S.C. App.), \$112,391,000, of which \$6,000,000 shall re-
6 main available until September 30, 2013.

7 CONSTRUCTION, MAJOR PROJECTS

8 For constructing, altering, extending, and improving
9 any of the facilities, including parking projects, under the
10 jurisdiction or for the use of the Department of Veterans
11 Affairs, or for any of the purposes set forth in sections
12 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
13 and 8122 of title 38, United States Code, including plan-
14 ning, architectural and engineering services, construction
15 management services, maintenance or guarantee period
16 services costs associated with equipment guarantees pro-
17 vided under the project, services of claims analysts, offsite
18 utility and storm drainage system construction costs, and
19 site acquisition, where the estimated cost of a project is
20 more than the amount set forth in section 8104(a)(3)(A)
21 of title 38, United States Code, or where funds for a
22 project were made available in a previous major project
23 appropriation, \$589,604,000, to remain available until ex-
24 pended, of which \$5,000,000 shall be to make reimburse-
25 ments as provided in section 13 of the Contract Disputes

1 Act of 1978 (41 U.S.C. 612) for claims paid for contract
2 disputes: *Provided*, That except for advance planning ac-
3 tivities, including needs assessments which may or may
4 not lead to capital investments, and other capital asset
5 management related activities, including portfolio develop-
6 ment and management activities, and investment strategy
7 studies funded through the advance planning fund and the
8 planning and design activities funded through the design
9 fund, including needs assessments which may or may not
10 lead to capital investments, and salaries and associated
11 costs of the resident engineers who oversee those capital
12 investments funded through this account, and funds pro-
13 vided for the purchase of land for the National Cemetery
14 Administration through the land acquisition line item,
15 none of the funds made available under this heading shall
16 be used for any project which has not been approved by
17 the Congress in the budgetary process: *Provided further*,
18 That funds made available under this heading for fiscal
19 year 2012, for each approved project shall be obligated:
20 (1) by the awarding of a construction documents contract
21 by September 30, 2012; and (2) by the awarding of a con-
22 struction contract by September 30, 2013: *Provided fur-*
23 *ther*, That the Secretary of Veterans Affairs shall prompt-
24 ly submit to the Committees on Appropriations of both
25 Houses of Congress a written report on any approved

1 major construction project for which obligations are not
2 incurred within the time limitations established above.

3 CONSTRUCTION, MINOR PROJECTS

4 For constructing, altering, extending, and improving
5 any of the facilities, including parking projects, under the
6 jurisdiction or for the use of the Department of Veterans
7 Affairs, including planning and assessments of needs
8 which may lead to capital investments, architectural and
9 engineering services, maintenance or guarantee period
10 services costs associated with equipment guarantees pro-
11 vided under the project, services of claims analysts, offsite
12 utility and storm drainage system construction costs, and
13 site acquisition, or for any of the purposes set forth in
14 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
15 8110, 8122, and 8162 of title 38, United States Code,
16 where the estimated cost of a project is equal to or less
17 than the amount set forth in section 8104(a)(3)(A) of title
18 38, United States Code, \$482,386,000, to remain avail-
19 able until expended, along with unobligated balances of
20 previous "Construction, minor projects" appropriations
21 which are hereby made available for any project where the
22 estimated cost is equal to or less than the amount set forth
23 in such section: *Provided*, That funds made available
24 under this heading shall be for: (1) repairs to any of the
25 nonmedical facilities under the jurisdiction or for the use

1 of the Department which are necessary because of loss or
2 damage caused by any natural disaster or catastrophe;
3 and (2) temporary measures necessary to prevent or to
4 minimize further loss by such causes.

5 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
6 FACILITIES

7 For grants to assist States to acquire or construct
8 State nursing home and domiciliary facilities and to re-
9 model, modify, or alter existing hospital, nursing home,
10 and domiciliary facilities in State homes, for furnishing
11 care to veterans as authorized by sections 8131 through
12 8137 of title 38, United States Code, \$85,000,000, to re-
13 main available until expended.

14 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

15 For grants to assist States and tribal governments
16 in establishing, expanding, or improving veterans ceme-
17 teries as authorized by section 2408 of title 38, United
18 States Code, \$46,000,000, to remain available until ex-
19 pended.

20 ADMINISTRATIVE PROVISIONS

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 201. Any appropriation for fiscal year 2012 for
23 “Compensation and pensions”, “Readjustment benefits”,
24 and “Veterans insurance and indemnities” may be trans-
25 ferred as necessary to any other of the mentioned appro-

1 priations: *Provided*, That before a transfer may take place,
2 the Secretary of Veterans Affairs shall request from the
3 Committees on Appropriations of both Houses of Congress
4 the authority to make the transfer and such Committees
5 issue an approval, or absent a response, a period of 30
6 days has elapsed.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 202. Amounts made available for the Depart-
9 ment of Veterans Affairs for fiscal year 2012, in this Act
10 or any other Act, under the “Medical services”, “Medical
11 support and compliance”, and “Medical facilities” ac-
12 counts may be transferred among the accounts: *Provided*,
13 That any transfers between the “Medical services” and
14 “Medical support and compliance” accounts of 1 percent
15 or less of the total amount appropriated to the account
16 in this or any other Act may take place subject to notifica-
17 tion from the Secretary of Veterans Affairs to the Com-
18 mittees on Appropriations of both Houses of Congress of
19 the amount and purpose of the transfer: *Provided further*,
20 That any transfers between the “Medical services” and
21 “Medical support and compliance” accounts in excess of
22 1 percent, or exceeding the cumulative 1 percent for the
23 fiscal year, may take place only after the Secretary re-
24 quests from the Committees on Appropriations of both
25 Houses of Congress the authority to make the transfer

1 and an approval is issued: *Provided further*, That any
2 transfers to or from the “Medical facilities” account may
3 take place only after the Secretary requests from the Com-
4 mittees on Appropriations of both Houses of Congress the
5 authority to make the transfer and an approval is issued.

6 SEC. 203. Appropriations available in this title for
7 salaries and expenses shall be available for services au-
8 thorized by section 3109 of title 5, United States Code,
9 hire of passenger motor vehicles; lease of a facility or land
10 or both; and uniforms or allowances therefore, as author-
11 ized by sections 5901 through 5902 of title 5, United
12 States Code.

13 SEC. 204. No appropriations in this title (except the
14 appropriations for “Construction, major projects”, and
15 “Construction, minor projects”) shall be available for the
16 purchase of any site for or toward the construction of any
17 new hospital or home.

18 SEC. 205. No appropriations in this title shall be
19 available for hospitalization or examination of any persons
20 (except beneficiaries entitled to such hospitalization or ex-
21 amination under the laws providing such benefits to vet-
22 erans, and persons receiving such treatment under sec-
23 tions 7901 through 7904 of title 5, United States Code,
24 or the Robert T. Stafford Disaster Relief and Emergency
25 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-

1 bursement of the cost of such hospitalization or examina-
2 tion is made to the “Medical services” account at such
3 rates as may be fixed by the Secretary of Veterans Affairs.

4 SEC. 206. Appropriations available in this title for
5 “Compensation and pensions”, “Readjustment benefits”,
6 and “Veterans insurance and indemnities” shall be avail-
7 able for payment of prior year accrued obligations re-
8 quired to be recorded by law against the corresponding
9 prior year accounts within the last quarter of fiscal year
10 2011.

11 SEC. 207. Appropriations available in this title shall
12 be available to pay prior year obligations of corresponding
13 prior year appropriations accounts resulting from sections
14 3328(a), 3334, and 3712(a) of title 31, United States
15 Code, except that if such obligations are from trust fund
16 accounts they shall be payable only from “Compensation
17 and pensions”.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 208. Notwithstanding any other provision of
20 law, during fiscal year 2012, the Secretary of Veterans
21 Affairs shall, from the National Service Life Insurance
22 Fund under section 1920 of title 38, United States Code,
23 the Veterans’ Special Life Insurance Fund under section
24 1923 of title 38, United States Code, and the United
25 States Government Life Insurance Fund under section

1 1955 of title 38, United States Code, reimburse the “Gen-
2 eral operating expenses, Veterans Benefits Administra-
3 tion” and “Information technology systems” accounts for
4 the cost of administration of the insurance programs fi-
5 nanced through those accounts: *Provided*, That reimburse-
6 ment shall be made only from the surplus earnings accu-
7 mulated in such an insurance program during fiscal year
8 2012 that are available for dividends in that program after
9 claims have been paid and actuarially determined reserves
10 have been set aside: *Provided further*, That if the cost of
11 administration of such an insurance program exceeds the
12 amount of surplus earnings accumulated in that program,
13 reimbursement shall be made only to the extent of such
14 surplus earnings: *Provided further*, That the Secretary
15 shall determine the cost of administration for fiscal year
16 2012 which is properly allocable to the provision of each
17 such insurance program and to the provision of any total
18 disability income insurance included in that insurance pro-
19 gram.

20 SEC. 209. Amounts deducted from enhanced-use
21 lease proceeds to reimburse an account for expenses in-
22 curred by that account during a prior fiscal year for pro-
23 viding enhanced-use lease services, may be obligated dur-
24 ing the fiscal year in which the proceeds are received.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 210. Funds available in this title or funds for
3 salaries and other administrative expenses shall also be
4 available to reimburse the Office of Resolution Manage-
5 ment of the Department of Veterans Affairs and the Of-
6 fice of Employment Discrimination Complaint Adjudica-
7 tion under section 319 of title 38, United States Code,
8 for all services provided at rates which will recover actual
9 costs but not exceed \$42,904,000 for the Office of Resolu-
10 tion Management and \$3,360,000 for the Office of Em-
11 ployment and Discrimination Complaint Adjudication:
12 *Provided*, That payments may be made in advance for
13 services to be furnished based on estimated costs: *Provided*
14 *further*, That amounts received shall be credited to the
15 “General administration” and “Information technology
16 systems” accounts for use by the office that provided the
17 service.

18 SEC. 211. No appropriations in this title shall be
19 available to enter into any new lease of real property if
20 the estimated annual rental cost is more than \$1,000,000,
21 unless the Secretary submits a report which the Commit-
22 tees on Appropriations of both Houses of Congress ap-
23 prove within 30 days following the date on which the re-
24 port is received.

1 SEC. 212. No funds of the Department of Veterans
2 Affairs shall be available for hospital care, nursing home
3 care, or medical services provided to any person under
4 chapter 17 of title 38, United States Code, for a non-serv-
5 ice-connected disability described in section 1729(a)(2) of
6 such title, unless that person has disclosed to the Sec-
7 retary of Veterans Affairs, in such form as the Secretary
8 may require, current, accurate third-party reimbursement
9 information for purposes of section 1729 of such title: *Pro-*
10 *vided*, That the Secretary may recover, in the same man-
11 ner as any other debt due the United States, the reason-
12 able charges for such care or services from any person who
13 does not make such disclosure as required: *Provided fur-*
14 *ther*, That any amounts so recovered for care or services
15 provided in a prior fiscal year may be obligated by the
16 Secretary during the fiscal year in which amounts are re-
17 ceived.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 213. Notwithstanding any other provision of
20 law, proceeds or revenues derived from enhanced-use leas-
21 ing activities (including disposal) may be deposited into
22 the “Construction, major projects” and “Construction,
23 minor projects” accounts and be used for construction (in-
24 cluding site acquisition and disposition), alterations, and
25 improvements of any medical facility under the jurisdic-

1 tion or for the use of the Department of Veterans Affairs.
2 Such sums as realized are in addition to the amount pro-
3 vided for in “Construction, major projects” and “Con-
4 struction, minor projects”.

5 SEC. 214. Amounts made available under “Medical
6 services” are available—

7 (1) for furnishing recreational facilities, sup-
8 plies, and equipment; and

9 (2) for funeral expenses, burial expenses, and
10 other expenses incidental to funerals and burials for
11 beneficiaries receiving care in the Department.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 215. Such sums as may be deposited to the
14 Medical Care Collections Fund pursuant to section 1729A
15 of title 38, United States Code, may be transferred to
16 “Medical services”, to remain available until expended for
17 the purposes of that account.

18 SEC. 216. The Secretary of Veterans Affairs may
19 enter into agreements with Indian tribes and tribal organi-
20 zations which are party to the Alaska Native Health Com-
21 pact with the Indian Health Service, and Indian tribes and
22 tribal organizations serving rural Alaska which have en-
23 tered into contracts with the Indian Health Service under
24 the Indian Self Determination and Educational Assistance
25 Act, to provide healthcare, including behavioral health and

1 dental care. The Secretary shall require participating vet-
2 erans and facilities to comply with all appropriate rules
3 and regulations, as established by the Secretary. The term
4 “rural Alaska” shall mean those lands sited within the ex-
5 ternal boundaries of the Alaska Native regions specified
6 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
7 Claims Settlement Act, as amended (43 U.S.C. 1606), and
8 those lands within the Alaska Native regions specified in
9 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
10 Settlement Act, as amended (43 U.S.C. 1606), which are
11 not within the boundaries of the Municipality of Anchor-
12 age, the Fairbanks North Star Borough, the Kenai Penin-
13 sula Borough or the Matanuska Susitna Borough.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 217. Such sums as may be deposited to the De-
16 partment of Veterans Affairs Capital Asset Fund pursu-
17 ant to section 8118 of title 38, United States Code, may
18 be transferred to the “Construction, major projects” and
19 “Construction, minor projects” accounts, to remain avail-
20 able until expended for the purposes of these accounts.

21 SEC. 218. None of the funds made available in this
22 title may be used to implement any policy prohibiting the
23 Directors of the Veterans Integrated Services Networks
24 from conducting outreach or marketing to enroll new vet-
25 erans within their respective Networks.

1 SEC. 219. The Secretary of Veterans Affairs shall
2 submit to the Committees on Appropriations of both
3 Houses of Congress a quarterly report on the financial
4 status of the Veterans Health Administration.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 220. Amounts made available under the “Med-
7 ical services”, “Medical support and compliance”, “Med-
8 ical facilities”, “General operating expenses, Veterans
9 Benefits Administration”, “General administration”, and
10 “National Cemetery Administration” accounts for fiscal
11 year 2012, may be transferred to or from the “Informa-
12 tion technology systems” account: *Provided*, That before
13 a transfer may take place, the Secretary of Veterans Af-
14 fairs shall request from the Committees on Appropriations
15 of both Houses of Congress the authority to make the
16 transfer and an approval is issued.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 221. Amounts made available for the “Informa-
19 tion technology systems” account for development, mod-
20 ernization, and enhancement may be transferred between
21 projects or to newly defined projects: *Provided*, That no
22 project may be increased or decreased by more than
23 \$1,000,000 of cost prior to submitting a request to the
24 Committees on Appropriations of both Houses of Congress

1 to make the transfer and an approval is issued, or absent
2 a response, a period of 30 days has elapsed.

3 SEC. 222. None of the funds appropriated or other-
4 wise made available by this Act or any other Act for the
5 Department of Veterans Affairs may be used in a manner
6 that is inconsistent with: (1) section 842 of the Transpor-
7 tation, Treasury, Housing and Urban Development, the
8 Judiciary, the District of Columbia, and Independent
9 Agencies Appropriations Act, 2006 (Public Law 109–115;
10 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
11 United States Code.

12 SEC. 223. Of the amounts made available to the De-
13 partment of Veterans Affairs for fiscal year 2012, in this
14 Act or any other Act, under the “Medical facilities” ac-
15 count for nonrecurring maintenance, not more than 20
16 percent of the funds made available shall be obligated dur-
17 ing the last 2 months of that fiscal year: *Provided*, That
18 the Secretary may waive this requirement after providing
19 written notice to the Committees on Appropriations of
20 both Houses of Congress.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 224. Of the amounts appropriated to the De-
23 partment of Veterans Affairs for fiscal year 2012 for
24 “Medical services”, “Medical support and compliance”,
25 “Medical facilities”, “Construction, minor projects”, and

1 “Information technology systems”, up to \$241,666,000,
2 plus reimbursements, may be transferred to the Joint De-
3 partment of Defense—Department of Veterans Affairs
4 Medical Facility Demonstration Fund, established by sec-
5 tion 1704 of the National Defense Authorization Act for
6 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)
7 and may be used for operation of the facilities designated
8 as combined Federal medical facilities as described by sec-
9 tion 706 of the Duncan Hunter National Defense Author-
10 ization Act for Fiscal Year 2009 (Public Law 110–417;
11 122 Stat. 4500): *Provided*, That additional funds may be
12 transferred from accounts designated in this section to the
13 Joint Department of Defense—Department of Veterans
14 Affairs Medical Facility Demonstration Fund upon writ-
15 ten notification by the Secretary of Veterans Affairs to
16 the Committees on Appropriations of both Houses of Con-
17 gress.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 225. Such sums as may be deposited to the
20 Medical Care Collections Fund pursuant to section 1729A
21 of title 38, United States Code, for health care provided
22 at facilities designated as combined Federal medical facili-
23 ties as described by section 706 of the Duncan Hunter
24 National Defense Authorization Act for Fiscal Year 2009
25 (Public Law 110–417; 122 Stat. 4500) shall also be avail-

1 able: (1) for transfer to the Joint Department of De-
2 fense—Department of Veterans Affairs Medical Facility
3 Demonstration Fund, established by section 1704 of the
4 National Defense Authorization Act for Fiscal Year 2010
5 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
6 ations of the facilities designated as combined Federal
7 medical facilities as described by section 706 of the Dun-
8 can Hunter National Defense Authorization Act for Fiscal
9 Year 2009 (Public Law 110–417; 122 Stat. 4500).

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 226. Of the amounts available in this title for
12 “Medical services”, “Medical support and compliance”,
13 and “Medical facilities”, a minimum of \$15,000,000, shall
14 be transferred to the DOD-VA Health Care Sharing In-
15 centive Fund, as authorized by section 8111(d) of title 38,
16 United States Code, to remain available until expended,
17 for any purpose authorized by section 8111 of title 38,
18 United States Code.

19 (INCLUDING RESCISSIONS OF FUNDS)

20 SEC. 227. (a) Of the funds appropriated in title X
21 of division B of Public Law 112–10, the following amounts
22 which became available on October 1, 2011, are hereby
23 rescinded from the following accounts in the amounts
24 specified:

1 (1) “Department of Veterans Affairs, Medical
2 services”, \$1,400,000,000.

3 (2) “Department of Veterans Affairs, Medical
4 support and compliance”, \$100,000,000.

5 (3) “Department of Veterans Affairs, Medical
6 facilities”, \$250,000,000.

7 (b) In addition to amounts provided elsewhere in this
8 Act, an additional amount is appropriated to the following
9 accounts in the amounts specified to remain available until
10 September 30, 2013:

11 (1) “Department of Veterans Affairs, Medical
12 services”, \$1,400,000,000.

13 (2) “Department of Veterans Affairs, Medical
14 support and compliance”, \$100,000,000.

15 (3) “Department of Veterans Affairs, Medical
16 facilities”, \$250,000,000.

17 SEC. 228. The Secretary of the Department of Vet-
18 erans Affairs shall notify the Committees on Appropria-
19 tions of both Houses of Congress of all bid savings in
20 major construction projects that total at least \$5,000,000,
21 or 5 percent of the programmed amount of the project,
22 whichever is less: *Provided*, That such notification shall
23 occur within 14 days of a contract identifying the pro-
24 grammed amount: *Provided further*, That the Secretary
25 shall notify the committees 14 days prior to the obligation

1 of such bid savings and shall describe the anticipated use
2 of such savings.

3 SEC. 229. The scope of work for a project included
4 in “Construction, major projects” may not be increased
5 above the scope specified for that project in the original
6 justification data provided to the Congress as part of the
7 request for appropriations.

8 SEC. 230. (a) EXCEPTION WITH RESPECT TO CON-
9 FIDENTIAL NATURE OF CLAIMS.—Section 5701 of title
10 38, United States Code, is amended by adding at the end
11 the following new subsection:

12 “(l) Under regulations the Secretary shall prescribe,
13 the Secretary may disclose information about a veteran
14 or the dependent of a veteran to a State controlled sub-
15 stance monitoring program, including a program approved
16 by the Secretary of Health and Human Services under
17 section 3990 of the Public Health Service Act (42 U.S.C.
18 280g-3), to the extent necessary to prevent misuse and
19 diversion of prescription medicines.”.

20 (b) EXCEPTION WITH RESPECT TO CONFIDEN-
21 TIALITY OF CERTAIN MEDICAL RECORDS.—Section
22 7332(b)(2) of title 38, United States Code, is amended
23 by adding at the end the following new subparagraph:

24 “(G) To a State controlled substance mon-
25 itoring program, including a program approved

1 by the Secretary of Health and Human Services
2 under section 3990 of the Public Health Serv-
3 ice Act (42 U.S.C. 280g-3), to the extent nec-
4 essary to prevent misuse and diversion of pre-
5 scription medicines.”.

6 SEC. 231. The Secretary of Veterans Affairs shall
7 provide on a quarterly basis to the Committees on Appro-
8 priations of both Houses of Congress notification of any
9 single national outreach and awareness marketing cam-
10 paign in which obligations exceed \$2,000,000. The first
11 report shall be submitted no later than April 15, 2012.

12 SEC. 232. None of the funds made available by this
13 Act may be used to declare as excess to the needs of the
14 Department of Veterans Affairs or otherwise take any ac-
15 tion to exchange, trade, auction, transfer, or otherwise dis-
16 pose of, or reduce the acreage of, Federal land and im-
17 provements at the St. Albans campus, consisting of ap-
18 proximately 55 acres of land, with borders near Linden
19 Boulevard on the northwest, 115th Avenue on the west,
20 the Long Island Railroad on the northeast, and Baisley
21 Boulevard on the southeast.

22 SEC. 233. None of the funds made available in this
23 Act may be used to enter into a contract using procedures
24 that do not give to small business concerns owned and con-
25 trolled by veterans (as that term is defined in section

1 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))
2 that are included in the database under section 8127(f)
3 of title 38, United States Code, any preference available
4 with respect to such contract, except for a preference given
5 to small business concerns owned and controlled by serv-
6 ice-disabled veterans (as defined in section 3(q)(2) of the
7 Small Business Act (15 U.S.C. 632(q)(2)).

8 SEC. 234. Section 315(b) of title 38, United States
9 Code, is amended by striking “December 31, 2011” and
10 inserting “December 31, 2012”.

1 TITLE III
2 RELATED AGENCIES
3 AMERICAN BATTLE MONUMENTS COMMISSION
4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$7,500 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$61,100,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT
19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$30,770,000: *Provided*, That
8 \$2,726,323 shall be available for the purpose of providing
9 financial assistance as described, and in accordance with
10 the process and reporting procedures set forth, under this
11 heading in Public Law 102–229.

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by law, for
16 maintenance, operation, and improvement of Arlington
17 National Cemetery and Soldiers' and Airmen's Home Na-
18 tional Cemetery, including the purchase or lease of pas-
19 senger motor vehicles for replacement on a one-for-one
20 basis only, and not to exceed \$1,000 for official reception
21 and representation expenses, \$45,800,000, to remain
22 available until expended. In addition, such sums as may
23 be necessary for parking maintenance, repairs and re-
24 placement, to be derived from the "Lease of Department
25 of Defense Real Property for Defense Agencies" account.

1 Funds appropriated under this Act may be provided
2 to Arlington County, Virginia, for the relocation of the
3 federally owned water main at Arlington National Ceme-
4 tery making additional land available for ground burials.

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

7 For expenses necessary for the Armed Forces Retire-
8 ment Home to operate and maintain the Armed Forces
9 Retirement Home—Washington, District of Columbia,
10 and the Armed Forces Retirement Home—Gulfport, Mis-
11 sissippi, to be paid from funds available in the Armed
12 Forces Retirement Home Trust Fund, \$67,700,000, of
13 which \$2,000,000 shall remain available until expended
14 for construction and renovation of the physical plants at
15 the Armed Forces Retirement Home—Washington, Dis-
16 trict of Columbia, and the Armed Forces Retirement
17 Home—Gulfport, Mississippi.

18 GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT

19 HOME

20 For payment to the “Armed Forces Retirement
21 Home”, \$14,630,000, to remain available until expended,
22 for expenses necessary to mitigate structural damage sus-
23 tained to buildings on the Armed Forces Retirement
24 Home—Washington, District of Columbia, campus as a
25 result of the August 2011 earthquake.

1 TITLE IV—OVERSEAS CONTINGENCY
2 OPERATIONS

3
4 DEPARTMENT OF DEFENSE
5 MILITARY CONSTRUCTION, ARMY

6 For an additional amount for “Military Construction,
7 Army”, \$80,000,000, to remain available until September
8 30, 2012: *Provided*, That such amount is designated by
9 the Congress for Overseas Contingency Operations/Global
10 War on Terrorism pursuant to section 251(b)(2)(A) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
14 For an additional amount for “Military Construction,
15 Navy and Marine Corps”, \$189,703,000, to remain avail-
16 able until September 30, 2012: *Provided*, That such
17 amount is designated by the Congress for Overseas Con-
18 tingency Operations/Global War on Terrorism pursuant to
19 section 251(b)(2)(A) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985.

21 ADMINISTRATIVE PROVISIONS
22 (INCLUDING RESCISSION OF FUNDS)

23 SEC. 401. Of the unobligated balances in title IV, di-
24 vision E of Public Law 111–117, \$269,703,000 are hereby
25 rescinded: *Provided*, That such amount is designated by

1 the Congress for Overseas Contingency Operations/Global
2 War on Terrorism pursuant to section 251(b)(2)(A) of the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985.

1 TITLE V—GENERAL PROVISIONS

2

3 SEC. 501. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 502. None of the funds made available in this
7 Act may be used for any program, project, or activity,
8 when it is made known to the Federal entity or official
9 to which the funds are made available that the program,
10 project, or activity is not in compliance with any Federal
11 law relating to risk assessment, the protection of private
12 property rights, or unfunded mandates.

13 SEC. 503. Such sums as may be necessary for fiscal
14 year 2012 for pay raises for programs funded by this Act
15 shall be absorbed within the levels appropriated in this
16 Act.

17 SEC. 504. No part of any funds appropriated in this
18 Act shall be used by an agency of the executive branch,
19 other than for normal and recognized executive-legislative
20 relationships, for publicity or propaganda purposes, and
21 for the preparation, distribution, or use of any kit, pam-
22 phlet, booklet, publication, radio, television, or film presen-
23 tation designed to support or defeat legislation pending
24 before Congress, except in presentation to Congress itself.

1 SEC. 505. All departments and agencies funded under
2 this Act are encouraged, within the limits of the existing
3 statutory authorities and funding, to expand their use of
4 “E-Commerce” technologies and procedures in the con-
5 duct of their business practices and public service activi-
6 ties.

7 SEC. 506. Unless stated otherwise, all reports and no-
8 tifications required by this Act shall be submitted to the
9 Subcommittee on Military Construction and Veterans Af-
10 fairs, and Related Agencies of the Committee on Appro-
11 priations of the House of Representatives and the Sub-
12 committee on Military Construction and Veterans Affairs,
13 and Related Agencies of the Committee on Appropriations
14 of the Senate.

15 SEC. 507. None of the funds made available in this
16 Act may be transferred to any department, agency, or in-
17 strumentality of the United States Government except
18 pursuant to a transfer made by, or transfer authority pro-
19 vided in, this or any other appropriations Act.

20 SEC. 508. None of the funds made available in this
21 Act may be used for a project or program named for an
22 individual serving as a Member, Delegate, or Resident
23 Commissioner of the United States House of Representa-
24 tives.

1 SEC. 509. (a) Any agency receiving funds made avail-
2 able in this Act, shall, subject to subsections (b) and (c),
3 post on the public website of that agency any report re-
4 quired to be submitted by the Congress in this or any
5 other Act, upon the determination by the head of the agen-
6 cy that it shall serve the national interest.

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

8 (1) the public posting of the report com-
9 promises national security; or

10 (2) the report contains confidential or propri-
11 etary information.

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

16 SEC. 510. (a) None of the funds made available in
17 this Act may be used to maintain or establish a computer
18 network unless such network blocks the viewing,
19 downloading, and exchanging of pornography.

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

24 SEC. 511. (a) IN GENERAL.—None of the funds ap-
25 propriated or otherwise made available to the Department

1 of Defense in this Act may be used to construct, renovate,
2 or expand any facility in the United States, its territories,
3 or possessions to house any individual detained at United
4 States Naval Station, Guantanamo Bay, Cuba, for the
5 purposes of detention or imprisonment in the custody or
6 under the control of the Department of Defense.

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

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

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

16 (2) is—

17 (A) in the custody or under the effective
18 control of the Department of Defense; or

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

21 SEC. 512. None of the funds appropriated or other-
22 wise made available in this Act may be used by an agency
23 of the executive branch to pay for first-class travel by an
24 employee of the agency in contravention of sections 301–

1 10.122 through 301–10.124 of title 41, Code of Federal
2 Regulations.

3 SEC. 513. None of the funds provided in this Act may
4 be used to execute a contract for goods or services, includ-
5 ing construction services, where the contractor has not
6 complied with Executive Order No. 12989.

7 SEC. 514. None of the funds made available by this
8 Act may be used to enter into a contract, memorandum
9 of understanding, or cooperative agreement with, or to
10 make a grant to, any corporation that was convicted of
11 a felony criminal violation under any Federal or State law
12 within the preceding 24 months, where the awarding agen-
13 cy is aware of the conviction, unless the agency has consid-
14 ered suspension or debarment of the corporation and made
15 a determination that this further action is not necessary
16 to protect the interests of the Government.

17 This division may be cited as the “Military Construc-
18 tion and Veterans Affairs, and Related Agencies Appro-
19 priations Act, 2012”.

1 **DIVISION I—DEPARTMENT OF STATE,**
2 **FOREIGN OPERATIONS, AND RELATED**
3 **PROGRAMS APPROPRIATIONS ACT,**
4 **2012**

5 TITLE I

6 DEPARTMENT OF STATE AND RELATED

7 AGENCY

8 DEPARTMENT OF STATE

9 ADMINISTRATION OF FOREIGN AFFAIRS

10 DIPLOMATIC AND CONSULAR PROGRAMS

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Department of State
13 and the Foreign Service not otherwise provided for,
14 \$6,550,947,000, of which up to \$1,355,000,000 is for
15 Worldwide Security Protection (to remain available until
16 expended): *Provided*, That funds made available under
17 this heading shall be allocated as follows:

18 (1) HUMAN RESOURCES.—For necessary ex-
19 penses for training, human resources management,
20 and salaries, including employment without regard
21 to civil service and classification laws of persons on
22 a temporary basis (not to exceed \$700,000), as au-
23 thorized by section 801 of the United States Infor-
24 mation and Educational Exchange Act of 1948,
25 \$2,277,862,000, to remain available until September

1 30, 2013, of which not less than \$121,814,000 shall
2 be available only for public diplomacy American sal-
3 aries, and up to \$203,800,000 is for Worldwide Se-
4 curity Protection and shall remain available until ex-
5 pended.

6 (2) OVERSEAS PROGRAMS.—For necessary ex-
7 penses for the regional bureaus of the Department
8 of State and overseas activities as authorized by law,
9 \$2,109,293,000, to remain available until September
10 30, 2013, of which not less than \$347,572,000 shall
11 be available only for public diplomacy international
12 information programs.

13 (3) DIPLOMATIC POLICY AND SUPPORT.—For
14 necessary expenses for the functional bureaus of the
15 Department of State including representation to cer-
16 tain international organizations in which the United
17 States participates pursuant to treaties ratified pur-
18 suant to the advice and consent of the Senate or
19 specific Acts of Congress, general administration,
20 and arms control, nonproliferation and disarmament
21 activities as authorized, \$822,513,000, to remain
22 available until September 30, 2013.

23 (4) SECURITY PROGRAMS.—For necessary ex-
24 penses for security activities, \$1,341,279,000, to re-
25 main available until September 30, 2013, of which

1 up to \$1,151,200,000 is for Worldwide Security Pro-
2 tection and shall remain available until expended.

3 (5) FEES AND PAYMENTS COLLECTED.—In ad-
4 dition to amounts otherwise made available under
5 this heading—

6 (A) not to exceed \$1,753,991 shall be de-
7 rived from fees collected from other executive
8 agencies for lease or use of facilities located at
9 the International Center in accordance with sec-
10 tion 4 of the International Center Act, and, in
11 addition, as authorized by section 5 of such
12 Act, \$520,150, to be derived from the reserve
13 authorized by that section, to be used for the
14 purposes set out in that section;

15 (B) as authorized by section 810 of the
16 United States Information and Educational Ex-
17 change Act, not to exceed \$5,000,000, to re-
18 main available until expended, may be credited
19 to this appropriation from fees or other pay-
20 ments received from English teaching, library,
21 motion pictures, and publication programs and
22 from fees from educational advising and coun-
23 seling and exchange visitor programs; and

1 (C) not to exceed \$15,000, which shall be
2 derived from reimbursements, surcharges and
3 fees for use of Blair House facilities.

4 (6) TRANSFER, REPROGRAMMING, AND OTHER
5 MATTERS.—

6 (A) Notwithstanding any provision of this
7 Act, funds may be reprogrammed within and
8 between subsections under this heading subject
9 to section 7015 of this Act;

10 (B) Of the amount made available under
11 this heading, not to exceed \$10,000,000 may be
12 transferred to, and merged with, funds made
13 available by this Act under the heading “Emer-
14 gencies in the Diplomatic and Consular Serv-
15 ice”, to be available only for emergency evacu-
16 ations and rewards, as authorized; and

17 (C) Funds appropriated under this heading
18 are available for acquisition by exchange or pur-
19 chase of passenger motor vehicles as authorized
20 by law and, pursuant to 31 U.S.C. 1108(g), for
21 the field examination of programs and activities
22 in the United States funded from any account
23 contained in this title.

24 (D) Of the amount made available under
25 this heading, up to \$6,000,000 may be trans-

1 ferred to, and merged with, funds made avail-
2 able by this Act under the heading “Depart-
3 ment of State, Administration of Foreign Af-
4 airs, Capital Investment Fund”: *Provided*,
5 That the transfer authority of this subpara-
6 graph is in addition to any other transfer au-
7 thority available to the Secretary of State.

8 (E)(i) The headings “Civilian Stabilization
9 Initiative” in titles I and II of prior acts mak-
10 ing appropriations for the Department of State,
11 foreign operations, and related programs shall
12 be renamed “Conflict Stabilization Operations”.

13 (ii) Of the funds appropriated under this
14 heading, up to \$35,000,000, to remain available
15 until expended, may be transferred to, and
16 merged with, funds previously made available
17 under the heading “Conflict Stabilization Oper-
18 ations” in title I of prior acts making appro-
19 priations for the Department of State, foreign
20 operations and related programs, as amended
21 by subparagraph (i).

22 (F) None of the funds appropriated under
23 this heading may be used for the preservation
24 of religious sites unless the Secretary of State
25 determines and reports to the Committees on

1 Appropriations that such sites are historically,
2 artistically, or culturally significant, that the
3 purpose of the project is neither to advance nor
4 to inhibit the free exercise of religion, and that
5 the project is in the national interest of the
6 United States.

7 CAPITAL INVESTMENT FUND

8 For necessary expenses of the Capital Investment
9 Fund, \$59,380,000, to remain available until expended,
10 as authorized: *Provided*, That section 135(e) of Public
11 Law 103–236 shall not apply to funds available under this
12 heading.

13 OFFICE OF INSPECTOR GENERAL

14 For necessary expenses of the Office of Inspector
15 General, \$61,904,000, notwithstanding section 209(a)(1)
16 of the Foreign Service Act of 1980 (Public Law 96–465),
17 as it relates to post inspections.

18 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

19 For expenses of educational and cultural exchange
20 programs, as authorized, \$583,200,000, to remain avail-
21 able until expended: *Provided*, That not to exceed
22 \$5,000,000, to remain available until expended, may be
23 credited to this appropriation from fees or other payments
24 received from or in connection with English teaching, edu-

1 cational advising and counseling programs, and exchange
2 visitor programs as authorized.

3 REPRESENTATION ALLOWANCES

4 For representation allowances as authorized,
5 \$7,300,000.

6 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

7 For expenses, not otherwise provided, to enable the
8 Secretary of State to provide for extraordinary protective
9 services, as authorized, \$27,000,000, to remain available
10 until September 30, 2013.

11 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

12 For necessary expenses for carrying out the Foreign
13 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
14 serving, maintaining, repairing, and planning for buildings
15 that are owned or directly leased by the Department of
16 State, renovating, in addition to funds otherwise available,
17 the Harry S Truman Building, and carrying out the Dip-
18 lomatic Security Construction Program as authorized,
19 \$762,000,000, to remain available until expended as au-
20 thorized, of which not to exceed \$25,000 may be used for
21 domestic and overseas representation as authorized: *Pro-*
22 *vided*, That none of the funds appropriated in this para-
23 graph shall be available for acquisition of furniture, fur-
24 nishings, or generators for other departments and agen-
25 cies.

1 In addition, for the costs of worldwide security up-
2 grades, acquisition, and construction as authorized,
3 \$775,000,000, to remain available until expended: *Pro-*
4 *vided*, That not later than 45 days after enactment of this
5 Act, the Secretary of State shall submit to the Committees
6 on Appropriations the proposed allocation of funds made
7 available under this heading and the actual and antici-
8 pated proceeds of sales for all projects in fiscal year 2012.

9 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

10 SERVICE

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to enable the Secretary of
13 State to meet unforeseen emergencies arising in the Diplo-
14 matic and Consular Service, \$9,300,000, to remain avail-
15 able until expended as authorized, of which not to exceed
16 \$1,000,000 may be transferred to, and merged with, funds
17 appropriated by this Act under the heading “Repatriation
18 Loans Program Account”, subject to the same terms and
19 conditions.

20 REPATRIATION LOANS PROGRAM ACCOUNT

21 (INCLUDING TRANSFER OF FUNDS)

22 For the cost of direct loans, \$1,447,000, as author-
23 ized, of which \$710,000 may be made available for admin-
24 istrative expenses necessary to carry out the direct loan
25 program and may be paid to “Diplomatic and Consular

1 Programs”: *Provided*, That such costs, including the cost
2 of modifying such loans, shall be as defined in section 502
3 of the Congressional Budget Act of 1974.

