(B) the debt-to-GDP ratio should be stabilized at an acceptable level once the economy recovers;

(C) not later than September 15, 2010, the chairs of committees should submit for printing in the Congressional Record findings that identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs those committees may authorize;

(D) prior to the adjournment of the 111th Congress, any recommendations made by the National Commission on Fiscal Responsibility and Reform and approved by the Senate should be brought to a vote in the House of Representatives; and

(E) any deficit reduction achieved by the enactment of such legislation should be used for deficit reduction only and should not be available to offset the costs of future legislation.

(d) RESERVE FUND FOR DEFICIT REDUCTION.—Upon enactment of legislation containing recommendations in the final report of the National Commission on Fiscal Responsibility and Reform, established by Executive Order 13531 on February 18, 2010, that decreases the deficit for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives, the chairman of the Committee on the Budget shall, for the purposes of the Statutory Pay-As-You-Go Act of 2010, exclude any net deficit reduction from his determination of the budgetary effects of such legislation, to ensure that the deficit reduction achieved by that legislation is used only for deficit reduction and is not available as an offset for any subsequent legislation.

(e) HOUSE RULE XXVIII.—Nothing in this resolution shall be construed to engage rule XXVIII of the Rules of the House of Representatives.

EXPRESSING SUPPORT FOR PEOPLE OF GUATEMALA, HONDURAS AND EL SALVADOR AFTER TROPICAL STORM AGATHA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1462) expressing support for the people of Guatemala, Honduras, and El Salvador as they persevere through the aftermath of Tropical Storm Agatha which swept across Central America causing deadly floods and mudslides, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 1, not voting 28, as follows:

[Roll No. 429]

AYES—403

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—1

Paul

NOT VOTING—28

Blunt
Bright
Brown-Waite, Ginny
Capito
Coble
Dahlkemper
Davis (AL)
Dicks
Emerson
Gordon (TN)
Green, Gene
Griffith
Gutierrez
Harman
Hoekstra
Johnson, Sam
McCarthy (NY)
McCaul
Pingree (ME)
Polis (CO)
Radanovich
Rodriguez
Slaughter
Speier
Wamp
Waters
Woolsey
Young (AK)

□ 2013

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1500, I call up the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendments thereto, and offer the motion.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, $300,000,000; operating loans, $650,000,000, of which $250,000,000 shall be for unsubsidized guaranteed loans, $50,000,000 shall be for subsidized guaranteed loans, and $350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, $1,110,000; operating loans, $29,470,000, of which $5,850,000 shall be for unsubsidized guaranteed loans, $7,030,000 shall be for subsidized guaranteed loans, and $16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, $1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, $18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for ''Food for Peace Title II Grants'' for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107–171 in excess of $552,000,000 in fiscal year 2010 or $432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

''(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

''(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

''(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan.''.

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106–387, 115 Stat. 1549A–34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed $697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

(RESCISSION)

Of the funds made available under the heading ''National Telecommunications and Information Administration'' for Digital-to-Analog Converter Box Program in prior years, $111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION

The matter contained in title III of division B of Public Law 111–117 regarding ''National Aeronautics and Space Administration Exploration'' is amended by inserting at the end of the last proviso '': Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010''.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $11,719,927,000, of which $218,300,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,735,194,000, of which $187,600,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $829,326,000, of which $30,700,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,835,095,000, of which $218,400,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,236,727,000: Provided, That up to $50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization

Act for Fiscal Year 2009 (Public Law 110–417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $857,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Mine Resistant Ambush Protected Vehicle Fund'', $1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are 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 shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111–118 is amended by striking ''$15,093,539,000'' and inserting in lieu thereof ''$15,121,714,000''.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3446) is amended by striking ''fiscal year 2010 until'' and all that follows and insert ''fiscal year 2010.''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking ''$4,000,000,000'' and inserting ''$4,500,000,000''.

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and

maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed $500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111–118 is amended by striking ''within 30 days of enactment of this Act'' and inserting in lieu thereof ''30 days prior to contract award''.

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Air Force, 2009/2011'', $5,000,000; and

''Research, Development, Test and Evaluation, Army, 2009/2010'', $72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'', $5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' to dredge eligible projects in response to, and repair damages to Federal projects caused by, natural disasters, $18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, $173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, $20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

EMERGENCY DROUGHT RELIEF

SEC. 401. For an additional amount for ''Water and Related Resources'', $10,000,000, for drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West.

SEC. 402. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85), under the account ''Weapons Activities'' shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 403. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 621) is amended by striking ''the 09–D–007 LANSCE Refurbishment, PED,'' and inserting ''capital equipment acquisition, installation, and associated design funds for LANSCE,''.

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 404. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012'' in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking ''through 2010'' and inserting ''through 2012'' in lieu thereof.

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading ''OPERATION AND MAINTENANCE'' of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses for emergency

relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111–117, $1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

(INCLUDING RESCISSION)

For an additional amount for ''Federal Payment to the Public Defender Service for the District of Columbia'', $700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for ''Federal Payment to the District of Columbia Public Defender Service'' in title IV of division D of Public Law 111–8, $700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), $1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses and other disaster-response activities related to Haiti following the earthquake of January 12, 2010, $50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $5,100,000,000, to remain available until expended, of which $5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for ''United States Citizenship and Immigration Services'' for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, $10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111–83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110–329 are rescinded: $2,200,000 from Coast Guard ''Operating Expenses''; $1,800,000 from the ''Office of the Secretary and Executive Management''; and $489,152 from ''Analysis and Operations''.

(b) The third clause of the proviso directing the expenditure of funds under the heading ''Alteration of Bridges'' in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard ''Alteration of Bridges'', $5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) From the unobligated balances of appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111–83 under the heading National Protection and Programs Directorate ''Infrastructure Protection and Information Security'' shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C–130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–3311–EM–RI, FEMA–1894–DR, FEMA–1906–DR, FEMA–1909–DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA–1909–DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQQ) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'' for mine safety activities and legal services related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission (''FMSHRC''), $18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the ''Mine Safety and Health Administration'' for enforcement and mine safety activities, which may include conference litigation functions related to the FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rulemaking activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Federal Mine Safety and Health Review Commission, Salaries and Expenses''$3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, $174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'' to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, $12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the ''Construction, Major Projects'' account, in fiscal year 2010 or previous fiscal years, up to $67,000,000 may be transferred to the ''Filipino Veterans Equity Compensation Fund'' account or may be retained in the ''Construction, Major Projects'' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate: Provided, That any amount transferred from ''Construction, Major Projects'' shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading ''VETERANS BENEFITS ADMINISTRATION'' under the heading ''COMPENSATION AND PENSIONS'' may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the ''Congressional Review Act''), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to $149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for ''Diplomatic and Consular Programs'' for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, $65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to $3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Emergencies in the Diplomatic and Consular Service'': Provided further, That up to $290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Repatriation Loans Program Account''.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan, Pakistan, and Iraq, $3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'' for necessary expenses for emergency needs in Haiti following the earthquake of January 12, 2010, $79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'' for necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, $96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, $3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, $3,400,000, to remain available until September 30, 2013.

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $4,500,000, to remain available until September 30, 2012: Provided, That up to $1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'' for necessary expenses for pandemic preparedness and response, $45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'' for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, $460,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,620,000,000, to remain available until September 30, 2012, of which not less than $1,309,000,000 shall be made available for assistance for Afghanistan and not less than $259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appropriated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for ''Economic Support Fund'' for necessary expenses for emergency relief, rehabilitation, and reconstruction

aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to $10,000,000 may be transferred to, and merged with, funds made available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading ''Development Credit Authority'' for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for ''Economic Support Fund'' for necessary expenses for assistance for Jordan, $100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'' for necessary expenses for assistance for refugees and internally displaced persons, $165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than $650,000,000 shall be made available for assistance for Iraq of which $450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and $200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Government of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111–117: Provided further, That of the funds appropriated in this paragraph, not less than $169,000,000 shall be made available for assistance for Afghanistan and not less than $40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, $175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for ''International Narcotics Control and Law Enforcement'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $100,000,000, to remain available until September 30, 2012, of which not less than $50,000,000 shall be made available for assistance for Pakistan and not less than $50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) ''Diplomatic and Consular Programs''.

(2) ''Economic Support Fund''.

(3) ''International Narcotics Control and Law Enforcement''.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) SPENDING PLANS.—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

(b) OBLIGATION REPORTS.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111–32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women's internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan

only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Foreign Military Financing Program'' and ''Pakistan Counterinsurgency Capability Fund'' shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, up to $1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings ''International Narcotics Control and Law Enforcement'' and ''Diplomatic and Consular Affairs'' in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111–32 shall apply to funds made available in this chapter for assistance for Iraq under the heading ''International Narcotics Control and Law Enforcement''.

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for ''Contribution to the Inter-American Development Bank'', ''Contribution to the International Development Association'', and ''Contribution to the International Fund for Agricultural Development'', to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of $212,000,000, to remain available until September 30, 2012.

(b) Up to $40,000,000 of the amounts appropriated under the heading ''Department of the Treasury, Debt Restructuring'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

''SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

''(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to $479,000,000, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

''(1) Haiti's debts to the Fund for Special Operations are to be cancelled;

''(2) Haiti's remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

''(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

''(4) the Fund for Special Operations is to make available significant and immediate grant financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations,

consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

''(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to $252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

''(1) up to $240,000,000 to the Fund for Special Operations;

''(2) up to $8,000,000 to the International Fund For Agricultural Development (IFAD); and

''(3) up to $4,000,000 for the International Development Association (IDA).

''(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury $212,000,000, for the United States contribution to the Fund for Special Operations.''.

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''International Narcotics Control and Law Enforcement'' that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading ''Diplomatic and Consular Programs'', up to $5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102–511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States' assessed contributions to maintain such membership may be paid from funds appropriated for ''Contributions to International Organizations''.

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1016. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to $100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

(INCLUDING RESCISSION)

SEC. 1017. (a) Of the funds appropriated under the heading ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111–32, $7,200,000 are rescinded.

(b) For an additional amount for ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, $7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111–117, $15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, $25,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

(RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, $44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds shall be awarded directly to

the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Economic Development Assistance Programs'', to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', $13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of the Secretary, Salaries and Expenses'' for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, $29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and Technology'' for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, $2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting '': (1)'' before ''may obtain an advance'' and after ''the Coast Guard'';

(2) by striking ''advance. Amounts'' and inserting the following: ''advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of $100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts''.

PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled ''Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule'' (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' signed by the Administrator on April 22, 2010.

RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN–49781/IDI–26446/NVN–85211/NVN–85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled ''Southwest Intertie Project'' and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National

Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, $26,000,000 of the amounts appropriated are hereby rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111–88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading ''Office of the Special Trustee for American Indians'' by—

(1) striking ''$185,984,000'' and inserting ''$176,984,000''; and

(2) striking ''$56,536,000'' and inserting ''$47,536,000''.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2008'' and inserting ''2011''.

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111–5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111–8 and section 444 of Public Law 111–88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111–5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111–5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking ''10 years'' and inserting ''11 years''.

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SEC. 3009. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3010. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3011. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SEC. 3012. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

COASTAL IMPACT ASSISTANCE

SEC. 3013. Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

''(e) EMERGENCY FUNDING.—

''(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

''(A) consistent with subsection (d); and

''(B) specifically designed to respond to the spill of national significance.

''(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

''(3) STATE REQUIREMENTS.—

''(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.''.

This Act may be cited as the ''Supplemental Appropriations Act, 2010''.

Amend the title so as to read: ''Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the Senate amendment to the text of H.R. 4899 with each of the five amendments printed in House Report 111–522.

The text of the amendments is as follows:

AMENDMENT NO. 1

In the matter proposed to be inserted by the Senate amendment to the text of the bill, insert before the short title at the end the following:

TITLE V—OTHER PROVISIONS

Subtitle A—Settlements and Other Program Provisions

SEC. 5001. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term ''Pigford claim'' has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Secretary of Agriculture $1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(B) by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (e);

(3) in subsection (g), by striking ''subsection (f)'' and inserting ''subsection (e)'';

(4) in subsection (i)—

(A) by striking ''(1) IN GENERAL.—Of the funds'' and inserting ''Of the funds''; and

(B) by striking paragraph (2);

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

SEC. 5002. EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading ''Department of Labor–Departmental Management–Salaries and Expenses'', shall remain available for obligation through September 30, 2011.

SEC. 5003. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the ''Individual Indian Money Account Litigation Settlement Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

SEC. 5004. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(3) by adding at the end the following:

''(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

''(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA–LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State's share of the funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

''(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

''(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

''(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

''(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

''(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).''.

(b) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2010'' and inserting ''Supplemental Appropriations Act, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) OBLIGATION AUTHORITY.—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—The limitation under the heading ''Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)'' in Public Law 111–117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

Subtitle B—Revenue Provisions

SEC. 5101. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right,

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'', and

(3) by striking ''paragraph (1) or (2)'' in paragraph (1)(C) (as so redesignated) and inserting ''subparagraph (A) or (B)'', and

(4) by adding at the end the following new paragraph:

''(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

''(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

''(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

''(C) the remainder interest has a value greater than zero determined as of the time of the transfer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 5102. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 5103. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 5.25 percentage points.

Subtitle C—Budgetary Provisions

SEC. 5201. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EXCLUSION FROM PAYGO.—

(1) Savings in this Act that would be subject to inclusion in the Statutory Pay-As-You-Go scorecards are providing an offset to increased discretionary spending. As such, they should not be available on the scorecards maintained by the Office of Management and Budget to provide offsets for future legislation.

(2) The Director of the Office of Management and Budget shall not include any net savings resulting from the changes in direct spending or revenues contained in this Act on the scorecards required to be maintained by OMB under the Statutory Pay-As-You-Go Act of 2010.

AMENDMENT NO. 2

Page 90, after line 18, insert the following:

TITLE IV

CHAPTER 1

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, shall not exceed a total principal amount of $18,000,000,000 for eligible projects, to remain available until committed, of which $9,000,000,000 shall be for nuclear power facilities and $9,000,000,000 shall be for renewable energy system and efficient end-use energy technology projects: *Provided*, That these amounts are in addition to authorities provided in any other Act: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That none of the loan guarantee authority made available in this paragraph shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this paragraph for commitments to guarantee loans for projects as a result of such projects benefitting from (1) otherwise allowable Federal income tax benefits; (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the ''Price-Anderson Act''); or (4) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this paragraph shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this paragraph: *Provided further*, That none of the loan guarantee authority made available in this paragraph may be used to make a final or conditional loan guarantee award unless the Secretary of Energy provides notification of the award, including the proposed subsidy cost, to the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of such award: *Provided further*, That section 3002 shall not apply to the amounts under this heading.

DEPARTMENTAL ADMINISTRATION

For necessary expenses of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by, and in order to carry out activities under, Executive Order 13543, $12,000,000, to remain available until September 30, 2011: *Provided*, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $356,900,000, to remain available until September 30, 2012, of which $78,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, $58,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, $208,400,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, $2,500,000 shall be for forward operating bases on the Southwest Border of the United States, and $10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for ''Border Security Fencing, Infrastructure, and Technology,'' $14,000,000, to remain available until September 30, 2011, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for ''Construction and Facilities Management'', $9,000,000, to remain available until September 30, 2011, for costs to construct up to three forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses', $30,000,000, to remain available until September 30, 2011, for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $50,000,000 to remain available until September 30, 2011, for Operation Stonegarden.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers and Border Patrol agents.

DEPARTMENT OF EDUCATION

EDUCATION JOBS FUND

For necessary expenses for an Education Jobs Fund, $10,000,000,000: *Provided*, That section 3002 shall not apply to $1,300,000,000 of the amount under this heading: *Provided further*, That the amount under this heading shall be administered under the terms and conditions of sections 14001 through 14013 and title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) except as follows:

(1) ALLOCATION OF FUNDS.—

(A) Funds appropriated under this heading shall be available only for allocation by the Secretary of Education (in this heading referred to as the ''Secretary'') in accordance with subsections (a), (b), (d), (e), and (f) of section 14001 of division A of Public Law 111–5 and subparagraph (B) of this paragraph, except that the amount reserved under such subsection (b) shall not exceed $1,000,000 and such subsection (f) shall be applied by substituting ''one year'' for ''two years''.

(B) Prior to allocating funds to States under section 14001(d) of division A of Public Law 111–5, the Secretary shall allocate 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of Indian Affairs on the basis of the schools' respective needs for activities consistent with this heading under such terms and conditions as the Secretary of the Interior may determine.

(2) RESERVATION.—A State that receives an allocation of funds appropriated under this heading may reserve not more than 2 percent for the administrative costs of carrying out its responsibilities with respect to those funds.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(A) Except as specified in paragraph (2), an allocation of funds to a State shall be used only for awards to local educational agencies for the support of elementary and secondary education in accordance with paragraph (5) for the 2010–2011 school year (or, in the case of reallocations made under section 14001(f) of division A of Public Law 111–5, for the 2010–2011 or the 2011–2012 school year).

(B) Funds used to support elementary and secondary education shall be distributed through a State's primary elementary and secondary funding formulae or based on local educational agencies' relative shares of

funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year for which data are available.

(C) Subsections (a) and (b) of section 14002 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.

(4) COMPLIANCE WITH EDUCATION REFORM ASSURANCES.—For purposes of awarding funds appropriated under this heading, any State that has an approved application for Phase II of the State Fiscal Stabilization Fund that was submitted in accordance with the application notice published in the Federal Register on November 17, 2009 (74 Fed. Reg. 59142) shall be deemed to be in compliance with subsection (b) and paragraphs (2) through (5) of subsection (d) of section 14005 of division A of Public Law 111–5.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding section 14003(a) of division A of Public Law 111–5, funds awarded to local educational agencies under paragraph (3)—

(A) may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, to recall or rehire former employees, and to hire new employees, in order to provide early childhood, elementary, or secondary educational and related services; and

(B) may not be used for ''general administrative expenses'' or for ''other support services expenditures'' as those terms were defined by the National Center for Education Statistics in its Common Core of Data as of the date of enactment of this Act.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to—

(A) establish, restore, or supplement a rainy-day fund;

(B) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(C) reduce or retire debt obligations incurred by the State; or

(D) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

(7) DEADLINE FOR AWARD.—The Secretary shall award funds appropriated under this heading not later than 45 days after the date of the enactment of this Act to States that have submitted applications meeting the requirements applicable to funds under this heading. The Secretary shall not require information in applications beyond what is necessary to determine compliance with applicable provisions of law.

(8) ALTERNATE DISTRIBUTION OF FUNDS.—If, within 30 days after the date of the enactment of this Act, a Governor has not submitted an approvable application, the Secretary shall provide for funds allocated to that State to be distributed to another entity or other entities in the State (notwithstanding section 14001(e) of division A of Public Law 111–5) for support of elementary and secondary education, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to funds appropriated under this heading shall apply to such funds distributed to such entity or entities. No distribution shall be made to a State under this paragraph, however, unless the Secretary has determined (on the basis of such information as may be available) that the requirements of clauses (i), (ii), or (iii) of paragraph 10(A) are likely to be met, notwithstanding the lack of an application from the Governor of that State.

(9) LOCAL EDUCATIONAL AGENCY APPLICATION.—Section 442 of the General Education Provisions Act shall not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of Public Law 111–5. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(10) MAINTENANCE OF EFFORT.—

(A) Except as provided in paragraph (8), the Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that—

(i) for State fiscal year 2011, the State will maintain State support for elementary and secondary education (in the aggregate or on the basis of expenditures per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2009;

(ii) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2010; or

(iii) in the case of a State in which State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, for State fiscal year 2011 the State will maintain State support for elementary and secondary education (in the aggregate) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students)—

(I) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006; or

(II) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2006.

(B) Section 14005(d)(1) and subsections (a) through (c) of section 14012 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.

(11) ADDITIONAL REQUIREMENTS FOR THE STATE OF TEXAS.—The following requirements shall apply to the State of Texas:

(A) Notwithstanding paragraph (3)(B), funds used to support elementary and secondary education shall be distributed based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year which data are available. Funds distributed pursuant to this paragraph shall be used to supplement and not supplant State formula funding that is distributed on a similar basis to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(B) The Secretary shall not allocate funds to the State of Texas under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2011, 2012, and 2013 maintain State support for elementary and secondary education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2011 prior to the enactment of this Act.

(C) Notwithstanding paragraph (8), no distribution shall be made to the State of Texas or local education agencies therein unless the Governor of Texas makes an assurance to the Secretary that the requirements in paragraphs (11)(A) and (11)(B) will be met, notwithstanding the lack of an application from the Governor of Texas.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for ''Student Financial Assistance'', $4,950,000,000, to remain available through September 30, 2011, to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965: *Provided*, That section 3002 shall not apply to the amount under this heading.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $16,500,000, to remain available until September 30, 2011, for a soldier readiness processing center: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4101. For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $50,000,000: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4102. There is rescinded from accounts under the heading ''Department of Agriculture—Natural Resources Conservation Service'', $69,900,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111–5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(RESCISSION)

SEC. 4103. There is rescinded from accounts under the heading ''Department of Agriculture—Rural Development'', $122,000,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111–5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(RESCISSION)

SEC. 4104. Of the funds made available for ''Department of Agriculture—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program'' in title I of division A of Public Law 111–5 (123 Stat. 118), $300,000,000 is rescinded.

(RESCISSION)

SEC. 4105. There is rescinded from accounts under the heading ''Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'', $361,825,000, to be derived from unobligated balances available from amounts placed in reserve in title I of division A of Public Law 111–5 (123 Stat. 115).

(RESCISSION)

SEC. 4106. Of the unobligated balances available for ''Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $125,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4107. Of the funds appropriated under the heading ''Department of Commerce—National Institute of Standards and Technology—Construction of Research Facilities'' in title II of division A of Public Law 111–5 (123 Stat. 129) $15,000,000 is rescinded.

(RESCISSION)

SEC. 4108. Of the funds made available for ''Department of Commerce—National Telecommunications and Information Administration—Broadband Technology Opportunities Program'' in title II of division A of Public Law 111–5, $302,000,000 is rescinded.

SEC. 4109. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, $201,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts:

(1) ''Administrative Review and Appeals'', $2,118,000;

(2) ''Detention Trustee'', $7,000,000;

(3) ''Legal Activities, Salaries and Expenses, General Legal Activities'', $3,862,000;

(4) ''Legal Activities, Salaries and Expenses, United States Attorneys'', $9,198,000;

(5) ''United States Marshals Service, Salaries and Expenses'', $29,651,000;

(6) ''United States Marshals Service, Construction'', $8,000,000;

(7) ''Interagency Law Enforcement, Interagency Crime and Drug Enforcement'', $21,000,000;

(8) ''Federal Bureau of Investigation, Salaries and Expenses'', $25,262,000;

(9) ''Drug Enforcement Administration, Salaries and Expenses'', $35,805,000;

(10) ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'', $39,104,000; and

(11) ''Federal Prison System, Salaries and Expenses'', $20,000,000.

SEC. 4110. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking the dollar amount specified in such section and inserting ''$6,000,000,000'': *Provided*, That section 3002 shall not apply to the amount in this section: *Provided further*, That the amendment made by this section shall apply in lieu of any amendment made by another provision of this Act to such dollar amount.

SEC. 4111. With respect to the multiyear procurement of F/A–18E, F/A–18F, and EA–18G aircraft—

(1) section 8011 of division A of Public Law 111–118 is amended by striking ''within 30 days of enactment of this Act'' and inserting ''30 days prior to contract award'';

(2) the term ''March 1 of the year in which the Secretary requests legislative authority to enter into such contract,'' in section 2306b(i)(1) of title 10, United States Code, and section 128(a)(2) of Public Law 111–84, shall be deemed to be a reference to September 1, 2010;

(3) the Secretary of Defense may submit the report identified in section 2306b(l)(4) of title 10, United States Code, to the congressional defense committees on or before September 1, 2010; and

(4) the authority provided in section 8011 of Public Law 111–118 and section 128(a) of Public Law 111–84, as amended by this section, shall satisfy, with respect to the procurement of F/A–18E, F/A–18F, and EA–18G aircraft, the requirements of sections 2306b(i)(3) and 2306b(l)(3) of title 10, United States Code, that a multiyear contract be authorized by law in an appropriations Act and an Act other than an appropriations Act.

SEC. 4112. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year and fiscal year 2011, the Secretary of Defense shall perform an assessment of such programs and the proposals of all bidders to determine whether or not the costs are realistic and reasonable with respect to expected industry development and production costs: *Provided*, That the assessments shall address whether the programs and proposals of all bidders are at fair market value: *Provided further*, That the Secretary of Defense shall provide an assessment of the programs and proposals of all bidders to determine the number of jobs, including an estimate of development and direct manufacturing jobs, supported or lost in the United States of America: *Provided further*, That jobs supported or lost shall be measured as full time equivalent personnel: *Provided further*, That the Secretary of Defense shall provide a report, in consultation with the Secretary of Labor, containing the results of these assessments to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

(INCLUDING RESCISSION)

SEC. 4113. (a) In addition to the amounts provided elsewhere in this Act, there is appropriated $300,000,000 for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

(b) Of the funds appropriated for ''Defense Health Program'' in title VI of division A of Public Law 111–118, $300,000,000 is rescinded, to be derived from amounts for operation and maintenance.

(c) Section 3002 shall not apply to the amounts in this section.

(RESCISSION)

SEC. 4114. (a) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are rescinded from the following accounts in the specified amounts:

''Shipbuilding and Conversion, Navy, 2006/2010'', $107,000,000;

''Aircraft Procurement, Army, 2008/2010'', $21,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2008/2010'', $21,000,000;

''Procurement of Ammunition, Army, 2008/2010'', $17,000,000;

''Other Procurement, Army, 2008/2010'', $75,000,000;

''Aircraft Procurement, Navy, 2008/2010'', $166,000,000;

''Weapons Procurement, Navy, 2008/2010'', $26,000,000;

''Other Procurement, Navy, 2008/2010'', $42,000,000;

''Procurement, Marine Corps, 2008/2010'', $13,000,000;

''Aircraft Procurement, Air Force, 2008/2010'', $102,000,000;

''Missile Procurement, Air Force, 2008/2010'', $28,000,000;

''Procurement of Ammunition, Air Force, 2008/2010'', $7,000,000;

''Other Procurement, Air Force, 2008/2010'', $130,000,000;

''Procurement, Defense-Wide, 2008/2010'', $33,000,000;

''Research, Development, Test and Evaluation, Army, 2009/2010'', $76,000,000;

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $131,000,000;

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $164,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $137,000,000;

''Operation, Test and Evaluation, Defense, 2009/2010'', $1,000,000;

''Operation and Maintenance, Army, 2010'', $154,000,000;

''Operation and Maintenance, Navy, 2010'', $155,000,000;

''Operation and Maintenance, Marine Corps, 2010'', $25,000,000;

''Operation and Maintenance, Air Force, 2010'', $155,000,000;

''Operation and Maintenance, Defense-Wide, 2010'', $126,000,000;

''Operation and Maintenance, Army Reserve, 2010'', $12,000,000;

''Operation and Maintenance, Navy Reserve, 2010'', $6,000,000;

''Operation and Maintenance, Marine Corps Reserve, 2010'', $1,000,000;

''Operation and Maintenance, Air Force Reserve, 2010'', $14,000,000;

''Operation and Maintenance, Army National Guard, 2010'', $28,000,000; and

''Operation and Maintenance, Air National Guard, 2010'', $27,000,000.

