

112TH CONGRESS
1ST SESSION

H. R. 1473

Making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2011

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

A BILL

Making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 and Full-Year Continuing Appropriations Act, 2011”.

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

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

Division A—Department of Defense Appropriations, 2011
 Division B—Full-Year Continuing Appropriations, 2011
 Division C—Scholarships for Opportunity and Results Act

1 **DIVISION A—DEPARTMENT OF DEFENSE**
 2 **APPROPRIATIONS, 2011**

3 The following sums are appropriated, out of any
 4 money in the Treasury not otherwise appropriated, for the
 5 fiscal year ending September 30, 2011, for military func-
 6 tions administered by the Department of Defense and for
 7 other purposes, namely:

8 **TITLE I**
 9 **MILITARY PERSONNEL**
 10 **MILITARY PERSONNEL, ARMY**

11 For pay, allowances, individual clothing, subsistence,
 12 interest on deposits, gratuities, permanent change of sta-
 13 tion travel (including all expenses thereof for organiza-
 14 tional movements), and expenses of temporary duty travel
 15 between permanent duty stations, for members of the
 16 Army on active duty, (except members of reserve compo-
 17 nents provided for elsewhere), cadets, and aviation cadets;
 18 for members of the Reserve Officers' Training Corps; and
 19 for payments pursuant to section 156 of Public Law 97–
 20 377, as amended (42 U.S.C. 402 note), and to the Depart-
 21 ment of Defense Military Retirement Fund,
 22 \$41,403,653,000.

1 MILITARY PERSONNEL, NAVY

2 For pay, allowances, individual clothing, subsistence,
3 interest on deposits, gratuities, permanent change of sta-
4 tion travel (including all expenses thereof for organiza-
5 tional movements), and expenses of temporary duty travel
6 between permanent duty stations, for members of the
7 Navy on active duty (except members of the Reserve pro-
8 vided for elsewhere), midshipmen, and aviation cadets; for
9 members of the Reserve Officers' Training Corps; and for
10 payments pursuant to section 156 of Public Law 97-377,
11 as amended (42 U.S.C. 402 note), and to the Department
12 of Defense Military Retirement Fund, \$25,912,449,000.

13 MILITARY PERSONNEL, MARINE CORPS

14 For pay, allowances, individual clothing, subsistence,
15 interest on deposits, gratuities, permanent change of sta-
16 tion travel (including all expenses thereof for organiza-
17 tional movements), and expenses of temporary duty travel
18 between permanent duty stations, for members of the Ma-
19 rine Corps on active duty (except members of the Reserve
20 provided for elsewhere); and for payments pursuant to sec-
21 tion 156 of Public Law 97-377, as amended (42 U.S.C.
22 402 note), and to the Department of Defense Military Re-
23 tirement Fund, \$13,210,161,000.

1 MILITARY PERSONNEL, AIR FORCE

2 For pay, allowances, individual clothing, subsistence,
3 interest on deposits, gratuities, permanent change of sta-
4 tion travel (including all expenses thereof for organiza-
5 tional movements), and expenses of temporary duty travel
6 between permanent duty stations, for members of the Air
7 Force on active duty (except members of reserve compo-
8 nents provided for elsewhere), cadets, and aviation cadets;
9 for members of the Reserve Officers' Training Corps; and
10 for payments pursuant to section 156 of Public Law 97-
11 377, as amended (42 U.S.C. 402 note), and to the Depart-
12 ment of Defense Military Retirement Fund,
13 \$27,105,755,000.

14 RESERVE PERSONNEL, ARMY

15 For pay, allowances, clothing, subsistence, gratuities,
16 travel, and related expenses for personnel of the Army Re-
17 serve on active duty under sections 10211, 10302, and
18 3038 of title 10, United States Code, or while serving on
19 active duty under section 12301(d) of title 10, United
20 States Code, in connection with performing duty specified
21 in section 12310(a) of title 10, United States Code, or
22 while undergoing reserve training, or while performing
23 drills or equivalent duty or other duty, and expenses au-
24 thorized by section 16131 of title 10, United States Code;

1 and for payments to the Department of Defense Military
2 Retirement Fund, \$4,333,165,000.

3 RESERVE PERSONNEL, NAVY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Navy Re-
6 serve on active duty under section 10211 of title 10,
7 United States Code, or while serving on active duty under
8 section 12301(d) of title 10, United States Code, in con-
9 nection with performing duty specified in section 12310(a)
10 of title 10, United States Code, or while undergoing re-
11 serve training, or while performing drills or equivalent
12 duty, and expenses authorized by section 16131 of title
13 10, United States Code; and for payments to the Depart-
14 ment of Defense Military Retirement Fund,
15 \$1,940,191,000.

16 RESERVE PERSONNEL, MARINE CORPS

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Marine
19 Corps Reserve on active duty under section 10211 of title
20 10, United States Code, or while serving on active duty
21 under section 12301(d) of title 10, United States Code,
22 in connection with performing duty specified in section
23 12310(a) of title 10, United States Code, or while under-
24 going reserve training, or while performing drills or equiv-
25 alent duty, and for members of the Marine Corps platoon

1 leaders class, and expenses authorized by section 16131
2 of title 10, United States Code; and for payments to the
3 Department of Defense Military Retirement Fund,
4 \$612,191,000.

5 RESERVE PERSONNEL, AIR FORCE

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Air Force
8 Reserve on active duty under sections 10211, 10305, and
9 8038 of title 10, United States Code, or while serving on
10 active duty under section 12301(d) of title 10, United
11 States Code, in connection with performing duty specified
12 in section 12310(a) of title 10, United States Code, or
13 while undergoing reserve training, or while performing
14 drills or equivalent duty or other duty, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$1,650,797,000.

18 NATIONAL GUARD PERSONNEL, ARMY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Army Na-
21 tional Guard while on duty under section 10211, 10302,
22 or 12402 of title 10 or section 708 of title 32, United
23 States Code, or while serving on duty under section
24 12301(d) of title 10 or section 502(f) of title 32, United
25 States Code, in connection with performing duty specified

1 in section 12310(a) of title 10, United States Code, or
 2 while undergoing training, or while performing drills or
 3 equivalent duty or other duty, and expenses authorized by
 4 section 16131 of title 10, United States Code; and for pay-
 5 ments to the Department of Defense Military Retirement
 6 Fund, \$7,511,296,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For pay, allowances, clothing, subsistence, gratuities,
 9 travel, and related expenses for personnel of the Air Na-
 10 tional Guard on duty under section 10211, 10305, or
 11 12402 of title 10 or section 708 of title 32, United States
 12 Code, or while serving on duty under section 12301(d) of
 13 title 10 or section 502(f) of title 32, United States Code,
 14 in connection with performing duty specified in section
 15 12310(a) of title 10, United States Code, or while under-
 16 going training, or while performing drills or equivalent
 17 duty or other duty, and expenses authorized by section
 18 16131 of title 10, United States Code; and for payments
 19 to the Department of Defense Military Retirement Fund,
 20 \$3,060,098,000.

21 TITLE II

22 OPERATION AND MAINTENANCE

23 OPERATION AND MAINTENANCE, ARMY

24 For expenses, not otherwise provided for, necessary
 25 for the operation and maintenance of the Army, as author-

1 ized by law; and not to exceed \$12,478,000 can be used
2 for emergencies and extraordinary expenses, to be ex-
3 pended on the approval or authority of the Secretary of
4 the Army, and payments may be made on his certificate
5 of necessity for confidential military purposes,
6 \$33,306,117,000.

7 OPERATION AND MAINTENANCE, NAVY

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance of the Navy and the
10 Marine Corps, as authorized by law; and not to exceed
11 \$14,804,000 can be used for emergencies and extraor-
12 dinary expenses, to be expended on the approval or author-
13 ity of the Secretary of the Navy, and payments may be
14 made on his certificate of necessity for confidential mili-
15 tary purposes, \$37,809,239,000.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of the Marine Corps,
19 as authorized by law, \$5,539,740,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Air Force, as
23 authorized by law; and not to exceed \$7,699,000 can be
24 used for emergencies and extraordinary expenses, to be ex-
25 pended on the approval or authority of the Secretary of

1 the Air Force, and payments may be made on his certifi-
2 cate of necessity for confidential military purposes,
3 \$36,062,989,000.

4 OPERATION AND MAINTENANCE, DEFENSE-WIDE
5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance of activities and agen-
8 cies of the Department of Defense (other than the military
9 departments), as authorized by law, \$30,210,810,000:
10 *Provided*, That not more than \$50,000,000 may be used
11 for the Combatant Commander Initiative Fund authorized
12 under section 166a of title 10, United States Code: *Pro-*
13 *vided further*, That not to exceed \$36,000,000 can be used
14 for emergencies and extraordinary expenses, to be ex-
15 pended on the approval or authority of the Secretary of
16 Defense, and payments may be made on his certificate of
17 necessity for confidential military purposes: *Provided fur-*
18 *ther*, That of the funds provided under this heading, not
19 less than \$31,659,000 shall be made available for the Pro-
20 curement Technical Assistance Cooperative Agreement
21 Program, of which not less than \$3,600,000 shall be avail-
22 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
23 *vided further*, That none of the funds appropriated or oth-
24 erwise made available by this Act may be used to plan
25 or implement the consolidation of a budget or appropria-

1 tions liaison office of the Office of the Secretary of De-
 2 fense, the office of the Secretary of a military department,
 3 or the service headquarters of one of the Armed Forces
 4 into a legislative affairs or legislative liaison office: *Pro-*
 5 *vided further*, That \$8,251,000, to remain available until
 6 expended, is available only for expenses relating to certain
 7 classified activities, and may be transferred as necessary
 8 by the Secretary of Defense to operation and maintenance
 9 appropriations or research, development, test and evalua-
 10 tion appropriations, to be merged with and to be available
 11 for the same time period as the appropriations to which
 12 transferred: *Provided further*, That any ceiling on the in-
 13 vestment item unit cost of items that may be purchased
 14 with operation and maintenance funds shall not apply to
 15 the funds described in the preceding proviso: *Provided fur-*
 16 *ther*, That the transfer authority provided under this head-
 17 ing is in addition to any other transfer authority provided
 18 elsewhere in this Act.

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For expenses, not otherwise provided for, necessary
 21 for the operation and maintenance, including training, or-
 22 ganization, and administration, of the Army Reserve; re-
 23 pair of facilities and equipment; hire of passenger motor
 24 vehicles; travel and transportation; care of the dead; re-

1 recruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$2,840,427,000.

3 OPERATION AND MAINTENANCE, NAVY RESERVE

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance, including training, or-
6 ganization, and administration, of the Navy Reserve; re-
7 pair of facilities and equipment; hire of passenger motor
8 vehicles; travel and transportation; care of the dead; re-
9 cruiting; procurement of services, supplies, and equip-
10 ment; and communications, \$1,344,264,000.

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Marine Corps Re-
16 serve; repair of facilities and equipment; hire of passenger
17 motor vehicles; travel and transportation; care of the dead;
18 recruiting; procurement of services, supplies, and equip-
19 ment; and communications, \$275,484,000.

20 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance, including training, or-
23 ganization, and administration, of the Air Force Reserve;
24 repair of facilities and equipment; hire of passenger motor
25 vehicles; travel and transportation; care of the dead; re-

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,454,624,000.

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of pas-

1 senger motor vehicles; supplying and equipping the Air
 2 National Guard, as authorized by law; expenses for repair,
 3 modification, maintenance, and issue of supplies and
 4 equipment, including those furnished from stocks under
 5 the control of agencies of the Department of Defense;
 6 travel expenses (other than mileage) on the same basis as
 7 authorized by law for Air National Guard personnel on
 8 active Federal duty, for Air National Guard commanders
 9 while inspecting units in compliance with National Guard
 10 Bureau regulations when specifically authorized by the
 11 Chief, National Guard Bureau, \$5,963,839,000.

12 UNITED STATES COURT OF APPEALS FOR THE ARMED
 13 FORCES

14 For salaries and expenses necessary for the United
 15 States Court of Appeals for the Armed Forces,
 16 \$14,068,000, of which not to exceed \$5,000 may be used
 17 for official representation purposes.

18 ENVIRONMENTAL RESTORATION, ARMY
 19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Army, \$464,581,000, to
 21 remain available until transferred: *Provided*, That the Sec-
 22 retary of the Army shall, upon determining that such
 23 funds are required for environmental restoration, reduc-
 24 tion and recycling of hazardous waste, removal of unsafe
 25 buildings and debris of the Department of the Army, or

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

13 ENVIRONMENTAL RESTORATION, NAVY

14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of the Navy, \$304,867,000, to
16 remain available until transferred: *Provided*, That the Sec-
17 retary of the Navy shall, upon determining that such
18 funds are required for environmental restoration, reduc-
19 tion and recycling of hazardous waste, removal of unsafe
20 buildings and debris of the Department of the Navy, or
21 for similar purposes, transfer the funds made available by
22 this appropriation to other appropriations made available
23 to the Department of the Navy, to be merged with and
24 to be available for the same purposes and for the same
25 time period as the appropriations to which transferred:

1 *Provided further*, That upon a determination that all or
2 part of the funds transferred from this appropriation are
3 not necessary for the purposes provided herein, such
4 amounts may be transferred back to this appropriation:
5 *Provided further*, That the transfer authority provided
6 under this heading is in addition to any other transfer au-
7 thority provided elsewhere in this Act.

8 ENVIRONMENTAL RESTORATION, AIR FORCE
9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of the Air Force, \$502,653,000,
11 to remain available until transferred: *Provided*, That the
12 Secretary of the Air Force shall, upon determining that
13 such funds are required for environmental restoration, re-
14 duction and recycling of hazardous waste, removal of un-
15 safe buildings and debris of the Department of the Air
16 Force, or for similar purposes, transfer the funds made
17 available by this appropriation to other appropriations
18 made available to the Department of the Air Force, to be
19 merged with and to be available for the same purposes
20 and for the same time period as the appropriations to
21 which transferred: *Provided further*, That upon a deter-
22 mination that all or part of the funds transferred from
23 this appropriation are not necessary for the purposes pro-
24 vided herein, such amounts may be transferred back to
25 this appropriation: *Provided further*, That the transfer au-

1 thority provided under this heading is in addition to any
2 other transfer authority provided elsewhere in this Act.

3 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of Defense, \$10,744,000, to re-
6 main available until transferred: *Provided*, That the Sec-
7 retary of Defense shall, upon determining that such funds
8 are required for environmental restoration, reduction and
9 recycling of hazardous waste, removal of unsafe buildings
10 and debris of the Department of Defense, or for similar
11 purposes, transfer the funds made available by this appro-
12 priation to other appropriations made available to the De-
13 partment of Defense, to be merged with and to be avail-
14 able for the same purposes and for the same time period
15 as the appropriations to which transferred: *Provided fur-*
16 *ther*, That upon a determination that all or part of the
17 funds transferred from this appropriation are not nec-
18 essary for the purposes provided herein, such amounts
19 may be transferred back to this appropriation: *Provided*
20 *further*, That the transfer authority provided under this
21 heading is in addition to any other transfer authority pro-
22 vided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, FORMERLY USED
2 DEFENSE SITES
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$316,546,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation: *Provided*
19 *further*, That the transfer authority provided under this
20 heading is in addition to any other transfer authority pro-
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,
24 Disaster, and Civic Aid programs of the Department of
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
2 United States Code), \$108,032,000, to remain available
3 until September 30, 2012.

4 COOPERATIVE THREAT REDUCTION ACCOUNT

5 For assistance to the republics of the former Soviet
6 Union and, with appropriate authorization by the Depart-
7 ment of Defense and Department of State, to countries
8 outside of the former Soviet Union, including assistance
9 provided by contract or by grants, for facilitating the
10 elimination and the safe and secure transportation and
11 storage of nuclear, chemical and other weapons; for estab-
12 lishing programs to prevent the proliferation of weapons,
13 weapons components, and weapon-related technology and
14 expertise; for programs relating to the training and sup-
15 port of defense and military personnel for demilitarization
16 and protection of weapons, weapons components and
17 weapons technology and expertise, and for defense and
18 military contacts, \$522,512,000, to remain available until
19 September 30, 2013: *Provided*, That of the amounts pro-
20 vided under this heading, not less than \$13,500,000 shall
21 be available only to support the dismantling and disposal
22 of nuclear submarines, submarine reactor components,
23 and security enhancements for transport and storage of
24 nuclear warheads in the Russian Far East and North.

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
2 DEVELOPMENT FUND

3 For the Department of Defense Acquisition Work-
4 force Development Fund, \$217,561,000.

5 TITLE III
6 PROCUREMENT

7 AIRCRAFT PROCUREMENT, ARMY

8 For construction, procurement, production, modifica-
9 tion, and modernization of aircraft, equipment, including
10 ordnance, ground handling equipment, spare parts, and
11 accessories therefor; specialized equipment and training
12 devices; expansion of public and private plants, including
13 the land necessary therefor, for the foregoing purposes,
14 and such lands and interests therein, may be acquired,
15 and construction prosecuted thereon prior to approval of
16 title; and procurement and installation of equipment, ap-
17 pliances, and machine tools in public and private plants;
18 reserve plant and Government and contractor-owned
19 equipment layaway; and other expenses necessary for the
20 foregoing purposes, \$5,254,791,000, to remain available
21 for obligation until September 30, 2013.

22 MISSILE PROCUREMENT, ARMY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, equipment, including
25 ordnance, ground handling equipment, spare parts, and

1 accessories therefor; specialized equipment and training
2 devices; expansion of public and private plants, including
3 the land necessary therefor, for the foregoing purposes,
4 and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title; and procurement and installation of equipment, ap-
7 pliances, and machine tools in public and private plants;
8 reserve plant and Government and contractor-owned
9 equipment layaway; and other expenses necessary for the
10 foregoing purposes, \$1,570,108,000, to remain available
11 for obligation until September 30, 2013.

12 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
13 VEHICLES, ARMY

14 For construction, procurement, production, and
15 modification of weapons and tracked combat vehicles,
16 equipment, including ordnance, spare parts, and acces-
17 sories therefor; specialized equipment and training devices;
18 expansion of public and private plants, including the land
19 necessary therefor, for the foregoing purposes, and such
20 lands and interests therein, may be acquired, and con-
21 struction prosecuted thereon prior to approval of title; and
22 procurement and installation of equipment, appliances,
23 and machine tools in public and private plants; reserve
24 plant and Government and contractor-owned equipment
25 layaway; and other expenses necessary for the foregoing

1 purposes, \$1,461,086,000, to remain available for obliga-
2 tion until September 30, 2013.

3 PROCUREMENT OF AMMUNITION, ARMY

4 For construction, procurement, production, and
5 modification of ammunition, and accessories therefor; spe-
6 cialized equipment and training devices; expansion of pub-
7 lic and private plants, including ammunition facilities, au-
8 thorized by section 2854 of title 10, United States Code,
9 and the land necessary therefor, for the foregoing pur-
10 poses, and such lands and interests therein, may be ac-
11 quired, and construction prosecuted thereon prior to ap-
12 proval of title; and procurement and installation of equip-
13 ment, appliances, and machine tools in public and private
14 plants; reserve plant and Government and contractor-
15 owned equipment layaway; and other expenses necessary
16 for the foregoing purposes, \$1,847,066,000, to remain
17 available for obligation until September 30, 2013.

18 OTHER PROCUREMENT, ARMY

19 (INCLUDING TRANSFER OF FUNDS)

20 For construction, procurement, production, and
21 modification of vehicles, including tactical, support, and
22 non-tracked combat vehicles; the purchase of passenger
23 motor vehicles for replacement only; communications and
24 electronic equipment; other support equipment; spare
25 parts, ordnance, and accessories therefor; specialized

1 equipment and training devices; expansion of public and
2 private plants, including the land necessary therefor, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway; and other
9 expenses necessary for the foregoing purposes,
10 \$8,145,665,000, to remain available for obligation until
11 September 30, 2013: *Provided*, That of the funds made
12 available in this paragraph, \$15,000,000 shall be made
13 available to procure equipment, not otherwise provided for,
14 and may be transferred to other procurement accounts
15 available to the Department of the Army, and that funds
16 so transferred shall be available for the same purposes and
17 the same time period as the account to which transferred.

18 AIRCRAFT PROCUREMENT, NAVY

19 For construction, procurement, production, modifica-
20 tion, and modernization of aircraft, equipment, including
21 ordnance, spare parts, and accessories therefor; specialized
22 equipment; expansion of public and private plants, includ-
23 ing the land necessary therefor, and such lands and inter-
24 ests therein, may be acquired, and construction prosecuted
25 thereon prior to approval of title; and procurement and

1 installation of equipment, appliances, and machine tools
2 in public and private plants; reserve plant and Govern-
3 ment and contractor-owned equipment layaway,
4 \$16,170,868,000, to remain available for obligation until
5 September 30, 2013.

6 WEAPONS PROCUREMENT, NAVY

7 For construction, procurement, production, modifica-
8 tion, and modernization of missiles, torpedoes, other weap-
9 ons, and related support equipment including spare parts,
10 and accessories therefor; expansion of public and private
11 plants, including the land necessary therefor, and such
12 lands and interests therein, may be acquired, and con-
13 struction prosecuted thereon prior to approval of title; and
14 procurement and installation of equipment, appliances,
15 and machine tools in public and private plants; reserve
16 plant and Government and contractor-owned equipment
17 layaway, \$3,221,957,000, to remain available for obliga-
18 tion until September 30, 2013.

19 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
20 CORPS

21 For construction, procurement, production, and
22 modification of ammunition, and accessories therefor; spe-
23 cialized equipment and training devices; expansion of pub-
24 lic and private plants, including ammunition facilities, au-
25 thorized by section 2854 of title 10, United States Code,

1 and the land necessary therefor, for the foregoing pur-
2 poses, and such lands and interests therein, may be ac-
3 quired, and construction prosecuted thereon prior to ap-
4 proval of title; and procurement and installation of equip-
5 ment, appliances, and machine tools in public and private
6 plants; reserve plant and Government and contractor-
7 owned equipment layaway; and other expenses necessary
8 for the foregoing purposes, \$790,527,000, to remain avail-
9 able for obligation until September 30, 2013.

10 SHIPBUILDING AND CONVERSION, NAVY

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

23 Carrier Replacement Program, \$1,721,969,000;
24 Carrier Replacement Program (AP),
25 \$908,313,000;

1 NSSN, \$3,430,343,000;
2 NSSN (AP), \$1,691,236,000;
3 CVN Refueling, \$1,248,999,000;
4 CVN Refuelings (AP), \$408,037,000;
5 DDG-1000 Program, \$77,512,000;
6 DDG-51 Destroyer, \$2,868,454,000;
7 DDG-51 Destroyer (AP), \$47,984,000;
8 Littoral Combat Ship, \$1,168,984,000;
9 Littoral Combat Ship (AP), \$190,351,000;
10 LHA-R, \$942,837,000;
11 Joint High Speed Vessel, \$180,703,000;
12 Oceanographic Ships, \$88,561,000;
13 LCAC Service Life Extension Program,
14 \$83,035,000;
15 Service Craft, \$13,770,000; and
16 For outfitting, post delivery, conversions, and
17 first destination transportation, \$295,570,000.
18 In all: \$15,366,658,000, to remain available for obli-
19 gation until September 30, 2015: *Provided*, That addi-
20 tional obligations may be incurred after September 30,
21 2015, for engineering services, tests, evaluations, and
22 other such budgeted work that must be performed in the
23 final stage of ship construction: *Provided further*, That
24 none of the funds provided under this heading for the con-
25 struction or conversion of any naval vessel to be con-

1 structed in shipyards in the United States shall be ex-
2 pendent in foreign facilities for the construction of major
3 components of such vessel: *Provided further*, That none
4 of the funds provided under this heading shall be used
5 for the construction of any naval vessel in foreign ship-
6 yards.

7 OTHER PROCUREMENT, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

9 For procurement, production, and modernization of
10 support equipment and materials not otherwise provided
11 for, Navy ordnance (except ordnance for new aircraft, new
12 ships, and ships authorized for conversion); the purchase
13 of passenger motor vehicles for replacement only, and the
14 purchase of seven vehicles required for physical security
15 of personnel, notwithstanding price limitations applicable
16 to passenger vehicles but not to exceed \$250,000 per vehi-
17 cle; expansion of public and private plants, including the
18 land necessary therefor, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon prior to approval of title; and procurement and
21 installation of equipment, appliances, and machine tools
22 in public and private plants; reserve plant and Govern-
23 ment and contractor-owned equipment layaway,
24 \$5,804,963,000, to remain available for obligation until
25 September 30, 2013: *Provided*, That of the funds made

1 available in this paragraph, \$15,000,000 shall be made
2 available to procure equipment, not otherwise provided for,
3 and may be transferred to other procurement accounts
4 available to the Department of the Navy, and that funds
5 so transferred shall be available for the same purposes and
6 the same time period as the account to which transferred.

7 PROCUREMENT, MARINE CORPS

8 For expenses necessary for the procurement, manu-
9 facture, and modification of missiles, armament, military
10 equipment, spare parts, and accessories therefor; plant
11 equipment, appliances, and machine tools, and installation
12 thereof in public and private plants; reserve plant and
13 Government and contractor-owned equipment layaway; ve-
14 hicles for the Marine Corps, including the purchase of pas-
15 senger motor vehicles for replacement only; and expansion
16 of public and private plants, including land necessary
17 therefor, and such lands and interests therein, may be ac-
18 quired, and construction prosecuted thereon prior to ap-
19 proval of title, \$1,236,436,000, to remain available for ob-
20 ligation until September 30, 2013.

21 AIRCRAFT PROCUREMENT, AIR FORCE

22 For construction, procurement, and modification of
23 aircraft and equipment, including armor and armament,
24 specialized ground handling equipment, and training de-
25 vices, spare parts, and accessories therefor; specialized

1 equipment; expansion of public and private plants, Gov-
2 ernment-owned equipment and installation thereof in such
3 plants, erection of structures, and acquisition of land, for
4 the foregoing purposes, and such lands and interests
5 therein, may be acquired, and construction prosecuted
6 thereon prior to approval of title; reserve plant and Gov-
7 ernment and contractor-owned equipment layaway; and
8 other expenses necessary for the foregoing purposes in-
9 cluding rents and transportation of things,
10 \$13,483,739,000, to remain available for obligation until
11 September 30, 2013: *Provided*, That none of the funds
12 provided in this Act for modification of C-17 aircraft,
13 Global Hawk Unmanned Aerial Vehicle and F-22 aircraft
14 may be obligated until all C-17, Global Hawk and F-22
15 contracts funded with prior year “Aircraft Procurement,
16 Air Force” appropriated funds are definitized unless the
17 Secretary of the Air Force certifies in writing to the con-
18 gressional defense committees that each such obligation
19 is necessary to meet the needs of a warfighting require-
20 ment or prevents increased costs to the taxpayer, and pro-
21 vides the reasons for failing to definitize the prior year
22 contracts along with the prospective contract definitization
23 schedule: *Provided further*, That the Secretary of the Air
24 Force shall expand the current HH-60 Operational Loss

1 Replacement program to meet the approved HH-60 Re-
2 capitalization program requirements.

3 MISSILE PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 missiles, spacecraft, rockets, and related equipment, in-
6 cluding spare parts and accessories therefor, ground han-
7 dling equipment, and training devices; expansion of public
8 and private plants, Government-owned equipment and in-
9 stallation thereof in such plants, erection of structures,
10 and acquisition of land, for the foregoing purposes, and
11 such lands and interests therein, may be acquired, and
12 construction prosecuted thereon prior to approval of title;
13 reserve plant and Government and contractor-owned
14 equipment layaway; and other expenses necessary for the
15 foregoing purposes including rents and transportation of
16 things, \$5,424,764,000, to remain available for obligation
17 until September 30, 2013.

18 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$731,487,000, to remain avail-
7 able for obligation until September 30, 2013.

8 OTHER PROCUREMENT, AIR FORCE

9 (INCLUDING TRANSFER OF FUNDS)

10 For procurement and modification of equipment (in-
11 cluding ground guidance and electronic control equipment,
12 and ground electronic and communication equipment),
13 and supplies, materials, and spare parts therefor, not oth-
14 erwise provided for; the purchase of passenger motor vehi-
15 cles for replacement only, and the purchase of two vehicles
16 required for physical security of personnel, notwith-
17 standing price limitations applicable to passenger vehicles
18 but not to exceed \$250,000 per vehicle; lease of passenger
19 motor vehicles; and expansion of public and private plants,
20 Government-owned equipment and installation thereof in
21 such plants, erection of structures, and acquisition of land,
22 for the foregoing purposes, and such lands and interests
23 therein, may be acquired, and construction prosecuted
24 thereon, prior to approval of title; reserve plant and Gov-
25 ernment and contractor-owned equipment layaway,

1 \$17,568,091,000, to remain available for obligation until
 2 September 30, 2013: *Provided*, That of the funds made
 3 available in this paragraph, \$15,000,000 shall be made
 4 available to procure equipment, not otherwise provided for,
 5 and may be transferred to other procurement accounts
 6 available to the Department of the Air Force, and that
 7 funds so transferred shall be available for the same pur-
 8 poses and the same time period as the account to which
 9 transferred.

10 PROCUREMENT, DEFENSE-WIDE
 11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses of activities and agencies of the Depart-
 13 ment of Defense (other than the military departments)
 14 necessary for procurement, production, and modification
 15 of equipment, supplies, materials, and spare parts there-
 16 for, not otherwise provided for; the purchase of passenger
 17 motor vehicles for replacement only; expansion of public
 18 and private plants, equipment, and installation thereof in
 19 such plants, erection of structures, and acquisition of land
 20 for the foregoing purposes, and such lands and interests
 21 therein, may be acquired, and construction prosecuted
 22 thereon prior to approval of title; reserve plant and Gov-
 23 ernment and contractor-owned equipment layaway,
 24 \$4,009,321,000, to remain available for obligation until
 25 September 30, 2013: *Provided*, That of the funds made

1 available in this paragraph, \$15,000,000 shall be made
 2 available to procure equipment, not otherwise provided for,
 3 and may be transferred to other procurement accounts
 4 available to the Department of Defense, and that funds
 5 so transferred shall be available for the same purposes and
 6 the same time period as the account to which transferred.

7 DEFENSE PRODUCTION ACT PURCHASES

8 For activities by the Department of Defense pursuant
 9 to sections 108, 301, 302, and 303 of the Defense Produc-
 10 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
 11 2093), \$34,346,000, to remain available until expended.

12 TITLE IV

13 RESEARCH, DEVELOPMENT, TEST AND

14 EVALUATION

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

16 ARMY

17 For expenses necessary for basic and applied sci-
 18 entific research, development, test and evaluation, includ-
 19 ing maintenance, rehabilitation, lease, and operation of fa-
 20 cilities and equipment, \$9,710,998,000, to remain avail-
 21 able for obligation until September 30, 2012.

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

23 NAVY

24 For expenses necessary for basic and applied sci-
 25 entific research, development, test and evaluation, includ-

1 ing maintenance, rehabilitation, lease, and operation of fa-
 2 cilities and equipment, \$17,736,303,000, to remain avail-
 3 able for obligation until September 30, 2012: *Provided*,
 4 That funds appropriated in this paragraph which are
 5 available for the V-22 may be used to meet unique oper-
 6 ational requirements of the Special Operations Forces:
 7 *Provided further*, That funds appropriated in this para-
 8 graph shall be available for the Cobra Judy program.

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

10 AIR FORCE

11 For expenses necessary for basic and applied sci-
 12 entific research, development, test and evaluation, includ-
 13 ing maintenance, rehabilitation, lease, and operation of fa-
 14 cilities and equipment, \$26,517,405,000, to remain avail-
 15 able for obligation until September 30, 2012.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 DEFENSE-WIDE

18 For expenses of activities and agencies of the Depart-
 19 ment of Defense (other than the military departments),
 20 necessary for basic and applied scientific research, devel-
 21 opment, test and evaluation; advanced research projects
 22 as may be designated and determined by the Secretary
 23 of Defense, pursuant to law; maintenance, rehabilitation,
 24 lease, and operation of facilities and equipment,
 25 \$20,797,412,000, to remain available for obligation until

1 September 30, 2012: *Provided*, That of the funds made
2 available in this paragraph, \$3,200,000 shall only be avail-
3 able for program management and oversight of innovative
4 research and development.

5 OPERATIONAL TEST AND EVALUATION, DEFENSE

6 For expenses, not otherwise provided for, necessary
7 for the independent activities of the Director, Operational
8 Test and Evaluation, in the direction and supervision of
9 operational test and evaluation, including initial oper-
10 ational test and evaluation which is conducted prior to,
11 and in support of, production decisions; joint operational
12 testing and evaluation; and administrative expenses in
13 connection therewith, \$194,910,000, to remain available
14 for obligation until September 30, 2012.

15 TITLE V

16 REVOLVING AND MANAGEMENT FUNDS

17 DEFENSE WORKING CAPITAL FUNDS

18 For the Defense Working Capital Funds,
19 \$1,434,536,000.

20 NATIONAL DEFENSE SEALIFT FUND

21 For National Defense Sealift Fund programs,
22 projects, and activities, and for expenses of the National
23 Defense Reserve Fleet, as established by section 11 of the
24 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
25 and for the necessary expenses to maintain and preserve

1 a U.S.-flag merchant fleet to serve the national security
2 needs of the United States, \$1,474,866,000, to remain
3 available until expended: *Provided*, That none of the funds
4 provided in this paragraph shall be used to award a new
5 contract that provides for the acquisition of any of the
6 following major components unless such components are
7 manufactured in the United States: auxiliary equipment,
8 including pumps, for all shipboard services; propulsion
9 system components (engines, reduction gears, and propel-
10 lers); shipboard cranes; and spreaders for shipboard
11 cranes: *Provided further*, That the exercise of an option
12 in a contract awarded through the obligation of previously
13 appropriated funds shall not be considered to be the award
14 of a new contract: *Provided further*, That the Secretary
15 of the military department responsible for such procure-
16 ment may waive the restrictions in the first proviso on
17 a case-by-case basis by certifying in writing to the Com-
18 mittees on Appropriations of the House of Representatives
19 and the Senate that adequate domestic supplies are not
20 available to meet Department of Defense requirements on
21 a timely basis and that such an acquisition must be made
22 in order to acquire capability for national security pur-
23 poses.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM
4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$31,382,198,000; of which
7 \$29,671,764,000 shall be for operation and maintenance,
8 of which not to exceed 1 percent shall remain available
9 until September 30, 2012, and of which up to
10 \$16,212,121,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$534,921,000, to remain available for obligation until Sep-
13 tember 30, 2013, shall be for procurement; and of which
14 \$1,175,513,000, to remain available for obligation until
15 September 30, 2012, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$10,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations.

•HR 1473 IH

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for oper-
9 ation and maintenance; for procurement; and for research,
10 development, test and evaluation, \$1,156,957,000: *Pro-*
11 *vided*, That the funds appropriated under this heading
12 shall be available for obligation for the same time period
13 and for the same purpose as the appropriation to which
14 transferred: *Provided further*, That upon a determination
15 that all or part of the funds transferred from this appro-
16 priation are not necessary for the purposes provided here-
17 in, such amounts may be transferred back to this appro-
18 priation: *Provided further*, That the transfer authority pro-
19 vided under this heading is in addition to any other trans-
20 fer authority contained elsewhere in this Act.

21 OFFICE OF THE INSPECTOR GENERAL

22 For expenses and activities of the Office of the In-
23 spector General in carrying out the provisions of the In-
24 spector General Act of 1978, as amended, \$306,794,000,
25 of which \$305,794,000 shall be for operation and mainte-

1 nance, of which not to exceed \$700,000 is available for
2 emergencies and extraordinary expenses to be expended on
3 the approval or authority of the Inspector General, and
4 payments may be made on the Inspector General's certifi-
5 cate of necessity for confidential military purposes; and
6 of which \$1,000,000, to remain available until September
7 30, 2013, shall be for procurement.

8 TITLE VII

9 RELATED AGENCIES

10 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

11 DISABILITY SYSTEM FUND

12 For payment to the Central Intelligence Agency Re-
13 tirement and Disability System Fund, to maintain the
14 proper funding level for continuing the operation of the
15 Central Intelligence Agency Retirement and Disability
16 System, \$292,000,000.

17 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

18 For necessary expenses of the Intelligence Commu-
19 nity Management Account, \$649,732,000.

20 TITLE VIII

21 GENERAL PROVISIONS

22 SEC. 8001. No part of any appropriation contained
23 in this Act shall be used for publicity or propaganda pur-
24 poses not authorized by the Congress.

1 SEC. 8002. During the current fiscal year, provisions
2 of law prohibiting the payment of compensation to, or em-
3 ployment of, any person not a citizen of the United States
4 shall not apply to personnel of the Department of Defense:
5 *Provided*, That salary increases granted to direct and indi-
6 rect hire foreign national employees of the Department of
7 Defense funded by this Act shall not be at a rate in excess
8 of the percentage increase authorized by law for civilian
9 employees of the Department of Defense whose pay is
10 computed under the provisions of section 5332 of title 5,
11 United States Code, or at a rate in excess of the percent-
12 age increase provided by the appropriate host nation to
13 its own employees, whichever is higher: *Provided further*,
14 That, in the case of a host nation that does not provide
15 salary increases on an annual basis, any increase granted
16 by that nation shall be annualized for the purpose of ap-
17 plying the preceding proviso: *Provided further*, That this
18 section shall not apply to Department of Defense foreign
19 service national employees serving at United States diplo-
20 matic missions whose pay is set by the Department of
21 State under the Foreign Service Act of 1980: *Provided*
22 *further*, That the limitations of this provision shall not
23 apply to foreign national employees of the Department of
24 Defense in the Republic of Turkey.

11 (TRANSFER OF FUNDS)

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1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further*, That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress: *Provided further*, That
13 a request for multiple reprogrammings of funds using au-
14 thority provided in this section shall be made prior to June
15 30, 2011: *Provided further*, That transfers among military
16 personnel appropriations shall not be taken into account
17 for purposes of the limitation on the amount of funds that
18 may be transferred under this section.

19 SEC. 8006. (a) With regard to the list of specific pro-
20 grams, projects, and activities (and the dollar amounts
21 and adjustments to budget activities corresponding to
22 such programs, projects, and activities) contained in the
23 tables titled “Explanation of Project Level Adjustments”
24 in the explanatory statement regarding this Act, the obli-
25 gation and expenditure of amounts appropriated or other-

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

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

13 SEC. 8007. (a) Not later than 60 days after enact-
14 ment of this Act, the Department of Defense shall submit
15 a report to the congressional defense committees to estab-
16 lish the baseline for application of reprogramming and
17 transfer authorities for fiscal year 2011: *Provided*, That
18 the report shall include—

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

24 (2) a delineation in the table for each appro-
25 priation both by budget activity and program,

1 project, and activity as detailed in the Budget Ap-
2 pendix; and

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

5 (b) Notwithstanding section 8005 of this Act, none
6 of the funds provided in this Act shall be available for
7 reprogramming or transfer until the report identified in
8 subsection (a) is submitted to the congressional defense
9 committees, unless the Secretary of Defense certifies in
10 writing to the congressional defense committees that such
11 reprogramming or transfer is necessary as an emergency
12 requirement.

13 (TRANSFER OF FUNDS)

14 SEC. 8008. During the current fiscal year, cash bal-
15 ances in working capital funds of the Department of De-
16 fense established pursuant to section 2208 of title 10,
17 United States Code, may be maintained in only such
18 amounts as are necessary at any time for cash disburse-
19 ments to be made from such funds: *Provided*, That trans-
20 fers may be made between such funds: *Provided further*,
21 That transfers may be made between working capital
22 funds and the “Foreign Currency Fluctuations, Defense”
23 appropriation and the “Operation and Maintenance” ap-
24 propriation accounts in such amounts as may be deter-
25 mined by the Secretary of Defense, with the approval of

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

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

14 SEC. 8010. None of the funds provided in this Act
15 shall be available to initiate: (1) a multiyear contract that
16 employs economic order quantity procurement in excess of
17 \$20,000,000 in any one year of the contract or that in-
18 cludes an unfunded contingent liability in excess of
19 \$20,000,000; or (2) a contract for advance procurement
20 leading to a multiyear contract that employs economic
21 order quantity procurement in excess of \$20,000,000 in
22 any one year, unless the congressional defense committees
23 have been notified at least 30 days in advance of the pro-
24 posed contract award: *Provided*, That no part of any ap-
25 propriation contained in this Act shall be available to ini-

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

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

1 year covered by the budget, full funding of procure-
2 ment of such unit in that fiscal year;

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

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

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

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

16 Navy MH-60R/S Helicopter Systems.

17 SEC. 8011. Within the funds appropriated for the op-
18 eration and maintenance of the Armed Forces, funds are
19 hereby appropriated pursuant to section 401 of title 10,
20 United States Code, for humanitarian and civic assistance
21 costs under chapter 20 of title 10, United States Code.
22 Such funds may also be obligated for humanitarian and
23 civic assistance costs incidental to authorized operations
24 and pursuant to authority granted in section 401 of chap-
25 ter 20 of title 10, United States Code, and these obliga-

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

18 SEC. 8012. (a) During fiscal year 2011, the civilian
19 personnel of the Department of Defense may not be man-
20 aged on the basis of any end-strength, and the manage-
21 ment of such personnel during that fiscal year shall not
22 be subject to any constraint or limitation (known as an
23 end-strength) on the number of such personnel who may
24 be employed on the last day of such fiscal year.

1 (b) The fiscal year 2012 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2012
4 Department of Defense budget request shall be prepared
5 and submitted to the Congress as if subsections (a) and
6 (b) of this provision were effective with regard to fiscal
7 year 2012.

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

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

14 SEC. 8014. None of the funds appropriated by this
15 Act shall be available for the basic pay and allowances of
16 any member of the Army participating as a full-time stu-
17 dent and receiving benefits paid by the Secretary of Vet-
18 erans Affairs from the Department of Defense Education
19 Benefits Fund when time spent as a full-time student is
20 credited toward completion of a service commitment: *Pro-*
21 *vided*, That this section shall not apply to those members
22 who have reenlisted with this option prior to October 1,
23 1987: *Provided further*, That this section applies only to
24 active components of the Army.

1 SEC. 8015. (a) None of the funds appropriated by
2 this Act shall be available to convert to contractor per-
3 formance an activity or function of the Department of De-
4 fense that, on or after the date of the enactment of this
5 Act, is performed by Department of Defense civilian em-
6 ployees unless—

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

11 (2) the Competitive Sourcing Official deter-
12 mines that, over all performance periods stated in
13 the solicitation of offers for performance of the ac-
14 tivity or function, the cost of performance of the ac-
15 tivity or function by a contractor would be less costly
16 to the Department of Defense by an amount that
17 equals or exceeds the lesser of—

18 (A) 10 percent of the most efficient organi-
19 zation's personnel-related costs for performance
20 of that activity or function by Federal employ-
21 ees; or

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

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

1 (A) not making an employer-sponsored
2 health insurance plan available to the workers
3 who are to be employed in the performance of
4 that activity or function under the contract; or

5 (B) offering to such workers an employer-
6 sponsored health benefits plan that requires the
7 employer to contribute less towards the pre-
8 mium or subscription share than the amount
9 that is paid by the Department of Defense for
10 health benefits for civilian employees under
11 chapter 89 of title 5, United States Code.

12 (b)(1) The Department of Defense, without regard
13 to subsection (a) of this section or subsection (a), (b), or
14 (c) of section 2461 of title 10, United States Code, and
15 notwithstanding any administrative regulation, require-
16 ment, or policy to the contrary shall have full authority
17 to enter into a contract for the performance of any com-
18 mercial or industrial type function of the Department of
19 Defense that—

20 (A) is included on the procurement list es-
21 tablished pursuant to section 2 of the Javits-
22 Wagner-O'Day Act (section 8503 of title 41,
23 United States Code);

24 (B) is planned to be converted to perform-
25 ance by a qualified nonprofit agency for the

1 blind or by a qualified nonprofit agency for
2 other severely handicapped individuals in ac-
3 cordance with that Act; or

4 (C) is planned to be converted to perform-
5 ance by a qualified firm under at least 51 per-
6 cent ownership by an Indian tribe, as defined in
7 section 4(e) of the Indian Self-Determination
8 and Education Assistance Act (25 U.S.C.
9 450b(e)), or a Native Hawaiian Organization,
10 as defined in section 8(a)(15) of the Small
11 Business Act (15 U.S.C. 637(a)(15)).

12 (2) This section shall not apply to depot con-
13 tracts or contracts for depot maintenance as pro-
14 vided in sections 2469 and 2474 of title 10, United
15 States Code.

16 (c) The conversion of any activity or function of the
17 Department of Defense under the authority provided by
18 this section shall be credited toward any competitive or
19 outsourcing goal, target, or measurement that may be es-
20 tablished by statute, regulation, or policy and is deemed
21 to be awarded under the authority of, and in compliance
22 with, subsection (h) of section 2304 of title 10, United
23 States Code, for the competition or outsourcing of com-
24 mercial activities.

(TRANSFER OF FUNDS)

1
2 SEC. 8016. Funds appropriated in title III of this Act
3 for the Department of Defense Pilot Mentor-Protege Pro-
4 gram may be transferred to any other appropriation con-
5 tained in this Act solely for the purpose of implementing
6 a Mentor-Protege Program developmental assistance
7 agreement pursuant to section 831 of the National De-
8 fense Authorization Act for Fiscal Year 1991 (Public Law
9 101–510; 10 U.S.C. 2302 note), as amended, under the
10 authority of this provision or any other transfer authority
11 contained in this Act: *Provided*, That subsection (j) of sec-
12 tion 831 of the National Defense Authorization Act for
13 Fiscal Year 1991 is amended by striking “September 30,
14 2010” and inserting “September 30, 2011”, and by strik-
15 ing “September 30, 2013” and inserting “September 30,
16 2014”.

17 SEC. 8017. None of the funds in this Act may be
18 available for the purchase by the Department of Defense
19 (and its departments and agencies) of welded shipboard
20 anchor and mooring chain 4 inches in diameter and under
21 unless the anchor and mooring chain are manufactured
22 in the United States from components which are substan-
23 tially manufactured in the United States: *Provided*, That
24 for the purpose of this section, the term “manufactured”
25 shall include cutting, heat treating, quality control, testing

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

17 SEC. 8018. None of the funds available to the De-
18 partment of Defense may be used to demilitarize or dis-
19 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
20 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
21 to demilitarize or destroy small arms ammunition or am-
22 munition components that are not otherwise prohibited
23 from commercial sale under Federal law, unless the small
24 arms ammunition or ammunition components are certified

1 by the Secretary of the Army or designee as unserviceable
2 or unsafe for further use.

3 SEC. 8019. No more than \$500,000 of the funds ap-
4 propriated or made available in this Act shall be used dur-
5 ing a single fiscal year for any single relocation of an orga-
6 nization, unit, activity or function of the Department of
7 Defense into or within the National Capital Region: *Pro-*
8 *vided*, That the Secretary of Defense may waive this re-
9 striction on a case-by-case basis by certifying in writing
10 to the congressional defense committees that such a relo-
11 cation is required in the best interest of the Government.

12 SEC. 8020. In addition to the funds provided else-
13 where in this Act, \$15,000,000 is appropriated only for
14 incentive payments authorized by section 504 of the In-
15 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
16 That a prime contractor or a subcontractor at any tier
17 that makes a subcontract award to any subcontractor or
18 supplier as defined in section 1544 of title 25, United
19 States Code, or a small business owned and controlled by
20 an individual or individuals defined under section 4221(9)
21 of title 25, United States Code, shall be considered a con-
22 tractor for the purposes of being allowed additional com-
23 pensation under section 504 of the Indian Financing Act
24 of 1974 (25 U.S.C. 1544) whenever the prime contract
25 or subcontract amount is over \$500,000 and involves the

1 expenditure of funds appropriated by an Act making Ap-
2 propriations for the Department of Defense with respect
3 to any fiscal year: *Provided further*, That notwithstanding
4 section 430 of title 41, United States Code, this section
5 shall be applicable to any Department of Defense acquisi-
6 tion of supplies or services, including any contract and any
7 subcontract at any tier for acquisition of commercial items
8 produced or manufactured, in whole or in part by any sub-
9 contractor or supplier defined in section 1544 of title 25,
10 United States Code, or a small business owned and con-
11 trolled by an individual or individuals defined under sec-
12 tion 4221(9) of title 25, United States Code.

13 SEC. 8021. Funds appropriated by this Act for the
14 Defense Media Activity shall not be used for any national
15 or international political or psychological activities.

16 SEC. 8022. During the current fiscal year, the De-
17 partment of Defense is authorized to incur obligations of
18 not to exceed \$350,000,000 for purposes specified in sec-
19 tion 2350j(c) of title 10, United States Code, in anticipa-
20 tion of receipt of contributions, only from the Government
21 of Kuwait, under that section: *Provided*, That upon re-
22 ceipt, such contributions from the Government of Kuwait
23 shall be credited to the appropriations or fund which in-
24 curred such obligations.

1 SEC. 8023. (a) Of the funds made available in this
2 Act, not less than \$30,374,000 shall be available for the
3 Civil Air Patrol Corporation, of which—

4 (1) \$27,048,000 shall be available from “Oper-
5 ation and Maintenance, Air Force” to support Civil
6 Air Patrol Corporation operation and maintenance,
7 readiness, counterdrug activities, and drug demand
8 reduction activities involving youth programs;

9 (2) \$2,424,000 shall be available from “Aircraft
10 Procurement, Air Force”; and

11 (3) \$902,000 shall be available from “Other
12 Procurement, Air Force” for vehicle procurement.

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

17 SEC. 8024. (a) None of the funds appropriated in this
18 Act are available to establish a new Department of De-
19 fense (department) federally funded research and develop-
20 ment center (FFRDC), either as a new entity, or as a
21 separate entity administrated by an organization man-
22 aging another FFRDC, or as a nonprofit membership cor-
23 poration consisting of a consortium of other FFRDCs and
24 other nonprofit entities.

1 (b) No member of a Board of Directors, Trustees,
2 Overseers, Advisory Group, Special Issues Panel, Visiting
3 Committee, or any similar entity of a defense FFRDC,
4 and no paid consultant to any defense FFRDC, except
5 when acting in a technical advisory capacity, may be com-
6 pensated for his or her services as a member of such enti-
7 ty, or as a paid consultant by more than one FFRDC in
8 a fiscal year: *Provided*, That a member of any such entity
9 referred to previously in this subsection shall be allowed
10 travel expenses and per diem as authorized under the Fed-
11 eral Joint Travel Regulations, when engaged in the per-
12 formance of membership duties.

13 (c) Notwithstanding any other provision of law, none
14 of the funds available to the department from any source
15 during fiscal year 2011 may be used by a defense FFRDC,
16 through a fee or other payment mechanism, for construc-
17 tion of new buildings, for payment of cost sharing for
18 projects funded by Government grants, for absorption of
19 contract overruns, or for certain charitable contributions,
20 not to include employee participation in community service
21 and/or development.

22 (d) Notwithstanding any other provision of law, of
23 the funds available to the department during fiscal year
24 2011, not more than 5,750 staff years of technical effort
25 (staff years) may be funded for defense FFRDCs: *Pro-*

1 *vided*, That of the specific amount referred to previously
2 in this subsection, not more than 1,125 staff years may
3 be funded for the defense studies and analysis FFRDCs:
4 *Provided further*, That this subsection shall not apply to
5 staff years funded in the National Intelligence Program
6 (NIP) and the Military Intelligence Program (MIP).

7 (e) The Secretary of Defense shall, with the submis-
8 sion of the department's fiscal year 2012 budget request,
9 submit a report presenting the specific amounts of staff
10 years of technical effort to be allocated for each defense
11 FFRDC during that fiscal year and the associated budget
12 estimates.

13 (f) Notwithstanding any other provision of this Act,
14 the total amount appropriated in this Act for FFRDCs
15 is hereby reduced by \$125,000,000.

16 SEC. 8025. None of the funds appropriated or made
17 available in this Act shall be used to procure carbon, alloy
18 or armor steel plate for use in any Government-owned fa-
19 cility or property under the control of the Department of
20 Defense which were not melted and rolled in the United
21 States or Canada: *Provided*, That these procurement re-
22 strictions shall apply to any and all Federal Supply Class
23 9515, American Society of Testing and Materials (ASTM)
24 or American Iron and Steel Institute (AISI) specifications
25 of carbon, alloy or armor steel plate: *Provided further*,

1 That the Secretary of the military department responsible
2 for the procurement may waive this restriction on a case-
3 by-case basis by certifying in writing to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate that adequate domestic supplies are not available
6 to meet Department of Defense requirements on a timely
7 basis and that such an acquisition must be made in order
8 to acquire capability for national security purposes: *Pro-*
9 *vided further*, That these restrictions shall not apply to
10 contracts which are in being as of the date of the enact-
11 ment of this Act.

12 SEC. 8026. For the purposes of this Act, the term
13 “congressional defense committees” means the Armed
14 Services Committee of the House of Representatives, the
15 Armed Services Committee of the Senate, the Sub-
16 committee on Defense of the Committee on Appropriations
17 of the Senate, and the Subcommittee on Defense of the
18 Committee on Appropriations of the House of Representa-
19 tives.

20 SEC. 8027. During the current fiscal year, the De-
21 partment of Defense may acquire the modification, depot
22 maintenance and repair of aircraft, vehicles and vessels
23 as well as the production of components and other De-
24 fense-related articles, through competition between De-
25 partment of Defense depot maintenance activities and pri-

1 vate firms: *Provided*, That the Senior Acquisition Execu-
2 tive of the military department or Defense Agency con-
3 cerned, with power of delegation, shall certify that success-
4 ful bids include comparable estimates of all direct and in-
5 direct costs for both public and private bids: *Provided fur-*
6 *ther*, That Office of Management and Budget Circular A-
7 76 shall not apply to competitions conducted under this
8 section.

9 SEC. 8028. (a)(1) If the Secretary of Defense, after
10 consultation with the United States Trade Representative,
11 determines that a foreign country which is party to an
12 agreement described in paragraph (2) has violated the
13 terms of the agreement by discriminating against certain
14 types of products produced in the United States that are
15 covered by the agreement, the Secretary of Defense shall
16 rescind the Secretary's blanket waiver of the Buy Amer-
17 ican Act with respect to such types of products produced
18 in that foreign country.

19 (2) An agreement referred to in paragraph (1) is any
20 reciprocal defense procurement memorandum of under-
21 standing, between the United States and a foreign country
22 pursuant to which the Secretary of Defense has prospec-
23 tively waived the Buy American Act for certain products
24 in that country.

1 (b) The Secretary of Defense shall submit to the Con-
2 gress a report on the amount of Department of Defense
3 purchases from foreign entities in fiscal year 2011. Such
4 report shall separately indicate the dollar value of items
5 for which the Buy American Act was waived pursuant to
6 any agreement described in subsection (a)(2), the Trade
7 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
8 international agreement to which the United States is a
9 party.

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

13 SEC. 8029. During the current fiscal year, amounts
14 contained in the Department of Defense Overseas Military
15 Facility Investment Recovery Account established by sec-
16 tion 2921(c)(1) of the National Defense Authorization Act
17 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
18 be available until expended for the payments specified by
19 section 2921(c)(2) of that Act.

20 SEC. 8030. (a) Notwithstanding any other provision
21 of law, the Secretary of the Air Force may convey at no
22 cost to the Air Force, without consideration, to Indian
23 tribes located in the States of Nevada, Idaho, North Da-
24 kota, South Dakota, Montana, Oregon, Minnesota, and
25 Washington relocatable military housing units located at

1 Grand Forks Air Force Base, Malmstrom Air Force Base,
2 Mountain Home Air Force Base, Ellsworth Air Force
3 Base, and Minot Air Force Base that are excess to the
4 needs of the Air Force.

5 (b) The Secretary of the Air Force shall convey, at
6 no cost to the Air Force, military housing units under sub-
7 section (a) in accordance with the request for such units
8 that are submitted to the Secretary by the Operation
9 Walking Shield Program on behalf of Indian tribes located
10 in the States of Nevada, Idaho, North Dakota, South Da-
11 kota, Montana, Oregon, Minnesota, and Washington. Any
12 such conveyance shall be subject to the condition that the
13 housing units shall be removed within a reasonable period
14 of time, as determined by the Secretary.

15 (c) The Operation Walking Shield Program shall re-
16 solve any conflicts among requests of Indian tribes for
17 housing units under subsection (a) before submitting re-
18 quests to the Secretary of the Air Force under subsection
19 (b).

20 (d) In this section, the term “Indian tribe” means
21 any recognized Indian tribe included on the current list
22 published by the Secretary of the Interior under section
23 104 of the Federally Recognized Indian Tribe Act of 1994
24 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
25 1).

1 SEC. 8031. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$250,000.

6 SEC. 8032. (a) During the current fiscal year, none
7 of the appropriations or funds available to the Department
8 of Defense Working Capital Funds shall be used for the
9 purchase of an investment item for the purpose of acquir-
10 ing a new inventory item for sale or anticipated sale dur-
11 ing the current fiscal year or a subsequent fiscal year to
12 customers of the Department of Defense Working Capital
13 Funds if such an item would not have been chargeable
14 to the Department of Defense Business Operations Fund
15 during fiscal year 1994 and if the purchase of such an
16 investment item would be chargeable during the current
17 fiscal year to appropriations made to the Department of
18 Defense for procurement.

19 (b) The fiscal year 2012 budget request for the De-
20 partment of Defense as well as all justification material
21 and other documentation supporting the fiscal year 2012
22 Department of Defense budget shall be prepared and sub-
23 mitted to the Congress on the basis that any equipment
24 which was classified as an end item and funded in a pro-
25 curement appropriation contained in this Act shall be

1 budgeted for in a proposed fiscal year 2012 procurement
2 appropriation and not in the supply management business
3 area or any other area or category of the Department of
4 Defense Working Capital Funds.

5 SEC. 8033. None of the funds appropriated by this
6 Act for programs of the Central Intelligence Agency shall
7 remain available for obligation beyond the current fiscal
8 year, except for funds appropriated for the Reserve for
9 Contingencies, which shall remain available until Sep-
10 tember 30, 2012: *Provided*, That funds appropriated,
11 transferred, or otherwise credited to the Central Intel-
12 ligence Agency Central Services Working Capital Fund
13 during this or any prior or subsequent fiscal year shall
14 remain available until expended: *Provided further*, That
15 any funds appropriated or transferred to the Central Intel-
16 ligence Agency for advanced research and development ac-
17 quisition, for agent operations, and for covert action pro-
18 grams authorized by the President under section 503 of
19 the National Security Act of 1947, as amended, shall re-
20 main available until September 30, 2012.

21 SEC. 8034. Notwithstanding any other provision of
22 law, funds made available in this Act for the Defense In-
23 telligence Agency may be used for the design, develop-
24 ment, and deployment of General Defense Intelligence
25 Program intelligence communications and intelligence in-

1 formation systems for the Services, the Unified and Speci-
2 fied Commands, and the component commands.

3 SEC. 8035. Of the funds appropriated to the Depart-
4 ment of Defense under the heading “Operation and Main-
5 tenance, Defense-Wide”, not less than \$12,000,000 shall
6 be made available only for the mitigation of environmental
7 impacts, including training and technical assistance to
8 tribes, related administrative support, the gathering of in-
9 formation, documenting of environmental damage, and de-
10 veloping a system for prioritization of mitigation and cost
11 to complete estimates for mitigation, on Indian lands re-
12 sulting from Department of Defense activities.

13 SEC. 8036. (a) None of the funds appropriated in this
14 Act may be expended by an entity of the Department of
15 Defense unless the entity, in expending the funds, com-
16 plies with the Buy American Act. For purposes of this
17 subsection, the term “Buy American Act” means chapter
18 83 of title 41, United States Code.

19 (b) If the Secretary of Defense determines that a per-
20 son has been convicted of intentionally affixing a label
21 bearing a “Made in America” inscription to any product
22 sold in or shipped to the United States that is not made
23 in America, the Secretary shall determine, in accordance
24 with section 2410f of title 10, United States Code, wheth-

1 er the person should be debarred from contracting with
2 the Department of Defense.

3 (c) In the case of any equipment or products pur-
4 chased with appropriations provided under this Act, it is
5 the sense of the Congress that any entity of the Depart-
6 ment of Defense, in expending the appropriation, purchase
7 only American-made equipment and products, provided
8 that American-made equipment and products are cost-
9 competitive, quality competitive, and available in a timely
10 fashion.

11 SEC. 8037. None of the funds appropriated by this
12 Act shall be available for a contract for studies, analysis,
13 or consulting services entered into without competition on
14 the basis of an unsolicited proposal unless the head of the
15 activity responsible for the procurement determines—

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

19 (2) the purpose of the contract is to explore an
20 unsolicited proposal which offers significant sci-
21 entific or technological promise, represents the prod-
22 uct of original thinking, and was submitted in con-
23 fidence by one source; or

24 (3) the purpose of the contract is to take ad-
25 vantage of unique and significant industrial accom-

1 plishment by a specific concern, or to insure that a
2 new product or idea of a specific concern is given fi-
3 nancial support: *Provided*, That this limitation shall
4 not apply to contracts in an amount of less than
5 \$25,000, contracts related to improvements of equip-
6 ment that is in development or production, or con-
7 tracts as to which a civilian official of the Depart-
8 ment of Defense, who has been confirmed by the
9 Senate, determines that the award of such contract
10 is in the interest of the national defense.

11 SEC. 8038. (a) Except as provided in subsections (b)
12 and (c), none of the funds made available by this Act may
13 be used—

- 14 (1) to establish a field operating agency; or
15 (2) to pay the basic pay of a member of the
16 Armed Forces or civilian employee of the depart-
17 ment who is transferred or reassigned from a head-
18 quarters activity if the member or employee's place
19 of duty remains at the location of that headquarters.

20 (b) The Secretary of Defense or Secretary of a mili-
21 tary department may waive the limitations in subsection
22 (a), on a case-by-case basis, if the Secretary determines,
23 and certifies to the Committees on Appropriations of the
24 House of Representatives and Senate that the granting

1 of the waiver will reduce the personnel requirements or
2 the financial requirements of the department.

3 (c) This section does not apply to—

4 (1) field operating agencies funded within the
5 National Intelligence Program;

6 (2) an Army field operating agency established
7 to eliminate, mitigate, or counter the effects of im-
8 proved explosive devices, and, as determined by the
9 Secretary of the Army, other similar threats; or

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

14 SEC. 8039. The Secretary of Defense, notwith-
15 standing any other provision of law, acting through the
16 Office of Economic Adjustment of the Department of De-
17 fense, may use funds made available in this Act under the
18 heading “Operation and Maintenance, Defense-Wide” to
19 make grants and supplement other Federal funds in ac-
20 cordance with the guidance provided in the explanatory
21 statement regarding this Act.

