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112TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
112–284

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

CONFERENCE REPORT

TO ACCOMPANY

H.R. 2112

NOVEMBER 14, 2011.—Ordered to be printed

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71–022 WASHINGTON : 2011

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Mr. ROGERS of Kentucky, from the Committee of Conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 2112]

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

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated and Further Continuing Appropriations Act, 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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

71–022

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $4,550,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $448,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

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

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $12,841,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

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

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

For necessary expenses of the Office of Homeland Security and Emergency Coordination, $1,321,000.

OFFICE OF ADVOCACY AND OUTREACH

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

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $44,031,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,650,000: Provided, That no funds made available by this ap-

propriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

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

OFFICE OF CIVIL RIGHTS

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

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

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

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $230,416,000, to remain available until expended, of which $164,470,000 shall be available for payments to the General Services Administration for rent; of which $13,800,000 for payment to the Department of Homeland Security for building security activities; and of which $52,146,000 for buildings operations and maintenance expenses: Provided, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior year rental payments for such agency or office: Provided further, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Re-

source Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $3,592,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $24,165,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,576,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $8,065,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $85,621,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

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

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

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

ECONOMIC RESEARCH SERVICE

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

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $158,616,000, of which up to $41,639,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,094,647,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $705,599,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $236,334,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $32,934,000; for payments to eligible institutions (7 U.S.C. 3222), $50,898,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $4,000,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $15,830,000; for competitive grants (7 U.S.C. 450(i)(b)), $264,470,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $4,000,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $825,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,081,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,801,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $961,000; for the veterinary medicine loan repayment program under section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $4,790,000, to remain available until expended; for grants and fellowships for food and agricultural sciences education under paragraphs (1), (5), and (6) of section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)), $9,000,000, to remain available until expended; for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $9,219,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,194,000; for a secondary agriculture education program and 2-year post-secondary education, (7 U.S.C. 3152(j)), $900,000; for aquaculture grants (7 U.S.C. 3322), $3,920,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,471,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,336,000, to remain available until expended (7 U.S.C. 2209b); for capacity building grants for non-land-grant colleges of agriculture (7 U.S.C. 3319i), $4,500,000, to remain available until expended; for competitive grants for policy research (7 U.S.C. 3155), $4,000,000, which shall be obligated within 120 days of the enactment of this Act; for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,335,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $900,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $750,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $1,450,000; for a competitive grants program regarding biobased energy (7 U.S.C.

8114), $2,200,000; and for necessary expenses of Research and Education Activities, $10,500,000, of which $2,600,000 for the Research, Education, and Economics Information System and $2,000,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $475,183,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $294,000,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $4,312,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $67,934,000; payments for the pest management program under section 3(d) of the Act, $9,918,000; payments for the farm safety program and youth farm safety education and certification extension grants under section 3(d) of the Act, $4,610,000; payments for New Technologies for Agriculture Extension under section 3(d) of the Act, $1,550,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,730,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,600,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $3,700,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,039,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,696,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,500,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $42,592,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, $750,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, $400,000; and for necessary expenses of Extension Activities, $7,852,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $21,482,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $14,496,000, including

$4,500,000 for the water quality program, $4,000,000 for regional pest management centers, $1,996,000 for the methyl bromide transition program, and $4,000,000 for the organic transition program; $998,000 for the regional rural development centers program; and $5,988,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2013.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

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

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $816,534,000, of which $1,000,000, to be available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which $17,848,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $32,500,000, to remain available until expended, shall be for Animal Health Technical Services; of which $696,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $52,000,000, to remain available until expended, shall be used to support avian health; of which $4,335,000, to remain available until expended, shall be for information technology infrastructure; of which $153,950,000, to remain available until expended, shall be for specialty crop pests; of which, $9,068,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $55,638,000, to remain available until expended, shall be for tree and wood pests; of which $2,750,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $1,000,000, to remain available until expended, shall be for wildlife services methods development; of which $1,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety; and up to 25 percent of the screwworm program shall remain available until expended: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies

which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2012, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $3,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

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

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

LIMITATION ON ADMINISTRATIVE EXPENSES

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

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,198,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $37,750,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $49,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

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

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,004,427,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure

system shall remain available until expended: Provided further, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2012 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

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

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,198,966,000, of which $13,000,000 shall be for the Common Computing Environment and of which not less than $66,685,000 shall be for Modernize and Innovate the Delivery of Agricultural Systems: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,759,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,817,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and

Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: $1,500,000,000 for unsubsidized guaranteed farm ownership loans and $475,000,000 for farm ownership direct loans; $1,500,000,000 for unsubsidized guaranteed operating loans and $1,050,090,000 for direct operating loans; Indian tribe land acquisition loans, $2,000,000; guaranteed conservation loans, $150,000,000; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership, $22,800,000 for direct loans; farm operating loans, $26,100,000 for unsubsidized guaranteed operating loans, $59,120,000 for direct operating loans; and Indian highly fractionated land loans, $193,000.

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

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $74,900,000: Provided, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: Provided further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Govern-

ment Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

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

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

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

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary

to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $828,159,000, to remain available until September 30, 2013, of which $12,500,000 shall be for the Common Computing Environment: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $15,000,000 is provided.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

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

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $182,023,000, of which $4,500,000 shall be for the Common Computing Environment: Provided, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business—Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $42,570,000 shall be for direct loans; section 504 housing repair loans, $1,421,000; and repair, rehabilitation, and new construction of section 515 rental housing, $22,000,000: Provided, That the Secretary may charge a guarantee fee of up to 4 percent on section 502 guaranteed loans: Provided further, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: Provided further, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $14,200,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: Provided, That any balances available for the Farm Labor Program Account shall be transferred and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $430,800,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $904,653,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount

not less than $1,500,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $2,500,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: Provided further, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a 1-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2012 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $13,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $11,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, $2,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers in-

cluding reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

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

RURAL HOUSING ASSISTANCE GRANTS

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

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $1,300,000,000 for direct loans and $105,708,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $5,000,000, to remain available until expended.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $24,291,000, to remain available until expended: Provided, That $3,621,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That $5,938,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That $3,369,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $74,809,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,900,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Commu-

nity Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $17,710,000.

For the cost of direct loans, $6,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $875,000 shall be available through June 30, 2012, for Federally Recognized Native American Tribes; and of which $1,750,000 shall be available through June 30, 2012, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,684,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $155,000,000 shall not be obligated and $155,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $25,050,000, of which $2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $14,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

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

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $513,000,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That $66,500,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: Provided further, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: Provided further,

That not to exceed $19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,750,000 shall be made available for a grant to a qualified nonprofit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That not to exceed $3,400,000 shall be for solid waste management grants: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: Provided further, That $9,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $424,286,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000: Provided, That up to $2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric

generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: $594,000 for guaranteed underwriting loans authorized by section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1).

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

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $212,014,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $21,000,000, to remain available until expended: Provided, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section: Provided further, That $3,000,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high definition broadcast, multi-casting and datacasting technologies.

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

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

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $770,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $18,151,176,000, to remain available through September 30, 2013, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That of the total amount available, $16,516,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That of the total amount available, $1,000,000 shall be available to implement section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq): Provided further, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, "except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21".

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,618,497,000, to remain available through September 30, 2013: Provided, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), of the amounts made available under this heading, only the provisions of section 17(h)(10)(B)(iii) shall be effective in fiscal year 2012 (excluding performance bonus payments), for which not less than $60,000,000 shall be used for breast-feeding peer counselors and other related activities: Provided further, That funds made available for the purposes specified in section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $80,401,722,000, of which $3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accord-

ance with section 16 of the Food and Nutrition Act of 2008: Provided further, That of the funds made available under this heading, $1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $242,336,000, to remain available through September 30, 2013: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2012 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2013: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $138,500,000: Provided, That $2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $176,347,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $2,500,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,466,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,465,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $355,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

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

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $184,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $3,788,336,000: Provided, That of the amount provided under this heading, $702,172,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2013 but collected in fiscal year 2012; $57,605,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $21,768,000 shall be derived from animal drug user fees authorized by section 740 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12), and shall be credited to this account and remain available until ex-

pended; $5,706,000 shall be derived from animal generic drug user fees authorized by section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21), and shall be credited to this account and shall remain available until expended; $477,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended; $12,364,000 shall be derived from food and feed recall fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended; $14,700,000 shall be derived from food reinspection fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended; and amounts derived from voluntary qualified importer program fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2012 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2012 received during fiscal year 2012, including any such fees assessed prior to fiscal year 2012 but credited for fiscal year 2012, shall be subject to the fiscal year 2012 limitations: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $882,747,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $978,705,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $52,947,000 shall be available for the Office of Generic Drugs; (3) $329,136,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $166,365,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $356,909,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $60,039,000 shall be for the National Center for Toxicological Research; (7) $454,751,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $131,639,000 shall be for Rent and Related activities, of which $43,981,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $205,472,000 shall be for payments to the General Services Administration for rent; and (10) $222,573,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods, the Office of Medical and Tobacco Products, the Office of Global and Regulatory

Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: Provided further, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

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

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,788,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $205,294,000, to remain available until September 30, 2013, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, and of which $55,000,000 shall remain available for information technology investments until September 30, 2014.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles of which 170 shall be for replacement only, and for the hire of such vehicles: Provided, That notwith-

standing this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

SEC. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

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

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

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

SEC. 707. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

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

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

SEC. 710. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) of such Act in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 711. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2013, for information technology expenses.

SEC. 712. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

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

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

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

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

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

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

(1) in the heading, by striking "fiscal years 2008 through 2012" and inserting "certain fiscal years"; and

(2) in the text, by striking "2012" and inserting "2014".

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

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

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

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

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

(2) in paragraph (4)(E), by striking "fiscal year 2012" and inserting "each of fiscal years 2012 through 2014".

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

SEC. 717. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations.

SEC. 718. None of the funds made available in fiscal year 2012 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall

be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 720. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 721. None of the funds made available by this or any other Act may be used to write, prepare, or publish a final rule or an interim final rule in furtherance of, or otherwise to implement, "Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act" (75 Fed. Reg. 35338 (June 22, 2010)) unless the combined annual cost to the economy of such rules do not exceed $100,000,000: Provided, That no funds be made available by this or any other Act to publish a final or interim final rule in furtherance of, or otherwise implement, proposed sections 201.2(l), 201.2(t), 201.2(u), 201.3(c), 201.210, 201.211, 201.213, or 201.214 of "Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act" (75 Fed. Reg. 35338 (June 22, 2010)): Provided further, That such rules must be published in the Federal Register no later than December 9, 2011: Provided further, That none of the funds made available by this or any other Act may be used to implement such rules until 60 days from the publication date of such rules, and only unless such rules are otherwise in compliance with this section.

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

SEC. 723. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, $11,000,000 are hereby rescinded.

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

SEC. 725. Subject to authorization by the Congress, the Secretary may reserve, through April 1, 2012, up to 5 percent of the funding available for the following items for projects in areas that are engaged in strategic regional development planning as defined by the Secretary: business and industry guaranteed loans; rural de-

velopment loan fund; rural business enterprise grants; rural business opportunity grants; rural economic development program; rural microenterprise program; biorefinery assistance program; rural energy for America program; value-added producer grants; broadband program; water and waste program; and rural community facilities program.

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

(1) The Conservation Stewardship Program authorized by sections 1238D–1238G of the Food Security of Act 1985 (16 U.S.C. 3838d–3838g) in excess of $768,484,000;

(2) The Watershed Rehabilitation program authorized by section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h));

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

(4) The Farmland Protection Program as authorized by section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) in excess of $150,000,000;

(5) The Grassland Reserve Program as authorized by sections 1238O–1238Q of the Food Security Act of 1985 (16 U.S.C. 3838o–3838q) in excess of 209,000 acres in fiscal year 2012;

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

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

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

(9) The Bioenergy Program for Advanced Biofuels authorized by section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) in excess of $65,000,000;

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

(11) The Rural Microentrepreneur Assistance Program authorized by section 6022 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2008s);

(12) Section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) to provide a performance-based premium discount in the crop insurance program;

(13) Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of $2,500,000 for the Natural Resources Conservation Service;

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

(15) A program under subsection (b)(2)(A)(iv) of section 14222 of Public Law 110–246 in excess of $948,000,000, as fol-

lows: Child Nutrition Programs Entitlement Commodities—$465,000,000; State Option Contracts—$5,000,000; Removal of Defective Commodities—$2,500,000: Provided, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $20,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2012: Provided further, That $133,000,000 made available on October 1, 2012, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(v) of section 14222 of Public Law 110–246: Provided further, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: Provided further, That of the available unobligated balances under (b)(2)(A)(iv) of section 14222 of Public Law 110–246, $150,000,000 are hereby rescinded.

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

SEC. 728. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2013 appropriations Act.

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

SEC. 730. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds, or in the case of the Department of Agriculture, through use of the authority provided by

section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

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

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

unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

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

SEC. 731. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the

Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

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

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

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

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

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

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

(d) CONDITIONS ON RECEIPT.—As a condition of the conveyance of real property under subsection (b), the recipient of the property must—

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

(2) agree to accept and use the property for agricultural and natural resources research for a minimum of 25 years.

SEC. 733. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

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

"(l) FOOD DONATION PROGRAM.—

"(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

"(2) GUIDANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local edu-

cational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

"(B) UPDATES.—The Secretary shall update such guidance as necessary.

"(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

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

SEC. 735. There is hereby appropriated for the "Emergency Conservation Program", for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $122,700,000, to remain available until expended: Provided, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That there is hereby appropriated for the "Emergency Forest Restoration Program", for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $28,400,000, to remain available until expended: Provided further, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That there is hereby appropriated for the "Emergency Watershed Protection Program", for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $215,900,000, to remain available until expended: Provided further, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 736. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 737. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 738. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or

loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 739. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 740. Unobligated balances not to exceed $31,000,000 for the "Emergency Watershed Protection Program" provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters occurring in 2011, and shall remain available until expended: Provided, That the amounts made available by this section are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

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

SEC. 742. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel who provide nonrecourse marketing assistance loans for mohair under section 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).

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

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

(2) implements a sodium reduction target beyond Target I, the 2-year target, specified in Notice of Proposed Rulemaking, "Nutrition Standards in the National School Lunch and School Breakfast Programs" (FNS–2007–0038, RIN 0584–AD59) until the Secretary certifies that the Department has reviewed and evaluated relevant scientific studies and data relevant to the relationship of sodium reductions to human health; and

(3) establishes any whole grain requirement without defining "whole grain."

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

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

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

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

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

SEC. 747. For 2012 and subsequent fiscal years—

(1) Any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 and a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account";

(2) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with the "Rural Community Facilities Program Account" and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer;

(3) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with the "Rural Business Program Account" and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer; and

(4) Any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with the "Rural Water and Waste Disposal Program Account" and any other prior bal-

ances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer.

SEC. 748. In addition to amounts otherwise made available by this Act, there is appropriated to implement the Water Bank Act (16 U.S.C. 1301–1311) $7,500,000, to remain available until expended: Provided, That, notwithstanding section 6 of such Act (16 U.S.C. 1305), agreements entered into with funds provided under this section shall not be renewed: Provided further, That, in utilizing funds provided under this section, the Secretary of Agriculture may waive the percentage limitation in the last sentence of section 11 of such Act (16 U.S.C. 1310) to ensure efficient administration of the program authorized by such Act: Provided further, That flooded agricultural lands, as determined by the Secretary, shall be eligible to be enrolled in the program.

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012".

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $465,000,000, to remain available until September 30, 2013, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than $48,854,000 shall be for Manufacturing and Services; not less than $42,623,000 shall be for Market Access and Compliance; not less than $67,358,000 shall be for the Import Administration; not less than $269,804,000 shall be for trade promotion and

the United States and Foreign Commercial Service; and not less than $26,922,000 shall be for Executive Direction and Administration: Provided further, That not less than $7,000,000 shall be for the Office of China Compliance, and not less than $4,400,000 shall be for the China Countervailing Duty Group: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $101,000,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, for the cost of loan guarantees authorized by section 26 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3721), and for grants and loan guarantees authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $220,000,000, to remain available until expended; of which $5,000,000 shall be for projects to facilitate

the relocation, to the United States, of a source of employment located outside the United States; of which up to $5,000,000 shall be for loan guarantees under section 26; and of which up to $5,000,000 shall be for loan guarantees and grants under section 27: Provided, That the costs for loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds for loan guarantees under such sections 26 and 27 combined are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $70,000,000.

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs" for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $200,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,339,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $96,000,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $253,336,000: Provided, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $690,000,000, to remain available until September 30, 2013: Provided, That $635,000,000 is appropriated from the general fund and $55,000,000 is derived from available unobligated balances from the Census Working Capital Fund: Provided further, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $45,568,000: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $2,706,313,000 to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2012, should the

total amount of such offsetting collections be less than $2,706,313,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of $2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2012 for official reception and representation expenses: Provided further, That in fiscal year 2012 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: Provided further, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $567,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the "Working Capital Fund": Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $128,443,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $55,381,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,022,231,000, to remain available until September 30, 2013, except that funds provided for cooperative enforcement shall remain available until September 30, 2014: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $109,098,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the $3,139,329,000 provided for in direct obligations under this heading $3,022,231,000 is appropriated from the general fund, $109,098,000 is provided by transfer and $8,000,000 is derived from recoveries of prior year obligations: Provided further, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $230,738,000, of which $5,000,000 shall not be available until the Administrator provides the Committees on Appropriations of the House of Representatives and the Senate with revised and detailed lifecycle costs of all satellite programs funded under the "Procurement, Acquisition and Construction" account: Provided further, That any deviation from the amounts designated for specific activi-

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

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

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,817,094,000, to remain available until September 30, 2014, except that funds provided for construction of facilities shall remain available until expended: Provided, That of the $1,825,094,000 provided for in direct obligations under this heading, $1,817,094,000 is appropriated from the general fund and $8,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: Provided further, That, within the amounts appropriated, $1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2013: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific

coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

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

FISHERIES FINANCE PROGRAM ACCOUNT

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $57,000,000: Provided, That the Secretary of Commerce shall establish a task force on job repatriation and manufacturing growth and shall produce a report on related incentive strategies and implementation plans.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, $5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

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

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING RESCISSION)

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

certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

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

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

(1) the term "Under Secretary" means Under Secretary of Commerce for Oceans and Atmosphere;

(2) the term "appropriate congressional committees" means—

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

(B) the Committee on Appropriations and the Committee on Science, Space and Technology of the House of Representatives;

(3) the term "satellite" means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration (NOAA);

(4) the term "development" means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NOAA Administrative Order 216–108, Department of Commerce Administrative Order 208–3, and NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(5) the term "development cost" means the total of all costs, including construction of facilities and civil servant costs, from

the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

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

(7) the term "major program" means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000; and

(8) the term "baseline" means the program as set following contract award and preliminary design review of the space and ground systems.

(b)(1) NOAA shall not enter into a contract for development of a major program, unless the Under Secretary determines that—

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

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment;

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

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

(E) the acquisition of satellites for use in the program represents a good value to accomplishing NOAA's mission.

(2) The Under Secretary shall transmit a report describing the basis for the determination required under paragraph (1) to the appropriate congressional committees at least 30 days before entering into a contract for development under a major program.

(3) The Under Secretary may not delegate the determination requirement under this subsection, except in cases in which the Under Secretary has a conflict of interest.

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

(2) The first Major Program Annual Report for NOAA's satellite development program shall include a Baseline Report that shall, at a minimum, include—

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

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

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

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

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

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

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

(2) Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (c)(2)(E) shall transmit to the Under Secretary a written notification explaining the reasons for the change in the cost of the program for which notification was provided under paragraph (1).

(3) Not later than 15 days after the Under Secretary receives a written notification under paragraph (2), the Under Secretary shall transmit the notification to the appropriate congressional committees.

(e) Not later than 30 days after receiving a written notification under subsection (d)(2), the Under Secretary shall determine whether the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more. If the determination is affirmative, the Under Secretary shall—

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

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

(B) a description of actions taken or proposed to be taken in response to the cost increase; and

(C) a description of any impacts the cost increase, or the actions described under subparagraph (B), will have on any other program within NOAA; and

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

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

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

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

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

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

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

SEC. 108. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

(RESCISSION)

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently rescinded, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456a), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C. 1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended.

SEC. 110. There is established in the Treasury a non-interest bearing fund to be known as the "Fisheries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38 or of any other marine resource law enforced by the Secretary of Commerce, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and with the exception of collections pursuant to 16 U.S.C. 1437, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all un-

obligated balances that have been collected pursuant to 16 U.S.C. 1861 or any other marine resource law enforced by the Secretary of Commerce with the exception of 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Fisheries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 111. There is established in the Treasury a non-interest bearing fund to be known as the "Sanctuaries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Sanctuaries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 112. The Department of Commerce shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate, beginning with October 2011 data, on any official travel to China by any employee of the U.S. Department of Commerce, including the purpose of such travel.

SEC. 113. (a) The U.S. Participating Territories of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("Commission") are each authorized to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission through arrangements with U.S. vessels with permits issued under the Pelagics Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories provided that such arrangements shall impose no requirements regarding where such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(b) The Western Pacific Regional Fisheries Management Council—

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

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

(3) shall recommend an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and associated regulations, to implement this section.

(c) Subsection (a) shall remain in effect until the earlier of December 31, 2012, or such time as—

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, allocation, and management of catch limits of highly migratory fish stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

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

(3) such implementing regulations become effective.

This title may be cited as the "Department of Commerce Appropriations Act, 2012".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

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

NATIONAL DRUG INTELLIGENCE CENTER

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

JUSTICE INFORMATION SHARING TECHNOLOGY

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

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing communications systems supporting Federal law enforcement and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $87,000,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $305,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,580,595,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed $20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

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

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

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

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $863,367,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That

of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

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

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,960,000,000: Provided, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: Provided further, That not to exceed $25,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $223,258,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $223,258,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

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

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $10,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $11,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $11,456,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

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

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,174,000,000; of which not to exceed $10,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to border enforcement initiatives, not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $15,000,000, to remain available until expended, of which

not to exceed $8,250,000 shall be available for detention upgrades at Federal courthouses to support border enforcement initiatives.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $87,000,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $527,512,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,036,991,000, of which not to exceed $150,000,000 shall remain available until expended: Provided, That not to exceed $184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work en-

vironment facilities and secure networking capabilities; $80,982,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,025,000,000; of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

CONSTRUCTION

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

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,152,000,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $15,000,000 shall remain available until expended: Provided, That no funds appropriated herein or hereafter shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities

under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments: Provided further, That, during the current fiscal year and in each fiscal year thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section, except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That, hereafter, no funds made available by this or any other Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a li-

cense due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 835, of which 808 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,551,281,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $5,400 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2013: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $90,000,000, to remain available until expended, of which not less than $66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000

shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); and for related victims services, $412,500,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evalua-

tion, training, and technical assistance: Provided further, That of the amount provided—

(1) $189,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

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

(4) $10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) $50,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;

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

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

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

(9) $41,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

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

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

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

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

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

(15) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act; and

(16) $500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and

technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); and other programs; $113,000,000, to remain available until expended, of which—

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

(2) $40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: Provided, That of the amounts provided under this heading, $5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

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

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

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386);

the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); and other programs; $1,162,500,000, to remain available until expended as follows—

(1) $470,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $4,000,000 is for a State and local assistance help desk and diagnostic center program, $2,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), $4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention, $6,000,000 is for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States, and $100,000,000 is for law enforcement and related security costs, including overtime, associated with the two principal 2012 Presidential Candidate Nominating Conventions;

(2) $240,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $10,000,000 for a border prosecutor initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $15,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

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

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

(7) $9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V

and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(8) $10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) $3,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

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

(11) $4,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

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

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

(14) $15,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) $24,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

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

(17) $5,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) $5,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(19) $6,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

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

(21) $125,000,000 for DNA-related and forensic programs and activities, of which—

(A) $117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

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

(C) $4,000,000 is for Sexual Assault Forensic Exam Program Grants, including as authorized by section 304 of Public Law 108–405;

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

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

(24) $1,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(25) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

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

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

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); and other juvenile justice programs, $262,500,000, to remain available until expended as follows—

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

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

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

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

(B) $5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) $5,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

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

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

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

(7) $65,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act;

(8) $1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(9) $2,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"), $198,500,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

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

(2) $20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(3) $166,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: Provided further, That notwithstanding 42 U.S.C. 3796dd–3(c), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That within the amounts appropriated, $15,000,000 shall be transferred to the Tribal Resources Grant Program to be used for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: Provided further, That within the amounts appropriated, $10,000,000 is for community policing development activities in furtherance of the purposes in section 1701.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

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

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

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall

not be available for obligation except in compliance with the procedures set forth in that section.

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

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

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

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

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

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

SEC. 213. (a) Within 120 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and schedule estimate for the final operating capability of the Federal Bureau of Investigation's Sentinel program, including the costs of Bureau em-

ployees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 214. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 215. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation, and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) Up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, $1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes.

SEC. 216. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of sections 2976(g)(1), 2978(e)(1) and (2), and 2904 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1), 3797w–2(e)(1) and (2), 3797q–3) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 through 2012 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects and State, Tribal, and Local Reentry Courts authorized under part FF of title I of such Act of 1968, and the Prosecution Drug Treatment Alternatives to Prison Program authorized under part CC of such Act.

SEC. 217. Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 218. Section 530A of title 28, United States Code, is hereby amended by replacing "appropriated" with "used from appropriations", and by inserting "(2)," before "(3)".

SEC. 219. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 220. The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

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

(1) by striking "non-Federal" in subsection (c)(1);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

"(d) This section shall not apply to goods, wares, or merchandise manufactured, produced, mined or assembled by convicts or prisoners who are participating in any pilot project approved by the FPI Board of Directors, which are currently, or would otherwise be, manufactured, produced, mined, or assembled outside the United States.".

This title may be cited as the "Department of Justice Appropriations Act, 2012".

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,090,000,000, to remain available until September 30, 2013, of which up to $10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of reestablishing facilities to produce fuel required for radioisotope ther-

moelectric generators to enable future missions: Provided, That NASA shall implement the recommendations of the most recent National Research Council planetary decadal survey and shall follow the decadal survey's recommended decision rules regarding program implementation, including a strict adherence to the recommendation that NASA include in a balanced program a flagship class mission, which may be executed in cooperation with one or more international partners, if such mission can be appropriately de-scoped and all NASA costs for such mission can be accommodated within the overall funding levels appropriated by Congress: Provided further, That the formulation and development costs (with development cost as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed $8,000,000,000: Provided further, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104 of title 51.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $569,900,000, to remain available until September 30, 2013.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $575,000,000, to remain available until September 30, 2013.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances

therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,770,800,000, to remain available until September 30, 2013: Provided, That not less than $1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than $1,860,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capability not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, $406,000,000 shall be for commercial spaceflight activities, and $304,800,000 shall be for exploration research and development: Provided further, That not to exceed $316,500,000 of funds provided for the heavy lift launch vehicle system may be used for ground operations: Provided further, That $100,000,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111–267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: Provided further, That not to exceed $58,000,000 may be transferred to "Construction and Environmental Compliance and Restoration" for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: Provided further, That funds so transferred shall not be subject to the 10 percent transfer limitation described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration and shall be treated as a reprogramming under section 505 of this Act.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,233,600,000, to remain available until September 30, 2013: Provided, That not to exceed $41,000,000 may be transferred to "Construction and Environmental Compliance and Restoration" for construction activities only at NASA-owned facilities: Provided further, That funds so transferred shall not be subject to the 10 percent transfer limitation described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration and shall be treated as a reprogramming under section 505 of this Act: Provided further, That acquisition of the Tracking and Data Relay Satellite-M may be funded incrementally in fiscal year 2012 and thereafter.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $138,400,000, to remain available until September 30, 2013, of which $18,400,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College program.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,995,000,000, to remain available until September 30, 2013, of which $1,000,000 shall be transferred to "National Aeronautics and Space Administration, Office of Inspector General" and used by the Inspector General to commission a comprehensive independent assessment of NASA's strategic direction and agency management: Provided, That not less than $39,100,000 shall be available for independent verification and validation activities.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $390,000,000, to remain available until September 30, 2017: Provided, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: Provided further, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed $3,960,000: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

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

ADMINISTRATIVE PROVISIONS

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

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

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

"(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program.".

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

> *"(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing renewable energy production facilities.".*

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

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and

the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,719,000,000, to remain available until September 30, 2013, of which not to exceed $550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than $150,900,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: Provided further, That up to $50,000,000 of funds made available under this heading within this Act may be transferred to "Major Research Equipment and Facilities Construction": Provided further, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Science Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $167,055,000, to remain available until expended: Provided, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

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

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $8,280 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $299,400,000: Provided, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of

facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,440,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

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

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 15 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the "Science Appropriations Act, 2012".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

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

amended: Provided further, That an individual appointed to the position of Inspector General of the Government Accountability Office (GAO) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: Provided further, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of GAO in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: Provided further, That of the amounts made available in this paragraph, $250,000 shall be transferred directly to the Office of Inspector General of GAO upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $360,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

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

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974,

$348,000,000, of which $322,400,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $17,000,000 is for management and grants oversight; $3,400,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,025,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

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

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2013: Provided, That not to exceed $2,250 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

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

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

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

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. During the current fiscal year and in each fiscal year thereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same

meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

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

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

SEC. 508. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of the first quarter of fiscal year 2012, and subsequent reports shall be submitted within 30 days of the end of each quarter thereafter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

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

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

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

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

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

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

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

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

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

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Con-

gress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

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

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

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

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

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire information technology systems unless the respective Secretary or head of agency, in consultation with the Federal Bureau of Investigation or other appropriate Federal agencies, has assessed any associated risk of cyber-espionage or sabotage.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for

the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

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

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

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

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

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

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

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

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

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

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

(2) a mechanism on the Offices of Inspectors General Web site by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assess-

ment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

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

(1) "National Telecommunications and Information Administration, Information Infrastructure Grants", $2,000,000;

(2) "National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction", $2,750,000; and

(3) "National Oceanic and Atmospheric Administration, Foreign Fishing Observer Fund", $350,000.

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

(c) Of the unobligated balances available for "Emergency Steel, Oil, and Gas Guaranteed Loan Program Account", $700,000 are hereby rescinded.

(d) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2012, from the following accounts in the specified amounts—

(1) "Working Capital Fund", $40,000,000;

(2) "Legal Activities, Assets Forfeiture Fund", $675,000,000;

(3) "United States Marshals Service, Salaries and Expenses", $2,200,000;

(4) "Drug Enforcement Administration, Salaries and Expenses", $10,000,000;

(5) "Federal Prison System, Buildings and Facilities", $45,000,000;

(6) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", $15,000,000;

(7) "State and Local Law Enforcement Activities, Office of Justice Programs", $55,000,000; and

(8) "State and Local Law Enforcement Activities, Community Oriented Policing Services", $23,605,000.

(e) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2012 specifying the amount of each rescission made pursuant to subsection (d).

(f) Of the unobligated balances available to the National Aeronautics and Space Administration from prior appropriations, $30,000,000 are hereby rescinded.

SEC. 529. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including anti-dumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

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

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

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

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States, unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

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

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

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

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

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

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

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

(2) is—

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

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

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

SEC. 536. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

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

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

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

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

SEC. 537. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 538. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

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

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

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP have certified pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Rep-

resentatives and the Senate no later than 14 days prior to the activity in question and shall include a description of the purpose of the activity, its major participants, and its location and timing.

SEC. 540. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than $20,000.

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

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

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

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

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

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

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

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

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

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

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

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

SEC. 543. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless an agency has considered suspension or debarment

of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 544. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

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

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

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012".

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $102,481,000, of which not to exceed $2,618,000 shall be available for the immediate Office of the Secretary; not to exceed $984,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed $19,515,000 shall be available for the Office of the General Counsel; not to exceed $10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,538,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,500,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,469,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,020,000 shall be available for the Office of Public Affairs; not to exceed $1,595,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,369,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to ex-

ceed $10,778,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $14,988,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $500,000,000, to remain available through September 30, 2013: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects

located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

FINANCIAL MANAGEMENT CAPITAL

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

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $10,000,000, to remain available through September 30, 2013.

OFFICE OF CIVIL RIGHTS

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

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $9,000,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $172,000,000 shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and ap-

proval of the Secretary: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $333,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $589,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,068,000, to remain available until September 30, 2013: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $143,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: Provided further, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: Provided further, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

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

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 105. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the decisions and actions of each meeting.

(RESCISSION)

SEC. 106. Of the amounts made available by section 185 of Public Law 109–115, all unobligated balances as of the date of enactment of this Act are hereby rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,653,395,000, of which $5,060,694,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,442,738,000 shall be available for air traffic organization activities; not to exceed $1,252,991,000 shall be available for avia-

tion safety activities; not to exceed $16,271,000 shall be available for commercial space transportation activities; not to exceed $582,117,000 shall be available for finance and management activities; not to exceed $98,858,000 shall be available for human resources program activities; not to exceed $60,134,000 shall be available for NextGen program activities; and not to exceed $200,286,000 shall be available for staff offices: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than May 31, 2012, the Administrator shall submit to the House and Senate Committees on Appropriations a comprehensive report that describes all of the findings and conclusions reached during the Federal Aviation Administration's efforts to develop an objective, data-driven method for placing air traffic controllers after the successful completion of their training at the Federal Aviation Administration Academy, lists all available options for establishing such method, and discusses the benefits and challenges of each option: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing

major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $10,350,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,730,731,000, of which $475,000,000 shall remain available until September 30, 2012, and of which $2,255,731,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That upon initial submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2013 through 2017, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $167,556,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2014: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,435,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000 in fiscal year 2012, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $101,000,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $29,250,000 shall be for Airport Technology Research and $6,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2012.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require air-

port sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2012, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

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

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

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

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

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking "benefit." and inserting "benefit, with the maximum allowable local cost share capped at 20 percent.".

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's

Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $412,000,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation, of which $16,000,000 shall be derived from the authority provided in section 126 in this Act. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $39,143,582,670 for Federal-aid highways and highway safety construction programs for fiscal year 2012: Provided, That within the $39,143,582,670 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2012: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $39,882,582,670 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

EMERGENCY RELIEF

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $1,662,000,000, to remain available until expended, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That notwithstanding section 125(d)(1) of title 23, United States Code, the Secretary of Transportation may obligate more than $100,000,000 for a single natural disaster event in a State for emergency relief projects arising from damage caused in fiscal year 2011 by Hurricane Irene or the Missouri River basin flooding in the spring of 2011, except for events involving closed hydrologic basins: Provided further, That notwithstanding section 120 of title 23, United States Code, for expenses resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012, the Secretary shall extend the time period in 120(e) in consideration of any delay in the State's ability to access damaged facilities to evaluate damage and estimate the cost of repair: Provided further, That the amount provided under this heading is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

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

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

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

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

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

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

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

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

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

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

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

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

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

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

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

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

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

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

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2012; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

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

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

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

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

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

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

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

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

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

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

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

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

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

SEC. 124. The Comptroller General of the United States shall carry out a study to review how the States and public transit authorities have used the authority for States to transfer Federal funds between highway and transit programs. Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress describing the use of the transfer authority by the States, the highway and transit projects funded with these funds, the U.S. Department of Transportation administrative mechanisms to track the use of these transferred funds, and the impact the use of this authority has had on the advancement of highway projects.

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

"(11)(A) With respect to all portions of the Interstate Highway System in the State of Maine, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection through December 31, 2031.

"(B) With respect to all portions of the Interstate Highway System in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection through December 31, 2031.".

SEC. 126. The Secretary may deduct, on a proportional basis, for administrative expenses of the Federal-aid highway program, a cumulative sum not to exceed $16,000,000 of the sums authorized under the Surface Transportation Extension Act of 2011, part II (Public Law 112–30) for the 14 allocated programs.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $247,724,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $247,724,000, for "Motor Carrier Safety Operations and Programs" of which $8,543,000, to remain available for obligation until September 30, 2014, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2012 on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for "Motor Carrier Safety Grants"; of which $212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code;

$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That of the prior year unobligated balances for the commercial vehicle information systems and networks deployment program, $1,000,000 is permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

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

SEC. 131. Notwithstanding any other provision of law, States receiving funds for core or expanded deployment activities under the Commercial Vehicle Information Systems and Networks program pursuant to sections 4101(c)(4) and 4126 of Public Law 109–59 that did not meet award eligibility requirements set forth in section 4126; received grant amounts in excess of the maximum amounts specified in sections 4126(c)(2) or 4126(d)(3); or were awarded grants either prior to or after the expiration of the period of performance specified in a grant agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $140,146,000, of which $20,000,000 shall remain available through September 30, 2013.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $109,500,000, to be derived from the Highway Trust Fund

(other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of $109,500,000, of which $105,500,000 shall be for programs authorized under 23 U.S.C. 403, and of which $4,000,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: Provided further, That within the $105,500,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2013 and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $550,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of $550,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; $48,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2013 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; $139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; $25,328,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109–59; $7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59; and $7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required

under section 2009(f) of Public Law 109–59: Provided further, That of the amounts made available under this heading for "Safety Belt Performance Grants", $25,000,000 shall be available until expended for the modernization of the National Automotive Sampling System (NASS).

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $178,596,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2012.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the oper-

ation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $466,000,000, to remain available until expended: Provided, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2012 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2011 performance improvement plan: Provided further, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: Provided further, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided

further, That none of the funds provided in this Act may be used after March 1, 2012, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: Provided further, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: Provided further, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $952,000,000, to remain available until expended, of which not to exceed $271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That of the amounts made available under this heading, not less than $50,000,000 shall be made available to bring Amtrak served facilities and stations into compliance with the Americans with Disabilities Act: Provided further, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2012 business plan: Provided further, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional one-half of 1 percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services

provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: Provided, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: Provided further, That Amtrak shall notify House and Senate Committees on Appropriations within 30 days of waiving such cap and delineate the reasons for such waiver.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $98,713,000: Provided, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That upon submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2013.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,400,000,000 to be derived from the Mass Tran-

sit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,360,565,000 in fiscal year 2012.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $44,000,000, to remain available until expended: Provided, That $6,500,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $3,500,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $4,000,000 is available for the university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $25,000,000 is available to carry out innovative research and demonstrations of national significance under section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,955,000,000, to remain available until expended, of which $35,481,000 shall be available to carry out section 5309(e) of such title: Provided, That not less than $510,000,000 shall be available for preliminary engineering, final design, and construction of projects that receive a Full Funding Grant Agreement during calendar year 2012: Provided further, That of the funds appropriated under this heading in Public Law 111–8, $58,500,000 are hereby rescinded.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for

projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2014, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2011, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 165. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1 percent of the amount made available to carry out section 5316 of title 49, United States Code: Provided, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 166. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 167. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

SEC. 168. Notwithstanding any other provision of law, fuel for vehicle operations, including the cost of utilities used for the propulsion of electrically driven vehicles, shall be treated as an associated capital maintenance item for purposes of grants made under section 5307 of title 49, United States Code, in fiscal year 2012. Amounts made available under this heading shall be limited to $100,000,000.

SEC. 169. The Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 169A. For purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties

are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169B. All bus new fixed guideway capital projects recommended in the President's fiscal year 2012 budget request for funds appropriated under the Capital Investment Grants heading in this Act or any other Act shall be funded instead from amounts allocated under 49 U.S.C. 5309(m)(2)(C): Provided, That all such projects shall remain subject to the appropriate requirements of 49 U.S.C. 5309(d) and (e).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $32,259,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

(INCLUDING RESCISSION)

For necessary expenses of operations and training activities authorized by law, $156,258,000, of which $11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2013 for Student Incentive Program payments at State Maritime Academies, and of which $22,900,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United State Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget

and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations: Provided further, That of the prior year unobligated balances under this heading for information technology requirements of Public Law 111–207, $980,000 are permanently rescinded.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $5,500,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $9,980,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, $3,740,000 shall be paid to the appropriation for "Operations and Training", Maritime Administration: Provided, That of the unobligated balance of funds made available for obligation under Public Law 110–329 and Public Law 111–118, $35,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet. Such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398. Nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 16 U.S.C. § 5405(c), section 3502, or otherwise authorized under the Federal Acquisition Regulation.

SEC. 172. Notwithstanding any other provision of law, none of the funds provided in this Act shall be used to make a determination of the nonavailability of qualified United States flag capacity for purposes of 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve unless as part of that determination the Secretary of Transportation, after consultation with representatives from the United States flag maritime industry, provides to the Secretary of Homeland Security a list of United States flag vessels with single or collective capacity that may be capable of providing the requested transportation services and a written justification for not using such United States flag vessels.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $21,360,000, of which $639,000 shall be derived from the Pipeline Safety Fund: Provided, That $1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $42,338,000, of which $1,716,000 shall remain available until September 30, 2014: Provided, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $109,252,000, of which $18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; and of which $90,679,000 shall be derived from the Pipeline Safety Fund, of which $48,191,000 shall remain available until September 30, 2014: Provided, That not less than $1,058,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2013: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2012 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $15,981,000, of which $9,007,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $79,624,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code:

(1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and

(2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso:

Provided further, That no funding through expenditure transfers shall be made between either the Federal Highway Administration, the Federal Aviation Administration, the Federal Transit Administration, or the National Transportation Safety Board, and the Office of Inspector General.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $29,310,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012, to result in a final appropriation from the general fund estimated at no more than $28,060,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

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

SEC. 184. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Admin-

istration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings "National Infrastructure Investments" and "Assistance to Small Shipyards" in this Act: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 191. (a) MEMBERSHIP.—Section 49106(c)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking "13 members" and inserting "17 members";

(2) in subparagraph (A) by striking "5 members" and inserting "7 members";

(3) in subparagraph (B) by striking "3 members" and inserting "4 members"; and

(4) in subparagraph (C) by striking "2 members" and inserting "3 members".

(b) TERM.—Section 49106(c)(3) of title 49, United States Code, is amended by striking the second sentence and inserting the following: "Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member's term(s).".

(c) REMOVAL OF BOARD MEMBERS.—Section 49106(c)(6)(C) of title 49, United States Code, is amended by inserting after the first sentence: "A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of jurisdiction from which the member is appointed.".

(d) APPROVAL OF BOND ISSUES AND ANNUAL BUDGET.—Section 49106(c)(7) of title 49, United States Code, is amended by striking "Eight votes" and inserting "Ten votes".

SEC. 192. None of the funds shall be used to enforce traffic control device compliance dates on State and local governments for the requirements listed in the Manual on Uniform Traffic Control Devices (MUTCD) to maintain minimum levels of sign retroflectivity and with minimum letter heights for street name signs; require agencies to implement an assessment or management method designed to maintain sign retroflectivity at or above the established minimum levels, except with respect to implementing an assessment or management method for regulatory and warning signs; or require agencies to replace regulatory, warning, post-mounted, street name, and overhead guide signs that are identified using the assessment or management method as failing to meet the established minimum retroflectivity levels.

This title may be cited as the "Department of Transportation Appropriations Act, 2012".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, $537,789,000, of which not to exceed $3,572,000 shall be available for the immediate Office of the Secretary; not to exceed $1,200,000 shall be for the Office of the Deputy Secretary and the Chief Operating Officer; not to exceed $1,700,000 shall be available for the Office of Hearings and Appeals; not to exceed $741,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $47,980,000 shall be available for the Office of the Chief Financial Officer; not to exceed $94,000,000 shall be available for the Office of the General Counsel; not to exceed $2,400,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed $3,515,000 shall be available for the Office of Public Affairs; not to exceed $255,436,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $10,475,000 shall be available for the Office of Departmental Operations and Coordination; not to exceed $47,500,000 shall be available for the Office of Field Policy and Management; not to exceed $14,700,000 shall be available for the Office of the Chief Procurement Officer; not to exceed $3,610,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed $1,448,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed $2,627,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed $5,000,000 shall be available for the Office of Strategic Planning and Management; and not to exceed $41,885,000 shall be available for the Office of the Chief Information Officer: Provided, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department

of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: Provided further, That the budget justification shall include funding levels for the past 3 fiscal years for all offices: Provided further, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested by program, activity, or program element: Provided further, That the Department shall modify and improve its Resource Estimation and Allocation Program model, or other appropriate staff allocation model as specified in the statement of the managers accompanying this Act: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $200,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development mission area, $100,000,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, $391,500,000, of which at least $8,200,000 shall be for the Office of Risk and Regulatory Affairs.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, $22,211,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $72,600,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, $7,400,000.

