

## Calendar No. 511

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. J. RES. 117**

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2012

Received; read twice and ordered placed on the calendar

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**JOINT RESOLUTION**

Making continuing appropriations for fiscal year 2013, and  
for other purposes.

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*  
3 That the following sums are hereby appropriated, out of  
4 any money in the Treasury not otherwise appropriated,  
5 and out of applicable corporate or other revenues, receipts,  
6 and funds, for the several departments, agencies, corpora-  
7 tions, and other organizational units of Government for  
8 fiscal year 2013, and for other purposes, namely:

9       SEC. 101. (a) Such amounts as may be necessary,  
10 at a rate for operations as provided in the applicable ap-  
11 propriations Acts for fiscal year 2012 and under the au-

1 thority and conditions provided in such Acts, for con-  
2 tinuing projects or activities (including the costs of direct  
3 loans and loan guarantees) that are not otherwise specifi-  
4 cally provided for in this joint resolution, that were con-  
5 ducted in fiscal year 2012, and for which appropriations,  
6 funds, or other authority were made available in the fol-  
7 lowing appropriations Acts:

8           (1) The Agriculture, Rural Development, Food  
9           and Drug Administration, and Related Agencies Ap-  
10          propriations Act, 2012 (division A of Public Law  
11          112–55), except for the appropriations designated by  
12          the Congress as being for disaster relief in section  
13          735 of such Act.

14          (2) The Commerce, Justice, Science, and Re-  
15          lated Agencies Appropriations Act, 2012 (division B  
16          of Public Law 112–55), except for the appropriation  
17          designated by the Congress as being for disaster re-  
18          lief in the second paragraph under the heading “De-  
19          partment of Commerce—Economic Development Ad-  
20          ministration—Economic Development Assistance  
21          Programs” in such Act.

22          (3) The Department of Defense Appropriations  
23          Act, 2012 (division A of Public Law 112–74).

1           (4) The Energy and Water Development Appro-  
2           priations Act, 2012 (division B of Public Law 112-  
3           74).

4           (5) The Financial Services and General Govern-  
5           ment Appropriations Act, 2012 (division C of Public  
6           Law 112-74).

7           (6) The Department of Homeland Security Ap-  
8           propriations Act, 2012 (division D of Public Law  
9           112-74).

10          (7) The Department of the Interior, Environ-  
11          ment, and Related Agencies Appropriations Act,  
12          2012 (division E of Public Law 112-74).

13          (8) The Departments of Labor, Health and  
14          Human Services, and Education, and Related Agen-  
15          cies Appropriations Act, 2012 (division F of Public  
16          Law 112-74).

17          (9) The Legislative Branch Appropriations Act,  
18          2012 (division G of Public Law 112-74).

19          (10) The Military Construction and Veterans  
20          Affairs and Related Agencies Appropriations Act,  
21          2012 (division H of Public Law 112-74).

22          (11) The Department of State, Foreign Oper-  
23          ations, and Related Programs Appropriations Act,  
24          2012 (division I of Public Law 112-74).

1           (12) The Transportation, Housing and Urban  
2           Development, and Related Agencies Appropriations  
3           Act, 2012 (division C of Public Law 112–55), except  
4           for the appropriations designated by the Congress as  
5           being for disaster relief under the heading “Depart-  
6           ment of Transportation—Federal Highway Adminis-  
7           tration—Emergency Relief” and in the last proviso  
8           of section 239 of such Act.

9           (13) The Disaster Relief Appropriations Act,  
10          2012 (Public Law 112–77), except for appropria-  
11          tions under the heading “Corps of Engineers-Civil”.

12          (b) Whenever an amount designated for Overseas  
13          Contingency Operations/Global War on Terrorism pursu-  
14          ant to section 251(b)(2)(A) of the Balanced Budget and  
15          Emergency Deficit Control Act of 1985 (in this section  
16          referred to as an “OCO/GWOT amount”) in an Act de-  
17          scribed in paragraph (3) or (10) of subsection (a) that  
18          would be made available for a project or activity is dif-  
19          ferent from the amount requested in the President’s fiscal  
20          year 2013 budget request, the project or activity shall be  
21          continued at a rate for operations that would be permitted  
22          by, and such designation shall be applied to, the amount  
23          in the President’s fiscal year 2013 budget request.

24          (c) The rate for operations provided by subsection (a)  
25          is hereby increased by 0.612 percent. Such increase shall

1 not apply to OCO/GWOT amounts or to amounts incor-  
2 porated in this joint resolution by reference to the Disaster  
3 Relief Appropriations Act, 2012 (Public Law 112–77).