22 (RESCISSIONS)

23 SEC. 8040. Of the funds appropriated in Department
24 of Defense Appropriations Acts, the following funds are

1 hereby rescinded from the following accounts and pro-
2 grams in the specified amounts:

3 “Procurement of Weapons and Tracked Combat
4 Vehicles, Army, 2009/2011”, \$86,300,000.

5 “Other Procurement, Army, 2009/2011”,
6 \$147,600,000.

7 “Aircraft Procurement, Navy, 2009/2011”,
8 \$26,100,000.

9 “Aircraft Procurement, Air Force, 2009/2011”,
10 \$387,700,000.

11 “Aircraft Procurement, Army, 2010/2012”,
12 \$14,000,000.

13 “Procurement of Weapons and Tracked Combat
14 Vehicles, Army, 2010/2012”, \$36,000,000.

15 “Missile Procurement, Army, 2010/2012”,
16 \$9,171,000.

17 “Aircraft Procurement, Navy, 2010/2012”,
18 \$464,847,000.

19 “Procurement of Ammunition, Navy and Ma-
20 rine Corps, 2010/2012”, \$11,576,000.

21 Under the heading, “Shipbuilding and Conver-
22 sion, Navy, 2010/2014”: DDG-51 Destroyer,
23 \$22,000,000.

24 “Other Procurement, Navy, 2010/2012”,
25 \$9,042,000.

1 “Aircraft Procurement, Air Force, 2010/2012”,
2 \$340,600,000.

3 “Other Procurement, Air Force, 2010/2012”,
4 \$36,600,000.

5 “Research, Development, Test and Evaluation,
6 Army, 2010/2011”, \$163,400,000.

7 “Research, Development, Test and Evaluation,
8 Air Force, 2010/2011”, \$198,600,000.

9 “Other Procurement, Army, 2010/2012”,
10 \$50,000,000.

11 “Research, Development, Test and Evaluation,
12 Defense-Wide, 2010/2011”, \$10,000,000.

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

21 SEC. 8042. None of the funds appropriated or other-
22 wise made available in this Act may be obligated or ex-
23 pended for assistance to the Democratic People’s Republic
24 of Korea unless specifically appropriated for that purpose.

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

15 SEC. 8044. During the current fiscal year, none of
16 the funds appropriated in this Act may be used to reduce
17 the civilian medical and medical support personnel as-
18 signed to military treatment facilities below the September
19 30, 2003, level: *Provided*, That the Service Surgeons Gen-
20 eral may waive this section by certifying to the congres-
21 sional defense committees that the beneficiary population
22 is declining in some catchment areas and civilian strength
23 reductions may be consistent with responsible resource
24 stewardship and capitation-based budgeting.

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

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

11 SEC. 8046. None of the funds appropriated by this
12 Act may be used for the procurement of ball and roller
13 bearings other than those produced by a domestic source
14 and of domestic origin: *Provided*, That the Secretary of
15 the military department responsible for such procurement
16 may waive this restriction on a case-by-case basis by certi-
17 fying in writing to the Committees on Appropriations of
18 the House of Representatives and the Senate, that ade-
19 quate domestic supplies are not available to meet Depart-
20 ment of Defense requirements on a timely basis and that
21 such an acquisition must be made in order to acquire ca-
22 pability for national security purposes: *Provided further*,
23 That this restriction shall not apply to the purchase of
24 “commercial items”, as defined by section 4(12) of the
25 Office of Federal Procurement Policy Act, except that the

1 restriction shall apply to ball or roller bearings purchased
2 as end items.

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

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

22 SEC. 8049. (a) Notwithstanding any other provision
23 of law, none of the funds available to the Department of
24 Defense for the current fiscal year may be obligated or
25 expended to transfer to another nation or an international

1 organization any defense articles or services (other than
2 intelligence services) for use in the activities described in
3 subsection (b) unless the congressional defense commit-
4 tees, the Committee on Foreign Affairs of the House of
5 Representatives, and the Committee on Foreign Relations
6 of the Senate are notified 15 days in advance of such
7 transfer.

8 (b) This section applies to—

9 (1) any international peacekeeping or peace-en-
10 forcement operation under the authority of chapter
11 VI or chapter VII of the United Nations Charter
12 under the authority of a United Nations Security
13 Council resolution; and

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

16 (c) A notice under subsection (a) shall include the
17 following:

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

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

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

24 (A) a statement of whether the inventory
25 requirements of all elements of the Armed

1 Forces (including the reserve components) for
2 the type of equipment or supplies to be trans-
3 ferred have been met; and

4 (B) a statement of whether the items pro-
5 posed to be transferred will have to be replaced
6 and, if so, how the President proposes to pro-
7 vide funds for such replacement.

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

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

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

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8051. During the current fiscal year, no more
20 than \$30,000,000 of appropriations made in this Act
21 under the heading “Operation and Maintenance, Defense-
22 Wide” may be transferred to appropriations available for
23 the pay of military personnel, to be merged with, and to
24 be available for the same time period as the appropriations
25 to which transferred, to be used in support of such per-

1 sonnel in connection with support and services for eligible
2 organizations and activities outside the Department of De-
3 fense pursuant to section 2012 of title 10, United States
4 Code.

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

14 (1) the obligation would have been properly
15 chargeable (except as to amount) to the expired or
16 closed account before the end of the period of avail-
17 ability or closing of that account;

18 (2) the obligation is not otherwise properly
19 chargeable to any current appropriation account of
20 the Department of Defense; and

21 (3) in the case of an expired account, the obli-
22 gation is not chargeable to a current appropriation
23 of the Department of Defense under the provisions
24 of section 1405(b)(8) of the National Defense Au-
25 thorization Act for Fiscal Year 1991, Public Law

1 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
2 *vided*, That in the case of an expired account, if sub-
3 sequent review or investigation discloses that there
4 was not in fact a negative unliquidated or unex-
5 pended balance in the account, any charge to a cur-
6 rent account under the authority of this section shall
7 be reversed and recorded against the expired ac-
8 count: *Provided further*, That the total amount
9 charged to a current appropriation under this sec-
10 tion may not exceed an amount equal to 1 percent
11 of the total appropriation for that account.

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

19 (b) Amounts collected under subsection (a) shall be
20 credited to funds available for the National Guard Dis-
21 tance Learning Project and be available to defray the costs
22 associated with the use of equipment of the project under
23 that subsection. Such funds shall be available for such
24 purposes without fiscal year limitation.

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

17 SEC. 8055. None of the funds appropriated in title
18 IV of this Act may be used to procure end-items for deliv-
19 ery to military forces for operational training, operational
20 use or inventory requirements: *Provided*, That this restric-
21 tion does not apply to end-items used in development,
22 prototyping, and test activities preceding and leading to
23 acceptance for operational use: *Provided further*, That this
24 restriction does not apply to programs funded within the
25 National Intelligence Program: *Provided further*, That the

1 Secretary of Defense may waive this restriction on a case-
2 by-case basis by certifying in writing to the Committees
3 on Appropriations of the House of Representatives and the
4 Senate that it is in the national security interest to do
5 so.

6 SEC. 8056. None of the funds made available in this
7 Act may be used to approve or license the sale of the F-
8 22A advanced tactical fighter to any foreign government:
9 *Provided*, That the Department of Defense may conduct
10 or participate in studies, research, design and other activi-
11 ties to define and develop a future export version of the
12 F-22A that protects classified and sensitive information,
13 technologies and U.S. warfighting capabilities.

14 SEC. 8057. (a) The Secretary of Defense may, on a
15 case-by-case basis, waive with respect to a foreign country
16 each limitation on the procurement of defense items from
17 foreign sources provided in law if the Secretary determines
18 that the application of the limitation with respect to that
19 country would invalidate cooperative programs entered
20 into between the Department of Defense and the foreign
21 country, or would invalidate reciprocal trade agreements
22 for the procurement of defense items entered into under
23 section 2531 of title 10, United States Code, and the
24 country does not discriminate against the same or similar

1 defense items produced in the United States for that coun-
2 try.

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

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

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

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

19 SEC. 8058. (a) None of the funds made available by
20 this Act may be used to support any training program in-
21 volving a unit of the security forces or police of a foreign
22 country if the Secretary of Defense has received credible
23 information from the Department of State that the unit
24 has committed a gross violation of human rights, unless
25 all necessary corrective steps have been taken.

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

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

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

19 SEC. 8059. None of the funds appropriated or made
20 available in this Act to the Department of the Navy shall
21 be used to develop, lease or procure the T-AKE class of
22 ships unless the main propulsion diesel engines and
23 propulsors are manufactured in the United States by a
24 domestically operated entity: *Provided*, That the Secretary
25 of Defense may waive this restriction on a case-by-case

1 basis by certifying in writing to the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 that adequate domestic supplies are not available to meet
4 Department of Defense requirements on a timely basis
5 and that such an acquisition must be made in order to
6 acquire capability for national security purposes or there
7 exists a significant cost or quality difference.

8 SEC. 8060. None of the funds appropriated or other-
9 wise made available by this or other Department of De-
10 fense Appropriations Acts may be obligated or expended
11 for the purpose of performing repairs or maintenance to
12 military family housing units of the Department of De-
13 fense, including areas in such military family housing
14 units that may be used for the purpose of conducting offi-
15 cial Department of Defense business.

16 SEC. 8061. Notwithstanding any other provision of
17 law, funds appropriated in this Act under the heading
18 “Research, Development, Test and Evaluation, Defense-
19 Wide” for any new start advanced concept technology
20 demonstration project or joint capability demonstration
21 project may only be obligated 30 days after a report, in-
22 cluding a description of the project, the planned acquisi-
23 tion and transition strategy and its estimated annual and
24 total cost, has been provided in writing to the congres-
25 sional defense committees: *Provided*, That the Secretary

1 of Defense may waive this restriction on a case-by-case
2 basis by certifying to the congressional defense committees
3 that it is in the national interest to do so.

4 SEC. 8062. The Secretary of Defense shall provide
5 a classified quarterly report beginning 30 days after enact-
6 ment of this Act, to the House and Senate Appropriations
7 Committees, Subcommittees on Defense on certain mat-
8 ters as directed in the classified annex accompanying this
9 Act.

10 SEC. 8063. During the current fiscal year, none of
11 the funds available to the Department of Defense may be
12 used to provide support to another department or agency
13 of the United States if such department or agency is more
14 than 90 days in arrears in making payment to the Depart-
15 ment of Defense for goods or services previously provided
16 to such department or agency on a reimbursable basis:
17 *Provided*, That this restriction shall not apply if the de-
18 partment is authorized by law to provide support to such
19 department or agency on a nonreimbursable basis, and is
20 providing the requested support pursuant to such author-
21 ity: *Provided further*, That the Secretary of Defense may
22 waive this restriction on a case-by-case basis by certifying
23 in writing to the Committees on Appropriations of the
24 House of Representatives and the Senate that it is in the
25 national security interest to do so.

1 SEC. 8064. Notwithstanding section 12310(b) of title
2 10, United States Code, a Reserve who is a member of
3 the National Guard serving on full-time National Guard
4 duty under section 502(f) of title 32, United States Code,
5 may perform duties in support of the ground-based ele-
6 ments of the National Ballistic Missile Defense System.

7 SEC. 8065. None of the funds provided in this Act
8 may be used to transfer to any nongovernmental entity
9 ammunition held by the Department of Defense that has
10 a center-fire cartridge and a United States military no-
11 menclature designation of “armor penetrator”, “armor
12 piercing (AP)”, “armor piercing incendiary (API)”, or
13 “armor-piercing incendiary tracer (API-T)”, except to an
14 entity performing demilitarization services for the Depart-
15 ment of Defense under a contract that requires the entity
16 to demonstrate to the satisfaction of the Department of
17 Defense that armor piercing projectiles are either: (1) ren-
18 dered incapable of reuse by the demilitarization process;
19 or (2) used to manufacture ammunition pursuant to a con-
20 tract with the Department of Defense or the manufacture
21 of ammunition for export pursuant to a License for Per-
22 manent Export of Unclassified Military Articles issued by
23 the Department of State.

24 SEC. 8066. Notwithstanding any other provision of
25 law, the Chief of the National Guard Bureau, or his des-

1 ignee, may waive payment of all or part of the consider-
2 ation that otherwise would be required under section 2667
3 of title 10, United States Code, in the case of a lease of
4 personal property for a period not in excess of 1 year to
5 any organization specified in section 508(d) of title 32,
6 United States Code, or any other youth, social, or fra-
7 ternal nonprofit organization as may be approved by the
8 Chief of the National Guard Bureau, or his designee, on
9 a case-by-case basis.

10 SEC. 8067. None of the funds appropriated by this
11 Act shall be used for the support of any nonappropriated
12 funds activity of the Department of Defense that procures
13 malt beverages and wine with nonappropriated funds for
14 resale (including such alcoholic beverages sold by the
15 drink) on a military installation located in the United
16 States unless such malt beverages and wine are procured
17 within that State, or in the case of the District of Colum-
18 bia, within the District of Columbia, in which the military
19 installation is located: *Provided*, That in a case in which
20 the military installation is located in more than one State,
21 purchases may be made in any State in which the installa-
22 tion is located: *Provided further*, That such local procure-
23 ment requirements for malt beverages and wine shall
24 apply to all alcoholic beverages only for military installa-
25 tions in States which are not contiguous with another

1 State: *Provided further*, That alcoholic beverages other
2 than wine and malt beverages, in contiguous States and
3 the District of Columbia shall be procured from the most
4 competitive source, price and other factors considered.

5 SEC. 8068. Funds available to the Department of De-
6 fense for the Global Positioning System during the current
7 fiscal year, and hereafter, may be used to fund civil re-
8 quirements associated with the satellite and ground con-
9 trol segments of such system's modernization program.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8069. Of the amounts appropriated in this Act
12 under the heading "Operation and Maintenance, Army",
13 \$147,258,300 shall remain available until expended: *Pro-*
14 *vided*, That notwithstanding any other provision of law,
15 the Secretary of Defense is authorized to transfer such
16 funds to other activities of the Federal Government: *Pro-*
17 *vided further*, That the Secretary of Defense is authorized
18 to enter into and carry out contracts for the acquisition
19 of real property, construction, personal services, and oper-
20 ations related to projects carrying out the purposes of this
21 section: *Provided further*, That contracts entered into
22 under the authority of this section may provide for such
23 indemnification as the Secretary determines to be nec-
24 essary: *Provided further*, That projects authorized by this
25 section shall comply with applicable Federal, State, and

1 local law to the maximum extent consistent with the na-
2 tional security, as determined by the Secretary of Defense.

3 SEC. 8070. Section 8106 of the Department of De-
4 fense Appropriations Act, 1997 (titles I through VIII of
5 the matter under subsection 101(b) of Public Law 104–
6 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
7 tinue in effect to apply to disbursements that are made
8 by the Department of Defense in fiscal year 2011.

9 SEC. 8071. In addition to amounts provided else-
10 where in this Act, \$4,000,000 is hereby appropriated to
11 the Department of Defense, to remain available for obliga-
12 tion until expended: *Provided*, That notwithstanding any
13 other provision of law, that upon the determination of the
14 Secretary of Defense that it shall serve the national inter-
15 est, these funds shall be available only for a grant to the
16 Fisher House Foundation, Inc., only for the construction
17 and furnishing of additional Fisher Houses to meet the
18 needs of military family members when confronted with
19 the illness or hospitalization of an eligible military bene-
20 ficiary.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8072. Of the amounts appropriated in this Act
23 under the headings “Procurement, Defense-Wide” and
24 “Research, Development, Test and Evaluation, Defense-
25 Wide”, \$415,115,000 shall be for the Israeli Cooperative

1 Programs: *Provided*, That of this amount, \$205,000,000
2 shall be for the Secretary of Defense to provide to the Gov-
3 ernment of Israel for the procurement of the Iron Dome
4 defense system to counter short-range rocket threats,
5 \$84,722,000 shall be for the Short Range Ballistic Missile
6 Defense (SRBMD) program, including cruise missile de-
7 fense research and development under the SRBMD pro-
8 gram, \$58,966,000 shall be available for an upper-tier
9 component to the Israeli Missile Defense Architecture, and
10 \$66,427,000 shall be for the Arrow System Improvement
11 Program including development of a long range, ground
12 and airborne, detection suite, of which \$12,000,000 shall
13 be for producing Arrow missile components in the United
14 States and Arrow missile components in Israel to meet
15 Israel's defense requirements, consistent with each na-
16 tion's laws, regulations and procedures: *Provided further*,
17 That funds made available under this provision for pro-
18 duction of missiles and missile components may be trans-
19 ferred to appropriations available for the procurement of
20 weapons and equipment, to be merged with and to be
21 available for the same time period and the same purposes
22 as the appropriation to which transferred: *Provided fur-*
23 *ther*, That the transfer authority provided under this pro-
24 vision is in addition to any other transfer authority con-
25 tained in this Act.

1 SEC. 8073. None of the funds available to the De-
2 partment of Defense may be obligated to modify command
3 and control relationships to give Fleet Forces Command
4 administrative and operational control of U.S. Navy forces
5 assigned to the Pacific fleet: *Provided*, That the command
6 and control relationships which existed on October 1,
7 2004, shall remain in force unless changes are specifically
8 authorized in a subsequent Act.

9 SEC. 8074. Notwithstanding any other provision of
10 law or regulation, the Secretary of Defense may exercise
11 the provisions of section 7403(g) of title 38, United States
12 Code, for occupations listed in section 7403(a)(2) of title
13 38, United States Code, as well as the following:

14 Pharmacists, Audiologists, Psychologists, Social
15 Workers, Othotists/Prosthetists, Occupational
16 Therapists, Physical Therapists, Rehabilitation
17 Therapists, Respiratory Therapists, Speech Patholo-
18 gists, Dietitian/Nutritionists, Industrial Hygienists,
19 Psychology Technicians, Social Service Assistants,
20 Practical Nurses, Nursing Assistants, and Dental
21 Hygienists:

22 (A) The requirements of section
23 7403(g)(1)(A) of title 38, United States Code,
24 shall apply.

1 (B) The limitations of section
2 7403(g)(1)(B) of title 38, United States Code,
3 shall not apply.

4 SEC. 8075. Funds appropriated by this Act, or made
5 available by the transfer of funds in this Act, for intel-
6 ligence activities are deemed to be specifically authorized
7 by the Congress for purposes of section 504 of the Na-
8 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
9 year 2011 until the enactment of the Intelligence Author-
10 ization Act for Fiscal Year 2011.

11 SEC. 8076. None of the funds provided in this Act
12 shall be available for obligation or expenditure through a
13 reprogramming of funds that creates or initiates a new
14 program, project, or activity unless such program, project,
15 or activity must be undertaken immediately in the interest
16 of national security and only after written prior notifica-
17 tion to the congressional defense committees.

18 SEC. 8077. The budget of the President for fiscal
19 year 2012 submitted to the Congress pursuant to section
20 1105 of title 31, United States Code, shall include sepa-
21 rate budget justification documents for costs of United
22 States Armed Forces' participation in contingency oper-
23 ations for the Military Personnel accounts, the Operation
24 and Maintenance accounts, and the Procurement ac-
25 counts: *Provided*, That these documents shall include a de-

1 scription of the funding requested for each contingency op-
2 eration, for each military service, to include all Active and
3 Reserve components, and for each appropriations account:
4 *Provided further*, That these documents shall include esti-
5 mated costs for each element of expense or object class,
6 a reconciliation of increases and decreases for each contin-
7 gency operation, and programmatic data including, but
8 not limited to, troop strength for each Active and Reserve
9 component, and estimates of the major weapons systems
10 deployed in support of each contingency: *Provided further*,
11 That these documents shall include budget exhibits OP-
12 5 and OP-32 (as defined in the Department of Defense
13 Financial Management Regulation) for all contingency op-
14 erations for the budget year and the two preceding fiscal
15 years.

16 SEC. 8078. None of the funds in this Act may be
17 used for research, development, test, evaluation, procure-
18 ment or deployment of nuclear armed interceptors of a
19 missile defense system.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8079. In addition to the amounts appropriated
22 or otherwise made available elsewhere in this Act,
23 \$65,200,000 is hereby appropriated to the Department of
24 Defense: *Provided*, That upon the determination of the
25 Secretary of Defense that it shall serve the national inter-

1 est, he shall make grants in the amounts specified as fol-
2 lows: \$20,000,000 to the United Service Organizations;
3 \$24,000,000 to the Red Cross; \$1,200,000 to the Special
4 Olympics; and \$20,000,000 to the Youth Mentoring
5 Grants Program: *Provided further*, That funds available
6 in this section for the Youth Mentoring Grants Program
7 may be available for transfer to the Department of Justice
8 Youth Mentoring Grants Program.

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

18 SEC. 8081. None of the funds provided in this Act
19 shall be available for integration of foreign intelligence in-
20 formation unless the information has been lawfully col-
21 lected and processed during the conduct of authorized for-
22 eign intelligence activities: *Provided*, That information
23 pertaining to United States persons shall only be handled
24 in accordance with protections provided in the Fourth

1 Amendment of the United States Constitution as imple-
2 mented through Executive Order No. 12333.

3 SEC. 8082. (a) At the time members of reserve com-
4 ponents of the Armed Forces are called or ordered to ac-
5 tive duty under section 12302(a) of title 10, United States
6 Code, each member shall be notified in writing of the ex-
7 pected period during which the member will be mobilized.

8 (b) The Secretary of Defense may waive the require-
9 ments of subsection (a) in any case in which the Secretary
10 determines that it is necessary to do so to respond to a
11 national security emergency or to meet dire operational
12 requirements of the Armed Forces.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8083. The Secretary of Defense may transfer
15 funds from any available Department of the Navy appro-
16 priation to any available Navy ship construction appro-
17 priation for the purpose of liquidating necessary changes
18 resulting from inflation, market fluctuations, or rate ad-
19 justments for any ship construction program appropriated
20 in law: *Provided*, That the Secretary may transfer not to
21 exceed \$100,000,000 under the authority provided by this
22 section: *Provided further*, That the Secretary may not
23 transfer any funds until 30 days after the proposed trans-
24 fer has been reported to the Committees on Appropria-
25 tions of the House of Representatives and the Senate, un-

1 less a response from the Committees is received sooner:
2 *Provided further*, That any funds transferred pursuant to
3 this section shall retain the same period of availability as
4 when originally appropriated: *Provided further*, That the
5 transfer authority provided by this section is in addition
6 to any other transfer authority contained elsewhere in this
7 Act.

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

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

22 (b) The Army shall retain responsibility for and oper-
23 ational control of the MQ-1C Sky Warrior Unmanned
24 Aerial Vehicle (UAV) in order to support the Secretary

1 of Defense in matters relating to the employment of un-
2 manned aerial vehicles.

3 SEC. 8086. Notwithstanding any other provision of
4 law or regulation, during the current fiscal year and here-
5 after, the Secretary of Defense may adjust wage rates for
6 civilian employees hired for certain health care occupa-
7 tions as authorized for the Secretary of Veterans Affairs
8 by section 7455 of title 38, United States Code.

9 SEC. 8087. Up to \$15,000,000 of the funds appro-
10 priated under the heading “Operation and Maintenance,
11 Navy” may be made available for the Asia Pacific Re-
12 gional Initiative Program for the purpose of enabling the
13 Pacific Command to execute Theater Security Cooperation
14 activities such as humanitarian assistance, and payment
15 of incremental and personnel costs of training and exer-
16 cising with foreign security forces: *Provided*, That funds
17 made available for this purpose may be used, notwith-
18 standing any other funding authorities for humanitarian
19 assistance, security assistance or combined exercise ex-
20 penses: *Provided further*, That funds may not be obligated
21 to provide assistance to any foreign country that is other-
22 wise prohibited from receiving such type of assistance
23 under any other provision of law.

24 SEC. 8088. None of the funds appropriated by this
25 Act for programs of the Office of the Director of National

1 Intelligence shall remain available for obligation beyond
2 the current fiscal year, except for funds appropriated for
3 research and technology, which shall remain available until
4 September 30, 2012.

5 SEC. 8089. For purposes of section 1553(b) of title
6 31, United States Code, any subdivision of appropriations
7 made in this Act under the heading “Shipbuilding and
8 Conversion, Navy” shall be considered to be for the same
9 purpose as any subdivision under the heading “Ship-
10 building and Conversion, Navy” appropriations in any
11 prior fiscal year, and the 1 percent limitation shall apply
12 to the total amount of the appropriation.

13 SEC. 8090. Notwithstanding any other provision of
14 law, not more than 35 percent of funds provided in this
15 Act for environmental remediation may be obligated under
16 indefinite delivery/indefinite quantity contracts with a
17 total contract value of \$130,000,000 or higher.

18 SEC. 8091. The Director of National Intelligence
19 shall include the budget exhibits identified in paragraphs
20 (1) and (2) as described in the Department of Defense
21 Financial Management Regulation with the congressional
22 budget justification books:

23 (1) For procurement programs requesting more
24 than \$20,000,000 in any fiscal year, the P–1, Pro-
25 curement Program; P–5, Cost Analysis; P–5a, Pro-

1 curement History and Planning; P–21, Production
2 Schedule; and P–40, Budget Item Justification.

3 (2) For research, development, test and evalua-
4 tion projects requesting more than \$10,000,000 in
5 any fiscal year, the R–1, RDT&E Program; R–2,
6 RDT&E Budget Item Justification; R–3, RDT&E
7 Project Cost Analysis; and R–4, RDT&E Program
8 Schedule Profile.

9 SEC. 8092. The Secretary of Defense shall create a
10 major force program category for space for each future-
11 years defense program of the Department of Defense sub-
12 mitted to Congress under section 221 of title 10, United
13 States Code, during fiscal year 2011. The Secretary of De-
14 fense shall designate an official in the Office of the Sec-
15 retary of Defense to provide overall supervision of the
16 preparation and justification of program recommendations
17 and budget proposals to be included in such major force
18 program category.

19 SEC. 8093. (a) Not later than 60 days after enact-
20 ment of this Act, the Office of the Director of National
21 Intelligence shall submit a report to the congressional in-
22 telligence committees to establish the baseline for applica-
23 tion of reprogramming and transfer authorities for fiscal
24 year 2011: *Provided*, That the report shall include—

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

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

8 (3) an identification of items of special congres-
9 sional interest.

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

18 SEC. 8094. The Director of National Intelligence
19 shall submit to Congress each year, at or about the time
20 that the President's budget is submitted to Congress that
21 year under section 1105(a) of title 31, United States
22 Code, a future-years intelligence program (including asso-
23 ciated annexes) reflecting the estimated expenditures and
24 proposed appropriations included in that budget. Any such
25 future-years intelligence program shall cover the fiscal

1 year with respect to which the budget is submitted and
2 at least the four succeeding fiscal years.

3 SEC. 8095. For the purposes of this Act, the term
4 “congressional intelligence committees” means the Perma-
5 nent Select Committee on Intelligence of the House of
6 Representatives, the Select Committee on Intelligence of
7 the Senate, the Subcommittee on Defense of the Com-
8 mittee on Appropriations of the House of Representatives,
9 and the Subcommittee on Defense of the Committee on
10 Appropriations of the Senate.

11 SEC. 8096. The Department of Defense shall con-
12 tinue to report incremental contingency operations costs
13 for Operation New Dawn and Operation Enduring Free-
14 dom on a monthly basis in the Cost of War Execution
15 Report as prescribed in the Department of Defense Finan-
16 cial Management Regulation Department of Defense In-
17 struction 7000.14, Volume 12, Chapter 23 “Contingency
18 Operations”, Annex 1, dated September 2005.

19 SEC. 8097. The amounts appropriated in title II of
20 this Act are hereby reduced by \$1,983,000,000 to reflect
21 excess cash balances in Department of Defense Working
22 Capital Funds, as follows: (1) From “Operation and Main-
23 tenance, Army”, \$700,000,000; and (2) From “Operation
24 and Maintenance, Defense-Wide”, \$1,283,000,000.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8098. During the current fiscal year, not to ex-
3 ceed \$11,000,000 from each of the appropriations made
4 in title II of this Act for “Operation and Maintenance,
5 Army”, “Operation and Maintenance, Navy”, and “Oper-
6 ation and Maintenance, Air Force” may be transferred by
7 the military department concerned to its central fund es-
8 tablished for Fisher Houses and Suites pursuant to sec-
9 tion 2493(d) of title 10, United States Code.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8099. Of the funds appropriated in the Intel-
12 ligence Community Management Account for the Program
13 Manager for the Information Sharing Environment,
14 \$24,000,000 is available for transfer by the Director of
15 National Intelligence to other departments and agencies
16 for purposes of Government-wide information sharing ac-
17 tivities: *Provided*, That funds transferred under this provi-
18 sion are to be merged with and available for the same pur-
19 poses and time period as the appropriation to which trans-
20 ferred: *Provided further*, That the Office of Management
21 and Budget must approve any transfers made under this
22 provision.

23 SEC. 8100. Funds appropriated by this Act for oper-
24 ation and maintenance may be available for the purpose
25 of making remittances to the Defense Acquisition Work-

1 force Development Fund in accordance with the require-
2 ments of section 1705 of title 10, United States Code.

3 SEC. 8101. (a) Any agency receiving funds made
4 available in this Act, shall, subject to subsections (b) and
5 (c), post on the public website of that agency any report
6 required to be submitted by the Congress in this or any
7 other Act, upon the determination by the head of the agen-
8 cy that it shall serve the national interest.

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

10 (1) the public posting of the report com-
11 promises national security; or

12 (2) the report contains proprietary information.

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

17 SEC. 8102. (a) None of the funds appropriated or
18 otherwise made available by this Act may be expended for
19 any Federal contract for an amount in excess of
20 \$1,000,000 unless the contractor agrees not to—

21 (1) enter into any agreement with any of its
22 employees or independent contractors that requires,
23 as a condition of employment, that the employee or
24 independent contractor agree to resolve through ar-
25 bitration any claim under title VII of the Civil

1 Rights Act of 1964 or any tort related to or arising
2 out of sexual assault or harassment, including as-
3 sault and battery, intentional infliction of emotional
4 distress, false imprisonment, or negligent hiring, su-
5 pervision, or retention; or

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

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

1 tractor” is an entity that has a subcontract in excess of
2 \$1,000,000 on a contract subject to subsection (a).

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

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

1 (e) By March 1, 2011, or within 60 days after enact-
2 ment of this Act, whichever is later, the Government Ac-
3 countability Office shall submit a report to the Congress
4 evaluating the effect that the requirements of this section
5 have had on national security, including recommendations,
6 if any, for changes to these requirements.

7 SEC. 8103. (a) PROHIBITION ON CONVERSION OF
8 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO
9 CONTRACTOR PERFORMANCE.—None of the funds appro-
10 priated by this Act or otherwise available to the Depart-
11 ment of Defense may be used to begin or announce the
12 competition to award to a contractor or convert to per-
13 formance by a contractor any functions performed by Fed-
14 eral employees pursuant to a study conducted under Office
15 of Management and Budget (OMB) Circular A–76.

16 (b) EXCEPTION.—The prohibition in subsection (a)
17 shall not apply to the award of a function to a contractor
18 or the conversion of a function to performance by a con-
19 tractor pursuant to a study conducted under Office of
20 Management and Budget (OMB) Circular A–76 once all
21 reporting and certifications required by section 325 of the
22 National Defense Authorization Act for Fiscal Year 2010
23 (Public Law 111–84) have been satisfactorily completed.

24 SEC. 8104. (a)(1) No National Intelligence Program
25 funds appropriated in this Act may be used for a mission

1 critical or mission essential business management infor-
2 mation technology system that is not registered with the
3 Director of National Intelligence. A system shall be con-
4 sidered to be registered with that officer upon the fur-
5 nishing notice of the system, together with such informa-
6 tion concerning the system as the Director of the Business
7 Transformation Office may prescribe.

8 (2) During the current fiscal year no funds may be
9 obligated or expended for a financial management auto-
10 mated information system, a mixed information system
11 supporting financial and non-financial systems, or a busi-
12 ness system improvement of more than \$3,000,000, within
13 the Intelligence Community without the approval of the
14 Business Transformation Office, and the designated Intel-
15 ligence Community functional lead element.

16 (b) The Director of the Business Transformation Of-
17 fice shall provide the congressional intelligence committees
18 a semi-annual report of approvals under paragraph (1) no
19 later than March 30 and September 30 of each year. The
20 report shall include the results of the Business Trans-
21 formation Investment Review Board's semi-annual activi-
22 ties, and each report shall certify that the following steps
23 have been taken for systems approved under paragraph
24 (1):

25 (1) Business process reengineering.

1 (2) An analysis of alternatives and an economic
2 analysis that includes a calculation of the return on
3 investment.

4 (3) Assurance the system is compatible with the
5 enterprise-wide business architecture.

6 (4) Performance measures.

7 (5) An information assurance strategy con-
8 sistent with the Chief Information Officer of the In-
9 telligence Community.

10 (c) This section shall not apply to any programmatic
11 or analytic systems or programmatic or analytic system
12 improvements.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8105. Of the funds appropriated in this Act for
15 the Office of the Director of National Intelligence,
16 \$50,000,000, may be transferred to appropriations avail-
17 able to the Central Intelligence Agency, the National Secu-
18 rity Agency, and the National Geospatial Intelligence
19 Agency, the Defense Intelligence Agency and the National
20 Reconnaissance Office for the Business Transformation
21 Transfer Funds, to be merged with and to be available
22 for the same time period and the same purposes as the
23 appropriation to which transferred: *Provided*, That the
24 transfer authority provided under this provision is in addi-
25 tion to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. In addition to funds made available elsewhere in this Act, there is hereby appropriated \$538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the “Tanker Replacement Transfer Fund” (referred to as “the Fund” elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to “Operation and Maintenance, Air Force”, “Aircraft Procurement, Air Force”, and “Research, Development, Test and Evaluation, Air Force”, only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense

1 committees summarizing the details of the transfer of
2 funds from this appropriation.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8107. From within the funds appropriated for
5 operation and maintenance for the Defense Health Pro-
6 gram in this Act, up to \$132,200,000, shall be available
7 for transfer to the Joint Department of Defense-Depart-
8 ment of Veterans Affairs Medical Facility Demonstration
9 Fund in accordance with the provisions of section 1704
10 of the National Defense Authorization Act for Fiscal Year
11 2010, Public Law 111–84: *Provided*, That for purposes
12 of section 1704(b), the facility operations funded are oper-
13 ations of the integrated Captain James A. Lovell Federal
14 Health Care Center, consisting of the North Chicago Vet-
15 erans Affairs Medical Center, the Navy Ambulatory Care
16 Center, and supporting facilities designated as a combined
17 Federal medical facility as described by section 706 of
18 Public Law 110–417: *Provided further*, That additional
19 funds may be transferred from funds appropriated for op-
20 eration and maintenance for the Defense Health Program
21 to the Joint Department of Defense-Department of Vet-
22 erans Affairs Medical Facility Demonstration Fund upon
23 written notification by the Secretary of Defense to the
24 Committees on Appropriations of the House of Represent-
25 atives and the Senate.

1 SEC. 8108. (a) Of the amounts made available in this
2 Act under the heading “Operation and Maintenance,
3 Navy”, not less than \$2,000,000, shall be made available
4 for leveraging the Army’s Contractor Manpower Reporting
5 Application, modified as appropriate for Service-specific
6 requirements, for documenting the number of full-time
7 contractor employees (or its equivalent) pursuant to
8 United States Code title 10, section 2330a(c) and meeting
9 the requirements of United States Code title 10, section
10 2330a(e) and United States Code title 10, section 235.

11 (b) Of the amounts made available in this Act under
12 the heading “Operation and Maintenance, Air Force”, not
13 less than \$2,000,000 shall be made available for
14 leveraging the Army’s Contractor Manpower Reporting
15 Application, modified as appropriate for Service-specific
16 requirements, for documenting the number of full-time
17 contractor employees (or its equivalent) pursuant to
18 United States Code title 10 section 2330a(c) and meeting
19 the requirements of United States Code title 10, section
20 2330a(e) and United States Code title 10, section 235.

21 (c) The Secretaries of the Army, Navy, Air Force,
22 and the Directors of the Defense Agencies and Field Ac-
23 tivities (in coordination with the appropriate Principal
24 Staff Assistant), in coordination with the Under Secretary
25 of Defense for Personnel and Readiness, shall report to

1 the congressional defense committees within 60 days of
2 enactment of this Act their plan for documenting the num-
3 ber of full-time contractor employees (or its equivalent),
4 as required by United States Code title 10, section 2330a.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8109. In addition to amounts provided else-
7 where in this Act, there is appropriated \$250,000,000, for
8 an additional amount for “Operation and Maintenance,
9 Defense-Wide”, to be available until expended: *Provided*,
10 That such funds shall only be available to the Secretary
11 of Defense, acting through the Office of Economic Adjust-
12 ment of the Department of Defense, or for transfer to the
13 Secretary of Education, notwithstanding any other provi-
14 sion of law, to make grants, conclude cooperative agree-
15 ments, or supplement other Federal funds to construct,
16 renovate, repair, or expand elementary and secondary pub-
17 lic schools on military installations in order to address ca-
18 pacity or facility condition deficiencies at such schools:
19 *Provided further*, That in making such funds available, the
20 Office of Economic Adjustment or the Secretary of Edu-
21 cation shall give priority consideration to those military
22 installations with schools having the most serious capacity
23 or facility condition deficiencies as determined by the Sec-
24 retary of Defense.

1 SEC. 8110. In addition to amounts provided else-
2 where in this Act, there is appropriated \$300,000,000, for
3 an additional amount for “Operation and Maintenance,
4 Defense-Wide”, to remain available until expended. Such
5 funds may be available for the Office of Economic Adjust-
6 ment, notwithstanding any other provision of law, for
7 transportation infrastructure improvements associated
8 with medical facilities related to recommendations of the
9 Defense Base Closure and Realignment Commission.

10 SEC. 8111. Section 310(b) of the Supplemental Ap-
11 propriations Act, 2009 (Public Law 111–32; 124 Stat.
12 1871) is amended by striking “1 year” both places it ap-
13 pears and inserting “2 years”.

14 SEC. 8112. The Office of the Director of National
15 Intelligence shall not employ more Senior Executive em-
16 ployees than are specified in the classified annex: *Pro-*
17 *vided*, That not later than 90 days after enactment of this
18 Act, the Director of National Intelligence shall certify that
19 the Office of the Director of National Intelligence selects
20 individuals for Senior Executive positions in a manner
21 consistent with statutes, regulations, and the requirements
22 of other Federal agencies in making such appointments
23 and will submit its policies and procedures related to the
24 appointment of personnel to Senior Executive positions to
25 the congressional intelligence oversight committees.

1 SEC. 8113. For all major defense acquisition pro-
2 grams for which the Department of Defense plans to pro-
3 ceed to source selection during the current fiscal year, the
4 Secretary of Defense shall perform an assessment of the
5 winning bidder to determine whether or not the proposed
6 costs are realistic and reasonable with respect to proposed
7 development and production costs. The Secretary of De-
8 fense shall provide a report of these assessments, to spe-
9 cifically include whether any cost assessments determined
10 that such proposed costs were unreasonable or unrealistic,
11 to the congressional defense committees not later than 60
12 days after enactment of this Act and on a quarterly basis
13 thereafter.

14 SEC. 8114. (a) The Deputy Under Secretary of De-
15 fense for Installations and Environment, in collaboration
16 with the Secretary of Energy, shall conduct energy secu-
17 rity pilot projects at facilities of the Department of De-
18 fense.

19 (b) In addition to the amounts provided elsewhere in
20 this Act, \$20,000,000, is appropriated to the Department
21 of Defense for “Operation and Maintenance, Defense-
22 Wide” for energy security pilot projects under subsection
23 (a).

24 SEC. 8115. None of the funds appropriated or other-
25 wise made available by this Act may be obligated or ex-

1 pended to pay a retired general or flag officer to serve
2 as a senior mentor advising the Department of Defense
3 unless such retired officer files a Standard Form 278 (or
4 successor form concerning public financial disclosure
5 under part 2634 of title 5, Code of Federal Regulations)
6 to the Office of Government Ethics.

7 SEC. 8116. Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of Defense,
9 the Chief of the Air Force Reserve, and the Director of
10 the National Guard Bureau, in collaboration with the Sec-
11 retary of Agriculture and the Secretary of the Interior,
12 shall submit to the Committees on Appropriations of the
13 House and Senate, the House Committee on Agriculture,
14 the Senate Committee on Agriculture, Nutrition and For-
15 estry, the House Committee on Natural Resources, and
16 the Senate Committee on Energy and Natural Resources
17 a report of firefighting aviation assets. The report re-
18 quired under this section shall include each of the fol-
19 lowing:

20 (1) A description of the programming details
21 necessary to obtain an appropriate mix of fixed wing
22 and rotor wing firefighting assets needed to produce
23 an effective aviation resource base to support the
24 wildland fire management program into the future.
25 Such programming details shall include the acquisi-

1 tion and contracting needs of the mix of aviation re-
2 sources fleet, including the acquisition of up to 24
3 C-130Js equipped with the Mobile Airborne Fire
4 Fighting System II (in this section referred to as
5 “MAFFS”), to be acquired over several fiscal years
6 starting in fiscal year 2012.

7 (2) The costs associated with acquisition and
8 contracting of the aviation assets described in para-
9 graph (1).

10 (3) A description of the costs of the operation,
11 maintenance, and sustainment of a fixed and rotor
12 wing aviation fleet, including a C-130J/MAFFS II
13 in an Air National Guard tactical airlift unit con-
14 struct of 4, 6, or 8 C-130Js per unit starting in fis-
15 cal year 2012, projected out through fiscal year
16 2020. Such description shall include the projected
17 costs associated with each of the following through
18 fiscal year 2020:

19 (A) Crew ratio based on 4, 6, or 8 C-130J
20 Air National Guard unit construct and require-
21 ment for full-time equivalent crews.

22 (B) Associated maintenance and other sup-
23 port personnel and requirement for full-time
24 equivalent positions.

1 (C) Yearly flying hour model and the cost
2 for use of a fixed and rotor wing aviation fleet,
3 including C-130J in its MAFFS capacity sup-
4 porting the United States Forest Service.

5 (D) Yearly flying hour model and cost for
6 use of a C-130J in its capacity supporting Air
7 National Guard tactical airlift training.

8 (E) Any other costs required to conduct
9 both the airlift and firefighting missions, in-
10 cluding the Air National Guard unit construct
11 for C-130Js.

12 (4) Proposed program management, utilization,
13 and cost share arrangements for the aircraft de-
14 scribed in paragraph (1) for primary support of the
15 Forest Service and secondary support, on an as
16 available basis, for the Department of Defense, to-
17 gether with any proposed statutory language needed
18 to authorize and effectuate the same.

19 (5) An integrated plan for the Forest Service
20 and the Department of the Interior wildland fire
21 management programs to operate the fire fighting
22 air tanker assets referred to in this section.

23 SEC. 8117. Notwithstanding any other provision of
24 this Act, to reflect savings from revised economic assump-
25 tions, the total amount appropriated in title II of this Act

1 is hereby reduced by \$532,000,000, the total amount ap-
2 propriated in title III of this Act is hereby reduced by
3 \$564,000,000, and the total amount appropriated in title
4 IV of this Act is hereby reduced by \$381,000,000: *Pro-*
5 *vided*, That the Secretary of Defense shall allocate this
6 reduction proportionally to each budget activity, activity
7 group, subactivity group, and each program, project, and
8 activity, within each appropriation account.

9 SEC. 8118. The total amount available in this Act
10 for pay for civilian personnel of the Department of De-
11 fense for fiscal year 2011 shall be the amount otherwise
12 appropriated or made available by this Act for such pay
13 reduced by \$723,000,000.

14 SEC. 8119. None of the funds appropriated or other-
15 wise made available to the Department of Defense may
16 be used for the disestablishment, closure, or realignment
17 of the Joint Forces Command unless within 120 days of
18 the enactment of this Act—

19 (1) the Secretary of Defense notifies the con-
20 gressional defense committees of the proposed dis-
21 establishment, closure, or realignment of the Joint
22 Forces Command; and

23 (2) the Secretary submits to the congressional
24 defense committees a plan for the disestablishment,

1 closure, or realignment of the Joint Forces Com-
2 mand, which plan shall contain at a minimum—

3 (A) an explanation of the projected savings
4 of the proposed disestablishment, closure, or re-
5 alignment;

6 (B) a cost-benefit analysis of the proposed
7 disestablishment, closure, or realignment;

8 (C) the budgetary impact of the proposed
9 disestablishment, closure, or realignment;

10 (D) the strategic and operational con-
11 sequences of the proposed disestablishment, clo-
12 sure, or realignment; and

13 (E) an appropriate local economic assess-
14 ment of the proposed disestablishment, closure,
15 or realignment, which shall include at a min-
16 imum—

17 (i) a list of Federal, State, and local
18 government departments and agencies that
19 are required by statute or regulation to
20 provide assistance and outreach for the
21 community affected by the proposed dis-
22 establishment, closure, or realignment; and

23 (ii) a list of the contractors and busi-
24 nesses affected by the proposed disestab-
25 lishment, closure, or realignment.

10 OVERSEAS CONTINGENCY OPERATIONS

12 MILITARY PERSONNEL, ARMY

13 For an additional amount for “Military Personnel,
14 Army”, \$11,107,033,000: *Provided*, That each amount in
15 this paragraph is designated as being for contingency op-
16 erations directly related to the global war on terrorism
17 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
18 and as an emergency requirement pursuant to section
19 403(a) of S. Con. Res. 13 (111th Congress), the concur-
20 rent resolution on the budget for fiscal year 2010.

For an additional amount for “Military Personnel,
Navy”, \$1,308,719,000: *Provided*, That each amount in
this paragraph is designated as being for contingency op-
erations directly related to the global war on terrorism

1 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
2 and as an emergency requirement pursuant to section
3 403(a) of S. Con. Res. 13 (111th Congress), the concur-
4 rent resolution on the budget for fiscal year 2010.

5 MILITARY PERSONNEL, MARINE CORPS

6 For an additional amount for “Military Personnel,
7 Marine Corps”, \$732,920,000: *Provided*, That each
8 amount in this paragraph is designated as being for con-
9 tingency operations directly related to the global war on
10 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
11 Congress) and as an emergency requirement pursuant to
12 section 403(a) of S. Con. Res. 13 (111th Congress), the
13 concurrent resolution on the budget for fiscal year 2010.

14 MILITARY PERSONNEL, AIR FORCE

15 For an additional amount for “Military Personnel,
16 Air Force”, \$1,843,442,000: *Provided*, That each amount
17 in this paragraph is designated as being for contingency
18 operations directly related to the global war on terrorism
19 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
20 and as an emergency requirement pursuant to section
21 403(a) of S. Con. Res. 13 (111th Congress), the concur-
22 rent resolution on the budget for fiscal year 2010.

23 RESERVE PERSONNEL, ARMY

24 For an additional amount for “Reserve Personnel,
25 Army”, \$268,031,000: *Provided*, That each amount in this

1 paragraph is designated as being for contingency oper-
2 ations directly related to the global war on terrorism pur-
3 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
4 and as an emergency requirement pursuant to section
5 403(a) of S. Con. Res. 13 (111th Congress), the concur-
6 rent resolution on the budget for fiscal year 2010.

7 RESERVE PERSONNEL, NAVY

8 For an additional amount for “Reserve Personnel,
9 Navy”, \$48,912,000: *Provided*, That each amount in this
10 paragraph is designated as being for contingency oper-
11 ations directly related to the global war on terrorism pur-
12 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
13 and as an emergency requirement pursuant to section
14 403(a) of S. Con. Res. 13 (111th Congress), the concur-
15 rent resolution on the budget for fiscal year 2010.

16 RESERVE PERSONNEL, MARINE CORPS

17 For an additional amount for “Reserve Personnel,
18 Marine Corps”, \$45,437,000: *Provided*, That each amount
19 in this paragraph is designated as being for contingency
20 operations directly related to the global war on terrorism
21 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
22 and as an emergency requirement pursuant to section
23 403(a) of S. Con. Res. 13 (111th Congress), the concur-
24 rent resolution on the budget for fiscal year 2010.

1 RESERVE PERSONNEL, AIR FORCE

2 For an additional amount for “Reserve Personnel,
3 Air Force”, \$27,002,000: *Provided*, That each amount in
4 this paragraph is designated as being for contingency op-
5 erations directly related to the global war on terrorism
6 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
7 and as an emergency requirement pursuant to section
8 403(a) of S. Con. Res. 13 (111th Congress), the concur-
9 rent resolution on the budget for fiscal year 2010.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For an additional amount for “National Guard Per-
12 sonnel, Army”, \$853,022,000: *Provided*, That each
13 amount in this paragraph is designated as being for con-
14 tingency operations directly related to the global war on
15 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
16 Congress) and as an emergency requirement pursuant to
17 section 403(a) of S. Con. Res. 13 (111th Congress), the
18 concurrent resolution on the budget for fiscal year 2010.

19 NATIONAL GUARD PERSONNEL, AIR FORCE

20 For an additional amount for “National Guard Per-
21 sonnel, Air Force”, \$16,860,000: *Provided*, That each
22 amount in this paragraph is designated as being for con-
23 tingency operations directly related to the global war on
24 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
25 Congress) and as an emergency requirement pursuant to

1 section 403(a) of S. Con. Res. 13 (111th Congress), the
2 concurrent resolution on the budget for fiscal year 2010.

3 OPERATION AND MAINTENANCE

4 OPERATION AND MAINTENANCE, ARMY

5 For an additional amount for “Operation and Main-
6 tenance, Army”, \$59,162,782,000: *Provided*, That each
7 amount in this paragraph is designated as being for con-
8 tingency operations directly related to the global war on
9 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
10 Congress) and as an emergency requirement pursuant to
11 section 403(a) of S. Con. Res. 13 (111th Congress), the
12 concurrent resolution on the budget for fiscal year 2010.

13 OPERATION AND MAINTENANCE, NAVY

14 For an additional amount for “Operation and Main-
15 tenance, Navy”, \$8,970,724,000: *Provided*, That each
16 amount in this paragraph is designated as being for con-
17 tingency operations directly related to the global war on
18 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
19 Congress) and as an emergency requirement pursuant to
20 section 403(a) of S. Con. Res. 13 (111th Congress), the
21 concurrent resolution on the budget for fiscal year 2010.

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 For an additional amount for “Operation and Main-
24 tenance, Marine Corps”, \$4,008,022,000: *Provided*, That
25 each amount in this paragraph is designated as being for

1 contingency operations directly related to the global war
 2 on terrorism pursuant to section 3(c)(2) of H. Res. 5
 3 (112th Congress) and as an emergency requirement pur-
 4 suant to section 403(a) of S. Con. Res. 13 (111th Con-
 5 gress), the concurrent resolution on the budget for fiscal
 6 year 2010.

7 OPERATION AND MAINTENANCE, AIR FORCE

8 For an additional amount for “Operation and Main-
 9 tenance, Air Force”, \$12,969,643,000: *Provided*, That
 10 each amount in this paragraph is designated as being for
 11 contingency operations directly related to the global war
 12 on terrorism pursuant to section 3(c)(2) of H. Res. 5
 13 (112th Congress) and as an emergency requirement pur-
 14 suant to section 403(a) of S. Con. Res. 13 (111th Con-
 15 gress), the concurrent resolution on the budget for fiscal
 16 year 2010.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 For an additional amount for “Operation and Main-
 19 tenance, Defense-Wide”, \$9,276,990,000: *Provided*, That
 20 each amount in this section is designated as being for con-
 21 tingency operations directly related to the global war on
 22 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
 23 Congress) and as an emergency requirement pursuant to
 24 section 403(a) of S. Con. Res. 13 (111th Congress), the
 25 concurrent resolution on the budget for fiscal year 2010:

1 *Provided further*, That of the funds provided under this
2 heading:

3 (1) Not to exceed \$12,500,000 for the Combat-
4 ant Commander Initiative Fund, to be used in sup-
5 port of Operation New Dawn and Operation Endur-
6 ing Freedom.

7 (2) Not to exceed \$1,600,000,000, to remain
8 available until expended, for payments to reimburse
9 key cooperating nations for logistical, military, and
10 other support, including access provided to United
11 States military operations in support of Operation
12 New Dawn and Operation Enduring Freedom, not-
13 withstanding any other provision of law: *Provided*,
14 That such reimbursement payments may be made in
15 such amounts as the Secretary of Defense, with the
16 concurrence of the Secretary of State, and in con-
17 sultation with the Director of the Office of Manage-
18 ment and Budget, may determine, in his discretion,
19 based on documentation determined by the Secretary
20 of Defense to adequately account for the support
21 provided, and such determination is final and con-
22 clusive upon the accounting officers of the United
23 States, and 15 days following notification to the ap-
24 propriate congressional committees: *Provided further*,
25 That the requirement to provide notification shall

1 not apply with respect to a reimbursement for access
2 based on an international agreement: *Provided fur-*
3 *ther*, That these funds may be used for the purpose
4 of providing specialized training and procuring sup-
5 plies and specialized equipment and providing such
6 supplies and loaning such equipment on a non-reim-
7 bursable basis to coalition forces supporting United
8 States military operations in Iraq and Afghanistan,
9 and 15 days following notification to the appropriate
10 congressional committees: *Provided further*, That the
11 Secretary of Defense shall provide quarterly reports
12 to the congressional defense committees on the use
13 of funds provided in this paragraph.

14 OPERATION AND MAINTENANCE, ARMY RESERVE

15 For an additional amount for “Operation and Main-
16 tenance, Army Reserve”, \$206,784,000: *Provided*, That
17 each amount in this paragraph is designated as being for
18 contingency operations directly related to the global war
19 on terrorism pursuant to section 3(c)(2) of H. Res. 5
20 (112th Congress) and as an emergency requirement pur-
21 suant to section 403(a) of S. Con. Res. 13 (111th Con-
22 gress), the concurrent resolution on the budget for fiscal
23 year 2010.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Navy Reserve”, \$93,559,000: *Provided*, That
4 each amount in this paragraph is designated as being for
5 contingency operations directly related to the global war
6 on terrorism pursuant to section 3(c)(2) of H. Res. 5
7 (112th Congress) and as an emergency requirement pur-
8 suant to section 403(a) of S. Con. Res. 13 (111th Con-
9 gress), the concurrent resolution on the budget for fiscal
10 year 2010.

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

13 For an additional amount for “Operation and Main-
14 tenance, Marine Corps Reserve”, \$29,685,000: *Provided*,
15 That each amount in this paragraph is designated as
16 being for contingency operations directly related to the
17 global war on terrorism pursuant to section 3(c)(2) of H.
18 Res. 5 (112th Congress) and as an emergency requirement
19 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
20 gress), the concurrent resolution on the budget for fiscal
21 year 2010.

22 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Air Force Reserve”, \$188,807,000: *Provided*,
25 That each amount in this paragraph is designated as

9 For an additional amount for “Operation and Main-
10 tenance, Army National Guard”, \$497,849,000: *Provided*,
11 That each amount in this paragraph is designated as
12 being for contingency operations directly related to the
13 global war on terrorism pursuant to section 3(c)(2) of H.
14 Res. 5 (112th Congress) and as an emergency requirement
15 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
16 gress), the concurrent resolution on the budget for fiscal
17 year 2010.

For an additional amount for “Operation and Main-
tenance, Air National Guard”, \$402,983,000: *Provided*,
That each amount in this paragraph is designated as
being for contingency operations directly related to the
global war on terrorism pursuant to section 3(c)(2) of H.
Res. 5 (112th Congress) and as an emergency requirement
pursuant to section 403(a) of S. Con. Res. 13 (111th Con-

gress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the “Afghanistan Infrastructure Fund”. For the “Afghanistan Infrastructure Fund”, \$400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Pro-*

1 *vided further*, That funds may be transferred to the De-
2 partment of State for purposes of undertaking projects,
3 which funds shall be considered to be economic assistance
4 under the Foreign Assistance Act of 1961 for purposes
5 of making available the administrative authorities con-
6 tained in that Act: *Provided further*, That the transfer au-
7 thority in the preceding proviso is in addition to any other
8 authority available to the Department of Defense to trans-
9 fer funds: *Provided further*, That any unexpended funds
10 transferred to the Secretary of State under this authority
11 shall be returned to the Afghanistan Infrastructure Fund
12 if the Secretary of State, in coordination with the Sec-
13 retary of Defense, determines that the project cannot be
14 implemented for any reason, or that the project no longer
15 supports the counterinsurgency strategy in Afghanistan:
16 *Provided further*, That any funds returned to the Sec-
17 retary of Defense under the previous proviso shall be avail-
18 able for use under this appropriation and shall be treated
19 in the same manner as funds not transferred to the Sec-
20 retary of State: *Provided further*, That contributions of
21 funds for the purposes provided herein to the Secretary
22 of State in accordance with section 635(d) of the Foreign
23 Assistance Act from any person, foreign government, or
24 international organization may be credited to this Fund,
25 to remain available until expended, and used for such pur-

1 poses: *Provided further*, That the Secretary of Defense
 2 shall, not fewer than 15 days prior to making transfers
 3 to or from, or obligations from the Fund, notify the appro-
 4 priate committees of Congress in writing of the details of
 5 any such transfer: *Provided further*, That the “appropriate
 6 committees of Congress” are the Committees on Armed
 7 Services, Foreign Relations and Appropriations of the
 8 Senate and the Committees on Armed Services, Foreign
 9 Affairs and Appropriations of the House of Representa-
 10 tives: *Provided further*, That each amount in this para-
 11 graph is designated as being for contingency operations
 12 directly related to the global war on terrorism pursuant
 13 to section 3(c)(2) of H. Res. 5 (112th Congress) and as
 14 an emergency requirement pursuant to section 403(a) of
 15 S. Con. Res. 13 (111th Congress), the concurrent resolu-
 16 tion on the budget for fiscal year 2010.

17 AFGHANISTAN SECURITY FORCES FUND

18 For the “Afghanistan Security Forces Fund”,
 19 \$11,619,283,000, to remain available until September 30,
 20 2012: *Provided*, That such funds shall be available to the
 21 Secretary of Defense, notwithstanding any other provision
 22 of law, for the purpose of allowing the Commander, Com-
 23 bined Security Transition Command—Afghanistan, or the
 24 Secretary’s designee, to provide assistance, with the con-
 25 currence of the Secretary of State, to the security forces

1 of Afghanistan, including the provision of equipment, sup-
2 plies, services, training, facility and infrastructure repair,
3 renovation, and construction, and funding: *Provided fur-*
4 *ther*, That the authority to provide assistance under this
5 heading is in addition to any other authority to provide
6 assistance to foreign nations: *Provided further*, That up
7 to \$15,000,000 of these funds may be available for coal-
8 ition police trainer life support costs: *Provided further*,
9 That contributions of funds for the purposes provided
10 herein from any person, foreign government, or inter-
11 national organization may be credited to this Fund and
12 used for such purposes: *Provided further*, That the Sec-
13 retary of Defense shall notify the congressional defense
14 committees in writing upon the receipt and upon the obli-
15 gation of any contribution, delineating the sources and
16 amounts of the funds received and the specific use of such
17 contributions: *Provided further*, That the Secretary of De-
18 fense shall, not fewer than 15 days prior to obligating
19 from this appropriation account, notify the congressional
20 defense committees in writing of the details of any such
21 obligation: *Provided further*, That the Secretary of Defense
22 shall notify the congressional defense committees of any
23 proposed new projects or transfer of funds between budget
24 sub-activity groups in excess of \$20,000,000: *Provided fur-*
25 *ther*, That each amount in this paragraph is designated

1 as being for contingency operations directly related to the
2 global war on terrorism pursuant to section 3(e)(2) of H.
3 Res. 5 (112th Congress) and as an emergency requirement
4 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
5 gress), the concurrent resolution on the budget for fiscal
6 year 2010.

7 IRAQ SECURITY FORCES FUND

8 For the “Iraq Security Forces Fund”,
9 \$1,500,000,000, to remain available until September 30,
10 2012: *Provided*, That such funds shall be available to the
11 Secretary of Defense, notwithstanding any other provision
12 of law, for the purpose of allowing the Commander, United
13 States Forces-Iraq, or the Secretary’s designee, to provide
14 assistance, with the concurrence of the Secretary of State,
15 to the security forces of Iraq, including the provision of
16 equipment, supplies, services, training, facility and infra-
17 structure repair, and renovation: *Provided further*, That
18 the authority to provide assistance under this heading is
19 in addition to any other authority to provide assistance
20 to foreign nations: *Provided further*, That contributions of
21 funds for the purposes provided herein from any person,
22 foreign government, or international organization may be
23 credited to this Fund and used for such purposes: *Pro-*
24 *vided further*, That the Secretary shall notify the congres-
25 sional defense committees in writing upon the receipt and

1 upon the obligation of any contribution, delineating the
 2 sources and amounts of the funds received and the specific
 3 use of such contributions: *Provided further*, That the Sec-
 4 retary of Defense shall, not fewer than 15 days prior to
 5 obligating from this appropriation account, notify the con-
 6 gressional defense committees in writing of the details of
 7 any such obligation: *Provided further*, That the Secretary
 8 of Defense shall notify the congressional defense commit-
 9 tees of any proposed new projects or transfer of funds be-
 10 tween budget sub-activity groups in excess of
 11 \$20,000,000: *Provided further*, That each amount in this
 12 paragraph is designated as being for contingency oper-
 13 ations directly related to the global war on terrorism pur-
 14 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
 15 and as an emergency requirement pursuant to section
 16 403(a) of S. Con. Res. 13 (111th Congress), the concur-
 17 rent resolution on the budget for fiscal year 2010.

