

FY 2013 Continuing Resolution (CR) Appropriations Issues (assuming FY 2013 Full-Year CR)

Issues	Page No.
General	
Advance Appropriations.....	1
Appropriated Entitlements.....	1
Political Pay Freeze.....	2
Prevailing Rate.....	3
Agriculture and Rural Development Subcommittee	
Department of Agriculture, Farm and Rural Development Loan Funding Flexibility.....	5
Department of Agriculture, Fresh Fruit and Vegetable Program Transfer Delay.....	5
Department of Health and Human Services, FDA User Fees.....	5
Commerce, Justice, and Science Subcommittee	
Department of Justice, Federal Detention Merger.....	6
National Aeronautics and Space Administration, Funding Level and Legislative Language Changes for NASA Construction and Environmental Compliance and Restoration.....	6
Defense Subcommittee	
Department of Defense, 80/20 Percent Obligation Rule.....	7
Department of Defense, Completion of Prior Year Ships.....	7
Department of Defense, Increase Department of Defense's FY 2012 General Transfer Authority.....	8
Department of Defense, Multiyear Procurements.....	8
Department of Defense, New Starts and Production Increases.....	8
Department of Defense, Shipbuilding Appropriation.....	9
Energy and Water Development Subcommittee	
Corps of Engineers, Little Calumet.....	9
Corps of Engineers, Miami Harbor.....	9
Corps of Engineers, Olmsted Locks and Dam.....	10
Department of Energy - Non-NNSA, ARPA-E No Year Project Funding.....	10
Financial Services and General Government Subcommittee	
Department of the Treasury, CDFI Fund Bond Guarantee Program.....	10
Department of the Treasury, Streamlined Critical Pay Program.....	11
Homeland Security Subcommittee	
Department of Homeland Security, Cybersecurity.....	11
Department of Homeland Security, Expiring Department of Homeland Security Authorities.....	11
Department of Homeland Security, Technical Assistance for Flood Hazard Mapping and Risk Analysis	12
Department of Homeland Security, Technical Assistance for the National Flood Insurance Program.....	12
Interior and Environment Subcommittee	

Department of Agriculture, Forest Service Administration of Rights-Of-Way and Land Uses (Cost Recovery).....	13
Department of Agriculture, Transfer of Funds to BLM for Land Management.....	13
Department of the Interior, BIA Contract Support Costs.....	14
Department of the Interior, BSEE Inspection Fee General Provision Technical Correction.....	14
Department of the Interior, Indian Reorganization Act.....	14
Department of the Interior, Mining Law Technical Correction.....	15
Department of the Interior, Office of Natural Resources Revenue Civil Penalties.....	15
Department of the Interior, OS/ONRR Grants and Cooperative Agreements.....	16

Labor, HHS, and Education Subcommittee

Department of Education, ARPA-ED Authorization.....	16
Department of Education, IDEA Part B--Maintenance of Effort Penalty Fix.....	17
Department of Education, Title II Set Aside.....	17
Department of Health and Human Services, Appropriation of HCFAC Funding in Budget Control Act of 2011.....	18
Department of Health and Human Services, CDC Emergency Operations.....	18
Department of Health and Human Services, CMS Program Management.....	19
Department of Health and Human Services, Head Start.....	19
Department of Health and Human Services, Technical Correction to Full Year Extension of TANF, Child Care Entitlement and CRTA.....	20
Department of Labor, Advances to the Revolving Fund for the Employment Security Administration Account.....	20
Department of Labor, MSHA Fees.....	21
Department of Labor, Performance Partnerships for Disconnected Youth.....	21
Department of Labor, TAA Community College Career Training.....	21
Social Security Administration, Full Funding of SSA Program Integrity Cap Adjustment Authorized Under the Budget Control Act of 2011.....	22

Military Construction and Veterans Affairs Subcommittee

Department of Veterans Affairs, VA Medical Care-FY 2013/2014 Funding.....	22
---	----

State, Foreign Operations Subcommittee

Department of State and USAID, Authorities for Funding AMISOM/UNSOA.....	23
Department of State and USAID, Authority to Transfer D and CP OCO Funds to ESCM for Increased Security Requirements.....	23
Department of State and USAID, Community Development Fund.....	24
Department of State and USAID, Expand 451 Authority.....	24
Department of State and USAID, Extension of CIPA Cap Lift.....	24
Department of State and USAID, Middle East and North Africa Loan Guarantees.....	25
Department of State and USAID, Taiwan Visa Waiver.....	25
Other International Agencies, Enhanced Heavily Indebted Poor Countries Initiative Debt Relief to Sudan.....	26
Other International Agencies, International Monetary Fund.....	26
Other International Agencies, Treasury Transfer Authority and International Bank for Reconstruction and Development Selective Capital Increase.....	28

Transportation and HUD Subcommittee

Department of Housing and Urban Development, Indian Housing Loan Guarantee Fund Program Account.....	28
--	----

Department of Transportation, Capital Investment Grants Changes Following Passage of Moving Ahead for Progress in the 21st Century (MAP-21) Surface Transportation Reauthorization.....	29
Department of Transportation, Formula Grant Programs Following Passage of Moving Ahead for Progress in the 21st Century (MAP-21) Surface Transportation Reauthorization.....	29
Department of Transportation, MAP-21 Obligation Limitations.....	30
Department of Transportation, NHTSA State Grants.....	30
Department of Transportation, Research, Development, Demonstration and Deployment Program.....	31
Department of Transportation, Technical Correction of Sec. 112 of the FAA Administrative Provisions..	32

General

Advance Appropriations

Sec. _____ . (a) With respect to any discretionary account for which advance appropriations were provided for fiscal year 2013 or 2014 in an appropriations Act for fiscal year 2012, the levels established by section 101 shall include advance appropriations in the same amount for fiscal year 2014 or 2015, respectively, with a comparable period of availability. (b) Notwithstanding subsection (a), the levels for each of the following accounts for fiscal year 2014 shall be as follows: (1) "Department of Veterans Affairs, Medical Services", \$43,557,000,000, plus reimbursements, which shall become available on October 1, 2013, and shall remain available until September 30, 2014: *Provided*, That, of the amounts provided for this account for fiscal year 2014, \$1,400,000,000 shall remain available until September 30, 2015. (2) "Department of Veterans Affairs, Medical Support and Compliance", \$6,033,000,000, plus reimbursements, which shall become available on October 1, 2013, and shall remain available until September 30, 2014: *Provided*, That, of the amounts provided for this account for fiscal year 2014, \$100,000,000 shall remain available until September 30, 2015. (3) "Department of Veterans Affairs, Medical Facilities", \$4,872,000,000, plus reimbursements, which shall become available on October 1, 2013, and shall remain available until September 30, 2014: *Provided*, That, of the amounts provided for this account for fiscal year 2014, \$250,000,000 shall remain available until September 30, 2015.

Language is needed to provide advance appropriations for fiscal year 2014 or 2015 in the same amount and with a comparable period of availability as advance appropriations that were provided to discretionary accounts for fiscal year 2013 or 2014 in an appropriations Act for fiscal year 2012. Language is also needed to provide specific levels of advance appropriations for fiscal year 2014 for the Veterans Health Administration Medical Services, Medical Support and Compliance, and Medical Facilities accounts in the Department of Veterans Affairs (VA), thereby fulfilling the Administration's commitment to reliable and timely resources to support the delivery of accessible and high-quality medical services for veterans. As requested in the 2013 Budget, a portion of the advance appropriations for the three VA medical care accounts will have a two-year period of availability.

Appropriated Entitlements

Sec. _____ .

(a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2012, and for activities under the Food and Nutrition Act of 2008, the levels established by section 101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2012.

(b) In addition to the amounts otherwise provided by section 101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2014:

"(1) "Department of Labor, Office of Workers' Compensation Programs, Special Benefits for Disabled Coal Miners", for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, as amended, \$35,000,000, to remain available until expended.

"(2) "Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid", for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, \$106,335,631,000, to remain available until expended.

"(3) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs", for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$1,100,000,000, to remain available until expended.

"(4) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency", for making payments to States or other non-Federal entities under title IV–E of the Social Security Act, \$2,200,000,000.

"(5) "Social Security Administration, Supplemental Security Income Program", for benefit payments under title XVI of the Social Security Act, \$19,300,000,000, to remain available until expended."

Language is needed to ensure that funding for appropriated entitlements and other mandatory payments will continue at the rate to maintain program levels under current law and to ensure benefit payments are issued in a timely manner. Appropriated entitlements include, but are not limited to: Grants to States for Medicaid; Payments to States for Child Support Enforcement and Family Support Programs; Social Services Block Grant; Payment to States for Foster Care and Adoption Assistance; Payments to Health Care Trust Funds; Supplemental Nutrition Assistance Program; Child Nutrition Programs; the Supplemental Security Income Program; readjustment benefits for veterans; and compensation, pension, and burial benefits to veterans and their spouses and dependent children.

Political Pay Freeze

Sec. _____. Notwithstanding section 101, the government-wide general provisions in title VII of the Financial Services and General Government Appropriations Act, 2012 (division C of Public Law 112-74) shall be applied to funds appropriated by this Act as if a new section 745 were inserted at the end of such title, as follows:

"Sec. 745. (a) The Vice President may not receive a pay raise in calendar year 2013, notwithstanding section 104 of title 3, United States Code, or any other provision of law.

"(b) An individual serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, may not receive a pay rate increase in calendar year 2013, notwithstanding schedule adjustments made under section 5318 of title 5, United States Code, or any other provision of law, except as provided in subsection (g) or (h). The preceding sentence applies only to individuals who are holding a position in which they serve at the pleasure of the President or other appointing official.

"(c) A chief of mission or ambassador at large may not receive a pay rate increase in calendar year 2013, notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, except as provided in subsection (g) or (h).

"(d) A noncareer appointee in the Senior Executive Service may not receive a pay rate increase in calendar year 2013, notwithstanding sections 5382 and 5383 of title 5, United States Code.

"(e) Any employee paid a rate of basic pay (including locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above level IV of the Executive Schedule who serves at the pleasure of the appointing official may not receive a pay rate increase in calendar year 2013, notwithstanding any other provision of law, except as provided in subsection (g) or (h). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, or to employees appointed under 5 U.S.C. 3161, or to employees in another pay system whose position would be classified at GS-15 or below if chapter 51 of title 5, United States Code, applied to them.