RENTAL ASSISTANCE DEMONSTRATION

To conduct a demonstration designed to preserve and improve public housing and certain other multifamily housing through the voluntary conversion of properties with assistance under section 9 of the United States Housing Act of 1937, (hereinafter, "the Act"), or the moderate rehabilitation program under section 8(e)(2) of the Act (except for funds allocated under such section for single room occupancy dwellings as authorized by title IV of the McKinney-Vento Homeless Assistance Act), to properties with assistance under a project-based subsidy contract under section 8 of the Act, which shall be eligible for renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997, or assistance under section 8(o)(13) of the Act, the Secretary may transfer amounts provided through contracts under section 8(e)(2) of the Act or under the headings "Public Housing Capital Fund" and "Public Housing Operating Fund" to the headings "Tenant-Based Rental Assistance" or "Project-Based Rental Assistance": Provided, That the initial long-term contract under which converted assistance is made available may allow for rental adjustments only by an operating cost factor established by the Secretary, and shall be subject to the availability of appropriations for each year of such term: Provided further, That project applications may be received under this demonstration until September 30, 2015: Provided further, That any increase in cost for "Tenant-Based Rental Assistance" or "Project-Based Rental Assistance" associated with such conversion shall be equal to amounts transferred from "Public Housing Capital Fund" and "Public Housing Operating Fund" or other account from which it was transferred: Provided further, That not more than 60,000 units currently receiving assistance under section 9 or section 8(e)(2) of the Act shall be converted under the authority provided under this heading: Provided further, That tenants of such properties with assistance converted from assistance under section 9 shall, at a minimum, maintain the same rights under such conversion as those provided under sections 6 and 9 of the Act: Provided further, That the Secretary shall select properties from applications for conversion as part of this demonstration through a competitive process: Provided further, That in establishing criteria for such competition, the Secretary shall seek to demonstrate the feasibility of this conversion model to recapitalize and operate public housing properties (1) in different markets and geographic areas, (2) within portfolios managed by public housing agencies of varying sizes, and (3) by leveraging other sources of funding to recapitalize properties: Provided further, That the Secretary shall provide an opportunity for public comment on draft eligibility and selection criteria and procedures that will apply to the selection of properties that will participate in the demonstration: Provided further, That the Secretary shall provide an opportunity for comment from residents of properties to be proposed for participation in the demonstration to the owners or public housing agencies responsible for such properties: Provided further, That the Secretary may waive or specify alter-

native requirements for (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) any provision of section 8(o)(13) or any provision that governs the use of assistance from which a property is converted under the demonstration or funds made available under the headings of "Public Housing Capital Fund", "Public Housing Operating Fund", and "Project-Based Rental Assistance", under this Act or any prior Act or any Act enacted during the period of conversion of assistance under the demonstration for properties with assistance converted under the demonstration, upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective conversion of assistance under the demonstration: Provided further, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the previous proviso no later than 10 days before the effective date of such notice: Provided further, That the demonstration may proceed after the Secretary publishes notice of its terms in the Federal Register: Provided further, That notwithstanding sections 3 and 16 of the Act, the conversion of assistance under the demonstration shall not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration, and such a family shall not be considered a new admission for any purpose, including compliance with income targeting requirements: Provided further, That in the case of a property with assistance converted under the demonstration from assistance under section 9 of the Act, section 18 of the Act shall not apply to a property converting assistance under the demonstration for all or substantially all of its units, the Secretary shall require ownership or control of assisted units by a public or nonprofit entity except as determined by the Secretary to be necessary pursuant to foreclosure, bankruptcy, or termination and transfer of assistance for material violations or substantial default, in which case the priority for ownership or control shall be provided to a capable public entity, then a capable entity, as determined by the Secretary, shall require long-term renewable use and affordability restrictions for assisted units, and may allow ownership to be transferred to a for-profit entity to facilitate the use of tax credits only if the public housing agency preserves its interest in the property in a manner approved by the Secretary, and upon expiration of the initial contract and each renewal contract, the Secretary shall offer and the owner of the property shall accept renewal of the contract subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year of such renewal: Provided further, That the Secretary may permit transfer of assistance at or after conversion under the demonstration to replacement units subject to the requirements in the previous proviso: Provided further, That the Secretary may establish the requirements for converted assistance under the demonstration through contracts, use agreements, regulations, or other means: Provided further, That the Secretary shall assess and publish findings regarding the impact of the conversion of assistance under the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such conversion, and the effect of such conversion on tenants: Provided further, That for fiscal years 2012 and 2013, owners of properties assisted under section 101 of the Housing and Urban Develop-

ment Act of 1965, section 236(f)(2) of the National Housing Act, or section 8(e)(2) (except for funds allocated under such section for single room occupancy dwellings as authorized by title IV of the McKinney-Vento Homeless Assistance Act) of the United States Housing Act of 1937 for which an event after October 1, 2006 has caused or results in the termination of rental assistance or affordability restrictions and the issuance of tenant protection vouchers under section 8(o) of the Act, shall be eligible, subject to requirements established by the Secretary, including but not limited to tenant consultation procedures and agreement of the administering public housing agency, for conversion of assistance available for such vouchers to assistance under section 8(o)(13) of the Act, to which the limitation under subsection (B) of section 8(o)(13) of the Act shall not apply and for which the Secretary of Housing and Urban Development may waive or alter the provisions of subparagraphs (C) and (D) of section 8(o)(13) of the Act: Provided further, That with respect to the previous proviso, the Comptroller General of the United States shall conduct a study of the long-term impact of the previous proviso on the ratio of tenant-based vouchers to project-based vouchers.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $14,914,369,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $4,000,000,000 previously appropriated under this heading that became available on October 1, 2011), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That of the amounts made available under this heading are provided as follows:

(1) $17,242,351,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2012 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms

and conditions of their MTW agreements: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to $103,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers; and (4) for incremental tenant-based assistance for eligible families currently assisted under the Disaster Voucher Program as authorized by Public Law 109–148 under this heading and the Disaster Housing Assistance Program for Hurricanes Ike and Gustav on the condition that such vouchers will not be re-issued when families leave the program: Provided further, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary;

(2) $75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act,

the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: Provided further, That of the amounts made available under this paragraph, $10,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided further, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) $1,350,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than $1,300,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2012 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) $112,018,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses;

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, $200,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2012: Provided, That if insufficient funds exist under this heading, the remaining balance may be derived from any other unobligated balances available under any heading under this title funded in fiscal year 2011 and prior years: Provided further, That the Secretary shall notify the Committees on Appropriations of the unobligated balances used to meet this rescission 30 days in advance of such rescission: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority

from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") $1,875,000,000, to remain available until September 30, 2015: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2012 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to $10,000,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2012: Provided further, That of the total amount provided under this heading $50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading, up to $5,000,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2012 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2012 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $3,961,850,000, of which $20,000,000 shall be available until September 30, 2013: Provided, That in determining public housing agencies', including Moving to Work agencies', calendar year 2012 funding allocations under this heading, the Secretary shall take into account public housing agencies' excess operating fund reserves, as determined by the Secretary: Provided further, That Moving to Work agencies shall receive a pro-rata reduction consistent with their peer groups: Provided further, That no public housing agency

shall be left with less than $100,000 in operating reserves: Provided further, That the Secretary shall not offset excess reserves by more than $750,000,000: Provided further, That in implementing such allocation reductions, the Secretary shall establish a process by which public housing agencies can appeal the initial allocation amounts and the Secretary shall consider adjustments based on such factors, including prior funding reservations, commitments related to mixed finance developments, or reporting errors: Provided further, That the Secretary shall notify public housing agencies of such process and what documentation may be required as part of such appeal: Provided further, That following the appeals process established under the previous two provisos, the Secretary shall make final allocations: Provided further, That of the amount provided under this heading up to $20,000,000 may be set aside to provide assistance to any public housing authority who encounters financial hardship as a direct result of an excess reserve offset applied to an allocation of funding under this heading: Provided further, That the Secretary shall provide flexibility to public housing agencies to use excess operating reserves for capital improvements.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $120,000,000, to remain available until September 30, 2014: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of affordability determined by the Secretary, but not fewer than 20 years: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amount provided, not less than $80,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That no more than $5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive

strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $650,000,000, to remain available until September 30, 2016: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $2,000,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities and $2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $200,000 for related travel: Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $20,000,000: Provided further, That the Department will notify grantees of their formula allocation within 60 days of enactment of this Act.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: Provided, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $6,000,000, to remain available until expended: Provided,

That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $360,000,000: Provided further, That up to $750,000 of this amount may be used for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z) and for such costs for loans used for refinancing, $386,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,000.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $332,000,000, to remain available until September 30, 2013, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2014: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,308,090,000, to remain available until September 30, 2014, unless otherwise specified: Provided, That of the total amount provided, not less than $2,948,090,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That $60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety: Provided further, That none of the funds made available

under this heading may be used for grants for the Economic Development Initiative ("EDI") or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $5,952,000, to remain available until September 30, 2013, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $240,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,000,000,000, to remain available until September 30, 2014: Provided, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: Provided further, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement shall be repaid: Provided further, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: Provided further, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction's plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project: Provided further, That any homeownership units funded under this heading which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant: Provided further, That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it has staff with demonstrated development experience: Provided further, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: Provided further, That the Department

shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $53,500,000, to remain available until September 30, 2014: Provided, That of the total amount provided under this heading, $13,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $35,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity-building activities: Provided further, That $5,000,000 shall be made available for capacity-building activities for national organizations with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $1,901,190,000, of which $1,896,190,000 shall remain available until September 30, 2014, and of which $5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: Provided, That not less than $250,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: Provided further, That not less than $1,593,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: Provided further, That up to $7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That all funds awarded for supportive services under the continuum of care program and the rural housing stability assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments

to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2012: Provided further, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the emergency solutions grant program within 60 days of enactment of this Act.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $8,939,672,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2011), and $400,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed $289,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided further, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the el-

derly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): Provided further, That amounts recaptured under this heading may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For amendments to capital advance contracts for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, $374,627,000 to remain available until September 30, 2015: Provided, That of the amount provided under this heading, up to $91,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For amendments to capital advance contracts for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 STAT. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $165,000,000 to remain available until September 30, 2015: Provided, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the ini-

tial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects: Provided further, That the Secretary shall conduct a demonstration program to make available funds provided under this heading for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)).

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $45,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2012: Provided, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: Provided further, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to or extensions for up to 1 year of contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, $1,300,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $231,600,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $6,500,000, to remain available until expended, of which $4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total

amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $2,500,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2012 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $207,000,000, to remain available until September 30, 2013, of which up to $71,500,000 may be transferred to and merged with the Working Capital Fund: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2012, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2012, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $25,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the Na-

tional Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2013: Provided, That $19,500,000 shall be available for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments will and do exceed $155,000,000,000 on or before April 1, 2012, an additional $100 for personnel compensation and benefits, and administrative expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $46,000,000, to remain available until September 30, 2013: Provided, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: Provided further, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $70,847,000, to remain available until September 30, 2013, of which $42,500,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $120,000,000, to remain available until September 30, 2013: Provided, That up to $10,000,000 of that amount shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided further, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the third proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used

for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $199,035,000, to remain available until September 30, 2013: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: Provided further, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $124,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, $50,000,000 to remain available until September 30, 2014: Provided, That with respect to amounts made available under this heading for research, evaluation and program metrics or program demonstrations, the Secretary may make grants or enter into cooperative agreements if such grants or agreements include a substantial match contribution, notwithstanding section 204 of this title.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2012 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2012 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2012 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY–NJ–PA Metropolitan

Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by:

(1) allocating to the city of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high-incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and

(2) allocating to the city of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without re-

gard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2012 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the city of Raleigh, North Carolina, on behalf of the Raleigh-Cary North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State.

Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2013, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2012 and 2013, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under section (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided

there is no increase in the project-based section 8 budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(d) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of

amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g), the Secretary of Housing and Urban Development may, until September 30, 2012, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2012, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole-source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole-source contract.

SEC. 219. During fiscal year 2012, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii)

of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. The amounts provided under the subheading "Program Account" under the heading "Community Development Loan Guarantees" may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "fiscal year" and all that follows through the period at the end and inserting "fiscal year 2012."; and

(2) in subsection (o), by striking "September" and all that follows through the period at the end and inserting "September 30, 2012.".

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading "Administration, Operations, and Management" as well as each account receiving appropriations for "Program Office Salaries and Expenses" within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2012 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2012 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 229. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds appropriated for any office funded under the heading "Administration, Operations, and Management" to any other office funded under such heading: Provided, That no appropriation for any office funded under the heading "Administration, Operations, and Management" shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate

Committees on Appropriations: Provided further, That the Secretary is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds appropriated for any account funded under the general heading "Program Office Salaries and Expenses" to any other account funded under such heading: Provided further, That no appropriation for any account funded under the general heading "Program Office Salaries and Expenses" shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may transfer funds made available for salaries and expenses between any office funded under the heading "Administration, Operations and Management" and any account funded under the general heading "Program Office Salaries and Expenses", but only with the prior written approval of the House and Senate Committees on Appropriations.

SEC. 230. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 231. The Comptroller General of the United States shall carry out a study of the effectiveness of the block grant programs administered by the Office of Community Planning and Development of the Department of Housing and Urban Development, including an examination of best practices utilized by program grantees and performance metrics utilized by the Department. Not later than 180 days of enactment of this Act, the Comptroller General shall submit a report to the Congress describing its findings, including such best practices and performance metrics.

SEC. 232. The Secretary shall take actions necessary to improve data quality, data management, and grantee oversight and accountability with respect to programs and activities administered by the Office of Community Planning and Development. The Secretary shall address the problems identified by the Inspector General of the Department in audits and audit reports since 2006, including ongoing audits, with respect to such programs and activities. Not later than 120 days after enactment of this Act, the Secretary shall submit a report to the Congress on progress achieved by the Department with respect to addressing such problems and identifying further improvements that can be made (including improvements relating to information technology) and proposed actions and timelines to carry out such improvements.

SEC. 233. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to $10,000,000 may be transferred to and merged with amounts made available in the "Working Capital Fund" account under this title.

SEC. 234. (a) None of the funds made available by this Act for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) may be used by any public housing agency for any amount of salary, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level

IV of the Executive Schedule at any time during any public housing agency fiscal year 2012.

(b) Subsection (a) shall take effect 120 days after the date of enactment of this Act.

SEC. 235. Title II of division I of Public Law 108–447 and title III of Public Law 109–115 are each amended by striking the item related to "Flexible Subsidy Fund".

SEC. 236. Of the unobligated balances remaining from funds appropriated under the heading "Tenant-Based Rental Assistance" under the "Full-Year Continuing Appropriations Act, 2011", $650,000,000 are rescinded from the $4,000,000,000 which are available on October 1, 2011: Provided, That such amounts may be derived from reductions to public housing agencies' calendar year 2012 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including the net restricted assets of MTW agencies (in accordance with VMS data in calendar year 2011 that is verifiable and complete), as determined by the Secretary.

SEC. 237. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f) is amended by striking "October 1, 2011" each place it appears and inserting in lieu thereof "October 1, 2015".

SEC. 238. Notwithstanding any other provision of law, for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620).

SEC. 239. Of the funds made available for the 'Department of Housing and Urban Development, Community Planning and Development, Community Development Fund', up to $300,000,000, to remain available until expended, shall be for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are

made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That an additional $100,000,000 shall be available for the same purposes and terms described in this section and shall be designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2012".

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $24,100,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $20,500,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2013, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $102,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $135,300,000, of which $5,000,000 shall be for a multi-family rental housing program: Provided, That in addition, $80,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC") shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive

outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,300,000. Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking all that follows "on" and inserting "October 1, 2015".

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2012 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided

under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval

prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2012. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from

hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 416. All agencies and departments funded by this Act shall send to Congress at the end of the fiscal year a report containing a complete inventory of the total number of vehicles owned, permanently retired, and purchased during fiscal year 2012 as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing.

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012".

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

SEC. 101. The Continuing Appropriations Act, 2012 (Public Law 112–36) is amended by striking the date specified in section 106(3) and inserting "December 16, 2011".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
FRANK R. WOLF,
JACK KINGSTON,
TOM LATHAM,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN ABNEY CULBERSON,
JOHN R. CARTER,
JO BONNER,
STEVEN C. LATOURETTE,
NORMAN D. DICKS,
ROSA L. DELAURO,
JOHN W. OLVER,

ED PASTOR,
DAVID E. PRICE,
SAM FARR,
CHAKA FATTAH,
ADAM B. SCHIFF,
Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
BEN NELSON,
MARK L. PRYOR,
SHERROD BROWN,
DANIEL K. INOUYE,
PATTY MURRAY,
BARBARA A. MIKULSKI,
ROY BLUNT,
THAD COCHRAN,
MITCH MCCONNELL,
SUSAN M. COLLINS,
JERRY MORAN,
JOHN HOEVEN,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012; the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012; and the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012. The agreement also includes further continuing appropriations for fiscal year 2012.

The conference agreement does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

The conferees concur with the Senate amendment to the title of the bill.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House Report (H.Rpt. 112–101) and Senate Report (S.Rpt. 112–73) that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions, which are the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $4,550,000 for the Office of the Secretary instead of $4,293,000 as proposed by the House and $4,798,000 as proposed by the Senate.

The conferees appreciate the detailed information provided in the Explanatory Notes and rely on this information when considering budget proposals. As budgetary constraints continue to apply downward pressure on agency resources, it will become increasingly necessary to have budgetary information of the Department in a manner that provides a more complete understanding of all activities occurring within the account totals. For that reason, the conferees direct the Secretary, beginning with presentation of the fiscal year 2013 budget, to provide additional information of Departmental activities measured against a baseline of actual spending for the previous three fiscal years rather than a description only of specific changes from the previous fiscal year with the ultimate goal, over time, of providing to the Committees on Appropriations budgetary estimates as measured against a zero base. The conferees further direct the Department to include an errata sheet in the Explanatory Notes of any proposed budget authority levels that do not conform to the budget appendix. The Explanatory Notes should be assembled with the accounts in the same order as the accounts in the bill unless otherwise approved in advance by the Committees on Appropriations of both Houses of Congress.

The Secretary is directed to provide to the Committees on Appropriations of the House and Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

The conferees direct the Secretary to submit the conference transparency report required by section 14208 of Public Law 110–246 to the Committees on Appropriations of the House and Senate and the Office of Inspector General. In addition, the conferees direct the Secretary to begin submitting this report, and making it publicly available, on a quarterly basis instead of annually. The report shall include the cost of any food or beverages, the cost of any audio-visual services, and a description of the contracting procedures on whether the contracts were awarded on a competitive basis for that conference.

OFFICE OF TRIBAL RELATIONS

The conference agreement provides $448,000 for the Office of Tribal Relations instead of $423,000 as proposed by the House and $473,000 as proposed by the Senate.

HEALTHY FOOD FINANCING INITIATIVE

The conference agreement does not include an appropriation for the Healthy Food Financing Initiative (HFFI). The conferees direct the Department to carefully weigh the benefits between those known results from the expenditure of funds on proven programs in the Rural Development and Marketing and Regulatory Programs mission areas against the unknown results of expenditures on the HFFI. While the HFFI has the laudable goal of ensuring that more people have access to nutritious foods, the initiative has yet to prove that any expenditures made for this initiative have been effective in meeting this goal. The conferees remind the Department that any funding for the HFFI is subject to the reprogramming requirements in this Act, and prior to any reprogramming request; the conferees direct the Department to submit to the Committees on Appropriations of both Houses of Congress a system of metrics to measure the effectiveness and expected results for this initiative. The conferees expect that the Office of Chief Economist will play a key role in the development of such metrics.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides $11,177,000 for the Office of the Chief Economist instead of $10,707,000 as proposed by the House and $11,408,000 as proposed by the Senate.

NATIONAL APPEALS DIVISION

The conference agreement provides $12,841,000 for the National Appeals Division instead of $12,091,000 as proposed by the House and $13,514,000 as proposed by the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides $8,946,000 for the Office of Budget and Program Analysis as proposed by the Senate instead of $8,004,000 as proposed by the House.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

The conference agreement provides $1,321,000 for the Office of Homeland Security and Emergency Coordination instead of $1,272,000 as proposed by the House and $1,421,000 as proposed by the Senate.

OFFICE OF ADVOCACY AND OUTREACH

The conference agreement provides $1,209,000 for the Office of Advocacy and Outreach as proposed by the House instead of $1,351,000 as proposed by the Senate.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $44,031,000 for the Office of the Chief Information Officer instead of $34,000,000 as proposed by the House and $36,031,000 as proposed by the Senate.

The conference agreement includes $28,000,000 to support cybersecurity requirements of the Department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $5,650,000 for the Office of the Chief Financial Officer instead of $5,310,000 as proposed by the House and $5,935,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

The conference agreement provides $848,000 for the Office of the Assistant Secretary for Civil Rights as proposed by the Senate instead of $760,000 as proposed by the House.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $21,000,000 for the Office of Civil Rights instead of $19,288,000 as proposed by the House and $21,558,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $764,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate instead of $683,000 as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $230,416,000 for Agriculture Buildings and Facilities and Rental Payments as proposed by the Senate instead of $221,585,000 as proposed by the House. The conference agreement includes $164,470,000 for rental payments, $13,800,000 for Department of Homeland Security building security and $52,146,000 for building operations and maintenance.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $3,592,000 for Hazardous Materials Management instead of $3,393,000 as proposed by the House and $3,792,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $24,165,000 for Departmental Administration instead of $16,510,000 as proposed by the House and $28,165,000 as proposed by the Senate.

The conferees recognize the special management challenges facing the Department in view of serious constraints in fiscal resources, the requirements of a vastly dispersed workforce, and expectations of the public for continuity of vital services. It is clear that recent reductions in discretionary spending and the likely continuation of austere measures in the near term present significant difficulties to those charged with program execution. The conferees

fully recognize the need, and expect the Department to achieve the most efficient methods possible to maintain the responsibilities of governance for the benefit of both the customers of USDA and the personnel charged with carrying out the missions of the Department.

The conferees expect that any substantive changes to the functions and organization of USDA follow a thoughtful analysis of implications for budgetary resources, services to customers and employees, and inherent dynamics within the Department that might result. Toward that objective, before moving forward with the implementation of any substantive reorganization, the Department is instructed to conduct a detailed analysis of the savings, efficiencies, timeline, and implications of these changes. In addition, an understanding of the methodology used for determining these factors and some form of demonstration of the results anticipated is required. Any timetable for implementation of the changes suggested obviously will be driven by the fiscal resources available and it may be prudent to give consideration to a tiered implementation as conditions dictate rather than a full scale departmental shift that would be far more complex and potentially expensive. The Secretary is instructed to provide a report, consistent with the guidance outlined above, to the Committees on Appropriations of both Houses of Congress not less than 60 days prior to the implementation of any departmental reorganization. The Secretary is further reminded of the reprogramming instructions set forth elsewhere in this Act for the purpose of any implementation stage of a proposed reorganization.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $3,576,000 for the Office of the Assistant Secretary for Congressional Relations instead of $3,289,000 as proposed by the House and $3,676,000 as proposed by the Senate.

OFFICE OF COMMUNICATIONS

The conference agreement provides $8,065,000 for the Office of Communications instead of $8,058,000 as proposed by the House and $8,105,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $85,621,000 for the Office of Inspector General instead of $80,000,000 as proposed by the House and $84,121,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $39,345,000 for the Office of the General Counsel as proposed by the Senate instead of $35,204,000 as proposed by the House.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides $848,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of $760,000 as proposed by the House.

The conferees recognize the broad responsibilities in agricultural research, education, extension and economics that Congress has given to the Department. Given the current budget constraints and the need for continued investment in agricultural research to ensure productivity growth, the conferees expect USDA to fund only the highest priority agricultural research, as authorized by Congress.

ECONOMIC RESEARCH SERVICE

The conference agreement provides $77,723,000 for the Economic Research Service as proposed by the Senate instead of $70,000,000 as proposed by the House. This includes continued funding for the Organic Production and Market Data Initiative.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $158,616,000 for the National Agricultural Statistics Service instead of $149,500,000 as proposed by the House and $152,616,000 as proposed by the Senate. This includes $41,639,000 for the Census of Agriculture.

On October 4, 2011, the National Agricultural Statistics Service announced it was eliminating or reducing the frequency of 14 reports. While it is imperative for all of USDA's agencies and offices to prepare to address potential reductions in funding, the conferees are concerned that the agency made this announcement before a final appropriation was determined. The conferees direct NASS to reconsider its decision to eliminate or reduce the frequency of these reports and to reinstate as many reports as possible. As the agency considers which to reinstate, the conferees direct the agency to prioritize the reports that do not have similar information captured by other NASS surveys and reports or would be otherwise infrequently published. The conferees remind the agency that reducing or eliminating any survey or report is further subject to the reprogramming requirements in this Act.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides $1,094,647,000 for the Agricultural Research Service, Salaries and Expenses, as proposed by the Senate instead of $995,345,000 as proposed by the House.

The conferees do not concur with the President's budget request regarding the termination of extramural research.

The conferees concur with the proposal to close twelve research laboratories at ten locations, as specified in the President's budget request, and direct the agency to provide a report to the Committees on Appropriations of the House and the Senate on the disposition of these facilities by January 20, 2012. The conferees further

direct, in concurrence with the budget proposal, that no other research facilities be closed during fiscal year 2012, except in accordance with the reprogramming requirements in this Act.

The conferees are concerned about recent outbreaks of bacterial spot disease in peppers and tomatoes in Midwestern states. The conferees encourage ARS to continue to work with collaborators on research to combat the disease and minimize economic loss to producers. ARS is directed to provide the Committees on Appropriations of the House and the Senate a report on the status of bacterial spot disease and ongoing research efforts.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $705,599,000 for the National Institute of Food and Agriculture's research and education activities instead of $596,400,000 as proposed by the House and $709,825,000 as proposed by the Senate.

The conferees express their strong support for USDA's agricultural research, extension and education activities. USDA and other notable philanthropic and scientific organizations have highlighted the need for the United States to invest in agricultural research to ensure productivity growth and to develop and refine sound natural resources management practices for U.S. farmers and ranchers and others around the world. However, the conferees are aware of concerns about the focus of USDA's research programs, particularly projects funded through the Agriculture and Food Research Initiative. The conferees strongly encourage USDA to fund only the highest priority agricultural research, as authorized by Congress.

The conference agreement provides $9,000,000 for Graduate Fellowship Grants, Institution Challenge Grants, and the Multicultural Scholars Program, to remain available until expended.

The conferees request that the Department make recommendations regarding the consolidation of funding lines in the National Institute of Food and Agriculture's accounts in the President's budget for fiscal year 2013 and to work with interested individuals and organizations, including the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, on this issue.

The following table reflects the amounts provided by the conference agreement:

National Institute of Food and Agriculture Research and Education Activities

[Dollars in Thousands]

Hatch Act	$236,334
McIntire-Stennis Cooperative Forestry	32,934
Evans-Allen Program	50,898
Animal Health and Disease Research	4,000
Special Research Grants:	
Global Change/UV Monitoring	1,300
Potato Research	1,350
Forest Products Research	1,350
Total, Special Research Grants	4,000
Improved Pest Control:	
Expert IPM Decision Support System	153
Integrated Pest Management	2,362

National Institute of Food and Agriculture Research and Education Activities—Continued

Minor Crop Pest Management (IR–4)	11,913
Pest Management Alternatives	1,402
Total, Improved Pest Control	15,830
Agriculture and Food Research Initiative	264,470
Critical Agricultural Materials Act	1,081
Aquaculture Centers	3,920
Sustainable Agriculture Research and Education	14,471
Payments to the 1994 Institutions	3,335
Supplemental and Alternative Crops	825
Joe Skeen Institute for Rangeland Research	961
Competitive Grants for Policy Research	4,000
Capacity Building for Non Land-Grant Colleges	4,500
Farm Business Management and Benchmarking Program	1,450
Sun Grant Program	2,200
Capacity Building for 1890 Institutions	19,336
Multicultural Scholars, Graduate Fellowship and Institution Challenge Grants	9,000
Hispanic-Serving Institutions Education Grants	9,219
1994 Institutions Research Program	1,801
Secondary and 2-year Post-Secondary Program	900
Veterinary Medicine Loan Repayment Program	4,790
Alaska Native and Native Hawaiian-Serving Institutions	3,194
Resident Instruction Grants for Insular Areas	900
Distance Education Grants for Insular Areas	750
Federal Administration:	
Data Information System (REEIS)	2,600
Electronic Grants Administration System	2,000
Other, Federal Administration	5,900
Total, Federal Administration	10,500
Total, Research and Education Activities	$705,599

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The conference agreement provides $11,880,000 for the Native American Institutions Endowment Fund as proposed by the House and the Senate.

EXTENSION ACTIVITIES

The conference agreement provides $475,183,000 for extension activities instead of $411,200,000 as proposed by the House and $478,179,000 as proposed by the Senate.

The conference agreement provides $4,610,000 for Farm Safety and Youth Farm Safety Education and Certification Programs.

The following table reflects the amounts provided by the conference agreement:

National Institute of Food and Agriculture Extension Activities

[Dollars in Thousands]

Smith-Lever, Section 3(b) and (c) Programs	$294,000
Smith-Lever, Section 3(d) Programs:	
Food and Nutrition Education	67,934
Farm Safety and Youth Farm Safety Education Program	4,610
New Technologies for Agricultural Extension	1,550
Pest Management	9,918
Children, Youth and Families at Risk	7,600
Federally Recognized Tribal Extension Program	3,039
Sustainable Agriculture Programs	4,696
Total, Section 3(d)	99,347

National Institute of Food and Agriculture Extension Activities—Continued

Cooperative Extension at 1890 Institutions	42,592
Rural Health and Safety Education	1,500
Facility Improvements at 1890 Institutions	19,730
Renewable Resources Extension Act	3,700
Extension Services at 1994 Institutions	4,312
Food Animal Residue Avoidance Database	1,000
Women and Minorities in STEM Fields	400
Grants to Youth Organizations	750
Federal Administration:	
Ag in the Classroom	552
General Administration	7,300
Total, Federal Administration	7,852
Total, Extension Activities	$475,183

INTEGRATED ACTIVITIES

The conference agreement provides $21,482,000 for integrated activities instead of $12,400,000 as proposed by the House and $25,948,000 as proposed by the Senate.

The following table reflects the amounts provided by the conference agreement:

National Institute of Food and Agriculture Integrated Activities

[Dollars in Thousands]

Organic Transition Program	$4,000
Regional Pest Management Centers	4,000
Water Quality Program	4,500
Methyl Bromide Transition Program	1,996
Regional Rural Development Centers	998
Food and Agriculture Defense Initiative	5,988
Total, Integrated Activities	$21,482

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

The conference agreement does not provide an appropriation for the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund instead of $10,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The conference agreement provides $848,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the Senate instead of $760,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

INCLUDING TRANSFERS OF FUNDS

The conference agreement provides $816,534,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $790,000,000 as proposed by the House and $820,110,000 as proposed by the Senate.

The conference agreement provides funding for the animal disease traceability system within the Animal Health Technical Serv-

ices line item. The conferees remain concerned about the cost of implementing and operating this redesigned program as explained in the animal disease traceability proposed rule (APHIS–2009–0091) and encourage the most cost-effective, least regulatory burdensome system in the final rule. The conferees direct APHIS to submit a report and updates on the status of the system as proposed in the September 28, 2010, Comprehensive Report & Implementation Plan (amended January 28, 2011) by November 30, 2011; April 1, 2012; and by August 1, 2012.

The conferees support APHIS' activities to control plant pests and strongly support efforts to eradicate such pests as the opportunities arise. Toward that purpose, the conferees expect that funding for Specialty Crop Pests will be supplemented with contingency or Commodity Credit Corporation funds for the emergency purpose of eradicating the European Grape Vine Moth.

The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[Dollars in Thousands]

Program	*Amount*
Safeguarding and International Technical Assistance:	
Animal Health Technical Services	32,500
Aquatic Animal Health	2,261
Avian Health	52,000
Cattle Health	99,000
Equine, Cervid & Small Ruminant Health	22,000
National Veterinary Stockpile	2,750
Swine Health	23,000
Veterinary Biologics	16,457
Veterinary Diagnostics	31,611
Zoonotic Disease Management	9,000
Subtotal, Animal Health	290,579
Agricultural Quarantine Inspection (Appropriated)	27,500
Cotton Pests	17,848
Field Crop & Rangeland Ecosystems Pests	9,068
Pest Detection	27,500
Plant Protection Methods Development	20,600
Specialty Crop Pests	153,950
Tree & Wood Pests	55,638
Subtotal, Plant Health	312,104
Wildlife Damage Management	72,500
Wildlife Services Methods Development	18,000
Subtotal, Wildlife Services	90,500
Animal & Plant Health Regulatory Enforcement	16,275
Biotechnology Regulatory Services	18,135
Subtotal, Regulatory Services	34,410
Contingency Fund	1,000
Emergency Preparedness & Response	17,000
Subtotal, Emergency Management	18,000
Subtotal, Safeguarding and Emergency Preparedness/Response	745,593
Safe Trade and International Technical Assistance:	
Agriculture Import/Export	13,354
Overseas Technical & Trade Operations	20,104
Subtotal, Safe Trade	33,458
Animal Welfare:	
Animal Welfare	27,087
Horse Protection	696
Subtotal, Animal Welfare	27,783
Agency Management:	
APHIS Information Technology Infrastructure	4,335
Physical/Operational Security	5,365

Program	*Amount*
Subtotal, Agency Management	9,700
Total, Direct Appropriation	816,534

BUILDINGS AND FACILITIES

The conference agreement provides $3,200,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the House instead of $3,176,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $82,211,000 for the Agricultural Marketing Service as proposed by the Senate instead of $77,800,000 as proposed by the House.

The conferees provide an increase of $300,000 for the Market News Program to expand reporting on organic agricultural products. In addition, AMS is encouraged to continue funding the National Organic Program at the fiscal year 2011 level or above.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation on administrative expenses of $62,101,000 as proposed by the Senate instead of $61,000,000 as proposed by the House.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $20,056,000 for Funds for Strengthening Markets, Income, and Supply as proposed by the House and the Senate.

The following table reflects the status of this fund for fiscal year 2012:

Estimated Total Funds Available and Balance Carried Forward

[Dollars in Thousands]

	Amount
Appropriation (30% of Customs Receipts)	7,947,046
Balances Available for Transfers Less Transfers:	
Food & Nutrition Service	(6,676,207)
Commerce Department	(109,098)
Total, Transfers	(6,785,306)
Unobligated Balance Available, Start of Year	259,953
Unavailable for Obligations (recoveries & offsetting collections)	(73,694)
Transfer of Prior Year Funds to FNS (F&V)	(117,000)
Budget Authority	1,231,000
Unavailable for Obligation	(150,000)
Unavailable for Obligations (F&V Transfer-FNS)	(133,000)
Available for Obligation	948,000
Less Obligations:	
Child Nutrition Programs (Entitlement Commodities)	465,000
12 Percent Commodity Floor	—
Cotton, Soybean, Rice and Sweet Potato Disaster Program	—
State Option Contract	5,000
Removal of Defective Commodities	2,500

	Amount
Emergency Surplus Removal	—
Disaster Relief	5,000
Additional Fruits, Vegetables, and Nuts Purchases	175,600
Fresh Fruit and Vegetable Program	20,000
Accounting Adjustment	—
Estimated Future Needs	227,113
Total, Commodity Procurement	900,213
Administrative Funds:	
Commodity Purchase Support	27,731
Marketing Agreements and Orders	20,056
Total, Administrative Funds	47,787
Total Obligations	948,000
Unavailable for Obligations (Fruit and Vegetable Transfer to FNS)	133,000
Balances, Collections, and Recoveries Not Available	73,694
Total End of Year Balance	206,694

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement provides $1,198,000 for Payments to States and Possessions as proposed by the Senate instead of $1,331,000 as proposed by the House.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $37,750,000 for the Grain Inspection, Packers and Stockyards Administration instead of $37,000,000 as proposed by the House and $38,248,000 as proposed by the Senate.

The conference agreement includes language (section 721) that places conditions on the promulgation and implementation of regulations relating to the Grain Inspection, Packers and Stockyards Administration as authorized by Title XI of the Food, Conservation, and Energy Act of 2008 (the Act). Funds are provided to allow the Secretary to continue publication and implementation of a final or interim final rule as provided by the Administrative Procedures Act. The conference agreement further provides that the annual cost to the economy of such rules cannot exceed $100,000,000 and that the items included in the rules must be limited to the specific items described in the Act for which these rules were mandated.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The conference agreement includes a limitation on inspection and weighing services expenses of $49,000,000 instead of $47,500,000 as proposed by the House and $50,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides $770,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of $689,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $1,004,427,000 for the Food Safety and Inspection Service instead of $972,028,000 as proposed by the House and $1,006,503,000 as proposed by the Senate.

The conferees direct FSIS to provide full funding to states for state inspection programs.

The following table reflects the conference agreement:

Food Safety and Inspection Service

[Dollars in Thousands]

Federal	$887,520
State	62,734
International	15,841
Codex Alimentarius	3,752
Public Health Data Communications Infrastructure System	34,580
Total, Food Safety and Inspection Service	$1,004,427

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The conference agreement provides $848,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate instead of $760,000 as proposed by the House.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $1,491,549,000 for the Farm Service Agency instead of $1,439,970,000 as proposed by the House and $1,474,511,000 as proposed by the Senate.

The conferees provide that not less than $66,685,000 shall be for Modernize and Innovate the Delivery of Agricultural Systems.

The conferees strongly support the implementation of Modernize and Innovate the Delivery of Agricultural Systems (MIDAS), and encourage the agency to ensure that MIDAS's initial operating capability will be released by October 2012.

The conference agreement provides $13,000,000 for the Common Computing Environment.

The following table reflects the conference agreement:

[Dollars in Thousands]

Salaries and expenses	$1,198,966
Transfer from P.L. 480	2,500
Transfer from Export Loans	355
Transfer from ACIF	289,728
Total, FSA Salaries and expenses	$1,491,549

STATE MEDIATION GRANTS

The conference agreement provides $3,759,000 for State Mediation Grants as proposed by the Senate instead of $3,550,000 as proposed by the House.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

The conference agreement provides $3,817,000 for the Grassroots Source Water Protection Program as proposed by the Senate instead of $3,605,000 as proposed by the House.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $100,000 for the Dairy Indemnity Program as proposed by the House and Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The following table reflects the conference agreement:

[Dollars in Thousands]

Farm Ownership Loans:	
Direct	($475,000)
Subsidy	$22,800
Guaranteed	($1,500,000)
Subsidy	0
Farm Operating Loans:	
Direct	($1,050,090)
Subsidy	$59,120
Unsubsidized Guaranteed	($1,500,000)
Subsidy	$26,100
Indian Tribe Land Acquisition Loans	($2,000)
Subsidy	0
Conservation Loans-Guaranteed	($150,000)
Subsidy	0
Indian Highly Fractionated Land	($10,000)
Subsidy	$193
Boll Weevil Eradication	($100,000)
Subsidy	0
ACIF Expenses:	
Salaries and Expenses	$289,728
Administrative Expenses	$7,904

RISK MANAGEMENT AGENCY

The conference agreement provides $74,900,000 for the Risk Management Agency as proposed by the Senate instead of $68,016,000 as proposed by the House.

FEDERAL CROP INSURANCE CORPORATION FUND

The conference agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund (estimated to be $3,142,375,000 in the President's fiscal year 2012 Budget Request) as proposed by the House and Senate.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation (estimated to be

$14,071,000,000 in the President's fiscal year 2012 Budget Request) as proposed by the House and Senate.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

The conference agreement provides a limitation of $5,000,000 for Hazardous Waste Management as proposed by the House and Senate.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides $848,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the Senate instead of $760,000 as proposed by the House.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides $828,159,000 for Conservation Operations as proposed by the Senate instead of $770,956,000 as proposed by the House.

The conference agreement provides $9,300,000 for the Snow Survey and Water Forecasting Program; $9,400,000 for the Plant Material Centers; $80,000,000 for the Soil Surveys Program; and $729,459,000 for Conservation Technical Assistance.

The conference agreement provides an increase of $5,000,000 for the Conservation Effects Assessment Project and an increase of $5,000,000 for the Conservation Delivery Streamlining Initiative.

The conference agreement provides $12,500,000 for the Common Computing Environment.

WATERSHED REHABILITATION PROGRAM

The conference agreement provides $15,000,000 for the Watershed Rehabilitation Program as proposed by the House instead of $8,000,000 as proposed by the Senate.

TITLE III—RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides $848,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of $760,000 as proposed by the House.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $182,023,000 for Rural Development Salaries and Expenses as proposed by the Senate instead of $161,011,000 as proposed by the House.

The conference agreement provides $4,500,000 for the Common Computing Environment.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total subsidy of $510,991,000 for activities under the Rural Housing Insurance Fund Program Account instead of $472,500,000 as proposed by the House and $512,791,000 as proposed by the Senate. This includes a transfer of $430,800,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of $400,000,000 as proposed by the House.

The following table indicates loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorizations:	
Single family direct (sec. 502)	($900,000)
Single family unsubsidized guaranteed	(24,000,000)
Housing repair (sec. 504)	(10,000)
Rental housing (sec. 515)	(64,478)
Multi-family guaranteed (sec. 538)	(130,000)
Credit sales of acquired property	(10,000)
Farm labor housing	(20,791)
Self help housing land development	(5,000)
Total, Loan authorizations	($25,140,269)
Loan subsidies:	
Single family direct (sec. 502)	$42,570
Housing repair (sec. 504)	1,421
Rental housing (sec. 515)	22,000
Farm labor housing	7,100
Subtotal, Loan subsidies	73,091
Farm labor housing grants	7,100
Total, Loan subsidies and grants	$80,191
Administrative expenses (transfer to RD)	$430,800
Total, Loan subsidies, grants and administrative expenses	$510,991

The conferees recognize that many private lenders have been unable to implement the new annual fee for Section 502 guaranteed loans as required by the Department. Currently, only one major lender has developed the necessary automated systems capacity. Many small rural banks and state housing agencies are precluded from program participation due to their lack of automated systems enhancements. To provide a short-term solution, the conferees provide authority to the Department to increase the guarantee fee, such that subsidy costs are covered while relying on processes that traditional program participants already have in place. However, the conferees are hopeful that participants continue to pursue automated systems changes necessary to implement the annual fee. The conferees direct the Department to complete all necessary systems enhancements as soon as possible.

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $904,653,000 for the Rental Assistance Program as proposed by the Senate instead of $890,000,000 as proposed by the House.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

The conference agreement provides $13,000,000 for the Multi-Family Housing Revitalization Account Program as proposed by the Senate instead of $11,000,000 as proposed by the House.

This includes $11,000,000 for vouchers and $2,000,000 for a housing preservation demonstration program.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $30,000,000 for Mutual and Self-Help Housing Grants as proposed by the Senate instead of $22,000,000 as proposed by the House.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $33,136,000 for Rural Housing Assistance Grants instead of $32,000,000 as proposed by the House and $34,271,000 as proposed by the Senate.

The following table reflects the grant levels provided by the conference agreement:

[Dollars in Thousands]

Very-low income housing repair grants	$29,500
Housing preservation grants	3,636
Total, grants	$33,136

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $29,291,000 for the Rural Community Facilities Program Account instead of $18,000,000 as proposed by the House and $26,274,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant amounts provided by the conference agreement:

[Dollars in Thousands]

Loan Authorizations:	
CF direct loans	($1,300,000)
CF guaranteed loans	(105,708)
Loan Subsidies and Grants:	
CF guaranteed loans	5,000
CF grants	11,363
Rural Community Development Initiative	3,621
Economic Impact Initiative	5,938
Tribal College Grants	3,369
Total, subsidies and grants	$29,291

The conferees note that USDA Community Facilities loans and grants can assist eligible school districts participating in the National School Lunch and Breakfast Programs with upgrades to school infrastructure in order to assist schools in meeting the new nutrition standards. The conferees encourage the Department to conduct outreach to rural school districts, especially those with

more than 50 percent of students eligible for free or reduced-price meals, and consider applications for school food service upgrades through the Rural Community Facilities program.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $74,809,000 for the Rural Business Program Account instead of $64,500,000 as proposed by the House and $79,665,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Business and Industry loan program:	
Guaranteed loan authorization	($822,886)
Guaranteed loan subsidy	45,341
Rural business enterprise grants	24,318
Rural business opportunity grants	2,250
Delta Regional Authority	2,900
Total, subsidy and grants	$74,809

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $10,684,000 for the Rural Development Loan Fund Program Account instead of $8,500,000 as proposed by the House and $11,684,000 as proposed by the Senate.

The conference agreement provides for a transfer of $4,684,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of $3,500,000 as proposed by the House.

The following table reflects the loan and subsidy levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorization	($17,710)
Loan subsidy	6,000
Administrative expenses (Transfer to RD)	4,684
Total, subsidy and administrative expenses	$10,684

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

The conference agreement provides $33,077,000 for the Rural Economic Development Loans Program Account as proposed by the House and the Senate.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides $25,050,000 for Rural Cooperative Development Grants instead of $22,500,000 as proposed by the House and $27,915,000 as proposed by the Senate.

The conferees provide $5,800,000 for cooperative development grants; $2,250,000 for a cooperative agreement for the Appropriate Technology Transfer for Rural Areas program; $3,000,000 for co-

operatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers; and $14,000,000 for value-added agricultural product market development grants.

RURAL ENERGY FOR AMERICA PROGRAM

The conference agreement provides $3,400,000 for the Rural Energy for America Program instead of $2,300,000 as proposed by the House and $4,500,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Guaranteed loan authorization	($6,491)
Guaranteed loan subsidy	1,700
Grants	1,700
Total, subsidy and grants	$3,400

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $513,000,000 for the Rural Water and Waste Disposal Program Account instead of $500,000,000 as proposed by the House and $509,295,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorizations:	
Water and waste direct loans	($730,689)
Water and waste guaranteed loans	(62,893)
Subsidies and grants:	
Direct loan subsidy	70,000
Guaranteed loan subsidy	1,000
Water and waste revolving fund	497
Water well system grants	993
Grants for Colonias, Native Americans, Alaskan Native Villages, and the Department of Hawaiian Home Lands	66,500
Water and waste technical assistance grants	19,000
Circuit Rider program	15,000
Solid waste management grants	3,400
High energy cost grants	9,500
Water and waste disposal grants	327,110
Total, subsidies and grants	$513,000

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total subsidy of $36,976,000 for activities under the Rural Electrification and Telecommunications Loans Program Account as proposed by the Senate instead of $30,000,000 as proposed by the House. The conference agreement provides for an estimated loan level of $7,714,286,000 as

proposed by the Senate instead of $7,290,000,000 as proposed by the House.

The conference agreement provides for a transfer of $36,382,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of $30,000,000 as proposed by the House.

The conferees direct USDA to provide a report on baseload generation needs in rural America and to work with interested parties and the Office of Management and Budget to conduct a subsidy analysis that incorporates the most up to date data. The conferees direct USDA to provide the report to the Committees on Appropriations of the House and the Senate by February 1, 2012.

The conferees encourage the Department to encourage a diversity of applicants for the guaranteed underwriting program.

The following table indicates loan and subsidy levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorizations:	
Electric:	
Direct, 5 percent	($100,000)
Direct, FFB	(6,500,000)
Guaranteed underwriting	(424,286)
Subtotal	(7,024,286)
Telecommunications:	
Direct, 5 percent	(145,000)
Direct, Treasury rate	(250,000)
Direct, FFB	(295,000)
Subtotal	(690,000)
Total, loan authorizations	($7,714,286)
Loan subsidies:	
Electric:	
Guaranteed underwriting	594
Administrative expenses (transfer to RD)	36,382
Total, Loan subsidies and administrative expenses	$36,976

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The conference agreement provides $37,372,000 for the distance learning, telemedicine and broadband program instead of $21,000,000 as proposed by the House and $46,942,000 as proposed by the Senate.