(b) Section 3002 shall not apply to amounts in this section.

(RESCISSIONS)

SEC. 4115. (a) Of the funds appropriated in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the following funds are rescinded from the following accounts in the specified amounts:

''Operation and Maintenance, Army, 2009/2010'', $113,500,000;

''Operation and Maintenance, Navy, 2009/2010'', $34,000,000;

''Operation and Maintenance, Marine Corps, 2009/2010'', $7,000,000;

''Operation and Maintenance, Air Force, 2009/2010'', $61,000,000;

''Operation and Maintenance, Army Reserve, 2009/2010'', $3,500,000;

''Operation and Maintenance, Navy Reserve, 2009/2010'', $8,000,000;

''Operation and Maintenance, Marine Corps Reserve, 2009/2010'', $1,000,000;

''Operation and Maintenance, Air Force Reserve, 2009/2010'', $2,000,000;

''Operation and Maintenance, Army National Guard, 2009/2010'', $1,000,000;

''Operation and Maintenance, Air National Guard, 2009/2010'', $2,500,000; and

''Defense Health Program, 2009/2010'', $27,000,000.

(b) Of the funds appropriated in the Supplemental Appropriations Act, 2008 (Public Law 110–252), the following funds are rescinded from the following account in the specified amount:

''Procurement, Marine Corps, 2008/2010'', $177,180,000.

(INCLUDING TRANSFER OF FUNDS AND RESCISSIONS)

SEC. 4116. (a) In addition to amounts provided elsewhere in this Act, there is appropriated $163,000,000 for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

(b)(1) Of the funds appropriated for ''Procurement of Weapons and Tracked Combat Vehicles, Army'' in title III of division A of public Law 111–118, $116,000,000 is rescinded.

(2) Of the funds appropriated under the heading ''Operation and Maintenance, Army'' in title II of division A of Public Law 111–118, $100,000,000 is rescinded.

(3) Of the funds appropriated for ''Other Procurement, Army'' in title III of division C of Public Law 110–329, $87,000,000 is rescinded.

(c) Section 3002 shall not apply to amounts in this section.

SEC. 4117. (a) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost of the guarantee has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) or (C) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''; and

(2) by adding at the end the following:

''(l) CREDIT REPORT.—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not necessary for the Secretary to begin review of an application, the project costs are not projected to exceed $100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive an otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report with an application, provided that the Secretary requires a third party credit report prior to issuance of a conditional commitment for a guarantee.

''(m) MULTIPLE SITES.—Notwithstanding any contrary requirement (including any provision under part 609 of title 10, Code of Federal Regulations) an eligible project may be located on two or more non-contiguous sites in the United States.''.

(b) APPLICATIONS FOR MULTIPLE ELIGIBLE PROJECTS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) MULTIPLE APPLICATIONS.—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than one eligible project under this section.''.

(c) ENERGY EFFICIENCY LOAN GUARANTEES.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Efficient end-use energy technologies.

''(5) Combined heat and power or industrial waste energy recovery projects.''.

(d) ADMINISTRATIVE COSTS.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended by striking subsection (f) and inserting the following:

''(f) FEES.—The Secretary is authorized to charge and collect fees from applicants for or recipients of an award or loan to cover administrative costs. For any given loan or award, such fees shall not exceed $100,000 or 10 basis points of the loan or award. In addition to the foregoing fees, the Secretary may require applicants for and recipients of an award or loan under this section to pay directly, or through the payment of fees to be used by the Secretary to pay, all fees and expenses of agents, consultants, and professional advisors retained by the Secretary in connection with activities authorized under this section.''.

(RESCISSIONS)

SEC. 4118. There are rescinded the following amounts from the specified accounts:

(1) $35,000,000, to be derived from unobligated balances made available under ''Mississippi River and Tributaries'' in Public Law 110–329.

(2) $4,874,037, to be derived from unobligated balances made available under ''Flood Control and Coastal Emergencies'' in Public Law 109–234.

(3) $5,005,400, to be derived from unobligated balances made available under ''Flood Control and Coastal Emergencies'' in title V of Public Law 110–28.

(4) $2,199,629, to be derived from unobligated balances made available under ''Construction'' in Public Law 109–148.

(RESCISSIONS)

SEC. 4119. (a) There are rescinded the following amounts from the specified accounts:

(1) $150,000,000, to be derived from unobligated balances of funds made available under the heading ''Corps of Engineers, Civil—Construction'' in prior appropriations Acts (other than Public Law 111–5) for projects and activities authorized under section 205 of the Flood Control Act of 1948, section 1135 of the Water Resources Development Act of 1986, and section 206 of the Water Resources Act of 1996.

(2) $40,000,000, to be derived from unobligated balances of funds made available under the heading ''Corps of Engineers, Civil—Construction'' in prior appropriations Acts, other than funds designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Section 3002 shall not apply to amounts in this section.

(RESCISSIONS)

SEC. 4120. (a) There are rescinded the following amounts from the specified accounts:

(1) $78,000,000, to be derived from unobligated balances of funds made available under the heading ''Department of Energy—Energy Efficiency and Renewable Energy'' in division C of Public Law 111–8 and Public Law 111–85 for biomass and biorefinery research, development, and demonstration.

(2) $71,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading ''Department of Energy—Strategic Petroleum Reserve'', including $14,493,000 provided in Public Law 110–161 for new site land acquisition activities; $31,507,000 provided in Public Law 111–8 for new site expansion activities, beyond land acquisition; and $25,000,000 provided in Public Law 111–85.

(3) $20,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading ''Department of Energy—Nuclear Energy''.

(b) Section 3002 shall not apply to amounts in this section.

(RESCISSION)

SEC. 4121. Of the unobligated balances of funds provided under the heading ''Nuclear Regulatory Commission'' in prior appropriations Acts, $18,000,000 is permanently rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4122. From unobligated balances of prior year appropriations made available to ''Domestic Nuclear Detection Office—Systems Acquisition'', $50,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 4123. (a) The Administrator of General Services, not later than 90 days after the date of enactment of this Act, shall prepare and submit to the Congress a building project survey report related to a consolidated headquarters for the Federal Bureau of Investigation in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code).

(b) The building project survey report shall be prepared by the Administrator of General Services in consultation with the Director of the Federal Bureau of Investigation, and each strategy described in the report shall contain, at a minimum, an estimated cost, a financing and development plan, a budgetary and financial impact analysis, a procurement and implementation plan, an analysis of security and information technology issues specific to the Federal Bureau of Investigation, and a schedule.

(c) The building project survey report shall identify a preferred strategy.

(RESCISSION)

SEC. 4124. There are permanently rescinded from ''General Services Administration—Real Property Activities—Federal Building Fund'', $75,000,000 from Rental of Space and $25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts: *Provided*, That section 3002 shall not apply to the amount in this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 4125. (a) The Secretary of Homeland Security may transfer to the Secretary of the Interior amounts available for environmental mitigation requirements for ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'' for fiscal year 2009 or thereafter, for use by the Secretary of the Interior under laws administered by such Secretary to mitigate adverse environmental impacts, including impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) resulting from construction, operation, and maintenance activities related to border security.

(b) Uses of funds authorized by this section include acquisition of land or interests in land that will, in the judgment of the Secretary of the Interior, mitigate or off-set such adverse impacts.

(c) Any funds transferred under this section shall be used in accordance with an agreement between the Secretaries.

(d) Not later than September 30, 2010, and on an annual basis thereafter, the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that describes in detail the actions taken in the preceding year with amounts transferred under this section.

(RESCISSION)

SEC. 4126. From unobligated balances of prior year appropriations made available for ''Transportation Security Administration—Aviation Security'' in chapter 5 of title III of Public Law 110–28, $6,600,000 is rescinded.

(RESCISSION)

SEC. 4127. From unobligated balances of prior year appropriations made available for ''United States Coast Guard—Acquisition, Construction, and Improvements'' in chapter

4 of title I of division B of Public Law 109–148, $3,000,000 is rescinded.

(RESCISSION)

SEC. 4128. From unobligated balances of prior year appropriations made available for ''United States Coast Guard—Acquisition, Construction, and Improvements'' in chapter 4 of title II of Public Law 109–234, $4,000,000 is rescinded.

(RESCISSION)

SEC. 4129. From unobligated balances of prior year appropriations made available for ''Federal Emergency Management Agency—Administrative and Regional Operations'' in chapter 4 of title II of Public Law 109–234, $36,000,000 is rescinded.

(RESCISSION)

SEC. 4130. From unobligated balances of prior year appropriations made available for ''Domestic Nuclear Detection Office—Research, Development, and Operations'' in chapter 5 of title III of Public Law 110–28, $3,800,000 is rescinded.

(RESCISSION)

SEC. 4131. From unobligated balances of prior year appropriations made available to ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', $200,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 4132. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, and 5173), for damages resulting from FEMA–1909–DR, FEMA–1894–DR, and FEMA–3311–EM–RI shall not be less than 90 percent of the eligible costs under such sections.

(RESCISSION)

SEC. 4133. Of the funds made available for ''Bureau of Land Management—Management of Lands and Resources'' in title VII of division A of Public Law 111–5, $6,400,000 is rescinded.

(RESCISSION)

SEC. 4134. Of the funds made available for ''Bureau of Land Management—Construction'' in title VII of division A of Public Law 111–5, $3,600,000 is rescinded.

(RESCISSION)

SEC. 4135. Of the funds made available for ''National Park Service—Construction'' in title VII of division A of Public Law 111–5, $3,200,000 is rescinded.

(RESCISSION)

SEC. 4136. Of the funds made available for ''United States Geological Survey—Surveys, Investigations, and Research'' in title VII of division A of Public Law 111–5, $5,000,000 is rescinded.

(RESCISSION)

SEC. 4137. Of the funds made available for ''Bureau of Indian Affairs—Construction'' in title VII of division A of Public Law 111–5, $2,934,000 is rescinded.

(RESCISSION)

SEC. 4138. Of the funds made available for ''Bureau of Indian Affairs—Indian Guaranteed Loan Program Account'' in title VII of division A of Public Law 111–5, $6,820,000 is rescinded.

(RESCISSION)

SEC. 4139. Of the funds made available for ''Environmental Protection Agency—Hazardous Substance Superfund'' in title VII of division A of Public Law 111–5, $6,000,000 is rescinded.

(RESCISSION)

SEC. 4140. Of the funds made available for ''Environmental Protection Agency—Leaking Underground Storage Tank Trust Fund Program'' in title VII of division A of Public Law 111–5, $9,200,000 is rescinded.

(RESCISSION)

SEC. 4141. Of the funds made available for transfer in title VII of division A of Public Law 111–5, ''Environmental Protection Agency—Environmental Programs and Management'', $13,000,000 is rescinded.

(RESCISSION)

SEC. 4142. Of the funds made available for ''Department of Agriculture—Forest Service—Capital Improvement and Maintenance'' in title VII of division A of Public Law 111–5, $20,000,000 is rescinded.

(RESCISSION)

SEC. 4143. Of the funds transferred in section 703 of title VII of division A of Public Law 111–5, ''Department of the Interior—Working Capital Fund'', $4,400,000 is permanently rescinded.

(RESCISSION)

SEC. 4144. Of the funds made available for ''National Park Service—Construction'' in chapter 5 of title II of Public Law 105–18, $7,600,000 is rescinded.

(RESCISSION)

SEC. 4145. Of the funds made available for ''National Park Service—Construction'' in chapter 7 of division B of Public Law 108–324, $5,104,000 is rescinded.

(RESCISSION)

SEC. 4146. Of the funds made available for ''National Park Service—Construction'' in chapter 5 of title II of Public Law 109–234, $6,700,000 is rescinded.

(RESCISSION)

SEC. 4147. Of the funds made available for ''Fish and Wildlife Service—Construction'' in chapter 6 of title I of division B of Public Law 110–329, $13,300,000 is rescinded.

SEC. 4148. Section 11(c)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)(1)) is amended in the fourth sentence by striking ''within thirty days of its submission,'' and inserting the following: ''within 90 days of its submission or within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews (in the case of leases issued pursuant to a sale held after March 17, 2010), or within 90 days of its submission or, with the consent of the holder of the lease, within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews (in the case of leases issued pursuant to a sale held on or before March 17, 2010),''.

SEC. 4149. From funds appropriated in this Act under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'', the Secretary of Health and Human Services shall make grants to States, in the amount needed to defray actual costs, for the purpose of assisting school districts serving significant numbers of children who entered the United States from Haiti during the period January 12, 2010, through May 30, 2010, and who are United States citizens or Haitian nationals, to meet the educational and related needs of such children.

(RESCISSION)

SEC. 4150. The unobligated balance of funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995 (Public Law 103–333; 108 Stat. 2574) under the heading ''Public Health and Social Services Emergency Fund'' is rescinded.

SEC. 4151. Amounts in section 1012 of division B of Public Law 111–118 shall be deemed to have been designated by such section on the date of its enactment as an emergency requirement and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 4152. (a) OIL SPILL UNEMPLOYMENT ASSISTANCE.—Upon a determination by the President that additional resources are necessary to respond to an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (''covered incident''), the Secretary of Labor is authorized to provide to any individual unemployed as a result of such covered incident such benefit assistance as the Secretary deems appropriate while such individual is unemployed for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of the Internal Revenue Code of 1986) or waiting period credit. Such assistance as the Secretary shall provide shall be available to an individual as long as the individual's unemployment caused by such covered incident continues or until the individual is reemployed in a suitable position, but no longer than 26 weeks after the individual's unemployment that resulted from the covered incident. Oil spill unemployment assistance payments for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the individual's State. The Secretary is directed to provide such assistance through agreements with States that, in the Secretary's judgment, have an adequate system for administering such assistance through existing State agencies.

(b) FEDERAL-STATE AGREEMENTS.—Any State affected by a covered incident may enter into and participate in an agreement under this section with the Secretary. Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(c) PROVISIONS OF AGREEMENT.—Any agreement under subsection (b) shall provide that the State agency of the State will—

(1) make payments of oil spill unemployment assistance to individuals who—

(A) are unemployed as a result of a covered incident;

(B) have no rights to regular compensation or extended compensation with respect to a week under State law or any other State unemployment compensation law or to compensation under any other Federal law; and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) refer individuals receiving oil spill unemployment assistance under this section to one-stop delivery systems established under section 134(c) of the Workforce Investment Act of 1998 for reemployment services or training provided under such Act, the Wagner-Peyser Act, or other Federal law.

(d) WEEKLY BENEFIT AMOUNT, DUE PROCESS RIGHTS.—For purposes of any agreement under this section, the terms and conditions of Federal law and regulations which apply to claims for disaster unemployment assistance and to the payment thereof shall apply to claims for oil spill unemployment assistance and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section.

(e) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of oil spill unemployment assistance under this section

that each alien who receives such assistance must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3101 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

(f) FRAUD AND OVERPAYMENTS.—

(1) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of oil spill unemployment assistance under this section to which such individual was not entitled, such individual—

(A) shall be ineligible for further oil spill unemployment assistance under this section in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2) REPAYMENT.—In the case of an individual who has received oil spill unemployment assistance under this section to which such individual was not entitled, the State shall require such individual to repay the amount of such oil spill unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such oil spill unemployment assistance was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) PREVENTION AND DETECTION BY STATE AGENCY.—The State agency shall submit a weekly payment file of all benefit payments to the National Directory of New Hires, and shall make arrangements for the cross match of the benefit payment recipients' social security numbers with the National Directory of New Hires Reported Hire and Benefit payment databases a minimum of once each week and investigate all matches.

(4) RECOVERY BY STATE AGENCY.—

(A) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any oil spill unemployment assistance payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individual received the payment of the oil spill unemployment assistance to which such individual was not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(5) REVIEW.—Any determination by a State agency under this subsection shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(g) PAYMENTS TO STATES.—

(1) BENEFITS.—There shall be paid to each State that has entered into an agreement under this section an amount equal to 100 percent of the oil spill unemployment assistance paid to individuals by the State under such agreement.

(2) ADMINISTRATION.—There shall be paid to each State that has entered into an agreement under this section such amounts as the Secretary determines necessary for the proper and efficient administration of such agreement.

(h) FINANCING.—

(1) IN GENERAL.—There are appropriated out of the general fund of the United States Treasury such funds as may be necessary in meeting the costs of benefits, Federal administration, and State administration of agreements under this section.

(2) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section. Upon receipt of the certification from the Secretary, the Secretary of the Treasury shall make payments to the State in accordance with such certification, by transfers from the general fund of the United States Treasury.

(i) RELATIONSHIP WITH INCOME REPLACEMENT PAYMENTS FOR LOST WAGES OR SELF EMPLOYMENT INCOME BY THE RESPONSIBLE PARTY.—

(1) The total combined amount an individual receives of oil spill unemployment assistance and payments by the responsible party for either lost wages or self-employment income shall not exceed the greater of—

(A) the total amount of unemployment assistance that an individual is entitled to receive under subsection (a), as determined by the State agency; or

(B) the liability of the responsible party to such individual for lost wages or self-employment income.

(2) If a responsible party or the Oil Spill Liability Trust Fund under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) makes a payment to the individual for lost wages related to unemployment resulting from a covered incident, and an individual has previously received unemployment assistance under this section for such period of unemployment, the responsible party or the Oil Spill Liability Trust Fund shall subtract from such payment the amount of such unemployment assistance and shall reimburse such subtracted amount to the United States for deposit in the general fund of the Treasury. If a responsible party fails to reimburse such subtracted amount pursuant to this paragraph, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved.

(3) If a responsible party or the Oil Spill Liability Trust Fund has made a payment to an individual for lost wages related to unemployment resulting from a covered incident, the amount of such payment shall be subtracted from the unemployment assistance under this section that the individual subsequently receives for such period of unemployment.

(4) Any individual's receipt of unemployment assistance under this section related to unemployment resulting from a covered incident shall be conditional on the individual taking appropriate actions, as determined by the Secretary, to seek payment for lost wages for such period of unemployment under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) from the responsible party or the Oil Spill Liability Trust Fund.

(5) Any individual, as a condition of receiving oil spill unemployment assistance, shall provide informed consent to the sharing of benefit information between the State agency and the responsible party (or its claim processor) or the Oil Spill Liability Trust Fund, as appropriate, for the purpose of determining eligibility and to avoid duplicate payments as deemed necessary.

(6) If the Secretary determines the actions described in paragraphs (2) through (5) have not succeeded in avoiding duplicate payments, the Secretary may take such other actions as the Secretary determines necessary in order to avoid duplicate payments, consistent with the responsible party or the Oil Spill Liability Trust Fund making payments to individuals for lost wages related to unemployment resulting from a covered incident.

(7) The Secretary may take such actions as the Secretary determines are necessary for implementing this section, including entering into agreements with States that have agreements with the Secretary to administer this program, and the responsible party with respect to each State's administration of this program and payments made by the responsible party to claimants for lost wages and self-employment income to establish processes for—

(A) the coordination of payment of oil spill unemployment assistance under this section and payments for lost wages and self employment income by the responsible party or the Oil Spill Liability Trust Fund so as to minimize duplicate payments to claimants, including methods to—

(i) prevent duplicate payments, such as developing methods for claims processing that identify eligibility for both types of payments so as to ensure the individual receives no more than the amount specified in paragraph (1) of this subsection;

(ii) document that individuals who received either oil spill unemployment assistance or payments by the responsible party or the Oil Spill Liability Trust Fund prior to execution of the agreement were unemployed as a result of the oil spill; and

(iii) ensure prompt and accurate payment of oil spill unemployment assistance under this section or payment of claims by the responsible party or the Oil Spill Liability Trust Fund;

(B) sharing and protecting information regarding an individual's claim for oil spill unemployment assistance or claims for replacement of wages that is necessary to coordinate benefit payments and claims by the responsible party or the Oil Spill Liability Trust Fund under subparagraph (A);

(C) reimbursement by the responsible party to the Federal Government and States for payment of oil spill unemployment assistance to individuals whose unemployment was the result of a covered incident and for the administration of this program, which may include the responsible party developing a special fund for use by the States to pay benefits under this program, in accordance with the process developed under subparagraph (A) with a periodic reconciliation process to make future claims unnecessary;

(D) ensuring that the responsible party shall make benefit information available to government organizations upon request, subject to the safeguards applicable to confidential unemployment compensation information in Federal law and regulations, which shall apply to the Secretary, the State agencies administering the oil spill unemployment assistance program, the responsible party, and the Oil Spill Liability Trust Fund; and

(E) developing similar agreements with the responsible party to coordinate payments of unemployment compensation under State law related to a covered incident and payments made by the responsible party or the Oil Spill Liability Trust Fund.

(8) The procedures developed under this section may be employed by States to coordinate payments of unemployment compensation under State law related to a covered incident and payments made by the responsible party or the Oil Spill Liability Trust Fund.

(j) LIABILITY OF RESPONSIBLE PARTIES.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is liable for any costs, net of any payments by the responsible party to the United States under subsection (i), incurred by the United States under this section and shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for these costs as well as the costs of the United States in administering its responsibilities under this section. If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection, the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).

(k) EFFECTIVE DATE.—This section shall take effect immediately upon enactment of this Act and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under such Act for any incident that occurred prior to the enactment of this section.

(l) DEFINITIONS.—For purposes of this section:

(1) DUPLICATE PAYMENTS.—The term ''duplicate payments'' includes any payment that would cause the individual to receive payments in excess of the amount determined under paragraph (1) of subsection (i).

(2) RESPONSIBLE PARTY.—The term ''responsible party'' means one or more responsible parties.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(4) STATE.—The term ''State'' means any State, as such term is defined in section 3306(j)(1) of the Federal Unemployment Tax Act (26 U.S.C. 3306(j)(1)).

(5) STATE AGENCY.—The term ''State agency'' means the State agency which administers the unemployment compensation law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1986.

SEC. 4153. (a) IN GENERAL.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) to provide assistance to the Governor of any State within the boundaries of an area that is the subject of a Presidential determination that additional resources are necessary to respond to an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (''covered incident'') to provide oil spill relief employment in the area.''.

(b) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following new subsection:

''(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

''(1) IN GENERAL.—Funds made available under subsection (a)(5)—

''(A) shall be used to provide oil spill relief employment on projects involving the cleaning, restoration, renovation, repair and reconstruction of lands, marshes, waters, structures, and facilities located within the area of the covered incident, as well as offshore areas related to such incident, and projects that provide food, clothing, shelter, and other humanitarian assistance to individuals harmed by the covered incident;

''(B) may be expended through public and private agencies and organizations engaged in such projects;

''(C) may be expended to provide employment and training activities;

''(D) may be expended to provide personal protective equipment to workers engaged in oil spill relief employment described in subparagraph (A);

''(E) may be used to increase the capacity of States to make available the full range of services authorized under this title and provide information (in languages appropriate to the individuals served) about, and access to, the variety of public and private services available to individuals adversely affected by the covered incident in One-Stop Career Centers and other access points (including other public facilities, mobile service delivery units, and social services offices); and

''(F) may be used to provide temporary employment by public sector entities for a period not to exceed 6 months, in addition to the oil spill relief employment described in subparagraph (A).

''(2) ELIGIBILITY.—An individual shall be eligible for services under subsection (a)(5) if such individual is temporarily or permanently laid off as a consequence of the covered incident described in such subsection, is a dislocated worker, is a long-term unemployed individual, or meets such other criteria as the Secretary may establish.

''(3) LIMITATIONS ON OIL SPILL RELIEF EMPLOYMENT ASSISTANCE.—No individual shall be employed under subsection (a)(5) for more than 6 months for oil spill relief employment related to recovery from a single covered incident. The Secretary may, upon reviewing a State's request, extend such employment related to recovery from a single covered incident for up to an additional 6 months.

''(4) REIMBURSEMENT.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is liable for any costs incurred by the United States under this subsection or subsection (a)(5) and shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this subsection or subsection (a)(5) as well as the costs of the United States in administering its responsibilities under this subsection or subsection (a)(5). If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection or subsection (a)(5), the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorney's fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).

''(5) USE OF AVAILABLE FUNDS.—Funds appropriated for fiscal years 2009 and 2010 and remaining available for obligation by the Secretary to provide any assistance authorized under this section shall be available to assist workers affected by a covered incident, including workers who have relocated from areas in which a covered incident has been declared. Under such conditions as the Secretary may approve, any State may use funds that remain available for expenditure under any grants awarded to the State under this section to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the reimbursement requirements described in paragraph (4).

''(6) REQUIREMENTS FOR GRANT APPLICATIONS.—An application submitted to the Secretary under this subsection shall include a detailed description of—

''(A) how the State will ensure the capacity of One-Stop Career Centers and other access points to—

''(i) provide affected individuals with information, in languages appropriate to the individuals served, about the range of available services; and

''(ii) provide affected individuals with access to the range of needed services;

''(B) how the State will prioritize individuals who are temporarily or permanently laid off as a consequence of the covered incident in the assignment of temporary employment positions; and

''(C) any other supporting information the Secretary may require.''.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect immediately upon enactment of this Act and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under such Act for any incident that occurred prior to the enactment of this Act.

(d) APPROPRIATION.—There is appropriated $50,000,000 for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'', to carry out section 173(a)(5) and (h) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(5) and (h)) (''WIA'') as amended by this Act, to remain available through June 30, 2011: *Provided*, That funding shall be available upon enactment of this Act, notwithstanding section 189(g)(1) of WIA.

SEC. 4154. (a) The Secretary of Labor may reserve not more than 1 percent of the funds available to carry out section 4152 of this Act and section 173(h) of the Workforce Investment Act of 1998 (as added by section 4153 of this Act) for transfer to appropriate Department of Labor accounts for program administration and support activities in the Department of Labor associated with such sections, and for the increased worker protection and workplace benefit activities and oversight and coordination activities in connection with the application of laws and regulations associated with the Department's response to spills of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

(b) A responsible party under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for all or a portion of the additional amount appropriated herein, as determined by the Secretary of the Treasury.

(c) If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this section, the Secretary shall request the Attorney General to bring a civil

action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).

(d) This section shall take effect immediately upon enactment of this Act and shall apply to all responsible parties under the Oil Pollution Act of 1990, including any party determined to be liable under such Act for any incident that occurred prior to the enactment of this Act.

(e) The Secretary of Labor shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report describing the use of the funds not later than 1 year after the date of enactment of this Act.

(RESCISSION)

SEC. 4155. Of the unobligated balance of funds appropriated without fiscal year limitation under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' in fiscal years 2006 through 2010 to prepare for and respond to an influenza pandemic (including any amount not yet designated by the President as emergency funds) and the unobligated balance of funds transferred to ''Public Health and Social Services Emergency Fund'' pursuant to the fourth paragraph under such heading in Public Law 111–117, $2,000,000,000 is rescinded: *Provided*, That the Secretary of Health and Human Services, in consultation with the Director of the Office of Management and Budget, shall determine the amount to be rescinded from each appropriation and shall transmit a written notice of such determination to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after enactment of this Act: *Provided further*, That section 3002 shall not apply to $500,000,000 of the amount in this section.

(RESCISSION)

SEC. 4156. Of the funds appropriated for ''Department of Education—Innovation and Improvement'' in division D of Public Law 111–117 (123 Stat. 3263), $100,000,000 is rescinded, to be derived only from the amount available for grants authorized under subpart I of part B of title V of the Elementary and Secondary Education Act of 1965: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4157. Of the funds appropriated for ''Department of Education—Innovation and Improvement'' in division A of Public Law 111–5 (123 Stat. 182) and division D of Public Law 111–117 (123 Stat. 3263), $200,000,000 is rescinded, to be derived only from amounts available for the Teacher Incentive Fund: *Provided*, That section 3002 shall not apply to $100,000,000 of the amount in this section.