"(f) Nothing in this section shall prevent employees who do not serve at the pleasure of the appointing official from receiving pay increases as otherwise provided under applicable law.

"(g) A career appointee in the Senior Executive Service who receives a Presidential appointment and who makes an election to retain Senior Executive Service basic pay entitlements under section 3392 of title 5, United States Code, is not subject to this section.

"(h) A member of Senior Foreign Service who receives a Presidential appointment to any position in the executive branch and who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96-465) is not subject to this section."

Language is needed to freeze pay for senior political officials working in the Executive Branch for the remainder of 2013. Following the expiration of the current CR, the President's Alternative Pay Plan and Executive Order, "Adjustments of Certain Rates of Pay," will take effect on the first applicable pay period beginning after March 27, 2013, providing a 0.5 percent increase for civilian employees. Without this anomaly, senior political officials would also receive the increase.

Prevailing Rate

Sec. _____. Notwithstanding section 101, the government-wide general provisions in title VII of the Financial Services and General Government Appropriations Act, 2012 (division C of Public Law 112-74) shall be applied to funds appropriated by this Act as if a new section 746 were inserted at the end of such title, as follows:

"Sec. 746. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2013, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

"(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2013, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

"(2) during the period consisting of the remainder of fiscal year 2013, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of

"(A) the percentage adjustment taking effect in fiscal year 2013 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

"(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2013 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

"(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

"(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2012, shall be determined under regulations prescribed by the Office of Personnel Management.

"(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2012, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

"(e) This section shall apply with respect to pay for service performed after September 30, 2012.

"(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

"(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

"(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees."

Language is needed to ensure that Prevailing Rate employees do not receive pay adjustments larger than the 0.5 percent increase scheduled for General Schedule (GS) employees. Without this anomaly, the pay setting process for Prevailing Rate employees, which is based on wage surveys, would lead to exceptionally large increases.

Agriculture and Rural Development Subcommittee

Department of Agriculture, Farm and Rural Development Loan Funding Flexibility

Sec. _____. Notwithstanding section 101, the Secretary of Agriculture may transfer funds among loan and loan guarantee programs within and between the Rural Development mission area and the Farm Service Agency to maintain the 2012 program levels, to the extent possible, for such programs and activities during fiscal year 2013.

Language is needed to allow the Department of Agriculture (USDA) to move subsidy budget authority between Rural Development and Farm Service Agency loan programs. This will enable USDA to maintain loan levels at approximately the FY 2012 enacted levels. Without this anomaly, USDA loan programs would be arbitrarily larger and smaller than loan levels proposed in either the President's Budget or prior appropriations acts, with 1,500 low- and very low-income rural residents losing the ability to own homes.

Department of Agriculture, Fresh Fruit and Vegetable Program Transfer Delay

Sec. _____. Notwithstanding section 101:

(a) the first proviso of section 726(15) of division A of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55) shall be applied to funds appropriated by this Act as if ", in this fiscal year," were inserted before "section 19(i)(1)(E)" and by substituting "\$39,000,000" for "\$20,000,000"; and

(b) the second proviso of such section shall be applied to funds appropriated by this Act by substituting "\$117,000,000" for "\$133,000,000".

Language is needed to modify section 118 of the CR to maintain the overall limitation in Section 32 spending and make the technical language updates necessary to delay the transfer of \$117 million from Section 32 to the Fresh Fruit and Vegetable Program (FFVP) from July 1, 2013 until October 1, 2013. Approximately three-quarters of school year 2013-2014 funding can be delayed without impact to FFVP operations. Congress has enacted this discretionary change to a mandatory program, or CHIMP, for the past several years. Without this anomaly, Section 32 activities, such as surplus removal programs, would be severely limited. Since the FFVP delay is only a part of a larger limitation to the Section 32 program, the proposed language for the anomaly would not impact the total savings scored to the general provision under a CR.

Department of Health and Human Services, FDA User Fees

Sec. _____. (a) Amounts provided by section 101 for "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses" for activities funded for medical device, animal drug, generic animal drug, and tobacco product user fees shall be increased by the amounts by which the authorized levels of such fees for fiscal year 2013 exceed the authorized levels of such fees for fiscal year 2012.

(b) Notwithstanding section 101, fees authorized for fiscal year 2013 pursuant to sections 744B and 744H of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) shall be credited to "Department of Health and Human Services—Food and Drug Administration—Salaries and

Expenses" to carry out, respectively, human generic drug activities and the process for the review of biosimilar biological product applications.

(c) Notwithstanding section 101, the Secretary of Health and Human Services may accept payment during fiscal year 2013 of user fees specified in this section and authorized for fiscal year 2014, and amounts of such fiscal year 2014 fees for which the Secretary accepts payment during fiscal year 2013 shall not be included in amounts appropriated under this Act.

Language is needed to allow the Food and Drug Administration (FDA) to collect and spend user fees that support medical product safety and development programs and protect the public health under the Biosimilars User Fee Act (BSUFA), Generic Drug User Fee Act (GDUFA), Medical Device User Fee and Modernization Act (MDUFMA), Animal Drug User Fee Act (ADUFA), Animal Generic Drug User Fee Act (AGDUFA), and the Family Smoking Prevention and Tobacco Control Act at the level authorized by law. These additional fees are critical for FDA to operate at full capacity to approve new drugs and medical products and to conduct appropriate public health and safety activities for all of FDA's regulated products. This anomaly results in no net budget authority or outlay impact.

Commerce, Justice, and Science Subcommittee

Department of Justice, Federal Detention Merger

Sec. ____ . Funds appropriated by section 101 for "Department of Justice—General Administration—Detention Trustee" may be obligated in the account and budget structure set forth for the "Department of Justice—Legal Activities and U.S. Marshals—Federal Prisoner Detention" in title II of H.R. 5326 (112th Congress), as reported by the House Appropriations Committee.

Language is needed to allow funds appropriated at the FY 2012 level under the heading Department of Justice—General Administration—Detention Trustee to be obligated in the account and budget structure set forth for the Department of Justice—Legal Activities and U.S. Marshals—Federal Prisoner Detention, as provided in title II of H.R. 5326, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 reported by the House Appropriations Committee. The Office of the Federal Detention Trustee has begun to merge with the Federal Prisoner Detention at the U.S. Marshals. Without this anomaly, the Department of Justice will be forced to maintain two sets of financial records and forgo other potential administrative savings related to workforce, infrastructure, facilities and systems consolidation and streamlining.

National Aeronautics and Space Administration, Funding Level and Legislative Language Changes for NASA Construction and Environmental Compliance and Restoration

Sec. ____ . (a) Of the funds appropriated by section 101 for "National Aeronautics and Space Administration—Exploration", up to \$264,000,000 may be transferred to, and merged with, amounts provided by this Act for "National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration".

(b) Of the funds appropriated by section 101 for "National Aeronautics and Space Administration—Space Operations", up to \$22,000,000 may be transferred to, and merged with, amounts provided by this Act for "National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration".

(c) The transfer authority provided by this section shall be in addition to any other transfer authority permitted by law.

Language is needed to provide transfer authority that would allow the National Aeronautics and Space Administration (NASA) to transfer funding from the Exploration and Space Operations accounts for construction projects. Without this anomaly, NASA will not have the ability to execute construction projects planned for 2013, which will cause mission schedules to slip throughout the Agency.

Defense Subcommittee

Department of Defense, 80/20 Percent Obligation Rule

Sec. _____. Notwithstanding section 101, section 8004 of Public Law 112-74 shall not apply to funds appropriated by this Act.

Language is needed to remove the FY 2012 appropriations requirement (section 8004, Department of Defense Appropriations Act, 2012) that limits Department of Defense obligations of current one-year appropriations to no more than twenty percent during the last two months of the fiscal year. This anomaly is needed because the Department has taken steps in recent months to slow obligations due to uncertainty surrounding the fiscal and budgetary climate. Under a full year CR without an anomaly, the Department would be prohibited from obligating funds over the remaining months of the fiscal year in the amounts needed to achieve the Department's missions, and the funding will expire. This would be a particular problem for the Operation and Maintenance accounts where another proposed anomaly would provide considerable additional funds in the second six months of the year to make up for a significant funding gap under the CR, in order to support both critical OCO (including additional shipping costs out of the war theater) and base missions. The Department needs relief from this rule in order to ensure that these funds can be obligated appropriately and effectively by the end of the fiscal year.

Department of Defense, Completion of Prior Year Ships

Sec. _____. Of the amounts appropriated in Section 101 under the heading "Department of Defense—Shipbuilding and Conversion, Navy", \$304,573,000 shall be available to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading "Shipbuilding and Conversion, Navy, 2007/2013": LHA Replacement Program \$156,685,000.

(2) Under the heading "Shipbuilding and Conversion, Navy, 2008/2013": LPD-17 Amphibious Transport Dock Program, \$80,888,000.

(3) Under the heading "Shipbuilding and Conversion, Navy, 2009/2013": CVN Refueling Overhauls Program, \$67,000,000.

Language is necessary to fund prior-year shipbuilding cost increases. Without these final increments of funding, three nearly-completed ships would remain unfinished in their shipyards. This anomaly would ensure that these high-demand ships are delivered to the fleet.

Department of Defense, Increase Department of Defense's FY 2012 General Transfer Authority

Sec. _____. (a) Notwithstanding section 101, section 8005 of Public Law 112-74 shall be applied to funds appropriated in division A of such Act by substituting "\$4,500,000,000" for "\$3,750,000,000".

(b) Section 1001 of Public Law 112-81 shall be applied to funds appropriated for fiscal year 2012 by substituting "\$4,500,000,000" for "\$4,000,000,000".

Language is needed to increase the Department of Defense's FY 2012 general transfer authority from \$3.75 billion to \$4.50 billion as it applies to prior-year (FY 2012) funding. Without this anomaly, certain investment, shipbuilding, and research and development programs may not be executable.