The conference agreement provides $15,000,000 for grants for telemedicine and distance learning services in rural areas. The conference agreement provides $3,000,000 for telemedicine and distance learning grants for health needs in the Mississippi River Delta area and $3,000,000 for grants to noncommercial educational television broadcast stations that serve rural areas.

The conference agreement provides $10,372,000 for grants to finance broadband transmission and Internet services in unserved and underserved rural areas.

The conference agreement provides an estimated loan level of $212,014,000 and $6,000,000 in subsidy for broadband telecommunications.

Funding provided for the broadband program is intended to promote broadband availability in those areas where there is not otherwise a business case for private investment in a broadband network. The conferees encourage RUS to focus expenditures on projects that bring broadband service to currently unserved households.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides $770,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the Senate instead of $689,000 as proposed by the House.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $18,151,176,000 for Child Nutrition Programs as proposed by the Senate instead of $18,770,571,000 as proposed by the House.

The conference agreement includes a general provision relating to child nutrition guidelines.

The conference agreement provides the following for Child Nutrition Programs:

Total Obligational Authority

[Dollars in Thousands]

Child Nutrition Programs:	
School lunch program	$10,169,615
School breakfast program	3,313,848
Child and adult care food program	2,831,543
Summer food service program	401,998
Special milk program	13,240
State administrative expenses	279,016
Commodity procurement	1,075,727
Healthier US Schools Challenge	1,500
Team Nutrition	15,016
Food Safety Education	2,510
Coordinated Review	9,763
Computer Support and Processing	9,525
CACFP training and technical assistance	3,537
Studies and other activities	19,000
Farm to school tactical team	2,000
CN payment accuracy	2,338
School Breakfast Expansion Grants	1,000
Total	$18,151,176

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

The conference agreement provides $6,618,497,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of $6,048,250,000 as proposed by the House and $6,582,497,000 as proposed by the Senate. The conferees be-

lieve that funding for other initiatives within this program should only occur upon determination that participation needs have been met, and the contingency reserve should not be used for these initiatives.

The conferees are interested in Federal and State initiatives to actively manage the costs of the WIC program so that resources provided to support participants are efficiently and effectively utilized. The conferees seek demonstrated efficiencies and strong financial controls in all aspects of the program, including the cost of delivering nutritional and other preventative health services by the States, so that limited funds can be used to provide benefits to all eligible women, infants, and children seeking program services in a given year. The conferees direct the Food and Nutrition Service to provide the Committees with a report on how it will pursue these objectives by January 31, 2012.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The conference agreement provides $80,401,722,000 for the Supplemental Nutrition Assistance Program instead of $71,173,308,000 as proposed by the House and $80,402,722,000 as proposed by the Senate. The conference agreement includes $3,000,000,000 to be made available for a contingency reserve. The conferees note that $3,000,000,000 was also made available in fiscal year 2011 as a contingency reserve and remains available in fiscal year 2012.

The conference agreement provides the following for the Supplemental Nutrition Assistance Program:

Total Obligational Authority

[Dollars in Thousands]

Supplemental Nutrition Assistance Program:	
Benefits	$70,524,648
Contingency Reserve	3,000,000
State Administrative Costs	3,742,000
Nutrition Education and Obesity Prevention Grant Program	388,000
Employment and Training.	397,118
Mandatory Other Program Costs	114,477
Discretionary Other Program Costs	1,000
Nutrition Assistance for Puerto Rico and American Samoa	1,842,835
Food Distribution Program for Indian Reservations	102,746
TEFAP Commodities	260,250
Commonwealth of the Northern Mariana Islands	13,148
Community Food Project	5,000
Program Access	5,000
Financial Management Systems Modernization	3,500
Information Technology Modernization and Support	2,000
Total	$80,401,722

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $242,336,000 for the Commodity Assistance Program as proposed by the Senate instead of $197,500,000 as proposed by the House.

The conference agreement includes $176,788,000 for the Commodity Supplemental Food Program.

The conference agreement provides $48,000,000 for administrative funding for the Emergency Food Assistance Program (TEFAP).

In addition, the conference agreement grants the Secretary authority to transfer up to an additional 10 percent from TEFAP commodities for this purpose.

The conference agreement provides $16,548,000 for the Farmer's Market Nutrition Program and $1,000,000 for Pacific Island Assistance.

The conferees direct USDA to make an assessment to determine if State agencies are in compliance with 7 CFR Part 251.5(b), and, if not, they are directed to issue guidance to the respective agencies on how they can comply with this regulation. Additionally, the conferees direct USDA to submit a report to the Committees on Appropriations of the House and the Senate on steps the Department might use to measure participation in the Emergency Food Assistance Program by March 16, 2012.

NUTRITION PROGRAMS ADMINISTRATION

The conference agreement provides $138,500,000 for Nutrition Programs Administration instead of $125,000,000 as proposed by the House and $140,130,000 as proposed by the Senate.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $176,347,000 for the Foreign Agricultural Service (FAS), Salaries and Expenses, as proposed by the Senate instead of $172,500,000 as proposed by the House.

While the conferees believe that USDA, and its partner USAID, must first focus on addressing immediate emergency needs in places such as the Horn of Africa, the Department must begin to develop plans and corresponding goals aimed at building market-driven institutions and science-based regulatory frameworks that facilitate trade and create an environment conducive to agricultural growth. Therefore, the conferees direct FAS to submit a report within 60 days of enactment of this Act with options for shifting more focus in outyear budgets from long-term or extended emergency food aid programs to programs that support FAS' duties to help developing countries improve their agricultural systems and build trade capacity in order to improve their long-term economic development.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $2,500,000 for administrative expenses for the Food for Peace Title I Direct Credit and Food for Progress Program Account, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses", instead of $2,385,000 as proposed by the House and $2,666,000 as proposed by the Senate.

FOOD FOR PEACE TITLE II GRANTS

The conference agreement provides $1,466,000,000 for Food For Peace Title II Grants instead of $1,040,198,000 as proposed by the House and $1,562,000,000 as proposed by the Senate.

The amount provided for this program is more than $200,000,000 less than the amount requested by the President and even further below the levels appropriated in recent years. Flexibility in providing appropriations for humanitarian food assistance has been constrained by the Budget Control Act of 2011 (BCA) which established a firewall between security and non-security discretionary spending. This conference report includes only two programs under the security heading, PL 480 and the McGovern-Dole International Food for Education and Child Nutrition Program, both of which are related to humanitarian food assistance. Because of this inflexibility in shifting discretionary resources due to the requirements of the BCA, the conferees are unable to provide higher levels of funding for these two programs without being in violation of established budget caps. The conferees remain aware of the acute problems relating to global hunger, especially in view of the declared famine in the Horn of Africa, and will continue to monitor conditions there and elsewhere in the world in order to take whatever steps are available, as conditions warrant.

The conference agreement includes language in Section 741 to ensure humanitarian food assistance programs include sufficient monitoring and control mechanisms. The conferees believe that food aid should not be used as a political tool but that recipient nations do have obligations to ensure transparency and cooperation in the distribution of aid to affected populations. Should the U.S. government consider resumption of food assistance to the Democratic People's Republic of Korea, it is expected that assurances will be given to protect the integrity of program execution, including monitoring, and that any remaining issues regarding previous year program delivery be satisfactorily resolved.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $6,820,000 for the Commodity Credit Corporation Export (Loans) Credit Guarantee Program Account as proposed by the House instead of $6,465,000 as proposed by the Senate.

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

The conference agreement provides $184,000,000 for the McGovern-Dole International Food for Education and Child Nutrition Program instead of $180,000,000 as proposed by the House and $188,000,000 as proposed by the Senate.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act, Medical Device and Modernization User Fee Act, Animal Drug User Fee Act, Animal Generic Drug User Fee Act, Tobacco Product User Fee Act, Food Reinspection User Fee Act, and Food Recall User Fee Act collections, of $3,788,336,000 for the salaries and expenses of the Food and Drug Administration instead of $3,654,148,000 as proposed by the House and $3,859,402,000 as proposed by the Senate and provides specific amounts by FDA activity as reflected in the following table:

Food and Drug Administration Salaries & Expenses

[Dollars in Thousands]

Budget Authority:	
Foods	$866,061
Center for Food Safety and Applied Nutrition	264,296
Field Activities	601,765
Human Drugs	477,810
Center for Drug Evaluation and Research	347,817
Field Activities	129,993
Biologics	212,224
Center for Biologics Evaluation and Research	171,711
Field Activities	40,513
Animal Drugs and Feeds	138,021
Center for Veterinary Medicine	84,699
Field Activities	53,322
Devices and Radiological Products	322,672
Center for Devices and Radiological Health	241,475
Field Activities	81,197
National Center for Toxicological Research	60,039
Other Activities/Office of the Commissioner	153,704
White Oak Consolidation	40,386
GSA Rent	65,598
Other Rent and Rent Related	160,506
Subtotal, Budget Authority	2,497,021
User Fees:	
Prescription Drug User Fee Act	702,172
Medical Device User Fee and Modernization Act	57,605
Animal Drug User Fee Act	21,768
Animal Generic Drug User Fee Act	5,706
Tobacco Product User Fees	477,000
Food Reinspection Fees	14,700
Food Recall Fees	12,364
Subtotal, User Fees	1,291,315
Total, FDA Program Level	$3,788,336

The conference agreement includes the following increases: $39,000,000 to begin implementation of the Food Safety Modernization Act; $20,038,000 for advancing medical countermeasures; and $12,962,000 for mandatory rental payments. The conferees also accept FDA's proposed reduction of $22,000,000 due to administrative and contract savings. The conferees direct FDA to provide a report within 30 days of enactment of this Act on how it intends to allocate these increases.

The conferees direct that, within 90 days of the date of enactment of this Act, FDA report on the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to the agency under section 505 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) until the date that the drugs were approved; the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of the FD&C Act or for premarket approval (including any supplements) under section 515 of the FD&C Act were submitted to the agency until the date that the devices were cleared; and the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to the agency under section 351 of the Public Health Service Act until the date that the biological products were licensed.

The conferees are concerned that FDA has not issued a proposed rule revising the monograph regulating the labeling of over-the-counter cough and cold products for children. The conferees direct the FDA to publish a proposed rule by December 31, 2011, based on the latest scientific evidence for safety and efficacy in pediatric populations.

The conferees recognize that FDA is developing facilities and expertise to study nanotechnology within FDA's Jefferson Laboratory Campus, including the National Center for Toxicological Research, and its consolidated headquarters at White Oak, Maryland. The conferees support FDA in its mission to expand upon current research in nanotechnology and support the eventual development of a Nanotechnology Core Center to meet its mission.

The conferees are aware that FDA currently inspects less than 2 percent of imported seafood. Further, many of these imports may contain substances that are banned in the United States. Therefore, the conferees direct FDA to develop a comprehensive program for imported seafood.

The conferees note that the most recent CDC estimates are that only 20 percent of foodborne illnesses are from 31 known pathogens such as norovirus, salmonella and clostridium. Since 80 percent of illnesses are caused by unknown sources, FDA is encouraged to work with the public and private sectors to gain a better understanding of the causes of illness. FDA's broader understanding of unknown sources should contribute towards the development of new strategies, policies, and foodborne illness prevention methods. While simultaneously seeking answers to unknown sources and plans to address these hazards, FDA has to do a better job of identifying more effective food safety activities that will reduce illnesses, hospitalizations, and deaths associated with the other 20 percent of foodborne illness. Within the funding level for food safety, FDA is directed to develop a clear strategy on how the agency can prioritize intervention methods along the farm to fork continuum to reduce illness once they have discovered the sources for a much greater proportion of unknown agents and to tie the funding levels for food safety to increased levels of activities to both the known and the unknown sources of illness. The conferees direct FDA to include this information in the fiscal year 2013 budget justifications to Congress.

The conferees emphasize the importance of predictability and transparency in the FDA approval process, and urge FDA to remain focused on its core mission of ensuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, fostering the development of medical products to support the counterterrorism effort, and helping to speed innovation of safe and effective products that improve the lives of patients and consumers. The conferees urge FDA to be responsive, timely, and transparent throughout the approval process for all human and veterinary drugs, biological products, medical devices, and medical countermeasures.

BUILDINGS AND FACILITIES

The conference agreement provides $8,788,000 for the Food and Drug Administration Buildings and Facilities as proposed by the House instead of $8,982,000 as proposed by the Senate.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides $205,294,000, to remain available until September 30, 2013, for the Commodity Futures Trading Commission instead of $171,930,000 as proposed by the House and $240,000,000 as proposed by the Senate.

Of the total amount provided, the conference agreement includes $55,000,000, to remain available until September 30, 2014, for information technology investments.

The conferees direct the CFTC to submit, within 30 days of enactment, a detailed spending plan for the allocation of the funds made available, displayed by discrete program, project, and activity, including staffing projections, specifying both FTEs and contractors, and planned investments in information technology.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $61,000,000 on administrative expenses of the Farm Credit Administration instead of $62,000,000 as proposed by the House and the Senate.

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Section 701.—The conference agreement includes language making funds available for the purchase, replacement and hire of passenger motor vehicles.

Section 702.—The conference agreement includes language regarding transfers of funds to the Working Capital Fund of the Department of Agriculture.

Section 703.—The conference agreement includes language limiting funding provided in the bill to one year unless otherwise specified.

Section 704.—The conference agreement includes language regarding indirect cost rates on cooperative agreements between the Department of Agriculture and nonprofit institutions.

Section 705.—The conference agreement includes language making appropriations to the Department of Agriculture for the cost of direct and guaranteed loans available until expended to disburse certain obligations for certain Rural Development programs.

Section 706.—The conference agreement includes language prohibiting the use of funds to establish an inspection panel at the Department of Agriculture.

Section 707.—The conference agreement includes language regarding the transfer of funds to the Office of the Chief Information Officer and the acquisition of information technology systems.

Section 708.—The conference agreement includes language making funds available until expended to the Department of Agriculture to disburse certain obligations for certain conservation programs.

Section 709.—The conference agreement includes language regarding Rural Utility Service program eligibility.

Section 710.—The conference agreement includes language regarding in-kind support and Department of Agriculture research grants.

Section 711.—The conference agreement includes language regarding Farm Service Agency and Rural Development funds for information technology expenses.

Section 712.—The conference agreement includes language regarding the availability of funds for liquid infant formula.

Section 713.—The conference agreement includes language prohibiting first-class airline travel.

Section 714.—The conference agreement includes language regarding the availability of certain funds of the Commodity Credit Corporation.

Section 715.—The conference agreement includes language regarding non-emergency humanitarian food assistance.

Section 716.—The conference agreement includes language regarding certain farm programs.

Section 717.—The conference agreement includes language regarding direct loans made under the Rural Electrification Act.

Section 718.—The conference agreement includes language regarding the Bill Emerson Humanitarian Trust Act.

Section 719.—The conference agreement includes language regarding funding for advisory committees.

Section 720.—The conference agreement includes language regarding the limitation on indirect costs for grants awarded by the National Institute of Food and Agriculture.

Section 721.—The conference agreement includes language regarding regulations under the Grain Inspection, Packers and Stockyards Administration.

Section 722.—The conference agreement includes language regarding the rescission of funds.

Section 723.—The conference agreement includes language regarding the rescission of unobligated balances.

Section 724.—The conference agreement includes language regarding section 1621 of Public Law 110–246.

Section 725.—The conference agreement includes language regarding strategic rural development planning.

Section 726.—The conference agreement includes language regarding the availability of funds for certain Department of Agriculture programs.

Section 727.—The conference agreement includes language regarding a pilot program for certain forest lands.

Section 728.—The conference agreement includes language regarding user fee proposals without offsets.

Section 729.—The conference agreement includes language regarding the rescission of certain unobligated balances.

Section 730.—The conference agreement includes language regarding the reprogramming of funds.

Section 731.—The conference agreement includes language regarding fees for the guaranteed business and industry loan program.

Section 732.—The conference agreement includes language regarding the conveyance of certain research facilities.

Section 733.—The conference agreement includes language regarding the appropriations hearing process.

Section 734.—The conference agreement includes language regarding food donations and the National School Lunch Program.

Section 735.—The conference agreement includes language regarding the Emergency Conservation Program, the Emergency Watershed Program and the Emergency Forestry Conservation Program.

Section 736.—The conference agreement includes language regarding government-sponsored news stories.

Section 737.—The conference agreement includes language regarding details and assignments of Department of Agriculture employees.

Section 738.—The conference agreement includes language prohibiting grants and loans to a corporation convicted of a felony under Federal law.

Section 739.—The conference agreement includes language prohibiting grants and loans to corporations that have an unpaid Federal tax liability.

Section 740.—The conference agreement includes language regarding certain unobligated balances.

Section 741.—The conference agreement includes language regarding emergency food aid.

Section 742.—The conference agreement includes language regarding the Department of Agriculture's wool and mohair program.

Section 743.—The conference agreement includes language regarding nutrition standards for the school breakfast and lunch programs.

Section 744.—The conference agreement includes language regarding the Department of Agriculture's Community Facilities program.

Section 745.—The conference agreement includes language regarding eligibility for certain farm programs.

Section 746.—The conference agreement includes language regarding nutrition standards for the school breakfast and lunch programs.

Section 747.—The conference agreement includes language regarding transfers of funds in certain Rural Development programs.

Section 748.—The conference agreement includes language regarding the Water Bank Act.

The conference agreement does not include a provision (House Section 743) regarding an across-the-board reduction to the funding levels in all accounts in titles I through IV. The House funding levels stated in the Statement of Managers do not reflect the impact of this reduction in each of the respective accounts.

The conference agreement does not include a provision (House Section 749) on the Energy Independence and Security Act of 2007. The conferees note that the enforcement of section 526 of the Energy Independence and Security Act of 2007 may lead to higher fuel costs for federal fleets in the absence of competitively priced new generation fuels that emit fewer emissions. In carrying out this statute, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration and Chairman of the Commodity Futures Trading Commission should work to ensure that costs associated with fuel purchases necessary to carry out the missions of their respective departments or agencies should be minimized to the extent possible under the law.

The conference agreement does not include a provision (House Section 750) regarding the "Know Your Farmer, Know Your Food" initiative. The conferees direct the Department to post on its website prior to any travel primarily related to the "Know Your Farmer, Know Your Food" initiative, information including the agenda and the cost of such travel. In addition, within 90 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of the House and Senate a report on the impacts of this initiative over the previous two years, and to include justification for this initiative in the fiscal year 2013 budget explanatory notes.

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS				
Production, Processing, and Marketing				
Office of the Secretary	5,051	5,883	4,550	-501
Office of Tribal Relations	498	1,015	448	-50
Healthy Food Financing Initiative	---	35,000	---	---
Executive Operations:				
Office of Chief Economist	12,008	15,196	11,177	-831
National Appeals Division	14,225	15,254	12,841	-1,384
Office of Budget and Program Analysis	9,417	9,436	8,946	-471
Office of Homeland Security	1,496	4,272	1,321	-175
Office of Advocacy and Outreach	1,422	7,000	1,209	-213
Office of the Chief Information Officer	39,920	63,579	44,031	+4,111
Office of the Chief Financial Officer	6,247	6,566	5,650	-597
Subtotal, Executive Operations	84,735	121,303	85,175	+440
Office of the Assistant Secretary for Civil Rights	893	895	848	-45
Office of Civil Rights	22,692	24,922	21,000	-1,692
Office of the Assistant Secretary for Administration	804	820	764	-40
Agriculture buildings and facilities and rental payments	(246,476)	(255,191)	(230,416)	(-16,060)
Payments to GSA	178,113	164,470	164,470	-13,643
Department of Homeland Security	13,473	13,800	13,800	+327
Building operations and maintenance	54,890	76,921	52,146	-2,744
Hazardous materials management	3,992	5,125	3,592	-400
Departmental Administration	29,647	35,787	24,165	-5,482

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the Assistant Secretary for Congressional Relations	3,869	4,041	3,576	-293
Office of Communications	9,480	9,722	8,065	-1,415
Office of Inspector General	88,548	90,755	85,621	-2,927
Office of the General Counsel	41,416	46,058	39,345	-2,071
Total, Departmental Administration	538,101	636,517	507,565	-30,536
Office of the Under Secretary for Research, Education, and Economics	893	911	848	-45
Economic Research Service	81,814	85,971	77,723	-4,091
National Agricultural Statistics Service	156,447	165,421	158,616	+2,169
Census of Agriculture	(33,139)	(41,639)	(41,639)	(+8,500)
Agricultural Research Service:				
Salaries and expenses	1,133,230	1,137,690	1,094,647	-38,583
National Institute of Food and Agriculture:				
Research and education activities	698,740	708,107	705,599	+6,859
Native American Institutions Endowment Fund	(11,880)	(11,880)	(11,880)	---
Extension activities	479,132	466,788	475,183	-3,949
Integrated activities	36,926	29,874	21,482	-15,444
Hispanic-Serving Agricultural Colleges and Universities Endowment Fund	---	(10,000)	---	---
Total, National Institute of Food and Agriculture	1,214,798	1,204,769	1,202,264	-12,534
Office of the Under Secretary for Marketing and Regulatory Programs	893	911	848	-45

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Animal and Plant Health Inspection Service:				
Salaries and expenses	863,270	832,706	816,534	-46,736
Assistance, goods, or services (user fees) NA	---	(141,000)	---	---
Buildings and facilities	3,529	4,712	3,200	-329
Total, Animal and Plant Health Inspection Service	866,799	837,418	819,734	-47,065
Agricultural Marketing Service:				
Marketing Services	86,538	94,755	82,211	-4,327
Standardization activities (user fees) NA	(65,000)	(66,000)	(66,000)	(+1,000)
(Limitation on administrative expenses, from fees collected)	(60,947)	(62,101)	(62,101)	(+1,154)
Funds for strengthening markets, income, and supply (Section 32):				
Permanent, Section 32	1,065,000	1,080,000	1,080,000	+15,000
Marketing agreements and orders (transfer from section 32)	(20,056)	(20,056)	(20,056)	---
Payments to States and Possessions	1,331	2,634	1,198	-133
Total, Agricultural Marketing Service program	1,213,816	1,239,490	1,225,510	+11,694
Grain Inspection, Packers and Stockyards Administration:				
Salaries and expenses	40,261	44,192	37,750	-2,511
Limitation on inspection and weighing services	(47,500)	(50,000)	(49,000)	(+1,500)
Office of the Under Secretary for Food Safety	811	828	770	-41

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Food Safety and Inspection Service	1,006,503	1,011,393	1,004,427	-2,076
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	6,193,419	6,303,410	6,068,601	-124,818
Farm Assistance Programs				
Office of the Under Secretary for Farm and Foreign Agricultural Services	893	911	848	-45
Farm Service Agency:				
Salaries and expenses	1,208,290	1,357,065	1,198,966	-9,324
Equal Credit Opportunity claims (leg. proposal)	---	40,000	---	---
(Transfer from Food for Peace (P.L. 480))	(2,806)	(2,812)	(2,500)	(-306)
(Transfer from export loans)	(354)	(355)	(355)	(+1)
(Transfer from ACIF)	(304,977)	(313,173)	(289,728)	(-15,249)
Subtotal, transfers from program accounts	(308,137)	(316,340)	(292,583)	(-15,554)
Total, Salaries and expenses	(1,516,427)	(1,713,405)	(1,491,549)	(-24,878)
State mediation grants	4,177	4,369	3,759	-418
Grassroot source water protection program	4,241	---	3,817	-424
Dairy indemnity program	876	100	100	-776
Subtotal, Farm Service Agency	1,217,584	1,401,534	1,206,642	-10,942

(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Agricultural Credit Insurance Fund (ACIF) Program Account:				
Loan authorizations:				
Farm ownership loans:				
Direct	(475,000)	(475,000)	(475,000)	---
Guaranteed	(1,500,000)	(1,500,000)	(1,500,000)	---
Subtotal	(1,975,000)	(1,975,000)	(1,975,000)	---
Farm operating loans:				
Direct	(950,000)	(1,050,090)	(1,050,090)	(+100,090)
Unsubsidized guaranteed	(1,500,000)	(1,500,000)	(1,500,000)	---
Subsidized guaranteed	(122,343)	---	---	(-122,343)
Subtotal	(2,572,343)	(2,550,090)	(2,550,090)	(-22,253)
Indian tribe land acquisition loans	(3,940)	(2,000)	(2,000)	(-1,940)
Conservation loans:				
Guaranteed	---	(150,000)	(150,000)	(+150,000)
Indian Highly Fractionated Land Loans	---	(10,000)	(10,000)	(+10,000)
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---
Total, Loan authorizations	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
Loan subsidies:				
Farm ownership loans:				
Direct	32,804	22,800	22,800	-10,004
Guaranteed	5,689	---	---	-5,689
Subtotal	38,493	22,800	22,800	-15,693

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Farm operating loans:				
Direct	57,425	59,120	59,120	+1,695
Unsubsidized guaranteed	34,880	26,100	26,100	-8,780
Subsidized guaranteed	16,886	---	---	-16,886
Subtotal	109,191	85,220	85,220	-23,971
Indian Highly Fractionated Land Loans	---	193	193	+193
Individual Development Accounts	---	2,500	---	---
Total, Loan subsidies	147,684	110,713	108,213	-39,471
ACIF administrative expenses:				
Salaries and expense (transfer to FSA)	304,977	313,173	289,728	-15,249
Administrative expenses	7,904	7,920	7,904	---
Total, ACIF expenses	312,881	321,093	297,632	-15,249
Total, Agricultural Credit Insurance Fund	460,565	431,806	405,845	-54,720
(Loan authorization)	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
Total, Farm Service Agency	1,678,149	1,833,340	1,612,487	-65,662
Risk Management Agency,				
Administrative and operating expenses	78,842	82,325	74,900	-3,942
Total, Farm Assistance Programs	1,757,884	1,916,576	1,688,235	-69,649

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Corporations				
Federal Crop Insurance Corporation:				
Federal crop insurance corporation fund	7,613,232	3,142,375	3,142,375	-4,470,857
Commodity Credit Corporation Fund:				
Reimbursement for net realized losses	13,925,575	14,071,000	14,071,000	+145,425
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	21,538,807	17,213,375	17,213,375	-4,325,432
Total, Title I, Agricultural Programs	29,490,110	25,433,361	24,970,211	-4,519,899
(By transfer)	(328,193)	(336,396)	(312,639)	(-15,554)
(Loan authorization)	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
(Limitation on administrative expenses)	(113,447)	(117,101)	(116,101)	(+2,654)
TITLE II - CONSERVATION PROGRAMS				
Office of the Under Secretary for Natural Resources and Environment	893	911	848	-45
Natural Resources Conservation Service:				
Conservation operations	870,503	898,647	828,159	-42,344
Watershed rehabilitation program	17,964	---	15,000	-2,964
Total, Natural Resources Conservation Service	888,467	898,647	843,159	-45,308
Total, Title II, Conservation Programs	889,360	899,558	844,007	-45,353

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III - RURAL DEVELOPMENT				
Office of the Under Secretary for Rural Development...	893	911	848	-45
Rural Development:				
Rural development expenses:				
Salaries and expenses.....	191,603	234,301	182,023	-9,580
(Transfer from RHIF).....	(453,474)	(411,779)	(430,800)	(-22,674)
(Transfer from RDLFP).....	(4,931)	(4,941)	(4,684)	(-247)
(Transfer from RETLP).....	(38,297)	(39,959)	(36,382)	(-1,915)
Subtotal, Transfers from program accounts.	(496,702)	(456,679)	(471,866)	(-24,836)
Total, Rural development expenses.....	(688,305)	(690,980)	(653,889)	(-34,416)
Rural Housing Service:				
Rural Housing Insurance Fund Program Account:				
Loan authorizations:				
Single family direct (Sec. 502).....	(1,121,406)	(211,416)	(900,000)	(-221,406)
Unsubsidized guaranteed.....	(24,000,000)	(24,000,000)	(24,000,000)	---
Subtotal, Single family.....	(25,121,406)	(24,211,416)	(24,900,000)	(-221,406)
Housing repair (Sec. 504).....	(23,360)	---	(10,000)	(-13,360)
Rental housing (Sec. 515).....	(69,512)	(95,236)	(64,478)	(-5,034)
Site loans (Sec. 524).....	(5,052)	---	---	(-5,052)
Multi-family housing guarantees (Sec. 538)	(30,960)	---	(130,000)	(+99,040)
Multi-family housing credit sales.....	(1,448)	---	---	(-1,448)
Single family housing credit sales.....	(10,000)	---	(10,000)	---
Self-help housing land develop. (Sec. 523)	(4,966)	---	(5,000)	(+34)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Farm Labor Housing (Sec.514).....	(25,724)	(27,288)	(20,791)	(-4,933)
Total, Loan authorizations.....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)
Loan subsidies:				
Single family direct (Sec. 502).....	70,060	10,000	42,570	-27,490
Unsubsidized guaranteed.....	---	---	---	---
Housing repair (Sec. 504).....	4,413	---	1,421	-2,992
Rental housing (Sec. 515).....	23,399	32,495	22,000	-1,399
Multi-family housing guarantees (Sec. 538)	2,994	---	---	-2,994
Site development loans (Sec. 524).....	293	---	---	-293
Multi-family housing credit sales.....	555	---	---	-555
Farm labor housing (Sec.514).....	9,853	9,319	7,100	-2,753
Self-help land dev. housing loans (Sec523)	288	---	---	-288
Total, Loan subsidies.....	111,855	51,814	73,091	-38,764
Farm labor housing grants.....	9,854	9,873	7,100	-2,754
RHIF administrative expenses (transfer to RD).	453,474	411,779	430,800	-22,674
Total, Rural Housing Insurance Fund program.	575,183	473,466	510,991	-64,192
(Loan authorization).....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rental assistance program:				
Rental assistance (Sec. 521).....	948,704	900,653	900,653	-48,051
New construction (Sec. 515).....	2,026	3,000	1,500	-526
New construction (Farm Labor Housing).....	2,994	3,000	2,500	-494
Total, Rental assistance program.....	953,724	906,653	904,653	-49,071
Rural housing voucher program.....	13,972	16,000	11,000	-2,972
Multi-family housing revitalization program	14,970	---	2,000	-12,970
Multifamily housing preservation revolving loans..	998	---	---	-998
Total, Multi-family housing revitalization..	29,940	16,000	13,000	-16,940
Mutual and self-help housing grants.....	36,926	---	30,000	-6,926
Rural housing assistance grants.....	40,319	11,520	33,136	-7,183
Rural community facilities program account:				
Loan authorizations:				
Community facility:				
Direct.....	(290,526)	(1,000,000)	(1,300,000)	(+1,009,474)
Guaranteed.....	(167,747)	---	(105,708)	(-62,039)
Total, Loan authorizations.....	(458,273)	(1,000,000)	(1,405,708)	(+947,435)
Loan subsidies and grants:				
Commmunity facility:				
Direct.....	3,856	---	---	-3,856
Guaranteed.....	6,613	---	5,000	-1,613
Grants.....	14,970	30,000	11,363	-3,607
Rural community development initiative....	4,990	8,400	3,621	-1,369

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Economic impact initiative grants.....	6,986	---	5,938	-1,048
Tribal college grants.....	3,964	---	3,369	-595
Total, RCFP Loan subsidies and grants...	41,379	38,400	29,291	-12,088
Subtotal, grants and payments.....	118,624	49,920	92,427	-26,197
Total, Rural Housing Service.....	1,677,471	1,446,039	1,521,071	-156,400
(Loan authorization).....	(25,750,701)	(25,333,940)	(26,545,977)	(+795,276)
Rural Business-Cooperative Service:				
Rural Business Program Account:				
(Guaranteed business and industry loans).....	(889,111)	(822,900)	(822,886)	(-66,225)
Loan subsidies and grants:				
Guaranteed business and industry subsidy..	44,899	52,500	45,341	+442
Grants:				
Rural business enterprise.....	34,930	29,874	24,318	-10,612
Rural business opportunity.....	2,478	7,483	2,250	-228
Delta regional authority.....	2,973	---	2,900	-73
Total, RBP loan subsidies and grants.....	85,280	89,857	74,809	-10,471
Rural Development Loan Fund Program Account:				
(Loan authorization).....	(19,181)	(36,376)	(17,710)	(-1,471)
Loan subsidy.....	7,385	12,324	6,000	-1,385
Administrative expenses (transfer to RD).....	4,931	4,941	4,684	-247
Total, Rural Development Loan Fund.....	12,316	17,265	10,684	-1,632

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rural Economic Development Loans Program Account:				
(Loan authorization)	(33,077)	(33,077)	(33,077)	---
Limit cushion of credit interest spending	(207,000)	(241,794)	(155,000)	(-52,000)
(Rescission)	-207,000	-241,794	-155,000	+52,000
Rural cooperative development grants:				
Cooperative development	7,908	8,924	5,800	-2,108
Appropriate technology transfer for rural areas	---	2,800	2,250	+2,250
Cooperative research agreement	---	300	---	---
Value-added agricultural product market development	18,829	20,367	14,000	-4,829
Grants to assist minority producers	3,456	3,463	3,000	-456
Total, Rural Cooperative development grants	30,193	35,854	25,050	-5,143
Rural Microenterprise Investment Program Account:				
(Loan authorization)	---	(8,700)	---	---
Loan subsidy	---	2,850	---	---
Grants	---	2,850	---	---
Total, Rural Microenterprise Investment	---	5,700	---	---

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rural Energy for America Program				
(Loan authorization)	(10,785)	(10,645)	(6,491)	(-4,294)
Loan subsidy	2,495	2,788	1,700	-795
Grants	2,495	34,000	1,700	-795
Total, Rural Energy for America Program	4,990	36,788	3,400	-1,590
Total, Rural Business-Cooperative Service	-74,221	-56,330	-41,057	+33,164
(Loan authorization)	(952,154)	(911,698)	(880,164)	(-71,990)
Rural Utilities Service:				
Rural water and waste disposal program account:				
Loan authorizations:				
Direct	(898,263)	(770,000)	(730,689)	(-167,574)
Guaranteed	(75,000)	(12,000)	(62,893)	(-12,107)
Total, Loan authorization	973,263	782,000	793,582	-179,681
Loan subsidies and grants:				
Direct subsidy	76,917	73,788	70,000	-6,917
Guaranteed subsidy	---	190	1,000	+1,000
Water and waste revolving fund	497	497	497	---
Water well system grants	993	993	993	---
Colonias and AK/HI grants	68,600	65,000	66,500	-2,100
Water and waste technical assistance	19,110	19,000	19,000	-110
Circuit rider program	14,700	14,000	15,000	+300
Solid waste management grants	3,434	4,000	3,400	-34
High energy cost grants	11,976	---	9,500	-2,476

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Water and waste disposal grants.....	331,717	311,510	327,110	-4,607
Total, Loan subsidies and grants.....	527,944	488,978	513,000	-14,944
Rural Electrification and Telecommunications Loans Program Account:				
Loan authorizations:				
Electric:				
Direct, 5%.....	(100,000)	(100,000)	(100,000)	---
Direct, FFB.....	(6,500,000)	(6,000,000)	(6,500,000)	---
Guaranteed underwriting.....	(500,000)	---	(424,286)	(-75,714)
Subtotal, Electric.....	(7,100,000)	(6,100,000)	(7,024,286)	(-75,714)
Telecommunications:				
Direct, 5%.....	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate.....	(250,000)	(250,000)	(250,000)	---
Direct, FFB.....	(295,000)	(295,000)	(295,000)	---
Subtotal, Telecommunications.....	(690,000)	(690,000)	(690,000)	---
Total, Loan authorizations.....	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
Loan subsidies:				
Electric:				
Guaranteed underwriting.....	699	---	594	-105

(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RETLP administrative expenses (transfer to RD)	38,297	39,959	36,382	-1,915
Total, Rural Electrification and Telecommunications Loans Program Account..	38,996	39,959	36,976	-2,020
(Loan authorization).....	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
Distance learning, telemedicine, and broadband program:				
Loan authorizations:				
Broadband telecommunications.....	(400,000)	---	(212,014)	(-187,986)
Total, Loan authorizations.....	(400,000)	---	(212,014)	(-187,986)
Loan subsidies and grants:				
Distance learning and telemedicine:				
Grants.....	32,435	30,000	21,000	-11,435
Broadband telecommunications:				
Direct.....	22,276	---	6,000	-16,276
Grants.....	13,379	17,976	10,372	-3,007
Total, Loan subsidies and grants.....	68,090	47,976	37,372	-30,718
Total, Rural Utilities Service.....	635,030	576,913	587,348	-47,682
(Loan authorization).....	(9,163,263)	(7,572,000)	(8,719,882)	(-443,381)
Total, Title III, Rural Development Programs....	2,430,776	2,201,834	2,250,233	-180,543
(By transfer).....	(496,702)	(456,679)	(471,866)	(-24,836)
(Loan authorization).....	(35,866,118)	(33,817,638)	(36,146,023)	(+279,905)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE IV - DOMESTIC FOOD PROGRAMS				
Office of the Under Secretary for Food, Nutrition and Consumer Services	811	828	770	-41
Food and Nutrition Service:				
Child nutrition programs	12,042,407	18,770,571	18,150,176	+6,107,769
Competitive grants	---	5,000	---	---
School breakfast program grants	---	10,000	1,000	+1,000
Childhood Hunger challenge grants	---	25,000	---	---
Transfer from section 32	5,277,574	---	---	-5,277,574
.2 Percent (rescission) (discretionary)	-48	---	---	+48
Total, Child nutrition programs	17,319,933	18,810,571	18,151,176	+831,243
Special supplemental nutrition program for women, infants, and children (WIC)	6,734,027	7,390,100	6,618,497	-115,530
Supplemental nutrition assistance program:				
(Food stamp program)	65,206,790	68,173,308	77,401,722	+12,194,932
Reserve	---	5,000,000	3,000,000	+3,000,000
Center for Nutrition Policy and Promotion	---	1,500	---	---
Grants to States and technical assistance	---	9,000	---	---
.2 Percent (rescission) (discretionary)	-97	---	---	+97
Total, Food stamp program	65,206,693	73,183,808	80,401,722	+15,195,029

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Commodity assistance program:				
Commodity supplemental food program.....	175,697	176,788	176,788	+1,091
Farmers market nutrition program.....	19,960	20,000	16,548	-3,412
Emergency food assistance program.....	49,401	50,000	48,000	-1,401
Pacific island and disaster assistance.....	1,068	1,081	1,000	-68
IT modernization and support.....	---	1,750	---	---
Total, Commodity assistance program.....	246,126	249,619	242,336	-3,790
Nutrition programs administration.....	147,505	170,471	138,500	-9,005
Total, Food and Nutrition Service.....	89,654,284	99,804,569	105,552,231	+15,897,947
Total, Title IV, Domestic Food Programs.....	89,655,095	99,805,397	105,553,001	+15,897,906
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS				
Foreign Agricultural Service				
Salaries and expenses.....	185,628	229,730	176,347	-9,281
(Transfer from export loans).....	(6,452)	(6,465)	(6,465)	(+13)
Total, Salaries and expenses.....	192,080	236,195	182,812	-9,268
Food for Peace Title I Direct Credit and Food for Progress Program Account, Administrative Expenses Farm Service Agency, Salaries and expenses (transfer to FSA).....	2,806	2,812	2,500	-306
Food for Peace Title II Grants:				
Expenses.....	1,497,000	1,690,000	1,466,000	-31,000

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Commodity Credit Corporation Export Loans Program Account (administrative expenses):				
Salaries and expenses (Export Loans):				
General Sales Manager (transfer to FAS).....	6,452	6,465	6,465	+13
Farm Service Agency S&E (transfer to FSA).....	354	355	355	+1
Total, CCC Export Loans Program Account.....	6,806	6,820	6,820	+14
McGovern-Dole international food for education and child nutrition program grants.....	199,101	200,500	184,000	-15,101
Total, Title V, Foreign Assistance and Related Programs.....	1,891,341	2,129,862	1,835,667	-55,674
(By transfer).....	(6,452)	(6,465)	(6,465)	(+13)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Food and Drug Administration				
Salaries and expenses, direct appropriation.....	2,447,021	2,730,910	2,497,021	+50,000
Prescription drug user fees.....	(667,057)	(856,041)	(702,172)	(+35,115)
Medical device user fees.....	(61,860)	(67,118)	(57,605)	(-4,255)
Animal drug user fees.....	(19,448)	(21,768)	(21,768)	(+2,320)
Generic animal drug user fees	(5,397)	(5,706)	(5,706)	(+309)
Tobacco product user fees	(450,000)	(477,000)	(477,000)	(+27,000)
Food and Feed Export Certification user fees.....	---	(12,364)	(12,364)	(+12,364)
Food Reinspection fees.....	---	(14,700)	(14,700)	(+14,700)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Voluntary qualified importer program fees.....	---	(36,000)	---	---
Subtotal (including user fees).....	(3,650,783)	(4,221,607)	(3,788,336)	(+137,553)
Mammography user fees.....	(19,318)	(19,318)	(19,318)	---
Export certification user fees.....	(10,400)	(10,400)	(11,667)	(+1,267)
Voluntary qualified importer program fees.....	---	---	(71,066)	(+71,066)
Subtotal, FDA (with user fees).....	(3,680,501)	(4,251,325)	(3,890,387)	(+209,886)
FDA New User Fees (Leg. proposals):				
Generic drug review user fees	---	(40,122)	---	---
Reinspection fees.....	---	(14,108)	---	---
International express courier import fees.....	---	(5,338)	---	---
Subtotal, FDA new user fees (Leg Proposals)	---	(59,568)	---	---
Buildings and facilities.....	9,980	13,055	8,788	-1,192
Total, FDA (w/user fees, including proposals)...	(3,690,481)	(4,323,948)	(3,899,175)	(+208,694)
Total, FDA (w/enacted user fees only).....	(3,690,481)	(4,264,380)	(3,899,175)	(+208,694)
Total, FDA (excluding user fees).....	2,457,001	2,743,965	2,505,809	+48,808

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
INDEPENDENT AGENCIES				
Commodity Futures Trading Commission 1/	202,270	308,000	205,294	+3,024
Financial regulation user fees (leg proposal)	---	(117,000)	---	---
Farm Credit Administration (limitation on administrative expenses)	(59,400)	(62,000)	(61,000)	(+1,600)
Total, Title VI, Related Agencies and Food and Drug Administration	2,659,271	3,051,965	2,711,103	+51,832
TITLE VII - GENERAL PROVISIONS				
Limit fruit and vegetable program (Sec.718)	-117,000	-114,478	-133,000	-16,000
Section 32 (rescission) (Sec.718)	---	---	-150,000	-150,000
Forestry Incentives program (Sec.722) (rescission)	---	---	-6,017	-6,017
Great Plains Conservation (Sec.722) (rescission)	---	---	-547	-547
Supplemental Nutrition Assistance Program Employment and Training (rescission) (Sec.723)	-15,000	---	-11,000	+4,000
Limit Conservation stewardship (Sec.728(1))	-39,000	-2,000	-76,516	-37,516
Limit Dam Rehab (Sec.728(2))	-165,000	-165,000	-165,000	---
Limit Environmental Quality Incentives program (Sec.728(3))	-350,000	-342,000	-350,000	---
Limit Farmland Protection program (Sec.728(4))	---	---	-50,000	-50,000
Limit Grasslands reserve (Sec.728(5))	---	-50,000	-30,000	-30,000
Limit Wetlands reserve (Sec.728(6))	-119,000	-9,000	-200,000	-81,000
Limit Wildlife habitat incentives (Sec.728(7))	---	-12,000	-35,000	-35,000
Limit Voluntary Public Access program (Sec.728(8))	---	---	-17,000	-17,000
Limit Biomass Crop Assistance program (Sec.728(9))	-134,000	---	-28,000	+106,000
Limit Bioenergy Program for Advanced Biofuels (Sec.728(10))	---	---	-40,000	-40,000

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Limit Renewable Energy for America (Sec.728(11))	---	---	-48,000	-48,000
Limit Microenterprise investment program (Sec.728(12))	---	---	-3,000	-3,000
Limit Crop Insurance Good Performance (Sec.728(13))	-25,000	---	-25,000	---
Limit Agriculture management assistance (section 1524) (Sec.728(14))	---	-5,000	-5,000	-5,000
Hardwood Trees (Reforestation Pilot Program)	639	---	600	-39
Geographic Disadvantaged farmers	1,996	---	1,996	---
Agricultural Research Service, Buildings and and facilities (rescission)	-229,582	-223,749	---	+229,582
Broadband loan balances (rescission)	-39,000	---	---	+39,000
NIFA, Buildings and Facilities (rescission)	-1,037	-1,037	-2,490	-1,453
Wildlife Habitat Incentives unobligated (rescission)	---	-10,188	---	---
Water Bank Act unobligated (rescission)	---	-745	---	---
NRCS expired accounts (rescission)	-13,937	---	---	+13,937
Outreach for socially disadvantaged farmers (rescission)	-2,137	---	---	+2,137
Rural community advancement program (rescission)	-993	---	---	+993
Agriculture Marketing Services (rescission)	-717	---	---	+717
Common Computing Environment (rescission)	-3,111	---	---	+3,111
Animal and Plant Health Inspection Service (APHIS) Buildings and Facilities (rescission)	-629	---	---	+629
Agriculture Buildings and Facilities (rescission)	-45,000	---	---	+45,000
Animal and Plant Health Inspection Service (APHIS) (rescission)	-10,887	---	---	+10,887
Broadband grants (rescission)	-25,000	---	---	+25,000
Export credit (rescission)	-331,000	---	---	+331,000
Trade Adjustment Assistance for for Farmers (Sec.729) (rescission)	---	---	-90,000	-90,000
Limit Emergency Food Assistance program (Sec.730)	---	---	---	---
OAO (rescission)	---	---	-4,000	-4,000

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Ocean freight (rescission)	---	---	-3,235	-3,235
P.L. 480 Title I (rescission)	---	---	-2,336	-2,336
Foreign Currency Program (rescission)	---	---	-273	-273
Export credit (rescission)	---	---	-20,237	-20,237
Water Bank	---	---	7,500	+7,500
Emergency Conservation Program (Disaster Relief)	---	---	122,700	+122,700
Emergency Forest Restoration (Disaster Relief)	---	---	28,400	+28,400
Emergency Watershed Protection (Disaster Relief)	---	---	215,900	+215,900
Total, Title VII, General provisions	-1,664,395	-935,197	-1,118,555	+545,840
Grand total 1/	125,351,558	132,586,780	137,045,667	+11,694,109
Appropriations	(126,276,588)	(133,064,293)	(137,123,802)	(+10,847,214)
Rescissions	(-925,030)	(-477,513)	(-445,135)	(+479,895)
Disaster relief 2/	---	---	(367,000)	(+367,000)
(By transfer)	(831,347)	(799,540)	(790,970)	(-40,377)
(Loan authorization)	(40,517,401)	(38,564,728)	(40,933,113)	(+415,712)
(Limitation on administrative expenses)	(172,847)	(179,101)	(177,101)	(+4,254)

1/ Includes CFTC funding for FY2011
provided in Financial Services and General
Government Appropriations Act
2/ Budget Control Act 2011 (Sec.251(b)(2)(D)/PL111-25)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RECAPITULATION				
Title I - Agricultural programs	29,490,110	25,433,361	24,970,211	-4,519,899
Mandatory	(22,604,683)	(18,293,475)	(18,293,475)	(-4,311,208)
Discretionary	(6,885,427)	(7,139,886)	(6,676,736)	(-208,691)
Title II - Conservation programs (discretionary)	889,360	899,558	844,007	-45,353
Title III - Rural development (discretionary)	2,430,776	2,201,834	2,250,233	-180,543
Title IV - Domestic food programs	89,655,095	99,805,397	105,553,001	+15,897,906
Mandatory	(82,526,771)	(91,943,879)	(98,551,898)	(+16,025,127)
Discretionary	(7,128,324)	(7,861,518)	(7,001,103)	(-127,221)
Title V - Foreign assistance and related programs (discretionary)	1,891,341	2,129,862	1,835,667	-55,674
Title VI - Related agencies and Food and Drug Administration (discretionary)	2,659,271	3,051,965	2,711,103	+51,832
Title VII - General provisions (discretionary)	-1,664,395	-935,197	-1,118,555	+545,840
Total 1/	125,351,558	132,586,780	137,045,667	+11,694,109

1/ Includes CFTC funding for FY2011 provided in Financial Services and General Government Appropriations Act

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

The committee of conference approves report language included in House Report 112–169 or Senate Report 112–78 that is not changed by the conference. The statement of managers, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly. In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees expect that each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying statement, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this Act, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2012, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2012. These procedures are specified in section 505 of this Act.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. Any program, project or activity cited in the statement accompanying this conference agreement, or in the accompanying reports of the House or Senate and not changed by the conference, shall be construed as the position of the conference and shall not be subject to reductions or reprogramming without prior approval of the Committees. The conferees further expect any department or agency funded in this Act which plans a reduction-in-force to notify by letter the Appropriations Committees of the House and Senate 30 days in advance of the date of any such planned personnel action.