18 PAKISTAN COUNTERINSURGENCY FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For the “Pakistan Counterinsurgency Fund”,
 21 \$800,000,000, to remain available until September 30,
 22 2012: *Provided*, That such funds shall be available to the
 23 Secretary of Defense, with the concurrence of the Sec-
 24 retary of State, notwithstanding any other provision of
 25 law, for the purpose of allowing the Secretary of Defense,

1 or the Secretary's designee, to provide assistance to Paki-
2 stan's security forces; including program management and
3 the provision of equipment, supplies, services, training,
4 and funds; and facility and infrastructure repair, renova-
5 tion, and construction to build the counterinsurgency ca-
6 pability of Pakistan's military and Frontier Corps: *Pro-*
7 *vided further*, That the authority to provide assistance
8 under this provision is in addition to any other authority
9 to provide assistance to foreign nations: *Provided further*,
10 That the Secretary of Defense may transfer funds pro-
11 vided herein to appropriations for operation and mainte-
12 nance; procurement; research, development, test and eval-
13 uation; defense working capital funds; and to the Depart-
14 ment of State, Pakistan Counterinsurgency Capability
15 Fund to accomplish the purpose provided herein: *Provided*
16 *further*, That the transfer authority in the preceding pro-
17 viso is in addition to any other authority available to the
18 Department of Defense to transfer funds: *Provided fur-*
19 *ther*, That funds so transferred shall be merged with and
20 be available for the same purposes and for the same time
21 period as the appropriation or fund to which transferred:
22 *Provided further*, That the Secretary of Defense shall, not
23 fewer than 15 days prior to making transfers from this
24 appropriation account, notify the Committees on Appro-
25 priations in writing of the details of any such transfer:

1 *Provided further*, That each amount in this paragraph is
 2 designated as being for contingency operations directly re-
 3 lated to the global war on terrorism pursuant to section
 4 3(c)(2) of H. Res. 5 (112th Congress) and as an emer-
 5 gency requirement pursuant to section 403(a) of S. Con.
 6 Res. 13 (111th Congress), the concurrent resolution on
 7 the budget for fiscal year 2010.

8 PROCUREMENT

9 AIRCRAFT PROCUREMENT, ARMY

10 For an additional amount for “Aircraft Procurement,
 11 Army”, \$2,720,138,000, to remain available until Sep-
 12 tember 30, 2013: *Provided*, That each amount in this
 13 paragraph is designated as being for contingency oper-
 14 ations directly related to the global war on terrorism pur-
 15 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
 16 and as an emergency requirement pursuant to section
 17 403(a) of S. Con. Res. 13 (111th Congress), the concur-
 18 rent resolution on the budget for fiscal year 2010.

19 MISSILE PROCUREMENT, ARMY

20 For an additional amount for “Missile Procurement,
 21 Army”, \$343,828,000, to remain available until Sep-
 22 tember 30, 2013: *Provided*, That each amount in this
 23 paragraph is designated as being for contingency oper-
 24 ations directly related to the global war on terrorism pur-
 25 suant to section 3(c)(2) of H. Res. 5 (112th Congress)

1 and as an emergency requirement pursuant to section
2 403(a) of S. Con. Res. 13 (111th Congress), the concur-
3 rent resolution on the budget for fiscal year 2010.

4 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
5 VEHICLES, ARMY

6 For an additional amount for “Procurement of Weap-
7 ons and Tracked Combat Vehicles, Army”, \$896,996,000,
8 to remain available until September 30, 2013: *Provided*,
9 That each amount in this paragraph is designated as
10 being for contingency operations directly related to the
11 global war on terrorism pursuant to section 3(c)(2) of H.
12 Res. 5 (112th Congress) and as an emergency requirement
13 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
14 gress), the concurrent resolution on the budget for fiscal
15 year 2010.

16 PROCUREMENT OF AMMUNITION, ARMY

17 For an additional amount for “Procurement of Am-
18 munition, Army”, \$369,885,000, to remain available until
19 September 30, 2013: *Provided*, That each amount in this
20 paragraph is designated as being for contingency oper-
21 ations directly related to the global war on terrorism pur-
22 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
23 and as an emergency requirement pursuant to section
24 403(a) of S. Con. Res. 13 (111th Congress), the concur-
25 rent resolution on the budget for fiscal year 2010.

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$6,401,832,000, to remain available until Sep-
4 tember 30, 2013: *Provided*, That each amount in this
5 paragraph is designated as being for contingency oper-
6 ations directly related to the global war on terrorism pur-
7 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
8 and as an emergency requirement pursuant to section
9 403(a) of S. Con. Res. 13 (111th Congress), the concur-
10 rent resolution on the budget for fiscal year 2010.

11 AIRCRAFT PROCUREMENT, NAVY

12 For an additional amount for “Aircraft Procurement,
13 Navy”, \$1,169,549,000, to remain available until Sep-
14 tember 30, 2013: *Provided*, That each amount in this
15 paragraph is designated as being for contingency oper-
16 ations directly related to the global war on terrorism pur-
17 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
18 and as an emergency requirement pursuant to section
19 403(a) of S. Con. Res. 13 (111th Congress), the concur-
20 rent resolution on the budget for fiscal year 2010.

21 WEAPONS PROCUREMENT, NAVY

22 For an additional amount for “Weapons Procure-
23 ment, Navy”, \$90,502,000, to remain available until Sep-
24 tember 30, 2013: *Provided*, That each amount in this
25 paragraph is designated as being for contingency oper-

8 For an additional amount for “Procurement of Am-
9 munition, Navy and Marine Corps”, \$558,024,000, to re-
10 main available until September 30, 2013: *Provided*, That
11 each amount in this paragraph is designated as being for
12 contingency operations directly related to the global war
13 on terrorism pursuant to section 3(c)(2) of H. Res. 5
14 (112th Congress) and as an emergency requirement pur-
15 suant to section 403(a) of S. Con. Res. 13 (111th Con-
16 gress), the concurrent resolution on the budget for fiscal
17 year 2010.

For an additional amount for “Other Procurement,
Navy”, \$316,835,000, to remain available until September
30, 2013: *Provided*, That each amount in this paragraph
is designated as being for contingency operations directly
related to the global war on terrorism pursuant to section
3(c)(2) of H. Res. 5 (112th Congress) and as an emer-
gency requirement pursuant to section 403(a) of S. Con.

1 Res. 13 (111th Congress), the concurrent resolution on
2 the budget for fiscal year 2010.

3 PROCUREMENT, MARINE CORPS

4 For an additional amount for “Procurement, Marine
5 Corps”, \$1,589,119,000, to remain available until Sep-
6 tember 30, 2013: *Provided*, That each amount in this
7 paragraph is designated as being for contingency oper-
8 ations directly related to the global war on terrorism pur-
9 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
10 and as an emergency requirement pursuant to section
11 403(a) of S. Con. Res. 13 (111th Congress), the concur-
12 rent resolution on the budget for fiscal year 2010.

13 AIRCRAFT PROCUREMENT, AIR FORCE

14 For an additional amount for “Aircraft Procurement,
15 Air Force”, \$1,991,955,000, to remain available until
16 September 30, 2013: *Provided*, That each amount in this
17 paragraph is designated as being for contingency oper-
18 ations directly related to the global war on terrorism pur-
19 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
20 and as an emergency requirement pursuant to section
21 403(a) of S. Con. Res. 13 (111th Congress), the concur-
22 rent resolution on the budget for fiscal year 2010.

23 MISSILE PROCUREMENT, AIR FORCE

24 For an additional amount for “Missile Procurement,
25 Air Force”, \$56,621,000, to remain available until Sep-

1 tember 30, 2013: *Provided*, That each amount in this
2 paragraph is designated as being for contingency oper-
3 ations directly related to the global war on terrorism pur-
4 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
5 and as an emergency requirement pursuant to section
6 403(a) of S. Con. Res. 13 (111th Congress), the concur-
7 rent resolution on the budget for fiscal year 2010.

8 PROCUREMENT OF AMMUNITION, AIR FORCE

9 For an additional amount for “Procurement of Am-
10 munition, Air Force”, \$292,959,000, to remain available
11 until September 30, 2013: *Provided*, That each amount
12 in this paragraph is designated as being for contingency
13 operations directly related to the global war on terrorism
14 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
15 and as an emergency requirement pursuant to section
16 403(a) of S. Con. Res. 13 (111th Congress), the concur-
17 rent resolution on the budget for fiscal year 2010.

18 OTHER PROCUREMENT, AIR FORCE

19 For an additional amount for “Other Procurement,
20 Air Force”, \$2,868,593,000, to remain available until
21 September 30, 2013: *Provided*, That each amount in this
22 paragraph is designated as being for contingency oper-
23 ations directly related to the global war on terrorism pur-
24 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
25 and as an emergency requirement pursuant to section

1 403(a) of S. Con. Res. 13 (111th Congress), the concur-
2 rent resolution on the budget for fiscal year 2010.

3 PROCUREMENT, DEFENSE-WIDE

4 For an additional amount for “Procurement, De-
5 fense-Wide”, \$1,262,499,000, to remain available until
6 September 30, 2013: *Provided*, That each amount in this
7 paragraph is designated as being for contingency oper-
8 ations directly related to the global war on terrorism pur-
9 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
10 and as an emergency requirement pursuant to section
11 403(a) of S. Con. Res. 13 (111th Congress), the concur-
12 rent resolution on the budget for fiscal year 2010.

13 NATIONAL GUARD AND RESERVE EQUIPMENT

14 For procurement of aircraft, missiles, tracked combat
15 vehicles, ammunition, other weapons and other procure-
16 ment for the reserve components of the Armed Forces,
17 \$850,000,000, to remain available for obligation until Sep-
18 tember 30, 2013, of which \$250,000,000 shall be available
19 only for the Army National Guard: *Provided*, That the
20 Chiefs of National Guard and Reserve components shall,
21 not later than 30 days after the enactment of this Act,
22 individually submit to the congressional defense commit-
23 tees the modernization priority assessment for their re-
24 spective National Guard or Reserve component: *Provided*
25 *further*, That each amount in this paragraph is designated

1 as being for contingency operations directly related to the
2 global war on terrorism pursuant to section 3(e)(2) of H.
3 Res. 5 (112th Congress) and as an emergency requirement
4 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
5 gress), the concurrent resolution on the budget for fiscal
6 year 2010.

7 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Mine Resistant Ambush Protected Vehicle
10 Fund, \$3,415,000,000, to remain available until Sep-
11 tember 30, 2012: *Provided*, That such funds shall be avail-
12 able to the Secretary of Defense, notwithstanding any
13 other provision of law, to procure, sustain, transport, and
14 field Mine Resistant Ambush Protected vehicles: *Provided*
15 *further*, That the Secretary shall transfer such funds only
16 to appropriations made available in this or any other Act
17 for operation and maintenance; procurement; research, de-
18 velopment, test and evaluation; and defense working cap-
19 ital funds to accomplish the purpose provided herein: *Pro-*
20 *vided further*, That such transferred funds shall be merged
21 with and be available for the same purposes and the same
22 time period as the appropriation to which transferred:
23 *Provided further*, That this transfer authority is in addi-
24 tion to any other transfer authority available to the De-
25 partment of Defense: *Provided further*, That the Secretary

1 shall, not fewer than 10 days prior to making transfers
2 from this appropriation, notify the congressional defense
3 committees in writing of the details of any such transfer:
4 *Provided further*, That each amount in this paragraph is
5 designated as being for contingency operations directly re-
6 lated to the global war on terrorism pursuant to section
7 3(c)(2) of H. Res. 5 (112th Congress) and as an emer-
8 gency requirement pursuant to section 403(a) of S. Con.
9 Res. 13 (111th Congress), the concurrent resolution on
10 the budget for fiscal year 2010.

11 RESEARCH, DEVELOPMENT, TEST AND
12 EVALUATION

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 ARMY

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Army”, \$143,234,000, to re-
17 main available until September 30, 2012: *Provided*, That
18 each amount in this paragraph is designated as being for
19 contingency operations directly related to the global war
20 on terrorism pursuant to section 3(c)(2) of H. Res. 5
21 (112th Congress) and as an emergency requirement pur-
22 suant to section 403(a) of S. Con. Res. 13 (111th Con-
23 gress), the concurrent resolution on the budget for fiscal
24 year 2010.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Navy”, \$104,781,000, to re-
5 main available until September 30, 2012: *Provided*, That
6 each amount in this paragraph is designated as being for
7 contingency operations directly related to the global war
8 on terrorism pursuant to section 3(c)(2) of H. Res. 5
9 (112th Congress) and as an emergency requirement pur-
10 suant to section 403(a) of S. Con. Res. 13 (111th Con-
11 gress), the concurrent resolution on the budget for fiscal
12 year 2010.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 AIR FORCE

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Air Force”, \$484,382,000, to
17 remain available until September 30, 2012: *Provided*,
18 That each amount in this paragraph is designated as
19 being for contingency operations directly related to the
20 global war on terrorism pursuant to section 3(c)(2) of H.
21 Res. 5 (112th Congress) and as an emergency requirement
22 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
23 gress), the concurrent resolution on the budget for fiscal
24 year 2010.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 DEFENSE-WIDE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Defense-Wide”,
5 \$222,616,000, to remain available until September 30,
6 2012: *Provided*, That each amount in this paragraph is
7 designated as being for contingency operations directly re-
8 lated to the global war on terrorism pursuant to section
9 3(c)(2) of H. Res. 5 (112th Congress) and as an emer-
10 gency requirement pursuant to section 403(a) of S. Con.
11 Res. 13 (111th Congress), the concurrent resolution on
12 the budget for fiscal year 2010.

13 REVOLVING AND MANAGEMENT FUNDS

14 DEFENSE WORKING CAPITAL FUNDS

15 For an additional amount for “Defense Working
16 Capital Funds”, \$485,384,000: *Provided*, That each
17 amount in this paragraph is designated as being for con-
18 tingency operations directly related to the global war on
19 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
20 Congress) and as an emergency requirement pursuant to
21 section 403(a) of S. Con. Res. 13 (111th Congress), the
22 concurrent resolution on the budget for fiscal year 2010.

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS

2 DEFENSE HEALTH PROGRAM

3 For an additional amount for “Defense Health Pro-
4 gram”, \$1,422,092,000, of which \$1,398,092,000 shall be
5 for operation and maintenance, to remain available until
6 September 30, 2011, and of which \$24,000,000 shall be
7 for research, development, test and evaluation, to remain
8 available until September 30, 2012: *Provided*, That each
9 amount in this paragraph is designated as being for con-
10 tingency operations directly related to the global war on
11 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
12 Congress) and as an emergency requirement pursuant to
13 section 403(a) of S. Con. Res. 13 (111th Congress), the
14 concurrent resolution on the budget for fiscal year 2010.

15 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

16 DEFENSE

17 For an additional amount for “Drug Interdiction and
18 Counter-Drug Activities, Defense”, \$440,510,000, to re-
19 main available until September 30, 2012: *Provided*, That
20 each amount in this paragraph is designated as being for
21 contingency operations directly related to the global war
22 on terrorism pursuant to section 3(c)(2) of H. Res. 5
23 (112th Congress) and as an emergency requirement pur-
24 suant to section 403(a) of S. Con. Res. 13 (111th Con-

1 gress), the concurrent resolution on the budget for fiscal
2 year 2010.

3 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For the “Joint Improvised Explosive Device Defeat
6 Fund”, \$2,793,768,000, to remain available until Sep-
7 tember 30, 2013: *Provided*, That such funds shall be avail-
8 able to the Secretary of Defense, notwithstanding any
9 other provision of law, for the purpose of allowing the Di-
10 rector of the Joint Improvised Explosive Device Defeat
11 Organization to investigate, develop and provide equip-
12 ment, supplies, services, training, facilities, personnel and
13 funds to assist United States forces in the defeat of impro-
14 vised explosive devices: *Provided further*, That the Sec-
15 retary of Defense may transfer funds provided herein to
16 appropriations for military personnel; operation and main-
17 tenance; procurement; research, development, test and
18 evaluation; and defense working capital funds to accom-
19 plish the purpose provided herein: *Provided further*, That
20 this transfer authority is in addition to any other transfer
21 authority available to the Department of Defense: *Pro-*
22 *vided further*, That the Secretary of Defense shall, not
23 fewer than 15 days prior to making transfers from this
24 appropriation, notify the congressional defense committees
25 in writing of the details of any such transfer: *Provided*

1 *further*, That each amount in this paragraph is designated
 2 as being for contingency operations directly related to the
 3 global war on terrorism pursuant to section 3(c)(2) of H.
 4 Res. 5 (112th Congress) and as an emergency requirement
 5 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
 6 gress), the concurrent resolution on the budget for fiscal
 7 year 2010.

8 OFFICE OF THE INSPECTOR GENERAL

9 For an additional amount for the “Office of the In-
 10 spector General”, \$10,529,000: *Provided*, That each
 11 amount in this paragraph is designated as being for con-
 12 tingency operations directly related to the global war on
 13 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
 14 Congress) and as an emergency requirement pursuant to
 15 section 403(a) of S. Con. Res. 13 (111th Congress), the
 16 concurrent resolution on the budget for fiscal year 2010.

17 GENERAL PROVISIONS—THIS TITLE

18 SEC. 9001. Notwithstanding any other provision of
 19 law, funds made available in this title are in addition to
 20 amounts appropriated or otherwise made available for the
 21 Department of Defense for fiscal year 2011.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 9002. Upon the determination of the Secretary
 24 of Defense that such action is necessary in the national
 25 interest, the Secretary may, with the approval of the Of-

1 fice of Management and Budget, transfer up to
2 \$4,000,000,000 between the appropriations or funds made
3 available to the Department of Defense in this title: *Pro-*
4 *vided*, That the Secretary shall notify the Congress
5 promptly of each transfer made pursuant to the authority
6 in this section: *Provided further*, That the authority pro-
7 vided in this section is in addition to any other transfer
8 authority available to the Department of Defense and is
9 subject to the same terms and conditions as the authority
10 provided in the Department of Defense Appropriations
11 Act, 2011.

12 SEC. 9003. Supervision and administration costs as-
13 sociated with a construction project funded with appro-
14 priations available for operation and maintenance or the
15 “Afghanistan Security Forces Fund” provided in this Act
16 and executed in direct support of overseas contingency op-
17 erations in Afghanistan, may be obligated at the time a
18 construction contract is awarded: *Provided*, That for the
19 purpose of this section, supervision and administration
20 costs include all in-house Government costs.

21 SEC. 9004. From funds made available in this title,
22 the Secretary of Defense may purchase for use by military
23 and civilian employees of the Department of Defense in
24 Iraq and Afghanistan: (a) passenger motor vehicles up to
25 a limit of \$75,000 per vehicle; and (b) heavy and light

1 armored vehicles for the physical security of personnel or
2 for force protection purposes up to a limit of \$250,000
3 per vehicle, notwithstanding price or other limitations ap-
4 plicable to the purchase of passenger carrying vehicles.

5 SEC. 9005. Not to exceed \$500,000,000 of the
6 amount appropriated in this title under the heading “Op-
7 eration and Maintenance, Army” may be used, notwith-
8 standing any other provision of law, to fund the Com-
9 mander’s Emergency Response Program (CERP), for the
10 purpose of enabling military commanders in Iraq and Af-
11 ghanistan to respond to urgent, small scale, humanitarian
12 relief and reconstruction requirements within their areas
13 of responsibility: *Provided*, That projects (including any
14 ancillary or related elements in connection with such
15 project) executed under this authority shall not exceed
16 \$20,000,000: *Provided further*, That not later than 45
17 days after the end of each fiscal year quarter, the Sec-
18 retary of Defense shall submit to the congressional defense
19 committees a report regarding the source of funds and the
20 allocation and use of funds during that quarter that were
21 made available pursuant to the authority provided in this
22 section or under any other provision of law for the pur-
23 poses described herein: *Provided further*, That, not later
24 than 30 days after the end of each month, the Army shall
25 submit to the congressional defense committees monthly

1 commitment, obligation, and expenditure data for the
2 Commander's Emergency Response Program in Iraq and
3 Afghanistan: *Provided further*, That not less than 15 days
4 before making funds available pursuant to the authority
5 provided in this section or under any other provision of
6 law for the purposes described herein for a project with
7 a total anticipated cost for completion of \$5,000,000 or
8 more, the Secretary shall submit to the congressional de-
9 fense committees a written notice containing each of the
10 following:

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

15 (2) The budget, implementation timeline with
16 milestones, and completion date for the proposed
17 project, including any other CERP funding that has
18 been or is anticipated to be contributed to the com-
19 pletion of the project.

20 (3) A plan for the sustainment of the proposed
21 project, including the agreement with either the host
22 nation, a non-Department of Defense agency of the
23 United States Government or a third party contrib-
24 utor to finance the sustainment of the activities and

1 maintenance of any equipment or facilities to be pro-
2 vided through the proposed project.

3 SEC. 9006. Funds available to the Department of De-
4 fense for operation and maintenance may be used, not-
5 withstanding any other provision of law, to provide sup-
6 plies, services, transportation, including airlift and sealift,
7 and other logistical support to coalition forces supporting
8 military and stability operations in Iraq and Afghanistan:
9 *Provided*, That the Secretary of Defense shall provide
10 quarterly reports to the congressional defense committees
11 regarding support provided under this section.

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

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

19 (2) To exercise United States control over any
20 oil resource of Iraq.

21 (3) To establish any military installation or
22 base for the purpose of providing for the permanent
23 stationing of United States Armed Forces in Af-
24 ghanistan.

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

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

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

16 (3) Sections 1002 and 1003 of the Department
17 of Defense, Emergency Supplemental Appropriations
18 to Address Hurricanes in the Gulf of Mexico, and
19 Pandemic Influenza Act, 2006 (Public Law 109–
20 148).

21 SEC. 9009. (a) The Secretary of Defense shall submit
22 to the congressional defense committees not later than 45
23 days after the end of each fiscal quarter a report on the
24 proposed use of all funds appropriated by this or any prior
25 Act under each of the headings Iraq Security Forces

1 Fund, Afghanistan Security Forces Fund, Afghanistan In-
2 frastructure Fund, and Pakistan Counterinsurgency Fund
3 on a project-by-project basis, for which the obligation of
4 funds is anticipated during the 3-month period from such
5 date, including estimates for the accounts referred to in
6 this section of the costs required to complete each such
7 project.

8 (b) The report required by this subsection shall in-
9 clude the following:

10 (1) The use of all funds on a project-by-project
11 basis for which funds appropriated under the head-
12 ings referred to in subsection (a) were obligated
13 prior to the submission of the report, including esti-
14 mates for the accounts referred to in subsection (a)
15 of the costs to complete each project.

16 (2) The use of all funds on a project-by-project
17 basis for which funds were appropriated under the
18 headings referred to in subsection (a) in prior appro-
19 priations Acts, or for which funds were made avail-
20 able by transfer, reprogramming, or allocation from
21 other headings in prior appropriations Acts, includ-
22 ing estimates for the accounts referred to in sub-
23 section (a) of the costs to complete each project.

24 (3) An estimated total cost to train and equip
25 the Iraq, Afghanistan, and Pakistan security forces,

1 disaggregated by major program and sub-elements
2 by force, arrayed by fiscal year.

3 SEC. 9010. Funds made available in this title to the
4 Department of Defense for operation and maintenance
5 may be used to purchase items having an investment unit
6 cost of not more than \$250,000: *Provided*, That, upon de-
7 termination by the Secretary of Defense that such action
8 is necessary to meet the operational requirements of a
9 Commander of a Combatant Command engaged in contin-
10 gency operations overseas, such funds may be used to pur-
11 chase items having an investment item unit cost of not
12 more than \$500,000.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 9011. Of the funds appropriated by this Act for
15 the Office of the Director of National Intelligence,
16 \$3,375,000 is available, as specified in the classified
17 annex, for transfer to other departments and agencies of
18 the Federal Government.

19 SEC. 9012. (a) The Task Force for Business and Sta-
20 bility Operations in Afghanistan may, subject to the direc-
21 tion and control of the Secretary of Defense and with the
22 concurrence of the Secretary of State, carry out projects
23 in fiscal year 2011 to assist the commander of the United
24 States Central Command in developing a link between
25 United States military operations in Afghanistan under

1 Operation Enduring Freedom and the economic elements
2 of United States national power in order to reduce vio-
3 lence, enhance stability, and restore economic normalcy in
4 Afghanistan through strategic business and economic op-
5 portunities.

6 (b) The projects carried out under paragraph (a) may
7 include projects that facilitate private investment, indus-
8 trial development, banking and financial system develop-
9 ment, agricultural diversification and revitalization, and
10 energy development in and with respect to Afghanistan.

11 (c) The Secretary may use up to \$150,000,000 of the
12 funds available for overseas contingency operations in
13 “Operation and Maintenance, Army” for additional activi-
14 ties to carry out projects under paragraph (a).

15 SEC. 9013. (a) Not more than 85 percent of the
16 funds provided in this title for Operation and Maintenance
17 may be available for obligation or expenditure until the
18 date on which the Secretary of Defense submits the report
19 under subsection (b).

20 (b) Not later than 120 days after the date of the en-
21 actment of this Act, the Secretary of Defense shall submit
22 to the congressional defense committees a report on con-
23 tractor employees in the United States Central Command,
24 including—

1 (1) the number of employees of a contractor
2 awarded a contract by the Department of Defense
3 (including subcontractor employees) who are em-
4 ployed at the time of the report in the area of oper-
5 ations of the United States Central Command, in-
6 cluding a list of the number of such employees in
7 each of Iraq, Afghanistan, and all other areas of op-
8 erations of the United States Central Command; and

9 (2) for each fiscal year quarter beginning on
10 the date of the report and ending on September 30,
11 2012—

12 (A) the number of such employees planned
13 by the Secretary to be employed during each
14 such period in each of Iraq, Afghanistan, and
15 all other areas of operations of the United
16 States Central Command; and

17 (B) an explanation of how the number of
18 such employees listed under subparagraph (A)
19 relates to the planned number of military per-
20 sonnel in such locations.

21 SEC. 9014. From funds made available in this title
22 to the Department of Defense for operation and mainte-
23 nance, up to \$129,100,000 may be used by the Secretary
24 of Defense, notwithstanding any other provision of law,
25 to support the United States Government transition activi-

1 ties in Iraq by undertaking facilities renovation and con-
 2 struction associated with establishing Office of Security
 3 Cooperation locations, at no more than four sites, in Iraq:
 4 *Provided*, That not less than 15 days before making funds
 5 available pursuant to the authority provided in this sec-
 6 tion, the Secretary shall submit to the congressional de-
 7 fense committees a written notice containing a detailed
 8 justification and timeline for each proposed site and the
 9 source of funds.

10 SEC. 9015. Any reference to “this Act” in this divi-
 11 sion shall apply solely to this division.

12 This division may be cited as the “Department of De-
 13 fense Appropriations Act, 2011”.

14 **DIVISION B—FULL-YEAR CONTINUING**
 15 **APPROPRIATIONS, 2011**

16 The following sums are hereby appropriated, out of
 17 any money in the Treasury not otherwise appropriated,
 18 and out of applicable corporate or other revenues, receipts,
 19 and funds, for the several departments, agencies, corpora-
 20 tions, and other organizational units of Government for
 21 fiscal year 2011, and for other purposes, namely:

22 **TITLE I—GENERAL PROVISIONS**

23 SEC. 1101. (a) Such amounts as may be necessary,
 24 at the level specified in subsection (c) and under the au-
 25 thority and conditions provided in applicable appropria-

1 tions Acts for fiscal year 2010, for projects or activities
2 (including the costs of direct loans and loan guarantees)
3 that are not otherwise specifically provided for, and for
4 which appropriations, funds, or other authority were made
5 available in the following appropriations Acts:

6 (1) The Agriculture, Rural Development, Food
7 and Drug Administration, and Related Agencies Ap-
8 propriations Act, 2010 (Public Law 111–80).

9 (2) The Energy and Water Development and
10 Related Agencies Appropriations Act, 2010 (Public
11 Law 111–85).

12 (3) The Department of Homeland Security Ap-
13 propriations Act, 2010 (Public Law 111–83).

14 (4) The Department of the Interior, Environ-
15 ment, and Related Agencies Appropriations Act,
16 2010 (division A of Public Law 111–88).

17 (5) The Legislative Branch Appropriations Act,
18 2010 (division A of Public Law 111–68).

19 (6) The Consolidated Appropriations Act, 2010
20 (Public Law 111–117).

21 (7) Section 102(c) (except the last proviso re-
22 lating to waiver of fees) of chapter 1 of title I of the
23 Supplemental Appropriations Act, 2010 (Public Law
24 111–212) that addresses guaranteed loans in the
25 rural housing insurance fund.

1 (b) For purposes of this division, the term “level”
2 means an amount.

3 (c) The level referred to in subsection (a) shall be
4 the amounts appropriated in the appropriations Acts re-
5 ferred to in such subsection, including transfers and obli-
6 gation limitations, except that—

7 (1) such level shall not include any amount pre-
8 viously designated as an emergency requirement and
9 necessary to meet emergency needs pursuant to sec-
10 tions 403(a) and 423(b) of S. Con. Res. 13 (111th
11 Congress), the concurrent resolution on the budget
12 for fiscal year 2010; and

13 (2) such level shall be calculated without regard
14 to any rescission or cancellation of funds or contract
15 authority.

16 SEC. 1102. Appropriations made by section 1101
17 shall be available to the extent and in the manner that
18 would be provided by the pertinent appropriations Act.

19 SEC. 1103. Appropriations provided by this division
20 that, in the applicable appropriations Act for fiscal year
21 2010, carried a multiple-year or no-year period of avail-
22 ability shall retain a comparable period of availability.

23 SEC. 1104. Except as otherwise expressly provided in
24 this division, the requirements, authorities, conditions,
25 limitations, and other provisions of the appropriations

1 Acts referred to in section 1101(a) shall continue in effect
2 through the date specified in section 1106.

3 SEC. 1105. No appropriation or funds made available
4 or authority granted pursuant to section 1101 shall be
5 used to initiate or resume any project or activity for which
6 appropriations, funds, or other authority were specifically
7 prohibited during fiscal year 2010.

8 SEC. 1106. Unless otherwise provided for in this divi-
9 sion or in the applicable appropriations Act, appropria-
10 tions and funds made available and authority granted pur-
11 suant to this division shall be available through September
12 30, 2011.

13 SEC. 1107. Expenditures made pursuant to the Con-
14 tinuing Appropriations Act, 2011 (Public Law 111–242),
15 shall be charged to the applicable appropriation, fund, or
16 authorization provided by this division.

17 SEC. 1108. Funds appropriated by this division may
18 be obligated and expended notwithstanding section 10 of
19 Public Law 91–672 (22 U.S.C. 2412), section 15 of the
20 State Department Basic Authorities Act of 1956 (22
21 U.S.C. 2680), section 313 of the Foreign Relations Au-
22 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
23 6212), and section 504(a)(1) of the National Security Act
24 of 1947 (50 U.S.C. 414(a)(1)).

1 SEC. 1109. (a) For entitlements and other mandatory
2 payments whose budget authority was provided in appro-
3 priations Acts for fiscal year 2010, and for activities under
4 the Food and Nutrition Act of 2008, the levels established
5 by section 1101 shall be the amounts necessary to main-
6 tain program levels under current law and under the au-
7 thority and conditions provided in the applicable appro-
8 priations Acts for fiscal year 2010.

9 (b) In addition to the amounts otherwise provided by
10 section 1101, the following amounts shall be available for
11 the following accounts for advance payments for the first
12 quarter of fiscal year 2012:

13 (1) “Department of Labor, Employment Stand-
14 ards Administration, Special Benefits for Disabled
15 Coal Miners”, for benefit payments under title IV of
16 the Federal Mine Safety and Health Act of 1977,
17 \$41,000,000, to remain available until expended.

18 (2) “Department of Health and Human Serv-
19 ices, Centers for Medicare and Medicaid Services,
20 Grants to States for Medicaid”, for payments to
21 States or in the case of section 1928 on behalf of
22 States under title XIX of the Social Security Act,
23 \$86,445,289,000, to remain available until ex-
24 pended.

1 (3) “Department of Health and Human Serv-
2 ices, Administration for Children and Families, Pay-
3 ments to States for Child Support Enforcement and
4 Family Support Programs”, for payments to States
5 or other non-Federal entities under titles I, IV–D,
6 X, XI, XIV, and XVI of the Social Security Act and
7 the Act of July 5, 1960 (24 U.S.C. ch. 9),
8 \$1,200,000,000, to remain available until expended.

9 (4) “Department of Health and Human Serv-
10 ices, Administration for Children and Families, Pay-
11 ments to States for Foster Care and Permanency”,
12 for payments to States or other non-Federal entities
13 under title IV–E of the Social Security Act,
14 \$1,850,000,000.

15 (5) “Social Security Administration, Supple-
16 mental Security Income Program”, for benefit pay-
17 ments under title XVI of the Social Security Act,
18 \$13,400,000,000, to remain available until ex-
19 pended.

20 SEC. 1110. Amounts incorporated by reference in this
21 division that were previously designated as available for
22 overseas deployments and other activities pursuant to S.
23 Con. Res. 13 (111th Congress), the concurrent resolution
24 on the budget for fiscal year 2010, are designated as being
25 for contingency operations directly related to the global

1 war on terrorism pursuant to section 3(c)(2) of H. Res.
2 5 (112th Congress) and as an emergency requirement pur-
3 suant to section 403(a) of S. Con. Res. 13 (111th Con-
4 gress), the concurrent resolution on the budget for fiscal
5 year 2010.

6 SEC. 1111. Any language specifying an earmark in
7 an appropriations Act for fiscal year 2010, or in a com-
8 mittee report or joint explanatory statement accom-
9 panying such an Act, shall have no legal effect with re-
10 spect to funds appropriated by this division. For purposes
11 of this section, the term “earmark” means a congressional
12 earmark or congressionally directed spending item, as de-
13 fined in clause 9(e) of rule XXI of the Rules of the House
14 of Representatives and paragraph 5(a) of rule XLIV of
15 the Standing Rules of the Senate.

16 SEC. 1112. Notwithstanding section 1101, none of
17 the funds appropriated or otherwise made available in this
18 division or any other Act (including division A of this Act)
19 may be used to transfer, release, or assist in the transfer
20 or release to or within the United States, its territories,
21 or possessions Khalid Sheikh Mohammed or any other de-
22 tainee who—

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

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

4 SEC. 1113. (a)(1) Notwithstanding section 1101, ex-
5 cept as provided in paragraph (2), none of the funds ap-
6 propriated or otherwise made available in this division or
7 any other Act (including division A of this Act) may be
8 used to transfer any individual detained at Guantanamo
9 to the custody or effective control of the individual's coun-
10 try of origin, any other foreign country, or any other for-
11 eign entity unless the Secretary of Defense submits to
12 Congress the certification described in subsection (b) by
13 not later than 30 days before the transfer of the indi-
14 vidual.

15 (2) Paragraph (1) shall not apply to any action taken
16 by the Secretary of Defense to transfer any individual de-
17 tained at Guantanamo to effectuate an order affecting the
18 disposition of the individual that is issued by a court or
19 competent tribunal of the United States having lawful ju-
20 risdiction. The Secretary of Defense shall notify Congress
21 promptly upon issuance of any such order.

22 (b) The certification described in this subsection is
23 a written certification made by the Secretary of Defense,
24 with the concurrence of the Secretary of State, that the
25 government of the foreign country or the recognized lead-

1 ership of the foreign entity to which the individual de-
2 tained at Guantanamo is to be transferred—

3 (1) is not a designated state sponsor of ter-
4 rorism or a designated foreign terrorist organization;

5 (2) maintains effective control over each deten-
6 tion facility in which an individual is to be detained
7 if the individual is to be housed in a detention facil-
8 ity;

9 (3) is not, as of the date of the certification,
10 facing a threat that is likely to substantially affect
11 its ability to exercise control over the individual;

12 (4) has agreed to take effective steps to ensure
13 that the individual cannot take action to threaten
14 the United States, its citizens, or its allies in the fu-
15 ture;

16 (5) has taken such steps as the Secretary deter-
17 mines are necessary to ensure that the individual
18 cannot engage or re-engage in any terrorist activity;
19 and

20 (6) has agreed to share any information with
21 the United States that—

22 (A) is related to the individual or any asso-
23 ciates of the individual; and

24 (B) could affect the security of the United
25 States, its citizens, or its allies.

1 (c)(1) Except as provided in paragraph (3), none of
2 the funds appropriated or otherwise made available in this
3 division or any other Act (including division A of this Act)
4 may be used to transfer any individual detained at Guan-
5 tanamo to the custody or effective control of the individ-
6 ual's country of origin, any other foreign country, or any
7 other foreign entity if there is a confirmed case of any
8 individual who was detained at United States Naval Sta-
9 tion, Guantanamo Bay, Cuba, at any time after September
10 11, 2001, who was transferred to the foreign country or
11 entity and subsequently engaged in any terrorist activity.

12 (2) The Secretary of Defense may waive the prohibi-
13 tion in paragraph (1) if the Secretary determines that
14 such a transfer is in the national security interests of the
15 United States and includes, as part of the certification de-
16 scribed in subsection (b) relating to such transfer, the de-
17 termination of the Secretary under this paragraph.

18 (3) Paragraph (1) shall not apply to any action taken
19 by the Secretary to transfer any individual detained at
20 Guantanamo to effectuate an order affecting the disposi-
21 tion of the individual that is issued by a court or com-
22 petent tribunal of the United States having lawful jurisdic-
23 tion. The Secretary shall notify Congress promptly upon
24 issuance of any such order.

25 (d) For the purposes of this section:

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

5 (A) is not a citizen of the United States or
6 a member of the Armed Forces of the United
7 States; and

8 (B) is—

9 (i) in the custody or under the effec-
10 tive control of the Department of Defense;
11 or

12 (ii) otherwise under detention at
13 United States Naval Station, Guantanamo
14 Bay, Cuba.

15 (2) The term “foreign terrorist organization”
16 means any organization so designated by the Sec-
17 retary of State under section 219 of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1189).

19 SEC. 1114. (a) Notwithstanding section 1101, none
20 of the funds appropriated or otherwise made available by
21 this division or any other Act (including division A of this
22 Act) may be used to construct or modify any facility in
23 the United States, its territories, or possessions to house
24 any individual described in subsection (c) for the purposes

1 of detention or imprisonment in the custody or under the
2 effective control of the Department of Defense.

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

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

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

12 (2) is—

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

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

17 SEC. 1115. Section 1(b)(2) of the Passport Act of
18 June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by
19 substituting the date specified in section 1106 of this divi-
20 sion for “September 30, 2010”.

21 SEC. 1116. (a) Section 1115(d) of Public Law 111–
22 32 shall be applied by substituting the date specified in
23 section 1106 of this division for “October 1, 2010”.

24 (b) Section 824(g) of the Foreign Service Act of 1980
25 (22 U.S.C. 4064(g)) shall be applied by substituting the

1 date specified in section 1106 of this division for “October
2 1, 2010” in paragraph (2).

3 (c) Section 61(a) of the State Department Basic Au-
4 thorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied
5 by substituting the date specified in section 1106 of this
6 division for “October 1, 2010” in paragraph (2).

7 (d) Section 625(j)(1) of the Foreign Assistance Act
8 of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by sub-
9 stituting the date specified in section 1106 of this division
10 for “October 1, 2010” in subparagraph (B).

11 SEC. 1117. The authority provided by section 1334
12 of the Foreign Affairs Reform and Restructuring Act of
13 1998 (22 U.S.C. 6553) shall remain in effect through the
14 date specified in section 1106 of this division.

15 SEC. 1118. With respect to any discretionary account
16 for which advance appropriations were provided for fiscal
17 year 2011 or 2012 in an appropriations Act for fiscal year
18 2010, in addition to amounts otherwise made available by
19 this Act, advance appropriations are provided in the same
20 amount for fiscal year 2012 or 2013, respectively, with
21 a comparable period of availability.

22 SEC. 1119. (a) ACROSS-THE-BOARD RESCISSIONS.—
23 There is hereby rescinded an amount equal to 0.2 percent
24 of—

1 (1) the budget authority provided for fiscal year
2 2011 for any discretionary account of this division;
3 and

4 (2) the budget authority provided in any ad-
5 vance appropriation for fiscal year 2011 for any dis-
6 cretionary account in any prior fiscal year appro-
7 priation Act.

8 (b) PROPORTIONATE APPLICATION.—Any rescission
9 made by subsection (a) shall be applied proportionately—

10 (1) to each discretionary account and each item
11 of budget authority described in such subsection;
12 and

13 (2) within each such account and item, to each
14 program, project, and activity (with programs,
15 projects, and activities as delineated in the appro-
16 priation Act or accompanying reports referenced in
17 section 1101 covering such account or item).

18 (c) EXCEPTIONS.—This section shall not apply to—

19 (1) discretionary authority appropriated or oth-
20 erwise made available by division A of this Act; or

21 (2) discretionary authority appropriated or oth-
22 erwise made available by division B of this Act and
23 designated as being for contingency operations di-
24 rectly related to the global war on terrorism pursu-
25 ant to section 3(c)(2) of H. Res. 5 (112th Congress)

1 and as an emergency requirement pursuant to sec-
2 tion 403(a) of S. Con. Res. 13 (111th Congress), the
3 concurrent resolution on the budget for fiscal year
4 2010.

5 (d) OMB REPORT.—Within 30 days after the date
6 of the enactment of this section, the Director of the Office
7 of Management and Budget shall submit to the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate a report specifying the account and
10 amount of each rescission made pursuant to this section.

11 TITLE II—AGRICULTURE, RURAL DEVELOP-
12 MENT, FOOD AND DRUG ADMINISTRATION,
13 AND RELATED AGENCIES

14 SEC. 1201. Notwithstanding section 1101, the level
15 for “Agricultural Programs, Office of the Secretary” shall
16 be \$5,061,000.

17 SEC. 1202. Notwithstanding section 1101, the level
18 for “Agricultural Programs, Office of Tribal Relations”
19 shall be \$499,000.

20 SEC. 1203. Notwithstanding section 1101, the level
21 for “Agricultural Programs, Executive Operations, Office
22 of Chief Economist” shall be \$12,032,000.

23 SEC. 1204. Notwithstanding section 1101, the level
24 for “Agricultural Programs, Executive Operations, Na-
25 tional Appeals Division” shall be \$14,254,000.

1 SEC. 1205. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Executive Operations, Office
3 of Homeland Security” shall be \$1,499,000.

4 SEC. 1206. Notwithstanding section 1101, the level
5 for “Agricultural Programs, Office of Advocacy and Out-
6 reach” shall be \$1,425,000.

7 SEC. 1207. Notwithstanding section 1101, the level
8 for “Agricultural Programs, Office of the Chief Informa-
9 tion Officer” shall be \$40,000,000.

10 SEC. 1208. Notwithstanding section 1101, the level
11 for “Agricultural Programs, Office of the Chief Financial
12 Officer” shall be \$6,260,000.

13 SEC. 1209. Notwithstanding section 1101, the level
14 for “Agricultural Programs, Office of Civil Rights” shall
15 be \$22,737,000.

16 SEC. 1210. Notwithstanding section 1101, the level
17 for “Agricultural Programs, Agriculture Buildings and
18 Facilities and Rental Payments” shall be \$246,970,000,
19 of which \$178,470,000 shall be available for payments to
20 the General Services Administration for rent; of which
21 \$13,500,000 shall be for payment to the Department of
22 Homeland Security for building and security activities;
23 and of which \$55,000,000 shall be for buildings operations
24 and maintenance expenses.

1 SEC. 1211. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Hazardous Materials Man-
3 agement” shall be \$4,000,000.

4 SEC. 1212. Notwithstanding section 1101, the level
5 for “Agricultural Programs, Departmental Administra-
6 tion” shall be \$29,706,000.

7 SEC. 1213. Notwithstanding section 1101, the level
8 for “Agricultural Programs, Office of the Assistant Sec-
9 retary for Congressional Relations” shall be \$3,877,000.

10 SEC. 1214. Notwithstanding section 1101, the level
11 for “Agricultural Programs, Office of Communications”
12 shall be \$9,499,000.

13 SEC. 1215. Notwithstanding section 1101, the level
14 for “Agricultural Programs, Office of the General Coun-
15 sel” shall be \$41,499,000.

16 SEC. 1216. Notwithstanding section 1101, the level
17 for “Agricultural Programs, Economic Research Service”
18 shall be \$81,978,000.

19 SEC. 1217. Notwithstanding section 1101, the level
20 for “Agricultural Programs, National Agricultural Statis-
21 tics Service” shall be \$156,761,000: *Provided*, That the
22 amounts included under such heading in Public Law 111–
23 80 shall be applied to funds appropriated by this division
24 by substituting “\$33,139,000” for “\$37,908,000”.

1 SEC. 1218. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Agricultural Research Serv-
3 ice, Salaries and Expenses” shall be \$1,135,501,000.

4 SEC. 1219. Notwithstanding section 1101, the level
5 for “Agricultural Programs, Agricultural Research Serv-
6 ice, Buildings and Facilities” shall be \$0.

7 SEC. 1220. Notwithstanding section 1101, the level
8 for “Agricultural Programs, National Institute of Food
9 and Agriculture, Research and Education Activities” shall
10 be \$700,140,000: *Provided*, That the amounts included
11 under such heading in Public Law 111–80 shall be applied
12 to funds appropriated by this division by substituting
13 “\$236,808,000” for “\$215,000,000”; by substituting
14 “\$33,000,000” for “\$29,000,000”; by substituting
15 “\$51,000,000” for “\$48,500,000”; by substituting
16 “\$265,000,000” for “\$262,482,000”; by substituting
17 “\$2,844,000” for “\$89,029,000”; by substituting
18 “\$19,375,000” for “\$18,250,000”; and by substituting
19 “\$11,253,000” for “\$45,122,000”.

20 SEC. 1221. Notwithstanding section 1101, the level
21 for “Agricultural Programs, National Institute of Food
22 and Agriculture, Extension Activities” shall be
23 \$480,092,000: *Provided*, That the amounts included under
24 such heading in Public Law 111–80 shall be applied to
25 funds appropriated by this division by substituting

1 “\$294,500,000” for “\$297,500,000” and by substituting
2 “\$8,565,000” for “\$20,396,000”.

3 SEC. 1222. Notwithstanding section 1101, the level
4 for “Agricultural Programs, National Institute of Food
5 and Agriculture, Integrated Activities” shall be
6 “\$37,000,000”: *Provided*, That the amounts included
7 under such heading in Public Law 111–80 shall be applied
8 to funds appropriated by this division by substituting
9 “\$29,000,000” for “\$45,148,000”; by substituting
10 “\$9,000,000” for “\$12,649,000”; by substituting
11 “\$11,000,000” for “\$14,596,000”; by substituting
12 “\$3,000,000” for “\$4,096,000”; by substituting “\$0” for
13 “\$4,388,000”; by substituting “\$0” for “\$1,365,000”; by
14 substituting “\$2,000,000” for “\$3,054,000”; by sub-
15 stituting “\$4,000,000” for “\$5,000,000”; by substituting
16 “\$1,000,000” for “\$3,000,000”; by substituting “\$0” for
17 “\$732,000”; by substituting “\$1,000,000” for
18 “\$1,312,000”; and by substituting “\$6,000,000” for
19 “\$9,830,000”.

20 SEC. 1223. Notwithstanding section 1101, the level
21 for “Agricultural Programs, Animal and Plant Health In-
22 spection Service, Salaries and Expenses” shall be
23 \$865,000,000: *Provided*, That the amounts included under
24 such heading in Public Law 111–80 shall be applied to
25 funds appropriated by this division by substituting

1 “\$40,000,000” for “\$60,243,000” and by substituting
2 “\$21,000,000” for “\$23,390,000”.

3 SEC. 1224. Notwithstanding section 1101, the level
4 for “Agricultural Programs, Animal and Plant Health In-
5 spection Service, Buildings and Facilities” shall be
6 \$3,536,000.

7 SEC. 1225. Notwithstanding section 1101, the level
8 for “Agricultural Programs, Agricultural Marketing Serv-
9 ice, Marketing Services” shall be \$86,711,000.

10 SEC. 1226. Notwithstanding section 1101, the level
11 for “Agricultural Programs, Agricultural Marketing Serv-
12 ice, Limitation on Administrative Expenses” shall be
13 \$60,947,000 (from fees collected).

14 SEC. 1227. The amounts included under the heading
15 “Agricultural Programs, Agricultural Marketing Service,
16 Funds for Strengthening Markets, Income, and Supply
17 (Section 32)” in Public Law 111–80 shall be applied to
18 funds appropriated by this division by substituting “\$0”
19 for “\$10,000,000”.

20 SEC. 1228. Notwithstanding section 1101, the level
21 for “Agricultural Programs, Grain Inspection, Packers
22 and Stockyards Administration, Salaries and Expenses”
23 shall be \$40,342,000.

24 SEC. 1229. Notwithstanding section 1101, the level
25 for “Agricultural Programs, Grain Inspection, Packers

1 and Stockyards Administration, Limitation on Inspection
2 and Weighing Services Expenses” shall be \$47,500,000
3 (from fees collected).

4 SEC. 1230. Notwithstanding section 1101, the level
5 for “Agricultural Programs, Food Safety and Inspection
6 Service” shall be \$1,008,520,000: *Provided*, That the
7 Food Safety and Inspection Service shall continue imple-
8 mentation of section 11016 of Public Law 110–246.

9 SEC. 1231. Notwithstanding section 1101, the level
10 for “Agricultural Programs, Farm Service Agency, Sala-
11 ries and Expenses” shall be \$1,210,711,000.

12 SEC. 1232. Notwithstanding Section 1101, the level
13 for “Agricultural Programs, Farm Service Agency, State
14 Mediation Grants” shall be \$4,185,000.

15 SEC. 1233. Notwithstanding section 1101, the level
16 for “Agricultural Programs, Farm Service Agency, Grass-
17 roots Source Water Protection Program” shall be
18 \$4,250,000.

19 SEC. 1234. The amounts included under the heading
20 “Agricultural Programs, Farm Service Agency, Agricul-
21 tural Credit Insurance Fund Program Account” in Public
22 Law 111–80 shall be applied to funds appropriated by this
23 division by substituting “\$1,975,000,000” for
24 “\$2,150,000,000”; by substituting “\$475,000,000” for
25 “\$650,000,000”; by substituting “\$2,572,343,000” for

1 “\$2,670,000,000”; by substituting “\$122,343,000” for
2 “\$170,000,000”; by substituting “\$950,000,000” for
3 “\$1,000,000,000”; by substituting “\$0” for
4 “\$150,000,000”; by substituting “\$0” for “\$75,000,000”
5 the first and second place it appears; by substituting “\$0”
6 for “\$10,000,000”; by substituting “\$38,570,000” for
7 “\$32,070,000”; by substituting “\$32,870,000” for
8 “\$26,520,000”; by substituting “\$5,700,000” for
9 “\$5,550,000”; by substituting “\$109,410,000” for
10 “\$106,402,000”; by substituting “\$57,540,000” for
11 “\$47,400,000”; by substituting “\$34,950,000” for
12 “\$35,100,000”; by substituting “\$16,920,000” for
13 “\$23,902,000”; by substituting “\$0” for “\$1,065,000”;
14 by substituting “\$0” for “\$1,343,000”; by substituting
15 “\$0” for “\$278,000”; by substituting “\$0” for
16 “\$793,000”; by substituting “\$313,508,000” for
17 “\$321,093,000”; and by substituting “\$305,588,000” for
18 “\$313,173,000”. Funds appropriated by this division to
19 such heading for farm ownership, operating, direct and
20 guaranteed loans may be transferred among these pro-
21 grams: *Provided*, That the Secretary of Agriculture shall
22 notify the Committees on Appropriations of the House of
23 Representatives and the Senate at least 15 days in ad-
24 vance of any transfer.

1 SEC. 1235. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Risk Management Agency”
3 shall be \$79,000,000.

4 SEC. 1236. Notwithstanding section 1101, the level
5 for “Conservation Programs, Natural Resources Con-
6 servation Service, Conservation Operations” shall be
7 \$872,247,000.

8 SEC. 1237. Notwithstanding section 1101, the level
9 for “Conservation Programs, Natural Resources Con-
10 servation Service, Watershed and Flood Prevention Oper-
11 ations” shall be \$0.

12 SEC. 1238. Notwithstanding section 1101, the level
13 for “Conservation Programs, Natural Resources Con-
14 servation Service, Watershed Rehabilitation Program”
15 shall be \$18,000,000.

16 SEC. 1239. Notwithstanding section 1101, the level
17 for “Conservation Programs, Natural Resources Con-
18 servation Service, Resource Conservation and Develop-
19 ment” shall be \$0.

20 SEC. 1240. Notwithstanding section 1101, the level
21 for “Rural Development Programs, Rural Development,
22 Salaries and Expenses” shall be \$191,987,000.

23 SEC. 1241. The amounts included under the heading
24 “Rural Development Programs, Rural Housing Service,
25 Rural Housing Insurance Fund Program Account” in

1 Public Law 111–80 for gross obligations for the principal
 2 amount of direct and guaranteed loans as authorized by
 3 title V of the Housing Act of 1949 shall be applied to
 4 funds appropriated by this division by substituting
 5 “\$25,121,406,000” for “\$13,121,488,000”; by sub-
 6 stituting “\$1,121,406,000” for “\$1,121,488,000”; by
 7 substituting “\$24,000,000,000” for “\$12,000,000,000”;
 8 by substituting “\$23,360,000” for “\$34,412,000”; by
 9 substituting “\$30,960,000” for “\$129,090,000”; by sub-
 10 stituting “\$5,052,000” for “\$5,045,000”; and by sub-
 11 stituting “\$4,966,000” for “\$4,970,000”.

12 SEC. 1242. Notwithstanding section 1101, the level
 13 for “Rural Development Programs, Rural Housing Serv-
 14 ice, Rural Housing Insurance Fund Program Account” for
 15 the cost of direct and guaranteed loans, including the cost
 16 of modifying loans, authorized by section 502 of the Hous-
 17 ing Act of 1949 shall be \$70,200,000: *Provided*, That the
 18 amounts included for such costs under such heading in
 19 Public Law 111–80 shall be applied to funds appropriated
 20 by this division by substituting “\$70,200,000” for
 21 “\$40,710,000” in the case of direct loans and by sub-
 22 stituting “\$0” for “\$172,800,000” in the case of unsub-
 23 sidized guaranteed loans.

24 SEC. 1243. Notwithstanding section 1101, the level
 25 for “Rural Development Programs, Rural Housing Serv-

1 ice, Rural Housing Insurance Fund Program Account” for
2 the cost of repair, rehabilitation, and new construction of
3 rental housing authorized by section 515 of the Housing
4 Act of 1949 shall be \$23,446,000.

5 SEC. 1244. Notwithstanding section 1101, the level
6 for “Rural Development Programs, Rural Housing Serv-
7 ice, Rural Housing Insurance Fund Program Account” for
8 the cost of multi-family housing guaranteed loans author-
9 ized by section 538 of the Housing Act of 1949 shall be
10 \$3,000,000.

11 SEC. 1245. In addition to amounts otherwise appro-
12 priated or made available by this division, there is appro-
13 priated to the Secretary of Agriculture \$288,000 for sec-
14 tion 523 self-help housing land development loans author-
15 ized by section 523 of the Housing Act of 1949 and
16 \$294,000 for site development loans authorized by section
17 524 of such Act.

18 SEC. 1246. Notwithstanding section 1101, the level
19 for “Rural Development Programs, Rural Housing Serv-
20 ice, Rural Housing Insurance Fund Program Account” for
21 administrative expenses necessary to carry out the direct
22 and guaranteed loan programs shall be \$454,383,000.

23 SEC. 1247. Notwithstanding section 1101, the level
24 for “Rural Development Programs, Rural Housing Serv-
25 ice, Rental Assistance Program” shall be \$955,635,000:

1 *Provided*, That the amounts included under such heading
2 in Public Law 111–80 shall be applied to funds appro-
3 priated by this division by substituting “\$0” for
4 “\$5,958,000”; and by substituting “\$3,000,000” for
5 “\$3,400,000”.

6 SEC. 1248. Notwithstanding section 1101, the level
7 for “Rural Development Programs, Rural Housing Serv-
8 ice, Multi-Family Housing Revitalization Program Ac-
9 count” shall be \$30,000,000: *Provided*, That the amounts
10 included under such heading in Public Law 111-80 shall
11 be applied to funds appropriated by this division by sub-
12 stituting “\$14,000,000” for “\$16,400,000”; by sub-
13 stituting “\$15,000,000” for “\$25,000,000”; and by sub-
14 stituting “\$1,000,000” for “\$1,791,000”.

15 SEC. 1249. Notwithstanding section 1101, the level
16 for “Rural Development Programs, Rural Housing Serv-
17 ice, Mutual and Self-Help Housing Grants” shall be
18 \$37,000,000.

19 SEC. 1250. Notwithstanding section 1101, the level
20 for “Rural Development Programs, Rural Housing Serv-
21 ice, Rural Housing Assistance Grants” shall be
22 \$40,400,000: *Provided*, That the amounts included under
23 such heading in Public Law 111-80 shall be applied to
24 funds appropriated by substituting “\$0” for
25 “\$4,000,000”.

1 SEC. 1251. Notwithstanding section 1101, the level
2 for “Rural Development Programs, Rural Housing Serv-
3 ice, Rural Community Facilities Program Account” shall
4 be \$41,462,000: *Provided*, That the amounts included
5 under such heading in Public Law 111–80 shall be applied
6 to funds appropriated by this division by substituting
7 “\$5,000,000” for “\$6,256,000”; and by substituting
8 “\$7,000,000” for “\$13,902,000”.

9 SEC. 1252. Notwithstanding section 1101, the level
10 for “Rural Development Programs, Rural Business–Coop-
11 erative Service, Rural Business Program Account” shall
12 be \$85,451,000.

13 SEC. 1253. Notwithstanding section 1101, the level
14 for “Rural Development Programs, Rural Business–Coop-
15 erative Service, Rural Development Loan Fund Program
16 Account” for the principal amount of direct loans as au-
17 thorized by Rural Development Loan Fund shall be
18 \$19,181,000; and for the cost of direct loans, \$7,400,000.

19 SEC. 1254. Notwithstanding section 1101, in connec-
20 tion with the “Rural Development Programs, Rural Busi-
21 ness–Cooperative Service, Rural Economic Development
22 Loans Program Account”, of the funds derived from inter-
23 est on the cushion of credit payments, as authorized by
24 section 313 of the Rural Electrification Act of 1936,

1 \$207,000,000 shall not be obligated and \$207,000,000 is
2 rescinded.

3 SEC. 1255. Notwithstanding section 1101, the level
4 for “Rural Development Programs, Rural Business–Coop-
5 erative Service, Rural Cooperative Development Grants”
6 shall be \$30,254,000: *Provided*, That the amounts in-
7 cluded under such heading in Public Law 111–80 shall
8 be applied to funds appropriated by this division by sub-
9 stituting “\$0” for “\$300,000”; by substituting “\$0” for
10 “\$2,800,000”; and by substituting “\$18,867,000” for
11 “\$20,367,000”.

12 SEC. 1256. Notwithstanding section 1101, the level
13 for “Rural Development Programs, Rural Business–Coop-
14 erative Service, Rural Microenterprise Investment Pro-
15 gram Account” shall be \$0.

16 SEC. 1257. Notwithstanding section 1101, the level
17 for “Rural Development Programs, Rural Business–Coop-
18 erative Service, Rural Energy for America Program” shall
19 be \$5,000,000.

20 SEC. 1258. Notwithstanding section 1101, the level
21 for “Rural Development Programs, Rural Utilities Serv-
22 ice, Rural Water and Waste Disposal Program Account”
23 shall be \$529,002,000: *Provided*, That the amounts in-
24 cluded under such heading in Public Law 111–80 shall

1 be applied to funds appropriated by this division by sub-
2 stituting “\$12,000,000” for “\$17,500,000”.

3 SEC. 1259. Notwithstanding section 1101, the level
4 for “Rural Development Programs, Rural Utilities Serv-
5 ice, Rural Electrification and Telecommunications Loans
6 Program Account” for the cost of guaranteed under-
7 writing loans pursuant to section 313A shall be \$700,000:
8 *Provided, That,* notwithstanding section 6106(b) of the
9 Food, Conservation, and Energy Act of 2008, a guaran-
10 teed underwriting loan may not be issued until the Sec-
11 retary of Agriculture certifies to the Committees on Ap-
12 propriations of the House and Senate that the regulations
13 governing the program fully implement the requirements
14 of section 6106(a) of the Food, Conservation, and Energy
15 Act of 2008.

16 SEC. 1260. Notwithstanding section 1101, the level
17 for “Rural Development Programs, Rural Utilities Serv-
18 ice, Rural Electrification and Telecommunications Loans
19 Program Account” for administrative expenses necessary
20 to carry out the direct and guaranteed loan programs shall
21 be \$38,374,000.

22 SEC. 1261. Notwithstanding section 1101, the level
23 for “Rural Development Programs, Rural Utilities Serv-
24 ice, Distance Learning, Telemedicine, and Broadband
25 Program” for the cost of grants for telemedicine and dis-

1 tance learning services in rural areas, as authorized by 7
2 U.S.C. 950aaa et seq. shall be \$32,500,000.

3 SEC. 1262. Notwithstanding section 1101, the level
4 for “Rural Development, Rural Utilities Service, Distance
5 Learning, Telemedicine, and Broadband Program” for the
6 cost of broadband loans, as authorized by section 601 of
7 the Rural Electrification Act shall be \$22,320,000. In ad-
8 dition, \$13,406,000, to remain available until expended,
9 for a grant program to finance broadband transmission
10 in rural areas eligible for Distance Learning and Tele-
11 medicine Program benefits authorized by 7 U.S.C.
12 950aaa.

13 SEC. 1263. Notwithstanding the section 1101, the
14 level for “Domestic Food Programs, Food and Nutrition
15 Service, Child Nutrition Programs” in Public Law 111–
16 80 shall be applied to funds appropriated by this division
17 by substituting “\$0” for “\$1,000,000” and by sub-
18 stituting “\$0” for “\$5,000,000”, and shall be applied to
19 funds made available under section 32 of the Act of Au-
20 gust 24, 1935 (7 U.S.C. 612c) by substituting
21 “\$5,277,574,000” for “\$6,747,877,000” and by sub-
22 stituting “\$0” for “\$242,022,000”.

23 SEC. 1264. Notwithstanding section 1101, the level
24 for “Domestic Food Programs, Food and Nutrition Serv-
25 ice, Special Supplemental Nutrition Program for Women,

1 Infants, and Children (WIC)” shall be \$6,747,522,000:
2 *Provided*, That the amounts included under such heading
3 in Public Law 111-80 shall be applied to funds appro-
4 priated by this division by substituting “\$35,000,000” for
5 “\$60,000,000”.

6 SEC. 1265. Notwithstanding section 1101, the level
7 for “Domestic Food Programs, Food and Nutrition Serv-
8 ice, Commodity Assistance Program”, shall be
9 \$246,619,000, of which \$176,049,000 shall be for the
10 Commodity Supplemental Food Program: *Provided*, That
11 the amounts included under such heading in Public Law
12 111–80 shall be applied to funds appropriated by this divi-
13 sion by substituting “\$0” for “\$6,000,000”.