(RESCISSION)

SEC. 4158. Of the funds appropriated for ''Department of Education—State Fiscal Stabilization Fund'' in title XIV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 279), $500,000,000 is rescinded, to be derived only from the amount made available for grants under section 14006 of such title and through a corresponding reduction in the total amount reserved under section 14001(c) of such title for grants under such section 14006.

SEC. 4159. Amounts appropriated to the Architect of the Capitol in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55) under the heading ''Architect of the Capitol—Capitol Police Building and Grounds'' and that remain available until September 30, 2010, and amounts appropriated to the Architect of the Capitol in the Legislative Branch Appropriations Act, 2010 (Public Law 111–68) under the heading ''Architect of the Capitol—Capitol Police Buildings, Grounds and Security'' and that remain available until September 30, 2014, shall be available to the Architect of the Capitol for the purchase of real property (including any buildings or facilities) for the use of the Capitol Police.

SEC. 4160. (a) TERMINATION OF OEPPO.—Section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) is repealed.

(b) TRANSFER TO SERGEANT AT ARMS.—The functions and responsibilities of the Office of Emergency Planning, Preparedness, and Operations under section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) (as in effect on the day before the date referred to in subsection (c)) shall be transferred and assigned to the Sergeant at Arms of the House of Representatives.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect February 1, 2010.

(RESCISSION)

SEC. 4161. Of the unobligated balances available to the Architect of the Capitol from prior year appropriations for the Capitol Visitor Center project, $5,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4162. Of the unobligated balances available under ''Department of Defense, Military Construction, Army'' from prior appropriations Acts, $340,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4163. Of the unobligated balances available under ''Department of Defense, Military Construction, Navy and Marine Corps'' from prior appropriations Acts, $110,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4164. Of the unobligated balances available under ''Department of Defense, Military Construction, Air Force'' from prior appropriations Acts, $50,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4165. Of the funds made available for the General Operating Expenses account of the Department of Veterans Affairs in section 2201(e)(4)(A)(ii) of division B of Public Law 111–5 (123 Stat. 454; 26 U.S.C. 6428 note), $6,100,000 is rescinded.

SEC. 4166. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

(RESCISSIONS)

SEC. 4167. (a) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances available under the heading ''Millennium Challenge Corporation'' in title III of division H of Public Law 111–8 and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $150,000,000 is rescinded.

(b) CIVILIAN STABILIZATION INITIATIVE.—

(1) DEPARTMENT OF STATE.—Of the unobligated balances available under the heading ''Department of State—Administration of Foreign Affairs—Civilian Stabilization Initiative'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $40,000,000 is rescinded.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Of the unobligated balances available under the heading ''United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $30,000,000 is rescinded.

(c) Section 3002 shall not apply to the amounts in this section.

(RESCISSION)

SEC. 4168. Of the unobligated balances available under the heading ''Capital Investment Fund'' in title XI of division A of Public Law 111-5, $40,000,000 is rescinded.

(RESCISSION)

SEC. 4169. Of the unobligated balances of funds made available under section 108(b) of Public Law 101–100, as added by Public Law 101–130, to the Emergency Fund authorized by section 125 of title 23, United States Code, $10,893,687 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSIONS)

SEC. 4170. There are rescinded the following amounts from the specified accounts:

(1) ''Department of Transportation—Federal Aviation Administration—Facilities and Equipment'', $2,182,544, to be derived from unobligated balances made available under this heading in Public Law 108–324.

(2) ''Department of Transportation—Federal Aviation Administration—Facilities and Equipment'', $5,705,750, to be derived from unobligated balances made available under this heading in Public Law 109–148.

(3) ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'', $111,602,923, to be derived from unobligated balances made available under this heading in chapter 10 of title I of division B of Public Law 110–329.

SEC. 4171. The item relating to ''Federal Housing Administration—General and Special Risk Program Account'' in title II of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3091) is amended by striking ''$15,000,000,000'' and inserting ''$20,000,000,000'': *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 4172. Section 1117(d) of the Transportation Equity Act for the 21st Century (112

Stat. 161) is repealed and the designation made by that section shall no longer be effective.

(RESCISSION)

SEC. 4173. Of the unobligated balances of contract authority apportioned to each State for the programs listed in section 105(a)(2) of title 23, United States Code (except the equity bonus program under section 105 of such title and the high priority projects program under section 117 of such title), $2,200,000,000 is permanently rescinded: *Provided*, That such rescission shall be distributed within each State among all programs for which funds were apportioned for fiscal year 2009 and to which the rescission applies, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each such program for such fiscal year, bears to the amount of funds apportioned for all such programs for such fiscal year: *Provided further*, That funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned for the purposes of this section: *Provided further*, That section 1132 of Public Law 110–140 shall not apply to the rescission under this section: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4174. Of the unobligated balances of funds under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' made available by section 159 of Public Law 110–92, as added by division B of Public Law 110–116, $400,000,000 is rescinded.

CHAPTER 2

PRESERVE ACCESS TO AFFORDABLE GENERICS ACT

SHORT TITLE

SEC. 4201. This chapter may be cited as the ''Preserve Access to Affordable Generics Act''.

UNLAWFUL COMPENSATION FOR DELAY

SEC. 4202. (a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended—

(1) by redesignating section 28 as section 29; and

(2) by inserting before section 29, as redesignated, the following:

''SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.

''(a) IN GENERAL.—

''(1) ENFORCEMENT PROCEEDING.—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

''(2) PRESUMPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

''(i) an ANDA filer receives anything of value; and

''(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

''(B) EXCEPTION.—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

''(b) COMPETITIVE FACTORS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

''(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

''(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

''(3) the form and amount of consideration received by the ANDA filer in the agreement resolving or settling the patent infringement claim;

''(4) the revenue the ANDA filer would have received by winning the patent litigation;

''(5) the reduction in the NDA holder's revenues if it had lost the patent litigation;

''(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

''(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

''(c) LIMITATIONS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

''(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

''(2) that the agreement's provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is procompetitive, although such evidence may be relevant to the fact finder's determination under this section.

''(d) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

''(1) The right to market the ANDA product in the United States prior to the expiration of—

''(A) any patent that is the basis for the patent infringement claim; or

''(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

''(2) A payment for reasonable litigation expenses not to exceed $7,500,000.

''(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

''(e) REGULATIONS AND ENFORCEMENT.—

''(1) REGULATIONS.—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

''(2) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

''(3) JUDICIAL REVIEW.—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 C.F.R. 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

''(f) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) and of section 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

''(g) PENALTIES.—

''(1) FORFEITURE.—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

''(2) CEASE AND DESIST.—

''(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of 1 year after such order becomes final pursuant to section 5(g).

''(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person's, partnership's or corporation's violation of this section shall be conclusive unless—

''(i) the terms of such cease and desist order expressly provide that the Commission's findings shall not be conclusive; or

''(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

''(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

''(A) the nature, circumstances, extent, and gravity of the violation;

''(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

''(C) other matters that justice requires.

''(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to,

and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

''(h) DEFINITIONS.—In this section:

''(1) AGREEMENT.—The term 'agreement' means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

''(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term 'agreement resolving or settling a patent infringement claim' includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

''(3) ANDA.—The term 'ANDA' means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

''(4) ANDA FILER.—The term 'ANDA filer' means a party who has filed an ANDA with the Food and Drug Administration.

''(5) ANDA PRODUCT.—The term 'ANDA product' means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

''(6) DRUG PRODUCT.—The term 'drug product' means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

''(7) NDA.—The term 'NDA' means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

''(8) NDA HOLDER.—The term 'NDA holder' means—

''(A) the party that received FDA approval to market a drug product pursuant to an NDA;

''(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the 'FDA Orange Book') in connection with the NDA; or

''(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

''(9) PATENT INFRINGEMENT.—The term 'patent infringement' means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

''(10) PATENT INFRINGEMENT CLAIM.—The term 'patent infringement claim' means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

''(11) STATUTORY EXCLUSIVITY.—The term 'statutory exclusivity' means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act .''.

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this chapter.

NOTICE AND CERTIFICATION OF AGREEMENTS

SEC. 4203. (a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended—

(1) by striking ''the Commission the'' and inserting the following: ''the Commission—

''(1) the'';

(2) by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).''.

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

''(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: 'I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.'.''.

FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD

SEC. 4204. Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting ''section 28 of the Federal Trade Commission Act or'' after ''that the agreement has violated''.

COMMISSION LITIGATION AUTHORITY

SEC. 4205. Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking ''or'' after the semicolon;

(2) in subparagraph (E), by inserting ''or'' after the semicolon; and

(3) by inserting after subparagraph (E) the following:

''(F) under section 28;''.

STATUTE OF LIMITATIONS

SEC. 4206. The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 3202, except for an action described in section 28(g)(2) of the Federal Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by section 1112(c) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

SEVERABILITY

SEC. 4207. If any provision of this chapter, an amendment made by this chapter, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this chapter, the amendments made by this chapter, and the application of the provisions of such chapter or amendments to any person or circumstance shall not be affected thereby.

CHAPTER 3

COMPUTATION OF MEDICAID AVERAGE MANUFACTURER PRICE

COMPUTATION OF MEDICAID AVERAGE MANUFACTURER PRICE (AMP) FOR DRUGS NOT DISPENSED THROUGH RETAIL COMMUNITY PHARMACIES

SEC. 4301. (a) IN GENERAL.—Section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of the Patient Protection and Affordable Care Act (Public Law 111–148) and by section 1102(c)(2) of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by inserting after ''retail community pharmacy'' the following: '', except that in the case of an inhalation, infusion, or injectable drug that is not dispensed through a retail community pharmacy, the exclusion under this subclause shall not apply to payments received from, and rebates and discounts provided to, distributors or hospitals, clinics, doctors, and other entities directly dispensing the drug; and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 2503 of Public Law 111–148.

CHAPTER 4

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

SHORT TITLE

SEC. 4401. This chapter may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2010''.

DECLARATION OF PURPOSE AND POLICY

SEC. 4402. The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies, it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

(5) Many States and localities already provide public safety officers with collective bargaining rights comparable to or greater than the rights and responsibilities set forth in this chapter, and such State and local laws should be respected.

DEFINITIONS

SEC. 4403. In this chapter:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) CONFIDENTIAL EMPLOYEE.—The term ''confidential employee'' has the meaning given such term under applicable State law on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) is designated as confidential; and

(B) is an individual who routinely assists, in a confidential capacity, supervisory employees and management employees.

(3) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(4) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, or political subdivision of a State, that employs public safety officers.

(5) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(6) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(7) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(8) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(9) PERSON.—The term ''person'' means an individual or a labor organization.

(10) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory, management, or confidential employee.

(11) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(12) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'', when used with respect to the rights and responsibilities described in section 3404(b), means compliance with each right and responsibility described in such section.

(13) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work to exercising such authority.

DETERMINATION OF RIGHTS AND RESPONSIBILITIES

SEC. 4404. (a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) CONSIDERATION OF ADDITIONAL OPINIONS.—In making the determination described in paragraph (1), the Authority shall consider the opinions of affected employers and labor organizations. In the case where the Authority is notified by an affected employer and labor organization that both parties agree that the law applicable to such employer and labor organization substantially provides for the rights and responsibilities described in subsection (b), the Authority shall give such agreement weight to the maximum extent practicable in making the Authority's determination under this subsection.

(3) LIMITED CRITERIA.—In making the determination described in paragraph (1), the Authority shall be limited to the application of the criteria described in subsection (b) and shall not require any additional criteria.

(4) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(5) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider a State's law to substantially provide the required rights and responsibilities unless such law fails to provide rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees, supervisory employees, and confidential employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Providing for the right to bargain over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement of all rights, responsibilities, and protections provided by State law and enumerated in this section, and of any written contract or memorandum of understanding between a labor organization and a public safety employer, through—

(A) a State administrative agency, if the State so chooses; and

(B) at the election of an aggrieved party, the State courts.

(c) COMPLIANCE WITH REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State substantially provides rights and responsibilities described in subsection (b), then this chapter shall not preempt State law.

(d) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), then such State shall be subject to the regulations and procedures described in section 3405 beginning on the later of—

(A) the date that is 2 years after the date of enactment of this Act;

(B) the date that is the last day of the first regular session of the legislature of the State that begins after the date of the enactment of this Act; or

(C) in the case of a State receiving a subsequent determination under subsection (a)(4), the date that is the last day of the first regular session of the legislature of the State that begins after the date the Authority made the determination.

(2) PARTIAL FAILURE.—If the Authority makes a determination that a State does not substantially provide for the rights and responsibilities described in subsection (b) solely because the State law substantially provides for such rights and responsibilities for certain categories of public safety officers covered by this chapter but not others, the Authority shall identify those categories of public safety officers that shall be subject to the regulations and procedures described in section 4405, pursuant to section 4408(b)(3) and beginning on the appropriate date described in paragraph (1), and those categories of public safety officers that shall remain subject to State law.

ROLE OF FEDERAL LABOR RELATIONS AUTHORITY

SEC. 4405. (a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4404(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4404(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this chapter and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this chapter, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in any appropriate district court of the United States to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

STRIKES AND LOCKOUTS PROHIBITED

SEC. 4406. (a) IN GENERAL.—Subject to subsection (b), an employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other organized job action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) NO PREEMPTION.—Nothing in this section shall be construed to preempt any law of any State or political subdivision of any State with respect to strikes by public safety officers.

EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS

SEC. 4407. A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

CONSTRUCTION AND COMPLIANCE

SEC. 4408. (a) CONSTRUCTION.—Nothing in this chapter shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4404(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4404(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4404(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 4405 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this chapter a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4404(b) solely because such law or ordinance does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this chapter or the regulations promulgated under this chapter shall be construed to require a State to rescind or preempt the laws or ordinances of any of the State's political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4404(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this chapter or the regulations promulgated under this chapter shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4404(b);

(B) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4404(b) with respect to certain categories of public safety officers covered by this Act solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this chapter; or

(C) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4404(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 4405 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4404(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of the chapter, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this chapter with respect to employees of a State.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4409. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

CHAPTER 5

PROGRAM INTEGRITY INITIATIVES

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

ENFORCEMENT

For an additional amount for ''Enforcement'', $245,000,000, to remain available through September 30, 2011, for additional and enhanced tax enforcement activities: *Provided*, That section 3002 shall not apply to the amount under this heading.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'', $5,000,000, to be expended from the Employment Security Administration Account of the Unemployment Trust Fund and remain available through September 30, 2011, to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews: *Provided*, That section 3002 shall not apply to the amount under this heading.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

For an additional amount for ''Health Care Fraud and Abuse Control Account'', $250,000,000, to remain available through September 30, 2012, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $124,747,000 shall be for Centers for Medicare and Medicaid Services Program Integrity Activities, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, for activities listed

in section 1893 of such Act, and for Medicaid and Children's Health Insurance Program program integrity activities; of which $65,040,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; and of which $60,213,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That section 3002 shall not apply to the amounts under this heading.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for ''Limitation on Administrative Expenses'', $38,000,000, to remain available through September 30, 2011, for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act: *Provided*, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

GENERAL PROVISIONS—THIS TITLE

SEC. 4601. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 4602. (a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EXCLUSION FROM PAYGO.—

(1) Savings in this Act that would be subject to inclusion in the Statutory Pay-As-You-Go scorecards are providing an offset to increased discretionary spending. As such, they should not be available on the scorecards maintained by the Office of Management and Budget to provide offsets for future legislation.

(2) The Director of the Office of Management and Budget shall not include any net savings resulting from the changes in direct spending or revenues contained in this Act on the scorecards required to be maintained by OMB under the Statutory Pay-As-You-Go Act of 2010.

AMENDMENT NO. 3

Page 8, strike line 3 and all that follows through page 9, line 6.

Page 9, line 10, strike ''$11,719,927,000, of which $218,300,000'' and insert ''$218,300,000, which''.

Page 9, line 18, strike ''$2,735,194,000, of which $187,600,000'' and insert ''$187,600,000, which''.

Page 10, line 3, strike ''$829,326,000, of which $30,700,000'' and insert ''$30,700,000, which''.

Page 10, line 11, strike ''$3,835,095,000, of which $218,400,000'' and insert ''$218,400,000, which''.

Page 10, beginning on line 20, strike ''$1,236,727,000: *Provided*, That up to $50,000,000, to remain available until expended,'' and insert ''$50,000,000, to remain available until expended: *Provided*, That such amount''.

Page 11, strike line 22 and all that follows through page 18, line 18.

Page 18, strike line 20, and all that follows through page 19, line 18.

Page 19, line 19, strike ''304.'' and insert ''301.''.

Page 20, line 3, strike ''305.'' and insert ''302.''.

Page 20, line 8, strike ''306.'' and insert ''303.''.

Page 20, line 18, strike ''307.'' and insert ''304.''.

Page 21, line 3, strike ''308.'' and insert ''305.''.

Page 38, strike lines 4 through 22.

Page 41, strike lines 6 through 16.

Page 42, strike lines 8 through 12.

Page 43, strike lines 22 through 25.

Page 45, strike lines 3 through 19.

Page 48, line 8, strike the dollar amount and all that follows through ''available'' on page 49, line 3 and insert ''$175,000,000, to remain available until September 30, 2012,''.

Page 49, line 20, after the first comma, strike the dollar amount and all that follows through ''available'' on line 23 and insert ''$50,000,000, to remain available until September 30, 2012,''.

Page 52, strike line 3 and all that follows through page 58, line 20.

Page 58, line 22, strike ''1007.'' and insert ''1004.''.

Page 61, line 13, strike ''1008.'' and insert ''1005.''.

Page 62, line 15, strike ''1009.'' and insert ''1006.''.

Page 64, line 14, strike ''1010.'' and insert ''1007.''.

Page 66, line 10, strike ''1011.'' and insert ''1008.''.

Page 66, line 16, strike ''1012.'' and insert ''1009.''.

Page 66, line 23, strike ''1013.'' and insert ''1010.''.

Page 67, line 13, strike ''1014.'' and insert ''1011.''.

Page 67, line 21, strike ''1015.'' and insert ''1012.''.

Page 68, line 21, strike ''Iraq, Pakistan, Afghanistan, and''.

Page 68, line 23, strike ''those countries'' and insert ''that country''.

Page 69, strike line 8 and all that follows through page 70, line 18.

AMENDMENT NO. 4

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION.—Funds appropriated in this Act for the continued military operations of the Armed Forces in Afghanistan may be obligated and expended within Afghanistan only for the purposes of—

(1) providing for the continued protection of members of the Armed Forces and civilian and contractor personnel of the Federal Government who are in Afghanistan; and

(2) beginning the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan.

(b) CLARIFICATION.—Nothing in subsection (a) shall be construed to prohibit or otherwise restrict the use of funds available to any department or agency of the United States to carry out diplomatic efforts or humanitarian activities in Afghanistan, including security related to such efforts and activities.

AMENDMENT NO. 5

Page 22, after line 16, insert the following:

SEC. 309. (a) FINDINGS REGARDING SECURITY AND STABILITY CONDITIONS IN AFGHANISTAN.—Since the last national intelligence estimate on conditions in Afghanistan, there have been fundamental changes in the conditions in that country, and fundamental changes in the United States military and diplomatic strategy toward that country, including—

(1) the August 2009 elections in Afghanistan;

(2) the strategy announced by the President in December 2009 to guide United States military operations, including a commitment to begin redeployment of troops out of Afghanistan by July 2011;

(3) the tactics employed by the United States, which emphasize counterinsurgency military operations and increasing civilian participation;

(4) the level of United States forces deployed to Afghanistan; and

(5) the continuing development of Afghanistan's security forces, including the Afghan National Army and the Afghan National Police.

(b) REPORT.—Not later than January 31, 2011, the Director of National Intelligence shall submit to the President and the Congress a new national intelligence estimate on security and stability in Afghanistan and Pakistan, which shall include—

(1) an assessment of the ability, performance, intent, and commitment of the Government of Afghanistan to work with the United States to implement the strategy announced in December 2009;

(2) an assessment of the ability, performance, intent, and commitment of the Government of Pakistan to work with the United States to implement the strategy announced in December 2009;

(3) an assessment of the security forces of Afghanistan and Pakistan, including their ability to maintain security in areas where they are deployed, and an assessment of the timing of full deployment as envisioned by the December 2009 strategy;

(4) an assessment of whether continuing United States military presence in Afghanistan contributes to Afghan and Pakistani support for, or sympathy toward, the Taliban, al Qaeda, or other insurgents;

(5) an assessment of the effect of continuing United States military presence on the strength of al Qaeda and other terrorist organizations in Afghanistan and neighboring countries, including those in the United States Central Command and United States Africa Command areas of responsibility; and

(6) an assessment of the effect of the continuing United States military presence on the ability of al Qaeda and related terrorist organizations to obtain resources, recruit personnel, and continue operations targeted at the United States and its allies.

(c) PLAN WITH TIMETABLE REQUIRED.—Not later than April 4, 2011, the President shall submit to Congress a plan for the safe, orderly, and expeditious redeployment of the Armed Forces from Afghanistan, including military and security-related contractors, together with a timetable for the completion of that redeployment and information regarding variables that could alter that timetable.

(d) STATUS UPDATES.—Not later than 90 days after the date of the submittal of the plan required by subsection (c), and every 90 days thereafter, the President shall submit to Congress a report setting forth the current status of the plan for redeploying the Armed Forces from Afghanistan.

(e) OVERSIGHT OF CONTRACTORS ENGAGED IN ACTIVITIES RELATING TO AFGHANISTAN.—

(1) RECOMMENDATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall, in consultation with the Inspector General of the

Department of Defense, the Inspector General of the United States Agency for International Development, and the Inspector General of the Department of State—

(A) issue recommendations on measures to increase oversight of contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse;

(B) report on the status of efforts of the Department of Defense, the United States Agency for International Development, and the Department of State to implement existing recommendations regarding oversight of such contractors; and

(C) report on the extent to which military and security contractors or subcontractors engaged in activities relating to Afghanistan have been responsible for the deaths of Afghan civilians.

(2) ELEMENTS OF RECOMMENDATIONS.—The recommendations issued under paragraph (1) shall include—

(A) recommendations for reducing the reliance of the United States on—

(i) military and security contractors or subcontractors engaged in activities relating to Afghanistan that have been responsible for the deaths of Afghan civilians; and

(ii) Afghan militias or other armed groups that are not part of the Afghan National Security Forces; and

(B) recommendations for prohibiting the Department of Defense, the Department of State, or the United States Agency for International Development from entering into contracts with contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse.

SEC. 310. (a) LIMITATION ON FUNDS.—None of the funds available to the Department of Defense in the Department of Defense Appropriations Act, 2011 may be obligated or expended in a manner that is inconsistent with the President's policy announced on December 1, 2009, to begin the orderly withdrawal of United States troops from Afghanistan after July 1, 2011, unless the Congress approves a joint resolution as specified in subsection (b).

(b) JOINT RESOLUTION.—For purposes of this section, the term ''joint resolution'' means a joint resolution introduced in either House of the Congress after receipt by the Congress of the national intelligence estimate required under section 309 of this Act, the matter after the resolving clause of which is as follows: ''That the Congress approves the obligation and expenditure of funds appropriated in the Department of Defense Appropriations Act, 2011 for United States combat operations in Afghanistan after July 1, 2011, even if the plan submitted on April 4, 2011, is inconsistent with the intention to begin the process of orderly withdrawal of United States troops from such combat operations in Afghanistan.''.

(c) EXPEDITED PROCEDURES IN THE HOUSE.—

(1) A joint resolution in the House of Representatives shall be referred to the Committee on Appropriations.

(2) If the committee has not reported the joint resolution at the end of 20 legislative days after its introduction, the committee shall be discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar of the House.

(3) When the committee has reported a joint resolution or been discharged from further consideration, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution. The motion is highly privileged in the House. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or not agreed to shall not be in order.

(4) Debate on the joint resolution shall be limited to not more than 9 hours, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to, or motion to recommit, the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or not agreed to is not in order.

(5) Motions to postpone and motions to proceed to the consideration of other business shall be decided without debate.

(6) Appeals from the decisions of the Chair relating to the application of the rules of the House to the procedure relating to the joint resolution shall be decided without debate.

(d) EXPEDITED PROCEDURES IN THE SENATE.—[To be supplied.]

(e) CONGRESSIONAL RULEMAKING.—Subsections (c) and (d) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in that House in the case of joint resolutions described in subsection (b), and they supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 311. Nothing in section 309 or 310 shall be construed so as to limit or prohibit any authority of the President to—

(1) attack al Qaeda forces wherever they are located;

(2) gather, provide, and share intelligence with allies operating in Afghanistan and Pakistan; or

(3) modify the military strategy and operations of the Armed Forces as such Armed Forces redeploy pursuant to a timetable and strategy developed under section 309(c).

The SPEAKER pro tempore. Pursuant to House Resolution 1500, the motion shall be debatable for 1 hour and 30 minutes, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; then 30 minutes equally divided and controlled by the gentlewoman from California (Ms. LEE), or her designee, and an opponent; and then 30 minutes equally divided and controlled by the gentleman from Massachusetts (Mr. MCGOVERN), or his designee, and an opponent.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the underlying bill presented to us by the Senate is, essentially, a bill to provide funding to continue the war activities in Afghanistan. Why, people might ask, are we trying to add this amendment to that proposal?

I would suggest the numbers tell the story. With this bill from the Senate, we will be spending, in this fiscal year, $167 billion on the war in Iraq and Afghanistan. It is obvious to any but the most obtuse that that expenditure is killing our ability to finance a recovery of our own economy.

We tried to deal with that problem in December with a $90 billion economic package. The Senate declined to act on it. We've proposed smaller packages on two occasions since then. About a month ago we offered a $23 billion package aimed primarily at trying to save teachers' jobs, teachers who otherwise are going to be laid off because of the severe economic conditions in virtually every State in the Union, except a few lucky exceptions like North Dakota and South Dakota.

We now bring before the House a bill which reflects what we've been asked to do by a great many Members. It attempts to provide a much smaller aid package to keep those teachers on the job, about $10 billion; and it contains a few other small items, including almost $5 billion in additional Pell Grants funds for some 87,000 students who are going to need them badly.

We were also asked to provide offsets, and so we have done that. We have offsets for virtually every dollar above the President's request, and those offsets are not pleasant, and they are not popular. Certainly, I don't like some of them myself. But the fact is that they are necessary if we're to provide a fiscally disciplined bill that has a chance of getting the votes to pass this House, and that's what we've done.

I think people need to ask themselves one question: Are they interested in simply standing by and allowing teachers to be fired day after day for the next 3 months all around the country, or are they willing to do something about it? I hope the answer is the latter.

Mr. Speaker, I reserve the balance of my time.

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Mr. LEWIS of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, let me begin by making a personal observation. This evening we are embarking upon the most irresponsible, convoluted legislative exercise I have seen in my many years in this body. My dear friend and former chairman of the Senate Appropriations Committee, the late Senator Robert Byrd, would be embarrassed by this process, or the lack of process, because it greatly diminishes the integrity of this Congress he loved so dearly. I can

hear Senator Byrd's voice clear as day. ''Shame, shame,'' he would say.