The conferees note that when a department or agency submits a reprogramming or transfer request to the Appropriations Committees of the House and Senate and does not receive identical responses by the House and Senate, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the difference between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the reprogramming or transfer request shall be considered unapproved.

In compliance with section 538 of this Act, the conferees direct the Departments of Commerce and Justice, the National Aeronautics and Space Administration and the National Science Foundation to submit spending plans, signed by the respective department or agency head, for the Committees' review within 45 days of enactment of this Act.

TITLE I

DEPARTMENT OF COMMERCE

Reporting requirements.—Unless specifically noted in the following narrative, the conferees adopt by reference all House and Senate language regarding reports requested throughout Title I. These reports shall be submitted to the Committees on Appropriations within 120 days of enactment of this Act.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $465,000,000 in total resources for the programs of the International Trade Administration (ITA). This amount is offset by $9,439,000 in estimated fee collections, resulting in a direct appropriation of $455,561,000.

Travel reports.—The conferees do not adopt House language regarding quarterly reports on ITA employee travel to China. Additional direction on this matter is included in the Departmental Management heading. Instead, per section 112 of this Act, the conferees direct the Secretary to provide monthly reports to the Committees on Appropriations, beginning with October 1, 2011 data, including separate breakouts of funding by bureau, the number of trips, and purposes of travel to China. The conferees expect the first such monthly report to be provided within 30 days of enactment of this Act and within 30 days of the end of each subsequent month.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The conference agreement includes $101,000,000 for the Bureau of Industry and Security.

ECONOMIC DEVELOPMENT ADMINISTRATION

The conference agreement includes $457,500,000 for the programs and administrative expenses of the Economic Development Administration (EDA).

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $420,000,000 for Economic Development Assistance Programs, including $200,000,000 for disaster assistance in response to natural disaster declarations during fiscal year 2011. Of the amounts provided for non-disaster programs, funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Public Works	$111,640,000
Planning	29,000,000
Technical Assistance	12,000,000
Research and Evaluation	1,500,000
Trade Adjustment Assistance	15,800,000

Economic Adjustment Assistance	50,060,000
Total	$220,000,000

Repatriation grants.—The conference agreement includes funds as proposed by the House for EDA to use its programs as a source for working with U.S. companies to bring their services, manufacturing, and/or research and development activities back to economically distressed regions in the United States.

Technical Assistance.—The conference agreement does not adopt House report language directing that EDA provide a review of the University Center program. Instead, the conferees direct the Secretary of Commerce to commission an independent review of the University Center program within 60 days of enactment of this Act. This review shall gather information requested in both House and Senate reports with respect to an evaluation of the University Center program.

Trade Adjustment Assistance.—The conferees note that funds provided under this activity are for manufacturing firms negatively impacted by import competition.

Economic Adjustment Assistance (EAA).—The conference agreement includes funding for new loan guarantee programs as authorized under sections 26 and 27 of the America COMPETES Act (P.L. 111–358). The America COMPETES Act includes a number of safeguards with respect to these programs and the conferees expect EDA to rigorously abide by the requirements outlined in this legislation under 15 U.S.C. 3721 and 15 U.S.C. 3722. Specifically, the Secretary, in consultation with the Office of Management and Budget, shall implement accountability measures that strongly protect the financial interest of the United States. Finally, the conferees encourage EDA to use a portion of the funds provided in this Act for programs authorized under section 27 of the America COMPETES Act for science parks. The conferees do not adopt the Senate's separate account line for Regional Innovation Partnerships and instead encourage EDA to support such activities from within the EAA program. In addition, the conference agreement includes up to $1,000,000 to support innovative, energy efficient grant programs for small businesses. The conferees remind EDA to ensure that award decisions are made at the regional level rather than at headquarters, that award decisions reflect geographic equity and that rural areas are among those chosen when awarding EDA funding.

Base realignment and closure.—The conference agreement does not adopt Senate language regarding base realignment and closure matters.

SALARIES AND EXPENSES

The conference agreement includes $37,500,000 for EDA salaries and expenses.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $30,339,000 for the Minority Business Development Agency.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conference agreement includes $96,000,000 for the Economics and Statistics Administration.

BUREAU OF THE CENSUS

The conference agreement includes $888,336,000 in direct appropriations for the Bureau of the Census plus $55,000,000 from the Census Working Capital fund for a total program level of $943,336,000.

SALARIES AND EXPENSES

The conference agreement includes $253,336,000 for the salaries and expenses of the Bureau of the Census.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes a total of $690,000,000 for periodic censuses and programs, including $635,000,000 in direct appropriations and $55,000,000 from available Census Working Capital Fund balances.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $45,568,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA).

Spectrum interference issues.—The conferees adopt by reference House report language regarding the Global Positioning System and direct NTIA to report to the Committees on Appropriations within 60 days of enactment of this Act.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes language making recoveries and unobligated balances of funds previously appropriated available for the administration of open grants.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes language making available to the United States Patent and Trademark Office (PTO) the full amount of fiscal year 2012 fee collections. The conferees note that PTO has revised its fee estimates downward twice since September 1, 2011, and now estimates that it will collect $2,516,000,000 or $190,313,000 less than the President's request of $2,706,313,000. The conference agreement appropriates all PTO fees in accordance with section 42(c) of title 35, United States Code, as amended by

section 22 of the Leahy-Smith America Invents Act (P. L. 112–29) and includes language making available to the PTO any excess fee collections above the amount appropriated, subject to section 505 reporting requirements in this Act. The conference agreement does not include a general provision carried in previous years prohibiting funds to issue patents on claims directed to or encompassing a human organism. This language is no longer necessary as a similar permanent prohibition was enacted in the Leahy-Smith America Invents Act.

National security concerns.—The conferees adopt by reference House report language regarding the need to update security procedures for patent applications that have national security implications and direct PTO to report to the Committees on Appropriations within 60 days of enactment of this Act regarding practices currently used by third parties to safeguard sensitive patent applications. This report shall provide a framework for suggested improvements for security standards used in the private sector.

Establishment of satellite offices.—The conferees encourage PTO to establish satellite offices in areas that are advantageous to both PTO and its customers.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement includes $750,824,000 for the National Institute of Standards and Technology (NIST).

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $567,000,000 for NIST's scientific and technical core programs, including $10,000,000 for a Cybersecurity Center of Excellence and $16,500,000 for the National Strategy for Trusted Identities in Cyberspace. The conferees do not adopt Senate language regarding specific direction pertaining to greenhouse gas measurements but do encourage NIST to pursue research in this area.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $128,443,000 for the Hollings Manufacturing Extension Partnership Program.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement includes $55,381,000 for NIST construction. The conferees do not adopt House language designating funds for ongoing construction projects but expect NIST to continue to submit quarterly reports on the status of all construction projects as directed by the Senate.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement includes a total of $4,893,675,000 in discretionary funds for the National Oceanic and Atmospheric Administration (NOAA). The conference agreement does not establish a NOAA Climate Service as proposed by the Senate.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a total program level of $3,139,329,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes: $3,022,231,000 in direct appropriations; a transfer of $109,098,000 from balances in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" account; and $8,000,000 derived from recoveries of prior year obligations.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act.

National Ocean Service.—The conference agreement includes $465,662,000 for National Ocean Service operations, research, and facilities. The conferees adopt by reference Senate report language regarding Integrated Ocean and Coastal Mapping but clarify that NOAA must ensure that proprietary and/or commercially-important fisheries data is kept confidential or is used only in aggregate datasets.

Response and Restoration.—The conferees adopt by reference House report language regarding the funds NOAA expects to receive from BP in response to the Deepwater Horizon oil spill in the Gulf of Mexico and direct NOAA to submit a spending plan to the Committees on Appropriations within 90 days of enactment of this Act. The conferees adopt by reference House report language regarding the Gulf of Mexico Disaster Response Center and direct NOAA to provide a report to the Committees on Appropriations within 60 days of enactment of this Act.

NATIONAL OCEAN SERVICE

Operations, Research, and Facilities

[In thousands of dollars]

Program	Conference
Navigation Services:	
Mapping and Charting:	
Mapping and Charting Base	$49,700
Hydrographic Research and Technology Development	7,305
Electronic Navigational Charts	6,088
Shoreline Mapping	2,310
Address Survey Backlog/Contracts	28,973
Subtotal, Mapping and Charting	94,376
Geodesy:	
Geodesy	26,647
National Height Modernization	2,495
Subtotal, Geodesy	29,142
Tide and Current Data:	
Tide and Current Data	27,530
Subtotal, Tide and Current Data	27,530
Total, Navigation Services	151,048
Ocean Resources Conservation and Assessment:	
Ocean Assessment Program:	
Integrated Ocean Observing System (IOOS)	31,055

NATIONAL OCEAN SERVICE—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
NOAA IOOS	6,595
Coastal Services Center	37,099
Coral Reef Program	26,746
Subtotal, Ocean Assessment Program	101,495
Response and Restoration:	
Response and Restoration Base	21,531
Estuary Restoration Program	1,000
Marine Debris	5,000
Subtotal, Response and Restoration	27,531
National Centers for Coastal Ocean Science (NCCOS):	
National Centers for Coastal Ocean Science	36,000
Competitive Research	11,061
Subtotal, NCCOS	47,061
Total, Ocean Resources Conservation and Assessment	176,087
Ocean and Coastal Management:	
Coastal Management:	
CZM Grants	66,146
CZM and Stewardship	8,000
Regional Ocean Partnership Grants	3,500
National Estuarine Research Reserve System	22,281
Marine Protected Areas	2,000
Marine Sanctuary Program	47,600
Total, Ocean and Coastal Management	149,527
Undistributed Reduction	(11,000)
Total, National Ocean Service—ORF	$465,662

National Marine Fisheries Service (NMFS).—The conference agreement includes $794,210,000 for NMFS operations, research, and facilities.

Fisheries Research and Management.—The conference agreement does not include Senate report language specifying that priority shall be given to international Regional Fishery Management Organizations but instead notes that resources are provided for NMFS to update stock assessments and conduct surveys in fisheries around the U.S. The conferees encourage NMFS to engage the American lobster industry in conducting research and surveys.

Infectious Salmon Anemia.—Not later than six months after enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Natural Resources and the House and Senate Committees on Appropriations a report assessing the risk Infectious Salmon Anemia poses to wild Pacific salmon and the coastal economies which rely on these fish. For this report, the Task Force shall establish Infectious Salmon Anemia research objectives, in collaboration with the Government of Canada, and Federal, State, and tribal governments, including the Depart-

ment of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska, to assess: (1) the prevalence of Infectious Salmon Anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho; (2) genetic susceptibility by population and species; (3) susceptibility of populations to Infectious Salmon Anemia from geographic and oceanographic factors; (4) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters; (5) management strategies to rapidly respond to potential Infectious Salmon Anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to protect hatchery fish from exposure to the Infectious Salmon Anemia virus present in incoming surface water; (6) potential economic impacts of Infectious Salmon Anemia; (7) any role foreign salmon farms may have in spreading Infectious Salmon Anemia to wild populations; (8) the identity of any potential Federal, State, tribal, and international research partners; (9) available baseline data, including baseline data available from a collaborating entity; and (10) other Infectious Salmon Anemia research priorities, as determined by the Task Force.

National Research Council review.—The conferees do not adopt House report language regarding a National Research Council review but instead direct NOAA to report to the Committees on Appropriations and the appropriate authorizing committees within 60 days of enactment of this Act regarding appropriate efforts to address the concerns outlined in the letter referenced in the House report.

NATIONAL MARINE FISHERIES SERVICE

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Protected Species Research and Management:	
Protected Species Research and Management Programs Base	$39,850
Species Recovery Grants	2,797
Marine Mammals	49,653
Marine Turtles	12,887
Other Protected Species (Marine Fish, Plants, and Invertebrates)	7,038
Atlantic Salmon	5,660
Pacific Salmon	58,566
Subtotal, Protected Species Research and Management	176,451
Fisheries Research and Management:	
Fisheries Research and Management Programs	179,000
National Catch Share Program	28,000
Expand Annual Stock Assessments / Improve Data Collection	63,764
Economics and Social Sciences Research	7,657
Salmon Management Activities	37,451
Regional Councils and Fisheries Commissions	31,855
Fisheries Statistics	23,224
Fish Information Networks	22,087
Survey and Monitoring Projects	21,779
Fisheries Oceanography	2,147
American Fisheries Act	3,888
Interjurisdictional Fisheries Grants	1,157
National Standard 8	1,000
Reduce Fishing Impacts on Essential Fish Habitat	374

NATIONAL MARINE FISHERIES SERVICE—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Reducing Bycatch	3,428
Product Quality and Safety	6,212
Subtotal, Fisheries Research and Management	433,023
Enforcement and Observers / Training:	
Enforcement	66,825
Observers / Training	41,074
Subtotal, Enforcement and Observers / Training	107,899
Habitat Conservation and Restoration:	
Sustainable Habitat Management	20,958
Fisheries Habitat Restoration	22,229
Subtotal, Habitat Conservation and Restoration	43,187
Other Activities Supporting Fisheries:	
Antarctic Research	1,645
Aquaculture	5,593
Climate Regimes and Ecosystem Productivity	1,747
Computer Hardware and Software	1,796
Cooperative Research	11,000
Information Analyses and Dissemination	15,377
Marine Resources Monitoring, Assessment and Prediction Program	504
National Environmental Policy Act	6,467
NMFS Facilities Maintenance	3,293
Regional Studies	10,228
Subtotal, Other Activities Supporting Fisheries	57,650
Undistributed Reduction	(24,000)
Total, National Marine Fisheries Service—ORF	$794,210

Oceanic and Atmospheric Research.—The conference agreement includes $376,575,000 for Oceanic and Atmospheric Research operations, research, and facilities.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Climate Research:	
Laboratories and Cooperative Institutes	$53,483
Climate Data and Information	10,439
Competitive Research Program	120,000
Climate Operations	911
Total, Climate Research	184,833
Weather and Air Quality Research:	
Laboratories and Cooperative Institutes:	
Laboratories and Cooperative Institutes	54,505
U.S. Weather Research Program	4,273
Tornado Severe Storm Research / Phased Array Radar	10,037
Total, Weather and Air Quality Research	68,815

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Ocean, Coastal, and Great Lakes Research:	
Laboratories and Cooperative Institutes:	
Laboratories and Cooperative Institutes	24,246
National Sea Grant College Program Base	63,000
Ocean Exploration and Research	26,200
Integrated Ocean Acidification	6,359
Total, Ocean, Coastal, and Great Lakes Research	119,805
Info Tech R&D:	
High Performance Computing Initiatives	9,122
Total, Info Tech R&D	9,122
Undistributed Reduction	(6,000)
Total, Office of Oceanic and Atmospheric Research—ORF	$376,575

National Weather Service (NWS).—The conference agreement includes $903,098,000 for NWS operations, research, and facilities. Within NOAA, the conference agreement prioritizes funding for these core life and safety programs.

NWS Operations.—NOAA shall enter into a contract with an independent organization with experience in assessing Federal agencies for the purposes of evaluating efficiencies that can be made to NWS operations. This review shall include consultations with emergency managers and other user groups as well as NWS employees. Any recommended efficiencies should not result in any degradation of service to the communities served by local forecast offices and River Forecast Centers, nor should such recommendations place the safety of the public at greater risk. This review shall not be undertaken until the National Academy of Sciences completes its review of the NWS modernization, which will include recommendations on the NWS workforce and composition and how NWS can improve current partnerships with Federal and non-Federal partners and incorporate new technologies for improved services. The findings and recommendations of the National Academy of Sciences review should inform this new independent assessment.

National mesonet strategy and operations.—The conferees modify Senate language regarding a national mesonet strategy and operations and instead encourage NOAA to convene a peer-reviewed study to create a national mesonet program plan within NOAA with recommendations for implementation as appropriate. The conference agreement includes $12,000,000 for the competitive procurement of data to continue the National Mesonet Program, but does not provide specific funding amounts for mesonet activities as directed by the Senate. Instead, the conferees encourage NOAA to support proposals that can improve forecasting of severe weather within local NWS field offices and can achieve effective collaboration among disparate network operators to promote NOAA's objective of a weather ready nation. NOAA is encouraged to continue competitive programs in this area and to include funding for these activities in subsequent budget requests as appropriate.

Flood forecasts.—The conference agreement does not adopt Senate language directing NOAA to enter into formal agreements with river commissions but does provide increased funding for flood forecasts and encourages NOAA to collaborate with river commissions to continue efforts to ensure that critical data is coordinated and used to provide accurate and timely flood forecasts.

NATIONAL WEATHER SERVICE

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Local Warnings and Forecasts:	
Local Warnings and Forecasts	$641,343
Air Quality Forecasting	5,445
Data Buoys	1,683
Sustain Cooperative Observer Network	1,871
National Mesonet Network	12,000
NOAA Profiler Network	4,841
Strengthen U.S. Tsunami Warning Network	23,541
Pacific Island Compact	3,715
Subtotal, Local Warnings and Forecasts	694,439
Operations and Research:	
Advanced Hydrological Prediction Services	8,199
Aviation Weather	21,538
WFO Maintenance	7,446
Weather Radio Transmitters	2,297
Central Forecast Guidance	80,771
Subtotal, Operations and Research	120,251
Total, Local Warnings and Forecasts, Operations and Research	814,690
Systems Operation and Maintenance:	
NEXRAD	46,748
Automated Surface Observing Systems	11,302
Advanced Weather Interactive Processing System	39,846
NWS Telecommunication Gateway / CIP	5,512
Total, Systems Operation and Maintenance	103,408
Undistributed Reduction	(15,000)
Total, National Weather Service—ORF	$903,098

National Environmental Satellite, Data and Information Service.—The conference agreement includes $180,323,000 for National Environmental Satellite, Data and Information Service (NESDIS) operations, research and facilities. The conferees provide $68,750,000 for Data Centers and Information Services, of which $7,000,000 shall be for Regional Climate Services and $4,600,000 is for the National Coastal Data Development Center.

Satellite outyear cost estimates.—The conferees include new bill language limiting an amount of Operations, Research, and Facilities funding until the NOAA Administrator provides the Committees on Appropriations with revised and detailed lifecycle costs of all satellite programs.

NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Environmental Satellite Observing Systems:	
Satellite Command and Control	$39,970
NOAA Satellite Operations Facility Operations	7,944
Subtotal, Satellite Command and Control	47,914
Product Processing and Distribution:	
Product Processing and Distribution	36,041
Subtotal, Product Processing and Distribution	36,041
Product Development, Readiness and Application:	
Product Development, Readiness and Application	20,771
Product Development, Readiness and Application (Ocean Remote Sensing)	4,023
Joint Center / Accelerate Use of Satellites	3,358
Subtotal, Product Development, Readiness and Application	28,152
Commercial Remote Sensing Licensing and Enforcement	1,308
Office of Space Commercialization	653
Group on Earth Observations	505
Total, Environmental Satellite Observing Systems	114,573
Data Centers and Information Services	68,750
Undistributed Reduction	(3,000)
Total, NESDIS—ORF	$180,323

Program Support.—The conference agreement includes $419,461,000 for Program Support.

NOAA facilities.—The conferees support the requested level for "NOAA Construction" proposed within the NOAA "Procurement, Acquisition and Construction" account but instead provide this funding within the NOAA Facilities line as this request is for salaries and expenses (S&E) costs and not construction. NOAA shall request future S&E funding associated with construction within the "Operations, Research, and Facilities" account. The conferees clarify Senate report language regarding the NOAA Pacific Regional Center in that the conferees understand that NOAA is in the process of building an accompanying child development facility at the NOAA Pacific Regional Center using previously appropriated funds.

PROGRAM SUPPORT

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Corporate Services:	
Under Secretary and Associate Offices Base	27,474
Facilities	24,500
NOAA-Wide Corporate Services and Agency Management Base	115,561
DOC Accounting System	10,200
Payment to the DOC Working Capital Fund	41,944

PROGRAM SUPPORT—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
IT Security	11,059
Total, Corporate Services	230,738
NOAA Education Programs:	
Competitive Educational Grants and Programs	31,540
Competitive Educational Grants	(8,040)
Ocean Education Partnerships	*(2,500)*
Geographic Literacy	*(2,000)*
Education Partnership Program—Minority Serving Institutions	(14,300)
BWET	(7,200)
Subtotal, Corporate Services and Education	262,278
Marine and Aviation Operations and Maintenance:	
Marine Services:	
Marine Data Acquisition	129,740
Fleet Planning and Maintenance:	
Fleet Planning and Maintenance	22,035
Subtotal, Fleet Planning and Maintenance	22,035
Subtotal, Marine Operations and Maintenance	151,775
Aviation Operations:	
Aircraft Services	29,358
Subtotal, Aviation Operations	29,358
Subtotal, Marine and Aviation Operations and Maintenance—ORF	181,133
Undistributed Reduction	(23,950)
Total, Program Support—ORF	$419,461

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes a total program level of $1,825,094,000 in direct obligations under this heading, of which $1,817,094,000 is appropriated from the general fund and $8,000,000 is derived from recoveries of prior year obligations. The following narrative description and table identifies the specific activities and funding levels included in this Act:

Joint Polar Satellite System (JPSS).—The conferees adopt by reference all House and Senate report language regarding JPSS with the exception of Senate report language regarding a lifecycle cost cap. Instead, the conferees direct NOAA to provide outyear funding estimates for this program prior to submission of the fiscal year 2013 budget request. The conferees note that new bill language is included in NOAA's Operations, Research, and Facilities account which limits the amount of funds that NOAA may obligate pending submission of a revised spend plan for JPSS and NOAA's other satellite programs. Further, the conferees direct NOAA to outline a framework for developing a compensation policy that would enable NOAA to be reimbursed as appropriate for the use

of specialized data products derived from NOAA satellite imagery and data.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

[In thousands of dollars]

Program	Conference
National Ocean Service:	
CELCP Acquisition:	
Coastal and Estuarine Land Conservation Program	$5,000
Subtotal, NOS Acquisition	5,000
NERRS Construction:	
National Estuarine Research Reserve Construction (NERRS)	1,690
Subtotal, NERRS Construction	1,690
Marine Sanctuaries Construction:	
Marine Sanctuaries Base	5,495
Subtotal, Marine Sanctuary Construction	5,495
Subtotal, NOS Construction	7,185
Total, National Ocean Service—PAC	12,185
Oceanic and Atmospheric Research:	
Systems Acquisition:	
Research Supercomputing/CCRI	10,358
Subtotal, OAR Systems Acquisition	10,358
Total, Oceanic and Atmospheric Research—PAC	10,358
National Weather Service:	
Systems Acquisition:	
ASOS	1,635
AWIPS	24,364
NEXRAD	5,819
NWSTG Legacy Replacement	1,195
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	40,169
Cooperative Observer Network Modernization (NERON)	3,727
Complete and Sustain NOAA Weather Radio	5,594
NOAA Profiler Conversion	5,480
Subtotal, NWS Systems Acquisition	91,997
Construction:	
WFO Construction	3,150
NWS WFO Construction	3,150
Total, National Weather Service—PAC	95,147
National Environmental Satellite, Data, and Information Service:	
Systems Acquisition:	
Geostationary Systems—N	33,967
Geostationary Systems—R	617,390
Polar Orbiting Systems—POES	34,632
JASON–3	20,000
Joint Polar Satellite System (formerly NPOESS)	924,014
DSCOVR	30,100
EOS and Advanced Polar Data Processing	990
CIP—single point of failure	2,772
Comprehensive Large Array Data Stewardship System (CLASS)	6,476

PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

Program	Conference
NPOESS Preparatory Data Exploitation	4,455
Restoration of Climate Sensors	28,880
Subtotal, NESDIS Systems Acquisition	1,703,676
Construction:	
Satellite CDA Facility	2,228
Subtotal, NESDIS Construction	2,228
Total, National Environmental Satellite, Data, and Information Service—PAC	1,705,904
Office of Marine and Aviation Operations:	
OMAO—Fleet Replacement:	
Fleet Capital Improvements and Tech Infusion	11,100
New Vessel Construction	1,400
Subtotal, OMAO Fleet Replacement	12,500
Total, Office of Marine and Aviation Operations—PAC	12,500
Undistributed Reduction	(11,000)
GRAND TOTAL, PAC	$1,825,094

PACIFIC COASTAL SALMON RECOVERY

The conference agreement includes $65,000,000 for Pacific Coastal Salmon Recovery.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $350,000 for the Fishermen's Contingency Fund.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement includes language under this heading limiting obligations of direct loans to $24,000,000 for Individual Fishing Quota loans and $59,000,000 for traditional direct loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $57,000,000 for Departmental Management salaries and expenses.

Cybersecurity.—The conferees adopt House and Senate report language regarding establishment of a cybersecurity center and expect that each bureau will contribute a pro-rated amount as directed by the House and that a portion of funds realized from data center consolidation will be used in the effort as directed by the Senate.

Cyber-espionage.—The conferees adopt by reference House report language regarding certification of information technology systems but include this reporting requirement as a new general provision in title V of this Act. The Secretary shall report to the Committees on Appropriations on all such determinations, and the proc-

ess used to arrive at such determinations, on a quarterly basis beginning 30 days following the second quarter of fiscal year 2012.

Travel reports.—In lieu of the House report language regarding travel of ITA employees the conferees instead expand this language as a Department-wide general provision in this title and direct the Secretary to provide monthly reports to the Committees on Appropriations, beginning with October 1, 2011, data, including separate breakouts of funding by bureau, the number of trips, and purposes of travel to China. The conferees expect the first such monthly report to be provided within 30 days of enactment of this Act and within 30 days of the end of each subsequent month.

Cooperatives.—The conferees adopt by reference House report language regarding cooperatives and clarify that the language shall be interpreted as referring to business cooperatives.

RENOVATION AND MODERNIZATION

The conference agreement includes $5,000,000 for continuing renovation activities at the Herbert C. Hoover Building.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $26,946,000 for the Office of Inspector General. The conferees adopt Senate language transferring $1,000,000 each from the Bureau of the Census, the PTO and the NOAA PAC account for audits and reviews of these programs.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING RESCISSION)

The conferees adopt the following general provisions for the Department of Commerce:

Section 101 makes funds available for advanced payments only upon certification of officials, designated by the Secretary, that such payments are considered to be in the public interest.

Section 102 makes appropriations for Department salaries and expenses available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce appropriation accounts and requires 15 days advance notification to the Committees on Appropriations for certain actions.

Section 104 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall be subject to the reprogramming limitations set forth in this Act.

Section 105 updates Congressional notification requirements for NOAA satellite programs.

Section 106 provides for reimbursement for services within Department of Commerce buildings.

Section 107 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 108 provides the Administrator with the authority to avail NOAA of needed resources, with the consent of those supplying the resources, to carry out responsibilities of any statute administered by NOAA.

(RESCISSION)

Section 109 rescinds all balances in the Coastal Zone Management Fund.

Section 110 establishes a fisheries enforcement asset forfeiture fund.

Section 111 establishes a sanctuaries enforcement asset forfeiture fund.

Section 112 establishes a reporting requirement requiring Commerce to provide a monthly report on any official travel to China by any Commerce employee.

Section 113 includes a provision regarding the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $110,822,000 for General Administration, Salaries and Expenses.

Terrorism.—The conferees are concerned that the lack of a current policy on terrorist detention may be a disincentive to the capture and interrogation of terrorist suspects, thereby depriving the Department of Justice (DOJ) and other agencies of critical intelligence that could inform and improve counterterrorism efforts. The conferees note that the Attorney General co-chaired the Special Interagency Task Force on Detainee Disposition that was tasked with reviewing policies for the detention of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations. The conferees direct the Department, in consultation with other appropriate Federal agencies, to provide to the Committees on Appropriations, not later than 120 days after the enactment of this Act, an unclassified report on U.S. detention policy, including the legal basis for such policy, as it applies to current and future terrorism detainees. If appropriate, such report may be accompanied by a classified annex.

Prison Rape Elimination Act (PREA).—The conferees affirm language in the House report directing the Department to publish, as soon as possible, a final rule adopting national standards for the detection, prevention, reduction and punishment of prison rape, as mandated by the PREA. Upon adoption of the national standards, the Committees on Appropriations will further examine how the Department will continue efforts to provide assistance in the form of training, technical assistance and implementation grants to assist State, local and tribal jurisdictions in achieving compliance with PREA national standards.

With respect to auditing PREA compliance, the conferees strongly encourage the Department to follow the recommendations

of the PREA Commission for the reasons outlined in the House report. In addition, the conferees concur with the Commission's proposed standard requiring correctional facilities to make use of cost-effective and appropriate monitoring technologies.

Obscenity enforcement.—The conferees note the concern expressed in the House report regarding the Department's incorporation of the responsibilities of the Obscenity Prosecution Task Force into the Child Exploitation and Obscenity Section of the Criminal Division. The conferees support the work of the Department in investigating and prosecuting major producers and distributors of hardcore adult pornography that meets the test for obscenity, as defined by the Supreme Court, and expect that the responsibilities that had been assigned to the Task Force will not be diminished by this reorganization. The conferees direct the Department to submit a report not later than 120 days after the enactment of this Act on its adult obscenity investigation and prosecution workload statistics and accomplishments, including a comparison of workload statistics and accomplishments during the existence of the Obscenity Prosecution Task Force, and in the period of time following its incorporation into the Child Exploitation and Obscenity Section of the Criminal Division.

Gulf Cost Claims Facility (GCCF).—The conference agreement includes language under section 220 requiring that the Department identify an independent auditor to carry out an evaluation of the GCCF. This evaluation should include assessments of matters such as the claims determination methodologies employed by the GCCF and the qualifications of its personnel. The conferees encourage the Department to consult with the Government Accountability Office (GAO) in identifying an auditor.

International Organized Crime (IOC) strategy.—The conferees support the Department's goal of disrupting and dismantling international criminal organizations that pose the greatest threat to the United States. Given current and anticipated future budget constraints, however, it will be difficult for the Department to set aside funding to expand and enhance the IOC Intelligence and Operations Center (IOC–2), the Organized Crime Council Program Support Office, and IOC resources from other Justice components without impacting staffing levels. If the IOC initiative continues to be a priority in future requests, the Department should develop a strategy for funding this program somewhere other than the executive leadership budget.

Tribal consultation.—The conferees are aware that the Department continues to develop its formal strategy on how to enhance public safety in Indian country. Not later than 120 days after the enactment of this Act, the Attorney General shall provide the Committees on Appropriations a report on how DOJ will use the tribal consultation process to further streamline and coordinate programs and funding opportunities for Native Americans, both within DOJ and with relevant programs of the Department of the Interior.

Violence against law enforcement personnel.—The conferees are concerned about spikes in ambush-style assaults that have taken the lives of law enforcement officers in recent months. The conference agreement includes funds under the State and Local Law Enforcement Assistance account for the Preventing Violence

Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR), a program designed to improve officer resilience and survivability. The conferees encourage the Department to make available this type of training for Federal law enforcement officers to further enhance the ability of these officers to anticipate and survive a violent encounter.

Spending plans.—The conferees direct the Department to include in its spending plan for fiscal year 2012 a plan for the use of all funding available under this heading, by decision unit and office.

NATIONAL DRUG INTELLIGENCE CENTER

The conference agreement includes $20,000,000 for the National Drug Intelligence Center (NDIC). The conferees expect that the funds provided will be used only for necessary expenses related to the closing of the NDIC and the reassignment of functions performed at NDIC to other entities if the continuation of such functions is determined to be necessary by the Attorney General. The conferees direct the Department to submit to the Committees on Appropriations, not later than 120 days after the enactment of this Act, a detailed report of its plans regarding the closure of NDIC. The Department should give priority to solutions that minimize the cost to the Government and disruptions to critical counterdrug and intelligence activities.

JUSTICE INFORMATION SHARING TECHNOLOGY

The conference agreement includes $44,307,000 for Justice Information Sharing Technology.

Cybersecurity.—The conferees encourage the Department to prioritize, within the funds provided, efforts to defend proactively against and respond to cyber threats and attacks against DOJ's networks.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

The conference agreement includes $87,000,000 for Tactical Law Enforcement Wireless Communications.

The conferees expect DOJ to utilize full and open contracting procedures to the greatest extent possible as it endeavors to migrate from its legacy wideband systems to a standards-based mobile radio system. If the Department determines that it is necessary to award a sole source contract related to this migration, the Department shall report to the Committees on Appropriations on the justification for such action.

The conferees direct the Department to submit a report not later than 120 days after the enactment of this Act to the Committees on Appropriations on the Department's plan for moving forward with the Integrated Wireless Network (IWN) initiative. This plan should identify alternative funding sources and funding options for the provision, deployment, maintenance and operation of a wireless network that addresses security vulnerabilities, improves system reliability, and achieves interoperability with other law enforcement and emergency responder radio infrastructure systems.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $305,000,000 for the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney.

Legal Orientation Program (LOP).—The conferees expect that EOIR will continue its highly successful LOP. Apprehended individuals benefit from better information about immigration removal proceedings, and U.S. taxpayers benefit from reduced detention costs resulting from a more efficient legal process. The conferees encourage EOIR to dedicate funds to the LOP, as necessary and available, to ensure the continuation of this program. In addition, the conferees expect EOIR to seek alien-specific detention costs and duration of detention data from Immigration and Customs Enforcement in order to develop a more accurate estimate of the cost savings to the Federal Government provided by participation in the LOP. The conferees direct EOIR to submit a report to the Committees on Appropriations providing such data, as well as an estimate of the cost savings generated by the LOP, not later than 120 days after the enactment of this Act.

Immigration and border initiatives.—If additional funds are needed to support EOIR's role in immigration and border initiatives, the conferees urge the Department to submit a reprogramming request in fiscal year 2012 that would reallocate funds from lower priority programs to meet such needs.

DETENTION TRUSTEE

The conference agreement includes $1,580,595,000 for the Office of the Federal Detention Trustee (OFDT).

The conferees are aware that OFDT's resource needs are directly impacted by law enforcement and prosecutorial priorities, such as increases in immigration enforcement by the Department of Homeland Security and efforts to combat drug and gun smuggling along the Southwest Border. However, the conferees remain concerned about the Department's ability to anticipate the true funding needs for this account. The conferees expect OFDT to keep the Committees on Appropriations apprised of changes in average daily population forecasts so that resource requirements for fiscal year 2012 and beyond can be verified and refined, particularly with regard to the impacts of law enforcement initiatives on the Southwest Border. The conferees direct OFDT to resume providing quarterly reports to the Committees on Appropriations, which shall include the actual number of individuals in the detention system, the projected number of individuals in the detention system and the annualized associated costs.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $84,199,000 for the Office of Inspector General (OIG).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $12,833,000 for the salaries and expenses of the United States Parole Commission.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $863,367,000 for General Legal Activities.

Human trafficking.—The conferees direct the Department to maintain funding for the Human Trafficking and Slavery Prosecution Unit (HTSPU) in the Civil Rights Division at not less than the fiscal year 2011 funding level to continue efforts to fight human trafficking and slavery.

Human rights crimes.—The conferees remain concerned about the large number of suspected human rights violators from foreign countries who have found safe haven in the United States, and direct the Criminal Division to continue its efforts to investigate and prosecute perpetrators of serious human rights crimes, including genocide, torture, use or recruitment of child soldiers, and war crimes. For this purpose, the conferees direct the Department to provide not less than the fiscal year 2011 funding level for attorneys, analysts, and support personnel in the Criminal Division to investigate and prosecute individuals who violate Federal laws regarding serious human rights abuses.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement includes a reimbursement of $7,833,000 for DOJ expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660).

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement includes $159,587,000 for the Antitrust Division. This appropriation is offset by $108,000,000 in premerger filing fee collections, resulting in a direct appropriation of $51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,960,000,000 for the Executive Office for United States Attorneys (EOUSA) and the 94 United States Attorneys' offices.

Human trafficking.—The conference agreement includes language directing each U.S. Attorney to establish or participate in a U.S. Attorney-led human trafficking task force. In instances where it may be preferable, due to geographical or other considerations, to operate joint human trafficking task forces, joint task forces representing no more than two U.S. Attorneys' offices will satisfy the requirement.

The conferees direct such task forces to engage law enforcement, elected leadership, civic and faith-based groups and to con-

vene quarterly, working-level meetings where Federal, State and local law enforcement are represented. Task force meetings should focus specifically on combating human trafficking, with an emphasis on undertaking proactive investigations. Such investigations shall include, for example, the investigation of persons or entities facilitating trafficking in persons through the use of classified advertising on the Internet. The conferees also direct the Department to submit an annual report to the Committees on Appropriations regarding the work of these task forces. This report shall detail the range of efforts by the task forces, and include information on the use of classified advertising on the Internet to facilitate trafficking and a description of policies and task force actions that respond to such practices.

The conferees further direct the EOUSA, in consultation with each U.S. Attorney, to designate a point of contact in each U.S. Attorney's office who shall serve as the coordinator for all activities within that office concerning human trafficking and slavery matters covered by the Trafficking Victims Protection Act.

In addition, the conferees adopt language in the House report directing the Department to undertake outreach efforts in the form of public notices, such as newspaper advertisements, in ethnic communities in the U.S., the home countries of which represent the top ten countries with regard to the prevalence of human trafficking activities and to report to the Committees on Appropriations regarding such outreach efforts.

Intellectual property rights (IPR) enforcement.—The conferees expect the Department to continue to make IPR enforcement an investigative and prosecutorial priority for Federal prosecutors. The conferees direct the Department to provide to the Committees on Appropriations a report on the activities of its Assistant U.S. Attorneys dedicated to investigating intellectual property crimes pursuant to and authorized under section 402 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403).

Adam Walsh Act implementation.—The conferees expect the EOUSA to continue to focus on investigations and prosecutions related to the sexual exploitation of children, as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248). The conference agreement includes not less than $41,000,000 for these purposes in fiscal year 2012.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement includes $223,258,000 for the United States Trustee Program (USTP). The appropriation is fully offset by fee collections.

Debtor audits.—The conferees expect the USTP to make debtor audits a priority and delineate, in the Department's fiscal year 2012 spending plan, the allocation of funds for debtor audits.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement includes $2,000,000 for the Foreign Claims Settlement Commission.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $270,000,000 for Fees and Expenses of Witnesses.

Expert witnesses.—Within funds provided, the conference agreement includes the requested $92,000,000 to respond to the increased need for expert witnesses among the litigating divisions and the U.S. Attorneys' offices. The conferees expect that no funds will be expended for expert witness services from any DOJ accounts except Fees and Expenses of Witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement includes $11,456,000 for the Community Relations Service.

ASSETS FORFEITURE FUND

The conference agreement includes $20,948,000 for the Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement includes $1,174,000,000 for the salaries and expenses of the United States Marshals Service (USMS).

Spending plan.—The conferees expect that the USMS will include in its fiscal year 2012 spending plan a strategy for how it will approach mandatory protective services, as well as how it will respond to critical law enforcement requirements and congressional mandates to address violent crime reduction, enforce the Adam Walsh Act and combat Southwest Border violence. To help remedy possible funding shortfalls, the conferees encourage the USMS to continue exploring and utilizing new technological capabilities in order to further ensure the fair and efficient administration of justice. If additional funds are needed to support the USMS' Adam Walsh Act enforcement mission, the conferees urge the Department to submit a reprogramming request in fiscal year 2012 that would reallocate funds from lower priority programs to meet such needs.

CONSTRUCTION

The conference agreement includes $15,000,000 for construction and related expenses in space controlled, occupied or utilized by the USMS for prisoner holding and related support.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

The conference agreement includes $87,000,000 for the salaries and expenses of the National Security Division.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $527,512,000 for the Organized Crime and Drug Enforcement Task Forces (OCDETF).

Southwest Border.—The conferees expect OCDETF to prioritize the continuation of support for Assistant U.S. Attorney positions and collocated Strike Forces in the Southwest Border region, and to submit a report to the Committees on Appropriations not later than 90 days after the enactment of this Act showing the current and planned distribution of personnel, by bureau, to each of the collocated Strike Forces.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $8,036,991,000 for the salaries and expenses of the Federal Bureau of Investigation (FBI). The conference agreement incorporates language in the House report on analytic career path training, the Safe Streets/Safe Trails Task Force program, the continuation of positions for Southwest Border law enforcement, the nationwide file inventory program, and the continuation of positions for the investigation of white collar and financial crime.

Computer intrusions.—In recognition of the FBI's unique cyber-related authorities and expertise, the conference agreement includes at least the full request, an increase of $18,628,000 and 42 positions, including 14 special agents, above the fiscal year 2011 enacted level to further the Bureau's investigatory, intelligence gathering and technological capabilities to address malicious cyber intrusions and protect critical infrastructure in the United States from cyber attacks. The conferees direct the FBI to produce an annual national cyber threat assessment, in both classified and unclassified versions, and submit such report to the Committees on Appropriations not later than 120 days after the enactment of this Act.

National security.—The conference agreement includes program increases totaling $48,870,000 as described in the House report. The conferees direct the FBI to submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act detailing the research activities conducted under the auspices of the High-value Detainee Interrogation Group, the results of such research, and any recommendations for the development of new techniques.

Electronic surveillance.—The conference agreement incorporates language in the House report related to increases provided to improve lawful electronic surveillance capabilities. The conference agreement does not include language in the Senate report directing a percentage of these funds to be used for Special Surveillance Groups.

Render Safe.—The conference agreement includes a program increase of $40,000,000 and 13 positions to support the acquisition and refurbishment of two aircraft to carry out the Render Safe mission. The conferees note that the Senate had approved the use of previously appropriated funding for this same purpose. The FBI shall submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on the plan for Render Safe procurement.

Trafficking in persons.—The conferees agree that, within the funding provided, the FBI shall increase activities related to the investigation of severe forms of trafficking in persons. The FBI shall submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on agent utilization and overall staff resources dedicated to trafficking investigations in fiscal years 2010, 2011 and 2012. In addition, the conferees expect the FBI to share trafficking case information on an ongoing basis with other law enforcement agencies and task forces working similar cases. The conferees agree that funds shall be used for conducting investigations into trafficking and slavery and providing victim witness coordinators on an emergency basis when needed.

IPR enforcement.—The conferees agree that the FBI shall continue to prioritize the investigation of IPR cases and coordinate with IPR units at the U.S. Attorneys and the Criminal Division. The FBI shall submit a report, not later than 120 days after the enactment of this Act, on agent utilization and overall staff resources dedicated to investigating intellectual property cases, and an accounting of the agents placed in specific field offices since fiscal year 2010.

DNA programs.—The conferees encourage the FBI to undertake activities to facilitate familial DNA searches of the Combined DNA Index System database of convicted offenders and work with the National DNA Index System (NDIS) Procedures Board to consider the establishment of procedures allowing familial searches only for serious violent and sexual crimes where other investigative leads have been exhausted. The procedures should provide appropriate protections for the privacy rights of those in the NDIS database.

Sentinel.—The conferees continue to monitor closely Sentinel, the FBI's information and investigation case management system, and remain understandably concerned about Sentinel's development. The FBI shall adhere to the language included in the House report regarding the expectation that the FBI will continue all necessary periodic oversight reviews in accordance with recommendations of the Inspector General, and in the Senate report regarding the prohibition on spending anything in excess of $451,000,000 on Sentinel without first providing notification to the Committees on Appropriations and developing a work breakdown structure. In addition, the conference agreement includes language under section 213 requiring the Attorney General to submit to the Committees on Appropriations a report containing a cost and schedule estimate for the final operating capability of the Sentinel program, and a detailed list of the functionalities included in the final operating capability. The FBI shall submit this report concurrently to the Department's OIG for review and comment.

Criminal alien identification.—The conferees direct the FBI to submit a report to the Committees on Appropriations, not later than 120 days after the enactment of this Act, detailing the FBI's participation in Federal interagency information sharing efforts to identify criminal aliens.