4 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

5 For necessary expenses to carry out the Taiwan Rela-
6 tions Act (Public Law 96–8), \$21,108,000.

7 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
8 DISABILITY FUND

9 For payment to the Foreign Service Retirement and
10 Disability Fund, as authorized, \$158,900,000.

11 INTERNATIONAL ORGANIZATIONS

12 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

13 For necessary expenses, not otherwise provided for,
14 to meet annual obligations of membership in international
15 multilateral organizations, pursuant to treaties ratified
16 pursuant to the advice and consent of the Senate, conven-
17 tions or specific Acts of Congress, \$1,449,700,000: *Pro-*
18 *vided*, That the Secretary of State shall, at the time of
19 the submission of the President’s budget to Congress
20 under section 1105(a) of title 31, United States Code,
21 transmit to the Committees on Appropriations the most
22 recent biennial budget prepared by the United Nations for
23 the operations of the United Nations: *Provided further*,
24 That the Secretary of State shall notify the Committees
25 on Appropriations at least 15 days in advance (or in an

1 emergency, as far in advance as is practicable) of any
2 United Nations action to increase funding for any United
3 Nations program without identifying an offsetting de-
4 crease elsewhere in the United Nations budget: *Provided*
5 *further*, That the Secretary of State shall report to the
6 Committees on Appropriations not later than May 1,
7 2012, on any credits available to the United States from
8 the United Nations Tax Equalization Fund (TEF) and
9 provide updated fiscal year 2013 assessment costs includ-
10 ing offsets from available TEF credits and updated for-
11 eign currency exchange rates: *Provided further*, That any
12 such credits shall only be available for United States as-
13 sessed contributions to the United Nations and shall be
14 subject to the regular notification procedures of the Com-
15 mittees on Appropriations: *Provided further*, That any
16 payment of arrearages under this heading shall be directed
17 toward activities that are mutually agreed upon by the
18 United States and the respective international organiza-
19 tion: *Provided further*, That none of the funds appro-
20 priated under this heading shall be available for a United
21 States contribution to an international organization for
22 the United States share of interest costs made known to
23 the United States Government by such organization for
24 loans incurred on or after October 1, 1984, through exter-
25 nal borrowings.

1 such cases publicly available in the country where an al-
2 leged crime occurs and on the United Nations' Web site;
3 and (3) pursuant to section 7015 of this Act, and the pro-
4 cedures therein followed, setting forth the source of funds
5 that will be used to pay the cost of the new or expanded
6 mission: *Provided further*, That funds shall be available
7 for peacekeeping expenses unless the Secretary of State
8 determines that American manufacturers and suppliers
9 are not being given opportunities to provide equipment,
10 services, and material for United Nations peacekeeping ac-
11 tivities equal to those being given to foreign manufacturers
12 and suppliers: *Provided further*, That the Secretary of
13 State shall work with the United Nations and governments
14 contributing peacekeeping troops to develop effective vet-
15 ting procedures to ensure that such troops have not vio-
16 lated human rights: *Provided further*, That none of the
17 funds appropriated or otherwise made available under this
18 heading may be used for any United Nations peacekeeping
19 mission that will involve United States Armed Forces
20 under the command or operational control of a foreign na-
21 tional, unless the President's military advisors have sub-
22 mitted to the President a recommendation that such in-
23 volvement is in the national interests of the United States
24 and the President has submitted to the Congress such a
25 recommendation: *Provided further*, That notwithstanding

1 any other provision of law, funds appropriated or other-
2 wise made available under this heading shall be available
3 for United States assessed contributions up to the amount
4 specified in Annex IV accompanying United Nations Gen-
5 eral Assembly Resolution 64/220: *Provided further*, That
6 such funds may be made available above the amount au-
7 thorized in section 404(b)(2)(B) of the Foreign Relations
8 Authorization Act, fiscal years 1994 and 1995 (22 U.S.C.
9 287e note) only if the Secretary of State determines and
10 reports to the Committees on Appropriations, the Com-
11 mittee on Foreign Affairs of the House of Representatives,
12 and the Committee on Foreign Relations of the Senate
13 that it is important to the national interest of the United
14 States: *Provided further*, That the Secretary of State shall
15 report to the Committees on Appropriations not later than
16 May 1, 2012, of any credits available to the United States
17 resulting from United Nations peacekeeping missions or
18 the United Nations Tax Equalization Fund: *Provided fur-*
19 *ther*, That any such credits shall only be available for
20 United States assessed contributions to the United Na-
21 tions and shall be subject to the regular notification proce-
22 dures of the Committees on Appropriations.

1 INTERNATIONAL COMMISSIONS

2 For necessary expenses, not otherwise provided for,
3 to meet obligations of the United States arising under
4 treaties, or specific Acts of Congress, as follows:

5 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
6 UNITED STATES AND MEXICO

7 For necessary expenses for the United States Section
8 of the International Boundary and Water Commission,
9 United States and Mexico, and to comply with laws appli-
10 cable to the United States Section, including not to exceed
11 \$6,000 for representation; as follows:

12 SALARIES AND EXPENSES

13 For salaries and expenses, not otherwise provided for,
14 \$44,722,000.

15 CONSTRUCTION

16 For detailed plan preparation and construction of au-
17 thorized projects, \$31,453,000, to remain available until
18 expended, as authorized.

19 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

20 For necessary expenses, not otherwise provided, for
21 the International Joint Commission and the International
22 Boundary Commission, United States and Canada, as au-
23 thorized by treaties between the United States and Can-
24 ada or Great Britain, and the Border Environment Co-
25 operation Commission as authorized by Public Law 103-

1 182, \$11,687,000: *Provided*, That of the amount provided
2 under this heading for the International Joint Commis-
3 sion, \$9,000 may be made available for representation ex-
4 penses.

5 INTERNATIONAL FISHERIES COMMISSIONS

6 For necessary expenses for international fisheries
7 commissions, not otherwise provided for, as authorized by
8 law, \$36,300,000: *Provided*, That the United States share
9 of such expenses may be advanced to the respective com-
10 missions pursuant to 31 U.S.C. 3324.

11 RELATED AGENCY

12 BROADCASTING BOARD OF GOVERNORS

13 INTERNATIONAL BROADCASTING OPERATIONS

14 For necessary expenses to enable the Broadcasting
15 Board of Governors (BBG), as authorized, to carry out
16 international communication activities, and to make and
17 supervise grants for radio and television broadcasting to
18 the Middle East, \$740,100,000: *Provided*, That funds ap-
19 propriated under this heading shall be made available to
20 expand unrestricted access to information on the Internet
21 through the development and use of circumvention and se-
22 cure communication technologies: *Provided further*, That
23 the circumvention technologies and programs supported
24 by such funds shall undergo a review, to include an assess-
25 ment of protections against such technologies being used

1 for illicit purposes: *Provided further*, That the BBG shall
2 coordinate the development and use of such technologies
3 with the Secretary of State, as appropriate: *Provided fur-*
4 *ther*, That of the total amount appropriated under this
5 heading, not to exceed \$16,000 may be used for official
6 receptions within the United States as authorized, not to
7 exceed \$35,000 may be used for representation abroad as
8 authorized, and not to exceed \$39,000 may be used for
9 official reception and representation expenses of Radio
10 Free Europe/Radio Liberty: *Provided further*, That the au-
11 thority provided by section 504(e) of the Foreign Relations
12 Authorization Act, Fiscal Year 2003 (Public Law 107–
13 228; 22 U.S.C. 6206 note) shall remain in effect through
14 September 30, 2012: *Provided further*, That the BBG
15 shall notify the Committees on Appropriations within 15
16 days of any determination by the Board that any of its
17 broadcast entities, including its grantee organizations,
18 provides an open platform for international terrorists or
19 those who support international terrorism, or is in viola-
20 tion of the principles and standards set forth in the United
21 States International Broadcasting Act of 1994 (22 U.S.C.
22 6202(a) and (b)) or the entity’s journalistic code of ethics:
23 *Provided further*, That significant modifications to BBG
24 broadcast hours previously justified to Congress, including
25 changes to transmission platforms (shortwave, medium

1 wave, satellite, Internet, and television), for all BBG lan-
2 guage services shall be subject to the regular notification
3 procedures of the Committees on Appropriations: *Provided*
4 *further*, That in addition to funds made available under
5 this heading, and notwithstanding any other provision of
6 law, up to \$2,000,000 in receipts from advertising and
7 revenue from business ventures, up to \$500,000 in re-
8 ceipts from cooperating international organizations, and
9 up to \$1,000,000 in receipts from privatization efforts of
10 the Voice of America and the International Broadcasting
11 Bureau, to remain available until expended for carrying
12 out authorized purposes.

13 BROADCASTING CAPITAL IMPROVEMENTS

14 For the purchase, rent, construction, and improve-
15 ment of facilities for radio and television transmission and
16 reception, and purchase and installation of necessary
17 equipment for radio and television transmission and recep-
18 tion, including to Cuba, as authorized, \$7,030,000, to re-
19 main available until expended, as authorized.

20 RELATED PROGRAMS

21 THE ASIA FOUNDATION

22 For a grant to The Asia Foundation, as authorized
23 by The Asia Foundation Act (22 U.S.C. 4402),
24 \$17,000,000, to remain available until expended, as au-
25 thorized.

1 UNITED STATES INSTITUTE OF PEACE

2 For necessary expenses of the United States Institute
3 of Peace, as authorized by the United States Institute of
4 Peace Act, \$30,589,000, to remain available until Sep-
5 tember 30, 2013, which shall not be used for construction
6 activities.

7 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

8 TRUST FUND

9 For necessary expenses of the Center for Middle
10 Eastern-Western Dialogue Trust Fund, as authorized by
11 section 633 of the Departments of Commerce, Justice, and
12 State, the Judiciary, and Related Agencies Appropriations
13 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
14 est and earnings accruing to such Fund on or before Sep-
15 tember 30, 2012, to remain available until expended.

16 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

17 For necessary expenses of Eisenhower Exchange Fel-
18 lowships, Incorporated, as authorized by sections 4 and
19 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
20 U.S.C. 5204–5205), all interest and earnings accruing to
21 the Eisenhower Exchange Fellowship Program Trust
22 Fund on or before September 30, 2012, to remain avail-
23 able until expended: *Provided*, That none of the funds ap-
24 propriated herein shall be used to pay any salary or other
25 compensation, or to enter into any contract providing for

1 the payment thereof, in excess of the rate authorized by
2 5 U.S.C. 5376; or for purposes which are not in accord-
3 ance with OMB Circulars A-110 (Uniform Administrative
4 Requirements) and A-122 (Cost Principles for Non-profit
5 Organizations), including the restrictions on compensation
6 for personal services.

7 ISRAELI ARAB SCHOLARSHIP PROGRAM

8 For necessary expenses of the Israeli Arab Scholar-
9 ship Program, as authorized by section 214 of the Foreign
10 Relations Authorization Act, Fiscal Years 1992 and 1993
11 (22 U.S.C. 2452), all interest and earnings accruing to
12 the Israeli Arab Scholarship Fund on or before September
13 30, 2012, to remain available until expended.

14 EAST-WEST CENTER

15 To enable the Secretary of State to provide for car-
16 rying out the provisions of the Center for Cultural and
17 Technical Interchange Between East and West Act of
18 1960, by grant to the Center for Cultural and Technical
19 Interchange Between East and West in the State of Ha-
20 waii, \$16,700,000: *Provided*, That none of the funds ap-
21 propriated herein shall be used to pay any salary, or enter
22 into any contract providing for the payment thereof, in
23 excess of the rate authorized by 5 U.S.C. 5376.

1 NATIONAL ENDOWMENT FOR DEMOCRACY

2 For grants made by the Department of State to the
3 National Endowment for Democracy, as authorized by the
4 National Endowment for Democracy Act, \$117,764,000,
5 to remain available until expended, of which \$100,000,000
6 shall be allocated in the traditional and customary man-
7 ner, including for the core institutes, and \$17,764,000
8 shall be for democracy, human rights, and rule of law pro-
9 grams: *Provided*, That the President of the National En-
10 dowment for Democracy shall submit to the Committees
11 on Appropriations not later than 45 days after the date
12 of enactment of this Act a report on the proposed uses
13 of funds under this heading on a regional and country
14 basis.

15 OTHER COMMISSIONS

16 COMMISSION FOR THE PRESERVATION OF AMERICA'S

17 HERITAGE ABROAD

18 SALARIES AND EXPENSES

19 For necessary expenses for the Commission for the
20 Preservation of America's Heritage Abroad, \$634,000, as
21 authorized by section 1303 of Public Law 99-83.

1 UNITED STATES COMMISSION ON INTERNATIONAL
2 RELIGIOUS FREEDOM
3 SALARIES AND EXPENSES

4 For necessary expenses for the United States Com-
5 mission on International Religious Freedom, as authorized
6 by title II of the International Religious Freedom Act of
7 1998 (Public Law 105–292), \$3,000,000, to remain avail-
8 able until September 30, 2013: *Provided*, That section 209
9 of the International Religious Freedom Act of 1998 (22
10 U.S.C. 6436) shall be applied by substituting “September
11 30, 2012” for “September 30, 2011”: *Provided further*,
12 That notwithstanding the expenditure limitation specified
13 in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)),
14 the Commission may expend up to \$250,000 of the funds
15 made available under this heading to procure temporary
16 and intermittent services under the authority of section
17 3109(b) of title 5, United States Code: *Provided further*,
18 That travel by members and staff of the Commission shall
19 be arranged and conducted under the rules and procedures
20 applying to travel by members and staff of the House of
21 Representatives: *Provided further*, That for the purposes
22 of employment rights, any employee of the Commission
23 shall be considered to be a congressional employee as de-
24 fined in section 2107 of title 5, United States Code and

1 the Commission shall be treated as a congressional em-
2 ploying office.

3 COMMISSION ON SECURITY AND COOPERATION IN
4 EUROPE
5 SALARIES AND EXPENSES

6 For necessary expenses of the Commission on Secu-
7 rity and Cooperation in Europe, as authorized by Public
8 Law 94–304, \$2,715,000, to remain available until Sep-
9 tember 30, 2013.

10 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
11 PEOPLE’S REPUBLIC OF CHINA
12 SALARIES AND EXPENSES

13 For necessary expenses of the Congressional-Execu-
14 tive Commission on the People’s Republic of China, as au-
15 thorized by title III of the U.S.-China Relations Act of
16 2000 (22 U.S.C. 6911–6919), \$1,996,000, including not
17 more than \$3,000 for the purpose of official representa-
18 tion, to remain available until September 30, 2013.

19 UNITED STATES-CHINA ECONOMIC AND SECURITY
20 REVIEW COMMISSION
21 SALARIES AND EXPENSES

22 For necessary expenses of the United States-China
23 Economic and Security Review Commission, as authorized
24 by section 1238 of the Floyd D. Spence National Defense
25 Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),

1 \$3,493,000, including not more than \$4,000 for the pur-
2 pose of official representation, to remain available until
3 September 30, 2013: *Provided*, That the authorities, re-
4 quirements, limitations, and conditions contained in the
5 second through sixth provisos under this heading in divi-
6 sion F of Public Law 111–117 shall continue in effect dur-
7 ing fiscal year 2012 and shall apply to funds appropriated
8 under this heading as if included in this Act.

1 TITLE II
2 UNITED STATES AGENCY FOR INTERNATIONAL
3 DEVELOPMENT
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OPERATING EXPENSES
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out the provisions
8 of section 667 of the Foreign Assistance Act of 1961,
9 \$1,092,300,000, to remain available until September 30,
10 2013, of which not less than \$25,000,000 should be for
11 costs associated with procurement reform: *Provided*, That
12 none of the funds appropriated under this heading and
13 under the heading “Capital Investment Fund” in this title
14 may be made available to finance the construction (includ-
15 ing architect and engineering services), purchase, or long-
16 term lease of offices for use by the United States Agency
17 for International Development (USAID), unless the
18 USAID Administrator has identified such proposed use of
19 funds in a report submitted to the Committees on Appro-
20 priations at least 15 days prior to the obligation of funds
21 for such purposes: *Provided further*, That contracts or
22 agreements entered into with funds appropriated under
23 this heading during fiscal year 2013 may entail commit-
24 ments for the expenditure of such funds through the fol-
25 lowing fiscal year: *Provided further*, That any decision to

1 open a new or reorganized USAID mission, bureau, cen-
2 ter, or office or, except where there is a substantial secu-
3 rity risk to mission personnel, to close or significantly re-
4 duce the number of personnel of any such mission or of-
5 fice, shall be subject to the regular notification procedures
6 of the Committees on Appropriations: *Provided further,*
7 That the authority of sections 610 and 109 of the Foreign
8 Assistance Act of 1961 may be exercised by the Secretary
9 of State to transfer funds appropriated to carry out chap-
10 ter 1 of part I of such Act to “Operating Expenses” in
11 accordance with the provisions of those sections: *Provided*
12 *further,* That any reprogramming of funds in excess of
13 \$1,000,000 or 10 percent, whichever is less, to the cost
14 categories in the table included under this heading in the
15 explanatory statement described in section 4 (in the mat-
16 ter preceding division A of this consolidated Act) for funds
17 appropriated under this heading, shall be subject to the
18 regular notification procedures of the Committees on Ap-
19 propriations: *Provided further,* That of the funds appro-
20 priated or made available under this heading, not to ex-
21 ceed \$250,000 may be available for representation and en-
22 tertainment allowances, of which not to exceed \$5,000
23 may be available for entertainment allowances, for USAID
24 during the current fiscal year: *Provided further,* That no
25 such entertainment funds may be used for the purposes

1 listed in section 7020 of this Act: *Provided further*, That
2 appropriate steps shall be taken to assure that, to the
3 maximum extent possible, United States-owned foreign
4 currencies are utilized in lieu of dollars.

5 CAPITAL INVESTMENT FUND

6 For necessary expenses for overseas construction and
7 related costs, and for the procurement and enhancement
8 of information technology and related capital investments,
9 pursuant to section 667 of the Foreign Assistance Act of
10 1961, \$129,700,000, to remain available until expended:
11 *Provided*, That this amount is in addition to funds other-
12 wise available for such purposes: *Provided further*, That
13 funds appropriated under this heading shall be available
14 for obligation only pursuant to the regular notification
15 procedures of the Committees on Appropriations.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses to carry out the provisions
18 of section 667 of the Foreign Assistance Act of 1961,
19 \$46,500,000, to remain available until September 30,
20 2013, which sum shall be available for the Office of In-
21 spector General of the United States Agency for Inter-
22 national Development.

1 TITLE III
2 BILATERAL ECONOMIC ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For necessary expenses to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, as follows:

7 GLOBAL HEALTH PROGRAMS
8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses to carry out the provisions
10 of chapters 1 and 10 of part I of the Foreign Assistance
11 Act of 1961, for global health activities, in addition to
12 funds otherwise available for such purposes,
13 \$2,625,000,000, to remain available until September 30,
14 2013, and which shall be apportioned directly to the
15 United States Agency for International Development
16 (USAID): *Provided*, That this amount shall be made avail-
17 able for training, equipment, and technical assistance to
18 build the capacity of public health institutions and organi-
19 zations in developing countries, and for such activities as:
20 (1) child survival and maternal health programs; (2) im-
21 munization and oral rehydration programs; (3) other
22 health, nutrition, water and sanitation programs which di-
23 rectly address the needs of mothers and children, and re-
24 lated education programs; (4) assistance for children dis-
25 placed or orphaned by causes other than AIDS; (5) pro-

1 grams for the prevention, treatment, control of, and re-
2 search on HIV/AIDS, tuberculosis, polio, malaria, and
3 other infectious diseases including neglected tropical dis-
4 eases, and for assistance to communities severely affected
5 by HIV/AIDS, including children infected or affected by
6 AIDS; and (6) family planning/reproductive health: *Pro-*
7 *vided further*, That funds appropriated under this para-
8 graph may be made available for a United States contribu-
9 tion to the GAVI Alliance: *Provided further*, That none
10 of the funds made available in this Act nor any unobli-
11 gated balances from prior appropriations Acts may be
12 made available to any organization or program which, as
13 determined by the President of the United States, sup-
14 ports or participates in the management of a program of
15 coercive abortion or involuntary sterilization: *Provided fur-*
16 *ther*, That any determination made under the previous
17 proviso must be made no later than 6 months after the
18 date of enactment of this Act, and must be accompanied
19 by the evidence and criteria utilized to make the deter-
20 mination: *Provided further*, That none of the funds made
21 available under this Act may be used to pay for the per-
22 formance of abortion as a method of family planning or
23 to motivate or coerce any person to practice abortions:
24 *Provided further*, That nothing in this paragraph shall be
25 construed to alter any existing statutory prohibitions

1 against abortion under section 104 of the Foreign Assist-
2 ance Act of 1961: *Provided further*, That none of the funds
3 made available under this Act may be used to lobby for
4 or against abortion: *Provided further*, That in order to re-
5 duce reliance on abortion in developing nations, funds
6 shall be available only to voluntary family planning
7 projects which offer, either directly or through referral to,
8 or information about access to, a broad range of family
9 planning methods and services, and that any such vol-
10 untary family planning project shall meet the following re-
11 quirements: (1) service providers or referral agents in the
12 project shall not implement or be subject to quotas, or
13 other numerical targets, of total number of births, number
14 of family planning acceptors, or acceptors of a particular
15 method of family planning (this provision shall not be con-
16 strued to include the use of quantitative estimates or indi-
17 cators for budgeting and planning purposes); (2) the
18 project shall not include payment of incentives, bribes,
19 gratuities, or financial reward to: (A) an individual in ex-
20 change for becoming a family planning acceptor; or (B)
21 program personnel for achieving a numerical target or
22 quota of total number of births, number of family planning
23 acceptors, or acceptors of a particular method of family
24 planning; (3) the project shall not deny any right or ben-
25 efit, including the right of access to participate in any pro-

1 gram of general welfare or the right of access to health
2 care, as a consequence of any individual's decision not to
3 accept family planning services; (4) the project shall pro-
4 vide family planning acceptors comprehensible information
5 on the health benefits and risks of the method chosen, in-
6 cluding those conditions that might render the use of the
7 method inadvisable and those adverse side effects known
8 to be consequent to the use of the method; and (5) the
9 project shall ensure that experimental contraceptive drugs
10 and devices and medical procedures are provided only in
11 the context of a scientific study in which participants are
12 advised of potential risks and benefits; and, not less than
13 60 days after the date on which the USAID Administrator
14 determines that there has been a violation of the require-
15 ments contained in paragraph (1), (2), (3), or (5) of this
16 proviso, or a pattern or practice of violations of the re-
17 quirements contained in paragraph (4) of this proviso, the
18 Administrator shall submit to the Committees on Appro-
19 priations a report containing a description of such viola-
20 tion and the corrective action taken by the Agency: *Pro-*
21 *vided further*, That in awarding grants for natural family
22 planning under section 104 of the Foreign Assistance Act
23 of 1961 no applicant shall be discriminated against be-
24 cause of such applicant's religious or conscientious com-
25 mitment to offer only natural family planning; and, addi-

1 tionally, all such applicants shall comply with the require-
2 ments of the previous proviso: *Provided further*, That for
3 purposes of this or any other Act authorizing or appro-
4 priating funds for the Department of State, foreign oper-
5 ations, and related programs, the term “motivate”, as it
6 relates to family planning assistance, shall not be con-
7 strued to prohibit the provision, consistent with local law,
8 of information or counseling about all pregnancy options:
9 *Provided further*, That information provided about the use
10 of condoms as part of projects or activities that are funded
11 from amounts appropriated by this Act shall be medically
12 accurate and shall include the public health benefits and
13 failure rates of such use.

14 In addition, for necessary expenses to carry out the
15 provisions of the Foreign Assistance Act of 1961 for the
16 prevention, treatment, and control of, and research on,
17 HIV/AIDS, \$5,542,860,000, to remain available until
18 September 30, 2016, which shall be apportioned directly
19 to the Department of State: *Provided*, That funds appro-
20 priated under this paragraph may be made available, not-
21 withstanding any other provision of law, except for the
22 United States Leadership Against HIV/AIDS, Tuber-
23 culosis and Malaria Act of 2003 (Public Law 108–25),
24 as amended, for a United States contribution to the Global
25 Fund to Fight AIDS, Tuberculosis and Malaria (Global

1 Fund), and shall be expended at the minimum rate nec-
2 essary to make timely payment for projects and activities:
3 *Provided further*, That the amount of such contribution
4 should be \$1,050,000,000: *Provided further*, That up to
5 5 percent of the aggregate amount of funds made available
6 to the Global Fund in fiscal year 2012 may be made avail-
7 able to USAID for technical assistance related to the ac-
8 tivities of the Global Fund: *Provided further*, That of the
9 funds appropriated under this paragraph, up to
10 \$14,250,000 may be made available, in addition to
11 amounts otherwise available for such purposes, for admin-
12 istrative expenses of the Office of the United States Global
13 AIDS Coordinator.

14 DEVELOPMENT ASSISTANCE

15 For necessary expenses to carry out the provisions
16 of sections 103, 105, 106, 214, and sections 251 through
17 255, and chapter 10 of part I of the Foreign Assistance
18 Act of 1961, \$2,519,950,000, to remain available until
19 September 30, 2013: *Provided*, That relevant bureaus and
20 offices of the United States Agency for International De-
21 velopment (USAID) that support cross-cutting develop-
22 ment programs shall coordinate such programs on a reg-
23 ular basis: *Provided further*, That of the funds appro-
24 priated under this heading, not less than \$23,000,000
25 shall be made available for the American Schools and Hos-

1 pitals Abroad program, and not less than \$10,000,000
2 shall be made available for USAID cooperative develop-
3 ment programs within the Office of Private and Voluntary
4 Cooperation.

5 INTERNATIONAL DISASTER ASSISTANCE

6 For necessary expenses to carry out the provisions
7 of section 491 of the Foreign Assistance Act of 1961 for
8 international disaster relief, rehabilitation, and recon-
9 struction assistance, \$825,000,000, to remain available
10 until expended.

11 TRANSITION INITIATIVES

12 For necessary expenses for international disaster re-
13 habilitation and reconstruction assistance pursuant to sec-
14 tion 491 of the Foreign Assistance Act of 1961,
15 \$50,141,000, to remain available until expended, to sup-
16 port transition to democracy and to long-term develop-
17 ment of countries in crisis: *Provided*, That such support
18 may include assistance to develop, strengthen, or preserve
19 democratic institutions and processes, revitalize basic in-
20 frastructure, and foster the peaceful resolution of conflict:
21 *Provided further*, That the United States Agency for Inter-
22 national Development shall submit a report to the Com-
23 mittees on Appropriations at least 5 days prior to begin-
24 ning a new program of assistance: *Provided further*, That
25 if the Secretary of State determines that it is important

1 heading may be made available notwithstanding any other
2 provision of law, except sections 7007, 7008, and 7018
3 of this Act and section 620M of the Foreign Assistance
4 Act of 1961, as amended by this Act: *Provided further*,
5 That funds appropriated under this heading shall be sub-
6 ject to the regular notification procedures of the Commit-
7 tees on Appropriations, except that such notifications shall
8 be transmitted at least 5 days in advance of the obligation
9 of funds.

10 DEVELOPMENT CREDIT AUTHORITY

11 (INCLUDING TRANSFER OF FUNDS)

12 For the cost of direct loans and loan guarantees pro-
13 vided by the United States Agency for International De-
14 velopment, as authorized by sections 256 and 635 of the
15 Foreign Assistance Act of 1961, up to \$40,000,000 may
16 be derived by transfer from funds appropriated by this Act
17 to carry out part I of such Act and under the heading
18 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
19 *vided*, That funds provided under this paragraph and
20 funds provided as a gift pursuant to section 635(d) of the
21 Foreign Assistance Act of 1961 shall be made available
22 only for micro and small enterprise programs, urban pro-
23 grams, and other programs which further the purposes of
24 part I of such Act: *Provided further*, That such costs, in-
25 cluding the cost of modifying such direct and guaranteed

1 loans, shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974, as amended: *Provided further*,
3 That funds made available by this paragraph may be used
4 for the cost of modifying any such guaranteed loans under
5 this Act or prior Acts, and funds used for such costs shall
6 be subject to the regular notification procedures of the
7 Committees on Appropriations: *Provided further*, That the
8 provisions of section 107A(d) (relating to general provi-
9 sions applicable to the Development Credit Authority) of
10 the Foreign Assistance Act of 1961, as contained in sec-
11 tion 306 of H.R. 1486 as reported by the House Com-
12 mittee on International Relations on May 9, 1997, shall
13 be applicable to direct loans and loan guarantees provided
14 under this heading, except that the principal amount of
15 loans made or guaranteed under this heading with respect
16 to any single country shall not exceed \$300,000,000: *Pro-*
17 *vided further*, That these funds are available to subsidize
18 total loan principal, any portion of which is to be guaran-
19 teed, of up to \$750,000,000.

20 In addition, for administrative expenses to carry out
21 credit programs administered by the United States Agency
22 for International Development, \$8,300,000, which may be
23 transferred to, and merged with, funds made available
24 under the heading “Operating Expenses” in title II of this

1 Act: *Provided*, That funds made available under this head-
2 ing shall remain available until September 30, 2014.

3 ECONOMIC SUPPORT FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses to carry out the provisions
6 of chapter 4 of part II of the Foreign Assistance Act of
7 1961, \$3,001,745,000, to remain available until Sep-
8 tember 30, 2013: *Provided*, That of the funds appro-
9 priated under this heading, \$250,000,000 shall be avail-
10 able for assistance for Egypt, including not less than
11 \$35,000,000 for education programs of which not less
12 than \$10,000,000 is for scholarships at not-for-profit in-
13 stitutions for Egyptian students with high financial need,
14 and to implement section 7041(a)(3) and (b) of this Act:
15 *Provided further*, That funds appropriated under this
16 heading that are made available for assistance for Cyprus
17 shall be used only for scholarships, administrative support
18 of the scholarship program, bicommunal projects, and
19 measures aimed at reunification of the island and designed
20 to reduce tensions and promote peace and cooperation be-
21 tween the two communities on Cyprus: *Provided further*,
22 That \$12,000,000 of the funds made available for assist-
23 ance for Lebanon under this heading shall be for scholar-
24 ships at not-for-profit institutions for students in Lebanon
25 with high financial need: *Provided further*, That of the

1 funds appropriated under this heading, not less than
2 \$360,000,000 shall be available for assistance for Jordan:
3 *Provided further*, That up to \$30,000,000 of the funds ap-
4 propriated for fiscal year 2011 under this heading in Pub-
5 lic Law 112–10, division B, may be made available for
6 the costs, as defined in section 502 of the Congressional
7 Budget Act of 1974, of loan guarantees for Tunisia, which
8 are authorized to be provided: *Provided further*, That
9 amounts that are made available under the previous pro-
10 viso for the cost of guarantees shall not be considered “as-
11 sistance” for the purposes of provisions of law limiting as-
12 sistance to a country: *Provided further*, That of the funds
13 appropriated under this heading, not less than
14 \$179,000,000 shall be apportioned directly to the United
15 States Agency for International Development for alter-
16 native development/institution building programs in Co-
17 lombia: *Provided further*, That of the funds appropriated
18 under this heading that are available for assistance for
19 Colombia, not less than \$7,000,000 shall be transferred
20 to, and merged with, funds appropriated under the head-
21 ing “Migration and Refugee Assistance” and shall be
22 made available only for assistance to nongovernmental and
23 international organizations that provide assistance to Co-
24 lombian refugees in neighboring countries: *Provided fur-*
25 *ther*, That in consultation with the Secretary of the Treas-

1 ury, the Secretary of State may transfer up to
2 \$200,000,000 of the funds made available under this
3 heading to funds appropriated in this Act under the head-
4 ings “Multilateral Assistance, Funds Appropriated to the
5 President, International Financial Institutions” for addi-
6 tional payments to such institutions, facilities, and funds
7 enumerated under such headings: *Provided further*, That
8 prior to exercising the transfer authority under the pre-
9 vious proviso the Secretary of State shall consult with the
10 Committees on Appropriations.

11 DEMOCRACY FUND

12 For necessary expenses to carry out the provisions
13 of the Foreign Assistance Act of 1961 for the promotion
14 of democracy globally, \$114,770,000, to remain available
15 until September 30, 2013, of which \$68,000,000 shall be
16 made available for the Human Rights and Democracy
17 Fund of the Bureau of Democracy, Human Rights and
18 Labor, Department of State, and \$46,770,000 shall be
19 made available for the Office of Democracy and Govern-
20 ance of the Bureau for Democracy, Conflict, and Human-
21 itarian Assistance, United States Agency for International
22 Development.

23 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

24 For necessary expenses to carry out the provisions
25 of the Foreign Assistance Act of 1961, the FREEDOM

1 Support Act, and the Support for East European Democ-
2 racy (SEED) Act of 1989, \$626,718,000, to remain avail-
3 able until September 30, 2013, which shall be available,
4 notwithstanding any other provision of law, for assistance
5 and for related programs for countries identified in section
6 3 of the FREEDOM Support Act and section 3(c) of the
7 SEED Act: *Provided*, That funds appropriated under this
8 heading shall be considered to be economic assistance
9 under the Foreign Assistance Act of 1961 for purposes
10 of making available the administrative authorities con-
11 tained in that Act for the use of economic assistance: *Pro-*
12 *vided further*, That funds made available for the Southern
13 Caucasus region may be used for confidence-building
14 measures and other activities in furtherance of the peace-
15 ful resolution of conflicts, including in Nagorno-Karabakh.

16 DEPARTMENT OF STATE

17 MIGRATION AND REFUGEE ASSISTANCE

18 For necessary expenses not otherwise provided for,
19 to enable the Secretary of State to carry out the provisions
20 of section 2(a) and (b) of the Migration and Refugee As-
21 sistance Act of 1962, and other activities to meet refugee
22 and migration needs; salaries and expenses of personnel
23 and dependents as authorized by the Foreign Service Act
24 of 1980; allowances as authorized by sections 5921
25 through 5925 of title 5, United States Code; purchase and

1 hire of passenger motor vehicles; and services as author-
2 ized by section 3109 of title 5, United States Code,
3 \$1,639,100,000, to remain available until expended, of
4 which \$20,000,000 shall be made available for refugees
5 resettling in Israel, and not less than \$35,000,000 shall
6 be made available to respond to small-scale emergency hu-
7 manitarian requirements.

8 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
9 ASSISTANCE FUND

10 For necessary expenses to carry out the provisions
11 of section 2(c) of the Migration and Refugee Assistance
12 Act of 1962, as amended (22 U.S.C. 2601(c)),
13 \$27,200,000, to remain available until expended.

14 INDEPENDENT AGENCIES

15 PEACE CORPS

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out the provisions
18 of the Peace Corps Act (22 U.S.C. 2501–2523), including
19 the purchase of not to exceed five passenger motor vehicles
20 for administrative purposes for use outside of the United
21 States, \$375,000,000, of which \$5,150,000 is for the Of-
22 fice of Inspector General, to remain available until Sep-
23 tember 30, 2013: *Provided*, That the Director of the Peace
24 Corps may transfer to the Foreign Currency Fluctuations
25 Account, as authorized by 22 U.S.C. 2515, an amount not

1 to exceed \$5,000,000: *Provided further*, That funds trans-
2 ferred pursuant to the previous proviso may not be derived
3 from amounts made available for Peace Corps overseas op-
4 erations: *Provided further*, That of the funds appropriated
5 under this heading, not to exceed \$4,000 may be made
6 available for entertainment expenses: *Provided further*,
7 That any decision to open, close, significantly reduce, or
8 suspend a domestic or overseas office or country program
9 shall be subject to prior consultation with, and the regular
10 notification procedures of, the Committees on Appropria-
11 tions, except that prior consultation and regular notifica-
12 tion procedures may be waived when there is a substantial
13 security risk to volunteers or other Peace Corps personnel,
14 pursuant to section 7015(e) of this Act: *Provided further*,
15 That none of the funds appropriated under this heading
16 shall be used to pay for abortions.

17 MILLENNIUM CHALLENGE CORPORATION

18 For necessary expenses to carry out the provisions
19 of the Millennium Challenge Act of 2003, \$898,200,000
20 to remain available until expended: *Provided*, That of the
21 funds appropriated under this heading, up to
22 \$105,000,000 may be available for administrative ex-
23 penses of the Millennium Challenge Corporation (the Cor-
24 poration): *Provided further*, That up to 5 percent of the
25 funds appropriated under this heading may be made avail-

1 able to carry out the purposes of section 616 of the Millen-
2 nium Challenge Act of 2003 for fiscal year 2012: *Provided*
3 *further*, That section 605(e) of the Millennium Challenge
4 Act of 2003 shall apply to funds appropriated under this
5 heading: *Provided further*, That funds appropriated under
6 this heading may be made available for a Millennium Chal-
7 lenge Compact entered into pursuant to section 609 of the
8 Millennium Challenge Act of 2003 only if such Compact
9 obligates, or contains a commitment to obligate subject to
10 the availability of funds and the mutual agreement of the
11 parties to the Compact to proceed, the entire amount of
12 the United States Government funding anticipated for the
13 duration of the Compact: *Provided further*, That the Chief
14 Executive Officer of the Corporation shall notify the Com-
15 mittees on Appropriations not later than 15 days prior to
16 signing any new country compact or new threshold coun-
17 try program; terminating or suspending any country com-
18 pact or threshold country program; or commencing nego-
19 tiations for any new compact or threshold country pro-
20 gram: *Provided further*, That any funds that are
21 deobligated from a Millennium Challenge Compact shall
22 be subject to the regular notification procedures of the
23 Committees on Appropriations prior to re-obligation: *Pro-*
24 *vided further*, That notwithstanding section 606(a)(2) of
25 the Millennium Challenge Act of 2003, a country shall be

1 a candidate country for purposes of eligibility for assist-
2 ance for the fiscal year if the country has a per capita
3 income equal to or below the World Bank's lower middle
4 income country threshold for the fiscal year and is among
5 the 75 lowest per capita income countries as identified by
6 the World Bank; and the country meets the requirements
7 of section 606(a)(1)(B) of the Millennium Challenge Act
8 of 2003: *Provided further*, That notwithstanding section
9 606(b)(1) of the Millennium Challenge Act of 2003, in ad-
10 dition to countries described in the preceding proviso, a
11 country shall be a candidate country for purposes of eligi-
12 bility for assistance for the fiscal year if the country has
13 a per capita income equal to or below the World Bank's
14 lower middle income country threshold for the fiscal year
15 and is not among the 75 lowest per capita income coun-
16 tries as identified by the World Bank; and the country
17 meets the requirements of section 606(a)(1)(B) of the Mil-
18 lennium Challenge Act of 2003: *Provided further*, That
19 any Millennium Challenge Corporation candidate country
20 under section 606 of the Millennium Challenge Act of
21 2003 with a per capita income that changes in the fiscal
22 year such that the country would be reclassified from a
23 low income country to a lower middle income country or
24 from a lower middle income country to a low income coun-
25 try shall retain its candidacy status in its former income

1 classification for the fiscal year and the two subsequent
2 fiscal years: *Provided further*, That of the funds appro-
3 priated under this heading, not to exceed \$100,000 may
4 be available for representation and entertainment allow-
5 ances, of which not to exceed \$5,000 may be available for
6 entertainment allowances.

