

AMENDMENT NO. _____ Calendar No. **14**

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H.R. 1

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

- 1 Strike all after the enacting clause and insert:
- 2 **SECTION 1. TABLE OF CONTENTS.**
- 3 The table of contents of this Act is as follows:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2011

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related agencies
Title VIII—General provisions
Title IX—Overseas contingency operations

DIVISION B—FULL-YEAR CONTINUING APPROPRIATIONS FOR
FISCAL YEAR 2011

Title I—General Provisions

Title II—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Title III—Commerce, Justice, Science, and Related Agencies

Title IV—Energy and Water Development and Related Agencies

Title V—Financial Services and General Government

Title VI—Homeland Security

Title VII—Interior, Environment, and Related Agencies

Title VIII—Labor, Health and Human Services, and Education, and Related Agencies

Title IX—Legislative Branch

Title X—Military Construction, Veterans Affairs, and Related Agencies

Title XI—Department of State, Foreign Operations, and Related Programs

Title VII—Transportation, and Housing and Urban Development, and Related Agencies

1 **SEC. 2. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—DEPARTMENT OF DEFENSE**
7 **APPROPRIATIONS ACT, 2011**

8 The following sums are appropriated, out of any
9 money in the Treasury not otherwise appropriated, for the
10 fiscal year ending September 30, 2011, for military func-
11 tions administered by the Department of Defense and for
12 other purposes, namely:

13 **TITLE I**

14 **MILITARY PERSONNEL**

15 **MILITARY PERSONNEL, ARMY**

16 For pay, allowances, individual clothing, subsistence,
17 interest on deposits, gratuities, permanent change of sta-
18 tion travel (including all expenses thereof for organiza-
19 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the
2 Army on active duty, (except members of reserve compo-
3 nents provided for elsewhere), cadets, and aviation cadets;
4 for members of the Reserve Officers' Training Corps; and
5 for payments pursuant to section 156 of Public Law 97-
6 377, as amended (42 U.S.C. 402 note), and to the Depart-
7 ment of Defense Military Retirement Fund,
8 \$41,042,653,000.

9 MILITARY PERSONNEL, NAVY

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

21 MILITARY PERSONNEL, MARINE CORPS

22 For pay, allowances, individual clothing, subsistence,
23 interest on deposits, gratuities, permanent change of sta-
24 tion travel (including all expenses thereof for organiza-
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the Ma-
2 rine Corps on active duty (except members of the Reserve
3 provided for elsewhere); and for payments pursuant to sec-
4 tion 156 of Public Law 97-377, as amended (42 U.S.C.
5 402 note), and to the Department of Defense Military Re-
6 tirement Fund, \$13,210,161,000.

7 MILITARY PERSONNEL, AIR FORCE

8 For pay, allowances, individual clothing, subsistence,
9 interest on deposits, gratuities, permanent change of sta-
10 tion travel (including all expenses thereof for organiza-
11 tional movements), and expenses of temporary duty travel
12 between permanent duty stations, for members of the Air
13 Force on active duty (except members of reserve compo-
14 nents provided for elsewhere), cadets, and aviation cadets;
15 for members of the Reserve Officers' Training Corps; and
16 for payments pursuant to section 156 of Public Law 97-
17 377, as amended (42 U.S.C. 402 note), and to the Depart-
18 ment of Defense Military Retirement Fund,
19 \$27,105,755,000.

20 RESERVE PERSONNEL, ARMY

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Army Re-
23 serve on active duty under sections 10211, 10302, and
24 3038 of title 10, United States Code, or while serving on
25 active duty under section 12301(d) of title 10, United

1 States Code, in connection with performing duty specified
2 in section 12310(a) of title 10, United States Code, or
3 while undergoing reserve training, or while performing
4 drills or equivalent duty or other duty, and expenses au-
5 thorized by section 16131 of title 10, United States Code;
6 and for payments to the Department of Defense Military
7 Retirement Fund, \$4,333,165,000.

8 RESERVE PERSONNEL, NAVY

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Navy Re-
11 serve on active duty under section 10211 of title 10,
12 United States Code, or while serving on active duty under
13 section 12301(d) of title 10, United States Code, in con-
14 nection with performing duty specified in section 12310(a)
15 of title 10, United States Code, or while undergoing re-
16 serve training, or while performing drills or equivalent
17 duty, and expenses authorized by section 16131 of title
18 10, United States Code; and for payments to the Depart-
19 ment of Defense Military Retirement Fund,
20 \$1,940,191,000.

21 RESERVE PERSONNEL, MARINE CORPS

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Marine
24 Corps Reserve on active duty under section 10211 of title
25 10, United States Code, or while serving on active duty

1 under section 12301(d) of title 10, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going reserve training, or while performing drills or equiv-
5 alent duty, and for members of the Marine Corps platoon
6 leaders class, and expenses authorized by section 16131
7 of title 10, United States Code; and for payments to the
8 Department of Defense Military Retirement Fund,
9 \$612,191,000.

10 RESERVE PERSONNEL, AIR FORCE

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

23 NATIONAL GUARD PERSONNEL, ARMY

24 For pay, allowances, clothing, subsistence, gratuities,
25 travel, and related expenses for personnel of the Army Na-

1 tional Guard while on duty under section 10211, 10302,
2 or 12402 of title 10 or section 708 of title 32, United
3 States Code, or while serving on duty under section
4 12301(d) of title 10 or section 502(f) of title 32, United
5 States Code, in connection with performing duty specified
6 in section 12310(a) of title 10, United States Code, or
7 while undergoing training, or while performing drills or
8 equivalent duty or other duty, and expenses authorized by
9 section 16131 of title 10, United States Code; and for pay-
10 ments to the Department of Defense Military Retirement
11 Fund, \$7,511,296,000.

12 NATIONAL GUARD PERSONNEL, AIR FORCE

13 For pay, allowances, clothing, subsistence, gratuities,
14 travel, and related expenses for personnel of the Air Na-
15 tional Guard on duty under section 10211, 10305, or
16 12402 of title 10 or section 708 of title 32, United States
17 Code, or while serving on duty under section 12301(d) of
18 title 10 or section 502(f) of title 32, United States Code,
19 in connection with performing duty specified in section
20 12310(a) of title 10, United States Code, or while under-
21 going training, or while performing drills or equivalent
22 duty or other duty, and expenses authorized by section
23 16131 of title 10, United States Code; and for payments
24 to the Department of Defense Military Retirement Fund,
25 \$3,060,098,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law; and not to exceed \$7,699,000 can be
5 used for emergencies and extraordinary expenses, to be ex-
6 pended on the approval or authority of the Secretary of
7 the Air Force, and payments may be made on his certifi-
8 cate of necessity for confidential military purposes,
9 \$36,062,989,000.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of activities and agen-
14 cies of the Department of Defense (other than the military
15 departments), as authorized by law, \$30,210,810,000:
16 *Provided*, That not more than \$50,000,000 may be used
17 for the Combatant Commander Initiative Fund authorized
18 under section 166a of title 10, United States Code: *Pro-*
19 *vided further*, That not to exceed \$36,000,000 can be used
20 for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 Defense, and payments may be made on his certificate of
23 necessity for confidential military purposes: *Provided fur-*
24 *ther*, That of the funds provided under this heading, not
25 less than \$31,659,000 shall be made available for the Pro-

1 curement Technical Assistance Cooperative Agreement
2 Program, of which not less than \$3,600,000 shall be avail-
3 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
4 *vided further*, That none of the funds appropriated or oth-
5 erwise made available by this Act may be used to plan
6 or implement the consolidation of a budget or appropria-
7 tions liaison office of the Office of the Secretary of De-
8 fense, the office of the Secretary of a military department,
9 or the service headquarters of one of the Armed Forces
10 into a legislative affairs or legislative liaison office: *Pro-*
11 *vided further*, That \$8,251,000, to remain available until
12 expended, is available only for expenses relating to certain
13 classified activities, and may be transferred as necessary
14 by the Secretary of Defense to operation and maintenance
15 appropriations or research, development, test and evalua-
16 tion appropriations, to be merged with and to be available
17 for the same time period as the appropriations to which
18 transferred: *Provided further*, That any ceiling on the in-
19 vestment item unit cost of items that may be purchased
20 with operation and maintenance funds shall not apply to
21 the funds described in the preceding proviso: *Provided fur-*
22 *ther*, That the transfer authority provided under this head-
23 ing is in addition to any other transfer authority provided
24 elsewhere in this Act.

12

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,291,027,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$6,454,624,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For expenses of training, organizing, and admin-
3 istering the Air National Guard, including medical and
4 hospital treatment and related expenses in non-Federal
5 hospitals; maintenance, operation, and repairs to struc-
6 tures and facilities; transportation of things, hire of pas-
7 senger motor vehicles; supplying and equipping the Air
8 National Guard, as authorized by law; expenses for repair,
9 modification, maintenance, and issue of supplies and
10 equipment, including those furnished from stocks under
11 the control of agencies of the Department of Defense;
12 travel expenses (other than mileage) on the same basis as
13 authorized by law for Air National Guard personnel on
14 active Federal duty, for Air National Guard commanders
15 while inspecting units in compliance with National Guard
16 Bureau regulations when specifically authorized by the
17 Chief, National Guard Bureau, \$5,963,839,000.

18 UNITED STATES COURT OF APPEALS FOR THE ARMED

19 FORCES

20 For salaries and expenses necessary for the United
21 States Court of Appeals for the Armed Forces,
22 \$14,068,000, of which not to exceed \$5,000 may be used
23 for official representation purposes.

14

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$464,581,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Army shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Army, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Army, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation:
18 *Provided further*, That the transfer authority provided
19 under this heading is in addition to any other transfer au-
20 thority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, NAVY

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Navy, \$304,867,000, to
24 remain available until transferred: *Provided*, That the Sec-
25 retary of the Navy shall, upon determining that such

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

16 ENVIRONMENTAL RESTORATION, AIR FORCE
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Air Force, \$502,653,000,
19 to remain available until transferred: *Provided*, That the
20 Secretary of the Air Force shall, upon determining that
21 such funds are required for environmental restoration, re-
22 duction and recycling of hazardous waste, removal of un-
23 safe buildings and debris of the Department of the Air
24 Force, or for similar purposes, transfer the funds made
25 available by this appropriation to other appropriations

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

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$10,744,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
2 may be transferred back to this appropriation: *Provided*
3 *further*, That the transfer authority provided under this
4 heading is in addition to any other transfer authority pro-
5 vided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, FORMERLY USED
7 DEFENSE SITES
8 (INCLUDING TRANSFER OF FUNDS)

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

1 heading is in addition to any other transfer authority pro-
2 vided elsewhere in this Act.

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

4 For expenses relating to the Overseas Humanitarian,
5 Disaster, and Civic Aid programs of the Department of
6 Defense (consisting of the programs provided under sec-
7 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
8 United States Code), \$108,032,000, to remain available
9 until September 30, 2012.

10 COOPERATIVE THREAT REDUCTION ACCOUNT

11 For assistance to the republics of the former Soviet
12 Union and, with appropriate authorization by the Depart-
13 ment of Defense and Department of State, to countries
14 outside of the former Soviet Union, including assistance
15 provided by contract or by grants, for facilitating the
16 elimination and the safe and secure transportation and
17 storage of nuclear, chemical and other weapons; for estab-
18 lishing programs to prevent the proliferation of weapons,
19 weapons components, and weapon-related technology and
20 expertise; for programs relating to the training and sup-
21 port of defense and military personnel for demilitarization
22 and protection of weapons, weapons components and
23 weapons technology and expertise, and for defense and
24 military contacts, \$522,512,000, to remain available until
25 September 30, 2013: *Provided*, That of the amounts pro-

1 vided under this heading, not less than \$13,500,000 shall
2 be available only to support the dismantling and disposal
3 of nuclear submarines, submarine reactor components,
4 and security enhancements for transport and storage of
5 nuclear warheads in the Russian Far East and North.

6 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

7 DEVELOPMENT FUND

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

10 TITLE III

11 PROCUREMENT

12 AIRCRAFT PROCUREMENT, ARMY

13 For construction, procurement, production, modifica-
14 tion, and modernization of aircraft, equipment, including
15 ordnance, ground handling equipment, spare parts, and
16 accessories therefor; specialized equipment and training
17 devices; expansion of public and private plants, including
18 the land necessary therefor, for the foregoing purposes,
19 and such lands and interests therein, may be acquired,
20 and construction prosecuted thereon prior to approval of
21 title; and procurement and installation of equipment, ap-
22 pliances, and machine tools in public and private plants;
23 reserve plant and Government and contractor-owned
24 equipment layaway; and other expenses necessary for the

1 foregoing purposes, \$5,254,791,000, to remain available
2 for obligation until September 30, 2013.

3 MISSILE PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of missiles, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$1,570,108,000, to remain available
17 for obligation until September 30, 2013.

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

20 For construction, procurement, production, and
21 modification of weapons and tracked combat vehicles,
22 equipment, including ordnance, spare parts, and acces-
23 sories therefor; specialized equipment and training devices;
24 expansion of public and private plants, including the land
25 necessary therefor, for the foregoing purposes, and such

1 lands and interests therein, may be acquired, and con-
2 struction prosecuted thereon prior to approval of title; and
3 procurement and installation of equipment, appliances,
4 and machine tools in public and private plants; reserve
5 plant and Government and contractor-owned equipment
6 layaway; and other expenses necessary for the foregoing
7 purposes, \$1,461,086,000, to remain available for obliga-
8 tion until September 30, 2013.

9 PROCUREMENT OF AMMUNITION, ARMY

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

1 OTHER PROCUREMENT, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For construction, procurement, production, and
4 modification of vehicles, including tactical, support, and
5 non-tracked combat vehicles; the purchase of passenger
6 motor vehicles for replacement only; communications and
7 electronic equipment; other support equipment; spare
8 parts, ordnance, and accessories therefor; specialized
9 equipment and training devices; expansion of public and
10 private plants, including the land necessary therefor, for
11 the foregoing purposes, and such lands and interests
12 therein, may be acquired, and construction prosecuted
13 thereon prior to approval of title; and procurement and
14 installation of equipment, appliances, and machine tools
15 in public and private plants; reserve plant and Govern-
16 ment and contractor-owned equipment layaway; and other
17 expenses necessary for the foregoing purposes,
18 \$8,145,665,000, to remain available for obligation until
19 September 30, 2013: *Provided*, That of the funds made
20 available in this paragraph, \$15,000,000 shall be made
21 available to procure equipment, not otherwise provided for,
22 and may be transferred to other procurement accounts
23 available to the Department of the Army, and that funds
24 so transferred shall be available for the same purposes and
25 the same time period as the account to which transferred.

1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of aircraft, equipment, including
4 ordnance, spare parts, and accessories therefor; specialized
5 equipment; expansion of public and private plants, includ-
6 ing the land necessary therefor, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway,
12 \$16,170,868,000, to remain available for obligation until
13 September 30, 2013.