It was 35 days ago that the full Appropriations Committee was scheduled to mark up the fiscal year 2010 emergency supplemental before us. Republicans and Democrats alike had a number of amendments they planned to offer to make the package a better piece of legislation. But, for reasons that remain a mystery to everyone, that markup was abruptly canceled 3 hours before it was to occur. Tonight, the House is considering legislation written by Chairman OBEY and the majority leadership with absolutely no input from rank-and-file Members on either side of the aisle.

The only legislation we should be considering today is a clean emergency supplemental funding bill to provide critical funding for our troops; foreign assistance and economic support for Afghanistan, as well as Pakistan and Iraq, should be included; FEMA disaster assistance; oil spill cleanup assistance; and relief for Haiti. Many other funding and policy items could easily be addressed through our regular order spending bills.

Just hours ago we were sent a package of six different amendments and two resolutions, totaling 153 pages. Included in that package were efforts to cut off troop funding, a timetable for troop withdrawal from Afghanistan, billions in additional spending on domestic programs, a variety of complex legal settlements piggybacked into a billion-dollar summer youth program, and a deem-and-scheme resolution that proposes spending $31 billion more in discretionary spending in FY 2011 than was spent in FY 2010. It's worth noting that only in Washington could Chairman OBEY and Chairman SPRATT characterize this $31 billion increase as a cut.

I am deeply concerned about the impact these amendments could have on our ability to approve a bill for the President's signature prior to the Fourth of July recess. The failure of this body to approve critical funds for our troops before the Fourth of July would send absolutely the wrong message to our men and women in uniform, and delay needed money for other emergency needs.

Further, this inaction would force our commanders to begin making budget decisions that could compromise our military readiness. It would also signal to our enemies a lack of resolve that could undermine our mission in several very dangerous areas of the world.

The fact that we are sitting here in July without this spending bill passed and signed into law is, frankly, astonishing to me. The President submitted his request in February of this year. The Senate passed its war funding measure on May 27, and indicated that it was ready to conference the bill with the House. The House never marked up this supplemental or had an opportunity to amend it in any way. And yet, here we are 35 days and tens of billions of dollars of spending later, and we still have not approved funding for our troops.

Yesterday, the nonpartisan Congressional Budget Office released a long-term budget outlook. CBO noted that our national debt equaled 40 percent of our country's economic input in 2008. By the end of this year, the Federal debt will represent 62 percent of our national economy. That's a 22 percent increase in the level of debt in just 2 years. The additional unrequested nontroop-related spending the House is considering today would drive that debt even higher.

I recognize there are tremendous political pressures that come to bear on majority Members when it comes to opposing measures sponsored by their own party. Today my request to the Members of the majority is quite simple: Please think long and hard about the consequences of supporting anything beyond the clean Senate supplemental spending bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield myself 30 additional seconds.

I urge my colleagues on both sides, particularly my friends in the majority who are truly concerned about the ever-escalating rates of growth of spending, to reject these amendments and reject this Fourth of July spending spree. Let's support our troops, pass a clean version of the supplemental on a broad, bipartisan basis, and get this package to the Commander in Chief. Our men and women in harm's way deserve no less.

I reserve the balance of my time.

Mr. OBEY. I yield myself 1 minute.

Somehow we are being told that we are committing a mortal sin because we are trying to attach some material to the bill sent to us by the Senate. I would simply point out that just a few weeks ago, as the gentleman from Massachusetts pointed out earlier in the debate, when the defense authorization bill was on the floor only nine Republicans in this House voted for it. They felt then that another matter was evidently more important than providing passage for that bill. And yet today they criticize us because we are suggesting several additions to the appropriations bill. I find that inconsistent.

I would also point out that there are a number of high-priority national items that we are trying to add besides education funding. We are trying to provide additional funds for Pell Grants, some $5 billion. We are trying to provide $700 million more for border security, $180 million more for energy loans, $163 million more for schools on military installations, $142 million for gulf coast oil spill funding, and $16 million to build a new soldier processing center at Fort Hood.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield myself 30 additional seconds.

I would like to know what's wrong with any of those items.

I yield 2 minutes to the distinguished gentleman from Texas (Mr. REYES) to explain why it's necessary to do additional funding for border security.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

I urge my colleagues to vote in favor of this amendment, the Obey amendment, because during these tough economic times there are many areas that merit attention. This amendment takes a comprehensive approach to addressing the vital needs of our communities. Of particular importance to me is the support in this amendment for border security and also for education.

Border security is a major portion of the concern of Americans, as we have seen in recent days. This amendment provides $701 million to strengthen our security efforts along the U.S.-Mexico border. The funds would be used to hire 1,200 Border Patrol agents and 500 Customs and Border Protection officers that would be working the ports of entry, critically needed today, as well as to improve tactical communications and make other much-needed investments in the security along the U.S.-Mexico border.

Residents along the border in districts such as the one that I represent remain deeply concerned about the level of violence affecting our southern neighbor Mexico. As a former Border Patrol sector chief and veteran of 26½ years in the United States Border Patrol, I know very well what these resources that are provided in this amendment mean to a critical area such as the Southwest border.

I am particularly encouraged by Mr. OBEY's efforts in this amendment to address the long-standing needs of our ports of entry by providing funds for Customs and Border Protection officers. For too long, inadequate staffing and outdated infrastructure at our ports of entry have made the U.S. and Mexico border less safe. This is a major step forward in making our Nation even more secure by providing funding for more officers at our ports of entry to conduct a more thorough and efficient inspection and to keep Americans safe.

□ 2030

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman an additional 30 seconds.

Mr. REYES. In addition, this amendment also provides $10 billion to support our teachers across the country and another $4.9 billion to fill the shortage, as Mr. OBEY said, in the Pell Grant program.

It is vitally important that we recognize that the resources that are dedicated here are important not just along the border but to the security of Americans everywhere. So, therefore, I urge my colleagues to vote for the Obey amendment. And I thank Chairman OBEY, Speaker PELOSI, Majority Leader HOYER, and Chairman PRICE for their leadership on this very important issue.

Mr. LEWIS of California. Mr. Speaker, I'm pleased to yield 3 minutes to our leader of the Homeland Security Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the chairman for yielding.

I rise today to voice my opposition to the blatant exploitation of our brave troops and the brazen process being undertaken here tonight. With this ongoing charade, the Democrat majority has chosen to drag out the consideration of this supplemental appropriations bill now 5 months lagging. They've chosen to bypass a markup by the Appropriations Committee. They've chosen to dictate by the few rather than legislate by the representative many. And worst of all, they're holding hostage vital funding for our troops as a vehicle for more spending, more bailouts, more encroachment by the Federal Government into our private lives.

A clean supplemental, Mr. Speaker, could have easily been disposed of through regular order months ago. Regrettably, the majority has waited until the very last minute, twisted the rules of the House, and put the Pentagon and our warfighters in dire straits. This abuse of Congress' national security responsibilities would be outrageous if it wasn't so sad. And for what? For what? Another bailout? more spending? political points? to curry special interest favors?

The American people want a fiscally responsible government that first and foremost provides for the safety and security of this great Nation, and the American people expect the Congress to meet that solemn responsibility while mindful it is their money, not ours.

Instead, let's just call this what it is. The Democrat majority has hijacked our national security for their perceived political security. This is not the governance the American people want nor deserve. We can do better.

And so I plead with my colleagues to restore regular order and return to the business at hand, which is providing for our warfighters and responsibly wielding the power of the purse.

I urge a defeat of all of these amendments and this bill.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, I had the humbling privilege of representing Fort Hood, America's largest Army installation, for 14 years, through three combat deployments. It is now next door to my district in central Texas.

Fort Hood has sent more troops to Iraq and Afghanistan than any other military installation in America. And despite that sacrifice, sadly, the soldiers and families at Fort Hood had to face an unbearable and unspeakable tragedy at the hands of a terrorist in our midst who killed 12 Fort Hood Army soldiers and one Army civilian just several months ago.

The soldier processing center through which soldiers go—often the last building they see before they leave Fort Hood, and it's the first building they see when they come home from being a year away from their family serving in Iraq or Afghanistan—is a soldier development servicing center there.

At the request of the Pentagon, I want to thank Chairman OBEY for putting our request for $16.5 million into this amendment. First, because that center was old and antiquated, inefficient and too small, but most importantly because the soldiers at Fort Hood who've sacrificed so much for our Nation's defense in Iraq and Afghanistan should not be asked to process through a building where 12 of their fellow soldier comrades in that installation were brutally murdered at the hands of a domestic terrorist.

I thank Chairman OBEY for putting this in. It is a meaningful, dignified way to show support for our troops. And I support this amendment and ask my colleagues on a bipartisan basis to support it as well.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 2 minutes to the ranking member of the Judiciary Committee, Mr. SMITH of Texas.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank the ranking member, the gentleman from California (Mr. LEWIS), for yielding me time.

Mr. Speaker, I'm opposed to the inclusion of the Preserve Access to Affordable Generics Act'' in H.R. 4899.

Most cases in the United States, whether civil or criminal, antitrust or patent, settle. The reasons for this are simple. Litigation is expensive and its outcomes are uncertain.

The supposed problem involves a payment of cash in a settlement of a patent case brought by a generic drug manufacturer. Such payments are said to frustrate the intent of Federal law by allowing the brand name pharmaceutical company to pay to delay entry of the generic competitor into the market.

The proposed solution to this problem incorporated in this bill goes much too far. It creates a presumption that all such settlements are unlawful. The bill sets forth the criteria that a court may use to determine whether to uphold the settlement. However, the validity of the underlying patent is not one of those specified criteria.

Also, the bill dramatically reduces the ability of the companies to settle these cases. If the parties cannot agree on the date of entry into the market, then in many cases they would effectively be forced to litigate the case. This means that the entry of the generic into a particular drug market could be delayed significantly.

The majority of Federal courts, including the Second, Eleventh, and D.C. Circuits, have upheld the validity of these settlements. Congress should uphold the well-reasoned judgment of these courts. Innovative new drugs, after all, are created in the laboratory, not in the courtroom.

I urge my colleagues to reject this attempt to legislate an unrelated domestic issue on a bill that is intended to pay for our troops overseas.

Mr. OBEY. I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, we are here on a bill that allegedly provides supplemental funding for our troops, yet within the bowels of this House amendment are provisions that have implications for our border security, provisions in violation of our rules but nonetheless provide a permanent authority to transfer money from border patrol to the Department of the Interior with absolutely no limit—$50 million this time, but then unlimited after that.

So to have the situation of Congress appropriating money we think is going to border patrol, but then border patrol will have to give that money to the Department of the Interior for alleged mitigation issues, such concepts and projects as, in the past: hiring three employees of the Interior to monitor prong-horned antelope or having a biologist watch the erection of 15-foot towers to verify that no animal was crushed; or having Fish and Wildlife, for one acre of possible habitat loss, insisting border patrol buy 55 acres somewhere else to give to them.

We will have the outrageous situation of Interior and Forest Service regulations blocking the border patrol from their patrols and doing their job, and yet the same provision, the border patrol has to pay DOI, with no oversight from the legislature, no internal rules for caution of spending, no limitation, just to do their job.

□ 2040

Even Secretary Napolitano last year sent us a letter in which she said the Border Patrol stops the drug cartels, the human traffickers, the potential terrorists, and that is a value in and of itself to the environment and should count as mitigation.

Yet, in the provisions within this particular bill, that does not take place. This provision was a dumb idea in the wrong bill. It diverts dollars from the Border Patrol and makes our border less secure.

Mr. OBEY. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 6 minutes remaining. The gentleman from California has 3½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, as the chairman of the Homeland Security Appropriations Subcommittee, I am happy to remind

our colleagues of the provisions in this bill that will enhance border security.

The Obey amendment will add money for urgent needs, to address the alarming level of violence attributable to Mexican gangs and drug cartels. It will increase the presence of critical Border Patrol and Customs personnel at the border, and it will strengthen the protection of jeopardized communities.

There are four critical aspects of these border provisions:

First, the Obey amendment will strengthen enforcement between ports of entry to deter and apprehend smugglers and illegal crossings. That means 1,200 new Border Patrol agents. It means up to three additional forward operating bases, and it will provide two new unmanned aircraft systems for CBP to patrol the border.

Second, the Obey amendment will tighten enforcement at ports of entry while aiding legitimate travel and commerce. It will sustain hundreds of critical CBP officer positions at risk of being cut because of declining fee collections. It will add 500 CBP officers for inspection and enforcement at ports of entry, inbound and outbound, to crack down on drugs, weapons, cash, and alien traffickers.

Third, the bill enhances Immigration and Customs Enforcement's (ICE's) investigative operations on the border and their cooperation with our Mexican partners to target the cartels, their criminal enterprises, and their violent henchmen.

Four new Southwest Border Enforcement Security Task Forces. Additional vetted law enforcement units with the Government of Mexico. A 120-day surge in the ICE Joint Criminal Alien Removal Task Force and Criminal Alien Programs. Training for Mexican officials on investigations of transnational drug smuggling, money laundering, human trafficking, and child exploitation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman an additional 15 seconds.

Mr. PRICE of North Carolina. Finally, the bill expands aid to State and local partners along the border, expanding the grant assistance under Operation Stonegarden to State and local law enforcement in cooperation with DHS.

Mr. Speaker, this Obey amendment would greatly enhance our border security. I urge its adoption.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from the Appropriations Committee, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, I want to associate my remarks with my ranking member, Mr. LEWIS.

Following the time-honored tradition of our Defense Appropriations Subcommittee, Chairman DICKS and Mr. YOUNG have put together, in a collegial manner, a solid product. The funding for defense operations and maintenance, for the Afghan and Iraq Security Forces, for Army base operations, M-RAPs, National Guard and Reserve equipment, and the other portions of the defense and of the military construction portion of the bill are worthy of our support.

If that's where the story ended, we would be fine, but as Ronald Reagan famously said, ''There they go again.''

This legislation contains over $72 billion in discretionary and mandatory spending. Less than half of that total, $35 billion, is related to the ongoing fight against the Taliban and al Qaeda in Afghanistan or our withdrawal from Iraq and the State Department funding related to the war on terror. The rest is earmarked for nondefense programs, new bailouts, and pet projects to benefit the majority's political allies.

I share the views of Mr. LEWIS on the extraneous spending in this bill: the $10 billion State bailout fund, the $5 billion Pell Grant infusion, the $500 million to ''forward-fund'' accounts in the fiscal year 2011 appropriations bills, thereby freeing up money to spend on other activities in fiscal year 2011, the $245 million to allow the IRS to ramp up its enforcement activities.

My colleagues in the majority just don't get it. This is Washington ''business as usual'' as this Congress uses funding for our deployed warfighters, many of them in harm's way as we speak, to provide for more unnecessary social spending.

My colleagues, I urge the adoption of a clean supplemental appropriation as quickly as possible so our men and women in uniform can continue to do their important work on our behalf.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. I yield myself such time as I may consume.

Mr. Speaker, it is important for all of my colleagues, especially those on the majority side of the aisle, to make note of the fact that this is the President's supplemental request. This amendment adds almost $17 billion in new domestic spending to a critical war funding and disaster assistance bill, most of which was never formally requested by the Commander in Chief and none of which is included in the Senate-passed bill. These bloated domestic spending add-ons include those that either are unnecessary spending or should be considered as part of the regular fiscal year 2011 appropriations process.

For example, the amendment includes language under the Teacher Jobs Fund that singles out Texas by requiring that Texas maintain a higher level of State support for elementary and secondary education and higher education spending than any other State. It adds $4.95 billion for Pell Grants that would normally be and should be funded in the fiscal year 2011 Labor, Health, and Human Services bill, as has been the practice in previous years.

There is $538 million to game the fiscal year 2011 appropriations process by forward-funding certain activities now with fiscal year 2010 funds, thereby freeing up money to spend on other activities in 2011. This includes giving the IRS an additional $245 million now to ramp up its enforcement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. KUCINICH. I thank the gentleman for yielding.

I rise in support of the Obey amendment, amendment No. 2 to H.R. 4899, Supplemental Appropriations for FY 2010. However, I do so with significant reservation because of the $9 billion in nuclear loan guarantees that have been inserted into this bill of otherwise badly needed funding.

The nuclear power industry has already received $51 billion in loan guarantee authority. The guarantees leave the taxpayer on the hook for energy policy so fiscally irresponsible, it has attracted bipartisan opposition. Indeed, private investment in new plants is nearly impossible to come by because the investment is so unattractive. The Congressional Budget Office characterized the risk of default on such projects as "well above 50 percent." Even plants under construction are being abandoned. If private firms won't invest, should we be putting taxpayers on the hook?

Energy from wind and solar makes more financial sense and creates many more jobs when compared with nuclear power sans massive subsidies. But the loan guarantees for clean energy sources, which were added to make the nuclear loan giveaways easier to swallow, are not an industry priority. They need more direct subsidies to get started with the urgency required to address global warming.

This amendment also contains otherwise valuable funding for teacher's jobs, Pell grants, and Gulf Coast oil spill clean-up. I voted for this amendment because of the dire needs in these areas and others. But slipping in $9 billion in nuclear loan guarantees when we struggle to find money to extend unemployment compensation and create new green jobs is not acceptable.

THE ECONOMICS OF NUCLEAR REACTORS: RENAISSANCE OR RELAPSE?

(By Mark Cooper, Senior Fellow for Economic Analysis, Institute for Energy and the Environment, Vermont Law School—June 2009)

ISSUE BRIEF

Findings

Within the past year, estimates of the cost of nuclear power from a new generation of reactors have ranged from a low of 8.4 cents per kilowatt hour (kWh) to a high of 30 cents. This paper tackles the debate over the cost of building new nuclear reactors, with the key findings as follows:

The initial cost projections put out early in today's so-called ''nuclear renaissance'' were about one-third of what one would have expected, based on the nuclear reactors completed in the 1990s.

The most recent cost projections for new nuclear reactors are, on average, over four times as high as the initial ''nuclear renaissance'' projections.

There are numerous options available to meet the need for electricity in a carbon-constrained environment that are superior to building nuclear reactors. Indeed, nuclear reactors are the worst option from the point of view of the consumer and society.

The low carbon sources that are less costly than nuclear include efficiency, cogeneration, biomass, geothermal, wind, solar thermal and natural gas. Solar photovoltaics that are presently more costly than nuclear reactors are projected to decline dramatically in price in the next decade. Fossil fuels with carbon capture and storage, which are not presently available, are projected to be somewhat more costly than nuclear reactors.

Numerous studies by Wall Street and independent energy analysts estimate efficiency and renewable costs at an average of 6 cents per kilowatt hour, while the cost of electricity from nuclear reactors is estimated in the range of 12 to 20 cents per kWh.

The additional cost of building 100 new nuclear reactors, instead of pursuing a least cost efficiency-renewable strategy, would be in the range of $1.9–$4.4 trillion over the life of the reactors.

Whether the burden falls on ratepayers (in electricity bills) or taxpayers (in large subsidies), incurring excess costs of that magnitude would be a substantial burden on the national economy and add immensely to the cost of electricity and the cost of reducing carbon emissions.

Approach

This paper arrives at these conclusions by viewing the cost of nuclear reactors through four analytic lenses.

First, in an effort to pin down the likely cost of new nuclear reactors, the paper dissects three dozen recent cost projections.

Second, it places those projections in the context of the history of the nuclear industry with a database of the costs of 100 reactors built in the U.S. between 1971 and 1996.

Third, it examines those costs in comparison to the cost of alternatives available today to meet the need for electricity.

Fourth, it considers a range of qualitative factors including environmental concerns, risks and subsidies that affect decisions about which technologies to utilize in an environment in which public policy requires constraints on carbon emissions.

The stakes for consumers and the nation are huge. While some have called for the construction of 200 to 300 new nuclear reactors over the next 40 years, the much more modest task of building 100 reactors, which has been proposed by some policymakers as a goal, is used to put the stakes in perspective. Over the expected forty-year life of a nuclear reactor, the excess cost compared to least-cost efficiency and renewables would range from $19 billion to $44 billion per plant, with the total for 100 reactors reaching the range of $1.9 trillion to $4.4 trillion over the life of the reactors.

Hope and Hype vs. Reality in Nuclear Reactor Costs

From the first fixed price turnkey reactors in the 1960s to the May 2009 cost projection of the Massachusetts Institute of Technology, the claim that nuclear power is or could be cost competitive with alternative technologies for generating electricity has been based on hope and hype. In the 1960s and 1970s, the hope and hype analyses prepared by reactor vendors and parroted by government officials helped to create what came to be known as the ''great bandwagon market.'' In about a decade utilities ordered over 200 nuclear reactors of increasing size.

Unfortunately, reality did not deliver on the hope and the hype. Half of the reactors ordered in the 1960s and 1970s were cancelled, with abandoned costs in the tens of billions of dollars. Those reactors that were completed suffered dramatic cost overruns. On average, the final cohort of great bandwagon market reactors cost seven times as much as the cost projection for the first reactor of the great bandwagon market. The great bandwagon market ended in fierce debates in the press and regulatory proceedings throughout the 1980s and 1990s over how such a huge mistake could have been made and who should pay for it.

In an eerie parallel to the great bandwagon market, a series of startlingly low-cost estimates prepared between 2001 and 2004 by vendors and academics and supported by government officials helped to create what has come to be known as the ''nuclear renaissance.'' However, reflecting the poor track record of the nuclear industry in the U.S., the debate over the economics of the nuclear renaissance is being carried out before substantial sums of money are spent. Unlike the 1960s and 1970s, when the utility industry, reactor vendors and government officials monopolized preparation of cost analyses, today Wall Street and independent energy analysts have come forward with much higher estimates of the cost of nuclear reactors.

The most recent cost projections are, on average, over four times as high as the initial nuclear renaissance projections.

Even though the early estimates have been subsequently revised upward in the past year and utilities offered some estimates in regulatory proceedings that were twice as high as the initial projections, these estimates remain well below the projections from Wall Street and independent analysts. Moreover, in an ominous repeat of history, utilities are insisting on cost-plus treatment of their reactor projects and have steadfastly refused to shoulder the responsibility for cost overruns.

One thing that utilities and Wall Street analysts agree on is that nuclear reactors will not be built without massive direct subsidies either from the federal government or ratepayers, or from both.

In this sense, nuclear reactors remain as uneconomic today as they were in the 1980s when so many were cancelled or abandoned.

The economic cost of low carbon alternatives

There is a second major difference between the debate today and the debate in the 1970s and 1980s. In the earlier debate, the competition was almost entirely between coal and nuclear power generation. Today, because the debate is being carried out in the context of policies to address climate change, a much wider array of alternatives is on the table. While future fossil fuel (coal and natural gas) plants with additional carbon capture and storage technologies that are not yet available are projected to be somewhat more costly than nuclear reactors (see Figure ES–2), efficiency and renewables are also primary competitors and their costs are projected to be much lower than nuclear reactors.

Figure ES–2 presents the results of half a dozen recent studies of the cost of alternatives, including two by government entities, three by Wall Street analysts and one by an independent analyst. Figure ES–2 expresses the cost estimated by each study for each technology as a percentage of the study's nuclear cost estimate. Every author identifies a number of alternatives that are less costly than nuclear reactors.

One of the central concerns about reliance on efficiency and renewables to meet future electricity needs is that they may not be available in sufficient supply. However, analysis of the technical potential to deliver economically practicable options for low-cost, low-carbon approaches indicates that the supply is ample to meet both electricity needs and carbon reduction targets for three decades or more based on efficiency, renewables and natural gas (see Figure ES–3).

Figure ES–3 builds a ''supply curve'' of the potential contribution and cost of efficiency and renewables, based on analyses by the Rand Corporation, McKinsey and Company, the National Renewable Energy Laboratory, the Union of Concerned Scientists and the American Council for an Energy Efficient Economy. Clearly, there is huge potential for low carbon approaches to meet electricity needs. To put this potential into perspective, long-term targets call for emissions reductions below 2005 levels of slightly more than 40 percent by 2030 and 80 percent by 2050. Even assuming that all existing low carbon sources (about 30 percent of the current mix) have to be replaced by 2030, there is more than ample potential in the efficiency and renewables.

With continuing demand growth, it would still not be until 2040 that costly or as yet nonexistent technologies would be needed. Thus, pursuing these low cost options first meets the need for electricity and emissions reductions, while allowing time for technologies to be developed, such as electricity storage or carbon capture, that could meet electricity needs after 2040. The contending technologies that would have to be included in the long term are all shown with equal costs, above the technologies that have lower costs because it is difficult to project costs that far out in future and there will likely be a great deal of technological change before those technologies must be tapped to add substantial incremental supplies.

A comprehensive view of options for meeting electricity needs

In addition to their cost, nuclear reactors possess two other characteristics that make them an inferior choice among the options available.

The high capital costs and long construction lead times associated with nuclear reactors make them a risky source of electricity, vulnerable to market, financial, and technological change that strengthen the economic case against them.

While nuclear power is a low carbon source of electricity, it is not an environmentally benign source. The uranium fuel cycle has significant safety, security, and waste issues that are far more damaging than the environmental impact of efficiency and renewables.

Figure ES–4 depicts three critical characteristics of the alternatives available for meeting electricity needs in a carbon-constrained environment. The horizontal axis represents the economic cost. The vertical axis represents the societal cost (with societal cost including environmental, safety, and security concerns). The size of the circles represents the risk. Public policy should exploit the options closest to the origin, as these are the least-cost alternatives. Where the alternatives are equal on economic cost and societal impact, the less risky should be pursued.

Nuclear reactors are shown straddling the positive/negative line on societal impact. If the uranium production cycle—mining, processing, use and waste disposal—were deemed to have a major societal impact, nuclear reactors would be moved much higher on the societal impact dimension. If one believes that nuclear reactors have a minor impact, reactors would be moved down on the societal impact dimension. In either case, there are numerous options that should be pursued

first. Thus, viewed from a multidimensional perspective, including economic, environmental, and risk factors, there are numerous preferable alternatives.

The impact of subsidies

As noted, nuclear reactors are very unlikely to be built without ratepayer and taxpayer subsidies. Many of the hope and hype analyses advance scenarios in which carbon is priced and nuclear reactors are the beneficiaries of large subsidies. Under those sets of extreme assumptions, nuclear reactors become less costly than fossil fuels with carbon capture and storage costs. However, they do not become less costly than efficiency and renewables. High carbon costs make efficiency' and renewables more attractive.

Moreover, public policy has not tended to be quite so biased, although the supporters of nuclear power would like it to be. Imposing a price on carbon makes all low carbon options, including efficiency and renewables, more attractive as options. Subsidy programs tend to be applied to all low carbon technologies. As a result, although the carbon pricing and subsidy programs implemented and contemplated in recent years tend to impose cost on consumers or shift them from ratepayers to taxpayers; they do not change the order in which options enter the mix. In other words, given pricing and subsidies that simply values carbon emission or its abatement, the economic costs as estimated above dictate the order in which options are implemented. Nuclear reactors remain the worst option. It is possible to bias policies so severely that the order of priority changes, but that simply imposes unnecessary costs on consumers, taxpayers, and society.

Conclusion

The highly touted renaissance of nuclear power is based on fiction, not fact. It got a significant part of its momentum in the early 2000s with a series of cost projections that vastly understated the direct costs of nuclear reactors. As those early cost estimates fell by the wayside and the extremely high direct costs of nuclear reactors became apparent, advocates for nuclear power turned to climate change as the rationale to offset the high cost. But introducing environmental externalities does not resuscitate the nuclear option for two reasons. First, consideration of externalities improves the prospects of non-fossil, non-nuclear options to respond to climate change. Second, introducing externalities so prominently into the analysis highlights nuclear power's own environmental problems. Even with climate change policy looming, nuclear power cannot stand on its own two feet in the marketplace, so its advocates are forced to seek to prop it up by shifting costs and risks to ratepayers and taxpayers.

