

112TH CONGRESS  
2D SESSION

# H. J. RES. 117

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2012

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

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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:

1        SEC. 101. (a) Such amounts as may be necessary,  
2 at a rate for operations as provided in the applicable ap-  
3 propriations Acts for fiscal year 2012 and under the au-  
4 thority and conditions provided in such Acts, for con-  
5 tinuing projects or activities (including the costs of direct  
6 loans and loan guarantees) that are not otherwise specifi-  
7 cally provided for in this joint resolution, that were con-  
8 ducted in fiscal year 2012, and for which appropriations,  
9 funds, or other authority were made available in the fol-  
10 lowing appropriations Acts:

11            (1) The Agriculture, Rural Development, Food  
12 and Drug Administration, and Related Agencies Ap-  
13 propriations Act, 2012 (division A of Public Law  
14 112–55), except for the appropriations designated by  
15 the Congress as being for disaster relief in section  
16 735 of such Act.

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

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

3           (4) The Energy and Water Development Appro-  
4 priations Act, 2012 (division B of Public Law 112–  
5 74).

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

9           (6) The Department of Homeland Security Ap-  
10 propriations Act, 2012 (division D of Public Law  
11 112–74).

12           (7) The Department of the Interior, Environ-  
13 ment, and Related Agencies Appropriations Act,  
14 2012 (division E of Public Law 112–74).

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

19           (9) The Legislative Branch Appropriations Act,  
20 2012 (division G of Public Law 112–74).

21           (10) The Military Construction and Veterans  
22 Affairs and Related Agencies Appropriations Act,  
23 2012 (division H of Public Law 112–74).

1           (11) The Department of State, Foreign Oper-  
2           ations, and Related Programs Appropriations Act,  
3           2012 (division I of Public Law 112–74).

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

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

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

1 by, and such designation shall be applied to, the amount  
2 in the President's fiscal year 2013 budget request.

3 (c) The rate for operations provided by subsection (a)  
4 is hereby increased by 0.612 percent. Such increase shall  
5 not apply to OCO/GWOT amounts or to amounts incor-  
6 porated in this joint resolution by reference to the Disaster  
7 Relief Appropriations Act, 2012 (Public Law 112-77).

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

24 (b) No appropriation or funds made available or au-  
25 thority granted pursuant to section 101 for the Depart-

1 ment of Defense shall be used to initiate multi-year pro-  
2 curements utilizing advance procurement funding for eco-  
3 nomic order quantity procurement unless specifically ap-  
4 propriated later.

5       SEC. 103. Appropriations made by section 101 shall  
6 be available to the extent and in the manner that would  
7 be provided by the pertinent appropriations Act.

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

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

19       SEC. 106. Unless otherwise provided for in this joint  
20 resolution or in the applicable appropriations Act for fiscal  
21 year 2013, appropriations and funds made available and  
22 authority granted pursuant to this joint resolution shall  
23 be available until whichever of the following first occurs:  
24 (1) the enactment into law of an appropriation for any  
25 project or activity provided for in this joint resolution; (2)

1 the enactment into law of the applicable appropriations  
2 Act for fiscal year 2013 without any provision for such  
3 project or activity; or (3) March 27, 2013.

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

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

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

1 for such programs funded by this joint resolution that  
2 would impinge on final funding prerogatives.

3       SEC. 110. This joint resolution shall be implemented  
4 so that only the most limited funding action of that per-  
5 mitted in the joint resolution shall be taken in order to  
6 provide for continuation of projects and activities.

7       SEC. 111. (a) For entitlements and other mandatory  
8 payments whose budget authority was provided in appro-  
9 priations Acts for fiscal year 2012, and for activities under  
10 the Food and Nutrition Act of 2008, activities shall be  
11 continued at the rate to maintain program levels under  
12 current law, under the authority and conditions provided  
13 in the applicable appropriations Act for fiscal year 2012,  
14 to be continued through the date specified in section  
15 106(3).

16       (b) Notwithstanding section 106, obligations for man-  
17 datory payments due on or about the first day of any  
18 month that begins after October 2012 but not later than  
19 30 days after the date specified in section 106(3) may con-  
20 tinue to be made, and funds shall be available for such  
21 payments.