Cyber training for field agents.—The conferees agree that, within funds provided, the FBI shall expand training for FBI cyber agents involved in national security intrusions cases. Such training

should focus on increasing the number of agents qualified to understand current techniques and tactics used by those engaged in illicit cyber activities, and respond to shortfalls identified by the DOJ OIG.

Criminal Justice Information Services Division.—The conference agreement includes the full requested amount of appropriated funds and user fees for the Criminal Justice Information Services Division.

Human rights violations.—The conferees direct the FBI to increase efforts to investigate and support DOJ's criminal prosecution of serious human rights crimes committed by foreign nationals who are in the United States.

Liaison partnerships.—The conferees support the FBI's policy prohibiting any formal non-investigative cooperation with unindicted co-conspirators in terrorism cases. The conferees expect the FBI to insist on full compliance with this policy by FBI field offices and to report to the Committees on Appropriations regarding any violation of the policy.

CONSTRUCTION

The conference agreement includes $80,982,000 for FBI Construction.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $2,025,000,000 for the salaries and expenses of the Drug Enforcement Administration (DEA). In addition, the DEA expects to derive $322,000,000 from fees deposited in the Diversion Control Fund to carry out the Diversion Control Program. The conference agreement does not include language in the House report on synthetic drugs.

Afghanistan operations.—The conference agreement incorporates language in the House report regarding DEA's Afghanistan operations. The conferees direct the DEA to report to the Committees on Appropriations, not later than 30 days after enactment of this Act, on DEA's planned presence and operations activities in Afghanistan, expected transfers of funding from other Departments or agencies, and DEA's direct appropriations requirements for such activities.

Field staffing.—The conference agreement incorporates language in the House report concerning a reporting requirement on personnel vacancy rates. The conferees agree that the DEA shall provide such report to the Committees on Appropriations not later than 120 days after the enactment of this Act.

CONSTRUCTION

The conference agreement includes $10,000,000 for DEA Construction. The conferees expect this funding level to support an expansion of the El Paso Intelligence Center facility to accommodate approximately 100 additional staff.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement includes $1,152,000,000 for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conference agreement also includes language permanently prohibiting the Department from consolidating or centralizing the records of the acquisition and disposition of firearms maintained by firearms dealers and permanently prohibiting the Department from electronically retrieving information provided to the Attorney General by firearms dealers that have gone out of business.

Operation Fast and Furious.—The conferees are concerned by allegations that ATF mismanaged a U.S.-Mexico border operation known as Fast and Furious, and expect that the Department's OIG, to which the investigation of this matter has been referred by the Attorney General, will fulfill its oversight duties by conducting a thorough investigation. The conferees expect the Department and ATF to cooperate fully with all oversight investigations into Operation Fast and Furious—whether by the OIG, an independent, government-appointed investigator, or Congress—by promptly and thoroughly responding to all requests for information regarding this matter.

Furthermore, the conferees are aware that the Attorney General has instructed, and subsequently reiterated, that Department law enforcement personnel are not knowingly to allow any firearms to be illegally transported into Mexico for any reason. Finally, the conferees note that Operation Fast and Furious is but a small part of ATF's extensive operations along the Southwest Border and should not detract from ATF's efforts to protect Americans from illegal firearms trafficking, gun violence, and parallel drug and human trafficking across the U.S.-Mexico border and into the Nation's interior.

United States-Mexico firearms trafficking.—Beginning in fiscal year 2012 and thereafter, the ATF shall provide the Committees on Appropriations with annual data on the total number of firearms recovered by the Government of Mexico, and of those, the number for which an ATF trace is attempted, the number successfully traced and the number determined to be manufactured in or imported into the United States prior to being recovered in Mexico.

National Integrated Ballistic Information Network (NIBIN).—The conferees continue to support the NIBIN, including the significant investment made by State and local law enforcement partners to build the current NIBIN database. The conferees believe that ATF should move expeditiously to ensure that ballistic imaging technology is routinely refreshed, upgraded and deployed to State and local law enforcement. The conferees urge ATF to prioritize the upgrading and replacement of aging ballistic imaging equipment in its fiscal year 2012 operating plan and in future budget requests. ATF should ensure upgrades and replacements maximize and protect the resources invested by State and local law enforcement.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $6,551,281,000 for the salaries and expenses of the Federal Prison System.

Activations and expansions.—The conference agreement includes funds for the commencement or completion of activation of new prison facilities constructed by the Bureau of Prisons (BOP). The conferees expect BOP to make adherence to the activation schedule for these prisons, as detailed in BOP's fiscal year 2012 budget submission, a top priority, and to immediately notify the Committees on Appropriations of any changes to this schedule. In addition, as part of the Department's fiscal year 2012 spending plan, BOP shall include the allocation of funds by decision unit.

Radicalization in Federal prisons.—The conference agreement incorporates language in the House report regarding radicalization in Federal prisons and the conferees instruct the Department to take the necessary actions to eliminate prisoner access to radicalizing material. The conferees further direct the Department to submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on its maintenance of a central registry of acceptable materials and the processes employed to ensure that potentially radicalizing materials are not included.

Work in prisons.—The conferees affirm the language in the House report expressing the belief that increasing work opportunities for Federal prisoners is an important priority. Statistics from BOP indicate that inmates who participate in work programs are 24 percent less likely to offend again, 14 percent more likely to find work outside of prison and 23 percent less likely to have misconduct issues in prison. The conferees direct the Department to report to the Committees on Appropriations not later than 120 days after the enactment of this Act on actions taken and planned to increase meaningful work opportunities available to inmates.

Sentence reduction opportunities.—The conferees are concerned that the current upward trend in the prison inmate population is unsustainable and, if left unchecked, will eventually engulf the Department's budgetary resources. The conferees encourage BOP to work with the authorizing committees on proposals that reduce both recidivism and appropriations requirements.

Employee retaliation.—The conferees are concerned that BOP employees were cited recently by the Equal Employment Opportunity Commission (EEOC) as having the highest and most widespread fear of retaliation compared to the rest of the Federal workforce. The conferees expect BOP to certify to the Committees on Appropriations that it has implemented and met the recommendations included in the EEOC's November 2010 Final Program Evaluation Report for the Federal Bureau of Prisons, and submit concurrently a report on its compliance with the recommendations to the Department's OIG for review and comment.

BUILDINGS AND FACILITIES

The conference agreement includes $90,000,000 for the construction, acquisition, modernization, maintenance and repair of prison and detention facilities housing Federal inmates.

Status of construction reports.—The conferees direct BOP to resume providing to the Committees on Appropriations, not later than 30 days after the enactment of this Act, the most recent monthly status of construction report and to notify the Committees on Appropriations of any deviations from the construction and activation schedule identified in that report, including detailed explanations of the causes of delays and actions proposed to address them.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

The conference agreement includes a limitation on administrative expenses of $2,700,000 for Federal Prison Industries, Incorporated.

Federal Prison Industries (FPI).—In addition to its function as a reentry tool, the conferees believe that FPI, if allowed to enter into partnerships with private businesses, could bring some lost manufacturing back into the United States while providing inmates with opportunities to learn skills that will be marketable after release. Therefore, the conference agreement includes language under section 221 of this Act to allow FPI to carry out pilot projects to produce items that are currently manufactured outside of the United States.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

In total, the conference agreement includes $2,227,300,000 for State and local law enforcement and crime prevention programs.

Salaries and expenses.—The Omnibus Appropriations Act, 2009 (P.L. 111–8) established a common salaries and expenses appropriation to provide for the cost of all management and administration activities of the Department's grant offices. The establishment of this account was in response to inadequate agency budgeting mechanisms for management and administration activities and a lack of transparency about the actual costs of those activities. Since fiscal year 2009, the grant offices have made important and marked progress in this regard.

During fiscal year 2012, the conferees direct the Department to support management and administration expenses with program funding subject to the submission of details related to planned management and administration expenses, by program, as part of the Department's fiscal year 2012 spending plan. In addition, the spending plan should include planned expenses for training and technical assistance, research and statistics activities, interagency agreements, cooperative agreements and peer review, along with any additional general category of expense other than grants. The conferees encourage grant offices to minimize administrative spending in order to maximize the amount of funding that can be used for grants or training and technical assistance.

As part of the budget submission for future fiscal years, the Department is directed to detail the actual costs for each grant office in each of the categories noted above for the prior fiscal year, by program, along with estimates of planned expenditures for each grant office in each of these categories, by program, for the current year and the budget year. In addition, the Office of Justice Programs (OJP), the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) are directed to report to the Committees on Appropriations on their formal definitions of management and administration costs or on the detailed guidance that governs decisions about the types of costs that should be considered management and administration costs.

Workload analysis.—The conferees are aware that OVW, OJP and COPS have each initiated a workload analysis to ensure that their respective staffing levels and mix of personnel accurately reflect workload and requirements. The conferees direct each office to provide a report to the GAO and the Committees on Appropriations not later than 120 days after the enactment of this Act describing its updated staffing model based on the results of its workload analysis. In addition, the conferees direct GAO to examine each office's staffing model and report to the Committees on Appropriations, not later than 6 months after the date the offices submit their reports, with an evaluation of the models, and recommendations (as warranted), on how each office's staffing model could be further improved.

Non-compliant grantees.—The conference agreement incorporates language from the Senate report noting that OJP, COPS and OVW appear to be using different sanctions and remedies for grantees that are determined to be out of compliance with grant requirements. The conferees expect the Department to work to consolidate rules and procedures across the three offices in order to produce the most consistent compliance enforcement process possible.

Evidence-based programs.—The conferees strongly urge OJP, COPS and OVW to ensure that, to the greatest extent practicable, competitive grants are used for evidence-based programs and activities.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

The conference agreement includes $412,500,000 for OVW. These funds are distributed as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

[In thousands of dollars]

Program	Conference
STOP Grants	$189,000
Transitional Housing Assistance	25,000
Research and Evaluation on Violence against Women	3,000
Grants to Encourage Arrest Policies	50,000
Homicide Reduction Initiative	(4,000)
Sexual Assault Victims Services	23,000

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS—Continued

[In thousands of dollars]

Program	Conference
Rural Domestic Violence and Child Abuse Enforcement	34,000
Violence on College Campuses	9,000
Civil Legal Assistance	41,000
Elder Abuse Grant Program	4,250
Safe Havens Program	11,500
Education and Training for Disabled Female Victims	5,750
Court Training and Improvements Program	4,500
Research on Violence against Indian Women	1,000
Consolidated Youth-oriented Program	10,000
National Resource Center on Workplace Responses	1,000
Indian Country—Sexual Assault Clearinghouse	500
TOTAL, Violence Against Women Prevention and Prosecution Programs	$412,500

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

The conference agreement includes $113,000,000 for the Research, Evaluation, and Statistics account, formerly known as the Justice Assistance account. These funds are distributed as follows:

RESEARCH, EVALUATION, AND STATISTICS

[In thousands of dollars]

Program	Conference
Bureau of Justice Statistics	$45,000
National Crime Victimization Survey (NCVS)	(26,000)
Redesign Work for the NCVS	(10,000)
Indian Country Statistics	(500)
National Institute of Justice	40,000
Transfer to NIST/OLES for DNA/Forensics	(5,000)
Evaluation Clearinghouse (What Works Repository)	1,000
Regional information sharing activities	27,000
TOTAL, Research, Evaluation, and Statistics	$113,000

Spending plans.—The conferees direct the Department to include in its spending plan for fiscal year 2012 a plan for the use of all funding administered by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), including funding provided for domestic radicalization research under the State and Local Law Enforcement Assistance account. The conferees expect NIJ to carry out new initiatives proposed for fiscal year 2012 to the extent possible within the funds provided, including initiatives in the following areas: maximizing the value of forensic evidence; establishing the effectiveness of criminal justice diversion methods and strategies; eliminating rape kit backlogs (pilots); conducting Indian country crime and victimization research; improving prescription drug monitoring; improving inmate reentry; improving risk-based decision-making in the criminal justice system; and establishing a better understanding of the risk-based factors leading to domestic radicalization and related acts of violence/terrorism, among others.

Evaluation Clearinghouse.—The conferees adopt the language in the Senate report regarding funding for an Evaluation Clearinghouse/What Works Repository.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $1,162,500,000 for State and Local Law Enforcement Assistance programs. These funds are distributed as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[In thousands of dollars]

Program	Conference
Byrne Memorial Justice Assistance Grants	$470,000
Domestic Radicalization Research	(4,000)
Criminal Justice Reform and Recidivism Reduction	(6,000)
Presidential Nominating Convention Security	(100,000)
State and Local Anti-terrorism Training	(2,000)
State and Local Assistance Help Desk and Diagnostic Center	(4,000)
VALOR Initiative	(2,000)
State Criminal Alien Assistance Program	240,000
Border Prosecutor Initiative	10,000
Byrne Competitive Grants	15,000
Missing Alzheimer's Patients Grants	1,000
Victims of Trafficking Grants	10,500
Drug Courts	35,000
Prescription Drug Monitoring	7,000
Prison Rape Prevention and Prosecution	12,500
Residential Substance Abuse Treatment	10,000
Capital Litigation and Wrongful Conviction Review	3,000
Mentally Ill Offender Act	9,000
Tribal Assistance	38,000
Economic, High-tech and Cybercrime Prevention	7,000
CASA—Special Advocates	4,500
Bulletproof Vests	24,000
Transfer to NIST/OLES	(1,500)
National Instant Criminal Background Check System	5,000
Criminal Records Upgrade	6,000
Second Chance Act/Offender Reentry	63,000
Smart Probation	(4,000)
John R. Justice Grant Program	4,000
Paul Coverdell Forensic Science	12,000
Adam Walsh Act Implementation	20,000
Children Exposed to Violence Initiative	10,000
Byrne Criminal Justice Innovation Program	15,000
Violent Gang and Gun Crime Reduction	5,000
National Sex Offender Public Web Site	1,000
DNA Initiative	125,000
Debbie Smith DNA Backlog Grants	(117,000)
Post-Conviction DNA Testing Grants	(4,000)
Sexual Assault Forensic Exam Program Grants	(4,000)
TOTAL, State and Local Law Enforcement Assistance	$1,162,500

Presidential nominating conventions.—The conference agreement includes $100,000,000 to address extraordinary local law enforcement costs related to the 2012 presidential nominating conventions. The conferees note that the Department failed to request any funding for this activity, and expect that future budget requests will address known resource requirements associated with convention security. The conferees expect that the funds included in this agreement will be used solely for extraordinary law enforce-

ment expenses incurred with respect to local law enforcement's role in providing security for these events. The conferees expect the Department to develop clear guidelines to govern allowable expenses, and all payments or reimbursements shall be reviewed and approved by the Department, as well as audited by the OIG, to ensure efficiency and accountability. Finally, the conferees expect that planning committees for the nominating conventions will assist in addressing security needs to the greatest extent possible from other funding sources.

Human trafficking.—The conference agreement includes $10,500,000 for human trafficking task force activities and services for U.S. citizens, permanent residents and foreign nationals who are victims of trafficking. The conferees expect that the human trafficking task forces funded by the Department will continue to bring together Federal, State and local law enforcement and victim services organizations to investigate all forms of human trafficking and assist the victims. OJP shall consult with stakeholder groups in determining the overall allocation of Victims of Trafficking funding, including with respect to amounts allocated to assist foreign national victims, and provide to the Committees on Appropriations a plan for the use of these funds as part of the Department's fiscal year 2012 spending plan. The plan should be guided by the best information available on the regions of the United States with the highest incidence of trafficking.

Reentry.—The conferees urge OJP to assist in the development of State reentry councils in order to foster State-level advancements in reentry and recidivism reduction.

Second Chance Act.—The conferees direct the Department to submit, as part of its spending plan for fiscal year 2012 a plan for the allocation of funds appropriated for Second Chance Act programs.

Sex offender location, arrest and prosecution/Adam Walsh Act implementation.—The conference agreement includes $20,000,000 to support the administration's proposal to help States, Indian tribes and territories come into compliance with the Sex Offender Registration and Notification Act (SORNA), as well as provide for sex offender management and treatment. These grants will provide critical support to the comprehensive, nationwide effort to locate, register, monitor, apprehend, prosecute and manage child sexual predators and exploiters that was envisioned by SORNA.

DNA backlog/crime lab improvements.—The conferees continue Congress' strong support for DNA backlog reduction and crime lab improvements by recommending $125,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within the funding provided, the conference agreement includes $4,000,000 each for Post-Conviction DNA Testing grants, and Sexual Assault Forensic Exam Program grants. The conferees expect that OJP will make funding for DNA analysis and capacity enhancement a priority to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The conferees direct the Department to submit both a spending plan with respect to funds appropriated for DNA-related programs, and a report on the

alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program, as part of the Department's spending plan for fiscal year 2012.

In addition, the conferees direct the GAO to examine the use of funds awarded for DNA analysis and capacity enhancement in the past five years that were awarded to any entity other than to a State or local public DNA laboratory. GAO's examination should include an evaluation of the methodology employed in creating the solicitations and the process for awarding these funds; the extent to which DOJ has assessed whether the results of the awards are making a measurable impact with respect to reducing backlogs and increasing capacity; and how the objectives of the solicitations have been fulfilled. The study should also include an analysis of how NIJ inventories and compiles grant data and results, including a breakdown of the funds provided to non-government DNA laboratories on an annual basis, and a description of the contribution of NIJ toward increasing capacity and reducing backlogs for government DNA laboratories. Lastly, the study should detail the proportion of DNA funding annually provided to State and local laboratories, non-government entities, NIJ's DNA program office, and other uses by NIJ such as overhead, travel and conferences.

National technical assistance and training.—The conferees affirm language in the Senate report encouraging the Department to continue its efforts to assist States in the development and use of criminal justice information systems that accelerate the automation of identification processes for fingerprints and other criminal justice data, and which improve the compatibility of State and local law enforcement systems with the FBI's Integrated Automated Fingerprint Identification System.

National Motor Vehicle Title Information System (NMVTIS).—The conference agreement incorporates language in the Senate report on the use of NMVTIS as an effective tool to prevent the fraudulent use of vehicle title documents, investigate vehicle thefts and thwart terrorist financing activities.

Tribal assistance.—The conference agreement includes $38,000,000 for tribal grant programs. The conferees expect OJP to consult closely with tribal stakeholders in determining how tribal assistance funds will be allocated among grant programs that help improve public safety in tribal communities, such as grants for detention facilities under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), civil and criminal legal assistance as authorized by title I of Public Law 106–559, tribal courts, and alcohol and substance abuse reduction assistance programs. The conferees direct OJP to submit, as part of the Department's spending plan for fiscal year 2012, a plan for the use of these funds that has been informed by such consultation. The conferees note that the conference agreement includes additional grant funding for tribal law enforcement programs through COPS and OVW.

Direct legal representation of crime victims.—The conference agreement incorporates language in the Senate report directing the Office for Victims of Crime to submit a report to the Committees on Appropriations within 60 days of notifying States of their Vic-

tims of Crime Act victim assistance formula allocation for fiscal year 2012.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $262,500,000 for Juvenile Justice programs. These funds are distributed as follows:

JUVENILE JUSTICE PROGRAMS

[In thousands of dollars]

Program	Conference
Part B—State Formula Grants	$40,000
Youth Mentoring Grants	78,000
Title V—Delinquency Prevention Incentive Grants	20,000
Tribal Youth	(10,000)
Gang and Youth Violence Education and Prevention	(5,000)
Alcohol Prevention	(5,000)
Victims of Child Abuse Programs	18,000
Juvenile Accountability Block Grants	30,000
Community-Based Violence Prevention Initiatives	8,000
Missing and Exploited Children Programs	65,000
Training for Judicial Personnel	1,500
National Forum on Youth Violence Prevention	2,000
TOTAL, Juvenile Justice Programs	$262,500

Youth mentoring grants.—The conferees direct OJP to submit, as part of the Department's spending plan for fiscal year 2012, a report detailing the criteria and methodology that will be used to award youth mentoring grants and a spending plan for youth mentoring funds. The conferees expect that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will take all steps necessary to ensure fairness and objectivity in the award of these and future competitive grants.

Missing and exploited children/Internet Crimes Against Children (ICAC).—The conference agreement includes $65,000,000 for missing and exploited children programs, including funds for the ICAC task force program, to continue to expand efforts to protect the Nation's children, focusing on the areas of locating missing children, and addressing the growing wave of child sexual exploitation facilitated by the Internet. The conferees direct OJP to provide a spending plan for the use of these funds as part of the Department's spending plan for fiscal year 2012. The conferees are aware that one way OJP addresses the proliferation of Internet crimes against children is through ICAC task forces. With regard to ICAC task forces, the conferees encourage the Department to fund programs with proven training results and low administrative costs.

Victims of Child Abuse Act.—The conference agreement includes $18,000,000 for the various programs authorized under the Victims of Child Abuse Act (Public Law 101–647). Within the funds provided, $5,000,000 shall be used to fund Regional Children's Advocacy Centers Programs.

PUBLIC SAFETY OFFICER BENEFITS

The conference agreement includes $78,300,000 for the Public Safety Officer Benefits program for fiscal year 2012. Within the funds provided, $62,000,000 is for death benefits for survivors, an

amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. In addition, $16,300,000 is provided for disability benefits for public safety officers permanently and totally disabled as a result of a catastrophic injury and for education benefits for the spouses and children of officers killed in the line of duty or permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

The conference agreement includes $198,500,000 for COPS programs, as follows:

COMMUNITY ORIENTED POLICING SERVICES

[In thousands of dollars]

Program	Conference
Transfer to DEA for Methamphetamine Lab Cleanups	12,500
Tribal Resources Grant Program	20,000
COPS Hiring Grants	166,000
Transfer to Tribal Resources Grant Program	(15,000)
Community Policing Development/Training and Technical Assistance	(10,000)
TOTAL, Community Oriented Policing Services	$198,500

Tribal Resources Grant Program (TRGP).—The conference agreement provides a total of $35,000,000 in funding targeted entirely to tribal communities through the TRGP. Within the TRGP, $20,000,000 is provided through direct appropriations and $15,000,000 is provided by transfer from the COPS Hiring program. The conferees note that all funds available to the TRGP may be used for equipment and hiring or training of tribal law enforcement.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 201 makes available additional reception and representation funding for the Attorney General from the amounts provided in this title.

Section 202 prohibits the use of funds to pay for an abortion, except in the case of rape or to preserve the life of the mother.

Section 203 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 204 establishes the obligation of the Director of the Bureau of Prisons to provide escort services to an inmate receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 205 establishes the conference agreement's requirements and procedures for transfer proposals.

Section 206 authorizes the Attorney General to extend an ongoing Personnel Management Demonstration Project.

Section 207 extends specified authorities to the ATF for undercover operations.

Section 208 prohibits the use of funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the BOP as appropriately secure.

Section 209 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious or educational purposes.

Section 210 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.

Section 211 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title or the reuse of specified deobligated funds provided in previous years.

Section 212 prohibits the use of funds for A–76 competitions for work performed by employees of the BOP or FPI, Inc.

Section 213 requires a cost and schedule report on the Sentinel program.

Section 214 prohibits U.S. Attorneys from holding additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

Section 215 permits up to 3 percent of grant and reimbursement program funds made available to OJP to be used for training and technical assistance; permits up to 2 percent of grant funds made available to that office to be used for criminal justice research, evaluation and statistics by NIJ and BJS; and directs that of such amounts transferred to NIJ and BJS, $1,300,000 shall be transferred to the BOP.

Section 216 gives the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; State, tribal and local reentry courts; and drug treatment programs.

Section 217 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 218 permits the use of appropriated funds for travel and healthcare of personnel serving abroad.

Section 219 prohibits funds, other than funds for the national instant criminal background check system established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

Section 220 requires the Attorney General to identify an auditor to evaluate the GCCF.

Section 221 allows Federal Prison Industries to participate in the Prison Industries Enhancement Certification program and allows FPI to carry out pilot projects to produce items that are no longer produced in the United States.

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The conference agreement includes $4,500,000 for the Office of Science and Technology Policy (OSTP).

Cooperation with China.—In fiscal year 2011, OSTP, acting on guidance from the Department of Justice and the Office of White House Counsel, engaged in bilateral activities with the Chinese government that the Government Accountability Office (GAO) found to be prohibited by section 1340 of the Department of Defense and Full Year Continuing Appropriations Act, 2011 (P.L. 112–10). Section 1340 was enacted due to congressional concern that our scientific cooperation with the Chinese government was failing to sufficiently take into account the risks posed by such activities. These risks include the transfer of sensitive technology, data and other information that could adversely impact our national security or disadvantage American companies relative to their Chinese counterparts.

The conference agreement contains language restricting any OSTP activities that would carry the risk of such transfers to China while allowing (subject to certification and notification requirements) other activities to proceed. This should enable OSTP to engage in beneficial collaborative endeavors, such as public health planning or disaster response activities, while providing greater protection for U.S. economic and national security interests.

Science, Technology, Engineering and Math (STEM) education.—The conferees support OSTP's recent efforts to improve and better coordinate Federal STEM education programs and to develop a government-wide STEM education strategic plan. The conferees encourage OSTP to include in the strategic plan goals relating to the improved dissemination of STEM education research and best practices.

Neuroscience.—The conferees believe there is a potential in the near future for significant, transformative advances in our fundamental understanding of learning, brain development, and brain health and recovery. Such advances will require enhanced tools to better understand the working of the brain, enhanced data and data infrastructure, and expanded interdisciplinary and large-scale research efforts. Neuroscience research is supported by the National Institutes of Health, the National Science Foundation (NSF), the Department of Veterans Affairs, the Department of Defense and other Federal agencies. The conferees encourage OSTP to establish, through the National Science and Technology Council (NSTC), an interagency working group to coordinate Federal investments in neuroscience research. The interagency working group should help focus and enhance Federal efforts toward: developing future clinical treatments for traumatic and acquired brain injuries; better understanding cognition and learning, and applying that understanding to improving education and learning; and improving our understanding of and developing better therapies for Alzheimer's disease, childhood developmental disorders and other neurological conditions.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference agreement includes $17,800,000,000 for the National Aeronautics and Space Administration (NASA).

Fiscal oversight.—In order to promote strong fiscal oversight, the Committees on Appropriations have been pursuing with NASA a number of crosscutting issues, including cost estimation and control, financial management, acquisition reform and grants management. The conferees direct NASA to stay engaged in these ongoing efforts and to comply with all related reporting requirements and directives on these topics that were contained in the House and Senate reports.

Budget structure.—Funds have been allocated according to an account and program structure that generally conforms to the structure proposed in the budget request. After several consecutive years of major structural modifications, however, the conferees expect that NASA will refrain from proposing additional account changes unless directed to do so by the Committees.

The conferees' table of recommendations for NASA is delineated below. Additional detail may be found under the relevant account headings.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[In thousands of dollars]

Program	Conference
Science:	
Earth Science	$1,765,700
Planetary Science	1,500,400
Astrophysics	672,000
James Webb Space Telescope	529,600
Heliophysics	622,300
Total, Science	5,090,000
Aeronautics	569,900
Space Technology	575,000
Exploration:	
Human Exploration Capabilities	3,060,000
Orion Multi-Purpose Crew Vehicle	(1,200,000)
Space Launch System	(1,860,000)
Commercial Crew	406,000
Exploration Research and Development	304,800
Total, Exploration	3,770,800
Space Operations:	
Space Shuttle	573,000
International Space Station	2,830,000
Space and Flight Support	830,600
21st Century Launch Complex	(168,000)
Total, Space Operations	4,233,600
Education:	
Aerospace Research and Career Development	58,400
NASA Space Grant	(40,000)
EPSCoR	(18,400)
STEM Education and Accountability	80,000
Minority University Research Education Program	(30,000)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—Continued

[In thousands of dollars]

Program	Conference
STEM Education and Accountability Projects	(40,000)
Informal STEM Education	(10,000)
Total, Education	138,400
Cross Agency Support	2,995,000
Construction and Environmental Compliance and Restoration	390,000
Inspector General	37,300
Total, NASA	$17,800,000

SCIENCE

The conference agreement includes $5,090,000,000 for Science.

Program, project and activity level funding designations.—The conferees have not included a detailed, line-item funding table for the Science Mission Directorate. Instead, the conference table provides totals for Earth Science, Planetary Science, Astrophysics, the James Webb Space Telescope and Heliophysics. Using these totals, as well as any additional funding direction provided below, NASA should develop a budget plan for each division that incorporates any necessary reductions and submit these proposals as part of the spending plan required by section 538 of this Act. In proposing reductions, NASA should take care to protect, to the extent possible, high priority missions of the decadal surveys, as well as missions with near-term launch readiness dates. In addition, NASA should be careful to propose a funding portfolio that maintains an essential balance between actual spaceflight projects and the critical mission-enabling activities (research and data analysis, data application, etc.) that support and enhance the value of those projects.

Earth Science.—The conference agreement adopts, by reference, language from the Senate report on carbon monitoring systems and the Deformation, Ecosystem Structure and Dynamics of Ice mission.

Planetary Science.—The conference agreement includes no less than $581,700,000 for Mars Exploration. Within the amount provided, NASA shall continue working to define, plan and execute future Mars missions and continue seeking and taking advantage of opportunities for international cooperation on such missions.

The conference agreement also includes $43,000,000 for outer planets flagship missions. The conferees understand that required descoping studies for planetary flagship missions are at or near completion and direct that those studies be submitted to the Committees on Appropriations as soon as possible. NASA is also directed to continue working on a detailed definition of an appropriately descoped flagship mission, consistent with the findings of the most recent planetary science decadal survey.

Astrophysics.—The conference agreement adopts, by reference, language from the Senate report regarding the Hubble Space Telescope and the Explorer Program.

The Wide Field Infrared Survey Telescope (WFIRST) was identified as the first priority of the most recent astronomy and astrophysics decadal survey. NASA should build on the work of the Joint Dark Energy Mission project and pursue WFIRST to the extent that foreseeable budget resources can accommodate this mission.

James Webb Space Telescope (JWST).—According to the recent JWST budget replan, the program's lifecycle cost estimate is now $8,835,000,000 (with formulation and development costs totaling $8,000,000,000). This represents an increase of $1,208,000,000 over the previous lifecycle cost estimate, including an increase of $156,000,000 above the budget request for fiscal year 2012. In order to accommodate that increase in this agreement, the conferees received input from the administration and made reductions to the requested levels for Earth and planetary science, astrophysics and the agency's budget for institutional management. Although the amounts provided for these other science activities still constitute an increase over the fiscal year 2011 levels, the conferees note that keeping JWST on schedule from fiscal year 2013 through the planned launch in fiscal year 2018 will require NASA to identify another $1,052,000,000 over previous JWST estimates while simultaneously working to meet the deficit reduction requirements of the Budget Control Act of 2011 (P.L. 112–25). As a result, outyear work throughout the agency may need to be reconsidered. The conferees expect the administration to come forward with a realistic long-term budget plan that conforms to anticipated resources as part of its fiscal year 2013 budget request.

To provide additional assurances that JWST's management and funding problems are under control, the conference agreement includes language strictly limiting JWST formulation and development costs to the current estimate of $8,000,000,000 and requiring any increase above that amount to be treated according to procedures established for projects in 30 percent breach of their lifecycle cost estimates.

In addition, the conferees direct the GAO to continually assess the program and to report to the Committees on Appropriations on key issues relating to program and risk management; achievement of cost and schedule goals; and program technical status. For its first report, the conferees direct the Comptroller General to assess: (1) the risks and technological challenges faced by JWST; (2) the adequacy of NASA's revised JWST cost estimate based on GAO's cost assessment best practices; and (3) the extent to which NASA has provided adequate resources for and is performing oversight of the JWST project to better ensure mission success. The first report should be provided to the Committees no later than December 1, 2012, with reports continuing on an annual basis thereafter. Periodic updates should also be provided to the Committees upon request or whenever a significant new finding has been made. NASA is directed to cooperate fully and to provide timely access to analyses, data, applications, databases, portals, reviews, milestone decision meetings, and contractor and agency personnel.

Heliophysics.—The conference agreement adopts, by reference, language from the Senate report regarding the Explorer Program, Magnetospheric Multiscale Mission and Solar Probe Plus.

Flagship management.—The conferees believe that flagship missions are an important component of a balanced science mission portfolio but are concerned by NASA's history of problematic management of these projects. Without substantial improvements in cost estimation, requirements definition, cost discipline and other practices, management problems will persist and, ultimately, erode support for NASA's pursuit of these missions. NASA has many sources of expertise, both internal and external, on which to draw for ideas about how to address its problems in flagship management, and the conferees urge NASA to do so. In particular, the conferees encourage NASA to look at lessons learned from reviews of the challenges of prior flagship projects; identify those lessons that address universal management issues; and implement those lessons in flagship projects across the Directorate.

AERONAUTICS

The conference agreement includes $569,900,000 for Aeronautics.

SPACE TECHNOLOGY

The conference agreement includes $575,000,000 for Space Technology. All funds under this heading should be prioritized toward the continuation of ongoing programs and activities.

Exploration Technology Development.—Within amounts provided, no less than $190,000,000 shall be dedicated to Exploration Technology Development, which directly supports the achievement of human exploration goals.

Satellite servicing.—The conference agreement provides no less than $25,000,000 for satellite servicing activities. This funding will contribute to the planned competitive satellite servicing demonstration mission and shall be managed by the Human Exploration and Operations (HEO) Mission Directorate.

EXPLORATION

The conference agreement includes $3,770,800,000 for Exploration.

Orion Multipurpose Crew Vehicle (MPCV).—The conference agreement provides $1,200,000,000 for the Orion MPCV. The MPCV is intended both to be launched on the heavy lift rocket system in furtherance of NASA's beyond Earth orbit (BEO) exploration goals and to provide an alternative means of cargo and crew delivery to the International Space Station (ISS) in the event that commercial or partner-supplied vehicles are unable to perform those functions. The MPCV will begin uncrewed and crewed flight operations in conjunction with the Space Launch System (SLS) within the next decade, but the conferees understand that NASA may want to pursue an earlier MPCV flight test utilizing a commercially available launch vehicle. The conferees have no objection to necessary and useful testing as long as the costs of procuring the launch vehicle and executing the test flight can be accommodated within the MPCV budget. Within the larger MPCV program, components should be procured via fixed price contracts wherever pos-

sible in order to improve cost control and maximize the impact of all available dollars.

Space Launch System.—The conference agreement provides $1,860,000,000 for the SLS, which is a sustained, evolvable heavy lift vehicle utilizing a common core. While this evolvable approach will enable NASA to achieve the earliest possible initial flight capability by using a 70 ton SLS configuration, only the 130 ton configuration will allow NASA to achieve its BEO exploration goals. Consequently, NASA is directed to ensure that all work done on the early configurations of the evolvable vehicle is in service of the eventual BEO capability. Similarly, NASA is reminded of its legal obligation to design the system from inception to the 130 ton standard and to proceed with simultaneous development of the core and upper stages. Wherever possible, SLS components should be procured via fixed price contracts in order to improve cost control and maximize the impact of all available dollars.

The conferees note the need for additional clarity on the amount of money being allocated to the development of each major component of the SLS. In order to address this need, NASA is directed to provide quarterly reports to the Committees on Appropriations showing anticipated and actual SLS obligations and outlays by major component (core stage, upper stage, engines, boosters, avionics/instrumentation). NASA is further directed to work with the Committees to refine the content and format of these reports.

Adjustments to MPCV and SLS funding.—Funds provided in this Act for MPCV and SLS are intended for the actual design and development of the vehicles themselves. Therefore, the conferees direct that the charging of related expenses to these program lines be kept to a minimum. Any funds deducted from the total to pay for civil service labor, headquarters program support, program integration, mission operations, extravehicular activities or other related expenses must be separately delineated both in the spending plan submitted pursuant to section 538 of this Act and in all future requests. The conference agreement provides a statutory set-aside for SLS ground operations; therefore, no additional charges to SLS funding for this purpose are permitted. All activities funded with the ground operations set-aside shall primarily serve the SLS program.

The conferees note that the recently completed Independent Cost Assessment (ICA) for the exploration program utilized a different budgetary structure than NASA's fiscal year 2011 operating plan or its fiscal year 2012 budget request. In the ICA, funds were divided into three separate streams: MPCV; SLS, exclusive of any ground operations; and 21st Century Ground Systems, which incorporates all SLS ground operations as well as exploration-related ground systems and infrastructure activities from the 21st Century Launch Complex program. The conferees appreciate that this structure makes a clearer distinction between SLS vehicle development work and ground operations and that it unites all exploration-related ground systems spending in a single account (while leaving ground operations and infrastructure in support of multi-user programs within the 21st Century Launch Complex appropriation). NASA is directed to submit its fiscal year 2013 budget request and

all future requests using the structure laid out in the ICA. To assist in the transition to this new structure, the fiscal year 2013 request should include a crosswalk between the new and old structures.

Cost caps.—The conferees believe the human exploration programs should be managed under strict cost caps based on NASA's analysis and the recently completed ICA. Within 60 days of the enactment of this Act, NASA shall report to the Committees on Appropriations on planned milestones; expected performance and configurations; planned ground and flight testing programs; and deliverables for SLS, MPCV and ground systems. As part of this report, NASA shall recommend separate cost caps for the SLS, MPCV and associated ground systems (consistent with the funding streams as identified in the ICA) through fiscal year 2017 and shall manage each program to remain within those caps.

Exploration destinations and goals.—The conferees believe that NASA needs to better articulate a set of specific, scientifically meritorious exploration goals to focus its program and provide a common vision for future achievements. Consequently, the conferees direct NASA to develop and report to the Committees on Appropriations a set of science-based exploration goals; a target destination or destinations that will enable the achievement of those goals; a schedule for the proposed attainment of these goals; and a plan for any proposed collaboration with international partners. Proposed international collaboration should enhance NASA's exploration plans rather than replace capabilities NASA is developing with current funds. This report shall be submitted no later than 180 days after the enactment of this Act.

Commercial crew funding.—While significant unanswered questions remain about the long-term viability of the commercial space market, the conferees agree with NASA that the support of domestic aerospace jobs and the provision of redundant access to the ISS are worthy goals. Consequently, the conference agreement provides $406,000,000 for the commercial crew development program. The agreement withholds $100,000,000 of these funds pending the completion of specified acquisitions milestones in the human exploration program. The conferees expect, however, that the timely completion of these milestones will result in the prompt release of all withheld funds without any negative impact on the commercial crew program.

Commercial crew management.—All of the commercial crew management and acquisition plans submitted by NASA to date have been predicated on receiving funding far in excess of the authorized level. The conferees are concerned that NASA has not devoted sufficient time to developing a detailed management plan for alternate scenarios. NASA is directed to work expeditiously to alter its management and acquisition strategy for the program as necessary to make the best use of available resources and to define the most cost effective path to the achievement of a commercial crew capability. NASA is encouraged to consider, as part of an altered strategy, an accelerated down-select process that would concentrate and maximize the impact of each appropriated dollar.

The conferees understand that NASA has several mechanisms in place to ensure that the risk associated with commercial crew

development activities is not carried solely by the government. Consistent with normal procurement practices, NASA evaluates through responsibility and commitment assessments the financial stability of potential contractors. In addition, NASA will structure awards to ensure that payments are made only after the achievement of specified performance milestones and to protect the government's ability to retain and use data derived from an award in the event that the contractor defaults or otherwise chooses to discontinue participation in the program. These practices limit the financial exposure of the government and maximize the value of all payments made.

Commercial safety requirements.—The conferees are pleased by NASA's commitment to hold all human-rated launch vehicles and crew systems, including those developed via both the commercial crew program and the Human Exploration Capabilities program, to the same safety requirements regarding the potential loss of crew (LOC) or loss of mission (LOM). The conferees direct NASA to ensure that any tailoring of specific safety standards and procedures going forward does not affect this uniform application of LOC/LOM requirements.

Apollo heritage sites.—Future human and robotic exploration of the Moon poses a threat to the preservation of historically and scientifically significant sites there, including the locations of the first and last Apollo lunar landings. The conferees support NASA's efforts to establish guidelines for the protection of Apollo "heritage sites" and direct NASA to keep the Committees on Appropriations informed of further progress in this area.

SPACE OPERATIONS

The conference agreement includes $4,233,600,000 for Space Operations.

Space Shuttle.—The conference agreement provides a total of $573,000,000 for the Space Shuttle program, including $470,000,000 to cover NASA's liability pursuant to the termination of the pension plan under the Space Program Operations Contract (SPOC). The conferees have derived their numbers from the most recently available actuarial estimate of SPOC liability needs, as provided by NASA. The government is legally obligated to make these payments. If the final calculated pension shortfall differs from this amount, NASA may address the difference by either adding to or deducting from remaining Space Shuttle transition and retirement funds.

The conference agreement adopts, by reference, language in the House report requiring NASA to undertake specified actions relating to the transition of the Shuttle workforce and to provide status reports on the progress of its Space Shuttle orbiter disposition efforts.

International Space Station (ISS).—The conferees support the decision to extend ISS research and operations through 2020. In support of the ISS program, the conference agreement provides $2,830,000,000 for ISS operations, research and cargo supply.

Satellite servicing.—The conference agreement includes $50,000,000 from Space Operations to continue satellite servicing activities. These funds are in addition to $25,000,000 for satellite

servicing in the Space Technology account. The HEO Mission Directorate shall continue to be responsible for the overall direction and management of all agency satellite servicing activities, which are undertaken as a joint project of the HEO, Space Technology and Science mission directorates. Satellite servicing activities shall include mission architecture design, robotic system development, autonomous rendezvous and capture sensor testing, fluid transfer demonstrations and spacecraft design.

Funds are to be used to continue work on a competitive project to develop, in collaboration with a U.S. commercial partner, a satellite servicing mission capable of operating in geosynchronous Earth orbit. The goal for such a mission is to achieve an on-orbit servicing of an observatory-class government satellite by 2016. Any U.S. commercial partner should be willing to invest its own resources in this mission, as it is intended to foster the creation of an ongoing commercial capability that could meet the needs of NASA, other Federal agencies, the commercial satellite sector and the scientific community.

21st Century Launch Complex.—The conference agreement adopts, by reference, language from the Senate report regarding the 21st Century Launch Complex program. As noted under the Exploration heading, the conferees intend to confine the 21st Century Launch Complex appropriation to multi-user projects beginning in fiscal year 2013. Any 21st Century funds that support the ground operations and infrastructure of the human exploration program will be included in the new 21st Century Ground Systems funding stream in future years.

Tracking and Data Relay Satellite-M (TDRS–M).—NASA has authority to fund research and development programs and projects on an incremental basis. However, the conferees understand that TDRS–M, unlike prior TDRS System projects, does not qualify as research and development. In order to remain consistent with historical precedent on TDRS funding, therefore, the conferees have provided bill language permitting NASA to treat TDRS–M as a research and development project for the purposes of incremental funding for the duration of the project.

Launch site infrastructure.—NASA is directed to facilitate the efficient and beneficial re-purposing of vacant or underutilized facilities, equipment and other property at NASA-owned launch sites. To accomplish this re-purposing, NASA is directed to employ all authorities granted by Congress and to involve, to the extent practical, field-level personnel in the decision making.

EDUCATION

The conference agreement includes $138,400,000 for Education.

Portfolio structure and funding levels.—The conferees have constructed an education portfolio that strikes a balance between NASA's desire to restructure and streamline elements of the portfolio with the need to provide sufficient support to successful existing programs such as Space Grant, the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Minority University Research and Education Program. The conferees direct NASA to consider this balance when developing future education budget requests. The conferees also note the existence of significant

educational resources built into the mission directorate budgets and encourage NASA to take all necessary steps to ensure that these educational activities are well integrated with the programs funded under this heading.

Informal Education.—The conferees have provided $10,000,000 for a competitive grant program to fund informal education programs that develop STEM education activities, including exhibits, at qualifying institutions as described in section 616 of the NASA Authorization Act of 2005 (P.L. 109–155), and/or at NASA Visitors Centers. In selecting grants, NASA shall prioritize projects according to their links to NASA's missions.

CROSS AGENCY SUPPORT

The conference agreement includes $2,995,000,000 for Cross Agency Support (CAS).

Civil service labor.—NASA's CAS request included funding for nearly 700 programmatic FTE that had not yet been allocated to a mission directorate. Since the time of the budget submission, NASA has provided updated data showing the appropriate distribution of these FTE. The conference agreement reflects this updated distribution by reallocating both the FTE and associated funding out of the CAS account.

Background investigations.—All members of the NASA workforce, including both civil servants and contractors, should be appropriately and regularly screened to validate their right to access NASA physical or virtual resources. The conferees support the implementation of all necessary security procedures to achieve this goal.

Employee Performance Communications System (EPCS).—The conference agreement adopts, by reference, language in the Senate report requiring a GAO assessment of specified elements of the implementation of the EPCS.

Cybersecurity.—The conference agreement adopts, by reference, language from the House report regarding authorities of the Chief Information Officer to address cybersecurity vulnerabilities.

Independent Verification and Validation (IV&V).—The conference agreement adopts, by reference, language from the Senate report regarding IV&V.

Budget justifications.—The conferees understand that NASA is undertaking changes to the format and content of its annual budget justifications. The Committees on Appropriations should be involved in the discussion about what changes are necessary in order to ensure that the end product is as useful as possible for the conduct of the Committees' work. Consequently, NASA is directed to work jointly with the Committees to define the scope and content of needed changes and to implement those changes in all future budget justifications.

Comprehensive independent assessment.—NASA has a broad mandate to execute a balanced space program that includes science, technology development, aeronautics research, human spaceflight and education. NASA regularly receives management and programmatic recommendations from GAO, the Office of Inspector General (OIG) and various commissions and other entities, as well as outside advice on scientific and technical priorities from

the National Academies. While each of these reviews is useful on its own, they are generally targeted to a specific issue or program and therefore do not provide a comprehensive assessment of NASA's activities. The conferees believe that such an agency-wide assessment will provide a means to evaluate whether NASA's overall strategic direction remains viable and whether agency management is optimized to support that direction. Accordingly, the conference agreement recommendation includes $1,000,000, to be provided by transfer to the OIG, to commission a comprehensive independent assessment of NASA's strategic direction and agency management.

The assessment should consider the relevance and feasibility of NASA's strategic goals; the appropriateness of the budgetary balance between NASA's various programs; and the adequacy of NASA's internal policies, procedures, controls and organizational structures that support and prioritize its mission activities. Any recommendations made pursuant to the assessment should be predicated on the assumption that NASA's outyear budget profile will be constrained due to continuing deficit reduction efforts. Such recommendations should also take into account the need for a common, unifying vision for NASA's strategic direction that encompasses NASA's varied missions. A report summarizing the conclusions of the assessment and any relevant recommendations shall be provided to the Congress and the President no later than 120 days after the enactment of this Act.