14 WEAPONS PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-
16 tion, and modernization of missiles, torpedoes, other weap-
17 ons, and related support equipment including spare parts,
18 and accessories therefor; expansion of public and private
19 plants, including the land necessary therefor, and such
20 lands and interests therein, may be acquired, and con-
21 struction prosecuted thereon prior to approval of title; and
22 procurement and installation of equipment, appliances,
23 and machine tools in public and private plants; reserve
24 plant and Government and contractor-owned equipment

1 long lead time components and designs for vessels to be
2 constructed or converted in the future; and expansion of
3 public and private plants, including land necessary there-
4 for, and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title, as follows:

7 Carrier Replacement Program, \$1,721,969,000.

8 Carrier Replacement Program (AP),
9 \$908,313,000.

10 NSSN, \$3,430,343,000.

11 NSSN (AP), \$1,691,236,000.

12 CVN Refueling, \$1,248,999,000.

13 CVN Refuelings (AP), \$408,037,000.

14 DDG-1000 Program, \$77,512,000.

15 DDG-51 Destroyer, \$2,868,454,000.

16 DDG-51 Destroyer (AP), \$47,984,000.

17 Littoral Combat Ship, \$1,168,984,000.

18 Littoral Combat Ship (AP), \$190,351,000.

19 LHA-R, \$942,837,000.

20 Joint High Speed Vessel, \$180,703,000.

21 Oceanographic Ships, \$88,561,000.

22 LCAC Service Life Extension Program,
23 \$83,035,000.

24 Service Craft, \$13,770,000.

1 For outfitting, post delivery, conversions, and
2 first destination transportation, \$295,570,000.

3 In all: \$15,366,658,000, to remain available for obli-
4 gation until September 30, 2015: *Provided*, That addi-
5 tional obligations may be incurred after September 30,
6 2015, for engineering services, tests, evaluations, and
7 other such budgeted work that must be performed in the
8 final stage of ship construction: *Provided further*, That
9 none of the funds provided under this heading for the con-
10 struction or conversion of any naval vessel to be con-
11 structed in shipyards in the United States shall be ex-
12 pended in foreign facilities for the construction of major
13 components of such vessel: *Provided further*, That none
14 of the funds provided under this heading shall be used
15 for the construction of any naval vessel in foreign ship-
16 yards.

17 OTHER PROCUREMENT, NAVY

18 (INCLUDING TRANSFER OF FUNDS)

19 For procurement, production, and modernization of
20 support equipment and materials not otherwise provided
21 for, Navy ordnance (except ordnance for new aircraft, new
22 ships, and ships authorized for conversion); the purchase
23 of passenger motor vehicles for replacement only, and the
24 purchase of seven vehicles required for physical security
25 of personnel, notwithstanding price limitations applicable

1 to passenger vehicles but not to exceed \$250,000 per vehi-
2 cle; expansion of public and private plants, including the
3 land necessary therefor, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway,
9 \$5,804,963,000, to remain available for obligation until
10 September 30, 2013: *Provided*, That of the funds made
11 available in this paragraph, \$15,000,000 shall be made
12 available to procure equipment, not otherwise provided for,
13 and may be transferred to other procurement accounts
14 available to the Department of the Navy, and that funds
15 so transferred shall be available for the same purposes and
16 the same time period as the account to which transferred.

17 PROCUREMENT, MARINE CORPS

18 For expenses necessary for the procurement, manu-
19 facture, and modification of missiles, armament, military
20 equipment, spare parts, and accessories therefor; plant
21 equipment, appliances, and machine tools, and installation
22 thereof in public and private plants; reserve plant and
23 Government and contractor-owned equipment layaway; ve-
24 hicles for the Marine Corps, including the purchase of pas-
25 senger motor vehicles for replacement only; and expansion

1 of public and private plants, including land necessary
2 therefor, and such lands and interests therein, may be ac-
3 quired, and construction prosecuted thereon prior to ap-
4 proval of title, \$1,236,436,000, to remain available for ob-
5 ligation until September 30, 2013.

6 AIRCRAFT PROCUREMENT, AIR FORCE

7 For construction, procurement, and modification of
8 aircraft and equipment, including armor and armament,
9 specialized ground handling equipment, and training de-
10 vices, spare parts, and accessories therefor; specialized
11 equipment; expansion of public and private plants, Gov-
12 ernment-owned equipment and installation thereof in such
13 plants, erection of structures, and acquisition of land, for
14 the foregoing purposes, and such lands and interests
15 therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; reserve plant and Gov-
17 ernment and contractor-owned equipment layaway; and
18 other expenses necessary for the foregoing purposes in-
19 cluding rents and transportation of things,
20 \$13,483,739,000, to remain available for obligation until
21 September 30, 2013: *Provided*, That none of the funds
22 provided in this Act for modification of C-17 aircraft,
23 Global Hawk Unmanned Aerial Vehicle and F-22 aircraft
24 may be obligated until all C-17, Global Hawk and F-22
25 contracts funded with prior year "Aircraft Procurement,

1 Air Force'' appropriated funds are definitized unless the
2 Secretary of the Air Force certifies in writing to the con-
3 gressional defense committees that each such obligation
4 is necessary to meet the needs of a warfighting require-
5 ment or prevents increased costs to the taxpayer, and pro-
6 vides the reasons for failing to definitize the prior year
7 contracts along with the prospective contract definitization
8 schedule: *Provided further*, That the Secretary of the Air
9 Force shall expand the current HH-60 Operational Loss
10 Replacement program to meet the approved HH-60 Re-
11 capitalization program requirements.

12 MISSILE PROCUREMENT, AIR FORCE

13 For construction, procurement, and modification of
14 missiles, spacecraft, rockets, and related equipment, in-
15 cluding spare parts and accessories therefor, ground han-
16 dling equipment, and training devices; expansion of public
17 and private plants, Government-owned equipment and in-
18 stallation thereof in such plants, erection of structures,
19 and acquisition of land, for the foregoing purposes, and
20 such lands and interests therein, may be acquired, and
21 construction prosecuted thereon prior to approval of title;
22 reserve plant and Government and contractor-owned
23 equipment layaway; and other expenses necessary for the
24 foregoing purposes including rents and transportation of

1 things, \$5,424,764,000, to remain available for obligation
2 until September 30, 2013.

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For construction, procurement, production, and
5 modification of ammunition, and accessories therefor; spe-
6 cialized equipment and training devices; expansion of pub-
7 lic and private plants, including ammunition facilities, au-
8 thorized by section 2854 of title 10, United States Code,
9 and the land necessary therefor, for the foregoing pur-
10 poses, and such lands and interests therein, may be ac-
11 quired, and construction prosecuted thereon prior to ap-
12 proval of title; and procurement and installation of equip-
13 ment, appliances, and machine tools in public and private
14 plants; reserve plant and Government and contractor-
15 owned equipment layaway; and other expenses necessary
16 for the foregoing purposes, \$731,487,000, to remain avail-
17 able for obligation until September 30, 2013.

18 OTHER PROCUREMENT, AIR FORCE

19 (INCLUDING TRANSFER OF FUNDS)

20 For procurement and modification of equipment (in-
21 cluding ground guidance and electronic control equipment,
22 and ground electronic and communication equipment),
23 and supplies, materials, and spare parts therefor, not oth-
24 erwise provided for; the purchase of passenger motor vehi-
25 cles for replacement only, and the purchase of two vehicles

1 required for physical security of personnel, notwith-
2 standing price limitations applicable to passenger vehicles
3 but not to exceed \$250,000 per vehicle; lease of passenger
4 motor vehicles; and expansion of public and private plants,
5 Government-owned equipment and installation thereof in
6 such plants, erection of structures, and acquisition of land,
7 for the foregoing purposes, and such lands and interests
8 therein, may be acquired, and construction prosecuted
9 thereon, prior to approval of title; reserve plant and Gov-
10 ernment and contractor-owned equipment layaway,
11 \$17,568,091,000, to remain available for obligation until
12 September 30, 2013: *Provided*, That of the funds made
13 available in this paragraph, \$15,000,000 shall be made
14 available to procure equipment, not otherwise provided for,
15 and may be transferred to other procurement accounts
16 available to the Department of the Air Force, and that
17 funds so transferred shall be available for the same pur-
18 poses and the same time period as the account to which
19 transferred.

20 PROCUREMENT, DEFENSE-WIDE

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses of activities and agencies of the Depart-
23 ment of Defense (other than the military departments)
24 necessary for procurement, production, and modification
25 of equipment, supplies, materials, and spare parts there-

1 for, not otherwise provided for; the purchase of passenger
2 motor vehicles for replacement only; expansion of public
3 and private plants, equipment, and installation thereof in
4 such plants, erection of structures, and acquisition of land
5 for the foregoing purposes, and such lands and interests
6 therein, may be acquired, and construction prosecuted
7 thereon prior to approval of title; reserve plant and Gov-
8 ernment and contractor-owned equipment layaway,
9 \$4,009,321,000, to remain available for obligation until
10 September 30, 2013: *Provided*, That of the funds made
11 available in this paragraph, \$15,000,000 shall be made
12 available to procure equipment, not otherwise provided for,
13 and may be transferred to other procurement accounts
14 available to the Department of Defense, and that funds
15 so transferred shall be available for the same purposes and
16 the same time period as the account to which transferred.

17 DEFENSE PRODUCTION ACT PURCHASES

18 For activities by the Department of Defense pursuant
19 to sections 108, 301, 302, and 303 of the Defense Produc-
20 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
21 2093), \$34,346,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

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

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$17,736,303,000, to remain avail-
17 able for obligation until September 30, 2012: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces:
21 *Provided further*, That funds appropriated in this para-
22 graph shall be available for the Cobra Judy program.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

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

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments),
12 necessary for basic and applied scientific research, devel-
13 opment, test and evaluation; advanced research projects
14 as may be designated and determined by the Secretary
15 of Defense, pursuant to law; maintenance, rehabilitation,
16 lease, and operation of facilities and equipment,
17 \$20,797,412,000, to remain available for obligation until
18 September 30, 2012: *Provided*, That of the funds made
19 available in this paragraph, \$3,200,000 shall only be avail-
20 able for program management and oversight of innovative
21 research and development.

22 OPERATIONAL TEST AND EVALUATION, DEFENSE

23 For expenses, not otherwise provided for, necessary
24 for the independent activities of the Director, Operational
25 Test and Evaluation, in the direction and supervision of

1 operational test and evaluation, including initial oper-
2 ational test and evaluation which is conducted prior to,
3 and in support of, production decisions; joint operational
4 testing and evaluation; and administrative expenses in
5 connection therewith, \$194,910,000, to remain available
6 for obligation until September 30, 2012.

7 TITLE V

8 REVOLVING AND MANAGEMENT FUNDS

9 DEFENSE WORKING CAPITAL FUNDS

10 For the Defense Working Capital Funds,
11 \$1,434,536,000.

12 NATIONAL DEFENSE SEALIFT FUND

13 For National Defense Sealift Fund programs,
14 projects, and activities, and for expenses of the National
15 Defense Reserve Fleet, as established by section 11 of the
16 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
17 and for the necessary expenses to maintain and preserve
18 a U.S.-flag merchant fleet to serve the national security
19 needs of the United States, \$1,474,866,000, to remain
20 available until expended: *Provided*, That none of the funds
21 provided in this paragraph shall be used to award a new
22 contract that provides for the acquisition of any of the
23 following major components unless such components are
24 manufactured in the United States: auxiliary equipment,
25 including pumps, for all shipboard services; propulsion

1 system components (engines, reduction gears, and propel-
2 lers); shipboard cranes; and spreaders for shipboard
3 cranes: *Provided further*, That the exercise of an option
4 in a contract awarded through the obligation of previously
5 appropriated funds shall not be considered to be the award
6 of a new contract: *Provided further*, That the Secretary
7 of the military department responsible for such procure-
8 ment may waive the restrictions in the first proviso on
9 a case-by-case basis by certifying in writing to the Com-
10 mittees on Appropriations of the House of Representatives
11 and the Senate that adequate domestic supplies are not
12 available to meet Department of Defense requirements on
13 a timely basis and that such an acquisition must be made
14 in order to acquire capability for national security pur-
15 poses.

16 TITLE VI
17 OTHER DEPARTMENT OF DEFENSE PROGRAMS
18 DEFENSE HEALTH PROGRAM

19 For expenses, not otherwise provided for, for medical
20 and health care programs of the Department of Defense
21 as authorized by law, \$31,382,198,000; of which
22 \$29,671,764,000 shall be for operation and maintenance,
23 of which not to exceed 1 percent shall remain available
24 until September 30, 2012, and of which up to
25 \$16,212,121,000 may be available for contracts entered

1 into under the TRICARE program; of which
2 \$534,921,000, to remain available for obligation until Sep-
3 tember 30, 2013, shall be for procurement; and of which
4 \$1,175,513,000, to remain available for obligation until
5 September 30, 2012, shall be for research, development,
6 test and evaluation: *Provided*, That, notwithstanding any
7 other provision of law, of the amount made available under
8 this heading for research, development, test and evalua-
9 tion, not less than \$10,000,000 shall be available for HIV
10 prevention educational activities undertaken in connection
11 with United States military training, exercises, and hu-
12 manitarian assistance activities conducted primarily in Af-
13 rican nations.

14 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
15 DEFENSE

16 For expenses, not otherwise provided for, necessary
17 for the destruction of the United States stockpile of lethal
18 chemical agents and munitions, to include construction of
19 facilities, in accordance with the provisions of section 1412
20 of the Department of Defense Authorization Act, 1986
21 (50 U.S.C. 1521), and for the destruction of other chem-
22 ical warfare materials that are not in the chemical weapon
23 stockpile, \$1,467,307,000, of which \$1,067,364,000 shall
24 be for operation and maintenance, of which no less than
25 \$111,178,000, shall be for the Chemical Stockpile Emer-

1 gency Preparedness Program, consisting of \$35,130,000
2 for activities on military installations and \$76,048,000, to
3 remain available until September 30, 2012, to assist State
4 and local governments; \$7,132,000 shall be for procure-
5 ment, to remain available until September 30, 2013; and
6 \$392,811,000, to remain available until September 30,
7 2012, shall be for research, development, test and evalua-
8 tion, of which \$385,868,000 shall only be for the Assem-
9 bled Chemical Weapons Alternatives (ACWA) program.

10 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

11 DEFENSE

12 (INCLUDING TRANSFER OF FUNDS)

13 For drug interdiction and counter-drug activities of
14 the Department of Defense, for transfer to appropriations
15 available to the Department of Defense for military per-
16 sonnel of the reserve components serving under the provi-
17 sions of title 10 and title 32, United States Code; for oper-
18 ation and maintenance; for procurement; and for research,
19 development, test and evaluation, \$1,156,957,000: *Pro-*
20 *vided*, That the funds appropriated under this heading
21 shall be available for obligation for the same time period
22 and for the same purpose as the appropriation to which
23 transferred: *Provided further*, That upon a determination
24 that all or part of the funds transferred from this appro-
25 priation are not necessary for the purposes provided here-

1 in, such amounts may be transferred back to this appro-
2 priation: *Provided further*, That the transfer authority pro-
3 vided under this heading is in addition to any other trans-
4 fer authority contained elsewhere in this Act.