22       SEC. 112. Amounts made available under section 101  
23 for civilian personnel compensation and benefits in each  
24 department and agency may be apportioned up to the rate  
25 for operations necessary to avoid furloughs within such de-



1 department or agency, consistent with the applicable appro-  
2 priations Act for fiscal year 2012, except that such author-  
3 ity provided under this section shall not be used until after  
4 the department or agency has taken all necessary actions  
5 to reduce or defer non-personnel-related administrative ex-  
6 penses.

7       SEC. 113. Funds appropriated by this joint resolution  
8 may be obligated and expended notwithstanding section 10  
9 of Public Law 91–672 (22 U.S.C. 2412), section 15 of  
10 the State Department Basic Authorities Act of 1956 (22  
11 U.S.C. 2680), section 313 of the Foreign Relations Au-  
12 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.  
13 6212), and section 504(a)(1) of the National Security Act  
14 of 1947 (50 U.S.C. 414(a)(1)).

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

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

1 of the first applicable pay period beginning after the date  
2 specified in section 106(3).

3       SEC. 115. (a) Each amount incorporated by reference  
4 in this joint resolution that was previously designated by  
5 the Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A) of the  
7 Balanced Budget and Emergency Deficit Control Act of  
8 1985 or as being for disaster relief pursuant to section  
9 251(b)(2)(D) of such Act is designated by the Congress  
10 for Overseas Contingency Operations/Global War on Ter-  
11 rorism pursuant to section 251(b)(2)(A) of such Act or  
12 as being for disaster relief pursuant to section  
13 251(b)(2)(D) of such Act, respectively.

14       (b) Of the amount made available by section 101 for  
15 “Social Security Administration—Limitation on Adminis-  
16 trative Expenses”, \$483,484,000 is additional new budget  
17 authority specified for purposes of subsection  
18 251(b)(2)(B) of the Balanced Budget and Emergency  
19 Deficit Control Act of 1985.

20       (c) Section 5 of Public Law 112–74 shall apply to  
21 amounts designated in subsection (a) for Overseas Contingency  
22 Operations/Global War on Terrorism.

23       SEC. 116. (a) Not later than 30 days after the date  
24 of the enactment of this joint resolution, each department  
25 and agency in subsection (c) shall submit to the Commit-

1 tees on Appropriations of the House of Representatives  
2 and the Senate, for the period through the date specified  
3 in section 106(3) of this joint resolution, a spending, ex-  
4 penditure, or operating plan—

5           (1) at the program, project, or activity level (or,  
6           for national intelligence programs funded in the De-  
7           partment of Defense Appropriations Act, at the ex-  
8           penditure center and project level); or

9           (2) as applicable, at any greater level of detail  
10          required for funds covered by such a plan in an ap-  
11          propriations Act referred to in section 101, in the  
12          joint explanatory statement accompanying such Act,  
13          or in committee report language incorporated by ref-  
14          erence in such joint explanatory statement.

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

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

3           (1) The Department of Agriculture.

4           (2) The Department of Commerce.

5           (3) The Department of Defense.

6           (4) The Department of Education.

7           (5) The Department of Energy.

8           (6) The Department of Health and Human  
9 Services.

10          (7) The Department of Homeland Security.

11          (8) The Department of Housing and Urban De-  
12 velopment.

13          (9) The Department of the Interior.

14          (10) The Department of Justice.

15          (11) The Department of Labor.

16          (12) The Department of State and United  
17 States Agency for International Development.

18          (13) The Department of Transportation.

19          (14) The Department of the Treasury.

20          (15) The Department of Veterans Affairs.

21          (16) The National Aeronautics and Space Ad-  
22 ministration.

23          (17) The National Science Foundation.

24          (18) The Judiciary.

1           (19) With respect to amounts made available  
2 under the heading “Executive Office of the Presi-  
3 dent and Funds Appropriated to the President”,  
4 agencies funded under such heading.

5           (20) The Federal Communications Commission.

6           (21) The General Services Administration.

7           (22) The Office of Personnel Management.

8           (23) The National Archives and Records Ad-  
9 ministration.

10          (24) The Securities and Exchange Commission.

11          (25) The Small Business Administration.

12          (26) The Environmental Protection Agency.

13          (27) The Indian Health Service.

14          (28) The Smithsonian Institution.

15          (29) The Social Security Administration.

16          (30) The Corporation for National and Commu-  
17 nity Service.

18          (31) The Corporation for Public Broadcasting.