4       SEC. 102. (a) No appropriation or funds made avail-  
5 able or authority granted pursuant to section 101 for the  
6 Department of Defense shall be used for: (1) the new pro-  
7 duction of items not funded for production in fiscal year  
8 2012 or prior years; (2) the increase in production rates  
9 above those sustained with fiscal year 2012 funds; or (3)  
10 the initiation, resumption, or continuation of any project,  
11 activity, operation, or organization (defined as any project,  
12 subproject, activity, budget activity, program element, and  
13 subprogram within a program element, and for any invest-  
14 ment items defined as a P–1 line item in a budget activity  
15 within an appropriation account and an R–1 line item that  
16 includes a program element and subprogram element with-  
17 in an appropriation account) for which appropriations,  
18 funds, or other authority were not available during fiscal  
19 year 2012.

20       (b) No appropriation or funds made available or au-  
21 thority granted pursuant to section 101 for the Depart-  
22 ment of Defense shall be used to initiate multi-year pro-  
23 curements utilizing advance procurement funding for eco-  
24 nomic order quantity procurement unless specifically ap-  
25 propriated later.

1        SEC. 103. Appropriations made by section 101 shall  
2 be available to the extent and in the manner that would  
3 be provided by the pertinent appropriations Act.

4        SEC. 104. Except as otherwise provided in section  
5 102, no appropriation or funds made available or author-  
6 ity granted pursuant to section 101 shall be used to ini-  
7 tiate or resume any project or activity for which appro-  
8 priations, funds, or other authority were not available dur-  
9 ing fiscal year 2012.

10       SEC. 105. Appropriations made and authority grant-  
11 ed pursuant to this joint resolution shall cover all obliga-  
12 tions or expenditures incurred for any project or activity  
13 during the period for which funds or authority for such  
14 project or activity are available under this joint resolution.

15       SEC. 106. Unless otherwise provided for in this joint  
16 resolution or in the applicable appropriations Act for fiscal  
17 year 2013, appropriations and funds made available and  
18 authority granted pursuant to this joint resolution shall  
19 be available until whichever of the following first occurs:  
20 (1) the enactment into law of an appropriation for any  
21 project or activity provided for in this joint resolution; (2)  
22 the enactment into law of the applicable appropriations  
23 Act for fiscal year 2013 without any provision for such  
24 project or activity; or (3) March 27, 2013.

1       SEC. 107. Expenditures made pursuant to this joint  
2 resolution shall be charged to the applicable appropriation,  
3 fund, or authorization whenever a bill in which such appli-  
4 cable appropriation, fund, or authorization is contained is  
5 enacted into law.

6       SEC. 108. Appropriations made and funds made  
7 available by or authority granted pursuant to this joint  
8 resolution may be used without regard to the time limita-  
9 tions for submission and approval of apportionments set  
10 forth in section 1513 of title 31, United States Code, but  
11 nothing in this joint resolution may be construed to waive  
12 any other provision of law governing the apportionment  
13 of funds.

14       SEC. 109. Notwithstanding any other provision of  
15 this joint resolution, except section 106, for those pro-  
16 grams that would otherwise have high initial rates of oper-  
17 ation or complete distribution of appropriations at the be-  
18 ginning of fiscal year 2013 because of distributions of  
19 funding to States, foreign countries, grantees, or others,  
20 such high initial rates of operation or complete distribu-  
21 tion shall not be made, and no grants shall be awarded  
22 for such programs funded by this joint resolution that  
23 would impinge on final funding prerogatives.

24       SEC. 110. This joint resolution shall be implemented  
25 so that only the most limited funding action of that per-

1 mitted in the joint resolution shall be taken in order to  
2 provide for continuation of projects and activities.

3       SEC. 111. (a) For entitlements and other mandatory  
4 payments whose budget authority was provided in appro-  
5 priations Acts for fiscal year 2012, and for activities under  
6 the Food and Nutrition Act of 2008, activities shall be  
7 continued at the rate to maintain program levels under  
8 current law, under the authority and conditions provided  
9 in the applicable appropriations Act for fiscal year 2012,  
10 to be continued through the date specified in section  
11 106(3).

12       (b) Notwithstanding section 106, obligations for man-  
13 datory payments due on or about the first day of any  
14 month that begins after October 2012 but not later than  
15 30 days after the date specified in section 106(3) may con-  
16 tinue to be made, and funds shall be available for such  
17 payments.