The aspiration of the nuclear enthusiasts, embodied in early reports from academic institutions, like MIT, has become desperation, in the updated MIT report, precisely because their reactor cost numbers do not comport with reality. Notwithstanding their hope and hype, nuclear reactors are not economically competitive and would require massive subsidies to force them into the supply mix. It was only by ignoring the full range of alternatives—above all efficiency and renewables—that the MIT studies could pretend to see an economic future for nuclear reactors, but the analytic environment has changed from the early days of the great bandwagon market, so that it is much more difficult to get away with passing off hope and hype as reality.

The massive shift of costs necessary to render nuclear barely competitive with the most expensive alternatives and the huge amount of leverage (figurative and literal) that is necessary to make nuclear power palatable to Wall Street and less onerous on ratepayers is simply not worth it because the burden falls on taxpayers. Policymakers, regulators, and the public should turn their attention to and put their resources behind the lower-cost, more environmentally benign alternatives that are available. If nuclear power's time ever comes, it will be far in the future, after the potential of the superior alternatives available today has been exhausted.

Mr. OBEY. Mr. Speaker, let me simply say that our Republican friends are running true to form tonight. In the past 2 weeks, they have voted against funding unemployment insurance for people who have been laid off in the most excruciating recession in 70 years. Now, today, they are refusing to support a proposal which will help us stave off the laying off of well over 100,000 additional teachers around the country—something which, I think, thoughtful people would recognize would injure not just those teachers but their students and the communities in which those students are supposed to learn. There is nothing as expensive as ignorance, and ignorance is fed when you have an inadequate number of quality teachers.

Let me devote the rest of my time to something that I consider to be fairly off the point today because it had been suggested to us that the Secretary of Education is somewhat unhappy because of the offsets that we have required in order to pay for this additional funding. Let me put that into perspective.

We are trying to provide $15 billion in additional education resources to this administration—$10 billion to stave off the firing of teachers and about $5 billion to fill the shortfall that developed in the Pell program this year because of the economy.

□ 2050

In order to finance that, we have had to cut many programs. I don't like to do that, and the administration certainly doesn't like to see it either. But we also had to require that the Secretary's department itself take a cut that is equal to about 5 percent of the value of the additional education dollars that his department would receive.

One of the Secretary's objections, evidently, is the fact that last year in the stimulus package we provided him with a $4.3 billion pot of money to use virtually any way he wanted to stimulate educational progress in this country; $4.3 billion. He has spent a very small amount of that, about $600 million, and we decided we had to cut about $500 million out of that fund in order to finance and fully pay for the package before us. That still leaves him with $3.2 billion in money that he can spend any way his department wants.

We had a big discussion yesterday in the Agriculture Appropriations Subcommittee about whether or not it was acceptable for the Secretary of Agriculture to have a $38 million pot, yet the Secretary of Education is somehow offended because he only has $3.2 billion to pass around. I would suggest that that loose money, that untargeted money that he has available, is roughly functional to what could be called a congressional earmark. In fact, what I would call that fund is a fund that enables the Secretary to provide executive branch earmarks.

I would point out that all of the legislative-directed earmarks in the Labor-H bill last year amounted to less than $1 billion, and yet the Secretary seems to be offended by the fact that he only has three times that amount to spread around as he sees fit.

I would also point out that in the year-and-a-half they have only gotten grants out to two States, and the department has already announced that at most there will be about 15 other States that might get winning grants, which means that more than half the country will never see a dime from that money.

I would suggest that there is nothing wrong with providing the Secretary a modest amount of funds to promote educational change. God knows we need it. But to suggest that we are being unduly harsh is a joke.

With that, I urge support for this amendment.

The SPEAKER pro tempore. All time for debate from the Committee on Appropriations has expired.

Pursuant to the rule, the gentlewoman from California (Ms. LEE) and the gentleman from California (Mr. LEWIS) each will control 15 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. Mr. Speaker, I want to first thank Chairman OBEY for his incredible leadership on this supplemental. It was a very difficult job to put this together, but you have done a phenomenal job.

Let me also thank the Chair of the Rules Committee, Congresswoman SLAUGHTER, and Speaker PELOSI, for their leadership and for allowing this important discussion and amendment.

Also I would like to applaud Congressman MCGOVERN for his thoughtful and important amendment. He and Mr. OBEY set forth this amendment that we will vote on today. I strongly support it and their efforts to get an exit strategy to end this war.

My amendment is very straightforward. It would prevent any escalation or any ongoing combat operation in Afghanistan and limit the funding to the safe and orderly withdrawal of our troops and military contractors from Afghanistan.

It is critical to understand that this amendment would provide for the safety of our troops, civilian personnel, and contractors while troop withdrawal takes place. It does not allow funding for ongoing combat operations or for this escalation. It is not a cut-and-run amendment. It would not leave our troops stranded in harm's way.

Simply put, this amendment provides for the safe and orderly withdrawal of

our troops from Afghanistan, and we need it because the reality is that there is no military solution to Afghanistan. In fact, the occupation of Afghanistan is making us less safe. Our occupation is a prime recruiting tool for the insurgency and for al Qaeda.

If we remember, nearly 9 years ago the reason the authorization was granted, which I could not support, was to provide authorization to go after al Qaeda and Osama bin Laden. Well, nearly a decade later, what are we doing there? We need to redefine this mission. We need to begin the safe, timely withdrawal of U.S. troops and military contractors, and we should do so by adopting this amendment today which stops this funding.

A few months from now, the war from Afghanistan will enter, as I said, its tenth year. It is already the longest war in our Nation's history, longer than Vietnam and the Civil War, and there is really no end in sight. In fact, this concern of ''war without end'' again is why I opposed the resolution authorizing military force on September 14, 2001. It was a blank check then, and it remains a blank check now.

I think it is important to take a moment and put the evolution of this war in context, because we have to remember that, again, there was no discussion about the potential consequences of invading Afghanistan. The debate we are having today should have happened 10 years ago.

Few people imagined that we would have nearly 100,000 troops there a decade later, despite the fact that the CIA estimates that there may be only 50 to 100 al Qaeda in Afghanistan. So we have to be honest; the war is not working. The Afghan government is plagued by incompetence and corruption, The Afghan Security Forces are in shambles, and, tragically, just over 1,000 servicemen and -women have lost their lives.

It is clear that our servicemen and -women have performed with incredible courage and commitment. They have done everything we have asked them to do. As the daughter of a 25-year military officer, my dad was a lieutenant colonel in the Army, I understand and know the sacrifices these families are making. But the truth is, they have been put in an impossible situation. The Afghan government is anything but a reliable partner, and conditions on the ground make winning over the Afghan people extremely difficult, if not nearly an impossible task.

Sadly, this war has no end in sight. We are bound to see the generals come back to us and ask us for more money, more time, and more troops if they say it is going well. If it is not going well, I expect to see the generals come back and ask for more money, more time, and more troops.

So regardless of the situation, unless Congress does something, and we have to face this, if Congress allows this, it will be an endless war. So enough is enough. The U.S. has no choice but to pursue and support a political and diplomatic solution in Afghanistan. We must be about that hard work now.

So please join me in supporting the safe and orderly withdrawal of our troops. We can and we must responsibly bring them home and end this war now.

I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. LEWIS of California. I rise to oppose the Lee amendment to essentially cut off the funding for our troops in Afghanistan.

I am very proud to yield 5 minutes to my colleague, our leader on the Defense Subcommittee, the gentleman from Florida, BILL YOUNG.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding the time.

I rise to give compliments to Chairman NORM DICKS of the subcommittee for having worked with the minority and the majority, as well as the President of the United States, to develop a very good Defense appropriations supplemental appropriations bill for our troops who are fighting in Iraq and Afghanistan.

The bill provides the equipment necessary for those troops to carry out their mission. The bill provides for training. The bill provides for self-protective measures to keep our troops safe while they fight the war they were sent to fight.

□ 2100

The only problem I have is we're not going to vote on that bill. Although this is supposedly a defense supplemental, that bill is not going to be voted on. That bill was reported and approved by the subcommittee back in May, but yet there has been no consideration beyond that date. The subcommittee approved it back in May after the President requested it.

The members of the Appropriations Committee have not had an opportunity to vote on a Defense supplemental appropriations bill. The Members of the House have not had an opportunity to vote on a Defense appropriations supplemental bill. There's something wrong with that.

Chairman DICKS did a good job. He worked with us, as did Chairman Murtha before him, and it was a good bipartisan effort. We're not only not going to vote on that good bill, but we're not even going to have a chance to vote on the Senate version of the bill that's not quite as good as the House version, but it's better than nothing. And it's time that we provide the funding for our troops in the field, deployed and exposed to danger, so that they're provided with what they need.

I have a problem with this. I said the subcommittee approved the bill back in May. The full committee has not considered it. As a matter of fact, we are rapidly approaching the 1-year anniversary of the last time the Appropriations Committee met to consider an appropriations bill. Now, that's unusual. It seems to me like it flies in the face of the Constitution, because Article I, section 9 makes it very clear that the executive branch of government cannot spend money from the General Treasury that has not first been appropriated by Congress. And if the Appropriations Committee doesn't meet to approve the bills or to report the bills to the House, how are we going to meet that constitutional responsibility? It's pretty tough.

July 22 last year was the last time the Appropriations Committee met to consider an appropriations bill. So I compliment Chairman DICKS for creating a good bipartisan product that the President of the United States supported, and I am just disappointed that we're not going to have a chance to vote on it. Our troops in the field need to know that we are supporting them with whatever it is that they need to carry out their mission.

I am opposed to all of these amendments that we are considering because none of them do anything to support our troops in the field, which is what this bill is supposed to be all about. These amendments are not good, and it's just a real shame that we are not considering the needs of our troops who are deployed, to provide what it is that they need in order to accomplish the mission that we sent them to accomplish and to protect themselves while they're doing it.

Mr. Speaker, typically, I would use my time talking on a Supplemental as the Ranking Member of the Defense Subcommittee to congratulate Chairman DICKS on a fine bi-partisan package that he and his staff put together. I would thank him for treating us fairly and listening to the minority's concerns, and suggest that we pass the bill as quickly as possible.

Regrettably, I cannot do that today because the bill before us is the product of such an abuse of power and process that we aren't even voting on Chairman DICKS' bill.

Instead, we find ourselves voting on the Senate defense supplemental in the hope of getting the Department of Defense the desperately needed funds for on-going Afghanistan operations before they run out.

And I must say that really upsets me. While this is our best chance of getting badly needed funds to the Department, Chairman DICKS and his staff had produced a very fine, truly bipartisan supplemental bill . . . one that in my opinion was much better than this Senate bill.

But because of his leadership, that bill never saw the light of day. Not because it was controversial, or contained something bad, but because procedurally a small group of Members couldn't find a way to get unrelated, extraneous domestic spending items attached to it.

So instead today, maybe it is in my best interest for me to use this time making a case for my old spot on the Armed Services Committee.

That may seem odd, but I can only wonder how much longer the Appropriations Committee will exist . . . if it still does.

I do thank Mr. DICKS for his courtesy and cooperation. I only regret that his leadership

decided to play politics with what was a good bill which supported our troops.

Ms. LEE of California. I yield 1½ minutes to the gentleman from California, Chairman GEORGE MILLER.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I want to thank the gentlewoman for offering this amendment and for yielding me time.

This is an important amendment. The time has come to understand what is taking place in Afghanistan and the incredible price that our soldiers are paying in that country and the incredible price that the American taxpayer is paying to fund this war. We've got to understand that the ingredients for victory, as people identify it and discuss it and describe it, are simply not present in Afghanistan:

The idea that we would expand the franchise of an honest central government to the countryside so we could stabilize the countryside. There is no honest central government in Afghanistan. It's rife with corruption, including the President of the country and his family and his relatives and his warlords and his ministers, and that's got to stop;

The idea that we are going to get help from the neighbors. We're getting minimal help from the Pakistanis. We're getting no help of any consequence from the Russians or the Chinese or the Indians because they're all engaged in the same game. They are protecting their position while America bleeds, while America bleeds the blood of our soldiers, while our Treasury bleeds the dollars of our taxpayers, and that's been going on and on and on and on.

We know how these Taliban were created. We know who supported them. We know the double accounting they do. We know the protections that they run. We know the sanctuaries that they provide them. And yet our soldiers are required to go in and ferret it out over and over and over again. We're told that we are going to develop this nation, that if we bring development, we'll have peace in Pakistan.

One of the first requests from the generals 8 years ago, 9 years ago was to send small-scale agriculture. You know what the request is 9, 10 years later? Send small-scale agriculture. Get us a police force that is honest. Get us troops that are honest, that will fight. None of that has been matched. But what has been matched is the death and the maiming and the injuries of our American soldiers. It is time to bring them home.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Missouri, IKE SKELTON, the chairman of the House authorizing committee on national security or defense.

Mr. SKELTON. Mr. Speaker, I rise today in strong opposition to all of the amendments to end funding for the war in Afghanistan or to withdraw our troops before the job is done. Afghanistan is the epicenter for terrorism, and it was the genesis of multiple attacks against our Nation, including the attacks on September 11. We must not forget why we are fighting this war. There's far too much at stake.

For nearly a decade during the previous administration, Afghanistan was the forgotten war with no clear strategy. But now we have a strategy, a good strategy. We're already seeing clear signs of success even before the surge of an additional 30,000 troops is complete. With the help of our allies, we are capturing or killing terrorists every week, including the most significant Taliban capture since the start of the war.

We've been in Afghanistan for many years, and I recognize that the patience of the American people is not unlimited. But thanks to the men and women of our military and the new strategy adopted, we are finally on the path to success. Now is not the time to abandon this war, our NATO allies, and the Afghan people.

The amendments to immediately cut off funding for the war in Afghanistan or to immediately redeploy our troops are clearly the wrong thing to do. But it would be equally unwise to make a decision now to leave Afghanistan before the job is done. At long last, we have a strategy for success. Now is not the time to abandon that strategy. I urge my colleagues to join me in standing behind our troops and the security of our Nation by voting against these amendments.

Ms. LEE of California. I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Just a few days before his dismissal, General McChrystal wrote what has been described as a devastating report on his mission. He pointed out that he faced a resilient and growing insurgency with too few troops, and he expected no progress in the coming months. Why are we continuing to send our troops into a mission impossible? Why are we committing our troops to a situation which is certainly bound to bring about more casualties, both of our troops and innocent civilians?

General Petraeus is promising an escalation of the war which will put more American lives on the line and more innocent civilians killed. Do we support our troops? If we do, and if we really paid attention to what's going on in Afghanistan, if we really supported our troops, we'd bring them home. And that's exactly what the Barbara Lee amendment is designed to do, and that's why we should support it.

As related by William Polk in his recent article in "Counterpunch"—Just a few days before his dismissal, General McChrystal wrote what has been described as a "devastating report on his mission." He pointed out that he faced a "resilient and growing insurgency" with too few troops and he expected no progress in the coming months.

Why are we continuing to send our troops into a mission impossible? Why are we committing our troops to a situation which is certainly bound to bring about more casualties, both of our troops and innocent civilians? General Petraeus is promising an escalation of the war which will put more American lives on the line and more innocent civilians killed.

Do we support our troops? If we do, and if we really paid attention to what's going on in Afghanistan, if we really supported our troops we would bring them home. That's exactly what the Barbara Lee Amendment is designed to do, and that's why we should support it.

What Now?

AFGHANISTAN SITREP

(By William R. Polk)

On June 24, the International Herald Tribune published an editorial from its parent, The New York Times, entitled "Obama's Decision." Both the attribution—printing in the two newspapers which ensures that the editorial will reach both directly and through subsidiary reprinting almost every "decision maker" in the world—and the date—just before the appointment of David Petraeus to succeed Stanley McChrystal—are significant. They could have suggested a momentary lull in which basic questions on the Afghan war might have been reconsidered.

That did not happen. The President made clear his belief that the strategy of the war was sound and his commitment to continue it even if the general responsible for it had to be changed.

The editorial sounded a different note arising from the events surrounding the fall of General McChrystal: Mr. Obama, said The Times, "must order all of his top advisers to stop their sniping and maneuvering" and come up with a coherent political and military plan for driving back the Taliban and building a minimally effective Afghan government."

In short, Mr. Obama must get his team together and evolve a plan.

Unfortunately, the task he faces is not that simple.

First, consider the "team." It has two major components, the military officers whom McChrystal gathered in Kabul. As they made clear in the Rolling Stone interview, they think of themselves as "Team America" and hold in contempt everyone else. Those who don't fully subscribe to their approach to the war are unpatriotic, stupid or cowardly. Those officers are not alone. Agreeing with them is apparently now a large part of the professional military establishment. They are the junior officers whom David Petraeus and Stanley McChrystal have selected, promoted and with whom they take their stand.

The other "component" is not a group but many groups with different agendas and constituencies. The most crucial for my purposes here are the advisers to the President; they were dismissed out of hand as "the wimps in the White House." Most, but not all, were civilians. Other senior military officers, now retired, who are not part of "Team America" and its adherents were also disparaged. Famously, General Jim Jones, the director of the National Security Council staff, was called a "clown."

These were the comments that forced Mr. Obama's hand and were what the press latched upon to explain the events. But many missed the point that McChrystal had just a few days before his dismissal written a devastating report on his mission. Confidential copies of it were obtained by the London newspaper, The Independent on Sunday, which published it today, but of course

the President had seen it earlier. Essentially, its message boiled down to failure.

McChrystal pointed out that he faced a ''resilient and growing insurgency,'' with too few troops and expected no progress in the coming six months. Despite expenditures of at least $7 billion a month, his politico-military strategy wasn't working. Within weeks of the ''victory'' over the Taliban in the agricultural district of Marja, the Taliban were back and the box full of government he had announced proved to be nearly empty. As the expression went in the days of the Vietnam war, whatever happened during the day, the guerrillas ''owned the night.'' As he described it, Marja was the ''bleeding ulcer'' of the American campaign.

Behind McChrystal's words, the figures were even more devastating: Marja, despite the descriptions in the press is not a town, much less a city; it is a hundred or so square miles of farm land with dispersed hamlets in which about 35,000 people live and work. Into that small and lightly populated area, McChrystal poured some 15,000 troops, and they failed to secure it.

To appreciate what those figures mean, consider them in context of Petraeus's counterinsurgency theory, on which McChrystal was basing his strategy. As he had explained it, Marja should be taken, secured and held. Then an administration—McChrystal's ''government in a box''—should be imposed upon it. Despite all the hoopla about the brilliant new strategy, it was hardly new. In fact it was a replay of the strategy the French General Lyautey called the tache d'huile (the oil spot) and applied in Indochina over a century ago. We also tried it in Vietnam, renaming it the ''ink spot.'' The hope was that the ''spot,'' once fixed on the Marja, would smudge into adjoining areas and so eventually spread across the country. Clear and simple, but unfortunately, like so much in counterinsurgency theory, it never seemed to work.

Petraeus's counterinsurgency theory also illuminated how to create the ''spot.'' What was required was a commitment of forces in proportion to native population size. Various numbers have been put forth but a common number is about one soldier for each 50 inhabitants. Marja was the area chosen for the ''spot.'' The people living there, after all, were farmers, wedded to the land, and so should be more tractable than the wild warriors along the tribal frontier. Moreover, it was the place where the first significant American aid program, the Helmand Valley Authority, had been undertaken in the late 1950s. So, if an area were to be favorable to Americans, it ought to be Marja. But, to take no chances, General McChrystal decided to employ overwhelming force. So, what is particularly stunning about the failure in Marja is that the force applied was not the counterinsurgency model of 1 soldier for each 50 inhabitants but nearly 1 soldier for each 2 inhabitants.

If these numbers were projected to the planned offensive in the much larger city of Kandahar, which has a population of nearly 500,000, they become impossibly large. Such an attack would require at least four times as many U.S. and NATO as in Marja. That is virtually the entire fighting force and what little control over Marja and most other areas, perhaps even the capital, Kabul, that now exists would have to be given up or else large numbers of additional American troops would have to be engaged. Moreover, in response to such an attack, it would be possible for the insurgents also to redeploy so the numbers would again increase.

The more fundamental question, which needs to be addressed, is why didn't this relatively massive introduction of troops with awesome and overwhelming fire power succeed. Just a few days before he was fired, as I have mentioned, General McChrystal posed, but could not answer, that question. I hope President Obama is also pondering it.

For those who read history, the answer is evident. But, as I have quoted in my book Understanding Iraq, the great German philosopher, Georg Willhelm Friedrich Hegel, despaired that ''Peoples and governments never have learned anything from history or acted on principles deduced from it'' and, therefore, as the American philosopher George Santayana warned us, not having learned from history, we are doomed to repeat it. Indeed, it seems that each generation of Americans has to start all over again to find the answers. Who among our leaders and certainly among college students now really remembers Vietnam? So, consider these simple facts:

The first fact, whether we like it or not, is that nearly everyone in the world has a deep aversion to foreigners on his land. As far as we know, this feeling goes back to the very beginning of our species because we are territorial animals. Dedication to the protection of homeland permeates history. And the sentiment has never died out. Today we call it nationalism. Nationalism in various guises is the most powerful political idea of our times. Protecting land, culture, religion and people from foreigners is the central issue in insurgency. The former head of the Pakistani intelligence service, who has had unparallelled experience with the Taliban over many years, advised us that we should open our eyes to seeing the Afghan insurgents as they see themselves: ''They are freedom fighters fighting for their country and fighting for their faith.'' We agreed when they were fighting the Russians; now, when many of the same people are fighting us, we see them only as terrorists. That label does not help us understand why they are fighting.

Instead of asking why they are fighting, counterinsurgents think they can overcome aversion to foreign invaders by ''renting'' the natives. In Marja, we not only put in a large military contingent but, as Rajiv Chandrasekaran reported this month in The Washington Post, we offered to employ virtually the entire adult population, some 10,000 people. Unquestionably such efforts do persuade some of the people for some of the time. But not all or permanently. In Marja, only 1,200 people signed up for the jobs we offered.

Why so few? After all, the Afghans, as I wrote in an earlier article, have suffered through virtually continuous war for thirty years. Many are wounded or sick, with some even on the brink of starvation. More than one in three subsists on the equivalent of less than 45 cents a day, almost one in two lives below the poverty line and more than one in two preschool children is stunted because of malnutrition. They are the lucky ones; one in five dies before the age of 5. Obviously, the Afghans need help, so we think they should welcome our efforts to aid them. But Marja shows that they do not. Nationwide, independent observers have found that attitude is common: most do not want us there, even giving them aid. And even those who do are fairly easily dissuaded by the insurgents.

Threats or attacks by the insurgents have brought them into our gunsights. In Afghanistan, as in Vietnam, we have tried to so weaken the insurgents that they cannot effectively block our programs. Our ''body counts'' in Vietnam showed that we killed off the entire Viet Minh several times over and today we are told that the ranks of the Taliban have been severely depleted. But, because the motivation that energized the first group of insurgents is widely shared, and is usually intensified by foreign military action, which by its nature is regarded by many of the natives as unjustified and brutal, new insurgents as well as supporters of the temporarily evicted insurgents will emerge from among the inhabitants of the oil/ink spot. Outsiders may have come in, but, according to U.S. military intelligence about three in four insurgents fight within five miles of their homes. They were ''home'' and taking up arms within a month in Marja.

Indeed, the campaign may have been, to use that cumbersome locution of governmentese, ''counter-productive.'' According to the former British counter-terrorism chief and current head of the U.N. monitoring mission, Richard Barnett, as cited in The Guardian/The Observer last week, ''Attempts by British and American forces to expand their control over Afghan territory over the past 12 months have been counter-productive and led to a worsening security situation.''

The second fact is that those insurgents who don't get killed are the ones who have learned three simple ways to defeat the counterinsurgents.

The first of these ways to defeat counterinsurgents is to use appropriate tactics—never stand and fight. Insurgents can see that their enemies outgun, and usually far out-number, them so they should hit and run—lay mines, ambush patrols, disrupt logistics but never get caught. Drawing on a Kenyan fable, this has been termed ''the war of the flea and the lion.'' The flea bites and jumps away. The powerful lion swats, occasionally hits, but eventually tires and moves away. Lions don't defeat fleas.

The second way insurgents can defeat the counterinsurgent is a form of jujitsu—using his strength against him. His strength is his superiority in weapons. So the insurgent seeks to incite him to use them. Inevitably, caught in the middle, the people—who are after all the ''spoil'' in insurgency warfare—get hurt. And when they get hurt, they naturally come to hate those who fire the weapons. In Vietnam, insurgents would sometimes enter a ''neutral'' village, shoot at an American airplane and then steal away. The attacked airplane would call in troops or gunships. The villagers would suffer and would be confirmed in their hatred of the Americans. It was brutal but very effective.

Counterinsurgents think they can avoid this problem by withholding as much as possible of their lethal power. But doing so is very difficult. Their soldiers also get hurt and angry. And they come to hate the locals—wogs, gooks, rag heads, untermenschen—who appear to them dirty, slovenly, corrupt and cowardly. No one can be trusted when even children act as spies or carry bombs. Soldiers make bad neighbors to civilians in the best of circumstances and insurgency is not one of those circumstances. As I have pointed out in my book, The Birth of America, it was the presence of even superbly disciplined British troops in Boston that touched off the American Revolution.

The third way insurgents can defeat invaders is by destroying their local puppets. Ruling another country is, of course, expensive and difficult so foreigners have almost always and everywhere enrolled willing natives to help. In the American Revolution we called those people ''the Loyalists.'' In Vietnam, they were the government of the South. In Afghanistan they are the ''Kabul government.''

So the insurgents regard collaborators—''Quislings'' as we called them in the Second World War—as their prime target. In America, the colonists threatened, tarred and feathered, lashed, imprisoned, hanged or drove away tens of thousands of the Loyalists. In Vietnam, French police records show

that in the 1950s, the Viet Minh virtually wiped out the administration of the southern government, murdering policemen, postmen, judges and other civil servants as well as teachers and doctors. And today in Afghanistan, as Rod Nordland reported in The New York Times on June 10, ''The Taliban have been stepping up a campaign of assassinations in recent months against officials and anyone else associated with local government in an attempt to undermine counter-insurgency operations in the south.''

One Afghan told Nordland, ''I know many people who are afraid to take jobs with the government or the aid community now. It's a very effective and very efficient campaign; the armed opposition are using this tool because it works.'' Even from a nationalist perspective, this is very rough justice. But many Afghans appear to believe it is both ''justice'' and Afghan justice.

To validate their actions, the insurgents must themselves supply what the foreigners and their local supporters offer. We have full records of how insurgents did this in Yugoslavia and Greece during the Second World War. The records are not so open for Afghanistan as yet. But, we know from a study by the U.S. Government Accountability Office (GAO) that the Taliban has set up a ''widespread paramilitary shadow government . . . in a majority of Afghanistan's 34 provinces.''

One of the things these shadow governments do is administer the law. For years, I have read reports contrasting what happens in a government court and a Taliban court. In the government court, cases languish for months or years while bribes are collected. A U.N. study found earlier this year that officials shake down their fellow citizens for an amount that is nearly a quarter of the country's gross domestic product. In a Taliban court, there is no bribery and no delay: Islamic law as defined by Afghan custom is immediate. From our point of view, this too is very rough justice, if justice at all, but in insurgencies, people appear willing to put aside the niceties of peaceful life. In our Revolution we did too.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 3 minutes to IKE SKELTON's partner, the gentleman from California, BUCK MCKEON, who is the ranking member of the Armed Services Committee.