To conduct this assessment, the Inspector General shall choose an organization that will convene individuals with recognized relevant expertise and whose collective credentials sufficiently cover the entire range of NASA's mission activities, including space and Earth science; aeronautics; advanced technology development; space exploration; spaceflight operations and support; STEM education; and/or management of any of these activities. In order to promote objectivity, the Inspector General shall define and implement any conflict of interest protocols deemed necessary, but, at a minimum, the selected individuals shall not be currently employed or retained by NASA or any outside entity that competes for or receives NASA funding.

Working Capital Fund (WCF).—NASA's WCF was initially authorized in fiscal year 2003. In fiscal year 2012, NASA has expanded its use of the WCF to cover activities such as major agency-wide information technology services. The conferees are concerned that such an expansion of the uses of the WCF without adequate advance notification through the normal budget process undermines the oversight role of the Committees on Appropriations. Accordingly, the conferees direct that NASA, as part of its annual congressional budget justification, detail any expected WCF activity for the coming fiscal year, including the source and amount of expected WCF transfers, all expected uses of the Fund, and any balances on hand or expected to remain at the end of the fiscal year. NASA shall also provide quarterly to the Committees an accounting of that quarter's expenditures along with the amount of any unobligated balances in the Fund.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $390,000,000 for Construction and Environmental Compliance and Restoration (CECR).

Integrated facilities master planning.—The conference agreement adopts, by reference, language from the House report directing the submission of an integrated facilities master plan.

Hangar 1, Moffett Field.—The conference agreement adopts, by reference, language from the House report regarding Hangar 1 at Moffett Field.

Mission-related construction.—NASA continues to request funds for construction of facilities within both the Space Operations and the Exploration accounts. This is an inefficient practice which requires significant post-enactment transfers of funds between accounts. The conference agreement permits such transfers in specified amounts from Space Operations and Exploration in fiscal year 2012, but NASA is directed to ensure that all construction funds in future years are requested solely within the CECR account.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $37,300,000 for the Office of Inspector General.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the following administrative provisions for NASA:

The agreement includes a provision that makes funds for announced prizes available without fiscal year limitation until the prize is claimed or the offer is withdrawn.

The agreement includes a provision that establishes terms and conditions for the transfer of funds.

The agreement includes a provision that allows the transfer of balances under previous appropriations account structures to the new appropriations account structure.

The agreement includes a provision related to the expenditure of interest earned from balances in the Endeavor Teacher Fellowship Trust Fund.

The agreement includes a provision permitting NASA to accept in-kind consideration as part of the Enhanced Use Lease program under specified circumstances. NASA is directed to include in its annual budget justification a description of any in-kind consideration accepted and an estimate of the market value of that consideration.

The agreement includes a provision that subjects the NASA spending plan and specified changes to that spending plan to reprogramming procedures under section 505 of this Act.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The conference agreement includes $5,719,000,000 for Research and Related Activities (R&RA).

Research priorities.—The conferees appreciate NSF's commitment to reviewing its portfolio of programs and proposing reduc-

tions or terminations where appropriate. Such proposals provide a more fiscally sustainable way to support new or expanded programs. Accordingly, the conference agreement incorporates all of NSF's R&RA termination and reduction proposals except for the requested reduction to the radio astronomy program.

By accepting NSF's proposal to eliminate funding for the Deep Underground Science and Engineering Laboratory (DUSEL), the conference agreement completes a multi-year phase-out of NSF involvement in this project. NSF is directed to report to the Committees on Appropriations about future efforts or commitments, if any, to collaborate with the Department of Energy on a deep underground lab.

Advanced manufacturing.—The conference agreement adopts, by reference, language in the House report regarding advanced manufacturing.

Neuroscience.—NSF is uniquely positioned to advance the nonmedical aspects of cognitive sciences and neurosciences, particularly through interdisciplinary science, computational models, visualization techniques, innovative technologies, and the underlying data and data infrastructure needed to transform our understanding of these areas, and the conferees encourage NSF to sustain and expand its investments in these areas. In addition, to better focus the agency's efforts and guide future budget submissions, NSF is encouraged to establish a cognitive sciences and neurosciences crosscutting theme. The conferees note that language is included under the OSTP heading encouraging OSTP to establish a NSTC working group to coordinate Federal investments in neuroscience research.

Giant Segmented Mirror Telescope (GSMT).—The direction in this section is provided in lieu of any language in the Senate report relating to the GSMT program. NSF has decided to proceed with the selection of a viable GSMT project, consistent with the National Research Council's (NRC) 2010 astronomy and astrophysics decadal survey recommendations. The conferees expect that this selection will be made expeditiously and utilize a fully competitive process, with a solicitation issued no later than the end of calendar year 2011 and a result announced no later than July 31, 2012.

Cybersecurity research.—The conference agreement adopts, by reference, language from the Senate report regarding cybersecurity research.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The conference agreement includes $167,055,000 for Major Research Equipment and Facilities Construction (MREFC).

Project priorities.—With the MREFC funding provided either directly or via potential transfer from the R&RA account, NSF will be able to achieve significant progress on its current portfolio of construction projects, but some prioritization of funds will still be necessary. The conferees expect that NSF will dedicate funds first to the completion of projects that are already in the final stages of construction, with remaining funds allocated to projects in earlier phases of development.

Project funding profiles.—NSF should promptly review its current portfolio of MREFC projects and their outyear funding profiles

to ensure they are consistent with fiscal year 2011 and 2012 appropriations. If adjustments to the portfolio in either of those fiscal years will necessitate a revision of the outyear funding profiles for any current or planned project, NSF is directed to immediately report the revised profiles to the Committees on Appropriations and to include the new profiles in the fiscal year 2013 budget request.

Construction funding management.—The conferees remain concerned about how NSF and its grantees are defining, estimating and managing construction funding, particularly contingency funds. Stronger management and oversight of these funds could result in improved project efficiencies and, ultimately, cost savings. NSF is directed to report to the Committees on Appropriations on the steps it is taking to impose tighter controls on the drawdown and use of contingencies, as well as steps intended to incentivize grantees to complete construction under budget, for projects managed through the MREFC appropriation and for other large facility projects. This report should be submitted no later than 90 days after the enactment of this Act.

EDUCATION AND HUMAN RESOURCES

The conference agreement includes $829,000,000 for Education and Human Resources (EHR).

Program changes.—In parallel with terminations and reductions proposed in the R&RA account, NSF has proposed a number of program reductions or terminations within EHR. For the most part, these cuts were proposed not due to any dissatisfaction with the programs in question but rather because NSF would prefer to implement new initiatives. The conferees have no objection to this approach, with the exception of the proposed reductions to the Robert Noyce Scholarship Program and the Math and Science Partnership program. The conferees do not believe that those cuts are warranted solely to make room for new activities.

Broadening Participation at the Core.—The conference agreement adopts, by reference, language from the House report regarding funding levels for the existing Broadening Participation at the Core programs.

Best practices in K–12 STEM education.—NSF is encouraged to find more effective mechanisms for disseminating the results of its education research to the K–12 STEM education community. Such mechanisms could include partnerships with nonprofits and professional associations, Webinars, newsletters and workshops, drawing when possible on the resources of existing networks.

In particular, NSF is directed to ensure that the NRC report entitled *Successful K–12 STEM Education: Identifying Effective Approaches in Science, Technology, Engineering, and Mathematics* is widely distributed within the educational and scientific communities. In addition, NSF is directed to begin work to identify methods for tracking and evaluating the implementation of the recommendations in the NRC's report. NSF and its collaborators should provide an evaluation plan to the Committees on Appropriations within 12 months of the enactment of this Act that describes these methods and recommends the necessary steps that should be taken by NSF and other Federal agencies to implement that plan.

Within the amounts available in this account, up to $500,000 should be used for the formulation of the evaluation plan.

Hispanic Serving Institutions.—The conference agreement adopts, by reference, language from the House report on Hispanic Serving Institutions.

Federal Cyber Service: Scholarships for Service.—The conferees adopt the Senate recommendation to expand the Federal Cyber Service: Scholarships for Service program. The agreement provides $45,000,000 for this program, which is $20,000,000 above the requested level.

AGENCY OPERATIONS AND AWARD MANAGEMENT

The conference agreement includes $299,400,000 for Agency Operations and Award Management.

OFFICE OF THE NATIONAL SCIENCE BOARD

The conference agreement includes $4,440,000 for the National Science Board.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $14,200,000 for the OIG.

ADMINISTRATIVE PROVISION

The conference agreement includes a provision that establishes terms and conditions for the transfer of funds.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $9,193,000 for the Commission on Civil Rights.

Improving oversight.—For fiscal year 2012, the conference agreement establishes an inspector general (IG) function for the Commission on Civil Rights and provides that the function will be carried out by the individual holding the position of IG at the Government Accountability Office (GAO). The IG is tasked with the duties and responsibilities specified in the Inspector General Act of 1978, including conducting audits and reviews of Commission programs, finances and personnel. The conference agreement provides funding for these operations, in the amount of $250,000, by direct transfer to the Office of Inspector General of the GAO.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $360,000,000 for the Equal Employment Opportunity Commission (EEOC). The conference agreement directs that $29,500,000 shall be available for payments

to State and local enforcement agencies to ensure that the EEOC provides adequate resources to its State and local partners.

Backlog reduction.—In order to advance EEOC's backlog reduction goals, the conferees expect the EEOC to prioritize efforts both to address the inventory of private sector charges, such as through hiring or backfilling positions of frontline mission critical staff, and to examine new ways to address the backlog and increase productivity.

To assist in the monitoring of EEOC's hiring progress, the conferees direct the EEOC to continue submitting quarterly staffing reports, consistent with the direction provided in the statement accompanying Public Law 111–117.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $80,000,000 for the International Trade Commission (ITC).

The conferees adopt by reference House report language regarding internal control, financial management and information technology security weaknesses and direct the ITC to submit a report to the Committees on Appropriations not later than 120 days after enactment of this Act.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $348,000,000 for the Legal Services Corporation (LSC).

Pro bono legal services.—The conferees are pleased that LSC launched a pro bono task force in 2011 and urge the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

Legal aid fellowships.—The conferees understand that LSC is considering a proposal to create a fellowship program for retirees or recent law school graduates who will commit to working in legal aid for a designated period of time. The conferees direct LSC to conduct a study of this proposal in order to further develop how such a fellowship program would work and how much it would cost to implement. LSC shall report to the Committees on Appropriations with the results of that study not later than 120 days after the enactment of this Act.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

Unauthorized uses of funds.—The conferees encourage the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The conferees also recommend the removal of funds from any LSC grantee determined by the Inspector General to have engaged in political activity.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $3,025,000 for the Marine Mammal Commission.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $51,251,000 for the Office of the U.S. Trade Representative (USTR). The conferees expect that funds provided will be used to vigorously enforce existing trade agreements.

Monitoring and enforcement.—The conferees direct the USTR, from funds provided in this Act, to hire no less than four additional staff for the office of the Assistant USTR for Monitoring and Enforcement. These staff, who shall be fluent in Chinese, shall monitor and enforce China's compliance with its WTO obligations and assist in early stage identification and review of Chinese measures arising out of its Five Year Plans.

Responsiveness.—The conferees note that the USTR Office of Legislative Affairs does not respond in a timely manner to requests for information from the Committees on Appropriations. Indifference shown by USTR Legislative Affairs in providing yearly budget justifications or in responding to information requests hampers the ability of the Congress to evaluate proposals and conduct oversight. Accordingly, the conferees direct the USTR to submit its detailed fiscal year 2013 budget request to the Committees on Appropriations not later than two days after the President's fiscal year 2013 budget request is submitted.

Critical vacancies.—The conferees adopt by reference House report language regarding a report on critical vacancies and direct the USTR to provide a report to the Committees on Appropriations not later than 60 days after enactment of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement includes $5,121,000 for the State Justice Institute.

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

The conference agreement includes the following general provisions:

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly provided.

Section 503 provides that the expenditure of any appropriation contained in this Act for any consulting service through procurement contracts shall be limited to those contracts where such ex-

penditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or existing Executive Order issued pursuant to existing law.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of other provisions shall not be affected.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employee; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 permanently prohibits funds from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October 1993.

Section 507 provides that if it is determined that any person intentionally affixes a "Made in America" label to any product that was not made in America, that person shall not be eligible to receive any contract or subcontract with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced or assembled in the United States or its territories or possessions.

Section 508 requires quarterly reporting to Congress on the status of balances of appropriations.

Section 509 provides that any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions in the Act shall be absorbed with the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 510 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 511 permanently prohibits funds from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and to implement a background check system that does not require and result in the destruction of certain information within 24 hours.

Section 512 delays the obligations of any receipts deposited into the Crime Victims Fund in excess of $705,000,000 until the following fiscal year. This language is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the Fund.

Section 513 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 514 prohibits the transfer of funds in the Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 515 provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Section 516 requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

Section 517 requires certain timetables of audits performed by Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 518 prohibits funds for information technology acquisitions unless the acquiring department or agency has assessed the risk of cyber-espionage or sabotage. Each department or agency covered under section 518 shall submit a quarterly report to the Committees on Appropriations of the House and the Senate describing assessments made pursuant to this section and any associated findings or determinations of risk.

Section 519 prohibits the use of funds in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 520 prohibits the use of funds in this Act to require certain export licenses.

Section 521 prohibits the use of funds in this Act to deny certain import applications regarding "curios or relics" firearms, parts, or ammunition.

Section 522 prohibits the use of funds to include certain language in trade agreements.

Section 523 prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 524 requires congressional notification for any project within the Departments of Commerce or Justice, the National Science Foundation or the National Aeronautics and Space Admin-

istration totaling more than $75,000,000 that has cost increases of at least 10 percent.

Section 525 deems funds for intelligence or intelligence-related activities as authorized by the Congress until the enactment of the Intelligence Authorization Act for fiscal year 2012.

Section 526 requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the Internet websites of their Offices of Inspectors General, and a mechanism by which individuals may anonymously report cases of waste, fraud or abuse.

Section 527 prohibits contracts or grant awards in excess of $5,000,000 unless the prospective contractor or grantee certifies that the organization has filed all Federal tax returns, has not been convicted of a criminal offense under the IRS Code of 1986, and has no unpaid Federal tax assessment.

(RESCISSIONS)

Section 528 provides for rescissions of unobligated balances in certain departments and agencies funded in this Act. With respect to rescissions of unobligated balances from the Office on Violence Against Women, the Office of Justice Programs and the Office of Community Oriented Policing Services, the conferees expect that rescissions will be from grant deobligations and recoveries.

Section 529 prohibits the use of funds in this Act in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws.

Section 530 prohibits the use of funds in this Act for the purchase of first class or premium air travel.

Section 531 prohibits the use of funds to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

Section 532 includes language regarding detainees held at Guantanamo Bay.

Section 533 includes language regarding facilities for housing detainees held at Guantanamo Bay.

Section 534 prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now or its subsidiaries.

Section 535 includes language regarding the purchase of light bulbs.

Section 536 requires any department, agency or instrumentality of the United States Government receiving funds appropriated under this Act to track and report on undisbursed balances in expired grant accounts.

Section 537 prohibits the use of funds to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

Section 538 requires the Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation to submit spending plans.

Section 539 prohibits the use of funds by the National Aeronautics and Space Administration or the Office of Science and Technology Policy to engage in bilateral activities with China or a Chinese-owned company unless the activities are authorized by subsequent legislation or NASA or OSTP have made a certification pursuant to subsections (c) and (d) of this section.

Section 540 specifies reporting requirements for certain conferences held by any department, agency, board or commission funded by this Act.

Section 541 prohibits funds made available by this Act from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Section 542 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 543 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the government.

Section 544 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the government.

Section 545 specifies reporting requirements regarding vehicle fleets for all agencies and departments funded by this Act.

Section 546 prohibits any funds from being used to implement, administer, or enforce the "Wage Methodology for the Temporary Non-agricultural Employment H–2B Program" prior to January 1, 2012, to allow time for Congress to address this rulemaking. In making prevailing wage determinations for the H–2B non-immigrant visa program for employment prior to January 1, 2012, the conferees direct the Secretary of Labor to continue to apply the rule entitled "Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H–2B Workers), and Other Technical Changes" published by the Department of Labor on December 19, 2008 (73 Fed. Reg. 78020 et seq.).

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF COMMERCE				
International Trade Administration				
Operations and administration	450,106	526,091	465,000	+14,894
Offsetting fee collections	-9,439	-9,439	-9,439	---
Direct appropriation	440,667	516,652	455,561	+14,894
Bureau of Industry and Security				
Operations and administration	68,862	79,845	69,721	+859
Defense function	31,279	31,342	31,279	---
Total, Bureau of Industry and Security	100,141	111,187	101,000	+859
Economic Development Administration				
Economic Development Assistance Programs	245,508	284,300	220,000	-25,508
Disaster relief category	---	---	200,000	+200,000
Subtotal	245,508	284,300	420,000	+174,492
Salaries and expenses	37,924	40,631	37,500	-424
Total, Economic Development Administration	283,432	324,931	457,500	+174,068

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Minority Business Development Agency				
Minority Business Development	30,339	32,322	30,339	---
Economic and Statistical Analysis				
Salaries and expenses	97,060	112,937	96,000	-1,060
Bureau of the Census				
Salaries and expenses	258,506	272,054	253,336	-5,170
Periodic censuses and programs	891,214	752,711	635,000	-256,214
Total, Bureau of the Census	1,149,720	1,024,765	888,336	-261,384
National Telecommunications and Information Administration				
Salaries and expenses	40,568	55,827	45,568	+5,000
Public Telecommunications Facilities, Planning and Construction	1,000	---	---	-1,000
Total, National Telecommunications and Information Administration	41,568	55,827	45,568	+4,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
United States Patent and Trademark Office				
Salaries and expenses, current year fee funding.....	2,090,000	2,678,000	2,678,000	+588,000
Offsetting fee collections.....	-2,090,000	-2,678,000	-2,678,000	-588,000
Total, United States Patent and Trademark Office	---	---	---	---
National Institute of Standards and Technology				
Scientific and Technical Research and Services.....	506,984	678,943	567,000	+60,016
(Transfer out).....	(-9,000)	(-9,000)	(-9,000)	---
Industrial Technology Services.....	173,253	237,622	128,443	-44,810
Manufacturing extension partnerships.....	(128,443)	(142,616)	(128,443)	---
Technology innovation program.....	(44,810)	(74,973)	---	(-44,810)
Baldrige performance excellence program.....	---	(7,727)	---	---
Advanced manufacturing technology consortia.....	---	(12,306)	---	---
Construction of research facilities.....	69,860	84,565	55,381	-14,479
Working Capital Fund (by transfer).....	(9,000)	(9,000)	(9,000)	---
Total, National Institute of Standards and Technology.....	750,097	1,001,130	750,824	+727

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
National Oceanic and Atmospheric Administration				
Operations, Research, and Facilities	3,179,511	3,377,607	3,022,231	-157,280
(by transfer)	(90,239)	(66,200)	(109,098)	(+18,859)
Promote and Develop Fund (transfer out)	(-90,239)	(-66,200)	(-109,098)	(-18,859)
Coastal zone management transfer	3,000	---	---	-3,000
Subtotal	3,182,511	3,377,607	3,022,231	-160,280
Procurement, Acquisition and Construction	1,332,682	2,052,777	1,817,094	+484,412
Pacific Coastal Salmon Recovery	79,840	65,000	65,000	-14,840
Fishermen's Contingency Fund	---	350	350	+350
Coastal Zone Management Fund	-1,000	---	---	+1,000
Fisheries Finance Program Account	-6,000	-10,000	-11,000	-5,000
Fisheries Enforcement Asset Forfeiture Fund	---	8,000	8,000	+8,000
Offsetting receipts	---	-8,000	-8,000	-8,000
Sanctuaries Enforcement Asset Forfeiture Fund	---	1,000	1,000	+1,000
Offsetting receipts	---	-1,000	-1,000	-1,000
Total, National Oceanic and Atmospheric Administration	4,588,033	5,485,734	4,893,675	+305,642
Departmental Management				
Salaries and expenses	57,884	64,871	57,000	-884
Renovation and Modernization	14,970	16,150	5,000	-9,970

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of Inspector General	26,946	33,520	26,946	---
Enterprise cybersecurity monitoring and operations	---	22,612	---	---
Total, Departmental Management	99,800	137,153	88,946	-10,854
Total, title I, Department of Commerce	7,580,857	8,802,638	7,807,749	+226,892
Appropriations	(7,580,857)	(8,802,638)	(7,607,749)	(+26,892)
Disaster relief category	---	---	(200,000)	(+200,000)
(by transfer)	(99,239)	(75,200)	(118,098)	(+18,859)
(transfer out)	(-99,239)	(-75,200)	(-118,098)	(-18,859)
TITLE II - DEPARTMENT OF JUSTICE				
General Administration				
Salaries and expenses	118,251	134,225	110,822	-7,429
National Drug Intelligence Center	33,955	25,000	20,000	-13,955
Justice Information Sharing Technology	60,164	54,307	44,307	-15,857
Tactical Law Enforcement Wireless Communications	99,800	102,751	87,000	-12,800
Total, General Administration	312,170	316,283	262,129	-50,041
Administrative review and appeals	300,084	332,583	305,000	+4,916
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---
Direct appropriation	296,084	328,583	301,000	+4,916

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Detention Trustee	1,515,626	1,595,360	1,580,595	+64,969
Office of Inspector General	84,199	85,057	84,199	---
United States Parole Commission				
Salaries and expenses	12,833	13,213	12,833	---
Legal Activities				
Salaries and expenses, general legal activities	863,367	955,391	863,367	---
Vaccine Injury Compensation Trust Fund	7,833	7,833	7,833	---
Salaries and expenses, Antitrust Division	162,844	166,221	159,587	-3,257
Offsetting fee collections - current year	-96,000	-108,000	-108,000	-12,000
Direct appropriation	66,844	58,221	51,587	-15,257
Salaries and expenses, United States Attorneys	1,930,135	1,995,149	1,960,000	+29,865
United States Trustee System Fund	218,811	234,115	223,258	+4,447
Offsetting fee collections	-214,250	-234,115	-223,258	-9,008
Direct appropriation	4,561	---	---	-4,561
Salaries and expenses, Foreign Claims Settlement Commission	2,113	2,124	2,000	-113

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Fees and expenses of witnesses	270,000	270,000	270,000	---
Salaries and expenses, Community Relations Service	11,456	12,967	11,456	---
Assets Forfeiture Fund	20,948	20,990	20,948	---
Total, Legal Activities	3,177,257	3,322,675	3,187,191	+9,934
United States Marshals Service				
Salaries and expenses	1,123,511	1,243,570	1,174,000	+50,489
Construction	16,592	15,625	15,000	-1,592
Total, United States Marshals Service	1,140,103	1,259,195	1,189,000	+48,897
National Security Division				
Salaries and expenses	87,762	87,882	87,000	-762
Interagency Law Enforcement				
Interagency Crime and Drug Enforcement	527,512	540,966	527,512	---
Federal Bureau of Investigation				
Salaries and expenses	3,385,216	3,358,000	3,376,000	-9,216
Overseas contingency operations (emergency)	101,066	---	---	-101,066
Counterintelligence and national security	4,332,873	4,636,991	4,660,991	+328,118
Subtotal	7,819,155	7,994,991	8,036,991	+217,836

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Construction	107,095	80,982	80,982	-26,113
Total, Federal Bureau of Investigation	7,926,250	8,075,973	8,117,973	+191,723
Drug Enforcement Administration				
Salaries and expenses	2,305,947	2,354,114	2,347,000	+41,053
Diversion control fund	-290,304	-322,000	-322,000	-31,696
Subtotal	2,015,643	2,032,114	2,025,000	+9,357
Construction	---	10,000	10,000	+10,000
Total, Drug Enforcement Administration	2,015,643	2,042,114	2,035,000	+19,357
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and expenses	1,112,542	1,147,295	1,152,000	+39,458
Federal Prison System				
Salaries and expenses	6,282,410	6,724,266	6,551,281	+268,871
Buildings and facilities	98,957	99,394	90,000	-8,957
Limitation on administrative expenses, Federal Prison Industries, Incorporated	2,700	2,700	2,700	---
Total, Federal Prison System	6,384,067	6,826,360	6,643,981	+259,914

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
State and Local Law Enforcement Activities				
Office on Violence Against Women:				
Prevention and prosecution programs	417,663	431,750	412,500	-5,163
Salaries and expenses (by transfer)	---	(23,148)	---	---
Subtotal	417,663	454,898	412,500	-5,163
Office of Justice Programs:				
Research, evaluation and statistics	234,530	178,500	113,000	-121,530
State and local law enforcement assistance	1,117,845	1,173,500	1,162,500	+44,655
Juvenile justice programs	275,423	280,000	262,500	-12,923
Salaries and expenses	---	271,833	---	---
(transfer out)	---	(-63,478)	---	---
Subtotal	---	208,355	---	---
Public safety officer benefits:				
Death benefits	61,000	62,000	62,000	+1,000
Disability and education benefits	9,082	16,300	16,300	+7,218
Subtotal	70,082	78,300	78,300	+8,218
Total, Office of Justice Programs	1,697,880	1,918,655	1,616,300	-81,580

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Community Oriented Policing Services:				
COPS programs	494,933	669,500	198,500	-296,433
Salaries and expenses (by transfer)	---	(40,330)	---	---
Subtotal	494,933	709,830	198,500	-296,433
OJP, OVW, COPS Salaries and expenses	186,626	---	---	-186,626
Total, State and Local Law Enforcement Activities	2,797,102	3,083,383	2,227,300	-569,802
Total, title II, Department of Justice	27,389,150	28,724,339	27,407,713	+18,563
Appropriations	(27,288,084)	(28,724,339)	(27,407,713)	(+119,629)
Emergency appropriations	(101,066)	---	---	(-101,066)
(by transfer)	---	63,478	---	---
(transfer out)	---	-63,478	---	---
TITLE III - SCIENCE				
Office of Science and Technology Policy	6,647	6,650	4,500	-2,147
National Aeronautics and Space Administration				
Science	4,935,409	5,016,800	5,090,000	+154,591
Aeronautics	533,930	569,400	569,900	+35,970
Space Technology	---	1,024,200	575,000	+575,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Exploration	3,800,683	3,948,700	3,770,800	-29,883
Space Operations	5,497,483	4,346,900	4,233,600	-1,263,883
Education	145,508	138,400	138,400	-7,108
Cross-agency Support	3,105,177	3,192,000	2,995,000	-110,177
Construction and environmental compliance and restoration	393,511	450,400	390,000	-3,511
Office of Inspector General	36,327	37,500	37,300	+973
Total, National Aeronautics and Space Administration	18,448,028	18,724,300	17,800,000	-648,028
National Science Foundation				
Research and related activities	5,496,011	6,185,540	5,651,000	+154,989
Defense function	67,864	68,000	68,000	+136
Subtotal	5,563,875	6,253,540	5,719,000	+155,125
Major Research Equipment and Facilities Construction	117,055	224,680	167,055	+50,000
Education and Human Resources	861,034	911,200	829,000	-32,034
Agency Operations and Award Management	299,400	357,740	299,400	---
Office of the National Science Board	4,531	4,840	4,440	-91
Office of Inspector General	13,972	15,000	14,200	+228
Total, National Science Foundation	6,859,867	7,767,000	7,033,095	+173,228
Total, title III, Science	25,314,542	26,497,950	24,837,595	-476,947

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE IV - RELATED AGENCIES				
Commission on Civil Rights				
Salaries and expenses	9,381	9,429	9,193	-188
Equal Employment Opportunity Commission				
Salaries and expenses	366,568	385,520	360,000	-6,568
State and local assistance	---	---	---	---
Total, Equal Employment Opportunity Commission	366,568	385,520	360,000	-6,568
International Trade Commission				
Salaries and expenses	81,696	87,000	80,000	-1,696
Payment to the Legal Services Corporation				
Salaries and expenses	404,190	450,000	348,000	-56,190
Marine Mammal Commission				
Salaries and expenses	3,243	3,025	3,025	-218

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the U.S. Trade Representative				
Salaries and expenses	47,730	51,251	51,251	+3,521
State Justice Institute				
Salaries and expenses	5,121	5,131	5,121	---
Total, title IV, Related Agencies	917,929	991,356	856,590	-61,339
TITLE V - RESCISSIONS				
Emergency steel, oil gas guarantees prgm (rescission)	-48,000	-43,064	-700	+47,300
NTIA, Information Infrastructure grants (rescission)	---	-2,000	-2,000	-2,000
NTIA, Public Telecommunications Facilities, Planning and Construction	---	---	-2,750	-2,750
NTIA, Spectrum Fund (rescission)	-4,800	---	---	+4,800
Bureau of the Census (rescission)	-1,740,000	---	---	+1,740,000
Census, Working capital fund (rescission)	-50,000	---	---	+50,000
Foreign Fishing Observer Fund (rescission)	---	-350	-350	-350
Digital TV Transition Public Safety Fund (rescission)	---	-4,300	-4,300	-4,300
DOJ, Working Capital Fund (rescission)	-26,000	-40,000	-40,000	-14,000
DOJ, Assets Forfeiture Fund (rescission)	-495,000	-620,000	-675,000	-180,000
US Marshals Service,salaries and expenses (rescission)	---	-7,200	-2,200	-2,200
DEA, Salaries and expenses (rescission)	---	-30,000	-10,000	-10,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
FPS, Buildings and facilities (rescission)	---	-35,000	-45,000	-45,000
Office of Justice programs (rescission)	-42,000	-42,600	-55,000	-13,000
Community oriented policing services (rescission)	-10,200	-10,200	-23,605	-13,405
Violence against women prevention and prosecution programs (rescission)	---	-5,000	-15,000	-15,000
NASA (rescission)	---	---	-30,000	-30,000
Total, title V, Rescissions	-2,416,000	-839,714	-905,905	+1,510,095
Grand total	58,786,478	64,176,569	60,003,742	+1,217,264
Appropriations	(61,101,412)	(65,016,283)	(60,709,647)	(-391,765)
Disaster relief category	---	---	(200,000)	(+200,000)
Emergency appropriations	(101,066)	---	---	(-101,066)
Rescissions	(-2,416,000)	(-839,714)	(-905,905)	(+1,510,095)
(by transfer)	(99,239)	(138,678)	(118,098)	(+18,859)
(transfer out)	(-99,239)	(-138,678)	(-118,098)	(-18,859)

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

CONGRESSIONAL DIRECTIVES

The legislative intent in the House and Senate versions in H.R. 2112 set forth in the accompanying Senate report (S. Rept. 112–93) and in the report approved by the House Transportation, Housing and Urban Development, and Related Agencies Subcommittee on September 8, 2011 should be complied with unless specifically addressed to the contrary in the conference report and the statement of the managers. Report language included by the House, which is not changed by the report of the Senate or this statement of managers, and Senate report language, which is not changed by this statement of managers, is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. The conferees direct the Department of Transportation and the Department of Housing and Urban Development to notify the House and Senate Committees on Appropriations seven days prior to the announcement of a new program or authority.

The conferees reiterate direction included in the Senate report regarding the definitions of program, project and activity; reductions made pursuant to sequestration; reprogramming guidelines and requirements; operating plans; working capital funds; and budget justifications. Further, the conferees direct each department to include justifications on each administrative and general provision requested in the budget request materials.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides $102,481,000 for the salaries and expenses of the Office of the Secretary of Transportation as an overall funding level as proposed by the House rather than $102,202,000 as proposed by the Senate. The agreement includes funding by office as specified below:

Immediate Office of the Secretary	$2,618,000
Immediate Office of the Deputy Secretary	984,000
Office of the Executive Secretariat	1,595,000
Office of the Under Secretary for Transportation Policy	10,107,000
Office of Small and Disadvantaged Business Utilization	1,369,000
Office of Intelligence, Security, and Emergency Response	10,778,000
Office of the Chief Information Officer	14,988,000
Office of the General Counsel	19,515,000
Office of the Assistant Secretary for Governmental Affairs	2,500,000
Office of the Assistant Secretary for Budget and Programs	10,538,000
Office of the Assistant Secretary for Administration	25,469,000
Office of Public Affairs	2,020,000
Office of Workforce Development	—

The conferees direct the Office of General Counsel to provide a continued level of effort to protect airline passengers.

NATIONAL INFRASTRUCTURE INVESTMENTS

The conference agreement provides $500,000,000 for capital investments in surface transportation infrastructure, instead of $550,000,000 as proposed by the Senate. The House did not propose funding for this account. The conferees direct the Secretary to focus on road, transit, rail and port projects. No funds are provided for planning activities and the Department is limited to $20,000,000 for program administration.

FINANCIAL MANAGEMENT CAPITAL

The conference agreement provides $4,990,000 for the financial management capital program as proposed by the Senate, instead of $5,000,000 as proposed by the House.

CYBER SECURITY INITIATIVES

The conference agreement provides $10,000,000 for cyber security initiatives as proposed by the Senate. The House did not propose funding for this account.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $9,384,000 for the office of civil rights as proposed by the House, instead of $9,648,000 as proposed by the Senate.

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement provides $9,000,000 for transportation planning, research and development as proposed by the House and Senate. The conferees agree to provide not more than $1,000,000 to do a complete study authorized in Section 9007 of Public Law 109–59.

WORKING CAPITAL FUND

The conference agreement includes a limitation of $172,000,000 for working capital fund activities, rather than $147,596,000 as proposed by the House and the Senate. The conferees include language allowing for the transfer of funds to the Working Capital Fund upon a majority approval of the Working Capital Fund Steering Committee.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides a total appropriation of $922,000 as proposed by the House for the minority business resource center program, instead of $921,000 as proposed by the Senate. Within the funds provided $333,000 is for the costs of guaranteed loans for short-term working capital and $589,000 is provided for administrative expenses. The bill limits loans made under this program to $18,367,000 as proposed by the House and Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $3,068,000 for minority business outreach as proposed by the House and Senate.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $143,000,000 for payments to air carriers as proposed by the Senate instead of $100,000,000 as proposed by the House. In addition to these funds, the program will receive $50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996. The agreement includes language, as proposed by the Senate, that would limit funds to communities that received subsidy or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue providing service any time between September 30, 2010, and September 30, 2011. The conference agreement also includes language to direct the Secretary to transfer such sums as may be necessary from the Office of the Secretary if funding is insufficient to meet the costs of the program.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Section 101 prohibits funds in this Act available to the Department of Transportation from being obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Section 102 allows the Secretary of Transportation or his designee to engage with states to consider proposals related to the reduction of motorcycle fatalities.

Section 103 prohibits funds from being obligated or expended to establish or implement a program where essential air service communities are required to assume subsidy costs commonly referred to as local participation.

Section 104 authorizes the Department of Transportation to provide payments in advance to vendors for the Federal transit pass fringe benefit program.

Section 105 requires the Secretary of Transportation to post on the DOT website a schedule and an agenda of all Credit Council meetings. The conferees direct the Department to maintain records of the factors and criteria leading to funding determinations on applications.

Section 106 rescinds unobligated balances made available by section 185 of Public Law 109–115.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $9,653,395,000 for operations of the Federal Aviation Administration instead of $9,673,962,000 as proposed by the House and $9,635,710,000 as proposed by the Senate. Of the total amount provided, $5,060,694,000 is to be derived from the airport and airway trust fund. Funds are distributed in the bill by budget activity. The Conference agreement includes all Operations base transfers requested in the budget, and the conferees expect that FAA's fiscal year 2013 budget will provide the same level of detail on the offices within the new Finance and Management organization as in previous years. In addition, the conferees direct that FAA move the Office of Audit and Evaluation (AAE) from within Office of the Chief Counsel (AGC) and realign it as an independent Staff Office reporting directly to the FAA Administrator.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity, pursuant to the reorganizational reprogramming activity approved by the Committees in September:

[Dollars in thousands]

Program	House	Senate	Conference Agreement
Air Traffic Organization	7,618,352	7,560,815	7,442,738
Aviation Safety	1,250,514	1,253,381	1,252,991
Commercial Space	13,000	15,005	16,271
Finance and Management			582,117
NextGen			60,134
Human Resources	99,005	98,858	98,858
Staff Offices	186,347	207,065	200,286
Conference Total			9,653,395

Justification of general provisions.—The conference agreement directs the FAA to provide a justification for each general provision proposed in the fiscal year 2013 budget.

Air Traffic Controller Optimum Training Solution (ATCOTS).—The conference agreement directs the FAA to report back within 60 days on modifications to the ATCOTS program that will accommodate training for all required new controllers and facilitate modern learning principles.

Workforce diversity.—The conferees direct FAA to continue to provide a report detailing data and information on the agency's recruitment outreach and hiring efforts in minority communities. The letter report should also include a year-to-year comparison of hiring statistics and shall be submitted to the House and Senate Appropriations Committees by January 15, 2012.

En Route Automation Modernization (ERAM) Operations funding.—The conference agreement provides no additional funding for ERAM related cost increases and directs the FAA to pay for all ERAM related program activities from the Facilities and Equip-

ment account until operational readiness is achieved at Salt Lake or Seattle Center, consistent with prior program management practice.

Aviation safety (AVS).—The conference agreement provides $1,252,991,000 for aviation safety, which includes an increase of 35 additional flight standards inspectors and related safety staff and 20 aircraft certification personnel.

Special use airspace of unmanned aerial system (UAS).—The conferees direct FAA to provide a progress report to the House and Senate Appropriations Committees, no later than 60 days after enactment, which describes and assesses the establishment of special use airspace to fill defense research needs related to UASs, particularly in the development of detection techniques for small unmanned aerial vehicles.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $2,730,731,000 for FAA facilities and equipment instead of $2,798,250,000 as proposed by the House and $2,630,731,000 as proposed by the Senate. Of the total amount available, $475,000,000 is available until September 30, 2012, and $2,255,731,000 is available until September 30, 2014. The bill includes language directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2013 budget submission.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

	House Bill	Senate Bill	Conference
Activity 1, Engineering, Development, Test and Evaluation:			
Advanced Technology Development and Prototyping	$31,900,000	$24,000,000	$29,000,000
NAS Improvement of System Support Laboratory	1,000,000	1,000,000	1,000,000
William J. Hughes Technical Center Facilities	15,000,000	14,000,000	14,000,000
William J. Hughes Technical Center Infrastructure Sustainment	7,500,000	7,500,000	7,500,000
Next Generation Network Enabled Weather (NNEW)	0	18,000,000	0
Data Communications in support of Next Generation Air Transportation System	143,000,000	109,000,000	143,000,000
Next Generation Transportation System Demonstration and Infrastructure Development	16,900,000	15,000,000	15,000,000
Next Generation Transportation System—System Development	90,000,000	70,000,000	85,000,000
Next Generation Transportation System—Trajectory Based Operations	9,300,000	7,000,000	7,000,000
Next Generation Transportation System—Weather Reduction Impact	15,600,000	10,000,000	15,600,000
Next Generation Transportation System—High Density Arrivals/Departures	14,300,000	10,000,000	12,000,000
Next Generation Transportation System—Collaborative ATM	28,000,000	22,000,000	24,000,000
Next Generation Transportation System—Flexible Terminals and Airports	36,300,000	32,000,000	33,300,000
Next Generation Transportation System—Safety Security and Environment	0	0	0
Next Generation Transportation System—Networked Facilities	9,000,000	5,000,000	5,000,000
Next Generation Air transportation System—Future Facilities	19,500,000	10,000,000	15,000,000
Joint Planning and Development Office (JPDO)	0	3,000,000	0

	House Bill	Senate Bill	Conference
Performance Based Navigation	29,200,000	26,200,000	29,200,000
Total, Activity 1	466,500,000	383,700,000	435,600,000
Activity 2, Air Traffic Control Facilities and Equipment:			
En Route Programs:			
En Route Automation Modernization (ERAM)	148,000,000	148,500,000	155,000,000
En Route Automation Modernization (ERAM)—PER3	0	3,356,000	0
En Route Communications Gateway (ECG)	2,000,000	2,000,000	2,000,000
Next Generation Weather Radar (NEXRAD)—Provide	2,800,000	2,800,000	2,800,000
Air Traffic Control System Command Center (ATCSCC)—Relocation	3,600,000	3,600,000	3,600,000
ARTCC Building Improvements/Plant Improvements	46,000,000	36,000,000	41,000,000
Air Traffic Management (ATM)	7,500,000	7,500,000	7,500,000
Air/Ground Communications Infrastructure	4,800,000	4,800,000	4,800,000
Air Traffic Control En Route Radar Facilities Improvements	5,800,000	5,800,000	5,800,000
Voice Switching and Control System (VSCS)	1,000,000	1,000,000	1,000,000
Oceanic Automation System	6,000,000	4,000,000	4,000,000
Next Generation Very High Frequency Air/Ground Communications System (NEXCOM)	45,150,000	45,150,000	45,150,000
System-Wide Information Management (SWIM)	66,350,000	66,350,000	66,350,000
ADS–B NAS Wide Implementation	285,100,000	285,100,000	285,100,000
Windshear Detection Services	1,000,000	1,000,000	1,000,000
Weather and Radar Processor (WARP)	2,500,000	2,500,000	2,500,000
Collaborative Air Traffic Management Technologies	41,500,000	41,500,000	41,500,000
Colorado Wide Area Multilateration (WAM)	3,800,000	3,800,000	3,800,000
Automated Terminal Information Service (ATIS)	1,000,000	1,000,000	1,000,000
Time-Based Flow Management (TBFM)	38,700,000	38,700,000	38,700,000
Subtotal En Route Programs	712,600,000	704,456,000	712,600,000
Terminal Programs:			
Airport Surface Detection Equipment—Model X (ASDE–X)	2,200,000	2,200,000	2,200,000
Terminal Doppler Weather Radar (TDWR)	7,700,000	6,000,000	7,700,000
Standard Terminal Automation Replacement System (STARS) (TAMR Phase 1)	25,000,000	25,000,000	25,000,000
Terminal Automation Modernization/Replacement Program (TAMR Phase 3)	108,750,000	98,750,000	108,750,000
Terminal Automation Program	2,500,000	2,500,000	2,500,000
Terminal Air Traffic Control Facilities—Replace	51,600,000	51,600,000	51,600,000
ATCT/Terminal Radar Approach Control (TRACON) Facilities—Improve	56,900,000	45,000,000	52,000,000
Terminal Voice Switch Replacement (TVSR)	10,000,000	8,000,000	8,000,000
NAS Facilities OSHA and Environmental Standards Compliance	26,000,000	20,000,000	24,600,000
Airport Surveillance Radar (ASR–9)	6,000,000	6,000,000	6,000,000
Terminal Digital Radar (ASR–11)	3,900,000	3,900,000	3,900,000
Runway Status Lights	29,800,000	20,000,000	29,800,000
National Airspace System Voice Switch (NVS)	19,800,000	9,000,000	9,000,000
Integrated Display System (IDS)	8,800,000	8,800,000	8,800,000
Remote Maintenance and Logging System (RMLS)	4,200,000	4,200,000	4,200,000
ASR–8 Service Life Extension Program (SLEP)	0	0	0
Mode S Service Life Extension Program (SLEP)	4,000,000	4,000,000	4,000,000
Subtotal Terminal Programs	367,150,000	314,950,000	348,050,000
Flight Service Programs:			
Automated Surface Observing System (ASOS)	2,500,000	2,500,000	2,500,000
Flight Service Station (FSS) Modernization—Alaska Flight Service Modernization (AFSM)	4,500,000	4,500,000	4,500,000
Weather Camera Program	1,500,000	4,800,000	4,800,000
Subtotal Flight Service Programs	8,500,000	11,800,000	11,800,000
Landing and Navigational Aids Program:			
VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000

	House Bill	Senate Bill	Conference
Instrument Landing System (ILS)—Establish	5,000,000	5,000,000	5,000,000
Wide Area Augmentation System (WAAS) for GPS	85,000,000	110,000,000	95,000,000
Runway Visual Range (RVR)	5,000,000	5,000,000	5,000,000
Approach Lighting System Improvement Program (ALSIP)	5,000,000	5,000,000	5,000,000
Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000
Visual NAVAIDS—Establish/Expand	3,400,000	3,400,000	3,400,000
Instrument Flight Procudures Automation (IFPA)	2,200,000	2,200,000	2,200,000
Navigation and Landing Aids—Service Life Extension Program (SLEP)	6,000,000	7,000,000	7,000,000
VASI Replacement—Replace with Precision Approach Path Indicator	7,000,000	8,000,000	8,000,000
GPS Civil Requirements	19,000,000	36,000,000	19,000,000
Runway Safety Areas—Navigational Mitigation	25,000,000	25,000,000	25,000,000
Subtotal Landing and Navigational Aids Programs	172,600,000	214,600,000	184,600,000
Other ATC Facilities Programs:			
Fuel Storage Tank Replacement and Monitoring	6,400,000	4,400,000	5,400,000
Unstaffed Infrastructure Sustainment	18,000,000	15,000,000	18,000,000
Aircraft Related Equipment Program	11,700,000	11,700,000	11,700,000
Airport Cable Loop Systems—Sustained Support	5,000,000	5,000,000	5,000,000
Alaskan Satellite telecommunications Infrastructure (ASTI)	16,000,000	15,500,000	15,500,000
Facilities Decommissioning	5,000,000	5,000,000	5,000,000
Electrical Power Systems—Sustain/Support	85,600,000	68,000,000	77,581,000
Aircraft Fleet Modernization	9,000,000	6,000,000	9,000,000
FAA employee housing and Life Safety Shelter System Service	2,500,000	2,500,000	2,500,000
Subtotal Other ATC Facilities Programs	159,200,000	133,100,000	149,681,000
Total, Activity 2	1,420,050,000	1,378,906,000	1,406,731,000
Activity 3, Non-Air Traffic Control Facilities and Equipment:			
Support Equipment:			
Hazardous Materials Management	20,000,000	20,000,000	20,000,000
Aviation Safety Analysis System (ASAS)	30,100,000	30,100,000	30,100,000
Logistics Support System and Facilities (LSSF)	10,000,000	10,000,000	10,000,000
National Airspace System Recovery Communications (RCOM)	12,000,000	12,000,000	12,000,000
Facility Security Risk Management	18,000,000	16,000,000	16,000,000
Information Security	17,000,000	15,000,000	15,200,000
System Approach for Safety Oversight	23,600,000	23,600,000	23,600,000
Aviation Safety Knowledge Management Environment (ASKME)	17,200,000	17,200,000	17,200,000
Data Center Operations	1,000,000	0	1,000,000
Aerospace Medical System Support	12,000,000	10,000,000	10,000,000
Subtotal Support Equipment	160,900,000	153,900,000	155,100,000
Training, Equipment and Facilities:			
Aeronautical Center Infrastructure Modernization	18,000,000	15,000,000	16,500,000
Distance Learning	1,500,000	1,500,000	1,500,000
National Airspace System (NAS) Training—Simulator	.....	.....	.....
Subtotal Training, Equipment and Facilities	19,500,000	16,500,000	18,000,000
Total, Activity 3	180,400,000	170,400,000	173,100,000
Activity 4, Facilities and Equipment Mission Support:			
System Support and Services:			
System Engineering and Development Support	32,900,000	28,500,000	32,900,000
Program Support Leases	41,700,000	40,000,000	40,000,000
Logistics Support Services (LSS)	11,700,000	10,100,000	11,700,000
Mike Monroney Aeronautical Center Leases	17,000,000	17,000,000	17,000,000
Transition Engineering Support	13,000,000	11,300,000	13,000,000

	House Bill	Senate Bill	Conference
Technical Support Services Contract (TSSC)	22,000,000	19,100,000	22,000,000
Resource Tracking Program (RTP)	4,000,000	4,000,000	4,000,000
Center for Advanced Aviation System Development (CAASD)	80,800,000	71,000,000	78,000,000
Aeronautical Information Management Program	26,300,000	20,224,000	20,200,000
Permanent Change of Station (PCS) Moves	2,500,000	2,500,000	1,500,000
Total, Activity 4	251,900,000	223,724,000	240,300,000
Activity 5, Personnel and Related Expenses:			
Personnel and Related Expenses—	480,000,000	474,000,000	475,000,000
Total, All Activities	2,798,850,000	2,630,730,000	2,730,731,000

Performance Based Navigation.—The conference agreement provides $29,200,000 for Performance Based Navigation, as proposed by the House. The agreement provides $3,000,000 over the request for a demonstration project to utilize third parties to design, deploy and maintain public use Required Navigation Performance (RNP) procedures at five mid-sized airports where aircraft flying RNP arrivals would achieve measurable benefit.