5 OFFICE OF THE INSPECTOR GENERAL

6 For expenses and activities of the Office of the In-
7 spector General in carrying out the provisions of the In-
8 spector General Act of 1978, as amended, \$306,794,000,
9 of which \$305,794,000 shall be for operation and mainte-
10 nance, of which not to exceed \$700,000 is available for
11 emergencies and extraordinary expenses to be expended on
12 the approval or authority of the Inspector General, and
13 payments may be made on the Inspector General's certifi-
14 cate of necessity for confidential military purposes; and
15 of which \$1,000,000, to remain available until September
16 30, 2013, shall be for procurement.

17 TITLE VII

18 RELATED AGENCIES

19 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
20 DISABILITY SYSTEM FUND

21 For payment to the Central Intelligence Agency Re-
22 tirement and Disability System Fund, to maintain the
23 proper funding level for continuing the operation of the
24 Central Intelligence Agency Retirement and Disability
25 System, \$292,000,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

4 TITLE VIII

5 GENERAL PROVISIONS

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

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

1 struction) between such appropriations or funds or any
2 subdivision thereof, to be merged with and to be available
3 for the same purposes, and for the same time period, as
4 the appropriation or fund to which transferred: *Provided*,
5 That such authority to transfer may not be used unless
6 for higher priority items, based on unforeseen military re-
7 quirements, than those for which originally appropriated
8 and in no case where the item for which funds are re-
9 quested has been denied by the Congress: *Provided further*,
10 That the Secretary of Defense shall notify the Congress
11 promptly of all transfers made pursuant to this authority
12 or any other authority in this Act: *Provided further*, That
13 no part of the funds in this Act shall be available to pre-
14 pare or present a request to the Committees on Appropria-
15 tions for reprogramming of funds, unless for higher pri-
16 ority items, based on unforeseen military requirements,
17 than those for which originally appropriated and in no
18 case where the item for which reprogramming is requested
19 has been denied by the Congress: *Provided further*, That
20 a request for multiple reprogrammings of funds using au-
21 thority provided in this section shall be made prior to June
22 30, 2011: *Provided further*, That transfers among military
23 personnel appropriations shall not be taken into account
24 for purposes of the limitation on the amount of funds that
25 may be transferred under this section.

1 SEC. 8006. (a) With regard to the list of specific pro-
2 grams, projects, and activities (and the dollar amounts
3 and adjustments to budget activities corresponding to
4 such programs, projects, and activities) contained in the
5 tables titled “Explanation of Project Level Adjustments”
6 in the explanatory statement regarding this Act, the obli-
7 gation and expenditure of amounts appropriated or other-
8 wise made available in this Act for those programs,
9 projects, and activities for which the amounts appro-
10 priated exceed the amounts requested are hereby required
11 by law to be carried out in the manner provided by such
12 tables to the same extent as if the tables were included
13 in the text of this Act.

14 (b) Amounts specified in the referenced tables de-
15 scribed in subsection (a) shall not be treated as subdivi-
16 sions of appropriations for purposes of section 8005 of this
17 Act: *Provided*, That section 8005 shall apply when trans-
18 fers of the amounts described in subsection (a) occur be-
19 tween appropriation accounts.

20 SEC. 8007. (a) Not later than 60 days after enact-
21 ment of this Act, the Department of Defense shall submit
22 a report to the congressional defense committees to estab-
23 lish the baseline for application of reprogramming and
24 transfer authorities for fiscal year 2011: *Provided*, That
25 the report shall include—

1 ments to be made from such funds: *Provided*, That trans-
2 fers may be made between such funds: *Provided further*,
3 That transfers may be made between working capital
4 funds and the “Foreign Currency Fluctuations, Defense”
5 appropriation and the “Operation and Maintenance” ap-
6 propriation accounts in such amounts as may be deter-
7 mined by the Secretary of Defense, with the approval of
8 the Office of Management and Budget, except that such
9 transfers may not be made unless the Secretary of Defense
10 has notified the Congress of the proposed transfer. Except
11 in amounts equal to the amounts appropriated to working
12 capital funds in this Act, no obligations may be made
13 against a working capital fund to procure or increase the
14 value of war reserve material inventory, unless the Sec-
15 retary of Defense has notified the Congress prior to any
16 such obligation.

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

21 SEC. 8010. None of the funds provided in this Act
22 shall be available to initiate: (1) a multiyear contract that
23 employs economic order quantity procurement in excess of
24 \$20,000,000 in any one year of the contract or that in-
25 cludes an unfunded contingent liability in excess of

1 \$20,000,000; or (2) a contract for advance procurement
2 leading to a multiyear contract that employs economic
3 order quantity procurement in excess of \$20,000,000 in
4 any one year, unless the congressional defense committees
5 have been notified at least 30 days in advance of the pro-
6 posed contract award: *Provided*, That no part of any ap-
7 propriation contained in this Act shall be available to ini-
8 tiate a multiyear contract for which the economic order
9 quantity advance procurement is not funded at least to
10 the limits of the Government's liability: *Provided further*,
11 That no part of any appropriation contained in this Act
12 shall be available to initiate multiyear procurement con-
13 tracts for any systems or component thereof if the value
14 of the multiyear contract would exceed \$500,000,000 un-
15 less specifically provided in this Act: *Provided further*,
16 That no multiyear procurement contract can be termi-
17 nated without 10-day prior notification to the congres-
18 sional defense committees: *Provided further*, That the exe-
19 cution of multiyear authority shall require the use of a
20 present value analysis to determine lowest cost compared
21 to an annual procurement: *Provided further*, That none of
22 the funds provided in this Act may be used for a multiyear
23 contract executed after the date of the enactment of this
24 Act unless in the case of any such contract—

1 (1) the Secretary of Defense has submitted to
2 Congress a budget request for full funding of units
3 to be procured through the contract and, in the case
4 of a contract for procurement of aircraft, that in-
5 cludes, for any aircraft unit to be procured through
6 the contract for which procurement funds are re-
7 quested in that budget request for production be-
8 yond advance procurement activities in the fiscal
9 year covered by the budget, full funding of procure-
10 ment of such unit in that fiscal year;

11 (2) cancellation provisions in the contract do
12 not include consideration of recurring manufacturing
13 costs of the contractor associated with the produc-
14 tion of unfunded units to be delivered under the con-
15 tract;

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

19 (4) the contract does not provide for a price ad-
20 justment based on a failure to award a follow-on
21 contract.

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

24 Navy MH-60R/S Helicopter Systems.

1 SEC. 8011. Within the funds appropriated for the op-
2 eration and maintenance of the Armed Forces, funds are
3 hereby appropriated pursuant to section 401 of title 10,
4 United States Code, for humanitarian and civic assistance
5 costs under chapter 20 of title 10, United States Code.
6 Such funds may also be obligated for humanitarian and
7 civic assistance costs incidental to authorized operations
8 and pursuant to authority granted in section 401 of chap-
9 ter 20 of title 10, United States Code, and these obliga-
10 tions shall be reported as required by section 401(d) of
11 title 10, United States Code: *Provided*, That funds avail-
12 able for operation and maintenance shall be available for
13 providing humanitarian and similar assistance by using
14 Civic Action Teams in the Trust Territories of the Pacific
15 Islands and freely associated states of Micronesia, pursu-
16 ant to the Compact of Free Association as authorized by
17 Public Law 99-239: *Provided further*, That upon a deter-
18 mination by the Secretary of the Army that such action
19 is beneficial for graduate medical education programs con-
20 ducted at Army medical facilities located in Hawaii, the
21 Secretary of the Army may authorize the provision of med-
22 ical services at such facilities and transportation to such
23 facilities, on a nonreimbursable basis, for civilian patients
24 from American Samoa, the Commonwealth of the North-

1 ern Mariana Islands, the Marshall Islands, the Federated
2 States of Micronesia, Palau, and Guam.

3 SEC. 8012. (a) During fiscal year 2011, the civilian
4 personnel of the Department of Defense may not be man-
5 aged on the basis of any end-strength, and the manage-
6 ment of such personnel during that fiscal year shall not
7 be subject to any constraint or limitation (known as an
8 end-strength) on the number of such personnel who may
9 be employed on the last day of such fiscal year.

10 (b) The fiscal year 2012 budget request for the De-
11 partment of Defense as well as all justification material
12 and other documentation supporting the fiscal year 2012
13 Department of Defense budget request shall be prepared
14 and submitted to the Congress as if subsections (a) and
15 (b) of this provision were effective with regard to fiscal
16 year 2012.

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

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

23 SEC. 8014. None of the funds appropriated by this
24 Act shall be available for the basic pay and allowances of
25 any member of the Army participating as a full-time stu-

1 dent and receiving benefits paid by the Secretary of Vet-
2 erans Affairs from the Department of Defense Education
3 Benefits Fund when time spent as a full-time student is
4 credited toward completion of a service commitment: *Pro-*
5 *vided*, That this section shall not apply to those members
6 who have reenlisted with this option prior to October 1,
7 1987: *Provided further*, That this section applies only to
8 active components of the Army.

9 SEC. 8015. (a) None of the funds appropriated by
10 this Act shall be available to convert to contractor per-
11 formance an activity or function of the Department of De-
12 fense that, on or after the date of the enactment of this
13 Act, is performed by Department of Defense civilian em-
14 ployees unless—

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

19 (2) the Competitive Sourcing Official deter-
20 mines that, over all performance periods stated in
21 the solicitation of offers for performance of the ac-
22 tivity or function, the cost of performance of the ac-
23 tivity or function by a contractor would be less costly
24 to the Department of Defense by an amount that
25 equals or exceeds the lesser of—

1 (A) 10 percent of the most efficient organi-
2 zation's personnel-related costs for performance
3 of that activity or function by Federal employ-
4 ees; or

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

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

9 (A) not making an employer-sponsored
10 health insurance plan available to the workers
11 who are to be employed in the performance of
12 that activity or function under the contract; or

13 (B) offering to such workers an employer-
14 sponsored health benefits plan that requires the
15 employer to contribute less towards the pre-
16 mium or subscription share than the amount
17 that is paid by the Department of Defense for
18 health benefits for civilian employees under
19 chapter 89 of title 5, United States Code.

20 (b)(1) The Department of Defense, without regard
21 to subsection (a) of this section or subsection (a), (b), or
22 (c) of section 2461 of title 10, United States Code, and
23 notwithstanding any administrative regulation, require-
24 ment, or policy to the contrary shall have full authority
25 to enter into a contract for the performance of any com-

1 mercial or industrial type function of the Department of
2 Defense that—

3 (A) is included on the procurement list es-
4 tablished pursuant to section 2 of the Javits-
5 Wagner-O'Day Act (section 8503 of title 41,
6 United States Code);

7 (B) is planned to be converted to perform-
8 ance by a qualified nonprofit agency for the
9 blind or by a qualified nonprofit agency for
10 other severely handicapped individuals in ac-
11 cordance with that Act; or

12 (C) is planned to be converted to perform-
13 ance by a qualified firm under at least 51 per-
14 cent ownership by an Indian tribe, as defined in
15 section 4(e) of the Indian Self-Determination
16 and Education Assistance Act (25 U.S.C.
17 450b(e)), or a Native Hawaiian Organization,
18 as defined in section 8(a)(15) of the Small
19 Business Act (15 U.S.C. 637(a)(15)).

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

24 (c) The conversion of any activity or function of the
25 Department of Defense under the authority provided by

1 this section shall be credited toward any competitive or
2 outsourcing goal, target, or measurement that may be es-
3 tablished by statute, regulation, or policy and is deemed
4 to be awarded under the authority of, and in compliance
5 with, subsection (h) of section 2304 of title 10, United
6 States Code, for the competition or outsourcing of com-
7 mercial activities.

8 (TRANSFER OF FUNDS)

9 SEC. 8016. Funds appropriated in title III of this Act
10 for the Department of Defense Pilot Mentor-Protege Pro-
11 gram may be transferred to any other appropriation con-
12 tained in this Act solely for the purpose of implementing
13 a Mentor-Protege Program developmental assistance
14 agreement pursuant to section 831 of the National De-
15 fense Authorization Act for Fiscal Year 1991 (Public Law
16 101–510; 10 U.S.C. 2302 note), as amended, under the
17 authority of this provision or any other transfer authority
18 contained in this Act: *Provided*, That subsection (j) of sec-
19 tion 831 of the National Defense Authorization Act for
20 Fiscal Year 1991 is amended by striking “September 30,
21 2010” and inserting “September 30, 2011”, and by strik-
22 ing “September 30, 2013” and inserting “September 30,
23 2014”.

24 SEC. 8017. None of the funds in this Act may be
25 available for the purchase by the Department of Defense

1 (and its departments and agencies) of welded shipboard
2 anchor and mooring chain 4 inches in diameter and under
3 unless the anchor and mooring chain are manufactured
4 in the United States from components which are substan-
5 tially manufactured in the United States: *Provided*, That
6 for the purpose of this section, the term “manufactured”
7 shall include cutting, heat treating, quality control, testing
8 of chain and welding (including the forging and shot blast-
9 ing process): *Provided further*, That for the purpose of this
10 section substantially all of the components of anchor and
11 mooring chain shall be considered to be produced or manu-
12 factured in the United States if the aggregate cost of the
13 components produced or manufactured in the United
14 States exceeds the aggregate cost of the components pro-
15 duced or manufactured outside the United States: *Pro-*
16 *vided further*, That when adequate domestic supplies are
17 not available to meet Department of Defense requirements
18 on a timely basis, the Secretary of the service responsible
19 for the procurement may waive this restriction on a case-
20 by-case basis by certifying in writing to the Committees
21 on Appropriations that such an acquisition must be made
22 in order to acquire capability for national security pur-
23 poses.

24 SEC. 8018. None of the funds available to the De-
25 partment of Defense may be used to demilitarize or dis-

1 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
2 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
3 to demilitarize or destroy small arms ammunition or am-
4 munition components that are not otherwise prohibited
5 from commercial sale under Federal law, unless the small
6 arms ammunition or ammunition components are certified
7 by the Secretary of the Army or designee as unserviceable
8 or unsafe for further use.

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

18 SEC. 8020. In addition to the funds provided else-
19 where in this Act, \$15,000,000 is appropriated only for
20 incentive payments authorized by section 504 of the In-
21 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
22 That a prime contractor or a subcontractor at any tier
23 that makes a subcontract award to any subcontractor or
24 supplier as defined in section 1544 of title 25, United
25 States Code, or a small business owned and controlled by

1 an individual or individuals defined under section 4221(9)
2 of title 25, United States Code, shall be considered a con-
3 tractor for the purposes of being allowed additional com-
4 pensation under section 504 of the Indian Financing Act
5 of 1974 (25 U.S.C. 1544) whenever the prime contract
6 or subcontract amount is over \$500,000 and involves the
7 expenditure of funds appropriated by an Act making Ap-
8 propriations for the Department of Defense with respect
9 to any fiscal year: *Provided further*, That notwithstanding
10 section 430 of title 41, United States Code, this section
11 shall be applicable to any Department of Defense acquisi-
12 tion of supplies or services, including any contract and any
13 subcontract at any tier for acquisition of commercial items
14 produced or manufactured, in whole or in part by any sub-
15 contractor or supplier defined in section 1544 of title 25,
16 United States Code, or a small business owned and con-
17 trolled by an individual or individuals defined under sec-
18 tion 4221(9) of title 25, United States Code.