Mr. MCKEON. I thank the leader for yielding me the time.

Mr. Speaker, I am very disappointed that the House Democratic leadership would allow a vote on these three amendments at this time. Make no mistake, all three would go far to cripple the war effort in Afghanistan and directly undermine the Commander in Chief.

Just 24 hours ago, the Senate unanimously confirmed General David Petraeus as the new commander of the U.S. and international forces in Afghanistan. And yet, not a day later, here we are on the House floor taking dangerous political potshots at our troops' mission and the President's strategy to surge an additional 30,000 troops in the region.

□ 2110

I strongly oppose all three Afghanistan amendments before us. Not only would they tie the hands of the Commander in Chief, but they send the exact wrong message to our allies and enemies alike at such a critical moment in our efforts in Afghanistan.

Today, our newly confirmed commander walked the halls at NATO headquarters, working to reassure our allies that our country is committed to this war. And right now he is heading to Afghanistan to take command. We should stand in unity with him, not sit here in Washington taking vote after vote to strip funding from our warfighters before his plan even touches down.

General Petraeus has proven himself to be one of America's most capable military officers. He turned around a perilous situation in Iraq, and our combat troops have started coming home. By the end of August, our troop levels in Iraq will be down to 50,000 for training and reserve purposes.

I believe the President has chosen the right commander and the right strategy in Afghanistan. I'm confident that General Petraeus and our troops can succeed if given the time, space, and resources they need to complete their mission.

As the General arrives in Afghanistan, those of us here in Congress cannot lose sight of the broader perspective. Our brave military men and women and their civilian counterparts are in the midst of a tough fight that's critical to the U.S. national security. Cutting off their funding in the middle of that fight is tantamount to abandonment.

In December, and again last week, the President reminded us why we are in Afghanistan. It was the epicenter of where al Qaeda planned and launched the 9/11 attacks against innocent Americans. After an exhaustive 90-day review last fall, the President recommitted the United States to defeating al Qaeda and the Taliban.

The timeline for success in Afghanistan cannot be dictated by arbitrary political clocks here in Washington. It must be driven by the operational clock in Kabul, Kandahar and the Afghanistan countryside. We all hope and pray that the goal can be accomplished by July 2011, but the President must adhere to his recent comments that conditions on the ground will dictate the pace of any withdrawal next summer.

I urge my colleagues to reject these ill-timed measures, reject attempts to strip funding for our warfighters and, instead, show our troops and allies a united front in our efforts.

Ms. LEE of California. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentlewoman for her courageous lead on this issue.

This $35 billion for Afghanistan is roughly equivalent to the amount in the Recovery Act for highways and transit. If instead of Afghanistan these funds were invested at home, we could do the equivalent of what we did in the Recovery Act, 35,000 lane-miles of highway improved; 1,262 bridges; 12,000 transit buses and rail passenger cars; 5,000 transit stations improved; and 1.3 million jobs that we've documented on our portion of the Recovery Act.

But this is a conflict with no exit, no end, no offset; and we should not provide more money for it.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in opposition to the amendment and also to the underlying bill.

I have great respect for the gentlelady who brings this amendment. She said earlier that there is, in her way of thinking, no military solution in Afghanistan. But let me say that surrender is a military tactic. I just oppose it.

This is a very serious time in the life of our country here at home; and it's easy, I suspect, for some Americans to forget that we're a Nation at war. But we are.

As I was reminded when I traveled to Afghanistan the day after Christmas this last year, at this very hour, we have men and women in uniform in harm's way in Afghanistan and Iraq. And we owe them, in this moment, the resources they need to complete their mission, get the job done, and come home safe. We also owe them the respect of doing that without using our soldiers as a vehicle for other domestic spending priorities.

Military spending bills should be about military spending, and nothing else. And this legislation fails that test.

Before us today is a $75 billion spending bill, but less than half of this legislation will be used to support the Defense Department's war operations. Less than half. The military funding measure will spend almost $5 billion, supposedly, on a temporary bailout for a Federal Pell Grant program. This so-called military funding measure will spend $50 million on the Port of Guam, and $18 million for emergency reforestation, and $15 million for a highway safety study.

This military funding measure will also even spend, as we've heard in earlier debate, $10 billion on teacher jobs.

Now, I've been married, as of a month ago, for 25 years to a teacher. I support teachers. I believe education is a State and local function.

Anybody else remember that we just spent $53 billion in supposedly one-time spending for education in the President's failed stimulus bill? And now, on the backs of our soldiers, comes another $10 billion that has to be appropriated to save teachers jobs?

We can do better, men and women.

To top it all off, $63 billion of this bill isn't even paid for, just more deficits and more debt.

One of the ways the Democrats are saving a little bit of money here is by $3 billion in cuts to the Defense Department.

We can do better. Our soldiers deserve better. Let's reject this legislation. Let's do right by our soldiers.

Military spending bills should be about military spending, and nothing else.

Ms. LEE of California. I yield 1 minute to the gentlewoman from California, Congresswoman WATERS.

Ms. WATERS. Mr. Speaker, I rise in support, strong support, of Congresswoman BARBARA LEE's amendment to the 2010 Supplemental Appropriations Act. This amendment would limit the funds appropriated within the supplemental to the continued protection of our military and civilian personnel in Afghanistan, while a plan is implemented to begin their safe and orderly withdrawal from the region.

Despite nearly $300 billion spent on a predominantly military operation, by the way, resulting in the loss of over 1,000 U.S. troops in Afghanistan, we have not been able to successfully address Afghanistan's economic depravity, political corruption, or social divisions that have significantly impeded our military efforts within the country.

The American public is tired of this long, drawn-out war. Moreover, many of us in Congress do not see the logic in investing further funds toward training the Afghan Army, when all methods utilized to this point have failed to achieve tangible gains.

Furthermore, charges of corruption within the Karzai government have negatively impacted our credibility among Afghans, forcing them to choose between two different groups of terrorists.

The counterinsurgency (COIN) strategy is failing in Afghanistan and the Afghan government remains corrupt and illegitimate in the eyes of many of the Afghan citizens. The critical appropriations being offered in other Amendments (disaster relief, education funding, black farmer settlements) today underscores why we can no longer afford to continue our expensive military strategy in Afghanistan.

Deploying more combat troops to Afghanistan and continuing Bush wartime engagement strategies will fail to help Afghanistan build long-term sustainable institutions and a credible democratic government. Despite nearly $300 billion spent on a predominantly military operation (resulting in the loss of over 1,000 U.S. troops in Afghanistan), we have not been able to successfully address Afghanistan's economic depravity, political corruption, or social divisions that have significantly impeded our military efforts within the country. The American public is beginning to tire of this long drawn-out war. Moreover, many of us in Congress do not see the logic in investing further funds towards training the Afghan army when all methods utilized to this point have failed to achieve tangible gains. Furthermore, charges of corruption within the Karzai government have negatively impacted our credibility among Afghans, forcing them to choose between two different groups of terrorists—the Taliban or the corrupt Karzai government comprised of former warlords, responsible for some of the same atrocities the Taliban currently inflicts upon civilians.

A strengthened Taliban has resurfaced and is engaged in violent attacks throughout the country so that now is the deadliest time for American soldiers since the war began. Booming opium production helps fund the Taliban, which also receives aid from al Qaeda networks in Pakistan. The fledgling Afghan army and police are not ready to defend the country from insurgent attacks and operate independently from U.S. military involvement, training, and support. The highly organized and determined insurgency has continued to exploit the weak central government. Although the main insurgent groups may not have the same operational structure or long-term goals, they are inherently united in their efforts to drive the U.S. out of Afghanistan and unravel the central Afghan "democratic" government.

Therefore, Mr. Speaker, I strongly urge my colleagues to vote yes on Representative LEE's Amendment so that we can begin the process of bringing our troops home!

□ 2120

Ms. LEE of California. Just for clarification, let me make sure that the opposition understands that this bill did not leave here as a military spending bill. It left here as a government-wide spending bill. It is very legitimate to deal with domestic issues because it was a disaster-relief bill. The military spending was actually added in the Senate. So what we are doing today is very credible, very legitimate. We want to begin to end this war, and we want to do it by stopping the funding.

I yield 1 minute to Congressman ROHRABACHER, the gentleman from California.

Mr. ROHRABACHER. Yes, there are snowballs in hell. I rise in support of amendments 4 and 5. I do so with a heavy heart, as I deeply appreciate the Americans whose lives are in danger in Afghanistan. They are there to protect us against the radical forces of Islam, which used Afghanistan as a base of operations that led to the slaughter of 3,000 Americans on 9/11, which is almost 9 years ago. After that vicious attack on our civilian population, yes, we cannot let down our guard. However, that does not mean rubberstamping any military operation, even if it does not have a chance of success.

I have been engaged in Afghanistan since the 1980s, and I can state emphatically that if we continue our present strategy in Afghanistan, we will not succeed, and America will eventually be weakened by loss of lives and the expenditures of hundreds of billions of dollars.

What works in Afghanistan is what has worked in Afghanistan: Let the Afghans pay the price. Let them do their fighting. Putting American boys in their place is contrary to our national interests, and will not lead to success. Trying to foist upon the Afghan people a corrupt centralized government in Kabul will not work. We need to change strategy instead of putting our people into a meat grinder in the place of Afghans themselves.

I rise in support of Amendments Nos. 4 and 5. I do this with a heavy heart, as I deeply appreciate the brave Americans whose lives are in danger in Afghanistan. They are there to protect us against the forces of radical Islam, which used Afghanistan as a base of operations. And that is what led directly to the slaughter of 3,000 Americans on 9–11 almost nine years ago. After that vicious attack on our civilian population, we must never let down our guard, or show signs of weakness before this evil fanatic enemy. However, that doesn't mean rubber stamping any military operation even if it does not appear to have a chance of success. I have been engaged in Afghanistan since the 1980s and I can state emphatically that if we continue our present strategy in Afghanistan we will not succeed and America will eventually be weakened by loss of lives and the expenditure of hundreds of billions of dollars.

Putting our courageous defenders in a no-win situation will sap the will of our people and the capabilities of our military, as it did in Iraq. And while going into Iraq was neither illegal nor immoral, it was a mistake, because there was no way to succeed and withdraw before being stuck in a bloody and costly war of attrition, from which we are only presently extricating ourselves.

Continuing the war in Afghanistan as we are now engaged will lead nowhere but to a similar meat grinder, dragging us down and at a horrendous cost. None of this means that I believe we should cede control of Afghanistan to radical anti-American Muslims. It instead means we must be realistic, so the sacrifice of our brave defenders will not be in vain.

We could have and should have eliminated Saddam Hussein through an alliance with those forces in Iraq that despised that bloody tyrant— the Kurds, the Shiites, the professional soldiers and bureaucracy.

A similar strategy already worked in Afghanistan after 9–11, the Taliban and al-Qaeda forces were not defeated by an invasion of U.S. military troops. Only 200 American military personnel were on the ground when this terrorist army was driven out. It was the Afghans themselves—the Northern Alliance—who won the day. They had American air support but they were the ones on the ground. I'd say it was not ours, but their boots on the ground that did the job. However, most of them didn't have boots. This "let the locals do their own fighting" principle is the formula for success. In Afghanistan, let those forces who despise the radical Taliban fight them and defeat them with our help, but not in their place. Instead, our young people are doing the fighting, and the dying. Why? Because we are trying to foist onto all Afghans a structure of government that is totally inconsistent with their culture and tradition—a centralized all-powerful government in Kabul. That has never worked in Afghan history, especially when that central government is corrupt and backed by a foreign army.

America needs to rethink our approach in Afghanistan. We owe it to those who are risking their lives to not keep them engaged in an impossible mission. Nonetheless, I firmly believe radical Islam can be defeated in Afghanistan.

I would suggest that it is time for America to open and honestly discuss the various approaches available, and then to move toward a plan that will work.

As for me, I say, let the Afghans who expelled the Taliban in the past do the fighting for themselves now. Let them do their own fighting—it is a strategy that works.

Spending more to keep the current situation from deteriorating in the long run will be a waste of treasure and a waste of lives.

I ask my colleagues to join me in voting "yes" on Amendments 4 and 5.

Ms. LEE of California. I yield 1 minute to the gentlelady from Maryland, Congresswoman DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise in support as a cosponsor of this amendment, and I thank Congresswoman LEE for her steadfast leadership on this issue.

This amendment requires that we act on evidence. And we know that based on the evidence, our Afghanistan policy is a failure. Numerous revised strategies and restated mission statements, from President Bush, to Prime Minister Gordon Brown, to Prime Minister Blair, to President Obama, restated mission statements that continue to fall short of the touted successes, so-called successes.

The U.S. military reported today that 102 coalition forces were killed in June alone, along with countless Afghanis, rivaling the heights of the Iraq war. It's time to cast aside a policy of increasing entrenchment and use our resources to bring our troops, our treasure home.

I want to be perfectly clear: My opposition to the war is opposition to the policy; it's not to the brave men and women who serve this country with honor. But we do them an injustice by not having a real debate on the floor of this House about this policy and its failure.

I have seen the conditions on the ground, just recently in May, for myself, and I can assure you this war will never end quickly, if at all. I urge my colleagues to support this amendment. And whether it was McKiernan, McChrystal, Petraeus, it's not just about the generals; it's about the policy. And it's a failure.

Ms. LEE of California. I yield 1 minute to the gentlelady from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I rise strongly to support the Barbara Lee amendment, of which I am a cosponsor. And this is allowing the orderly withdrawal of our troops, one thing that we did not do in the Vietnam war, when we lost 58,000 of our young men and women, who we treasure and thank them for their service.

Now today we have the opportunity to do what Congress should do. It's not to give an unending mandate to a war that is not a constitutionally declared war, which this is not.

So I would say that if we are looking for the terrorists, al Qaeda is not there. Our intelligence authorities, and General Petraeus have indicated that there are less than a hundred al Qaeda terrorists in Afghanistan. There are insurgents who are the Taliban. It is well known that if you give to the Taliban the mountains and valleys that have been given by General McChrystal, and concentrate your war efforts in the cities, you still will lose this war. The Taliban will never surrender the mountains and will continue to attack.

A thousand-plus have died; $37 billion is in this bill. We must do what we did not do in Vietnam, and not cry after the fact when we saw the 58,000 body bags come home.

Yes, we salute the young men and women who are on the front lines. We thank them for their service and the sacrifice of their families. I have been to Afghanistan many times, and I believe we have a better way. Now is the time to invest in the Afghan people, and the government to make a difference, not continue to lose the precious treasure of America. Stand against this war and have an orderly withdrawal for the sake of the American people and bring our troops home with honor. America has not lost the war. America has created a roadmap for Afghanistan to follow and to build its country up.

Our stated, limited military mission was precisely to hold back Talibon momentum—i.e., to "stalemate" it—while economics development and good governance took hold and we enabled Afghan security forces to replace ours. Instead, our military assistance has dwarfed our development and government efforts—which are still stumbling—and no independent analyst seriously thinks the Afghan army and police will be able to take over the nation's security for years. Military's momentum has taken over.

We have changed the Afghan equation, but for the worse. The U.S. troop surge illustrates a lesson we learned in Vietnam. Large-scale insertion of foreign troops into a domestic insurgency—whatever its initial cause—dramatically transforms the hostilities from an internal dispute into one focused on driving out "foreign invaders," as Afghanistan has done repeatedly throughout its history.

Even if, contrary to fact, a Taliban takeover threatened our security, the Administration's strategy would make no sense. There is a basic contradiction between, on the one hand, the claim that defeating the Taliban is vital to our safety and, on the other hand, the claim that our commitment is short term and of limited extent. The two efforts to square that inconsistency have already proven unrealistic.

The Pentagon told us that successful campaigns in Taliban strongholds like Helmand and Kandahar Provinces would break the back of Taliban efforts to control the country and bring them to the bargaining table.

The Pentagon told us that successful campaigns in Taliban strongholds like Helmand and Kandahar Provinces would break the back of Taliban efforts to control the country and bring them to the bargaining table.

But it now is very unlikely that our military will be holding a decisive upper hand after the Kandahar and similar campaigns. The Helmand campaign remains, at best, a "work in progress," with dubious results thus far. The supposedly decision campaign to "win Kandahar province" has been heavily diluted and downgraded, even before getting fully underway. The new focus on nighttime raids and air strikes continues to kill civilians, badly undercutting U.S. strategy to "win over" the Afghan people.

June was the deadliest month of the nine-year-long Afghanistan war. Should the U.S. get out of Afghanistan? Why or why not?

Frank Askin, professor of law at Rutgers University, said: There is no use throwing good money (and good bodies) after bad. There can be no successful outcome to this war, unless we are prepared to stay in Afghanistan forever. We need the money back home, Let's just declare victory and get out!

Paul Kawika Martin, policy and political director of Peace Action, said: Yes, the U.S. should get the military out of Afghanistan.

Today, Representatives in the house will have the opportunity to vote against $33 Billion dollars "emergency" supplemental funding for the failed escalation in Afghanistan. They will also have the opportunity to vote for a MdGovern/Obey amendment that will among other things require the president to present Congress with:

(1) a new National Intelligence Estimate on Afghanistan by January 31, 2011. 2) a plan by April 4, 2011 on the safe, orderly and expeditious redeployment of U.S. troops from Afghanistan, including a timeframe for the completion of the redeployment.

The amendment also requires Congress to vote if the president wants to change his announce plan to begin to drawdown troops by July 2011 and expands oversight of private contractors in Afghanistan to deal more effectively with corruption, waste, fraud and abuse.

A large coalition of 20 organization representing nearly 13 million people support this amendment because the enormous costs in blood and treasure is not necessarily making Americans safer. Instead, focusing on regional political solutions and investing in Afghan-led aid and development that brings people out of poverty has a far better chance of success at a fraction of the cost. Let's not forget that we are funding this war by borrowing from China and as Admiral Mike Mullen, the Chairman of the Joint Chiefs, said last week: debt is the number one threat to America's National Security. It is time to bring our troops home with honor.

OPERATION IRAQI FREEDOM (OIF) U.S. CASUALTY STATUS:
Fatalities as of: July 1, 2010, 10 a.m. EDT

	Total deaths	KIA	Non-hostile	WIA RTD**	WIA not RTD**
OIF U.S. Military Casualties By Phase:					
Combat Operations—19 Mar 03 thru 30 Apr 03	139	109	30	116	429
Post Combat Ops—1 May thru Present	4,261	3,370	891	17,782	13,547
OIF U.S. DoD Civilian Casualties	13	9	4	.....	.....
Totals	4,413	3,488	925	17,898	13,976

OPERATION ENDURING FREEDOM (OEF) U.S. CASUALTY STATUS
FATALITIES AS OF: July 1, 2010, 10 a.m. EDT

	Total deaths	KIA	Non-hostile	WIA RTD**	WIA not RTD**
OEF U.S. Military Casualties:					
In and Around Afghanistan***	1056	840	216	2,973	3,649
Other Locations****	78	8	70	.....	1
OEF U.S. DoD Civilian Casualties	2	1	1	.....	.....
Worldwide Total	1,136	849	287	2,973	3,650

*OPERATION IRAQI FREEDOM includes casualties that occurred on or after March 19, 2003 in the Arabian Sea, Bahrain, Gulf of Aden, Gulf of Oman, Iraq, Kuwait, Oman, Persian Gulf, Qatar, Red Sea, Saudi Arabia, and United Arab Emirates. Prior to March 19, 2003, casualties in these countries were considered OEF.

**These columns indicate the number of servicemembers who were Wounded in Action (WIA) and Returned to Duty within 72 hours AND WIA and Not Returned to Duty within 72 hours. To determine the total WIA figure, add the columns "WIA RTD" and "WIA Not RTD" together. These figures are updated on Tuesday unless there is a preceding holiday.

***OPERATION ENDURING FREEDOM (In and Around Afghanistan), includes casualties that occurred in Afghanistan, Pakistan, and Uzbekistan.

****OPERATION ENDURING FREEDOM (Other Locations), includes casualties that occurred in Guantanamo Bay (Cuba), Djibouti, Eritrea, Ethiopia, Jordan, Kenya, Kyrgyzstan, Philippines, Seychelles, Sudan, Tajikistan, Turkey, and Yemen.

Mr. LEWIS of California. Mr. Speaker, how much time do we have on each side?

The SPEAKER pro tempore. The gentleman has 2½ minutes. The gentlewoman from California has 3 minutes.

Mr. LEWIS of California. I reserve the balance of my time.

Ms. LEE of California. I yield 30 seconds to the gentleman from Wisconsin (Mr. KAGEN).

(Mr. KAGEN asked and was given permission to revise and extend his remarks.)

Mr. KAGEN. I rise in support of this amendment and ask a question: Whose side are these gentlemen on? The leader of Iran was there with the leader of Afghanistan 1 day after our Secretary of Defense, Secretary Gates, was there. Are these our friends? Are these the people you are willing to invest $35 billion in?

Two thousand three hundred years of human history have proven one thing in Afghanistan: It's easy to get into Afghanistan, and very hard to get out. When you leave, they will shoot you in the rear end.

Forty percent of all money we are investing in Afghanistan is being stolen. One hundred al Qaeda were there before we had the surge. This is our time to leave Afghanistan, with all honor and respect. We will always support our troops, but not a losing policy.

Ms. LEE of California. I yield 1 minute to the gentleman from Florida (Mr. GRAYSON).

Mr. GRAYSON. I speak tonight in support of peace. The hardest thing that we often do as human beings is this, to admit that we are wrong. It's not easy. We all know it. We don't look forward to it. And sometimes we feel bad afterward. But we have to admit we are wrong when we are wrong, because if we don't we keep hurting ourselves. And that's exactly what we see in Iraq and Afghanistan. At this point, we are hurting ourselves. We are hurting ourselves extremely deeply.

We have spent over $3 trillion pursuing these wars. That's over $10,000 for every man, woman, and child in this country. We have put our whole national economy at risk, bringing it to the brink of national bankruptcy. We have killed thousands of Americans, hundreds of thousands of Afghans, and of Iraqis. We have shed blood all over the Middle East at this point.

And in addition to that, we have done lasting damage to ourselves as a country on a moral level, on an economic level, and on a level of the health of the young men and women who serve us. A quarter of a million of them left with permanent brain abnormalities. We are hurting ourselves. We are a strong country. We decide when wars begin and when wars end, and we have to decide to end this one right now.

Ms. LEE of California. How much time do I have now, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman has 1½ minutes remaining.

Ms. LEE of California. I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. CHU).

(Ms. CHU asked and was given permission to revise and extend her remarks.)

Ms. CHU. I rise in support of the amendment.

Ms. LEE of California. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, every dollar we spend in Afghanistan, every life we sacrifice there is a tragic waste that does not enhance the security of the United States.

We were attacked on 9/11 by al Qaeda. Al Qaeda had bases in Afghanistan. It made sense to go in and destroy those bases, and we did. But those bases are no longer there. They are in Pakistan and Yemen and Somalia, and we are not invading those countries. Why do we undertake to invent the corrupt government and try to impose it on the country?

Afghanistan is in the middle of a 35-year civil war. We have no business intervening in that civil war. We have no ability and no necessity to win it for one side or the other.

This whole idea of counterinsurgency, that we are going to persuade the people left alive after our firepower is applied to love the government that we like, is absurd. At this point we must recognize that rebuilding Afghanistan is both beyond our ability and irrelevant to our purpose of preventing terrorist attacks on the United States.

We should support this amendment. We should support our troops. We should bring them home now.

Every dollar we spend in Afghanistan, every life we sacrifice there, is a tragic waste that does not enhance the security of the United States. We were attacked on 9/11 by Al Qaeda. Al Qaeda had bases in Afghanistan; it made sense to go in and destroy those bases, and we did. But the CIA tells us that there are fewer than one hundred Al Qaeda personnel now in all of Afghanistan—their bases are in Pakistan, but we are not invading Pakistan. They have bases in Somalia and Yemen, but we are not invading Somalia and Yemen.

An intelligent policy might be to attack the bases from which mayhem is being plotted against us, wherever they are—not to try to remake a country that nobody since Genghis Khan has managed to conquer. What makes us think, what arrogance gives us the right to assume, that we can succeed where the Moguls, the British, the Soviets, failed. No government in Afghanistan, no government in Kabul, has ever been able to make its writ run and rule the country.

Why have we undertaken to invent a government that is not supported by the majority of the people, that is corrupt, and try to impose it on the country? Afghanistan is in the middle of what is, at this point, a 53-year-civil war. We have no business intervening in that civil war, we have no ability and no necessity to win it for one side or the other. This whole idea of counter-insurgency, that we are going to persuade the people left alive after our firepower is applied, to love the government that we like is absurd.

It will take tens of years, hundred of billions of dollars, tens of thousands of American lives, if it can be done at all, and we don't need to do it. It's their country. If they want to have a civil war, we can't stop them. We can't choose the rulers that they have, we don't have to like the rulers that they have, we don't have to like their choices. It's not up to us.

Aside from assuring that specific bases are not being used against us—we should not spend a nickel, we should not waste a life, in pursuit of an unintelligent, unthought-through, unachievable, and unnecessary goal.

At this point, we must recognize that rebuilding Afghanistan is both beyond our ability, and irrelevant to our purpose of preventing terrorist attacks on the United States.

We should support this amendment.

We should support our troops.

We should bring them home.

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Mr. LEWIS of California. I yield myself the balance of my time.

Mr. Speaker, let me begin by reminding the Members that this supplemental originally was sent to us by our Commander in Chief, the President of the United States, Barack Obama.

I understand the concerns about the war in Afghanistan. I have similar concerns, especially following the recent turmoil regarding command changes. But I also have full faith and confidence in our brave and selfless men and women fighting over there.

The President knows that war is tough and a dirty business. But our forces, although tired, are eager for the opportunity to succeed and more than capable of doing so.

I have in my hand a Statement of Administration Policy from our Commander in Chief, Barack Obama. In it, his advisers suggest, if this amendment is a part of the bill, that they will be recommending to the President that he veto this bill.

Indeed, it is time for us to recognize that the war on terror is very real. The challenge in Afghanistan is supported by the President because he recognizes it's very real, and it's one of the bases of operation for their activities. In fact, I believe that we have to let conditions on the ground dictate the process, as General Petraeus just testified this week, even if those conditions require forces to stay past the President's July 11 withdrawal date.

Mr. Speaker, I yield back the balance of my time.

Ms. LEE of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as we approach the 10-year mark in this war, which is the longest war in U.S. history, we need to ask when is enough enough? How many of our brave men and women must be sacrificed in this never-ending war? How much blood, how much treasure do we have to spend in Afghanistan? And, also, we have to ask ourselves do we need another 10 years to figure it out. I suggest that we don't.

It's time to change course. It's time for Congress to assert itself in our responsibilities, in our role. We control the purse strings, and enough is enough. We need to say today that we must begin to safely withdraw our young men and women from Afghanistan. No more funds for combat operations.

The SPEAKER pro tempore. All time for debate from the gentlewoman from California (Ms. LEE) and an opponent has expired.

Pursuant to the rule, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from California (Mr. LEWIS) each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of the McGovern-Obey-Jones amendment. Quite simply, all this amendment does is make sure that the President and the Congress be accountable to the American people, our troops, and their families about what our policy in Afghanistan is going to be from July 2011 onward.