7 INTER-AMERICAN FOUNDATION

8 For necessary expenses to carry out the functions of
9 the Inter-American Foundation in accordance with the
10 provisions of section 401 of the Foreign Assistance Act
11 of 1969, \$22,500,000, to remain available until September
12 30, 2013: *Provided*, That of the funds appropriated under
13 this heading, not to exceed \$2,000 may be available for
14 entertainment and representation allowances.

15 AFRICAN DEVELOPMENT FOUNDATION

16 For necessary expenses to carry out title V of the
17 International Security and Development Cooperation Act
18 of 1980 (Public Law 96-533), \$30,000,000, to remain
19 available until September 30, 2013: *Provided*, That funds
20 made available to grantees may be invested pending ex-
21 penditure for project purposes when authorized by the
22 Board of Directors of the Foundation: *Provided further*,
23 That interest earned shall be used only for the purposes
24 for which the grant was made: *Provided further*, That not-
25 withstanding section 505(a)(2) of the African Develop-

1 ment Foundation Act, in exceptional circumstances the
2 Board of Directors of the Foundation may waive the
3 \$250,000 limitation contained in that section with respect
4 to a project and a project may exceed the limitation by
5 up to 10 percent if the increase is due solely to foreign
6 currency fluctuation: *Provided further*, That the Founda-
7 tion shall provide a report to the Committees on Appro-
8 priations after each time such waiver authority is exer-
9 cised.

10 DEPARTMENT OF THE TREASURY

11 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

12 For necessary expenses to carry out the provisions
13 of section 129 of the Foreign Assistance Act of 1961,
14 \$25,448,000, to remain available until September 30,
15 2014, which shall be available notwithstanding any other
16 provision of law.

17 DEBT RESTRUCTURING

18 For the cost, as defined in section 502 of the Con-
19 gressional Budget Act of 1974, of modifying loans and
20 loan guarantees, as the President may determine, for
21 which funds have been appropriated or otherwise made
22 available for programs within the International Affairs
23 Budget Function 150, including the cost of selling, reduc-
24 ing, or canceling amounts owed to the United States as
25 a result of concessional loans made to eligible countries,

1 pursuant to part V of the Foreign Assistance Act of 1961,
2 \$12,000,000, to remain available until September 30,
3 2013.

1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 DEPARTMENT OF STATE
4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$1,061,100,000, to
8 remain available until September 30, 2013: *Provided*,
9 That during fiscal year 2012, the Department of State
10 may also use the authority of section 608 of the Foreign
11 Assistance Act of 1961, without regard to its restrictions,
12 to receive excess property from an agency of the United
13 States Government for the purpose of providing it to a
14 foreign country or international organization under chap-
15 ter 8 of part I of that Act subject to the regular notifica-
16 tion procedures of the Committees on Appropriations: *Pro-*
17 *vided further*, That the Secretary of State shall provide
18 to the Committees on Appropriations not later than 45
19 days after the date of enactment of this Act and prior
20 to the initial obligation of funds appropriated under this
21 heading, a report on the proposed uses of all funds under
22 this heading on a country-by-country basis for each pro-
23 posed program, project, or activity: *Provided further*, That
24 section 482(b) of the Foreign Assistance Act of 1961 shall
25 not apply to funds appropriated under this heading: *Pro-*

1 *vided further*, That assistance provided with funds appro-
2 priated under this heading that is made available notwith-
3 standing section 482(b) of the Foreign Assistance Act of
4 1961 shall be made available subject to the regular notifi-
5 cation procedures of the Committees on Appropriations:
6 *Provided further*, That none of the funds appropriated
7 under this heading shall be made available for assistance
8 for the Bolivian military and police unless the Secretary
9 of State determines and reports to the Committees on Ap-
10 propriations that such funds are in the national security
11 interest of the United States: *Provided further*, That, not-
12 withstanding any other provision of law, of the funds ap-
13 propriated under this heading, \$5,000,000 should be made
14 available to combat piracy of United States copyrighted
15 materials, consistent with the requirements of section
16 688(a) and (b) of the Department of State, Foreign Oper-
17 ations, and Related Programs Appropriations Act, 2008
18 (division J of Public Law 110–161): *Provided further*,
19 That the reporting requirements contained in section 1404
20 of Public Law 110–252 shall apply to funds made avail-
21 able by this Act, including a description of modifications,
22 if any, to the security strategy of the Palestinian Author-
23 ity: *Provided further*, That the provision of assistance
24 which is comparable to assistance made available under
25 this heading but which is provided under any other provi-

1 sion of law, shall be provided in accordance with the provi-
2 sions of sections 481(b) and 622(e) of the Foreign Assist-
3 ance Act of 1961.

4 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
5 RELATED PROGRAMS

6 For necessary expenses for nonproliferation, anti-ter-
7 rorism, demining and related programs and activities,
8 \$590,113,000, to carry out the provisions of chapter 8 of
9 part II of the Foreign Assistance Act of 1961 for anti-
10 terrorism assistance, chapter 9 of part II of the Foreign
11 Assistance Act of 1961, section 504 of the FREEDOM
12 Support Act, section 23 of the Arms Export Control Act
13 or the Foreign Assistance Act of 1961 for demining activi-
14 ties, the clearance of unexploded ordnance, the destruction
15 of small arms, and related activities, notwithstanding any
16 other provision of law, including activities implemented
17 through nongovernmental and international organizations,
18 and section 301 of the Foreign Assistance Act of 1961
19 for a voluntary contribution to the International Atomic
20 Energy Agency (IAEA), and for a United States contribu-
21 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
22 paratory Commission: *Provided*, That the clearance of
23 unexploded ordnance should prioritize areas where such
24 ordnance was caused by the United States: *Provided fur-*
25 *ther*, That of the funds made available under this heading,

1 not to exceed \$30,000,000, to remain available until ex-
2 pended, may be made available for the Nonproliferation
3 and Disarmament Fund, notwithstanding any other provi-
4 sion of law and subject to prior consultation with, and the
5 regular notification procedures of, the Committees on Ap-
6 propriations, to promote bilateral and multilateral activi-
7 ties relating to nonproliferation, disarmament and weap-
8 ons destruction: *Provided further*, That such funds may
9 also be used for such countries other than the Independent
10 States of the former Soviet Union and international orga-
11 nizations when it is in the national security interest of the
12 United States to do so: *Provided further*, That funds ap-
13 propriated under this heading may be made available for
14 the IAEA unless the Secretary of State determines that
15 Israel is being denied its right to participate in the activi-
16 ties of that Agency: *Provided further*, That funds appro-
17 priated under this heading may be made available for pub-
18 lic-private partnerships for conventional weapons and
19 mine action by grant, cooperative agreement or contract:
20 *Provided further*, That funds made available for demining
21 and related activities, in addition to funds otherwise avail-
22 able for such purposes, may be used for administrative ex-
23 penses related to the operation and management of the
24 demining program: *Provided further*, That funds appro-
25 priated under this heading that are available for “Anti-

1 terrorism Assistance” and “Export Control and Border
2 Security” shall remain available until September 30,
3 2013.

4 PEACEKEEPING OPERATIONS

5 For necessary expenses to carry out the provisions
6 of section 551 of the Foreign Assistance Act of 1961,
7 \$302,818,000: *Provided*, That funds appropriated under
8 this heading may be used, notwithstanding section 660 of
9 such Act, to provide assistance to enhance the capacity
10 of foreign civilian security forces, including gendarmes, to
11 participate in peacekeeping operations: *Provided further*,
12 That of the funds appropriated under this heading, not
13 less than \$28,000,000 shall be made available for a United
14 States contribution to the Multinational Force and Ob-
15 servers mission in the Sinai: *Provided further*, That of the
16 funds appropriated under this heading, up to \$91,818,000
17 may be used to pay assessed expenses of international
18 peacekeeping activities in Somalia and shall be available
19 until September 30, 2013: *Provided further*, That funds
20 appropriated under this Act should not be used to support
21 any military training or operations that include child sol-
22 diers: *Provided further*, That none of the funds appro-
23 priated under this heading shall be obligated or expended
24 except as provided through the regular notification proce-
25 dures of the Committees on Appropriations.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 INTERNATIONAL MILITARY EDUCATION AND TRAINING

3 For necessary expenses to carry out the provisions
4 of section 541 of the Foreign Assistance Act of 1961,
5 \$105,788,000, of which up to \$4,000,000 may remain
6 available until September 30, 2013, and may only be pro-
7 vided through the regular notification procedures of the
8 Committees on Appropriations: *Provided*, That the civilian
9 personnel for whom military education and training may
10 be provided under this heading may include civilians who
11 are not members of a government whose participation
12 would contribute to improved civil-military relations, civil-
13 ian control of the military, or respect for human rights:
14 *Provided further*, That the Secretary of State shall provide
15 to the Committees on Appropriations, not later than 45
16 days after enactment of this Act, a report on the proposed
17 uses of all program funds under this heading on a country-
18 by-country basis, including a detailed description of pro-
19 posed activities: *Provided further*, That of the funds appro-
20 priated under this heading, not to exceed \$55,000 may
21 be available for entertainment allowances.

22 FOREIGN MILITARY FINANCING PROGRAM

23 For necessary expenses for grants to enable the
24 President to carry out the provisions of section 23 of the
25 Arms Export Control Act, \$5,210,000,000: *Provided*,

1 That to expedite the provision of assistance to foreign
2 countries and international organizations, the Secretary of
3 State, following consultation with the Committees on Ap-
4 propriations and subject to the regular notification proce-
5 dures of such Committees, may use the funds appro-
6 priated under this heading to procure defense articles and
7 services to enhance the capacity of foreign security forces:
8 *Provided further*, That of the funds appropriated under
9 this heading, not less than \$3,075,000,000 shall be avail-
10 able for grants only for Israel, and \$1,300,000,000 shall
11 be made available for grants only for Egypt, including for
12 border security programs and activities in the Sinai: *Pro-*
13 *vided further*, That the funds appropriated under this
14 heading for assistance for Israel shall be disbursed within
15 30 days of enactment of this Act: *Provided further*, That
16 to the extent that the Government of Israel requests that
17 funds be used for such purposes, grants made available
18 for Israel under this heading shall, as agreed by the
19 United States and Israel, be available for advanced weap-
20 ons systems, of which not less than \$808,725,000 shall
21 be available for the procurement in Israel of defense arti-
22 cles and defense services, including research and develop-
23 ment: *Provided further*, That funds appropriated under
24 this heading estimated to be outlayed for Egypt during
25 fiscal year 2012 may be transferred to an interest bearing

1 account for Egypt in the Federal Reserve Bank of New
2 York: *Provided further*, That of the funds appropriated
3 under this heading, \$300,000,000 shall be made available
4 for assistance for Jordan: *Provided further*, That, not later
5 than 90 days after enactment of this Act and 6 months
6 thereafter, the Secretary of State shall submit a report
7 to the Committees on Appropriations detailing any crowd
8 control items, including tear gas, made available with ap-
9 propriated funds or through export licenses to foreign se-
10 curity forces that the Secretary of State has credible infor-
11 mation have repeatedly used excessive force to repress
12 peaceful, lawful, and organized dissent: *Provided further*,
13 That the Secretary of State should consult with the Com-
14 mittees on Appropriations prior to obligating funds for
15 such items to governments of countries undergoing demo-
16 cratic transition in the Middle East and North Africa:
17 *Provided further*, That none of the funds made available
18 under this heading shall be made available to support or
19 continue any program initially funded under the authority
20 of section 1206 of the National Defense Authorization Act
21 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
22 3456) unless the Secretary of State, in coordination with
23 the Secretary of Defense, has justified such program to
24 the Committees on Appropriations: *Provided further*, That
25 funds appropriated or otherwise made available under this

1 heading shall be nonrepayable notwithstanding any re-
2 quirement in section 23 of the Arms Export Control Act:
3 *Provided further*, That funds made available under this
4 heading shall be obligated upon apportionment in accord-
5 ance with paragraph (5)(C) of title 31, United States
6 Code, section 1501(a).

7 None of the funds made available under this heading
8 shall be available to finance the procurement of defense
9 articles, defense services, or design and construction serv-
10 ices that are not sold by the United States Government
11 under the Arms Export Control Act unless the foreign
12 country proposing to make such procurement has first
13 signed an agreement with the United States Government
14 specifying the conditions under which such procurement
15 may be financed with such funds: *Provided*, That all coun-
16 try and funding level increases in allocations shall be sub-
17 mitted through the regular notification procedures of sec-
18 tion 7015 of this Act: *Provided further*, That funds made
19 available under this heading may be used, notwithstanding
20 any other provision of law, for demining, the clearance of
21 unexploded ordnance, and related activities, and may in-
22 clude activities implemented through nongovernmental
23 and international organizations: *Provided further*, That
24 only those countries for which assistance was justified for
25 the “Foreign Military Sales Financing Program” in the

1 fiscal year 1989 congressional presentation for security as-
2 sistance programs may utilize funds made available under
3 this heading for procurement of defense articles, defense
4 services or design and construction services that are not
5 sold by the United States Government under the Arms
6 Export Control Act: *Provided further*, That funds appro-
7 priated under this heading shall be expended at the min-
8 imum rate necessary to make timely payment for defense
9 articles and services: *Provided further*, That not more than
10 \$62,800,000 of the funds appropriated under this heading
11 may be obligated for necessary expenses, including the
12 purchase of passenger motor vehicles for replacement only
13 for use outside of the United States, for the general costs
14 of administering military assistance and sales, except that
15 this limitation may be exceeded only through the regular
16 notification procedures of the Committees on Appropria-
17 tions: *Provided further*, That of the funds appropriated
18 under this heading for general costs of administering mili-
19 tary assistance and sales, not to exceed \$4,000 may be
20 available for entertainment expenses and not to exceed
21 \$130,000 may be available for representation allowances:
22 *Provided further*, That not more than \$836,900,000 of
23 funds realized pursuant to section 21(e)(1)(A) of the Arms
24 Export Control Act may be obligated for expenses incurred
25 by the Department of Defense during fiscal year 2012

1 pursuant to section 43(b) of the Arms Export Control Act,
2 except that this limitation may be exceeded only through
3 the regular notification procedures of the Committees on
4 Appropriations.

1 TITLE V
2 MULTILATERAL ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS
5 For necessary expenses to carry out the provisions
6 of section 301 of the Foreign Assistance Act of 1961, and
7 of section 2 of the United Nations Environment Program
8 Participation Act of 1973, \$348,705,000, of which up to
9 \$10,000,000 may be made available for the Intergovern-
10 mental Panel on Climate Change/United Nations Frame-
11 work Convention on Climate Change: *Provided*, That sec-
12 tion 307(a) of the Foreign Assistance Act of 1961 shall
13 not apply to contributions to the United Nations Democ-
14 racy Fund.

15 INTERNATIONAL FINANCIAL INSTITUTIONS
16 GLOBAL ENVIRONMENT FACILITY
17 For payment to the International Bank for Recon-
18 struction and Development as trustee for the Global Envi-
19 ronment Facility by the Secretary of the Treasury,
20 \$89,820,000, to remain available until expended.

21 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
22 ASSOCIATION
23 For payment to the International Development Asso-
24 ciation by the Secretary of the Treasury, \$1,325,000,000,
25 to remain available until expended.

1 For payment to the International Development Asso-
2 ciation by the Secretary of the Treasury for costs incurred
3 under the Multilateral Debt Relief Initiative,
4 \$167,000,000, to remain available until expended.

5 CONTRIBUTION TO THE INTERNATIONAL BANK FOR
6 RECONSTRUCTION AND DEVELOPMENT

7 For payment to the International Bank for Recon-
8 struction and Development by the Secretary of the Treas-
9 ury, for the United States share of the paid-in portion of
10 the increases in capital stock, \$117,364,344, to remain
11 available until expended.

12 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

13 The United States Governor of the International
14 Bank for Reconstruction and Development may subscribe
15 without fiscal year limitation to the callable capital portion
16 of the United States share of increases in capital stock
17 in an amount not to exceed \$2,928,990,899.

18 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

19 For payment to the International Bank for Recon-
20 struction and Development as trustee for the Clean Tech-
21 nology Fund by the Secretary of the Treasury,
22 \$184,630,000, to remain available until expended.

23 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

24 For payment to the International Bank for Recon-
25 struction and Development as trustee for the Strategic

1 Climate Fund by the Secretary of the Treasury,
2 \$49,900,000, to remain available until expended.

3 GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

4 For payment to the Global Agriculture and Food Se-
5 curity Program by the Secretary of the Treasury,
6 \$135,000,000, to remain available until expended.

7 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT

8 BANK

9 For payment to the Inter-American Development
10 Bank by the Secretary of the Treasury for the United
11 States share of the paid-in portion of the increase in cap-
12 ital stock, \$75,000,000, to remain available until ex-
13 pended.

14 For payment to the Inter-American Investment Cor-
15 poration by the Secretary of the Treasury, \$4,670,000, to
16 remain available until expended.

17 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

18 The United States Governor of the Inter-American
19 Development Bank may subscribe without fiscal year limi-
20 tation to the callable capital portion of the United States
21 share of such capital stock in an amount not to exceed
22 \$4,098,794,833.

1 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
2 MULTILATERAL INVESTMENT FUND

3 For payment to the Enterprise for the Americas Mul-
4 tilateral Investment Fund by the Secretary of the Treas-
5 ury, \$25,000,000, to remain available until expended.

6 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

7 For payment to the Asian Development Bank by the
8 Secretary of the Treasury for the United States share of
9 the paid-in portion of increase in capital stock,
10 \$106,586,000, to remain available until expended.

11 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

12 The United States Governor of the Asian Develop-
13 ment Bank may subscribe without fiscal year limitation
14 to the callable capital portion of the United States share
15 of such capital stock in an amount not to exceed
16 \$2,558,048,769.

17 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

18 For payment to the Asian Development Bank's Asian
19 Development Fund by the Secretary of the Treasury,
20 \$100,000,000, to remain available until expended.

21 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

22 For payment to the African Development Bank by
23 the Secretary of the Treasury for the United States share
24 of the paid-in portion of the increase in capital stock,
25 \$32,417,720, to remain available until expended.

1 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
2 AGRICULTURAL DEVELOPMENT

3 For payment to the International Fund for Agricul-
4 tural Development by the Secretary of the Treasury,
5 \$30,000,000, to remain available until expended.

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$4,000,000, to remain
8 available until September 30, 2013.

9 PROGRAM ACCOUNT

10 The Export-Import Bank of the United States is au-
11 thorized to make such expenditures within the limits of
12 funds and borrowing authority available to such corpora-
13 tion, and in accordance with law, and to make such con-
14 tracts and commitments without regard to fiscal year limi-
15 tations, as provided by section 104 of the Government
16 Corporation Control Act, as may be necessary in carrying
17 out the program for the current fiscal year for such cor-
18 poration: *Provided*, That none of the funds available dur-
19 ing the current fiscal year may be used to make expendi-
20 tures, contracts, or commitments for the export of nuclear
21 equipment, fuel, or technology to any country, other than
22 a nuclear-weapon state as defined in Article IX of the
23 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
24 ble to receive economic or military assistance under this
25 Act, that has detonated a nuclear explosive after the date

1 of the enactment of this Act: *Provided further*, That not
2 less than 10 percent of the aggregate loan, guarantee, and
3 insurance authority available to the Export-Import Bank
4 under this Act should be used for renewable energy tech-
5 nologies or end-use energy efficiency technologies: *Pro-*
6 *vided further*, That notwithstanding section 1(c) of Public
7 Law 103–428, as amended, sections 1(a) and (b) of Public
8 Law 103–428 shall remain in effect through October 1,
9 2012: *Provided further*, That notwithstanding the dates
10 specified in section 7 of the Export-Import Bank Act of
11 1945 (12 U.S.C. 6350 and section 1(c) of Public Law
12 103–428), the Export-Import Bank of the United States
13 shall continue to exercise its functions in connection with
14 and in furtherance of its objects and purposes through
15 May 31, 2012.

16 SUBSIDY APPROPRIATION

17 For the cost of direct loans, loan guarantees, insur-
18 ance, and tied-aid grants as authorized by section 10 of
19 the Export-Import Bank Act of 1945, as amended, not
20 to exceed \$58,000,000: *Provided*, That such costs, includ-
21 ing the cost of modifying such loans, shall be as defined
22 in section 502 of the Congressional Budget Act of 1974:
23 *Provided further*, That such funds shall remain available
24 until September 30, 2027, for the disbursement of direct
25 loans, loan guarantees, insurance and tied-aid grants obli-

1 gated in fiscal years 2012, 2013, 2014, and 2015: *Pro-*
2 *vided further*, That none of the funds appropriated by this
3 Act or any prior Acts appropriating funds for the Depart-
4 ment of State, foreign operations, and related programs
5 for tied-aid credits or grants may be used for any other
6 purpose except through the regular notification procedures
7 of the Committees on Appropriations.

8 ADMINISTRATIVE EXPENSES

9 For administrative expenses to carry out the direct
10 and guaranteed loan and insurance programs, including
11 hire of passenger motor vehicles and services as authorized
12 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
13 reception and representation expenses for members of the
14 Board of Directors, not to exceed \$89,900,000: *Provided*,
15 That the Export-Import Bank may accept, and use, pay-
16 ment or services provided by transaction participants for
17 legal, financial, or technical services in connection with
18 any transaction for which an application for a loan, guar-
19 antee or insurance commitment has been made: *Provided*
20 *further*, That notwithstanding subsection (b) of section
21 117 of the Export Enhancement Act of 1992, subsection
22 (a) thereof shall remain in effect until October 1, 2012:
23 *Provided further*, That the Export-Import Bank shall
24 charge fees for necessary expenses (including special serv-
25 ices performed on a contract or fee basis, but not including

1 other personal services) in connection with the collection
2 of moneys owed the Export-Import Bank, repossession or
3 sale of pledged collateral or other assets acquired by the
4 Export-Import Bank in satisfaction of moneys owed the
5 Export-Import Bank, or the investigation or appraisal of
6 any property, or the evaluation of the legal, financial, or
7 technical aspects of any transaction for which an applica-
8 tion for a loan, guarantee or insurance commitment has
9 been made, or systems infrastructure directly supporting
10 transactions: *Provided further*, That, in addition to other
11 funds appropriated for administrative expenses, such fees
12 shall be credited to this account, to remain available until
13 expended.

14 RECEIPTS COLLECTED

15 Receipts collected pursuant to the Export-Import
16 Bank Act of 1945, as amended, and the Federal Credit
17 Reform Act of 1990, as amended, in an amount not to
18 exceed the amount appropriated herein, shall be credited
19 as offsetting collections to this account: *Provided*, That the
20 sums herein appropriated from the General Fund shall be
21 reduced on a dollar-for-dollar basis by such offsetting col-
22 lections so as to result in a final fiscal year appropriation
23 from the General Fund estimated at \$0: *Provided further*,
24 That amounts collected in fiscal year 2012 in excess of
25 obligations, up to \$50,000,000, shall become available on

1 September 1, 2012 and shall remain available until Sep-
2 tember 30, 2015.

3 OVERSEAS PRIVATE INVESTMENT CORPORATION

4 NONCREDIT ACCOUNT

5 The Overseas Private Investment Corporation is au-
6 thorized to make, without regard to fiscal year limitations,
7 as provided by 31 U.S.C. 9104, such expenditures and
8 commitments within the limits of funds available to it and
9 in accordance with law as may be necessary: *Provided*,
10 That the amount available for administrative expenses to
11 carry out the credit and insurance programs (including an
12 amount for official reception and representation expenses
13 which shall not exceed \$35,000) shall not exceed
14 \$54,990,000: *Provided further*, That project-specific trans-
15 action costs, including direct and indirect costs incurred
16 in claims settlements, and other direct costs associated
17 with services provided to specific investors or potential in-
18 vestors pursuant to section 234 of the Foreign Assistance
19 Act of 1961, shall not be considered administrative ex-
20 penses for the purposes of this heading.

21 PROGRAM ACCOUNT

22 For the cost of direct and guaranteed loans,
23 \$25,000,000, as authorized by section 234 of the Foreign
24 Assistance Act of 1961, to be derived by transfer from
25 the Overseas Private Investment Corporation Noncredit

1 Account: *Provided*, That such costs, including the cost of
2 modifying such loans, shall be as defined in section 502
3 of the Congressional Budget Act of 1974: *Provided fur-*
4 *ther*, That such sums shall be available for direct loan obli-
5 gations and loan guaranty commitments incurred or made
6 during fiscal years 2012, 2013, and 2014: *Provided fur-*
7 *ther*, That funds so obligated in fiscal year 2012 remain
8 available for disbursement through 2020; funds obligated
9 in fiscal year 2013 remain available for disbursement
10 through 2021; and funds obligated in fiscal year 2014 re-
11 main available for disbursement through 2022: *Provided*
12 *further*, That notwithstanding any other provision of law,
13 the Overseas Private Investment Corporation is authorized
14 to undertake any program authorized by title IV of chap-
15 ter 2 of part I of the Foreign Assistance Act of 1961 in
16 Iraq: *Provided further*, That funds made available pursu-
17 ant to the authority of the previous proviso shall be subject
18 to the regular notification procedures of the Committees
19 on Appropriations.

20 In addition, such sums as may be necessary for ad-
21 ministrative expenses to carry out the credit program may
22 be derived from amounts available for administrative ex-
23 penses to carry out the credit and insurance programs in
24 the Overseas Private Investment Corporation Noncredit
25 Account and merged with said account.

1 TRADE AND DEVELOPMENT AGENCY

2 For necessary expenses to carry out the provisions
3 of section 661 of the Foreign Assistance Act of 1961,
4 \$50,000,000, to remain available until September 30,
5 2013: *Provided*, That of the funds appropriated under this
6 heading, not more than \$4,000 may be available for rep-
7 resentation and entertainment allowances.

1

TITLE VII

2

GENERAL PROVISIONS

3

ALLOWANCES AND DIFFERENTIALS

4

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

10

UNOBLIGATED BALANCES REPORT

11

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2012 or any previous fiscal year: *Provided*, That the report required by this section should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

23

CONSULTING SERVICES

24

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through

25

1 States may include office space or other accommodations
2 for members of the United States Marine Corps.

3 (c) For the purposes of calculating the fiscal year
4 2012 costs of providing new United States diplomatic fa-
5 cilities in accordance with section 604(e) of the Secure
6 Embassy Construction and Counterterrorism Act of 1999
7 (22 U.S.C. 4865 note), the Secretary of State, in consulta-
8 tion with the Director of the Office of Management and
9 Budget, shall determine the annual program level and
10 agency shares in a manner that is proportional to the De-
11 partment of State's contribution for this purpose.

12 (d) Funds appropriated by this Act, and any prior
13 Act making appropriations for the Department of State,
14 foreign operations, and related programs, which may be
15 made available for the acquisition of property for diplo-
16 matic facilities in Afghanistan, Pakistan, and Iraq, shall
17 be subject to prior consultation with, and the regular noti-
18 fication procedures of, the Committees on Appropriations.

19 (e) Section 604(e)(1) of the Secure Embassy Con-
20 struction and Counterterrorism Act of 1999 (22 U.S.C.
21 4865 note) is amended by striking "providing new," and
22 inserting in its place "providing, maintaining, repairing,
23 and renovating".

24 (f)(1) None of the funds appropriated under the
25 heading "Embassy Security, Construction, and Mainte-

1 nance” in this Act and in prior Acts making appropria-
2 tions for the Department of State, foreign operations, and
3 related programs, made available through Federal agency
4 Capital Security Cost Sharing contributions and reim-
5 bursements, or generated from the proceeds of real prop-
6 erty sales, other than from real property sales located in
7 London, United Kingdom, may be made available for site
8 acquisition and mitigation, planning, design or construc-
9 tion of the New London Embassy.

10 (2) Within 60 days of enactment of this Act and
11 every 6 months thereafter until completion of the New
12 London Embassy, the Secretary of State shall submit to
13 the Committees on Appropriations a report on the project:
14 *Provided*, That such report shall include revenue and cost
15 projections, cost containment efforts, project schedule and
16 actual project status, the impact of currency exchange rate
17 fluctuations on project revenue and costs, and options for
18 modifying the scope of the project in the event that pro-
19 ceeds of real property sales in London fall below the total
20 cost of the project.

21 PERSONNEL ACTIONS

22 SEC. 7005. Any costs incurred by a department or
23 agency funded under title I of this Act resulting from per-
24 sonnel actions taken in response to funding reductions in-
25 cluded in this Act shall be absorbed within the total budg-

1 etary resources available under title I to such department
2 or agency: *Provided*, That the authority to transfer funds
3 between appropriations accounts as may be necessary to
4 carry out this section is provided in addition to authorities
5 included elsewhere in this Act: *Provided further*, That use
6 of funds to carry out this section shall be treated as a
7 reprogramming of funds under section 7015 of this Act
8 and shall not be available for obligation or expenditure ex-
9 cept in compliance with the procedures set forth in that
10 section.

11 LOCAL GUARD CONTRACTS

12 SEC. 7006. In evaluating proposals for local guard
13 contracts, the Secretary of State shall award contracts in
14 accordance with section 136 of the Foreign Relations Au-
15 thorization Act, Fiscal Years 1990 and 1991 (22 U.S.C.
16 4864), except that the Secretary may grant authorization
17 to award such contracts on the basis of best value as de-
18 termined by a cost-technical tradeoff analysis (as de-
19 scribed in Federal Acquisition Regulation part 15.101) in
20 Iraq, Afghanistan, and Pakistan, notwithstanding sub-
21 section (c)(3) of such section: *Provided*, That the authority
22 in this section shall apply to any options for renewal that
23 may be exercised under such contracts that are awarded
24 during the current fiscal year: *Provided further*, That prior
25 to issuing a solicitation for a contract to be awarded pur-

1 suant to the authority under this section, the Secretary
2 of State shall consult with the Committees on Appropria-
3 tions and other relevant congressional committees.

4 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
5 COUNTRIES

6 SEC. 7007. None of the funds appropriated or other-
7 wise made available pursuant to titles III through VI of
8 this Act shall be obligated or expended to finance directly
9 any assistance or reparations for the governments of
10 Cuba, North Korea, Iran, or Syria: *Provided*, That for
11 purposes of this section, the prohibition on obligations or
12 expenditures shall include direct loans, credits, insurance
13 and guarantees of the Export-Import Bank or its agents.

14 COUPS D'ÉTAT

15 SEC. 7008. None of the funds appropriated or other-
16 wise made available pursuant to titles III through VI of
17 this Act shall be obligated or expended to finance directly
18 any assistance to the government of any country whose
19 duly elected head of government is deposed by military
20 coup d'état or decree or, after the date of enactment of
21 this Act, a coup d'état or decree in which the military
22 plays a decisive role: *Provided*, That assistance may be re-
23 sumed to such government if the President determines and
24 certifies to the Committees on Appropriations that subse-
25 quent to the termination of assistance a democratically

1 elected government has taken office: *Provided further*,
2 That the provisions of this section shall not apply to as-
3 sistance to promote democratic elections or public partici-
4 pation in democratic processes: *Provided further*, That
5 funds made available pursuant to the previous provisos
6 shall be subject to the regular notification procedures of
7 the Committees on Appropriations.

8 TRANSFER AUTHORITY

9 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
10 CASTING BOARD OF GOVERNORS.—

11 (1) Not to exceed 5 percent of any appropria-
12 tion made available for the current fiscal year for
13 the Department of State under title I of this Act
14 may be transferred between such appropriations, but
15 no such appropriation, except as otherwise specifi-
16 cally provided, shall be increased by more than 10
17 percent by any such transfers.

18 (2) Not to exceed 5 percent of any appropria-
19 tion made available for the current fiscal year for
20 the Broadcasting Board of Governors under title I
21 of this Act may be transferred between such appro-
22 priations, but no such appropriation, except as oth-
23 erwise specifically provided, shall be increased by
24 more than 10 percent by any such transfers.

1 (3) Any transfer pursuant to this section shall
2 be treated as a reprogramming of funds under sec-
3 tion 7015(a) and (b) of this Act and shall not be
4 available for obligation or expenditure except in com-
5 pliance with the procedures set forth in that section.

6 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
7 Not to exceed 5 percent of any appropriation other than
8 for administrative expenses made available for fiscal year
9 2012, for programs under title VI of this Act may be
10 transferred between such appropriations for use for any
11 of the purposes, programs, and activities for which the
12 funds in such receiving account may be used, but no such
13 appropriation, except as otherwise specifically provided,
14 shall be increased by more than 25 percent by any such
15 transfer: *Provided*, That the exercise of such authority
16 shall be subject to the regular notification procedures of
17 the Committees on Appropriations.

18 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
19 CIES.—

20 (1) None of the funds made available under ti-
21 tles II through V of this Act may be transferred to
22 any department, agency, or instrumentality of the
23 United States Government, except pursuant to a
24 transfer made by, or transfer authority provided in,
25 this Act or any other appropriation Act.

1 (2) Notwithstanding paragraph (1), in addition
2 to transfers made by, or authorized elsewhere in,
3 this Act, funds appropriated by this Act to carry out
4 the purposes of the Foreign Assistance Act of 1961
5 may be allocated or transferred to agencies of the
6 United States Government pursuant to the provi-
7 sions of sections 109, 610, and 632 of the Foreign
8 Assistance Act of 1961.

9 (3) Any agreement entered into by the United
10 States Agency for International Development
11 (USAID) or the Department of State with any de-
12 partment, agency, or instrumentality of the United
13 States Government pursuant to section 632(b) of the
14 Foreign Assistance Act of 1961 valued in excess of
15 \$1,000,000 and any agreement made pursuant to
16 section 632(a) of such Act, with funds appropriated
17 by this Act and prior Acts making appropriations
18 for the Department of State, foreign operations, and
19 related programs under the headings “Global Health
20 Programs”, “Development Assistance”, and “Eco-
21 nomic Support Fund” shall be subject to the regular
22 notification procedures of the Committees on Appro-
23 priations: *Provided*, That the requirement in the pre-
24 vious sentence shall not apply to agreements entered
25 into between USAID and the Department of State.

1 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
2 funds made available under titles II through V of this Act
3 may be obligated under an appropriation account to which
4 they were not appropriated, except for transfers specifi-
5 cally provided for in this Act, unless the President, not
6 less than 5 days prior to the exercise of any authority con-
7 tained in the Foreign Assistance Act of 1961 to transfer
8 funds, consults with and provides a written policy jus-
9 tification to the Committees on Appropriations.

10 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
11 agreement for the transfer or allocation of funds appro-
12 priated by this Act, or prior Acts, entered into between
13 the Department of State or USAID and another agency
14 of the United States Government under the authority of
15 section 632(a) of the Foreign Assistance Act of 1961 or
16 any comparable provision of law, shall expressly provide
17 that the Inspector General (IG) for the agency receiving
18 the transfer or allocation of such funds, or other entity
19 with audit responsibility if the receiving agency does not
20 have an IG, shall perform periodic program and financial
21 audits of the use of such funds: *Provided*, That such au-
22 dits shall be transmitted to the Committees on Appropria-
23 tions: *Provided further*, That funds transferred under such
24 authority may be made available for the cost of such au-
25 dits.

1 REPORTING REQUIREMENT

2 SEC. 7010. The Secretary of State shall provide the
3 Committees on Appropriations, not later than April 1,
4 2012, and for each fiscal quarter, a report in writing on
5 the uses of funds made available under the headings “For-
6 eign Military Financing Program”, “International Mili-
7 tary Education and Training”, “Peacekeeping Oper-
8 ations”, and “Pakistan Counterinsurgency Capability
9 Fund”: *Provided*, That such report shall include a descrip-
10 tion of the obligation and expenditure of funds, and the
11 specific country in receipt of, and the use or purpose of
12 the assistance provided by such funds.

13 AVAILABILITY OF FUNDS

14 SEC. 7011. No part of any appropriation contained
15 in this Act shall remain available for obligation after the
16 expiration of the current fiscal year unless expressly so
17 provided in this Act: *Provided*, That funds appropriated
18 for the purposes of chapters 1 and 8 of part I, section
19 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign
20 Assistance Act of 1961, section 23 of the Arms Export
21 Control Act, and funds provided under the headings “As-
22 sistance for Europe, Eurasia and Central Asia” and “De-
23 velopment Credit Authority”, shall remain available for an
24 additional 4 years from the date on which the availability
25 of such funds would otherwise have expired, if such funds

1 are initially obligated before the expiration of their respec-
2 tive periods of availability contained in this Act: *Provided*
3 *further*, That notwithstanding any other provision of this
4 Act, any funds made available for the purposes of chapter
5 1 of part I and chapter 4 of part II of the Foreign Assist-
6 ance Act of 1961 which are allocated or obligated for cash
7 disbursements in order to address balance of payments or
8 economic policy reform objectives, shall remain available
9 for an additional 4 years from the date on which the avail-
10 ability of such funds would otherwise have expired, if such
11 funds are initially allocated or obligated before the expira-
12 tion of their respective periods of availability contained in
13 this Act: *Provided further*, That the Secretary of State
14 shall provide a report to the Committees on Appropria-
15 tions at the beginning of each fiscal year, detailing by ac-
16 count and source year, the use of this authority during
17 the previous fiscal year.

18 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

19 SEC. 7012. No part of any appropriation provided
20 under titles III through VI in this Act shall be used to
21 furnish assistance to the government of any country which
22 is in default during a period in excess of one calendar year
23 in payment to the United States of principal or interest
24 on any loan made to the government of such country by
25 the United States pursuant to a program for which funds

1 are appropriated under this Act unless the President de-
2 termines, following consultations with the Committees on
3 Appropriations, that assistance for such country is in the
4 national interest of the United States.