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

22 SEC. 8022. During the current fiscal year, the De-
23 partment of Defense is authorized to incur obligations of
24 not to exceed \$350,000,000 for purposes specified in sec-
25 tion 2350j(c) of title 10, United States Code, in anticipa-

1 tion of receipt of contributions, only from the Government
2 of Kuwait, under that section: *Provided*, That upon re-
3 ceipt, such contributions from the Government of Kuwait
4 shall be credited to the appropriations or fund which in-
5 curred such obligations.

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

9 (1) \$27,048,000 shall be available from “Oper-
10 ation and Maintenance, Air Force” to support Civil
11 Air Patrol Corporation operation and maintenance,
12 readiness, counterdrug activities, and drug demand
13 reduction activities involving youth programs;

14 (2) \$2,424,000 shall be available from “Aircraft
15 Procurement, Air Force”; and

16 (3) \$902,000 shall be available from “Other
17 Procurement, Air Force” for vehicle procurement.

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

22 SEC. 8024. (a) None of the funds appropriated in this
23 Act are available to establish a new Department of De-
24 fense (department) federally funded research and develop-
25 ment center (FFRDC), either as a new entity, or as a

1 separate entity administrated by an organization man-
2 aging another FFRDC, or as a nonprofit membership cor-
3 poration consisting of a consortium of other FFRDCs and
4 other nonprofit entities.

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

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

1 (d) Notwithstanding any other provision of law, of
2 the funds available to the department during fiscal year
3 2011, not more than 5,750 staff years of technical effort
4 (staff years) may be funded for defense FFRDCs: *Pro-*
5 *vided*, That of the specific amount referred to previously
6 in this subsection, not more than 1,125 staff years may
7 be funded for the defense studies and analysis FFRDCs:
8 *Provided further*, That this subsection shall not apply to
9 staff years funded in the National Intelligence Program
10 (NIP) and the Military Intelligence Program (MIP).

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

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

20 SEC. 8025. None of the funds appropriated or made
21 available in this Act shall be used to procure carbon, alloy
22 or armor steel plate for use in any Government-owned fa-
23 cility or property under the control of the Department of
24 Defense which were not melted and rolled in the United
25 States or Canada: *Provided*, That these procurement re-

1 strictions shall apply to any and all Federal Supply Class
2 9515, American Society of Testing and Materials (ASTM)
3 or American Iron and Steel Institute (AISI) specifications
4 of carbon, alloy or armor steel plate: *Provided further,*
5 That the Secretary of the military department responsible
6 for the procurement may waive this restriction on a case-
7 by-case basis by certifying in writing to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that adequate domestic supplies are not available
10 to meet Department of Defense requirements on a timely
11 basis and that such an acquisition must be made in order
12 to acquire capability for national security purposes: *Pro-*
13 *vided further,* That these restrictions shall not apply to
14 contracts which are in being as of the date of the enact-
15 ment of this Act.

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

24 SEC. 8027. During the current fiscal year, the De-
25 partment of Defense may acquire the modification, depot

1 maintenance and repair of aircraft, vehicles and vessels
2 as well as the production of components and other De-
3 fense-related articles, through competition between De-
4 partment of Defense depot maintenance activities and pri-
5 vate firms: *Provided*, That the Senior Acquisition Execu-
6 tive of the military department or Defense Agency con-
7 cerned, with power of delegation, shall certify that success-
8 ful bids include comparable estimates of all direct and in-
9 direct costs for both public and private bids: *Provided fur-*
10 *ther*, That Office of Management and Budget Circular A-
11 76 shall not apply to competitions conducted under this
12 section.

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

23 (2) An agreement referred to in paragraph (1) is any
24 reciprocal defense procurement memorandum of under-
25 standing, between the United States and a foreign country

1 pursuant to which the Secretary of Defense has prospec-
2 tively waived the Buy American Act for certain products
3 in that country.

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

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

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

23 SEC. 8030. (a) Notwithstanding any other provision
24 of law, the Secretary of the Air Force may convey at no
25 cost to the Air Force, without consideration, to Indian

1 tribes located in the States of Nevada, Idaho, North Da-
2 kota, South Dakota, Montana, Oregon, Minnesota, and
3 Washington relocatable military housing units located at
4 Grand Forks Air Force Base, Malmstrom Air Force Base,
5 Mountain Home Air Force Base, Ellsworth Air Force
6 Base, and Minot Air Force Base that are excess to the
7 needs of the Air Force.

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

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

23 (d) In this section, the term “Indian tribe” means
24 any recognized Indian tribe included on the current list
25 published by the Secretary of the Interior under section

1 104 of the Federally Recognized Indian Tribe Act of 1994
2 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-
3 1).

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

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

22 (b) The fiscal year 2012 budget request for the De-
23 partment of Defense as well as all justification material
24 and other documentation supporting the fiscal year 2012
25 Department of Defense budget shall be prepared and sub-

1 mitted to the Congress on the basis that any equipment
2 which was classified as an end item and funded in a pro-
3 curement appropriation contained in this Act shall be
4 budgeted for in a proposed fiscal year 2012 procurement
5 appropriation and not in the supply management business
6 area or any other area or category of the Department of
7 Defense Working Capital Funds.

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

24 SEC. 8034. Notwithstanding any other provision of
25 law, funds made available in this Act for the Defense In-

1 telligence Agency may be used for the design, develop-
2 ment, and deployment of General Defense Intelligence
3 Program intelligence communications and intelligence in-
4 formation systems for the Services, the Unified and Speci-
5 fied Commands, and the component commands.

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

16 SEC. 8036. (a) None of the funds appropriated in this
17 Act may be expended by an entity of the Department of
18 Defense unless the entity, in expending the funds, com-
19 plies with the Buy American Act. For purposes of this
20 subsection, the term “Buy American Act” means chapter
21 83 of title 41, United States Code.

22 (b) If the Secretary of Defense determines that a per-
23 son has been convicted of intentionally affixing a label
24 bearing a “Made in America” inscription to any product
25 sold in or shipped to the United States that is not made

1 in America, the Secretary shall determine, in accordance
2 with section 2410f of title 10, United States Code, wheth-
3 er the person should be debarred from contracting with
4 the Department of Defense.

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

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

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

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

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

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

16 (1) to establish a field operating agency; or

17 (2) to pay the basic pay of a member of the
18 Armed Forces or civilian employee of the depart-
19 ment who is transferred or reassigned from a head-
20 quarters activity if the member or employee's place
21 of duty remains at the location of that headquarters.

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

1 House of Representatives and Senate that the granting
2 of the waiver will reduce the personnel requirements or
3 the financial requirements of the department.

4 (c) This section does not apply to—

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

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

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

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

23 (RESCISSIONS)

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

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

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

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

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

9 “Aircraft Procurement, Air Force, 2009/2011”,
10 \$116,900,000.

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

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

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

17 “Aircraft Procurement, Navy, 2010/2012”,
18 \$284,847,000.

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

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

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

1 “Aircraft Procurement, Air Force, 2010/2012”,
2 \$151,300,000.

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

5 “Research, Development, Test and Evaluation,
6 Army, 2010/2011”, \$53,500,000.

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

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

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

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

23 SEC. 8043. Funds appropriated in this Act for oper-
24 ation and maintenance of the Military Departments, Com-
25 batant Commands and Defense Agencies shall be available

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

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

22 SEC. 8045. (a) None of the funds available to the
23 Department of Defense for any fiscal year for drug inter-
24 diction or counter-drug activities may be transferred to

1 any other department or agency of the United States ex-
2 cept as specifically provided in an appropriations law.

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

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

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

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

20 SEC. 8049. (a) Notwithstanding any other provision
21 of law, none of the funds available to the Department of
22 Defense for the current fiscal year may be obligated or
23 expended to transfer to another nation or an international
24 organization any defense articles or services (other than
25 intelligence services) for use in the activities described in

1 subsection (b) unless the congressional defense commit-
2 tees, the Committee on Foreign Affairs of the House of
3 Representatives, and the Committee on Foreign Relations
4 of the Senate are notified 15 days in advance of such
5 transfer.

6 (b) This section applies to—

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

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

14 (c) A notice under subsection (a) shall include the
15 following:

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

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

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

22 (A) a statement of whether the inventory
23 requirements of all elements of the Armed
24 Forces (including the reserve components) for

1 the type of equipment or supplies to be trans-
2 ferred have been met; and

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

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

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

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

17 (INCLUDING TRANSFER OF FUNDS)

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

1 organizations and activities outside the Department of De-
2 fense pursuant to section 2012 of title 10, United States
3 Code.

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

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

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

20 (3) in the case of an expired account, the obli-
21 gation is not chargeable to a current appropriation
22 of the Department of Defense under the provisions
23 of section 1405(b)(8) of the National Defense Au-
24 thorization Act for Fiscal Year 1991, Public Law
25 101–510, as amended (31 U.S.C. 1551 note): *Pro-*

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

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

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

24 SEC. 8054. Using funds made available by this Act
25 or any other Act, the Secretary of the Air Force, pursuant

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

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

1 on Appropriations of the House of Representatives and the
2 Senate that it is in the national security interest to do
3 so.

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

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

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

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

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

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

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

23 (b) The Secretary of Defense, in consultation with the
24 Secretary of State, shall ensure that prior to a decision
25 to conduct any training program referred to in subsection

1 (a), full consideration is given to all credible information
2 available to the Department of State relating to human
3 rights violations by foreign security forces.

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

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

16 SEC. 8059. None of the funds appropriated or made
17 available in this Act to the Department of the Navy shall
18 be used to develop, lease or procure the T-AKE class of
19 ships unless the main propulsion diesel engines and
20 propulsors are manufactured in the United States by a
21 domestically operated entity: *Provided*, That the Secretary
22 of Defense may waive this restriction on a case-by-case
23 basis by certifying in writing to the Committees on Appro-
24 priations of the House of Representatives and the Senate
25 that adequate domestic supplies are not available to meet

1 Department of Defense requirements on a timely basis
2 and that such an acquisition must be made in order to
3 acquire capability for national security purposes or there
4 exists a significant cost or quality difference.

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

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

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

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

23 SEC. 8064. Notwithstanding section 12310(b) of title
24 10, United States Code, a Reserve who is a member of
25 the National Guard serving on full-time National Guard

1 duty under section 502(f) of title 32, United States Code,
2 may perform duties in support of the ground-based ele-
3 ments of the National Ballistic Missile Defense System.

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

21 SEC. 8066. Notwithstanding any other provision of
22 law, the Chief of the National Guard Bureau, or his des-
23 ignee, may waive payment of all or part of the consider-
24 ation that otherwise would be required under section 2667
25 of title 10, United States Code, in the case of a lease of

1 personal property for a period not in excess of 1 year to
2 any organization specified in section 508(d) of title 32,
3 United States Code, or any other youth, social, or fra-
4 ternal nonprofit organization as may be approved by the
5 Chief of the National Guard Bureau, or his designee, on
6 a case-by-case basis.

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

1 the District of Columbia shall be procured from the most
2 competitive source, price and other factors considered.

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

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8072. Of the amounts appropriated in this Act
21 under the headings “Procurement, Defense-Wide” and
22 “Research, Development, Test and Evaluation, Defense-
23 Wide”, \$415,115,000 shall be for the Israeli Cooperative
24 Programs: *Provided*, That of this amount, \$205,000,000
25 shall be for the Secretary of Defense to provide to the Gov-

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

24 SEC. 8073. None of the funds available to the De-
25 partment of Defense may be obligated to modify command

1 and control relationships to give Fleet Forces Command
2 administrative and operational control of U.S. Navy forces
3 assigned to the Pacific fleet: *Provided*, That the command
4 and control relationships which existed on October 1,
5 2004, shall remain in force unless changes are specifically
6 authorized in a subsequent Act.

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

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

20 (A) The requirements of section
21 7403(g)(1)(A) of title 38, United States Code,
22 shall apply.

23 (B) The limitations of section
24 7403(g)(1)(B) of title 38, United States Code,
25 shall not apply.

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

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

15 SEC. 8077. The budget of the President for fiscal
16 year 2012 submitted to the Congress pursuant to section
17 1105 of title 31, United States Code, shall include sepa-
18 rate budget justification documents for costs of United
19 States Armed Forces' participation in contingency oper-
20 ations for the Military Personnel accounts, the Operation
21 and Maintenance accounts, and the Procurement ac-
22 counts: *Provided*, That these documents shall include a de-
23 scription of the funding requested for each contingency op-
24 eration, for each military service, to include all Active and
25 Reserve components, and for each appropriations account:

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8079. In addition to the amounts appropriated
19 or otherwise made available elsewhere in this Act,
20 \$65,200,000 is hereby appropriated to the Department of
21 Defense: *Provided*, That upon the determination of the
22 Secretary of Defense that it shall serve the national inter-
23 est, he shall make grants in the amounts specified as fol-
24 lows: \$20,000,000 to the United Service Organizations;
25 \$24,000,000 to the Red Cross; \$1,200,000 to the Special

1 Olympics; and \$20,000,000 to the Youth Mentoring
2 Grants Program: *Provided further*, That funds available
3 in this section for the Youth Mentoring Grants Program
4 may be available for transfer to the Department of Justice
5 Youth Mentoring Grants Program.

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

15 SEC. 8081. None of the funds provided in this Act
16 shall be available for integration of foreign intelligence in-
17 formation unless the information has been lawfully col-
18 lected and processed during the conduct of authorized for-
19 eign intelligence activities: *Provided*, That information
20 pertaining to United States persons shall only be handled
21 in accordance with protections provided in the Fourth
22 Amendment of the United States Constitution as imple-
23 mented through Executive Order No. 12333.

24 SEC. 8082. (a) At the time members of reserve com-
25 ponents of the Armed Forces are called or ordered to ac-

1 tive duty under section 12302(a) of title 10, United States
2 Code, each member shall be notified in writing of the ex-
3 pected period during which the member will be mobilized.

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

9 (INCLUDING TRANSFER OF FUNDS)

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

1 transfer authority provided by this section is in addition
2 to any other transfer authority contained elsewhere in this
3 Act.

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

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

18 (b) The Army shall retain responsibility for and oper-
19 ational control of the MQ-1C Sky Warrior Unmanned
20 Aerial Vehicle (UAV) in order to support the Secretary
21 of Defense in matters relating to the employment of un-
22 manned aerial vehicles.

23 SEC. 8086. Notwithstanding any other provision of
24 law or regulation, during the current fiscal year and here-
25 after, the Secretary of Defense may adjust wage rates for

1 civilian employees hired for certain health care occupa-
2 tions as authorized for the Secretary of Veterans Affairs
3 by section 7455 of title 38, United States Code.