19          (32) The Food and Drug Administration.

20          (33) The Commodity Futures Trading Commis-  
21 sion.

22          (34) The Central Intelligence Agency.

23          (35) The National Security Agency.

24          (36) The National Reconnaissance Office.

25          (37) The Defense Intelligence Agency.

1           (38) The National Geospatial Intelligence Agen-  
2           cy.

3           (39) The Office of the Director of National In-  
4           telligence.

5           SEC. 117. Not later than November 1, 2012, and  
6 each month thereafter through the month following the  
7 period covered by this joint resolution, the Director of the  
8 Office of Management and Budget shall submit to the  
9 Committees on Appropriations of the House of Represent-  
10 atives and the Senate a report on all obligations incurred  
11 by each department and agency in the period covered by  
12 this joint resolution. Such report shall—

13           (1) set forth obligations by account;

14           (2) compare the obligations incurred in the pe-  
15 riod covered by the report to the obligations incurred  
16 in the same period in fiscal year 2012; and

17           (3) specify each executive branch account for  
18 which funds made available by this joint resolution  
19 are apportioned at a different rate for operations  
20 than the rate otherwise provided in section 101, with  
21 an estimate of the different rate otherwise provided  
22 in such section and the total obligations estimated to  
23 be incurred under this joint resolution for such ac-  
24 count.

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

5       SEC. 119. Notwithstanding section 101, amounts are  
6 provided for “Department of Agriculture—Domestic Food  
7 Programs—Food and Nutrition Service—Commodity As-  
8 sistance Program”, at a rate for operations of  
9 \$253,952,000, of which \$186,935,000 shall be for the  
10 Commodity Supplemental Food Program.

11       SEC. 120. (a) Amounts made available under section  
12 101 for “Department of Commerce—National Oceanic  
13 and Atmospheric Administration—Procurement, Acquisi-  
14 tion and Construction” may be apportioned up to the rate  
15 for operations necessary to maintain the planned launch  
16 schedules for the Joint Polar Satellite System and the  
17 Geostationary Operational Environmental Satellite sys-  
18 tem.

19       (b) Not later than 30 days after the date of enact-  
20 ment of this joint resolution, the Director of the Office  
21 of Management and Budget shall submit to the Commit-  
22 tees on Appropriations of the House of Representatives  
23 and the Senate a plan to maintain the launch schedules  
24 and life cycle cost estimates established in fiscal year 2012

1 for the satellite systems described in subsection (a) and  
2 options for reducing costs, including management costs.

3       SEC. 121. Through the earlier of the date specified  
4 in section 106(3) of this joint resolution or the date of  
5 the enactment of an Act authorizing appropriations for  
6 fiscal year 2013 for military activities of the Department  
7 of Defense, no appropriation or funds made available or  
8 authority granted pursuant to section 101 for the Depart-  
9 ment of Defense shall be used to—

10           (1) retire, divest, realign, or transfer aircraft of  
11       the Air Force;

12           (2) disestablish or convert any unit associated  
13       with aircraft described in paragraph (1) or any unit  
14       of the Air National Guard or Air Force Reserve; or

15           (3) retire C-23 Sherpa aircraft.

16       SEC. 122. The authority provided by section 801 of  
17 the National Defense Authorization Act for Fiscal Year  
18 2010 (Public Law 111-84; 123 Stat. 2399) shall continue  
19 in effect, notwithstanding subsection (f) of such section,  
20 through the earlier of the date specified in section 106(3)  
21 of this joint resolution or the date of the enactment of  
22 an Act authorizing appropriations for fiscal year 2013 for  
23 military activities of the Department of Defense.

24       SEC. 123. The authority provided by section  
25 572(b)(4) of the National Defense Authorization Act for



1 Fiscal Year 2006 (20 U.S.C. 7703b(b)(4)) shall continue  
2 in effect through the earlier of the date specified in section  
3 106(3) of this joint resolution or the date of the enactment  
4 of an Act authorizing appropriations for fiscal year 2013  
5 for military activities of the Department of Defense.

6       SEC. 124. In addition to any other transfer authority  
7 available to the Department of Defense, the Secretary of  
8 Defense may transfer an amount designated for Overseas  
9 Contingency Operations/Global War on Terrorism pursu-  
10 ant to section 251(b)(2)(A) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985 made available by  
12 this joint resolution for the Department of Defense be-  
13 tween such appropriations, to be merged with and to be  
14 available for the same purposes, and the same time period,  
15 as the appropriation or fund to which transferred. The  
16 Secretary of Defense shall notify the congressional defense  
17 committees not fewer than 15 days prior to any transfer  
18 made pursuant to this section.