5 PROHIBITION ON TAXATION OF UNITED STATES

6 ASSISTANCE

7 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
8 of the funds appropriated under titles III through VI of
9 this Act may be made available to provide assistance for
10 a foreign country under a new bilateral agreement gov-
11 erning the terms and conditions under which such assist-
12 ance is to be provided unless such agreement includes a
13 provision stating that assistance provided by the United
14 States shall be exempt from taxation, or reimbursed, by
15 the foreign government, and the Secretary of State shall
16 expeditiously seek to negotiate amendments to existing bi-
17 lateral agreements, as necessary, to conform with this re-
18 quirement.

19 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
20 amount equivalent to 200 percent of the total taxes as-
21 sessed during fiscal year 2012 on funds appropriated by
22 this Act by a foreign government or entity against com-
23 modities financed under United States assistance pro-
24 grams for which funds are appropriated by this Act, either
25 directly or through grantees, contractors and subcontrac-

1 tors shall be withheld from obligation from funds appro-
2 priated for assistance for fiscal year 2013 and allocated
3 for the central government of such country and for the
4 West Bank and Gaza program to the extent that the Sec-
5 retary of State certifies and reports in writing to the Com-
6 mittees on Appropriations that such taxes have not been
7 reimbursed to the Government of the United States.

8 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
9 minimis nature shall not be subject to the provisions of
10 subsection (b).

11 (d) REPROGRAMMING OF FUNDS.—Funds withheld
12 from obligation for each country or entity pursuant to sub-
13 section (b) shall be reprogrammed for assistance to coun-
14 tries which do not assess taxes on United States assistance
15 or which have an effective arrangement that is providing
16 substantial reimbursement of such taxes.

17 (e) DETERMINATIONS.—

18 (1) The provisions of this section shall not
19 apply to any country or entity the Secretary of State
20 determines—

21 (A) does not assess taxes on United States
22 assistance or which has an effective arrange-
23 ment that is providing substantial reimburse-
24 ment of such taxes; or

1 (B) the foreign policy interests of the
2 United States outweigh the purpose of this sec-
3 tion to ensure that United States assistance is
4 not subject to taxation.

5 (2) The Secretary of State shall consult with
6 the Committees on Appropriations at least 15 days
7 prior to exercising the authority of this subsection
8 with regard to any country or entity.

9 (f) IMPLEMENTATION.—The Secretary of State shall
10 issue rules, regulations, or policy guidance, as appropriate,
11 to implement the prohibition against the taxation of assist-
12 ance contained in this section.

13 (g) DEFINITIONS.—As used in this section—

14 (1) the terms “taxes” and “taxation” refer to
15 value added taxes and customs duties imposed on
16 commodities financed with United States assistance
17 for programs for which funds are appropriated by
18 this Act; and

19 (2) the term “bilateral agreement” refers to a
20 framework bilateral agreement between the Govern-
21 ment of the United States and the government of
22 the country receiving assistance that describes the
23 privileges and immunities applicable to United
24 States foreign assistance for such country generally,
25 or an individual agreement between the Government

1 of the United States and such government that de-
2 scribes, among other things, the treatment for tax
3 purposes that will be accorded the United States as-
4 sistance provided under that agreement.

5 (h) REPORT.—The Secretary of State shall submit a
6 report to the Committees on Appropriations not later than
7 90 days after the enactment of this Act detailing steps
8 taken by the Department of State to comply with the re-
9 quirements provided in subsections (a) and (f).

10 RESERVATIONS OF FUNDS

11 SEC. 7014. (a) Funds appropriated under titles II
12 through VI of this Act which are specifically designated
13 may be reprogrammed for other programs within the same
14 account notwithstanding the designation if compliance
15 with the designation is made impossible by operation of
16 any provision of this or any other Act: *Provided*, That any
17 such reprogramming shall be subject to the regular notifi-
18 cation procedures of the Committees on Appropriations:
19 *Provided further*, That assistance that is reprogrammed
20 pursuant to this subsection shall be made available under
21 the same terms and conditions as originally provided.

22 (b) In addition to the authority contained in sub-
23 section (a), the original period of availability of funds ap-
24 propriated by this Act and administered by the United
25 States Agency for International Development (USAID)

1 that are specifically designated for particular programs or
2 activities by this or any other Act shall be extended for
3 an additional fiscal year if the USAID Administrator de-
4 termines and reports promptly to the Committees on Ap-
5 propriations that the termination of assistance to a coun-
6 try or a significant change in circumstances makes it un-
7 likely that such designated funds can be obligated during
8 the original period of availability: *Provided*, That such des-
9 igned funds that continue to be available for an addi-
10 tional fiscal year shall be obligated only for the purpose
11 of such designation.

12 (c) Ceilings and specifically designated funding levels
13 contained in this Act shall not be applicable to funds or
14 authorities appropriated or otherwise made available by
15 any subsequent Act unless such Act specifically so directs:
16 *Provided*, That specifically designated funding levels or
17 minimum funding requirements contained in any other
18 Act shall not be applicable to funds appropriated by this
19 Act.

20 NOTIFICATION REQUIREMENTS

21 SEC. 7015. (a) None of the funds made available in
22 title I of this Act, or in prior appropriations Acts to the
23 agencies and departments funded by this Act that remain
24 available for obligation or expenditure in fiscal year 2012,
25 or provided from any accounts in the Treasury of the

1 United States derived by the collection of fees or of cur-
2 rency reflows or other offsetting collections, or made avail-
3 able by transfer, to the agencies and departments funded
4 by this Act, shall be available for obligation or expenditure
5 through a reprogramming of funds that:

6 (1) creates new programs;

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

8 (3) increases funds or personnel by any means
9 for any project or activity for which funds have been
10 denied or restricted;

11 (4) relocates an office or employees;

12 (5) closes or opens a mission or post;

13 (6) creates, reorganizes, or renames bureaus,
14 centers, or offices;

15 (7) reorganizes programs or activities; or

16 (8) contracts out or privatizes any functions or
17 activities presently performed by Federal employees;

18 unless the Committees on Appropriations are notified 15
19 days in advance of such reprogramming of funds: *Pro-*
20 *vided*, That unless previously justified to the Committees
21 on Appropriations, the requirements of this subsection
22 shall apply to all obligations of funds appropriated under
23 title I of this Act for items (5) and (6) above.

24 (b) None of the funds provided under title I of this
25 Act, or provided under previous appropriations Acts to the

1 agency or department funded under title I of this Act that
2 remain available for obligation or expenditure in fiscal
3 year 2012, or provided from any accounts in the Treasury
4 of the United States derived by the collection of fees avail-
5 able to the agency or department funded under title I of
6 this Act, shall be available for obligation or expenditure
7 for activities, programs, or projects through a reprogram-
8 ming of funds in excess of \$1,000,000 or 10 percent,
9 whichever is less, that:

10 (1) augments existing programs, projects, or ac-
11 tivities;

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

15 (3) results from any general savings, including
16 savings from a reduction in personnel, which would
17 result in a change in existing programs, activities, or
18 projects as approved by Congress; unless the Com-
19 mittees on Appropriations are notified 15 days in
20 advance of such reprogramming of funds.

21 (c) None of the funds made available under titles II
22 through VI and VIII in this Act under the headings
23 “Global Health Programs”, “Development Assistance”,
24 “International Organizations and Programs”, “Trade and
25 Development Agency”, “International Narcotics Control

1 and Law Enforcement”, “Assistance for Europe, Eurasia
2 and Central Asia”, “Economic Support Fund”, “Democ-
3 racy Fund”, “Peacekeeping Operations”, “Capital Invest-
4 ment Fund”, “Operating Expenses”, “Conflict Stabiliza-
5 tion Operations”, “Office of Inspector General”, “Non-
6 proliferation, Anti-terrorism, Demining and Related Pro-
7 grams”, “Millennium Challenge Corporation”, “Foreign
8 Military Financing Program”, “International Military
9 Education and Training”, “Pakistan Counterinsurgency
10 Capability Fund”, and “Peace Corps”, shall be available
11 for obligation for activities, programs, projects, type of
12 materiel assistance, countries, or other operations not jus-
13 tified or in excess of the amount justified to the Commit-
14 tees on Appropriations for obligation under any of these
15 specific headings unless the Committees on Appropriations
16 are notified 15 days in advance: *Provided*, That the Presi-
17 dent shall not enter into any commitment of funds appro-
18 priated for the purposes of section 23 of the Arms Export
19 Control Act for the provision of major defense equipment,
20 other than conventional ammunition, or other major de-
21 fense items defined to be aircraft, ships, missiles, or com-
22 bat vehicles, not previously justified to Congress or 20 per-
23 cent in excess of the quantities justified to Congress unless
24 the Committees on Appropriations are notified 15 days in
25 advance of such commitment: *Provided further*, That re-

1 requirements of this subsection or any similar provision of
2 any other Act shall not apply to any reprogramming for
3 an activity, program, or project for which funds are appro-
4 priated under titles II through IV of this Act of less than
5 10 percent of the amount previously justified to the Con-
6 gress for obligation for such activity, program, or project
7 for the current fiscal year.

8 (d) Notwithstanding any other provision of law, with
9 the exception of funds transferred to, and merged with,
10 funds appropriated under title I of this Act, funds trans-
11 ferred by the Department of Defense to the Department
12 of State and the United States Agency for International
13 Development for assistance for foreign countries and
14 international organizations, and funds made available for
15 programs authorized by section 1206 of the National De-
16 fense Authorization Act for Fiscal Year 2006 (Public Law
17 109–163), shall be subject to the regular notification pro-
18 cedures of the Committees on Appropriations.

19 (e) The requirements of this section or any similar
20 provision of this Act or any other Act, including any prior
21 Act requiring notification in accordance with the regular
22 notification procedures of the Committees on Appropria-
23 tions, may be waived if failure to do so would pose a sub-
24 stantial risk to human health or welfare: *Provided*, That
25 in case of any such waiver, notification to the Committees

1 on Appropriations shall be provided as early as prac-
2 ticable, but in no event later than 3 days after taking the
3 action to which such notification requirement was applica-
4 ble, in the context of the circumstances necessitating such
5 waiver: *Provided further*, That any notification provided
6 pursuant to such a waiver shall contain an explanation
7 of the emergency circumstances.

8 (f) None of the funds appropriated under titles III
9 through VI and VIII of this Act shall be obligated or ex-
10 pended for assistance for Serbia, Sudan, South Sudan,
11 Zimbabwe, Afghanistan, Iraq, Pakistan, Cuba, Iran,
12 Haiti, Libya, Ethiopia, Nepal, Colombia, Honduras,
13 Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, the
14 Russian Federation, Somalia, Sri Lanka, or Cambodia ex-
15 cept as provided through the regular notification proce-
16 dures of the Committees on Appropriations.

17 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

18 SEC. 7016. Prior to providing excess Department of
19 Defense articles in accordance with section 516(a) of the
20 Foreign Assistance Act of 1961, the Department of De-
21 fense shall notify the Committees on Appropriations to the
22 same extent and under the same conditions as other com-
23 mittees pursuant to subsection (f) of that section: *Pro-*
24 *vided*, That before issuing a letter of offer to sell excess
25 defense articles under the Arms Export Control Act, the

1 Department of Defense shall notify the Committees on
2 Appropriations in accordance with the regular notification
3 procedures of such Committees if such defense articles are
4 significant military equipment (as defined in section 47(9)
5 of the Arms Export Control Act) or are valued (in terms
6 of original acquisition cost) at \$7,000,000 or more, or if
7 notification is required elsewhere in this Act for the use
8 of appropriated funds for specific countries that would re-
9 ceive such excess defense articles: *Provided further*, That
10 such Committees shall also be informed of the original ac-
11 quisition cost of such defense articles.

12 LIMITATION ON AVAILABILITY OF FUNDS FOR

13 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

14 SEC. 7017. Subject to the regular notification proce-
15 dures of the Committees on Appropriations, funds appro-
16 priated under titles III through VI of this Act and prior
17 Acts making appropriations for the Department of State,
18 foreign operations, and related programs, which are re-
19 turned or not made available for organizations and pro-
20 grams because of the implementation of section 307(a) of
21 the Foreign Assistance Act of 1961 or section 7049(a) of
22 this Act, shall remain available for obligation until Sep-
23 tember 30, 2013.

1 PROHIBITION ON FUNDING FOR ABORTIONS AND
2 INVOLUNTARY STERILIZATION

3 SEC. 7018. None of the funds made available to carry
4 out part I of the Foreign Assistance Act of 1961, as
5 amended, may be used to pay for the performance of abor-
6 tions as a method of family planning or to motivate or
7 coerce any person to practice abortions. None of the funds
8 made available to carry out part I of the Foreign Assist-
9 ance Act of 1961, as amended, may be used to pay for
10 the performance of involuntary sterilization as a method
11 of family planning or to coerce or provide any financial
12 incentive to any person to undergo sterilizations. None of
13 the funds made available to carry out part I of the Foreign
14 Assistance Act of 1961, as amended, may be used to pay
15 for any biomedical research which relates in whole or in
16 part, to methods of, or the performance of, abortions or
17 involuntary sterilization as a means of family planning.
18 None of the funds made available to carry out part I of
19 the Foreign Assistance Act of 1961, as amended, may be
20 obligated or expended for any country or organization if
21 the President certifies that the use of these funds by any
22 such country or organization would violate any of the
23 above provisions related to abortions and involuntary steri-
24 lizations.

1 ALLOCATIONS

2 SEC. 7019. (a) Funds provided in this Act shall be
3 made available for programs and countries in the amounts
4 contained in the respective tables included in the explana-
5 tory statement described in section 4 (in the matter pre-
6 ceding division A of this consolidated Act).

7 (b) For the purposes of implementing this section and
8 only with respect to the tables included in the explanatory
9 statement described in section 4 (in the matter preceding
10 division A of this consolidated Act), the Secretary of State,
11 the Administrator of the United States Agency for Inter-
12 national Development and the Broadcasting Board of Gov-
13 ernors, as appropriate, may propose deviations to the
14 amounts referenced in subsection (a), subject to the reg-
15 ular notification procedures of the Committees on Appro-
16 priations.

17 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

18 SEC. 7020. None of the funds appropriated or other-
19 wise made available by this Act under the headings “Inter-
20 national Military Education and Training” or “Foreign
21 Military Financing Program” for Informational Program
22 activities or under the headings “Global Health Pro-
23 grams”, “Development Assistance”, and “Economic Sup-
24 port Fund” may be obligated or expended to pay for—

25 (1) alcoholic beverages; or

1 (2) entertainment expenses for activities that
2 are substantially of a recreational character, includ-
3 ing but not limited to entrance fees at sporting
4 events, theatrical and musical productions, and
5 amusement parks.

6 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

7 SUPPORTING INTERNATIONAL TERRORISM

8 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
9 PORTS.—

10 (1) None of the funds appropriated or otherwise
11 made available by titles III through VI of this Act
12 may be available to any foreign government which
13 provides lethal military equipment to a country the
14 government of which the Secretary of State has de-
15 termined supports international terrorism for pur-
16 poses of section 6(j) of the Export Administration
17 Act of 1979: *Provided*, That the prohibition under
18 this section with respect to a foreign government
19 shall terminate 12 months after that government
20 ceases to provide such military equipment: *Provided*
21 *further*, That this section applies with respect to le-
22 thal military equipment provided under a contract
23 entered into after October 1, 1997.

24 (2) Assistance restricted by paragraph (1) or
25 any other similar provision of law, may be furnished

1 if the President determines that to do so is impor-
2 tant to the national interests of the United States.

3 (3) Whenever the President makes a determina-
4 tion pursuant to paragraph (2), the President shall
5 submit to the Committees on Appropriations a re-
6 port with respect to the furnishing of such assist-
7 ance, including a detailed explanation of the assist-
8 ance to be provided, the estimated dollar amount of
9 such assistance, and an explanation of how the as-
10 sistance furthers United States national interests.

11 (b) BILATERAL ASSISTANCE.—

12 (1) Funds appropriated for bilateral assistance
13 in titles III through VI of this Act and funds appro-
14 priated under any such title in prior acts making ap-
15 propriations for the Department of State, foreign
16 operations, and related programs, shall not be made
17 available to any foreign government which the Presi-
18 dent determines—

19 (A) grants sanctuary from prosecution to
20 any individual or group which has committed
21 an act of international terrorism;

22 (B) otherwise supports international ter-
23 rorism; or

24 (C) is controlled by an organization des-
25 igned as a terrorist organization under sec-

1 tion 219 of the Immigration and Nationality
2 Act.

3 (2) The President may waive the application of
4 paragraph (1) to a government if the President de-
5 termines that national security or humanitarian rea-
6 sons justify such waiver: *Provided*, That the Presi-
7 dent shall publish each such waiver in the Federal
8 Register and, at least 15 days before the waiver
9 takes effect, shall notify the Committees on Appro-
10 propriations of the waiver (including the justification
11 for the waiver) in accordance with the regular notifi-
12 cation procedures of the Committees on Appropria-
13 tions.

14 AUTHORIZATION REQUIREMENTS

15 SEC. 7022. Funds appropriated by this Act, except
16 funds appropriated under the heading “Trade and Devel-
17 opment Agency”, may be obligated and expended notwith-
18 standing section 10 of Public Law 91–672, section 15 of
19 the State Department Basic Authorities Act of 1956, sec-
20 tion 313 of the Foreign Relations Authorization Act, Fis-
21 cal Years 1994 and 1995 (Public Law 103–236), and sec-
22 tion 504(a)(1) of the National Security Act of 1947 (50
23 U.S.C. 414(a)(1)).

1 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

2 SEC. 7023. For the purpose of titles II through VI
3 of this Act “program, project, and activity” shall be de-
4 fined at the appropriations Act account level and shall in-
5 clude all appropriations and authorizations Acts funding
6 directives, ceilings, and limitations with the exception that
7 for the following accounts: “Economic Support Fund” and
8 “Foreign Military Financing Program”, “program,
9 project, and activity” shall also be considered to include
10 country, regional, and central program level funding with-
11 in each such account; for the development assistance ac-
12 counts of the United States Agency for International De-
13 velopment “program, project, and activity” shall also be
14 considered to include central, country, regional, and pro-
15 gram level funding, either as:

16 (1) justified to the Congress; or

17 (2) allocated by the executive branch in accord-
18 ance with a report, to be provided to the Committees
19 on Appropriations within 30 days of the enactment
20 of this Act, as required by section 653(a) of the For-
21 eign Assistance Act of 1961.

22 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
23 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

24 SEC. 7024. Unless expressly provided to the contrary,
25 provisions of this or any other Act, including provisions

1 contained in prior Acts authorizing or making appropria-
2 tions for the Department of State, foreign operations, and
3 related programs, shall not be construed to prohibit activi-
4 ties authorized by or conducted under the Peace Corps
5 Act, the Inter-American Foundation Act or the African
6 Development Foundation Act: *Provided*, That prior to con-
7 ducting activities in a country for which assistance is pro-
8 hibited, the agency shall consult with the Committees on
9 Appropriations and report to such Committees within 15
10 days of taking such action.

11 COMMERCE, TRADE AND SURPLUS COMMODITIES

12 SEC. 7025. (a) None of the funds appropriated or
13 made available pursuant to titles III through VI of this
14 Act for direct assistance and none of the funds otherwise
15 made available to the Export-Import Bank and the Over-
16 seas Private Investment Corporation shall be obligated or
17 expended to finance any loan, any assistance or any other
18 financial commitments for establishing or expanding pro-
19 duction of any commodity for export by any country other
20 than the United States, if the commodity is likely to be
21 in surplus on world markets at the time the resulting pro-
22 ductive capacity is expected to become operative and if the
23 assistance will cause substantial injury to United States
24 producers of the same, similar, or competing commodity:
25 *Provided*, That such prohibition shall not apply to the Ex-

1 port-Import Bank if in the judgment of its Board of Direc-
2 tors the benefits to industry and employment in the
3 United States are likely to outweigh the injury to United
4 States producers of the same, similar, or competing com-
5 modity, and the Chairman of the Board so notifies the
6 Committees on Appropriations: *Provided further*, That this
7 subsection shall not prohibit—

8 (1) activities in a country that is eligible for as-
9 sistance from the International Development Asso-
10 ciation, is not eligible for assistance from the Inter-
11 national Bank for Reconstruction and Development,
12 and does not export on a consistent basis the agri-
13 cultural commodity with respect to which assistance
14 is furnished; or

15 (2) activities in a country the President deter-
16 mines is recovering from widespread conflict, a hu-
17 manitarian crisis, or a complex emergency.

18 (b) None of the funds appropriated by this or any
19 other Act to carry out chapter 1 of part I of the Foreign
20 Assistance Act of 1961 shall be available for any testing
21 or breeding feasibility study, variety improvement or intro-
22 duction, consultancy, publication, conference, or training
23 in connection with the growth or production in a foreign
24 country of an agricultural commodity for export which
25 would compete with a similar commodity grown or pro-

1 duced in the United States: *Provided*, That this subsection
2 shall not prohibit—

3 (1) activities designed to increase food security
4 in developing countries where such activities will not
5 have a significant impact on the export of agricul-
6 tural commodities of the United States;

7 (2) research activities intended primarily to
8 benefit American producers;

9 (3) activities in a country that is eligible for as-
10 sistance from the International Development Asso-
11 ciation, is not eligible for assistance from the Inter-
12 national Bank for Reconstruction and Development,
13 and does not export on a consistent basis the agri-
14 cultural commodity with respect to which assistance
15 is furnished; or

16 (4) activities in a country the President deter-
17 mines is recovering from widespread conflict, a hu-
18 manitarian crisis, or a complex emergency.

19 (c) The Secretary of the Treasury shall instruct the
20 United States Executive Directors of the International
21 Bank for Reconstruction and Development, the Inter-
22 national Development Association, the International Fi-
23 nance Corporation, the Inter-American Development
24 Bank, the International Monetary Fund, the Asian Devel-
25 opment Bank, the Inter-American Investment Corpora-

1 tion, the North American Development Bank, the Euro-
2 pean Bank for Reconstruction and Development, the Afri-
3 can Development Bank, and the African Development
4 Fund to use the voice and vote of the United States to
5 oppose any assistance by these institutions, using funds
6 appropriated or made available pursuant to titles III
7 through VI of this Act, for the production or extraction
8 of any commodity or mineral for export, if it is in surplus
9 on world markets and if the assistance will cause substan-
10 tial injury to United States producers of the same, similar,
11 or competing commodity.

12 SEPARATE ACCOUNTS

13 SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL
14 CURRENCIES.—

15 (1) If assistance is furnished to the government
16 of a foreign country under chapters 1 and 10 of part
17 I or chapter 4 of part II of the Foreign Assistance
18 Act of 1961 under agreements which result in the
19 generation of local currencies of that country, the
20 Administrator of the United States Agency for
21 International Development (USAID) shall—

22 (A) require that local currencies be depos-
23 ited in a separate account established by that
24 government;

1 (B) enter into an agreement with that gov-
2 ernment which sets forth—

3 (i) the amount of the local currencies
4 to be generated; and

5 (ii) the terms and conditions under
6 which the currencies so deposited may be
7 utilized, consistent with this section; and

8 (C) establish by agreement with that gov-
9 ernment the responsibilities of USAID and that
10 government to monitor and account for deposits
11 into and disbursements from the separate ac-
12 count.

13 (2) USES OF LOCAL CURRENCIES.—As may be
14 agreed upon with the foreign government, local cur-
15 rencies deposited in a separate account pursuant to
16 subsection (a), or an equivalent amount of local cur-
17 rencies, shall be used only—

18 (A) to carry out chapter 1 or 10 of part
19 I or chapter 4 of part II of the Foreign Assist-
20 ance Act of 1961 (as the case may be), for such
21 purposes as—

22 (i) project and sector assistance activi-
23 ties; or

24 (ii) debt and deficit financing; or

1 (B) for the administrative requirements of
2 the United States Government.

3 (3) PROGRAMMING ACCOUNTABILITY.—USAID
4 shall take all necessary steps to ensure that the
5 equivalent of the local currencies disbursed pursuant
6 to subsection (a)(2)(A) from the separate account
7 established pursuant to subsection (a)(1) are used
8 for the purposes agreed upon pursuant to subsection
9 (a)(2).

10 (4) TERMINATION OF ASSISTANCE PRO-
11 GRAMS.—Upon termination of assistance to a coun-
12 try under chapter 1 or 10 of part I or chapter 4 of
13 part II of the Foreign Assistance Act of 1961 (as
14 the case may be), any unencumbered balances of
15 funds which remain in a separate account estab-
16 lished pursuant to subsection (a) shall be disposed of
17 for such purposes as may be agreed to by the gov-
18 ernment of that country and the United States Gov-
19 ernment.

20 (5) REPORTING REQUIREMENT.—The USAID
21 Administrator shall report on an annual basis as
22 part of the justification documents submitted to the
23 Committees on Appropriations on the use of local
24 currencies for the administrative requirements of the
25 United States Government as authorized in sub-

1 section (a)(2)(B), and such report shall include the
2 amount of local currency (and United States dollar
3 equivalent) used and/or to be used for such purpose
4 in each applicable country.

5 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

6 (1) If assistance is made available to the gov-
7 ernment of a foreign country, under chapter 1 or 10
8 of part I or chapter 4 of part II of the Foreign As-
9 sistance Act of 1961, as cash transfer assistance or
10 as nonproject sector assistance, that country shall be
11 required to maintain such funds in a separate ac-
12 count and not commingle them with any other
13 funds.

14 (2) APPLICABILITY OF OTHER PROVISIONS OF
15 LAW.—Such funds may be obligated and expended
16 notwithstanding provisions of law which are incon-
17 sistent with the nature of this assistance including
18 provisions which are referenced in the Joint Explan-
19 atory Statement of the Committee of Conference ac-
20 companying House Joint Resolution 648 (House Re-
21 port No. 98–1159).

22 (3) NOTIFICATION.—At least 15 days prior to
23 obligating any such cash transfer or nonproject sec-
24 tor assistance, the President shall submit a notifica-
25 tion through the regular notification procedures of

1 the Committees on Appropriations, which shall in-
2 clude a detailed description of how the funds pro-
3 posed to be made available will be used, with a dis-
4 cussion of the United States interests that will be
5 served by the assistance (including, as appropriate,
6 a description of the economic policy reforms that will
7 be promoted by such assistance).

8 (4) EXEMPTION.—Nonproject sector assistance
9 funds may be exempt from the requirements of sub-
10 section (b)(1) only through the regular notification
11 procedures of the Committees on Appropriations.

12 ELIGIBILITY FOR ASSISTANCE

13 SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-
14 MENTAL ORGANIZATIONS.—Restrictions contained in this
15 or any other Act with respect to assistance for a country
16 shall not be construed to restrict assistance in support of
17 programs of nongovernmental organizations from funds
18 appropriated by this Act to carry out the provisions of
19 chapters 1, 10, 11, and 12 of part I and chapter 4 of
20 part II of the Foreign Assistance Act of 1961, and from
21 funds appropriated under the heading “Assistance for Eu-
22 rope, Eurasia and Central Asia”: *Provided*, That before
23 using the authority of this subsection to furnish assistance
24 in support of programs of nongovernmental organizations,
25 the President shall notify the Committees on Appropria-

1 tions under the regular notification procedures of those
2 committees, including a description of the program to be
3 assisted, the assistance to be provided, and the reasons
4 for furnishing such assistance: *Provided further*, That
5 nothing in this subsection shall be construed to alter any
6 existing statutory prohibitions against abortion or involun-
7 tary sterilizations contained in this or any other Act.

8 (b) PUBLIC LAW 480.—During fiscal year 2012, re-
9 strictions contained in this or any other Act with respect
10 to assistance for a country shall not be construed to re-
11 strict assistance under the Agricultural Trade Develop-
12 ment and Assistance Act of 1954: *Provided*, That none
13 of the funds appropriated to carry out title I of such Act
14 and made available pursuant to this subsection may be
15 obligated or expended except as provided through the reg-
16 ular notification procedures of the Committees on Appro-
17 priations.

18 (c) EXCEPTION.—This section shall not apply—

19 (1) with respect to section 620A of the Foreign
20 Assistance Act of 1961 or any comparable provision
21 of law prohibiting assistance to countries that sup-
22 port international terrorism; or

23 (2) with respect to section 116 of the Foreign
24 Assistance Act of 1961 or any comparable provision
25 of law prohibiting assistance to the government of a

1 country that violates internationally recognized
2 human rights.

3 IMPACT ON JOBS IN THE UNITED STATES

4 SEC. 7028. None of the funds appropriated under ti-
5 tles III through VI of this Act may be obligated or ex-
6 pended to provide—

7 (1) any financial incentive to a business enter-
8 prise currently located in the United States for the
9 purpose of inducing such an enterprise to relocate
10 outside the United States if such incentive or in-
11 ducement is likely to reduce the number of employ-
12 ees of such business enterprise in the United States
13 because United States production is being replaced
14 by such enterprise outside the United States; or

15 (2) assistance for any program, project, or ac-
16 tivity that contributes to the violation of internation-
17 ally recognized workers rights, as defined in section
18 507(4) of the Trade Act of 1974, of workers in the
19 recipient country, including any designated zone or
20 area in that country: *Provided*, That the application
21 of section 507(4)(D) and (E) of such Act should be
22 commensurate with the level of development of the
23 recipient country and sector, and shall not preclude
24 assistance for the informal sector in such country,

1 micro and small-scale enterprise, and smallholder
2 agriculture.

3 INTERNATIONAL FINANCIAL INSTITUTIONS

4 SEC. 7029. (a) None of the funds appropriated under
5 title V of this Act may be made as payment to any inter-
6 national financial institution while the United States exec-
7 utive director to such institution is compensated by the
8 institution at a rate which, together with whatever com-
9 pensation such executive director receives from the United
10 States, is in excess of the rate provided for an individual
11 occupying a position at level IV of the Executive Schedule
12 under section 5315 of title 5, United States Code, or while
13 any alternate United States executive director to such in-
14 stitution is compensated by the institution at a rate in
15 excess of the rate provided for an individual occupying a
16 position at level V of the Executive Schedule under section
17 5316 of title 5, United States Code.

18 (b) The Secretary of the Treasury shall instruct the
19 United States executive director of each international fi-
20 nancial institution to oppose any loan, grant, strategy or
21 policy of such institution that would require user fees or
22 service charges on poor people for primary education or
23 primary healthcare, including prevention, care and treat-
24 ment for HIV/AIDS, malaria, tuberculosis, and infant,

1 child, and maternal health, in connection with such insti-
2 tution's financing programs.

3 (c) The Secretary of the Treasury shall instruct the
4 United States Executive Director of the International
5 Monetary Fund (the Fund) to use the voice and vote of
6 the United States to oppose any loan, project, agreement,
7 memorandum, instrument, plan, or other program of the
8 Fund to a Heavily Indebted Poor Country that imposes
9 budget caps or restraints that do not allow the mainte-
10 nance of or an increase in governmental spending on
11 healthcare or education; and to promote government
12 spending on healthcare, education, agriculture and food
13 security, or other critical safety net programs in all of the
14 Fund's activities with respect to Heavily Indebted Poor
15 Countries.

16 (d) For the purposes of this Act "international finan-
17 cial institutions" shall mean the International Bank for
18 Reconstruction and Development, the International Devel-
19 opment Association, the International Finance Corpora-
20 tion, the Inter-American Development Bank, the Inter-
21 national Monetary Fund, the Asian Development Bank,
22 the Asian Development Fund, the Inter-American Invest-
23 ment Corporation, the North American Development
24 Bank, the European Bank for Reconstruction and Devel-

1 opment, the African Development Bank and the African
2 Development Fund.

3 DEBT-FOR-DEVELOPMENT

4 SEC. 7030. In order to enhance the continued partici-
5 pation of nongovernmental organizations in debt-for-devel-
6 opment and debt-for-nature exchanges, a nongovern-
7 mental organization which is a grantee or contractor of
8 the United States Agency for International Development
9 may place in interest bearing accounts local currencies
10 which accrue to that organization as a result of economic
11 assistance provided under title III of this Act and, subject
12 to the regular notification procedures of the Committees
13 on Appropriations, any interest earned on such investment
14 shall be used for the purpose for which the assistance was
15 provided to that organization.

16 FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

17 SEC. 7031. (a) LIMITATION ON DIRECT GOVERN-
18 MENT-TO-GOVERNMENT ASSISTANCE.—

19 (1) Funds appropriated by this Act may be
20 made available for direct Government-to-Government
21 assistance only if—

22 (A) each implementing agency or ministry
23 to receive assistance has been assessed and is
24 considered to have the systems required to
25 manage such assistance and any identified

1 vulnerabilities or weaknesses of such agency or
2 ministry have been addressed; and

3 (i) the recipient agency or ministry
4 employs and utilizes staff with the nec-
5 essary technical, financial, and manage-
6 ment capabilities;

7 (ii) the recipient agency or ministry
8 has adopted competitive procurement poli-
9 cies and systems;

10 (iii) effective monitoring and evalua-
11 tion systems are in place to ensure that
12 such assistance is used for its intended
13 purposes; and

14 (iv) no level of acceptable fraud is as-
15 sumed.

16 (B) the Government of the United States
17 and the government of the recipient country
18 have agreed, in writing—

19 (i) on clear and achievable objectives
20 for the use of such assistance; and

21 (ii) that such assistance should be
22 made on a cost-reimbursable basis.

23 (2) In addition to the requirements in sub-
24 section (a), no funds may be made available for such
25 assistance without prior consultation with, and noti-

1 fication to, the Committees on Appropriations: *Pro-*
2 *vided*, That such notification shall contain an expla-
3 nation of how the proposed activity meets the re-
4 quirements of paragraph (1): *Provided further*, That
5 the requirements of this paragraph shall only apply
6 to direct Government-to-Government assistance in
7 excess of \$10,000,000 and all funds available for
8 cash transfer, budget support, and cash payments to
9 individuals.

10 (3) The USAID Administrator or the Secretary
11 of State, as appropriate, shall suspend any such as-
12 sistance if the Administrator or the Secretary has
13 credible information of material misuse of such as-
14 sistance, unless the Administrator or the Secretary
15 determines and reports to the Committees on Appro-
16 priations that it is in the national interest of the
17 United States to continue such assistance.

18 (4) Not later than 90 days after the enactment
19 of this Act and 6 months thereafter, the USAID Ad-
20 ministrator shall submit to the Committees on Ap-
21 propriations a report that—

22 (A) details all assistance described in sub-
23 section (a) provided during the previous 6-
24 month period by country, funding amount,

1 source of funds, and type of such assistance;
2 and

3 (B) the type of procurement instrument or
4 mechanism utilized and whether the assistance
5 was provided on a cost-reimbursable basis.

6 (5) The USAID Administrator shall submit to
7 the Committees on Appropriations, concurrent with
8 the fiscal year 2013 congressional budget justifica-
9 tion materials, amounts planned for assistance de-
10 scribed in subsection (a) by country, proposed fund-
11 ing amount, source of funds, and type of assistance.

12 (b) NATIONAL BUDGET AND CONTRACT TRANS-
13 PARENCY.—

14 (1) LIMITATION ON FUNDING.—None of the
15 funds appropriated under titles III and IV of this
16 Act may be made available to the central govern-
17 ment of any country that does not meet minimum
18 standards of fiscal transparency: *Provided*, That the
19 Secretary of State shall develop “minimum stand-
20 ards of fiscal transparency” to be updated and
21 strengthened, as appropriate, to reflect best prac-
22 tices: *Provided further*, That the Secretary shall
23 make an annual determination of “progress” or “no
24 progress” for countries that do not meet minimum
25 standards of fiscal transparency and make those de-

1 terminations publicly available in an annual “Fiscal
2 Transparency Report”.

3 (2) MINIMUM STANDARDS OF FISCAL TRANS-
4 PARENCY.—For purposes of paragraph (1), “min-
5 imum standards of fiscal transparency” shall include
6 standards for the public disclosure of budget docu-
7 mentation, including receipts and expenditures by
8 ministry, and government contracts and licenses for
9 natural resource extraction, to include bidding and
10 concession allocation practices.

11 (3) WAIVER.—The Secretary of State may
12 waive the limitation on funding in paragraph (1) on
13 a country-by-country basis if the Secretary reports
14 to the Committees on Appropriations that the waiver
15 is important to the national interest of the United
16 States: *Provided*, That such waiver shall identify any
17 steps taken by the government of the country to
18 publicly disclose its national budget and contracts
19 which are additional to those which were undertaken
20 in previous fiscal years, include specific rec-
21 ommendations of short- and long-term steps such
22 government can take to improve budget trans-
23 parency, and identify benchmarks for measuring
24 progress.

1 (4) ASSISTANCE.—Of the funds appropriated
2 under title III of this Act, not less than \$5,000,000
3 should be made available for programs and activities
4 to assist the central governments of countries named
5 in the list required by paragraph (1) to improve
6 budget transparency or to support civil society orga-
7 nizations in such countries that promote budget
8 transparency: *Provided*, That such sums shall be in
9 addition to funds otherwise made available for such
10 purposes.

11 (c) ANTI-KLEPTOCRACY.—

12 (1) Officials of foreign governments and their
13 immediate family members who the Secretary of
14 State has credible information have been involved in
15 significant corruption, including corruption related
16 to the extraction of natural resources, shall be ineli-
17 gible for entry into the United States.

18 (2) Individuals shall not be ineligible if entry
19 into the United States would further important
20 United States law enforcement objectives or is nec-
21 essary to permit the United States to fulfill its obli-
22 gations under the United Nations Headquarters
23 Agreement: *Provided*, That nothing in this provision
24 shall be construed to derogate from United States

1 Government obligations under applicable inter-
2 national agreements.

3 (3) The Secretary may waive the application of
4 paragraph (1) if the Secretary determines that the
5 waiver would serve a compelling national interest or
6 that the circumstances which caused the individual
7 to be ineligible have changed sufficiently.

8 (4) Not later than 90 days after enactment of
9 this Act and 180 days thereafter, the Secretary of
10 State shall submit a report, in classified form if nec-
11 essary, to the Committees on Appropriations describ-
12 ing the information regarding corruption concerning
13 each of the individuals found ineligible pursuant to
14 paragraph (1), a list of any waivers provided under
15 subsection (3), and the justification for each waiver.