14 SEC. 1266. Notwithstanding section 1101, the level
15 for “Foreign Assistance and Related Programs, Foreign
16 Agricultural Service, Salaries and Expenses” shall be
17 \$186,000,000.

18 SEC. 1267. Notwithstanding section 1101, the level
19 for “Foreign Assistance and Related Programs, Foreign
20 Agricultural Service, Food for Peace Title II Grants” shall
21 be \$1,500,000,000.

22 SEC. 1268. Notwithstanding section 1101, the level
23 for “Foreign Assistance and Related Programs, Foreign
24 Agricultural Service, McGovern-Dole International Food

1 for Education and Child Nutrition Program Grants” shall
2 be \$199,500,000.

3 SEC. 1269. Notwithstanding section 1101, the level
4 for “Related Agencies and Food and Drug Administra-
5 tion, Food and Drug Administration, Salaries and Ex-
6 penses” shall be \$3,655,687,000: *Provided*, That of the
7 amount provided under this heading, \$667,057,000 shall
8 be derived from prescription drug user fees authorized by
9 section 736 of the Federal Food, Drug, and Cosmetic Act
10 (21 U.S.C. 379h), shall be credited to this account and
11 remain available until expended, and shall not include any
12 fees pursuant to paragraphs (2) and (3) of section 736(a)
13 of such Act (21 U.S.C. 379h(a)(2) and (a)(3)) assessed
14 for fiscal year 2012 but collected in fiscal year 2011;
15 \$61,860,000 shall be derived from medical device user fees
16 authorized by section 738 of such Act (21 U.S.C. 379j),
17 and shall be credited to this account and remain available
18 until expended; \$19,448,000 shall be derived from animal
19 drug user fees authorized by section 740 of such Act (21
20 U.S.C. 379j–12), and shall be credited to this account and
21 remain available until expended; \$5,397,000 shall be de-
22 rived from animal generic drug user fees authorized by
23 section 741 of such Act (21 U.S.C. 379f), and shall be
24 credited to this account and shall remain available until
25 expended; and \$450,000,000 shall be derived from tobacco

1 product user fees authorized by section 919 of such Act
2 (21 U.S.C. 387s) and shall be credited to this account and
3 remain available until expended: *Provided further*, That in
4 addition and notwithstanding any other provision under
5 this heading, amounts collected for prescription drug user
6 fees that exceed the fiscal year 2011 limitation are appro-
7 priated and shall be credited to this account and remain
8 available until expended: *Provided further*, That fees de-
9 rived from prescription drug, medical device, animal drug,
10 animal generic drug, and tobacco product assessments for
11 fiscal year 2011 received during fiscal year 2011, includ-
12 ing any such fees assessed prior to fiscal year 2011 but
13 credited for fiscal year 2011, shall be subject to the fiscal
14 year 2011 limitations: *Provided further*, That none of
15 these funds shall be used to develop, establish, or operate
16 any program of user fees authorized by 31 U.S.C. 9701:
17 *Provided further*, That of the total amount appropriated
18 under this heading: (1) \$837,358,000 shall be for the Cen-
19 ter for Food Safety and Applied Nutrition and related
20 field activities in the Office of Regulatory Affairs; (2)
21 \$957,116,000 shall be for the Center for Drug Evaluation
22 and Research and related field activities in the Office of
23 Regulatory Affairs; (3) \$325,647,000 shall be for the Cen-
24 ter for Biologics Evaluation and Research and for related
25 field activities in the Office of Regulatory Affairs; (4)

1 \$161,730,000 shall be for the Center for Veterinary Medi-
 2 cine and for related field activities in the Office of Regu-
 3 latory Affairs; (5) \$359,781,000 shall be for the Center
 4 for Devices and Radiological Health and for related field
 5 activities in the Office of Regulatory Affairs; (6)
 6 \$60,664,000 shall be for the National Center for Toxi-
 7 cological Research; (7) \$421,463,000 shall be for the Cen-
 8 ter for Tobacco Products and for related field activities
 9 in the Office of Regulatory Affairs; (8) not to exceed
 10 \$136,239,000 shall be for Rent and Related activities, of
 11 which \$41,951,000 is for White Oak Consolidation, other
 12 than the amounts paid to the General Services Adminis-
 13 tration for rent; (9) not to exceed \$183,048,000 shall be
 14 for payments to the General Services Administration for
 15 rent; and (10) \$212,642,000 shall be for other activities,
 16 including the Office of the Commissioner of Food and
 17 Drugs; the Office of Foods; the Office of the Chief Sci-
 18 entist; the Office of Policy, Planning and Budget; the Of-
 19 fice of International Programs; the Office of Administra-
 20 tion; and central services for these offices: *Provided fur-*
 21 *ther*, That none of the funds made available under this
 22 heading shall be used to transfer funds under section
 23 770(n) of the Federal Food, Drug, and Cosmetic Act (21
 24 U.S.C. 379dd): *Provided further*, That not to exceed
 25 \$25,000 of the amount provided under this heading shall

1 be for official reception and representation expenses, not
2 otherwise provided for, as determined by the Commis-
3 sioner: *Provided further*, That funds may be transferred
4 from one specified activity to another with the prior ap-
5 proval of the Committees on Appropriations of both
6 Houses of Congress.

7 In addition, mammography user fees authorized by
8 42 U.S.C. 263b, export certification user fees authorized
9 by 21 U.S.C. 381, and priority review user fees authorized
10 by 21 U.S.C. 360n may be credited to this account, to
11 remain available until expended.

12 In addition, food and feed recall user fees, food rein-
13 spection user fees, and voluntary qualified importer pro-
14 gram user fees authorized by section 743 of the Federal
15 Food, Drug, and Cosmetic Act, as amended by Public Law
16 111–353, may be credited to this account in an amount
17 not to exceed the amount determined under subsection (b)
18 of such section 743, to remain available until expended.

19 SEC. 1270. Notwithstanding section 1101, the level
20 for “Food and Drug Administration, Buildings and Facili-
21 ties” shall be \$10,000,000.

22 SEC. 1271. Notwithstanding section 1101, the level
23 for “Related Agencies and Food and Drug Administra-
24 tion, Independent Agencies, Farm Credit Administration,
25 Limitation on Administrative Expenses” shall be

1 \$59,400,000 (from assessments collected from farm credit
2 institutions, including the Federal Agricultural Mortgage
3 Corporation).

4 SEC. 1272. Notwithstanding any other provision of
5 this division, the following set-asides included in Public
6 Law 111–80 for “Congressionally Designated Projects” in
7 the following accounts for the corresponding amounts shall
8 not apply to funds appropriated by this division:

9 (1) “Agricultural Programs, Agricultural Re-
10 search Service, Salaries and Expenses”,
11 \$44,138,000.

12 (2) “Agricultural Programs, National Institute
13 of Food and Agriculture, Research and Education
14 Activities”, \$120,054,000.

15 (3) “Agricultural Programs, National Institute
16 of Food and Agriculture, Extension Activities”,
17 \$11,831,000.

18 (4) “Agricultural Programs, Animal and Plant
19 Health Inspection Service, Salaries and Expenses”,
20 \$24,410,000.

21 (5) “Conservation Programs, Natural Re-
22 sources Conservation Service, Conservation Oper-
23 ations”, \$37,382,000.

24 SEC. 1273. Notwithstanding any other provision of
25 this division, the following provisions included in Public

1 Law 111–80 shall not apply to funds appropriated by this
2 division:

3 (1) The first proviso under the heading “Agri-
4 cultural Programs, Agriculture Buildings and Facili-
5 ties and Rental Payments”.

6 (2) The second proviso under the heading “De-
7 partmental Administration”.

8 (3) The second proviso under the heading
9 “Conservation Programs, Natural Resources Con-
10 servation Service, Conservation Operations”.

11 (4) The second proviso under the heading
12 “Rural Development Programs, Rural Utilities Serv-
13 ice, Rural Water and Waste Disposal Account”.

14 (5) The first proviso under the heading “Do-
15 mestic Food Programs, Food and Nutrition Service,
16 Commodity Assistance Program”.

17 (6) The first proviso under the heading “For-
18 eign Assistance and Related Programs, Foreign Ag-
19 ricultural Service, McGovern-Dole International
20 Food for Education and Child Nutrition Program
21 Grants”.

22 SEC. 1274. Sections 718, 723, 727, 728, and 738 of
23 Public Law 111–80 shall be applied to funds appropriated
24 by this division by substituting \$0 for the dollar amounts
25 included in those sections.

1 SEC. 1275. Section 741 of Public Law 111–80 shall
2 be applied to funds appropriated by this division by sub-
3 stituting “\$2,000,000” for “\$2,600,000” and by sub-
4 stituting “\$0” for “\$3,000,000”.

5 SEC. 1276. Sections 716, 721(2), 721(3), 724, 725,
6 726, 729, 735, 743, and 748 of Public Law 111–80 shall
7 not apply for fiscal year 2011.

8 SEC. 1277. Sections 730, 734, 737, 740, 745, 747,
9 and 749 of Public Law 111–80 authorized or required cer-
10 tain actions that have been performed before the date of
11 the enactment of this division and need not reoccur.

12 SEC. 1278. Appropriations to the Department of Ag-
13 riculture made available in fiscal year 2005 to carry out
14 section 601 of the Rural Electrification Act of 1936 (7
15 U.S.C. 950bb) for the cost of direct loans shall remain
16 available until expended to disburse valid obligations made
17 in fiscal years 2005, 2006, and 2007.

18 SEC. 1279. In the case of each program established
19 or amended by the Food, Conservation, and Energy Act
20 of 2008 (Public Law 110–246), other than by title I or
21 subtitle A of title III of such Act, or programs for which
22 indefinite amounts were provided in that Act that is au-
23 thorized or required to be carried out using funds of the
24 Commodity Credit Corporation: (1) such funds shall be
25 available for salaries and related administrative expenses,

1 including technical assistance, associated with the imple-
2 mentation of the program, without regard to the limitation
3 on the total amount of allotments and fund transfers con-
4 tained in section 11 of the Commodity Credit Corporation
5 Charter Act (15 U.S.C. 714i); and (2) the use of such
6 funds for such purpose shall not be considered to be a
7 fund transfer or allotment for purposes of applying the
8 limitation on the total amount of allotments and fund
9 transfers contained in such section.

10 SEC. 1280. With respect to any loan or loan guar-
11 antee program administered by the Secretary of Agri-
12 culture that has a negative credit subsidy score for fiscal
13 year 2011, the program level for the loan or loan guar-
14 antee program, for the purposes of the Federal Credit Re-
15 form Act of 1990, shall be the program level established
16 pursuant to such Act for fiscal year 2010.

17 SEC. 1281. Section 721(1) of Public Law 111–80
18 (123 Stat. 2122) is amended by striking
19 “\$1,180,000,000” and inserting “\$1,238,000,000”.

20 SEC. 1282. Section 742 of Public Law 111–80 (123
21 Stat. 2128) is amended by striking “\$11,000,000” and
22 inserting “\$15,000,000”.

23 SEC. 1283. The following provisions of Public Law
24 111–80 shall be applied to funds appropriated by this divi-
25 sion by substituting “2010”, “2011”, and “2012” for

1 “2009”, “2010”, and “2011”, respectively, in each in-
2 stance that such terms appear:

3 (1) The second paragraph under the heading
4 “Agricultural Programs, Animal and Plant Health
5 Inspection Service, Salaries and Expenses”.

6 (2) The second proviso under the heading “Ag-
7 ricultural Programs, Food Safety and Inspection
8 Service”.

9 (3) The first proviso in the second paragraph
10 under the heading “Rural Development Programs,
11 Rural Housing Service, Rural Housing Insurance
12 Fund Program Account”.

13 (4) The fifth proviso under the heading “Rural
14 Development Programs, Rural Housing Service,
15 Rental Assistance Program”.

16 (5) The proviso under the heading “Rural De-
17 velopment Programs, Rural Housing Service, Mutual
18 and Self-Help Housing Grants”.

19 (6) The first proviso under the heading “Rural
20 Development Programs, Rural Housing Service,
21 Rural Housing Assistance Grants”.

22 (7) The seventh proviso under the heading
23 “Rural Development Programs, Rural Housing Serv-
24 ice, Rural Community Facilities Program Account”.

1 (8) The third proviso under the heading “Rural
2 Development Programs, Rural Business—Coopera-
3 tive Service, Rural Business Program Account”.

4 (9) The four availability of funds clauses under
5 the heading “Rural Development Programs, Rural
6 Business—Cooperative Service, Rural Development
7 Loan Fund Program Account”.

8 (10) The fifth proviso under the heading
9 “Rural Development Programs, Rural Utilities Serv-
10 ice, Rural Water and Waste Disposal Program Ac-
11 count”.

12 (11) Sections 713, 717, and 732.

13 (12) The paragraph under the heading “Food
14 and Nutrition Service, Child Nutrition Programs”.

15 (13) The third proviso under the heading
16 “Food and Nutrition Service, Commodity Assistance
17 Program”.

18 SEC. 1284. None of the funds appropriated or other-
19 wise made available by this division or any other Act shall
20 be used to pay the salaries and expenses of personnel to
21 carry out the Wetlands Reserve Program authorized by
22 sections 1237–1237F of the Food Security Act of 1985
23 (16 U.S.C. 3837–3837f) to enroll in excess of 202,218
24 acres in fiscal year 2011.

1 SEC. 1285. None of the funds appropriated or other-
2 wise made available by this division or any other Act shall
3 be used to pay the salaries and expenses of personnel to
4 carry out the Conservation Stewardship Program author-
5 ized by sections 1238D–1238G of the Food Security Act
6 of 1985 (16 U.S.C. 3838d–3838g) in excess of
7 \$649,000,000.

8 SEC. 1286. None of the funds appropriated or other-
9 wise made available by this division or any other Act shall
10 be used to pay the salaries and expenses of personnel to
11 carry out the program authorized by section 14 of the Wa-
12 tershed Protection and Flood Prevention Act (16 U.S.C.
13 1012).

14 SEC. 1287. None of the funds appropriated or other-
15 wise made available by this Act or any other Act shall
16 be used to pay the salaries and expenses of personnel to
17 carry out a program under subsection (b)(2)(A)(iii) of sec-
18 tion 14222 of Public Law 110–246 in excess of
19 \$1,098,000,000: *Provided*, That none of the funds made
20 available in this Act or any other Act shall be used for
21 salaries and expenses to carry out section 19(i)(1)(D) of
22 the Richard B. Russell National School Lunch Act as
23 amended by section 4304 of Public Law 110-246 in excess
24 of \$33,000,000, including the transfer of funds under sub-
25 section (c) of section 14222 of Public Law 110-246, until

1 October 1, 2011: *Provided further*, That \$117,000,000
2 made available on October 1, 2011, to carry out section
3 19(i)(1)(D) of the Richard B. Russell National School
4 Lunch Act as amended by section 4304 of Public Law
5 110-246 shall be excluded from the limitation described
6 in subsection (b)(2)(A)(iv) of section 14222 of Public Law
7 110–246.

8 SEC. 1288. None of the funds appropriated or made
9 available by this division or any other Act shall be used
10 to pay the salaries and expenses of personnel to carry out
11 the Biomass Crop Assistance Program authorized by sec-
12 tion 9011 of the Farm Security and Rural Investment Act
13 of 2002 (7 U.S.C. 8111) in excess of \$112,000,000.

14 SEC. 1289. Of the unobligated balances available for
15 “Agricultural Programs, Agricultural Research Service,
16 Buildings and Facilities” \$229,582,000 is rescinded.

17 SEC. 1290. Of the unobligated balances available for
18 the cost of broadband loans, as authorized by section 601
19 of the Rural Electrification Act of 1936, \$39,000,000 is
20 rescinded.

21 SEC. 1291. None of the funds made available by this
22 Act may be used to pay the salaries and expenses of per-
23 sonnel of the Department of Agriculture to provide non-
24 recourse marketing assistance loans for mohair under sec-

tion 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).

SEC. 1292. The unobligated balances available for the Outreach for Socially Disadvantaged Farmers account, as identified by Treasury Appropriation Fund Symbol 12X0601, are rescinded; for the Rural Community Advancement Program, as identified by Treasury Appropriation Fund Symbol 12X0400, are rescinded; for the Payments to States program, as identified by Treasury Appropriation Fund symbol 12X2501, are rescinded; for the Common Computing Environment account, as identified by Treasury Appropriation Fund Symbol 12X0113, \$3,111,000 are rescinded; for Agriculture Buildings and Facilities and Rental Payments, as identified by Treasury Appropriation Fund Symbol 12X0117, \$45,000,000 are rescinded; and for the Animal and Plant Health Inspection Service--Buildings and Facilities account, as identified by Treasury Appropriation Fund Symbol 12X1601, \$629,000 are rescinded. In addition, from prior year unobligated balances of Animal and Plant Health Inspection Service--Salaries and Expenses account \$10,887,000 are rescinded as follows: Sudden Oak Death, \$295,000; Sirex Woodwasp, \$408,000; Avian Influenza, \$8,000,000; Information Technology Infrastructure, \$86,000; Screwworm,

1 \$1,000,000; HUB Relocation, \$98,000; and Contingency
2 Funds, \$1,000,000.

3 SEC. 1293. Of the unobligated balances available for
4 Cooperative State Research, Education, and Extension
5 Service, Buildings and Facilities, \$1,037,000 are re-
6 scinded.

7 SEC. 1294. The unobligated balances available for the
8 wildlife habitat incentives program under section 1240N
9 of the Food Security Act of 1985 (16 U.S.C. 3839bb-1),
10 as identified by Treasury Appropriation Fund Symbol
11 12X3322, are rescinded; for the program under the Water
12 Bank Act (16 U.S.C. 1301 et seq.), as identified by Treas-
13 ury Appropriation Fund Symbol 12X3320; and for the
14 wetlands reserve program under section 1237 of the Food
15 Security Act of 1985 (16 U.S.C. 3837), as identified by
16 Treasury Appropriation Fund Symbol 12X1080, are re-
17 scinded.

18 SEC. 1295. Of the unobligated balances available for
19 the broadband grant program for rural areas eligible for
20 Distance Learning and Telemedicine Program benefits au-
21 thorized by 7 U.S.C. 950aaa, \$25,000,000 are rescinded.

22 SEC. 1296. Of the unobligated balances available for
23 the Export Credit Guarantee Program under section 101
24 of the Agricultural Trade Act of 1978 (Public Law 95-
25 501), \$331,000,000 are hereby permanently canceled.

9 TITLE III—COMMERCE, JUSTICE, SCIENCE, AND
10 RELATED AGENCIES

15 SEC. 1302. Notwithstanding section 1101, the level
16 for “Department of Commerce, Economic Development
17 Administration, Economic Development Assistance Pro-
18 grams” shall be \$246,000,000.

23 SEC. 1304. Notwithstanding section 1101, the level
24 for “Department of Commerce, National Telecommuni-

1 cations and Information Administration, Salaries and Ex-
2 penses” shall be \$40,649,000.

3 SEC. 1305. Notwithstanding section 1101, the level
4 for “Department of Commerce, National Institute of
5 Standards and Technology, Scientific and Technical Re-
6 search and Services” shall be \$508,000,000.

7 SEC. 1306. Notwithstanding section 1101, the level
8 for “Department of Commerce, National Institute of
9 Standards and Technology, Industrial Technology Serv-
10 ices” shall be \$173,600,000.

11 SEC. 1307. Notwithstanding section 1101, the level
12 for “Department of Justice, General Administration, Na-
13 tional Drug Intelligence Center” shall be \$34,023,000.

14 SEC. 1308. Notwithstanding section 1101, the level
15 for “Department of Justice, General Administration, Jus-
16 tice Information Sharing Technology” shall be
17 \$60,285,000.

18 SEC. 1309. Notwithstanding section 1101, the level
19 for “Department of Justice, General Administration, Tac-
20 tical Law Enforcement Wireless Communications” shall
21 be \$100,000,000.

22 SEC. 1310. Notwithstanding section 1101, the level
23 for “Department of Justice, General Administration, De-
24 tention Trustee” shall be \$1,518,663,000.

1 SEC. 1311. Notwithstanding section 1101, the level
2 for “Department of Justice, Legal Activities, Salaries and
3 Expenses, General Legal Activities” shall be
4 \$865,097,000.

5 SEC. 1312. Notwithstanding section 1101, the level
6 for “Department of Justice, United States Marshals Serv-
7 ice, Construction” shall be \$16,625,000.

8 SEC. 1313. Notwithstanding section 1101, the level
9 for “Department of Justice, Federal Bureau of Investiga-
10 tion, Salaries and Expenses” shall be \$7,834,622,000.

11 SEC. 1314. Notwithstanding section 1101, the level
12 for “Department of Justice, Federal Bureau of Investiga-
13 tion, Construction” shall be \$107,310,000.

14 SEC. 1315. Notwithstanding section 1101, the level
15 for “Department of Justice, Federal Prison System, Sala-
16 ries and Expenses” shall be \$6,295,000,000.

17 SEC. 1316. Notwithstanding section 1101, the level
18 for “Office of Science and Technology Policy” shall be
19 \$6,660,000.

20 SEC. 1317. Notwithstanding section 1101, the level
21 for “National Science Foundation, Research and Related
22 Activities” shall be \$5,575,025,000.

23 SEC. 1318. Notwithstanding section 1101, the level
24 for “National Science Foundation, Education and Human
25 Resources” shall be \$862,760,000.

1 SEC. 1319. Notwithstanding section 1101, the level
2 for “Department of Commerce, Bureau of the Census,
3 Periodic Censuses and Programs” shall be \$893,000,000.

4 SEC. 1320. Notwithstanding section 1101, the level
5 for each of the following accounts shall be \$0: “Depart-
6 ment of Commerce, National Telecommunications and In-
7 formation Administration, Public Telecommunications Fa-
8 cilities, Planning and Construction”; “Department of Jus-
9 tice, Bureau of Alcohol, Tobacco, Firearms, and Explo-
10 sives, Construction”; and “Department of Justice, Office
11 of Justice Programs, Weed and Seed Program Fund”.

12 SEC. 1321. Notwithstanding any other provision of
13 this division, the following set-asides included in division
14 B of Public Law 111–117 for projects specified in the ex-
15 planatory statement accompanying that Act in the fol-
16 lowing accounts for the corresponding amounts shall not
17 apply to funds appropriated by this division: (1) “Depart-
18 ment of Commerce, International Trade Administration,
19 Operations and Administration”, \$5,215,000; (2) “De-
20 partment of Commerce, Minority Business Development
21 Agency, Minority Business Development”, \$1,100,000; (3)
22 “Department of Commerce, National Institute of Stand-
23 ards and Technology, Scientific and Technical Research
24 and Services”, \$10,500,000; (4) “Department of Com-
25 merce, National Institute of Standards and Technology,

1 Construction of Research Facilities”, \$47,000,000; (5)
2 “Department of Commerce, National Oceanic and Atmos-
3 pheric Administration, Operations, Research, and Facili-
4 ties”, \$99,295,000; (6) “Department of Commerce, Na-
5 tional Oceanic and Atmospheric Administration, Procure-
6 ment, Acquisition and Construction”, \$18,000,000; (7)
7 “Department of Justice, Office of Justice Programs, State
8 and Local Law Enforcement Assistance”, \$185,268,000;
9 (8) “Department of Justice, Office of Justice Programs,
10 Juvenile Justice Programs”, \$91,095,000; (9) “Depart-
11 ment of Justice, Community Oriented Policing Services”,
12 \$25,385,000; (10) “Department of Justice, Community
13 Oriented Policing Services”, \$168,723,000; and (11) “Na-
14 tional Aeronautics and Space Administration, Cross Agen-
15 cy Support”, \$63,000,000.

16 SEC. 1322. The Departments of Commerce and Jus-
17 tice, the National Aeronautics and Space Administration,
18 and the National Science Foundation are directed to sub-
19 mit spending plans, signed by the respective department
20 or agency head, to the House and Senate Committees on
21 Appropriations within 60 days of enactment of this divi-
22 sion.

23 SEC. 1323. Notwithstanding any other provision of
24 this division, the set-aside included in division B of Public
25 Law 111–117 under the heading “Department of Com-

1 merce, United States Patent and Trademark Office, Sala-
2 ries and Expenses” for policy studies related to activities
3 of United Nations Specialized Agencies related to inter-
4 national protection of intellectual property rights shall not
5 apply to funds appropriated by this division.

6 SEC. 1324. Of the amount provided by section 1306
7 for “National Institute of Standards and Technology, In-
8 dustrial Technology Services”, \$44,900,000 shall be for
9 the Technology Innovation Program, and \$128,700,000
10 shall be for the Manufacturing Extension Partnership
11 Program.

12 SEC. 1325. (a) Notwithstanding section 1101, the
13 level for “Department of Commerce, National Institute of
14 Standards and Technology, Construction of Research Fa-
15 cilities” shall be \$70,000,000.

16 (b) The set-asides included in division B of Public
17 Law 111–117 under the heading “Department of Com-
18 merce, National Institute of Standards and Technology,
19 Construction of Research Facilities” for a competitive con-
20 struction grant program for research science buildings and
21 for projects specified in the explanatory statement accom-
22 panying that Act shall not apply to funds appropriated
23 by this division.

24 SEC. 1326. (a) Notwithstanding section 1101, the
25 level for “Department of Commerce, National Oceanic and

1 Atmospheric Administration, Operations, Research, and
2 Facilities” shall be \$3,185,883,000.

3 (b) The set-aside included in division B of Public Law
4 111–117 under the heading “Department of Commerce,
5 National Oceanic and Atmospheric Administration, Oper-
6 ations, Research, and Facilities” for projects specified in
7 the explanatory statement accompanying that Act shall
8 not apply to funds appropriated by this division.

9 SEC. 1327. (a) Notwithstanding section 1101, the
10 level for “Department of Commerce, National Oceanic and
11 Atmospheric Administration, Procurement, Acquisition
12 and Construction” shall be \$1,335,353,000.

13 (b) The set-aside included in division B of Public Law
14 111–117 under the heading “Department of Commerce,
15 National Oceanic and Atmospheric Administration, Pro-
16 curement, Acquisition and Construction” for projects
17 specified in the explanatory statement accompanying that
18 Act shall not apply to funds appropriated by this division.

19 SEC. 1328. Notwithstanding section 1101, the level
20 for “Department of Commerce, Departmental Manage-
21 ment, Herbert C. Hoover Building Renovation and Mod-
22 ernization” shall be \$15,000,000.

23 SEC. 1329. Notwithstanding section 1101, the level
24 for “Department of Commerce, United States Patent and
25 Trademark Office, Salaries and Expenses” shall be

1 \$2,090,000,000, to remain available until expended: *Pro-*
2 *vided*, That the sum herein appropriated from the general
3 fund shall be reduced as offsetting collections assessed and
4 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
5 and 376 are received during fiscal year 2011, so as to re-
6 sult in a fiscal year 2011 appropriation from the general
7 fund estimated at \$0: *Provided further*, That during fiscal
8 year 2011, should the total amount of offsetting fee collec-
9 tions be less than \$2,090,000,000, this amount shall be
10 reduced accordingly.

11 SEC. 1330. Notwithstanding section 1101, the level
12 for “Department of Justice, State and Local Law En-
13 forcement Activities, Salaries and Expenses” shall be
14 \$187,000,000.

15 SEC. 1331. (a) Notwithstanding section 1101, the
16 level for “Department of Justice, Office of Justice Pro-
17 grams, State and Local Law Enforcement Assistance”
18 shall be \$1,120,085,000.

19 (b) Notwithstanding section 1101, the level for “De-
20 partment of Justice, Office of Justice Programs, Juvenile
21 Justice Programs” shall be \$275,975,000.

22 (c)(1) Notwithstanding section 1101, the level for
23 “Department of Justice, Community Oriented Policing
24 Services” shall be \$495,925,000.

1 (2) Amounts included under the heading “De-
2 partment of Justice, Community Oriented Policing
3 Services” in division B of Public Law 111–117 shall
4 be applied to funds appropriated by this division by
5 substituting “\$15,000,000” for “\$40,385,000” and
6 “\$1,500,000” for “\$170,223,000”.

7 (d) Except as otherwise provided in section 1321,
8 each set-aside included in an account, the level of which
9 is established by subsection (a), (b), or (c) of this section,
10 shall be reduced proportionately to reflect the level pro-
11 vided in the respective subsection for each account.

12 SEC. 1332. Notwithstanding any other provision of
13 law, section 20109(a), in subtitle A of title II of the Vio-
14 lent Crime Control and Law Enforcement Act of 1994 (42
15 U.S.C. 13709(a)), shall not apply to amounts made avail-
16 able by this division.

17 SEC. 1333. (a) Notwithstanding section 1101, the
18 level for “National Aeronautics and Space Administration,
19 Exploration” shall be \$3,808,300,000.

20 (b) Notwithstanding sections 1104 and 1105, the
21 provisos under the heading “National Aeronautics and
22 Space Administration, Exploration” in division B of Pub-
23 lic Law 111–117, as amended, shall not apply to funds
24 appropriated by this division.

1 (c) Of the amounts appropriated by this division for
2 “National Aeronautics and Space Administration, Explo-
3 ration”, not less than \$1,200,000,000 shall be for the mul-
4 tipurpose crew vehicle to continue existing vehicle develop-
5 ment activities to meet the requirements described in
6 paragraph (a)(1) of section 303 of Public Law 111–267,
7 and not less than \$1,800,000,000 shall be for the heavy
8 lift launch vehicle system which shall have a lift capability
9 not less than 130 tons and which shall have an upper
10 stage and other core elements developed simultaneously.

11 SEC. 1334. (a) Notwithstanding section 1101, the
12 level for “National Aeronautics and Space Administration,
13 Space Operations” shall be \$5,508,500,000.

14 (b) The proviso specifying amounts under the head-
15 ing “National Aeronautics and Space Administration,
16 Space Operations” in division B of Public Law 111–117
17 shall not apply to funds appropriated by this division.

18 SEC. 1335. Notwithstanding section 1101, the level
19 for “National Aeronautics and Space Administration,
20 Science” shall be \$4,945,300,000.

21 SEC. 1336. Notwithstanding section 1101, the level
22 for “National Aeronautics and Space Administration, Aer-
23 onautics” shall be \$535,000,000.

1 SEC. 1337. Notwithstanding section 1101, the level
2 for “National Aeronautics and Space Administration,
3 Education” shall be \$145,800,000.

4 SEC. 1338. (a) Notwithstanding section 1101, the
5 level for “National Aeronautics and Space Administration,
6 Cross Agency Support” shall be \$3,111,400,000.

7 (b) The provisos specifying amounts under the head-
8 ing “National Aeronautics and Space Administration,
9 Cross Agency Support” in division B of Public Law 111–
10 117 shall not apply to funds appropriated by this division.

11 SEC. 1339. (a) Notwithstanding section 1101, the
12 level for “National Aeronautics and Space Administration,
13 Construction and Environmental Compliance and Remedi-
14 ation” shall be \$394,300,000.

15 (b) This level shall not include amounts made avail-
16 able by section 1101 from lease proceeds under such ac-
17 count.

18 (c) The first proviso under the heading “National
19 Aeronautics and Space Administration, Construction and
20 Environmental Compliance and Remediation” in division
21 B of Public Law 111–117 shall not apply to funds appro-
22 priated by this division.

23 SEC. 1340. (a) None of the funds made available by
24 this division may be used for the National Aeronautics and
25 Space Administration or the Office of Science and Tech-

1 nology Policy to develop, design, plan, promulgate, imple-
2 ment, or execute a bilateral policy, program, order, or con-
3 tract of any kind to participate, collaborate, or coordinate
4 bilaterally in any way with China or any Chinese-owned
5 company unless such activities are specifically authorized
6 by a law enacted after the date of enactment of this divi-
7 sion.

8 (b) The limitation in subsection (a) shall also apply
9 to any funds used to effectuate the hosting of official Chi-
10 nese visitors at facilities belonging to or utilized by the
11 National Aeronautics and Space Administration.

12 SEC. 1341. Notwithstanding section 1101, amounts
13 are provided for “Legal Services Corporation, Payment to
14 the Legal Services Corporation” in division B of Public
15 Law 111–117 in the manner authorized in Public Law
16 111–117 for fiscal year 2010, except that for fiscal year
17 2011 the amounts specified in division B of Public Law
18 111–117 shall be modified by substituting—

19 (1) “\$405,000,000” for “\$420,000,000”; and

20 (2) “\$379,400,000” for “\$394,400,000”.

21 SEC. 1342. Section 505(a)(1) of division B of Public
22 Law 111–117 is amended by inserting “, unless the House
23 and Senate Committees on Appropriations are notified 15
24 days in advance of such reprogramming of funds” before
25 the semicolon.

1 SEC. 1343. Of the unobligated balances available to
2 the Department of Justice from prior appropriations, the
3 following funds are rescinded, not later than September
4 30, 2011, from the following accounts in the specified
5 amounts: (1) “Office of Justice Programs”, \$42,000,000;
6 (2) “Community Oriented Policing Services”,
7 \$10,200,000; and (3) “Legal Activities, Assets Forfeiture
8 Fund”, \$495,000,000.

9 SEC. 1344. Of the unobligated balances available to
10 the Department of Justice for the “Working Capital
11 Fund”, \$26,000,000 is hereby permanently rescinded.

12 SEC. 1345. Of the unobligated balances available to
13 the Bureau of the Census for the Census Working Capital
14 Fund, \$50,000,000 is hereby permanently rescinded.

15 SEC. 1346. Of the unobligated balances available to
16 the National Telecommunications and Information Ad-
17 ministration for reimbursable spectrum management ac-
18 tivities, \$4,800,000 is hereby rescinded.

19 SEC. 1347. Notwithstanding any other provision of
20 law, in fiscal year 2012 and thereafter payments for costs
21 described in subsection (a) of section 404 of Public Law
22 107–42, as amended, shall be considered to be, and in-
23 cluded in, payments for compensation for the purposes of
24 sections 406(b) and (d)(1) of such Act.

1 SEC. 1348. None of the funds made available by this
2 division may be used to implement, establish, or create a
3 NOAA Climate Service as described in the “Draft NOAA
4 Climate Service Strategic Vision and Framework” pub-
5 lished at 75 Federal Register 57739 (September 22, 2010)
6 and updated on December 20, 2010: *Provided*, That this
7 limitation shall expire on September 30, 2011.

8 SEC. 1349. None of the funds made available by this
9 division may be used to approve a new limited access privi-
10 lege program (as that term is used in section 303A of the
11 Magnuson-Stevens Fishery Conservation and Manage-
12 ment Act (16 U.S.C. 1853a)) for any fishery under the
13 jurisdiction of the South Atlantic, Mid-Atlantic, New Eng-
14 land, or Gulf of Mexico Fishery Management Councils in
15 fiscal year 2011: *Provided*, That nothing in this section
16 shall prevent development activities related to limited ac-
17 cess privilege programs.

18 TITLE IV—ENERGY AND WATER

19 DEVELOPMENT AND RELATED AGENCIES

20 SEC. 1401. All of the provisos under the heading
21 “Corps of Engineers—Civil, Department of the Army,
22 Construction” in the Energy and Water Development and
23 Related Agencies Appropriations Act, 2010 (Public Law
24 111–85) shall not apply to funds appropriated by this divi-
25 sion.

1 SEC. 1402. The proviso under the heading “Corps of
2 Engineers—Civil, Department of the Army, Mississippi
3 River and Tributaries” in the Energy and Water Develop-
4 ment and Related Agencies Appropriations Act, 2010
5 (Public Law 111–85) shall not apply to funds appro-
6 priated by this division.

7 SEC. 1403. The fifth proviso (regarding the San Ga-
8 briel Basin Restoration Fund), seventh proviso (regarding
9 the Milk River Project) and eighth proviso (regarding the
10 Departmental Irrigation Drainage program) under the
11 heading “Department of the Interior, Bureau of Reclama-
12 tion, Water and Related Resources” in the Energy and
13 Water Development and Related Agencies Appropriations
14 Act, 2010 (Public Law 111–85) shall not apply to funds
15 appropriated by this division.

16 SEC. 1404. All of the provisos under the heading
17 “Department of Energy, Energy Programs, Energy Effi-
18 ciency and Renewable Energy” in title III of the Energy
19 and Water Development and Related Agencies Appropria-
20 tions Act, 2010 (Public Law 111–85) shall not apply to
21 funds appropriated by this division.

22 SEC. 1405. All of the provisos under the heading
23 “Department of Energy, Energy Programs, Electricity
24 Delivery and Energy Reliability” in title III of the Energy
25 and Water Development and Related Agencies Appropria-

1 tions Act, 2010 (Public Law 111–85) shall not apply to
2 funds appropriated by this division.

3 SEC. 1406. The proviso under the heading “Depart-
4 ment of Energy, Energy Programs, Nuclear Energy” in
5 title III of the Energy and Water Development and Re-
6 lated Agencies Appropriations Act, 2010 (Public Law
7 111–85) shall not apply to funds appropriated by this divi-
8 sion.

9 SEC. 1407. All of the provisos under the heading
10 “Department of Energy, Energy Programs, Fossil Energy
11 Research and Development” in title III of the Energy and
12 Water Development and Related Agencies Appropriations
13 Act, 2010 (Public Law 111–85) shall not apply to funds
14 appropriated by this division.

15 SEC. 1408. All of the provisos under the heading
16 “Department of Energy, Energy Programs, Science” in
17 title III of the Energy and Water Development and Re-
18 lated Agencies Appropriations Act, 2010 (Public Law
19 111–85) shall not apply to funds appropriated by this divi-
20 sion.

21 SEC. 1409. The thirteenth proviso (regarding Com-
22 mission funding) under the heading “Department of En-
23 ergy, Energy Programs, Nuclear Waste Disposal” in title
24 III of the Energy and Water Development and Related

1 Agencies Appropriations Act, 2010 (Public Law 111–85)
2 shall not apply to funds appropriated by this division.

3 SEC. 1410. All of the provisos under the heading
4 “Department of Energy, Atomic Energy Defense Activi-
5 ties, National Nuclear Security Administration, Weapons
6 Activities” in title III of the Energy and Water Develop-
7 ment and Related Agencies Appropriations Act, 2010
8 (Public Law 111–85) shall not apply to funds appro-
9 priated by this division.

10 SEC. 1411. The proviso under the heading “Depart-
11 ment of Energy, Atomic Energy Defense Activities, Na-
12 tional Nuclear Security Administration, Defense Nuclear
13 Nonproliferation” in title III of the Energy and Water De-
14 velopment and Related Agencies Appropriations Act, 2010
15 (Public Law 111–85) shall not apply to funds appro-
16 priated by this division.

17 SEC. 1412. All of the provisos under the heading
18 “Department of Energy, Atomic Energy Defense Activi-
19 ties, National Nuclear Security Administration, Office of
20 the Administrator” in title III of the Energy and Water
21 Development and Related Agencies Appropriations Act,
22 2010 (Public Law 111–85) shall not apply to funds appro-
23 priated by this division.

24 SEC. 1413. The proviso under the heading “Depart-
25 ment of Energy, Atomic Energy Defense Activities, Envi-

1 ronmental and Other Defense Activities, Defense Environ-
2 mental Cleanup” in title III of the Energy and Water De-
3 velopment and Related Agencies Appropriations Act, 2010
4 (Public Law 111–85) shall not apply to funds appro-
5 priated by this division.

6 SEC. 1414. The proviso under the heading “Depart-
7 ment of Energy, Atomic Energy Defense Activities, Envi-
8 ronmental and Other Defense Activities, Other Defense
9 Activities” in title III of the Energy and Water Develop-
10 ment and Related Agencies Appropriations Act, 2010
11 (Public Law 111–85) shall not apply to funds appro-
12 priated by this division.

13 SEC. 1415. The fifth proviso under the heading “De-
14 partment of Energy, Power Marketing Administrations,
15 Construction, Rehabilitation, Operation and Maintenance,
16 Western Area Power Administration” in title III of the
17 Energy and Water Development and Related Agencies Ap-
18 propriations Act, 2010 (Public Law 111–85) shall not
19 apply to funds appropriated by this division.

20 SEC. 1416. Sections 105, 106, 107, 110 through 125,
21 205 through 211, 502, and 506 of the Energy and Water
22 Development and Related Agencies Appropriations Act,
23 2010 (Public Law 111–85), to the extent the sections di-
24 rect funds, shall not apply to funds appropriated by this
25 division.

1 SEC. 1417. In addition to amounts otherwise made
2 available by this division, \$180,000,000 is appropriated
3 for “Department of Energy, Energy Programs, Advanced
4 Research Projects Agency—Energy”.

5 SEC. 1418. No appropriation, funds, or authority
6 made available pursuant to section 1101 for the Depart-
7 ment of Energy or Corps of Engineers, Civil shall be used
8 to initiate or resume any program, project or activity or
9 to initiate Requests For Proposals or similar arrange-
10 ments (including Requests for Quotations, Requests for
11 Information, and Funding Opportunity Announcements)
12 for a program, project or activity if the program, project
13 or activity has not been funded by Congress, unless prior
14 approval is received from the Committees on Appropria-
15 tions of the House of Representatives and the Senate.

16 SEC. 1419. Notwithstanding section 1101, the level
17 for “Independent Agencies, Appalachian Regional Com-
18 mission” shall be \$68,400,000.

19 SEC. 1420. Notwithstanding section 1101, the level
20 for “Independent Agencies, Delta Regional Authority”
21 shall be \$11,700,000.

22 SEC. 1421. Notwithstanding section 1101, the level
23 for “Independent Agencies, Denali Commission” shall be
24 \$10,700,000.

1 SEC. 1422. Notwithstanding section 1101, the level
2 for “Defense Nuclear Facilities Safety Board” shall be
3 \$23,250,000.

4 SEC. 1423. Notwithstanding section 1101, for the
5 “Nuclear Regulatory Commission, Salaries and Ex-
6 penses”, for necessary expenses in carrying out the pur-
7 poses of the Energy Reorganization Act of 1974, as
8 amended, and the Atomic Energy Act of 1954, as amend-
9 ed, including official representation expenses (not to ex-
10 ceed \$25,000), \$1,043,483,000, to remain available until
11 expended: *Provided*, That of the amount appropriated
12 herein, \$10,000,000 shall be derived from the Nuclear
13 Waste Fund: *Provided further*, That revenues from licens-
14 ing fees, inspection services, and other services and collec-
15 tions estimated at \$906,220,000 in fiscal year 2011 shall
16 be retained and used for necessary salaries and expenses
17 in this account, notwithstanding 31 U.S.C. 3302, and
18 shall remain available until expended: *Provided further*,
19 That the sum herein appropriated shall be reduced by the
20 amount of revenues received during fiscal year 2011 so
21 as to result in a final fiscal year 2011 appropriation esti-
22 mated at not more than \$137,263,000: *Provided further*,
23 That the last proviso under such heading in title IV of
24 Public Law 111–85 shall not apply to funds appropriated
25 by this division.

1 SEC. 1424. Section 15751(b) of title 40, United
2 States Code, shall not apply to funds appropriated by this
3 division.

4 SEC. 1425. Notwithstanding section 1101, and sub-
5 ject to section 502 of the Congressional Budget Act of
6 1974, commitments to guarantee loans for renewable en-
7 ergy or efficient end-use energy technologies under title
8 XVII of the Energy Policy Act of 2005 shall not exceed
9 a total principal amount of \$1,183,000,000, to remain
10 available until committed: *Provided*, That, in addition to
11 the amounts above, for the cost of loan guarantees for re-
12 newable energy or efficient end-use energy technologies
13 under section 1703 of the Energy Policy Act of 2005,
14 \$170,000,000 is appropriated, to remain available until
15 expended: *Provided further*, That the amounts provided in
16 this section are in addition to those provided in any other
17 Act: *Provided further*, That, notwithstanding section
18 1703(a)(2) of the Energy Policy Act of 2005, funds appro-
19 priated for the cost of loan guarantees and loan guarantee
20 authority provided by this section are also available for
21 projects for which an application has been submitted to
22 the Department of Energy prior to February 24, 2011,
23 in whole or in part, for a loan guarantee under section
24 1705 of the Energy Policy Act of 2005: *Provided further*,
25 That of the authority provided for commitments to guar-

1 antee loans for renewable and/or energy efficient systems
2 and manufacturing, and distributed energy generation,
3 transmission and distribution projects under the heading
4 “Department of Energy, Title 17 Innovative Technology
5 Loan Guarantee Authority Loan Program”, in title III of
6 division C of Public Law 111–8, \$18,183,000,000 is re-
7 scinded: *Provided further*, That for amounts collected pur-
8 suant to section 1702(b)(2) of the Energy Policy Act of
9 2005, the source of such payment received from borrowers
10 may not be a loan or other debt obligation that is guaran-
11 teed by the Federal Government: *Provided further*, That
12 none of such loan guarantee authority made available by
13 this division shall be available for commitments to guar-
14 antee loans for any projects where funds, personnel, or
15 property (tangible or intangible) of any Federal agency,
16 instrumentality, personnel, or affiliated entity are expected
17 be used (directly or indirectly) through acquisitions, con-
18 tracts, demonstrations, exchanges, grants, incentives,
19 leases, procurements, sales, other transaction authority, or
20 other arrangements, to support the project or to obtain
21 goods or services from the project: *Provided further*, That
22 the previous proviso shall not be interpreted as precluding
23 the use of the loan guarantee authority by this division
24 for commitments to guarantee loans for (1) projects as
25 a result of such projects benefitting from otherwise allow-

1 able Federal income tax benefits; (2) projects as a result
2 of such projects benefitting from being located on Federal
3 land pursuant to a lease or right-of-way agreement for
4 which all consideration for all uses is (A) paid exclusively
5 in cash, (B) deposited in the Treasury as offsetting re-
6 ceipts, and (C) equal to the fair market value as deter-
7 mined by the head of the relevant Federal agency; (3)
8 projects as a result of such projects benefitting from Fed-
9 eral insurance programs, including under section 170 of
10 the Atomic Energy Act of 1954 (42 U.S.C. 2210; com-
11 monly known as the “Price-Anderson Act”); or (4) electric
12 generation projects using transmission facilities owned or
13 operated by a Federal Power Marketing Administration
14 or the Tennessee Valley Authority that have been author-
15 ized, approved, and financed independent of the project
16 receiving the guarantee: *Provided further*, That none of the
17 loan guarantee authority made available by this division
18 shall be available for any project unless the Director of
19 the Office of Management and Budget has certified in ad-
20 vance in writing that the loan guarantee and the project
21 comply with the provisions under this section: *Provided*
22 *further*, That an additional amount for necessary adminis-
23 trative expenses to carry out this Loan Guarantee pro-
24 gram, \$58,000,000 is appropriated, to remain available
25 until expended: *Provided further*, That \$58,000,000 of the

1 fees collected pursuant to section 1702(h) of the Energy
2 Policy Act of 2005 shall be credited as offsetting collec-
3 tions to this account to cover administrative expenses and
4 shall remain available until expended, so as to result in
5 a final fiscal year 2011 appropriation from the general
6 fund estimated at not more than \$0.

7 SEC. 1426. Of the unobligated balances available for
8 “Corps of Engineers—Civil, Department of the Army,
9 Mississippi River and Tributaries”, \$22,000,000 is re-
10 scinded, to be derived by cancelling unobligated balances
11 for the Yazoo Basin, Backwater Pump, Mississippi
12 project.

13 SEC. 1427. Notwithstanding section 1101, the level
14 for “Corps of Engineers—Civil, Department of the Army,
15 Investigations” shall be \$127,000,000.

16 SEC. 1428. Notwithstanding section 1101, the level
17 for “Corps of Engineers—Civil, Department of the Army,
18 Construction” shall be \$1,793,409,000.

19 SEC. 1429. Notwithstanding section 1101, the level
20 for “Corps of Engineers—Civil, Department of the Army,
21 Mississippi River and Tributaries” shall be \$264,435,000.

22 SEC. 1430. Notwithstanding section 1101, the level
23 for “Corps of Engineers—Civil, Department of the Army,
24 Operation and Maintenance” shall be \$2,370,500,000.

1 SEC. 1431. Notwithstanding section 1101, the level
2 for “Corps of Engineers—Civil, Department of the Army,
3 Formerly Utilized Sites Remedial Action Program” shall
4 be \$130,000,000.

5 SEC. 1432. Notwithstanding section 1101, the level
6 for “Department of the Interior, Central Utah Project,
7 Central Utah Project Completion Account” shall be
8 \$32,004,000.

9 SEC. 1433. Notwithstanding section 1101, the level
10 for “Department of the Interior, Bureau of Reclamation,
11 Water and Related Resources” shall be \$913,500,000.

12 SEC. 1434. Notwithstanding section 1101, the level
13 for “Department of the Interior, Bureau of Reclamation,
14 Central Valley Project Restoration Fund” shall be
15 \$49,915,000.

16 SEC. 1435. Notwithstanding section 1101, the level
17 for “Department of Energy, Energy Programs, Energy
18 Efficiency and Renewable Energy” shall be
19 \$1,835,000,000.

20 SEC. 1436. Notwithstanding section 1101, the level
21 for “Department of Energy, Energy Programs, Electricity
22 Delivery and Energy Reliability” shall be \$145,000,000.

23 SEC. 1437. Notwithstanding section 1101, the level
24 for “Department of Energy, Energy Programs, Nuclear
25 Energy” shall be \$737,092,000.

1 SEC. 1438. Notwithstanding section 1101, the level
2 for “Department of Energy, Energy Programs, Fossil En-
3 ergy Research and Development” shall be \$586,000,000.

4 SEC. 1439. Notwithstanding section 1101, the level
5 for “Department of Energy, Energy Programs, Naval Pe-
6 troleum and Oil Shale Reserves” shall be \$23,000,000.

7 SEC. 1440. Notwithstanding section 1101, the level
8 for “Department of Energy, Energy Programs, Strategic
9 Petroleum Reserve” shall be \$209,861,000: *Provided*,
10 That of the funds appropriated in Public Law 110–161
11 under this heading for new site land acquisition activities,
12 \$14,493,000 is rescinded: *Provided further*, That of the
13 funds appropriated in Public Law 110–329 under this
14 heading for new site expansion activities, beyond land ac-
15 quisition, \$31,507,000 is rescinded: *Provided further*, That
16 of the funds appropriated in Public Law 111–85 under
17 this heading, \$25,000,000 is rescinded.

18 SEC. 1441. Notwithstanding section 1101, the level
19 for “Department of Energy, Energy Programs, Northeast
20 Home Heating Oil Reserve” shall be \$11,000,000.

21 SEC. 1442. Notwithstanding section 1101, the level
22 for “Department of Energy, Energy Programs, Energy
23 Information Administration” shall be \$95,600,000.

1 SEC. 1443. Notwithstanding section 1101, the level
2 for “Department of Energy, Energy Programs, Non-De-
3 fense Environmental Cleanup” shall be \$225,200,000.

4 SEC. 1444. Notwithstanding section 1101, the level
5 for “Department of Energy, Energy Programs, Uranium
6 Enrichment Decontamination and Decommissioning
7 Fund” shall be \$509,000,000.

8 SEC. 1445. Notwithstanding section 1101, the level
9 for “Department of Energy, Energy Programs, Science”
10 shall be \$4,884,000,000.

11 SEC. 1446. Notwithstanding section 1101, the level
12 for “Department of Energy, Energy Programs, Nuclear
13 Waste Disposal” shall be \$0.

14 SEC. 1447. Notwithstanding section 1101, the level
15 for “Department of Energy, Energy Programs, Depart-
16 mental Administration” shall be \$268,640,000: *Provided*,
17 That miscellaneous revenues under this appropriation may
18 be \$119,740,000 so as to result in a final fiscal year 2011
19 appropriation from the general fund estimated at no more
20 than \$148,900,000.

21 SEC. 1448. Notwithstanding section 1101, the level
22 for “Department of Energy, Energy Programs, Advanced
23 Technology Vehicles Manufacturing Loan Program” shall
24 be \$9,998,000.

1 SEC. 1449. Notwithstanding section 1101, the level
2 for “Department of Energy, Energy Programs, Office of
3 the Inspector General” shall be \$42,850,000.

4 SEC. 1450. Notwithstanding section 1101, the level
5 for “Department of Energy, Atomic Energy Defense Ac-
6 tivities, National Nuclear Security Administration, Weap-
7 ons Activities” shall be \$6,993,419,000.

8 SEC. 1451. Notwithstanding section 1101, the level
9 for “Department of Energy, Atomic Energy Defense Ac-
10 tivities, National Nuclear Security Administration, De-
11 fense Nuclear Nonproliferation” shall be \$2,326,000,000.

12 SEC. 1452. Notwithstanding section 1101, the level
13 for “Department of Energy, Atomic Energy Defense Ac-
14 tivities, National Nuclear Security Administration, Naval
15 Reactors” shall be \$967,000,000.

16 SEC. 1453. Notwithstanding section 1101, the level
17 for “Department of Energy, Atomic Energy Defense Ac-
18 tivities, National Nuclear Security Administration, Office
19 of the Administrator” shall be \$399,793,000.

20 SEC. 1454. Notwithstanding section 1101, the level
21 for “Department of Energy, Environmental and Other
22 Defense Activities, Defense Environmental Cleanup” shall
23 be \$5,016,041,000, of which \$33,700,000 shall be trans-
24 ferred to the “Uranium Enrichment Decontamination and
25 Decommissioning Fund”.

1 SEC. 1455. Notwithstanding section 1101, the level
2 for “Department of Energy, Environmental and Other
3 Defense Activities, Other Defense Activities” shall be
4 \$790,000,000.

5 SEC. 1456. Notwithstanding section 1101, the level
6 for “Department of Energy, Environmental and Other
7 Defense Activities, Defense Nuclear Waste Disposal” shall
8 be \$0.

9 SEC. 1457. Of the unobligated balances from prior
10 year appropriations available for “Corps of Engineers—
11 Civil, Department of the Army, Construction”,
12 \$100,000,000 is rescinded, to be derived from the Con-
13 tinuing Authorities Program: *Provided*, That of the unob-
14 ligated balances made available for accounts under the
15 heading “Corps of Engineers—Civil, Department of the
16 Army” in Public Law 110–161 or any appropriation Act
17 prior to such Act, \$76,000,000 is rescinded (in addition
18 to funds rescinded in the previous proviso).

19 SEC. 1458. Of the unobligated balances from prior
20 year appropriations available for “Department of Energy,
21 Energy Programs, Energy Efficiency and Renewable En-
22 ergy”, \$30,000,000 is rescinded.

23 SEC. 1459. Of the unobligated balances from prior
24 year appropriations available for “Department of Energy,

1 Energy Programs, Electricity Delivery and Energy Reli-
2 ability”, \$3,700,000 is rescinded.

3 SEC. 1460. Of the unobligated balances from prior
4 year appropriations available for “Department of Energy,
5 Energy Programs, Nuclear Energy”, \$6,300,000 is re-
6 scinded.

7 SEC. 1461. Of the unobligated balances from prior
8 year appropriations available for “Department of Energy,
9 Energy Programs, Fossil Energy Research and Develop-
10 ment”, \$140,000,000 is rescinded.

11 SEC. 1462. Of the unobligated balances from prior
12 year appropriations available for “Department of Energy,
13 Energy Programs, Naval Petroleum and Oil Shale Re-
14 serves”, \$2,100,000 is rescinded.

15 SEC. 1463. Of the unobligated balances from prior
16 year appropriations available for “Department of Energy,
17 Energy Programs, Clean Coal Technology”, \$16,500,000
18 is rescinded.

19 SEC. 1464. Of the unobligated balances from prior
20 year appropriations available for “Department of Energy,
21 Energy Programs, Strategic Petroleum Reserve”,
22 \$15,300,000 is rescinded in addition to funds rescinded
23 elsewhere in this division.

24 SEC. 1465. Of the unobligated balances from prior
25 year appropriations available for “Department of Energy,

1 Energy Programs, Energy Information Administration”,
2 \$400,000 is rescinded.

3 SEC. 1466. Of the unobligated balances from prior
4 year appropriations available for “Department of Energy,
5 Energy Programs, Non-Defense Environmental Cleanup”,
6 \$900,000 is rescinded.

7 SEC. 1467. Of the unobligated balances from prior
8 year appropriations available for “Department of Energy,
9 Energy Programs, Uranium Enrichment Decontamination
10 and Decommissioning Fund”, \$9,900,000 is rescinded.

11 SEC. 1468. Of the unobligated balances from prior
12 year appropriations available for “Department of Energy,
13 Energy Programs, Science”, \$15,000,000 is rescinded.

14 SEC. 1469. Of the unobligated balances from prior
15 year appropriations available for “Department of Energy,
16 Energy Programs, Nuclear Waste Disposal”, \$2,800,000
17 is rescinded.

18 SEC. 1470. Of the unobligated balances from prior
19 year appropriations available for “Department of Energy,
20 Energy Programs, Departmental Administration”,
21 \$81,900,000 is rescinded.

22 SEC. 1471. Of the unobligated balances from prior
23 year appropriations available for “Department of Energy,
24 Atomic Energy Defense Activities, National Nuclear Secu-

1 rity Administration, Weapons Activities”, \$50,000,000 is
2 rescinded.

3 SEC. 1472. Of the unobligated balances from prior
4 year appropriations available for “Department of Energy,
5 Atomic Energy Defense Activities, National Nuclear Secu-
6 rity Administration, Defense Nuclear Nonproliferation”,
7 \$45,000,000 is rescinded.

8 SEC. 1473. Of the unobligated balances from prior
9 year appropriations available for “Department of Energy,
10 Atomic Energy Defense Activities, National Nuclear Secu-
11 rity Administration, Naval Reactors”, \$1,000,000 is re-
12 scinded.

13 SEC. 1474. Of the unobligated balances from prior
14 year appropriations available for “Department of Energy,
15 Atomic Energy Defense Activities, National Nuclear Secu-
16 rity Administration, Office of the Administrator”,
17 \$5,700,000 is rescinded.

18 SEC. 1475. Of the unobligated balances from prior
19 year appropriations available for “Department of Energy,
20 Environmental and Other Defense Activities, Defense En-
21 vironmental Cleanup”, \$11,900,000 is rescinded.

22 SEC. 1476. Of the unobligated balances from prior
23 year appropriations available for “Department of Energy,
24 Environmental and Other Defense Activities, Other De-
25 fense Activities”, \$3,400,000 is rescinded.

1 SEC. 1477. Of the unobligated balances from prior
2 year appropriations available for “Independent Agencies,
3 Denali Commission”, \$15,000,000 is rescinded.

4 SEC. 1478. Within 30 days of enactment of this divi-
5 sion, the Department of Energy; Corps of Engineers,
6 Civil; Nuclear Regulatory Commission; and Bureau of
7 Reclamation shall submit to the Committees on Appro-
8 priations of the House of Representatives and the Senate
9 a spending, expenditure, or operating plan for fiscal year
10 2011 at a level of detail below the account level.

11 SEC. 1479. No rescission made in this title shall
12 apply to any amount previously designated by the Con-
13 gress as an emergency requirement pursuant to a concur-
14 rent resolution on the budget or the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 SEC. 1480. None of the funds made available by this
17 division or prior appropriation Acts (other than Public
18 Law 111–5) for Energy and Water Development may be
19 used to pay the costs of employment (such as pay and
20 benefits), or termination (such as severance pay), of any
21 employee or contractor of the Department of Energy who
22 is appointed, employed, or retained under the authority
23 of, or using funds provided by, Public Law 111–5, or
24 whose functions or operations (including programmatic re-
25 sponsibilities) are substantially or entirely funded under

1 Public Law 111–5: *Provided*, That this section shall not
2 apply to any employee or contractor of the Department
3 of Energy whose functions or operations are primarily or
4 wholly to provide oversight for funds provided by Public
5 Law 111–5.

6 SEC. 1481. None of the funds made available by this
7 division may be used for the study of the Missouri River
8 Projects authorized in section 108 of the Energy and
9 Water Development and Related Agencies Appropriations
10 Act, 2009 (division C of Public Law 111–8).

11 SEC. 1482. Notwithstanding section 1101, the levels
12 made available by this division for the following accounts
13 of the Department of Energy are reduced by the following
14 amounts, to reflect savings resulting from the contractor
15 pay freeze instituted by the Department: “Energy Pro-
16 grams, Energy Efficiency and Renewable Energy”,
17 \$5,700,000; “Energy Programs, Nuclear Energy”,
18 \$3,500,000; “Energy Programs, Fossil Energy Research
19 and Development”, \$300,000; “Energy Programs, Non-
20 Defense Environmental Cleanup”, \$400,000; “Energy
21 Programs, Uranium Enrichment Decontamination and
22 Decommissioning Fund”, \$1,000,000; “Energy Programs,
23 Science”, \$16,600,000; “Energy Programs, Departmental
24 Administration”, \$18,000,000; “Environmental and Other
25 Defense Activities, Defense Environmental Cleanup”,

1 \$14,400,000; “Atomic Energy Defense Activities, Na-
2 tional Nuclear Security Administration, Weapons Activi-
3 ties”, \$33,100,000; “Atomic Energy Defense Activities,
4 National Nuclear Security Administration, Defense Nu-
5 clear Nonproliferation”, \$2,700,000; and “Atomic Energy
6 Defense Activities, National Nuclear Security Administra-
7 tion, Naval Reactors”, \$4,900,000.

8 TITLE V—FINANCIAL SERVICES AND GENERAL
9 GOVERNMENT

10 SEC. 1501. Notwithstanding section 1101, the level
11 for “Department of the Treasury, Departmental Offices,
12 Salaries and Expenses” shall be \$307,002,000, of which
13 \$100,000,000 shall be for terrorism and financial intel-
14 ligence activities; and the requirement under this heading
15 to transfer funds to the National Academy of Sciences for
16 a carbon audit of the tax code and the funding designa-
17 tions related to executive direction program activities, eco-
18 nomic policies and program activities, financial policies
19 and program activities, Treasury-wide management poli-
20 cies and program activities, and administration program
21 activities shall not apply to funds appropriated by this di-
22 vision; and funding under this heading is available for
23 international representation commitments of the Sec-
24 retary, and for contribution to the Global Forum on

1 Transparency and Exchange of Information for Tax Pur-
2 poses.

3 SEC. 1502. Notwithstanding section 1101, the level
4 for “Department of the Treasury, Departmental Offices,
5 Department-wide Systems and Capital Investments Pro-
6 grams” shall be \$4,000,000, and the first proviso under
7 such heading shall not apply to funds appropriated by this
8 division.

9 SEC. 1503. Notwithstanding section 1101, the level
10 for “Department of the Treasury, Departmental Offices,
11 Special Inspector General for the Troubled Asset Relief
12 Program, Salaries and Expenses” shall be \$36,300,000.