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

23       (b) Section 301(c) of title III of division B of Public  
24 Law 112–74 shall not apply to amounts made available  
25 by this section.

1        SEC. 126. In addition to the amounts otherwise made  
2 available by section 101 for “Department of Energy—Na-  
3 tional Nuclear Security Administration—Defense Nuclear  
4 Nonproliferation”, an additional amount is made available  
5 for domestic uranium enrichment research, development,  
6 and demonstration at a rate for operations of  
7 \$100,000,000.

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

12        SEC. 128. Notwithstanding any other provision of  
13 this joint resolution, except section 106, the District of  
14 Columbia may expend local funds under the heading “Dis-  
15 trict of Columbia Funds” for such programs and activities  
16 under title IV of H.R. 6020 (112th Congress), as reported  
17 by the Committee on Appropriations of the House of Rep-  
18 resentatives, at the rate set forth under “District of Co-  
19 lumbia Funds—Summary of Expenses” as included in the  
20 Fiscal Year 2013 Budget Request Act of 2012 (D.C. Act  
21 19–381), as modified as of the date of the enactment of  
22 this joint resolution.

23        SEC. 129. Notwithstanding section 101, amounts are  
24 provided for “District of Columbia—Federal Funds—  
25 Federal Payment for Emergency Planning and Security

1 Costs in the District of Columbia” at a rate for operations  
2 of \$24,700,000, of which not less than \$9,800,000 shall  
3 be used for costs associated with the Presidential Inau-  
4 guration.

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

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

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

23 SEC. 132. Notwithstanding section 101, the fifth pro-  
24 viso under the heading “Federal Communications Com-  
25 mission—Salaries and Expenses” in division C of Public

1 Law 112–74 shall be applied by substituting  
2 “\$98,739,000” for “\$85,000,000”.

3 SEC. 133. Notwithstanding any other provision of  
4 this joint resolution, amounts made available by section  
5 101 for “Department of the Treasury—Departmental Of-  
6 fices—Salaries and Expenses” and “Department of the  
7 Treasury—Office of Inspector General—Salaries and Ex-  
8 penses” may be used for activities in connection with sec-  
9 tion 1602(e) of the Resources and Ecosystems Sustain-  
10 ability, Tourist Opportunities, and Revived Economies of  
11 the Gulf Coast States Act of 2012 (subtitle F of title I  
12 of division A of Public Law 112–141).

13 SEC. 134. Notwithstanding section 101, amounts are  
14 provided for “Office of Government Ethics—Salaries and  
15 Expenses” at a rate for operations of \$18,664,000, of  
16 which \$5,000,000 shall be for development and deploy-  
17 ment of the centralized, publicly accessible database re-  
18 quired in section 11(b) of the STOCK Act (Public Law  
19 112–105).

20 SEC. 135. Notwithstanding section 101, amounts are  
21 provided for “Small Business Administration—Business  
22 Loans Program Account” for the cost of guaranteed loans  
23 as authorized by section 7(a) of the Small Business Act  
24 and section 503 of the Small Business Investment Act of  
25 1958 at a rate for operations of \$333,600,000.

1        SEC. 136. (a) Amounts made available by this joint  
2 resolution for “Department of Homeland Security—U.S.  
3 Customs and Border Protection—Salaries and Expenses”  
4 shall be obligated at the rate for operations necessary to  
5 maintain the staffing levels (including by backfilling va-  
6 cant positions) of Border Patrol agents, Customs and Bor-  
7 der Protection officers, and Air and Marine interdiction  
8 agents in effect at the end of the fourth quarter of fiscal  
9 year 2012, or, with respect to Border Patrol agents, at  
10 such greater levels as may otherwise be required in the  
11 second proviso under the heading “U.S. Customs and Bor-  
12 der Protection—Salaries and Expenses” in division D of  
13 Public Law 112–74. Any increase of the rate for oper-  
14 ations for such purpose under this subsection shall be de-  
15 rived by adjusting amounts otherwise made available with-  
16 in such account by this joint resolution, without regard  
17 to the restrictions on reprogramming in section 503 of di-  
18 vision D of Public Law 112–74.