16 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

17 SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUC-
18 TION, OR CANCELLATION.—

19 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
20 CERTAIN LOANS.—Notwithstanding any other provi-
21 sion of law, the President may, in accordance with
22 this section, sell to any eligible purchaser any
23 concessional loan or portion thereof made before
24 January 1, 1995, pursuant to the Foreign Assist-
25 ance Act of 1961, to the government of any eligible

1 country as defined in section 702(6) of that Act or
2 on receipt of payment from an eligible purchaser, re-
3 duce or cancel such loan or portion thereof, only for
4 the purpose of facilitating—

5 (A) debt-for-equity swaps, debt-for-develop-
6 ment swaps, or debt-for-nature swaps; or

7 (B) a debt buyback by an eligible country
8 of its own qualified debt, only if the eligible
9 country uses an additional amount of the local
10 currency of the eligible country, equal to not
11 less than 40 percent of the price paid for such
12 debt by such eligible country, or the difference
13 between the price paid for such debt and the
14 face value of such debt, to support activities
15 that link conservation and sustainable use of
16 natural resources with local community develop-
17 ment, and child survival and other child devel-
18 opment, in a manner consistent with sections
19 707 through 710 of the Foreign Assistance Act
20 of 1961, if the sale, reduction, or cancellation
21 would not contravene any term or condition of
22 any prior agreement relating to such loan.

23 (2) TERMS AND CONDITIONS.—Notwithstanding
24 any other provision of law, the President shall, in ac-
25 cordance with this section, establish the terms and

1 conditions under which loans may be sold, reduced,
2 or canceled pursuant to this section.

3 (3) ADMINISTRATION.—The Facility, as defined
4 in section 702(8) of the Foreign Assistance Act of
5 1961, shall notify the administrator of the agency
6 primarily responsible for administering part I of the
7 Foreign Assistance Act of 1961 of purchasers that
8 the President has determined to be eligible, and
9 shall direct such agency to carry out the sale, reduc-
10 tion, or cancellation of a loan pursuant to this sec-
11 tion: *Provided*, That such agency shall make adjust-
12 ment in its accounts to reflect the sale, reduction, or
13 cancellation.

14 (4) LIMITATION.—The authorities of this sub-
15 section shall be available only to the extent that ap-
16 propriations for the cost of the modification, as de-
17 fined in section 502 of the Congressional Budget Act
18 of 1974, are made in advance.

19 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
20 sale, reduction, or cancellation of any loan sold, reduced,
21 or canceled pursuant to this section shall be deposited in
22 the United States Government account or accounts estab-
23 lished for the repayment of such loan.

24 (c) ELIGIBLE PURCHASERS.—A loan may be sold
25 pursuant to subsection (a)(1)(A) only to a purchaser who

1 presents plans satisfactory to the President for using the
2 loan for the purpose of engaging in debt-for-equity swaps,
3 debt-for-development swaps, or debt-for-nature swaps.

4 (d) DEBTOR CONSULTATIONS.—Before the sale to
5 any eligible purchaser, or any reduction or cancellation
6 pursuant to this section, of any loan made to an eligible
7 country, the President should consult with the country
8 concerning the amount of loans to be sold, reduced, or
9 canceled and their uses for debt-for-equity swaps, debt-
10 for-development swaps, or debt-for-nature swaps.

11 (e) AVAILABILITY OF FUNDS.—The authority pro-
12 vided by subsection (a) may be used only with regard to
13 funds appropriated by this Act under the heading “Debt
14 Restructuring”.

15 MULTI-YEAR COMMITMENTS

16 SEC. 7033. None of the funds appropriated by this
17 Act may be used to make a future year funding pledge
18 for any multilateral or bilateral program funded in titles
19 III through VI of this Act unless such pledge was—

20 (1) previously justified in a congressional budg-
21 et justification;

22 (2) included in an Act making appropriations
23 for the Department of State, foreign operations, and
24 related programs or previously authorized by an Act
25 of Congress;

1 (c) WORLD FOOD PROGRAM.—Funds managed by
2 the Bureau for Democracy, Conflict, and Humanitarian
3 Assistance, United States Agency for International Devel-
4 opment (USAID), from this or any other Act, shall be
5 made available as a general contribution to the World
6 Food Program, notwithstanding any other provision of
7 law.

8 (d) DISARMAMENT, DEMOBILIZATION AND RE-
9 INTEGRATION.—Notwithstanding any other provision of
10 law, regulation or Executive order, funds appropriated by
11 this Act and prior Acts making appropriations for the De-
12 partment of State, foreign operations, and related pro-
13 grams under the headings “Economic Support Fund”,
14 “Peacekeeping Operations”, “International Disaster As-
15 sistance”, and “Transition Initiatives” should be made
16 available to support programs to disarm, demobilize, and
17 reintegrate into civilian society former members of foreign
18 terrorist organizations: *Provided*, That the Secretary of
19 State shall consult with the Committees on Appropriations
20 prior to the obligation of funds pursuant to this sub-
21 section: *Provided further*, That for the purposes of this
22 subsection the term “foreign terrorist organization”
23 means an organization designated as a terrorist organiza-
24 tion under section 219 of the Immigration and Nationality
25 Act.

1 (e) RESEARCH AND TRAINING.—Funds appropriated
2 by this Act under the heading “Economic Support Fund”
3 may be made available to carry out the Program for Re-
4 search and Training on Eastern Europe and the Inde-
5 pendent States of the Former Soviet Union (title VIII)
6 as authorized by the Soviet-Eastern European Research
7 and Training Act of 1983 (22 U.S.C. 4501–4508).

8 (f) CONTINGENCIES.—During fiscal year 2012, the
9 President may use up to \$50,000,000 under the authority
10 of section 451 of the Foreign Assistance Act of 1961, not-
11 withstanding any other provision of law.

12 (g) CONSOLIDATION OF REPORTS.—The Secretary of
13 State, in coordination with the USAID Administrator,
14 shall submit to the Committees on Appropriations, and
15 other relevant congressional committees, not later than 90
16 days after enactment of this Act recommendations for the
17 consolidation or combination of reports (including plans
18 and strategies) that are called for by any provision of law
19 to be submitted to the Congress and that are substantially
20 duplicative of others called for by any other provision of
21 law: *Provided*, That reports are considered “substantially
22 duplicative” if they are required to address at least more
23 than half of the same substantive factors, criteria and
24 issues that are required to be addressed by any other re-
25 port, and any such consolidated report must address all

1 the substantive factors, criteria and issues required to be
2 addressed in each of the individual reports: *Provided fur-*
3 *ther*, That reports affected by this subsection are those
4 within the purview of, or prepared primarily by, the De-
5 partment of State and USAID and that relate to matters
6 addressed under this Act or any other Act authorizing or
7 appropriating funds for use by, or actions of, the Depart-
8 ment of State or USAID.

9 (h) PROMOTION OF DEMOCRACY.—

10 (1) Funds made available by this Act that are
11 made available for the promotion of democracy may
12 be made available notwithstanding any other provi-
13 sion of law, and with regard to the National Endow-
14 ment for Democracy, any regulation.

15 (2) For the purposes of funds appropriated by
16 this Act, the term “promotion of democracy” means
17 programs that support good governance, human
18 rights, independent media, and the rule of law, and
19 otherwise strengthen the capacity of democratic po-
20 litical parties, governments, nongovernmental organi-
21 zations and institutions, and citizens to support the
22 development of democratic states, institutions, and
23 practices that are responsive and accountable to citi-
24 zens.

1 (3) With respect to the provision of assistance
2 for democracy, human rights and governance activi-
3 ties in this Act, the organizations implementing such
4 assistance and the specific nature of that assistance
5 shall not be subject to the prior approval by the gov-
6 ernment of any foreign country.

7 (4) Funds appropriated under the heading
8 “Economic Support Fund” shall be made available
9 to the Bureau of Democracy, Human Rights and
10 Labor for programs to promote human rights by ex-
11 panding open and uncensored access to information
12 and communication as identified in the Department
13 of State’s Internet freedom strategy: *Provided*, That
14 funds made available by this paragraph should be
15 matched by sources other than the United States
16 Government, as appropriate: *Provided further*, That
17 the Secretary of State shall coordinate the develop-
18 ment and uses of circumvention and secure commu-
19 nications technologies with the Administrator of the
20 United States Agency for International Development
21 and the Broadcasting Board of Governors, as appro-
22 priate: *Provided further*, That the circumvention
23 technologies and programs supported by funds made
24 available by this Act, shall undergo a review, to in-

1 clude an assessment of the protection against such
2 technologies being used for illicit purposes.

3 (5) Funds appropriated by this Act that are
4 made available to promote democracy and human
5 rights shall also be made available to support free-
6 dom of religion, especially in the Middle East and
7 North Africa.

8 (i) PARTNER VETTING.—Funds appropriated in this
9 Act or any prior Acts making appropriations for the De-
10 partment of State, foreign operations, and related pro-
11 grams shall be used by the Secretary of State and the Ad-
12 ministrator of the United States Agency for International
13 Development (USAID), as appropriate, to support the de-
14 velopment and implementation of a Partner Vetting Sys-
15 tem (PVS) pilot program: *Provided*, That such pilot pro-
16 gram shall be implemented not later than September 30,
17 2012: *Provided further*, That the Secretary of State and
18 the USAID Administrator shall jointly submit a report to
19 the Committees on Appropriations not later than 30 days
20 after completion of the pilot program on the estimated
21 timeline and criteria for evaluating the PVS for expansion.

22 (j) PROTECTIONS AND REMEDIES FOR EMPLOYEES
23 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
24 ZATIONS.—The Secretary of State shall implement section
25 203(a)(2) of the William Wilberforce Trafficking Victims

1 Protection Reauthorization Act of 2008 (Public Law 110–
2 457): *Provided*, That in determining whether to suspend
3 the issuance of A–3 or G–5 visas to applicants seeking
4 to work for officials of a diplomatic mission or inter-
5 national organization, the Secretary shall consider wheth-
6 er a final court judgment has been issued against a cur-
7 rent or former employee of such mission or organization
8 (and the time period for a final appeal has expired) or
9 whether the Department of State has requested that im-
10 munity of individual diplomats or family members be
11 waived to permit criminal prosecution: *Provided further*,
12 That the Secretary should continue to assist in obtaining
13 payment of final court judgments awarded to A–3 and G–
14 5 visa holders, including encouraging the sending states
15 to provide compensation directly to victims: *Provided fur-*
16 *ther*, That the Secretary shall include, in a manner the
17 Secretary deems appropriate, all trafficking cases involv-
18 ing A–3 or G–5 visa holders in the Trafficking in Persons
19 annual report for which a final civil judgment has been
20 issued (and the time period for final appeal has expired)
21 or the Department of Justice has determined that the
22 United States Government would seek to indict the dip-
23 lomat or a family member but for diplomatic immunity.

1 (k) MODIFICATION OF AMENDMENT.—Section 620J
2 of the Foreign Assistance Act of 1961 (Limitation on As-
3 sistance to Security Forces) is amended as follows:

4 (1) by redesignating the section as section
5 620M;

6 (2) in subsection (a), by striking “evidence”
7 and inserting “information” and by striking “gross
8 violations” and inserting “a gross violation”;

9 (3) in subsection (b), by striking “measures”
10 and inserting “steps”; and

11 (4) by adding the following subsection:

12 “(d) CREDIBLE INFORMATION.—The Secretary shall
13 establish, and periodically update, procedures to—

14 “(1) ensure that for each country the Depart-
15 ment of State has a current list of all security force
16 units receiving United States training, equipment, or
17 other types of assistance;

18 “(2) facilitate receipt by the Department of
19 State and United States embassies of information
20 from individuals and organizations outside the
21 United States Government about gross violations of
22 human rights by security force units;

23 “(3) routinely request and obtain such informa-
24 tion from the Department of Defense, the Central

1 Intelligence Agency, and other United States Gov-
2 ernment sources;

3 “(4) ensure that such information is evaluated
4 and preserved;

5 “(5) ensure that when vetting an individual for
6 eligibility to receive United States training the indi-
7 vidual’s unit is also vetted;

8 “(6) seek to identify the unit involved when
9 credible information of a gross violation exists but
10 the identity of the unit is lacking; and

11 “(7) make publicly available, to the maximum
12 extent practicable, the identity of those units for
13 which no assistance shall be furnished pursuant to
14 subsection (a).”

15 (l) SECTIONS REPEALED.—Sections 494, 495, and
16 495B through 495K of the Foreign Assistance Act of
17 1961 are hereby repealed.

18 (m) EXTENSION OF AUTHORITIES.—

19 (1) Section 1(b)(2) of the Passport Act of June
20 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by
21 substituting “September 30, 2012” for “September
22 30, 2010”.

23 (2) The authority provided by section 301(a)(3)
24 of the Omnibus Diplomatic Security and

1 Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3))
2 shall remain in effect through September 30, 2012.

3 (3) The authority contained in section 1115(d)
4 of Public Law 111–32 shall remain in effect through
5 September 30, 2012.

6 (4) Section 824(g) of the Foreign Service Act
7 of 1980 (22 U.S.C. 4064(g)) shall be applied by
8 substituting “September 30, 2012” for “October 1,
9 2010” in paragraph (2).

10 (5) Section 61(a) of the State Department
11 Basic Authorities Act of 1956 (22 U.S.C. 2733(a))
12 shall be applied by substituting “September 30,
13 2012” for “October 1, 2010” in paragraph (2).

14 (6) Section 625(j)(1) of the Foreign Assistance
15 Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied
16 by substituting “September 30, 2012” for “October
17 1, 2010” in subparagraph (B).

18 (7) The authority contained in section
19 1603(a)(2) of Public Law 109–234, as amended,
20 shall remain in effect through September 30, 2012.

21 (8) The authority provided by section 1113 of
22 Public Law 111–32 shall remain in effect through
23 September 30, 2012: *Provided*, That none of the
24 funds appropriated or otherwise made available by
25 this Act or any other Act making appropriations for

1 the Department of State, foreign operations, and re-
2 lated programs may be used to implement phase 3
3 of such authority.

4 (n) REPORTS REPEALED.—Section 133(d) of Public
5 Law 87–195; section 807 of Public Law 98–164; section
6 704(e) of Public Law 101–179; section 104 of Public Law
7 102–511; section 560(g) of Public Law 103–87; section
8 514(a) of Public Law 103–236; section 605(c) of Appen-
9 dix G, Public Law 106–113; sections 3203 and 3204(f)
10 of division B of Public Law 106–246; section 564(g)(4)
11 of Public Law 106–429; sections 694(a), 694(b), 704 and
12 1321 of Public Law 107–228; and section 409(c) of Public
13 Law 108–447 are hereby repealed.

14 (o) GOVERNMENT EXPENDITURES.—Funds appro-
15 priated under title III and under the heading “Inter-
16 national Narcotics Control and Law Enforcement” in this
17 Act should not be made available for assistance for any
18 government for programs or activities in fiscal year 2013
19 if the Secretary of State or the Administrator of the
20 United States Agency for International Development has
21 credible information that such government is reducing its
22 own expenditures for such programs or activities as a re-
23 sult of the assistance provided and for reasons that are
24 inconsistent with the purposes of such assistance.

1 (p) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
2 retary of State may withhold funds appropriated under
3 title III of this Act for assistance for the central govern-
4 ment of any country that the Secretary determines is not
5 taking appropriate steps to comply with the Convention
6 on the Civil Aspects of International Child Abductions,
7 done at the Hague on October 25, 1980: *Provided*, That
8 the Secretary shall report to the Committees on Appro-
9 priations within 15 days of making any such determina-
10 tion.

11 (q) REDESIGNATIONS.—

12 (1) The position of Advisor established pursu-
13 ant to section 699B of division J of Public Law
14 110–161 shall, within 45 days of enactment of this
15 Act and notwithstanding the requirements of such
16 section, be moved to the United States Agency for
17 International Development (USAID): *Provided*, That
18 the Advisor shall hereafter be appointed by the
19 USAID Administrator and shall report directly to
20 the Administrator: *Provided further*, That the re-
21 sponsibilities of the Advisor enumerated in section
22 699B(b) shall remain in full force and effect.

23 (2) The position of Coordinator established pur-
24 suant to section 664 of division J of Public Law
25 110–161 shall, within 45 days of enactment of this

1 Act and notwithstanding the requirements of such
2 section, be moved to the United States Agency for
3 International Development (USAID): *Provided*, That
4 the Coordinator shall hereafter be appointed by the
5 USAID Administrator and shall report directly to
6 the Administrator: *Provided further*, That the re-
7 sponsibilities of the Coordinator enumerated in the
8 first sentence of section 664(c) shall remain in full
9 force and effect: *Provided further*, That the limita-
10 tion in the second sentence of such section shall
11 hereafter no longer apply to the Coordinator.

12 (r) EXTENSION OF AUTHORITY.—The Foreign Oper-
13 ations, Export Financing, and Related Programs Appro-
14 priations Act, 1990 (Public Law 101–167) is amended—

15 (1) in section 599D (8 U.S.C. 1157 note)—

16 (A) in subsection (b)(3), by striking “and
17 2011” and inserting “2011, and 2012”; and

18 (B) in subsection (e), by striking “June 1,
19 2011” each place it apperas and inserting “Oc-
20 tober 1, 2012”; and

21 (2) in section 599E (8 U.S.C. 1255 note) in
22 subsection (b)(2), by striking “2011” and inserting
23 “2012”.

24 ARAB LEAGUE BOYCOTT OF ISRAEL

25 SEC. 7035. It is the sense of the Congress that—

1 (1) the Arab League boycott of Israel, and the
2 secondary boycott of American firms that have com-
3 mercial ties with Israel, is an impediment to peace
4 in the region and to United States investment and
5 trade in the Middle East and North Africa;

6 (2) the Arab League boycott, which was regret-
7 tably reinstated in 1997, should be immediately and
8 publicly terminated, and the Central Office for the
9 Boycott of Israel immediately disbanded;

10 (3) all Arab League states should normalize re-
11 lations with their neighbor Israel;

12 (4) the President and the Secretary of State
13 should continue to vigorously oppose the Arab
14 League boycott of Israel and find concrete steps to
15 demonstrate that opposition by, for example, taking
16 into consideration the participation of any recipient
17 country in the boycott when determining to sell
18 weapons to said country; and

19 (5) the President should report to Congress an-
20 nually on specific steps being taken by the United
21 States to encourage Arab League states to normalize
22 their relations with Israel to bring about the termi-
23 nation of the Arab League boycott of Israel, includ-
24 ing those to encourage allies and trading partners of
25 the United States to enact laws prohibiting busi-

1 nesses from complying with the boycott and penal-
2 izing businesses that do comply.

3 PALESTINIAN STATEHOOD

4 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None
5 of the funds appropriated under titles III through VI of
6 this Act may be provided to support a Palestinian state
7 unless the Secretary of State determines and certifies to
8 the appropriate congressional committees that—

9 (1) the governing entity of a new Palestinian
10 state—

11 (A) has demonstrated a firm commitment
12 to peaceful co-existence with the State of Israel;

13 (B) is taking appropriate measures to
14 counter terrorism and terrorist financing in the
15 West Bank and Gaza, including the dismantling
16 of terrorist infrastructures, and is cooperating
17 with appropriate Israeli and other appropriate
18 security organizations; and

19 (2) the Palestinian Authority (or the governing
20 entity of a new Palestinian state) is working with
21 other countries in the region to vigorously pursue ef-
22 forts to establish a just, lasting, and comprehensive
23 peace in the Middle East that will enable Israel and
24 an independent Palestinian state to exist within the

1 context of full and normal relationships, which
2 should include—

3 (A) termination of all claims or states of
4 belligerency;

5 (B) respect for and acknowledgment of the
6 sovereignty, territorial integrity, and political
7 independence of every state in the area through
8 measures including the establishment of demili-
9 tarized zones;

10 (C) their right to live in peace within se-
11 cure and recognized boundaries free from
12 threats or acts of force;

13 (D) freedom of navigation through inter-
14 national waterways in the area; and

15 (E) a framework for achieving a just set-
16 tlement of the refugee problem.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the governing entity should enact a constitution
19 assuring the rule of law, an independent judiciary, and
20 respect for human rights for its citizens, and should enact
21 other laws and regulations assuring transparent and ac-
22 countable governance.

23 (c) WAIVER.—The President may waive subsection
24 (a) if the President determines that it is important to the
25 national security interests of the United States to do so.

1 (d) EXEMPTION.—The restriction in subsection (a)
2 shall not apply to assistance intended to help reform the
3 Palestinian Authority and affiliated institutions, or the
4 governing entity, in order to help meet the requirements
5 of subsection (a), consistent with the provisions of section
6 7040 of this Act (“Limitation on Assistance for the Pales-
7 tinian Authority”).

8 RESTRICTIONS CONCERNING THE PALESTINIAN
9 AUTHORITY

10 SEC. 7037. None of the funds appropriated under ti-
11 tles II through VI of this Act may be obligated or ex-
12 pended to create in any part of Jerusalem a new office
13 of any department or agency of the United States Govern-
14 ment for the purpose of conducting official United States
15 Government business with the Palestinian Authority over
16 Gaza and Jericho or any successor Palestinian governing
17 entity provided for in the Israel-PLO Declaration of Prin-
18 ciples: *Provided*, That this restriction shall not apply to
19 the acquisition of additional space for the existing Con-
20 sulate General in Jerusalem: *Provided further*, That meet-
21 ings between officers and employees of the United States
22 and officials of the Palestinian Authority, or any successor
23 Palestinian governing entity provided for in the Israel-
24 PLO Declaration of Principles, for the purpose of con-
25 ducting official United States Government business with

1 such authority should continue to take place in locations
2 other than Jerusalem: *Provided further*, That as has been
3 true in the past, officers and employees of the United
4 States Government may continue to meet in Jerusalem on
5 other subjects with Palestinians (including those who now
6 occupy positions in the Palestinian Authority), have social
7 contacts, and have incidental discussions.

8 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
9 BROADCASTING CORPORATION

10 SEC. 7038. None of the funds appropriated or other-
11 wise made available by this Act may be used to provide
12 equipment, technical support, consulting services, or any
13 other form of assistance to the Palestinian Broadcasting
14 Corporation.

15 ASSISTANCE FOR THE WEST BANK AND GAZA

16 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2012,
17 30 days prior to the initial obligation of funds for the bi-
18 lateral West Bank and Gaza Program, the Secretary of
19 State shall certify to the Committees on Appropriations
20 that procedures have been established to assure the Comp-
21 troller General of the United States will have access to
22 appropriate United States financial information in order
23 to review the uses of United States assistance for the Pro-
24 gram funded under the heading “Economic Support
25 Fund” for the West Bank and Gaza.

1 (b) VETTING.—Prior to the obligation of funds ap-
2 propriated by this Act under the heading “Economic Sup-
3 port Fund” for assistance for the West Bank and Gaza,
4 the Secretary of State shall take all appropriate steps to
5 ensure that such assistance is not provided to or through
6 any individual, private or government entity, or edu-
7 cational institution that the Secretary knows or has reason
8 to believe advocates, plans, sponsors, engages in, or has
9 engaged in, terrorist activity nor, with respect to private
10 entities or educational institutions, those that have as a
11 principal officer of the entity’s governing board or gov-
12 erning board of trustees any individual that has been de-
13 termined to be involved in, or advocating terrorist activity
14 or determined to be a member of a designated foreign ter-
15 rorist organization: *Provided*, That the Secretary of State
16 shall, as appropriate, establish procedures specifying the
17 steps to be taken in carrying out this subsection and shall
18 terminate assistance to any individual, entity, or edu-
19 cational institution which the Secretary has determined to
20 be involved in or advocating terrorist activity.

21 (c) PROHIBITION.—

22 (1) None of the funds appropriated under titles
23 III through VI of this Act for assistance under the
24 West Bank and Gaza Program may be made avail-
25 able for the purpose of recognizing or otherwise hon-

1 oring individuals who commit, or have committed
2 acts of terrorism.

3 (2) Notwithstanding any other provision of law,
4 none of the funds made available by this or prior ap-
5 propriations Acts, including funds made available by
6 transfer, may be made available for obligation for se-
7 curity assistance for the West Bank and Gaza until
8 the Secretary of State reports to the Committees on
9 Appropriations on the benchmarks that have been
10 established for security assistance for the West
11 Bank and Gaza and reports on the extent of Pales-
12 tinian compliance with such benchmarks.

13 (d) AUDITS.—

14 (1) The Administrator of the United States
15 Agency for International Development shall ensure
16 that Federal or non-Federal audits of all contractors
17 and grantees, and significant subcontractors and
18 sub-grantees, under the West Bank and Gaza Pro-
19 gram, are conducted at least on an annual basis to
20 ensure, among other things, compliance with this
21 section.

22 (2) Of the funds appropriated by this Act up to
23 \$500,000 may be used by the Office of Inspector
24 General of the United States Agency for Inter-
25 national Development for audits, inspections, and

1 other activities in furtherance of the requirements of
2 this subsection: *Provided*, That such funds are in ad-
3 dition to funds otherwise available for such pur-
4 poses.

5 (e) Subsequent to the certification specified in sub-
6 section (a), the Comptroller General of the United States
7 shall conduct an audit and an investigation of the treat-
8 ment, handling, and uses of all funds for the bilateral
9 West Bank and Gaza Program, including all funds pro-
10 vided as cash transfer assistance, in fiscal year 2012
11 under the heading “Economic Support Fund”, and such
12 audit shall address—

13 (1) the extent to which such Program complies
14 with the requirements of subsections (b) and (c);
15 and

16 (2) an examination of all programs, projects,
17 and activities carried out under such Program, in-
18 cluding both obligations and expenditures.

19 (f) Funds made available in this Act for West Bank
20 and Gaza shall be subject to the regular notification proce-
21 dures of the Committees on Appropriations.

22 (g) Not later than 180 days after enactment of this
23 Act, the Secretary of State shall submit a report to the
24 Committees on Appropriations updating the report con-

1 tained in section 2106 of chapter 2 of title II of Public
2 Law 109–13.

3 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN
4 AUTHORITY

5 SEC. 7040. (a) PROHIBITION OF FUNDS.—None of
6 the funds appropriated by this Act to carry out the provi-
7 sions of chapter 4 of part II of the Foreign Assistance
8 Act of 1961 may be obligated or expended with respect
9 to providing funds to the Palestinian Authority.

10 (b) WAIVER.—The prohibition included in subsection
11 (a) shall not apply if the President certifies in writing to
12 the Speaker of the House of Representatives, the Presi-
13 dent pro tempore of the Senate, and the Committees on
14 Appropriations that waiving such prohibition is important
15 to the national security interests of the United States.

16 (c) PERIOD OF APPLICATION OF WAIVER.—Any
17 waiver pursuant to subsection (b) shall be effective for no
18 more than a period of 6 months at a time and shall not
19 apply beyond 12 months after the enactment of this Act.

20 (d) REPORT.—Whenever the waiver authority pursu-
21 ant to subsection (b) is exercised, the President shall sub-
22 mit a report to the Committees on Appropriations detail-
23 ing the justification for the waiver, the purposes for which
24 the funds will be spent, and the accounting procedures in
25 place to ensure that the funds are properly disbursed: *Pro-*

1 *vided*, That the report shall also detail the steps the Pales-
2 tinian Authority has taken to arrest terrorists, confiscate
3 weapons and dismantle the terrorist infrastructure.

4 (e) CERTIFICATION.—If the President exercises the
5 waiver authority under subsection (b), the Secretary of
6 State must certify and report to the Committees on Ap-
7 propriations prior to the obligation of funds that the Pal-
8 estinian Authority has established a single treasury ac-
9 count for all Palestinian Authority financing and all fi-
10 nancing mechanisms flow through this account, no parallel
11 financing mechanisms exist outside of the Palestinian Au-
12 thority treasury account, and there is a single comprehen-
13 sive civil service roster and payroll.

14 (f) PROHIBITION TO HAMAS AND THE PALESTINE
15 LIBERATION ORGANIZATION.—

16 (1) None of the funds appropriated in titles III
17 through VI of this Act may be obligated for salaries
18 of personnel of the Palestinian Authority located in
19 Gaza or may be obligated or expended for assistance
20 to Hamas or any entity effectively controlled by
21 Hamas, any power-sharing government of which
22 Hamas is a member, or that results from an agree-
23 ment with Hamas and over which Hamas exercises
24 undue influence.

1 (2) Notwithstanding the limitation of subsection
2 (1), assistance may be provided to a power-sharing
3 government only if the President certifies and re-
4 ports to the Committees on Appropriations that such
5 government, including all of its ministers or such
6 equivalent, has publicly accepted and is complying
7 with the principles contained in section
8 620K(b)(1)(A) and (B) of the Foreign Assistance
9 Act of 1961, as amended.

10 (3) The President may exercise the authority in
11 section 620K(e) of the Foreign Assistance Act as
12 added by the Palestinian Anti-Terrorism Act of
13 2006 (Public Law 109–446) with respect to this
14 subsection.

15 (4) Whenever the certification pursuant to
16 paragraph (2) is exercised, the Secretary of State
17 shall submit a report to the Committees on Appro-
18 priations within 120 days of the certification and
19 every quarter thereafter on whether such govern-
20 ment, including all of its ministers or such equiva-
21 lent are continuing to comply with the principles
22 contained in section 620K(b)(1)(A) and (B) of the
23 Foreign Assistance Act of 1961, as amended: *Pro-*
24 *vided*, That the report shall also detail the amount,
25 purposes and delivery mechanisms for any assistance

1 provided pursuant to the abovementioned certifi-
2 cation and a full accounting of any direct support of
3 such government.

4 (5) None of the funds appropriated under titles
5 III through VI of this Act may be obligated for as-
6 sistance for the Palestine Liberation Organization.

7 NEAR EAST

8 SEC. 7041. (a) EGYPT.—

9 (1)(A) None of the funds appropriated under ti-
10 tles III and IV of this Act and in prior Acts making
11 appropriations for the Department of State, foreign
12 operations, and related programs may be made
13 available for assistance for the central Government
14 of Egypt unless the Secretary of State certifies to
15 the Committees on Appropriations that such govern-
16 ment is meeting its obligations under the 1979
17 Egypt-Israel Peace Treaty.

18 (B) Prior to the obligation of funds appro-
19 priated by this Act under the heading “Foreign Mili-
20 tary Financing Program”, the Secretary of State
21 shall certify to the Committees on Appropriations
22 that the Government of Egypt is supporting the
23 transition to civilian government including holding
24 free and fair elections; implementing policies to pro-

1 tect freedom of expression, association, and religion,
2 and due process of law.

3 (C) The Secretary of State may waive the re-
4 quirements of paragraphs (A) and (B) if the Sec-
5 retary determines and reports to the Committees on
6 Appropriations that to do so is in the national secu-
7 rity interest of the United States: *Provided*, That
8 such determination and report shall include a de-
9 tailed justification for such waiver.

10 (2) The Secretary of State shall consult with
11 the Committees on Appropriations prior to the
12 transfer of funds appropriated by this Act under the
13 heading “Foreign Military Financing Program” to
14 an interest-bearing account for Egypt.

15 (3) Funds appropriated under the heading
16 “Economic Support Fund” in this Act and prior
17 Acts (including previously obligated funds), may be
18 made available, notwithstanding any other provision
19 of law, for an Egypt initiative, particularly for the
20 specific costs referred to in the authorities ref-
21 erenced herein, for the purpose of improving the
22 lives of the Egyptian people through education, in-
23 vestment in jobs and skills (including secondary and
24 vocational education), and access to finance for
25 small and medium enterprises with emphasis on ex-

1 panding opportunities for women, as well as other
2 appropriate market-reform and economic growth ac-
3 tivities: *Provided*, That the provisions of title VI of
4 Public Law 103–306 pertaining to funds for Jordan
5 shall be deemed to apply to any such initiative and
6 to funds available under this section to carry out
7 such an initiative in the same manner as such cited
8 provisions apply to Jordan, subject to the following
9 provisos: *Provided further*, That subparagraph (b)(2)
10 shall be deemed not to apply and the amount made
11 available pursuant to this section as set forth in the
12 explanatory statement described in section 4 (in the
13 matter preceding division A of this consolidated Act)
14 and incorporated herein shall be deemed to apply in
15 lieu of the figure in subparagraph (b)(1): *Provided*
16 *further*, That the authority to reduce debt shall in-
17 clude authority to exchange an outstanding obliga-
18 tion for a new obligation and to permit both prin-
19 cipal and interest payments on new obligations to be
20 deposited into a fund established for such purpose,
21 to be used in accordance with purposes set forth in
22 an agreement between the United States and Egypt:
23 *Provided further*, That the authority of this para-
24 graph shall only be made available after the Sec-
25 retary of State certifies to the Committees on Ap-

1 appropriations that the Government of Egypt is imple-
2 menting economic development policies consistent
3 with the objectives of such initiative: *Provided fur-*
4 *ther*, That funds made available for such initiative
5 shall be subject to the regular notification proce-
6 dures of the Committees on Appropriations.

7 (b) ENTERPRISE FUNDS.—Up to \$60,000,000 of
8 funds appropriated under the heading “Economic Support
9 Fund” in this Act and prior acts making appropriations
10 for the Department of State, foreign operations, and re-
11 lated programs (and including previously obligated funds),
12 that are available for assistance for Egypt, up to
13 \$20,000,000 of such funds that are available for assist-
14 ance for Tunisia, and up to \$60,000,000 of such funds
15 that are available for assistance for Jordan, respectively,
16 may be made available notwithstanding any other provi-
17 sion of law, to establish and operate one or more enter-
18 prise funds for Egypt, Tunisia, and Jordan, respectively:
19 *Provided*, That provisions contained in section 201 of the
20 Support for East European Democracy (SEED) Act of
21 1989 (excluding the provisions of subsections (b), (c),
22 (d)(3), and (f) of that section), shall be deemed to apply
23 to any such fund or funds, and to funds made available
24 to such fund or funds, in order to enable such fund or
25 funds to provide assistance for purposes of this section:

1 *Provided further*, That section 7077 of division F of Public
2 Law 111–117 shall apply to any such fund or funds estab-
3 lished pursuant to this subsection: *Provided further*, That
4 not more than 5 percent of the funds made available pur-
5 suant to this subsection should be available for adminis-
6 trative expenses of such fund or funds and not later than
7 1 year after the date of enactment of this Act, and annu-
8 ally thereafter until each fund is dissolved, each fund shall
9 submit to the Committees on Appropriations a report de-
10 tailing the administrative expenses of such fund: *Provided*
11 *further*, That each fund shall be governed by a Board of
12 Directors comprised of six private United States citizens
13 and three private citizens of each country, respectively,
14 who have had international business careers and dem-
15 onstrated expertise in international and emerging markets
16 investment activities: *Provided further*, That not later than
17 1 year after the entry into force of the initial grant agree-
18 ment under this section and annually thereafter, each fund
19 shall prepare and make available to the public on an Inter-
20 net Web site administered by the fund a detailed report
21 on the fund’s activities during the previous year: *Provided*
22 *further*, That the authority of any such fund or funds to
23 provide assistance shall cease to be effective on December
24 31, 2022: *Provided further*, That funds made available

1 pursuant to this section shall be subject to prior consulta-
2 tion with the Committees on Appropriations.

3 (c) IRAN.—

4 (1) It is the policy of the United States to seek
5 to prevent Iran from achieving the capability to
6 produce or otherwise manufacture nuclear weapons,
7 including by supporting international diplomatic ef-
8 forts to halt Iran’s uranium enrichment program,
9 and the President should fully implement and en-
10 force the Iran Sanctions Act of 1996, as amended
11 (Public Law 104–172) as a means of encouraging
12 foreign governments to require state-owned and pri-
13 vate entities to cease all investment in, and support
14 of, Iran’s energy sector and all exports of refined pe-
15 troleum products to Iran.

16 (2) None of the funds appropriated or otherwise
17 made available in this Act under the heading “Ex-
18 port-Import Bank of the United States” may be
19 used by the Export-Import Bank of the United
20 States to provide any new financing (including loans,
21 guarantees, other credits, insurance, and reinsur-
22 ance) to any person that is subject to sanctions
23 under paragraph (2) or (3) of section 5(a) of the
24 Iran Sanctions Act of 1996 (Public Law 104–172).

1 (3) The reporting requirements in section
2 7043(e) in division F of Public Law 111–117 shall
3 continue in effect during fiscal year 2012 as if part
4 of this Act: *Provided*, That the date in subsection
5 (c)(1) shall be deemed to be “September 30, 2012”.

6 (d) IRAQ.—

7 (1) Funds appropriated or otherwise made
8 available by this Act for assistance for Iraq shall be
9 made available in a manner that utilizes Iraqi enti-
10 ties to the maximum extent practicable, and in ac-
11 cordance with the cost-matching and other require-
12 ments in the Department of State’s April 9, 2009
13 “Guidelines for Government of Iraq Financial Par-
14 ticipation in United States Government-Funded Ci-
15 vilian Foreign Assistance Programs and Projects”.

16 (2) None of the funds appropriated or otherwise
17 made available by this Act may be used by the Gov-
18 ernment of the United States to enter into a perma-
19 nent basing rights agreement between the United
20 States and Iraq.

21 (3) Funds appropriated by this Act under titles
22 III and VI for assistance for Iraq may be made
23 available notwithstanding any other provision of law,
24 except for this subsection and section 620M of the

1 Foreign Assistance Act of 1961, as amended by this
2 Act.

3 (4) Funds appropriated by this Act for assist-
4 ance for Iraq under the heading “Economic Support
5 Fund” shall be made available for programs and ac-
6 tivities for which policy justifications and decisions
7 shall be the responsibility of the United States Chief
8 of Mission in Iraq.

9 (5)(A) Of the funds appropriated under the
10 heading “Diplomatic and Consular Programs” in
11 title VIII of this Act that are made available for se-
12 curity and provincial operations for the Department
13 of State in Iraq, 15 percent shall be withheld from
14 obligation until the Secretary of State submits a re-
15 port to the Committees on Appropriations detail-
16 ing—

17 (i) an assessment of the security environ-
18 ment in Iraq with respect to facilities and per-
19 sonnel, and the anticipated impact of the with-
20 drawal of United States Armed Forces in Iraq
21 on such environment, on a facility-by-facility
22 basis;

23 (ii) an assessment of the security require-
24 ments at each facility, and the estimated cost of

1 sustaining such requirements over the next 3
2 fiscal years;

3 (iii) the types of military equipment to be
4 used to meet the security requirements at each
5 facility;

6 (iv) the number of United States Govern-
7 ment personnel anticipated at each facility, a
8 general description of the duties of such per-
9 sonnel, and the number and cost of contractors
10 anticipated at each facility required for oper-
11 ational and other support; and

12 (v) a description of contingency plans, in-
13 cluding evacuation, at each facility for United
14 States Government personnel and contractors.