18       SEC. 112. Amounts made available under section 101  
19 for civilian personnel compensation and benefits in each  
20 department and agency may be apportioned up to the rate  
21 for operations necessary to avoid furloughs within such de-  
22 partment or agency, consistent with the applicable appro-  
23 priations Act for fiscal year 2012, except that such author-  
24 ity provided under this section shall not be used until after  
25 the department or agency has taken all necessary actions



1 to reduce or defer non-personnel-related administrative ex-  
2 penses.

3       SEC. 113. Funds appropriated by this joint resolution  
4 may be obligated and expended notwithstanding section 10  
5 of Public Law 91–672 (22 U.S.C. 2412), section 15 of  
6 the State Department Basic Authorities Act of 1956 (22  
7 U.S.C. 2680), section 313 of the Foreign Relations Au-  
8 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.  
9 6212), and section 504(a)(1) of the National Security Act  
10 of 1947 (50 U.S.C. 414(a)(1)).

11       SEC. 114. (a) Section 147 of Public Law 111–242,  
12 as added by Public Law 111–322, shall be applied by sub-  
13 stituting the date specified in section 106(3) of this joint  
14 resolution for “December 31, 2012” each place it appears.

15       (b) Notwithstanding any other provision of law, any  
16 statutory pay adjustment (as defined in section 147(b)(2)  
17 of the Continuing Appropriations Act, 2011 (Public Law  
18 111–242)) otherwise scheduled to take effect during fiscal  
19 year 2013 but prior to the date specified in section 106(3)  
20 of this joint resolution may take effect on the first day  
21 of the first applicable pay period beginning after the date  
22 specified in section 106(3).

23       SEC. 115. (a) Each amount incorporated by reference  
24 in this joint resolution that was previously designated by  
25 the Congress for Overseas Contingency Operations/Global

1 War on Terrorism pursuant to section 251(b)(2)(A) of the  
2 Balanced Budget and Emergency Deficit Control Act of  
3 1985 or as being for disaster relief pursuant to section  
4 251(b)(2)(D) of such Act is designated by the Congress  
5 for Overseas Contingency Operations/Global War on Ter-  
6 rorism pursuant to section 251(b)(2)(A) of such Act or  
7 as being for disaster relief pursuant to section  
8 251(b)(2)(D) of such Act, respectively.

9 (b) Of the amount made available by section 101 for  
10 “Social Security Administration—Limitation on Adminis-  
11 trative Expenses”, \$483,484,000 is additional new budget  
12 authority specified for purposes of subsection  
13 251(b)(2)(B) of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985.

15 (c) Section 5 of Public Law 112–74 shall apply to  
16 amounts designated in subsection (a) for Overseas Contin-  
17 gency Operations/Global War on Terrorism.

18 SEC. 116. (a) Not later than 30 days after the date  
19 of the enactment of this joint resolution, each department  
20 and agency in subsection (c) shall submit to the Commit-  
21 tees on Appropriations of the House of Representatives  
22 and the Senate, for the period through the date specified  
23 in section 106(3) of this joint resolution, a spending, ex-  
24 penditure, or operating plan—

1 (1) at the program, project, or activity level (or, for  
2 national intelligence programs funded in the Department  
3 of Defense Appropriations Act, at the expenditure center  
4 and project level); or

5 (2) as applicable, at any greater level of detail re-  
6 quired for funds covered by such a plan in an appropria-  
7 tions Act referred to in section 101, in the joint explana-  
8 tory statement accompanying such Act, or in committee  
9 report language incorporated by reference in such joint ex-  
10 planatory statement.

11 (b) Not later than 30 days after the date on which  
12 any sequestration is ordered by the President under sec-  
13 tion 251A of the Balanced Budget and Emergency Deficit  
14 Control Act of 1985, each department and agency in sub-  
15 section (c) shall submit to the Committees on Appropria-  
16 tions of the House of Representatives and the Senate the  
17 spending, expenditure, or operating plan required under  
18 subsection (a), updated to reflect any adjustments to fund-  
19 ing as a result of the sequestration and any extension of  
20 the date specified in section 106(3) of this joint resolution.

21 (c) The departments and agencies to which this sec-  
22 tion applies are as follows:

23 (1) The Department of Agriculture.

24 (2) The Department of Commerce.

25 (3) The Department of Defense.