13 SEC. 1504. Of the unobligated balances available for
14 “Department of the Treasury, Treasury Forfeiture
15 Fund”, \$400,000,000 are rescinded.

16 SEC. 1505. Notwithstanding section 1101, the level
17 for “Department of the Treasury, Financial Management
18 Service, Salaries and Expenses” shall be \$233,253,000.

19 SEC. 1506. Notwithstanding section 1101, the level
20 for “Department of the Treasury, Alcohol and Tobacco
21 Tax and Trade Bureau, Salaries and Expenses” shall be
22 \$101,000,000, and the first proviso under such heading
23 shall not apply to funds appropriated by this division.

24 SEC. 1507. Notwithstanding section 1101, the level
25 for “Department of the Treasury, Bureau of the Public

1 Debt, Administering the Public Debt” shall be
2 \$184,985,000.

3 SEC. 1508. Notwithstanding section 1101, the level
4 for “Department of the Treasury, Community Develop-
5 ment Financial Institutions Fund Program Account” shall
6 be \$227,000,000 for financial assistance, technical assist-
7 ance, training outreach programs, and administrative ex-
8 penses, of which \$22,000,000 shall be for the Bank Enter-
9 prise Award program; and under such heading the require-
10 ment to transfer funds to the Capital Magnet Fund and
11 the funding designations for pilot project grants and ad-
12 ministration shall not apply to funds appropriated by this
13 division.

14 SEC. 1509. Notwithstanding section 1101, the fund-
15 ing designations for tax enforcement under the heading
16 “Department of the Treasury, Internal Revenue Service,
17 Operations Support” shall not apply to funds appropriated
18 by this division.

19 SEC. 1510. Notwithstanding section 1101, section
20 105 of division C of Public Law 111–117 shall not apply
21 to funds appropriated by this division.

22 SEC. 1511. Notwithstanding section 1101, the level
23 for “Executive Office of the President and Funds Appro-
24 priated to the President, The White House, Salaries and
25 Expenses” shall be \$58,552,000.

1 SEC. 1512. Notwithstanding section 1101, the level
2 for “Executive Office of the President and Funds Appro-
3 priated to the President, Executive Residence at the White
4 House, Operating Expenses” shall be \$13,700,000.

5 SEC. 1513. Notwithstanding section 1101, the level
6 for “Executive Office of the President and Funds Appro-
7 priated to the President, White House Repair and Res-
8 toration” shall be \$2,005,000.

9 SEC. 1514. Notwithstanding section 1101, the level
10 for “Executive Office of the President and Funds Appro-
11 priated to the President, National Security Council, Sala-
12 ries and Expenses” shall be \$13,074,000.

13 SEC. 1515. The amounts included under the heading
14 “Executive Office of the President and Funds Appro-
15 priated to the President, Office of Administration, Sala-
16 ries and Expenses” in division C of Public Law 111-117
17 shall be applied to funds appropriated by this division by
18 substituting “\$12,777,000” for “\$16,768,000”.

19 SEC. 1516. Notwithstanding section 1101, the level
20 for “Executive Office of the President and Funds Appro-
21 priated to the President, Office of Management and Budg-
22 et, Salaries and Expenses” shall be \$91,934,000.

23 SEC. 1517. Notwithstanding section 1101, the level
24 for “Executive Office of the President and Funds Appro-

1 priated to the President, Office of National Drug Control
2 Policy, Salaries and Expenses” shall be \$27,138,000.

3 SEC. 1518. Notwithstanding section 1101, the level
4 for “Executive Office of the President and Funds Appro-
5 priated to the President, Office of National Drug Control
6 Policy, Counterdrug Technology Assessment Center” shall
7 be \$0.

8 SEC. 1519. Notwithstanding section 1101, the level
9 for “Executive Office of the President and Funds Appro-
10 priated to the President, Office of National Drug Control
11 Policy, Other Federal Drug Control Programs” shall be
12 \$140,900,000, of which \$9,000,000 shall be for anti-
13 doping activities; of which \$35,000,000 shall be for a na-
14 tional media campaign; and the amounts included under
15 such heading shall be applied to funds appropriated by
16 this division by substituting “\$0” for “\$10,000,000”,
17 “\$1,000,000”, “\$1,250,000”, and “\$250,000”.

18 SEC. 1520. Notwithstanding section 1101, the level
19 for “Executive Office of the President and Funds Appro-
20 priated to the President, Partnership Fund for Program
21 Integrity Innovation” shall be \$0.

22 SEC. 1521. Of the unobligated balances available for
23 “Executive Office of the President and Funds Appro-
24 priated to the President, Partnership Fund for Program
25 Integrity Innovation”, \$5,000,000 are rescinded.

1 SEC. 1522. Notwithstanding section 1101, the level
2 for “Executive Office of the President and Funds Appro-
3 priated to the President, Special Assistance to the Presi-
4 dent, Salaries and Expenses” shall be \$4,558,000.

5 SEC. 1523. Notwithstanding section 1101, the level
6 for “Executive Office of the President and Funds Appro-
7 priated to the President, Official Residence of the Vice
8 President, Operating Expenses” shall be \$327,000.

9 SEC. 1524. Notwithstanding section 1101, the level
10 for “The Judiciary, Supreme Court of the United States,
11 Care of the Building and Grounds” shall be \$8,175,000.

12 SEC. 1525. Notwithstanding section 1101, the level
13 for “The Judiciary, Courts of Appeals, District Courts,
14 and Other Judicial Services, Salaries and Expenses” shall
15 be \$5,013,583,000.

16 SEC. 1526. The amount included in the second para-
17 graph under the heading “The Judiciary, Courts of Ap-
18 peals, District Courts, and Other Judicial Services, Sala-
19 ries and Expenses” in division C of Public Law 111–117
20 shall be applied to funds appropriated by this division by
21 substituting “\$4,785,000” for “\$5,428,000”.

22 SEC. 1527. Notwithstanding section 1101, the level
23 for “The Judiciary, Courts of Appeals, District Courts,
24 and Other Judicial Services, Defender Services” shall be
25 \$1,027,748,000.

1 SEC. 1528. Notwithstanding section 1101, the level
2 for “The Judiciary, Courts of Appeals, District Courts,
3 and Other Judicial Services, Fees of Jurors and Commis-
4 sioners” shall be \$52,410,000.

5 SEC. 1529. Notwithstanding section 1101, the level
6 for “The Judiciary, Courts of Appeals, District Courts,
7 and Other Judicial Services, Court Security” shall be
8 \$467,607,000.

9 SEC. 1530. Section 203(c) of the Judicial Improve-
10 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
11 note) is amended—

12 (1) in the third sentence (relating to the Dis-
13 trict of Kansas) by striking “19 years” and insert-
14 ing “20 years”; and

15 (2) in the seventh sentence (relating to the Dis-
16 trict of Hawaii), by striking “16 years” and insert-
17 ing “17 years”.

18 SEC. 1531. Notwithstanding section 1101, the level
19 for “District of Columbia, Federal Funds, Federal Pay-
20 ment to the District of Columbia Courts” shall be
21 \$243,420,000, of which \$57,760,000 shall be for capital
22 improvements.

23 SEC. 1532. Notwithstanding section 1101, the level
24 for “District of Columbia, Federal Funds, Federal Pay-

1 ment to the District of Columbia Water and Sewer Au-
2 thority” shall be \$11,499,000.

3 SEC. 1533. Notwithstanding section 1101, the level
4 for “District of Columbia, Federal Funds, Federal Pay-
5 ment to the Criminal Justice Coordinating Council” shall
6 be \$1,800,000.

7 SEC. 1534. Notwithstanding section 1101, the level
8 for “District of Columbia, Federal Funds, Federal Pay-
9 ment to the Office of the Chief Financial Officer for the
10 District of Columbia” shall be \$0.

11 SEC. 1535. (a) Notwithstanding section 1101, the
12 level for “District of Columbia, Federal Funds, Federal
13 Payment for School Improvement” shall be \$77,700,000
14 and shall remain available until expended, of which
15 \$42,200,000 shall be for the District of Columbia Public
16 Schools, \$20,000,000 shall be to expand quality public
17 charter schools, and \$15,500,000 shall be for opportunity
18 scholarships, and the second reference to “\$1,000,000”
19 under such heading shall be applied to funds appropriated
20 by this division by substituting “\$0”.

21 (b) The authority and conditions provided in the Dis-
22 trict of Columbia Appropriations Act, 2010 (Public Law
23 111–117; 123 Stat. 3181) under the heading described in
24 subsection (a) shall apply with respect to the funds made

1 available under this division, with the following modifica-
2 tions:

3 (1) The first proviso under such heading shall
4 not apply.

5 (2) Notwithstanding the second proviso under
6 such heading, the funds may be made available for
7 scholarships to students, without regard to whether
8 any student received a scholarship in any prior
9 school year.

10 (3) The fourth proviso under such heading shall
11 not apply.

12 (4) Notwithstanding the fifth proviso under
13 such heading, the Secretary of Education shall en-
14 sure that site inspections of participating schools are
15 conducted annually.

16 SEC. 1536. Notwithstanding section 1101, the level
17 for “District of Columbia, Federal Funds, Federal Pay-
18 ment for Consolidated Laboratory Facility” shall be \$0.

19 SEC. 1537. Notwithstanding section 1101, the level
20 for “District of Columbia, Federal Funds, Federal Pay-
21 ment for Housing for the Homeless” shall be
22 \$10,000,000.

23 SEC. 1538. Notwithstanding section 1101, the level
24 for “District of Columbia, Federal Funds, Federal Pay-
25 ment for Youth Services” shall be \$0.

1 SEC. 1539. Notwithstanding any other provision of
2 this division, except section 1106, the District of Columbia
3 may expend local funds for programs and activities under
4 the heading “District of Columbia Funds” for such pro-
5 grams and activities under title IV of S. 3677 (111th Con-
6 gress), as reported by the Committee on Appropriations
7 of the Senate, at the rate set forth under “District of Co-
8 lumbia Funds” as included in the Fiscal Year 2011 Budg-
9 et Request Act (D.C. Act 18–448), as modified as of the
10 date of the enactment of this division.

11 SEC. 1540. Section 805(b) of division C of Public
12 Law 111–117 is amended by striking “November 1,
13 2010” and inserting “November 1, 2011”.

14 SEC. 1541. Notwithstanding section 1101, the level
15 for “Independent Agencies, Administrative Conference of
16 the United States, Salaries and Expenses” shall be
17 \$2,750,000.

18 SEC. 1542. Notwithstanding section 1101, the level
19 for “Independent Agencies, Christopher Columbus Fellow-
20 ship Foundation, Salaries and Expenses” shall be
21 \$500,000.

22 SEC. 1543. Notwithstanding section 1101, the level
23 for “Related Agencies and Food and Drug Administra-
24 tion, Independent Agencies, Commodity Futures Trading
25 Commission” shall be \$202,675,000, to remain available

1 until September 30, 2012: *Provided*, That the proviso
2 under such heading in Public Law 111–80 shall not apply
3 to funds provided by this division: *Provided further*, That
4 not less than \$37,200,000 shall be for the highest priority
5 information technology activities of the Commission.

6 SEC. 1544. Notwithstanding section 1101, the level
7 for “Independent Agencies, Consumer Product Safety
8 Commission, Salaries and Expenses” shall be
9 \$115,018,000, of which \$1,000,000 shall remain available
10 until September 30, 2012 for the Virginia Graeme Baker
11 Pool and Spa Safety Act grant program.

12 SEC. 1545. Notwithstanding section 1101, the level
13 for “Independent Agencies, Election Assistance Commis-
14 sion, Salaries and Expenses” shall be \$16,300,000, of
15 which \$3,250,000 shall be transferred to the National In-
16 stitute of Standards and Technology for election reform
17 activities authorized under the Help America Vote Act of
18 2002 (Public Law 107–252).

19 SEC. 1546. Notwithstanding section 1101, the level
20 for “Independent Agencies, Election Assistance Commis-
21 sion, Election Reform Programs” shall be \$0.

22 SEC. 1547. Any expenses incurred by the Election
23 Assistance Commission using amounts appropriated under
24 the heading “Election Assistance Commission, Election
25 Reform Programs” in the Transportation, Treasury, and

1 Independent Agencies Appropriations Act, 2004 (Public
2 Law 108–199; 118 Stat. 327) for any program or activity
3 which the Commission is authorized to carry out under
4 the Help America Vote Act of 2002 shall be considered
5 to have been incurred for the programs and activities de-
6 scribed under such heading.

7 SEC. 1548. Notwithstanding section 1101, the level
8 for “Independent Agencies, Federal Deposit Insurance
9 Corporation, Office of the Inspector General” shall be
10 \$42,942,000.

11 SEC. 1549. (a) Notwithstanding section 1101, the ag-
12 gregate amount of new obligational authority provided
13 under the heading “Independent Agencies, General Serv-
14 ices Administration, Real Property Activities, Federal
15 Buildings Fund, Limitations on Availability of Revenue”
16 for Federal buildings and courthouses and other purposes
17 of the Fund shall be \$7,597,540,000, of which: (1)
18 \$82,000,000 is for “Construction and Acquisition”; and
19 (2) \$280,000,000 is for “Repairs and Alterations”.

20 (b) The General Services Administration shall submit
21 a detailed plan, by project, regarding the use of funds to
22 the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate within 30 days of enactment
24 of this section and will provide notification to the Commit-

1 tees within 15 days prior to any changes regarding the
2 use of these funds.

3 SEC. 1550. Notwithstanding section 1101, the level
4 for “Independent Agencies, General Services Administra-
5 tion, General Activities, Government-Wide Policy” shall be
6 \$66,621,000.

7 SEC. 1551. Notwithstanding section 1101, the level
8 for “Independent Agencies, General Services Administra-
9 tion, General Activities, Operating Expenses” shall be
10 \$70,022,000, and matters pertaining to the amount of
11 \$1,000,000 under such heading shall not apply to funds
12 appropriated by this division.

13 SEC. 1552. Notwithstanding section 1101, the level
14 for “Independent Agencies, General Services Administra-
15 tion, General Activities, Electronic Government Fund”
16 shall be \$8,000,000.

17 SEC. 1553. Notwithstanding section 1101, the level
18 for “Independent Agencies, General Services Administra-
19 tion, General Activities, Allowances and Office Staff for
20 Former Presidents” shall be \$3,800,000.

21 SEC. 1554. Notwithstanding section 1101, the level
22 for “Independent Agencies, General Services Administra-
23 tion, General Activities, Federal Citizen Services Fund”
24 shall be \$34,184,000.

1 SEC. 1555. Of the unobligated balances available
2 under the heading “Independent Agencies, General Serv-
3 ices Administration, Real Property Activities, Federal
4 Buildings Fund, Limitations on Availability of Revenue”,
5 \$25,000,000 are rescinded and shall be returned to the
6 General Fund of the Treasury.

7 SEC. 1556. Notwithstanding section 1101, the level
8 for “Independent Agencies, Harry S Truman Scholarship
9 Foundation, Salaries and Expenses” shall be \$750,000.

10 SEC. 1557. Notwithstanding section 1101, the level
11 for “Independent Agencies, National Archives and
12 Records Administration, Office of Inspector General”
13 shall be \$4,250,000.

14 SEC. 1558. Notwithstanding section 1101, the level
15 for “Independent Agencies, National Archives and
16 Records Administration, Electronic Records Archives”
17 shall be \$72,000,000, of which \$52,500,000 shall remain
18 available until September 30, 2013.

19 SEC. 1559. Notwithstanding section 1101, the level
20 for “Independent Agencies, National Archives and
21 Records Administration, Repairs and Restoration” shall
22 be \$11,848,000.

23 SEC. 1560. Of the unobligated balances available
24 under the heading “Independent Agencies, National Ar-
25 chives and Records Administration, Repairs and Restora-

tion”, \$3,198,000 are rescinded, which shall be derived from amounts made available for a new regional archives and records facility in Anchorage, Alaska.

SEC. 1561. Notwithstanding section 1101, the level for “Independent Agencies, National Archives and Records Administration, National Historical Publications and Records Commission, Grants Program” shall be \$7,000,000.

SEC. 1562. The amounts included under the heading “Independent Agencies, Office of Personnel Management, Salaries and Expenses” in division C of Public Law 111–117 shall be applied to funds appropriated by this division by substituting “\$97,970,000” for “\$102,970,000”.

SEC. 1563. Notwithstanding section 1101, the level for “Independent Agencies, Privacy and Civil Liberties Oversight Board, Salaries and Expenses” shall be \$1,000,000.

SEC. 1564. Of the unobligated balances available for “Independent Agencies, Privacy and Civil Liberties Oversight Board, Salaries and Expenses”, \$1,500,000 are rescinded.

SEC. 1565. Notwithstanding section 1101, the level for “Independent Agencies, Securities and Exchange Commission, Salaries and Expenses” shall be \$1,185,000,000, and the proviso under such heading pertaining to prior

1 year unobligated balances shall not apply to funds appro-
2 priated by this division.

3 SEC. 1566. Notwithstanding section 1101, the level
4 provided under section 523 of division C of Public Law
5 111–117 shall be \$0.

6 SEC. 1567. Notwithstanding section 1101, the level
7 for “Independent Agencies, Small Business Administra-
8 tion, Surety Bond Guarantees Revolving Fund” shall be
9 \$0.

10 SEC. 1568. The amounts included under the heading
11 “Independent Agencies, Small Business Administration,
12 Disaster Loans Program Account” in division C of Public
13 Law 111–117 shall be applied to funds appropriated by
14 this division as follows:

15 (1) By substituting “\$0” for “\$1,690,000”.

16 (2) By substituting “\$0” for “\$352,357”.

17 (3) By substituting “\$0” for “\$1,337,643”.

18 (4) By substituting “\$45,463,000” for
19 “\$76,588,200”.

20 (5) By substituting “\$35,463,000” for
21 “\$65,278,200”.

22 (6) By substituting “\$0” for “\$1,310,000”.

23 SEC. 1569. Notwithstanding section 1118, the
24 amounts included under the heading “Independent Agen-
25 cies, United States Postal Service, Payment to the Postal

1 Service Fund” in division C of Public Law 111–117 shall
 2 be applied to funds appropriated by this division as fol-
 3 lows:

4 (1) By substituting “\$86,705,000” for
 5 “\$118,328,000”.

6 (2) By substituting “\$74,905,000” for
 7 “\$89,328,000”.

8 (3) By substituting “2011” for “2010”.

9 SEC. 1570. Notwithstanding section 1101, the level
 10 for “Independent Agencies, United States Tax Court, Sal-
 11 aries and Expenses” shall be \$52,093,000, of which
 12 \$2,852,000 shall be for security improvements.

13 SEC. 1571. Section 617 of Public Law 111–117 is
 14 amended by striking “December 31, 2009” and inserting
 15 “December 31, 2010”.

16 SEC. 1572. Section 814 of division C of Public Law
 17 111–117 shall be applied to funds appropriated by this
 18 division by striking “Federal”.

19 SEC. 1573. (a) The Consumer Financial Protection
 20 Act of 2010 is amended by adding after section 1016 the
 21 following new sections:

22 **“SEC. 1016A. ANNUAL AUDITS.**

23 **“(a) ANNUAL INDEPENDENT AUDIT.—**The Bureau
 24 shall order an annual independent audit of the operations
 25 and budget of the Bureau.

1 “(b) ANNUAL GAO AUDIT.—The Comptroller Gen-
2 eral of the United States shall conduct an annual audit
3 of the Bureau’s financial statements in accordance with
4 generally accepted government accounting standards.

5 **“SEC. 1016B. GAO STUDY OF FINANCIAL REGULATIONS.**

6 “(a) STUDY.—Not later than the end of the 180-day
7 period beginning on the date of the enactment of this Act,
8 and annually thereafter, the Comptroller General of the
9 United States shall conduct a study of financial services
10 regulations, including activities of the Bureau. Such study
11 shall include an analysis of—

12 “(1) the impact of regulation on the financial
13 marketplace, including the effects on the safety and
14 soundness of regulated entities, cost and availability
15 of credit, savings realized by consumers, reductions
16 in consumer paperwork burden, changes in personal
17 and small business bankruptcy filings, and costs of
18 compliance with rules, including whether relevant
19 Federal agencies are applying sound cost-benefit
20 analysis in promulgating rules;

21 “(2) efforts to avoid duplicative or conflicting
22 rulemakings, including an evaluation of the consult-
23 ative process under subparagraphs (B) and (C) of
24 section 1022(b)(2), information requests, and exami-
25 nations; and

1 “(3) other matters related to the operations of
2 financial services regulations deemed by the Comp-
3 troller General to be appropriate.

4 “(b) REPORT.—Not later than the end of the 30-day
5 period following the completion of a study conducted pur-
6 suant to subsection (a), the Comptroller General shall
7 issue a report to the Congress containing a detailed de-
8 scription of all findings and conclusions made by the
9 Comptroller General in carrying out such study, together
10 with such recommendations for legislative or administra-
11 tive action as the Comptroller General may determine to
12 be appropriate.”.

13 (b) The table of contents for the Dodd-Frank Wall
14 Street Reform and Consumer Protection Act is amended
15 by inserting after the item relating to section 1016 the
16 following new items:

 “Sec. 1016A. Annual audits.

 “Sec. 1016B. GAO study of financial regulations.”.

17 (c) The initial audits described under section 1016A
18 of the Consumer Financial Protection Act of 2010 shall
19 be completed not later than the end of the 180-day period
20 beginning on the date of the enactment of this Act.

21 SEC. 1574. The Government Accountability Office is
22 directed to report to the Committees on Appropriations
23 of the House of Representatives and the Senate on the
24 data collected by the Consumer Product Safety Commis-

1 sion (CPSC) under section 6A of the Consumer Product
2 Safety Act (15 U.S.C. 2055a) within 180 days of enact-
3 ment of this division. This study shall include an analysis
4 of:

5 (1) Whether the information submitted is re-
6 quired to be from first-hand knowledge.

7 (2) Whether the information required for sub-
8 mission of a complaint is sufficient to enable the
9 CPSC, where appropriate, to investigate the facts
10 surrounding the incident and determine the material
11 accuracy of the report.

12 (3) Whether the information submitted to the
13 database with respect to a product is sufficient to
14 enable consumers, the CPSC, and manufacturers to
15 identify such product.

16 (4) Whether the length of time before posting
17 complaints is a reasonable timeframe for adjudi-
18 cating pending claims of material inaccuracy.

19 SEC. 1575. Notwithstanding section 1101, the limits
20 set forth in section 702 of Public Law 111–117 shall not
21 apply to any vehicle that is a commercial item and which
22 operates on emerging motor vehicle technology, including
23 but not limited to electric, plug-in hybrid electric, and hy-
24 drogen fuel cell vehicles.

1 SEC. 1576. (a) Section 1403(8) of the Virginia
2 Graeme Baker Pool and Spa Safety Act (15 U.S.C.
3 8002(8)) is amended by adding at the end the following:
4 “For purposes of eligibility for the grants authorized
5 under section 1405, such term shall also include any polit-
6 ical subdivision of a State.”.

7 (b) Section 1405(e) of the Virginia Graeme Baker
8 Pool and Spa Safety Act (15 U.S.C. 8004 (e)) is amended
9 by striking “2010” and inserting “2011”.

10 TITLE VI—HOMELAND SECURITY

11 SEC. 1601. Within 24 days after the date of enact-
12 ment of this division, the Secretary of Homeland Security
13 shall submit to the Committees on Appropriations of the
14 Senate and the House of Representatives an expenditure
15 plan for fiscal year 2011 that displays the level of funding
16 by program, project, and activity consistent with the table
17 of detailed funding recommendations contained at the end
18 of the joint explanatory statement accompanying the De-
19 partment of Homeland Security Appropriations Act, 2010
20 (Public Law 111-83) and the classified annex accom-
21 panying this division: *Provided*, That all plans for expendi-
22 ture required in Public Law 111-83 shall be updated for
23 fiscal year 2011 budget authority and submitted to the
24 Committees on Appropriations of the Senate and House
25 of Representatives within 45 days after the date of enact-

1 ment of this division, notwithstanding the specified with-
2 holding of funds and associated approval requirements.

3 SEC. 1602. Notwithstanding section 1101, the level
4 for “Department of Homeland Security, Office of the Sec-
5 retary and Executive Management” shall be
6 \$136,818,000.

7 SEC. 1603. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, Office of the
9 Under Secretary for Management” shall be \$239,933,000.

10 SEC. 1604. Notwithstanding section 1101, for an ad-
11 ditional amount under the heading “Department of Home-
12 land Security, Office of the Under Secretary for Manage-
13 ment”, \$77,400,000, to plan, acquire, construct, renovate,
14 remediate, equip, furnish, and occupy buildings and facili-
15 ties for the consolidation of the Department of Homeland
16 Security headquarters.

17 SEC. 1605. Notwithstanding section 1101, the level
18 for “Department of Homeland Security, Office of the
19 Chief Financial Officer” shall be \$53,430,000, of which
20 \$4,000,000 shall remain available until September 30,
21 2014, for financial systems consolidation efforts.

22 SEC. 1606. Notwithstanding section 1101, the level
23 for “Department of Homeland Security, Office of the
24 Chief Information Officer” shall be \$333,393,000.

1 SEC. 1607. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, Office of the Fed-
3 eral Coordinator for Gulf Coast Rebuilding” shall be \$0.

4 SEC. 1608. Notwithstanding section 1101, the level
5 for “Department of Homeland Security, U.S. Customs
6 and Border Protection, Salaries and Expenses” shall be
7 \$8,212,626,000: *Provided*, That for fiscal year 2011, the
8 Border Patrol shall achieve an active duty presence of not
9 less than 21,370 agents protecting the border of the
10 United States by September 30, 2011.

11 SEC. 1609. Notwithstanding section 1101, the level
12 for “Department of Homeland Security, U.S. Customs
13 and Border Protection, Automation Modernization” shall
14 be \$336,575,000, of which \$148,090,000 shall be for the
15 Automated Commercial Environment.

16 SEC. 1610. (a) Notwithstanding section 1101, the
17 level for “Department of Homeland Security, U.S. Cus-
18 toms and Border Protection, Border Security Fencing, In-
19 frastructure, and Technology” shall be \$574,173,000.

20 (b) Paragraph (11) of the first proviso and the third
21 and fourth provisos under the heading “Border Security
22 Fencing, Infrastructure, and Technology” of Public Law
23 111-83 shall not apply to funds appropriated by this divi-
24 sion.

1 SEC. 1611. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, U.S. Customs
3 and Border Protection, Air and Marine Interdiction, Oper-
4 ations, Maintenance, and Procurement” shall be
5 \$516,326,000.

6 SEC. 1612. Notwithstanding section 1101, the level
7 for “Department of Homeland Security, U.S. Customs
8 and Border Protection, Construction and Facilities Man-
9 agement” shall be \$260,000,000.

10 SEC. 1613. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, U.S. Immigration
12 and Customs Enforcement, Salaries and Expenses” shall
13 be \$5,437,643,000: *Provided*, That U.S. Immigration and
14 Customs Enforcement shall maintain a level of not fewer
15 than 33,400 detention beds throughout fiscal year 2011.

16 SEC. 1614. Notwithstanding section 1101, the level
17 for “Department of Homeland Security, U.S. Immigration
18 and Customs Enforcement, Automation Modernization”
19 shall be \$74,000,000.

20 SEC. 1615. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, U.S. Immigration
22 and Customs Enforcement, Construction” shall be \$0.

23 SEC. 1616. Notwithstanding section 1101, the level
24 for “Department of Homeland Security, Transportation
25 Security Administration, Aviation Security” shall be

1 \$5,219,546,000: *Provided*, That the amounts included
2 under such heading in Public Law 111–83 shall be applied
3 to funds appropriated by this division as follows: by sub-
4 stituting “\$5,219,546,000” for “\$5,214,040,000”; by
5 substituting “\$4,307,793,000” for “\$4,358,076,000”; by
6 substituting “\$629,297,000” for “\$1,116,406,000”; by
7 substituting “\$911,753,000” for “\$855,964,000”; by sub-
8 stituting “\$291,191,000” for “\$778,300,000”; by sub-
9 stituting “9 percent” for “28 percent”; and by sub-
10 stituting “\$3,119,546,000” for “\$3,114,040,000”: *Pro-*
11 *vided further*, That none of the funds in this division may
12 be used for any recruiting or hiring of personnel into the
13 Transportation Security Administration that would cause
14 the agency to exceed a staffing level of 46,000 full-time
15 equivalent screeners: *Provided further*, That the preceding
16 proviso shall not apply to personnel hired as part-time em-
17 ployees: *Provided further*, That not later than August 15,
18 2011, the Secretary of Homeland Security shall submit
19 to the Committees on Appropriations of the Senate and
20 House of Representatives a detailed report on: (1) the De-
21 partment’s efforts and the resources being devoted to de-
22 velop more advanced integrated passenger screening tech-
23 nologies for the most effective security of passengers and
24 baggage at the lowest possible operating and acquisition
25 costs; (2) how the Transportation Security Administration

1 is deploying its existing screener workforce in the most
2 cost effective manner; and (3) labor savings from the de-
3 ployment of improved technologies for passengers and
4 baggage screening and how those savings are being used
5 to offset security costs or reinvested to address security
6 vulnerabilities.

7 SEC. 1617. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, Transportation
9 Security Administration, Surface Transportation Secu-
10 rity” shall be \$105,961,000.

11 SEC. 1618. Notwithstanding section 1101, the level
12 for “Department of Homeland Security, Transportation
13 Security Administration, Transportation Threat Assess-
14 ment and Credentialing” shall be \$162,999,000.

15 SEC. 1619. Notwithstanding section 1101, the level
16 for “Department of Homeland Security, Transportation
17 Security Administration, Transportation Security Sup-
18 port” shall be \$988,638,000.

19 SEC. 1620. Notwithstanding section 1101, the level
20 for “Department of Homeland Security, Transportation
21 Security Administration, Federal Air Marshals” shall be
22 \$929,802,000.

23 SEC. 1621. Notwithstanding section 1101, the level
24 for “Department of Homeland Security, Coast Guard, Op-
25 erating Expenses” shall be \$6,907,338,000, of which

1 \$254,000,000 is designated as being for contingency oper-
2 ations directly related to the global war on terrorism pur-
3 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
4 and as an emergency requirement pursuant to section
5 403(a) of S. Con. Res. 13 (111th Congress), the concur-
6 rent resolution on the budget for fiscal year 2010: *Pro-*
7 *vided*, That the Coast Guard may decommission one Me-
8 dium Endurance Cutter, two High Endurance Cutters,
9 four HU-25 aircraft, and one Maritime Safety and Secu-
10 rity Team, and may make necessary staffing adjustments
11 at the Coast Guard Investigative Service and other sup-
12 port units, as specified in the budget justification mate-
13 rials for fiscal year 2011 as submitted to the Committees
14 on Appropriations of the Senate and House of Representa-
15 tives.

16 SEC. 1622. Notwithstanding section 1101, the level
17 for “Department of Homeland Security, Coast Guard, Ac-
18 quisition, Construction, and Improvements” shall be
19 \$1,519,783,000, of which \$42,000,000 shall be for vessels,
20 small boats, critical infrastructure, and related equipment;
21 of which \$36,000,000 shall be for other equipment; of
22 which \$69,200,000 shall be for shore, military housing,
23 and aids to navigation facilities, including waterfront fa-
24 cilities at Navy installations used by the Coast Guard, of
25 which \$2,000,000 may be derived from the Coast Guard

1 Housing Fund established pursuant to 14 U.S.C. 687; of
2 which \$106,083,000 shall be available for personnel com-
3 pensation and benefits and related costs; and of which
4 \$1,266,500,000 shall be for the Integrated Deepwater
5 Systems program: *Provided*, That of the funds made avail-
6 able for the Integrated Deepwater Systems program,
7 \$101,000,000 is for aircraft and \$1,010,000,000 is for
8 surface ships: *Provided further*, That of the funds provided
9 for surface ships, \$692,000,000 is available for the pro-
10 curement of the fifth National Security Cutter, including
11 procurement of the production of such cutter and produc-
12 tion-related activities and post-delivery activities associ-
13 ated with such cutter.

14 SEC. 1623. Notwithstanding section 1101, the level
15 for “Department of Homeland Security, Coast Guard, Al-
16 teration of Bridges” shall be \$0.

17 SEC. 1624. Notwithstanding section 1101, the level
18 for “Department of Homeland Security, Coast Guard, Re-
19 search, Development, Test, and Evaluation” shall be
20 \$24,745,000, of which \$4,000,000 shall be for research,
21 development, test, and evaluation of technologies to pre-
22 vent and respond to oil and hazardous substance spills.

23 SEC. 1625. Notwithstanding section 1101, the level
24 for “Department of Homeland Security, United States Se-

1 cret Service, Salaries and Expenses” shall be
2 \$1,514,361,000.

3 SEC. 1626. Notwithstanding section 1101, the level
4 for “Department of Homeland Security, National Protec-
5 tion and Programs Directorate, Management and Admin-
6 istration” shall be \$43,577,000.

7 SEC. 1627. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, National Protec-
9 tion and Programs Directorate, Infrastructure Protection
10 and Information Security” shall be \$840,444,000.

11 SEC. 1628. Notwithstanding section 1101, under the
12 heading “Department of Homeland Security, National
13 Protection and Programs Directorate, Federal Protective
14 Service”, the revenues and collections of security fees cred-
15 ited to this account shall be available until expended for
16 necessary expenses related to the protection of federally-
17 owned and leased buildings and for the operations of the
18 Federal Protective Service: *Provided*, That, no later than
19 September 30, 2011, the Federal Protective Service shall
20 maintain not fewer than 1,250 full-time staff and 935 full-
21 time Police Officers, Inspectors, Area Commanders, and
22 Special Agents who, while working, are directly engaged
23 on a daily basis protecting and enforcing laws at Federal
24 buildings (referred to as “in-service field staff”).

1 SEC. 1629. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, National Protec-
3 tion and Programs Directorate, United States Visitor and
4 Immigrant Status Indicator Technology” shall be
5 \$334,613,000.

6 SEC. 1630. Notwithstanding section 1101, the level
7 for “Department of Homeland Security, Office of Health
8 Affairs” shall be \$139,734,000, of which \$27,053,000 is
9 for salaries and expenses.

10 SEC. 1631. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, Federal Emer-
12 gency Management Agency, Management and Administra-
13 tion” shall be \$788,400,000, of which \$35,250,000 shall
14 be for the Urban Search and Rescue Response System:
15 *Provided*, That the directed obligations under such head-
16 ing for capital improvements at the Mount Weather Emer-
17 gency Operations Center in Public Law 111–83 shall have
18 no force or effect to funds appropriated by this division.

19 SEC. 1632. Notwithstanding section 1101, the level
20 for “Department of Homeland Security, Federal Emer-
21 gency Management Agency, State and Local Programs”
22 shall be \$2,229,500,000: *Provided*, That of the amount
23 provided by this division for the State Homeland Security
24 Grant Program under such heading, \$55,000,000 shall be
25 for Operation Stonegarden; \$45,000,000 shall be for the

1 Driver's License Security Grant Program; \$10,000,000
2 shall be for the Citizen Corps Program; and \$35,000,000
3 shall be for the Metropolitan Medical Response System:
4 *Provided further*, That the amounts provided by this divi-
5 sion for the Citizen Corps Program under such heading
6 shall not be subject to the requirements of subtitle A of
7 title XX of the Homeland Security Act of 2002 (6 U.S.C.
8 603 et seq.): *Provided further*, That of the amount pro-
9 vided by this division for Public Transportation Security
10 Assistance and Railroad Security Assistance under such
11 heading, no less than \$20,000,000 shall be for Amtrak
12 security and no less than \$5,000,000 shall be for Over-
13 the-Road Bus Security: *Provided further*, That the
14 amounts included under such heading in Public Law 111-
15 83 shall be applied to funds appropriated by this division
16 as follows: in paragraph (1), by substituting
17 "\$725,000,000" for "\$950,000,000"; in paragraph (2),
18 by substituting "\$725,000,000" for "\$887,000,000"; in
19 paragraph (3), by substituting "\$15,000,000" for
20 "\$35,000,000"; in paragraph (4), by substituting "\$0"
21 for "\$41,000,000"; in paragraph (5), by substituting
22 "\$0" for "\$13,000,000"; in paragraph (6), by sub-
23 stituting "\$250,000,000" for "\$300,000,000"; in para-
24 graph (7), by substituting "\$250,000,000" for
25 "\$300,000,000"; in paragraph (8), by substituting "\$0"

1 for “\$12,000,000”; in paragraph (9), by substituting
2 “\$0” for “\$50,000,000”; in paragraph (10), by sub-
3 stituting “\$0” for “\$50,000,000”; in paragraph (11), by
4 substituting “\$0” for “\$50,000,000”; in paragraph (12),
5 by substituting “\$15,000,000” for “\$60,000,000” and by
6 substituting “\$0” for each following amount in such para-
7 graph; in paragraph (13), by substituting “\$249,500,000”
8 for “\$267,200,000”, of which \$155,500,000 shall be for
9 training of State, local, and tribal emergency response
10 providers: *Provided further*, That the directed obligations
11 provisions in paragraphs 13(A), 13(B), and 13(C) under
12 such heading in Public Law 111-83 shall have no force
13 or effect to funds appropriated in this division: *Provided*
14 *further*, That 5.8 percent of the amount provided for “De-
15 partment of Homeland Security, Federal Emergency Man-
16 agement Agency, State and Local Programs” by this divi-
17 sion shall be transferred to “Department of Homeland Se-
18 curity, Federal Emergency Management Agency, Manage-
19 ment and Administration” for program administration.

20 SEC. 1633. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, Federal Emer-
22 gency Management Agency, Firefighter Assistance
23 Grants” for programs authorized by the Federal Fire Pre-
24 vention and Control Act of 1974 (15 U.S.C. 2201 et seq.)
25 shall be \$810,000,000, of which \$405,000,000 shall be

1 available to carry out section 33 of that Act (15 U.S.C.
2 2229) and \$405,000,000 shall be available to carry out
3 section 34 of that Act (15 U.S.C. 2229a): *Provided*, That
4 the proviso included under “Federal Emergency Manage-
5 ment Agency, Firefighter Assistance Grants” in the De-
6 partment of Homeland Security Appropriations Act, 2010
7 (Public Law 111-83) shall have no force or effect: *Pro-*
8 *vided further*, That 5.8 percent of the amount available
9 under this heading shall be transferred to “Department
10 of Homeland Security, Federal Emergency Management
11 Agency, Management and Administration” for program
12 administration: *Provided further*, That none of the funds
13 made available in this division may be used to enforce the
14 requirements in—

15 (1) section 34(a)(1)(A) of the Federal Fire Pre-
16 vention and Control Act of 1974 (15 U.S.C.
17 2229a(a)(1)(A));

18 (2) section 34(a)(1)(E) of such Act; and

19 (3) section 34(c)(1) of such Act.

20 SEC. 1634. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, Federal Emer-
22 gency Management Agency, Disaster Relief” shall be
23 \$2,650,000,000: *Provided*, That the Administrator of the
24 Federal Emergency Management Agency shall submit
25 quarterly reports to the Committees on Appropriations of

1 the Senate and the House of Representatives providing es-
2 timates of funding requirements for “Disaster Relief” for
3 the current fiscal year and the succeeding three fiscal
4 years: *Provided further*, That the report shall provide (a)
5 an estimate, by quarter, for the costs of all previously des-
6 ignated disasters; (b) an estimate, by quarter, for the cost
7 of future disasters based on a five year average, excluding
8 catastrophic disasters; and (c) an estimate of the date on
9 which the “Disaster Relief” balance will reach
10 \$800,000,000.

11 SEC. 1635. Notwithstanding section 1101, the level
12 for “Department of Homeland Security, Federal Emer-
13 gency Management Agency, Flood Map Modernization
14 Fund” shall be \$182,000,000.

15 SEC. 1636. Notwithstanding section 1101, in fiscal
16 year 2011, funds shall not be available from the National
17 Flood Insurance Fund under section 1310 of the National
18 Flood Insurance Act of 1968 (42 U.S.C. 4017) for oper-
19 ating expenses in excess of \$110,000,000, and for agents’
20 commissions and taxes in excess of \$963,339,000: *Pro-*
21 *vided*, That notwithstanding section 1101, for activities
22 under the National Flood Insurance Act of 1968 (42
23 U.S.C. 4001 et seq.) and the Flood Disaster Protection
24 Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be
25 \$169,000,000, which shall be derived from offsetting col-

1 lections assessed and collected under 1308(d) of the Na-
2 tional Flood Insurance Act of 1968 (42 U.S.C. 4015(d)),
3 of which not to exceed \$22,145,000 shall be available for
4 salaries and expenses associated with flood mitigation and
5 flood insurance operations; and not less than
6 \$146,855,000 shall be available for floodplain manage-
7 ment and flood mapping, which shall remain available
8 until September 30, 2012.

9 SEC. 1637. Notwithstanding section 1101, the level
10 for “Department of Homeland Security, Federal Emer-
11 gency Management Agency, National Predisaster Mitiga-
12 tion Fund” shall be \$50,000,000: *Provided*, That the di-
13 rected obligations under such heading in Public Law 111–
14 83 shall have no force or effect to funds appropriated in
15 this division.

16 SEC. 1638. Notwithstanding section 1101, the level
17 for “Department of Homeland Security, Federal Emer-
18 gency Management Agency, Emergency Food and Shel-
19 ter” shall be \$120,000,000.

20 SEC. 1639. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, United States
22 Citizenship and Immigration Services” shall be
23 \$146,593,000, of which \$25,000,000 is for processing ap-
24 plications for asylum and refugee status, and of which
25 \$103,400,000 shall be for the E-Verify Program.

1 SEC. 1640. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, Federal Law En-
3 forcement Training Center, Salaries and Expenses” shall
4 be \$235,919,000.

5 SEC. 1641. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, Federal Law En-
7 forcement Training Center, Acquisitions, Construction,
8 Improvements, and Related Expenses” shall be
9 \$35,456,000.

10 SEC. 1642. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, Science and
12 Technology, Management and Administration” shall be
13 \$141,200,000.

14 SEC. 1643. Notwithstanding section 1101, the level
15 for “Department of Homeland Security, Science and
16 Technology, Research, Development, Acquisition, and Op-
17 erations” shall be \$688,036,000, of which \$40,000,000
18 shall remain available until September 30, 2013, for con-
19 struction of the National Bio- and Agro-defense Facility
20 central utility plant: *Provided*, That the final proviso in-
21 cluded under the heading “Department of Homeland Se-
22 curity, Science and Technology, Research, Development,
23 Acquisition, and Operations” in the Department of Home-
24 land Security Appropriations Act, 2010 (Public Law 111–
25 83) shall have no force or effect: *Provided further*, That

1 funding for university programs shall not be reduced by
2 more than twenty percent from the fiscal year 2010 en-
3 acted level.

4 SEC. 1644. Notwithstanding section 1101, the level
5 for “Department of Homeland Security, Domestic Nuclear
6 Detection Office, Management and Administration” shall
7 be \$36,992,000.

8 SEC. 1645. Notwithstanding section 1101, the level
9 for “Department of Homeland Security, Domestic Nuclear
10 Detection Office, Research, Development, and Oper-
11 ations” shall be \$275,437,000.

12 SEC. 1646. Notwithstanding section 1101, the level
13 for “Department of Homeland Security, Domestic Nuclear
14 Detection Office, Systems Acquisition” shall be
15 \$30,000,000.

16 SEC. 1647. (a) Section 560 of Public Law 111–83
17 shall not apply to funds appropriated by this division.

18 (b) No funding provided in this division shall be used
19 for construction of the National Bio- and Agro-defense
20 Facility until the Department of Homeland Security has,
21 pursuant to the schedule submitted by the Department of
22 Homeland Security on March 31, 2011, to the Committees
23 on Appropriations of the Senate and House of Representa-
24 tives—

1 (1) completed 50 percent of design planning for
2 the National Bio- and Agro-defense Facility, and

3 (2) submitted to the Committees on Appropria-
4 tions of the Senate and the House of Representa-
5 tives a revised site-specific biosafety and biosecurity
6 mitigation risk assessment that describes how to sig-
7 nificantly reduce risks of conducting essential re-
8 search and diagnostic testing at the National Bio-
9 and Agro-defense Facility and addresses short-
10 comings identified in the National Academy of
11 Sciences' evaluation of the initial site-specific bio-
12 safety and biosecurity mitigation risk assessment.

13 (c) The revised site-specific biosafety and biosecurity
14 mitigation risk assessment required by subsection (b)
15 shall—

16 (1) include a quantitative risk assessment for
17 foot-and-mouth disease virus, in particular epidemio-
18 logical and economic impact modeling to determine
19 the overall risk of operating the facility for its ex-
20 pected 50-year life span, taking into account strate-
21 gies to mitigate risk of foot-and-mouth disease virus
22 release from the laboratory and ensure safe oper-
23 ations at the approved National Bio- and Agro-de-
24 fense Facility site;

1 (2) address the impact of surveillance, response,
2 and mitigation plans (developed in consultation with
3 local, State, and Federal authorities and appropriate
4 stakeholders) if a release occurs, to detect and con-
5 trol the spread of disease; and

6 (3) include overall risks of the most dangerous
7 pathogens the Department of Homeland Security ex-
8 pects to hold in the National Bio- and Agro-defense
9 Facility's biosafety level 4 facility, and effectiveness
10 of mitigation strategies to reduce those risks.

11 (d) The Department of Homeland Security shall
12 enter into a contract with the National Academy of
13 Sciences to evaluate the adequacy and validity of the risk
14 assessment required by subsection (b). The National
15 Academy of Sciences shall submit a report on such evalua-
16 tion within four months after the date the Department
17 of Homeland Security concludes its risk assessment.

18 SEC. 1648. Section 503 of the Department of Home-
19 land Security Appropriations Act, 2010 (Public Law 111-
20 83) is amended by adding at the end the following:

21 “(e) The notification thresholds and procedures set
22 forth in this section shall apply to any use of deobligated
23 balances of funds provided in previous Department of
24 Homeland Security Appropriations Acts.”.

1 SEC. 1649. For fiscal year 2011, sections 529, 541,
2 and 545 of the Department of Homeland Security Appro-
3 priations Act, 2010 (Public Law 111-83; 123 Stat. 2174,
4 2176) shall have no force or effect.

5 SEC. 1650. Section 550(b) of the Department of
6 Homeland Security Appropriations Act, 2007 (Public Law
7 109-295; 6 U.S.C. 121 note) is amended by striking “on
8 October 4, 2010” and inserting “on October 4, 2011”.

9 SEC. 1651. Section 831 of the Homeland Security
10 Act of 2002 (6 U.S.C. 391) is amended—

11 (1) in subsection (a), by striking “Until Sep-
12 tember 30, 2010” and inserting “Until September
13 30, 2011”; and

14 (2) in subsection (d)(1), by striking “September
15 30, 2010” and inserting “September 30, 2011”.

16 SEC. 1652. Section 532(a) of Public Law 109-295
17 (120 Stat. 1384) is amended by striking “2010” and in-
18 serting “2011”.

19 SEC. 1653. For an additional amount for necessary
20 expenses for reimbursement of the actual costs to State
21 and local governments for providing emergency manage-
22 ment, public safety, and security at events, as determined
23 by the Administrator of the Federal Emergency Manage-
24 ment Agency, related to the presence of a National Special

1 Security Event, \$7,500,000, to remain available until Sep-
2 tember 30, 2012.

3 SEC. 1654. Notwithstanding the 10 percent limita-
4 tion contained in section 503(c) of the Department of
5 Homeland Security Appropriations Act, 2010 (Public Law
6 111-83), the Secretary of Homeland Security may transfer
7 to the fund established by 8 U.S.C. 1101 note, up to
8 \$20,000,000 from appropriations available to the Depart-
9 ment of Homeland Security: *Provided*, That the Secretary
10 shall notify the Committees on Appropriations of the Sen-
11 ate and House of Representatives 5 days in advance of
12 such transfer.

13 SEC. 1655. Of the funds transferred to the Depart-
14 ment of Homeland Security when it was created in 2003,
15 the following funds are hereby rescinded from the fol-
16 lowing accounts and programs in the specified amounts:

- 17 (1) \$1,692,000 from “Operations”;
- 18 (2) \$4,871,492 from “Violent Crime Reduction
19 Program”;
- 20 (3) \$17,195,677 from “U.S. Customs and Bor-
21 der Protection, Salaries and Expenses”; and
- 22 (4) \$10,568,934 from “Office for Domestic
23 Preparedness”.

24 SEC. 1656. The following unobligated balances made
25 available to the Department of Homeland Security pursu-

1 ant to section 505 of Department of Homeland Security
2 Appropriations Act, 2010 (Public Law 111-83; 123 Stat.
3 2174) are rescinded:

4 (1) \$1,437,015 from “Office of the Secretary
5 and Executive Management”;

6 (2) \$821,104 from “Office of the Under Sec-
7 retary for Management”;

8 (3) \$242,720 from “Office of the Chief Finan-
9 cial Officer”;

10 (4) \$23,143 from “Office of the Chief Informa-
11 tion Officer”;

12 (5) \$440,847 from “Analysis and Operations”;

13 (6) \$76,498 from “Office of the Federal Coor-
14 dinator for Gulf Coast Rebuilding”;

15 (7) \$223,301 from “Office of Inspector Gen-
16 eral”;

17 (8) \$12,503,273 from “U.S. Customs and Bor-
18 der Protection, Salaries and Expenses”;

19 (9) \$18,214,469 from “U.S. Immigration and
20 Customs Enforcement, Salaries and Expenses”;

21 (10) \$2,429,978 from “Transportation Security
22 Administration, Federal Air Marshals”;

23 (11) \$13,508,196 from “Coast Guard, Oper-
24 ating Expenses”;

1 (12) \$3,411,505 from “Coast Guard, Reserve
2 Training”;

3 (13) \$150,499 from “National Protection and
4 Programs Directorate, Management and Administra-
5 tion”;

6 (14) \$861,290 from “National Protection and
7 Programs Directorate, Infrastructure Protection and
8 Information Security”;

9 (15) \$602,956 from “United States Secret
10 Service, Salaries and Expenses”;

11 (16) \$814,153 from “Federal Emergency Man-
12 agement Agency, Management and Administration”;

13 (17) \$831,400 from “Office of Health Affairs”;

14 (18) \$7,945,983 from “United States Citizen-
15 ship and Immigration Services”;

16 (19) \$1,010,795 from “Federal Law Enforce-
17 ment Training Center, Salaries and Expenses”;

18 (20) \$425,465 from “Science and Technology,
19 Management and Administration”; and

20 (21) \$42,257 from “Domestic Nuclear Detec-
21 tion Office, Management and Administration”.

22 SEC. 1657. Of the funds appropriated to the Depart-
23 ment of Homeland Security, the following unobligated bal-
24 ances are hereby rescinded from the following accounts
25 and programs in the specified amounts:

1 (1) \$10,000,000 from “U.S. Customs and Bor-
2 der Protection, Automation Modernization”;

3 (2) \$129,000,000 from “U.S. Customs and
4 Border Protection, Border Security Fencing, Infra-
5 structure, and Technology”;

6 (3) \$19,603,000 from “Federal Emergency
7 Management Agency, National Predisaster Mitiga-
8 tion Fund”;

9 (4) \$60,600,000 from “Science and Technology,
10 Research, Development, Acquisition, and Oper-
11 ations”;

12 (5) \$10,886,000 from “Domestic Nuclear De-
13 tection Office, Research, Development, and Oper-
14 ations”; and

15 (6) \$10,122,000 from “Coast Guard, Acquisi-
16 tion, Construction, and Improvements”.

17 SEC. 1658. Of the unobligated balances made avail-
18 able under section 44945 of title 49, United States Code,
19 \$800,000 is rescinded.

20 SEC. 1659. Of the unobligated balances available for
21 “Department of Homeland Security, Transportation Secu-
22 rity Administration”, \$15,000,000 is rescinded: *Provided*,
23 that the Transportation Security Administration shall not
24 rescind any unobligated balances from the following pro-

1 grams: explosives detection systems, checkpoint support,
2 aviation regulation and other enforcement, and air cargo.

3 SEC. 1660. Of the unobligated balances available for
4 “Department of Homeland Security, National Protection
5 and Programs Directorate, Infrastructure Protection and
6 Information Security”, the following amounts are re-
7 scinded—

8 (1) \$6,000,000 from Next Generation Net-
9 works; and

10 (2) \$9,600,000 to be specified in a report sub-
11 mitted to the Committees on Appropriations of the
12 Senate and the House of Representatives no later
13 than 15 days after the date of enactment of this di-
14 vision, which describes the amounts rescinded and
15 the original purpose of such funds.

16 SEC. 1661. From the unobligated balances of funds
17 made available in the Department of the Treasury For-
18 feiture Fund established by section 9703 of title 31,
19 United States Code, which was added to such title by sec-
20 tion 638 of Public Law 102–393, \$22,600,000 is re-
21 scinded.

22 SEC. 1662. From the unobligated balances of prior
23 year appropriations made available for “Department of
24 Homeland Security, National Protection and Programs

1 Directorate, United States Visitor and Immigrant Indi-
2 cator Technology”, \$32,795,000 is rescinded.

3 SEC. 1663. From the unobligated balances of prior
4 year appropriations made available for “Department of
5 Homeland Security, United States Citizenship and Immi-
6 gration Services”, \$13,000,000 is rescinded: *Provided*,
7 That United States Citizenship and Immigration Services
8 shall not rescind any unobligated balances from the fol-
9 lowing programs and activities: E-Verify, data center mi-
10 gration, and processing applications for asylum and ref-
11 ugee status.

12 SEC. 1664. Of the unobligated balances available for
13 “Department of Homeland Security, U.S. Immigration
14 and Customs Enforcement, Construction”, \$10,000,000 is
15 rescinded.

16 TITLE VII—INTERIOR, ENVIRONMENT, AND
17 RELATED AGENCIES

18 SEC. 1701. Notwithstanding section 1101, the level
19 for “Department of the Interior, Bureau of Land Manage-
20 ment, Management of Lands and Resources” shall be
21 \$963,706,000: *Provided*, That the amounts included under
22 such heading in division A of Public Law 111–88 shall
23 be applied to funds appropriated by this division by sub-
24 stituting “\$963,706,000” for “\$959,571,000” the second
25 place it appears.

1 SEC. 1702. Notwithstanding section 1101, the level
2 for “Department of the Interior, Bureau of Land Manage-
3 ment, Construction” shall be \$4,626,000.

4 SEC. 1703. Notwithstanding section 1101, the level
5 for “Department of the Interior, Bureau of Land Manage-
6 ment, Land Acquisition” shall be \$22,000,000: *Provided*,
7 That the proviso under such heading in division A of Pub-
8 lic Law 111–88 shall not apply to funds appropriated by
9 this division.

10 SEC. 1704. Notwithstanding section 1101, the level
11 for “Department of the Interior, United States Fish and
12 Wildlife Service, Resource Management” shall be
13 \$1,247,356,000.

14 SEC. 1705. Notwithstanding section 1101, the level
15 for “Department of the Interior, United States Fish and
16 Wildlife Service, Construction” shall be \$20,846,000.

17 SEC. 1706. Notwithstanding section 1101, the level
18 for “Department of the Interior, United States Fish and
19 Wildlife Service, Land Acquisition” shall be \$55,000,000.

20 SEC. 1707. Of the unobligated amounts available for
21 “Department of the Interior, United States Fish and
22 Wildlife Service, Landowner Incentive Program” from
23 prior year appropriations, all remaining amounts are re-
24 scinded.

1 SEC. 1708. Notwithstanding section 1101, the level
2 for “Department of the Interior, United States Fish and
3 Wildlife Service, Cooperative Endangered Species Con-
4 servation Fund” shall be \$60,000,000: *Provided*, That
5 amounts included under such heading in division A of
6 Public Law 111–88 shall be applied to funds appropriated
7 by this division as follows: by substituting “\$4,987,297”
8 for “\$5,145,706”; and by substituting “\$31,000,000” for
9 “\$56,000,000”.

10 SEC. 1709. Notwithstanding section 1101, the level
11 for “Department of the Interior, United States Fish and
12 Wildlife Service, North American Wetlands Conservation
13 Fund” shall be \$37,500,000.

14 SEC. 1710. Notwithstanding section 1101, the level
15 for “Department of the Interior, United States Fish and
16 Wildlife Service, Neotropical Migratory Bird Conserva-
17 tion” shall be \$4,000,000.

18 SEC. 1711. Notwithstanding section 1101, the level
19 for “Department of the Interior, United States Fish and
20 Wildlife Service, Multinational Species Conservation
21 Fund” shall be \$10,000,000.

22 SEC. 1712. Notwithstanding section 1101, the level
23 for “Department of the Interior, United States Fish and
24 Wildlife Service, State and Tribal Wildlife Grants” shall
25 be \$62,000,000.

1 SEC. 1713. Before the end of the 60-day period be-
2 ginning on the date of enactment of this Act, the Secretary
3 of the Interior shall reissue the final rule published on
4 April 2, 2009 (74 Fed. Reg. 15123 et seq.) without regard
5 to any other provision of statute or regulation that applies
6 to issuance of such rule. Such reissuance (including this
7 section) shall not be subject to judicial review and shall
8 not abrogate or otherwise have any effect on the order and
9 judgment issued by the United States District Court for
10 the District of Wyoming in Case Numbers 09–CV–118J
11 and 09–CV–138J on November 18, 2010.

12 SEC. 1714. Notwithstanding section 1101, the level
13 for “Department of the Interior, National Park Service,
14 Operation of the National Park System” shall be
15 \$2,254,559,000.

16 SEC. 1715. Notwithstanding section 1101, the level
17 for “Department of the Interior, National Park Service,
18 Park Partnership Project Grants” shall be \$0 and the
19 matters pertaining to such account in division A of Public
20 Law 111–88 shall not apply to funds appropriated by this
21 division.

22 SEC. 1716. Notwithstanding section 1101, the level
23 for “Department of the Interior, National Park Service,
24 National Recreation and Preservation” shall be

1 \$57,986,000, of which \$0 shall be for projects authorized
2 by section 7302 of Public Law 111–11.

3 SEC. 1717. Notwithstanding section 1101, the level
4 for “Department of the Interior, National Park Service,
5 Historic Preservation Fund” shall be \$54,500,000: *Pro-*
6 *vided*, That the amounts included under such heading in
7 division A of Public Law 111–88 shall be applied to funds
8 appropriated by this division by substituting “\$0” for
9 “\$25,000,000”: *Provided further*, That the proviso under
10 such heading in division A of Public Law 111–88 shall
11 not apply to funds appropriated by this division.

12 SEC. 1718. Notwithstanding section 1101, the level
13 for “Department of the Interior, National Park Service,
14 Construction” shall be \$210,066,000: *Provided*, That the
15 last proviso under such heading in division A of Public
16 Law 111–88 shall not apply to funds appropriated by this
17 division.

18 SEC. 1719. The contract authority provided for fiscal
19 year 2011 by 16 U.S.C. 460l-10a is rescinded.

20 SEC. 1720. Notwithstanding section 1101, the level
21 for “Department of the Interior, National Park Service,
22 Land Acquisition and State Assistance” shall be
23 \$95,000,000: *Provided*, That section 113 of division A of
24 Public Law 111–88 shall not apply to funds appropriated
25 by this division.

1 SEC. 1721. Of the unobligated amounts available for
2 “Department of the Interior, National Park Service,
3 Urban Park and Recreation Fund,” \$625,000 is re-
4 scinded.

5 SEC. 1722. Notwithstanding section 1101, the level
6 for “Department of the Interior, United States Geological
7 Survey, Surveys, Investigations, and Research” shall be
8 \$1,085,844,000: *Provided*, That none of the matter after
9 “September 30, 2011” and before the first proviso under
10 such heading in division A of Public Law 111–88 shall
11 apply to funds appropriated by this division.

12 SEC. 1723. Notwithstanding section 1101, the level
13 for “Department of the Interior, Minerals Management
14 Service, Royalty and Offshore Minerals Management”
15 shall be \$239,478,000: *Provided*, That the amounts in-
16 cluded under such heading in division A of Public Law
17 111–88 shall be applied to funds appropriated by this divi-
18 sion as follows: by substituting “\$109,494,000” for
19 “\$89,374,000”; by substituting “\$154,890,000” for
20 “\$156,730,000” each place it appears; and by substituting
21 “2011” for “2010” each place it appears.

22 SEC. 1724. Notwithstanding section 1101, the level
23 for “Department of the Interior, Minerals Management
24 Service, Oil Spill Research” shall be \$11,768,000.

1 SEC. 1725. During fiscal year 2011, the Secretary
2 of the Interior, in order to implement a reorganization of
3 the Bureau of Ocean Energy Management, Regulation
4 and Enforcement, may establish accounts and transfer
5 funds among and between the offices and bureaus affected
6 by the reorganization only in conformance with the Com-
7 mittees on Appropriations of the House of Representatives
8 and the Senate reprogramming guidelines described in the
9 joint explanatory statement of managers accompanying
10 Public Law 111–88.

11 SEC. 1726. Notwithstanding section 1101, the level
12 for “Department of the Interior, Bureau of Indian Affairs,
13 Operation of Indian Programs” shall be \$2,334,515,000:
14 *Provided*, That the amounts included under such heading
15 in division A of Public Law 111–88 shall be applied to
16 funds appropriated by this division as follows: by sub-
17 stituting “\$220,000,000” for “\$166,000,000”; by sub-
18 stituting “\$585,411,000” for “\$568,702,000”; and by
19 substituting “\$46,373,000” for “\$43,373,000”.

20 SEC. 1727. Notwithstanding section 1101, the level
21 for “Department of the Interior, Bureau of Indian Affairs,
22 Construction” shall be \$210,000,000.

23 SEC. 1728. Notwithstanding section 1101, the level
24 for “Department of the Interior, Bureau of Indian Affairs,
25 Indian Land and Water Claim Settlements and Miscella-

1 neous Payments to Indians” shall be \$46,480,000, of
2 which \$0 shall be for the matter pertaining to Public Law
3 109-379.

4 SEC. 1729. Notwithstanding section 1101, the level
5 for “Department of the Interior, Bureau of Indian Affairs,
6 Indian Land Consolidation” shall be \$0.

7 SEC. 1730. Notwithstanding section 1101, the level
8 for “Department of the Interior, Departmental Offices,
9 Insular Affairs, Assistance to Territories” shall be
10 \$84,295,000: *Provided*, That the amounts included under
11 such heading in division A of Public Law 111-88 shall be
12 applied to funds appropriated by this division by sub-
13 stituting “\$75,015,000” for “\$75,915,000”.