15 (B) The report required by this paragraph may
16 be submitted in classified form, if necessary.

17 (e) LEBANON.—

18 (1) None of the funds appropriated by this Act
19 may be made available for the Lebanese Armed
20 Forces (LAF) if the LAF is controlled by a foreign
21 terrorist organization, as defined by section 219 of
22 the Immigration and Nationality Act.

23 (2) Funds appropriated by this Act under the
24 heading “Foreign Military Financing Program” for
25 assistance for Lebanon may be made available only

1 to professionalize the LAF and to strengthen border
2 security and combat terrorism, including training
3 and equipping the LAF to secure Lebanon's borders,
4 interdicting arms shipments, preventing the use of
5 Lebanon as a safe haven for terrorist groups, and to
6 implement United Nations Security Council Resolu-
7 tion 1701: *Provided*, That funds may not be made
8 available for obligation until the Secretary of State
9 submits a detailed spend plan to the Committees on
10 Appropriations, except such plan may not be consid-
11 ered as meeting the notification requirements under
12 section 7015 of this Act or under section 634A of
13 the Foreign Assistance Act of 1961, and shall be
14 submitted not later than September 1, 2012: *Pro-*
15 *vided further*, That the Secretary of State shall regu-
16 larly consult with the Committees on Appropriations
17 on the activities of the LAF and assistance provided
18 by the United States: *Provided further*, That not
19 later than 90 days after enactment of this Act, the
20 Secretary of State shall submit a report to the Com-
21 mittees on Appropriations detailing the actions
22 taken to ensure that equipment provided to the LAF
23 is used for intended purposes.

24 (3) Funds appropriated by this Act under titles
25 III and VI for assistance for Lebanon may be made

1 available notwithstanding any other provision of law,
2 except for this subsection and section 620M of the
3 Foreign Assistance Act of 1961, as amended by this
4 Act.

5 (f) LIBYA.—Of the funds appropriated by this Act
6 and prior Acts making appropriations for the Department
7 of State, foreign operations, and related programs, up to
8 \$20,000,000 should be made available to promote democ-
9 racy, transparent and accountable governance, human
10 rights, transitional justice, and the rule of law in Libya,
11 and for exchange programs between Libyan and American
12 students and professionals: *Provided*, That such funds
13 shall be made available, to the maximum extent prac-
14 ticable, on a cost matching basis: *Provided further*, That
15 none of the funds appropriated by this Act may be made
16 available for assistance for Libya for infrastructure
17 projects, except on a loan basis with terms favorable to
18 the United States, and only following consultation with the
19 Committees on Appropriations.

20 (g) MOROCCO.—Prior to the obligation of funds ap-
21 propriated by this Act under the heading “Foreign Mili-
22 tary Financing Program” for assistance for Morocco, the
23 Secretary of State shall submit a report to the Committees
24 on Appropriations on steps being taken by the Govern-
25 ment of Morocco to—

1 and assistance to the Government of Serbia subject to the
2 condition in subsection (c).

3 (c) The report referred to in subsection (a) is a report
4 by the Secretary of State to the Committees on Appropria-
5 tions that the Government of Serbia is cooperating with
6 the International Criminal Tribunal for the former Yugo-
7 slavia, including apprehending and transferring indictees
8 and providing investigators access to witnesses, docu-
9 ments, and other information.

10 (d) This section shall not apply to humanitarian as-
11 sistance or assistance to promote democracy.

12 AFRICA

13 SEC. 7043. (a) CONFLICT MINERALS.—

14 (1) Funds appropriated by this Act under the
15 heading “Foreign Military Financing Program” may
16 be made available for assistance for Rwanda or
17 Uganda unless the Secretary of State has credible
18 information that the Government of Rwanda or the
19 Government of Uganda is providing political, mili-
20 tary or financial support to armed groups in the
21 Democratic Republic of the Congo (DRC) that are
22 involved in the illegal exportation of minerals out of
23 the DRC or have violated human rights.

24 (2) The restriction in paragraph (1) shall not
25 apply to assistance to improve border controls to

1 prevent the illegal exportation of minerals out of the
2 DRC by such groups, to protect humanitarian relief
3 efforts, or to support the training and deployment of
4 members of the Rwandan or Ugandan militaries in
5 international peacekeeping operations or to conduct
6 operations against the Lord's Resistance Army.

7 (b) COUNTERTERRORISM PROGRAMS.—Of the funds
8 appropriated by this Act, not less than \$52,800,000
9 should be made available for the Trans-Sahara Counter-
10 terrorism Partnership program, and not less than
11 \$21,300,000 should be made available for the Partnership
12 for Regional East Africa Counterterrorism program.

13 (c) CRISIS RESPONSE.—Notwithstanding any other
14 provision of law, up to \$10,000,000 of the funds appro-
15 priated by this Act under the heading “Global Health Pro-
16 grams” for HIV/AIDS activities may be transferred to,
17 and merged with, funds appropriated under the headings
18 “Economic Support Fund” and “Transition Initiatives”
19 to respond to unanticipated crises in Africa, except that
20 funds shall not be transferred unless the Secretary of
21 State certifies to the Committees on Appropriations that
22 no individual currently on anti-retroviral therapy sup-
23 ported by such funds shall be negatively impacted by the
24 transfer of such funds: *Provided*, That the authority of

1 this subsection shall be subject to prior consultation with
2 the Committees on Appropriations.

3 (d) EXPANDED INTERNATIONAL MILITARY EDU-
4 CATION AND TRAINING.—

5 (1) Funds appropriated under the heading
6 “International Military Education and Training”
7 (IMET) in this Act that are made available for as-
8 sistance for Angola, Cameroon, Central African Re-
9 public, Chad, Côte d’Ivoire, Guinea and Zimbabwe
10 may be made available only for training related to
11 international peacekeeping operations and expanded
12 IMET: *Provided*, That the limitation included in this
13 paragraph shall not apply to courses that support
14 training in maritime security for Angola and Cam-
15 eroon.

16 (2) None of the funds appropriated under the
17 heading “International Military Education and
18 Training” in this Act may be made available for as-
19 sistance for Equatorial Guinea or Somalia.

20 (e) ETHIOPIA.—

21 (1) Funds appropriated by this Act under the
22 heading “Foreign Military Financing Program” that
23 are available for assistance for Ethiopia shall not be
24 made available unless the Secretary of State—

1 (A) certifies to the Committees on Appro-
2 priations that the Government of Ethiopia is
3 implementing policies to respect due process
4 and freedoms of expression and association, and
5 is permitting access to human rights and hu-
6 manitarian organizations to the Somalia region
7 of Ethiopia; and

8 (B) submits a report to the Committees on
9 Appropriations on the types and amounts of
10 United States training and equipment proposed
11 to be provided to the Ethiopian military includ-
12 ing steps that will be taken to ensure that such
13 assistance is not provided to military units or
14 personnel that have violated human rights, and
15 steps taken by the Government of Ethiopia to
16 investigate and prosecute members of the Ethi-
17 opian military who have been credibly alleged to
18 have violated such rights.

19 (2) The restriction in paragraph (1) shall not
20 apply to assistance to Ethiopian military efforts in
21 support of international peacekeeping operations,
22 counterterrorism operations along the border with
23 Somalia, and for assistance to the Ethiopian De-
24 fense Command and Staff College.

25 (f) SUDAN LIMITATION ON ASSISTANCE.—

1 (1) Notwithstanding any other provision of law,
2 none of the funds appropriated by this Act may be
3 made available for assistance for the Government of
4 Sudan.

5 (2) None of the funds appropriated by this Act
6 may be made available for the cost, as defined in
7 section 502 of the Congressional Budget Act of
8 1974, of modifying loans and loan guarantees held
9 by the Government of Sudan, including the cost of
10 selling, reducing, or canceling amounts owed to the
11 United States, and modifying concessional loans,
12 guarantees, and credit agreements.

13 (3) The limitations of paragraphs (1) and (2)
14 shall not apply to—

15 (A) humanitarian assistance;

16 (B) assistance for the Darfur region,
17 Southern Kordofan/Nuba Mountains State,
18 Blue Nile State, other marginalized areas and
19 populations in Sudan, and Abyei; and

20 (C) assistance to support implementation
21 of the Comprehensive Peace Agreement (CPA),
22 mutual arrangements related to post-ref-
23 erendum issues associated with the CPA, or to
24 promote peace and stability between Sudan and

1 South Sudan, or any other internationally rec-
2 ognized viable peace agreement in Sudan.

3 (g) SOUTH SUDAN.—

4 (1) Funds appropriated by this Act should be
5 made available for assistance for South Sudan in-
6 cluding to increase agricultural productivity, expand
7 educational opportunities especially for girls,
8 strengthen democratic institutions and the rule of
9 law, and enhance the capacity of the Federal Legis-
10 lative Assembly to conduct oversight over govern-
11 ment revenues and expenditures.

12 (2) Not less than 15 days prior to the obliga-
13 tion of funds appropriated by this Act that are avail-
14 able for assistance for the Government of South
15 Sudan, the Secretary of State shall submit a report
16 to the Committees on Appropriations detailing the
17 extent to which the Government of South Sudan
18 is—

19 (A) supporting freedom of expression, the
20 establishment of democratic institutions includ-
21 ing an independent judiciary, parliament, and
22 security forces that are accountable to civilian
23 authority; and

1 (B) investigating and punishing members
2 of security forces who have violated human
3 rights.

4 (3) The Secretary of State shall seek to obtain
5 regular audits of the financial accounts of the Gov-
6 ernment of South Sudan to ensure transparency and
7 accountability of funds, including revenues from the
8 extraction of oil and gas, and the timely, public dis-
9 closure of such audits: *Provided*, That the Secretary
10 should assist the Government of South Sudan in
11 conducting such audits, and by providing technical
12 assistance to enhance the capacity of the National
13 Auditor Chamber to carry out its responsibilities,
14 and shall submit a report not later than 90 days
15 after enactment of this Act to the Committees on
16 Appropriations detailing the steps that will be taken
17 by the Government of South Sudan, which are addi-
18 tional to those taken in the previous fiscal year, to
19 improve resource management and ensure trans-
20 parency and accountability of funds.

21 (h) UGANDA.—Funds appropriated by this Act
22 should be made available for programs and activities in
23 areas affected by the Lord's Resistance Army.

24 (i) WAR CRIMES IN AFRICA.—

1 (1) The Congress reaffirms its support for the
2 efforts of the International Criminal Tribunal for
3 Rwanda (ICTR) and the Special Court for Sierra
4 Leone (SCSL) to bring to justice individuals respon-
5 sible for war crimes and crimes against humanity in
6 a timely manner.

7 (2) Funds appropriated by this Act may be
8 made available for assistance for the central govern-
9 ment of a country in which individuals indicted by
10 the ICTR and the SCSL are credibly alleged to be
11 living, if the Secretary of State determines and re-
12 ports to the Committees on Appropriations that such
13 government is cooperating with the ICTR and the
14 SCSL, including the apprehension, surrender, and
15 transfer of indictees in a timely manner: *Provided*,
16 That this subsection shall not apply to assistance
17 provided under section 551 of the Foreign Assist-
18 ance Act of 1961 or to project assistance under title
19 VI of this Act: *Provided further*, That the United
20 States shall use its voice and vote in the United Na-
21 tions Security Council to fully support efforts by the
22 ICTR and the SCSL to bring to justice individuals
23 indicted by such tribunals in a timely manner.

24 (3) The prohibition in paragraph (2) may be
25 waived on a country-by-country basis if the Presi-

1 dent determines that doing so is in the national se-
2 curity interest of the United States: *Provided*, That
3 prior to exercising such waiver authority, the Presi-
4 dent shall submit a report to the Committees on Ap-
5 propriations, in classified form if necessary, on—

6 (A) the steps being taken to obtain the co-
7 operation of the government in apprehending
8 and surrendering the indictee in question to the
9 court of jurisdiction;

10 (B) a strategy, including a timeline, for
11 bringing the indictee before such court; and

12 (C) the justification for exercising the
13 waiver authority.

14 (j) ZIMBABWE.—

15 (1) The Secretary of the Treasury shall instruct
16 the United States executive director of each inter-
17 national financial institution to vote against any ex-
18 tension by the respective institution of any loans or
19 grants to the Government of Zimbabwe, except to
20 meet basic human needs or to promote democracy,
21 unless the Secretary of State determines and reports
22 in writing to the Committees on Appropriations that
23 the rule of law has been restored in Zimbabwe, in-
24 cluding respect for ownership and title to property,
25 freedom of speech and association.

1 sustainable development and environmental con-
2 servation in Tibetan communities in the Tibetan Au-
3 tonomous Region and in other Tibetan communities
4 in China.

5 (b) BURMA.—

6 (1) The Secretary of the Treasury shall instruct
7 the United States executive directors of the appro-
8 priate international financial institutions to vote
9 against any loan, agreement, or other financial sup-
10 port for Burma.

11 (2) Funds appropriated by this Act under the
12 heading “Economic Support Fund” may be made
13 available for assistance for Burma notwithstanding
14 any other provision of law, except no such funds
15 shall be made available to the State Peace and De-
16 velopment Council, or its successor, and its affiliated
17 organizations: *Provided*, That such funds shall be
18 made available for programs along Burma’s borders
19 and for Burmese groups and organizations located
20 outside Burma, and may be made available to sup-
21 port programs in Burma: *Provided further*, That in
22 addition to assistance for Burmese refugees appro-
23 priated under the heading “Migration and Refugee
24 Assistance” in this Act, funds shall be made avail-
25 able for community-based organizations operating in

1 Thailand to provide food, medical, and other human-
2 itarian assistance to internally displaced persons in
3 eastern Burma: *Provided further*, That any new pro-
4 gram or activity initiated with funds made available
5 by this Act shall be subject to prior consultation
6 with the Committees on Appropriations, and all such
7 funds shall be subject to the regular notification pro-
8 cedures of the Committees on Appropriations.

9 (c) CAMBODIA.—Funds made available in this Act for
10 a United States contribution to a Khmer Rouge tribunal
11 may only be made available if the Secretary of State cer-
12 tifies to the Committees on Appropriations that the
13 United Nations and the Government of Cambodia are tak-
14 ing credible steps to address allegations of corruption and
15 mismanagement within the tribunal.

16 (d) INDONESIA.—Of the funds appropriated by this
17 Act under the heading “Foreign Military Financing Pro-
18 gram” that are available for assistance for Indonesia,
19 \$2,000,000 may not be obligated until the Secretary of
20 State submits to the Committees on Appropriations the
21 report on Indonesia required under such heading in Sen-
22 ate Report 112–85.

23 (e) NORTH KOREA.—None of the funds made avail-
24 able by this Act under the heading “Economic Support

1 Fund” may be made available for energy-related assist-
2 ance for North Korea.

3 (f) PEOPLE’S REPUBLIC OF CHINA.—

4 (1) None of the funds appropriated under the
5 heading “Diplomatic and Consular Programs” in
6 this Act may be obligated or expended for processing
7 licenses for the export of satellites of United States
8 origin (including commercial satellites and satellite
9 components) to the People’s Republic of China un-
10 less, at least 15 days in advance, the Committees on
11 Appropriations are notified of such proposed action.

12 (2) The terms and requirements of section
13 620(h) of the Foreign Assistance Act of 1961 shall
14 apply to foreign assistance projects or activities of
15 the People’s Liberation Army (PLA) of the People’s
16 Republic of China, to include such projects or activi-
17 ties by any entity that is owned or controlled by, or
18 an affiliate of, the PLA: *Provided*, That none of the
19 funds appropriated or otherwise made available pur-
20 suant to this Act may be used to finance any grant,
21 contract, or cooperative agreement with the PLA, or
22 any entity that the Secretary of State has reason to
23 believe is owned or controlled by, or an affiliate of,
24 the PLA.

1 (g) PHILIPPINES.—Of the funds appropriated by this
2 Act under the heading “Foreign Military Financing Pro-
3 gram” that are available for assistance for the Philippines,
4 \$3,000,000 may not be obligated until the Secretary of
5 State submits to the Committees on Appropriations the
6 report on the Philippines required under such heading in
7 Senate Report 112–85.

8 (h) VIETNAM.—Funds appropriated under the head-
9 ing “Economic Support Fund” shall be made available for
10 remediation of dioxin contaminated sites in Vietnam and
11 may be made available for assistance for the Government
12 of Vietnam, including the military, for such purposes, and
13 funds under the heading “Development Assistance” shall
14 be made available for related health/disability activities.

15 WESTERN HEMISPHERE

16 SEC. 7045. (a) COLOMBIA.—

17 (1) Funds appropriated by this Act and made
18 available to the Department of State for assistance
19 to the Government of Colombia may be used to sup-
20 port a unified campaign against narcotics traf-
21 ficking, illegal armed groups, and organizations des-
22 ignated as Foreign Terrorist Organizations and suc-
23 cessor organizations, and to take actions to protect
24 human health and welfare in emergency cir-
25 cumstances, including undertaking rescue oper-

1 ations: *Provided*, That no United States Armed
2 Forces personnel or United States civilian contractor
3 employed by the United States will participate in
4 any combat operation in connection with assistance
5 made available by this Act for Colombia: *Provided*
6 *further*, That rotary and fixed wing aircraft sup-
7 ported with funds appropriated under the heading
8 “International Narcotics Control and Law Enforce-
9 ment” for assistance for Colombia may be used for
10 aerial or manual drug eradication and interdiction
11 including to transport personnel and supplies and to
12 provide security for such operations: *Provided fur-*
13 *ther*, That such aircraft may also be used to provide
14 transport in support of alternative development pro-
15 grams and investigations by civilian judicial authori-
16 ties: *Provided further*, That the President shall en-
17 sure that if any helicopter procured with funds in
18 this Act or prior Acts making appropriations for the
19 Department of State, foreign operations, and related
20 programs, is used to aid or abet the operations of
21 any illegal self-defense group, paramilitary organiza-
22 tion, or other illegal armed group in Colombia, such
23 helicopter shall be immediately returned to the
24 United States: *Provided further*, That none of the
25 funds appropriated by this Act or prior Acts making

1 appropriations for the Department of State, foreign
2 operations, and related programs may be made
3 available for assistance for the Colombian
4 Departamento Administrativo de Seguridad or suc-
5 cessor organizations: *Provided further*, That none of
6 the funds appropriated by this Act for assistance for
7 Colombia shall be made available for the cultivation
8 or processing of African oil palm, if doing so would
9 contribute to significant loss of native species, dis-
10 rupt or contaminate natural water sources, reduce
11 local food security, or cause the forced displacement
12 of local people: *Provided further*, That any com-
13 plaints of harm to health or licit crops caused by
14 aerial eradication shall be thoroughly investigated
15 and evaluated, and fair compensation paid in a time-
16 ly manner for meritorious claims: *Provided further*,
17 That funds may not be made available for aerial
18 eradication unless programs are being implemented
19 by the United States Agency for International De-
20 velopment, the Government of Colombia, or other or-
21 ganizations, in consultation and coordination with
22 local communities, to provide alternative sources of
23 income in areas where security permits for small-
24 acreage growers and communities whose illicit crops
25 are targeted for aerial eradication: *Provided further*,

1 That funds appropriated by this Act may not be
2 used for aerial eradication in Colombia's national
3 parks or reserves unless the Secretary of State cer-
4 tifies to the Committees on Appropriations that
5 there are no effective alternatives and the eradi-
6 cation is in accordance with Colombian laws.

7 (2) COLOMBIAN ARMED FORCES.—Of the funds
8 appropriated by this Act that are available for as-
9 sistance for the Colombian Armed Forces, 25 per-
10 cent may be obligated only after the Secretary of
11 State consults with, and subsequently certifies and
12 submits a report to, the Committees on Appropria-
13 tions that the Government of Colombia and Colom-
14 bian Armed Forces are meeting the conditions that
15 appear under this section in the explanatory state-
16 ment described in section 4 (in the matter preceding
17 division A of this consolidated Act): *Provided*, That
18 the requirement to withhold funds from obligation
19 shall not apply with respect to funds made available
20 under the heading “International Narcotics Control
21 and Law Enforcement” in this Act for continued
22 support for the Critical Flight Safety Program or
23 for any alternative development programs in Colom-
24 bia administered by the Bureau of International
25 Narcotics and Law Enforcement Affairs of the De-

1 partment of State: *Provided further*, That not less
2 than 30 days prior to making the certification the
3 Secretary of State shall consult with Colombian and
4 international human rights organizations.

5 (3) ILLEGAL ARMED GROUPS.—

6 (A) DENIAL OF VISAS.—Subject to para-
7 graph (B), the Secretary of State shall not
8 issue a visa to any alien who the Secretary de-
9 termines, based on credible information—

10 (i) has willfully provided any support
11 to or benefitted from the Revolutionary
12 Armed Forces of Colombia (FARC), the
13 National Liberation Army (ELN), the
14 United Self-Defense Forces of Colombia
15 (AUC), or other illegal armed groups, in-
16 cluding taking actions or failing to take ac-
17 tions which allow, facilitate, or otherwise
18 foster the activities of such groups; or

19 (ii) has committed, ordered, incited,
20 assisted, or otherwise participated in the
21 commission of a violation of human rights
22 in Colombia.

23 (B) WAIVER.—Paragraph (A) shall not
24 apply if the Secretary of State certifies to the
25 Committees on Appropriations, on a case-by-

1 case basis, that the issuance of a visa to the
2 alien is necessary to support the peace process
3 in Colombia or for urgent humanitarian rea-
4 sons.

5 (b) GUATEMALA.—Funds appropriated by this Act
6 under the headings “International Military Education and
7 Training” (IMET) and “Foreign Military Financing Pro-
8 gram” that are available for assistance for Guatemala may
9 be made available only for the Guatemalan Air Force,
10 Navy, and Army Corps of Engineers: *Provided*, That ex-
11 panded IMET may be made available for assistance for
12 the Guatemalan Army.

13 (c) HAITI.—The Government of Haiti shall be eligible
14 to purchase defense articles and services under the Arms
15 Export Control Act (22 U.S.C. 2751 et seq.) for the Coast
16 Guard.

17 (d) HONDURAS.—Prior to the obligation of 20 per-
18 cent of the funds appropriated by this Act that are avail-
19 able for assistance for Honduran military and police
20 forces, the Secretary of State shall report in writing to
21 the Committees on Appropriations that: the Government
22 of Honduras is implementing policies to protect freedom
23 of expression and association, and due process of law; and
24 is investigating and prosecuting in the civilian justice sys-
25 tem, in accordance with Honduran and international law,

1 military and police personnel who are credibly alleged to
2 have violated human rights, and the Honduran military
3 and police are cooperating with civilian judicial authorities
4 in such cases: *Provided*, That the restriction in this sub-
5 section shall not apply to assistance to promote trans-
6 parency, anti-corruption and the rule of law within the
7 military and police forces.

8 (e) MEXICO.—Prior to the obligation of 15 percent
9 of the funds appropriated by this Act that are available
10 for assistance for Mexican military and police forces, the
11 Secretary of State shall report in writing to the Commit-
12 tees on Appropriations that: the Government of Mexico is
13 investigating and prosecuting in the civilian justice sys-
14 tem, in accordance with Mexican and international law,
15 military and police personnel who are credibly alleged to
16 have violated human rights; is enforcing prohibitions on
17 the use of testimony obtained through torture; and the
18 Mexican military and police are cooperating with civilian
19 judicial authorities in such cases: *Provided*, That the re-
20 striction in this subsection shall not apply to assistance
21 to promote transparency, anti-corruption and the rule of
22 law within the military and police forces.

23 (f) TRADE CAPACITY.—Of the funds appropriated by
24 this Act, not less than \$10,000,000 under the heading
25 “Development Assistance” and not less than \$10,000,000

1 under the heading “Economic Support Fund” shall be
2 made available for labor and environmental capacity build-
3 ing activities relating to free trade agreements with coun-
4 tries of Central America, Peru and the Dominican Repub-
5 lic.

6 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—
7 To the maximum extent practicable, the costs of oper-
8 ations and maintenance, including fuel, of aircraft funded
9 by this Act should be borne by the recipient country.

10 SOUTH ASIA

11 SEC. 7046. (a) AFGHANISTAN.—

12 (1) LIMITATION.—None of the funds appro-
13 priated or otherwise made available by this Act
14 under the headings “Economic Support Fund” and
15 “International Narcotics Control and Law Enforce-
16 ment” may be obligated for assistance for the Gov-
17 ernment of Afghanistan until the Secretary of State,
18 in consultation with the Administrator of the United
19 States Agency for International Development
20 (USAID), certifies to the Committees on Appropria-
21 tions that—

22 (A) The funds will be used to design and
23 support programs in accordance with the June
24 2011 “Administrator’s Sustainability Guidance
25 for USAID in Afghanistan”.

1 (B) The Government of Afghanistan is—

2 (i) reducing corruption and improving
3 governance, including by investigating,
4 prosecuting, sanctioning or removing cor-
5 rupt officials from office and implementing
6 financial transparency and accountability
7 measures for government institutions and
8 officials (including the Central Bank) as
9 well as conducting oversight of public re-
10 sources;

11 (ii) taking credible steps to protect the
12 human rights of Afghan women; and

13 (iii) taking significant steps to facili-
14 tate active public participation in govern-
15 ance and oversight.

16 (C) Funds will be used to support and
17 strengthen the capacity of Afghan public and
18 private institutions and entities to reduce cor-
19 ruption and to improve transparency and ac-
20 countability of national, provincial and local
21 governments.

22 (D) Representatives of Afghan national,
23 provincial or local governments, and local com-
24 munities and civil society organizations, includ-
25 ing women-led organizations, will be consulted

1 and participate in the design of programs,
2 projects, and activities, including participation
3 in implementation and oversight, and the devel-
4 opment of specific benchmarks to measure
5 progress and outcomes.

6 (2) ASSISTANCE AND OPERATIONS.—

7 (A) Funds appropriated or otherwise made
8 available by this Act for assistance for Afghani-
9 stan may be made available as a United States
10 contribution to the Afghanistan Reconstruction
11 Trust Fund (ARTF) unless the Secretary of
12 State determines and reports to the Committees
13 on Appropriations that the World Bank Moni-
14 toring Agent of the ARTF is unable to conduct
15 its financial control and audit responsibilities
16 due to restrictions on security personnel by the
17 Government of Afghanistan.

18 (B) Funds appropriated under the head-
19 ings “Economic Support Fund” and “Inter-
20 national Narcotics Control and Law Enforce-
21 ment” in this Act that are available for assist-
22 ance for Afghanistan—

23 (i) shall be made available, to the
24 maximum extent practicable, in a manner
25 that emphasizes the participation of Af-

1 ghan women, and directly improves the se-
2 curity, economic and social well-being, and
3 political status, and protects the rights of,
4 Afghan women and girls and complies with
5 sections 7060 and 7061 of this Act, includ-
6 ing support for the Afghan Independent
7 Human Rights Commission, the Afghan
8 Ministry of Women’s Affairs, and women-
9 led organizations;

10 (ii) may be made available for a
11 United States contribution to an inter-
12 nationally managed fund to support the
13 reconciliation with and disarmament, de-
14 mobilization and reintegration into Afghan
15 society of former combatants who have re-
16 nounced violence against the Government
17 of Afghanistan: *Provided*, That funds may
18 be made available to support reconciliation
19 and reintegration activities only if:

20 (I) Afghan women are partici-
21 pating at national, provincial and local
22 levels of government in the design,
23 policy formulation and implementation
24 of the reconciliation or reintegration
25 process, and such process upholds

1 steps taken by the Government of Af-
2 ghanistan to protect the human rights
3 of Afghan women; and

4 (II) such funds will not be used
5 to support any pardon or immunity
6 from prosecution, or any position in
7 the Government of Afghanistan or se-
8 curity forces, for any leader of an
9 armed group responsible for crimes
10 against humanity, war crimes, or acts
11 of terrorism; and

12 (iii) may be made available for a
13 United States contribution to the North
14 Atlantic Treaty Organization/International
15 Security Assistance Force Post-Operations
16 Humanitarian Relief Fund.

17 (C) The authority contained in section
18 1102(c) of Public Law 111–32 shall continue in
19 effect during fiscal year 2012 and shall apply
20 as if part of this Act.

21 (D)(i) Of the funds appropriated by this
22 Act that are made available for assistance for
23 Afghanistan, not less than \$50,000,000 shall be
24 made available for rule of law programs: *Pro-*
25 *vided*, That decisions on the uses of such funds

1 shall be the responsibility of the Coordinator for
2 Rule of Law, in consultation with the Inter-
3 agency Planning and Implementation Team, at
4 the United States Embassy in Kabul, Afghani-
5 stan: *Provided further*, That \$250,000 of such
6 funds shall be transferred to, and merged with,
7 funds appropriated under the heading “Office
8 of Inspector General” in title I of this Act for
9 oversight of such programs and activities.

10 (ii) The Coordinator for Rule of Law at
11 the United States Embassy in Kabul, Afghani-
12 stan shall be consulted on the use of all funds
13 appropriated by this Act for rule of law pro-
14 grams in Afghanistan.

15 (E) None of the funds made available by
16 this Act may be used by the United States Gov-
17 ernment to enter into a permanent basing
18 rights agreement between the United States
19 and Afghanistan.

20 (F) Any significant modification to the
21 scope, objectives or implementation mechanisms
22 of United States assistance programs in Af-
23 ghanistan shall be subject to prior consultation
24 with, and the regular notification procedures of,
25 the Committees on Appropriations, except that

1 the prior consultation requirement may be
2 waived in a manner consistent with section
3 7015(e) of this Act.

4 (G) Not later than 90 days after enact-
5 ment of this Act, the Secretary of State shall
6 report to the Committees on Appropriations on
7 the International Monetary Fund (IMF) coun-
8 try program for Afghanistan including actions
9 requested by the IMF and taken by the Govern-
10 ment of Afghanistan to address the Kabul
11 Bank crisis and restore confidence in Afghani-
12 stan's banking sector.

13 (H) Funds appropriated under titles III
14 through VI of this Act that are made available
15 for assistance for Afghanistan may be made
16 available notwithstanding section 7012 of this
17 Act or any similar provision of law and section
18 660 of the Foreign Assistance Act of 1961.

19 (3) OVERSIGHT.—The Special Inspector Gen-
20 eral for Afghanistan Reconstruction, the Inspector
21 General of the Department of State and the Inspec-
22 tor General of USAID, shall jointly develop and sub-
23 mit to the Committees on Appropriations within 45
24 days of enactment of this Act a coordinated audit

1 and inspection plan of United States assistance for,
2 and civilian operations in, Afghanistan.

3 (b) NEPAL.—

4 (1) Funds appropriated by this Act under the
5 heading “Foreign Military Financing Program” may
6 be made available for assistance for Nepal only if
7 the Secretary of State certifies to the Committees on
8 Appropriations that the Nepal Army is—

9 (A) cooperating fully with investigations
10 and prosecutions of violations of human rights
11 by civilian judicial authorities; and

12 (B) working constructively to redefine the
13 Nepal Army’s mission and adjust its size ac-
14 cordingly, implement reforms including
15 strengthening the capacity of the civilian min-
16 istry of defense to improve budget transparency
17 and accountability, and facilitate the integration
18 of former rebel combatants into the security
19 forces including the Nepal Army, consistent
20 with the goals of reconciliation, peace and sta-
21 bility.

22 (2) The conditions in paragraph (1) shall not
23 apply to assistance for humanitarian relief and re-
24 construction activities in Nepal.

25 (c) PAKISTAN.—

1 (1) CERTIFICATION.—

2 (A) None of the funds appropriated or oth-
3 erwise made available by this Act under the
4 headings “Economic Support Fund”, “Inter-
5 national Narcotics Control and Law Enforce-
6 ment”, “Foreign Military Financing Program”,
7 and “Pakistan Counterinsurgency Capability
8 Fund” for assistance for the Government of
9 Pakistan may be made available unless the Sec-
10 retary of State certifies to the Committees on
11 Appropriations that the Government of Paki-
12 stan is—

13 (i) cooperating with the United States
14 in counterterrorism efforts against the
15 Haqqani Network, the Quetta Shura
16 Taliban, Lashkar e-Tayyiba, Jaish-e-Mo-
17 hammed, Al Qaeda and other domestic and
18 foreign terrorist organizations, including
19 taking steps to end support for such
20 groups and prevent them from basing and
21 operating in Pakistan and carrying out
22 cross border attacks into neighboring coun-
23 tries;

24 (ii) not supporting terrorist activities
25 against United States or coalition forces in

1 Afghanistan, and Pakistan’s military and
2 intelligence agencies are not intervening
3 extra-judicially into political and judicial
4 processes in Pakistan;

5 (iii) dismantling improvised explosive
6 device (IED) networks and interdicting
7 precursor chemicals used in the manufac-
8 ture of IEDs;

9 (iv) preventing the proliferation of nu-
10 clear-related material and expertise;

11 (v) issuing visas in a timely manner
12 for United States visitors engaged in
13 counterterrorism efforts and assistance
14 programs in Pakistan; and

15 (vi) providing humanitarian organiza-
16 tions access to detainees, internally dis-
17 placed persons, and other Pakistani civil-
18 ians affected by the conflict.

19 (B) The Secretary of State may waive the
20 requirements of paragraph (A) if to do so is in
21 the national security interests of the United
22 States.

23 (2) ASSISTANCE.—

24 (A) Funds appropriated by this Act under
25 the heading “Foreign Military Financing Pro-

1 gram” for assistance for Pakistan may be made
2 available only to support counterterrorism and
3 counterinsurgency capabilities in Pakistan, and
4 are subject to section 620M of the Foreign As-
5 sistance Act of 1961, as amended by this Act.

6 (B) Funds appropriated by this Act under
7 the heading “Economic Support Fund” for as-
8 sistance for Pakistan should be made available
9 to interdict precursor materials from Pakistan
10 to Afghanistan that are used to manufacture
11 improvised explosive devices, including calcium
12 ammonium nitrate; to support programs to
13 train border and customs officials in Pakistan
14 and Afghanistan; and for agricultural extension
15 programs that encourage alternative fertilizer
16 use among Pakistani farmers.

17 (C) Of the funds appropriated by this Act
18 under the heading “Economic Support Fund”
19 for assistance for Pakistan, \$10,000,000 shall
20 be made available through the Bureau of De-
21 mocracy, Human Rights and Labor, Depart-
22 ment of State, for human rights and democracy
23 programs in Pakistan, including training of
24 government officials and security forces, and

1 assistance for human rights organizations and
2 the development of democratic political parties.

3 (D) Funds appropriated by this Act under
4 the heading “Economic Support Fund” for as-
5 sistance for Pakistan may be made available for
6 the Chief of Mission Fund, as authorized by
7 section 101(c)(5) of Public Law 111–73.

8 (E) Funds appropriated by this Act under
9 the heading “Economic Support Fund” that are
10 made available for assistance for infrastructure
11 projects in Pakistan shall be implemented in a
12 manner consistent with section 507(6) of the
13 Trade Act of 1974 (19 U.S.C. 2467(6)).

14 (F) Funds appropriated by this Act under
15 titles III and VI for assistance for Pakistan
16 may be made available notwithstanding any
17 other provision of law, except for this sub-
18 section and section 620M of the Foreign Assist-
19 ance Act of 1961, as amended by this Act.

20 (3) REPORTS.—

21 (A)(i) The spend plan required by section
22 7078 of this Act for assistance for Pakistan
23 shall include achievable and sustainable goals,
24 benchmarks for measuring progress, and ex-
25 pected results regarding furthering development

1 in Pakistan, countering extremism, and estab-
2 lishing conditions conducive to the rule of law
3 and transparent and accountable governance:
4 *Provided*, That such benchmarks may incor-
5 porate those required in title III of Public Law
6 111–73, as appropriate: *Provided further*, That
7 not later than 6 months after submission of
8 such spend plan, and each 6 months thereafter
9 until September 30, 2013, the Secretary of
10 State shall submit a report to the Committees
11 on Appropriations on the status of achieving
12 the goals and benchmarks in the spend plan.

13 (ii) The Secretary of State should suspend
14 assistance for the Government of Pakistan if
15 any report required by paragraph (A)(i) indi-
16 cates that Pakistan is failing to make measur-
17 able progress in meeting these goals or bench-
18 marks.

19 (B) Not later than 90 days after enact-
20 ment of this Act, the Secretary of State shall
21 submit a report to the Committees on Appro-
22 priations detailing the costs and objectives asso-
23 ciated with significant infrastructure projects
24 supported by the United States in Pakistan,

1 and an assessment of the extent to which such
2 projects achieve such objectives.

3 (d) SRI LANKA.—

4 (1) None of the funds appropriated by this Act
5 under the heading “Foreign Military Financing Pro-
6 gram” may be made available for assistance for Sri
7 Lanka, no defense export license may be issued, and
8 no military equipment or technology shall be sold or
9 transferred to Sri Lanka pursuant to the authorities
10 contained in this Act or any other Act, unless the
11 Secretary of State certifies to the Committees on
12 Appropriations that the Government of Sri Lanka
13 is—

14 (A) conducting credible, thorough inves-
15 tigations of alleged war crimes and violations of
16 international humanitarian law by government
17 forces and the Liberation Tigers of Tamil
18 Eelam;

19 (B) bringing to justice individuals who
20 have been credibly alleged to have committed
21 such violations;

22 (C) supporting and cooperating with any
23 United Nations investigation of alleged war
24 crimes and violations of international humani-
25 tarian law;

1 (D) respecting due process, the rights of
2 journalists, and the rights of citizens to peace-
3 ful expression and association, including ending
4 arrest and detention under emergency regula-
5 tions;

6 (E) providing access to detainees by hu-
7 manitarian organizations; and

8 (F) implementing policies to promote rec-
9 onciliation and justice including devolution of
10 power.

11 (2) Paragraph (1) shall not apply to assistance
12 for humanitarian demining and aerial and maritime
13 surveillance.

14 (3) If the Secretary makes the certification re-
15 quired in paragraph (1), funds appropriated under
16 the heading “Foreign Military Financing Program”
17 that are made available for assistance for Sri Lanka
18 should be used to support the recruitment and train-
19 ing of Tamils into the Sri Lankan military, Tamil
20 language training for Sinhalese military personnel,
21 and human rights training for all military personnel.