Department of Defense, Multiyear Procurements

Sec. _____. Notwithstanding section 101, section 8010 of Public Law 112-74 shall be applied to funds appropriated by this Act as if the following were inserted in place of the existing language: "Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows: DDG-51 Arleigh Burke class destroyer and associated systems; V-22 Joint Aircraft Program; and the CH-47 Chinook helicopter."

Language is needed to authorize the Department of Defense (DOD) to enter into multi-year procurement (MYP) contracts for three programs (the CH-47F helicopter, the DDG-51 Arleigh Burke destroyer, and the V-22 Joint Aircraft Program), consistent with congressional action. This would allow DOD to make a commitment to contractors to procure a specific quantity of weapons systems over several years. Without this anomaly, estimated savings of approximately 10-20 percent (of the program cost) would be lost.

Department of Defense, New Starts and Production Increases

Sec. _____. Funds made available or authority granted pursuant to section 101 for the Department of Defense may be used for the programs, projects and activities itemized in the Funding Tables contained in division D of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239), including:

(a) the new production of items not funded for production in fiscal year 2012 or prior years;

(b) the increase in production rates above those sustained with fiscal year 2012 funds; and

(c) the initiation, resumption, or continuation of any project, activity, operation, or organization for which appropriations, funds, or other authority were not available during fiscal year 2012.

Language is needed to authorize the Department of Defense (DOD) to begin new programs, projects, and activities or increase rates of production relative to FY 2012 levels. This anomaly would allow DOD to fund programs, projects, and activities consistent with the funding tables included in the

National Defense Authorization Act of 2013 (P.L. 112-239). Without this authority, DOD would be prevented from implementing planned activities for FY 2013, including all planned military construction projects.

Department of Defense, Shipbuilding Appropriation

Sec. _____. Notwithstanding section 101, the level for "Department of Defense—Procurement—Shipbuilding and Conversion, Navy" shall be \$13,415,745,000: *Provided*, That the language under such heading beginning ", as follows:" and all that follows through "Completion of Prior Year Shipbuilding Programs, \$73,992,000" shall not apply to funds appropriated by this Act.

Language is needed to remove the restrictions imposed in the Shipbuilding and Conversion appropriations language. By removing ship-specific appropriations, the Navy would be better able to manage ship construction. Without this anomaly, the Navy would need to initiate multiple reprogrammings totaling more than \$3 billion; contract awards would likely be delayed, which could cause existing contracts to be renegotiated, resulting in higher costs; and there could be delays to the initiation of ship construction, as well as shipyard workforce furloughs.

Energy and Water Development Subcommittee

Corps of Engineers, Little Calumet

Sec. _____. Section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4115), as amended by section 127 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2259), is further amended—

(i) by striking "\$198,000,000" and inserting "\$269,988,000";

(ii) by striking "\$148,500,000" and inserting "\$202,800,000"; and

(iii) by striking "\$49,500,000" and inserting "\$67,188,000".

Language is needed to increase the level of authorization of appropriations in order to complete the Little Calumet River (Indiana) flood control project. Without this anomaly, the Corps of Engineers will need to take steps in FY 2013 to slow down work on the project, which would increase this project's construction cost and delay its benefits.

Corps of Engineers, Miami Harbor

Sec. _____. Section 1001(17)(A) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1052) is amended—

(a) by striking "\$125,270,000" and inserting "\$152,510,000";

(b) by striking "\$75,140,000" and inserting "\$92,007,000"; and

(c) by striking "\$50,130,000" and inserting "\$60,503,000".

(b) The amendments made by subsection (a) shall take effect on November 8, 2007.

Language is needed to correct the level of authorization of appropriations for the Miami Harbor (Florida) project. The amount of appropriations authorized for this project in 2007 did not properly account for the effects of inflation prior to 2007.

Corps of Engineers, Olmsted Locks and Dam

Sec. ____ . Paragraph (6) of subsection 3(a) of Public Law 100-676, as amended, is further amended by striking both occurrences of "\$775,000,000" and inserting in lieu thereof, "\$2,918,000,000".

Language is needed to increase the authorization level for the Olmsted Locks and Dam (Illinois and Kentucky) project. This project is approaching the appropriations limit authorized for its construction. Without this anomaly, the Corps of Engineers will need to take steps in FY 2013 to slow down work on the project, which would increase this project's construction cost and delay its benefits. Failure to provide the anomaly would also likely increase the costs of maintaining Ohio River Locks and Dams 52 and 53, two aging upstream structures that this project is designed to replace.

Department of Energy - Non-NNSA, ARPA-E No Year Project Funding

Sec. ____ . Notwithstanding section 101, language under the heading "Department of Energy—Advanced Research Projects Agency—Energy" in Public Law 112-74 shall be applied to funds appropriated by this Act as if "to remain available until expended" were inserted after "\$275,000,000".

Language is needed to convert the FY 2013 ARPA-E one-year funds into no-year funds. The funding for ARPA-E in FY 2012 was restricted to one-year funds due to a clerical error. ARPA-E does not issue solicitations for awards until sufficient funds are available to support the solicitation's awards. Without additional time to obligate funds, the Department will not be able to adequately review proposals, negotiate awards, and make grants in the allotted time.

Financial Services and General Government Subcommittee

Department of the Treasury, CDFI Fund Bond Guarantee Program

Sec. ____ . Notwithstanding section 101, funds appropriated by this Act for "Department of the Treasury—Community Development Financial Institutions Fund Program Account" shall also be available for the cost of guaranteed loans (as defined in section 502 of the Congressional Budget Act of 1974) pursuant to and as authorized by section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) to subsidize total loan principal not to exceed \$1,000,000,000: *Provided*, That, pursuant to such section 114A, up to \$1,000,000 collected from authorized fees under the CDFI Bond Guarantee Program may be used for administrative expenses of the Program and shall be in addition to funds otherwise provided for administrative expenses of the Program.

Language is needed to provide the formal authority to make loan guarantees in the CDFI Fund Bond Guarantee program, which was created by Congress in the Small Business Jobs Act of 2010, and which will provide needed additional financing to small businesses and entrepreneurs to create

jobs in underserved areas, as well as funds for construction for charter schools and affordable housing. Authority is needed pursuant to Section 504(b) of the Federal Credit Reform Act, which states that all new direct loan obligations and new loan guarantee commitments after 1992 may be made "only to the extent that: (1) new budget authority to cover their costs is provided in advance in an appropriations act; (2) a limitation on the use of funds otherwise available for the cost of a direct loan or loan guarantee program has been provided in advance in an appropriations act; or (3) authority is otherwise provided in appropriations Acts." Since the program is a zero-subsidy loan program, no discretionary appropriations will be needed.

Department of the Treasury, Streamlined Critical Pay Program

Sec. _____. Sections 9503(a), 9504(a) and (b), and 9505(a) of title 5, United States Code, are amended by striking each instance of "July 23, 2013" and inserting in lieu thereof, "September 30, 2018".

Language is needed for a five-year extension to the Streamlined Critical Pay (SCP) authority, which expires July 23, 2013. Without SCP the Internal Revenue Service would not be able to continue paying approximately 30 senior employees, principally in information technology, at the salaries they have earned over several years. The high potential for attrition jeopardizes the IRS's ability to continue modernizing its critical IT systems, which were just recently removed by GAO from its High-Risk list.

Homeland Security Subcommittee

Department of Homeland Security, Cybersecurity

Sec. _____. Section 137(a) of Public Law 112-175 is amended by inserting, "\$213,000,000 shall remain available until September 30, 2014: *Provided*, That, of the amount made available under this heading," before "\$328,000,000".

Language is needed to provide funding at the annualized rate of \$213 million for the Department of Homeland Security, National Protection and Programs Directorate (NPPD), Infrastructure Protection and Information Security account for cybersecurity efforts. This anomaly would also provide for two-year funding, consistent with previous appropriations. Without this anomaly, NPPD will be forced to delay implementation of enhanced cyber defenses, which could ultimately prevent NPPD from being able to procure and install complex cybersecurity defenses across the Government by the end of FY 2013 and leave Federal networks exposed to an ever-increasing threat of cyber attack.

Department of Homeland Security, Expiring Department of Homeland Security Authorities

Sec. _____. The authority provided by section 532 of Public Law 109-295 and section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106.

Language is needed to extend an expiring authority, originally established in Section 532 of P.L. 109-295 (120 Stat. 1384), that authorizes the Secret Service to use proceeds derived from criminal investigations to further undercover investigative operations necessary for the detection and prosecution of crimes against the United States. This authority is consistent with that granted to

other members of the Federal law enforcement community, including the FBI, ICE, and IRS among others. The Secret Service currently has more than 22 active online undercover operations nationwide, most of which also include international targets threatening the U.S. financial infrastructure. Without this anomaly, the Secret Service will be unable to offset necessary and reasonable expenses to advance undercover criminal investigations.

Language is also needed in order to provide the Department of Homeland Security Science and Technology (S&T) Directorate the ability to exercise other transaction authority (OTA) under the full-year CR. This authority is used by S&T to engage nontraditional government contractors seeking innovative prototypes for solving our Nation's homeland security challenges. OTA gives S&T access to more companies and commercially available technologies than would otherwise be the case and, in certain situations, is the only way to affordably advance the maturity level of technologies that will help us counter homeland security vulnerabilities. Without the contracting flexibility that OTAs provide many of these nontraditional government contractors would not enter into agreements with the Government. Failure to enact this anomaly would impede S&T's efforts to marshal the private sector's scientific and technological capabilities benefitting the agency's mission.

Department of Homeland Security, Technical Assistance for Flood Hazard Mapping and Risk Analysis

Sec. _____. Notwithstanding section 101, language under the heading "Department of Homeland Security—Federal Emergency Management Agency—Flood Hazard Mapping and Risk Analysis Program" in Public Law 112-74 shall be applied to funds appropriated by this Act as if the following were inserted before "\$97,712,000": "and for sections 100215, 100216, 100226, 100230, and 100246 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141),".