At this time I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), chairman of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, as was pointed out earlier, those who suggest that any efforts to add any items to what is called a military supplemental are somehow out of line are simply wrong. This legislation started out as a disaster relief bill. It went to the Senate, and they morphed it into a military supplemental, and we're simply now responding to that action.

I want to talk about the problems in Afghanistan. A year ago, I made the statement that while I was dubious about the mission in Afghanistan, I would give the President a year to see whether his policy would bear fruit. But I warned at the time that we could have the best possible policy in the world and, if we did not have the tools to implement it, it would be a failure. And I would suggest that the only two tools that we have available to use in that region of the world are the Pakistan Government and the Afghan Government; and I think it's safe to say that both of them have been less than a spectacular success, to say the least. Since then, I think it's also fair to say that events have gone downhill, especially in Afghanistan.

And in addition, since we're now spending $167 billion on these two wars, I think it's also obvious that we're having a profoundly negative effect on our ability to reinvest in and rebuild our own economy. And I think the time has come for new consideration.

Now, last December the President indicated that it was his intention to follow a policy which would begin to withdraw our troops from Afghanistan beginning in July of 2011. This amendment is meant to simply buttress that commitment, and what it says is this: It requires that in January, a new intelligence estimate be provided, and that after that is provided, the administration, by April 4, must respond to it by sending to the Congress an outline of its plans to follow the policy which they have announced which would begin to get us out of there starting in July of next year.

What this amendment also says is, if the administration decides to follow a different policy by, for instance, extending that date, then they cannot do that unless the Congress explicitly votes to allow the funds to be used for that purpose.

What I'm concerned about is this: What I can see happening is come next July, we can be told by the Pentagon, well, things are marginally better than we thought they would be and so we're going to need more time and that target date will be slipped. On the other hand, they can also say things are really going badly and so we obviously can't get out at this time. We need to have more time.

I want to know that there is a serious, determined commitment to withdraw our troops beginning in June of next year. That is more than ample time for the Pakistani Government and the Afghan Government to demonstrate whether they are capable of doing this mission or not.

I think it is obvious that we are not going to be able to rebuild our own country and make the investments we need here at home so long as we're continuing this mission in Afghanistan. And so I think this provides an orderly, rational, responsible, thoughtful way by which we can reach a conclusion to get out of that country rather than spending another 9 years before we finally face up to reality.

I thank the gentleman for the time.

DISCLOSURE OF EARMARKS

The following table lists the congressional earmarks (as defined in clause 9(e) of rule XXI) contained in the House amendment to the Senate amendment to H.R. 4899. The House amendment does not contain any limited tax or tariff benefits as defined in paragraphs (f) or (g) of clause 9 of rule XXI.

TABLE IV—CHAPTER 1—DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION, ARMY

[Congressionally Directed Spending Items]

Account	Location	Project	Amount	Requester
Military Construction, Army	Texas: Ft. Hood	Soldier Readiness Processing Center	$16,500,000	Edwards (TX)

TABLE IV—CHAPTER 1—GENERAL

[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
FEMA	General Provision	Reimbursements for Presidentially Declared Disasters, RI, TN		Kennedy; Langevin
FHWA	General Provision	Repeal of Section 1117(d) of the Transportation Equity Act for the 21st Century.		Carney

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague from New Jersey, RODNEY FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise this evening to oppose all amendments to this legislation, especially those dealing with our operations in Afghanistan.

Mr. Speaker, my colleagues, how quickly we forget. As Mr. LEWIS mentioned, as did Mr. PENCE, with historic

speed, the Senate this week unanimously confirmed our new NATO commander in Afghanistan. During his brief confirmation hearing, General David Petraeus urged this Congress to approve the War Funding Bill in an expedited way. Yet this evening, this process guarantees that no funding will be signed into law before mid-July. And if that's not bad enough, we find ourselves here on the floor debating not one, but three amendments that have the effect of defunding our Afghanistan operations, basically tying the hands of our Commander in Chief and micromanaging the military at a time when they need to do their job and to be successful.

Mr. Speaker and my colleagues, we are a nation at war. We have soldiers and Marines deployed halfway around the world. Many of them are in combat at this very hour facing a dangerous enemy. And yet we find ourselves here tonight questioning the very mission we've asked our troops to execute. What message does that send to them if they're watching us? What message does it say to our allies, some of whom may question it in their own governments, their resolution to stay the course? What message does it send to our enemies, people who would launch deadly attacks in our homeland as they've done in their homeland each and every day at an early opportunity.

This is a critical moment in our efforts in Afghanistan. I urge rejection of these amendments and support of our troops.

Let's pass the clean supplemental. Get rid of these amendments that do harm to our mission in Afghanistan and get about the business of supporting our national defense in a proper way.

□ 2140

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES), a cosponsor of this amendment.

Mr. JONES. Mr. Speaker, I would like to start my comments out with an editorial from the Pensacola News Journal, dated June 25: ''Is Afghanistan worth it?''

''It isn't often that conservative columnist George Will and liberal columnist Thomas Friedman are on the same page. Welcome to Afghanistan.''

Mr. Speaker, the reason we need to have this debate tonight is due to one issue. The main issue that bothers me greatly is what is called ''rules of engagement.''

In fact, on the 20th of June, in The Washington Post, George Will wrote an editorial, ''An NCO recognizes a flawed Afghanistan strategy.''

''A recent email from a noncommissioned officer serving in Afghanistan: He explains why the rules of engagement for U.S. troops are 'too prohibitive for coalition forces to achieve sustained tactical success.' ''

I also would like to show, very quickly, two newspapers articles from the Marine Times:

''Rules of engagement. We are putting our kids out there to fight with their hands handcuffed—left to die. They call for help. Negligent Army leadership refuse and abandon them on the battlefield. Four marines and one Army killed.''

I actually spoke to this father, Mr. Speaker, from Maine, who was featured in the Marine Times, which reads: ''Caution killed my son. Marine families blast suicidal tactics in Afghanistan.''

This is what they call ''rules of engagement.'' We handcuff our troops, and we tell them we want them to go out and fight.

Mr. Speaker, I have a retired general who, for the last 9 months, has been my adviser on Afghanistan. I gave him my word that I would not use his name publicly on the floor of the House, in a committee or in a newspaper. Six weeks ago, I asked him again about Afghanistan, and this is what he emailed back to me:

''Afghanistan has been too tough a nut to crack for every nation that has ever tried to crack it. We need to figure out a way to honorably pack our bags and get out. It is not in our national interests to be there.''

That is why I am on this amendment with Mr. MCGOVERN and Mr. OBEY. I don't see how anybody could be opposed to this. If you are concerned about our troops and if you are concerned about the frequent deployments that are wearing out our military and their families, if you are concerned about the billions of dollars that are unaccounted for in Afghanistan, this is a reasonable amendment. It will give hope to our troops, and it will give hope to our taxpayers that we are watching their moneys. More importantly, the troops will know what is in front of them—not 10 more years of going down a road that has no end to it.

With that, Mr. Speaker, I will ask the men and women in this room to continue to pray for our men and women in uniform and their families. Let's pass this amendment. It is a good amendment.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert into the RECORD two articles that appeared in the Washington Post. One is entitled, ''U.S. Indirectly Paying Afghan Warlords as Part of Security Contract.'' The other is entitled, ''U.S. Officials Say Karzai Aides are Derailing Corruption Cases Involving Elite.''

[From the Washington Post, June 22, 2010]

U.S. INDIRECTLY PAYING AFGHAN WARLORDS AS PART OF SECURITY CONTRACT

(By Karen DeYoung)

The U.S. military is funding a massive protection racket in Afghanistan, indirectly paying tens of millions of dollars to warlords, corrupt public officials and the Taliban to ensure safe passage of its supply convoys throughout the country, according to congressional investigators.

The security arrangements, part of a $2.16 billion transport contract, violate laws on the use of private contractors, as well as Defense Department regulations, and ''dramatically undermine'' larger U.S. objectives of curtailing corruption and strengthening effective governance in Afghanistan, a report released late Monday said.

The report describes a Defense Department that is well aware that some of the money paid to contractors winds up in the hands of warlords and insurgents. Military logisticians on the ground are focused on getting supplies where they are needed and have ''virtually no understanding of how security is actually provided'' for the local truck convoys that transport more than 70 percent of all goods and materials used by U.S. troops. Alarms raised by prime trucking contractors were met by the military ''with indifference and inaction,'' the report said.

''The findings of this report range from sobering to shocking,'' Rep. John Tierney (D–Mass.) wrote in an introduction to the 79-page report, titled ''Warlord, Inc., Extortion and Corruption Along the U.S. Supply Chain in Afghanistan.''

The report comes as the number of U.S. casualties is rising in the Afghan war, and public and congressional support is declining. The administration has been on the defensive in recent weeks, insisting that the slow progress of anti-Taliban offensives in Helmand province and the city of Kandahar does not mean that more time is needed to assess whether President Obama's strategy is working.

''I think it's much too early to draw a negative conclusion,'' said a senior administration official, speaking on the condition of anonymity to discuss internal deliberations. ''I think there's more positive than negative. We're heading toward a year-end assessment, which will be a big one for us.'' The review was set when Obama announced in December that he would send an additional 30,000 troops to Afghanistan and begin to withdraw them in July 2011.

Tierney is chairman of the national security subcommittee of the House Committee on Oversight and Government Reform, whose majority staff spent six months preparing the report. A proponent of a smaller U.S. military footprint in Afghanistan and targeted attacks on insurgents, Tierney said in an interview Monday that he hopes the report will help members of Congress ''analyze whether they think this is the most effective way to go about dealing with terrorism. Or the most cost-effective way.''

The report's conclusions will be introduced at a hearing Tuesday at which senior military and defense officials are scheduled to testify. The report says that all evidence and findings were made available to Republicans on the subcommittee. A spokesman for Rep. Jeff Flake (Ariz.), the ranking Republican, said the lawmaker will not comment until he has seen the entire report.

In testimony shortly after Obama's strategy announcement, Secretary of State Hillary Rodham Clinton said that ''much of the corruption'' in Afghanistan has been fueled by billions of dollars' worth of foreign money spent there, ''and one of the major sources of funding for the Taliban is the protection money.''

Military officials said that they have begun several corruption investigations in Afghanistan and that a task force has been named, headed by Navy Rear Adm. Kathleen Dussault, director of logistics and supply operations for the chief of naval operations and former head of the Baghdad-based joint contracting command for Iraq and Afghanistan.

Rear Adm. Gregory J. Smith, communications chief for U.S. and NATO forces in Kabul, said that the entire Tierney report

has not been examined but that Dussault will be ''reviewing every aspect of our contracting process and recommending changes to avoid our contribution to what is arguably a major source of revenue that feeds the cycle of corruption.''

The U.S. military imports virtually everything it uses in Afghanistan—including food, water, fuel and ammunition—by road through Pakistan or Central Asia to distribution hubs at Bagram air base north of Kabul and a similar base outside Kandahar. From there, containers are loaded onto trucks provided by Afghan contractors under the $2.16 billion Host Nation Trucking contract. Unlike in the Iraq war, the security and vast majority of the trucks are provided by Afghans, a difference that Army Gen. Stanley A. McChrystal, the top U.S. and NATO commander in Afghanistan, has praised as promoting local entrepreneurship.

The trucks distribute the material to more than 200 U.S. military outposts across Afghanistan, most of them in the southern and eastern parts of the country where roads are largely controlled by warlords and insurgent groups.

The report found no direct evidence of payoffs to the Taliban, but one trucking program manager estimated that $1.6 million to $2 million per week goes to the insurgents.

Most of the eight companies approved for the contract are Afghan-owned, but they serve largely as brokers for subcontractors that provide the trucks and security for the convoys, which often contain hundreds of vehicles. According to the congressional report, the U.S. officers charged with supervising the deliveries never travel off bases to determine how the system works or to ensure that U.S. laws and regulations are followed.

The report describes a system in which subcontractors—most of them well-known warlords who maintain their own militias—charge $1,500 to $15,000 per truck to supply guards and help secure safe passage through territory they control. The most powerful of them, known as Commander Ruhullah, controls passage along Highway One, the principal route between Kabul and Kandahar, under the auspices of Watan Risk Management, a company owned by two of Afghan President Hamid Karzai's cousins.

Overall management of who wins the security subcontracts, it said, is often controlled by local political powerbrokers such as Karzai's half brother, Ahmed Wali Karzai, head of the Kandahar provincial council.

Relatively unknown before U.S. forces arrived in Afghanistan in fall 2001, Ruhullah is ''prototypical of a new class of warlord in Afghanistan,'' the report said. Unlike more traditional warlords, he has no political aspirations or tribal standing but ''commands a small army of over 600 guards.''

The ''single largest security provider for the U.S. supply chain in Afghanistan,'' Ruhullah ''readily admits to bribing governors, police chiefs and army generals,'' the report said. In a meeting with congressional investigators in Dubai, he complained about ''the high cost of ammunition in Afghanistan—he says he spends $1.5 million per month on rounds for an arsenal that includes AK–47s, heavy machine guns and RPGs,'' or rocket-propelled grenades. It added: ''Villagers along the road refer to him as 'the Butcher.' ''

Despite his ''critical role,'' the report said, ''nobody from the Department of Defense or the U.S. intelligence community has ever met with him,'' other than special operations forces who have twice arrested and released him, and he ''is largely a mystery to both the U.S. government and the contractors that employ his services.''

Defense regulations and laws promulgated following difficulties with private security contractors in Iraq limit the weaponry that contractors can use and require detailed incident reports every time shots are fired. But such reports are rarely, if ever, filed, investigators said.

Another trucking contractor described a ''symbiotic'' relationship between security providers such as Ruhullah and the Taliban, whose fighters operate in the same space, and said that the Taliban is paid not to cause trouble for the convoys. ''Many firefights are really negotiations over the fee,'' the report said.

Among its recommendations, the report calls on the military to establish ''a direct line of authority and accountability over the private security companies that guard the supply chain'' and to provide ''the personnel and resources required to manage and oversee its trucking and security contracts in Afghanistan.''

[From the Washington Post, June 28, 2010]

U.S. OFFICIALS SAY KARZAI AIDES ARE DERAILING CORRUPTION CASES INVOLVING ELITE

(By Greg Miller and Ernesto Londoño)

Top officials in President Hamid Karzai's government have repeatedly derailed corruption investigations of politically connected Afghans, according to U.S. officials who have provided Afghanistan's authorities with wiretapping technology and other assistance in efforts to crack down on endemic graft.

In recent months, the U.S. officials said, Afghan prosecutors and investigators have been ordered to cross names off case files, prevent senior officials from being placed under arrest and disregard evidence against executives of a major financial firm suspected of helping the nation's elite move millions of dollars overseas.

As a result, U.S. advisers sent to Kabul by the Justice Department, the FBI and the Drug Enforcement Administration have come to see Afghanistan's corruption problem in increasingly stark terms.

''Above a certain level, people are being very well protected,'' said a senior U.S. official involved in the investigations.

Karzai spokesman Waheed Omar denied investigations had been derailed. ''There is no case, no instance, in which the palace or anyone from the palace has interfered with a case,'' he said.

Afghanistan is awash in international aid and regarded as one of the most corrupt countries in the world. Indeed, even as the United States and its allies pour money in, U.S. officials estimate that as much as $1 billion a year is flowing out as part of a massive cash exodus. The money, as first reported in The Washington Post in February, is often carried out in full view of customs officials at Kabul's airport, where such transfers are legal as long as they are declared. Officials suspect much of the cash is going to the Persian Gulf emirate of Dubai, where elite Afghans, including Karzai's older brother, have villas.

For the Obama administration, the ability of Afghan investigators to crack down on corruption is crucial. If American voters see Karzai's government as hopelessly corrupt, public support for the war could plunge. Corruption also fuels the Taliban insurgency and complicates efforts to persuade ordinary Afghans to side with leaders in Kabul.

Afghanistan's attorney general, Mohammed Ishaq Aloko, was seen as a potential ally against corruption when he took the job two years ago. Some investigations have ended in convictions. But U.S. officials said that Aloko, a native of Kandahar province who studied law in Germany, has repeatedly impeded prosecutions of suspects with political ties.

In meetings with U.S. Justice Department officials, Aloko has seemed almost apologetic and acknowledged coming under pressure from Karzai as well as members of parliament, officials said. On one occasion, according to a U.S. official, Aloko told his American counterparts, ''I'm doing this because that is what the president tells me I have to do.''

The official, like others quoted in this report, spoke on the condition of anonymity to discuss sensitive investigations.

Aloko referred questions to his deputy, Rahmatullah Nazari, who blamed resource constraints for his office's failure to win more corruption convictions. ''There isn't any kind of pressure on the attorney general's office,'' Nazari said. ''If anyone caves to pressure, they should go to prison.''

But U.S. officials point to multiple instances of interference. The most prominent example to surface publicly involves Afghanistan's former minister of Islamic affairs, who fled the country this year as prosecutors were preparing to charge him with extorting millions of dollars from companies seeking contracts to take pilgrims to the Muslim holy land, a trip known as the hajj.

A travel ban was issued to block the former minister, Mohammad Siddiq Chakari, from leaving. But U.S. officials said Chakari escaped after showing airport security officials a letter he obtained from Aloko's office saying he had cooperated in the case and was not to be detained. Nazari said Chakari had not been convicted of a crime and, therefore, could not be prevented from leaving.

Chakari, who is now in London, has repeatedly maintained his innocence. Because there is no extradition treaty between Afghanistan and Britain, U.S. officials said it is unlikely that he will ever stand trial. Even so, some regard his departure as a moral victory.

''The very fact that the former minister of the hajj had to leave the country is in a way a remarkable achievement,'' said Steve Kraft, director of Afghanistan and Pakistan programs for the State Department's Bureau of International Narcotics and Law Enforcement. ''We would rather see him in jail here. But in the old days, they would have scoffed'' at the idea of pursuing such a probe, he added.

COMBINED EFFORTS

Critics say Karzai's initiatives are meant to appease the international community. ''It's all a show,'' lawmaker Sayed Rahman said, noting that no senior government official has been imprisoned on corruption charges.

Over the past year, U.S. officials said, Afghan investigators have assembled evidence against three Karzai-appointed provincial governors accused of embezzlement or bribery. All three cases have been blocked. The interference has persisted, officials said, despite Karzai's pledge in November during his second inaugural address to make fighting corruption a focus of his new term.

The extent of the interference has become evident, officials said, in large part because of improvements in Afghan authorities' ability to pursue corruption cases.

Over the past two years, U.S. agencies have allied with their Afghan counterparts to create elite investigative and prosecutorial teams. Afghan applicants undergo polygraph tests in which they are asked whether they have taken bribes. Some have been sent to U.S. facilities, including the DEA academy in Quantico, to be trained.

Still, Karzai's administration has reportedly taken steps to limit the independence of these units. The U.S. official said that Aloko recently created a three-member commission to ''review'' the units'' cases and that it has

removed names of politically connected Afghans from prosecutors' files.

Nazari, Aloko's deputy, said that if others know of a list of names that have been removed, ''they should bring it to us.''

The long-term aim of the anti-corruption units, Kraft said, is to assemble cases in which the evidence is ''so profound and well-known that the ability to get people off the hook will no longer be there.''

EVIDENCE FROM WIRETAPS

A key capability is a U.S.-provided eavesdropping system that allows Afghan investigators to intercept celiphone calls in the most populous parts of the country.

The wiretaps, approved by Afghan judges, have yielded key evidence in a growing list of embezzlement and bribery cases. U.S. officials said the wiretaps have also caught senior officials and members of parliament discussing efforts to derail certain cases.

In January, Afghan authorities raided the offices of New Ansari, a firm that has served as Afghanistan's primary link to the ''hawala'' money exchange system. This informal system for transferring cash overseas makes electronic tracking difficult. A second U.S. official familiar with the investigation said the firm is suspected of laundering drug money, delivering funds to insurgents and helping Afghan officials transfer tens of millions of dollars to accounts abroad.

After the raid, wiretaps picked up conversations indicating that there had been a frantic meeting involving Karzai aides at the presidential palace. U.S. officials said members of Karzai's administration as well as members of parliament held subsequent meetings with Aloko, pressuring him to ensure that certain New Ansari executives not be charged.

Among those protected was Haji Muhammad Rafi Azimi, deputy chairman of Afghan United Bank, a subsidiary of New Ansari, U.S. officials said. On a wiretap recording, Azimi is heard discussing bribes paid to Chakari. The recorded conversations were played in open court in the trial of a lower-ranking official in the Religious Affairs Ministry, Mohammed Noor.

''It's clear to everyone involved he should be indicted and charged,'' a U.S. official said of Azimi. But, the official said, Azimi is ''a businessman who knows a great deal about the finances of government officials.''

A second U.S. official familiar with the case concurred. ''What happened is a large group of very powerful people . . . went to the attorney general and told him to stand down,'' the official said.

Phone calls and e-mails to Azimi did not elicit any responses. Guards outside New Ansari's office in Kabul told a reporter that the site had been closed for months. They said they did not know why they were still getting paid to guard it.

Noor, a civil servant, was sentenced to 15 years in prison after being convicted in May of collecting bribe money for Chakari in Saudi Arabia and bringing it to Afghanistan. Two others in the case are awaiting trial. Azimi remains in his position at Afghan United Bank.

Aloko has announced that his office is investigating five current and former ministers, reportedly including Mohammad Ibrahim Adel, the mines minister, accused by U.S. officials of taking a $30 million bribe from a Chinese firm. Adel stepped down, but neither he nor any other minister—besides Chakari—has been charged.

Mr. Speaker, at this time I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I thank Mr. MCGOVERN for granting me the time and for bringing this amendment.

Mr. Speaker, you don't put good money after bad, and this would be putting good money after bad.

I was in this Hall earlier with Senator McGovern, in the Speaker's lobby, and I said something to Senator McGovern, former Senator McGovern.

He said, Did I hear Vietnam?

Well, the echoes of Vietnam are in this Chamber, Mr. Speaker. When people on the other side say they don't want to hear about surrender and that that is not right, we could still be in Vietnam, and we would still be losing American lives and American resources, because that was a war we couldn't win, and some people wouldn't accept it. So we lost more lives and more American economies and more opportunities in America.

My district cannot afford another $35 billion and $35 billion and $35 billion in trying to create infrastructure in Afghanistan, which is not a Third World country, but probably like a fifth world country—the third most corrupt nation on the face of the Earth. That is not what the United States of America is known for doing—supporting corrupt countries around the world with a man like Karzai, whose brother is in the opium trade, with a country that predominantly benefits from the growing of poppies and from the spreading of heroin around the world. That is who we are supporting.

We should not be spending our money and our lives. I go to the funerals of every soldier in my district who passes, and I don't want to go to more of them. I stop every soldier I see in airports and ask them about where they are going.

When they are going to Afghanistan or to Iraq, I ask them, How is it going?

Almost all of them going to Afghanistan say, Not well. They look at me and they say, We should not stay there. We are not doing well.

I went to a function in my district in the west side, almost entirely African American, and to a person, we need to spend our money here. On the east side of my district, which is entirely Caucasian, and I asked this crowd of 30: Does anybody want me to go to Washington and vote for more funds for Afghanistan? Not one.

This war is lost. Bring our troops home. Save our money.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

Mr. Speaker, I heard the majority, the leader of the House, during the debate on the rule give a really good talk about how we wished that every Member could have something to input on this bill and that there are 435 of us, so they structured a rule in the way that they think.

There is one choice that is missing. There is no ability for a Member of the House tonight to vote on the Senate bill and send to the President of the United States before the 4th of July a clean funding bill for the troops who are in the field. Because the rule is self-executing an amendment already, if that bill passes, it conflicts with the Senate bill, and nothing can go to the President. The Senate is in West Virginia.

So, Mr. Speaker, what I think the House ought to be doing is clearing the Senate amendments for presentation to the President, not sending more proposals to the Senate, but putting the test that the Senate has already passed on the President's desk for approval of law tomorrow.

So, to that end, I wonder if the proponent of the pending motion, the gentleman from Wisconsin, would yield to me for a unanimous consent request. I'll even tell you what it is in the hopes that it might be propounded.

I would like to ask unanimous consent that the pending motion to concur in the Senate amendment with amendments be considered as withdrawn in favor of a motion simply to concur in the Senate amendment. I would ask the gentleman if he would yield to me for that purpose.

Will you yield to me to permit the Members of this House to have a clean bill on war funding to support the troops? It is a ''yes'' or ''no'' question.

Mr. Speaker, I've got to tell you the silence on the other side is deafening. There is no ability tonight to cast a vote on a bill that the Senate has passed that can go to the President.

Mr. OBEY. Will the gentleman yield?

Mr. LATOURETTE. I am happy to yield to the gentleman.

Mr. OBEY. The gentleman seems to think the Senate bill is the original bill. The Senate amended the House bill, which was a disaster bill. If you wanted a clean vote, we would be voting on the disaster bill tonight, not the war.

Mr. LATOURETTE. Reclaiming my time, Mr. Speaker, quite frankly, my understanding of where we are is that the Senate hollowed out the House bill so that you don't have a motion to recommit, so that you don't have any amendments except the ones that you have structured, and you have denied the Members of this House the opportunity to cast an up-or-down vote on the war funding instead.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I only need 10 seconds.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 4899, with the Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. LATOURETTE. Reclaiming my time, Mr. Speaker, this is really unfortunate. We have troops in the field; we have a holiday upon us, and no one in this House is going to be able to cast a vote on a clean supplemental. The President of the United States, for crying out loud, has asked for it. He has issued a veto threat against this charade that we're performing tonight, and I think it's a shame that we can't at least have a vote and let the House work its will.

Mr. LEWIS of California. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 10 minutes.

□ 2150

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is very important for the Members to one more time remind themselves, ourselves, that this is the President's supplemental and it is designed to provide needed funding for our troops who are representing our interests and fighting for freedom in Afghanistan.

I think it is very important that this amendment goes on to restrict year 2011 funds from being used in a manner inconsistent with a July 2011 troop withdrawal unless expressly provided for and by a joint resolution of the Congress. The President of the United States has indicated in his policy administration statement coming from his chief advisers that if the amendments we have been considering this evening are a part of this bill, those chief advisers will recommend to the President that he veto this funding measure.

It is very apparent that the other body tomorrow is leaving town, if they haven't already left town. Indeed, amendments to this bill will cause this bill to involve a considerable delay for funding for our troops almost regardless. As I argued under the previous administration, we should not tie the President's hands while he is executing his duties as Commander in Chief, perhaps the most solemn of the Commander in Chief's responsibilities. This amendment would do just that.

Further, just this week the President's new commanding general testified that the July 11th date is not a race for the exits. Rather, that date will begin a condition-based process. He further left open the option of recommending changes or delays in the current plan.

The amendment further attempts to encumber future year funds, which is not only impractical, but the conditions on which those funds would be encumbered are questionable.

Honestly, I fail to see the logic in attempting to fence future year funds, and I can't help but wonder why try to do this now when the fiscal year 2011 process is working its way through the committee. The war on terror, Mr. Speaker, continues to be very real. Our troops certainly understand it, even if our majority leadership does not understand it.

Of course, I want our troops home as quickly as possible, but tying the hands of the Commander in Chief and the commanders executing the war is irresponsible and dangerous.

Mr. Speaker, for that reason, I have a unanimous consent request.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 4899, with the Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. OBEY. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. LEWIS of California. Mr. Speaker, I am very surprised there was an objection to that recommendation. After all, we are just trying to find some way to get the President's original recommendations up here so that the Commander in Chief can support our troops so that they can come home as quickly as possible. In Afghanistan, whether we believe it or not, the war on al Qaeda involves our future freedom, and certainly it would have a significant impact upon peace in the world.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia, JACK KINGSTON.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and while I certainly appreciate the sincerity of the people who are offering this amendment, I disagree with it, inasmuch as it ties the hands of the military.