14 SEC. 1731. Notwithstanding section 1101, the level
15 for “Department of the Interior, Departmental Offices,
16 Office of the Special Trustee for American Indians, Fed-
17 eral Trust Programs” shall be \$161,000,000: *Provided*,
18 That the amounts included under such heading in division
19 A of Public Law 111–88, as amended by Public Law 111–
20 212, shall be applied to funds appropriated by this division
21 by substituting “\$31,534,000” for “\$47,536,000”.

22 SEC. 1732. Notwithstanding section 1101, the level
23 for “Department of the Interior, Department-wide Pro-
24 grams, Wildland Fire Management” shall be
25 \$919,897,000: *Provided*, That the amounts included under

1 such heading in division A of Public Law 111–88 shall
2 be applied to funds appropriated by this division by sub-
3 stituting “\$0” for “\$125,000,000”: *Provided further*, That
4 of the unobligated balances available under such heading
5 in division A of Public Law 111–88 and prior appropria-
6 tions Acts, \$200,000,000 is rescinded: *Provided further*,
7 That no amounts in this section may be rescinded from
8 amounts that were designated by Congress as an emer-
9 gency requirement pursuant to a concurrent resolution on
10 the budget or the Balanced Budget Emergency Deficit
11 Control Act of 1985.

12 SEC. 1733. Section 121 of division A of Public Law
13 111–88 (123 Stat. 2930), concerning joint ticketing at the
14 Pearl Harbor Naval Complex, is amended in subsection
15 (b)(1) by striking “may enter” and inserting “may, for
16 this fiscal year and each fiscal year thereafter, enter”.

17 SEC. 1734. Notwithstanding section 1101, the level
18 for “Environmental Protection Agency, Science and Tech-
19 nology” shall be \$815,110,000.

20 SEC. 1735. Notwithstanding section 1101, the level
21 for “Environmental Protection Agency, Environmental
22 Programs and Management” shall be \$2,761,994,000:
23 *Provided*, That of the funds included under this heading
24 \$416,875,000 shall be for Geographic Programs: *Provided*
25 *further*, That of such amounts for Geographic Programs,

1 \$300,000,000 shall be for the Great Lakes Restoration
2 Initiative.

3 SEC. 1736. Notwithstanding section 1101, the level
4 for “Environmental Protection Agency, Buildings and Fa-
5 cilities” shall be \$36,501,000, of which \$0 shall be for the
6 planning and design of a high-performance green building
7 to consolidate the multiple offices and research facilities
8 of the Environmental Protection Agency in Las Vegas,
9 Nevada.

10 SEC. 1737. Notwithstanding section 1101, the level
11 for “Environmental Protection Agency, Hazardous Sub-
12 stance Superfund” shall be \$1,283,475,000: *Provided*,
13 That the matter under such heading in division A of Pub-
14 lic Law 111–88 shall be applied to funds appropriated by
15 this division as follows: by substituting “\$1,283,475,000”
16 for “\$1,306,541,000” the second place it appears; and by
17 substituting “September 30, 2010” for “September 30,
18 2009”.

19 SEC. 1738. Notwithstanding section 1101, the level
20 for “Environmental Protection Agency, State and Tribal
21 Assistance Grants” shall be \$3,766,446,000: *Provided*,
22 That the amounts included under such heading in division
23 A of Public Law 111–88 shall be applied to funds appro-
24 priated by this division as follows: by substituting
25 “\$1,525,000,000” for “\$2,100,000,000”; by substituting

1 “\$965,000,000” for “\$1,387,000,000”; by substituting
2 “\$10,000,000” for “\$17,000,000”; by substituting
3 “\$10,000,000” for “\$13,000,000”; by substituting “\$0”
4 for “\$156,777,000”; by substituting “\$50,000,000” for
5 “\$60,000,000”; by substituting “\$0” for “\$20,000,000”;
6 by substituting “\$1,106,446,000” for “\$1,116,446,000”;
7 and by substituting “\$0” for “\$10,000,000” the second
8 place it appears (pertaining to competitive grants for com-
9 munities).

10 SEC. 1739. Notwithstanding section 1101, the
11 amounts authorized to transfer under the heading “Envi-
12 ronmental Protection Agency, Administrative Provisions,
13 Environmental Protection Agency” in division A of Public
14 Law 111–88 shall be applied to funds appropriated by this
15 division by substituting “\$300,000,000” for
16 “\$475,000,000”.

17 SEC. 1740. Of the unobligated balances available for
18 “Environmental Protection Agency, State and Tribal As-
19 sistance Grants”, \$140,000,000 is rescinded: *Provided*,
20 That the Administrator of the Environmental Protection
21 Agency shall submit to the Committees on Appropriations
22 of the House of Representatives and the Senate a pro-
23 posed allocation of such rescinded amounts among pro-
24 grams, projects, and activities and such allocation shall
25 take effect 30 days after such submission: *Provided fur-*

1 *ther*, That no amounts may be rescinded from amounts
2 that were designated by Congress as an emergency re-
3 quirement pursuant to a concurrent resolution on the
4 budget or the Balanced Budget and Emergency Deficit
5 Act of 1985.

6 SEC. 1741. Notwithstanding section 1101, the level
7 for “Department of Agriculture, Forest Service, Forest
8 and Rangeland Research” shall be \$307,252,000.

9 SEC. 1742. Notwithstanding section 1101, the level
10 for “Department of Agriculture, Forest Service, State and
11 Private Forestry” shall be \$278,151,000: *Provided*, That
12 the amounts included under such heading in division A
13 of Public Law 111–88 shall be applied to funds appro-
14 priated by this division by substituting “\$53,000,000” for
15 “\$76,460,000”.

16 SEC. 1743. Notwithstanding section 1101, the level
17 for “Department of Agriculture, Forest Service, National
18 Forest System” shall be \$1,545,339,000, of which
19 \$15,000,000 shall be deposited into the Collaborative For-
20 est Landscape Restoration Fund for ecological restoration
21 treatments as authorized by 16 U.S.C. 7303(f), and of
22 which \$336,722,000 shall be for forest products.

23 SEC. 1744. Notwithstanding section 1101, the level
24 for “Department of Agriculture, Forest Service, Capital
25 Improvement and Maintenance” shall be \$473,591,000:

1 *Provided*, That the amounts included under such heading
2 in division A of Public Law 111–88 shall be applied to
3 funds appropriated by this division by substituting
4 “\$45,000,000” for “\$90,000,000”.

5 SEC. 1745. Notwithstanding section 1101, the level
6 for “Department of Agriculture, Forest Service, Land Ac-
7 quisition” shall be \$33,000,000.

8 SEC. 1746. Notwithstanding section 1101, the level
9 for “Department of Agriculture, Forest Service, Wildland
10 Fire Management” shall be \$2,172,387,000: *Provided*,
11 That the amounts included under such heading in division
12 A of Public Law 111–88 shall be applied to funds appro-
13 priated by this division as follows: by substituting “\$0”
14 for “\$75,000,000”; by substituting “\$11,500,000” for
15 “\$11,600,000”; and by substituting “\$65,000,000” for
16 “\$71,250,000”.

17 SEC. 1747. Notwithstanding section 1101, the level
18 for “Department of Agriculture, Forest Service, FLAME
19 Wildfire Suppression Reserve Fund” shall be
20 \$291,000,000. *Provided*, That of the unobligated balances
21 available under such heading in division A of Public Law
22 111-88, \$200,000,000 is rescinded.

23 SEC. 1748. The authority provided by section 337 of
24 the Department of the Interior and Related Agencies Ap-
25 propriations Act, 2005 (Public Law 108–447; 118 Stat.

1 3102), as amended, shall remain in effect until September
2 30, 2011.

3 SEC. 1749. Notwithstanding section 1101, the level
4 for “Department of Health and Human Services, Indian
5 Health Service, Indian Health Services” shall be
6 \$3,672,618,000.

7 SEC. 1750. Notwithstanding section 1101, the level
8 for “Department of Health and Human Services, Indian
9 Health Service, Indian Health Facilities” shall be
10 \$404,757,000.

11 SEC. 1751. Notwithstanding section 1101, the level
12 for “Chemical Safety and Hazard Investigation Board,
13 Salaries and Expenses” shall be \$10,799,000: *Provided*,
14 That the matter pertaining to methyl isocyanate in the
15 last proviso under such heading in division A of Public
16 Law 111–88 shall not apply to funds appropriated by this
17 division.

18 SEC. 1752. Notwithstanding section 1101, the level
19 for “Smithsonian Institution, Legacy Fund” shall be \$0.

20 SEC. 1753. Notwithstanding section 1101, the level
21 for “National Gallery of Art, Repair, Restoration and
22 Renovation of Buildings” shall be \$48,221,000: *Provided*,
23 That the amounts included under such heading in division
24 A of Public Law 111–88 shall be applied to funds appro-

1 priated by this division by substituting “\$42,250,000” for
2 “\$40,000,000”.

3 SEC. 1754. Notwithstanding section 1101, the level
4 for “John F. Kennedy Center for the Performing Arts,
5 Operations and Maintenance” shall be \$22,500,000: *Pro-*
6 *vided*, That the amounts included under such heading in
7 division A of Public Law 111–88 shall be applied to funds
8 appropriated by this division by substituting “\$0” for
9 “\$500,000”: *Provided further*, That the first proviso under
10 such heading in division A of Public Law 111–88 is
11 amended by striking “until expended” and all that follows
12 and inserting “until September 30, 2011”.

13 SEC. 1755. Notwithstanding section 1101, the level
14 for “John F. Kennedy Center for the Performing Arts,
15 Capital Repair and Restoration” shall be \$13,920,000.

16 SEC. 1756. Notwithstanding section 1101, the level
17 for “Woodrow Wilson International Center for Scholars,
18 Salaries and Expenses” shall be \$11,225,000.

19 SEC. 1757. Notwithstanding section 1101, the level
20 for “National Foundation on the Arts and the Human-
21 ities, National Endowment for the Arts, Grants and Ad-
22 ministration” shall be \$155,000,000.

23 SEC. 1758. Notwithstanding section 1101, the level
24 for “National Foundation on the Arts and the Human-
25 ities, National Endowment for the Humanities, Grants

1 and Administration” shall be \$155,000,000: *Provided*,
2 That the amounts included under such heading in division
3 A of Public Law 111–88 shall be applied to funds appro-
4 priated by this division by substituting “\$140,700,000”
5 for “\$153,200,000”.

6 SEC. 1759. Notwithstanding section 1101, the level
7 for “Commission of Fine Arts, National Capital Arts and
8 Cultural Affairs” shall be \$3,000,000.

9 SEC. 1760. Notwithstanding section 1101, the level
10 for “Presidio Trust, Presidio Trust Fund” shall be
11 \$15,000,000.

12 SEC. 1761. Notwithstanding section 1101, the level
13 for “Dwight D. Eisenhower Memorial Commission, Sala-
14 ries and Expenses” shall be \$0.

15 SEC. 1762. Notwithstanding section 1101, the level
16 for “Dwight D. Eisenhower Memorial Commission, Cap-
17 ital Construction” shall be \$0.

18 SEC. 1763. Section 409 of division A of Public Law
19 111–88 (123 Stat. 2957) is amended by striking “and
20 111–8” and inserting “111–8, and 111–88”, and by strik-
21 ing “2009” and inserting “2010”.

22 SEC. 1764. Notwithstanding section 1101, the level
23 for section 415 of division A of Public Law 111–88 shall
24 be \$0.

1 SEC. 1765. Section 423 of division A of Public Law
2 111–88 (123 Stat. 2961), concerning the distribution of
3 geothermal energy receipts, shall have no force or effect
4 and the distribution formula contained in section 3003(a)
5 of Public Law 111–212 (124 Stat. 2338) shall apply for
6 fiscal year 2011.

7 SEC. 1766. Section 433 of division A of Public Law
8 111–88 (123 Stat. 2965) is amended by striking “2010”
9 and “2009” and inserting “2011” and “2010”, respec-
10 tively.

11 SEC. 1767. Section 7 of Public Law 99–647, as
12 amended by section 702(d) of Public Law 109–338, is fur-
13 ther amended by striking “5 years” and inserting “6
14 years”.

15 SEC. 1768. Not later than 30 days after the date of
16 enactment of this division, each of the following depart-
17 ments and agencies shall submit to the Committees on Ap-
18 propriations of the House of Representatives and the Sen-
19 ate a spending, expenditure, or operating plan for fiscal
20 year 2011 at a level of detail below the account level:

- 21 (1) Department of the Interior.
- 22 (2) Environmental Protection Agency.
- 23 (3) Department of Agriculture, Forest Service.
- 24 (4) Department of Health and Human Services,
- 25 Indian Health Service.

1 (5) Smithsonian Institution.

2 (6) National Endowment for the Arts.

3 (7) National Endowment for the Humanities.

4 SEC. 1769. For the fiscal year ending September 30,
5 2011, none of the funds made available by this division
6 or any other Act may be used to implement, administer,
7 or enforce Secretarial Order No. 3310 issued by the Sec-
8 retary of the Interior on December 22, 2010.

9 TITLE VIII—LABOR, HEALTH AND HUMAN
10 SERVICES, EDUCATION, AND RELATED
11 AGENCIES

12 SEC. 1801. (a) Notwithstanding section 1101, the
13 level for “Department of Labor, Employment and Train-
14 ing Administration, Training and Employment Services”
15 shall be \$1,575,648,000 plus reimbursements, of which—

16 (1) \$543,079,000 shall be available for obliga-
17 tion for the period July 1, 2011, through June 30,
18 2012, of which \$59,040,000 shall be available for
19 adult employment and training activities,
20 \$203,840,000 shall be available for dislocated work-
21 er employment and training activities, \$24,160,000
22 shall be available for the dislocated worker assist-
23 ance national reserve, \$10,000,000 shall be available
24 for pilots, demonstrations, and research activities of
25 which no funds shall be available for Transitional

1 Jobs activities, and \$85,561,000 shall be available
2 for reintegration of ex-offenders of which no funds
3 shall be available for Transitional Jobs activities:
4 *Provided*, That the amounts included for national
5 activities under such heading in division D of Public
6 Law 111–117 shall be applied to funds appropriated
7 by this division by substituting “\$0” for
8 “\$48,889,000”;

9 (2) \$907,569,000 shall be available for obliga-
10 tion for the period April 1, 2011, through June 30,
11 2012, including \$827,569,000 for youth activities
12 and \$80,000,000 for YouthBuild;

13 (3) \$125,000,000 shall remain available until
14 September 30, 2012, and shall be available to the
15 Secretary of Labor for the Workforce Innovation
16 Fund, as established by this division to carry out
17 projects that demonstrate innovative strategies or
18 replicate effective evidence-based strategies that
19 align and strengthen the workforce investment sys-
20 tem in order to improve program delivery and edu-
21 cation and employment outcomes for program bene-
22 ficiaries: *Provided*, That amounts shall be available
23 for awards to States or State agencies that are eligi-
24 ble for assistance under any program authorized
25 under the Workforce Investment Act of 1998

1 (“WIA”), consortia of States, or partnerships, in-
2 cluding regional partnerships: *Provided further*, That
3 notwithstanding section 128(a)(1) of the WIA, the
4 amount available to the Governor for statewide ac-
5 tivities shall not exceed 5 percent of the amount al-
6 lotted to the State from the appropriation under this
7 subparagraph;

8 (4) no funds shall be available for the Green
9 Jobs Innovation Fund; and

10 (5) no funds shall be available for the Career
11 Pathways Innovation Fund.

12 (b) Of the funds made available in division D of Pub-
13 lic Law 111–117 for the Career Pathways Innovation
14 Fund, \$125,000,000 is rescinded.

15 SEC. 1802. Of the funds made available by section
16 1101 of this division for “Department of Labor, Depart-
17 mental Management, Office of Job Corps” for construc-
18 tion, rehabilitation, and acquisition of Job Corps centers,
19 the Secretary of Labor may transfer up to 25 percent to
20 meet the operational needs of Job Corps centers: *Provided*,
21 That no funds shall be available to initiate a competition
22 for any new Job Corps center not previously approved
23 through a competitive selection process by the Secretary
24 of Labor: *Provided further*, That of the unobligated bal-
25 ances of the funds made available for “Department of

1 Labor, Departmental Management, Office of Job Corps”,
2 \$75,000,000 is rescinded.

3 SEC. 1803. Notwithstanding section 1101, the level
4 for “Department of Labor, Employment and Training Ad-
5 ministration, Community Service Employment for Older
6 Americans” shall be \$450,000,000, and for purposes of
7 funds appropriated by this division, the amounts under
8 such heading in division D of Public Law 111–117 shall
9 be applied by substituting “\$0” for “\$225,000,000”, and
10 the first and second provisos under such heading in such
11 division shall not apply.

12 SEC. 1804. Notwithstanding section 1101, the level
13 which may be expended from the Employment Security
14 Administration Account in the Unemployment Trust Fund
15 for administrative expenses of “Department of Labor,
16 Employment and Training Administration, State Unem-
17 ployment Insurance and Employment Service Operations”
18 shall be \$4,024,490,000 (which includes all amounts avail-
19 able to conduct in-person reemployment and eligibility as-
20 sessments and unemployment insurance improper pay-
21 ment reviews), of which \$3,245,645,000 shall be available
22 for unemployment compensation State operations,
23 \$50,519,000 shall be available for Federal administration
24 of foreign labor certifications, and \$15,129,000 shall be
25 available for grants to States for the administration of

1 such activities. For purposes of this section, the first pro-
2 viso under such heading in division D of Public Law 111–
3 117 shall be applied to funds appropriated by this division
4 by substituting “2011” and “6,180,000” for “2010” and
5 “5,059,000”, respectively.

6 SEC. 1805. Funds appropriated by section 1101 of
7 this division to the Department of Labor’s Employment
8 and Training Administration for technical assistance serv-
9 ices to grantees may be transferred to “Department of
10 Labor, Employment and Training Administration, Pro-
11 gram Administration” if it is determined that those serv-
12 ices will be more efficiently performed by Federal staff.

13 SEC. 1806. Notwithstanding section 1101, the level
14 for “Department of Labor, Employment Standards Ad-
15 ministration, Salaries and Expenses” shall be
16 \$485,255,000, together with \$2,124,000 which may be ex-
17 pended from the Special Fund in accordance with sections
18 39(c), 44(d), and 44(j) of the Longshore and Harbor
19 Workers’ Compensation Act: *Provided*, That funds pro-
20 vided in this section may be allocated among the agencies
21 included in this account and may be transferred to any
22 other account within the Department of Labor for pro-
23 gram direction and support of the agencies funded in this
24 section.

1 SEC. 1807. Notwithstanding section 1101, the level
2 for “Department of Labor, Mine Safety and Health Ad-
3 ministration, Salaries and Expenses” shall be
4 \$363,843,000, of which up to \$3,000,000 shall be avail-
5 able to the Secretary of Labor to be transferred to “De-
6 partmental Management, Salaries and Expenses” for ac-
7 tivities related to the Department of Labor’s caseload be-
8 fore the Federal Mine Safety and Health Review Commis-
9 sion, and the amounts included under the heading “De-
10 partment of Labor, Mine Safety and Health Administra-
11 tion, Salaries and Expenses” in division D of Public Law
12 111–117 shall be applied to funds appropriated in this di-
13 vision by substituting “\$0” for “\$1,450,000” and by sub-
14 stituting “\$1,350,000” for “\$1,000,000”.

15 SEC. 1808. Notwithstanding section 1101, the level
16 for “Department of Labor, Departmental Management”
17 shall be \$367,827,000, together with not to exceed
18 \$327,000, which may be expended from the Employment
19 Security Administration Account in the Unemployment
20 Trust Fund, and the third proviso under such heading in
21 division D of Public Law 111–117 shall not apply to funds
22 appropriated in this division: *Provided*, That of the funds
23 made available by this section, not less than \$21,332,000
24 may be used by the Secretary of Labor for the purposes
25 of program evaluation, initiatives related to the identifica-

1 tion and prevention of worker misclassification, and other
2 worker protection activities, and may be transferred by the
3 Secretary (in addition to any other transfer authority
4 available by this division) to other agencies of the Depart-
5 ment subject to a 15-day advance notification to the Com-
6 mittees on Appropriations of the House of Representatives
7 and the Senate.

8 SEC. 1809. (a) Of the unobligated balances available
9 in “Department of Labor, Working Capital Fund”,
10 \$3,900,000 is rescinded, to be derived solely from amounts
11 available in the Investment in Reinvention Fund (other
12 than amounts that were designated by the Congress as
13 an emergency requirement pursuant to a concurrent reso-
14 lution on the budget or the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985).

16 (b) The language under the “Working Capital Fund”
17 heading in Public Law 85–67, as amended, is further
18 amended by striking “*Provided further*, That within the
19 Working Capital Fund,” through and including “, to be
20 available without further appropriation action:”.

21 SEC. 1810. (a) Notwithstanding section 1101, the
22 level for “Department of Health and Human Services,
23 Health Resources and Services Administration, Health
24 Resources and Services” shall be \$6,274,790,000 of which
25 (1) not more than \$100,000,000 shall be available until

1 expended for carrying out the provisions of Public Law
2 104–73 and for expenses incurred by the Department of
3 Health and Human Services pertaining to administrative
4 claims made under such law; (2) \$300,000,000 shall be
5 for the program under title X of the Public Health Service
6 Act (“PHS Act”) to provide for voluntary family planning
7 projects; (3) not less than \$1,982,865,000 shall remain
8 available through September 30, 2013 for parts A and B
9 of title XXVI of the PHS Act, of which not less than
10 \$885,000,000 shall be for State AIDS Drug Assistance
11 Programs under the authority of section 2616 or 311(c)
12 of such Act; and (4) no funds are provided for section
13 340G–1 of the PHS Act.

14 (b) The sixteenth, eighteenth, nineteenth, twenty-second,
15 and twenty-fifth provisos under the heading “Department
16 of Health and Human Services, Health Resources
17 and Services Administration, Health Resources and Services”
18 in division D of Public Law 111–117 shall not apply
19 to funds appropriated by this division.

20 (c) Sections 747(c)(2), and 751(j)(2) of the PHS Act,
21 and the proportional funding amounts in paragraphs (1)
22 through (4) of section 756(e) of such Act shall not apply
23 to funds made available by this division for “Department
24 of Health and Human Services, Health Resources and
25 Services Administration, Health Resources and Services”.

1 (d) For any program operating under section 751 of
2 the PHS Act on or before January 1, 2009, the Secretary
3 of Health and Human Services may waive any of the re-
4 quirements contained in sections 751(d)(2)(A) and
5 751(d)(2)(B) of such Act.

6 (e) For purposes of this section, section 10503(d) of
7 Public Law 111–148 shall be applied as if “, over the fis-
8 cal year 2008 level,” were stricken from such section.

9 SEC. 1811. (a) Notwithstanding section 1101, the
10 level for the first undesignated paragraph under the head-
11 ing “Department of Health and Human Services, Centers
12 for Disease Control and Prevention, Disease Control, Re-
13 search, and Training” in division D of Public Law 111–
14 117 shall be \$5,660,291,000, of which \$523,533,000 shall
15 remain available until expended for the Strategic National
16 Stockpile under section 319F–2 of the PHS Act.

17 (b) The matter included before the first proviso under
18 the heading “Department of Health and Human Services,
19 Centers for Disease Control and Prevention, Disease Con-
20 trol, Research, and Training” in division D of Public Law
21 111–117 shall be applied to funds appropriated by this
22 division by substituting “\$0” for “\$20,620,000”, by sub-
23 stituting “\$22,000,000” for “\$70,723,000”, and as if “of
24 which \$69,150,000 shall remain available until expended
25 for acquisition of real property, equipment, construction

1 and renovations of facilities;” were stricken from such
2 paragraph.

3 (c) Paragraphs (1) through (3) of section 2821(b) of
4 the PHS Act shall not apply to funds made available by
5 this division.

6 (d) Notwithstanding section 1101, funds appro-
7 priated for “Department of Health and Human Services,
8 Centers for Disease Control and Prevention, Disease Con-
9 trol, Research, and Training” shall also be available to
10 carry out title II of the Immigration and Nationality Act.

11 (e) Notwithstanding section 1101, funds made avail-
12 able by this division may be available for acquisition of
13 real property and necessary repairs of facilities owned,
14 leased, or operated by the Centers for Disease Control and
15 Prevention: *Provided*, That such facilities relate to mine
16 safety research: *Provided further*, That the Committees on
17 Appropriations of the House of Representatives and the
18 Senate are notified of the amounts to be obligated no less
19 than 15 days in advance.

20 SEC. 1812. Notwithstanding section 1101, the level
21 for “Department of Health and Human Services, National
22 Institutes of Health, National Institute of Allergy and In-
23 fectious Diseases” shall be \$4,818,275,000, and the re-
24 quirement under “National Institute of Allergy and Infec-
25 tious Diseases” in division D of Public Law 111–117 for

1 a transfer from Biodefense Countermeasures funds shall
2 not apply.

3 SEC. 1813. The amount provided by section 1101 for
4 “Department of Health and Human Services, National In-
5 stitutes of Health” is reduced by \$210,000,000, through
6 a pro rata reduction in all of the Institutes, Centers, and
7 Office of the Director accounts within “Department of
8 Health and Human Services, National Institutes of
9 Health” based on the total funding provided.

10 SEC. 1814. Notwithstanding section 1101, the level
11 for “Department of Health and Human Services, National
12 Institutes of Health, Buildings and Facilities” shall be
13 \$50,000,000.

14 SEC. 1815. (a) Notwithstanding section 1101, the
15 level for “Department of Health and Human Services,
16 Substance Abuse and Mental Health Services Administra-
17 tion, Substance Abuse and Mental Health Services” shall
18 be \$3,386,311,000, of which (1) not less than
19 \$40,800,000 shall be for the National Child Traumatic
20 Stress Initiative; and (2) no funds shall be available for
21 the National All Schedules Prescription Electronic Report-
22 ing system.

23 (b) The amount included before the first proviso
24 under the heading “Department of Health and Human
25 Services, Substance Abuse and Mental Health Services

1 Administration, Substance Abuse and Mental Health
2 Services” in division D of Public Law 111–117 shall be
3 applied to funds appropriated by this division by sub-
4 stituting “\$0” for “\$14,518,000”.

5 (c) The second proviso under the heading “Depart-
6 ment of Health and Human Services, Substance Abuse
7 and Mental Health Services Administration, Substance
8 Abuse and Mental Health Services” in division D of Public
9 Law 111–117 shall not apply to funds appropriated by
10 this division.

11 SEC. 1816. Notwithstanding section 1101, the
12 amount included under the heading “Department of
13 Health and Human Services, Agency for Healthcare Re-
14 search and Quality, Healthcare Research and Quality” in
15 division D of Public Law 111–117 shall be applied to
16 funds appropriated by this division by substituting
17 “\$372,053,000” for “\$397,053,000”.

18 SEC. 1817. Notwithstanding section 1101, for pay-
19 ment to the Federal Hospital Insurance Trust Fund and
20 the Federal Supplementary Medical Insurance Trust
21 Fund, as provided under sections 217(g), 1844, and
22 1860D–16 of the Social Security Act, sections 103(c) and
23 111(d) of the Social Security Amendments of 1965, sec-
24 tion 278(d) of Public Law 97–248, and for administrative

1 expenses incurred pursuant to section 201(g) of the Social
2 Security Act, \$229,464,000,000.

3 SEC. 1818. (a) Notwithstanding section 1101, the
4 level for amounts transferred from the Federal Hospital
5 Insurance Trust Fund and the Federal Supplementary
6 Medical Insurance Trust Fund for “Department of Health
7 and Human Services, Centers for Medicare and Medicaid
8 Services, Program Management” shall be \$3,470,242,000,
9 of which the level for the Research, Demonstration, and
10 Evaluation program shall be \$35,600,000.

11 (b) The amount under the third proviso under the
12 heading “Department of Health and Human Services,
13 Centers for Medicare and Medicaid Services, Program
14 Management” in division D of Public Law 111–117 shall
15 be applied to funds appropriated by this division by sub-
16 stituting “\$9,120,000” for “\$65,600,000”.

17 (c) The sixth proviso under the heading “Department
18 of Health and Human Services, Centers for Medicare and
19 Medicaid Services, Program Management” in division D
20 of Public Law 111–117 shall not apply to funds appro-
21 priated by this division.

22 SEC. 1819. (a) Notwithstanding section 1101, the
23 level for “Department of Health and Human Services, Ad-
24 ministration for Children and Families, Low Income
25 Home Energy Assistance” shall be \$4,710,000,000, of

1 which \$4,509,672,000 shall be for payments under sub-
2 sections (b) and (d) of section 2602 of the Low-Income
3 Home Energy Assistance Act of 1981 (42 U.S.C. 8621);
4 and of which \$200,328,000 shall be for payments under
5 subsection (e) of such Act, to be made notwithstanding
6 the designation requirements of such subsection.

7 (b) The second proviso under the heading “Depart-
8 ment of Health and Human Services, Administration for
9 Children and Families, Low Income Home Energy Assist-
10 ance” in division D of Public Law 111–117 shall not apply
11 to funds appropriated by this division.

12 SEC. 1820. Of the unobligated balances available for
13 “Department of Health and Human Services, Administra-
14 tion for Children and Families, Refugee and Entrant As-
15 sistance” from funds appropriated under this heading in
16 fiscal year 2010 and prior fiscal years, \$25,000,000 is re-
17 scinded.

18 SEC. 1821. (a) Notwithstanding section 1101, the
19 level for “Department of Health and Human Services, Ad-
20 ministration for Children and Families, Payments to
21 States for the Child Care and Development Block Grant”
22 shall be \$2,227,081,000.

23 (b) The amount included in the first proviso under
24 the heading “Department of Health and Human Services,
25 Administration for Children and Families, Payments to

1 States for the Child Care and Development Block Grant”
2 in division D of Public Law 111–117 shall be applied to
3 funds appropriated by this division by substituting “\$0”
4 for “\$1,000,000”.

5 (c) The amounts included in the second proviso under
6 the heading “Department of Health and Human Services,
7 Administration for Children and Families, Payments to
8 States for the Child Care and Development Block Grant”
9 in division D of Public Law 111–117 shall be applied to
10 funds appropriated by this division by substituting
11 “\$284,160,000” for “\$271,401,000”, and by substituting
12 “\$104,213,000” for “\$99,534,000”.

13 SEC. 1822. (a) Notwithstanding section 1101, the
14 level for “Department of Health and Human Services, Ad-
15 ministration for Children and Families, Children and
16 Families Services Programs” shall be \$9,538,433,000, of
17 which (1) \$7,574,783,000 shall be for making payments
18 under the Head Start Act; and (2) \$703,000,000 shall be
19 for making payments under the Community Services
20 Block Grant (“CSBG”) Act, of which \$23,350,000 shall
21 be for sections 680 and 678E(b)(2), of which \$18,000,000
22 shall be for section 680(a)(2), and not less than
23 \$5,000,000 shall be for section 680(a)(3)(B) of the CSBG
24 Act.

1 (b) For purposes of allocating such funds under the
2 Head Start Act, the term “base grant” as used in sub-
3 section (a)(7)(A) of section 640 of such Act with respect
4 to funding provided to a Head Start agency (including
5 each Early Head Start agency) for fiscal year 2010 shall
6 be deemed to include 50 percent of the funds appropriated
7 under “Department of Health and Human Services, Ad-
8 ministration for Children and Families, Children and
9 Families Services Programs” in Public Law 111–5 pro-
10 vided to such agency for carrying out expansion of Head
11 Start programs, as that phrase is used in subsection
12 (a)(4)(D) of such section 640, and provided to such agen-
13 cy as the ongoing funding level for operations in the 12
14 month budget period beginning in fiscal year 2010.

15 (c) The fourteenth and fifteenth provisos under the
16 heading “Department of Health and Human Services, Ad-
17 ministration for Children and Families, Children and
18 Families Services Programs” in division D of Public Law
19 111–117 shall not apply to funds appropriated by this di-
20 vision.

21 SEC. 1823. (a) Notwithstanding section 1101, the
22 level for “Department of Health and Human Services, Ad-
23 ministration on Aging, Aging Services Programs” shall be
24 \$1,500,323,000, of which \$440,783,000 shall be for con-
25 gregate nutrition, \$217,676,000 shall be for home-deliv-

1 ered nutrition, and \$27,708,000 shall be for Native Amer-
2 ican nutrition: *Provided*, That the total amount available
3 for fiscal year 2011 under this and any other Act to carry
4 out activities related to Aging and Disability Resource
5 Centers under subsections (a)(20)(B)(iii) and (b)(8) of
6 section 202 of the Older Americans Act shall not exceed
7 the amount obligated for such purposes for fiscal year
8 2010 from funds available under Public Law 111–117.

9 (b) The first proviso under the heading “Department
10 of Health and Human Services, Administration on Aging,
11 Aging Services Programs” in division D of Public Law
12 111–117 shall not apply to funds appropriated by this di-
13 vision.

14 (c) None of the funds appropriated by this division
15 for “Department of Health and Human Services, Admin-
16 istration on Aging, Aging Services Programs” shall be
17 used to carry out sections 1701 and 1703 of the PHS
18 Act (with respect to chronic disease self-management ac-
19 tivity grants), except that such funds may be used for nec-
20 essary expenses associated with administering any such
21 grants awarded prior to the date of the enactment of this
22 division.

23 SEC. 1824. Notwithstanding section 1101, the level
24 for “Department of Health and Human Services, Office
25 of the Secretary, General Departmental Management”

1 from the General Fund shall be \$651,786,000: *Provided*,
2 That amounts included under such heading in division D
3 of Public Law 111–117 shall be applied to funds appro-
4 priated by this division by substituting “\$0” for
5 “\$5,789,000”: *Provided further*, That the second and sev-
6 enth provisos under such heading in division D of Public
7 Law 111–117 shall not apply to funds appropriated by
8 this division: *Provided further*, That none of the funds
9 made available in this division shall be for carrying out
10 activities specified under section 2003(b)(2) or (3) of the
11 PHS Act: *Provided further*, That of the amount included
12 under the heading “Department of Health and Human
13 Services, Office of the Secretary, General Departmental
14 Management” up to \$175,905,000 may be transferred to
15 other appropriation accounts within the Department of
16 Health and Human Services to carry out the Secretary’s
17 responsibilities: *Provided further*, That amounts included
18 under such heading in division D of Public Law 111–117
19 shall be applied to funds appropriated by this division by
20 substituting in the third proviso “\$105,000,000” for
21 “\$110,000,000”.

22 SEC. 1825. (a) Notwithstanding section 1101, the
23 level for “Department of Health and Human Services, Of-
24 fice of the Secretary, Public Health and Social Services
25 Emergency Fund” shall be \$676,180,000, of which

1 \$65,578,000 shall be for expenses necessary to prepare for
2 and respond to an influenza pandemic, none of which shall
3 be available past September 30, 2011, and \$35,000,000,
4 to remain available until expended, shall be for expenses
5 necessary for fit-out and other costs related to a competi-
6 tive lease procurement to renovate or replace the existing
7 headquarters building for Public Health Service agencies
8 and other components of the Department of Health and
9 Human Services: *Provided*, That in addition,
10 \$415,000,000 of the funds transferred to the account
11 under the heading “Department of Health and Human
12 Services, Office of the Secretary, Public Health and Social
13 Services Emergency Fund” in Public Law 111–117 under
14 the fourth paragraph under such heading may be used to
15 support advanced research and development pursuant to
16 section 319L of the PHS Act and other administrative ex-
17 penses of the Biomedical Advanced Research and Develop-
18 ment Authority: *Provided further*, That the first proviso
19 in the first paragraph under such heading in division D
20 of Public Law 111–117 and the language in such para-
21 graph designating \$10,000,000 to support delivery of
22 medical countermeasures shall not apply to funds provided
23 in this section: *Provided further*, That the fourth para-
24 graph under such heading shall not apply to funds appro-
25 priated by this division.

1 (b) Of the amounts provided under the heading “De-
2 partment of Health and Human Services, Office of the
3 Secretary, Public Health and Social Services Emergency
4 Fund” in Public Laws 111–8 and 111–117 and available
5 for expenses necessary to prepare for and respond to an
6 influenza pandemic, \$170,000,000 may also be used—

7 (1) to plan, conduct, and support research to
8 advance regulatory science to improve the ability to
9 determine safety, effectiveness, quality, and perform-
10 ance of medical countermeasure products against
11 chemical, biological, radiological, and nuclear agents
12 including influenza virus; and

13 (2) to analyze, conduct, and improve regulatory
14 review and compliance processes for such products.

15 SEC. 1826. Of the funds made available for “Depart-
16 ment of Health and Human Services, Office of the Sec-
17 retary, Public Health and Social Services Emergency
18 Fund” in Public Law 111–32, \$1,259,000,000 is re-
19 scinded, to be derived only from those amounts which have
20 not yet been designated by the President as emergency
21 funds.

22 SEC. 1827. Hereafter, no funds appropriated by this
23 division or by any previous or subsequent Act shall be sub-
24 ject to the allocation requirements of section 1707A(e) of
25 the PHS Act.

1 SEC. 1828. Hereafter, no funds appropriated by this
2 division or by any previous or subsequent Act shall be
3 available for transfer under section 274 of the PHS Act.

4 SEC. 1829. (a) Notwithstanding section 1101, the
5 level for “Department of Education, Education for the
6 Disadvantaged” shall be \$4,725,891,000, of which
7 \$4,628,056,000 shall become available on July 1, 2011,
8 and remain available through September 30, 2012 for aca-
9 demic year 2011–2012: *Provided*, That not more than
10 \$8,167,000 shall be available to carry out sections 1501
11 and 1503 of the Elementary and Secondary Education Act
12 of 1965 (“ESEA”).

13 (b) The seventh proviso under the heading “Depart-
14 ment of Education, Education for the Disadvantaged” in
15 division D of Public Law 111–117 shall be applied by sub-
16 stituting “\$535,633,000” for “\$545,633,000” and the
17 tenth, eleventh and twelfth provisos shall not apply to
18 funds appropriated by this division.

19 SEC. 1830. For purposes of this division, the proviso
20 under the heading “Department of Education, Impact
21 Aid” in division D of Public Law 111–117 shall be applied
22 by substituting “2010–2011” for “2009–2010”.

23 SEC. 1831. (a) Notwithstanding section 1101, the
24 level for “Department of Education, School Improvement
25 Programs” shall be \$2,924,791,000, of which

1 \$2,754,244,000 shall become available on July 1, 2011,
2 and remain available through September 30, 2012 for aca-
3 demic year 2011–2012: *Provided*, That of the amounts
4 available for such heading: (1) no funds shall be available
5 for activities authorized under part D of title II of the
6 ESEA, or subpart 6 of part D of title V of the ESEA,
7 or part Z of title VIII of the Higher Education Act of
8 1965; (2) \$26,928,000 shall be available to carry out part
9 D of title V of the ESEA; (3) for purposes of this section,
10 up to \$11,500,000 shall be available for activities de-
11 scribed in the twelfth proviso under such heading in divi-
12 sion D of Public Law 111–117; (4) \$380,732,000 shall
13 be for State assessments authorized under section 6111
14 of the ESEA and \$10,000,000 shall be for enhanced as-
15 sessment instruments authorized under section 6112 of
16 the ESEA; and (5) up to 1 percent of the funds for sub-
17 part 1 of part A of Title II of the ESEA shall be reserved
18 by the Secretary of Education for competitive awards for
19 teacher training or professional enhancement activities to
20 national not-for-profit organizations.

21 (b) The seventh proviso shall be applied by sub-
22 stituting “\$51,313,000” for “\$56,313,000” and the sec-
23 ond, third, fifth, sixth, eighth and thirteenth provisos
24 under the heading “Department of Education, School Im-

1 improvement Programs” in division D of Public Law 111–
2 117 shall not apply to funds appropriated by this division.

3 SEC. 1832. (a) Notwithstanding section 1101, the
4 level for “Department of Education, Innovation and Im-
5 provement” shall be \$1,859,899,000, of which—

6 (1) \$850,000,000 shall become available on the date
7 of enactment of this division, and remain available
8 through December 31, 2011, \$440,982,000 shall be avail-
9 able to carry out part D of title V of the ESEA, and no
10 funds shall be available for activities authorized under sec-
11 tion 2151(c) of the ESEA, section 1504 of the ESEA,
12 or part F of title VIII of the Higher Education Act of
13 1965; and

14 (2) not more than \$150,000,000 may be used to
15 make awards under section 14007 of division A of Public
16 Law 111–5 and not more than \$700,000,000 may be used
17 to make awards to States under section 14006 of division
18 A of Public Law 111–5, as amended by subsection (b) of
19 this section: *Provided*, That none of such funds shall be
20 made available prior to the submission of a detailed spend-
21 ing plan outlining the proposed competitions and priorities
22 to the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate: *Provided further*, That
24 awards may be made on the basis of previously submitted
25 applications: *Provided further*, That the Secretary of Edu-

1 cation shall administer grants for improving early child-
2 hood care and education jointly with the Secretary of
3 Health and Human Services on such terms as such Secre-
4 taries set forth in an interagency agreement: *Provided fur-*
5 *ther*, That the Secretary of Education shall be responsible
6 for obligating and disbursing funds and ensuring compli-
7 ance with applicable laws and administrative requirements
8 with regard to such awards: *Provided further*, That the
9 Secretary shall provide, on a timely and periodic basis, the
10 findings from evaluations, including impact evaluations
11 and interim progress evaluations, of activities conducted
12 using funds previously obligated under sections 14006 and
13 14007 of division A of Public Law 111–5, including Race
14 to the Top and the Investing in Innovation Fund, to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate.

17 (b) Division A of Public Law 111–5, as amended, is
18 further amended—

19 (1) in section 14005(d), by adding at the end the fol-
20 lowing:

21 “(6) IMPROVING EARLY CHILDHOOD CARE AND
22 EDUCATION.—The State will take actions to—

23 “(A) increase the number and percentage
24 of low-income and disadvantaged children in
25 each age group of infants, toddlers, and pre-

1 schoolers who are enrolled in high-quality early
 2 learning programs;

3 “(B) design and implement an integrated
 4 system of high-quality early learning programs
 5 and services; and

6 “(C) ensure that any use of assessments
 7 conforms with the recommendations of the Na-
 8 tional Research Council’s reports on early child-
 9 hood.”; and

10 (2) in section 14006—

11 (A) in subsection (b), by striking “and (5)” and
 12 inserting “(5), or (6)”; and

13 (B) in subsection (c)(2), by inserting before the
 14 period “, or to a State or States for improving early
 15 childhood care and education”.

16 (c) The first, third, fourth, seventeenth and eight-
 17 eenth provisos under the heading “Department of Edu-
 18 cation, Innovation and Improvement” in division D of
 19 Public Law 111–117 shall not apply to funds appropriated
 20 by this division.

21 SEC. 1833. (a) Notwithstanding section 1101, the
 22 level for “Department of Education, Safe Schools and
 23 Citizenship Education” shall be \$289,043,000, of which,
 24 notwithstanding section 2343(b) of the ESEA, \$1,157,000
 25 is for the continuation costs of awards made on a competi-

1 tive basis under section 2345 of the ESEA, \$161,500,000
2 shall be available to carry out part D of title V, and
3 \$126,386,000 shall be for subpart 2 of part A of title IV
4 of the ESEA : *Provided*, That \$30,000,000 shall be avail-
5 able for Promise Neighborhoods and be available through
6 December 31, 2011.

7 (b) The first, second, and third provisos under the
8 heading “Department of Education, Safe Schools and
9 Citizenship Education” in division D of Public Law 111–
10 117 shall not apply to funds appropriated by this division.

11 SEC. 1834. Notwithstanding section 1101, the level
12 for “Department of Education, English Language Acqui-
13 sition” shall be \$735,000,000.

14 SEC. 1835. (a) Notwithstanding section 1101, the
15 level for “Department of Education, Special Education”
16 shall be \$3,975,665,000, of which \$3,726,354,000 shall
17 become available on July 1, 2011, and remain available
18 through September 30, 2012 for academic year 2011–
19 2012.

20 (b) The first and second provisos under the heading
21 “Department of Education, Special Education” in division
22 D of Public Law 111–117 shall not apply to funds appro-
23 priated by this division.

24 (c) The third proviso under such heading shall be ap-
25 plied by substituting “2010” for “2009”.

1 SEC. 1836. (a) Notwithstanding section 1101, the
2 level for “Department of Education, Rehabilitation Serv-
3 ices and Disability Research” shall be \$3,475,500,000.

4 (b) The second proviso under the heading “Depart-
5 ment of Education, Rehabilitation Services and Disability
6 Research” in division D of Public Law 111–117 shall not
7 apply to funds appropriated by this division.

8 SEC. 1837. Notwithstanding section 1101, the level
9 for “Department of Education, Special Institutions for
10 Persons with Disabilities, National Technical Institute for
11 the Deaf” shall be \$65,677,000, of which \$240,000 shall
12 be available for construction.

13 SEC. 1838. (a) Notwithstanding section 1101, the
14 level for “Department of Education, Career, Technical,
15 and Adult Education” shall be \$951,432,000 which shall
16 become available on July 1, 2011, and remain available
17 through September 30, 2012 for academic year 2011–
18 2012: *Provided*, That of the amounts available for such
19 heading, no funds shall be available for activities author-
20 ized under subpart 4 of part D of title V of the ESEA,
21 or part D of title VIII of the Higher Education Amend-
22 ments of 1998.

23 (b) The first, second, third, seventh and eighth pro-
24 visos under the heading “Department of Education, Ca-
25 reer, Technical, and Adult Education” in division D of

1 Public Law 111–117 shall not apply to funds appropriated
2 by this division.

3 SEC. 1839. (a) Notwithstanding section 1101, the
4 level for “Department of Education, Student Financial
5 Assistance” shall be \$24,719,957,000, of which
6 \$23,002,000,000 shall be available to carry out subpart
7 1 of part A of title IV of the Higher Education Act of
8 1965 and no funds shall be available for activities author-
9 ized under subpart 4 of part A of title IV of the Higher
10 Education Act of 1965.

11 (b) The maximum Pell grant for which a student
12 shall be eligible during award year 2011–2012 shall be
13 \$4,860.

14 SEC. 1840. Of the unobligated balances of funds
15 made available in subparagraphs (A) through (E) of sec-
16 tion 401A(e)(1) of the Higher Education Act of 1965,
17 \$560,000,000 is rescinded.

18 SEC. 1841. Notwithstanding sections 1101 and 1103,
19 the level for “Department of Education, Student Aid Ad-
20 ministration” shall be \$994,000,000, which shall remain
21 available through September 30, 2012.

22 SEC. 1842. (a) Notwithstanding section 1101, the
23 level for “Department of Education, Higher Education”
24 shall be \$1,907,760,000, of which no funds shall be avail-
25 able for activities authorized under section 428L of part

1 B of title IV of the Higher Education Act of 1965
2 (“HEA”), subpart 6 of part A of title IV of the HEA,
3 subpart 1 of part D of title VII of the HEA, subpart 3
4 of part A of title VII of the HEA, section 1543 of the
5 Higher Education Amendments of 1992, part H of title
6 VIII of the Higher Education Amendments of 1998, or
7 part I of subtitle A of title VI of the America COMPETES
8 Act: *Provided*, That the first proviso under the heading
9 “Department of Education, Higher Education” in division
10 D of Public Law 111–117 shall be replaced by the fol-
11 lowing: “*Provided*, That \$8,100,000, to remain available
12 through September 30, 2012, shall be available to fund
13 fellowships for academic year 2012–2013 under subpart
14 1 of part A of title VII of the Higher Education Act, under
15 the terms and conditions of such subpart 1”: *Provided fur-*
16 *ther*, That the last proviso under such heading in division
17 D of Public Law 111–117 shall not apply to funds appro-
18 priated by this division, except that \$1,000,000 shall be
19 available for competitive grants under section 872 of the
20 HEA.

21 (b) The seventh, eighth, ninth, tenth, eleventh,
22 twelfth, and thirteenth provisos under the heading “De-
23 partment of Education, Higher Education” in division D
24 of Public Law 111–117 shall not apply to funds appro-
25 priated by this division.

1 SEC. 1843. Notwithstanding section 1101, the level
2 for “Department of Education, Historically Black College
3 and University Capital Financing Program Account” shall
4 be \$20,582,000: *Provided*, That these funds are available
5 to subsidize total loan principal, any part of which is to
6 be guaranteed, not to exceed \$279,393,000.

7 SEC. 1844. (a) Notwithstanding section 1101, the
8 level for “Department of Education, Institute of Edu-
9 cation Sciences” shall be \$610,006,000 and shall remain
10 available through September 30, 2012.

11 (b) Notwithstanding subsections (d) and (e) of sec-
12 tion 174 of the Education Sciences Reform Act of 2002,
13 up to \$57,650,000 may be used to extend any contracts
14 to administer the Regional Educational Laboratories that
15 were in effect on, or entered into, after January 1, 2011,
16 for a period of not more than 12 months.

17 SEC. 1845. Notwithstanding section 1101, the level
18 for “Corporation for National and Community Service,
19 Operating Expenses” shall be \$782,374,000, of which
20 \$307,374,000 shall be to carry out the Domestic Volun-
21 teer Service Act of 1973 and \$475,000,000 shall be to
22 carry out the National and Community Service Act of
23 1990 and notwithstanding sections 198B(b)(3), 198S(g),
24 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act.

1 SEC. 1846. Notwithstanding section 1101, the level
2 for “Corporation for National and Community Service,
3 National Service Trust” shall be \$199,659,000.

4 SEC. 1847. The amounts included under the heading
5 “Corporation for Public Broadcasting” in division D of
6 Public Law 111–117 shall be applied to funds appro-
7 priated by this division as follows: by substituting
8 “\$6,000,000” for “\$86,000,000”; by substituting “\$0”
9 for “\$25,000,000”; by substituting “\$6,000,000” for
10 “\$36,000,000”; and by substituting “\$0” for
11 “\$25,000,000”.

12 SEC. 1848. Notwithstanding section 1101, the level
13 for “Institute of Museum and Library Services, Office of
14 Museum and Library Services: Grants and Administra-
15 tion” shall be \$237,869,000: *Provided*, That the amounts
16 included under such heading in division D of Public Law
17 111–117 shall be applied to funds appropriated by this
18 division by substituting “\$0” for “\$16,382,000”.

19 SEC. 1849. Notwithstanding section 1101, the level
20 for “Medicare Payment Advisory Commission, Salaries
21 and Expenses” shall be \$12,450,000.

22 SEC. 1850. Notwithstanding section 1101, the level
23 for “Railroad Retirement Board, Dual Benefits Payments
24 Account” shall be \$57,000,000.

1 SEC. 1851. Notwithstanding section 1101, the level
2 for “Social Security Administration, Payments to Social
3 Security Trust Funds” shall be \$21,404,000, and in addi-
4 tion such funds may be used to carry out section 217(g)
5 of the Social Security Act.

6 SEC. 1852. Notwithstanding section 1101, the level
7 for the first paragraph under the heading “Social Security
8 Administration, Supplemental Security Income Program”
9 in division D of Public Law 111–117 shall be
10 \$39,983,273,000, of which \$3,493,273,000 shall be for
11 administrative expenses.

12 SEC. 1853. Notwithstanding section 1101, the level
13 for the first paragraph under the heading “Social Security
14 Administration, Limitation on Administrative Expenses”
15 in division D of Public Law 111–117 shall be
16 \$10,775,500,000. In addition, the amount included in the
17 fourth paragraph under such heading in division D of
18 Public Law 111–117 shall be applied to funds appro-
19 priated by this division by substituting “\$186,000,000”
20 for “\$160,000,000” each place it appears.

21 SEC. 1854. Of the funds appropriated for “Social Se-
22 curity Administration, Limitation on Administrative Ex-
23 penses” for fiscal years 2010 and prior years and available
24 without fiscal year limitation (other than funds appro-
25 priated in Public Law 111–5) for investment in informa-

1 tion technology and telecommunications hardware and
2 software infrastructure, \$75,000,000 is rescinded.

3 SEC. 1855. All funds transferred under the authority
4 of section 4002 of Public Law 111–148 shall be subject
5 to the terms and conditions of section 503 of division D
6 of Public Law 111–117.

7 GAO REPORTS AND AUDITS ON PPACA IMPLEMENTATION
8 AND COMPARATIVE EFFECTIVENESS RESEARCH
9 FUNDING AND MEDICARE ACTUARIAL ANALYSIS OF
10 IMPACT OF CERTAIN PPACA INSURANCE CHANGES
11 ON PREMIUMS

12 SEC. 1856. (a) GAO REPORT ON PPACA IMPLEMEN-
13 TATION.—Not later than 90 days after the date of the en-
14 actment of this Act, the Comptroller General of the United
15 States shall submit to Congress a report on the costs and
16 processes of implementing PPACA. Such report shall in-
17 clude the following (as of the date of preparation of the
18 report):

19 (1) A list of the contracts, including the name
20 of the contractors, their general areas of expertise,
21 and the amount of money expended on each such
22 contract, entered into by the Department of Health
23 and Human Services and other Federal departments
24 and agencies to provide services related to authority
25 under PPACA that was not previously authorized.

1 (2) A list of any firms hired by such a Depart-
2 ment or agency to facilitate contracting with such
3 contractors.

4 (3) A list of consultants who have been hired by
5 such a Department or agency to assist in imple-
6 menting PPACA, including their areas of expertise
7 and the total cost for such consultants.

8 (b) GAO AUDIT OF ANNUAL LIMIT WAIVER RE-
9 QUESTS.—Not later than 60 days after the date of the
10 enactment of this Act, the Comptroller General shall sub-
11 mit to Congress a report that includes the results of an
12 audit of requests for administrative waiver of the annual
13 limit requirements of section 2711(a) of the Public Health
14 Service Act (as inserted by section 1001(5) of the Patient
15 Protection and Affordable Care Act). Such report shall in-
16 clude an analysis of the number of approvals and denials
17 of such requests and the reasons for such approval or de-
18 nial.

19 (c) MEDICARE ACTUARIAL ANALYSIS OF PROJECTED
20 PREMIUM IMPACTS OF APPLYING CERTAIN REQUIRE-
21 MENTS.—Not later than 90 days after the date of the en-
22 actment of this Act, the Chief Actuary of the Centers for
23 Medicare & Medicaid Services shall submit to Congress a
24 report that contains an estimate of the impact of the guar-
25 anteed issue, guaranteed renewal, and community rating

1 requirements under sections 2701 through 2703 of the
2 Public Health Service Act, as inserted by section 1201 of
3 the Patient Protection and Affordable Care Act, on pre-
4 miums for individuals and families with employer-spon-
5 sored health insurance. Such estimate shall cover the 10-
6 year period beginning with 2014 and shall include an esti-
7 mate of the number of such individuals and families who
8 will experience a premium increase as a result of such re-
9 quirements and the number of such individuals and fami-
10 lies who will experience a premium decrease as a result
11 of such requirements.

12 (d) GAO AUDIT OF COMPARATIVE EFFECTIVENESS
13 RESEARCH FUNDING.—Not later than 60 days after the
14 date of the enactment of this Act, the Comptroller General
15 shall submit to Congress a report that includes the results
16 of an audit of expenditures made for comparative effec-
17 tiveness research through funds provided to the Agency
18 for Healthcare Research and Quality, the National Insti-
19 tutes of Health, or any other agency within the Depart-
20 ment of Health and Human Services under title VIII of
21 the American Recovery and Reinvestment Act of 2009
22 (Public Law 111–5) or under PPACA. Such report shall
23 include a description of the expenditures made, the entities
24 who received such funding, and the purpose of the fund-
25 ing.

1 (e) PPACA DEFINED.—In this section, the term
 2 “PPACA” means the Patient Protection and Affordable
 3 Care Act (Public Law 111–148) and includes the amend-
 4 ments made by such Act, title I and subtitle B of title
 5 II of the Health Care and Education Reconciliation Act
 6 of 2010 (Public Law 111–152), and the amendments
 7 made by such title and subtitle.

8 SEC. 1857. Of the funds made available for the Con-
 9 sumer Operated and Oriented Plan Program under Sec-
 10 tion 1322(g) of the Patient Protection and Affordable
 11 Care Act, \$2,200,000,000 are hereby permanently can-
 12 celled.

13 FREE CHOICE VOUCHERS

14 SEC. 1858. (a) IN GENERAL.—Subsections (a), (b),
 15 (c), (d), and (e) of section 10108 of the Patient Protection
 16 and Affordable Care Act are repealed.

17 (b) CONFORMING CHANGES TO TAX CODE.—

18 (1) Section 36B(c)(2) of the Internal Revenue
 19 Code of 1986 is amended by striking subparagraph
 20 (D).

21 (2)(A) Section 139D, as added by section
 22 10108 of PPACA, of such Code is repealed.

23 (B) The table of sections for part III of sub-
 24 chapter B of chapter 1 of such Code is amended by
 25 striking the item relating to section 139D, as added
 26 by section 10108 of PPACA.

1 (3) Section 162(a) of such Code is amended by
2 striking the last sentence.

3 (4) Section 4980H(b) of such Code is amended
4 by striking paragraph (3).

5 (5) Section 6056 of such Code is amended—

6 (A) by striking “and every offering em-
7 ployer” in subsection (a),

8 (B) in subsection (b)(2)(C)—

9 (i) by striking “in the case of an ap-
10 plicable large employer,” in clause (i),

11 (ii) by inserting “and” at the end of
12 clause (iii),

13 (iii) by striking “and” at the end of
14 clause (iv), and

15 (iv) by striking clause (v),

16 (C) by striking “or offering employer” in
17 subsections (d)(2) and (e), and

18 (D) by amending subsection (f) to read as
19 follows:

20 “(f) DEFINITIONS.—For purposes of this section, any
21 term used in this section which is also used in section
22 4980H shall have the meaning given such term by section
23 4980H.”.

24 (c) OTHER CONFORMING CHANGE.—Section
25 18B(a)(3) of the Fair Labor Standards Act of 1938 (29

1 U.S.C. 218B) is amended by striking “and the employer
2 does not offer a free choice voucher”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the provisions
5 of, and the amendments made by, the provisions of the
6 Patient Protection and Affordable Care Act to which they
7 relate.

8 SEC. 1859. Of the funds made available for perform-
9 ance bonus payments under section 2105(a)(3)(E) of the
10 Social Security Act, \$3,500,000,000 are hereby perma-
11 nently cancelled.

12 SEC. 1860. (a) Section 401(b) of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1070a(b)) is amended—

14 (1) in paragraph (2)(A)(ii), by striking “para-
15 graph (8)(B)” and inserting “paragraph (7)(B)”;

16 (2) by striking paragraph (5);

17 (3) in paragraph (8)—

18 (A) in subparagraph (A), by amending
19 clause (iv) to read as follows:

20 “(iv) to carry out this section—

21 “(I) \$13,500,000,000 for fiscal
22 year 2011;

23 “(II) \$3,183,000,000 for fiscal
24 year 2012;

25 “(III) \$0 for fiscal year 2013;

1 “(IV) \$0 for fiscal year 2014;

2 “(V) \$0 for fiscal year 2015;

3 “(VI) \$0 for fiscal year 2016;

4 “(VII) \$1,060,000,000 for fiscal
5 year 2017;

6 “(VIII) \$1,125,000,000 for fiscal
7 year 2018;

8 “(IX) \$1,125,000,000 for fiscal
9 year 2019;

10 “(X) \$1,140,000,000 for fiscal
11 year 2020; and

12 “(XI) \$1,145,000,000 for fiscal
13 year 2021 and each succeeding fiscal
14 year.”; and

15 (B) in subparagraph (C)—

16 (i) in clause (i)(I), by striking “clause
17 (v)(II)” and inserting “clause (iv)(II)”;
18 and

19 (ii) in clause (ii)(I), by striking
20 “clause (v)(II)” and inserting “clause
21 (iv)(II)”;

22 (4) by redesignating paragraphs (6), (7), and
23 (8) as paragraphs (5), (6), and (7), respectively.

1 (b) The amendment made by subsection (a)(2) shall
2 be effective with respect to the 2011–2012 award year and
3 succeeding award years.

4 (c) Sections 482(c) and 492 of the Higher Education
5 Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply
6 to the amendments made by subsection (a)(2), or to any
7 regulations promulgated under those amendments.

8 (d) The requirements of 34 C.F.R. 690.64(b) shall
9 not apply with respect to 2011 cross-over payment peri-
10 ods.

11 SEC. 1861. Section 101 of Public Law 111–226 (124
12 Stat. 2389) is amended by striking paragraph (11).

13 SEC. 1862. Of the unobligated balances of funds
14 made available in section 458(a)(7)(B) of the Higher Edu-
15 cation Act of 1965, \$31,000,000 is rescinded.

16 SEC. 1863. Within 30 days of the enactment of this
17 division, each of the departments and related agencies
18 funded in this title shall submit to the Committees on Ap-
19 propriations of the House of Representatives and the Sen-
20 ate a spending, expenditure, or operating plan for fiscal
21 year 2011 at a level of detail below the account level.

22 TITLE IX—LEGISLATIVE BRANCH

23 SEC. 1901. Notwithstanding section 1101, the level
24 for each of the following accounts of the Senate shall be
25 as follows: “Salaries, Officers and Employees”,

1 \$185,982,000; “Salaries, Officers and Employees, Office
2 of the Sergeant at Arms and Doorkeeper”, \$77,000,000;
3 “Contingent Expenses of the Senate, Secretary of the Sen-
4 ate”, \$6,200,000, of which \$4,200,000 shall remain avail-
5 able until September 30, 2015; and “Contingent Expenses
6 of the Senate, Sergeant at Arms and Doorkeeper of the
7 Senate”, \$142,401,000.

8 SEC. 1902. Notwithstanding section 1101, the level
9 for each of the following accounts of the Senate under the
10 heading “Contingent Expenses of the Senate” shall be as
11 follows: “Miscellaneous Items”, \$21,145,000; “Senators’
12 Official Personnel and Office Expense Account”,
13 \$410,000,000: *Provided*, That each Senator’s official per-
14 sonnel and office expense allowance (including the allow-
15 ance for administrative and clerical assistance, the salaries
16 allowance for legislative assistance to Senators, as author-
17 ized by the Legislative Branch Appropriation Act, 1978
18 (Public Law 95–94), and the office expense allowance for
19 each Senator’s office for each State) in effect immediately
20 before the date of enactment of this section shall be re-
21 duced by 5 percent.