Language is needed to pay for necessary expenses, through funding available under the Flood Hazard Mapping and Risk Analysis Program account, for the Technical Advisory Mapping Council, which was established by the Biggert-Waters Flood Insurance Reform Act of 2012 (BW12). BW12 amended the National Flood Insurance Act to include new statutory provisions regarding the manner in which the Federal Emergency Management Agency (FEMA) maps flood hazards. Specifically, it requires FEMA to stand up the Council to make recommendations to improve the accuracy, general quality, and cost effective manner of FEMA's Flood Insurance Rate Maps. Without an anomaly, FEMA would be unable to stand up the Council.

Department of Homeland Security, Technical Assistance for the National Flood Insurance Program

Sec. _____. Notwithstanding section 101, the text under the heading "Department of Homeland Security—Federal Emergency Management Agency—National Flood Insurance Fund" in the Department of Homeland Security Appropriations Act, 2012 (division D of Public Law 112-74) shall be applied by inserting "the Biggert-Waters Flood Insurance Reform Act of 2012, Pub. L. 112-141," before "and the Flood Disaster Protection Act of 1973"; by substituting "\$1,056,602,000" for "\$1,007,571,000" in paragraph (2) of the second proviso; and by striking the text in paragraph (4) of the second proviso and inserting in lieu thereof "\$120,000,000, which shall remain available until expended, for flood mitigation actions under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c)".

Language is needed to allow the Federal Emergency Management Agency (FEMA) to unify grant assistance previously delivered by the Repetitive Flood Claims and Severe Repetitive Loss programs into a single program, as mandated by the Biggert-Waters Flood Insurance Reform Act of 2012 (BW12). FEMA will award grants through the Flood Mitigation Assistance (FMA) grant program, which was amended by BW12 to include repetitive flood claims and severe repetitive loss grants. The FY 2012 appropriations for the National Flood Insurance Program allocated funds for the grant programs as follows: a) \$10 million for Severe Repetitive Loss; b) \$10 million Repetitive Flood Claims; and c) \$40 million for Flood Mitigation Assistance. Without the anomaly, FEMA would only be able to implement the FMA piece in FY 2013.

Interior and Environment Subcommittee

Department of Agriculture, Forest Service Administration of Rights-Of-Way and Land Uses (Cost Recovery)

Sec. . Notwithstanding section 101, the authority provided by section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (Public Law 106-113), as amended, shall continue in effect through the date specified in section 106.

Language is needed to extend the Forest Service's current authority to recover costs for processing and monitoring special use authorization applications, which will expire on March 27, 2013, under the Continuing Appropriations Resolution, 2013 (P.L. 112-175). Without such language, Forest Service capacity to process new applications and provide oversight to over 82,000 existing authorizations, including energy-related uses, broadband and communication facilities and recreation facilities, would be significantly impaired. This would result in the Forest Service not issuing over 1,000 new applications and would increase the number of permits that are not maintained to standard. In addition, receipts generated would be reduced by approximately \$8 million per year.

Department of Agriculture, Transfer of Funds to BLM for Land Management

Sec. . Notwithstanding section 101 and the proviso under the heading "Department of Agriculture—Forest Service—National Forest System" in Public Law 111-88, language under the heading "Department of Agriculture—Forest Service—National Forest System" in Public Law 112-74 shall be applied to funds appropriated by this Act as if the following proviso were included before the period at the end: ": *Provided further*, That the Secretary may authorize the expenditure or transfer of up to \$10,000,000 to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of certain excess animals from National Forest System lands, and for the performance of surveys to designate the boundaries of such lands".

Language is needed to provide transfer authority between the Forest Service and the Bureau of Land Management (BLM) for boundary surveys and long-term holding of wild horses. Absent the anomaly, BLM will have to reduce other activities, such as additional gatherings of wild horses, to ensure proper management of the animals that have been already removed from Forest Service lands. Failure to enact the anomaly will lead to increased environmental damage and greater liability exposure for the Federal Government.

Department of the Interior, BIA Contract Support Costs

Sec. _____. Notwithstanding section 101, Section 408 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (division E of Public Law 112-74) shall be applied to funds appropriated by this Act by striking "and" before "112-10"; by inserting ", and 112-74" after "112-10"; and by substituting "2012" for "2011".

Language is needed to update the public law number and year designated in section 408 of division E of Public Law 112-74, which continues the limitation on prior-year contract support costs, consistent with congressional action. Without this anomaly, the cap on contract support costs for FY 2012 funds would not continue to be in effect, which could force BIA to reallocate carryover FY 2012 funds from program delivery to overhead. This provision is updated annually and was included for FY 2013 in the President's Budget and the House and Senate marks.

Department of the Interior, BSEE Inspection Fee General Provision Technical Correction

Sec. _____. Notwithstanding section 101, subsection (a) of section 109 of division E of Public Law 112-74 is amended by striking "Ocean Energy Management" and inserting in lieu thereof "Offshore Safety and Environmental Enforcement".

Language is needed to correct Section 109 of the Interior, Environment, and Related Agencies Appropriations Act, 2012 that refers to the wrong bureau's account for the deposit of offshore oil and gas inspection fees billed for FY 2012. This has resulted in a burdensome, time-consuming and inefficient accounting process within the Department to collect and transfer the fee collections to the right bureau, taking resources away from more critical functions. The Bureau of Safety and Environmental Enforcement (BSEE) is responsible for conducting these inspections, and BSEE's FY 2012 appropriations language in the same bill makes clear that BSEE has the authority to spend inspection fees authorized by the bill. However, Section 109 requires that the fee collections be deposited in the operating account for the Bureau of Ocean Energy Management (BOEM). As a result of this error, the Department must currently follow a seven-step process for monthly accounting transactions to move fee collections from BOEM to BSEE. With this anomaly, the fees will be credited directly to BSEE, reducing the transaction steps to just two and greatly reducing the accounting burden on the Department.

Department of the Interior, Indian Reorganization Act

Sec. _____. Indian Reorganization Act. (a) Modification - (1) In general - The first sentence of section 19 of the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 479), is amended –

(A) by striking "The term" and inserting "Effective beginning on June 18, 1934, the term"; and

(B) by striking "any recognized Indian tribe now under Federal jurisdiction" and inserting "any federally recognized Indian tribe".

(2) Effective date - The amendments made by paragraph (1) shall take effect as if included in the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") on the date of enactment of that Act.

(b) Ratification and confirmation of actions - Any action taken by the Secretary of the Interior pursuant to the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act")

(25 U.S.C. 461 et seq.) for any Indian tribe that was federally recognized on the date of the action is ratified and confirmed, to the extent such action is subjected to challenge based on whether the Indian tribe was federally recognized or under Federal jurisdiction on June 18, 1934, ratified and confirmed as fully to all intents and purposes as if the action had, by prior act of Congress, been specifically authorized and directed.

(c) Effect on other laws.

(1) In general nothing in this section or the amendments made by this section affects –

(A) the application or effect of any Federal law other than the Act of June 18, 1934 (as amended by subsection (a)); or

(B) any limitation on the authority of the Secretary of the Interior under any Federal law or regulation other than the Act of June 18, 1934 (as so amended).

(2) References in other laws - An express reference to the Act of June 18, 1934, contained in any other Federal law shall be considered to be a reference to that Act as amended by subsection (a).

Language is needed to amend the Indian Reorganization Act of 1934 (IRA). In 2009, the Supreme Court held in *Carciari v. Salazar* that the Secretary of the Interior may acquire land in trust for an Indian Tribe under Section 5 of the IRA only if the Tribe was “under Federal jurisdiction” in 1934. The proposed language would make clear that the IRA applies without regard to whether a federally recognized Tribe was under Federal jurisdiction in 1934. Such an amendment would restore two longstanding policies of the United States: to assist all Tribes in securing tribal homelands under the IRA, and to ensure that federally recognized Tribes are treated equally under the law.

Department of the Interior, Mining Law Technical Correction

Sec. ____ . Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f), as amended, is further amended — (1) in subsection (a)(1), in the first sentence, by inserting after "United States" the following: ", whether located before, "; (2) in subsection (a)(2) — (A) by inserting after "United States" the following: ", whether"; and (B) by striking the comma after the first "on".

Language is needed to reinsert critical language that was unintentionally omitted from the Omnibus Budget Reconciliation Act of 1993, as amended by the Consolidated Appropriations Act, 2012 (P.L. 112-74). Without this change, the Department of the Interior will not be able to collect claim maintenance fees on up to 75,000 claims, incurring a loss of projected revenue up to \$10.5 million. In addition, if the fees are not collected those who do not pay will have a competitive advantage over those claim owners that do pay.

Department of the Interior, Office of Natural Resources Revenue Civil Penalties

Sec. ____ . Section 206 of the Federal Oil and Gas Royalty Management Act of 1982, Public Law 97-451 (30 U.S.C. 1736), as amended, is further amended by striking the second sentence and inserting in lieu thereof "Any payments under this section shall be reduced by an amount equal to any payments provided or due to such State or Indian tribe under the cooperative agreement or delegation, as applicable, during the fiscal year in which the civil penalty is received, up to the total amount provided or due for that fiscal year."

Language is needed to amend section 1737 of the Federal Oil and Gas Royalty Management Act (FOGRMA) of 1982, so that the Department of the Interior (DOI) can share with States and Tribes any civil penalties that result from cooperative audits of royalty payments from oil and gas leases on Federal lands. FOGRMA provides that civil penalties should be shared with States and Tribes and requires that an equal amount be deducted from the related State or Tribal Delegated or Cooperative Audit Contract. Because the existing language provides no mechanism for the audit program to be reimbursed for its expenses, the auditors would have a disincentive to pursue civil penalties (even if the State/Tribe as a whole did receive its share). The language fix would address this by allowing DOI to deduct the audit costs from the amount paid to the States or Tribes, avoiding a reduction in funding to the cooperative audit program.

Department of the Interior, OS/ONRR Grants and Cooperative Agreements

Sec. _____. Notwithstanding section 101, the provisos under the heading "Department of the Interior—Working Capital Fund" shall be applied to funds appropriated by this Act as if the following proviso were inserted before the period at the end: ": *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law".