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

19 SEC. 8088. None of the funds appropriated by this
20 Act for programs of the Office of the Director of National
21 Intelligence shall remain available for obligation beyond
22 the current fiscal year, except for funds appropriated for
23 research and technology, which shall remain available until
24 September 30, 2012.

1 SEC. 8089. For purposes of section 1553(b) of title
2 31, United States Code, any subdivision of appropriations
3 made in this Act under the heading “Shipbuilding and
4 Conversion, Navy” shall be considered to be for the same
5 purpose as any subdivision under the heading “Ship-
6 building and Conversion, Navy” appropriations in any
7 prior fiscal year, and the 1 percent limitation shall apply
8 to the total amount of the appropriation.

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

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

19 (1) For procurement programs requesting more
20 than \$20,000,000 in any fiscal year, the P-1, Pro-
21 curement Program; P-5, Cost Analysis; P-5a, Pro-
22 curement History and Planning; P-21, Production
23 Schedule; and P-40, Budget Item Justification.

24 (2) For research, development, test and evalua-
25 tion projects requesting more than \$10,000,000 in

1 any fiscal year, the R-1, RDT&E Program; R-2,
2 RDT&E Budget Item Justification; R-3, RDT&E
3 Project Cost Analysis; and R-4, RDT&E Program
4 Schedule Profile.

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

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

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

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

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

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

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

23 SEC. 8095. For the purposes of this Act, the term
24 "congressional intelligence committees" means the Perma-
25 nent Select Committee on Intelligence of the House of

1 Representatives, the Select Committee on Intelligence of
2 the Senate, the Subcommittee on Defense of the Com-
3 mittee on Appropriations of the House of Representatives,
4 and the Subcommittee on Defense of the Committee on
5 Appropriations of the Senate.

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

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8098. During the current fiscal year, not to ex-
22 ceed \$11,000,000 from each of the appropriations made
23 in title II of this Act for “Operation and Maintenance,
24 Army”, “Operation and Maintenance, Navy”, and “Oper-
25 ation and Maintenance, Air Force” may be transferred by

1 the military department concerned to its central fund es-
2 tablished for Fisher Houses and Suites pursuant to sec-
3 tion 2493(d) of title 10, United States Code.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8099. Of the funds appropriated in the Intel-
6 ligence Community Management Account for the Program
7 Manager for the Information Sharing Environment,
8 \$24,000,000 is available for transfer by the Director of
9 National Intelligence to other departments and agencies
10 for purposes of Government-wide information sharing ac-
11 tivities: *Provided*, That funds transferred under this provi-
12 sion are to be merged with and available for the same pur-
13 poses and time period as the appropriation to which trans-
14 ferred: *Provided further*, That the Office of Management
15 and Budget must approve any transfers made under this
16 provision.

17 SEC. 8100. Funds appropriated by this Act for oper-
18 ation and maintenance may be available for the purpose
19 of making remittances to the Defense Acquisition Work-
20 force Development Fund in accordance with the require-
21 ments of section 1705 of title 10, United States Code.

22 SEC. 8101. (a) Any agency receiving funds made
23 available in this Act, shall, subject to subsections (b) and
24 (c), post on the public website of that agency any report
25 required to be submitted by the Congress in this or any

1 other Act, upon the determination by the head of the agen-
2 cy that it shall serve the national interest.

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

4 (1) the public posting of the report com-
5 promises national security; or

6 (2) the report contains proprietary information.

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

11 SEC. 8102. (a) None of the funds appropriated or
12 otherwise made available by this Act may be expended for
13 any Federal contract for an amount in excess of
14 \$1,000,000 unless the contractor agrees not to—

15 (1) enter into any agreement with any of its
16 employees or independent contractors that requires,
17 as a condition of employment, that the employee or
18 independent contractor agree to resolve through ar-
19 bitration any claim under title VII of the Civil
20 Rights Act of 1964 or any tort related to or arising
21 out of sexual assault or harassment, including as-
22 sault and battery, intentional infliction of emotional
23 distress, false imprisonment, or negligent hiring, su-
24 pervision, or retention; or

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

11 (b) None of the funds appropriated or otherwise
12 made available by this Act may be expended for any Fed-
13 eral contract unless the contractor certifies that it requires
14 each covered subcontractor to agree not to enter into, and
15 not to take any action to enforce any provision of, any
16 agreement as described in paragraphs (1) and (2) of sub-
17 section (a), with respect to any employee or independent
18 contractor performing work related to such subcontract.
19 For purposes of this subsection, a “covered subcon-
20 tractor” is an entity that has a subcontract in excess of
21 \$1,000,000 on a contract subject to subsection (a).

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

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

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

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

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

18 SEC. 8104. (a)(1) No National Intelligence Program
19 funds appropriated in this Act may be used for a mission
20 critical or mission essential business management infor-
21 mation technology system that is not registered with the
22 Director of National Intelligence. A system shall be con-
23 sidered to be registered with that officer upon the fur-
24 nishing notice of the system, together with such informa-

1 tion concerning the system as the Director of the Business
2 Transformation Office may prescribe.

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

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

20 (1) Business process reengineering.

21 (2) An analysis of alternatives and an economic
22 analysis that includes a calculation of the return on
23 investment.

24 (3) Assurance the system is compatible with the
25 enterprise-wide business architecture.

1 (4) Performance measures.

2 (5) An information assurance strategy con-
3 sistent with the Chief Information Officer of the In-
4 telligence Community.

5 (c) This section shall not apply to any programmatic
6 or analytic systems or programmatic or analytic system
7 improvements.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8105. Of the funds appropriated in this Act for
10 the Office of the Director of National Intelligence,
11 \$50,000,000, may be transferred to appropriations avail-
12 able to the Central Intelligence Agency, the National Secu-
13 rity Agency, and the National Geospatial Intelligence
14 Agency, the Defense Intelligence Agency and the National
15 Reconnaissance Office for the Business Transformation
16 Transfer Funds, to be merged with and to be available
17 for the same time period and the same purposes as the
18 appropriation to which transferred: *Provided*, That the
19 transfer authority provided under this provision is in addi-
20 tion to any other transfer authority contained in this Act.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8106. In addition to funds made available else-
23 where in this Act, there is hereby appropriated
24 \$538,875,000, to remain available until transferred: *Pro-*
25 *vided*, That these funds are appropriated to the “Tanker

1 Replacement Transfer Fund” (referred to as “the Fund”
2 elsewhere in this section): *Provided further*, That the Sec-
3 retary of the Air Force may transfer amounts in the Fund
4 to “Operation and Maintenance, Air Force”, “Aircraft
5 Procurement, Air Force”, and “Research, Development,
6 Test and Evaluation, Air Force”, only for the purposes
7 of proceeding with a tanker acquisition program: *Provided*
8 *further*, That funds transferred shall be merged with and
9 be available for the same purposes and for the same time
10 period as the appropriations or fund to which transferred:
11 *Provided further*, That this transfer authority is in addi-
12 tion to any other transfer authority available to the De-
13 partment of Defense: *Provided further*, That the Secretary
14 of the Air Force shall, not fewer than 15 days prior to
15 making transfers using funds provided in this section, no-
16 tify the congressional defense committees in writing of the
17 details of any such transfer: *Provided further*, That the
18 Secretary shall submit a report no later than 30 days after
19 the end of each fiscal quarter to the congressional defense
20 committees summarizing the details of the transfer of
21 funds from this appropriation.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8107. From within the funds appropriated for
24 operation and maintenance for the Defense Health Pro-
25 gram in this Act, up to \$132,200,000, shall be available

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

20 SEC. 8108. (a) Of the amounts made available in this
21 Act under the heading “Operation and Maintenance,
22 Navy”, not less than \$2,000,000, shall be made available
23 for leveraging the Army’s Contractor Manpower Reporting
24 Application, modified as appropriate for Service-specific
25 requirements, for documenting the number of full-time

1 contractor employees (or its equivalent) pursuant to
2 United States Code title 10, section 2330a(c) and meeting
3 the requirements of United States Code title 10, section
4 2330a(e) and United States Code title 10, section 235.

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

15 (c) The Secretaries of the Army, Navy, Air Force,
16 and the Directors of the Defense Agencies and Field Ac-
17 tivities (in coordination with the appropriate Principal
18 Staff Assistant), in coordination with the Under Secretary
19 of Defense for Personnel and Readiness, shall report to
20 the congressional defense committees within 60 days of
21 enactment of this Act their plan for documenting the num-
22 ber of full-time contractor employees (or its equivalent),
23 as required by United States Code title 10, section 2330a.

1 (INCLUDING TRANSFER OF FUNDS)

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

21 SEC. 8110. In addition to amounts provided else-
22 where in this Act, there is appropriated \$300,000,000, for
23 an additional amount for “Operation and Maintenance,
24 Defense-Wide”, to remain available until expended. Such
25 funds may be available for the Office of Economic Adjust-

1 ment, notwithstanding any other provision of law, for
2 transportation infrastructure improvements associated
3 with medical facilities related to recommendations of the
4 Defense Base Closure and Realignment Commission.

5 SEC. 8111. Section 310(b) of the Supplemental Ap-
6 propriations Act, 2009 (Public Law 111–32; 124 Stat.
7 1871) is amended by striking “1 year” both places it ap-
8 pears and inserting “2 years”.

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

21 SEC. 8113. For all major defense acquisition pro-
22 grams for which the Department of Defense plans to pro-
23 ceed to source selection during the current fiscal year, the
24 Secretary of Defense shall perform an assessment of the
25 winning bidder to determine whether or not the proposed

1 costs are realistic and reasonable with respect to proposed
2 development and production costs. The Secretary of De-
3 fense shall provide a report of these assessments, to spe-
4 cifically include whether any cost assessments determined
5 that such proposed costs were unreasonable or unrealistic,
6 to the congressional defense committees not later than 60
7 days after enactment of this Act and on a quarterly basis
8 thereafter.

9 SEC. 8114. (a) The Deputy Under Secretary of De-
10 fense for Installations and Environment, in collaboration
11 with the Secretary of Energy, shall conduct energy secu-
12 rity pilot projects at facilities of the Department of De-
13 fense.

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

19 SEC. 8115. None of the funds appropriated or other-
20 wise made available by this Act may be obligated or ex-
21 pended to pay a retired general or flag officer to serve
22 as a senior mentor advising the Department of Defense
23 unless such retired officer files a Standard Form 278 (or
24 successor form concerning public financial disclosure

1 under part 2634 of title 5, Code of Federal Regulations)
2 to the Office of Government Ethics.

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

16 (1) A description of the programming details
17 necessary to obtain an appropriate mix of fixed wing
18 and rotor wing firefighting assets needed to produce
19 an effective aviation resource base to support the
20 wildland fire management program into the future.
21 Such programming details shall include the acquisi-
22 tion and contracting needs of the mix of aviation re-
23 sources fleet, including the acquisition of up to 24
24 C-130Js equipped with the Mobile Airborne Fire
25 Fighting System II (in this section referred to as

1 “MAFFS”), to be acquired over several fiscal years
2 starting in fiscal year 2012.

3 (2) The costs associated with acquisition and
4 contracting of the aviation assets described in para-
5 graph (1).

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

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

18 (B) Associated maintenance and other sup-
19 port personnel and requirement for full-time
20 equivalent positions.

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

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

4 (E) Any other costs required to conduct
5 both the airlift and firefighting missions, in-
6 cluding the Air National Guard unit construct
7 for C-130Js.

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

15 (5) An integrated plan for the Forest Service
16 and the Department of the Interior wildland fire
17 management programs to operate the fire fighting
18 air tanker assets referred to in this section.

19 SEC. 8117. Notwithstanding any other provision of
20 this division, to reflect savings from revised economic as-
21 sumptions, the total amount appropriated in title II of this
22 division is hereby reduced by \$469,000,000, the total
23 amount appropriated in title III of this division is hereby
24 reduced by \$497,000,000, and the total amount appro-
25 priated in title IV of this division is hereby reduced by

1 \$336,000,000: *Provided*, That the Secretary of Defense
2 shall allocate this reduction proportionally to each budget
3 activity, activity group, subactivity group, and each pro-
4 gram, project, and activity, within each appropriation ac-
5 count.

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

11 SEC. 8119. The explanatory statement regarding this
12 division, printed in the Senate section of the Congressional
13 Record on or about March 4, 2011, by the Chairman of
14 the Committee on Appropriations of the Senate, shall have
15 the same effect with respect to the allocation of funds and
16 implementation of this division as if it were a Report of
17 the Committee on Appropriations.

18 TITLE IX

19 OVERSEAS CONTINGENCY OPERATIONS

20 MILITARY PERSONNEL

21 MILITARY PERSONNEL, ARMY

22 For an additional amount for “Military Personnel,
23 Army”, \$11,468,033,000: *Provided*, That each amount in
24 this paragraph is designated as being for contingency op-
25 erations directly related to the global war on terrorism

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

5 MILITARY PERSONNEL, NAVY

6 For an additional amount for “Military Personnel,
7 Navy”, \$1,308,719,000: *Provided*, That each amount in
8 this paragraph is designated as being for contingency op-
9 erations directly related to the global war on terrorism
10 pursuant to section 3(e)(2) of H. Res. 5 (112th Congress)
11 and as an emergency requirement pursuant to section
12 403(a) of S. Con. Res. 13 (111th Congress), the concur-
13 rent resolution on the budget for fiscal year 2010.

14 MILITARY PERSONNEL, MARINE CORPS

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

23 MILITARY PERSONNEL, AIR FORCE

24 For an additional amount for “Military Personnel,
25 Air Force”, \$2,060,442,000: *Provided*, That each amount

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

7 RESERVE PERSONNEL, ARMY

8 For an additional amount for “Reserve Personnel,
9 Army”, \$268,031,000: *Provided*, That each amount in this
10 paragraph is designated as being for contingency oper-
11 ations directly related to the global war on terrorism pur-
12 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
13 and as an emergency requirement pursuant to section
14 403(a) of S. Con. Res. 13 (111th Congress), the concur-
15 rent resolution on the budget for fiscal year 2010.

16 RESERVE PERSONNEL, NAVY

17 For an additional amount for “Reserve Personnel,
18 Navy”, \$48,912,000: *Provided*, That each amount in this
19 paragraph is designated as being for contingency oper-
20 ations directly related to the global war on terrorism pur-
21 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
22 and as an emergency requirement pursuant to section
23 403(a) of S. Con. Res. 13 (111th Congress), the concur-
24 rent resolution on the budget for fiscal year 2010.

1 RESERVE PERSONNEL, MARINE CORPS

2 For an additional amount for “Reserve Personnel,
3 Marine Corps”, \$45,437,000: *Provided*, That each amount
4 in this paragraph is designated as being for contingency
5 operations directly related to the global war on terrorism
6 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
7 and as an emergency requirement pursuant to section
8 403(a) of S. Con. Res. 13 (111th Congress), the concur-
9 rent resolution on the budget for fiscal year 2010.