- 1 (4) The Department of Education.
- 2 (5) The Department of Energy.
- 3 (6) The Department of Health and Human Services.
- 4 (7) The Department of Homeland Security.
- 5 (8) The Department of Housing and Urban Develop-
- 6 ment.
- 7 (9) The Department of the Interior.
- 8 (10) The Department of Justice.
- 9 (11) The Department of Labor.
- 10 (12) The Department of State and United States
- 11 Agency for International Development.
- 12 (13) The Department of Transportation.
- 13 (14) The Department of the Treasury.
- 14 (15) The Department of Veterans Affairs.
- 15 (16) The National Aeronautics and Space Adminis-
- 16 tration.
- 17 (17) The National Science Foundation.
- 18 (18) The Judiciary.
- 19 (19) With respect to amounts made available under
- 20 the heading “Executive Office of the President and Funds
- 21 Appropriated to the President”, agencies funded under
- 22 such heading.
- 23 (20) The Federal Communications Commission.
- 24 (21) The General Services Administration.
- 25 (22) The Office of Personnel Management.

- 1       (23) The National Archives and Records Administra-  
2 tion.
- 3       (24) The Securities and Exchange Commission.
- 4       (25) The Small Business Administration.
- 5       (26) The Environmental Protection Agency.
- 6       (27) The Indian Health Service.
- 7       (28) The Smithsonian Institution.
- 8       (29) The Social Security Administration.
- 9       (30) The Corporation for National and Community  
10 Service.
- 11       (31) The Corporation for Public Broadcasting.
- 12       (32) The Food and Drug Administration.
- 13       (33) The Commodity Futures Trading Commission.
- 14       (34) The Central Intelligence Agency.
- 15       (35) The National Security Agency.
- 16       (36) The National Reconnaissance Office.
- 17       (37) The Defense Intelligence Agency.
- 18       (38) The National Geospatial Intelligence Agency.
- 19       (39) The Office of the Director of National Intel-  
20 ligence.
- 21       SEC. 117. Not later than November 1, 2012, and  
22 each month thereafter through the month following the  
23 period covered by this joint resolution, the Director of the  
24 Office of Management and Budget shall submit to the  
25 Committees on Appropriations of the House of Represent-

1 atives and the Senate a report on all obligations incurred  
2 by each department and agency in the period covered by  
3 this joint resolution. Such report shall—

4 (1) set forth obligations by account;

5 (2) compare the obligations incurred in the pe-  
6 riod covered by the report to the obligations incurred  
7 in the same period in fiscal year 2012; and

8 (3) specify each executive branch account for  
9 which funds made available by this joint resolution  
10 are apportioned at a different rate for operations  
11 than the rate otherwise provided in section 101, with  
12 an estimate of the different rate otherwise provided  
13 in such section and the total obligations estimated to  
14 be incurred under this joint resolution for such ac-  
15 count.

16 SEC. 118. Section 726(15) of division A of Public  
17 Law 112–55 shall be applied to amounts made available  
18 by this joint resolution without regard to the first proviso  
19 of such section.

20 SEC. 119. Notwithstanding section 101, amounts are  
21 provided for “Department of Agriculture—Domestic Food  
22 Programs—Food and Nutrition Service—Commodity As-  
23 sistance Program”, at a rate for operations of  
24 \$253,952,000, of which \$186,935,000 shall be for the  
25 Commodity Supplemental Food Program.

1        SEC. 120. (a) Amounts made available under section  
2 101 for “Department of Commerce—National Oceanic  
3 and Atmospheric Administration—Procurement, Acquisi-  
4 tion and Construction” may be apportioned up to the rate  
5 for operations necessary to maintain the planned launch  
6 schedules for the Joint Polar Satellite System and the  
7 Geostationary Operational Environmental Satellite sys-  
8 tem.

9        (b) Not later than 30 days after the date of enact-  
10 ment of this joint resolution, the Director of the Office  
11 of Management and Budget shall submit to the Commit-  
12 tees on Appropriations of the House of Representatives  
13 and the Senate a plan to maintain the launch schedules  
14 and life cycle cost estimates established in fiscal year 2012  
15 for the satellite systems described in subsection (a) and  
16 options for reducing costs, including management costs.

17        SEC. 121. Through the earlier of the date specified  
18 in section 106(3) of this joint resolution or the date of  
19 the enactment of an Act authorizing appropriations for  
20 fiscal year 2013 for military activities of the Department  
21 of Defense, no appropriation or funds made available or  
22 authority granted pursuant to section 101 for the Depart-  
23 ment of Defense shall be used to—

24            (1) retire, divest, realign, or transfer aircraft of  
25        the Air Force;

1           (2) disestablish or convert any unit associated  
2           with aircraft described in paragraph (1) or any unit  
3           of the Air National Guard or Air Force Reserve; or  
4           (3) retire C-23 Sherpa aircraft.