Language is needed to allow the Interior Business Center (IBC) to enter into grants and cooperative agreements to support the Office of Natural Resources Revenue (ONRR), which was transferred to the Office of the Secretary (OS) during the reorganization of the former Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). Prior to the reorganization, grants and agreements for ONRR were prepared and administered by BOEMRE. With the move to the Office of the Secretary, ONRR needs authority to enter into grants and cooperative agreements with States and Tribes so that ONRR can defer to States and Tribes to perform auditing functions for oil and gas operations. Without this authority, the Department of the Interior would be unable to enter into cooperative agreements with States and Tribes, putting the cooperative audit program in jeopardy and creating significant risks that compliance with royalty payment requirements will not be adequately enforced.

Labor, HHS, and Education Subcommittee

Department of Education, ARPA-ED Authorization

Sec. _____. Notwithstanding section 101, the provisos under the heading "Department of Education—Innovation and Improvement" shall be applied to funds appropriated by this Act as if the following four provisos were inserted after the second proviso: ": *Provided further*, That, of the amounts available for section 14007, up to 30 percent shall remain available until expended for the Advanced Research Projects Agency-Education (ARPA-ED), which shall be established within the Department of Education, with a Director appointed by the Secretary, to identify and promote advances in fundamental and applied sciences and engineering that could be translated into new learning technologies, to develop, test, and evaluate novel learning technologies and related processes, and to accelerate transformational technological advances: *Provided further*, That, for the purposes specified in the preceding proviso and notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the Secretary may use such funds to award grants, contracts, cooperative agreements, and cash prizes, and to enter into other

transactions (in accordance with such regulations as the Secretary may establish regarding such other transactions): *Provided further*, That the Secretary may appoint up to 20 scientific, engineering, professional, and other mission-related personnel to positions in ARPA-ED, for up to four years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service: *Provided further*, That the personnel appointed under the preceding proviso shall be paid at rates of compensation determined by the Secretary".

Language is needed to authorize the Advanced Research Projects Agency-Education (ARPA-ED) Program, which would identify and promote advances in sciences and engineering that could be translated into new learning technologies; develop, test, and evaluate novel learning technologies and related processes; and accelerate transformational technological advances. Absent this anomaly, the Department will be unable to proceed with supporting new investments, structured to track best practices from the Department of Defense, that contribute significantly to educational improvement.

Department of Education, IDEA Part B--Maintenance of Effort Penalty Fix

Sec. ____ . Notwithstanding section 101, the provisos under the heading "Department of Education—Special Education" shall be applied to funds appropriated by this Act as if the following four provisos were inserted after the first proviso: "*Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611(d), from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years:".

Language is needed for the Department of Education to distribute in 2013, \$36 million in IDEA Part B funds that were withheld in 2012 from States that did not meet their maintenance of efforts requirements and to ensure states penalized in 2012 are not penalized again in 2013 for the same violation. Specifically, the Department penalized Kansas for \$1 million and South Carolina for \$35 million in 2012. Without the language, the Department of Education will not be able to re-set penalized States' funding allocations to their pre-penalty levels in 2013. In effect, these States would be penalized twice for the same maintenance of effort infraction.

Department of Education, Title II Set Aside

Sec. ____ . Notwithstanding section 101, the sixth proviso under the heading "Department of Education—School Improvement Programs" in Public Law 112-74 shall be applied to funds appropriated by this Act as if it read as follows: "*Provided further*, That up to 5.5 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for

competitive awards for teacher or principal recruitment and training or professional enhancement activities, and for related research, development, evaluation, technical assistance, and outreach activities".

Language is needed to increase the percentage of the Title II (Improving Teacher Quality State Grants) appropriation that can be used for competitive awards for evidence-based teacher or principal recruitment and training or professional enhancement activities. Without this anomaly, the Department would lack a robust funding mechanism for identifying evidence-based and innovative strategies for improving instruction to help ensure that Title II funds are used more effectively to achieve their stated goals. The language also allows the competition to be expanded to entities other than national not-for-profits such as States and school districts and allows funds to be used for research, evaluation, and related activities.

Department of Health and Human Services, Appropriation of HCFAC Funding in Budget Control Act of 2011

Sec. ____ . Notwithstanding section 101, and in addition to amounts otherwise available for program integrity and program management, the level for "Health Care Fraud and Abuse Control Account" shall be \$610,000,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$409,697,693 shall be for the Centers for Medicare and Medicaid Services Program Integrity Activities, including administrative costs, to conduct oversight activities for the Medicare program including, but not limited to, the Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities described in section 1893 of such Act and for Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities; of which \$102,499,971 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; and of which \$97,802,336 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided, That*, of the amount provided by this section, \$311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$299,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act.

The Budget Control Act of 2011 (P.L. 112-25) authorized a cap adjustment of \$299 million in FY 2013 above the discretionary spending base level of \$311 million for the Health Care Fraud and Abuse Control (HCFAC) account. Language is needed to provide an additional \$299 million pursuant to section 251(b)(2)(C) of the Budget Control Act of 2011, as well as an additional \$1.2 million in base funding. HCFAC funding supports collaborative efforts between the Office of the Inspector General (OIG), the Department of Justice (DOJ), and the Centers for Medicare and Medicaid Services (CMS) to fight fraud, waste, and abuse in Medicare, Medicaid, and the Children's Health Insurance Program. Without additional funding, OIG, DOJ, and CMS will be unable to fully support operations in Health Care Fraud Prevention and Enforcement Action Team cities. For every dollar spent to combat health care fraud, approximately \$1.50 in costs are saved or averted.

Department of Health and Human Services, CDC Emergency Operations

Sec. ____ . Notwithstanding section 101, through the date specified in section 106, the Director of the Centers for Disease Control (CDC) or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement for up to 180 days to support the

CDC's response to a public health emergency or urgent public health event that involves activation of the Emergency Operations Center at the CDC.

Language is needed to allow the Director of the Centers for Disease Control (CDC) or the Administrator of the Agency for Toxic Substances and Disease Registry to detail staff without reimbursement for up to 180 days to support CDC response to a public health emergency or urgent public health event that involves activation of the Emergency Operations Center (EOC) at CDC. The Consolidated Appropriations Act, 2012 (P.L. 112-74) changed CDC's appropriation from a single account to multiple accounts. Under the terms and conditions of the FY 2012 CR, CDC would not be able to detail staff between appropriations if the EOC is activated, potentially undermining the effectiveness of emergency response to a natural disaster or severe weather event or disease outbreak.

Department of Health and Human Services, CMS Program Management

Sec. _____. Notwithstanding section 101, the level for "Department of Health and Human Services—Centers for Medicare and Medicaid Services—Program Management" shall be \$4,820,808,000: *Provided*, That language under such heading shall be applied to funds appropriated by this Act: (a) by substituting "expended" for "September 30, 2017", (b) as if "up to" were inserted before "\$34,000,000" in the second proviso, and (c) as if the final proviso were deleted.

Language is needed to provide a \$949 million increase to the Centers for Medicare and Medicaid Services (CMS) Program Management account for carrying out agency responsibilities, as well as additional flexibility for operations. The language makes the HIGLAS amounts a ceiling rather than an absolute amount, thereby allowing CMS to spend a lower amount for HIGLAS contracts, which are expected to decrease from 2012 levels. It also eliminates the dedicated funds for State High Risk Pools. The appropriation will increase CMS' Program Management amounts to an appropriate level for CMS to achieve its mission.

Department of Health and Human Services, Head Start

Sec. _____. In addition to amounts otherwise made available by section 101, \$70,000,000 is appropriated for "Department of Health and Human Services - Administration for Children and Families - Children and Families Services" for making payments under the Head Start Act: *Provided*, That, of this amount, \$45,000,000 shall be for payments under section 640 of such Act and \$25,000,000 shall be for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of section 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Provided further*, that amounts allocated to Head Start grantees at the discretion of the Secretary to supplement activities pursuant to the previous proviso shall not be included in the calculation of the "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act.

Language is needed to provide an additional \$70 million to the Department of Health and Human Service's Children and Families Services account for the Head Start program. Of this amount \$25 million would support the transition to new grantees and the remainder would provide a partial COLA to help prevent the loss of Head Start slots. The Administration is implementing critical reforms in the Head Start program that require low performing grantees to compete for funding. To ensure a smooth transition and avoid service disruption for children and families, additional

funds are needed to support new grantees on a one-time basis, as needed for start-up costs including licensing, staff recruitment and retraining, equipment and supplies purchases. An additional \$45 million is needed to provide a partial COLA to grantees to prevent slot loss. In 2012, Head Start lost over 7,000 slots as grantees experienced rising costs. These funds will help grantees retain slots as costs such as utilities, food, and fuel increase.

Department of Health and Human Services, Technical Correction to Full Year Extension of TANF, Child Care Entitlement and CRTA

Sec. ____ . Section 148 of Public Law 112-175 is amended to read as follows: "Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b) of such Act) shall continue through September 30, 2013, in the manner authorized for fiscal year 2012, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose."

Language is needed to modify section 148 of Public Law 112-175, the Continuing Appropriations Resolution, 2013, to: 1) continue extension of the authorities for Temporary Assistance to Needy Families (TANF) programs, Child Care Entitlement to States, and Children's Research and Technical Assistance (CRTA), which will otherwise expire, but to exclude the TANF Contingency Fund, which was extended through the end of FY 2014 in Public Law 112-275, the Protect Our Kids Act of 2012; and 2) to remove the language directing that grants and payments be made on a quarterly basis only through the second quarter of FY 2013, since this language is only necessary for a short-term CR. Without continuation of the requested authorities, States will not be able to provide TANF cash assistance and would need to significantly reduce child care subsidies for low-income families, resulting in hundreds of thousands of families losing access to child care and jeopardizing their employment. The Department of Health and Human Services would also be unable to give grants that fund healthy marriage and responsible fatherhood activities. There is no score associated with the requested extension, since the programs are assumed to continue in the baseline.

Department of Labor, Advances to the Revolving Fund for the Employment Security Administration Account

Sec. ____ . Notwithstanding section 101, language under the heading "Department of Labor—Advances to the Unemployment Trust Fund and Other Funds" in Public Law 112-74 shall be applied to funds appropriated by this Act as if "to the revolving fund established by section 901(e) of the Social Security Act," were inserted after "and for nonrepayable advances".