22 SEC. 1903. Of the unobligated amounts appropriated
23 for fiscal year 2009 under the heading “Senate”,
24 \$33,500,000 are rescinded.

1 SEC. 1904. Section 8 of the Legislative Branch Ap-
2 propriations Act, 1990 (31 U.S.C. 1535 note) is amended
3 by striking paragraph (3) and inserting the following:

4 “(3) Agreement under paragraph (1) shall be in
5 accordance with regulations prescribed by the Com-
6 mittee on Rules and Administration of the Senate.”.

7 SEC. 1905. Notwithstanding section 1101, the level
8 for “House of Representatives, Salaries and Expenses”
9 shall be \$1,314,025,000.

10 SEC. 1906. Notwithstanding section 1101, the level
11 for “House of Representatives, House Leadership Offices”
12 shall be \$24,861,969, and the levels under that heading
13 shall be as follows:

14 (1) For the Office of the Speaker, \$4,877,851.

15 (2) For the Office of the Majority Floor Lead-
16 er, \$2,432,808.

17 (3) For the Office of the Minority Floor Lead-
18 er, \$4,378,238.

19 (4) For the Office of the Majority Whip,
20 \$2,105,373.

21 (5) For the Office of the Minority Whip,
22 \$1,628,873.

23 (6) For the Speaker’s Office for Legislative
24 Floor Activities, \$497,619.

1 (7) For the Republican Steering Committee,
2 \$940,674.

3 (8) For the Republican Conference, \$1,679,970.

4 (9) For the Republican Policy Committee,
5 \$344,485.

6 (10) For the Democratic Steering and Policy
7 Committee, \$1,319,273.

8 (11) For the Democratic Caucus, \$1,659,696.

9 (12) For nine minority employees, \$1,487,455.

10 (13) For the training and program develop-
11 ment—majority, \$277,807.

12 (14) For the training and program develop-
13 ment—minority, \$277,439.

14 (15) For Cloakroom Personnel—majority,
15 \$477,469.

16 (16) For Cloakroom Personnel—minority,
17 \$476,939.

18 SEC. 1907. Notwithstanding section 1101, the level
19 for “House of Representatives, Members’ Representa-
20 tional Allowances” shall be \$613,052,000.

21 SEC. 1908. Notwithstanding section 1101, the level
22 for “House of Representatives, Committee Employees,
23 Standing Committees, Special and Select” shall be
24 \$134,549,103, and the period of applicability referred to

1 in the proviso under that heading shall be December 31,
2 2012.

3 SEC. 1909. Notwithstanding section 1101, the level
4 for “House of Representatives, Committee on Appropria-
5 tions” shall be \$28,483,000, and the period of applica-
6 bility referred to in the proviso under that heading shall
7 be December 31, 2012.

8 SEC. 1910. Notwithstanding section 1101, the level
9 for “House of Representatives, Salaries, Officers and Em-
10 ployees” shall be \$193,326,000, and the level under that
11 heading—

12 (1) for the Office of the Clerk shall be
13 \$28,589,000;

14 (2) for the Office of the Sergeant at Arms shall
15 be \$9,034,000; and

16 (3) for the Office of the Chief Administrative
17 Officer shall be \$127,782,000.

18 SEC. 1911. Notwithstanding section 1101, the level
19 for “House of Representatives, Allowances and Expenses”
20 shall be \$319,752,928, and the level under that heading—

21 (1) for Government contributions for health, re-
22 tirement, Social Security, and other applicable em-
23 ployee benefits shall be \$282,976,856;

1 (2) for Business Continuity and Disaster Re-
2 covery shall be \$22,912,072, of which \$5,000,000
3 shall remain available until expended; and

4 (3) for the Wounded Warrior Program shall be
5 \$2,000,000.

6 SEC. 1912. Notwithstanding section 1101, the level
7 for “Joint Items, Joint Economic Committee” shall be
8 \$4,499,000.

9 SEC. 1913. Notwithstanding section 1101, the level
10 for “Joint Items, Joint Committee on Taxation” shall be
11 \$10,551,150.

12 SEC. 1914. Notwithstanding section 1101, the level
13 for “Office of the Attending Physician” shall be
14 \$3,407,000, and the level under that heading for reim-
15 bursement to the Department of the Navy for expenses
16 incurred for staff and equipment shall be \$2,426,000.

17 SEC. 1915. Notwithstanding section 1101, the level
18 for “Capitol Police, Salaries” shall be \$277,688,000.

19 SEC. 1916. Notwithstanding section 1101, the level
20 for “Office of Compliance, Salaries and Expenses” shall
21 be \$4,085,150, and the period of availability referred to
22 under such heading shall be September 30, 2012.

23 SEC. 1917. Notwithstanding section 1101, the level
24 for “Congressional Budget Office, Salaries and Expenses”
25 shall be \$46,865,000.

1 SEC. 1918. Notwithstanding section 1101, the period
2 of availability for each item under the heading “Architect
3 of the Capitol” may not extend beyond September 30,
4 2015.

5 SEC. 1919. Of the unobligated amounts appropriated
6 from prior year appropriations under the heading “Archi-
7 tect of the Capitol” for the Capitol Visitor Center project,
8 \$14,600,000 are rescinded.

9 SEC. 1920. Notwithstanding section 1101, the level
10 for “Library of Congress, Salaries and Expenses” shall
11 be \$439,000,000, and the amount applicable under the
12 fifth and seventh provisos under that heading shall be \$0.

13 SEC. 1921. Notwithstanding section 1101, the level
14 for “Library of Congress, Copyright Office, Salaries and
15 Expenses” shall be \$54,476,000, of which not more than
16 \$30,751,000, to remain available until expended, shall be
17 derived from collections credited to such appropriation
18 during fiscal year 2011 under section 708(d) of title 17,
19 United States Code, and the amount applicable under the
20 third proviso under such heading shall be \$36,612,000.

21 SEC. 1922. Notwithstanding section 1101, the level
22 for “Library of Congress, Congressional Research Service,
23 Salaries and Expenses” shall be \$111,240,000.

24 SEC. 1923. Notwithstanding section 1101, the level
25 for “Library of Congress, Books for the Blind and Phys-

1 ically Handicapped, Salaries and Expenses” shall be
2 \$68,182,000.

3 SEC. 1924. Notwithstanding section 1101, the level
4 for “Government Printing Office, Government Printing
5 Office Revolving Fund” shall be \$1,659,000.

6 SEC. 1925. Notwithstanding section 1101, the level
7 for “Government Printing Office, Office of Superintendent
8 of Documents, Salaries and Expenses” shall be
9 \$39,911,000, and the amounts authorized for producing
10 and disseminating Congressional serial sets and other re-
11 lated publications to depository and other designated li-
12 braries shall apply to publications for fiscal years 2009
13 and 2010.

14 SEC. 1926. (a) Section 309(c) of the Legislative
15 Branch Appropriations Act, 1999 (44 U.S.C. 305 note)
16 is amended by striking paragraph (5).

17 (b) The amendment made by subsection (a) shall take
18 effect as if included in the enactment of the Legislative
19 Branch Appropriations Act, 1999.

20 SEC. 1927. Notwithstanding section 1101, the level
21 for “Government Accountability Office, Salaries and Ex-
22 penses” shall be \$547,349,000, the amount applicable
23 under the first proviso under that heading shall be
24 \$9,400,000, the amount applicable under the second pro-
25 viso under that heading shall be \$3,100,000, and the

1 amount applicable under the third proviso under that
2 heading shall be \$7,000,000.

3 SEC. 1928. Notwithstanding section 1101, the level
4 for “Open World Leadership Center Trust Fund” shall
5 be \$11,400,000.

6 TITLE X—MILITARY CONSTRUCTION,
7 VETERANS AFFAIRS, AND RELATED AGENCIES

8 SEC. 2001. Notwithstanding section 1101, the level
9 for each of the following accounts of the Department of
10 Defense for funding, including incremental funding, of
11 programs, projects and activities authorized in division B
12 of Public Law 111-383, excluding funds designated by sec-
13 tion 1110 of this division, shall be as follows: “Military
14 Construction, Army”, \$3,787,598,000; “Military Con-
15 struction, Navy and Marine Corps”, \$3,303,611,000;
16 “Military Construction, Air Force”, \$1,106,995,000;
17 “Military Construction, Defense-Wide”, \$2,873,062,000;
18 “Military Construction, Army National Guard”,
19 \$873,664,000; “Military Construction, Air National
20 Guard’ ”, \$194,986,000; “Military Construction, Army
21 Reserve”, \$318,175,000; “Military Construction, Navy
22 Reserve”, \$61,557,000; and “Military Construction, Air
23 Force Reserve”, \$7,832,000: *Provided*, That not later
24 than 30 days after the date of the enactment of this sec-
25 tion, the Secretary of Defense shall submit to the Commit-

tees on Appropriations of the House of Representatives and the Senate a spending plan for fiscal year 2011 at a level of detail below the account level.

SEC. 2002. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: “Family Housing Construction, Army”, \$92,369,000; “Family Housing Construction, Navy and Marine Corps”, \$186,444,000; “Family Housing Construction, Air Force”, \$78,025,000; “Family Housing Construction, Defense-Wide”, \$0; and “Family Housing Improvement Fund”, \$1,096,000.

SEC. 2003. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: “North Atlantic Treaty Organization Security Investment Program”, \$258,884,000; “Homeowners Assistance Fund”, \$16,515,000; “Chemical Demilitarization Construction, Defense-Wide”, \$124,971,000; “Department of Defense Base Closure Account 1990”, \$360,474,000; and “Department of Defense Base Closure Account 2005”, \$2,354,285,000.

SEC. 2004. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: “Family Housing Operation and Maintenance, Army”, \$518,140,000; “Family Housing Operation and Maintenance, Navy and Marine Corps”,

1 \$366,346,000; “Family Housing Operation and Mainte-
2 nance, Air Force”, \$513,792,000; and “Family Housing
3 Operation and Maintenance, Defense-Wide”,
4 \$50,464,000.

5 SEC. 2005. Of the funds designated by section 1110
6 of this division, funds available for the Department of De-
7 fense shall be as follows: “Military Construction, Army”,
8 \$981,346,000; “Military Construction, Air Force”,
9 \$195,006,000; and “Military Construction, Defense-
10 Wide”, \$46,500,000.

11 SEC. 2006. Notwithstanding any other provision of
12 this division, the following provisions included in title I
13 of division E of Public Law 111–117 shall not apply to
14 funds made available by this division: the first, second,
15 and last provisos, and the set-aside of \$350,000,000,
16 under the heading “Military Construction, Army”; the
17 first and last provisos under the heading “Military Con-
18 struction, Navy and Marine Corps”; the first, second, and
19 last provisos under the heading “Military Construction,
20 Air Force”; the second, third, fourth, and last provisos
21 under the heading “Military Construction, Defense-Wide”,
22 the first, second and last provisos, and the set-aside of
23 \$30,000,000, under the heading “Military Construction,
24 Army National Guard”; the first, second, and last pro-
25 visos, and the set-aside of \$30,000,000, under the heading

1 “Military Construction, Air National Guard”; the first,
2 second, and last provisos, and the set-aside of
3 \$30,000,000, under the heading “Military Construction,
4 Army Reserve”; the first, second, and last provisos, the
5 set-aside of \$20,000,000, and the set-aside of
6 \$35,000,000, under the heading “Military Construction,
7 Navy Reserve”; the first, second, and last provisos, and
8 the set-aside of \$55,000,000, under the heading “Military
9 Construction, Air Force Reserve”; the proviso under the
10 heading “Family Housing Construction, Army”; the pro-
11 viso under the heading “Family Housing Construction,
12 Navy and Marine Corps”; the proviso under the heading
13 “Family Housing Construction , Air Force”; the proviso
14 under the heading “Family Housing Construction, De-
15 fense-Wide”; and the proviso under the heading “Chemical
16 Demilitarization Construction, Defense-Wide”.

17 SEC. 2007. Notwithstanding any other provision of
18 this division, the following provisions included in title IV
19 of division E of Public Law 111–117 shall not apply to
20 funds appropriated by this division: the proviso under
21 “Military Construction, Army” and the proviso under
22 “Military Construction, Air Force”.

23 SEC. 2008. Of the funds made available for “Military
24 Construction, Defense-Wide” in title I of division E of
25 Public Law 110–329, \$23,000,000 are rescinded.

1 SEC. 2009. Of the funds made available for “Military
2 Construction, Defense-Wide” in title I of division E of
3 Public Law 111–117, \$125,500,000 are rescinded.

4 SEC. 2010. Of the funds made available for “Military
5 Construction, Army” in title I of division E of Public Law
6 111–117, \$263,000,000 are rescinded.

7 SEC. 2011. Of the funds made available for “Military
8 Construction, Navy and Marine Corps” in title I of divi-
9 sion E of Public Law 111-117, \$61,050,000 are rescinded.

10 SEC. 2012. Of the funds made available for “Military
11 Construction, Air Force” in title I of division E of Public
12 Law 111-117, \$121,700,000 are rescinded.

13 SEC. 2013. Of the unobligated balances available for
14 “Department of Defense Base Closure Account 2005”
15 from prior appropriations (other than appropriations des-
16 ignated by law as being for contingency operations directly
17 related to the global war on terrorism or as an emergency
18 requirement), \$232,363,000 are rescinded.

19 SEC. 2014. (a) Of the funds made available in title
20 II of division E of Public Law 111-117, the following
21 amounts which became available on October 1, 2010 are
22 hereby rescinded from the following accounts in the
23 amounts specified:

24 (1) “Department of Veterans Affairs, Medical Serv-
25 ices”, \$1,000,000,000;

1 (2) “Department of Veterans Affairs, Medical Sup-
2 port and Compliance”, \$100,000,000; and

3 (3) “Department of Veterans Affairs, Medical Facili-
4 ties”, \$100,000,000.

5 (b) In addition to amounts provided elsewhere in this
6 Act, an additional amount is appropriated to the following
7 accounts in the amounts specified, to remain available
8 until September 30, 2012:

9 (1) “Department of Veterans Affairs, Medical
10 Services”, \$1,000,000,000;

11 (2) “Department of Veterans Affairs, Medical
12 Support and Compliance”, \$100,000,000; and

13 (3) “Department of Veterans Affairs, Medical
14 Facilities”, \$100,000,000.

15 SEC. 2015. Notwithstanding section 1118, the levels
16 for each of the following accounts for fiscal year 2012
17 shall be as follows:

18 (1) “Department of Veterans Affairs, Medical
19 Services”, \$39,649,985,000, which shall become
20 available on October 1, 2011, and shall remain avail-
21 able until September 30, 2012.

22 (2) “Department of Veterans Affairs, Medical
23 Support and Compliance”, \$5,535,000,000, which
24 shall become available on October 1, 2011, and shall
25 remain available until September 30, 2012.

1 (3) “Department of Veterans Affairs, Medical
2 Facilities”, \$5,426,000,000, which shall become
3 available on October 1, 2011, and shall remain avail-
4 able until September 30, 2012.

5 SEC. 2016. Of the discretionary funds made available
6 to the Department of Veterans Affairs for fiscal year
7 2011, \$34,000,000 are rescinded from “Medical Support
8 and Compliance” and \$15,000,000 are rescinded from
9 “Medical Facilities”, which shall be derived from amounts
10 estimated for the January 2011 civilian pay raise.

11 SEC. 2017. Of the amounts appropriated to the De-
12 partment of Veterans Affairs for fiscal year 2011 for
13 “Medical Services”, “Medical Support and Compliance”,
14 “Medical Facilities”, “Construction, Minor Projects”, and
15 “Information Technology Systems”, up to \$235,360,000,
16 plus reimbursements, may be transferred to the Joint De-
17 partment of Defense-Department of Veterans Affairs
18 Medical Facility Demonstration Fund, established by sec-
19 tion 1704 of title XVII of division A of Public Law 111–
20 84 and may be used for operation of the facilities des-
21 ignated as combined Federal medical facilities as de-
22 scribed by section 706 of Public Law 110–417: *Provided*,
23 That additional funds may be transferred from accounts
24 designated in this section to the Joint Department of De-
25 fense-Department of Veterans Affairs Medical Facility

1 Demonstration Fund upon written notification by the Sec-
2 retary of Veterans Affairs to the Committees on Appro-
3 priations of both Houses of Congress.

4 SEC. 2018. Such sums as may be deposited to the
5 Medical Care Collections Fund pursuant to section 1729A
6 of title 38, United States Code, for health care provided
7 at facilities designated as combined Federal medical facili-
8 ties as described by section 706 of Public Law 110–417
9 shall also be available: (1) for transfer to the Joint De-
10 partment of Defense-Department of Veterans Affairs
11 Medical Facility Demonstration Fund, established by sec-
12 tion 1704 of title XVII of division A of Public Law 111–
13 84; and (2) for operations of the facilities designated as
14 combined Federal medical facilities as described by section
15 706 of Public Law 110–417.

16 SEC. 2019. Notwithstanding section 1101, the level
17 for “Department of Veterans Affairs, Departmental Ad-
18 ministration, General Operating Expenses” shall be
19 \$2,534,276,000, of which not less than \$2,136,776,000
20 shall be for the Veterans Benefits Administration: *Pro-*
21 *vided*, That no funds shall be available for the printer on
22 every desk initiative.

23 SEC. 2020. Notwithstanding section 1101, the level
24 for “Department of Veterans Affairs, Departmental Ad-

1 ministration, Information Technology Systems” shall be
2 \$3,146,898,000.

3 SEC. 2021. Of the funds made available for “Depart-
4 ment of Veterans Affairs, Departmental Administration,
5 Information Technology Systems” in title II of division E
6 of Public Law 111–117, \$147,000,000 are rescinded.

7 SEC. 2022. Notwithstanding section 1101, the level
8 for “Department of Veterans Affairs, Departmental Ad-
9 ministration, Construction, Major Projects” shall be
10 \$1,151,036,000: *Provided*, That not later than 30 days
11 after the date of the enactment of this section, the Sec-
12 retary of Veterans Affairs shall submit to the Committees
13 on Appropriations of the House of Representatives and the
14 Senate a spending plan for fiscal year 2011 at a level of
15 detail below the account level: *Provided further*, That the
16 last proviso included in title II of division E of Public Law
17 111–117 under the heading “Department of Veterans Af-
18 fairs, Departmental Administration, Construction, Major
19 Projects” shall not apply to funds appropriated by this
20 division.

21 SEC. 2023. Of the unobligated balances available
22 under “Department of Veterans Affairs, Departmental
23 Administration, Construction, Major Projects” to be de-
24 rived from accounts in prior appropriations Acts and that
25 were not designated by the Congress in such Acts as an

1 emergency requirement pursuant to a concurrent resolu-
2 tion on the budget or the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985, \$75,000,000 are re-
4 scinded.

5 SEC. 2024. Notwithstanding section 1101, the level
6 for “Department of Veterans Affairs, Departmental Ad-
7 ministration, Construction, Minor Projects” shall be
8 \$467,700,000.

9 SEC. 2025. Notwithstanding section 1101, the level
10 for “Department of Veterans Affairs, Departmental Ad-
11 ministration, Grants for Construction of State Extended
12 Care Facilities” shall be \$85,000,000.

13 SEC. 2026. Notwithstanding section 1101, the level
14 for “American Battle Monuments Commission, Salaries
15 and Expenses” shall be \$64,200,000, to remain available
16 until expended.

17 SEC. 2027. Notwithstanding section 1101, the level
18 for “United States Court of Appeals for Veterans Claims,
19 Salaries and Expenses” shall be \$27,615,000, of which
20 \$2,320,000 shall be available for the purpose of providing
21 financial assistance as described under this heading in
22 Public Law 102-229.

23 SEC. 2028. Notwithstanding section 1101, the level
24 for “Department of Defense – Civil, Cemeterial Expenses,

1 Army, Salaries and Expenses” shall be \$45,100,000, to
2 remain available until expended.

3 SEC. 2029. Notwithstanding section 1101, the level
4 for “Armed Forces Retirement Home, Trust Fund” shall
5 be \$71,200,000, of which \$2,000,000 shall be for con-
6 struction and renovation of physical plants.

7 SEC. 2030. In the Senate, section 902 of Public Law
8 111–212, the Supplemental Appropriations Act, 2010,
9 shall be subject to section 3002 of that Act and accord-
10 ingly is designated as an emergency requirement and nec-
11 essary to meet emergency needs pursuant to section
12 403(a) of S. Con. Res. 13 (111th Congress), the concur-
13 rent resolution on the budget for fiscal year 2010.

14 TITLE XI—DEPARTMENT OF STATE, FOREIGN
15 OPERATIONS, AND RELATED PROGRAMS

16 SEC. 2101. For purposes of this title, the term “divi-
17 sion F of Public Law 111–117” means the Department
18 of State, Foreign Operations, and Related Programs Ap-
19 propriations Act, 2010 (division F of Public Law 111–
20 117).

21 SEC. 2102. Notwithstanding section 1101, the level
22 for each of the following accounts shall be as follows: “Ad-
23 ministration of Foreign Affairs, Diplomatic and Consular
24 Programs”, \$8,790,000,000, of which \$1,500,000,000 is
25 for Worldwide Security Protection (to be available until

1 expended); “Administration of Foreign Affairs, Capital
2 Investment Fund”, \$59,499,000; “Administration of For-
3 eign Affairs, Emergencies in the Diplomatic and Consular
4 Service”, \$9,499,000; “Administration of Foreign Affairs,
5 Representation Allowances”, \$7,499,000; “Administration
6 of Foreign Affairs, Payment to the American Institute in
7 Taiwan”, \$21,150,000; and “Administration of Foreign
8 Affairs, Civilian Stabilization Initiative”, \$35,000,000.

9 SEC. 2103. Notwithstanding section 1101, the level
10 for each of the following accounts shall be as follows: “Re-
11 lated Programs, United States Institute of Peace”,
12 \$39,499,000, which shall not be used for construction ac-
13 tivities; “Related Programs, East-West Center”,
14 \$21,000,000; “International Commissions, International
15 Fisheries Commissions”, \$50,500,000; “International Or-
16 ganizations, Contributions to International Organiza-
17 tions”, \$1,581,815,000; and “International Organiza-
18 tions, Contributions for International Peacekeeping Activi-
19 ties”, \$1,887,706,000.

20 SEC. 2104. Notwithstanding section 1101, the level
21 for each of the following accounts shall be as follows:
22 “International Commissions, International Boundary and
23 Water Commission, United States and Mexico, Salaries
24 and Expenses”, \$43,300,000; “International Commis-
25 sions, International Boundary and Water Commission,

1 United States and Mexico, Construction”, \$26,500,000;
2 and “Related Programs, The Asia Foundation”,
3 \$17,900,000.

4 SEC. 2105. Notwithstanding section 1101, the level
5 for each of the following accounts shall be as follows: “Re-
6 lated Agency, Broadcasting Board of Governors, Inter-
7 national Broadcasting Operations”, \$731,500,000; and
8 “Related Agency, Broadcasting Board of Governors,
9 Broadcasting Capital Improvements”, \$6,875,000.

10 SEC. 2106. Notwithstanding section 1101, the level
11 for each of the following accounts shall be as follows: “Ad-
12 ministration of Foreign Affairs, Educational and Cultural
13 Exchange Programs”, \$600,000,000; “Bilateral Economic
14 Assistance, Independent Agencies, Inter-American Foun-
15 dation”, \$22,499,000; and “Bilateral Economic Assist-
16 ance, Independent Agencies, African Development Foun-
17 dation”, \$29,500,000.

18 SEC. 2107. Notwithstanding section 1101, the level
19 for each of the following accounts shall be as follows:
20 “United States Agency for International Development,
21 Funds Appropriated to the President, Operating Ex-
22 penses”, \$1,350,000,000; “United States Agency for
23 International Development, Funds Appropriated to the
24 President, Civilian Stabilization Initiative”, \$5,000,000;
25 “United States Agency for International Development,

1 Funds Appropriated to the President, Capital Investment
2 Fund”, \$130,000,000; and “United States Agency for
3 International Development, Funds Appropriated to the
4 President, Office of Inspector General”, \$45,000,000.

5 SEC. 2108. Notwithstanding section 1101, the level
6 for each of the following accounts shall be as follows: “Bi-
7 lateral Economic Assistance, Funds Appropriated to the
8 President, Development Assistance”, \$2,525,000,000;
9 “Bilateral Economic Assistance, Funds Appropriated to
10 the President, Complex Crises Fund”, \$40,000,000; “Bi-
11 lateral Economic Assistance, Funds Appropriated to the
12 President, Assistance for Europe, Eurasia and Central
13 Asia”, \$697,134,000; “Bilateral Economic Assistance,
14 Independent Agencies, Peace Corps”, \$375,000,000; and
15 “Bilateral Economic Assistance, Independent Agencies,
16 Millennium Challenge Corporation”, \$900,000,000.

17 SEC. 2109. Notwithstanding section 1101, the level
18 for each of the following accounts shall be as follows: “Bi-
19 lateral Economic Assistance, Funds Appropriated to the
20 President, Economic Support Fund”, \$5,958,101,000;
21 “Bilateral Economic Assistance, Funds Appropriated to
22 the President, Democracy Fund”, \$115,000,000; “De-
23 partment of the Treasury, International Affairs Technical
24 Assistance”, \$25,499,000; and “Department of the Treas-
25 ury, Debt Restructuring”, \$50,000,000.

1 SEC. 2110. Notwithstanding section 1101, the level
2 for each of the following accounts shall be as follows: “Bi-
3 lateral Economic Assistance, Funds Appropriated to the
4 President, International Disaster Assistance”,
5 \$865,000,000; “Bilateral Economic Assistance, Depart-
6 ment of State, Migration and Refugee Assistance”,
7 \$1,690,000,000; and “Bilateral Economic Assistance, De-
8 partment of State, United States Emergency Refugee and
9 Migration Assistance Fund”, \$50,000,000: *Provided*, That
10 the authorities and requirements under section 2(c)(1) of
11 the Migration and Refugee Assistance Act of 1962 (22
12 U.S.C. 2601(c)(1)) may be exercised and fulfilled by the
13 Secretary of State for the purpose of meeting unexpected,
14 urgent refugee and migration needs, and with respect to
15 funds appropriated to carry out section 2(c) of such Act
16 in this division and in prior Acts making appropriations
17 for the Department of State, foreign operations, and re-
18 lated programs.

19 SEC. 2111. Notwithstanding section 1101, the level
20 for each of the following accounts shall be as follows:
21 “International Security Assistance, Department of State,
22 Nonproliferation, Anti-terrorism, Demining and Related
23 Programs”, \$740,000,000; and “International Security
24 Assistance, Department of State, Peacekeeping Oper-
25 ations”, \$305,000,000: *Provided*, That division F of Pub-

1 lie Law 111–117 shall be applied to funds appropriated
2 by this division under the heading “Peacekeeping Oper-
3 ations” by adding the following at the end: “: *Provided*
4 *further*, That funds appropriated under this heading that
5 are available for assistance for Chad, Sudan, Somalia, and
6 the Democratic Republic of the Congo should not be used
7 to support any military training or operations that include
8 child soldiers”.

9 SEC. 2112. (a) Notwithstanding section 1101, the
10 level for each of the following accounts shall be as follows:
11 “International Security Assistance, Funds Appropriated
12 to the President, International Military Education and
13 Training”, \$106,000,000; and “International Security As-
14 sistance, Funds Appropriated to the President, Foreign
15 Military Financing Program”, \$5,385,000,000, of which
16 not less than \$3,000,000,000 shall be available for grants
17 only for Israel, \$1,300,000,000 shall be available for
18 grants only for Egypt, \$300,000,000 shall be available for
19 assistance for Jordan, and up to \$50,000,000 should be
20 available for assistance for Colombia: *Provided*, That the
21 dollar amount in the fourth proviso of the first paragraph
22 under the heading “International Security Assistance,
23 Funds Appropriated to the President, Foreign Military Fi-
24 nancing Program” of division F of Public Law 111–117
25 shall be deemed to be for the purposes of this Act,

1 \$789,000,000: *Provided further*, That the second para-
2 graph under the heading “International Security Assist-
3 ance, Funds Appropriated to the President, Foreign Mili-
4 tary Financing Program” in division F of Public Law
5 111–117 shall be applied to funds appropriated by this
6 division by inserting after the second proviso in such para-
7 graph the following: “: *Provided further*, That funds ap-
8 propriated under this heading shall not be disbursed for
9 assistance for Chad until the Secretary of State reports
10 to the Committees on Appropriations on steps being taken
11 by the Government of Chad to implement a plan of action
12 to end the recruitment and use of child soldiers, including
13 the demobilization of child soldiers”.

14 (b) The authorities contained under the heading
15 “International Security Assistance, Funds Appropriated
16 to the President, Pakistan Counterinsurgency Capability
17 Fund” in title XI of Public Law 111–32 shall remain in
18 effect until September 30, 2012.

19 SEC. 2113. Notwithstanding section 1101, the level
20 for each of the following accounts shall be as follows:
21 “Multilateral Assistance, Funds Appropriated to the
22 President, International Organizations and Programs”,
23 \$355,000,000, of which up to \$10,000,000 may be made
24 available for the International Panel on Climate Change/
25 United Nations Framework Convention on Climate

1 Change; “Multilateral Assistance, International Financial
2 Institutions, Global Environment Facility”, \$90,000,000;
3 “Multilateral Assistance, International Financial Institu-
4 tions, Contribution to the International Development As-
5 sociation”, \$1,235,000,000; “Multilateral Assistance,
6 International Financial Institutions, Contribution to the
7 Clean Technology Fund”, \$185,000,000; “Multilateral
8 Assistance, International Financial Institutions, Contribu-
9 tion to the Strategic Climate Fund”, \$50,000,000; “Multi-
10 lateral Assistance, International Financial Institutions,
11 Contribution to the Inter-American Development Bank”,
12 \$21,000,000; “Multilateral Assistance, International Fi-
13 nancial Institutions, Contribution to the African Develop-
14 ment Fund”, \$110,000,000; and “Multilateral Assistance,
15 International Financial Institutions, International Fund
16 for Agricultural Development”, \$29,499,000.

17 SEC. 2114. Notwithstanding section 1101, the level
18 for each of the following accounts shall be as follows: “Ex-
19 port and Investment Assistance, Overseas Private Invest-
20 ment Corporation, Program Account”, \$18,115,000; and
21 “Export and Investment Assistance, Funds Appropriated
22 to the President, Trade and Development Agency”,
23 \$50,000,000.

24 SEC. 2115. (a) Notwithstanding section 1101, the
25 amounts included under the heading “Administration of

1 Foreign Affairs, Embassy Security, Construction and
2 Maintenance” in division F of Public Law 111–117 shall
3 be applied to funds appropriated by this division as fol-
4 lows: by substituting “\$825,000,000” for “\$876,850,000”
5 in the first paragraph; and by substituting
6 “\$795,000,000” for “\$847,300,000” in the second para-
7 graph.

8 (b) Notwithstanding section 1101, the amounts in-
9 cluded under the heading “Bilateral Economic Assistance,
10 Funds Appropriated to the President, Development Credit
11 Authority” in division F of Public Law 111–117 shall be
12 applied to funds appropriated by this division as follows:
13 by substituting “\$30,000,000” for “\$25,000,000” in the
14 first paragraph; and by substituting “\$8,300,000” for
15 “\$8,600,000” in the second paragraph.

16 SEC. 2116. Notwithstanding section 1101, the
17 amounts included under the heading “Bilateral Economic
18 Assistance, Funds Appropriated to the President, Global
19 Health and Child Survival” in division F of Public Law
20 111–117 shall be applied to funds appropriated by this
21 division as follows: by substituting in the first paragraph
22 “\$2,500,000,000” for “\$2,420,000,000”; and by sub-
23 stituting in the second paragraph “\$5,345,000,000” for
24 “\$5,359,000,000”.

1 SEC. 2117. Notwithstanding section 1101, the level
2 for each of the following accounts shall be \$0: “Adminis-
3 tration of Foreign Affairs, Buying Power Maintenance Ac-
4 count”; “Bilateral Economic Assistance, Funds Appro-
5 priated to the President, International Fund for Ireland”;
6 and “Multilateral Assistance, International Financial In-
7 stitutions, Contribution to the Asian Development Fund”.

8 SEC. 2118. (a) Of the unobligated balances available
9 from funds appropriated under the heading “Export and
10 Investment Assistance, Export-Import Bank of the United
11 States, Subsidy Appropriation” in the Department of
12 State, Foreign Operations, and Related Programs Appro-
13 priations Act, 2009 (division H of Public Law 111–8) and
14 under such heading in prior Acts making appropriations
15 for the Department of State, foreign operations, and re-
16 lated programs, \$275,000,000 are rescinded.

17 (b) Of the unobligated balances from funds appro-
18 priated or otherwise made available for the Buying Power
19 Maintenance Account, \$17,000,000 are rescinded.

20 (c) Of the unobligated balances available for the De-
21 velopment Assistance account, as identified by Treasury
22 Appropriation Fund Symbols 7206/111021, \$1,000,000
23 are rescinded.

24 (d) Of the unobligated balances available for the As-
25 sistance for the Independent States of the Former Soviet

1 Union account, as identified by Treasury Appropriation
2 Fund Symbols 7206/111093, 7207/121093, and
3 72X1093, \$11,700,000 are rescinded.

4 (e) Of the unobligated balances available for the
5 International Narcotics Control and Law Enforcement ac-
6 count, as identified by Treasury Appropriation Fund Sym-
7 bols, 11X1022, 1106/121022, and 191105/111022,
8 \$7,183,000 are rescinded.

9 (f) Of the funds appropriated in prior Acts making
10 appropriations for the Department of State, foreign oper-
11 ations, and related programs under the heading “Diplo-
12 matic and Consular Programs”, \$55,000,000, which shall
13 be from amounts made available for Worldwide Security
14 Protection, are rescinded: *Provided*, That no amounts may
15 be rescinded from amounts that were designated by Con-
16 gress as an emergency requirement pursuant to a concur-
17 rent resolution on the budget or the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 (g) Of the funds appropriated in prior Acts making
20 appropriations for the Department of State, foreign oper-
21 ations, and related programs under the heading “Bilateral
22 Economic Assistance, Funds Appropriated to the Presi-
23 dent, Economic Support Fund”, \$120,000,000 are re-
24 scinded: *Provided*, That no amounts may be rescinded
25 from amounts that were designated by Congress as an

1 emergency requirement pursuant to a concurrent resolu-
2 tion on the budget or the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 (h) Of the unobligated funds made available to the
5 Secretary of State pursuant to section 286(v)(2)(A) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1356(v)(2)(A)), \$140,000,000 are hereby permanently
8 canceled.

9 (i) Of the unobligated funds appropriated in prior
10 Acts making appropriations for the Department of State,
11 foreign operations, and related programs under the head-
12 ing “Bilateral Economic Assistance, Funds Appropriated
13 to the President, Assistance for Europe, Eurasia and Cen-
14 tral Asia”, \$19,000,000 are rescinded: *Provided*, That no
15 amounts may be rescinded from amounts that were des-
16 ignated by Congress as an emergency requirement pursu-
17 ant to a concurrent resolution on the budget or the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 SEC. 2119. (a) Notwithstanding section 653(b) of the
20 Foreign Assistance Act of 1961 (22 U.S.C. 2413(b)), the
21 President shall transmit the report required under section
22 653(a) of that Act with respect to the provision of funds
23 appropriated or otherwise made available by this division
24 for the Department of State, foreign operations, and re-
25 lated programs: *Provided*, That such report shall include

1 a comparison of amounts, by category of assistance, pro-
2 vided or intended to be provided from funds appropriated
3 for fiscal years 2010 and 2011, for each foreign country
4 and international organization.

5 (b) Not later than 30 days after the date of enact-
6 ment of this Act, each department, agency or organization
7 funded by this title or by division F of Public Law 111–
8 117 shall submit to the Committees on Appropriations an
9 operating plan for such funds that provides details at the
10 program, project, and activity level: *Provided*, That the re-
11 port required under subsection (a) shall be considered to
12 have met the requirements of this subsection with respect
13 to funds made available to carry out the Foreign Assist-
14 ance Act of 1961 and the Arms Export Control Act: *Pro-*
15 *vided further*, That the spending reports required in divi-
16 sion F of Public Law 111–117 for assistance for Afghani-
17 stan, Pakistan, Iraq, the Caribbean Basin, Lebanon, Mex-
18 ico, and Central America, and spending reports required
19 for funds appropriated under the headings “Diplomatic
20 and Consular Programs”, “Embassy Security, Construc-
21 tion, and Maintenance”, “International Narcotics Control
22 and Law Enforcement”, “Civilian Stabilization Initia-
23 tive”, and “Peace Corps” shall be considered to have met
24 the requirements of this subsection.

1 (c) The reports required under subsection (b) shall
2 not be considered as meeting the notification requirements
3 under section 7015 of division F of Public Law 111–117
4 or under section 634A of the Foreign Assistance Act of
5 1961.

6 (d) The Secretary of State shall consult with the
7 Committees on Appropriations prior to implementing the
8 rescissions made pursuant to section 2118 of this division,
9 other than rescissions made pursuant to subsection (a) of
10 such section.

11 SEC. 2120. (a) Notwithstanding any other provision
12 of this division, the dollar amounts under paragraphs (1)
13 through (4) under the heading “Administration of Foreign
14 Affairs, Diplomatic and Consular Programs” in division
15 F of Public Law 111–117 shall not apply to funds appro-
16 priated by this division: *Provided*, That the dollar amounts
17 to be derived from fees collected under paragraph (5)(A)
18 under such heading shall be “\$1,702,904” and
19 “\$505,000”, respectively.

20 (b)(1) Division F of Public Law 111–117 shall be ap-
21 plied to funds appropriated by this division under the
22 heading “International Organizations, Contributions for
23 International Peacekeeping Activities” by adding at the
24 end before the period the following: “: *Provided further*,
25 That the Secretary of State should work with the United

1 Nations and governments contributing peacekeeping
2 troops to develop effective vetting procedures to ensure
3 that such troops have not violated human rights: *Provided*
4 *further*, That notwithstanding any other provision of law,
5 funds provided under the heading “International Organi-
6 zations, Contributions for International Peacekeeping Ac-
7 tivities” shall be available for United States assessed con-
8 tributions up to the amount specified in Annex IV accom-
9 panying United Nations General Assembly Resolution 64/
10 220: *Provided further*, That such funds may be made
11 available only if the Secretary of State determines that
12 it is in the national interest of the United States”.

13 (2) Division F of Public Law 111–117 shall be ap-
14 plied to funds appropriated by this division under the
15 heading “United States Agency for International Develop-
16 ment, Funds Appropriated to the President, Operating
17 Expenses” by substituting “USAID mission, bureau, or
18 office” for “USAID overseas mission or office” in the
19 sixth proviso.

20 (3) Division F of Public Law 111–117 shall be ap-
21 plied to funds appropriated by this division under the
22 heading “Bilateral Economic Assistance, Funds Appro-
23 priated to the President, Development Assistance” by sub-
24 stituting “should” for “shall” each place it appears.

1 (c) Division F of Public Law 111–117 shall be ap-
2 plied to funds appropriated by this division under the
3 heading “Bilateral Economic Assistance, Funds Appro-
4 priated to the President, Economic Support Fund”—

5 (1) by substituting—

6 (A) “should” for “shall” in the fourth pro-
7 viso;

8 (B) “\$200,000,000” for “\$150,000,000”
9 in the seventh proviso; and

10 (C) “\$195,000,000 should” for
11 “\$209,790,000 shall” in the sixteenth proviso;
12 and

13 (2) by adding at the end before the period the
14 following: “: *Provided further*, That funds appro-
15 priated under this heading may be made available
16 for activities to support the economic and social de-
17 velopment and reconciliation goals of Public Law 99-
18 415, and should not be made available for a con-
19 tribution: *Provided further*, That not less than
20 \$15,500,000 of the funds appropriated under this
21 heading should be made available for remediation
22 activities, and not less than \$3,000,000 should be
23 made available for related health activities, ref-
24 erenced in section 7071(j) of this Act”.

1 (d) Notwithstanding any other provision of this divi-
2 sion, the following provisions in division F of Public Law
3 111–117 shall not apply to funds appropriated by this di-
4 vision:

5 (1) Section 7034(l).

6 (2) Section 7042(a), (b)(1), (c), and (d)(1).

7 (3) Section 7044(d).

8 (4) In section 7045:

9 (A) Subsection (b)(2).

10 (B) The first sentence of subsection (c).

11 (C) The first sentence of subsection (e)(1).

12 (D) The first sentence of subsection (f).

13 (E) Subsection (h).

14 (5) Section 7070(b).

15 (6) Section 7071(f)(6).

16 (7) The third proviso under the heading “Ad-
17 ministration of Foreign Affairs, Civilian Stabiliza-
18 tion Initiative”.

19 (8) The fourth proviso under the heading “Bi-
20 lateral Economic Assistance, Funds Appropriated to
21 the President, Assistance for Europe, Eurasia and
22 Central Asia”.

23 (e) Section 7060 of division F of Public Law 111–
24 117 shall be applied to funds appropriated by this division
25 by substituting “\$575,000,000” for “\$648,457,000”: *Pro-*

1 *vided*, That notwithstanding section 1101, section 7078(a)
 2 of division F of Public Law 111–117 shall be applied to
 3 funds appropriated by this division by substituting in lieu
 4 thereof the matter contained in section 660(a) of division
 5 J of Public Law 110-161, the Consolidated Appropriations
 6 Act, 2008, except that “\$40,000,000 should” shall be sub-
 7 stituted for “not less than \$7,000,000 shall”.

8 (f) Sections 7045(a), 7061, 7064(a)(1) and (b), and
 9 7071(g)(3) of division F of Public Law 111–117 shall be
 10 applied to funds appropriated by this division by sub-
 11 stituting “should” for “shall” each place it appears.

12 (g)(1) Section 7081 of division F of Public Law 111–
 13 117 shall be applied to funds appropriated by this division
 14 by substituting—

15 (A) “should” for “shall” each place it appears
 16 in subsections (b), (c), and (d);

17 (B) “\$35,000,000” for “\$25,000,000” in the
 18 first sentence of subsection (d); and

19 (C) “For fiscal year 2011, up to \$185,000,000”
 20 for “For fiscal year 2010, up to \$300,000,000” in
 21 subsection (g)(1).

22 (2) The second proviso of section 7081(d) of division
 23 F of Public Law 111–117 is amended to read as follows:
 24 “: *Provided further*, That funds appropriated by this divi-
 25 sion that are made available for tropical forest programs

1 shall be used for purposes including to implement and en-
2 force section 8204 of Public Law 110-246, shall not be
3 used to support or promote the expansion of industrial log-
4 ging into primary tropical forests, and shall be subject to
5 prior consultation with, and the regular notification proce-
6 dures of, the Committees on Appropriations”.

7 (h) Section 7042 of division F of Public Law 111–
8 117 shall be applied to funds appropriated by this division
9 by substituting “\$552,900,000” for the dollar amount in
10 subsection (f)(1).

11 (i) The third proviso of section 7034(s) of division
12 F of Public Law 111–117 shall be applied to funds appro-
13 priated by this division by substituting “shall include, in
14 a manner the Secretary determines appropriate,” for
15 “should include”.

16 (j) Section 7070(i)(2) of division F of Public Law
17 111–117 shall be applied to funds appropriated by this
18 division by substituting “health, education, and macro-
19 economic growth” for “macroeconomic growth”.

20 (k) Notwithstanding any other provision of this divi-
21 sion, section 7015(c) of division F of Public Law 111–
22 117 shall not apply to funds appropriated by this division
23 under the headings “Complex Crises Fund” and “Migra-
24 tion and Refugee Assistance”.

1 (l) Section 7046(a) of division F of Public Law 111–
2 117 shall be applied to funds appropriated by this division
3 by substituting “\$459,000,000” for “\$521,880,000”.

4 (m) Not later than 90 days after enactment of this
5 Act, and prior to the obligation of funds appropriated in
6 this division under the headings “Administration of For-
7 eign Affairs, Diplomatic and Consular Programs”, “Bilat-
8 eral Economic Assistance, Funds Appropriated to the
9 President, Development Assistance”, “Bilateral Economic
10 Assistance, Funds Appropriated to the President, Eco-
11 nomic Support Fund”, and “Bilateral Economic Assist-
12 ance, Funds Appropriated to the President, Assistance for
13 Europe, Eurasia and Central Asia” for historic and cul-
14 tural preservation projects, the Secretary of State, in con-
15 sultation with the Administrator of the United States
16 Agency for International Development (USAID), shall
17 submit to the Committees on Appropriations a report de-
18 tailing, by agency, account, purpose, and amount, all his-
19 toric and cultural preservation projects supported in fiscal
20 year 2010 and planned for fiscal year 2011 by the Depart-
21 ment of State and USAID.

22 SEC. 2121. (a) Notwithstanding section 1101, the
23 amounts included under the heading “Administration of
24 Foreign Affairs, Office of Inspector General” in division
25 F of Public Law 111–117 shall be applied to funds appro-

1 priated by this division by substituting “\$22,000,000” for
2 “\$23,000,000” for the Special Inspector General for Iraq
3 Reconstruction, and “\$24,000,000” for “\$23,000,000”
4 for the Special Inspector General for Afghanistan Recon-
5 struction.

6 (b) The tenth proviso under the heading “Economic
7 Support Fund” in division F of Public Law 111–117 shall
8 be applied to funds appropriated by this division by sub-
9 stituting the following: “*Provided further*, That funds ap-
10 propriated or otherwise made available by this division for
11 assistance for Afghanistan and Pakistan may not be made
12 available for direct government-to-government assistance
13 unless the Secretary of State certifies to the Committees
14 on Appropriations that the relevant implementing agency
15 has been assessed and considered qualified to manage such
16 funds and the Government of the United States and the
17 government of the recipient country have agreed, in writ-
18 ing, to clear and achievable goals and objectives for the
19 use of such funds, and have established mechanisms with-
20 in each implementing agency to ensure that such funds
21 are used for the purposes for which they were intended:”.

22 (c) The second proviso under the heading “Inter-
23 national Security Assistance, Department of State, Peace-
24 keeping Operations” in division F of Public Law 111–117
25 shall be applied by substituting the following: “*Provided*

1 *further*, That up to \$55,918,000 may be used to pay as-
2 sessed expenses of international peacekeeping activities in
3 Somalia, except that up to an additional \$35,000,000 may
4 be made available for such purpose subject to prior con-
5 sultation with, and the regular notification procedures of,
6 the Committees on Appropriations:”.

7 (d) Section 7004 of division F of Public Law 111–
8 117 shall be applied to funds appropriated by this division
9 by adding at the end the following new subsection:

10 “(d) For the purposes of calculating the fiscal year
11 2011 costs of providing new United States diplomatic fa-
12 cilities in accordance with section 604(e) of the Secure
13 Embassy Construction and Counterterrorism Act of 1999
14 (22 U.S.C. 4865 note), the Secretary of State, in consulta-
15 tion with the Director of the Office of Management and
16 Budget, shall determine the annual program level and
17 agency shares in a manner that is proportional to the De-
18 partment of State’s contribution for this purpose.”.

19 (e) The second proviso in the second paragraph under
20 the heading “International Security Assistance, Funds
21 Appropriated to the President, Foreign Military Financing
22 Program” in division F of Public Law 111–117 shall be
23 applied to funds appropriated by this division by inserting
24 “Bahrain, Yemen,” after “Nepal,”.

1 (f) Section 7034(n) of division F of Public Law 111–
2 117 shall be applied to funds appropriated by this division
3 by adding at the end before the period the following: “:
4 *Provided*, That none of the funds appropriated or other-
5 wise made available by this division or any other Act mak-
6 ing appropriations for the Department of State, foreign
7 operations, and related programs may be used to imple-
8 ment phase 3 of such authority”.

9 (g) Section 7034(m) of division F of Public Law 111–
10 117 shall be applied to funds appropriated by this division
11 by—

12 (1) substituting “not less than \$20,000,000”
13 for “\$30,000,000” in paragraph (5); and

14 (2) adding the following new paragraph at the
15 end:

16 “(6) The level otherwise provided by this Act
17 for ‘Related Agency, Broadcasting Board of Gov-
18 ernors, International Broadcasting Operations’ is
19 hereby increased by \$10,000,000, to remain avail-
20 able until September 30, 2012, to expand unre-
21 stricted access to information on the Internet.”.

22 (h) Section 7042 of division F of Public Law 111–
23 117 shall be applied to funds appropriated by this division
24 by substituting the following for the proviso in subsection

25 (d)(2): “: *Provided*, That funds may not be made available

1 for obligation until the Secretary of State determines and
2 reports to the Committees on Appropriations that such
3 funds to be provided are in the national security interest
4 of the United States and provides the Committees on Ap-
5 propriations a detailed spending plan”.

6 (i) Section 7043 of division F of Public Law 111–
7 117 shall be applied to funds appropriated by this division
8 by substituting the following for subsection (b):

9 “(b) LIMITATION.—None of the funds appropriated
10 or otherwise made available in this Act under the heading
11 ‘Export-Import Bank of the United States’ may be used
12 by the Export-Import Bank of the United States to pro-
13 vide any new financing (including loans, guarantees, other
14 credits, insurance, and reinsurance) to any person that is
15 subject to sanctions under paragraph (2) or (3) of section
16 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–
17 172).”.

18 (j) For purposes of the amount made available by this
19 division for “Export and Investment Assistance, Export-
20 Import Bank of the United States, Administrative Ex-
21 penses”, project specific transaction costs, including direct
22 and indirect costs incurred in claims settlements, and
23 other costs for systems infrastructure directly supporting
24 transactions, shall not be considered administrative ex-
25 penses: *Provided*, That the Export-Import Bank of the

1 United States may expend not more than \$5,000,000 in
2 fiscal year 2011 for such transaction costs.

3 (k) The first proviso under the heading “Department
4 of the Treasury, Debt Restructuring” in division F of
5 Public Law 111–117 shall be applied to funds appro-
6 priated by this division by substituting “should” for
7 “shall”.

8 (l) Section 7059 of division F of Public Law 111–
9 117 shall be applied to funds appropriated by this division
10 by substituting—

11 (1) “should” for “may” in subsection (c); and

12 (2) “65” for “30” the first place it appears in
13 subsection (l).

14 (m) The Foreign Operations, Export Financing, and
15 Related Programs Appropriations Act, 1990 (Public Law
16 101–167) is amended—

17 (1) in section 599D (8 U.S.C. 1157 note)—

18 (A) in subsection (b)(3), by striking “and
19 2010” and inserting “2010, and 2011”; and

20 (B) in subsection (e), by striking “October
21 1, 2010” each place it appears and inserting

22 “June 1, 2011”; and

23 (2) in section 599E (8 U.S.C. 1255 note) in
24 subsection (b)(2), by striking “2010” and inserting
25 “2011”.

1 SEC. 2122. (a) IN GENERAL.—Subsections (b)
2 through (d) of this section shall apply to funds appro-
3 priated by this division in lieu of section 7076 of division
4 F of Public Law 111–117.

5 (b) LIMITATION.—None of the funds appropriated or
6 otherwise made available by this division under the head-
7 ings “Economic Support Fund” and “International Nar-
8 cotics Control and Law Enforcement” may be obligated
9 for assistance for the Government of Afghanistan until the
10 Secretary of State, in consultation with the Administrator
11 of the United States Agency for International Develop-
12 ment (USAID), certifies and reports to the Committees
13 on Appropriations the following:

14 (1) The Government of Afghanistan is—

15 (A) demonstrating a commitment to reduce
16 corruption and improve governance, including
17 by investigating, prosecuting, and sanctioning
18 or removing corrupt officials from office and to
19 implement financial transparency and account-
20 ability measures for government institutions
21 and officials (including the Central Bank);

22 (B) taking significant steps to facilitate ac-
23 tive public participation in governance and over-
24 sight; and

1 (C) taking credible steps to protect the
2 internationally recognized human rights of Af-
3 ghan women.

4 (2) There is a unified United States Govern-
5 ment anti-corruption strategy for Afghanistan.

6 (3) Funds will be programmed to support and
7 strengthen the capacity of Afghan public and private
8 institutions and entities to reduce corruption and to
9 improve transparency and accountability of national,
10 provincial, and local governments, as outlined in the
11 spending plan submitted to the Committees on Ap-
12 propriations on October 26, 2010 (CN 10–298).

13 (4) Representatives of Afghan national, provin-
14 cial, or local governments, local communities, and
15 civil society organizations, as appropriate, will be
16 consulted and participate in the design of programs,
17 projects, and activities, including participation in im-
18 plementation and oversight, and the development of
19 specific benchmarks to measure progress and out-
20 comes.

21 (5) Funds will be used to train and deploy addi-
22 tional United States Government direct-hire per-
23 sonnel to improve monitoring and control of assist-
24 ance.

1 (6) A framework and methodology is being uti-
2 lized to assess national, provincial, local, and sector
3 level fiduciary risks relating to public financial man-
4 agement of United States Government assistance.

5 (c) ASSISTANCE AND OPERATIONS.—(1) Funds ap-
6 propriated by this division under the headings “Economic
7 Support Fund” and “International Narcotics Control and
8 Law Enforcement” that are available for assistance for
9 Afghanistan—

10 (A) shall be made available, to the max-
11 imum extent practicable, in a manner that em-
12 phasizes the participation of Afghan women,
13 and directly improves the security, economic
14 and social well-being, and political status, and
15 protects the rights of, Afghan women and girls
16 and complies with sections 7062 and 7063 of
17 division F of Public Law 111–117, including
18 support for the Afghan Independent Human
19 Rights Commission, the Afghan Ministry of
20 Women’s Affairs, and women-led nongovern-
21 mental organizations;

22 (B) may be made available for a United
23 States contribution to an internationally-man-
24 aged fund to support the reconciliation with
25 and disarmament, demobilization, and re-

1 integration into Afghan society of, former com-
2 batants who have renounced violence against
3 the Government of Afghanistan: *Provided*, That
4 funds may be made available to support rec-
5 onciliation and reintegration activities only if—

6 (i) Afghan women are participating at
7 national, provincial, and local levels of gov-
8 ernment in the design, policy formulation
9 and implementation of the reconciliation or
10 reintegration process, and such process up-
11 holds steps taken by the Government of
12 Afghanistan to protect the internationally
13 recognized human rights of Afghan women;
14 and

15 (ii) such funds will not be used to
16 support any pardon or immunity from
17 prosecution, or any position in the Govern-
18 ment of Afghanistan or security forces, for
19 any leader of an armed group responsible
20 for crimes against humanity, war crimes,
21 or other violations of internationally recog-
22 nized human rights;

23 (C) may be made available as a United
24 States contribution to the Afghanistan Recon-
25 struction Trust Fund (ARTF) unless the Sec-

1 retary of State determines and reports to the
2 Committees on Appropriations that the World
3 Bank Monitoring Agent of the ARTF is unable
4 to conduct its financial control and audit re-
5 sponsibilities due to restrictions on security per-
6 sonnel by the Government of Afghanistan; and

7 (D) may be made available for a United
8 States contribution to the North Atlantic Trea-
9 ty Organization/International Security Assist-
10 ance Force Post-Operations Humanitarian Re-
11 lief Fund.

12 (2) Funds appropriated under the headings
13 “Economic Support Fund” and “International Nar-
14 cotics Control and Law Enforcement” by this divi-
15 sion that are available for assistance for Afghanistan
16 that provide training for foreign police, judicial, and
17 military personnel shall address, where appropriate,
18 gender-based violence.

19 (3) The authority contained in section 1102(c)
20 of Public Law 111–32 shall continue in effect during
21 fiscal year 2011 and shall apply as if included in
22 this division.

23 (4) The Coordinator for Rule of Law at the
24 United States Embassy in Kabul, Afghanistan, shall
25 be consulted on the use of all funds appropriated by

1 this division for rule of law programs in Afghani-
2 stan.

3 (5) None of the funds made available by this di-
4 vision may be used by the United States Govern-
5 ment to enter into a permanent basing rights agree-
6 ment between the United States and Afghanistan.

7 (6) The Secretary of State, after consultation
8 with the USAID Administrator, shall submit to the
9 Committees on Appropriations not later than 45
10 days after enactment of this division, and prior to
11 the initial obligation of funds for assistance for Af-
12 ghanistan, a detailed spending plan for such assist-
13 ance which shall include clear and achievable goals,
14 benchmarks for measuring progress, and expected
15 results: *Provided*, That such plan shall not be con-
16 sidered as meeting the notification requirements
17 under section 7015 of division F of Public Law 111–
18 117 or under section 634A of the Foreign Assist-
19 ance Act of 1961.

20 (d) OVERSIGHT.—(1) The Special Inspector General
21 for Afghanistan Reconstruction, the Inspector General of
22 the Department of State, and the Inspector General of the
23 United States Agency for International Development, shall
24 jointly develop and submit to the Committees on Appro-
25 priations within 45 days of enactment of this division a

1 coordinated audit and inspection plan of United States as-
2 sistance for, and civilian operations in, Afghanistan.

3 (2) Of the funds appropriated by this division under
4 the heading “Economic Support Fund” for assistance for
5 Afghanistan, \$3,000,000 shall be transferred to, and
6 merged with, funds appropriated by this division under the
7 heading “Administration of Foreign Affairs, Office of In-
8 spector General”, for increased oversight of programs in
9 Afghanistan and shall be in addition to funds otherwise
10 available for such purposes: *Provided*, That \$1,500,000
11 shall be for the activities of the Special Inspector General
12 for Afghanistan Reconstruction.

13 (3) Of the funds appropriated by this division under
14 the heading “Economic Support Fund” for assistance for
15 Afghanistan, \$1,500,000 shall be transferred to, and
16 merged with, funds appropriated by this division under the
17 heading “United States Agency for International Develop-
18 ment, Funds Appropriated to the President, Office of In-
19 spector General” for increased oversight of programs in
20 Afghanistan and shall be in addition to funds otherwise
21 available for such purposes.

22 (e) MODIFICATION TO PRIOR PROVISIONS.—(1) Sec-
23 tion 1004(c)(1)(C) of Public Law 111–212 is amended to
24 read as follows:

1 “(C) taking credible steps to protect the
2 internationally recognized human rights of Af-
3 ghan women.”.

4 (2) Section 1004(d)(1) of Public Law 111–212 is
5 amended to read as follows:

6 “(1) Afghan women are participating at na-
7 tional, provincial, and local levels of government in
8 the design, policy formulation, and implementation
9 of the reconciliation or reintegration process, and
10 such process upholds steps taken by the Government
11 of Afghanistan to protect the internationally recog-
12 nized human rights of Afghan women; and”.

13 (3) Section 1004(e)(1) of Public Law 111–212 is
14 amended to read as follows:

15 “(1) based on information available to the Sec-
16 retary, the Independent Electoral Commission has
17 no members or other employees who participated in,
18 or helped to cover up, acts of fraud in the 2009
19 presidential election in Afghanistan, and the Elec-
20 toral Complaints Commission is a genuinely inde-
21 pendent body with all the authorities that were in-
22 vested in it under Afghan law as of December 31,
23 2009; and”.

24 SEC. 2123. (a) The first and second provisos under
25 the heading “Bilateral Economic Assistance, Funds Ap-

1 appropriated to the President, Economic Support Fund” in
2 division F of Public Law 111–117 shall be applied to
3 funds appropriated by this division by substituting the fol-
4 lowing: “*Provided*, That of the funds appropriated under
5 this heading, up to \$250,000,000 shall be made available
6 for assistance for Egypt for activities that support demo-
7 cratic elections, promote representative and accountable
8 governance, protect human rights, strengthen civil society
9 and the rule of law, reduce poverty, promote equitable eco-
10 nomic development, and expand educational opportunities
11 for disadvantaged Egyptian youth, including through
12 scholarship programs: *Provided further*, That the Sec-
13 retary of State shall submit a spending plan, including a
14 comprehensive strategy to promote democracy and devel-
15 opment, to the Committees on Appropriations for funds
16 provided for Egypt under this heading: *Provided further*,
17 That such plan shall not be considered as meeting the no-
18 tification requirements under section 7015 of division F
19 of Public Law 111–117 or under section 634A of the For-
20 eign Assistance Act of 1961: *Provided further*, That such
21 funds shall be subject to the regular notification proce-
22 dures of the Committees on Appropriations: *Provided fur-*
23 *ther*, That funds appropriated under this heading shall be
24 made available to support democratic transitions in the
25 Middle East and North Africa, including assistance for

1 civil society organizations and the development of demo-
2 cratic political parties:”.

3 (b) Not later than 45 days after enactment of this
4 Act, the Secretary of State shall submit to the Committees
5 on Appropriations a report on Egypt detailing whether—

6 (1) a transparent, political transition is occur-
7 ring that includes the participation of a wide range
8 of democratic opposition and civil society leaders and
9 is responsive to their views;

10 (2) the emergency law and other laws restrict-
11 ing human rights have been abrogated; protesters,
12 political and social activists and journalists are not
13 being arrested, detained or prosecuted for the peace-
14 ful exercise of their rights; and the government is re-
15 specting freedoms of expression, assembly and asso-
16 ciation; and

17 (3) legal and constitutional impediments to free
18 and fair presidential and parliamentary elections are
19 being removed.

20 SEC. 2124. Notwithstanding section 1101, the level
21 for “Multilateral Assistance, International Financial Insti-
22 tutions, Contribution to the Global Agriculture and Food
23 Security Program”, shall be \$100,000,000 for payment to
24 the Global Agriculture and Food Security Program by the

1 Secretary of the Treasury, to remain available until ex-
2 pended.

3 SEC. 2125. None of the funds made available in this
4 division for the United Nations Capital Master Plan may
5 be used for the design, renovation, or construction of the
6 United Nations Headquarters in New York in excess of
7 the agreed upon assessments of the United States pursu-
8 ant to paragraph 10 of United Nations General Assembly
9 Resolution 61/251.

10 SEC. 2126. (a) CONTRIBUTION TO THE ASIAN DE-
11 VELOPMENT BANK.—In addition to amounts otherwise
12 made available by this division, \$106,586,000, to remain
13 available until expended, is appropriated for payment to
14 the Asian Development Bank by the Secretary of the
15 Treasury for the United States share of the paid-in por-
16 tion of the increase in capital stock.

17 (b) LIMITATION ON CALLABLE CAPITAL SUBSCRIP-
18 TIONS.—The United States Governor of the Asian Devel-
19 opment Bank may subscribe without fiscal year limitation
20 to the callable capital portion of the United States share
21 of such capital stock in an amount not to exceed
22 \$2,558,048,769.