5           SEC. 122. The authority provided by section 801 of  
6           the National Defense Authorization Act for Fiscal Year  
7           2010 (Public Law 111-84; 123 Stat. 2399) shall continue  
8           in effect, notwithstanding subsection (f) of such section,  
9           through the earlier of the date specified in section 106(3)  
10          of this joint resolution or the date of the enactment of  
11          an Act authorizing appropriations for fiscal year 2013 for  
12          military activities of the Department of Defense.

13          SEC. 123. The authority provided by section  
14          572(b)(4) of the National Defense Authorization Act for  
15          Fiscal Year 2006 (20 U.S.C. 7703b(b)(4)) shall continue  
16          in effect through the earlier of the date specified in section  
17          106(3) of this joint resolution or the date of the enactment  
18          of an Act authorizing appropriations for fiscal year 2013  
19          for military activities of the Department of Defense.

20          SEC. 124. In addition to any other transfer authority  
21          available to the Department of Defense, the Secretary of  
22          Defense may transfer an amount designated for Overseas  
23          Contingency Operations/Global War on Terrorism pursu-  
24          ant to section 251(b)(2)(A) of the Balanced Budget and  
25          Emergency Deficit Control Act of 1985 made available by



1 this joint resolution for the Department of Defense be-  
2 tween such appropriations, to be merged with and to be  
3 available for the same purposes, and the same time period,  
4 as the appropriation or fund to which transferred. The  
5 Secretary of Defense shall notify the congressional defense  
6 committees not fewer than 15 days prior to any transfer  
7 made pursuant to this section.

8       SEC. 125. (a) Notwithstanding section 101, amounts  
9 are provided for “Department of Energy—National Nu-  
10 clear Security Administration—Weapons Activities” at a  
11 rate for operations of \$7,577,341,000.

12       (b) Section 301(e) of title III of division B of Public  
13 Law 112–74 shall not apply to amounts made available  
14 by this section.

15       SEC. 126. In addition to the amounts otherwise made  
16 available by section 101 for “Department of Energy—Na-  
17 tional Nuclear Security Administration—Defense Nuclear  
18 Nonproliferation”, an additional amount is made available  
19 for domestic uranium enrichment research, development,  
20 and demonstration at a rate for operations of  
21 \$100,000,000.

22       SEC. 127. Section 14704 of title 40, United States  
23 Code, shall be applied to amounts made available by this  
24 joint resolution by substituting the date specified in sec-  
25 tion 106(3) of this joint resolution for “October 1, 2012”.

1       SEC. 128. Notwithstanding any other provision of  
2 this joint resolution, except section 106, the District of  
3 Columbia may expend local funds under the heading “Dis-  
4 trict of Columbia Funds” for such programs and activities  
5 under title IV of H.R. 6020 (112th Congress), as reported  
6 by the Committee on Appropriations of the House of Rep-  
7 resentatives, at the rate set forth under “District of Co-  
8 lumbia Funds—Summary of Expenses” as included in the  
9 Fiscal Year 2013 Budget Request Act of 2012 (D.C. Act  
10 19–381), as modified as of the date of the enactment of  
11 this joint resolution.

12       SEC. 129. Notwithstanding section 101, amounts are  
13 provided for “District of Columbia—Federal Funds—  
14 Federal Payment for Emergency Planning and Security  
15 Costs in the District of Columbia” at a rate for operations  
16 of \$24,700,000, of which not less than \$9,800,000 shall  
17 be used for costs associated with the Presidential Inau-  
18 guration.

19       SEC. 130. Notwithstanding section 101, amounts are  
20 provided for “General Services Administration—Ex-  
21 penses, Presidential Transition” for necessary expenses to  
22 carry out the Presidential Transition Act of 1963 (3  
23 U.S.C. 102 note), at a rate for operations of \$8,947,000,  
24 of which not to exceed \$1,000,000 is for activities author-  
25 ized by sections 3(a)(8) and (9) of such Act.

1       SEC. 131. (a) Notwithstanding section 101, amounts  
2 are provided for “Executive Office of the President—Of-  
3 fice of Administration—Presidential Transition Adminis-  
4 trative Support” to carry out the Presidential Transition  
5 Act of 1963 (3 U.S.C. 102 note) at a rate for operations  
6 of \$8,000,000.

7       (b) Such funds may be transferred to other accounts  
8 in this joint resolution or any other Act that provide fund-  
9 ing for offices within the Executive Office of the President  
10 and the Office of the Vice President to carry out the Presi-  
11 dential Transition Act of 1963 (3 U.S.C. 102 note).

12       SEC. 132. Notwithstanding section 101, the fifth pro-  
13 viso under the heading “Federal Communications Com-  
14 mission—Salaries and Expenses” in division C of Public  
15 Law 112–74 shall be applied by substituting  
16 “\$98,739,000” for “\$85,000,000”.