19        (b) Not later than 15 days after the date of the enact-  
20 ment of this joint resolution, the Commissioner of U.S.  
21 Customs and Border Protection shall submit to the Com-  
22 mittees on Appropriations of the House of Representatives  
23 and the Senate a detailed expenditure plan for “Depart-  
24 ment of Homeland Security—U.S. Customs and Border  
25 Protection—Salaries and Expenses” at the program,

1 project, and activity level that specifies how the Commis-  
2 sioner will maintain staffing levels as required under sub-  
3 section (a) through the date specified in section 106(3)  
4 of this joint resolution.

5       SEC. 137. (a) Notwithstanding section 101, amounts  
6 are provided for “Department of Homeland Security—Na-  
7 tional Protection and Programs Directorate—Infrastruc-  
8 ture Protection and Information Security” at a rate for  
9 operations of \$1,170,243,000, of which \$328,000,000 is  
10 for Network Security Deployment, and \$218,000,000 is  
11 for Federal Network Security that may be obligated at a  
12 rate for operations necessary to establish and sustain es-  
13 sential cybersecurity activities, including procurement and  
14 operations of continuous monitoring and diagnostics sys-  
15 tems and intrusion detection systems for civilian Federal  
16 computer networks.

17       (b) Not later than 15 days after the date of the enact-  
18 ment of this joint resolution, the Secretary of Homeland  
19 Security shall submit to the Committees on Appropria-  
20 tions of the House of Representatives and the Senate an  
21 expenditure plan for essential cybersecurity activities de-  
22 scribed in subsection (a) of this section for the period  
23 through the date specified in section 106(3) of this joint  
24 resolution.

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

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

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

12       (b) In addition to the amounts provided under sub-  
13 section (a), there is appropriated \$23,000,000 for an addi-  
14 tional amount for fiscal year 2013 for “Department of the  
15 Interior—Department-wide Programs—Wildland Fire  
16 Management”, to remain available until expended, for re-  
17 payment to other appropriations accounts from which  
18 funds were transferred in fiscal year 2012 for wildfire sup-  
19 pression.

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

24       (b) In addition to the amounts provided under sub-  
25 section (a), there is appropriated \$400,000,000 for an ad-

1 ditional amount for fiscal year 2013 for “Department of  
2 Agriculture—Forest Service—Wildland Fire Manage-  
3 ment”, to remain available until expended, for repayment  
4 to other appropriations accounts from which funds were  
5 transferred in fiscal year 2012 for wildfire suppression.

6 SEC. 142. Section 411(h)(4)(A) of the Surface Min-  
7 ing Control and Reclamation Act of 1977 (30 U.S.C.  
8 1240a(h)(4)(A)) is amended to read as follows:

9 “(A) IN GENERAL.—The annual amount  
10 allocated under subparagraph (A) or (B) of sec-  
11 tion 402(g)(1) to any State or Indian tribe that  
12 makes a certification under subsection (a) of  
13 this section in which the Secretary concurs shall  
14 be reallocated and available for grants under  
15 section 402(g)(5).”.

16 SEC. 143. The authority provided by section 331 of  
17 the Department of the Interior and Related Agencies Ap-  
18 propriations Act, 2000 (enacted by reference in section  
19 1000(a)(3) of Public Law 106–113; 16 U.S.C. 497 note)  
20 shall continue in effect through the date specified in sec-  
21 tion 106(3) of this joint resolution.

22 SEC. 144. (a) The following sections of the Federal  
23 Insecticide, Fungicide, and Rodenticide Act shall continue  
24 in effect through the date specified in section 106(3) of  
25 this joint resolution:



1           (1) Subparagraphs (C) through (E) of section  
2           4(i)(5) (7 U.S.C. 136a–1(i)(5)(C)-(E));

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

5           (3) Section 33(c)(3)(B) (7 U.S.C. 136w–  
6           8(c)(3)(B)).

7           (b)(1) Section 4(i)(5)(H) of the Federal Insecticide,  
8 Fungicide, and Rodenticide Act (7 U.S.C. 136a–  
9 1(i)(5)(H)) shall be applied by substituting the date speci-  
10 fied in section 106(3) of this joint resolution for “Sep-  
11 tember 30, 2012”.