10 RESERVE PERSONNEL, AIR FORCE

11 For an additional amount for “Reserve Personnel,
12 Air Force”, \$27,002,000: *Provided*, That each amount in
13 this paragraph is designated as being for contingency op-
14 erations directly related to the global war on terrorism
15 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
16 and as an emergency requirement pursuant to section
17 403(a) of S. Con. Res. 13 (111th Congress), the concur-
18 rent resolution on the budget for fiscal year 2010.

19 NATIONAL GUARD PERSONNEL, ARMY

20 For an additional amount for “National Guard Per-
21 sonnel, Army”, \$853,022,000: *Provided*, That each
22 amount in this paragraph is designated as being for con-
23 tingency operations directly related to the global war on
24 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
25 Congress) and as an emergency requirement pursuant to

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

3 NATIONAL GUARD PERSONNEL, AIR FORCE

4 For an additional amount for “National Guard Per-
5 sonnel, Air Force”, \$16,860,000: *Provided*, That each
6 amount in this paragraph is designated as being for con-
7 tingency operations directly related to the global war on
8 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
9 Congress) and as an emergency requirement pursuant to
10 section 403(a) of S. Con. Res. 13 (111th Congress), the
11 concurrent resolution on the budget for fiscal year 2010.

12 OPERATION AND MAINTENANCE

13 OPERATION AND MAINTENANCE, ARMY

14 For an additional amount for “Operation and Main-
15 tenance, Army”, \$59,212,782,000: *Provided*, That each
16 amount in this paragraph is designated as being for con-
17 tingency operations directly related to the global war on
18 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
19 Congress) and as an emergency requirement pursuant to
20 section 403(a) of S. Con. Res. 13 (111th Congress), the
21 concurrent resolution on the budget for fiscal year 2010.

22 OPERATION AND MAINTENANCE, NAVY

23 For an additional amount for “Operation and Main-
24 tenance, Navy”, \$8,970,724,000: *Provided*, That each
25 amount in this paragraph is designated as being for con-

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

6 OPERATION AND MAINTENANCE, MARINE CORPS

7 For an additional amount for “Operation and Main-
8 tenance, Marine Corps”, \$4,008,022,000: *Provided*, That
9 each amount in this paragraph is designated as being for
10 contingency operations directly related to the global war
11 on terrorism pursuant to section 3(c)(2) of H. Res. 5
12 (112th Congress) and as an emergency requirement pur-
13 suant to section 403(a) of S. Con. Res. 13 (111th Con-
14 gress), the concurrent resolution on the budget for fiscal
15 year 2010.

16 OPERATION AND MAINTENANCE, AIR FORCE

17 For an additional amount for “Operation and Main-
18 tenance, Air Force”, \$12,989,643,000: *Provided*, That
19 each amount in this paragraph is designated as being for
20 contingency operations directly related to the global war
21 on terrorism pursuant to section 3(c)(2) of H. Res. 5
22 (112th Congress) and as an emergency requirement pur-
23 suant to section 403(a) of S. Con. Res. 13 (111th Con-
24 gress), the concurrent resolution on the budget for fiscal
25 year 2010.

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 For an additional amount for “Operation and Main-
3 tenance, Defense-Wide”, \$9,276,990,000: *Provided*, That
4 each amount in this section is designated as being for con-
5 tingency operations directly related to the global war on
6 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th
7 Congress) and as an emergency requirement pursuant to
8 section 403(a) of S. Con. Res. 13 (111th Congress), the
9 concurrent resolution on the budget for fiscal year 2010:
10 *Provided further*, That of the funds provided under this
11 heading:

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

16 (2) Not to exceed \$1,600,000,000, to remain
17 available until expended, for payments to reimburse
18 key cooperating nations for logistical, military, and
19 other support, including access provided to United
20 States military operations in support of Operation
21 New Dawn and Operation Enduring Freedom, not-
22 withstanding any other provision of law: *Provided*,
23 That such reimbursement payments may be made in
24 such amounts as the Secretary of Defense, with the
25 concurrence of the Secretary of State, and in con-

1 sultation with the Director of the Office of Manage-
2 ment and Budget, may determine, in his discretion,
3 based on documentation determined by the Secretary
4 of Defense to adequately account for the support
5 provided, and such determination is final and con-
6 clusive upon the accounting officers of the United
7 States, and 15 days following notification to the ap-
8 propriate congressional committees: *Provided further,*
9 That the requirement to provide notification shall
10 not apply with respect to a reimbursement for access
11 based on an international agreement: *Provided fur-*
12 *ther,* That these funds may be used for the purpose
13 of providing specialized training and procuring sup-
14 plies and specialized equipment and providing such
15 supplies and loaning such equipment on a non-reim-
16 bursable basis to coalition forces supporting United
17 States military operations in Iraq and Afghanistan,
18 and 15 days following notification to the appropriate
19 congressional committees: *Provided further,* That the
20 Secretary of Defense shall provide quarterly reports
21 to the congressional defense committees on the use
22 of funds provided in this paragraph.

23 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Army Reserve”, \$206,784,000: *Provided,* That

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

8 OPERATION AND MAINTENANCE, NAVY RESERVE

9 For an additional amount for “Operation and Main-
10 tenance, Navy Reserve”, \$93,559,000: *Provided*, That
11 each amount in this paragraph is designated as being for
12 contingency operations directly related to the global war
13 on terrorism pursuant to section 3(c)(2) of H. Res. 5
14 (112th Congress) and as an emergency requirement pur-
15 suant to section 403(a) of S. Con. Res. 13 (111th Con-
16 gress), the concurrent resolution on the budget for fiscal
17 year 2010.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Marine Corps Reserve”, \$29,685,000: *Provided*,
22 That each amount in this paragraph is designated as
23 being for contingency operations directly related to the
24 global war on terrorism pursuant to section 3(c)(2) of H.
25 Res. 5 (112th Congress) and as an emergency requirement

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

4 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

5 For an additional amount for “Operation and Main-
6 tenance, Air Force Reserve”, \$203,807,000: *Provided*,
7 That each amount in this paragraph is designated as
8 being for contingency operations directly related to the
9 global war on terrorism pursuant to section 3(e)(2) of H.
10 Res. 5 (112th Congress) and as an emergency requirement
11 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
12 gress), the concurrent resolution on the budget for fiscal
13 year 2010.

14 OPERATION AND MAINTENANCE, ARMY NATIONAL

15 GUARD

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

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For an additional amount for “Operation and Main-
3 tenance, Air National Guard”, \$417,983,000: *Provided*,
4 That each amount in this paragraph is designated as
5 being for contingency operations directly related to the
6 global war on terrorism pursuant to section 3(c)(2) of H.
7 Res. 5 (112th Congress) and as an emergency requirement
8 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
9 gress), the concurrent resolution on the budget for fiscal
10 year 2010.

11 AFGHANISTAN INFRASTRUCTURE FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 There is hereby established in the Treasury of the
14 United States the “Afghanistan Infrastructure Fund”.
15 For the “Afghanistan Infrastructure Fund”,
16 \$400,000,000, to remain available until September 30,
17 2012: *Provided*, That such sums shall be available for in-
18 frastructure projects in Afghanistan, notwithstanding any
19 other provision of law, which shall be undertaken by the
20 Secretary of State, unless the Secretary of State and the
21 Secretary of Defense jointly decide that a specific project
22 will be undertaken by the Department of Defense: *Pro-*
23 *vided further*, That the infrastructure referred to in the
24 preceding proviso is in support of the counterinsurgency
25 strategy, requiring funding for facility and infrastructure

1 projects, including, but not limited to, water, power, and
2 transportation projects and related maintenance and
3 sustainment costs: *Provided further*, That the authority to
4 undertake such infrastructure projects is in addition to
5 any other authority to provide assistance to foreign na-
6 tions: *Provided further*, That any projects funded by this
7 appropriation shall be jointly formulated and concurred in
8 by the Secretary of State and Secretary of Defense: *Pro-*
9 *vided further*, That funds may be transferred to the De-
10 partment of State for purposes of undertaking projects,
11 which funds shall be considered to be economic assistance
12 under the Foreign Assistance Act of 1961 for purposes
13 of making available the administrative authorities con-
14 tained in that Act: *Provided further*, That the transfer au-
15 thority in the preceding proviso is in addition to any other
16 authority available to the Department of Defense to trans-
17 fer funds: *Provided further*, That any unexpended funds
18 transferred to the Secretary of State under this authority
19 shall be returned to the Afghanistan Infrastructure Fund
20 if the Secretary of State, in coordination with the Sec-
21 retary of Defense, determines that the project cannot be
22 implemented for any reason, or that the project no longer
23 supports the counterinsurgency strategy in Afghanistan:
24 *Provided further*, That any funds returned to the Sec-
25 retary of Defense under the previous proviso shall be avail-

1 able for use under this appropriation and shall be treated
2 in the same manner as funds not transferred to the Sec-
3 retary of State: *Provided further*, That contributions of
4 funds for the purposes provided herein to the Secretary
5 of State in accordance with section 635(d) of the Foreign
6 Assistance Act from any person, foreign government, or
7 international organization may be credited to this Fund,
8 to remain available until expended, and used for such pur-
9 poses: *Provided further*, That the Secretary of Defense
10 shall, not fewer than 15 days prior to making transfers
11 to or from, or obligations from the Fund, notify the appro-
12 priate committees of Congress in writing of the details of
13 any such transfer: *Provided further*, That the “appropriate
14 committees of Congress” are the Committees on Armed
15 Services, Foreign Relations and Appropriations of the
16 Senate and the Committees on Armed Services, Foreign
17 Affairs and Appropriations of the House of Representa-
18 tives: *Provided further*, That each amount in this para-
19 graph is designated as being for contingency operations
20 directly related to the global war on terrorism pursuant
21 to section 3(c)(2) of H. Res. 5 (112th Congress) and as
22 an emergency requirement pursuant to section 403(a) of
23 S. Con. Res. 13 (111th Congress), the concurrent resolu-
24 tion on the budget for fiscal year 2010.

1 AFGHANISTAN SECURITY FORCES FUND

2 For the “Afghanistan Security Forces Fund”,
3 \$11,619,283,000, to remain available until September 30,
4 2012: *Provided*, That such funds shall be available to the
5 Secretary of Defense, notwithstanding any other provision
6 of law, for the purpose of allowing the Commander, Com-
7 bined Security Transition Command—Afghanistan, or the
8 Secretary’s designee, to provide assistance, with the con-
9 currence of the Secretary of State, to the security forces
10 of Afghanistan, including the provision of equipment, sup-
11 plies, services, training, facility and infrastructure repair,
12 renovation, and construction, and funding: *Provided fur-*
13 *ther*, That the authority to provide assistance under this
14 heading is in addition to any other authority to provide
15 assistance to foreign nations: *Provided further*, That up
16 to \$15,000,000 of these funds may be available for coal-
17 ition police trainer life support costs: *Provided further*,
18 That contributions of funds for the purposes provided
19 herein from any person, foreign government, or inter-
20 national organization may be credited to this Fund and
21 used for such purposes: *Provided further*, That the Sec-
22 retary of Defense shall notify the congressional defense
23 committees in writing upon the receipt and upon the obli-
24 gation of any contribution, delineating the sources and
25 amounts of the funds received and the specific use of such

1 contributions: *Provided further*, That the Secretary of De-
2 fense shall, not fewer than 15 days prior to obligating
3 from this appropriation account, notify the congressional
4 defense committees in writing of the details of any such
5 obligation: *Provided further*, That the Secretary of Defense
6 shall notify the congressional defense committees of any
7 proposed new projects or transfer of funds between budget
8 sub-activity groups in excess of \$20,000,000: *Provided fur-*
9 *ther*, That each amount in this paragraph is designated
10 as being for contingency operations directly related to the
11 global war on terrorism pursuant to section 3(e)(2) of H.
12 Res. 5 (112th Congress) and as an emergency requirement
13 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
14 gress), the concurrent resolution on the budget for fiscal
15 year 2010.

16 IRAQ SECURITY FORCES FUND

17 For the “Iraq Security Forces Fund”,
18 \$1,500,000,000, to remain available until September 30,
19 2012: *Provided*, That such funds shall be available to the
20 Secretary of Defense, notwithstanding any other provision
21 of law, for the purpose of allowing the Commander, United
22 States Forces-Iraq, or the Secretary’s designee, to provide
23 assistance, with the concurrence of the Secretary of State,
24 to the security forces of Iraq, including the provision of
25 equipment, supplies, services, training, facility and infra-

1 structure repair, and renovation: *Provided further*, That
2 the authority to provide assistance under this heading is
3 in addition to any other authority to provide assistance
4 to foreign nations: *Provided further*, That contributions of
5 funds for the purposes provided herein from any person,
6 foreign government, or international organization may be
7 credited to this Fund and used for such purposes: *Pro-*
8 *vided further*, That the Secretary shall notify the congres-
9 sional defense committees in writing upon the receipt and
10 upon the obligation of any contribution, delineating the
11 sources and amounts of the funds received and the specific
12 use of such contributions: *Provided further*, That the Sec-
13 retary of Defense shall, not fewer than 15 days prior to
14 obligating from this appropriation account, notify the con-
15 gressional defense committees in writing of the details of
16 any such obligation: *Provided further*, That the Secretary
17 of Defense shall notify the congressional defense commit-
18 tees of any proposed new projects or transfer of funds be-
19 tween budget sub-activity groups in excess of
20 \$20,000,000: *Provided further*, That each amount in this
21 paragraph is designated as being for contingency oper-
22 ations directly related to the global war on terrorism pur-
23 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
24 and as an emergency requirement pursuant to section

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

8 AIRCRAFT PROCUREMENT, NAVY

9 For an additional amount for “Aircraft Procurement,
10 Navy”, \$1,269,549,000, to remain available until Sep-
11 tember 30, 2013: *Provided*, That each amount in this
12 paragraph is designated as being for contingency oper-
13 ations directly related to the global war on terrorism pur-
14 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
15 and as an emergency requirement pursuant to section
16 403(a) of S. Con. Res. 13 (111th Congress), the concur-
17 rent resolution on the budget for fiscal year 2010.

18 WEAPONS PROCUREMENT, NAVY

19 For an additional amount for “Weapons Procure-
20 ment, Navy”, \$90,502,000, to remain available until Sep-
21 tember 30, 2013: *Provided*, That each amount in this
22 paragraph is designated as being for contingency oper-
23 ations directly related to the global war on terrorism pur-
24 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
25 and as an emergency requirement pursuant to section

136

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

3 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
4 CORPS

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

15 OTHER PROCUREMENT, NAVY

16 For an additional amount for “Other Procurement,
17 Navy”, \$316,835,000, to remain available until September
18 30, 2013: *Provided*, That each amount in this paragraph
19 is designated as being for contingency operations directly
20 related to the global war on terrorism pursuant to section
21 3(c)(2) of H. Res. 5 (112th Congress) and as an emer-
22 gency requirement pursuant to section 403(a) of S. Con.
23 Res. 13 (111th Congress), the concurrent resolution on
24 the budget for fiscal year 2010.