17       SEC. 133. Notwithstanding any other provision of  
18 this joint resolution, amounts made available by section  
19 101 for “Department of the Treasury—Departmental Of-  
20 fices—Salaries and Expenses” and “Department of the  
21 Treasury—Office of Inspector General—Salaries and Ex-  
22 penses” may be used for activities in connection with sec-  
23 tion 1602(e) of the Resources and Ecosystems Sustain-  
24 ability, Tourist Opportunities, and Revived Economies of

1 the Gulf Coast States Act of 2012 (subtitle F of title I  
2 of division A of Public Law 112–141).

3       SEC. 134. Notwithstanding section 101, amounts are  
4 provided for “Office of Government Ethics—Salaries and  
5 Expenses” at a rate for operations of \$18,664,000, of  
6 which \$5,000,000 shall be for development and deploy-  
7 ment of the centralized, publicly accessible database re-  
8 quired in section 11(b) of the STOCK Act (Public Law  
9 112–105).

10       SEC. 135. Notwithstanding section 101, amounts are  
11 provided for “Small Business Administration—Business  
12 Loans Program Account” for the cost of guaranteed loans  
13 as authorized by section 7(a) of the Small Business Act  
14 and section 503 of the Small Business Investment Act of  
15 1958 at a rate for operations of \$333,600,000.

16       SEC. 136. (a) Amounts made available by this joint  
17 resolution for “Department of Homeland Security—U.S.  
18 Customs and Border Protection—Salaries and Expenses”  
19 shall be obligated at the rate for operations necessary to  
20 maintain the staffing levels (including by backfilling va-  
21 cant positions) of Border Patrol agents, Customs and Bor-  
22 der Protection officers, and Air and Marine interdiction  
23 agents in effect at the end of the fourth quarter of fiscal  
24 year 2012, or, with respect to Border Patrol agents, at  
25 such greater levels as may otherwise be required in the

1 second proviso under the heading “U.S. Customs and Bor-  
2 der Protection—Salaries and Expenses” in division D of  
3 Public Law 112–74. Any increase of the rate for oper-  
4 ations for such purpose under this subsection shall be de-  
5 rived by adjusting amounts otherwise made available with-  
6 in such account by this joint resolution, without regard  
7 to the restrictions on reprogramming in section 503 of di-  
8 vision D of Public Law 112–74.

9 (b) Not later than 15 days after the date of the enact-  
10 ment of this joint resolution, the Commissioner of U.S.  
11 Customs and Border Protection shall submit to the Com-  
12 mittees on Appropriations of the House of Representatives  
13 and the Senate a detailed expenditure plan for “Depart-  
14 ment of Homeland Security—U.S. Customs and Border  
15 Protection—Salaries and Expenses” at the program,  
16 project, and activity level that specifies how the Commis-  
17 sioner will maintain staffing levels as required under sub-  
18 section (a) through the date specified in section 106(3)  
19 of this joint resolution.

20 SEC. 137. (a) Notwithstanding section 101, amounts  
21 are provided for “Department of Homeland Security—Na-  
22 tional Protection and Programs Directorate—Infrastruc-  
23 ture Protection and Information Security” at a rate for  
24 operations of \$1,170,243,000, of which \$328,000,000 is  
25 for Network Security Deployment, and \$218,000,000 is

1 for Federal Network Security that may be obligated at a  
2 rate for operations necessary to establish and sustain es-  
3 sential cybersecurity activities, including procurement and  
4 operations of continuous monitoring and diagnostics sys-  
5 tems and intrusion detection systems for civilian Federal  
6 computer networks.

7 (b) Not later than 15 days after the date of the enact-  
8 ment of this joint resolution, the Secretary of Homeland  
9 Security shall submit to the Committees on Appropria-  
10 tions of the House of Representatives and the Senate an  
11 expenditure plan for essential cybersecurity activities de-  
12 scribed in subsection (a) of this section for the period  
13 through the date specified in section 106(3) of this joint  
14 resolution.

15 SEC. 138. The authority provided by section 532 of  
16 Public Law 109–295 shall continue in effect through the  
17 date specified in section 106(3) of this joint resolution.

18 SEC. 139. Section 550(b) of Public Law 109–295 (6  
19 U.S.C. 121 note) shall be applied by substituting the date  
20 specified in section 106(3) of this joint resolution for “Oc-  
21 tober 4, 2012”.