23 (c) REPORTING ON REFORMS.—Funds shall not be
24 made available for a United States contribution to the
25 Asian Development Bank (ADB) until the Secretary of the

1 Treasury reports to the Committees on Appropriations
2 that the ADB is making substantial progress toward the
3 following policy goals—

4 (1) implementing procurement guidelines that
5 maximize international competitive bidding in ac-
6 cordance with sound procurement practices, includ-
7 ing transparency, competition, and cost-effective re-
8 sults for Borrowers;

9 (2) providing greater public disclosure of loan
10 documents, with particular attention to persons af-
11 fected by ADB projects;

12 (3) implementing best practices in domestic
13 laws and international conventions against corrup-
14 tion for whistleblower and witness disclosures, and
15 protections against retaliation for internal and law-
16 ful public disclosures by ADB employees and others
17 affected by ADB operations who report illegality or
18 other misconduct that could threaten the ADB's
19 mission, including best practices for legal burdens of
20 proof; access to independent adjudicative bodies; and
21 results that eliminate the effects of proven retalia-
22 tion;

23 (4) ensuring that the Investigations Office,
24 Auditor General Office, and Evaluation Office are
25 functionally independent, free from interference

1 when determining the scope of investigations and
2 audits, performing work and communicating results,
3 and regularly report to the ADB's board of directors
4 and, as appropriate and in a manner consistent with
5 such functional independence of the Investigations
6 Office and the Auditor General Office, to the ADB
7 President;

8 (5) requiring that each candidate for adjust-
9 ment or budget support loans provide an assessment
10 of reforms to budgetary and procurement processes
11 to encourage transparency, including budget publica-
12 tion and public scrutiny, prior to loan or grant ap-
13 proval;

14 (6) ensuring that the ADB's Accountability
15 Mechanism provides transparency and protects local
16 residents affected by ADB projects; and

17 (7) making publicly available external and in-
18 ternal performance and financial audits of ADB
19 projects on the ADB's website.

20 (d) REPORT DATES.—Not later than 180 days after
21 enactment of this Act, and every 6 months thereafter until
22 September 30, 2013, the Secretary of the Treasury shall
23 submit to the Committees on Appropriations a report de-
24 tailing the extent to which the ADB has made progress
25 on each policy goal listed in subsection (c).

1 (e) AMENDMENT.—The Asian Development Bank
2 Act (22 U.S.C. 285 et seq.), is amended by adding at the
3 end the following:

4 **“SEC. 33. NINTH REPLENISHMENT.**

5 “(a) The United States Governor of the Bank is au-
6 thorized to contribute, on behalf of the United States,
7 \$461,000,000 to the ninth replenishment of the resources
8 of the Fund, subject to obtaining the necessary appropria-
9 tions.

10 “(b) In order to pay for the United States contribu-
11 tion provided for in subsection (a), there are authorized
12 to be appropriated, without fiscal year limitation,
13 \$461,000,000 for payment by the Secretary of the Treas-
14 ury.

15 **“SEC. 34. FIFTH CAPITAL INCREASE.**

16 “(a) SUBSCRIPTION AUTHORIZED.—

17 “(1) The United States Governor of the Bank
18 may subscribe on behalf of the United States to
19 1,104,420 additional shares of the capital stock of
20 the Bank.

21 “(2) Any subscription by the United States to
22 capital stock of the Bank shall be effective only to
23 such extent or in such amounts as are provided in
24 advance in appropriations Acts.

25 “(b) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) In order to pay for the increase in the
 2 United States subscription to the Bank provided for
 3 in subsection (a), there are authorized to be appro-
 4 priated, without fiscal year limitation,
 5 \$13,323,173,083, for payment by the Secretary of
 6 the Treasury.

7 “(2) Of the amount authorized to be appro-
 8 priated under paragraph (1)—

9 “(A) \$532,929,240 is authorized to be ap-
 10 propriated for paid-in shares of the Bank; and

11 “(B) \$12,790,243,843 is authorized to be
 12 appropriated for callable shares of the Bank,
 13 for payment by the Secretary of the Treasury.”.

14 TITLE XII—TRANSPORTATION, HOUSING AND
 15 URBAN DEVELOPMENT, AND RELATED
 16 AGENCIES

17 SEC. 2201. Notwithstanding section 1101, the level
 18 for “Department of Transportation, Office of the Sec-
 19 retary, Transportation Planning, Research, and Develop-
 20 ment” shall be \$9,819,000.

21 SEC. 2202. Notwithstanding section 1101, the level
 22 for “Department of Transportation, Office of the Sec-
 23 retary, National Infrastructure Investments” shall be
 24 \$528,000,000: *Provided*, That the amounts included under
 25 such heading in division A of Public Law 111–117 shall

1 be applied to funds appropriated by this division by sub-
2 stituting “\$0” for “\$35,000,000”.

3 SEC. 2203. Notwithstanding section 1101, the level
4 for “Department of Transportation, Federal Aviation Ad-
5 ministration, Operations” shall be \$9,533,028,000, of
6 which \$4,559,000,000 shall be derived from the Airport
7 and Airway Trust Fund, of which not less than
8 \$7,473,299,000 shall be for air traffic organization activi-
9 ties and not less than \$1,253,020,000 shall be for aviation
10 safety activities.

11 SEC. 2204. Notwithstanding section 1101, the level
12 for “Department of Transportation, Federal Aviation Ad-
13 ministration, Facilities and Equipment” shall be
14 \$2,736,203,000, of which \$2,226,203,000 shall remain
15 available through September 30, 2013, and of which
16 \$470,000,000 shall remain available through September
17 30, 2011.

18 SEC. 2205. Notwithstanding section 1101, the
19 amounts included under the heading “Department of
20 Transportation, Federal Aviation Administration, Grants-
21 in-Aid for Airports, Liquidation of Contract Authoriza-
22 tion” in division A of Public Law 111–117 shall be applied
23 to funds appropriated by this division by substituting
24 “\$3,550,000,000” for “\$3,000,000,000”.

1 SEC. 2206. Notwithstanding section 1101, the level
2 for “Department of Transportation, Federal Aviation Ad-
3 ministration, Research, Engineering, and Development”
4 shall be \$170,000,000.

5 SEC. 2207. Of the unobligated balances of funds ap-
6 portioned to each State under chapter 1 of title 23, United
7 States Code, \$2,500,000,000 are permanently rescinded:
8 *Provided*, That such rescission shall not apply to the funds
9 distributed in accordance with sections 130(f) and
10 104(b)(5) of title 23, United States Code; sections
11 133(d)(1) and 163 of such title, as in effect on the day
12 before the date of enactment of Public Law 109–59; and
13 the first sentence of section 133(d)(3)(A) of such title:
14 *Provided further*, That notwithstanding section 1132 of
15 Public Law 110–140, in administering the rescission re-
16 quired under this heading, the Secretary of Transpor-
17 tation shall allow each State to determine the amount of
18 the required rescission to be drawn from the programs to
19 which the rescission applies.

20 SEC. 2208. Notwithstanding section 1101, no funds
21 made available by this division shall be for activities de-
22 scribed in section 122 of title I of division A of Public
23 Law 111–117.

24 SEC. 2209. Notwithstanding section 1101, the level
25 for “Department of Transportation, Federal Highway Ad-

1 ministration, Surface Transportation Priorities” shall be
2 \$0.

3 SEC. 2210. Unobligated balances of funds made
4 available for obligation under section 320 of title 23,
5 United States Code, section 147 of Public Law 95–599,
6 section 9(c) of Public Law 97–134, section 149 of Public
7 Law 100–17, and sections 1006, 1069, 1103, 1104, 1105,
8 1106, 1107, 1108, 6005, 6015, and 6023 of Public Law
9 102–240 are permanently rescinded.

10 SEC. 2211. The unobligated balance available on Sep-
11 tember 30, 2011, under section 1602 of the Transpor-
12 tation Equity Act for the 21st Century (Public Law 105–
13 178) for each project for which less than 10 percent of
14 the amount authorized for such project under such section
15 has been obligated is permanently rescinded.

16 SEC. 2212. Of the amounts authorized for fiscal years
17 2005 through 2009 in section 1101(a)(16) of the Safe,
18 Accountable, Flexible, Efficient Transportation Equity
19 Act: A Legacy for Users (Public Law 109–59) to carry
20 out the high priority projects program under section 117
21 of title 23, United States Code, that are not allocated for
22 projects described in section 1702 of such Act, \$8,190,335
23 are permanently rescinded.

24 SEC. 2213. Notwithstanding section 1101, the level
25 for “Department of Transportation, Federal Motor Car-

1 rier Safety Administration, Motor Carrier Safety Oper-
2 ations and Programs, (Liquidation of Contract Authoriza-
3 tion), (Limitation on Obligations), (Highway Trust
4 Fund)” shall be \$245,000,000.

5 SEC. 2214. Of the amount made available for “De-
6 partment of Transportation, Motor Carrier Safety Grants,
7 (Liquidation of Contract Authorization), (Limitation on
8 Obligations), (Highway Trust Fund)” for the commercial
9 driver’s license information system modernization pro-
10 gram, \$3,000,000 shall be made available for audits of
11 new entrant motor carriers to carry out section 4107(b)
12 of Public Law 109–59, and 31104(a) of title 49, United
13 States Code, and \$5,000,000 shall be made available for
14 the commercial driver’s license improvements program to
15 carry out section 31313 of title 49, United States Code.

16 SEC. 2215. Of the unobligated amounts available for
17 Safety Belt Performance Grants under section 406 of title
18 23, United States Code, \$76,000,000 are permanently re-
19 scinded.

20 SEC. 2216. Notwithstanding section 1101, the level
21 for “Department of Transportation, Federal Railroad Ad-
22 ministration, Railroad Safety Technology Program” shall
23 be \$0.

24 SEC. 2217. Notwithstanding section 1101, the level
25 for “Department of Transportation, Federal Railroad Ad-

1 ministration, Safety and Operations” shall be
2 \$176,950,000.

3 SEC. 2218. Notwithstanding section 1101, the level
4 for “Department of Transportation, Federal Railroad Ad-
5 ministration, Railroad Research and Development” shall
6 be \$35,100,000.

7 SEC. 2219. Notwithstanding section 1101, the level
8 for “Department of Transportation, Federal Railroad Ad-
9 ministration, Rail Line Relocation and Improvement Pro-
10 gram” shall be \$10,532,000.

11 SEC. 2220. Notwithstanding section 1101, the level
12 for “Department of Transportation, Federal Railroad Ad-
13 ministration, Capital and Debt Service Grants to the Na-
14 tional Railroad Passenger Corporation” shall be
15 \$923,625,000.

16 SEC. 2221. Notwithstanding section 1101, the level
17 for “Department of Transportation, Federal Railroad Ad-
18 ministration, Capital Assistance for High Speed Rail Cor-
19 ridors and Intercity Passenger Rail Service” shall be \$0.

20 SEC. 2222. Of the prior year unobligated balances
21 available for “Department of Transportation, Federal
22 Railroad Administration, Capital Assistance for High
23 Speed Rail Corridors and Intercity Passenger Rail Serv-
24 ice”, \$400,000,000 is rescinded.

1 SEC. 2223. Notwithstanding section 1101, the level
2 for “Department of Transportation, Federal Transit Ad-
3 ministration, Grants for Energy Efficiency and Green-
4 house Gas Reductions” shall be \$50,000,000.

5 SEC. 2224. Notwithstanding section 1101, the level
6 for “Department of Transportation, Federal Transit Ad-
7 ministration, Capital Investment Grants” shall be
8 \$1,600,000,000.

9 SEC. 2225. Of the funds made available for “Depart-
10 ment of Transportation, Federal Transit Administration,
11 Capital Investment Grants” in division A of Public Law
12 111–117, \$280,000,000 is rescinded.

13 SEC. 2226. Notwithstanding section 1101, the level
14 for “Department of Transportation, Federal Transit Ad-
15 ministration, Research and University Research Centers”
16 shall be \$59,000,000.

17 SEC. 2227. Notwithstanding section 1101, the level
18 for “Department of Transportation, Maritime Administra-
19 tion, Operations and Training” shall be \$151,750,000, of
20 which \$11,240,000 shall remain available until expended
21 for maintenance and repair of training ships at State Mar-
22 itime Academies; \$15,000,000 shall remain available until
23 expended for capital improvements at the United States
24 Merchant Marine Academy; and \$59,057,000 shall be
25 available for operations at the United States Merchant

1 Marine Academy: *Provided*, That of the funds made avail-
2 able under such heading in division A of Public Law 111–
3 117, up to \$6,000,000 may be used for the reimbursement
4 of overcharged midshipmen fees for academic years 2003–
5 2004 through 2008–2009, to remain available until ex-
6 pended: *Provided further*, That the reimbursement deci-
7 sions of the Secretary pursuant to the previous proviso
8 shall be final and conclusive: *Provided further*, That of the
9 funds made available under such heading by this division,
10 \$1,000,000 shall be for the information technology re-
11 quirements of Public Law 111–207, to be available until
12 expended.

13 SEC. 2228. Notwithstanding section 1101, the level
14 for “Department of Transportation, Maritime Administra-
15 tion, Assistance to Small Shipyards” shall be
16 \$10,000,000.

17 SEC. 2229. Notwithstanding section 1101, the level
18 for each of the following accounts under the heading “De-
19 partment of Transportation, Pipeline and Hazardous Ma-
20 terials Safety Administration” shall be as follows: “Oper-
21 ational Expenses, (Pipeline Safety Fund)”, \$21,496,000;
22 “Hazardous Materials Safety”, \$39,098,000, of which
23 \$1,699,000 shall remain available until September 30,
24 2013; and “Pipeline Safety (Pipeline Safety Fund) (Oil
25 Spill Liability Trust Fund)”, \$106,919,000, of which

1 \$18,905,000 shall be derived from the Oil Spill Liability
2 Trust Fund and shall remain available until September
3 30, 2013, and of which \$88,014,000 shall be derived from
4 the Pipeline Safety Fund, of which \$47,332,000 shall re-
5 main available until September 30, 2013.

6 SEC. 2230. Notwithstanding section 1101, section
7 186 of title I of division A of Public Law 111–117 shall
8 not apply in fiscal year 2011.

9 SEC. 2231. Notwithstanding section 1101, none of
10 the funds made available by this division shall be available
11 for activities described in section 195 of title I of division
12 A of Public Law 111–117.

13 SEC. 2232. Notwithstanding section 1101, the level
14 for “Department of Housing and Urban Development,
15 Management and Administration, Administration, Oper-
16 ations and Management” shall be \$525,040,000: *Pro-*
17 *vided*, That the Secretary shall adjust other amounts spec-
18 ified under this heading to stay within the level provided
19 under this section.

20 SEC. 2233. Notwithstanding section 1101, section
21 231 of title II of division A of Public Law 111–117 (123
22 Stat. 3105) is amended to read as follows: “The Secretary
23 of Housing and Urban Development is authorized to
24 transfer up to 5 percent or \$5,000,000, whichever is less,
25 of the funds made available for personnel or nonpersonnel

1 expenses under any account under this title under the gen-
2 eral heading ‘Personnel Compensation and Benefits’, or
3 under any set-aside within the accounts under the head-
4 ings ‘Executive Direction’ and ‘Administration, Oper-
5 ations and Management’, to any other such account or set-
6 aside: *Provided*, That no appropriation for personnel or
7 non-personnel expenses in any such account or set-aside
8 shall be increased or decreased by more than 5 percent
9 or \$5,000,000, whichever is less, without prior written ap-
10 proval of the House and Senate Committees on Appropria-
11 tions.”.

12 SEC. 2234. Notwithstanding section 1101, the level
13 for each of the following accounts under the heading “De-
14 partment of Housing and Urban Development, Personnel
15 Compensation and Benefits” shall be as follows: “Public
16 and Indian Housing”, \$189,074,000; “Community Plan-
17 ning and Development”, \$96,989,000; “Housing”,
18 \$381,887,000; and “Policy Development and Research”,
19 \$19,138,000.

20 SEC. 2235. Notwithstanding section 1101, the level
21 for “Department of Housing and Urban Development,
22 Public and Indian Housing, Tenant-Based Rental Assist-
23 ance” shall be \$14,407,688,000, to remain available until
24 expended, which shall be available on October 1, 2010 (in
25 addition to the \$4,000,000,000 previously appropriated

1 under such heading that became available on October 1,
2 2010), and, notwithstanding section 1118, an additional
3 \$4,000,000,000, to remain available until expended, shall
4 be available on October 1, 2011: *Provided*, That of the
5 amounts available for such heading, \$16,702,688,000
6 shall be for activities specified in paragraph (1) under
7 such heading of title II of division A of Public Law 111–
8 117; \$110,000,000 shall be for activities specified in para-
9 graph (2) under such heading in such Public Law;
10 \$1,450,000,000 shall be for activities specified in para-
11 graph (3) under such heading in such Public Law, of
12 which \$1,400,000,000 shall be allocated as provided in the
13 first proviso of such paragraph (3); and \$50,000,000 shall
14 be for activities specified in paragraph (6) under such
15 heading in such Public Law: *Provided further*, That para-
16 graph (5) under such heading in such Public Law is
17 amended by striking “\$15,000,000” and all that follows
18 through the end of such paragraph and inserting
19 “\$35,000,000 for amendment and renewal of tenant-based
20 assistance contracts under section 811 of the Cranston-
21 Gonzalez National Affordable Housing Act (42 U.S.C.
22 8013), including necessary administrative expenses;”.

23 SEC. 2236. Notwithstanding section 1101, the level
24 for “Department of Housing and Urban Development,

1 Public and Indian Housing, Public Housing Operating
2 Fund” shall be \$4,626,000,000.

3 SEC. 2237. Notwithstanding section 1101, the level
4 for “Department of Housing and Urban Development,
5 Public and Indian Housing, Revitalization of Severely Dis-
6 tressed Public Housing (HOPE VI)” shall be
7 \$100,000,000.

8 SEC. 2238. Notwithstanding section 1101, the level
9 for “Department of Housing and Urban Development,
10 Public and Indian Housing, Public Housing Capital
11 Fund” shall be \$2,044,200,000.

12 SEC. 2239. Notwithstanding section 1101, the level
13 for “Department of Housing and Urban Development,
14 Public and Indian Housing, Native American Housing
15 Block Grants” shall be \$650,000,000.

16 SEC. 2240. Notwithstanding section 1101, the level
17 for “Department of Housing and Urban Development,
18 Community Planning and Development, Community De-
19 velopment Fund” shall be \$3,508,000,000, of which
20 \$3,343,000,000 shall be for carrying out the community
21 development block grant program under title I of the
22 Housing and Community Development Act of 1974 (42
23 U.S.C. 5301 et seq.): *Provided*, That none of the funds
24 made available under such heading by this division may
25 be used for grants for the Economic Development Initia-

1 tive or Neighborhood Initiatives activities, Rural Innova-
2 tion Fund, or for grants pursuant to section 107 of the
3 Housing and Community Development Act of 1974 (42
4 U.S.C. 5307): *Provided further*, That of the amounts made
5 available under such heading by this division,
6 \$100,000,000 shall be for a Sustainable Communities Ini-
7 tiative, of which \$70,000,000 shall be for Regional Inte-
8 grated Planning Grants and \$30,000,000 shall be for
9 Community Challenge Planning Grants: *Provided further*,
10 That of such amount made available for Regional Inte-
11 grated Planning Grants, \$17,500,000 shall be for activi-
12 ties specified in the second proviso of the last paragraph
13 under such heading in title II of division A of Public Law
14 111–117 and \$0 shall be for activities specified in the
15 sixth proviso of such paragraph.

16 SEC. 2241. Notwithstanding section 1101, the level
17 for “Department of Housing and Urban Development,
18 Community Planning and Development, Homeless Assist-
19 ance Grants” shall be \$1,905,000,000, of which at least
20 \$225,000,000 shall be for the Emergency Solutions Grant
21 program.

22 SEC. 2242. Notwithstanding section 1101, the level
23 for “Department of Housing and Urban Development,
24 Community Planning and Development, HOME Invest-
25 ment Partnerships Program” shall be \$1,610,000,000.

1 SEC. 2243. Notwithstanding section 1101, the level
2 for “Department of Housing and Urban Development,
3 Community Planning and Development, Brownfields Re-
4 development” shall be \$0.

5 SEC. 2244. Notwithstanding section 1101, the level
6 for “Department of Housing and Urban Development,
7 Housing Programs, Project-Based Rental Assistance”
8 shall be \$8,882,328,000, to remain available until ex-
9 pended, which shall be available on October 1, 2010 (in
10 addition to \$393,672,000 previously appropriated under
11 such heading that became available on October 1, 2010),
12 and, notwithstanding section 1118, an additional
13 \$400,000,000, to remain available until expended, shall be
14 available on October 1, 2011: *Provided*, That of the
15 amounts available for such heading, \$8,950,000,000 shall
16 be for activities specified in paragraph (1) under such
17 heading of title II of division A of Public Law 111–117
18 and \$326,000,000 shall be available for activities specified
19 in paragraph (2) under such heading of such Public Law.

20 SEC. 2245. Notwithstanding section 1101, the level
21 for “Department of Housing and Urban Development,
22 Housing Programs, Housing Counseling Assistance” shall
23 be \$0.

24 SEC. 2246. Notwithstanding section 1101, the level
25 for “Department of Housing and Urban Development,

1 Housing Programs, Housing for the Elderly” shall be
2 \$400,000,000: *Provided*, That of such amounts, up to
3 \$100,000,000 shall be available for capital advance and
4 project-based rental assistance awards, and none of such
5 amounts shall be available for activities specified in the
6 third proviso under such heading in title II of division A
7 of Public Law 111–117.

8 SEC. 2247. Notwithstanding section 1101, the level
9 for “Department of Housing and Urban Development,
10 Housing Programs, Housing for Persons with Disabil-
11 ities” shall be \$150,000,000, of which up to \$50,000,000
12 shall be for capital advances and project-based rental as-
13 sistance contracts and up to \$32,000,000 shall be avail-
14 able for amendments or renewal of tenant-based assist-
15 ance contracts entered into prior to fiscal year 2007.

16 SEC. 2248. Notwithstanding section 1101, the level
17 for “Department of Housing and Urban Development,
18 Housing Programs, Energy Innovation Fund” shall be \$0.

19 SEC. 2249. The heading “Department of Housing
20 and Urban Development, Housing Programs, Other As-
21 sisted Housing Programs, Rental Housing Assistance”
22 shall be applied by also being available for extensions of
23 up to one year for expiring contracts under such sections
24 of law.

1 SEC. 2250. Notwithstanding section 1101, the level
2 for “Department of Housing and Urban Development,
3 Housing Programs, Rent Supplement (Rescission)” shall
4 be \$40,600,000.

5 SEC. 2251. Notwithstanding section 1101, the level
6 for “Department of Housing and Urban Development,
7 Federal Housing Administration, Mutual Mortgage Insur-
8 ance Program Account” for administrative contract ex-
9 penses shall be \$207,000,000.

10 SEC. 2252. The first proviso in the first paragraph
11 under the heading “Department of Housing and Urban
12 Development, Federal Housing Administration, General
13 and Special Risk Program Account” in division A of Pub-
14 lic Law 111–117 shall be applied in fiscal year 2011 by
15 substituting “\$20,000,000,000” for “\$15,000,000,000”.

16 SEC. 2253. Notwithstanding section 1101, the level
17 for “Department of Housing and Urban Development, Of-
18 fice of Lead Hazard Control and Healthy Homes, Lead
19 Hazard Reduction” shall be \$120,000,000.

20 SEC. 2254. Notwithstanding section 1101, the level
21 under the heading “Related Agencies, United States Inter-
22 agency Council on Homelessness, Operating Expenses”
23 shall be \$2,680,000.

24 SEC. 2255. Section 209 of the McKinney-Vento
25 Homeless Assistance Act (42 U.S.C.11319) is amended by

1 striking all that follows “on” and inserting “October 1,
2 2013.”.

3 SEC. 2256. The first proviso under the heading
4 “Housing for the Elderly” and under the heading “Hous-
5 ing for Persons with Disabilities” in division A of Public
6 Law 111–117 are each amended to read as follows: “*Pro-*
7 *vided*, That amounts obligated for initial project rental as-
8 sistance contracts from amounts appropriated in fiscal
9 year 2003 and thereafter shall remain available for the
10 purpose of paying such obligations incurred prior to the
11 expiration of such amounts for a 10 year period following
12 such expiration:”.

13 SEC. 2257. The amounts provided by section 1101
14 for “Department of Housing and Urban Development,
15 Housing Programs, Housing for Persons with Disabil-
16 ities” shall, in addition to use as provided under such
17 heading in title II of division A of Public Law 111–117,
18 be available for project assistance contracts pursuant to
19 section 202(h) of the Housing Act of 1959 (12 U.S.C.
20 1701q).

21 SEC. 2258. Notwithstanding section 1101, the level
22 under the heading “Department of Housing and Urban
23 Development, Management and Administration, Trans-
24 formation Initiative” for combating mortgage fraud shall
25 be \$0.

1 SEC. 2259. The heading “Department of Housing
2 and Urban Development, Management and Administra-
3 tion, Transformation Initiative” in title II of division A
4 of Public Law 111–117 is amended by striking the second
5 paragraph and inserting the following: “For necessary ex-
6 penses of information technology modernization, including
7 development and deployment of a Next Generation of
8 Voucher Management System and development and de-
9 ployment of modernized Federal Housing Administration
10 systems, \$71,000,000, to remain available until September
11 30, 2013: *Provided*, That not more than 35 percent of the
12 funds made available for information technology mod-
13 ernization may be obligated until the Secretary submits
14 to the Committees on Appropriations a plan for expendi-
15 ture that (1) identifies for each modernization project (A)
16 the functional and performance capabilities to be delivered
17 and the mission benefits to be realized, (B) the estimated
18 lifecycle cost, and (C) key milestones to be met; (2) dem-
19 onstrates that each modernization project is (A) compliant
20 with the Department’s enterprise architecture, (B) being
21 managed in accordance with applicable lifecycle manage-
22 ment policies and guidance, (C) subject to the Depart-
23 ment’s capital planning and investment control require-
24 ments, and (D) supported by an adequately staffed project
25 office; and (3) has been reviewed by the Government Ac-

1 countability Office. In addition, of the amounts made
2 available in this division under each of the following head-
3 ings under this title, the Secretary may transfer to, and
4 merge with, this account up to 1 percent from each such
5 account, and such transferred amounts shall be available
6 until September 30, 2013, for (1) research, evaluation,
7 and program metrics; (2) program demonstrations; (3)
8 technical assistance and capacity building; and (4) infor-
9 mation technology: ‘Revitalization of Severely Distressed
10 Public Housing’, ‘Section 108 Loan Guarantees’, ‘Hous-
11 ing Opportunities for Persons With AIDS’, ‘Community
12 Development Fund’, ‘HOME Investment Partnerships
13 Program’, ‘Self-Help and Assisted Homeownership Oppor-
14 tunity Program’, ‘Housing for the Elderly’, ‘Housing for
15 Persons With Disabilities’, ‘Payment to Manufactured
16 Housing Fees Trust Fund’, ‘Mutual Mortgage Insurance
17 Program Account’, ‘General and Special Risk Program
18 Account’, ‘Research and Technology’, ‘Lead Hazard Re-
19 duction’, ‘Rental Housing Assistance’, and ‘Fair Housing
20 Activities’: *Provided further*, That of the amounts made
21 available under this heading, not less than \$45,000,000
22 shall be available for technical assistance and capacity
23 building: *Provided further*, That technical assistance ac-
24 tivities shall include, technical assistance for HUD pro-
25 grams, including HOME, Community Development Block

1 Grant, homeless programs, HOPWA, HOPE VI, Public
2 Housing, the Housing Choice Voucher Program, Fair
3 Housing Initiative Program, Housing Counseling, Healthy
4 Homes, Sustainable Communities, Energy Innovation
5 Fund and other technical assistance as determined by the
6 Secretary: *Provided further*, That any amounts available
7 for research, evaluation, and program metrics and pro-
8 gram demonstrations shall be used to complete ongoing
9 projects, evaluations, and assessments: *Provided further*,
10 That the Secretary shall submit a plan to the House and
11 Senate Committees on Appropriations for approval detail-
12 ing how the funding provided under this section will be
13 allocated to each of the four categories identified under
14 this section and for what projects or activities funding will
15 be used: *Provided further*, That following the initial ap-
16 proval of this plan, the Secretary may amend the plan with
17 the approval of the House and Senate Committees on Ap-
18 propriations.”.

19 SEC. 2260. Notwithstanding section 1101, the level
20 for “National Railroad Passenger Corporation, Office of
21 Inspector General, Salaries and Expenses” shall be
22 \$19,350,000.

23 SEC. 2261. No rescission made in this title shall
24 apply to any amount previously designated by the Con-
25 gress as an emergency requirement pursuant to a concur-

1 rent resolution on the budget or the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 SEC. 2262. None of the funds made available by this
4 division may be used to pay the salaries and expenses for
5 the following positions:

6 (1) Director, White House Office of Health Re-
7 form.

8 (2) Assistant to the President for Energy and
9 Climate Change.

10 (3) Senior Advisor to the Secretary of the
11 Treasury assigned to the Presidential Task Force on
12 the Auto Industry and Senior Counselor for Manu-
13 facturing Policy.

14 (4) White House Director of Urban Affairs.

15 This division may be cited as the “Full-Year Con-
16 tinuing Appropriations Act, 2011”.

17 **DIVISION C—SCHOLARSHIPS**
18 **FOR OPPORTUNITY AND RE-**
19 **SULTS ACT**

20 **SEC. 3001. SHORT TITLE.**

21 This division may be cited as the “Scholarships for
22 Opportunity and Results Act” or the “SOAR Act”.

23 **SEC. 3002. FINDINGS.**

24 Congress finds the following:

1 (1) Parents are best equipped to make decisions
2 for their children, including the educational setting
3 that will best serve the interests and educational
4 needs of their child.

5 (2) For many parents in the District of Colum-
6 bia, public school choice provided under the Elemen-
7 tary and Secondary Education Act of 1965, as well
8 as under other public school choice programs, is in-
9 adequate. More educational options are needed to
10 ensure all families in the District of Columbia have
11 access to a quality education. In particular, funds
12 are needed to provide low-income parents with en-
13 hanced public opportunities and private educational
14 environments, regardless of whether such environ-
15 ments are secular or nonsecular.

16 (3) While the per student cost for students in
17 the public schools of the District of Columbia is one
18 of the highest in the United States, test scores for
19 such students continue to be among the lowest in
20 the Nation. The National Assessment of Educational
21 Progress (NAEP), an annual report released by the
22 National Center for Education Statistics, reported in
23 its 2009 study that students in the District of Co-
24 lumbia were being outperformed by every State in
25 the Nation. On the 2009 NAEP, 56 percent of

1 fourth grade students scored “below basic” in read-
2 ing, and 44 percent scored “below basic” in mathe-
3 matics. Among eighth grade students, 49 percent
4 scored “below basic” in reading and 60 percent
5 scored “below basic” in mathematics. On the 2009
6 NAEP reading assessment, only 17 percent of the
7 District of Columbia fourth grade students could
8 read proficiently, while only 13 percent of the eighth
9 grade students scored at the proficient or advanced
10 level.

11 (4) In 2003, Congress passed the DC School
12 Choice Incentive Act of 2003 (Public Law 108–199;
13 118 Stat. 126), to provide opportunity scholarships
14 to parents of students in the District of Columbia to
15 enable them to pursue a high-quality education at a
16 public or private elementary or secondary school of
17 their choice. The DC Opportunity Scholarship Pro-
18 gram (DC OSP) under such Act was part of a com-
19 prehensive 3-part funding arrangement that also in-
20 cluded additional funds for the District of Columbia
21 public schools, and additional funds for public char-
22 ter schools of the District of Columbia. The intent
23 of the approach was to ensure that progress would
24 continue to be made to improve public schools and
25 public charter schools, and that funding for the op-

1 opportunity scholarship program would not lead to a
2 reduction in funding for the District of Columbia
3 public and charter schools. Resources would be avail-
4 able for a variety of educational options that would
5 give families in the District of Columbia a range of
6 choices with regard to the education of their chil-
7 dren.

8 (5) The DC OSP was established in accordance
9 with the Supreme Court decision, *Zelman v. Sim-*
10 *mons-Harris*, 536 U.S. 639 (2002), which found
11 that a program enacted for the valid secular purpose
12 of providing educational assistance to low-income
13 children in a demonstrably failing public school sys-
14 tem is constitutional if it is neutral with respect to
15 religion and provides assistance to a broad class of
16 citizens who direct government aid to religious and
17 secular schools solely as a result of their genuine
18 and independent private choices.

19 (6) Since the inception of the DC OSP, it has
20 consistently been oversubscribed. Parents express
21 strong support for the opportunity scholarship pro-
22 gram. Rigorous studies of the program by the Insti-
23 tute of Education Sciences have shown significant
24 improvements in parental satisfaction and in reading
25 scores that are more dramatic when only those stu-

1 dents consistently using the scholarships are consid-
2 ered. The program also was found to result in sig-
3 nificantly higher graduation rates for DC OSP stu-
4 dents.

5 (7) The DC OSP is a program that offers fami-
6 lies in need, in the District of Columbia, important
7 alternatives while public schools are improved. This
8 program should be reauthorized as 1 of a 3-part
9 comprehensive funding strategy for the District of
10 Columbia school system that provides new and equal
11 funding for public schools, public charter schools,
12 and opportunity scholarships for students to attend
13 private schools.

14 **SEC. 3003. PURPOSE.**

15 The purpose of this division is to provide low-income
16 parents residing in the District of Columbia, particularly
17 parents of students who attend elementary schools or sec-
18 ondary schools identified for improvement, corrective ac-
19 tion, or restructuring under section 1116 of the Elemen-
20 tary and Secondary Education Act of 1965 (20 U.S.C.
21 6316), with expanded opportunities for enrolling their
22 children in other schools in the District of Columbia, at
23 least until the public schools in the District of Columbia
24 have adequately addressed shortfalls in health, safety, and
25 security, and the students in the District of Columbia pub-

1 lie schools are testing in mathematics and reading at or
2 above the national average.

3 **SEC. 3004. GENERAL AUTHORITY.**

4 (a) OPPORTUNITY SCHOLARSHIPS.—

5 (1) IN GENERAL.—From funds appropriated
6 under section 3014(a)(1), the Secretary shall award
7 grants on a competitive basis to eligible entities with
8 approved applications under section 3005 to carry
9 out a program to provide eligible students with ex-
10 panded school choice opportunities. The Secretary
11 may award a single grant or multiple grants, de-
12 pending on the quality of applications submitted and
13 the priorities of this division.

14 (2) DURATION OF GRANTS.—The Secretary
15 may make grants under this subsection for a period
16 of not more than 5 years.

17 (b) DC PUBLIC SCHOOLS AND CHARTER
18 SCHOOLS.—From funds appropriated under paragraphs
19 (2) and (3) of section 3014(a), the Secretary shall provide
20 funds to the Mayor of the District of Columbia, if the
21 Mayor agrees to the requirements described in section
22 3011(a), for—

23 (1) the District of Columbia public schools to
24 improve public education in the District of Colum-
25 bia; and

1 (2) the District of Columbia public charter
2 schools to improve and expand quality public charter
3 schools in the District of Columbia.

4 **SEC. 3005. APPLICATIONS.**

5 (a) IN GENERAL.—In order to receive a grant under
6 section 3004(a), an eligible entity shall submit an applica-
7 tion to the Secretary at such time, in such manner, and
8 accompanied by such information as the Secretary may
9 require.

10 (b) CONTENTS.—The Secretary may not approve the
11 request of an eligible entity for a grant under section
12 3004(a) unless the entity’s application includes—

13 (1) a detailed description of—

14 (A) how the entity will address the prior-
15 ities described in section 3006;

16 (B) how the entity will ensure that if more
17 eligible students seek admission in the program
18 of the entity than the program can accommo-
19 date, eligible students are selected for admission
20 through a random selection process which gives
21 weight to the priorities described in section
22 3006;

23 (C) how the entity will ensure that if more
24 participating eligible students seek admission to
25 a participating school than the school can ac-

1 commodate, participating eligible students are
2 selected for admission through a random selec-
3 tion process;

4 (D) how the entity will notify parents of el-
5 igible students of the expanded choice opportu-
6 nities in order to allow the parents to make in-
7 formed decisions;

8 (E) the activities that the entity will carry
9 out to provide parents of eligible students with
10 expanded choice opportunities through the
11 awarding of scholarships under section 3007(a);

12 (F) how the entity will determine the
13 amount that will be provided to parents under
14 section 3007(a)(2) for the payment of tuition,
15 fees, and transportation expenses, if any;

16 (G) how the entity will seek out private el-
17 elementary schools and secondary schools in the
18 District of Columbia to participate in the pro-
19 gram;

20 (H) how the entity will ensure that each
21 participating school will meet the reporting and
22 other program requirements under this division;

23 (I) how the entity will ensure that partici-
24 pating schools submit to site visits by the entity
25 as determined to be necessary by the entity, ex-

1 cept that a participating school may not be re-
2 quired to submit to more than 1 site visit per
3 school year;

4 (J) how the entity will ensure that partici-
5 pating schools are financially responsible and
6 will use the funds received under section 3007
7 effectively;

8 (K) how the entity will address the renewal
9 of scholarships to participating eligible stu-
10 dents, including continued eligibility; and

11 (L) how the entity will ensure that a ma-
12 jority of its voting board members or governing
13 organization are residents of the District of Co-
14 lumbia; and

15 (2) an assurance that the entity will comply
16 with all requests regarding any evaluation carried
17 out under section 3009(a).

18 **SEC. 3006. PRIORITIES.**

19 In awarding grants under section 3004(a), the Sec-
20 retary shall give priority to applications from eligible enti-
21 ties that will most effectively—

22 (1) in awarding scholarships under section
23 3007(a), give priority to—

24 (A) eligible students who, in the school
25 year preceding the school year for which the eli-

1 gible students are seeking a scholarship, at-
2 tended an elementary school or secondary
3 school identified for improvement, corrective ac-
4 tion, or restructuring under section 1116 of the
5 Elementary and Secondary Education Act of
6 1965 (20 U.S.C. 6316);

7 (B) students who have been awarded a
8 scholarship in a preceding year under this divi-
9 sion or the DC School Choice Incentive Act of
10 2003 (sec. 38–1851.01 et seq., D.C. Official
11 Code), as such Act was in effect on the day be-
12 fore the date of the enactment of this division,
13 but who have not used the scholarship, includ-
14 ing eligible students who were provided notifica-
15 tion of selection for a scholarship for school
16 year 2009-2010, which was later rescinded in
17 accordance with direction from the Secretary of
18 Education; and

19 (C) students whose household includes a
20 sibling or other child who is already partici-
21 pating in the program of the eligible entity
22 under this division, regardless of whether such
23 students have, in the past, been assigned as
24 members of a control study group for the pur-
25 poses of an evaluation under section 3009(a);

1 (2) target resources to students and families
2 that lack the financial resources to take advantage
3 of available educational options; and

4 (3) provide students and families with the
5 widest range of educational options.

6 **SEC. 3007. USE OF FUNDS.**

7 (a) OPPORTUNITY SCHOLARSHIPS.—

8 (1) IN GENERAL.—Subject to paragraphs (2)
9 and (3), an eligible entity receiving a grant under
10 section 3004(a) shall use the grant funds to provide
11 eligible students with scholarships to pay the tuition,
12 fees, and transportation expenses, if any, to enable
13 the eligible students to attend the District of Colum-
14 bia private elementary school or secondary school of
15 their choice beginning in school year 2011–2012.
16 Each such eligible entity shall ensure that the
17 amount of any tuition or fees charged by a school
18 participating in such entity’s program under this di-
19 vision to an eligible student participating in the pro-
20 gram does not exceed the amount of tuition or fees
21 that the school charges to students who do not par-
22 ticipate in the program.

23 (2) PAYMENTS TO PARENTS.—An eligible entity
24 receiving a grant under section 3004(a) shall make
25 scholarship payments under the entity’s program

1 under this division to the parent of the eligible stu-
2 dent participating in the program, in a manner
3 which ensures that such payments will be used for
4 the payment of tuition, fees, and transportation ex-
5 penses (if any), in accordance with this division.

6 (3) AMOUNT OF ASSISTANCE.—

7 (A) VARYING AMOUNTS PERMITTED.—Sub-
8 ject to the other requirements of this section,
9 an eligible entity receiving a grant under sec-
10 tion 3004(a) may award scholarships in larger
11 amounts to those eligible students with the
12 greatest need.

13 (B) ANNUAL LIMIT ON AMOUNT.—

14 (i) LIMIT FOR SCHOOL YEAR 2011–
15 2012.—The amount of assistance provided
16 to any eligible student by an eligible entity
17 under the entity’s program under this divi-
18 sion for school year 2011–2012 may not
19 exceed—

20 (I) \$8,000 for attendance in kin-
21 dergarten through grade 8; and

22 (II) \$12,000 for attendance in
23 grades 9 through 12.

24 (ii) CUMULATIVE INFLATION ADJUST-
25 MENT.—Beginning with school year 2012–

2013, the Secretary shall adjust the maximum amounts of assistance described in clause (i) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) PARTICIPATING SCHOOL REQUIREMENTS.—

None of the funds provided under this division for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

1 (D) agrees to submit to site visits as deter-
2 mined to be necessary by the eligible entity pur-
3 suant to section 3005(b)(1)(I);

4 (E) has financial systems, controls, poli-
5 cies, and procedures to ensure that funds are
6 used according to this division; and

7 (F) ensures that each teacher of core sub-
8 ject matter in the school has a baccalaureate
9 degree or equivalent degree, whether such de-
10 gree was awarded in or outside of the United
11 States.

12 (b) ADMINISTRATIVE EXPENSES.—An eligible entity
13 receiving a grant under section 3004(a) may use not more
14 than 3 percent of the amount provided under the grant
15 each year for the administrative expenses of carrying out
16 its program under this division during the year, includ-
17 ing—

18 (1) determining the eligibility of students to
19 participate;

20 (2) selecting eligible students to receive scholar-
21 ships;

22 (3) determining the amount of scholarships and
23 issuing the scholarships to eligible students;

24 (4) compiling and maintaining financial and
25 programmatic records; and

1 (5) conducting site visits as described in section
2 3005(b)(1)(I).

3 (c) PARENTAL ASSISTANCE.—An eligible entity re-
4 ceiving a grant under section 3004(a) may use not more
5 than 2 percent of the amount provided under the grant
6 each year for the expenses of educating parents about the
7 entity’s program under this division, and assisting parents
8 through the application process, under this division, in-
9 cluding—

10 (1) providing information about the program
11 and the participating schools to parents of eligible
12 students;

13 (2) providing funds to assist parents of stu-
14 dents in meeting expenses that might otherwise pre-
15 clude the participation of eligible students in the
16 program; and

17 (3) streamlining the application process for par-
18 ents.

19 (d) STUDENT ACADEMIC ASSISTANCE.—An eligible
20 entity receiving a grant under section 3004(a) may use
21 not more than 1 percent of the amount provided under
22 the grant each year for expenses to provide tutoring serv-
23 ices to participating eligible students that need additional
24 academic assistance. If there are insufficient funds to pro-
25 vide tutoring services to all such students in a year, the

1 eligible entity shall give priority in such year to students
2 who previously attended an elementary school or sec-
3 ondary school that was identified for improvement, correc-
4 tive action, or restructuring under section 1116 of the Ele-
5 mentary and Secondary Education Act of 1965 (20 U.S.C.
6 6316).

7 **SEC. 3008. NONDISCRIMINATION AND OTHER REQUIRE-**
8 **MENTS FOR PARTICIPATING SCHOOLS.**

9 (a) IN GENERAL.—An eligible entity or a school par-
10 ticipating in any program under this division shall not dis-
11 criminate against program participants or applicants on
12 the basis of race, color, national origin, religion, or sex.

13 (b) APPLICABILITY AND SINGLE SEX SCHOOLS,
14 CLASSES, OR ACTIVITIES.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law, the prohibition of sex discrimina-
17 tion in subsection (a) shall not apply to a partici-
18 pating school that is operated by, supervised by, con-
19 trolled by, or connected to a religious organization to
20 the extent that the application of subsection (a) is
21 inconsistent with the religious tenets or beliefs of the
22 school.

23 (2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVI-
24 TIES.—Notwithstanding subsection (a) or any other

1 provision of law, a parent may choose and a school
2 may offer a single sex school, class, or activity.

3 (3) APPLICABILITY.—For purposes of this divi-
4 sion, the provisions of section 909 of the Education
5 Amendments of 1972 (20 U.S.C. 1688) shall apply
6 to this division as if section 909 of the Education
7 Amendments of 1972 (20 U.S.C. 1688) were part of
8 this division.

9 (c) CHILDREN WITH DISABILITIES.—Nothing in this
10 division may be construed to alter or modify the provisions
11 of the Individuals with Disabilities Education Act (20
12 U.S.C. 1400 et seq.).

13 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, a school participating in any pro-
16 gram under this division that is operated by, super-
17 vised by, controlled by, or connected to, a religious
18 organization may exercise its right in matters of em-
19 ployment consistent with title VII of the Civil Rights
20 Act of 1964 (42 U.S.C. 2000e–1 et seq.), including
21 the exemptions in such title.

22 (2) MAINTENANCE OF PURPOSE.—Notwith-
23 standing any other provision of law, funds made
24 available under this division to eligible students,
25 which are used at a participating school as a result

1 of their parents' choice, shall not, consistent with
2 the first amendment of the Constitution, necessitate
3 any change in the participating school's teaching
4 mission, require any participating school to remove
5 religious art, icons, scriptures, or other symbols, or
6 preclude any participating school from retaining reli-
7 gious terms in its name, selecting its board members
8 on a religious basis, or including religious references
9 in its mission statements and other chartering or
10 governing documents.

11 (e) RULE OF CONSTRUCTION.—A scholarship (or any
12 other form of support provided to parents of eligible stu-
13 dents) under this division shall be considered assistance
14 to the student and shall not be considered assistance to
15 the school that enrolls the eligible student. The amount
16 of any scholarship (or other form of support provided to
17 parents of an eligible student) under this division shall not
18 be treated as income of the child or his or her parents
19 for purposes of Federal tax laws or for determining eligi-
20 bility for any other Federal program.

21 (f) REQUESTS FOR DATA AND INFORMATION.—Each
22 school participating in a program funded under this divi-
23 sion shall comply with all requests for data and informa-
24 tion regarding evaluations conducted under section
25 3009(a).

1 (g) RULES OF CONDUCT AND OTHER SCHOOL POLI-
2 CIES.—A participating school, including the schools de-
3 scribed in subsection (d), may require eligible students to
4 abide by any rules of conduct and other requirements ap-
5 plicable to all other students at the school.

6 (h) NATIONALLY NORM-REFERENCED STANDARD-
7 IZED TESTS.—

8 (1) IN GENERAL.—Each participating school
9 shall comply with any testing requirements deter-
10 mined to be necessary for evaluation under section
11 3009(a)(2)(A)(i).

12 (2) MAKE-UP SESSION.—If a participating
13 school does not administer a nationally norm-ref-
14 erenced standardized test or the Institute of Edu-
15 cation Sciences does not receive data on a student
16 who is receiving an opportunity scholarship, then the
17 Secretary (through the Institute of Education
18 Sciences of the Department of Education) shall ad-
19 minister such test at least one time during a school
20 year for each student receiving an opportunity schol-
21 arship.

22 **SEC. 3009. EVALUATIONS.**

23 (a) IN GENERAL.—

1 (1) DUTIES OF THE SECRETARY AND THE
2 MAYOR.—The Secretary and the Mayor of the Dis-
3 trict of Columbia shall—

4 (A) jointly enter into an agreement with
5 the Institute of Education Sciences of the De-
6 partment of Education to evaluate annually the
7 performance of students who received scholar-
8 ships under the 5-year program under this divi-
9 sion;

10 (B) jointly enter into an agreement to
11 monitor and evaluate the use of funds author-
12 ized and appropriated for the District of Co-
13 lumbia public schools and the District of Co-
14 lumbia public charter schools under this divi-
15 sion; and

16 (C) make the evaluations described in sub-
17 paragraphs (A) and (B) public in accordance
18 with subsection (c).

19 (2) DUTIES OF THE SECRETARY.—The Sec-
20 retary, through a grant, contract, or cooperative
21 agreement, shall—

22 (A) ensure that the evaluation under para-
23 graph (1)(A)—

24 (i) is conducted using the strongest
25 possible research design for determining

the effectiveness of the opportunity scholarship program under this division; and

(ii) addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program—

(i) in increasing the academic growth and achievement of participating eligible students; and

(ii) on students and schools in the District of Columbia.

(3) DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.—The Institute of Education Sciences of the Department of Education shall—

(A) use a grade appropriate, nationally norm-referenced standardized test each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this division (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under

1 this division, agree that the student will partici-
2 pate in the measurements given annually by the
3 Institute of Educational Sciences for the period
4 for which the student applied for or received the
5 scholarship, respectively, except that nothing in
6 this subparagraph shall affect a student's pri-
7 ority for an opportunity scholarship as provided
8 under section 3006.

9 (4) ISSUES TO BE EVALUATED.—The issues to
10 be evaluated under paragraph (1)(A) shall include
11 the following:

12 (A) A comparison of the academic growth
13 and achievement of participating eligible stu-
14 dents in the measurements described in para-
15 graph (3) to the academic growth and achieve-
16 ment of the eligible students in the same grades
17 who sought to participate in the scholarship
18 program under this division but were not se-
19 lected.

20 (B) The success of the program in expand-
21 ing choice options for parents of participating
22 eligible students, improving parental and stu-
23 dent satisfaction of such parents and students,
24 respectively, and increasing parental involve-

1 ment of such parents in the education of their
2 children.

3 (C) The reasons parents of participating
4 eligible students choose for their children to
5 participate in the program, including important
6 characteristics for selecting schools.

7 (D) A comparison of the retention rates,
8 high school graduation rates, and college admis-
9 sion rates of participating eligible students with
10 the retention rates, high school graduation
11 rates, and college admission rates of students of
12 similar backgrounds who do not participate in
13 such program.

14 (E) A comparison of the safety of the
15 schools attended by participating eligible stu-
16 dents and the schools in the District of Colum-
17 bia attended by students who do not participate
18 in the program, based on the perceptions of the
19 students and parents.

20 (F) Such other issues with respect to par-
21 ticipating eligible students as the Secretary con-
22 siders appropriate for inclusion in the evalua-
23 tion, such as the impact of the program on pub-
24 lic elementary schools and secondary schools in
25 the District of Columbia.

1 (G) An analysis of the issues described in
2 subparagraphs (A) through (F) by applying
3 such subparagraphs by substituting “the sub-
4 group of participating eligible students who
5 have used each opportunity scholarship awarded
6 to such students under this division to attend a
7 participating school” for “participating eligible
8 students” each place such term appears.

9 (5) PROHIBITION.—Personally identifiable in-
10 formation regarding the results of the measurements
11 used for the evaluations may not be disclosed, except
12 to the parents of the student to whom the informa-
13 tion relates.

14 (b) REPORTS.—The Secretary shall submit to the
15 Committees on Appropriations, Education and the Work-
16 force, and Oversight and Government Reform of the
17 House of Representatives and the Committees on Appro-
18 priations, Health, Education, Labor, and Pensions, and
19 Homeland Security and Governmental Affairs of the Sen-
20 ate—

21 (1) annual interim reports, not later than April
22 1 of the year following the year of the date of enact-
23 ment of this division, and each subsequent year
24 through the year in which the final report is sub-
25 mitted under paragraph (2), on the progress and

1 preliminary results of the evaluation of the oppor-
2 tunity scholarship program funded under this divi-
3 sion; and

4 (2) a final report, not later than 1 year after
5 the final year for which a grant is made under sec-
6 tion 3004(a), on the results of the evaluation of the
7 program.

8 (c) PUBLIC AVAILABILITY.—All reports and under-
9 lying data gathered pursuant to this section shall be made
10 available to the public upon request, in a timely manner
11 following submission of the applicable report under sub-
12 section (b), except that personally identifiable information
13 shall not be disclosed or made available to the public.

14 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-
15 pended by the Secretary to carry out this section for any
16 fiscal year may not exceed 5 percent of the total amount
17 appropriated under section 3014(a)(1) for the fiscal year.

18 **SEC. 3010. REPORTING REQUIREMENTS.**

19 (a) ACTIVITIES REPORTS.—Each eligible entity re-
20 ceiving funds under section 3004(a) during a year shall
21 submit a report to the Secretary not later than July 30
22 of the following year regarding the activities carried out
23 with the funds during the preceding year.

24 (b) ACHIEVEMENT REPORTS.—

1 (1) IN GENERAL.—In addition to the reports
2 required under subsection (a), each eligible entity re-
3 ceiving funds under section 3004(a) shall, not later
4 than September 1 of the year during which the sec-
5 ond school year of the entity’s program is completed
6 and each of the next 2 years thereafter, submit to
7 the Secretary a report, including any pertinent data
8 collected in the preceding 2 school years, con-
9 cerning—

10 (A) the academic growth and achievement
11 of students participating in the program;

12 (B) the high school graduation and college
13 admission rates of students who participate in
14 the program, where appropriate; and

15 (C) parental satisfaction with the program.

16 (2) PROHIBITING DISCLOSURE OF PERSONAL
17 INFORMATION.—No report under this subsection
18 may contain any personally identifiable information.

19 (c) REPORTS TO PARENTS.—

20 (1) IN GENERAL.—Each eligible entity receiving
21 funds under section 3004(a) shall ensure that each
22 school participating in the entity’s program under
23 this division during a school year reports at least
24 once during the year to the parents of each of the

1 school's students who are participating in the pro-
2 gram on—

3 (A) the student's academic achievement, as
4 measured by a comparison with the aggregate
5 academic achievement of other participating
6 students at the student's school in the same
7 grade or level, as appropriate, and the aggre-
8 gate academic achievement of the student's
9 peers at the student's school in the same grade
10 or level, as appropriate;

11 (B) the safety of the school, including the
12 incidence of school violence, student suspen-
13 sions, and student expulsions; and

14 (C) the accreditation status of the school.

15 (2) PROHIBITING DISCLOSURE OF PERSONAL
16 INFORMATION.—No report under this subsection
17 may contain any personally identifiable information,
18 except as to the student who is the subject of the
19 report to that student's parent.

20 (d) REPORT TO CONGRESS.—Not later than 6
21 months after the first appropriation of funds under section
22 3014, and each succeeding year thereafter, the Secretary
23 shall submit to the Committees on Appropriations, Edu-
24 cation and the Workforce, and Oversight and Government
25 Reform of the House of Representatives and the Commit-

tees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate, an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 3011. DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER SCHOOLS.

(a) CONDITION OF RECEIPT OF FUNDS.—As a condition of receiving funds under this division on behalf of the District of Columbia public schools and the District of Columbia public charter schools, the Mayor shall agree to carry out the following:

(1) INFORMATION REQUESTS.—Ensure that all the District of Columbia public schools and the District of Columbia public charter schools comply with all reasonable requests for information for purposes of the evaluation under section 3009(a).

(2) AGREEMENT WITH THE SECRETARY.—Enter into the agreement described in section 3009(a)(1)(B) to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this division.

(3) SUBMISSION OF REPORT.—Not later than 6 months after the first appropriation of funds under section 3014, and each succeeding year thereafter,

1 submit to the Committee on Appropriations, the
2 Committee on Education and the Workforce, and
3 the Committee on Oversight and Government Re-
4 form of the House of Representatives, and the Com-
5 mittee on Appropriations, the Committee on Health,
6 Education, Labor, and Pensions, and the Committee
7 on Homeland Security and Governmental Affairs of
8 the Senate, information on—

9 (A) how the funds authorized and appro-
10 priated under this division for the District of
11 Columbia public schools and the District of Co-
12 lumbia public charter schools were used in the
13 preceding school year; and

14 (B) how such funds are contributing to
15 student achievement.

16 (b) ENFORCEMENT.—If, after reasonable notice and
17 an opportunity for a hearing for the Mayor, the Secretary
18 determines that the Mayor has not been in compliance
19 with 1 or more of the requirements described in subsection
20 (a), the Secretary may withhold from the Mayor, in whole
21 or in part, further funds under this division for the Dis-
22 trict of Columbia public schools and the District of Colum-
23 bia public charter schools.

24 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to reduce, or otherwise affect,

1 funding provided under this division for the opportunity
2 scholarship program under this division.

3 **SEC. 3012. TRANSITION PROVISIONS.**

4 (a) REPEAL.—The DC School Choice Incentive Act
5 of 2003 (sec. 38–1851.01 et seq., D.C. Official Code) is
6 repealed.

7 (b) SPECIAL RULES.—Notwithstanding any other
8 provision of law—

9 (1) funding appropriated to provide opportunity
10 scholarships for students in the District of Columbia
11 under the heading “Federal Payment for School Im-
12 provement” in title IV of division D of the Omnibus
13 Appropriations Act, 2009 (Public Law 111–8; 123
14 Stat. 653), the heading “Federal Payment for
15 School Improvement” in title IV of division C of the
16 Consolidated Appropriations Act, 2010 (Public Law
17 111–117; 123 Stat. 3181), or any other Act, may be
18 used to provide opportunity scholarships under sec-
19 tion 3007(a) for the 2011–2012 school year to stu-
20 dents who have not previously received such scholar-
21 ships;

22 (2) the fourth and fifth provisos under the
23 heading “Federal Payment for School Improvement”
24 of title IV of Division C of the Consolidated Appro-

1 priations Act, 2010 (Public Law 111–117; 123 Stat.
2 3181) shall not apply; and

3 (3) any unobligated amounts reserved to carry
4 out the provisos described in paragraph (2) shall be
5 made available to an eligible entity receiving a grant
6 under section 3004(a)—

7 (A) for administrative expenses described
8 in section 3007(b); or

9 (B) to provide opportunity scholarships
10 under section 3007(a), including to provide
11 such scholarships for the 2011–2012 school
12 year to students who have not previously re-
13 ceived such scholarships.

14 (c) MULTIYEAR AWARDS.—The recipient of a grant
15 or contract under the DC School Choice Incentive Act of
16 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as
17 such Act was in effect on the day before the date of the
18 enactment of this division, shall continue to receive funds
19 in accordance with the terms and conditions of such grant
20 or contract, except that—

21 (1) the provisos relating to opportunity scholar-
22 ships in the Acts described in subsection (b)(1) shall
23 not apply; and

1 (2) the memorandum of understanding de-
2 scribed in subsection (d), including any revision
3 made under such subsection, shall apply.

4 (d) MEMORANDUM OF UNDERSTANDING.—The Sec-
5 retary and the Mayor of the District of Columbia shall
6 revise the memorandum of understanding entered into
7 under the DC School Choice Incentive Act of 2003 (sec.
8 38–1851.01 et seq., D.C. Official Code), as such Act was
9 in effect on the day before the date of the enactment of
10 this division, to address—

11 (1) the implementation of the opportunity
12 scholarship program under this division; and

13 (2) how the Mayor will ensure that the District
14 of Columbia public schools and the District of Co-
15 lumbia public charter schools comply with all the
16 reasonable requests for information as necessary to
17 fulfill the requirements for evaluations conducted
18 under section 3009(a).

19 (e) ORDERLY TRANSITION.—Subject to subsections
20 (c) and (d), the Secretary shall take such steps as the Sec-
21 retary determines to be appropriate to provide for the or-
22 derly transition to the authority of this division from any
23 authority under the provisions of the DC School Choice
24 Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Offi-

1 cial Code), as such Act was in effect on the day before
2 the date of enactment of this division.

3 **SEC. 3013. DEFINITIONS.**

4 As used in this division:

5 (1) **ELEMENTARY SCHOOL.**—The term “elemen-
6 tary school” means an institutional day or residen-
7 tial school, including a public elementary charter
8 school, that provides elementary education, as deter-
9 mined under District of Columbia law.

10 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
11 ty” means any of the following:

12 (A) A nonprofit organization.

13 (B) A consortium of nonprofit organiza-
14 tions.

15 (3) **ELIGIBLE STUDENT.**—The term “eligible
16 student” means a student who is a resident of the
17 District of Columbia and comes from a household—

18 (A) receiving assistance under the supple-
19 mental nutrition assistance program established
20 under the Food and Nutrition Act of 2008 (7
21 U.S.C. 2011 et seq.); or

22 (B) whose income does not exceed—

23 (i) 185 percent of the poverty line; or

24 (ii) in the case of a student partici-
25 pating in the opportunity scholarship pro-

1 gram in the preceding year under this divi-
2 sion or the DC School Choice Incentive Act
3 of 2003 (sec. 38–1851.01 et seq., D.C. Of-
4 ficial Code), as such Act was in effect on
5 the day before the date of enactment of
6 this division, 300 percent of the poverty
7 line.

8 (4) MAYOR.—The term “Mayor” means the
9 Mayor of the District of Columbia.

10 (5) PARENT.—The term “parent” has the
11 meaning given that term in section 9101 of the Ele-
12 mentary and Secondary Education Act of 1965 (20
13 U.S.C. 7801).

14 (6) PARTICIPATING ELIGIBLE STUDENT.—The
15 term “participating eligible student” means an eligi-
16 ble student awarded an opportunity scholarship
17 under this division, without regard to whether the
18 student uses the scholarship to attend a partici-
19 pating school.

20 (7) PARTICIPATING SCHOOL.—The term “par-
21 ticipating school” means a private elementary school
22 or secondary school participating in the opportunity
23 scholarship program of an eligible entity under this
24 division.

1 (8) POVERTY LINE.—The term “poverty line”
2 has the meaning given that term in section 9101 of
3 the Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 7801).

5 (9) SECONDARY SCHOOL.—The term “sec-
6 ondary school” means an institutional day or resi-
7 dential school, including a public secondary charter
8 school, that provides secondary education, as deter-
9 mined under District of Columbia law, except that
10 the term does not include any education beyond
11 grade 12.

12 (10) SECRETARY.—The term “Secretary”
13 means the Secretary of Education.

14 **SEC. 3014. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated \$60,000,000 for fiscal year 2012 and for each of
17 the 4 succeeding fiscal years, of which—

18 (1) one-third shall be made available to carry
19 out the opportunity scholarship program under this
20 division for each fiscal year;

21 (2) one-third shall be made available to carry
22 out section 3004(b)(1) for each fiscal year; and

23 (3) one-third shall be made available to carry
24 out section 3004(b)(2) for each fiscal year.

1 (b) APPORTIONMENT.—If the total amount of funds
2 appropriated under subsection (a) for a fiscal year does
3 not equal \$60,000,000, the funds shall be apportioned in
4 the manner described in subsection (a) for such fiscal
5 year.