1 PROCUREMENT, MARINE CORPS

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

11 AIRCRAFT PROCUREMENT, AIR FORCE

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

21 MISSILE PROCUREMENT, AIR FORCE

22 For an additional amount for “Missile Procurement,
23 Air Force”, \$56,621,000, to remain available until Sep-
24 tember 30, 2013: *Provided*, That each amount in this
25 paragraph is designated as being for contingency oper-

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

6 PROCUREMENT OF AMMUNITION, AIR FORCE

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

16 OTHER PROCUREMENT, AIR FORCE

17 For an additional amount for “Other Procurement,
18 Air Force”, \$2,868,593,000, to remain available until
19 September 30, 2013: *Provided*, That each amount in this
20 paragraph is designated as being for contingency oper-
21 ations directly related to the global war on terrorism pur-
22 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
23 and as an emergency requirement pursuant to section
24 403(a) of S. Con. Res. 13 (111th Congress), the concur-
25 rent resolution on the budget for fiscal year 2010.

1 PROCUREMENT, DEFENSE-WIDE

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

11 NATIONAL GUARD AND RESERVE EQUIPMENT

12 For procurement of aircraft, missiles, tracked combat
13 vehicles, ammunition, other weapons and other procure-
14 ment for the reserve components of the Armed Forces,
15 \$850,000,000, to remain available for obligation until Sep-
16 tember 30, 2013, of which \$250,000,000 shall be available
17 only for the Army National Guard: *Provided*, That the
18 Chiefs of National Guard and Reserve components shall,
19 not later than 30 days after the enactment of this Act,
20 individually submit to the congressional defense commit-
21 tees the modernization priority assessment for their re-
22 spective National Guard or Reserve component: *Provided*
23 *further*, That each amount in this paragraph is designated
24 as being for contingency operations directly related to the
25 global war on terrorism pursuant to section 3(c)(2) of H.

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

5 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
6 (INCLUDING TRANSFER OF FUNDS)

7 For the Mine Resistant Ambush Protected Vehicle
8 Fund, \$3,415,000,000, to remain available until Sep-
9 tember 30, 2012: *Provided*, That such funds shall be avail-
10 able to the Secretary of Defense, notwithstanding any
11 other provision of law, to procure, sustain, transport, and
12 field Mine Resistant Ambush Protected vehicles: *Provided*
13 *further*, That the Secretary shall transfer such funds only
14 to appropriations made available in this or any other Act
15 for operation and maintenance; procurement; research, de-
16 velopment, test and evaluation; and defense working cap-
17 ital funds to accomplish the purpose provided herein: *Pro-*
18 *vided further*, That such transferred funds shall be merged
19 with and be available for the same purposes and the same
20 time period as the appropriation to which transferred:
21 *Provided further*, That this transfer authority is in addi-
22 tion to any other transfer authority available to the De-
23 partment of Defense: *Provided further*, That the Secretary
24 shall, not fewer than 10 days prior to making transfers
25 from this appropriation, notify the congressional defense

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

9 RESEARCH, DEVELOPMENT, TEST AND
10 EVALUATION

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 ARMY

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

142

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

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

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

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

143

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

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

13 REVOLVING AND MANAGEMENT FUNDS

14 DEFENSE WORKING CAPITAL FUNDS

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

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS
2 DEFENSE HEALTH PROGRAM

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

15 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
16 DEFENSE

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

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

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

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

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

8 OFFICE OF THE INSPECTOR GENERAL

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

17 GENERAL PROVISIONS—THIS TITLE

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

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **DIVISION B—FULL-YEAR CONTINUING**
13 **APPROPRIATIONS FOR FISCAL YEAR 2011**

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

20 **TITLE I**

21 **GENERAL PROVISIONS**

22 **SEC. 1101.** (a) Such amounts as may be necessary,
23 at the level specified in subsection (c) and under the au-
24 thority and conditions provided in applicable appropria-
25 tions Acts for fiscal year 2010, for projects or activities

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

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

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

11 (3) The Department of Homeland Security Ap-
12 propriations Act, 2010 (Public Law 111–83) and
13 section 601 of the Supplemental Appropriations Act,
14 2010 (Public Law 111–212).

15 (4) The Department of the Interior, Environ-
16 ment, and Related Agencies Appropriations Act,
17 2010 (division A of Public Law 111–88).

18 (5) The Legislative Branch Appropriations Act,
19 2010 (division A of Public Law 111–68).

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

22 (7) Section 102(c) (except the last proviso re-
23 lating to waiver of fees) of chapter 1 of title I of the
24 Supplemental Appropriations Act, 2010 (Public Law

1 111–212) that addresses guaranteed loans in the
2 rural housing insurance fund.

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

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

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

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

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

21 SEC. 1103. Appropriations provided by this division
22 that, in the applicable appropriations Act for fiscal year
23 2010, carried a multiple-year or no-year period of avail-
24 ability shall retain a comparable period of availability.

1 SEC. 1104. Except as otherwise expressly provided in
2 this division, the requirements, authorities, conditions,
3 limitations, and other provisions of the appropriations
4 Acts referred to in section 1101(a) shall continue in effect
5 through the date specified in section 1106.

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

11 SEC. 1106. Unless otherwise provided for in this divi-
12 sion or in the applicable appropriations Act, appropria-
13 tions and funds made available and authority granted pur-
14 suant to this division shall be available through September
15 30, 2011.

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

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

1 6212), and section 504(a)(1) of the National Security Act
2 of 1947 (50 U.S.C. 414(a)(1)).

3 SEC. 1109. (a) With respect to any discretionary ac-
4 count for which advance appropriations were provided for
5 fiscal year 2011 or 2012 in an appropriations Act for fis-
6 cal year 2010, in addition to amounts otherwise made
7 available by this Act, advance appropriations are provided
8 in the same amount for fiscal year 2012 or 2013, respec-
9 tively, with a comparable period of availability.

10 (b) In addition to amounts provided by subsection
11 (a), an additional amount is provided for the following ac-
12 counts in the amounts specified:

13 (1) “Department of Veterans Affairs, Medical
14 Services”, \$2,513,985,000, which shall become avail-
15 able on October 1, 2011, and shall remain available
16 until September 30, 2012.

17 (2) “Department of Veterans Affairs, Medical
18 Support and Compliance”, \$228,000,000, which
19 shall become available on October 1, 2011, and shall
20 remain available until September 30, 2012.

21 (c) Notwithstanding subsection (a), amounts are pro-
22 vided for “Department of Veterans Affairs, Medical Fa-
23 cilities” in the amount of \$5,426,000,000, which shall be-
24 come available on October 1, 2011, and shall remain avail-
25 able until September 30, 2012.

1 SEC. 1110. Amounts incorporated by reference in this
2 division that were previously designated as available for
3 overseas deployments and other activities pursuant to S.
4 Con. Res. 13 (111th Congress), the concurrent resolution
5 on the budget for fiscal year 2010, are designated as being
6 for contingency operations directly related to the global
7 war on terrorism pursuant to section 3(c)(2) of H. Res.
8 5 (112th Congress) and as an emergency requirement pur-
9 suant to section 403(a) of S. Con. Res. 13 (111th Con-
10 gress).

11 SEC. 1111. (a) For entitlements and other mandatory
12 payments whose budget authority was provided in appro-
13 priations Acts for fiscal year 2010, and for activities under
14 the Food and Nutrition Act of 2008, the levels established
15 by section 1101 shall be the amounts necessary to main-
16 tain program levels under current law and under the au-
17 thority and conditions provided in the applicable appro-
18 priations Acts for fiscal year 2010.

19 (b) In addition to the amounts otherwise provided by
20 section 1101, the following amounts shall be available for
21 the following accounts for advance payments for the first
22 quarter of fiscal year 2012:

23 (1) “Department of Labor, Employment Stand-
24 ards Administration, Special Benefits for Disabled
25 Coal Miners”, for benefit payments under title IV of

1 the Federal Mine Safety and Health Act of 1977,
2 \$41,000,000, to remain available until expended.

3 (2) “Department of Health and Human Serv-
4 ices, Centers for Medicare and Medicaid Services,
5 Grants to States for Medicaid”, for payments to
6 States or in the case of section 1928 on behalf of
7 States under title XIX of the Social Security Act,
8 \$86,445,289,000, to remain available until ex-
9 pended.

10 (3) “Department of Health and Human Serv-
11 ices, Administration for Children and Families, Pay-
12 ments to States for Child Support Enforcement and
13 Family Support Programs”, for payments to States
14 or other non-Federal entities under titles I, IV–D,
15 X, XI, XIV, and XVI of the Social Security Act and
16 the Act of July 5, 1960 (24 U.S.C. ch. 9),
17 \$1,200,000,000, to remain available until expended.

18 (4) “Department of Health and Human Serv-
19 ices, Administration for Children and Families, Pay-
20 ments to States for Foster Care and Permanency”,
21 for payments to States or other non-Federal entities
22 under title IV–E of the Social Security Act,
23 \$1,850,000,000.

24 (5) “Social Security Administration, Supple-
25 mental Security Income Program”, for benefit pay-

1 ments under title XVI of the Social Security Act,
2 \$13,400,000,000, to remain available until ex-
3 pended.

4 SEC. 1112. Any language specifying an earmark in
5 an appropriations Act for fiscal year 2010, or in a com-
6 mittee report or joint explanatory statement accom-
7 panying such an Act, shall have no legal effect with re-
8 spect to funds appropriated by this division. For purposes
9 of this section, the term “earmark” means a congressional
10 earmark or congressionally directed spending item, as de-
11 fined in clause 9(e) of rule XXI of the Rules of the House
12 of Representatives and paragraph 5(a) of rule XLIV of
13 the Standing Rules of the Senate.

14 SEC. 1113. (a) Up to \$2,650,000,000 of amounts
15 made available by this division, shall be available for trans-
16 fer by the head of the agency to the extent necessary to
17 avoid furloughs or reductions in force, or to provide fund-
18 ing necessary for programs and activities required by law:
19 *Provided*, That such transfers may not result in the termi-
20 nation of programs, projects or activities: *Provided further*,
21 That such transfers shall be subject to the approval of
22 the House and Senate Appropriations Committees.

23 (b) The authorities provided by subsection (a) of this
24 section shall be in addition to any other transfer authority
25 provided elsewhere in this statute.

1 SEC. 1114. Section 1(b)(2) of the Passport Act of
2 June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by
3 substituting the date specified in section 1106 of this divi-
4 sion for “September 30, 2010”.

5 SEC. 1115. (a) Section 1115(d) of Public Law 111-
6 32 shall be applied by substituting the date specified in
7 section 1106 of this division for “October 1, 2010”.

8 (b) Section 824(g) of the Foreign Service Act of 1980
9 (22 U.S.C. 4064(g)) shall be applied by substituting the
10 date specified in section 1106 of this division for “October
11 1, 2010” in paragraph (2).

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

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

20 SEC. 1116. The authority provided by section 1334
21 of the Foreign Affairs Reform and Restructuring Act of
22 1998 (22 U.S.C. 6553) shall remain in effect through the
23 date specified in section 1106 of this division.

1 TITLE II—AGRICULTURE, RURAL DEVELOP-
2 MENT, FOOD AND DRUG ADMINISTRATION,
3 AND RELATED AGENCIES

4 SEC. 1201. Notwithstanding section 1101, the level
5 for “Agricultural Programs, Agriculture Buildings and
6 Facilities and Rental Payments” shall be \$261,608,000,
7 of which \$178,470,000 shall be available for payments to
8 the General Services Administration for rent; of which
9 \$13,800,000 shall be for payment to the Department of
10 Homeland Security for building security activities; and of
11 which \$69,338,000 shall be for buildings operations and
12 maintenance expenses.

13 SEC. 1202. Notwithstanding section 1101, the level
14 for “Agricultural Programs, Departmental Administra-
15 tion” shall be \$29,706,000.

16 SEC. 1203. Notwithstanding section 1101, the level
17 for “Agricultural Programs, National Agricultural Statis-
18 tics Service” shall be \$156,761,000: *Provided*, That the
19 amounts included under such heading in Public Law 111–
20 80 shall be applied to funds appropriated by this division
21 by substituting “\$33,139,000” for “\$37,908,000”.

22 SEC. 1204. Notwithstanding section 1101, the level
23 for “Agricultural Programs, Agricultural Research Serv-
24 ice, Salaries and Expenses” shall be \$1,158,215,000.

1 SEC. 1205. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Agricultural Research Serv-
3 ice, Buildings and Facilities” shall be \$0.

4 SEC. 1206. Notwithstanding section 1101, the level
5 for “Agricultural Programs, National Institute of Food
6 and Agriculture, Research and Education Activities” shall
7 be \$730,000,000: *Provided*, That the amounts included
8 under such heading in Public Law 111–80 shall be applied
9 to funds appropriated by this division as follows: by sub-
10 stituting “\$253,943,000” for “\$215,000,000”; by sub-
11 stituting “\$32,000,000” for “\$29,000,000”; by sub-
12 stituting “\$51,000,000” for “\$48,500,000”; by sub-
13 stituting “\$280,000,000” for “\$262,482,000”; by sub-
14 stituting “\$2,844,000” for “\$89,029,000”; by sub-
15 stituting “\$19,100,000” for “\$18,250,000”; and by sub-
16 stituting “\$11,253,000” for “\$45,122,000”.

17 SEC. 1207. Notwithstanding section 1101, the level
18 for “Agricultural Programs, National Institute of Food
19 and Agriculture, Extension Activities” shall be
20 \$487,801,000: *Provided*, That the amounts included under
21 such heading in Public Law 111–80 shall be applied to
22 funds appropriated by this division as follows: by sub-
23 stituting “\$302,209,000” for “\$297,500,000” and by sub-
24 stituting “\$8,565,000” for “\$20,396,000”.

1 SEC. 1208. Notwithstanding section 1101, the level
2 for “Agricultural Programs, National Institute of Food
3 and Agriculture, Integrated Activities” shall be
4 \$50,173,000: *Provided*, That the amounts included under
5 such heading in Public Law 111–80 shall be applied to
6 funds appropriated by this division as follows: by sub-
7 stituting “\$0” for “\$4,096,000”; by substituting “\$0” for
8 “\$4,388,000”; and by substituting “\$0” for
9 “\$1,365,000”.

10 SEC. 1209. Notwithstanding section 1101, the level
11 for “Agricultural Programs, Animal and Plant Health In-
12 spection Service, Salaries and Expenses” shall be
13 \$885,000,000: *Provided*, That the amounts included under
14 such heading in Public Law 111–80 shall be applied to
15 funds appropriated by this division by substituting
16 “\$45,219,000” for “\$60,243,000”.

17 SEC. 1210. Notwithstanding section 1101, the level
18 for “Agricultural Programs, Animal and Plant Health In-
19 spection Service, Buildings and Facilities” shall be
20 \$4,536,000.

21 SEC. 1211. The amounts included under the heading
22 “Agricultural Programs, Agricultural Marketing Service,
23 Funds for Strengthening Markets, Income, and Supply
24 (Section 32)” in Public Law 111–80 shall be applied to

1 funds appropriated by this division by substituting “\$0”
2 for “\$10,000,000”.