Language is needed in the Advances to the Unemployment Trust Fund and Other Funds (AUTF) account to authorize nonrepayable advances to the Revolving Fund for the Employment Security Administration Account (ESAA), a subaccount of the Unemployment Trust Fund. The Social Security Act authorized creation of a revolving fund to make interest-bearing, repayable advances to ESAA if necessary to maintain a positive balance. This anomaly will permit funding of the Revolving Fund by allowing it to obtain advances from the AUTF, which would maintain ESAA's positive balance and eliminate the risk of being unable to cover obligations at certain points during the year.

Department of Labor, MSHA Fees

Sec. _____. Notwithstanding section 101, language under the heading "Department of Labor—Mine Safety and Health Administration—Salaries and Expenses" in Public Law 112-74 shall be applied to funds appropriated by this Act by substituting "is authorized to collect and retain up to 2,499,000" for "and may retain up to \$1,499,000".

Language is needed to provide discretionary authority to collect and retain up to nearly \$2.5 million from fees and utilize these funds for the approval and certification of equipment, materials, and explosives for use in mines. Under current law, the Mine Safety and Health Administration (MSHA) has discretionary authority to retain the fee, but must collect the fee using general fee authority. Absent this anomaly the fee will be scored by both the Congressional Budget Office and the Office of Management and Budget as a cost to the Department of Labor in every year, represented as a CHIMP.

Department of Labor, Performance Partnerships for Disconnected Youth

Sec. _____. Performance Partnership Pilots. Notwithstanding section 101, the general provisions in title V of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012 (division F of Public Law 112-74) shall be applied to funds appropriated by this Act as if a new section 528 were added at the end thereof, consisting of the text of Section 523 of S.3295, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2013, as placed on the calendar on June 14, 2012.

Language is needed to establish Performance Partnership pilots to allow States and localities to improve their use of resources and achieve better outcomes for disconnected youth by giving them flexibility to pool discretionary funds across multiple Federal programs in exchange for greater accountability for results. States, localities, and other stakeholders have already completed extensive work to explore the use of Performance Partnerships pilot authority to facilitate more cost-effective service delivery by streamlining duplicative requirements and removing barriers to participation. If the anomaly is not enacted, this work will not be able to proceed.

Department of Labor, TAA Community College Career Training

Sec. _____. Notwithstanding section 101, of the funds appropriated under section 272(b) of the Trade Act of 1974 for each of fiscal years 2013 and 2014, the Secretary of Labor may not reserve more than 3 percent of such funds to conduct evaluations and provide technical assistance relating to the activities carried out under section 271 of such Act, including activities carried out under such section supported by the appropriations provided for fiscal years 2011 and 2012.

Language is needed to allow the Department of Labor to set aside up to three percent of funds provided for the Trade Adjustment Assistance (TAA) Community College and Career Training program for FYs 2013 and 2014 for evaluation and technical assistance, consistent with congressional action. These resources will be used to more rigorously evaluate projects funded by this program and identify strategies that help students to complete training and obtain good jobs. Absent this funding, Congress will lack critical information with which to evaluate the success of this initiative, and knowledge about effective training practices will not be captured and shared.

Social Security Administration, Full Funding of SSA Program Integrity Cap Adjustment Authorized Under the Budget Control Act of 2011

Sec. ____ . Notwithstanding section 101, the level for "Social Security Administration—Limitation on Administrative Expenses" for the cost associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, shall be \$1,024,000,000, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That, of the amount provided by this section, \$273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$751,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act.

Language is needed to provide a rate for operations of \$1,024 million for program integrity funding in the Social Security Administration (SSA), Limitation on Administrative Expenses account. Of the total amount for program integrity, a \$751 million cap adjustment would be provided for purposes of section 251(b)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, above the discretionary spending base level of \$273 million, to conduct Social Security Continuing Disability Reviews (CDRs) and Supplemental Security Income (SSI) Redeterminations of eligibility. CDRs are used to determine whether beneficiaries have medically improved and are capable of working, while SSI Redeterminations of eligibility focus on an individual's eligibility for the means-tested SSI program and generally result in revision of the individual's benefit level. Fully funding the \$751 million cap adjustment will allow SSA to conduct at least 650,000 CDRs and at least 2.6 million SSI redeterminations of eligibility in 2013. SSA has demonstrated that CDRs and SSI Redeterminations provide \$9 for each dollar spent on CDRs and \$6 for each dollar spent on SSI Redeterminations. A similar language anomaly was included in section 101 of the previous CR to incorporate the reference to the \$483 million cap adjustment that was enacted in the Disaster Relief Appropriations Act, 2012 (P.L. 112-77).

Military Construction and Veterans Affairs Subcommittee

Department of Veterans Affairs, VA Medical Care-FY 2013/2014 Funding

Sec. ____ . Notwithstanding section 101, subsection (a) of section 227 of Public Law 112-74 shall be applied to funds appropriated by this Act as if "II" were substituted for "X", as if "H" were substituted for "B", as if "this Act" were substituted for "Public Law 112-10", and as if "2012" were substituted for "2011".

Language is needed to reinstate FY 2012 appropriation rescissions for each of the three VA Medical Care accounts (Medical Services, Medical Support and Compliance, Medical Facilities) to correct a double appropriation of a portion of FY 2013 funds. To provide VA with carryover authority from FY 2012 into FY 2013, the Consolidated Appropriations Act, 2012 (P.L. 112-74, Division H, Title II, Sec. 227) rescinded a portion of the FY 2012 enacted advance appropriations (as provided in P.L. 112-10, the Department of Defense and Full-Year Continuing Appropriations Act, 2011) and appropriated an identical amount as FY 2012 appropriations with a two-year period of availability (FY 2012/2013) – for each of the three Medical Care accounts. However, under the terms and conditions of the FY 2013 CR, the rescissions in the FY 2012 appropriations act do not recur, but the appropriations of the amounts with two-year availability do recur. Thus, the CR effectively doubles a portion of the FY 2013 appropriation, by providing additional FY 2013/2014 funds

without also reducing the advance appropriation of FY 2013 one-year funds by the identical amount. This anomaly would correct for this double appropriation by rescinding the same level of funding from the FY 2013 enacted advance one-year funds as is provided as a term and condition under the FY 2013 CR as two-year funds, for all three VA Medical Care accounts.

State, Foreign Operations Subcommittee

Department of State and USAID, Authorities for Funding AMISOM/UNSOA

Sec. ____ . Notwithstanding section 101, funds transferred to or made available under the heading "Department of State—International Security Assistance—Peacekeeping Operations" in this or prior Acts may be used to pay assessed expenses of international peacekeeping operations in Somalia.

Language is needed to give the Department of State sufficient authority to pay assessed costs for United Nations (UN) peacekeeping activities in Somalia from the Peacekeeping Operations (PKO) account. The FY 2012 appropriation for international peacekeeping activities in Somalia in the PKO account included a funding cap of \$91.8 million. To strengthen the ability of the African Union's Mission in Somalia (AMISOM) to counter the terrorist threat and bring lasting peace and stability to Somalia, the AMISOM mission and related UN support through the United Nations Support Office for the African Union Mission in Somalia (UNSOA) were expanded in February 2012. This expansion caused the costs incurred to exceed the cap in FY 2012, and costs are also estimated to exceed the cap in FY 2013. Without the proposed language, the United States will not be able to fully support this critical effort.

Department of State and USAID, Authority to Transfer D and CP OCO Funds to ESCM for Increased Security Requirements

Sec. ____ . (a) Funds appropriated for fiscal year 2013 by section 101 to accounts under the heading "Department of State—Administration of Foreign Affairs" in title VIII of division I of Public Law 112-74 may be transferred to and merged with other such funds under such heading.

(b) Funds appropriated for fiscal year 2012 by Title VIII of division I of Public Law 112-74 to accounts under the heading "Department of State—Administration of Foreign Affairs" in title VIII of division I of Public Law 112-74 may be transferred to other such accounts under such heading.

(c) Funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committee on Appropriations. The transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law.

Language is needed to allow the Department of State to transfer FY 2013 Overseas Contingency Operations funding between accounts, providing the Department of State the flexibility to address emergent operational needs. This language would also provide flexibility to transfer FY 2012 funds between the Diplomatic and Consular Programs and the Embassy Security, Construction, and Maintenance account. This transfer authority is critical, for both fiscal years, so that the Department can implement additional embassy construction and security improvements as recommended by the Benghazi Accountability Review Board.

Department of State and USAID, Community Development Fund

Sec. _____. Notwithstanding section 101, funds appropriated by this Act to carry out Part I of the Foreign Assistance Act of 1961 that are made available through grants or cooperative agreements to strengthen food security in developing countries and that are consistent with the goals of Title II of the Food for Peace Act may be deemed to be expended on nonemergency food assistance for purposes of section 412(e)(1) of the Food for Peace Act (7 U.S.C. 1736f(e)(1)).

Language is needed that would allow the use of Community Development Funds (CDF) to count toward the mandated floor for Food for Peace Title II development programs. CDF would be provided for the non-governmental organizations that receive Title II development program funding in lieu of Title II funding. The provision reduces monetization and program costs and frees Title II funding to meet growing emergency food aid needs.

Department of State and USAID, Expand 451 Authority

Sec. _____. Notwithstanding section 101, section 7034(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74) shall be applied to funds appropriated by this Act by substituting "\$100,000,000" for "\$50,000,000".

Language is needed to enhance the ability of the Department of State and US Agency for International Development to respond to unanticipated contingencies under section 451 of the Foreign Assistance Act. Under the current Continuing Resolution, section 7034(f) of division I of Public Law 112-74 provides that section 451 authority cap is set at \$50 million for use of funds appropriated for Foreign Assistance activities notwithstanding any provision of law. Increasing the authority to \$100 million for FY 2013 would give the Administration the flexibility to use available appropriated funds to address unanticipated political, humanitarian, economic, and security requirements, especially given the rapidly changing political landscape in parts of the Middle East and Africa.

Department of State and USAID, Extension of CIPA Cap Lift

Sec. _____. Notwithstanding section 101, the fifth proviso under the heading "Department of State—International Organizations—Contributions for International Peacekeeping Activities" in Public Law 112–74 shall be applied to funds appropriated by this Act as if "the Annex accompanying United Nations General Assembly document A/67/224/Add.1" were substituted for "Annex IV accompanying United Nations General Assembly Resolution 64/220".