22 SEC. 140. (a) Notwithstanding section 101, amounts  
23 are provided for “Department of the Interior—Depart-  
24 ment-wide Programs—Wildland Fire Management” at a  
25 rate for operations of \$726,473,000.

1 (b) In addition to the amounts provided under sub-  
2 section (a), there is appropriated \$23,000,000 for an addi-  
3 tional amount for fiscal year 2013 for “Department of the  
4 Interior—Department-wide Programs—Wildland Fire  
5 Management”, to remain available until expended, for re-  
6 payment to other appropriations accounts from which  
7 funds were transferred in fiscal year 2012 for wildfire sup-  
8 pression.

9 SEC. 141. (a) Notwithstanding section 101, amounts  
10 are provided for “Department of Agriculture—Forest  
11 Service—Wildland Fire Management” at a rate for oper-  
12 ations of \$1,971,390,000.

13 (b) In addition to the amounts provided under sub-  
14 section (a), there is appropriated \$400,000,000 for an ad-  
15 ditional amount for fiscal year 2013 for “Department of  
16 Agriculture—Forest Service—Wildland Fire Manage-  
17 ment”, to remain available until expended, for repayment  
18 to other appropriations accounts from which funds were  
19 transferred in fiscal year 2012 for wildfire suppression.

20 SEC. 142. Section 411(h)(4)(A) of the Surface Min-  
21 ing Control and Reclamation Act of 1977 (30 U.S.C.  
22 1240a(h)(4)(A)) is amended to read as follows:

23 “(A) IN GENERAL.—The annual amount  
24 allocated under subparagraph (A) or (B) of sec-  
25 tion 402(g)(1) to any State or Indian tribe that

1 makes a certification under subsection (a) of  
2 this section in which the Secretary concurs shall  
3 be reallocated and available for grants under  
4 section 402(g)(5).”.

5 SEC. 143. The authority provided by section 331 of  
6 the Department of the Interior and Related Agencies Ap-  
7 propriations Act, 2000 (enacted by reference in section  
8 1000(a)(3) of Public Law 106–113; 16 U.S.C. 497 note)  
9 shall continue in effect through the date specified in sec-  
10 tion 106(3) of this joint resolution.

11 SEC. 144. (a) The following sections of the Federal  
12 Insecticide, Fungicide, and Rodenticide Act shall continue  
13 in effect through the date specified in section 106(3) of  
14 this joint resolution—

15 (1) Subparagraphs (C) through (E) of section  
16 4(i)(5) (7 U.S.C. 136a–1(i)(5)(C)–(E));

17 (2) Section 4(k)(3) (7 U.S.C. 136a–1(k)(3));  
18 and

19 (3) Section 33(c)(3)(B) (7 U.S.C. 136w–  
20 8(c)(3)(B)).

21 (b)(1) Section 4(i)(5)(H) of the Federal Insecticide,  
22 Fungicide, and Rodenticide Act (7 U.S.C. 136a–  
23 1(i)(5)(H)) shall be applied by substituting the date speci-  
24 fied in section 106(3) of this joint resolution for “Sep-  
25 tember 30, 2012”.



1           (2) Notwithstanding section 33(m)(2) of the Federal  
2 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.  
3 136w-8(m)(2)), section 33(m)(1) of such Act (7 U.S.C.  
4 136w-8(m)(1)) shall be applied by substituting the date  
5 specified in section 106(3) of this joint resolution for  
6 “September 30, 2012”.

7           (c) Section 408(m)(3) of the Federal Food, Drug,  
8 and Cosmetic Act (21 U.S.C. 346a(m)(3)) shall be applied  
9 by substituting the date specified in section 106(3) of this  
10 joint resolution for “September 30, 2012”.

11           SEC. 145. Section 163 of Public Law 111-242, as  
12 amended by Public Law 111-322, is further amended—

13                   (1) in subsection (b), by striking “2012-2013”  
14                   and inserting “2013-2014”; and

15                   (2) by inserting at the end the following:

16           “(c) Not later than December 31, 2013, the Sec-  
17 retary of Education shall submit a report to the Commit-  
18 tees on Appropriations and Health, Education, Labor, and  
19 Pensions of the Senate and the Committees on Appropria-  
20 tions and Education and the Workforce of the House of  
21 Representatives, using data required under existing law  
22 (section 1111(h)(6)(A) of Public Law 107-110) by State  
23 and each local educational agency, regarding the extent  
24 to which students in the following categories are taught  
25 by teachers who are deemed highly qualified pursuant to

1 34 CFR 200.56(a)(2)(ii) as published in the Federal Reg-  
2 ister on December 2, 2002:

3 “(1) Students with disabilities.

4 “(2) English Learners.