System-wide information management system (SWIM).—The conference agreement includes $66,350,000 for the SWIM program. The conferees direct FAA to provide a progress report to the House and Senate Committees on Appropriations by February 15, 2012 on FAA's development and deployment of Segment 1 capabilities and the expected requirements, development and deployment of Segment 2.

Navigation and landing aids-service life extension program (SLEP).—The conference agreement includes $7,000,000 for navigation and landing aids. Within the amount provided, $1,000,000 is for the procurement and installation of additional runway end identification light (REIL) systems.

VASI replacement-replace with precision approach path indicator.—The conference agreement includes $8,000,000 for the replacement of VASI systems with Precision Approach Path Indicator (PAPI) systems. Within the amount provided, $1,000,000 is for the procurement of additional PAPI systems.

Alternate positioning, navigation and timing (APNT).—The conferees understand FAA is conducting a review of APNT capabilities that support communication, navigation, and surveillance applications in the event of a loss of Global Navigation Satellite Services (GNSS) to ensure that operations are appropriately supported and consistent with the evolution to NextGen. The conferees support this review and encourage the FAA to move forward with research, development and potential implementation of systems, avionics, processes, and procedures that leverage available assets to minimize the impact to system capacity and efficiency during periods of GNSS interference.

RESEARCH, ENGINEERING AND DEVELOPMENT

(AIRPORT AIRWAY TRUST FUND)

The bill provides $167,556,000 for the FAA's research, engineering, and development activities, instead of $175,000,000 as pro-

posed by the House and $157,000,000 as proposed by the Senate. The following table compares the House and Senate bills with the conference agreement by budget activity:

Program	House Bill	Senate Bill	Conference Agreement
Improve Aviation Safety	$94,249,000	$87,775,000	$89,314,000
Fire research and safety	8,157,000	7,158,000	7,158,000
Propulsion and fuel systems	3,611,000	2,300,000	2,300,000
Advanced materials/structural safety	2,605,000	2,534,000	2,534,000
Atmospheric hazards/digital system safety	5,404,000	5,404,000	5,404,000
Aging aircraft	12,589,000	10,632,000	11,600,000
Aircraft catastrophic failure prevention	1,502,000	1,147,000	1,147,000
Flightdeck safety/systems integration	6,162,000	6,162,000	6,162,000
Aviation safety risk analysis	10,027,000	10,027,000	10,027,000
ATC/AF human factors	10,634,000	10,364,000	10,364,000
Aeromedical research	11,617,000	11,000,000	11,000,000
Weather research	16,366,000	16,043,000	16,043,000
Unmanned aircraft system	3,504,000	3,504,000	3,504,000
NextGen Alternative Fuels for General Aviation	2,071,000	1,500,000	2,071,000
Improve Efficiency of the ATC System	33,905,000	28,134,000	34,174,000
Joint program and development office	0	6,500,000	5,000,000
Wake turbulence	10,674,000	9,064,000	10,674,000
NextGen—Air Ground Integration	10,545,000	5,303,000	7,000,000
NextGen—Self Separation	3,500,000	5,060,000	3,500,000
NextGen—Weather Technology in the Cockpit	9,186,000	2,207,000	8,000,000
Reduce Environmental Impacts	41,351,000	35,597,000	38,574,000
Environment and energy	16,351,000	15,074,000	15,074,000
NextGen Environmental Research—Aircraft Technologies, Fuels and Metrics	25,000,000	20,523,000	23,500,000
Mission Support	5,495,000	5,494,000	5,494,000
System planning and resource management	1,718,000	1,717,000	1,717,000
Technical laboratory facilities	3,777,000	3,777,000	3,777,000
Total	175,000,000	157,000,000	167,556,000

NextGen environmental research—aircraft technologies, fuels and metrics.—The conference agreement includes $23,500,000 for the FAA's NextGen environmental research aircraft technologies, fuels and metrics program. The conferees direct FAA to use funds above the budget request to expedite the development of viable alternative fuels that can be used in aircraft and to continue the efforts of FAA's continuous, lower energy, emissions, and noise program (CLEEN). These additional funds are designated as an item of congressional interest and the conferees direct FAA not to reprogram these funds without the specific approval of the House and Senate Committees on Appropriations.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a liquidating cash appropriation of $3,435,000,000; an obligation limitation of $3,350,000,000; a limitation on administrative expenses of not more than $101,000,000; no less than $15,000,000 for the airport cooper-

ative research program; and no less than $29,250,000 for airport technology research.

Small community air service development pilot program.—The bill includes $6,000,000 under the obligation limitation to continue the small community air service development pilot (SCASDP) program and directs the FAA to transfer funds to OST salaries and expenses appropriation.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Section 110 allows no more than 600 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House and Senate.

Section 111 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA "without cost" building construction or space as proposed by the House and Senate.

Section 112 allows the FAA to be reimbursed for amounts made available for 49 U.S.C. 41742(a)(1) as fees are collected and credited under 49 U.SC. 45303 as proposed by the House and Senate.

Section 113 allows reimbursement of funds for providing technical assistance to foreign aviation authorities to be credited to the operations account as proposed by the House and Senate.

Section 114 prohibits funds limited in this Act for the Airport Improvement Program to be provided to an airport that refuses a request from the Secretary of Transportation to use public space at the airport for the purpose of conducting outreach on air passenger rights as proposed by the House and Senate.

Section 115 prohibits funds for Sunday premium pay unless work was actually performed on a Sunday as proposed by the House and Senate.

Section 116 prohibits funds in the Act from being used to buy store gift cards with Government issued credit cards as proposed by the House and Senate.

Section 117 allows all airports experiencing the required level of boardings through charter and scheduled air service to be eligible for funds under 49 U.S.C. 47114(c) as proposed by the Senate.

Section 118 prohibits funds from being obligated or expended for retention bonuses for FAA employees without prior written approval of the DOT Deputy Assistant Secretary for Administration.

Section 119 limits to 20 percent the cost share required under the contract tower cost-share program.

Section 119A reverses changes made to the Block Aircraft Registry Request program and prohibits future changes to the program, as proposed by the House and Senate.

Section 119B prohibits funds from being used to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey as proposed by the House.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement limits obligations for administrative expenses of the Federal Highway Administration (FHWA) to $412,000,000, which is equal to the annualized level of contract authority under the latest surface transportation extension, P.L. 112–30, plus $3,144,750 in carryover contract authority, plus $16,000,000 in funds that the Secretary may transfer from the 14 discretionary highway programs, if necessary, to ensure proper oversight. The 14 programs impacted are: Delta Region Transportation Development; Ferry Boats Discretionary Projects; Highways for LIFE Demo Projects; Innovative Bridge Research & Deployment; Interstate Maintenance Discretionary; National Historic Covered Bridge Preservation; National Scenic Byways; Public Lands Highway Discretionary; Railway-Highway Crossings Hazard Elimination in HSR Corridors; Transportation, Community, and System Preservation; Truck Parking Pilot Program; Disadvantaged Business Enterprises Services; On-the-Job Training Services; and, Value Pricing Pilot Program.

In addition, the conferees provide $3,220,000 in contract authority above this limitation for the administrative expenses of the Appalachian Regional Commission pursuant to 23 U.S.C. 104.

Information Technology Improvements.—The conferees recommend at least $2,000,000 of funds provided should be for the Delphi system and accounting services, the IPv6 transition, and FHWA's share in the implementation of the financial management business transformation. These are important improvements to the administration of the federal-aid highways program.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to $39,143,582,670 in fiscal year 2012, which is the annualized level of contract authority under the latest surface transportation extension, P.L. 112–30.

Solvency of Highway Trust Fund.—The conferees acknowledge this obligation limitation will deplete almost all resources from the Highway Trust Fund by the end of fiscal year 2012, causing the FHWA to begin cash-management procedures that may result in States not receiving timely reimbursement of highway construction expenses. Further, without enactment of a new surface transportation authorization bill with large amounts of additional revenues this year, the Highway Trust Fund will be unable to support a highway program in fiscal year 2013. The conferees strongly urge the committees of jurisdiction to enact surface transportation legislation that provides substantial long-term funding to continue the federal-aid highways program.

Commercial Motor Vehicle Parking.—The conferees direct FHWA to study the shortage of commercial motor vehicle parking,

including the impact of such on operators' compliance with federal safety requirements, and to report findings to the Committees on Appropriations within 180-days of enactment of this Act.

The conference agreement does not include a requirement for FHWA to report on transportation construction projects impacting local roads as proposed by the House.

Additionally, the conference agreement does not include a requirement for FHWA to investigate developing a comprehensive, department-wide corrosion analysis mitigation tool or a requirement for FHWA to report on the viability and cost-savings of developing such tool as proposed by the House.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $39,882,582,670, which is available until expended, to pay the outstanding obligations of the various highway programs at the levels provided in this Act and prior appropriations Acts. This level reflects the annualized contract authority provided under the latest surface transportation extension, P.L. 112–30, including contract authority both subject to and exempt from the obligation limitation.

EMERGENCY RELIEF

The conference agreement appropriates $1,662,000,000 in additional funds for the Emergency Relief Program, which is available until expended, for qualifying emergency repair expenses relating to major disasters declared pursuant to the Stafford Act, 42 U.S.C. 5121 et seq.

The conference agreement waives the per-State, per-disaster cap of $100,000,000 for certain disaster events in fiscal year 2011 relating to Hurricane Irene and flooding of the Missouri River. The conference agreement also directs the Secretary to extend the 180-day time period under 23 U.S.C. 120(e), in consideration of delays in a State's ability to access damaged facilities to evaluate damages and estimate the cost of such repairs, for eligible disasters in fiscal years 2011 and 2012.

RESCISSION

The conference agreement does not include a rescission of $73,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Section 120 retains the provision as proposed by the Senate that distributes the federal-aid highways program obligation limitation.

Section 121 retains the provision as proposed by the House and the Senate that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the federal-aid highways account.

Section 122 retains the provision as proposed by the House and the Senate that provides requirements for any waiver of Buy American requirements.

Section 123 retains the provision as proposed by the House and the Senate that prohibits tolling in Texas, with exceptions.

Section 124 retains with modification the provision proposed by the House that directs GAO to study how States and public transit authorities use their authority to transfer federal funds between the highway and transit programs and to submit a report within a year of enactment.

Section 125 retains with modification the provision proposed by the Senate that allows the State laws of Maine and Vermont regarding vehicle weight limitations to apply to all portions of the Interstate Highway System within each State, notwithstanding the requirements of 23 U.S.C. 127(a)(11), for a time period of approximately twenty years.

Section 126 is a new provision that allows the Secretary to transfer up to $16,000,000 from discretionary federal-aid highway programs to the FHWA administrative expenses account.

The conference agreement does not include Sections 124 or 128, as proposed by the Senate.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a liquidation of contract authorization and a limitation on obligations of $247,724,000 for the operating and program expenses of the Federal Motor Carrier Safety Administration (FMCSA). Of this limitation, $8,543,000 is to remain available for obligation until September 30, 2014, as proposed by the Senate; $191,918,800 is recommended for operating expenses; and $47,262,200 is recommended for program expenses. The conference agreement modifies the Senate direction to FMCSA to report on March 30, 2012 on the agency's ability to meet its requirement to conduct compliance safety reviews on high risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

The conference agreement provides a liquidating cash appropriation and a limitation on obligations of $307,000,000 for motor carrier safety grants, as proposed by the Senate, modified to provide $29,000,000 for the audits of new entrant motor carriers, as proposed by the House. The conference agreement provides funding for motor carrier safety grants as follows:

Program	Funding
Motor carrier safety assistance program	$212,000,000
Commercial driver's license (CDL) program improvement grants	30,000,000
Border enforcement grants	32,000,000
Performance and registration information system management grant	5,000,000
Commercial vehicle information systems and networks deployment	25,000,000
Safety data improvement grants	3,000,000

The conference agreement also permanently rescinds $1,000,000 in prior-year unobligated balances, as proposed by the Senate, to cover costs associated with FMCSA Administrative Provision 131.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Section 130 retains the provision proposed by the House and the Senate that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report on Mexico-domiciled motor carriers.

Section 131 retains the provision proposed by the Senate that does not require repayment of certain Commercial Vehicle Information Systems and Networks (CVISN) grant funds that were awarded improperly by FMCSA to States between 2006 and 2010.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $140,146,000 from the general fund for operations and research, as proposed by the Senate. Of this amount, a total of $20,000,000 shall remain available until September 30, 2013, as proposed by the Senate.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of $109,500,000, to remain available until expended. Of the total, $105,500,000 is provided for the highway safety research and development programs under 23 U.S.C. 403 and $4,000,000 is provided for the National Driver Register under 49 U.S.C. 303, as proposed by the House and the Senate. Of the total limitation, $20,000,000 shall remain available until September 30, 2013, and shall be in addition to any limitation imposed on obligations in future fiscal years, as proposed by the Senate.

Repurposed Seatbelt Grants Funding.—The conferees repurpose $25,000,000 of the Safety Belt Performance Grants to fully fund the modernization of the National Automotive Sampling System (NASS). The conferees direct NHTSA to follow all directives contained in the Senate Committee report relating to the NASS

modernization, including those relating to enhanced data collection and new reporting requirements.

The conferees do not provide any repurposed Safety Belt Performance Grants funding to enhance the ongoing cooperative research effort between NHTSA and the Automotive Coalition for Traffic Safety to develop driver alcohol detection systems, or for the distracted driver program as proposed by the Senate.

Unsecured loads.—The conferees direct the GAO to report to the Committees on Appropriations on the various State laws, associated penalties, exemptions, and enforcement actions associated with unsecured loads within one year of enactment of this Act. Further, NHTSA is directed to collect and classify data from automobile accidents involving road debris as proposed by the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of $550,328,000 for highway traffic safety grants, to remain available until expended, as proposed by the Senate. The conference agreement recommends as follows:

	Amount
Highway Safety Programs (section 402)	$235,000,000
Occupant Protection Incentive Grants (section 405)	25,000,000
Safety Belt Performance Grants (section 406)	28,500,000
National Automotive Sampling System	25,000,000
State Traffic Safety Information System Improvement Grants (section 408)	34,500,000
Alcohol-Impaired Driving Countermeasures Incentive Grants (section 410)	139,000,000
Motorcyclist Safety Grants (section 2010)	7,000,000
Child Safety and Child Booster Seat Safety Incentive Grants (section 2011)	7,000,000
High Visibility Enforcement Program (section 2009)	29,000,000
Administrative Expenses	25,328,000

Distracted Driver.—The conferees direct NHTSA, in conjunction with the Centers for Disease Control (CDC), to conduct an analysis of available research on distracted driving, and to report on the extent to which electronic devices can be causally linked to the reported rise in fatal accidents or injuries involving distracted driving, as well as the impact distracted driving prevention laws and enforcement actions can have on motorist behavior.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Section 140 retains the provision as proposed by the House and the Senate that provides funding for travel and related expenses for state management reviews and highway safety core competency development training.

Section 141 retains the provision as proposed by the House and the Senate that exempts obligation authority that was made available in previous public laws for multiple years from the limitations on obligations set for the current year.

Section 142 retains the provision as proposed by the House and Senate that prohibits the use of funds to implement 23 U.S.C. 404.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement provides $178,596,000 for safety and operations of the Federal Railroad Administration (FRA) instead of $180,867,000 proposed by the House and $176,596,000 proposed by the Senate. Of the funds provided, $12,300,000 is available until expended as proposed by the Senate.

Positive Train Control.—The conferees expect the FRA to complete the necessary PTC rulemakings, and directs the FRA to report to the House and Senate Appropriations Committees, by March 1, 2012, on (a) the status of the revisions under consideration and (b) the FRA assessment of the progress being made by the railroad carriers in complying with the PTC statutory deadlines.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $35,000,000 for railroad research and development, instead of $35,030,000 as proposed by the House and $30,000,000 as proposed by the Senate. The conferees include funding for the research accounts as proposed by the House with the exception of R&D facilities and test equipment which shall be $2,345,000.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The conference agreement authorizes the Secretary to issue notes or other obligations pursuant to section 512 of P.L. 94–210 as proposed by both the House and Senate.

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The conference agreement provides a total of $1,418,000,000 for the operations, capital improvements and debt service to the National Railroad Passenger Corporation (Amtrak).

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $466,000,000 in operating grants to Amtrak instead of $227,000,000 proposed by the House and $544,000,000 proposed by the Senate.

Business plan.—The conference agreement includes language as proposed by the House that requires Amtrak to provide semi-annual reports in electronic format regarding the pending business plan as well as progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2011. Further, these plans shall include a comprehensive fleet plan which shall establish year-specific goals and milestones and discuss potential, current and preferred financing options for all such activities.

The conference agreement includes bill language as proposed by the House which prohibits Amtrak from discounting tickets at

more than 50 percent off the normal, peak fare after March 1, 2012, unless the operating loss due to the discounted fare is covered by a State. The Senate did not propose a similar provision.

The conferees encourage Amtrak to carry $200,000,000 in reserves within their Operating account, and encourage use of any favorable ticket revenue to get to this amount before using this favorable ticket revenue on Capital expenses unless such Capital expenses are necessary to ensure the safe operation and maintenance of the passenger rail system.

The conference agreement does not include a requirement for the Amtrak IG to report quarterly on Amtrak operational efficiencies and overhead expenses as proposed by the House as Section 207 of the Passenger Rail Investment and Improvement Act requires similar reporting requirements by the Federal Railroad Administration.

The conference agreement does not require Amtrak to report on plans to improve food and beverage service and first class service as proposed by the House.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $952,000,000 for capital and debt service payment grants to Amtrak, instead of $890,954,000 as proposed by the House, and $936,778,000 as proposed by the Senate. Within the funds provided, the conference agreement includes $271,000,000 for Amtrak's debt service payment as proposed by the House and the Senate, and $15,000,000 shall be for Northeast Corridor Gateway projects as proposed by the Senate. The agreement adopts the Senate bill requirement that grants made after the first $200,000,000 be provided only on a reimbursable basis.

Americans with Disabilities Act.—Under its compliance plan with the Americans with Disabilities Act (ADA), Amtrak would invest $175,000,000 during fiscal year 2010 for necessary capital investments. The conferees understand that events outside of Amtrak's control delayed these investments. However, the conferees direct Amtrak to the best of its ability to maintain this plan for complying with the requirements of ADA, and modify bill language requiring Amtrak to invest no less than $50,000,000 for ADA capital investments.

The conference agreement allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs of project management oversight of capital projects as proposed by the House, instead of one-fourth of one percent, as proposed by the Senate.

The conference agreement also allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs associated with implementing section 212 of division B of Public Law 110–432.

The conferees direct Amtrak to report back within 60 days on the process and procedures that are being implemented to improve financial controls for on-time performance incentive payments, and to establish accountability for the host railroad billing.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS PASSENGER RAIL SERVICE

The conferees provide no funds for the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service Program as proposed by the House. The Senate provided $100,000,000 for the program. The conference agreement does not require GAO to report on a vision and operational plan for high speed and intercity passenger rail service or on states' capabilities to develop and operate high speed and intercity passenger rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

Section 150 retains a provision that ceases the availability of Amtrak funds if the railroad contracts for services outside the United States for any service performed by a full-time or part-time Amtrak employee as of July 1, 2006, as proposed by the House and Senate.

Section 151 retains a provision that allows FRA to receive and use cash or spare parts to repair and replace damaged track inspection cars as proposed by the House and Senate.

Section 152 retains a provision that authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation.

Section 153 limits overtime to $35,000 per employee, allows Amtrak's president to waive this restriction for specific employees for safety or operational efficiency reasons, and requires notification to the House and Senate Committees on Appropriations within 30 days of granting such waivers.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $98,713,000 for the administrative expenses of the Federal Transit Administration (FTA) as proposed by the Senate instead of $94,413,000 as proposed by the House. The conferees provided funds directly to the Office of Inspector General for financial statement audits and did not specify a dollar amount for travel.

The conferees direct FTA to include in its operating plan a specific allocation of administrative expenses resources, including a delineation of full time equivalent employees, as proposed by the House. The conference agreement also requires transfers exceeding 5 percent to be approved by the House and Senate Appropriations Committees through the reprogramming process outlined by the Senate. The conferees direct FTA to include in DOT's operating plan how much will be allocated for travel in fiscal year 2012.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations from the Mass Transit Account for the formula and bus grant program to $8,360,565,000 as proposed by the Senate, instead of $5,200,000,000 as proposed by the House. The conferees acknowledge that the specific programmatic distribution of formula and bus grant funds will be determined through legislation extending or reauthorizing the surface transportation programs. The conference agreement includes a liquidating cash appropriation of $9,400,000,000.

The conferees have directed that funding for bus rapid transit projects proposed in the fiscal year 2012 budget request under the capital investment grants account instead be funded in the Bus and Bus Facilities program, where they are also eligible. Projects requested in the administration's budget to be funded from the formula are as follows:

CA Fresno, Fresno Area Express	$17,800,000
CA Oakland, East Bay BRT	25,000,000
CA San Francisco, Van Ness Ave BRT	30,000,000
FL Jacksonville, JTA BRT	6,443,200
MI Grand Rapids, Silver Line BRT	12,887,943
TX El Paso, Mesa Corridor BRT	13,540,000
WA King County, RapidRide E BRT	21,629,000
WA King County, RapidRide F BRT	15,880,000
CT Hartford-New Britain Busway	45,000,000

RESEARCH AND UNIVERSITY RESEARCH CENTERS

The conference agreement provides $44,000,000 for research activities instead of $45,000,000 as proposed by the House and $40,000,000 as proposed by the Senate. Of the amounts provided, $3,500,000 is for the National Transit Institute, $6,500,000 is for transit cooperative research programs and $4,000,000 is for the university centers program. The conferees direct FTA to report on all 2011 and 2012 FTA-sponsored research by May 15, 2012. The agreement also provides $25,000,000 for FTA to support the development of cutting-edge new bus and transit technologies.

Rural transit.—In rural communities across the nation, the conferees believe that transit plays an important role in getting families and individuals from their homes to work, medical appointments and day-to-day activities. In order for rural transit service to be efficient, the community must effectively coordinate transit services among human service agencies and job providers. The conferees support continuing FTA efforts to develop and demonstrate initiatives that will assist rural and small communities in providing transit service that will help individuals to get from home to the workplace.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

The conference agreement provides $1,955,000,000 for capital investment grants as proposed by the Senate instead of $1,554,077,000 as proposed by the House. Of the amounts provided, $35,481,000 is for the small starts program, $21,004,000 is for administrative oversight activities, $1,368,515,000 is for payouts for full funding grant agreements, $510,000,000 is for projects entering into full funding grant agreements in calendar year 2012 payable upon grant award, $5,000,000 is for the Denali Commission, and $15,000,000 is for Alaska and Hawaii ferries. Oversight and audit activities performed by the Office of Inspector General are funded out of the OIG account. Further, $58,500,000 of prior year unobligated balances are rescinded.

The conferees direct FTA to refrain from signing any full funding grant agreement with a new starts share greater than 60% as recommended in the Senate report. The House proposed limiting FTA to projects with a 50% or less Federal share.

The conference agreement provides the following payouts for new starts projects:

NY Long Island Rail Road East Side Access	$203,424,000
NY Second Avenue Subway	186,566,000
TX Dallas Northwest/Southeast	81,606,000
UT Salt Lake City Mid Jordan LRT	78,889,510
UT Salt Lake City Weber County	52,047,490
VA Northern VA Dulles	90,832,000
WA Seattle University Link LRT	104,078,000
MN Central Corridor LRT	93,144,000
FL Orlando Central Florida	47,308,000
CO Denver Eagle	140,920,000
TX Houston North Corridor	94,616,000
TX Houston Southeast Corridor	94,616,000
UT Salt Lake City Draper	100,468,000

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

The conference agreement does not include funds for energy efficiency grants as proposed by the House. The Senate proposed $25,000,000 under this heading.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conference agreement provides $150,000,000 as proposed by the House and Senate to carry out section 601 of division B of Public Law 110–432 to remain available until expended. The conferees direct WMATA to continue with capital improvement plans and not defer capital and safety investments to offset operating costs.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

Section 160 exempts previously made transit obligations from limitations on obligations.

Section 161 allows funds provided in this Act for (1) projects under "Capital Investment Grants" and (2) bus and bus facilities under "Formula and Bus Grants" that remain unobligated by Sep-

tember 30, 2014 to be available for projects eligible to use the funds for the purposes for which they were originally provided.

Section 162 allows for the transfer of appropriations made prior to October 1, 2011 from older accounts to be merged into new accounts with similar current activities.

Section 163 allows unobligated funds in prior year appropriations for new fixed guideway systems under "Federal Transit Administration, Capital Investment Grants" to be used in the current fiscal year to satisfy expenses for activities eligible in the year the funds were appropriated.

Section 164 requires unobligated funds or recoveries under 49 U.S.C. 5309 that are available for reallocation shall be directed to projects eligible to use the funds for which they were originally intended.

Section 165 allows the Secretary to use one percent of section 5316 funds for program management oversight.

Section 166 provides funds for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities as proposed by the Senate. The House proposed prohibiting funds for 49 U.S.C. 5309(m)(6)(B) and (C).

Section 167 modifies a provision proposed by the House limiting FTA to signing full funding grant agreements (FFGAs) with a new starts share of 60% or less. The House proposed limiting new FFGAs to projects with a Federal share of 50% or less. The Senate did not include a similar provision.

Section 168 modifies a provision proposed by the House permitting fuel and utilities for vehicle operations to be treated as a capital maintenance item for grants made under section 5307 in fiscal year 2012, up to $100,000,000. The Senate did not include a similar provision.

Section 169 modifies a provision proposed by the Senate regarding the enforcement of the charter bus rule for an area in Washington State. The House did not include a similar provision.

Section 169A allows the Secretary to consider significant private contributions when calculating the non-Federal share of capital costs for new starts projects as proposed by the Senate. The House did not include a similar provision.

Section 169B modifies a provision proposed by the Senate specifying all bus rapid transit projects recommended in the fiscal year 2012 budget request under "Capital Investment Grants" in this Act shall instead be funded from the formula bus program. The House did not include a similar provision.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes $32,259,000 for the operations, maintenance, and capital asset renewal of the Saint Lawrence Seaway Development Corporation (SLSDC) as proposed by the House instead of $34,000,000 as proposed by the Senate.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $174,000,000 for the maritime security program, as proposed by the House and Senate.

OPERATIONS AND TRAINING

(INCLUDING RESCISSION)

The conference agreement includes $156,258,000 for the Maritime Administration's (MARAD) operations and training account, instead of $151,889,000 as proposed by the House and $154,886,000 as proposed by the Senate. Further, the agreement rescinds $980,000 from prior year funds instead of $1,000,000 as proposed by the Senate. The House did not propose a rescission from this account.

The conferees provide a total of $85,168,000 for the U.S. Merchant Marine Academy (USMMA). Of the funds provided, $62,268,000 is for Academy operations and $22,900,000 is for the capital improvement program (CIP) of which $17,000,000 is for capital improvements and $5,900,000 is for facilities maintenance, repairs and equipment. The conferees did not provide funds for replacing the midshipman fees or the recruitment initiative, but did allocate an additional $250,000 for up to 5 additional staff to support and manage the CIP and facility maintenance. The conferees do not include a prohibition on the expenditure of funds for the commencement of architectural and engineering studies as proposed by the House. The conferees direct MARAD to provide a staff organizational chart for the USMMA as directed by the Senate with the fiscal year 2013 budget materials.

The conferees provide a total of $17,100,000 for the state maritime academies, of which $3,600,000 is for direct payments, $2,400,000 is for student incentive payments and $11,100,000 is for schoolship maintenance and repair.

The conferees provide a total of $54,000,000 for MARAD operations: $49,000,000 for headquarters operations, $4,000,000 for environment and compliance, and $1,000,000 for Marview. The conferees direct MARAD to provide a report on the number of vacancies at MARAD headquarters and regional offices, and the duties associated with each vacancy concurrent with the fiscal year 2013 budget submission.

SHIP DISPOSAL

The conference agreement includes $5,500,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the House instead of $10,000,000 as proposed by the Senate. The conferees recommend $3,000,000 for the NS Savannah as requested.

The conferees direct MARAD to make best value determinations and award ship recycling contracts no later than 90 days from the close of the ship specific solicitation. Upon award announcement, MARAD shall disclose, in addition to the price, other factors and criteria used to determine best value of the winning award. The conference agreement does not require MARAD to provide a

full accounting of ship disposal activities as proposed by the House since such actions are identified in the annual vessel disposal report to Congress.

ASSISTANCE TO SMALL SHIPYARDS

The conference agreement includes $9,980,000 for assistance to small shipyards as proposed by the Senate. The House did not propose funding this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement includes $3,740,000 for administrative expenses for the maritime guaranteed loan program (title XI) as proposed by the House. The Senate proposed $4,000,000 for the same purpose. The conferees agree to rescind $35,000,000 of prior year unobligated balances as proposed by the Senate. The House proposed rescinding $54,100,000.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Section 170 authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of MARAD, and allow payments received to be credited to the Treasury.

Section 171 modifies a provision proposed by the House prohibiting a fee-for-service contract for vessel disposal, scrapping or recycling unless a qualified domestic ship recycler will pay for the vessel. The Senate did not propose a similar provision.

Section 172 modifies a provision proposed by the Senate restricting the use of funds for non-availability determinations under 46 U.S.C. 501 for oil releases from the Strategic Petroleum Reserve if United States-flag vessels of single or collective capacity are available unless, under exceptional circumstances, the Secretary of Transportation provides a written justification for not using such United States-flag vessel or vessels. The House did not propose a similar provision.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $21,360,000 for the necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration (PHMSA). Of the amount provided, $639,000 is to be derived from the Pipeline Safety Fund, and $1,000,000 is to be transferred to the Pipeline Safety account to fund Pipeline Safety Information Grants to Communities, as proposed by the House and the Senate.

Information Technology Modernization.—The conferees recognize the importance of PHMSA's five-year information technology modernization effort, which began in fiscal year 2010. The con-

ferees recommend at least $2,550,000 of operating expenses be used to further these efforts, as proposed in PHMSA's budget.

HAZARDOUS MATERIALS SAFETY

The conference agreement provides $42,338,000 for the agency's hazardous materials safety functions. Of this amount $1,716,000 shall be available until September 30, 2014, as proposed by the House and the Senate.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of $109,252,000 for the pipeline safety program. Of that amount, $18,573,000 is derived from the Oil Spill Liability Trust Fund, to remain available until September 30, 2014, and $90,679,000 is derived from the Pipeline Safety Fund, of which $48,191,000 is available until September 30, 2014 for multi-year grants and research and development contracts. The conference agreement directs no less than $1,058,000 of the funds provided shall be used for the state one-call grant program, as proposed by the House.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides $188,000, to remain available until September 30, 2013, and an obligation limitation of $28,318,000 for emergency preparedness grants, as proposed by the House and the Senate.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

COST RECOVERY FOR DESIGN REVIEWS

Section 180, as proposed by the Senate, is not retained in the conference agreement. As such, the conferees do not include any directives on how a new pipeline design review fee should be implemented, if enacted. The conferees urge the committees of jurisdiction to consider the merits of such fee, as proposed in PHMSA's budget.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

The conference agreement provides $15,981,000 to continue research and development activities. Of the funds provided, $9,007,000 shall be available for the research and development program until September 30, 2014.

Activity	Conference level
Salaries and Administrative Expense	$6,974,000
Alternative Fuels Safety Research and Development	499,000
RD&T Coordination	509,000

Activity	Conference level
Nationwide Differential Global Positioning System [NDGPS]	7,600,000
Positioning, Navigation, and Timing	399,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $79,624,000 for the Office of Inspector General and prohibits the transfer or expenditure of funds from modal agencies or the National Transportation Safety Board. The conference agreement did not include report language proposed by the House that expects a minimal reduction in current FTE levels among other modifications in overhead expenses.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement provides $29,310,000 for salaries and expenses of the Surface Transportation Board. The conference agreement permits the collection of up to $1,250,000 in user fees to be credited to this appropriation as proposed by the House and Senate. The conference agreement provides that the general fund appropriation be reduced on a dollar-for-dollar basis by the actual amount collected in user fees to result in a final appropriation from the general fund estimated at no more than $28,060,000.

Of the total amount provided, $300,000 is for the Uniform Railroad Costing System modernization initiative as proposed by the Senate.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

Section 180 allows the Department of Transportation to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law as proposed by the House and Senate.

Section 181 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by the House and Senate.

Section 182 prohibits funds from being used for salaries and expenses of more than 110 political and Presidential appointees in DOT. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT as proposed by the House and Senate.

Section 183 prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding of funds provided in this Act for any grantee if a State is in noncompliance with this provision as proposed by the House and Senate.

Section 184 permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred

for training to be credited to certain specified agency accounts as proposed by the House and Senate.

Section 185 prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and the Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more, and directs the Secretary to give concurrent notification for any "quick release" of funds from the Federal Highway Administration's emergency relief program as proposed by the House and Senate.

Section 186 allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT as proposed by the House and Senate.

Section 187 allows amounts from improper payments to a third party contractor that are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments as proposed by the House and Senate.

Section 188 mandates that reprogramming actions are to be approved or denied solely by the House and Senate Committees on Appropriations as proposed by the House and Senate.

Section 189 caps the amount of fees the Surface Transportation Board can charge and collect for rate complaints filed at the amount authorized for court civil suit filing fees as proposed by the House and Senate.

Section 190 allows funds appropriated to the modal administrators to be obligated for the Office of the Secretary regarding reimbursable agreements as proposed by the House.

Section 191 modifies a provision proposed by the House which alters the number of members on the Metropolitan Washington Airports Authority (MWAA) board; limits board members to no more than two terms; allows the appointing executives to remove board members with cause consistent with the laws of relevant jurisdictions; and, requires board members to vacate their position upon the immediate expiration of the board member's term(s). The Senate did not propose a similar provision. The conferees expect the jurisdictions to expeditiously implement these modifications. In addition, the conferees are greatly concerned about reports of careless recordkeeping on the part of MWAA and will carefully review the DOT Inspector General's anticipated report on MWAA's management and operations.

Section 192 prohibits the use of funds to enforce certain minimum standards for traffic signs as proposed by the House. The Senate did not include a similar provision.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

The conference agreement includes $1,331,500,000 for the salaries and expenses to the Department, and modifies language proposed by the House and Senate. Through a modified structure, funding is included under the headings "Administration, Operations and Management" and "Program Office Salaries and Expenses". The conferees expect the Department to use this account

structure in presenting the fiscal year 2013 budget justification and all future budgets.

The conference agreement includes language as proposed by the House that requires detailed budget justifications for each office within the Department, including an organizational chart for each operating area within the Department. Further, these justifications must include a detailed justification for existing staff, the incremental funding increases, decreases and FTE fluctuations being requested by program, project or activity. The conferees also reiterate that information requested in the Senate report should also be included in budget documents.

The conference agreement includes a provision that requires that the Department modify and improve its Resource Estimation and Allocation Program (REAP) or other resource allocation model to improve its assessment of staffing needs and full-time equivalent (FTE) allocations. The provision also requires that beginning with the fiscal year 2014 congressional justification, budget estimates for existing staff and new staff requests shall be submitted to the Committees on Appropriations using a current, updated or new resource estimation and allocation model.

To facilitate the use of a resource estimation and allocation model for future budget estimates and submissions, the conferees request that the Government Accountability Office (GAO) review the current REAP model to evaluate its capability to produce reliable data on full-time equivalent allocations and utilization for specific programs, and identify information gaps and other challenges. The conferees also request that GAO test the revised REAP or new resource estimation and allocation model, comparing it to actual FTE allocations in select Departmental programs. This GAO study and any recommendations resulting from the study should form the basis for the fiscal year 2014 budget submission. The conferees request that GAO also assess the Department's ongoing efforts to improve staffing and departmental management.

The conferees reiterate House direction on staffing reporting requirements.

The conferees direct HUD to provide one month prior notice of office, program or activity reorganizations.

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

The conference agreement provides $537,789,000 for Management and Operations, instead of $494,739,000 as proposed by the House and $549,499,000 as proposed by the Senate. Funds are provided as follows:

Immediate Office of the Secretary	$3,572,000
Office of the Deputy Secretary and the Chief Operating Officer	1,200,000
Office of Hearings and Appeals	1,700,000
Office of Small and Disadvantaged Business Utilization	741,000
Office of Congressional and Intergovernmental Relations	2,400,000
Office of Public Affairs	3,515,000
Office of Departmental Operations and Coordination	10,475,000
Office of Field Policy and Management	47,500,000
Office of the Chief Procurement Officer	14,700,000
Office of the Chief Financial Officer	47,980,000
Office of the General Counsel	94,000,000
Office of Equal Employment Opportunity	3,610,000
Center for Faith-Based and Community Initiatives	1,448,000

Office of Sustainable Housing and Communities	2,627,000
Office of Strategic Planning and Management	5,000,000
Office of the Chief Information Officer	41,885,000
Office of the Chief Human Capital Officer	255,436,000

The conference agreement directs HUD to maintain the responsibilities of the appropriations attorneys under the Office of the Chief Financial Officer.

The conference agreement directs that the Office of the Assistant Secretary for Congressional and Intergovernmental Relations shall have no more than 20 FTEs.

The conference agreement directs HUD to establish within the Departmental budget office, an appropriations liaison branch through the realignment of existing staff to be submitted by January 1, 2012.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

The conference agreement provides $200,000,000 for the salaries and expenses for this account, instead of $182,500,000 as proposed by the House and $201,233,000 as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

The conference agreement provides $100,000,000 for the salaries and expenses for this account, instead of $91,000,000 as proposed by the House and $101,076,000 as proposed by the Senate.

HOUSING

The conference agreement provides $391,500,000 for the salaries and expenses for this account, instead of $392,796,000 as proposed by the Senate and $353,126,000 as proposed by the House. The conference agreement also provides that at least $8,200,000 is for the Office of Risk and Regulatory Affairs as proposed by the Senate.

POLICY DEVELOPMENT AND RESEARCH

The conference agreement provides $22,211,000 for the salaries and expenses for this account, instead of $17,716,000 as proposed by the House and $23,016,000 as proposed by the Senate.

FAIR HOUSING AND EQUAL OPPORTUNITY

The conference agreement provides $72,600,000 for the salaries and expenses for this account, instead of $66,697,000 as proposed by the House and $74,766,000 as proposed by the Senate.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

The conference agreement provides $7,400,000 for the salaries and expenses for this account, instead of $6,974,000 as proposed by the House and $7,502,000 as proposed by the Senate.

RENTAL ASSISTANCE DEMONSTRATION

The conference agreement includes language for a Rental Assistance Demonstration, as proposed by the Senate with modifications. The conference agreement includes modifications to allow for

participation of moderate rehabilitation. The conference agreement also includes language ensuring that tenant rights are protected in instances of conversion and that affordability of such housing is preserved under the demonstration. The conference agreement also includes language allowing for the project basing of tenant protection vouchers for rent supplemental and rental assistance projects in fiscal years 2012 and 2013, and requires a GAO review.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

The conference agreement provides $18,914,369,000 for all tenant-based Section 8 activities under the Tenant-Based Rental Assistance Account, instead of $18,467,883,000 as proposed by the House and $18,872,357,000 as proposed by the Senate. Language is included designating funds provided as follows:

Activity	Conference level
Voucher Renewals	$17,242,351,000
Tenant Protection Vouchers	75,000,000
Administrative Fees	1,350,000,000
HUD–VASH Incremental Vouchers	75,000,000
Section 811 Vouchers	112,018,000
Family Self-Sufficiency Coordinators	60,000,000

The bill does not include language related to a homeless demonstration as proposed by the Senate.

The conferees direct HUD to monitor and provide quarterly briefings to the House and Senate Committees on Appropriations on the Section 8 program, including data on leasing and trends or changes in rents or tenant income.

The conferees direct HUD to issue guidance to housing agencies administering mainstream (811) vouchers to continue to serve people with disabilities upon turnover.

The conferees expect HUD to follow Treasury's rules on cash management in this account.

The conferees reiterate direction included by the Senate on tracking the housing stability of veterans utilizing the HUD–VASH program, addressing the needs of rural areas and sharing best practices with grantees. The conferees also direct HUD to report on HUD–VASH utilization rates, challenges encountered with the program and efforts to increase veteran self-sufficiency by January 15, 2012, as proposed by the House.

HOUSING CERTIFICATE FUND

(RESCISSION)

The conference agreement includes a $200,000,000 rescission, as proposed by the Senate.

PUBLIC HOUSING CAPITAL FUND

The conference agreement provides $1,875,000,000 for the Public Housing Capital Fund, as proposed by the Senate. The con-

ference agreement also provides $50,000,000 for supportive services, service coordinators and congregate services as proposed by the Senate. The amount also includes $20,000,000 for emergency capital needs, as proposed by the Senate, and $10,000,000 for the public housing financial and physical assessment activities of REAC as proposed by the Senate instead of $15,345,000 as proposed by the House.

The conferees direct the Department to report quarterly to the House and Senate Committees on Appropriations on the progress made at each PHA under receivership.

PUBLIC HOUSING OPERATING FUND

The conference agreement provides $3,961,850,000 for the Public Housing Operating Fund as proposed by the Senate. The agreement provides that the Secretary shall not offset excess reserves by more than $750,000,000, as proposed by the Senate. The language also provides for a process for PHAs to appeal reserve offsets, and a set-aside of $20,000,000 to assist any PHAs that encounter financial hardship as a result of this offset.

The conferees direct HUD to submit an implementation plan to offset 2012 allocations based on reserve balances to the Committees on Appropriations within 30 days of the enactment of this Act. The conferees further direct HUD to include in its report a clear methodology for determining excessive reserves and the impact of the plan on each PHA.

The conference agreement includes language proposed by the Senate allowing for the Secretary to provide flexibility to PHAs on the use of excess operating reserves for capital improvements. The conferees direct the Secretary to establish clear guidance on how operating reserves can be used going forward, and in the interim expects this flexibility to be granted to PHAs to make capital improvements, but not to include large modernization projects.

CHOICE NEIGHBORHOODS INITIATIVE

The conference agreement provides $120,000,000 for the Choice Neighborhoods Initiative, as proposed by the Senate. The conference agreement includes modifications to the language to ensure that the use of such funds doesn't result in housing units unintentionally being deemed as public housing, and ensuring the long-term affordability of rehabilitated housing units.

NATIVE AMERICAN HOUSING BLOCK GRANTS

The conference agreement provides $650,000,000 for the Native American Housing Block Grants, as proposed by the Senate. These funds will remain available for obligation by HUD until September 30, 2016. When combined with a standard five-year contract term, tribes will have approximately ten years to spend these funds. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of enactment of this Act.

Timely Expenditure of Funds.—The conferees find it unconscionable that while there is significant need for affordable housing in Indian country, some tribes and TDHEs have not spent large amounts of block grant funding for several years, resulting in large

accumulated balances and reduced housing activities on tribal lands. For this reason, the conferees provide a time limit for this funding and strongly urge tribes to address housing needs in a timely manner.

The conferees note this account had nearly $1,000,000,000 in unexpended balances at the beginning of fiscal year 2011, with almost half of that amount belonging to a single tribe. This tribe currently has over $375,000,000 in unexpended funds, with funds dating back twelve fiscal years, and a HUD official testified this tribe was unresponsive to HUD's encouragement to address the backlog. Such large accumulated balances and decade-old unexpended funds call into question the present need for funding in this account. In times of scarce federal funding, all accounts come under closer scrutiny. It is in the interest of all 555 tribes that receive these grants to reduce the unexpended balances and to demonstrate current need through use of these funds.

GAO Study of Tribal Housing Challenges.—The conferees realize there are significant and unique challenges associated with tribal housing, many of which are not within the control of tribes. For this reason, the conferees direct GAO to study the unique barriers and challenges in tribal housing activities.