Language is needed to authorize funding for U.S. assessed peacekeeping contributions at the UN General Assembly-passed resolution rates through calendar year 2013, to enable the United States to comply with its international obligations to pay for such activities. Currently, the Department of State, Foreign Operations and Related Programs Appropriations Act, 2012 (Div. I, P.L. 112-74) authorizes funding for U.S. assessed peacekeeping operations up to the amount specified by the 2012 UN General Assembly resolution (27.14 percent, UN document A/64/220). The 2013 UN General Assembly resolution (A/67/224/Add.1) established new rates for peacekeeping assessments and the U.S. share is now 28.4 percent. Without legislative relief changing the reference from the old UN document to the new one, the U.S. would not be able to continue meeting its assessed share of peacekeeping contributions.

Department of State and USAID, Middle East and North Africa Loan Guarantees

Sec. _____. (a) Title III of division I of Public Law 112-74 is amended, under the heading "Bilateral Economic Assistance—Funds Appropriated to the President—Economic Support Fund", by striking the fifth proviso and inserting in lieu thereof the following: "Provided further, That funds appropriated under this heading in this and prior Acts making appropriations for the Department of State, Foreign Operations, and Related Programs may be made available for the costs of guaranteed loans for the countries of the Middle East and North Africa: *Provided further, 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 \$1,000,000,000**".

(b) Title VIII of division I of Public Law 112-74 is amended, under the heading "Bilateral Economic Assistance—Funds Appropriated to the President—Economic Support Fund", by inserting the following before the period at the end: "*Provided further, That funds appropriated under this heading in this Act and prior Acts making appropriations for the Department of State, Foreign Operations, and Related Programs may be made available for the costs of guaranteed loans for the countries of the Middle East and North Africa: *Provided further, 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 \$2,500,000,000**".*

Language is needed to make funding available for the costs of loan guarantees for countries in the Middle East and North Africa. This anomaly would allow the United States to respond to evolving needs in those regions and support peaceful transitions to market-based, democratic systems. The language builds on current authorities for loan guarantees for Tunisia to include other countries in the region, as well as allowing the use of current or prior appropriations. This anomaly is critical given the rapidly evolving situation in those regions, including the instability in Egypt and the deepening conflict in Syria.

Department of State and USAID, Taiwan Visa Waiver

Sec. _____. Of the amounts provided by section 101 for "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" in title I of division I of Public Law 112-74, up to \$15,300,000 may be transferred to, and merged with, amounts provided by section 101 for "Department of State—Administration of Foreign Affairs—Payment to the American Institute in Taiwan": *Provided, That such transfer authority shall be in addition to any other transfer authority available to the Secretary of State.*

Language is needed to allow the Department of State (DOS) to transfer funds up to a rate for operations of \$15.3 million to the American Institute in Taiwan (AIT). Taiwan was admitted into the Visa Waiver Program (VWP) on October 2, 2012, leading to a drop in non-immigrant visa fee revenue that AIT is authorized to retain and use to offset the cost of operations. The FY 2012 operating level of \$21.8 million in appropriated dollars did not assume that Taiwan would be admitted to the VWP. The 2013 request anticipated that Taiwan would be admitted to the VWP and the Administration's request for AIT was \$15.3 million higher to cover the expected decline in fees. This anomaly would allow for a transfer of up to \$15.3 million from amounts provided under the DOS Administration of Foreign Affairs—Diplomatic and Consular Programs account to

the DOS Administration of Foreign Affairs—American Institute in Taiwan account. The use of such transfer authority would be in addition to any other transfer authority available to the Secretary of State. Maintaining strong, unofficial relations with Taiwan is a major U.S. goal, in line with the U.S. desire to further peace and stability in Asia.

Other International Agencies, Enhanced Heavily Indebted Poor Countries Initiative Debt Relief to Sudan

Sec. ____ . Notwithstanding section 101, up to \$250,000,000 of the funds appropriated by section 101 for "Bilateral Economic Assistance—Funds Appropriated to the President—Economic Support Fund" in title III of division I of Public Law 112-74 may be transferred to, and merged with, funds available under the heading "Department of the Treasury—Debt Restructuring" in title III of prior acts making appropriations for the Department of State, foreign operations, and related programs for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to Sudan: *Provided*, That such funds may be made available only if the Secretary of State determines and reports to the Committees on Appropriations that Sudan is implementing the agreement reached by the Governments of Sudan and South Sudan under the Comprehensive Peace Agreement, including a political resolution of the conflict in Southern Kordofan and Blue Nile, and other legislative requirements related to Heavily Indebted Poor Countries debt relief, including determinations on human rights and state sponsorship of terrorism.

Language is needed to authorize a permissive transfer of funds to support bilateral debt relief for Sudan. To provide the necessary funding, authority is needed to use up to \$250 million appropriated to the Economic Support Fund for transfer to the Department of the Treasury. Without this language, the Department of the Treasury would be unable to move forward with debt relief in the event that Sudan satisfies the pre-conditions identified by the United States, including fulfillment of its Comprehensive Peace Agreement commitments and progress on Darfur.

Other International Agencies, International Monetary Fund

Sec. ____ . (a) Notwithstanding section 101, the level for "International Assistance Programs—International Monetary Programs—United States Quota, International Monetary Fund" for an increase in the United States quota in the International Monetary Fund shall be the dollar equivalent of 40,871,800,000 Special Drawing Rights, to remain available until expended: *Provided*, That, notwithstanding the provisos under the heading "International Assistance Programs—International Monetary Programs—United States Quota, International Monetary Fund" in Public Law 111-32, the costs of the amounts provided under this subsection and under such heading in Public Law 111-32 shall be estimated on a present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays: *Provided further*, That, for purposes of the previous proviso, the discount rate for purposes of the present value calculation shall be the appropriate interest rate on marketable Treasury securities: *Provided further*, That section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not apply to amounts under this heading.

(b) Of the amounts provided under the heading "International Assistance Programs—International Monetary Programs—Loans to International Monetary Fund" in Public Law 111-32, the dollar equivalent of 40,871,800,000 Special Drawing Rights is rescinded: *Provided*, That such rescission

will become effective when the rollback of the U.S. credit arrangement in the IMF's New Arrangements to Borrow is effective, but no earlier than the increase of the United States quota authorized in section 72 of the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) becomes effective: *Provided further*, That, notwithstanding the second through fourth provisos under the heading "International Assistance Programs—International Monetary Programs—Loans to International Monetary Fund" in Public Law 111-32, the costs of the amounts under this subsection and under such heading in Public Law 111-32 shall be estimated on a present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays: *Provided further*, That, for purposes of the previous proviso, the discount rate for purposes of the present value calculation shall be the appropriate interest rate on marketable Treasury securities: *Provided further*, That section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not apply to amounts under this heading.

(c) (1) Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e-2) is amended in subsections (b)(1) and (b)(2) by adding at the end in both subsections, after "Fund", "only to the extent that such amounts are not subject to rescission."

(2) The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

"SEC. 71. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The United States Governor of the Fund may accept the amendments to the Articles of Agreement of the Fund as proposed in resolution 66-2 of the Board of Governors of the Fund.

"SEC. 72. QUOTA INCREASE.

"(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 40,871,800,000 Special Drawing Rights.

"(b) SUBJECT TO APPROPRIATIONS. — The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts."

Language is needed to increase the U.S. quota in the International Monetary Fund (IMF) by approximately \$65 billion and simultaneously to reduce, by an equal amount, U.S. participation in the New Arrangements to Borrow (NAB). This language would not result in an overall change to U.S. financial participation in the IMF. Language is also needed to allow the United States to accept an amendment to the IMF Articles of Agreement facilitating changes in the composition of the IMF Executive Board while preserving the U.S. board seat.

This language would allow the United States to maintain its strong leadership position and influence in the IMF and restore the primacy of the IMF's quota-based capital structure in which the United States has the largest share. The current imbalance between the IMF's quota and borrowed resources undermines U.S. influence as other countries attempt to increase their standing and influence through their creditor position outside the Fund's core quota-based capital structure. This anomaly would

also strengthen the ability of the United States to promote global growth and stability through the IMF.

Other International Agencies, Treasury Transfer Authority and International Bank for Reconstruction and Development Selective Capital Increase

Sec. . (a) Funds appropriated by section 101 to accounts under the headings "Bilateral Economic Assistance—Funds Appropriated to the President—Department of the Treasury" and "Multilateral Assistance—Funds Appropriated to the President—International Financial Institutions" in titles III and V, respectively, of division I of Public Law 112-74 may be transferred to, and merged with, funds appropriated by this Act for payments to the institutions, facilities, and funds enumerated under such headings.

(b) Section 70 of the Bretton Woods Agreements Act (22 U.S.C. 286 et.seq), is amended in subsection (b) by adding at the end the following: "(3) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(1)(B), there are authorized to be appropriated, without fiscal year limitation, \$4,639,501,466 for payment by the Secretary of the Treasury. (4) Of the amount authorized to be appropriated under paragraph (3), \$278,370,088 shall be for paid in shares of the Bank; and (ii) \$4,361,131,378 shall be for callable shares of the Bank."

Language is needed to provide the Department of the Treasury the authority to transfer funds between its international assistance accounts. Failure to enact this anomaly would provide resources in accounts for which there is no urgent need in FY 2013, without adequately funding high-priority, FY 2013 commitments. These shortfalls would constrain multilateral poverty reduction and economic growth programs and weaken the U.S. position at the multilateral development banks. In addition, language is needed to authorize the United States to subscribe to the International Bank for Reconstruction and Development Selective Capital Increase (SCI). Failure to subscribe would damage U.S. credibility at the World Bank and cause a dilution in shareholding, which could become permanent if the U.S. has not met its commitment by the conclusion of the SCI.

Transportation and HUD Subcommittee

Department of Housing and Urban Development, Indian Housing Loan Guarantee Fund Program Account

(a) Notwithstanding section 101, the second proviso under the heading "Department of Housing and Urban Development—Public and Indian Housing—Indian Housing Loan Guarantee Fund Program Account" in division C of Public Law 112-55 shall be applied to funds appropriated by this Act by substituting "\$976,000,000" for "\$360,000,000".