22 (4) The Secretary of the Treasury shall instruct
23 the United States executive directors of the inter-
24 national financial institutions to vote against any
25 loan, agreement, or other financial support for Sri

1 Lanka except to meet basic human needs, unless the
2 Secretary of State certifies to the Committees on
3 Appropriations that the Government of Sri Lanka is
4 meeting the requirements in paragraph (1)(D), (E),
5 and (F) of this subsection.

6 (e) REGIONAL CROSS BORDER PROGRAMS.—Funds
7 appropriated by this Act under the heading “Economic
8 Support Fund” for assistance for Afghanistan and Paki-
9 stan may be provided notwithstanding any other provision
10 of law that restricts assistance to foreign countries for
11 cross border stabilization and development programs be-
12 tween Afghanistan and Pakistan or between either country
13 and the Central Asian republics.

14 PROHIBITION OF PAYMENTS TO UNITED NATIONS

15 MEMBERS

16 SEC. 7047. None of the funds appropriated or made
17 available pursuant to titles III through VI of this Act for
18 carrying out the Foreign Assistance Act of 1961, may be
19 used to pay in whole or in part any assessments, arrear-
20 ages, or dues of any member of the United Nations or,
21 from funds appropriated by this Act to carry out chapter
22 1 of part I of the Foreign Assistance Act of 1961, the
23 costs for participation of another country’s delegation at
24 international conferences held under the auspices of multi-
25 lateral or international organizations.

1 WAR CRIMES TRIBUNALS DRAWDOWN

2 SEC. 7048. If the President determines that doing so
3 will contribute to a just resolution of charges regarding
4 genocide or other violations of international humanitarian
5 law, the President may direct a drawdown pursuant to sec-
6 tion 552(c) of the Foreign Assistance Act of 1961 of up
7 to \$30,000,000 of commodities and services for the United
8 Nations War Crimes Tribunal established with regard to
9 the former Yugoslavia by the United Nations Security
10 Council or such other tribunals or commissions as the
11 Council may establish or authorize to deal with such viola-
12 tions, without regard to the ceiling limitation contained
13 in paragraph (2) thereof: *Provided*, That the determina-
14 tion required under this section shall be in lieu of any de-
15 terminations otherwise required under section 552(c): *Pro-*
16 *vided further*, That funds made available pursuant to this
17 section shall be made available subject to the regular noti-
18 fication procedures of the Committees on Appropriations.

19 UNITED NATIONS

20 SEC. 7049. (a) TRANSPARENCY AND ACCOUNT-
21 ABILITY.—

22 (1) Of the funds appropriated under title I and
23 under the heading “International Organizations and
24 Programs” in title V of this Act that are available
25 for contributions to any United Nations agency or to

1 the Organization of American States, 15 percent
2 shall be withheld from obligation for such agency or
3 organization if the Secretary of State determines
4 and reports to the Committees on Appropriations
5 that the agency or organization is not taking steps
6 to—

7 (A) publish on a publicly available Web
8 site, consistent with privacy regulations and due
9 process, regular financial and programmatic au-
10 dits of the agency or organization, and provide
11 the United States Government with necessary
12 access to such financial and performance au-
13 dits; and

14 (B) implement best practices for the pro-
15 tection of whistleblowers from retaliation, in-
16 cluding best practices for legal burdens of
17 proof, access to independent adjudicative bod-
18 ies, results that eliminate the effects of retalia-
19 tion, and statutes of limitation for reporting re-
20 taliation.

21 (2) The Secretary may waive the restriction in
22 this subsection if the Secretary determines and re-
23 ports that to do so is in the national interest of the
24 United States.

1 (b) RESTRICTIONS ON UNITED NATIONS DELEGA-
2 TIONS AND ORGANIZATIONS.—

3 (1) None of the funds made available under
4 title I of this Act may be used to pay expenses for
5 any United States delegation to any specialized
6 agency, body, or commission of the United Nations
7 if such commission is chaired or presided over by a
8 country, the government of which the Secretary of
9 State has determined, for purposes of section 6(j)(1)
10 of the Export Administration Act of 1979 (50
11 U.S.C. App. 2405(j)(1)), supports international ter-
12 rorism.

13 (2) None of the funds made available under
14 title I of this Act may be used by the Secretary of
15 State as a contribution to any organization, agency,
16 or program within the United Nations system if
17 such organization, agency, commission, or program
18 is chaired or presided over by a country, the govern-
19 ment of which the Secretary of State has deter-
20 mined, for purposes of section 620A of the Foreign
21 Assistance Act of 1961, section 40 of the Arms Ex-
22 port Control Act, section 6(j)(1) of the Export Ad-
23 ministration Act of 1979, or any other provision of
24 law, is a government that has repeatedly provided
25 support for acts of international terrorism.

1 (3) The Secretary of State may waive the re-
2 strictions in this subsection if the Secretary deter-
3 mines and reports to the Committees on Appropria-
4 tions that to do so is in the national interest of the
5 United States.

6 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
7 Funds appropriated by this Act may be made available
8 for voluntary contributions or payment of United States
9 assessments in support of the United Nations Human
10 Rights Council if the Secretary of State determines and
11 reports to the Committees on Appropriations that partici-
12 pation in the Council is in the national interest of the
13 United States: *Provided*, That the Secretary of State shall
14 report to the Committees on Appropriations not later than
15 30 days after the date of enactment of this Act, and every
16 180 days thereafter until September 30, 2012, on the res-
17 olutions considered in the United Nations Human Rights
18 Council.

19 (d) UNITED NATIONS RELIEF AND WORKS AGEN-
20 CY.—The reporting requirements regarding the United
21 Nations Relief and Works Agency contained in the joint
22 explanatory statement accompanying the Supplemental
23 Appropriations Act, 2009 (Public Law 111–32, House Re-
24 port 111–151) under the heading “Migration and Refugee

1 Assistance” in title XI shall apply to funds made available
2 by this Act under such heading.

3 (e) UNITED NATIONS CAPITAL MASTER PLAN.—

4 None of the funds made available in this Act for the
5 United Nations Capital Master Plan may be used for the
6 design, renovation, or construction of the United Nations
7 Headquarters in New York in excess of the United States
8 payment for the assessment agreed upon pursuant to
9 paragraph 10 of United Nations General Assembly Reso-
10 lution 61/251.

11 (f) REPORTING REQUIREMENT.—Not later than 30

12 days after enactment of this Act, the Secretary of State
13 shall submit a report to the Committees on Appropriation
14 detailing the amount of funds available for obligation or
15 expenditure in fiscal year 2012 under the headings “Con-
16 tributions to International Organizations” and “Inter-
17 national Organizations and Programs” that are withheld
18 from obligation or expenditure due to any provision of law:
19 *Provided*, That the Secretary of State shall update such
20 report each time additional funds are withheld by oper-
21 ation of any provision of law: *Provided further*, That the
22 reprogramming of any withheld funds identified in such
23 report, including updates thereof, shall be subject to prior
24 consultation with, and the regular notification procedures
25 of, the Committees on Appropriations.

1 COMMUNITY-BASED POLICE ASSISTANCE

2 SEC. 7050. (a) AUTHORITY.—Funds made available
3 by titles III and IV of this Act to carry out the provisions
4 of chapter 1 of part I and chapters 4 and 6 of part II
5 of the Foreign Assistance Act of 1961, may be used, not-
6 withstanding section 660 of that Act, to enhance the effec-
7 tiveness and accountability of civilian police authority
8 through training and technical assistance in human rights,
9 the rule of law, anti-corruption, strategic planning, and
10 through assistance to foster civilian police roles that sup-
11 port democratic governance including assistance for pro-
12 grams to prevent conflict, respond to disasters, address
13 gender-based violence, and foster improved police relations
14 with the communities they serve.

15 (b) NOTIFICATION.—Assistance provided under sub-
16 section (a) shall be subject to the regular notification pro-
17 cedures of the Committees on Appropriations.

18 ATTENDANCE AT INTERNATIONAL CONFERENCES

19 SEC. 7051. None of the funds made available in this
20 Act may be used to send or otherwise pay for the attend-
21 ance of more than 50 employees of agencies or depart-
22 ments of the United States Government who are stationed
23 in the United States, at any single international con-
24 ference occurring outside the United States, unless the
25 Secretary of State reports to the Committees on Appro-

1 priations at least 5 days in advance that such attendance
2 is important to the national interest: *Provided*, That for
3 purposes of this section the term “international con-
4 ference” shall mean a conference attended by representa-
5 tives of the United States Government and of foreign gov-
6 ernments, international organizations, or nongovern-
7 mental organizations.

8 AIRCRAFT TRANSFER AND COORDINATION

9 SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-
10 standing any other provision of law or regulation, aircraft
11 procured with funds appropriated by this Act and prior
12 Acts making appropriations for the Department of State,
13 foreign operations, and related programs under the head-
14 ings “Diplomatic and Consular Programs”, “International
15 Narcotics Control and Law Enforcement”, “Andean
16 Counterdrug Initiative” and “Andean Counterdrug Pro-
17 grams” may be used for any other program and in any
18 region, including for the transportation of active and
19 standby Civilian Response Corps personnel and equipment
20 during a deployment: *Provided*, That the responsibility for
21 policy decisions and justification for the use of such trans-
22 fer authority shall be the responsibility of the Secretary
23 of State and the Deputy Secretary of State and this re-
24 sponsibility shall not be delegated.

1 (b) PROPERTY DISPOSAL.—The authority provided
2 in subsection (a) shall apply only after the Secretary of
3 State determines and reports to the Committees on Appro-
4 priations that the equipment is no longer required to meet
5 programmatic purposes in the designated country or re-
6 gion: *Provided*, That any such transfer shall be subject
7 to prior consultation with, and the regular notification
8 procedures of, the Committees on Appropriations.

9 (c) AIRCRAFT COORDINATION.—

10 (1) The uses of aircraft purchased or leased by
11 the Department of State and the United States
12 Agency for International Development (USAID)
13 with funds made available in this Act or prior Acts
14 making appropriations for the Department of State,
15 foreign operations, and related programs shall be co-
16 ordinated under the authority of the appropriate
17 Chief of Mission: *Provided*, That such aircraft may
18 be used to transport, on a reimbursable or non-reim-
19 bursable basis, Federal and non-Federal personnel
20 supporting Department of State and USAID pro-
21 grams and activities: *Provided further*, That official
22 travel for other agencies for other purposes may be
23 supported on a reimbursable basis, or without reim-
24 bursement when traveling on a space available basis.

1 (1) the submunitions of the cluster munitions,
2 after arming, do not result in more than 1 percent
3 unexploded ordnance across the range of intended
4 operational environments; and

5 (2) the agreement applicable to the assistance,
6 transfer, or sale of such cluster munitions or cluster
7 munitions technology specifies that the cluster muni-
8 tions will only be used against clearly defined mili-
9 tary targets and will not be used where civilians are
10 known to be present or in areas normally inhabited
11 by civilians.

12 PROHIBITION ON PUBLICITY OR PROPAGANDA

13 SEC. 7055. No part of any appropriation contained
14 in this Act shall be used for publicity or propaganda pur-
15 poses within the United States not authorized before the
16 date of the enactment of this Act by the Congress: *Pro-*
17 *vided*, That not to exceed \$25,000 may be made available
18 to carry out the provisions of section 316 of Public Law
19 96–533.

20 LIMITATION ON RESIDENCE EXPENSES

21 SEC. 7056. Of the funds appropriated or made avail-
22 able pursuant to title II of this Act, not to exceed
23 \$100,500 shall be for official residence expenses of the
24 United States Agency for International Development dur-
25 ing the current fiscal year: *Provided*, That appropriate

1 steps shall be taken to assure that, to the maximum extent
2 possible, United States-owned foreign currencies are uti-
3 lized in lieu of dollars.

4 UNITED STATES AGENCY FOR INTERNATIONAL
5 DEVELOPMENT MANAGEMENT
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 7057. (a) AUTHORITY.—Up to \$93,000,000 of
8 the funds made available in title III of this Act to carry
9 out the provisions of part I of the Foreign Assistance Act
10 of 1961, including funds appropriated under the heading
11 “Assistance for Europe, Eurasia and Central Asia”, may
12 be used by the United States Agency for International De-
13 velopment (USAID) to hire and employ individuals in the
14 United States and overseas on a limited appointment basis
15 pursuant to the authority of sections 308 and 309 of the
16 Foreign Service Act of 1980.

17 (b) RESTRICTIONS.—

18 (1) The number of individuals hired in any fis-
19 cal year pursuant to the authority contained in sub-
20 section (a) may not exceed 175.

21 (2) The authority to hire individuals contained
22 in subsection (a) shall expire on September 30,
23 2013.

24 (c) CONDITIONS.—The authority of subsection (a)
25 should only be used to the extent that an equivalent num-

1 ber of positions that are filled by personal services contrac-
2 tors or other non-direct hire employees of USAID, who
3 are compensated with funds appropriated to carry out part
4 I of the Foreign Assistance Act of 1961, including funds
5 appropriated under the heading “Assistance for Europe,
6 Eurasia and Central Asia”, are eliminated.

7 (d) PROGRAM ACCOUNT CHARGED.—The account
8 charged for the cost of an individual hired and employed
9 under the authority of this section shall be the account
10 to which such individual’s responsibilities primarily relate:
11 *Provided*, That funds made available to carry out this sec-
12 tion may be transferred to, and merged with, funds appro-
13 priated by this Act in title II under the heading “Oper-
14 ating Expenses”.

15 (e) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
16 viduals hired and employed by USAID, with funds made
17 available in this Act or prior Acts making appropriations
18 for the Department of State, foreign operations, and re-
19 lated programs, pursuant to the authority of section 309
20 of the Foreign Service Act of 1980, may be extended for
21 a period of up to 4 years notwithstanding the limitation
22 set forth in such section.

23 (f) DISASTER SURGE CAPACITY.—Funds appro-
24 priated under title III of this Act to carry out part I of
25 the Foreign Assistance Act of 1961, including funds ap-

1 appropriated under the heading “Assistance for Europe,
2 Eurasia and Central Asia”, may be used, in addition to
3 funds otherwise available for such purposes, for the cost
4 (including the support costs) of individuals detailed to or
5 employed by USAID whose primary responsibility is to
6 carry out programs in response to natural disasters, or
7 man-made disasters subject to the regular notification
8 procedures of the Committees on Appropriations.

9 (g) PERSONAL SERVICES CONTRACTORS.—Funds ap-
10 propriated by this Act to carry out chapter 1 of part I,
11 chapter 4 of part II, and section 667 of the Foreign As-
12 sistance Act of 1961, and title II of the Agricultural Trade
13 Development and Assistance Act of 1954, may be used
14 by USAID to employ up to 40 personal services contrac-
15 tors in the United States, notwithstanding any other pro-
16 vision of law, for the purpose of providing direct, interim
17 support for new or expanded overseas programs and ac-
18 tivities managed by the agency until permanent direct hire
19 personnel are hired and trained: *Provided*, That not more
20 than 15 of such contractors shall be assigned to any bu-
21 reau or office: *Provided further*, That such funds appro-
22 priated to carry out title II of the Agricultural Trade De-
23 velopment and Assistance Act of 1954, may be made avail-
24 able only for personal services contractors assigned to the
25 Office of Food for Peace.

1 (h) SMALL BUSINESS.—In entering into multiple
2 award indefinite-quantity contracts with funds appro-
3 priated by this Act, USAID may provide an exception to
4 the fair opportunity process for placing task orders under
5 such contracts when the order is placed with any category
6 of small or small disadvantaged business.

7 (i) SENIOR FOREIGN SERVICE LIMITED APPOINT-
8 MENTS.—Individuals hired pursuant to the authority pro-
9 vided by section 7059(o) of division F of Public Law 111–
10 117 may be assigned to or support programs in Iraq, Af-
11 ghanistan, or Pakistan with funds made available in this
12 Act and prior Acts making appropriations for the Depart-
13 ment of State, foreign operations, and related programs.

14 GLOBAL HEALTH ACTIVITIES

15 SEC. 7058. (a) IN GENERAL.—Funds appropriated
16 by titles III and IV of this Act that are made available
17 for bilateral assistance for child survival activities or dis-
18 ease programs including activities relating to research on,
19 and the prevention, treatment and control of, HIV/AIDS
20 may be made available notwithstanding any other provi-
21 sion of law except for provisions under the heading “Glob-
22 al Health Programs” and the United States Leadership
23 Against HIV/AIDS, Tuberculosis, and Malaria Act of
24 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
25 ed: *Provided*, That of the funds appropriated under title

1 III of this Act, not less than \$575,000,000 should be made
2 available for family planning/reproductive health, includ-
3 ing in areas where population growth threatens biodiver-
4 sity or endangered species.

5 (b) GLOBAL HEALTH MANAGEMENT.—

6 (1) Not later than 180 days after enactment of
7 this Act, the Secretary of State, in consultation with
8 the Administrator of the United States Agency for
9 International Development (USAID), shall submit to
10 the Committees on Appropriations an analysis of
11 short and long-term costs, to include potential cost
12 savings or increases, associated with transitioning
13 the function, role, and duties of the Office of the
14 United States Global AIDS Coordinator into
15 USAID: *Provided*, That such report shall also assess
16 any programmatic advantages and disadvantages, in-
17 cluding the ability to achieve results, of making such
18 a transition.

19 (2)(A) Not later than 45 days after enactment
20 of this Act, the Secretary of State, in consultation
21 with the Administrator of the United States Agency
22 for International Development (USAID), shall sub-
23 mit to the Committees on Appropriations a report
24 on the status of the Quadrennial Diplomacy and De-
25 velopment Review (QDDR) decision to transition the

1 leadership of the Global Health Initiative (GHI) to
2 USAID, to include the following—

3 (i) the metrics developed to measure
4 progress in meeting each benchmark enumer-
5 ated in Appendix 2 of the QDDR and the meth-
6 od utilized to develop such metrics; and

7 (ii) the status of, and estimated completion
8 date for, meeting each benchmark.

9 (B) Within 90 days of submitting the initial re-
10 port required by subparagraph (A), and each 90
11 days thereafter until the GHI transition is com-
12 pleted, an update shall be provided to the Commit-
13 tees on Appropriations on the status of meeting each
14 benchmark: *Provided*, That if as part of any such
15 update it is determined that the QDDR target date
16 of September 2012 will not be met, the Secretary of
17 State, in consultation with the USAID Adminis-
18 trator, shall submit a detailed explanation of the
19 delay and a revised target date for the transition to
20 be completed.

21 (c) GLOBAL FUND REFORMS.—

22 (1) Of funds appropriated by this Act that are
23 available for a contribution to the Global Fund to
24 Fight AIDS, Tuberculosis and Malaria (Global
25 Fund), 10 percent should be withheld from obliga-

1 tion until the Secretary of State determines and re-
2 ports to the Committees on Appropriations that—

3 (A) the Global Fund is maintaining and
4 implementing a policy of transparency, includ-
5 ing the authority of the Global Fund Office of
6 the Inspector General (OIG) to publish OIG re-
7 ports on a public Web site;

8 (B) the Global Fund is providing sufficient
9 resources to maintain an independent OIG
10 that—

11 (i) reports directly to the Board of the
12 Global Fund;

13 (ii) maintains a mandate to conduct
14 thorough investigations and programmatic
15 audits, free from undue interference; and

16 (iii) compiles regular, publicly pub-
17 lished audits and investigations of finan-
18 cial, programmatic, and reporting aspects
19 of the Global Fund, its grantees, recipi-
20 ents, sub-recipients, and Local Fund
21 Agents.

22 (C) the Global Fund maintains an effective
23 whistleblower policy to protect whistleblowers
24 from retaliation, including confidential proce-

1 dures for reporting possible misconduct or
2 irregularities.

3 (2) The withholding required by this subsection
4 shall not be in addition to funds that are withheld
5 from the Global Fund in fiscal year 2012 pursuant
6 to the application of any other provision contained
7 in this or any other Act.

8 (d) PANDEMIC RESPONSE.—If the President deter-
9 mines and reports to the Committees on Appropriations
10 that a pandemic virus is efficient and sustained, severe,
11 and is spreading internationally, funds made available
12 under titles III, IV, and VIII in this Act and prior Acts
13 making appropriations for the Department of State, for-
14 eign operations, and related programs may be made avail-
15 able to combat such virus: *Provided*, That funds made
16 available pursuant to the authority of this subsection shall
17 be subject to prior consultation with, and the regular noti-
18 fication procedures of, the Committees on Appropriations.

19 PROHIBITION ON PROMOTION OF TOBACCO

20 SEC. 7059. None of the funds provided by this Act
21 shall be available to promote the sale or export of tobacco
22 or tobacco products, or to seek the reduction or removal
23 by any foreign country of restrictions on the marketing
24 of tobacco or tobacco products, except for restrictions

1 which are not applied equally to all tobacco or tobacco
2 products of the same type.

3 PROGRAMS TO PROMOTE GENDER EQUALITY

4 SEC. 7060. (a) Programs funded under title III of
5 this Act shall include, where appropriate, efforts to im-
6 prove the status of women, including through gender con-
7 siderations in the planning, assessment, implementation,
8 monitoring and evaluation of such programs.

9 (b) Funds appropriated under title III of this Act
10 shall be made available to support programs to expand
11 economic opportunities for poor women in developing
12 countries, including increasing the number and capacity
13 of women-owned enterprises, improving property rights for
14 women, increasing women's access to financial services
15 and capital, enhancing the role of women in economic deci-
16 sionmaking at the local, national and international levels,
17 and improving women's ability to participate in the global
18 economy.

19 (c) Funds appropriated under title III of this Act
20 shall be made available to increase political opportunities
21 for women, including strengthening protections for wom-
22 en's personal status, increasing women's participation in
23 elections, and enhancing women's positions in government
24 and role in government decisionmaking.

1 (d) Funds appropriated under in title III of this Act
2 for food security and agricultural development shall take
3 into consideration the unique needs of women, and tech-
4 nical assistance for women farmers should be a priority.

5 (e) The Secretary of State, in consultation with the
6 heads of other relevant Federal agencies, shall develop a
7 National Action Plan in accordance with United Nations
8 Security Council Resolution 1325 (adopted on October 31,
9 2000) to ensure the United States effectively promotes
10 and supports the rights and roles of women in conflict-
11 affected and post-conflict regions through clear, measur-
12 able commitments to—

13 (1) promote the active and meaningful partici-
14 pation of women in affected areas in all aspects of
15 conflict prevention, management, and resolution;

16 (2) integrate the perspectives and interests of
17 affected women into conflict-prevention activities and
18 strategies;

19 (3) promote the physical safety, economic secu-
20 rity, and dignity of women and girls;

21 (4) support women's equal access to aid dis-
22 tribution mechanisms and services; and

23 (5) monitor, analyze and evaluate implementa-
24 tion efforts and their impact.

1 (f) The Department of State and the United States
2 Agency for International Development shall fully integrate
3 gender into all diplomatic and development efforts through
4 the inclusion of gender in strategic planning and budget
5 allocations, and the development of indicators and evalua-
6 tion mechanisms to measure the impact of United States
7 policies and programs on women and girls in foreign coun-
8 tries.

9 GENDER-BASED VIOLENCE

10 SEC. 7061. (a) Funds appropriated under the head-
11 ings “Global Health Programs”, “Development Assist-
12 ance”, “Economic Support Fund”, and “International
13 Narcotics Control and Law Enforcement” in this Act shall
14 be made available for gender-based violence prevention
15 and response efforts, and funds appropriated under the
16 headings “International Disaster Assistance”, “Complex
17 Crises Fund”, and “Migration and Refugee Assistance”
18 should be made available for such efforts.

19 (b) Programs and activities funded under titles III
20 and IV of this Act to train foreign police, judicial, and
21 military personnel, including for international peace-
22 keeping operations, shall address, where appropriate, pre-
23 vention and response to gender-based violence and traf-
24 ficking in persons.

1 \$200,000,000 shall be made available for assistance
2 for higher education, of which \$25,000,000 shall be
3 to support such programs in Africa, including for
4 partnerships between higher education institutions
5 in Africa and the United States.

6 (b) DEVELOPMENT GRANTS PROGRAM.—Of the
7 funds appropriated in title III of this Act, not less than
8 \$45,000,000 shall be made available for the Development
9 Grants Program established pursuant to section 674 of
10 the Department of State, Foreign Operations, and Related
11 Programs Appropriations Act, 2008 (division J of Public
12 Law 110–161), primarily for unsolicited proposals, to sup-
13 port grants of not more than \$2,000,000 to small non-
14 governmental organizations: *Provided*, That funds made
15 available under this subsection are in addition to other
16 funds available for such purposes including funds des-
17 ignated by this Act by subsection (f).

18 (c) ENVIRONMENT PROGRAMS.—

19 (1) IN GENERAL.—Of the funds appropriated
20 by this Act, not less than \$1,250,000,000 should be
21 made available for programs and activities to protect
22 the environment.

23 (2) CLEAN ENERGY PROGRAMS.—The limitation
24 in section 7081(b) of division F of Public Law 111–
25 117 shall continue in effect during fiscal year 2012

1 as if part of this Act: *Provided*, That the proviso
2 contained in such section shall not apply.

3 (3) ADAPTATION PROGRAMS.—Funds appro-
4 priated by this Act may be made available for
5 United States contributions to the Least Developed
6 Countries Fund and the Special Climate Change
7 Fund to support adaptation programs and activities.

8 (4) TROPICAL FOREST PROGRAMS.—Funds ap-
9 propriated under title III of this Act for tropical for-
10 est programs shall be used to protect biodiversity,
11 and shall not be used to support or promote the ex-
12 pansion of industrial scale logging into primary tropi-
13 cal forests: *Provided*, That funds that are available
14 for the Central African Regional Program for the
15 Environment and other tropical forest programs in
16 the Congo Basin for the United States Fish and
17 Wildlife Service (USFWS) shall be apportioned di-
18 rectly to the USFWS: *Provided further*, That funds
19 made available for the Department of the Interior
20 (DOI) for programs in the Guatemala Mayan Bio-
21 sphere Reserve shall be apportioned directly to the
22 DOI.

23 (5) AUTHORITY.—Funds appropriated by this
24 Act to carry out the provisions of sections 103
25 through 106, and chapter 4 of part II, of the For-

1 eign Assistance Act of 1961 may be used, notwith-
2 standing any other provision of law except for the
3 provisions of this section and subject to the regular
4 notification procedures of the Committees on Appro-
5 priations, to support environment programs.

6 (6) CONSULTATION.—Funds made available
7 pursuant to this subsection are subject to prior con-
8 sultation with, and the regular notification proce-
9 dures of, the Committees on Appropriations.

10 (7) EXTRACTION OF NATURAL RESOURCES.—

11 (A) Funds appropriated by this Act shall
12 be made available to promote and support
13 transparency and accountability of expenditures
14 and revenues related to the extraction of nat-
15 ural resources, including by strengthening im-
16 plementation and monitoring of the Extractive
17 Industries Transparency Initiative, imple-
18 menting and enforcing section 8204 of Public
19 Law 110–246 and the Kimberley Process Cer-
20 tification Scheme, and providing technical as-
21 sistance to promote independent audit mecha-
22 nisms and support civil society participation in
23 natural resource management.

24 (B)(i) The Secretary of the Treasury shall
25 inform the managements of the international fi-

1 nancial institutions and post on the Department
2 of the Treasury's Web site that it is the policy
3 of the United States to vote against any assist-
4 ance by such institutions (including but not lim-
5 ited to any loan, credit, grant, or guarantee) for
6 the extraction and export of a natural resource
7 if the government of the country has in place
8 laws or regulations to prevent or limit the pub-
9 lic disclosure of company payments as required
10 by section 1504 of Public Law 111-203, and
11 unless such government has in place func-
12 tioning systems in the sector in which assist-
13 ance is being considered for:

14 (I) accurately accounting for and pub-
15 lic disclosure of payments to the host gov-
16 ernment by companies involved in the ex-
17 traction and export of natural resources;

18 (II) the independent auditing of ac-
19 counts receiving such payments and public
20 disclosure of the findings of such audits;
21 and

22 (III) public disclosure of such docu-
23 ments as Host Government Agreements,
24 Concession Agreements, and bidding docu-
25 ments, allowing in any such dissemination

1 or disclosure for the redaction of, or excep-
2 tions for, information that is commercially
3 proprietary or that would create competi-
4 tive disadvantage.

5 (ii) The requirements of subparagraph (i)
6 shall not apply to assistance for the purpose of
7 building the capacity of such government to
8 meet the requirements of this paragraph.

9 (C) The Secretary of the Treasury or the
10 Secretary of State, as appropriate, shall in-
11 struct the United States executive director of
12 each international financial institution and the
13 United States representatives to all forest-re-
14 lated multilateral financing mechanisms and
15 processes, that it is the policy of the United
16 States to vote against the expansion of indus-
17 trial scale logging into primary tropical forests.

18 (8) CONTINUATION OF PRIOR LAW.—Section
19 7081(g)(2) and (4) of division F of Public Law 111–
20 117 shall continue in effect during fiscal year 2012
21 as if part of this Act.

22 (d) FOOD SECURITY AND AGRICULTURE DEVELOP-
23 MENT.—Of the funds appropriated by title III of this Act,
24 \$1,170,000,000 should be made available for food security
25 and agriculture development programs, of which

1 \$31,500,000 shall be made available for Collaborative Re-
2 search Support Programs: *Provided*, That such funds may
3 be made available notwithstanding any other provision of
4 law to address food shortages, and may be made available
5 for a United States contribution to the endowment of the
6 Global Crop Diversity Trust pursuant to section 3202 of
7 Public Law 110–246.

8 (e) MICROENTERPRISE AND MICROFINANCE.—Of the
9 funds appropriated by this Act, not less than
10 \$265,000,000 should be made available for microenter-
11 prise and microfinance development programs for the
12 poor, especially women.

13 (f) RECONCILIATION PROGRAMS.—(1) Of the funds
14 appropriated by title III of this Act under the headings
15 “Economic Support Fund” and “Development Assist-
16 ance”, \$26,000,000 shall be made available to support
17 people-to-people reconciliation programs which bring to-
18 gether individuals of different ethnic, religious and polit-
19 ical backgrounds from areas of civil strife and war, of
20 which \$10,000,000 shall be made available for such pro-
21 grams in the Middle East: *Provided*, That the Adminis-
22 trator of the United States Agency for International De-
23 velopment shall consult with the Committees on Appro-
24 priations, prior to the initial obligation of funds, on the
25 uses of such funds.

1 (2) Of the funds appropriated by title III of this Act
2 under the headings “Economic Support Fund” and “De-
3 velopment Assistance”, \$10,000,000 should be made avail-
4 able for a “New Generation in the Middle East” initiative
5 to build understanding, tolerance, and mutual respect
6 among the next generation of Israeli and Palestinian lead-
7 ers.

8 (g) **TRAFFICKING IN PERSONS.**—Of the funds appro-
9 priated by this Act under the headings “Development As-
10 sistance”, “Economic Support Fund”, “International
11 Narcotics Control and Law Enforcement”, and “Assist-
12 ance for Europe, Eurasia and Central Asia” not less than
13 \$36,000,000 shall be made available for activities to com-
14 bat trafficking in persons internationally.

15 (h) **WATER.**—Of the funds appropriated by this Act,
16 not less than \$315,000,000 shall be made available for
17 water and sanitation supply projects pursuant to the Sen-
18 ator Paul Simon Water for the Poor Act of 2005 (Public
19 Law 109–121).

20 (i) **WOMEN’S LEADERSHIP CAPACITY.**—Of the funds
21 appropriated by title III of this Act, not less than
22 \$20,000,000 shall be made available for programs to im-
23 prove women’s leadership capacity in recipient countries.

24 (j) **NOTIFICATION REQUIREMENTS.**—Authorized de-
25 viations from funding levels contained in this section shall

1 be subject to the regular notification procedures of the
2 Committees on Appropriations.

3 CENTRAL ASIA

4 SEC. 7063. The terms and conditions of sections
5 7075(a) through (d) and 7076(a) through (e) of the De-
6 partment of State, Foreign Operations, and Related Pro-
7 grams Appropriations Act, 2009 (division H of Public Law
8 111–8) shall apply to funds appropriated by this Act, ex-
9 cept that the Secretary of State may waive the application
10 of section 7076(a) for a period of not more than 6 months
11 and every 6 months thereafter until September 30, 2013,
12 if the Secretary certifies to the Committees on Appropria-
13 tions that the waiver is in the national security interest
14 and necessary to obtain access to and from Afghanistan
15 for the United States, and the waiver includes an assess-
16 ment of progress, if any, by the Government of Uzbekistan
17 in meeting the requirements in section 7076(a): *Provided*,
18 That the Secretary of State, in consultation with the Sec-
19 retary of Defense, shall submit a report to the Committees
20 on Appropriations not later than 180 days after enactment
21 of this Act and 12 months thereafter, on all United States
22 Government assistance provided to the Government of Uz-
23 bekistan and expenditures made in support of the North-
24 ern Distribution Network in Uzbekistan, including any
25 credible information that such assistance or expenditures

1 this Act for the Overseas Private Investment Corporation
2 Program Account, to be subject to the terms and condi-
3 tions of that account: *Provided*, That such funds shall not
4 be available for administrative expenses of the Overseas
5 Private Investment Corporation: *Provided further*, That
6 designated funding levels in this Act shall not be trans-
7 ferred pursuant to this section: *Provided further*, That the
8 exercise of such authority shall be subject to the regular
9 notification procedures of the Committees on Appropria-
10 tions.

11 (b) Notwithstanding section 235(a)(2) of the Foreign
12 Assistance Act of 1961, the authority of subsections (a)
13 through (c) of section 234 of such Act shall remain in
14 effect until September 30, 2012.

15 INTERNATIONAL PRISON CONDITIONS

16 SEC. 7066. (a) Not later than 180 days after enact-
17 ment of this Act, the Secretary of State shall submit to
18 the Committees on Appropriations a report, which shall
19 also be made publicly available including on the Depart-
20 ment of State's Web site, describing—

21 (1) conditions in prisons and other detention fa-
22 cilities in at least 25 countries whose governments
23 receive United States assistance and which the Sec-
24 retary determines raise serious human rights or hu-
25 manitarian concerns; and

1 ance to eliminate torture by foreign police, military or
2 other security forces in countries receiving assistance from
3 funds appropriated by this Act that are identified in the
4 Department of State's most recent Country Reports on
5 Human Rights Practices.

6 EXTRADITION

7 SEC. 7068. (a) None of the funds appropriated in this
8 Act may be used to provide assistance (other than funds
9 provided under the headings "International Narcotics
10 Control and Law Enforcement", "Migration and Refugee
11 Assistance", "Emergency Migration and Refugee Assist-
12 ance", and "Nonproliferation, Anti-terrorism, Demining
13 and Related Assistance") for the central government of
14 a country which has notified the Department of State of
15 its refusal to extradite to the United States any individual
16 indicted for a criminal offense for which the maximum
17 penalty is life imprisonment without the possibility of pa-
18 role or for killing a law enforcement officer, as specified
19 in a United States extradition request.

20 (b) Subsection (a) shall only apply to the central gov-
21 ernment of a country with which the United States main-
22 tains diplomatic relations and with which the United
23 States has an extradition treaty and the government of
24 that country is in violation of the terms and conditions
25 of the treaty.

1 (c) The Secretary of State may waive the restriction
2 in subsection (a) on a case-by-case basis if the Secretary
3 certifies to the Committees on Appropriations that such
4 waiver is important to the national interests of the United
5 States.

6 COMMERCIAL LEASING OF DEFENSE ARTICLES

7 SEC. 7069. Notwithstanding any other provision of
8 law, and subject to the regular notification procedures of
9 the Committees on Appropriations, the authority of sec-
10 tion 23(a) of the Arms Export Control Act may be used
11 to provide financing to Israel, Egypt and NATO and
12 major non-NATO allies for the procurement by leasing
13 (including leasing with an option to purchase) of defense
14 articles from United States commercial suppliers, not in-
15 cluding Major Defense Equipment (other than helicopters
16 and other types of aircraft having possible civilian applica-
17 tion), if the President determines that there are compel-
18 ling foreign policy or national security reasons for those
19 defense articles being provided by commercial lease rather
20 than by government-to-government sale under such Act.

21 INDEPENDENT STATES OF THE FORMER SOVIET UNION

22 SEC. 7070. (a) None of the funds appropriated under
23 the heading “Assistance for Europe, Eurasia and Central
24 Asia” shall be made available for assistance for a govern-
25 ment of an Independent State of the former Soviet Union

1 if that government directs any action in violation of the
2 territorial integrity or national sovereignty of any other
3 Independent State of the former Soviet Union, such as
4 those violations included in the Helsinki Final Act: *Pro-*
5 *vided*, That such funds may be made available without re-
6 gard to the restriction in this subsection if the President
7 determines that to do so is in the national security interest
8 of the United States.

9 (b)(1) Of the funds appropriated under the heading
10 “Assistance for Europe, Eurasia and Central Asia” that
11 are allocated for assistance for the Government of the
12 Russian Federation, 60 percent shall be withheld from ob-
13 ligation until the President determines and certifies in
14 writing to the Committees on Appropriations that the Gov-
15 ernment of the Russian Federation—

16 (A) has terminated implementation of arrange-
17 ments to provide Iran with technical expertise, train-
18 ing, technology, or equipment necessary to develop a
19 nuclear reactor, related nuclear research facilities or
20 programs, or ballistic missile capability; and

21 (B) is providing full access to international non-
22 government organizations providing humanitarian
23 relief to refugees and internally displaced persons in
24 Chechnya.

25 (2) Paragraph (1) shall not apply to—

1 (A) assistance to combat infectious diseases,
2 child survival activities, or assistance for victims of
3 trafficking in persons; and

4 (B) activities authorized under title V (Non-
5 proliferation and Disarmament Programs and Ac-
6 tivities) of the FREEDOM Support Act.

7 (c) Section 907 of the FREEDOM Support Act shall
8 not apply to—

9 (1) activities to support democracy or assist-
10 ance under title V of the FREEDOM Support Act
11 and section 1424 of Public Law 104–201 or non-
12 proliferation assistance;

13 (2) any assistance provided by the Trade and
14 Development Agency under section 661 of the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2421);

16 (3) any activity carried out by a member of the
17 United States and Foreign Commercial Service while
18 acting within his or her official capacity;

19 (4) any insurance, reinsurance, guarantee or
20 other assistance provided by the Overseas Private
21 Investment Corporation under title IV of chapter 2
22 of part I of the Foreign Assistance Act of 1961 (22
23 U.S.C. 2191 et seq.);

24 (5) any financing provided under the Export-
25 Import Bank Act of 1945; or

1 (6) humanitarian assistance.