5 “(3) Students in rural areas.

6 “(4) Students from low-income families.”.

7 SEC. 146. The first proviso under the heading “De-  
8 partment of Health and Human Services—Administration  
9 for Children and Families—Low Income Home Energy  
10 Assistance” in division F of Public Law 112–74 shall be  
11 applied to amounts made available by this joint resolution  
12 by substituting “2013” for “2012”.

13 SEC. 147. Notwithstanding section 101, amounts are  
14 provided for “Department of Health and Human Serv-  
15 ices—Administration for Children and Families—Refugee  
16 and Entrant Assistance” at a rate for operations of  
17 \$900,000,000. Amounts made available by this section  
18 may be obligated up to a rate for operations necessary  
19 to maintain program operations at the level provided in  
20 fiscal year 2012, as necessary to accommodate increased  
21 demand.

22 SEC. 148. Activities authorized by part A of title IV  
23 and section 1108(b) of the Social Security Act shall con-  
24 tinue through the date specified in section 106(3) of this  
25 joint resolution, in the manner authorized for fiscal year

1 2012, and out of any money in the Treasury of the United  
2 States not otherwise appropriated, there are hereby appro-  
3 priated such sums as may be necessary for such purpose.  
4 Grants and payments may be made pursuant to this au-  
5 thority on a quarterly basis through the second quarter  
6 of fiscal year 2013 at the level provided for such activities  
7 for the corresponding quarter of fiscal year 2012.

8       SEC. 149. Notwithstanding any other provision of  
9 this joint resolution, there is appropriated for payment to  
10 the heirs at law of Donald M. Payne, late a Representative  
11 from the State of New Jersey, \$174,000.

12       SEC. 150. Notwithstanding section 101, amounts are  
13 provided for “Department of Veterans Affairs—Depart-  
14 mental Administration—General Operating Expenses,  
15 Veterans Benefits Administration” at a rate for operations  
16 of \$2,164,074,000.

17       SEC. 151. The authority provided by section 315(b)  
18 of title 38, United States Code, shall continue in effect  
19 through the date specified in section 106(3) of this joint  
20 resolution.

21       SEC. 152. (a) Section 120 of division C of Public Law  
22 112–55 shall not apply to amounts made available by this  
23 joint resolution.

24       (b) During the period covered by this joint resolution,  
25 section 1102 of Public Law 112–141 shall be applied—

1           (1) in subsection (a)(1), by substituting  
2           “\$39,143,582,670” for “\$39,699,000,000”;

3           (2) in subsection (b)(10), as if the limitation  
4           applicable through fiscal year 2011 applied through  
5           fiscal year 2012; and

6           (3) in subsection (c)(5), by treating the ref-  
7           erence to section 204 of title 23, United States  
8           Code, as a reference to sections 202 and 204 of such  
9           title.

10        SEC. 153. The matter under the heading “Depart-  
11        ment of Transportation—National Highway Traffic Safe-  
12        ty Administration—Highway Traffic Safety Grants” in di-  
13        vision C of Public Law 112–55 shall be applied to amounts  
14        made available by this joint resolution by treating each  
15        reference to section 2001(a)(11) of Public Law 109–59  
16        under such heading as a reference to section 31101(a)(6)  
17        of Public Law 112–141.

18        SEC. 154. The matter under the heading “Depart-  
19        ment of Transportation—Federal Transit Administra-  
20        tion—Formula and Bus Grants” in division C of Public  
21        Law 112–55 shall be applied to amounts made available  
22        by this joint resolution by substituting “49 U.S.C. 5305,  
23        5307, 5310, 5311, 5318, 5322(d), 5335, 5337, 5339, and  
24        5340” for “49 U.S.C. 5305, 5307, 5308, 5309, 5310,  
25        5311, 5316, 5317, 5320, 5335, 5339, and 5340 and sec-

1 tion 3038 of Public Law 105–178, as amended” each  
2 place it appears.

3 SEC. 155. Section 601(e)(1)(B) of division B of Pub-  
4 lic Law 110–432 shall be applied by substituting the date  
5 specified in section 106(3) of this joint resolution for “4  
6 years after such date”.

7 This joint resolution may be cited as the “Continuing  
8 Appropriations Resolution, 2013”.

Passed the House of Representatives September 13,  
2012.

Attest:

KAREN L. HAAS,

*Clerk.*

Calendar No. 511

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. J. RES. 117**

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**JOINT RESOLUTION**

Making continuing appropriations for fiscal year  
2013, and for other purposes.

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SEPTEMBER 19, 2012

Received; read twice and ordered placed on the calendar