Technical Assistance.—Of the funds provided, the conference agreement includes $2,000,000 to support inspection of Indian housing units, contract expertise, training, and technical assistance by HUD. The conferees direct HUD to provide valuable assistance to tribes, especially those with capacity challenges and those receiving small grant awards. Such assistance should reflect the unique needs and culture of Native Americans and include services necessary to improve data collection and increase leveraging.

In addition, the conference agreement includes $2,000,000 for national or regional organizations representing Native American housing interests to provide training and technical assistance to Indian housing authorities and tribally designated housing entities. The conferees intend these funds to be distributed through a competitive process.

The conference agreement does not include a requirement for HUD's Office of Policy Development and Research to submit a report to the House and Senate Committees on Appropriations proposing alternative data sources for the block grant formula, as proposed by the House.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

The conference agreement provides $13,000,000 for the Native Hawaiian Housing Block Grant, to remain available until expended, as proposed by the Senate.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides $6,000,000 to remain available until expended, to subsidize a guaranteed loan level of $360,000,000, as proposed by the House.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides $386,000 to remain available until expended, to subsidize a guaranteed loan level of $41,504,000, as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

The conference agreement provides $332,000,000 for the Housing Opportunities for Persons with AIDS (HOPWA) program. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

The conference agreement provides $3,308,090,000 for the Community Development Fund, to remain available until September 30, 2014. Of the total, the conference agreement provides no less than $2,948,090,000 in formula funding and $60,000,000 for Indian tribes.

The conference agreement includes language allowing 20 percent of formula funds to be used for planning, management, and administration, as proposed by the Senate. The conferees direct the Government Accountability Office to issue a report on how communities use these funds.

Matching Funds.—The conferees direct the Department to provide an analysis of how much CDBG funding is used by grantees as matching dollars for other federal programs. The conferees also direct the Department to gather data on the use of fiscal year 2012 CDBG funds to match other federal programs, including which programs are being matched, in what amounts, for what purposes, whether other funds are leveraged, and any other relevant data.

Sustainable Communities.—The conference agreement does not include funding for the Senate proposed Sustainable Communities Initiative and does not include language proposed by the House prohibiting the use of any funds for the Sustainable Communities Initiative. While direct funding for the Sustainable Communities Initiative is not included in the conference agreement, the conferees remind the Secretary and CDBG formula fund recipients that sustainable activities are an eligible use of formula funds. The conferees support coordination by the Departments of Transportation and Housing and Urban Development to reduce duplication of federal investments. The Secretary may use the Office of Sustainable Housing and Communities and the technical assistance resources of the Transformation Initiative to identify opportunities for communities to work together to integrate transportation and housing and to assist local grantees in performing these activities.

The conferees do not include any directives relating to Regional Integrated Planning Grants, which are not funded in the conference agreement.

Disaster Funding.—The conference agreement provides that of the funds made available for the Community Development Fund, up to $300,000,000 plus an additional $100,000,000 in disaster

funds is available for necessary and eligible expenses related to disaster relief and long-term recovery in the most impacted and distressed areas resulting from major disasters in 2011, as declared pursuant to the Stafford Act. The conference agreement further provides that these funds may not be used on activities for which funding already is made available by FEMA or the Army Corps of Engineers.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

The conference agreement provides $5,952,000, to remain available until September 30, 2013, for costs associated with section 108 loan guarantees, to subsidize a loan guarantee level of $240,000,000.

HOME INVESTMENT PARTNERSHIPS PROGRAM

The conference agreement provides $1,000,000,000 for this account, as proposed by the Senate. These funds will remain available until September 30, 2014.

Program Oversight.—The conferees direct HUD, in its report to the Committees on Appropriations pursuant to Section 232 of this Act, to include an explanation of how HUD is monitoring and evaluating grantee performance in the HOME program, including how participating jurisdictions get approval to restart a stalled or cancelled project.

The conferees also direct HUD to provide a report by March 16, 2012, and annually thereafter, on all HOME funds that are 5 years old or older.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

The conference agreement provides $53,500,000 for this account, to remain available until September 30, 2014. Of the total, $13,500,000 is provided for the SHOP program and $35,000,000 is provided for the second, third and fourth capacity building activities authorized under section 4(b)(3), of which not less than $5,000,000 may be for rural capacity building activities. In addition, $5,000,000 is provided for capacity building activities by national organizations with expertise in rural housing, as similarly proposed by the House and the Senate. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of the date of enactment of this Act.

CAPACITY BUILDING

The conference agreement does not include funding for Section 4 Capacity Building as a separate account, as proposed by the House.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,901,190,000 for Homeless Assistance Grants, as proposed by the House and the Senate. Of the amount provided, not less than $250,000,000 is for the emergency solutions grants (ESG) program; not less than

$1,593,000,000 is for the continuum of care and rural housing stability assistance program; and $7,000,000 is for the national homeless data analysis project. The conferees have provided sufficient funding to ensure the renewal of all eligible projects under the continuum of care competition. The conferees direct any remaining funding to be put towards the ESG and rural housing stability programs.

Delayed Implementation of HEARTH.—The conferees note it has been two and a half years since the HEARTH Act amended the homeless assistance grant programs. The conferees express concern that HUD continued to implement pre-HEARTH grant programs in fiscal year 2011, due to a lack of regulations. The conferees direct HUD to publish at least interim guidelines for the Emergency Solutions Grants and Continuum of Care this fiscal year and to implement the new grant programs as soon as possible, so that the updated policies and practices in HEARTH can begin to govern the delivery of homeless assistance funding.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

The conference agreement provides $9,339,672,000 for project-based rental assistance activities, as opposed to $9,428,672,000 as proposed by the House and $9,418,672,000 as proposed by the Senate. The conference agreement also provides an advance appropriation of $400,000,000 for fiscal year 2013. The conference agreement provides $9,050,672,000 for contract renewals and not to exceed $289,000,000 for contract administrators. This funding level reflects revised cost estimates from HUD based on updated projections and programmatic reforms that result in significant cost savings.

HOUSING FOR THE ELDERLY

The conference agreement provides $374,627,000 for the section 202 program, instead of $600,000,000 as proposed by the House and $369,627,000 as proposed by the Senate. The conference agreement provides that up to $91,000,000 shall be for service coordinators and existing congregate service grants as proposed by the Senate, and up to $25,000,000 shall be for the conversion of eligible projects to assisted living or emergency capital repairs as proposed by the House. The conference agreement does not include funds for new construction.

HOUSING FOR PERSONS WITH DISABILITIES

The conference agreement provides $165,000,000 for the section 811 program, instead of $196,000,000 as proposed by the House and $150,000,000 as proposed by the Senate. The conference agreement does not include funds for new construction. The conference agreement also provides the Secretary with the authority to fund activities authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act to allow for project rental assistance to State housing finance agencies and other appropriate entities.

HOUSING COUNSELING ASSISTANCE

The conference agreement provides $45,000,000 for Housing Counseling Assistance, instead of $60,000,000 as proposed by the Senate. The House did not propose funding this account. The conference agreement includes Senate language requiring HUD to award this funding within 120 days of enactment.

The conferees direct HUD to submit a report on the reforms HUD is proposing in establishing a new Housing Counseling Office within the Office of Housing. This report, due within 90 days of enactment, should address how the Department is prepared to expend funds effectively, how HUD will focus its activities to reduce duplication of other government-funded programs, how many FTE will be needed for this activity, and what steps will be taken to streamline the grant making process.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

The conference agreement provides $1,300,000 for Section 236 payments to State-aided, non-insured projects, as proposed by the Senate, instead of $15,733,000 as proposed by the House.

RENT SUPPLEMENT

(RESCISSION)

The conference agreement rescinds $231,600,000 from the Rent Supplement account, as proposed by Senate.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

The conference agreement provides $6,500,000 for authorized activities, of which $4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund, instead of $7,000,000 to be fully funded by the Trust Fund as proposed by the House, and $9,000,000, of which $4,000,000 to be funded by the Trust Fund as proposed by the Senate.

The conferees are perplexed by the paucity of information provided in the Congressional Justification for the Manufactured Housing Fees Trust Fund. Given the information HUD has provided, it is hard to make a rational case for any funding for the Fund. Fortunately, HUD has provided the Committees with additional information that illuminates the uniquely Federal role the Fund plays in the housing market. HUD must provide the Congress with adequate, appropriate and accurate information in its future budget justifications.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement establishes a limitation of $400,000,000,000 on commitments to guarantee single-family loans during fiscal year 2012, as proposed by the House and Senate.

The conference agreement provides $207,000,000 for administrative contract expenses, as proposed by the House, instead of $206,586,000 as proposed by the Senate. Of this amount, $71,500,000 may be transferred to the Working Capital Fund, instead of $72,000,000 as proposed by the House and $70,652,000 as proposed by the Senate.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The conference agreement establishes a $25,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2012, as proposed by the House and Senate. The conference agreement does not provide a subsidy, as proposed by the Senate, instead of $8,600,000 in subsidy as proposed by the House.

The conferees direct the Department to provide a report to the House and Senate Committees on Appropriations within 90 days of the enactment of this Act on its efforts to streamline inspections of facilities insured under Section 232 of the National Housing Act and those which the state or local government already inspects in accordance with the guidance of the Centers for Medicare & Medicaid Services (CMS) or applicable state or local law. This report should include timeframe for issuing rules related to these inspections and implementation of new procedures.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The conference agreement includes up to $500,000,000,000 for new commitments, as proposed by the House and Senate. The conference agreement provides $19,500,000 for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association, instead of $19,000,000 as proposed by the House, and $20,000,000 as proposed by the Senate. The conference agreement also modifies language included in the Senate allowing for additional administrative expenses if Ginnie Mae reaches $155,000,000,000 by April 1, 2012.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

The conference agreement provides $46,000,000 for policy development and research instead of $47,904,000 as proposed by the House and $45,825,000 as proposed by the Senate. The conference agreement also includes language proposed by the Senate requiring at least a 50 percent contribution from HUD's research partners and that all non-competitive agreements comply with the Federal Funding Accountability and Transparency Act of 2006. The conferees have not included funding for the doctoral research grant program or the young scholars post doctoral program.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

The conference agreement provides $70,847,000 for the fair housing program as proposed by the Senate instead of $72,000,000 as proposed by the House. Of this amount, $42,500,000 is for the Fair Housing Initiatives Program and $28,347,000 is for the Fair Housing Assistance Program.

The conference agreement includes $300,000 to continue the translation and promotion of materials to assist persons with limited English proficiency, as proposed by the Senate.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

The conference agreement provides $120,000,000 for the Lead Hazard Reduction program, as proposed by the Senate. Of this amount, the conference agreement includes up to $10,000,000 for the Healthy Homes Initiative, as similarly proposed by the House, and $45,000,000 for areas with the highest lead abatement needs, as proposed by the Senate.

WORKING CAPITAL FUND

The conference agreement includes $199,035,000 for the Working Capital Fund (WCF), instead of $218,460,000 as proposed by the House and $192,475,000 as proposed by the Senate. The conferees concur with the Senate proposal to fund the salaries and expenses of the WCF under the Administration, Operations and Management account and the requirement that GAO continues to audit, evaluate and report on HUD's IT spend plans, program oversight and IT management.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $124,000,000 for the Office of Inspector General, as opposed to $115,000,000 as proposed by the House and $124,750,000 as proposed by the Senate.

The conferees are concerned about the number of HUD IG field offices and their associated costs, and direct the IG to conduct a review of its field office location policy. In conducting this review, the IG should look for opportunities to achieve efficiencies in its operations, and use existing performance measures such as cases and audits opened and closed, total dollars recovered, convictions made, program improvements identified, and other pertinent measures to determine potential cost savings and office consolidation. This review shall be completed within 180 days of enactment of this Act and delivered to the Committees on Appropriations of the House and Senate.

TRANSFORMATION INITIATIVE

The conference agreement provides $50,000,000 for activities of the Transformation Initiative (TI), instead of $49,745,000 as proposed by the House and a 0.5 percent takedown and transfer as

proposed by the Senate. Funds are available until September 30, 2014.

Of the funds provided, the conference agreement recommends funding the following activities: biennial NOFAs; continuation of the study on the impact of housing on young children; the disciplinary research team; continuation of the pre-purchase counseling study; continuation of the rent reform demonstration; independent PHA assessments, physical needs assessments, and technical assistance for troubled PHAs; the joint core skills certification proposal; Office of Native American Programs technical assistance; and the fair housing and equal opportunity assessment. Further, at least $23,000,000 shall be for OneCPD.

The conferees will allow up to $5,000,000 to be used for the National Resource Bank, provided that the Department can demonstrate a similar level of effort by its other Federal partners.

The Secretary may amend the activities proposed for the fiscal year 2012 Transformation Initiative through the reprogramming process with approval from the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

Section 201 splits overpayments evenly between Treasury and State HFAs, as proposed by the House and Senate.

Section 202 precludes the use of funds to prosecute or investigate legal activities under the Fair Housing Act, as proposed by the House and Senate.

Section 203 continues language to correct anomalies for HOPWA and specifies jurisdictions in New York and New Jersey and uses three year average, as proposed by the House and Senate.

Section 204 requires that funds are to be subject to competition unless specified otherwise in statute, as proposed by the House and Senate.

Section 205 allows HUD to use funds for services to reimburse the Government National Mortgage Association (GNMA), Fannie Mae and other Federal entities for facilities as proposed by the House and Senate.

Section 206 requires HUD to comport with the budget estimates except as otherwise provided in this Act or through an approved reprogramming, as proposed by the House and Senate.

Section 207 provides authorization for HUD corporations to utilize funds under certain conditions and restrictions, as proposed by the House and Senate.

Section 208 requires a report on unexpended balances each quarter, as proposed by the House and Senate.

Section 209 specifies the distribution of AIDS funds to New Jersey and North Carolina, as proposed by the House and Senate.

Section 210 requires that the Administration's budget and the Department's budget justifications for fiscal year 2013 shall be submitted in the identical account and sub-account structure provided in this Act, as proposed by the House and Senate.

Section 211 exempts PHA Boards in Alaska, Iowa, and Mississippi and the County of Los Angeles from public housing resident representation requirements, as proposed by the House and Senate.

Section 212 authorizes HUD to transfer debt and use agreements from an obsolete project to a viable project, provided that no additional costs are incurred, and other conditions are met, as proposed by the Senate. Similar language was proposed by the House.

Section 213 distributes Native American Housing Block Grant funds to the same Native Alaskan recipients as 2005, as proposed by the House and Senate.

Section 214 prohibits the HUD Inspector General from changing the basis on which the audit of GNMA is conducted, as proposed by the House and Senate.

Section 215 modifies a provision proposed by the House and Senate on the requirements for eligibility for Section 8 voucher assistance, and includes a consideration for persons with disabilities.

Section 216 authorizes the Secretary to insure mortgages under Section 255(g) of the National Housing Act, as proposed by the House and Senate.

Section 217 instructs HUD on managing and disposing of any multifamily property that is owned by HUD, similar to what was proposed by the House and Senate.

Section 218 provides that the Secretary shall report quarterly on HUD's use of all sole source contracts, as proposed by the House and Senate.

Section 219 authorizes the Secretary to waive certain requirements on adjusted income for certain assisted living projects for counties in Michigan, as proposed by the Senate.

Section 220 continues to allow the recipient of a section 202 grant to establish a single-asset non-profit entity to own the project and may lend the grant funds to such entity, as proposed by the House and Senate.

Section 221 continues to allow amounts provided under the Section 108 loan guarantee program to be used to guarantee notes, as proposed by the House.

Section 222 extends the HOPE VI program until 2012, as proposed by the Senate.

Section 223 allows PHAs that own and operate 400 units or fewer of public housing to be exempt from asset management requirements, as proposed by the House and Senate.

Section 224 restricts the Secretary from imposing any requirement or guideline relating to asset management that restricts or limits the use of capital funds for central office costs, up to the limit established in QWHRA, as proposed by the House and Senate.

Section 225 directs that no employee shall be designated as an allotment holder unless the CFO determines that they have received training, and that the CFO shall ensure that trained allotment holders are designated within 90 days of enactment, as proposed by the House and Senate.

Section 226 requires that the Secretary shall report quarterly on the status of all Project-Based Section 8 housing, as proposed by the House and Senate.

Section 227 provides that funding for indemnities is limited to non-programmatic litigation, as proposed by the House and Senate.

Section 228 provides that the Secretary shall publish all NOFAs on the Internet, as proposed by the House and Senate.

Section 229 modifies the reprogramming guidelines for the Administration, Operations and Management account, the Program Office Salaries and Expenses account, and transfers between the two.

Section 230 continues the provision that allows the Disaster Housing Assistance Program to be considered a program of HUD for the purpose of income verification, as proposed by the House and Senate.

Section 231 modifies a provision to require the Comptroller General to conduct a study of CPD block grants, as proposed by the House.

Section 232 requires the Secretary to improve data quality, data management, and grantee oversight and accountability at the Office of Community Planning and Development, as proposed by the House.

Section 233 allows the Secretary to transfer up to $10,000,000 of salaries and expenses funds to the "Working Capital Fund" as proposed by the Senate.

Section 234 modifies a provision that limits Section 8 (tenant-based rental assistance only) and Section 9 funds from being used to compensate PHA employee salaries that exceed the annual rate of basic pay payable for a position at level IV of the Executive Schedule for fiscal year 2012.

Section 235 strikes the "Flexible Subsidy Fund" provision from Title II of division I of Public Law 108–447 and title III of Public Law 109–115, as proposed by the Senate.

Section 236 modifies a provision proposed by the Senate to rescind $650,000,000 from the advance appropriation provided for Tenant-Based Rental Assistance in fiscal year 2011.

Section 237 extends the Mark-to-Market program under the Multifamily Assisted Housing Reform and Affordability Act until October 1, 2015, as proposed by the Senate.

Section 238 raises the FHA loan limits through December 31, 2013, modifying a provision proposed by the Senate.

Section 239 provides that up to $300,000,000 of the funds provided for the Community Development Fund plus an additional $100,000,000 in disaster funds shall be available for disaster relief.

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

The conference agreement includes $7,400,000 for the salaries and expenses of the Access Board.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $24,100,000 for the salaries and benefits of the Federal Maritime Commission as proposed by the Senate, instead of $24,087,000 as proposed by the House. Of the funds provided, not more than $2,000 can be used for official reception and representation expenses. The conference agreement does not include an FTE cap as proposed by the House.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $20,500,000 for Amtrak's Office of Inspector General (Amtrak OIG), instead of $22,000,000 as proposed by the House, and $19,311,000 as proposed by the Senate. The agreement requires Amtrak OIG to submit a comprehensive budget justification for fiscal year 2013 in similar format and substance to those submitted by other agencies of the federal government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $102,400,000 for the salaries and expenses of the National Transportation Safety Board (NTSB), as proposed by the House. Of this amount, no more than $2,000 may be used for official reception and representation expenses, as proposed by both the House and the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conference agreement provides $215,300,000 for the Neighborhood Reinvestment Corporation, as proposed by the House, instead of $200,000,000 as proposed by the Senate.

The conference agreement includes $80,000,000 for the National Foreclosure Mitigation Counseling (NFMC) program as proposed by the House instead of $65,000,000 as proposed by the Senate. The conferees modify both House and Senate language to allow 5 percent of NFMC funds go towards administrative costs.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

The conference agreement provides $3,300,000. The conferees recommend the increase in this account to be used for the transfer of 5 FTE from HUD to the Interagency Council on Homelessness (ICH).

Homeless Veterans.—The conferees reiterate language in the Senate report, which directs ICH to continue working with HUD, the Department of Veterans Affairs, and other federal and local partners to improve the HUD–VASH program and address veteran

homelessness. The conferees direct ICH to provide a report to the Committees on Appropriations and the relevant authorizing committees on progress being made and opportunities for improvement in the specific areas identified in the Senate report.

TITLE IV—GENERAL PROVISIONS, THIS ACT

Section 401 continues the provision as proposed by the House and the Senate requiring pay raises to be funded within appropriated levels in this Act or previous Appropriations Acts.

Section 402 continues the provision as proposed by the House and the Senate prohibiting pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 403 continues the provision as proposed by the House and the Senate prohibiting obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 404 continues the provision as proposed by the House and the Senate requiring consulting service expenditures of public record in procurement contracts.

Section 405 continues the provision as proposed by the House and the Senate specifying reprogramming procedures by subjecting the establishment of new offices and reorganizations to the reprogramming process.

Section 406 continues the provision as proposed by the Senate providing that fifty percent of unobligated S&E balances may remain available for certain purposes.

Section 407 continues the provision as proposed by the House and the Senate requiring agencies and departments funded herein to report on sole source contracts.

Section 408 continues the provision as proposed by the House and the Senate prohibiting Federal training not directly related to the performance of official duties.

Section 409 continues the provision as proposed by the House and the Senate that prohibits funds from being used for any project that seeks to use the power of eminent domain unless eminent domain is employed only for a public use.

Section 410 continues a provision as proposed by the House and the Senate that denies the transfer of funds made available in this Act to any instrumentality of the United States Government except as authorized by this Act or any other Appropriations Act.

Section 411 continues a provision as proposed by the House and the Senate that prohibits funds in this Act from being used to permanently replace an employee intent on returning to his past occupation after completion of military service.

Section 412 continues a provision as proposed by the House and the Senate that prohibits funds in this Act from being used unless the expenditure is in compliance with the Buy American Act.

Section 413 continues a provision as proposed by the House and the Senate that prohibits funds from being appropriated or made available to any person or entity that has been found to violate the Buy American Act.

Section 414 prohibits funds for first-class airline accommodations in contravention of section 301–10.122 and 301–10.123 of title 41 CFR as proposed by the House.

Section 415 prohibits funds in this Act from going to the group ACORN or its subsidiaries as proposed by the House and Senate.

Section 416 requires all agencies and departments funded in this Act to report vehicle fleet inventory and associated costs to Congress at the end of fiscal year 2012.

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION				
Office of the Secretary				
Salaries and expenses	102,481	118,842	102,481	---
Immediate Office of the Secretary	(2,626)	---	(2,618)	(-8)
Immediate Office of the Deputy Secretary	(984)	---	(984)	---
Office of the General Counsel	(20,318)	---	(19,515)	(-803)
Office of the Under Secretary of Transportation for Policy	(11,078)	---	(10,107)	(-971)
Office of the Assistant Secretary for Budget and Programs	(10,538)	---	(10,538)	---
Office of the Assistant Secretary for Governmental Affairs	(2,499)	---	(2,500)	(+1)
Office of the Assistant Secretary for Administration	(25,469)	---	(25,469)	---
Office of Public Affairs	(2,051)	---	(2,020)	(-31)
Office of the Executive Secretariat	(1,655)	---	(1,595)	(-60)
Office of Small and Disadvantaged Business Utilization	(1,496)	---	(1,369)	(-127)
Office of Intelligence, Security, and Emergency Response	(10,579)	---	(10,778)	(+199)
Office of the Chief Information Officer	(13,189)	---	(14,988)	(+1,799)
Subtotal	102,481	118,842	102,481	---
National infrastructure investments	526,944	---	500,000	-26,944
Multi-year investment initiative	---	2,000,000	---	---

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Livable communities initiative	---	10,000	---	---
Financial management capital	4,990	17,000	4,990	---
Cyber security initiatives	---	---	10,000	+10,000
Office of Civil Rights	9,648	9,661	9,384	-264
Transportation planning, research, and development	9,799	9,824	9,000	-799
Working capital fund	(147,301)	(192,000)	(172,000)	(+24,699)
Minority business resource center program	921	922	922	+1
(Limitation on guaranteed loans)	(18,330)	(18,367)	(18,367)	(+37)
Minority business outreach	3,068	3,100	3,068	---
Payments to air carriers (Airport & Airway Trust Fund)	149,700	123,254	143,000	-6,700
Rescission of excess compensation for general aviation operations (Sec. 106)	---	-3,000	-3,254	-3,254
Total, Office of the Secretary	807,551	2,289,603	779,591	-27,960
National infrastructure bank (investment initiative)	---	5,000,000	---	---
Federal Aviation Administration				
Operations	9,513,962	9,823,000	9,653,395	+139,433
Air traffic organization	(7,473,299)	---	(7,442,738)	(-30,561)
Aviation safety	(1,253,020)	---	(1,252,991)	(-29)
Commercial space transportation	---	---	(16,271)	(+16,271)
Finance and management	---	---	(582,117)	(+582,117)
Human resources programs	---	---	(98,858)	(+98,858)
Region and center operations	---	---	---	---
Staff offices	---	---	(200,286)	(+200,286)
Information services	---	---	---	---
NextGen	---	---	(60,134)	(+60,134)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Facilities & equipment (Airport & Airway Trust Fund)..	2,730,731	2,870,000	2,730,731	---
Multi-year investment initiative.....	---	250,000	---	---
Research, engineering, and development (Airport & Airway Trust Fund.....	169,660	190,000	167,556	-2,104
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization).....	(3,550,000)	(3,600,000)	(3,435,000)	(-115,000)
(Limitation on obligations).....	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Administration.....	(93,422)	(101,000)	(101,000)	(+7,578)
Airport Cooperative Research Program.....	(15,000)	(15,000)	(15,000)	---
Airport technology research.....	(22,472)	(29,250)	(29,250)	(+6,778)
Small community air service development program...	(6,000)	---	(6,000)	---
Multi-year investment initiative.....	---	(3,100,000)	---	---
Aviation insurance revolving fund (Sec. 115).....	---	-1,000	---	---
Total, Federal Aviation Administration.....	12,414,353	13,132,000	12,551,682	+137,329
(Limitations on obligations).....	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Total budgetary resources.....	(15,929,353)	(16,647,000)	(15,901,682)	(-27,671)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Federal Highway Administration				
Limitation on administrative expenses	(413,533)	(437,172)	(412,000)	(-1,533)
Federal-aid highways (Highway Trust Fund):				
(Liquidation of contract authorization)	(41,846,000)	(70,414,000)	(39,882,583)	(-1,963,417)
(Limitation on obligations)	(41,107,000)	(42,025,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---
Multi-year investment initiative	---	(27,650,000)	---	---
Emergency relief (disaster relief category)	---	---	1,662,000	+1,662,000
Rescission of contract authority (Highway Trust Fund)	-2,500,000	---	---	+2,500,000
Rescission of old demos	-630,000	-630,000	---	+630,000
Total, Federal Highway Administration	-3,130,000	-630,000	1,662,000	+4,792,000
Appropriations	---	---	---	---
Rescissions of contract authority	(-3,130,000)	(-630,000)	---	(+3,130,000)
(Limitations on obligations)	(41,107,000)	(69,675,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---
Total budgetary resources	(38,716,000)	(69,784,000)	(41,544,583)	(+2,828,583)
Federal Motor Carrier Safety Administration				
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	(245,000)	(276,000)	(247,724)	(+2,724)
(Limitation on obligations)	(245,000)	(276,000)	(247,724)	(+2,724)
Motor carrier safety grants (Highway Trust Fund)				
(Liquidation of contract authorization)	(310,070)	(330,000)	(307,000)	(-3,070)
(Limitation on obligations)	(310,070)	(330,000)	(307,000)	(-3,070)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
CVISN contract authority (Sec. 131)	---	---	1,000	+1,000
Rescission of contract authority	---	---	-1,000	-1,000
Total, Federal Motor Carrier Safety Administration	---	---	---	---
(Limitations on obligations)	(555,070)	(606,000)	(554,724)	(-346)
National Highway Traffic Safety Administration				
Operations and research (general fund)	140,146	---	140,146	---
Vehicle safety	---	170,709	---	---
Operations and research (Highway Trust Fund)				
(Liquidation of contract authorization)	(105,500)	(133,191)	(109,500)	(+4,000)
(Limitation on obligations)	(105,500)	(133,191)	(109,500)	(+4,000)
Subtotal	140,146	170,709	140,146	---
National driver register (Highway Trust Fund)				
(Liquidation of contract authorization)	(4,000)	---	---	(-4,000)
(Limitation on obligations)	(4,000)	---	---	(-4,000)
National driver register modernization	3,343	---	---	-3,343
Highway traffic safety grants (Highway Trust Fund)				
(Liquidation of contract authorization)	(619,500)	(556,100)	(550,328)	(-69,172)
(Limitation on obligations)	(619,500)	(556,100)	(550,328)	(-69,172)
Highway safety programs (23 USC 402)	(235,000)	(235,000)	(235,000)	---
Occupant protection incentive grants(23 USC 405)	(25,000)	(35,000)	(25,000)	---
Safety belt performance grants (23 USC 406)	(124,500)	---	(48,500)	(-76,000)
Distracted driving prevention	---	(50,000)	---	---

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
State traffic safety information system improvement(23 USC 408)	(34,500)	(34,500)	(34,500)	---
Impaired driving countermeasures (23 USC 410)	(139,000)	(139,000)	(139,000)	---
Grant administration	(18,500)	(18,600)	(25,328)	(+6,828)
High visibility enforcement	(29,000)	(37,000)	(29,000)	---
Child safety and booster seat grants	(7,000)	---	(7,000)	---
Motorcyclist safety	(7,000)	(7,000)	(7,000)	---
Rescission of contract authority	-76,000	---	---	+76,000
Total, National Highway Traffic Safety Admin.	67,489	170,709	140,146	+72,657
Appropriations	(143,489)	---	(140,146)	(-3,343)
Rescissions of contract authority	(-76,000)	---	---	(+76,000)
(Limitations on obligations)	(729,000)	(689,291)	(659,828)	(-69,172)
Total budgetary resources	(796,489)	(860,000)	(799,974)	(+3,485)
Federal Railroad Administration				
Safety and operations	176,596	223,034	178,596	+2,000
Offsetting fee collections	---	-40,000	---	---
Subtotal	176,596	183,034	178,596	+2,000
Railroad research and development	35,030	40,000	35,000	-30
Rail line relocation and improvement program	10,511	---	---	-10,511

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
System preservation	---	1,546,000	---	---
Multi-year investment initiative	---	2,500,000	---	---
Subtotal	---	4,046,000	---	---
Network Development	---	1,000,000	---	---
Multi-year investment initiative	---	3,000,000	---	---
Subtotal	---	4,000,000	---	---
Capital assistance for high speed rail corridors and intercity passenger rail service	---	---	---	---
Rescission	-400,000	---	---	+400,000
National Railroad Passenger Corporation:				
Operating grants to the National Railroad Passenger Corporation	561,874	---	466,000	-95,874
Capital and debt service grants to the National Railroad Passenger Corporation	921,778	---	952,000	+30,222
Subtotal	1,483,652	---	1,418,000	-65,652
Total, Federal Railroad Administration	1,305,789	8,269,034	1,631,596	+325,807
Federal Transit Administration				
Administrative expenses	98,713	---	98,713	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	(9,400,000)	---	(9,400,000)	---
(Limitation on obligations)	(8,343,171)	---	(8,360,565)	(+17,394)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Research and technology deployment	---	166,472	---	---
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	---	(10,000,000)	---	---
(Limitation on obligations)	---	(4,691,986)	---	---
Multi-year investment initiative	---	(3,000,000)	---	---
Transit expansion and livable communities (liquidation of contract authorization)	---	(600,000)	---	---
(limitation on obligations)	---	(233,514)	---	---
Capital investment grants	---	2,235,556	---	---
Multi-year investment initiative	---	1,000,000	---	---
Subtotal	---	3,235,556	---	---
Operations and safety	---	166,294	---	---
Administrative programs	---	(129,700)	---	---
Rail transit safety programs	---	(36,594)	---	---
Research and University Research Centers	58,882	---	44,000	-14,882
Bus and rail state of good repair (liquidation of contract authorization)	---	(3,000,000)	---	---
(limitation on obligations)	---	(3,207,178)	---	---
Multi-year investment initiative	---	(7,500,000)	---	---
Capital investment grants	1,596,800	---	1,955,000	+358,200
Energy efficiency and greenhouse gas reduction grants	49,900	---	---	-49,900
Rescission	-280,000	---	-58,500	+221,500

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Washington Metropolitan Area Transit Authority capital and preventive maintenance	149,700	150,000	150,000	+300
Total, Federal Transit Administration	1,673,995	3,718,322	2,189,213	+515,218
(Limitations on obligations)	(8,343,171)	(18,632,678)	(8,360,565)	(+17,394)
Total budgetary resources	(10,017,166)	(22,351,000)	(10,549,778)	(+532,612)
Saint Lawrence Seaway Development Corporation				
Operations and maintenance (Harbor Maintenance Trust Fund)	32,259	33,996	32,259	---
Maritime Administration				
Maritime security program	173,652	174,000	174,000	+348
Operations and training	151,446	161,539	156,258	+4,812
Rescission	---	---	-980	-980
Ship disposal	14,970	18,500	5,500	-9,470
Assistance to small shipyards	9,980	---	9,980	---
Vessel operations revolving fund	---	---	---	---
Maritime Guaranteed Loan (Title XI) Program Account:				
Administrative expenses	3,992	3,740	3,740	-252
Rescission	---	-54,100	-35,000	-35,000
Guaranteed loans subsidy	4,990	---	---	-4,990
Subtotal	8,982	-50,360	-31,260	-40,242
Total, Maritime Administration	359,030	303,679	313,498	-45,532

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Pipeline and Hazardous Materials Safety Administration				
Administrative expenses:				
General Fund	21,454	21,519	20,721	-733
Pipeline Safety Fund	638	639	639	+1
Pipeline Safety information grants to communities	(998)	(1,000)	(1,000)	(+2)
Subtotal	22,092	22,158	21,360	-732
Hazardous materials safety	39,020	50,089	42,338	+3,318
Offsetting collections (legislative proposal)	---	-12,000	---	---
Subtotal	39,020	38,089	42,338	+3,318
Pipeline safety:				
Pipeline Safety Fund	87,838	93,854	90,679	+2,841
Oil Spill Liability Trust Fund	18,867	21,510	18,573	-294
Pipeline Safety Design Review Fund (leg proposal)	---	4,000	---	---
Pipeline Safety Special Permit Fund (leg proposal)	---	500	---	---
Subtotal	18,691	19,371	17,934	-757
Emergency preparedness grants:				
Limitation on emergency preparedness fund	(28,318)	(28,318)	(28,318)	---
(Emergency preparedness fund)	(188)	(188)	(188)	---
Total, Pipeline and Hazardous Materials Safety Administration	79,803	79,618	81,632	+1,829

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Research and Innovative Technology Administration				
Research and development	12,981	17,600	15,981	+3,000
Office of Inspector General				
Salaries and expenses	74,964	89,185	79,624	+4,660
Surface Transportation Board				
Salaries and expenses	29,010	31,250	29,310	+300
Offsetting collections	-1,250	-1,250	-1,250	---
Total, Surface Transportation Board	27,760	30,000	28,060	+300
Total, title I, Department of Transportation	13,725,974	32,503,746	19,505,282	+5,779,308
Appropriations	(17,611,974)	(33,190,846)	(17,942,016)	(+330,042)
Rescissions	(-680,000)	(-57,100)	(-97,734)	(+582,266)
Disaster relief category	---	---	(1,662,000)	(+1,662,000)
Rescissions of contract authority	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
(Limitations on obligations)	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
Total budgetary resources	(67,975,215)	(128,721,715)	(71,573,982)	(+3,598,767)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Management and Administration				
Executive direction	26,801	30,408	---	-26,801
Administration, operations and management	523,990	530,117	537,789	+13,799
Program Office Salaries and Expenses:				
Public and Indian Housing	188,696	189,610	200,000	+11,304
Community Planning and Development	96,795	99,815	100,000	+3,205
Housing	381,123	397,660	391,500	+10,377
Policy Development and Research	19,100	21,390	22,211	+3,111
Fair Housing and Equal Opportunity	71,656	70,733	72,600	+944
Office of Healthy Homes and Lead Hazard Control	7,137	7,167	7,400	+263
Office of Sustainable Housing and Communities	---	3,100	---	---
Subtotal	764,507	789,475	793,711	+29,204
Total, Management and Administration	1,315,298	1,350,000	1,331,500	+16,202
Public and Indian Housing				
Tenant-based rental assistance:				
Renewals	16,669,283	17,143,837	17,242,351	+573,068
Tenant protection vouchers	109,780	75,000	75,000	-34,780
Administrative fees	1,447,100	1,647,780	1,350,000	-97,100
Family self-sufficiency coordinators	59,880	60,000	60,000	+120
Veterans affairs supportive housing	49,900	75,000	75,000	+25,100
Sec. 811 Mainstream voucher renewals	34,930	114,046	112,018	+77,088

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Disaster housing assistance program	---	50,000	---	---
Homeless vouchers demonstration program	---	56,906	---	---
Subtotal (available this fiscal year)	18,370,873	19,222,569	18,914,369	+543,496
Advance appropriations	4,000,000	4,000,000	4,000,000	---
Less appropriations from prior year advances	-3,992,000	-4,000,000	-4,000,000	-8,000
Total, Tenant-based rental assistance appropriated in this bill	18,378,873	19,222,569	18,914,369	+535,496
Transforming rental assistance demonstration program	---	200,000	---	---
Public Housing Capital Fund	2,040,112	2,405,345	1,875,000	-165,112
Public Housing Operating Fund	4,616,748	3,961,850	3,961,850	-654,898
Revitalization of severely distressed public housing	99,800	---	---	-99,800
Choice neighborhoods	---	250,000	120,000	+120,000
Native American housing block grants	648,700	700,000	650,000	+1,300
Native Hawaiian housing block grant	12,974	10,000	13,000	+26
Indian housing loan guarantee fund program account	6,986	7,000	6,000	-986
(Limitation on guaranteed loans)	(919,000)	(428,000)	(360,000)	(-559,000)
Native Hawaiian loan guarantee fund program account	1,042	---	386	-656
(Limitation on guaranteed loans)	(41,504)	---	(41,504)	---
Housing Certificate Fund	---	50,000	---	---
Rescission	---	-50,000	-200,000	-200,000
Total, Public and Indian Housing	25,805,235	26,756,764	25,340,605	-464,630

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Community Planning and Development				
Housing opportunities for persons with AIDS	334,330	335,000	332,000	-2,330
Community development fund	3,500,984	3,781,368	2,948,090	-552,894
Indian CDBG	---	---	60,000	+60,000
Disaster relief	---	---	300,000	+300,000
(Disaster relief category)	---	---	100,000	+100,000
Subtotal	3,500,984	3,781,368	3,408,090	-92,894
Community development loan guarantees (Section 108):				
(Limitation on guaranteed loans)	(275,000)	(500,000)	(240,000)	(-35,000)
Credit subsidy	5,988	---	5,952	-36
HOME investment partnerships program	1,606,780	1,650,000	1,000,000	-606,780
Self-help and assisted homeownership opportunity program	81,836	---	53,500	-28,336
Capacity building	---	50,000	---	---
Homeless assistance grants	1,901,190	2,372,000	1,901,190	---
Total, Community Planning and Development	7,431,108	8,188,368	6,700,732	-730,376

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Housing Programs				
Project-based rental assistance:				
Renewals	8,932,100	9,139,672	9,050,672	+118,572
Contract administrators	325,348	289,000	289,000	-36,348
Subtotal (available this fiscal year)	9,257,448	9,428,672	9,339,672	+82,224
Advance appropriations	400,000	400,000	400,000	---
Less appropriations from prior year advances	-392,885	-400,000	-400,000	-7,115
Total, Project-based rental assistance appropriated in this bill	9,264,563	9,428,672	9,339,672	+75,109
Housing for the elderly	399,200	757,000	374,627	-24,573
Housing for persons with disabilities	149,700	196,000	165,000	+15,300
Housing counseling assistance	---	88,000	45,000	+45,000
Rental housing assistance	39,920	15,733	1,300	-38,620
Rent supplement (rescission)	-40,600	-6,600	-231,600	-191,000
Manufactured housing fees trust fund	15,982	14,000	6,500	-9,482
Offsetting collections	-7,000	-7,000	-4,000	+3,000
Subtotal	8,982	7,000	2,500	-6,482
Total, Housing Programs	9,821,765	10,485,805	9,696,499	-125,266
Appropriations	(9,869,365)	(10,499,405)	(9,932,099)	(+62,734)
Rescissions	(-40,600)	(-6,600)	(-231,600)	(-191,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Federal Housing Administration				
FHA - Mutual mortgage insurance program account:				
(Limitation on guaranteed loans)	(399,200,000)	(400,000,000)	(400,000,000)	(+800,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---
Offsetting receipts	-960,000	-4,427,000	-4,427,000	-3,467,000
Proposed offsetting receipts (HECM)(Sec. 210)	---	-286,000	-286,000	-286,000
Additional offsetting receipts	-2,076,000	---	---	+2,076,000
Additional offsetting receipts (Sec. 145)	-35,000	---	---	+35,000
Additional offsetting receipts (Sec. 238)	---	---	-59,000	-59,000
Administrative contract expenses	206,586	230,000	207,000	+414
Working capital fund (transfer out)	---	(-72,000)	(-71,500)	(-71,500)
FHA - General and special risk program account:				
(Limitation on guaranteed loans)	(20,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)
(Limitation on direct loans)	(20,000)	(20,000)	(20,000)	---
Offsetting receipts	-315,000	-400,000	-400,000	-85,000
Credit subsidy	8,583	8,600	---	-8,583
Total, Federal Housing Administration	-3,170,831	-4,874,400	-4,965,000	-1,794,169
Government National Mortgage Association (GNMA)				
Guarantees of mortgage-backed securities loan guarantee program account:				
(Limitation on guaranteed loans)	(500,000,000)	(500,000,000)	(500,000,000)	---
Administrative expenses (legislative proposal)	11,073	30,000	19,500	+8,427
Offsetting receipts (legislative proposal)	---	-100,000	-100,000	-100,000
Offsetting receipts	-720,000	-521,000	-521,000	+199,000
Offsetting receipts (Sec. 145)	-9,000	---	---	+9,000

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Offsetting receipts (Sec. 238).....	---	---	-5,000	-5,000
Proposed offsetting receipts (HECM) (Sec. 210)....	---	-24,000	-24,000	-24,000
Total, Gov't National Mortgage Association....	-717,927	-615,000	-630,500	+87,427
Policy Development and Research				
Research and technology.....	47,904	57,000	46,000	-1,904
Fair Housing and Equal Opportunity				
Fair housing activities.....	71,856	72,000	70,847	-1,009
Office of Lead Hazard Control and Healthy Homes				
Lead hazard reduction.....	119,760	140,000	120,000	+240
Office of Sustainable Housing and Communities				
Sustainable Housing Initiative.....	---	150,000	---	---
Management and Administration				
Working capital fund.....	199,600	243,000	199,035	-565
(By transfer).....	---	(72,000)	(71,500)	(+71,500)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of Inspector General	124,750	126,455	124,000	-750
Transformation initiative	70,858	---	50,000	-20,858
Total, Management and Administration	395,208	369,455	373,035	-22,173
(Grand total, Management and Administration)	(1,710,506)	(1,719,455)	(1,704,535)	(-5,971)
General Provisions				
Rescission of prior year advance (Sec. 235)	---	---	-650,000	-650,000
Total, title II, Department of Housing and Urban Development	41,119,376	42,079,992	37,433,718	-3,685,658
Appropriations	(40,881,976)	(43,501,592)	(39,841,318)	(-1,040,658)
Rescissions	(-40,600)	(-56,600)	(-431,600)	(-391,000)
Advance appropriations	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances	---	---	(-650,000)	(-650,000)
Offsetting receipts	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(By transfer)	---	(72,000)	(71,500)	(+71,500)
(Transfer out)	---	(-72,000)	(-71,500)	(-71,500)
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	---
(Limitation on guaranteed loans)	(920,435,504)	(925,928,000)	(925,641,504)	(+5,206,000)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III - OTHER INDEPENDENT AGENCIES				
Access Board	7,285	7,400	7,400	+115
Federal Maritime Commission	24,087	26,265	24,100	+13
Amtrak Office of Inspector General	19,311	22,000	20,500	+1,189
National Transportation Safety Board				
Salaries and expenses	97,854	102,400	102,400	+4,546
Neighborhood Reinvestment Corporation	232,734	215,300	215,300	-17,434
United States Interagency Council on Homelessness	2,675	3,880	3,300	+625
Fannie Mae/Freddie Mac (Sec. 146)	155,000	---	---	-155,000
Total, title III, Other Independent Agencies	538,946	377,245	373,000	-165,946

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total (net)	55,384,296	74,960,983	57,312,000	+1,927,704
Appropriations	(59,032,896)	(77,069,683)	(58,156,334)	(-876,562)
Rescissions	(-720,600)	(-113,700)	(-529,334)	(+191,266)
Disaster relief category	---	---	(1,762,000)	(+1,762,000)
Rescissions of contract authority	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
Advance appropriations	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances	---	---	(-650,000)	(-650,000)
Negative subsidy receipts	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(Limitation on obligations)	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
(By transfer)	---	(72,000)	(71,500)	(+71,500)
(Transfer out)	---	(-72,000)	(-71,500)	(-71,500)
Total budgetary resources	(109,633,537)	(171,178,952)	(109,380,700)	(-252,837)
Discretionary total	(55,367,000)	(74,960,983)	(55,550,000)	(+183,000)

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

The conference agreement includes an extension of continuing appropriations for fiscal year 2012 through December 16, 2011. No new continuing resolution anomalies are included.

The conferees direct the Department of Defense to continue to carry out, for the duration of the continuing resolution, the counternarcotics programs conducted in fiscal year 2011 and reauthorized in the National Defense Authorization Act for Fiscal Year 2012 as passed by the House of Representatives (Sections 1011, 1012, and 1014) and reported by the Senate Committee on Armed Services (Sections 1011, 1014, and 1015).

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
FRANK R. WOLF,
JACK KINGSTON,
TOM LATHAM,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN ABNEY CULBERSON,
JOHN R. CARTER,
JO BONNER,
STEVEN C. LATOURETTE,
NORMAN D. DICKS,
ROSA L. DELAURO,
JOHN W. OLVER,
ED PASTOR,
DAVID E. PRICE,
SAM FARR,
CHAKA FATTAH,
ADAM B. SCHIFF,
Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
BEN NELSON,
MARK L. PRYOR,
SHERROD BROWN,
DANIEL K. INOUYE,
PATTY MURRAY,
BARBARA A. MILKULSKI,
ROY BLUNT,
THAD COCHRAN,
MITCH MCCONNELL,
SUSAN M. COLLINS,
JERRY MORAN,
JOHN HOEVEN,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

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