I have had the opportunity to go to Iraq and Afghanistan several times, and I can say war is complicated. War does not always go your way. The enemy does not always cooperate with the best of our plans. And yet we here in the safety of the U.S. Congress can dictate to the commanders in the field what direction the war should go in and the timeframe and what should happen next, according to a political guideline and a political deadline as opposed to military guidelines and military deadlines.

When the Defense Subcommittee on Appropriations visited General McChrystal and Ambassador Eikenberry and the rest of our leadership in March in Afghanistan, one of the things that they told us is that there had been a difference, some significant differences, in the war. Part of it was that the Afghan army was stepping up in a completely different way, a new culture, if you will. They were taking ownership in the war.

In Pakistan, troops had been shifted from the Kashmir border over to the Afghan border and they were being attacked themselves by Taliban terrorists, and so the Pakistanis were showing an interest and an energy which up until now they had not given us or given the Afghan people. They are no longer looking at this war as America's war in Afghanistan. They are seeing it as their war that has spilled into Pakistan, and it is causing instability in the region.

But I will say this, that our commander at the time, General McChrystal, said, I am not over here to waste our time and to waste soldiers' lives. I am keenly aware that the clock is ticking and we have to have a resolution on this.

The campaign in Marja had just been concluded. It went very well. The shift to the next campaign in Kandahar was already underway, and people were moving in that direction.

So, Mr. Speaker, I think it is very important for us to let the military make these decisions and not political representatives in Washington. I think, furthermore, bogging this bill down with all kinds of extracurricular amendments further sends a mixed signal to our troops and the international community.

I ask unanimous consent to take from the Speaker's table H.R. 4899, with the Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER pro tempore. According to the Speaker's announced policy, such requests are not entertained that have not been cleared by the leadership on both sides.

Mr. KINGSTON. That is why I was asking for unanimous consent, Mr. Speaker.

The SPEAKER pro tempore. Those requests are not entertained, under a previously announced policy of the Speaker.

Mr. KINGSTON. It is a shame, because when it comes to war, it is too bad that we are going to let parliamentary procedures tie our hands in doing what is right for the soldiers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. KINGSTON. Mr. Speaker, I just want to make this point about H.R. 4899 and the Senate amendment. It's that it gives a clean bill and a bill that will unfetter the generals so they can do the right thing. They have worked closely with the administration.

As we know, the transition from McChrystal to Petraeus has probably been traumatic or tenuous enough on all of us on a bipartisan basis, and at this time we don't need to add to the military woes in the international efforts in Afghanistan by sending a bill, which, incidentally, is not going to be signed by the President. The President has already said he is going to veto it, and the Senate is not going to pass it anyway, so why are we doing this on the eve of the Fourth of July?

We need to have a clean bill. That is why I think, Mr. Speaker, the best thing for us to do is take H.R. 4899 with the Senate amendment and concur with the Senate resolution.

The SPEAKER pro tempore. The Chair will notify Mr. MCGOVERN that he has 6 minutes remaining, and Mr. LEWIS has 2½ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I have no further requests for time; so I will close.

Mr. Speaker, I think you know that as a result of your interpreting existing policy relative to the unanimous consent requests on three different occasions in an effort to get the original package here before the body so they could vote up or down on H.R. 4899, I know that I could speak for my own leadership, they certainly would agree to this unanimous consent request. It would appear the leadership on the other side, perhaps of the committee, I can't speak for the Speaker, of course, but apparently the other side does not want us to have that package before the body.

□ 2200

Mr. Speaker, it is critical for us to remind ourselves continually in the weeks and months ahead, the war on terror is very real. America has been challenged at home and continues to be challenged abroad. The men and women that our Commander in Chief have chosen to send to Afghanistan are in need for supplemental funding. To have us essentially water down those proposals by way of the amendments that have been before us is absolutely unbelievable to me. If the public could only know what the people's body is doing tonight to not just our people here at home but our people overseas as well, I believe they'd essentially make a decision that they ought to change the entire Congress.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, at this moment we have close to 100,000 U.S. servicemen and -women deployed in Afghanistan. The war has raged for nearly 9 years, and our mission has changed at least that many times. We have lost over 1,000 of our brave soldiers. Thousands more have been wounded. We are spending hundreds of billions of dollars in borrowed money. In 9 years, neither George W. Bush nor Barack Obama nor this Congress has seen fit to pay for the war. That's a burden we are placing on our children and our grandchildren.

All of us, every single one of us, Republicans and Democrats alike, are dedicated to defeating al Qaeda and holding to account those who committed the horrible atrocities on September 11.

What we are proposing today in no way lessens our commitment to that fight, but our current policy in Afghanistan is deeply flawed. We are getting sucked deeper and deeper and deeper into a war with no clear end. It is a war that will continue to claim the lives of our soldiers; it is a war that will continue to bankrupt us, and it is a war that will not enhance our national security.

My friends, we can no longer go along to get along. All of us have a responsibility to make sure that we are doing the right thing. It's not just the President's war. It's our war, too. We are the ones who voted to put our soldiers in harm's way, and we are the ones who keep funding it. My friends on the other side of the aisle who question, Why are we asking questions? Why don't we just rubber-stamp what the Senate did or rubber-stamp what the President sent us? Well, the reason why we shouldn't do that is because that's not our job. We're supposed to deliberate, and we are supposed to ask questions, and we're supposed to figure out whether we're doing the right thing. They are our constituents, our family members who are in harm's way.

We need to let this administration know that we want a way out. We want a plan. That's not a radical idea. We want a plan. We want an exit strategy. For the last 30 years, we said, Never again will we commit our Armed Forces without a clearly defined mission, and that means a mission with a beginning, a middle, a transition period, and an end. Well, that's all we're asking for today, a clearly defined mission. What's the plan?

We are dealing with the worst economy since the Great Depression. Our citizens, our constituents are hurting, yet we're told that we cannot afford to extend unemployment benefits to out-of-work Americans because we cannot afford it. We are told we can't help more families afford a college education or rebuild our roads and our bridges. But when it comes to supporting a corrupt, incompetent Karzai government, we're supposed to be a bottomless pit. Don't ask any questions. Just give them all the money they want. Look the other way. That's not right. That's not our job. I don't have all the answers, but I do know that it makes absolutely no sense to quietly endure the status quo.

Ending a war is not easy. It requires courage and it demands action. What this amendment requests is action, a strong signal to the administration that we want a plan. It also signals the Congress will no longer just sit back and hope for the best.

To those who say that asking the Afghan Government to stand up and take responsibility is somehow a bad idea, I would remind them that when we signaled to Iraq that we had a withdrawal plan, officials there actually began to act like a real government.

Ensuring that the President gives us a plan by next April so we can figure out by July what to do with the money slated for the war is not too much to ask. We require, we deserve, and we should demand the information we need to do our jobs.

Let me just close with this: There is a small sliver of America that is directly impacted by this war in Iraq, and those are the people who are fighting the war and who have family members who are fighting the war. The rest of us are asked to do nothing, absolutely nothing. We are not even asked to pay for it, hundreds of billions of dollars in borrowed money. Well, the least we could do for these brave men and women whom we have put in harm's way is debate this issue to make sure we're getting it right, to make sure we're not sending these people on a mission that commits itself to a war with no end. That is what we're asking for here today, a clearly defined mission. I ask all of you, every one of us here, to reengage in this policy.

This issue has been on the back burner for too long. We're at war. Our constituents are dying. Each and every day we read about more people who are killed in Afghanistan. We have an obligation to do better. This policy is deeply flawed. We need a way out, and I ask all of you today to vote for the McGovern-Obey-Jones amendment.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will clarify that the procedural posture for a unanimous consent request of the type recently broached by the gentleman from Georgia is not dictated by guidelines for clearances; rather, it is subject to managerial prerogative. In short, such a request could be propounded only if the proponent of the pending motion yielded for that purpose.

Mr. STARK. Mr. Speaker, I rise today to oppose more funding for a war in Afghanistan that has cost too much and accomplished too little.

Over 1,000 soldiers have been killed in Afghanistan. The toll of this conflict is not limited to the battlefield. This year, almost as many American troops have committed suicide as have been killed in combat. Our troops and their families are paying an extreme price to wage a war that has no clear objective.

The war has also destabilized Afghanistan. Estimates from international human rights organizations range from 10,000 to 12,000 Afghanis killed as a result of the war. Now, we are preparing to spend $33 billion more in Afghanistan. We should spend this money on infrastructure—like schools and roads—that will open opportunities for all of Afghanistan. That is the best way to achieve peace and stability in the region.

Every dollar we waste on war is one less dollar we can invest in our children here at home. I support the Obey amendment that will add $10 billion in domestic education funds to the bill. These funds, though inadequate, will protect hundreds of thousands of teacher jobs across the country, including 167 in my district.

While I hope for the inclusion of this education funding, I cannot support any more funding for the misguided war in Afghanistan. I urge my colleagues to join me in voting no.

Mr. BISHOP of Georgia. Mr. Speaker, I rise in favor of H.R. 4899, the Supplemental Appropriations for FY 2010.

As a member of the House Appropriations Subcommittee on Defense, I, along with many of my colleagues, have been integrally involved in the oversight of our nation's funding and support of our efforts in Iraq, Afghanistan, as well as other initiatives aimed at supporting our war fighters.

The Senate's bill, which we are considering tonight, provides $58.8 billion in supplemental funds for FY 2010, including $37.1 billion for the war and $5.1 billion for FEMA, as well as $13 billion in mandatory funds to Vietnam Veterans exposed to Agent Orange.

While I do support the President's request for additional funding to support our troops in Afghanistan and Iraq, it is important that we continue to monitor and assess our mission and role in both of these countries, particularly given the array of investments we need to make right here at home.

Since 2001, Congress has provided close to $1 trillion in direct funding for the wars in Iraq and Afghanistan as part of 18 emergency supplemental bills, not including the support we provided for the efforts in our regular annual Appropriations bills. Combined, it's estimated that we've spent between $1.5 trillion to almost to $3 trillion so far on these wars.

So I am very pleased that the amendments made in order by the rule will also provide us an opportunity to provide additional funding to the Senate passed bill for critical domestic programs, including $10 billion for education jobs, $5 billion for Pell grants and $701 million for border security.

Of particular note, I am very pleased that the bill will include funds to settle both the Cobell v. Salazar and Pigford v. Vilsack class action lawsuits and it provides $1 billion for youth jobs.

Finally, the supplemental will also include funding which is vital to an important segment of my constituency, our farmers and agricultural producers. The bill provides the Farm Service Agency (FSA), which is housed within the Department of Agriculture, with an additional $31.5 million to cover the costs associated with direct loans, guaranteed loans, operating loans and administrative expenses, which are so vital to our farmers, particularly in South Georgia.

The bill will require that the loans be made available to family farmers who may not qualify for agricultural credit through other commercial institutions in the tight credit market. While the FY2010 Agriculture Appropriations bill provided enough funding to meet demand at the time it was passed last year, demand for the farm ownership and operating loan programs has been dramatically higher than historical levels due to the lack of availability of conventional credit.

Mr. Speaker, this Supplemental bill strikes, what I believe to be a fair and balanced approach for the emergency needs of our war fighters abroad and the critical domestic issues we face right here at home, and I support the bill.

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to the supplemental war funding for Iraq and Afghanistan. After 9 years of war, the time has come to bring our troops home.

I would like to thank Speaker PELOSI and the Democratic Leadership for bringing this bill to the floor today in a manner that allows clear up or down votes on funding for the war and other domestic priorities.

The challenges in Afghanistan are great. As the violence and attacks on our troops continue to increase, we still do not have a clear path forward or a way to measure progress there.

We cannot afford to sustain an open-ended commitment with no clear definition of success.

Reports of corruption abound in Afghanistan, and without a true partner in the Karzai government, our prospects for making real progress have grown dim.

Our troops have fought with honor and professionalism in the face of great challenges, and at great cost—I am truly humbled by their service and sacrifice. These brave men and women in uniform deserve our full support and commitment to return them home safely to their families and loved ones.

I support the president and our military leadership in bringing this war to a responsible end. President Obama did not start this war, and I was among those who have spoken out in support of allowing for the time necessary for a new strategy in Afghanistan to turn the tide.

But after years of war that has strained our military, their families, and the country, I am unable to continue to support what increasingly looks like an intractable situation in Afghanistan.

That is why I vote against this war funding today.

Despite my opposition to the troubling war funding, the bill does include critical domestic funding that I will support. These include saving teachers' jobs, Pell Grants, emergency food assistance for hungry Americans, and disaster aid to respond to the Gulf oil spill catastrophe.

For example, today we are providing $10 billion for an Education Jobs Fund to provide additional emergency support to local school districts to prevent impending layoffs. Estimates suggest that this fund will help keep 140,000 school employees on the job next year.

Moreover, when we invest in education, we save jobs in other sectors and spur economic recovery. According to the Economic Policy Institute, for every 100,000 education jobs lost, another 30,000 jobs are lost in other sectors due to reduced consumer spending and tax revenues.

The list of important programs this bill funds is both extensive and impressive: Among other priorities, we are providing $304 million for the Gulf Coast oil spill; $50 million for the Emergency Food Assistance Program for food purchases to distribute through local emergency food providers; $13.377 billion for the payment of benefits to Vietnam veterans and their survivors for exposure to Agent Orange, which has been linked with Parkinson's disease, ischemic heart disease, and hairy cell/B cell leukemia; and $2.93 billion for Haiti.

These are extremely important priorities which are fully paid for and which I support.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in opposition to the amendment offered by my colleague, the Gentleman from Wisconsin, Mr. OBEY.

As we all know, the Deepwater Horizon oil spill has resulted in the worst man-made environmental disaster in history.

As a result, tens of thousands of Gulf residents are sidelined. From rig workers to commercial fishermen and shrimpers, these folks are forced to watch their waters, their beaches, and their livelihoods succumb to the oil spill.

My colleagues on the left will tell you that this amendment assists those in the Gulf, providing $142 million for Oil Spill Unemployment Assistance. But this is merely a token. The underlying bill provides $2.93 billion in relief to Haiti, but this amendment only provides Americans whose livelihoods hang in the balance only $142 million. Gulf Coast Americans should be enraged. Almost $3 billion for Haiti and a measly $142 million to Gulf Coast victims.

The Democrat leadership has filled this amendment with questionable provisions diverting education spending, cutting federal charter school programs, and paying back their union pals. And then they add desperately needed Gulf assistance and say "you either vote with us or you vote for big oil." This is a false choice and it is playing politics with all my Gulf residents who are out of work as a result of this tragedy.

I oppose this amendment.

Mr. HOLT. Mr. Speaker, I rise in opposition to the Obama administration's war strategy in Afghanistan and to the war funding contained in this bill. It is evident to me that this strategy is not working.

Just this past weekend, CIA Director Leon Panetta said on national television that, regarding Taliban insurgents, "We have seen no evidence that they are truly interested in reconciliation where they would surrender their arms, where they would denounce al-Qaeda, where they would really try to become part of that society." One day later, General Petreaus—our newly named commander for the war in Afghanistan—told the Congress ". . . whether or not very senior [Taliban] leaders can meet the very clear conditions that the Afghan government has laid down for reconciliation I think is somewhat in question. So in that regard, I agree with Director Panetta."

Substitute "Viet Cong" for "Taliban" and "South Vietnamese government" for "Afghan government" and you'll understand why all of this sounds painfully familiar. It's because we've seen this before, and we know how it ends.

I do not say these things lightly, as I voted for the authorization for the use of force in 2001 in order to find and bring to justice the al Qaeda leaders who organized the 9/11 attacks against our country. Unfortunately, the previous administration did not put enough troops on the ground to prevent bin Laden's escape, and nearly 9 years later he and his key lieutenants whereabouts remain a mystery to our intelligence community, as Director Panetta acknowledged last weekend. In other words, the original rationale for going to Afghanistan is gone.

We face a nationalist insurgency that we cannot defeat militarily and that will not negotiate a political settlement with the corrupt Afghan government. We have tripled the number of troops on the ground since the beginning of 2009, and the violence has only soared. Every day we remain only increases our national debt and subjects our troops to needless peril. Indeed, every month we squander enough money on this war that could otherwise be used to put an additional 38,000 police on our streets for a full year, or to prevent massive teacher layoffs in every state, particularly New Jersey. The cost of this war is directly imperiling the hometown security of communities across this nation and the economic security of our children and grandchildren.

Mr. Speaker, when President Obama asked us to support his new strategy, I did so reluctantly and with this caveat: I would give the President time to show his approach could work, but that my patience had limits. In the nearly 18 months that President Obama has had the opportunity to demonstrate his approach, we've tripled the number of Americans in Afghanistan, our casualties have skyrocketed, and the insurgency has deepened and spread across the country. My patience, and now support for this strategy, have evaporated. We do more harm than good by staying: more harm to our troops and our economy, and more harm to innocent Afghans who too often are caught in the crossfire. It's time for us to go, and I urge my colleagues to join me in voting to bring our troops home by ending funding for this conflict.

The bill before us makes critical investments in education which are fully paid for by cutting funds from existing programs.

The current economic downturn has hit school districts hard, and many are being forced to cut services. Previously, the American Recovery and Reinvestment Act made several sound investments in public education to keep teachers in the classroom and help school districts avoid painful cuts.

Most, if not all, of this emergency funding has been spent. Further, at this most critical time, Governor Christie made the wrong call in cutting state aid to our local schools.

The $10 billion included for the Education Jobs Fund will help keep teachers in the classroom and make sure that class sizes do not balloon next fall. This much needed funding will help preserve 140,000 teaching jobs nationwide.

This package also contains almost $5 billion, fully offset as well, to ensure college students who receive Pell Grants, 8 million this year, will have the financial support for college they need.

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 4899, the Supplemental Appropriations Act.

While I am extremely disappointed that the House is not simply passing the Senate-passed version of this bill and clearing it for the President's signature, I will ultimately support this bill. It is my belief that voting against this bill even in its current form would send a terrible signal to our troops that we do not support their efforts and that is unacceptable to me. And, while I still believe this is the wrong vehicle for it, I am pleased that the domestic spending that is included in this legislation is offset and will not add to our deficit.

We must act as soon as possible to get critical military and Federal Emergency Management Agency funding legislation to the President for his signature. Our troops in Iraq and Afghanistan and families across America who have been affected by disasters cannot afford anymore delays in funding.

Ms. CLARKE. Mr. Speaker, I rise today to express my support for key provisions and amendment to H.R. 4899, the Supplemental Appropriations Act of 2010. The bill provides a myriad of critical emergency funding for disaster relief in Haiti, the oil spill in the Gulf of Mexico, as well as fully paid for investments to meet domestic needs, such as education jobs and Pell Grants. Unfortunately, this bill also includes funding for the war in Afghanistan, the longest war in our nation's history.

While I am grateful to the men and women who serve valiantly in our Armed Forces, both at home and abroad, I strongly oppose any additional funding for the war in Afghanistan. This war has gone on long enough without a clear and sufficient exit strategy. My constituents and I can no longer bear to see more Americans die or remain in harm's way, for this fruitless war. The time is now to bring our troops home, stop the unnecessary spending and stabilize our economy. That is why I support the amendments offered by CBC Chairwoman BARBARA LEE and JAMES MCGOVERN, DAVID OBEY and WALTER JONES.

I commend Chairwoman LEE for working diligently to bring her important amendment for a vote. I agree we must begin to end the war by limiting funds to the safe, timely withdrawal of US troops and military contractors from Afghanistan. The people in my district demand it, I morally oppose it, and time is of the essence.

I also want to commend the Chairman DAVID OBEY and the Members of the Committee on Appropriations for their hard work on the House Amendment to the Senate bill. In particular, I want to thank the Committee for including funding for school districts, like those in New York City, that are poised to receive high concentrations of Haitian child refugees. These children are more likely to settle in already overburdened school districts. Therefore, schools receiving these children will undoubtedly need extra resources to accommodate this new population. In April, I joined my colleagues on a letter to Chairman OBEY, expressing this very concern. I am grateful that this language was adopted.

Additionally the Obey amendment provides major benefits to education for all Americans. It includes $10 billion in aid to local school districts avert massive teacher layoffs and $5 billion to help close the current shortfall in Pell Grants for college students—the absence of which would seriously imperil education funding for fiscal year 2011. This will affect thousands of teachers and students in my district and in the Greater New York area.

I strongly believe that H.R. 4899 is a key tool for Haiti's redevelopment. As the Representative of the second largest Haitian population of first and second generation Haitians Americans, I am greatly pleased that the bill includes $2.93 billion dollars for the U.S. participation in the Haiti disaster relief, $130 million above the President's request. The people of Haiti, its government, USAID and the Department of State cannot move forward in their recovery and reconstruction plans without the pledged financial support from our government.

Mr. Speaker, I support our troops, veterans, and military families, and in honor of them I voted to reunite our service members in Afghanistan with their families here at home. My heart also goes out to the people of Haiti and will continue to support our reconstruction efforts there. Lastly, I am proud that the advocacy efforts of the New York congressional delegation in pushing to save education jobs in New York City have paid off.

Ms. BORDALLO. Mr. Speaker, I rise in strong support of the Senate amendments to H.R. 4899, the Supplemental Appropriations Act for 2010. This legislation is critically important to providing funding to our men and women in uniform who are serving in harm's way.

However, this legislation also provides funding that is important to maintaining our strategic posture in the Pacific. The legislation contains $50 million in transfer authority of Department of Defense operation and maintenance funding to the Guam Port Improvement Enterprise Fund at the Maritime Administration. The $50 million in funding is critical for the Port of Guam, in consultation with the Maritime Administration, to begin necessary infrastructure improvements and modernization.

The Port of Guam, on many occasions, has been identified as a potential chokepoint for the delivery of materials and supplies to support the realignment of military forces to Guam and sustain economic development on the island. Without these improvements the realignment of military forces to Guam would be severely delayed, add additional costs to future military construction and potentially harm our civilian economic development. Moreover, these improvements are needed to facilitate the requirements of being designated a strategic port, in fact America's most forward located strategic port in the Western Pacific.

The funding for the Port of Guam in this bill marks an important and very positive step forward for the military build-up on Guam. I thank the Obama administration for their support and leadership on this matter. After Guam was overlooked for important Recovery Act funding, the administration acted after repeated calls by our office for funding for critical civilian infrastructure projects and requested the transfer authority. I also thank Congressman DAVID OBEY, Chairman of the House Committee on Appropriations; Congressman NORM DICKS, Chairman of the Subcommittee on Defense, and Congressman JOHN OLVER, Chairman of the Subcommittee on Transportation, Housing and Urban Development and Related Agencies, for their support of this provision.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1500, the previous question is ordered.

The question of adoption of the motion is divided among the five House amendments.

Pursuant to House Resolution 1500, the first portion of the divided question is adopted.

The second portion of the divided question is, Will the House concur in the Senate amendment with House amendment No. 2 printed in House Report 111–522?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the second portion of the divided question will be followed by 5-minute votes on the remaining portions of the divided question, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 182, answered ''present'' 1, not voting 11, as follows:

[Roll No. 430]

YEAS—239

Ackerman	Altmire	Arcuri
Adler (NJ)	Andrews	Baca

Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Miller, Gary

NOT VOTING—11

Bean
Capito
Conyers
Griffith
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

□ 2234

Mr. BRADY of Texas changed his vote from ''yea'' to ''nay.''

Mr. SPRATT, Ms. CORRINE BROWN of Florida, and Mr. SHULER changed their vote from ''nay'' to ''yea.''

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

Stated for:

Ms. BEAN. Mr. Speaker, on rollcall No. 430, the Obey amendment, had I been present, I would have voted "yes."

The SPEAKER pro tempore. The third portion of the divided question is, Will the House concur in the Senate amendment with House amendment No. 3 printed in House Report 111–522?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 25, noes 376, answered ''present'' 22, not voting 10, as follows:

[Roll No. 431]

AYES—25

Clarke
Clay
Duncan
Edwards (MD)
Ellison
Filner
Garamendi
Grayson
Grijalva
Gutierrez
Jackson (IL)
Johnson (IL)
Kucinich
Lewis (GA)
Michaud
Nadler (NY)
Napolitano
Paul
Pingree (ME)
Schrader
Serrano
Sires
Stark
Velázquez
Welch

NOES—376

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)

Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

ANSWERED ''PRESENT''—22

Baldwin
Castor (FL)
Chu
Cohen
Hinchey
Hirono
Jackson Lee (TX)
Kagen
Lee (CA)
Lofgren, Zoe
Maloney
McDermott
McGovern
Miller, George
Rangel
Sánchez, Linda T.
Schakowsky
Slaughter
Thompson (CA)
Waters
Watson
Yarmuth

NOT VOTING—10

Capito
Conyers
Griffith
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 2241

Mr. NADLER of New York changed his vote from ''no'' to ''aye.''

So the third portion of the divided question was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The fourth portion of the divided question is, Will the House concur in the Senate amendment with House amendment No. 4 printed in House Report 111–522?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 100, noes 321, not voting 11, as follows:

[Roll No. 432]

AYES—100

Baldwin
Becerra
Blumenauer
Campbell
Capuano
Chaffetz
Chu
Clarke
Clay
Cleaver
Cohen
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doyle
Duncan
Edwards (MD)
Ellison
Farr
Filner
Frank (MA)
Fudge
Garamendi
Grayson
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Honda
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Jones
Kagen
Kennedy
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Moore (WI)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor (AZ)
Paul
Payne
Pingree (ME)
Polis (CO)
Quigley
Rangel
Richardson
Rohrabacher
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schrader
Scott (VA)
Serrano
Sires
Slaughter
Speier
Stark
Stupak
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Waters
Watt
Waxman
Weiner
Welch
Yarmuth

NOES—321

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hodes
Holden
Hoyer
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Pascrell
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

NOT VOTING—11

Capito
Conyers
Griffith
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Watson
Woolsey
Young (AK)

□ 2247

So the fourth portion of the divided question was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The fifth portion of the divided question is, Will the House concur in the Senate amendment with House amendment No. 5 printed in House Report 111–522?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 260, not voting 11, as follows:

[Roll No. 433]

AYES—162

Baca
Baldwin
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardoza
Carnahan
Castor (FL)
Chaffetz
Chu
Clarke
Clay
Cleaver
Coble
Cohen
Connolly (VA)
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (IL)
DeFazio

DeGette
Delahunt
DeLauro
Deutch
Doggett
Doyle
Duncan
Edwards (MD)
Ehlers
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Richardson
Rohrabacher
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (VA)
Serrano
Shea-Porter
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Yarmuth

NOES—260

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carney
Carson (IN)
Carter
Cassidy
Castle
Chandler
Childers
Clyburn
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Critz
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Donnelly (IN)
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Holden
Hoyer
Hunter
Inglis
Israel
Issa
Jenkins
Johnson, E. B.
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Rahall
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

NOT VOTING—11

Capito
Conyers
Griffith
Gutierrez
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

□ 2254

So the fifth portion of the divided question was not adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 709

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 709, a bill originally introduced by Representative Abercrombie of Hawaii, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. PERRIELLO). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 1, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: On July 1, 2010, the Committee on Transportation and Infrastructure met in open session to consider 15 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2010 Capital Investment and Leasing Program. The leases authorize $225.9 million for various agencies. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on July 1, 2010.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Enclosures.