12          (2) Notwithstanding section 33(m)(2) of the Federal  
13 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.  
14 136w–8(m)(2)), section 33(m)(1) of such Act (7 U.S.C.  
15 136w–8(m)(1)) shall be applied by substituting the date  
16 specified in section 106(3) of this joint resolution for  
17 “September 30, 2012”.

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

22          SEC. 145. Section 163 of Public Law 111–242, as  
23 amended by Public Law 111–322, is further amended—

24          (a) in subsection (b), by striking “2012–2013” and  
25 inserting “2013–2014”; and

1 (b) by inserting at the end the following:

2 “(c) Not later than December 31, 2013, the Sec-  
3 retary of Education shall submit a report to the Commit-  
4 tees on Appropriations and Health, Education, Labor, and  
5 Pensions of the Senate and the Committees on Appropria-  
6 tions and Education and the Workforce of the House of  
7 Representatives, using data required under existing law  
8 (section 1111(h)(6)(A) of Public Law 107–110) by State  
9 and each local educational agency, regarding the extent  
10 to which students in the following categories are taught  
11 by teachers who are deemed highly qualified pursuant to  
12 34 C.F.R. 200.56(a)(2)(ii) as published in the Federal  
13 Register on December 2, 2002:

14 “(1) Students with disabilities.

15 “(2) English Learners.

16 “(3) Students in rural areas.

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

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

24 SEC. 147. Notwithstanding section 101, amounts are  
25 provided for “Department of Health and Human Serv-

1 ices—Administration for Children and Families—Refugee  
2 and Entrant Assistance” at a rate for operations of  
3 \$900,000,000. Amounts made available by this section  
4 may be obligated up to a rate for operations necessary  
5 to maintain program operations at the level provided in  
6 fiscal year 2012, as necessary to accommodate increased  
7 demand.

8       SEC. 148. Activities authorized by part A of title IV  
9 and section 1108(b) of the Social Security Act shall con-  
10 tinue through the date specified in section 106(3) of this  
11 joint resolution, in the manner authorized for fiscal year  
12 2012, and out of any money in the Treasury of the United  
13 States not otherwise appropriated, there are hereby appro-  
14 priated such sums as may be necessary for such purpose.  
15 Grants and payments may be made pursuant to this au-  
16 thority on a quarterly basis through the second quarter  
17 of fiscal year 2013 at the level provided for such activities  
18 for the corresponding quarter of fiscal year 2012.

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

23       SEC. 150. Notwithstanding section 101, amounts are  
24 provided for “Department of Veterans Affairs—Depart-  
25 mental Administration—General Operating Expenses,

1 Veterans Benefits Administration” at a rate for operations  
2 of \$2,164,074,000.

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

7 SEC. 152. (a) Section 120 of division C of Public Law  
8 112–55 shall not apply to amounts made available by this  
9 joint resolution.

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

12 (1) in subsection (a)(1), by substituting  
13 “\$39,143,582,670” for “\$39,699,000,000”;

14 (2) in subsection (b)(10), as if the limitation  
15 applicable through fiscal year 2011 applied through  
16 fiscal year 2012; and

17 (3) in subsection (c)(5), by treating the ref-  
18 erence to section 204 of title 23, United States  
19 Code, as a reference to sections 202 and 204 of such  
20 title.

21 SEC. 153. The matter under the heading “Depart-  
22 ment of Transportation—National Highway Traffic Safe-  
23 ty Administration—Highway Traffic Safety Grants” in di-  
24 vision C of Public Law 112–55 shall be applied to amounts  
25 made available by this joint resolution by treating each

1 reference to section 2001(a)(11) of Public Law 109–59  
2 under such heading as a reference to section 31101(a)(6)  
3 of Public Law 112–141.

4       SEC. 154. The matter under the heading “Depart-  
5 ment of Transportation—Federal Transit Administra-  
6 tion—Formula and Bus Grants” in division C of Public  
7 Law 112–55 shall be applied to amounts made available  
8 by this joint resolution by substituting “49 U.S.C. 5305,  
9 5307, 5310, 5311, 5318, 5322(d), 5335, 5337, 5339, and  
10 5340” for “49 U.S.C. 5305, 5307, 5308, 5309, 5310,  
11 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and sec-  
12 tion 3038 of Public Law 105–178, as amended” each  
13 place it appears.

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

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

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