(b) Subsection (d) of section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a) is amended to read as follows: "(d) Guarantee fee. The Secretary shall establish and collect, at the time of issuance of the guarantee, a fee for the guarantee of loans under this section, in an amount not exceeding 3 percent of the principal obligation of the loan. The Secretary may also establish and collect annual premium payments in an amount not exceeding 1 percent of the remaining guaranteed balance (excluding the portion of the remaining balance attributable to the fee collected at the time of issuance of the guarantee). The Secretary shall establish the amount of the fees and premiums by publishing a notice in the Federal Register. The Secretary

shall deposit any fees and premiums collected under this subsection in the Indian Housing Loan Guarantee Fund established under subsection (i).".

Language is needed to authorize the Indian Housing Loan Guarantee (IHLG) program to increase its fee by one percentage point, which will enable continued operations through the remainder of FY 2013. This program continues to grow significantly each fiscal year, and the FY 2012 credit subsidy budget authority is not sufficient to meet demand. Due to limited funding and soaring demand, the program has already taken multiple measures this fiscal year to manage its anticipated volume; nevertheless, IHLG is on track to obligate at least \$850 million in loan guarantees in FY 2013. Without an anomaly to provide the flexibility to meet the projected demand, the program will only be able to obligate \$732 million in loan guarantees in FY 2013, and would shut down on or before August 12, 2013. Program shutdown would prevent more than 900 families from obtaining loan guarantees.

Department of Transportation, Capital Investment Grants Changes Following Passage of Moving Ahead for Progress in the 21st Century (MAP-21) Surface Transportation Reauthorization

Sec. _____. Notwithstanding section 101, the language under the heading "Department of Transportation—Federal Transit Administration—Capital Investment Grants" in division C of Public Law 112-55 shall be applied to funds appropriated by this Act as if the language: ", of which \$35,481,000" and all that follows through the end of the first proviso were deleted.

Language is needed in order to reflect changes to the Capital Investment Grants program made in MAP-21. The FY 2012 appropriations language, which continues under the FY 2013 CR, includes the proviso 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." With the enactment of MAP-21, the "preliminary engineering" and "final design" categories no longer exist. Carrying forward the FY 2012 enacted language would therefore legally prohibit the obligation of \$510,000,000 of the available FY 2013 CR funding. In addition, MAP-21 repealed FTA's authority to transfer funds to the Denali Commission and Alaska and Hawaii Ferryboats under the Capital Investment Grants program. The FY 2012 appropriations language requires FTA to transfer funds to these programs, thereby directing funds to now-ineligible activities (they remain eligible in the Formula and Bus Grant account). This anomaly would provide appropriations language that is consistent with MAP-21's construction. In addition, this anomaly would remove the account's one-time rescission language included in the FY 2012 appropriations act.

Department of Transportation, Formula Grant Programs Following Passage of Moving Ahead for Progress in the 21st Century (MAP-21) Surface Transportation Reauthorization

Sec. _____. Amounts provided by section 101 for "Department of Transportation—Federal Transit Administration—Formula and Bus Grants—(Liquidation of Contract Authority)—(Limitation on Obligations)—(Highway Trust Fund)" are available for payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out 49 U.S.C. 5305, 5307, 5310, 5311, 5318, 5322(d), 5329(e)(6), 5335, 5337, 5339, and 5340 (as amended by Public Law 112-141), and 20005(b) of Public Law 112-141: Provided, That, notwithstanding section 101, the proviso under such heading shall be applied to funds provided by this Act as if the proviso read as follows: "Provided, That funds available for the implementation or execution of programs authorized by 49 U.S.C. 5305, 5307,

5310, 5311, 5318, 5322(d), 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by Public Law 112-141; and 20005(b) of Public Law 112-141 shall not exceed obligations of \$8,478,000,000."

Language is needed to align the Formula Grants programs to the program structure provided in MAP-21. This anomaly would amend the language to provide the correct citations and section numbers for which funding is available. Without this anomaly, obligation limitation and liquidating cash for the full authorized contract authority for Federal Transit Administration's trust fund programs would not be available.

Department of Transportation, MAP-21 Obligation Limitations

Sec. ____ . Notwithstanding section 101, the level for limitations on obligation and liquidation of contract authority shall be available in the following accounts equal to the level of the contract authority subject to such limitation appropriated out of the Highway Trust Fund in Sections 1101, 1105, 1107, 1110, 1121, 20028, 31101, 32603, and 51001 of Public Law 112-141 for fiscal year 2013:

(a) "Department of Transportation—Federal Highway Administration—Limitation on Administrative Expenses";

(b) "Department of Transportation—Federal Highway Administration—Federal-aid Highways—(Limitation on Obligations)—(Highway Trust Fund)—(Liquidation of Contract Authorization)—(Highway Trust Fund)";

(c) "Department of Transportation—Federal Motor Carrier Safety Administration—Motor Carrier Safety Operations and Programs—(Liquidation of Contract Authorization)—(Limitation on Obligations)—(Highway Trust Fund)";

(d) "Department of Transportation—Federal Motor Carrier Safety Administration—Motor Carrier Safety Grants—(Liquidation of Contract Authorization)—(Limitation on Obligations)—(Highway Trust Fund); and

(e) "Department of Transportation—National Highway Traffic Safety Administration—Operations and Research—(Liquidation of Contract Authorization)—(Limitation on Obligations)—(Highway Trust Fund)".

Language is needed for the Department of Transportation to accurately and fully distribute contract authority and obligation limitations consistent with MAP-21. MAP-21 increased the amount of contract authority available in 2013 for a number of surface transportation programs, while leaving the overall programmatic structures relatively unchanged. This anomaly would raise the 2013 obligation limitation and liquidating cash appropriations to equal the MAP-21 authorized contract authority levels, an increase of \$586 million relative to the 2012 obligation limitations continued under the CR.

Department of Transportation, NHTSA State Grants

Sec. ____ . Notwithstanding section 101, the language under the heading "Department of Transportation—National Highway Traffic Safety Administration—Highway Traffic Safety Grants—(Liquidation of Contract Authorization)—(Limitation on Obligations)—(Highway Trust Fund)" shall be applied to funds made available by this Act as if the language read as follows: "For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402

and 405, section 2009 of Public Law 109-59 (as amended by section 31106 of Public Law 112-141), and section 31101(a)(6) of Public Law 112-141, \$554,500,000, to remain available until expended, 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 \$554,500,000 for programs authorized under 23 U.S.C. 402 and 405, section 2009 of Public Law 109-59 (as amended by section 31106 of Public Law 112-141), and section 31101(a)(6) of Public Law 112-141, of which \$235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59 (as amended by section 31106 of Public Law 112-141), \$265,000,000 shall be for "National Priority Safety Programs" under 23 U.S.C. 405, and \$25,500,000 shall be for "Administrative Expenses" under section 31101(a)(6) of Public Law 112-141: Provided further, That not to exceed \$500,000 of the funds made available for 23 U.S.C. 405 for "Impaired Driving Countermeasures" (as described in subsection (d) of such section) shall be available for technical assistance to the States.

Language is needed to align the National Highway Traffic Safety Administration's (NHTSA) State grants programs with the program structure provided in MAP-21. MAP-21 reauthorization substantially changed NHTSA's State grants programs, consolidating several existing grant programs and adding several new grant programs. Because MAP-21 reorganized or terminated previous grant programs and created new ones, without this anomaly the Department of Transportation would be unable to obligate grants funding for the programs, including State grants that were reorganized and newly added under Section 405 National Priority Safety Programs.

Department of Transportation, Research, Development, Demonstration and Deployment Program
Sec. _____. Amounts provided by section 101 for "Department of Transportation—Federal Transit Administration—Research and University Research Centers" shall be available for necessary expenses to carry out 49 U.S.C. 5312-5314 and 5322, as amended by Public Law 112-141: Provided, That the federal share for contracts and cooperative agreements entered into pursuant to sections 5312 and 5314 shall be 100 percent: Provided further, That, of the amount provided under this heading, up to \$22,000,000 shall be available to carry out the low or no emissions vehicle deployment program under 49 U.S.C. 5312(d)(5).

Language is needed for the Federal Transit Administration's (FTA) research account to reflect changes made by the enactment of MAP-21 and allow programs to operate as enacted. Beginning in 2013, MAP-21 restructures FTA's National Research and Technology account and programs in three relevant ways. First, MAP-21 repealed funding for University Centers and moved funding for the National Transit Institute to the Formula and Bus Grants account. However, both programs are referenced in the FY 2012 appropriations act and accordingly those references would carry forward as terms and conditions of the FY 2013 CR. Without an anomaly, FTA would be legally prohibited from obligating a portion of the funding made available. Second, MAP-21 directed FTA to use at least 75 percent of Section 5312 Research funds for low and no emissions vehicle programs. Since the CR would not redistribute the funding made available for these programs in FY 2012, it is unclear how FTA would determine the amounts made available for this purpose. This anomaly would set a ceiling for this purpose. Third, the anomaly would require a 100 percent Federal cost share for contracts and cooperative agreements, rather than the 20 percent cost share enacted in MAP-21. A 20 percent cost share is an inappropriate condition for these vehicles and would inhibit FTA's ability to execute its research program.

Department of Transportation, Technical Correction of Sec. 112 of the FAA Administrative Provisions

Sec. . Notwithstanding section 101, section 112 of division C of Public Law 112-55, shall be applied to funds appropriated by this Act as if "49 U.S.C. 41742(b) shall not apply, and" were deleted.

Language is needed to revise section 112 of Division C of the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) to be consistent with the modifications provided in the FAA Modernization and Reform Act of 2012 (P.L. 112-95), which was enacted February 14, 2012. The Act made several changes to the Essential Air Service (EAS) program (49 U.S.C. 41742). Among the changes, section 428(c) of the Act made overflight fees immediately available for expenditure in a given fiscal year. Since the provision is not retroactive and does not apply to fees collected before February 14, 2012, this anomaly would amend section 112 to continue to allow overflight fee balances collected before February 14, 2012 to be made available in a subsequent fiscal year for expenditure by the EAS program. The amended section 112 will still be needed until all the previous overflight fees have been expended.