2 INTERNATIONAL MONETARY FUND

3 SEC. 7071. (a) The terms and conditions of sections
4 7086(b)(1) and (2) and 7090(a) of division F of Public
5 Law 111–117 shall apply to this Act.

6 (b) The Secretary of the Treasury shall instruct the
7 United States Executive Director of the International
8 Monetary Fund (IMF) to seek to ensure that any loan
9 will be repaid to the IMF before other private creditors.

10 (c) The Secretary of the Treasury shall seek to ensure
11 that the IMF is implementing best practices for the pro-
12 tection of whistleblowers from retaliation, including best
13 practices for legal burdens of proof, access to independent
14 adjudicative bodies, results that eliminate the effects of
15 retaliation, and statutes of limitation for reporting retalia-
16 tion.

17 REPRESSION IN THE RUSSIAN FEDERATION

18 SEC. 7072. (a) None of the funds appropriated under
19 the heading “Assistance for Europe, Eurasia and Central
20 Asia” in this Act may be made available for the Govern-
21 ment of the Russian Federation, after 180 days from the
22 date of the enactment of this Act, unless the Secretary
23 of State certifies to the Committees on Appropriations
24 that the Government of the Russian Federation:

1 (1) has implemented no statute, Executive
2 order, regulation or similar government action that
3 would discriminate, or which has as its principal ef-
4 fect discrimination, against religious groups or reli-
5 gious communities in the Russian Federation in vio-
6 lation of accepted international agreements on
7 human rights and religious freedoms to which the
8 Russian Federation is a party;

9 (2) is honoring its international obligations re-
10 garding freedom of expression, assembly, and press,
11 as well as due process;

12 (3) is investigating and prosecuting law enforce-
13 ment personnel credibly alleged to have committed
14 human rights abuses against political leaders, activ-
15 ists and journalists; and

16 (4) is immediately releasing political leaders,
17 activists and journalists who remain in detention.

18 (b) The Secretary of State may waive the require-
19 ments of subsection (a) if the Secretary determines that
20 to do so is important to the national interests of the
21 United States.

22 PROHIBITION ON FIRST-CLASS TRAVEL

23 SEC. 7073. None of the funds made available in this
24 Act may be used for first-class travel by employees of
25 agencies funded by this Act in contravention of sections

1 Committees on Appropriations, a plan for the distribution
2 of the assets of the Enterprise Fund.

3 (b) Funds made available under titles III through VI
4 of this Act for Enterprise Funds shall be expended at the
5 minimum rate necessary to make timely payment for
6 projects and activities and no such funds may be available
7 except through the regular notification procedures of the
8 Committees on Appropriations.

9 CONSULAR AFFAIRS

10 SEC. 7076. (a) The Secretary of State shall imple-
11 ment the necessary steps, including hiring a sufficient
12 number of consular officers to include limited non-career
13 appointment officers, in the People's Republic of China,
14 Brazil, and India to reduce the wait time to interview visa
15 applicants who have submitted applications.

16 (b) The Secretary of State shall conduct a risk and
17 benefit analysis regarding the extension of the expiration
18 period for B-1 or B-2 visas for visa applicants before re-
19 quiring a consular officer interview and, unless such anal-
20 ysis finds that risks outweigh benefits, develop a plan to
21 extend such expiration period in a manner consistent with
22 maintaining security controls.

23 (c) The Secretary of State may develop and conduct
24 a pilot program for the processing of B-1 and B-2 visas
25 using secure remote videoconferencing technology as a

1 made available to USAID under this Act for assistance
2 programs: *Provided further*, That such authority shall be
3 available to support a pilot program with such funds: *Pro-*
4 *vided further*, That the USAID Administrator shall con-
5 sult with the Committees on Appropriations and relevant
6 congressional committees on the results of such pilot pro-
7 gram.

8 (b) For the purposes of this section, local entity
9 means an individual, a corporation, a nonprofit organiza-
10 tion, or another body of persons that—

11 (1) is legally organized under the laws of;

12 (2) has as its principal place of business or op-
13 erations in; and

14 (3) either is—

15 (A) majority owned by individuals who are
16 citizens or lawful permanent residents of; or

17 (B) managed by a governing body the ma-
18 jority of whom are citizens or lawful permanent
19 residents of;

20 a country receiving assistance from funds appro-
21 priated under title III of this Act.

22 (c) For purposes of this section, “majority owned”
23 and “managed by” include, without limitation, beneficiary
24 interests and the power, either directly or indirectly,
25 whether exercised or exercisable, to control the election,

1 appointment, or tenure of the organization’s managers or
2 a majority of the organization’s governing body by any
3 means.

4 OPERATING AND SPEND PLANS

5 SEC. 7078. (a) OPERATING PLANS.—Not later than
6 30 days after the date of enactment of this Act, each de-
7 partment, agency or organization funded in titles I and
8 II, and the Department of the Treasury and Independent
9 Agencies funded in title III of this Act shall submit to
10 the Committees on Appropriations an operating plan for
11 funds appropriated to such department, agency, or organi-
12 zation in such titles of this Act, or funds otherwise avail-
13 able for obligation in fiscal year 2012, that provides de-
14 tails of the use of such funds at the program, project, and
15 activity level.

16 (b) SPEND PLANS.—Prior to the initial obligation of
17 funds, the Secretary of State, in consultation with the Ad-
18 ministrator of the United States Agency for International
19 Development, shall submit to the Committees on Appro-
20 priations a detailed spend plan for the following—

21 (1) funds appropriated under the heading “De-
22 mocracy Fund”;

23 (2) funds made available in titles III and IV of
24 this Act for assistance for Iraq, Haiti, Colombia,
25 and Mexico, for the Caribbean Basin Security Initia-

1 ant to a concurrent resolution on the budget or the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 (b) Of the unexpended balances available under the
4 heading “Export and Investment Assistance, Export-Im-
5 port Bank of the United States, Subsidy Appropriation”
6 from prior Acts making appropriations for the Depart-
7 ment of State, foreign operations, and related programs,
8 \$400,000,000 are rescinded.

9 (c) Of the unexpended balances available to the Presi-
10 dent for bilateral economic assistance under the heading
11 “Economic Support Fund” from prior Acts making appro-
12 priations for the Department of State, foreign operations,
13 and related programs, \$100,000,000 are rescinded: *Pro-*
14 *vided*, That no amounts may be rescinded from amounts
15 that were designated by Congress as an emergency re-
16 quirement pursuant to a concurrent resolution on the
17 budget or the Balanced Budget and Emergency Deficit
18 Control Act of 1985.

19 (d) The Secretary of State, as appropriate, shall con-
20 sult with the Committees on Appropriations at least 15
21 days prior to implementing the rescissions made in this
22 section.

1 SPECIAL DEFENSE ACQUISITION FUND
2 (INCLUDING LIMITATION ON OBLIGATIONS)

3 SEC. 7080. (a) TRANSFER.—Of the funds made
4 available pursuant to the last proviso in the second para-
5 graph under the heading “Foreign Military Financing
6 Program” in this Act, up to \$100,000,000 of such funds
7 may be transferred to the Special Defense Acquisition
8 Fund pursuant to section 51 of the Arms Export Control
9 Act.

10 (b) LIMITATION ON OBLIGATIONS.—Not to exceed
11 \$100,000,000 may be obligated pursuant to section
12 51(c)(2) of the Arms Export Control Act for the purposes
13 of the Special Defense Acquisition Fund (Fund), to re-
14 main available for obligation until September 30, 2015:
15 *Provided*, That the provision of defense articles and de-
16 fense services to foreign countries or international organi-
17 zations from the Fund shall be subject to the concurrence
18 of the Secretary of State.

19 AUTHORITY FOR CAPITAL INCREASES

20 SEC. 7081. (a) INTERNATIONAL BANK FOR RECON-
21 STRUCTION AND DEVELOPMENT.—The Bretton Woods
22 Agreements Act, as amended (22 U.S.C. 286 et seq.), is
23 further amended by adding at the end thereof the fol-
24 lowing new sections:

1 **“SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTI-**
2 **CLES OF AGREEMENT OF THE BANK TO IN-**
3 **CREASE BASIC VOTES.**

4 “The United States Governor of the Bank may accept
5 on behalf of the United States the amendment to the Arti-
6 cles of Agreement of the Bank as proposed in resolution
7 No. 596, entitled ‘Enhancing Voice and Participation of
8 Developing and Transition Countries,’ of the Board of
9 Governors of the Bank that was approved by such Board
10 on January 30, 2009.

11 **“SEC. 70. CAPITAL STOCK INCREASES.**

12 “(a) INCREASES AUTHORIZED.—The United States
13 Governor of the Bank is authorized—

14 “(1)(A) to vote in favor of a resolution to in-
15 crease the capital stock of the Bank on a selective
16 basis by 230,374 shares; and

17 “(B) to subscribe on behalf of the United
18 States to 38,459 additional shares of the capital
19 stock of the Bank, as part of the selective increase
20 in the capital stock of the Bank, except that any
21 subscription to such additional shares shall be effec-
22 tive only to such extent or in such amounts as are
23 provided in advance in appropriations Acts;

24 “(2)(A) to vote in favor of a resolution to in-
25 crease the capital stock of the Bank on a general
26 basis by 484,102 shares; and

1 “(B) to subscribe on behalf of the United
2 States to 81,074 additional shares of the capital
3 stock of the Bank, as part of the general increase
4 in the capital stock of the Bank, except that any
5 subscription to such additional shares shall be effec-
6 tive only to such extent or in such amounts as are
7 provided in advance in appropriations Acts.

8 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
9 PRIATIONS.—

10 “(1) In order to pay for the increase in the
11 United States subscription to the Bank under sub-
12 section (a)(2)(B), there are authorized to be appro-
13 priated, without fiscal year limitation,
14 \$9,780,361,991 for payment by the Secretary of the
15 Treasury.

16 “(2) Of the amount authorized to be appro-
17 priated under paragraph (2)(A)—

18 “(A) \$586,821,720 shall be for paid in
19 shares of the Bank; and

20 “(B) \$9,193,540,271 shall be for callable
21 shares of the Bank.”.

22 (b) INTERNATIONAL FINANCE CORPORATION.—The
23 International Finance Corporation Act, Public Law 84-
24 350, as amended (22 U.S.C. 282 et seq.), is further

1 amended by adding at the end thereof the following new
2 section:

3 **“SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT**
4 **OF THE ARTICLES OF AGREEMENT.**

5 “(a) VOTE AUTHORIZED.—The United States Gov-
6 ernor of the Corporation is authorized to vote in favor of
7 a resolution to increase the capital stock of the Corpora-
8 tion by \$130,000,000.

9 “(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to Ar-
12 ticle IV, Section 3(a) of the Articles of Agreement of the
13 Corporation that achieves an increase in basic votes to
14 5.55 percent of total votes.”.

15 (c) INTER-AMERICAN DEVELOPMENT BANK.—The
16 Inter-American Development Bank Act, Public Law 86-
17 147, as amended (22 U.S.C. 283 et seq.), is further
18 amended by adding at the end thereof the following new
19 section:

20 **“SEC. 41. NINTH CAPITAL INCREASE.**

21 “(a) VOTE AUTHORIZED.—The United States Gov-
22 ernor of the Bank is authorized to vote in favor of a reso-
23 lution to increase the capital stock of the Bank by
24 \$70,000,000,000 as described in Resolution AG-7/10,
25 ‘Report on the Ninth General Capital Increase in the re-

1 sources of the Inter-American Development Bank' as ap-
2 proved by Governors on July 21, 2010.

3 “(b) SUBSCRIPTION AUTHORIZED.—

4 “(1) The United States Governor of the Bank
5 may subscribe on behalf of the United States to
6 1,741,135 additional shares of the capital stock of
7 the Bank.

8 “(2) Any subscription by the United States to
9 the capital stock of the Bank shall be effective only
10 to such extent and in such amounts as are provided
11 in advance in appropriations Acts.

12 “(c) LIMITATIONS ON AUTHORIZATION OF APPRO-
13 PRIATIONS.—

14 “(1) In order to pay for the increase in the
15 United States subscription to the Bank under sub-
16 section (b), there are authorized to be appropriated,
17 without fiscal year limitation, \$21,004,064,337 for
18 payment by the Secretary of the Treasury.

19 “(2) Of the amount authorized to be appro-
20 priated under paragraph (1)—

21 “(A) \$510,090,175 shall be for paid in
22 shares of the Bank; and

23 “(B) \$20,493,974,162 shall be for callable
24 shares of the Bank.”.

1 (d) AFRICAN DEVELOPMENT BANK.—The African
2 Development Bank Act, Public Law 97–35, as amended
3 (22 U.S.C. 290i et seq.), is further amended by adding
4 at the end thereof the following new section:

5 **“SEC. 1344. SIXTH CAPITAL INCREASE.**

6 “(a) SUBSCRIPTION AUTHORIZED.—

7 “(1) The United States Governor of the Bank
8 may subscribe on behalf of the United States to
9 289,391 additional shares of the capital stock of the
10 Bank.

11 “(2) Any subscription by the United States to
12 the capital stock of the Bank shall be effective only
13 to such extent and in such amounts as are provided
14 in advance in appropriations Acts.

15 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
16 PRIATIONS.—

17 “(1) In order to pay for the increase in the
18 United States subscription to the Bank under sub-
19 section (a), there are authorized to be appropriated,
20 without fiscal year limitation, \$4,322,228,221 for
21 payment by the Secretary of the Treasury.

22 “(2) Of the amount authorized to be appro-
23 priated under paragraph (1)—

24 “(A) \$259,341,759 shall be for paid in
25 shares of the Bank; and

1 “(B) \$4,062,886,462 shall be for callable
2 shares of the Bank.”.

3 (e) EUROPEAN BANK FOR RECONSTRUCTION AND
4 DEVELOPMENT.—The European Bank for Reconstruction
5 and Development Act, Section 562(e) of Public Law 101–
6 513, as amended (22 U.S.C. 2901 et seq.), is further
7 amended by adding at the end thereof the following new
8 paragraph:

9 “(12) CAPITAL INCREASE.—

10 “(A) SUBSCRIPTION AUTHORIZED.—

11 “(i) The United States Governor of
12 the Bank may subscribe on behalf of the
13 United States up to 90,044 additional call-
14 able shares of the capital stock of the
15 Bank in accordance with Resolution No.
16 128 as adopted by the Board of Governors
17 of the Bank on May 14, 2010.

18 “(ii) Any subscription by the United
19 States to additional capital stock of the
20 Bank shall be effective only to such extent
21 and in such amounts as are provided in
22 advance in appropriations Acts.

23 “(B) LIMITATIONS ON AUTHORIZATION OF
24 APPROPRIATIONS.—In order to pay for the in-
25 crease in the United States subscription to the

1 Bank under subsection (A), there are author-
2 ized to be appropriated, without fiscal year limi-
3 tation, up to \$1,252,331,952 for payment by
4 the Secretary of the Treasury.”.

5 REFORMS RELATED TO GENERAL CAPITAL INCREASES

6 SEC. 7082. (a) REFORMS.—Funds appropriated by
7 this Act may not be disbursed for a United States con-
8 tribution to the general capital increases of the Inter-
9 national Bank for Reconstruction and Development
10 (World Bank), the African Development Bank (AfDB), or
11 the Inter-American Development Bank (IDB) until the
12 Secretary of the Treasury reports to the Committees on
13 Appropriations that such institution, as appropriate, is
14 making substantial progress toward the following—

15 (1) implementing specific reform commitments
16 agreed to by the World Bank and the AfDB as de-
17 scribed in the Pittsburgh Leaders’ Statement issued
18 at the Pittsburgh G20 Summit in September 2009
19 concerning sound finances, effective management
20 and governance, transparency and accountability,
21 focus on core mission, and results;

22 (2) implementing specific reform commitments
23 agreed to by the IDB in Resolution AG–7/10 “Re-
24 port on the Ninth General Capital Increase in the
25 resources of the Inter-American Development Bank”

1 as approved by the Governors on July 12, 2010, in-
2 cluding transfers of at least \$200,000,000 annually
3 to a grant facility for Haiti;

4 (3) implementing procurement guidelines that
5 maximize international competitive bidding in ac-
6 cordance with sound procurement practices, includ-
7 ing transparency, competition, and cost-effective re-
8 sults for borrowers;

9 (4) implementing best practices for the protec-
10 tion of whistleblowers from retaliation, including
11 best practices for legal burdens of proof, access to
12 independent adjudicative bodies, results that elimi-
13 nate the effects of retaliation, and statutes of limita-
14 tion for reporting retaliation;

15 (5) requiring that each candidate for budget
16 support or development policy loans provide an as-
17 sessment of reforms needed to budgetary and pro-
18 curement processes to encourage transparency, in-
19 cluding budget publication and public scrutiny, prior
20 to loan approval;

21 (6) making publicly available external and in-
22 ternal performance and financial audits of such in-
23 stitution's projects on the institution's Web site;

24 (7) adopting policies concerning the World
25 Bank's proposed Program for Results (P4R) to:

1 limit P4R to no more than 5 percent of annual
2 World Bank lending as a pilot for a period of not
3 less than two years; require that projects with poten-
4 tially significant adverse social or environmental im-
5 pacts and projects that affect indigenous peoples are
6 either excluded from P4R or subject to the World
7 Bank’s own policies; require that at the close of the
8 pilot there will be a thorough, independent evalua-
9 tion, with input from civil society and the private
10 sector, to provide guidance concerning next steps for
11 the pilot; and fully staff the World Bank Group’s In-
12 tegrity Vice Presidency, with agreement from Bor-
13 rowers on the World Bank’s jurisdiction and author-
14 ity to investigate allegations of fraud and corruption
15 in any of the World Bank’s lending programs includ-
16 ing P4R; and

17 (8) concerning the World Bank, strengthening
18 the public availability of information regarding
19 International Finance Corporation (IFC) subprojects
20 when the IFC is funding a financial intermediary,
21 including—

22 (A) requiring that higher-risk subprojects
23 comply with the relevant Performance Standard
24 requirements; and

1 (B) agreeing to periodically disclose on the
2 IFC Web site a listing of the name, location,
3 and sector of high-risk subprojects supported by
4 IFC investments through private equity funds.

5 (b) REPORT.—Not later than 180 days after enact-
6 ment of this Act and every 6 months thereafter until Sep-
7 tember 30, 2013, the Secretary of the Treasury shall sub-
8 mit to the Committees on Appropriations a report detail-
9 ing the extent to which each institution has continued to
10 make progress on each policy goal listed in subsection (a).

11 AUTHORITY FOR REPLENISHMENTS

12 SEC. 7083. (a) INTERNATIONAL DEVELOPMENT AS-
13 SOCIATION.—The International Development Association
14 Act, Public Law 86–565, as amended (22 U.S.C. 284 et
15 seq.), is further amended by adding at the end thereof the
16 following new sections:

17 **“SEC. 26. SIXTEENTH REPLENISHMENT.**

18 “(a) The United States Governor of the International
19 Development Association is authorized to contribute on
20 behalf of the United States \$4,075,500,000 to the six-
21 teenth replenishment of the resources of the Association,
22 subject to obtaining the necessary appropriations.

23 “(b) In order to pay for the United States contribu-
24 tion provided for in subsection (a), there are authorized
25 to be appropriated, without fiscal year limitation,

1 \$4,075,500,000 for payment by the Secretary of the
2 Treasury.

3 **“SEC. 27. MULTILATERAL DEBT RELIEF.**

4 “(a) The Secretary of the Treasury is authorized to
5 contribute, on behalf of the United States, not more than
6 \$474,000,000 to the International Development Associa-
7 tion for the purpose of funding debt relief cost under the
8 Multilateral Debt Relief Initiative incurred in the period
9 governed by the sixteenth replenishment of resources of
10 the International Development Association, subject to ob-
11 taining the necessary appropriations and without preju-
12 dice to any funding arrangements in existence on the date
13 of the enactment of this section.

14 “(b) In order to pay for the United States contribu-
15 tion provided for in subsection (a), there are authorized
16 to be appropriated, without fiscal year limitation, not more
17 than \$474,000,000 for payment by the Secretary of the
18 Treasury.

19 “(c) In this section, the term ‘Multilateral Debt Re-
20 lief Initiative’ means the proposal set out in the G8 Fi-
21 nance Ministers’ Communiqué entitled ‘Conclusions on
22 Development’, done at London, June 11, 2005, and re-
23 affirmed by G8 Heads of State at the Gleneagles Summit
24 on July 8, 2005.”.

1 (b) AFRICAN DEVELOPMENT BANK.—The African
2 Development Fund Act, Public Law 94–302, as amended
3 (22 U.S.C. 290g et seq.), is further amended by adding
4 at the end thereof the following new sections:

5 **“SEC. 221. TWELFTH REPLENISHMENT.**

6 “(a) The United States Governor of the Fund is au-
7 thorized to contribute on behalf of the United States
8 \$585,000,000 to the twelfth replenishment of the re-
9 sources of the Fund, subject to obtaining the necessary
10 appropriations.

11 “(b) In order to pay for the United States contribu-
12 tion provided for in subsection (a), there are authorized
13 to be appropriated, without fiscal year limitation,
14 \$585,000,000 for payment by the Secretary of the Treas-
15 ury.

16 **“SEC. 222. MULTILATERAL DEBT RELIEF.**

17 “(a) The Secretary of the Treasury is authorized to
18 contribute, on behalf of the United States, not more than
19 \$60,000,000 to the African Development Fund for the
20 purpose of funding debt relief costs under the Multilateral
21 Debt Relief Initiative incurred in the period governed by
22 the twelfth replenishment of resources of the African De-
23 velopment Fund, subject to obtaining the necessary appro-
24 priations and without prejudice to any funding arrange-

1 ments in existence on the date of the enactment of this
2 section.

3 “(b) In order to pay for the United States contribu-
4 tion provided for in subsection (a), there are authorized
5 to be appropriated, without fiscal year limitation, not more
6 than \$60,000,000 for payment by the Secretary of the
7 Treasury.

8 “(c) In this section, the term ‘Multilateral Debt Re-
9 lief Initiative’ means the proposal set out in the G8 Fi-
10 nance Ministers’ Communiqué entitled ‘Conclusions on
11 Development’, done at London, June 11, 2005, and re-
12 affirmed by G8 Heads of State at the Gleneagles Summit
13 on July 8, 2005.’”.

14 AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

15 SEC. 7084. Up to \$36,000,000 of funds appropriated
16 for the account “Department of the Treasury, Debt Re-
17 structuring” by the Full-Year Continuing Appropriations
18 Act, 2011 (Public Law 112–10, Division B) may be made
19 available for the United States share of an increase in the
20 resources of the Fund for Special Operations of the Inter-
21 American Development Bank in furtherance of debt relief
22 provided to Haiti in view of the Cancun Declaration of
23 March 21, 2010.

1 UNITED NATIONS POPULATION FUND

2 SEC. 7085. (a) CONTRIBUTION.—Of the funds made
3 available under the heading “International Organizations
4 and Programs” in this Act for fiscal year 2012,
5 \$35,000,000 shall be made available for the United Na-
6 tions Population Fund (UNFPA).

7 (b) AVAILABILITY OF FUNDS.—Funds appropriated
8 by this Act for UNFPA, that are not made available for
9 UNFPA because of the operation of any provision of law,
10 shall be transferred to the “Global Health Programs” ac-
11 count and shall be made available for family planning, ma-
12 ternal, and reproductive health activities, subject to the
13 regular notification procedures of the Committees on Ap-
14 propriations.

15 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
16 None of the funds made available by this Act may be used
17 by UNFPA for a country program in the People’s Repub-
18 lic of China.

19 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
20 Funds made available by this Act for UNFPA may not
21 be made available unless—

22 (1) UNFPA maintains funds made available by
23 this Act in an account separate from other accounts
24 of UNFPA and does not commingle such funds with
25 other sums; and

1 (2) UNFPA does not fund abortions.

2 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
3 LAR WITHHOLDING OF FUNDS.—

4 (1) Not later than 4 months after the date of
5 enactment of this Act, the Secretary of State shall
6 submit a report to the Committees on Appropria-
7 tions indicating the amount of funds that the
8 UNFPA is budgeting for the year in which the re-
9 port is submitted for a country program in the Peo-
10 ple's Republic of China.

11 (2) If a report under paragraph (1) indicates
12 that the UNFPA plans to spend funds for a country
13 program in the People's Republic of China in the
14 year covered by the report, then the amount of such
15 funds the UNFPA plans to spend in the People's
16 Republic of China shall be deducted from the funds
17 made available to the UNFPA after March 1 for ob-
18 ligation for the remainder of the fiscal year in which
19 the report is submitted.

20 LIMITATIONS

21 SEC. 7086. (a)(1) None of the funds appropriated
22 under the heading "Economic Support Fund" in this Act
23 may be made available for assistance for the Palestinian
24 Authority if the Palestinians obtain, after the date of en-
25 actment of this Act, the same standing as member states

1 or full membership as a state in the United Nations or
2 any specialized agency thereof outside an agreement nego-
3 tiated between Israel and the Palestinians.

4 (2) The Secretary of State may waive the restriction
5 in paragraph (1) if the Secretary certifies to the Commit-
6 tees on Appropriations that to do so is in the national se-
7 curity interest of the United States, and submits a report
8 to such Committees detailing how the waiver and the con-
9 tinuation of assistance would assist in furthering Middle
10 East peace.

11 (b)(1) The President may waive the provisions of sec-
12 tion 1003 of Public Law 100–204 if the President deter-
13 mines and certifies in writing to the Speaker of the House
14 of Representatives, the President pro tempore of the Sen-
15 ate, and the Committees on Appropriations that the Pal-
16 estinians have not, after the date of enactment of this Act,
17 obtained in the United Nations or any specialized agency
18 thereof the same standing as member states or full mem-
19 bership as a state outside an agreement negotiated be-
20 tween Israel and the Palestinians.

21 (2) Not less than 90 days after the President is un-
22 able to make the certification pursuant to subsection
23 (b)(1), the President may waive section 1003 of Public
24 Law 100–204 if the President determines and certifies in
25 writing to the Speaker of the House of Representatives,

1 the President pro tempore of the Senate, and the Commit-
2 tees on Appropriations that the Palestinians have entered
3 into direct and meaningful negotiations with Israel: *Pro-*
4 *vided*, That any waiver of the provisions of section 1003
5 of Public Law 100–204 under paragraph (1) of this sub-
6 section or under previous provisions of law must expire
7 before the waiver under the preceding sentence may be
8 exercised.

9 (3) Any waiver pursuant to this subsection shall be
10 effective for no more than a period of 6 months at a time
11 and shall not apply beyond 12 months after the enactment
12 of this Act.

13 USE OF FUNDS IN CONTRAVENTION OF THIS ACT

14 SEC. 7087. If the Executive Branch makes a deter-
15 mination not to comply with any provision of this Act on
16 constitutional grounds, the head of the relevant Federal
17 agency shall notify the Committees on Appropriations in
18 writing within 5 days of such determination, the basis for
19 such determination and any resulting changes to program
20 and policy.

1 TITLE VIII
2 OVERSEAS CONTINGENCY OPERATIONS
3 GLOBAL WAR ON TERRORISM
4 DEPARTMENT OF STATE
5 ADMINISTRATION OF FOREIGN AFFAIRS
6 DIPLOMATIC AND CONSULAR PROGRAMS
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Diplomatic and Con-
9 sular Programs”, \$4,389,064,000, to remain available
10 until September 30, 2013, of which \$236,201,000 is for
11 Worldwide Security Protection and shall remain available
12 until expended: *Provided*, That the Secretary of State may
13 transfer up to \$230,000,000 of the total funds made avail-
14 able under this heading to any other appropriation of any
15 department or agency of the United States, upon the con-
16 currence of the head of such department or agency, to sup-
17 port operations in and assistance for Afghanistan and to
18 carry out the provisions of the Foreign Assistance Act of
19 1961: *Provided further*, That such amount is designated
20 by the Congress for Overseas Contingency Operations/
21 Global War on Terrorism pursuant to section
22 251(b)(2)(A) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 CONFLICT STABILIZATION OPERATIONS

2 For an additional amount for “Conflict Stabilization
3 Operations”, \$8,500,000, to remain available until ex-
4 pended: *Provided*, That such amount is designated by the
5 Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A) of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985.

9 OFFICE OF INSPECTOR GENERAL

10 For an additional amount for “Office of Inspector
11 General”, \$67,182,000, to remain available until Sep-
12 tember 30, 2013, of which \$19,545,000 shall be for the
13 Special Inspector General for Iraq Reconstruction for re-
14 construction oversight, and \$44,387,000 shall be for the
15 Special Inspector General for Afghanistan Reconstruction
16 for reconstruction oversight: *Provided*, That such amount
17 is designated by the Congress for Overseas Contingency
18 Operations/Global War on Terrorism pursuant to section
19 251(b)(2)(A) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

22 For an additional amount for “Educational and Cul-
23 tural Exchange Programs”, as authorized, \$15,600,000,
24 to remain available until expended: *Provided*, That such
25 amount is designated by the Congress for Overseas Con-

1 tingency Operations/Global War on Terrorism pursuant to
2 section 251(b)(2)(A) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

5 For an additional amount for “Embassy Security,
6 Construction, and Maintenance”, \$33,000,000, to remain
7 available until expended: *Provided*, That such amount is
8 designated by the Congress for Overseas Contingency Op-
9 erations/Global War on Terrorism pursuant to section
10 251(b)(2)(A) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 INTERNATIONAL ORGANIZATIONS

13 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

14 For an additional amount for “Contributions to
15 International Organizations”, \$101,300,000: *Provided*,
16 That such amount is designated by the Congress for Over-
17 seas Contingency Operations/Global War on Terrorism
18 pursuant to section 251(b)(2)(A) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 RELATED AGENCY

21 BROADCASTING BOARD OF GOVERNORS

22 INTERNATIONAL BROADCASTING OPERATIONS

23 For an additional amount for “International Broad-
24 casting Operations”, \$4,400,000: *Provided*, That such
25 amount is designated by the Congress for Overseas Con-

1 tingency Operations/Global War on Terrorism pursuant to
2 section 251(b)(2)(A) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 RELATED PROGRAMS

5 UNITED STATES INSTITUTE OF PEACE

6 For an additional amount for “United States Insti-
7 tute of Peace”, \$8,411,000, to remain available until Sep-
8 tember 30, 2013: *Provided*, That such amount is des-
9 ignated by the Congress for Overseas Contingency Oper-
10 ations/Global War on Terrorism pursuant to section
11 251(b)(2)(A) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 UNITED STATES AGENCY FOR INTERNATIONAL 14 DEVELOPMENT

15 FUNDS APPROPRIATED TO THE PRESIDENT

16 OPERATING EXPENSES

17 For an additional amount for “Operating Expenses”,
18 \$255,000,000, to remain available until September 30,
19 2013: *Provided*, That such amount is designated by the
20 Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 OFFICE OF INSPECTOR GENERAL

2 For an additional amount for “Office of Inspector
3 General”, \$4,500,000, to remain available until September
4 30, 2013: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A) of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985.

9 BILATERAL ECONOMIC ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 INTERNATIONAL DISASTER ASSISTANCE

12 For an additional amount for “International Disaster
13 Assistance”, \$150,000,000, to remain available until Sep-
14 tember 30, 2013: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 TRANSITION INITIATIVES

20 For an additional amount for “Transition Initia-
21 tives”, \$6,554,000, to remain available until September
22 30, 2013: *Provided*, That such amount is designated by
23 the Congress for Overseas Contingency Operations/Global
24 War on Terrorism pursuant to section 251(b)(2)(A) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985.

3 COMPLEX CRISES FUND

4 For an additional amount for “Complex Crises
5 Fund”, \$30,000,000, to remain available until September
6 30, 2013: *Provided*, That such amount is designated by
7 the Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985.

11 ECONOMIC SUPPORT FUND

12 For an additional amount for “Economic Support
13 Fund”, \$2,761,462,000, to remain available until Sep-
14 tember 30, 2013: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 DEPARTMENT OF STATE

20 MIGRATION AND REFUGEE ASSISTANCE

21 For an additional amount for “Migration and Ref-
22 ugee Assistance”, \$229,000,000, to remain available until
23 September 30, 2013: *Provided*, That such amount is des-
24 ignated by the Congress for Overseas Contingency Oper-
25 ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 DEPARTMENT OF THE TREASURY

4 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

5 For an additional amount for “International Affairs
6 Technical Assistance”, \$1,552,000, to remain available
7 until September 30, 2013, which shall be available not-
8 withstanding any other provision of law: *Provided*, That
9 such amount is designated by the Congress for Overseas
10 Contingency Operations/Global War on Terrorism pursu-
11 ant to section 251(b)(2)(A) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 INTERNATIONAL SECURITY ASSISTANCE

14 DEPARTMENT OF STATE

15 INTERNATIONAL NARCOTICS CONTROL AND LAW

16 ENFORCEMENT

17 For an additional amount for “International Nar-
18 cotics Control and Law Enforcement”, \$983,605,000, to
19 remain available until September 30, 2013: *Provided*,
20 That such amount is designated by the Congress for Over-
21 seas Contingency Operations/Global War on Terrorism
22 pursuant to section 251(b)(2)(A) of the Balanced Budget
23 and Emergency Deficit Control Act of 1985.

1 251(b)(2)(A) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses to carry out the provisions
6 of chapter 8 of part I and chapters 2, 5, 6, and 8 of part
7 II of the Foreign Assistance Act of 1961 and section 23
8 of the Arms Export Control Act, \$850,000,000, to remain
9 available until September 30, 2013, for the purpose of pro-
10 viding assistance for Pakistan to build and maintain the
11 counterinsurgency capability of Pakistani security forces
12 (including the Frontier Corps), to include program man-
13 agement, training in civil-military humanitarian assist-
14 ance, human rights training, and the provision of equip-
15 ment, supplies, services, training, and facility and infra-
16 structure repair, renovation, and construction: *Provided*,
17 That notwithstanding any other provision of law except
18 section 620M of the Foreign Assistance Act of 1961, as
19 amended by this Act, such funds shall be available to the
20 Secretary of State, with the concurrence of the Secretary
21 of Defense: *Provided further*, That such funds may be
22 transferred by the Secretary of State to the Department
23 of Defense or other Federal departments or agencies to
24 support counterinsurgency operations and may be merged
25 with, and be available, for the same purposes and for the

1 same time period as the appropriation or fund to which
2 transferred or may be transferred pursuant to the authori-
3 ties contained in the Foreign Assistance Act of 1961: *Pro-*
4 *vided further*, That the Secretary of State shall, not fewer
5 than 15 days prior to making transfers from this appro-
6 priation, notify the Committees on Appropriations, in writ-
7 ing, of the details of any such transfer: *Provided further*,
8 That the Secretary of State shall submit not later than
9 30 days after the end of each fiscal quarter to the Commit-
10 tees on Appropriations a report in writing summarizing,
11 on a project-by-project basis, the uses of funds under this
12 heading: *Provided further*, That upon determination by the
13 Secretary of State, with the concurrence of the Secretary
14 of Defense, that all or part of the funds so transferred
15 from this appropriation are not necessary for the purposes
16 herein, such amounts may be transferred by the head of
17 the relevant Federal department or agency back to this
18 appropriation and shall be available for the same purposes
19 and for the same time period as originally appropriated:
20 *Provided further*, That any required notification or report
21 may be submitted in classified form: *Provided further*,
22 That the amount in this paragraph is designated by the
23 Congress for Overseas Contingency Operations/Global
24 War on Terrorism pursuant to section 251(b)(2)(A) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985.

3 GENERAL PROVISIONS

4 SEC. 8001. Notwithstanding any other provision of
5 law, funds appropriated in this title are in addition to
6 amounts appropriated or otherwise made available in this
7 Act for fiscal year 2012.

8 SEC. 8002. Unless otherwise provided for in this Act,
9 the additional amounts appropriated by this title to appro-
10 priations accounts in this Act shall be available under the
11 authorities and conditions applicable to such appropria-
12 tions accounts.

13 SEC. 8003. Funds appropriated by this title under
14 the headings “International Disaster Assistance”, “Tran-
15 sition Initiatives”, “Complex Crises Fund”, “Economic
16 Support Fund”, “Migration and Refugee Assistance”,
17 “International Narcotics Control and Law Enforcement”,
18 “Nonproliferation, Anti-terrorism, Demining, and Related
19 Programs”, “Peacekeeping Operations”, “Foreign Mili-
20 tary Financing Program”, and “Pakistan Counterinsur-
21 gency Capability Fund”, may be transferred to, and
22 merged with, funds appropriated by this title under such
23 headings: *Provided*, That such transfers shall be subject
24 to the regular notification procedures of the Committees
25 on Appropriations: *Provided further*, That the transfer au-

1 thority in this section is in addition to any transfer author-
2 ity otherwise available under any other provision of law,
3 including section 610 of the Foreign Assistance Act which
4 may be exercised by the Secretary of State for the pur-
5 poses of this title.

6 SEC. 8004. If authorized during fiscal year 2012,
7 there shall be established in the Treasury of the United
8 States the “Global Security Contingency Fund” (the
9 Fund): *Provided*, That notwithstanding any provision of
10 law, during the current fiscal year, not to exceed
11 \$50,000,000 from funds appropriated under the headings
12 “International Narcotics Control and Law Enforcement”,
13 “Foreign Military Financing Program”, and “Pakistan
14 Counterinsurgency Capability Fund” under title VIII of
15 this Act may be transferred to the Fund: *Provided further*,
16 That this transfer authority is in addition to any other
17 transfer authority available to the Department of State,
18 and shall be subject to prior consultation with the Com-
19 mittees on Appropriations: *Provided further*, That the Sec-
20 retary of State shall, not later than 15 days prior to mak-
21 ing any such transfer, notify the Committees on Appro-
22 priations in accordance with the regular notification proce-
23 dures of the Committees on Appropriations, including the
24 source of funds and a detailed justification, implementa-
25 tion plan, and timeline for each proposed project: *Provided*

1 *further*, That, notwithstanding any provision of law, the
2 requirements of this section, including the amount and
3 source of transferred funds, shall apply to any transfer
4 or other authority relating to the Fund enacted subse-
5 quent to the enactment of this Act unless such subse-
6 quently enacted provision of law specifically references this
7 section.

8 This division may be cited as the “Department of
9 State, Foreign Operations, and Related Programs Appro-
10 priations Act, 2012”.

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