3 SEC. 1212. Notwithstanding section 1101, the level
4 for “Agricultural Programs, Grain Inspection, Packers
5 and Stockyards Administration, Salaries and Expenses”
6 shall be \$42,353,000.

7 SEC. 1213. Notwithstanding section 1101, the level
8 for “Agricultural Programs, Grain Inspection, Packers
9 and Stockyards Administration, Limitation on Inspection
10 and Weighing Services Expenses”, \$50,000,000.

11 SEC. 1214. Notwithstanding section 1101, the level
12 for “Agricultural Programs, Food Safety and Inspection
13 Service” shall be \$1,011,393,000.

14 SEC. 1215. Notwithstanding section 1101, the level
15 for “Agricultural Programs, Farm Service Agency, Sala-
16 ries and Expenses” shall be \$1,230,000,000.

17 SEC. 1216. Notwithstanding section 1101, the level
18 for “Agricultural Programs, Farm Service Agency, State
19 Mediation Grants” shall be \$4,185,000.

20 SEC. 1217. Notwithstanding section 1101, the level
21 for “Agricultural Programs, Farm Service Agency, Grass-
22 roots Source Water Protection Program” shall be
23 \$4,250,000.

24 SEC. 1218. The amounts included under the heading
25 “Agricultural Programs, Farm Service Agency, Agricul-

1 tural Credit Insurance Fund Program Account” in Public
2 Law 111–80 shall be applied to funds appropriated by this
3 division as follows: by substituting “\$1,975,000,000” for
4 “\$2,150,000,000”; by substituting “\$475,000,000” for
5 “\$650,000,000”; by substituting “\$2,594,035,000” for
6 “\$2,670,000,000”; by substituting “\$950,000,000” for
7 “\$1,000,000,000”; by substituting “\$144,035,000” for
8 “\$170,000,000”; by substituting “\$0” for
9 “\$150,000,000”; by substituting “\$0” for “\$75,000,000”
10 the first and second place it appears; by substituting
11 “\$38,570,000” for “\$32,070,000”; by substituting
12 “\$32,870,000” for “\$26,520,000”; by substituting
13 “\$5,700,000” for “\$5,550,000”; by substituting
14 “\$112,410,000” for “\$106,402,000”; by substituting
15 “\$34,950,000” for “\$35,100,000”; by substituting
16 “\$19,920,000” for “\$23,902,000”; by substituting
17 “\$57,540,000” for “\$47,400,000”; by substituting “\$0”
18 for “\$1,343,000”; by substituting “\$0” for “\$1,065,000”;
19 by substituting “\$0” for “\$278,000”; and by substituting
20 “\$214,000” for “\$793,000”. Funds appropriated by this
21 division to such heading for farm ownership and operating
22 direct and guaranteed loans may be transferred among
23 these programs: *Provided*, That the Secretary of Agri-
24 culture shall notify the Committees on Appropriations of

1 the House of Representatives and the Senate at least 15
2 days in advance of any transfer.

3 SEC. 1219. Notwithstanding section 1101, the level
4 for “Conservation Programs, Natural Resources Con-
5 servation Service, Conservation Operations” shall be
6 \$850,247,000.

7 SEC. 1220. Notwithstanding section 1101, the level
8 for “Conservation Programs, Natural Resources Con-
9 servation Service, Watershed and Flood Prevention Oper-
10 ations” shall be \$0.

11 SEC. 1221. Notwithstanding section 1101, the level
12 for “Conservation Programs, Natural Resources Con-
13 servation Service, Watershed Rehabilitation Program”
14 shall be \$0.

15 SEC. 1222. Notwithstanding section 1101, the level
16 for “Conservation Programs, Natural Resources Con-
17 servation Service, Resource Conservation and Develop-
18 ment” shall be \$25,000,000.

19 SEC. 1223. The amounts included under the heading
20 “Rural Development Programs, Rural Housing Service,
21 Rural Housing Insurance Fund Program Account” in
22 Public Law 111–80 for gross obligations for the principal
23 amount of direct and guaranteed loans as authorized by
24 title V of the Housing Act of 1949 shall be applied to
25 funds appropriated by this division by substituting

1 “\$25,121,488,000” for “\$13,121,488,000”; by sub-
2 stituting “\$24,000,000,000” for “\$12,000,000,000”; by
3 substituting “\$23,360,000” for “\$34,412,000”; by sub-
4 stituting “\$15,325,000” for “\$129,090,000”; and by sub-
5 stituting “\$5,052,000” for \$5,045,000”.

6 SEC. 1224. Notwithstanding section 1101, the level
7 for “Rural Development Programs, Rural Housing Serv-
8 ice, Rural Housing Insurance Fund Program Account” for
9 the cost of direct and guaranteed loans, including the cost
10 of modifying loans, authorized by section 502 of the Hous-
11 ing Act of 1949 shall be \$70,205,000: *Provided*, That the
12 amounts included for such costs under such heading in
13 Public Law 111–80 shall be applied to funds appropriated
14 by this division by substituting “\$70,205,000” for
15 “\$40,710,000” in the case of direct loans and by sub-
16 stituting “\$0” for “\$172,800,000” in the case of unsub-
17 sidized guaranteed loans.

18 SEC. 1225. Notwithstanding section 1101, the level
19 for “Rural Development Programs, Rural Housing Serv-
20 ice, Rural Housing Insurance Fund Program Account,”
21 for the cost of repair, rehabilitation, and new construction
22 of section 515 rental housing shall be \$23,446,000.

23 SEC. 1226. In addition to amounts otherwise appro-
24 priated or made available by this division, there is appro-
25 priated to the Secretary of Agriculture \$288,000 for sec-

1 tion 523 self-help housing land development loans author-
2 ized by section 523 of the Housing Act of 1949 and
3 \$294,000 for site development loans authorized by section
4 524 of such Act.

5 SEC. 1227. Notwithstanding section 1101, the level
6 for “Rural Development Programs, Rural Housing Serv-
7 ice, Rural Housing Insurance Fund Program Account” for
8 administrative expenses necessary to carry out the direct
9 and guaranteed loan programs shall be \$458,313,000.

10 SEC. 1228. Notwithstanding section 1101, the level
11 for “Rural Development Programs, Rural Housing Serv-
12 ice, Rental Assistance Program” shall be \$964,665,000:
13 *Provided*, That the amounts included under such heading
14 in Public Law 111–80 shall be applied to funds appro-
15 priated by this division by substituting “\$3,000,000” for
16 “\$3,400,000”.

17 SEC. 1229. Notwithstanding section 1101, the level
18 for “Rural Development Programs, Rural Housing Serv-
19 ice, Multi-Family Housing Revitalization Program Ac-
20 count” shall be \$40,791,000: *Provided*, That the amounts
21 included under such heading in Public Law 111–80 shall
22 be applied to funds appropriated by this division by sub-
23 stituting “\$14,000,000” for “\$16,400,000”.

24 SEC. 1230. Notwithstanding section 1101, the level
25 for “Rural Development Programs, Rural Housing Serv-

1 ice, Mutual And Self-Help Housing Grants” shall be
2 \$37,000,000.

3 SEC. 1231. Notwithstanding section 1101, the level
4 for “Rural Development Programs, Rural Housing Serv-
5 ice, Rural Housing Assistance Grants” shall be
6 \$40,400,000: *Provided*, That the amounts included under
7 such heading in Public Law 111–80 shall be applied to
8 funds appropriated by this division by substituting “\$0”
9 for “\$4,000,000”.

10 SEC. 1232. Notwithstanding section 1101, the level
11 for “Rural Development Programs, Rural Housing Serv-
12 ice, Rural Community Facilities Program Account” shall
13 be \$48,091,000: *Provided*, That the amounts included
14 under such heading in Public Law 111–80 shall be applied
15 to funds appropriated by this division by substituting
16 “\$7,000,000” for “\$13,902,000”.

17 SEC. 1233. Notwithstanding section 1101, the level
18 for “Rural Development Programs, Rural Business–Coop-
19 erative Service, Rural Business Program Account” shall
20 be \$89,178,000.

21 SEC. 1234. Notwithstanding section 1101, the level
22 for “Rural Development Programs, Rural Business–Coop-
23 erative Service, Rural Development Loan Fund Program
24 Account” for the principal amount of direct loans as au-

1 thORIZED by the Rural Development Loan Fund shall be
2 \$21,939,000.

3 SEC. 1235. Notwithstanding section 1101, of the
4 funds derived from interest on the cushion of credit pay-
5 ments, as authorized by section 313 of the Rural Elec-
6 trification Act of 1936, \$44,463,000 shall not be obligated
7 and \$44,463,000 are rescinded.

8 SEC. 1236. Notwithstanding section 1101, the level
9 for “Rural Development Programs, Rural Business–Coop-
10 erative Service, Rural Cooperative Development Grants”
11 shall be \$34,554,000: *Provided*, That the amounts in-
12 cluded under such heading in Public Law 111–80 shall
13 be applied to funds appropriated by this division by sub-
14 stituting “\$0” for “\$300,000” and “\$2,800,000” shall
15 have no legal effect.

16 SEC. 1237. Notwithstanding section 1101, the level
17 for “Rural Development Programs, Rural Business–Coop-
18 erative Service, Rural Microenterprise Investment Pro-
19 gram Account” shall be \$0.

20 SEC. 1238. Notwithstanding section 1101, the level
21 for “Rural Development Programs, Rural Business–Coop-
22 erative Service, Rural Energy for America Program” shall
23 be \$25,010,000.

24 SEC. 1239. Notwithstanding section 1101, the level
25 for “Rural Development Programs, Rural Utilities Serv-

1 ice, Rural Water and Waste Disposal Program Account”
2 shall be \$566,230,000: *Provided*, That the amounts under
3 such heading in Public Law 111–80 shall be applied by
4 substituting “\$15,000,000” for “\$17,500,000.”

5 SEC. 1240. Notwithstanding section 1101, the level
6 for “Rural Development Programs, Rural Utilities Serv-
7 ice, Rural Electrification and Telecommunications Loans
8 Program Account” for the cost of guaranteed under-
9 writing loans pursuant to section 313A shall be \$700,000.

10 SEC. 1241. Notwithstanding section 1101, the level
11 for “Rural Development Programs, Rural Utilities Serv-
12 ice, Rural Electrification and Telecommunications Loans
13 Program Account” for administrative expenses necessary
14 to carry out the direct and guaranteed loan programs shall
15 be \$38,374,000.

16 SEC. 1242. Notwithstanding section 1101, the level
17 for “Rural Development Programs, Rural Utilities Serv-
18 ice, Distance Learning, Telemedicine, and Broadband
19 Program” for the cost of grants for telemedicine and dis-
20 tance learning services in rural areas, as authorized by 7
21 U.S.C. 950aaa et seq. shall be \$35,000,000.

22 SEC. 1243. Notwithstanding section 1101, the level
23 for “Rural Development Programs, Rural Utilities Serv-
24 ice, Distance Learning, Telemedicine, and Broadband
25 Program” for the cost of broadband loans, as authorized

1 by section 601 of the Rural Electrification Act shall be
2 \$22,320,000.

3 SEC. 1244. The amounts included under the heading
4 “Domestic Food Programs, Food and Nutrition Service,
5 Child Nutrition Programs” in Public Law 111–80 shall
6 be applied to funds appropriated by this division by sub-
7 stituting “\$0” for “\$1,000,000” and by substituting
8 “\$4,000,000” for “\$5,000,000”, and shall be applied to
9 funds made available under section 32 by substituting
10 “\$5,277,574,000” for “\$6,747,877,000” and substituting
11 “\$0” for “\$242,022,000”.

12 SEC. 1245. Notwithstanding section 1101, the level
13 for “Domestic Food Programs, Food and Nutrition Serv-
14 ice, Special Supplemental Nutrition Program for Women,
15 Infants, and Children (WIC)” shall be \$6,852,522,000:
16 *Provided*, That the amounts included under such heading
17 in Public Law 111–80 shall be applied to funds appro-
18 priated by this division by substituting “\$35,000,000” for
19 “\$60,000,000”.

20 SEC. 1246. Notwithstanding section 1101, the level
21 for “Domestic Food Programs, Food and Nutrition Serv-
22 ice, Commodity Assistance Program”, shall be
23 \$251,619,000: *Provided*, That the amounts included under
24 such heading in Public Law 111–80 shall be applied to

1 funds appropriated by this division by substituting “\$0”
2 for “\$6,000,000”.

3 SEC. 1247. Notwithstanding section 1101, the level
4 for “Domestic Food Programs, Food and Nutrition Serv-
5 ice, Nutrition Programs Administration” shall be
6 \$150,801,000.

7 SEC. 1248. Notwithstanding section 1101, the level
8 for “Foreign Assistance and Related Programs, Foreign
9 Agricultural Service, Salaries and Expenses” shall be
10 \$194,367,000.

11 SEC. 1249. Notwithstanding section 1101, the level
12 for “Related Agencies and Food and Drug Administra-
13 tion, Food and Drug Administration, Salaries and Ex-
14 penses” shall be \$3,707,611,000: *Provided*, That of the
15 amount provided under this heading, \$667,057,000 shall
16 be derived from prescription drug user fees authorized by
17 21 U.S.C. 379h, shall be credited to this account and re-
18 main available until expended, and shall not include any
19 fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed
20 for fiscal year 2012 but collected in fiscal year 2011;
21 \$61,860,000 shall be derived from medical device user fees
22 authorized by 21 U.S.C. 379j, and shall be credited to this
23 account and remain available until expended; \$19,448,000
24 shall be derived from animal drug user fees authorized by
25 21 U.S.C. 379j, and shall be credited to this account and

1 remain available until expended; \$5,397,000 shall be de-
2 rived from animal generic drug user fees authorized by
3 21 U.S.C. 379f, and shall be credited to this account and
4 shall remain available until expended; and \$450,000,000
5 shall be derived from tobacco product user fees authorized
6 by 21 U.S.C. 387s and shall be credited to this account
7 and remain available until expended: *Provided further,*
8 That in addition and notwithstanding any other provision
9 under this heading, amounts collected for prescription
10 drug user fees that exceed the fiscal year 2011 limitation
11 are appropriated and shall be credited to this account and
12 remain available until expended: *Provided further,* That
13 fees derived from prescription drug, medical device, animal
14 drug, animal generic drug, and tobacco product assess-
15 ments for fiscal year 2011 received during fiscal year
16 2011, including any such fees assessed prior to fiscal year
17 2011 but credited for fiscal year 2011, shall be subject
18 to the fiscal year 2011 limitations: *Provided further,* That
19 none of these funds shall be used to develop, establish,
20 or operate any program of user fees authorized by 31
21 U.S.C. 9701: *Provided further,* That of the total amount
22 appropriated under this heading: (1) \$856,383,000 shall
23 be for the Center for Food Safety and Applied Nutrition
24 and related field activities in the Office of Regulatory Af-
25 fairs; (2) \$963,311,000 shall be for the Center for Drug

1 Evaluation and Research and related field activities in the
2 Office of Regulatory Affairs; (3) \$328,234,000 shall be
3 for the Center for Biologics Evaluation and Research and
4 for related field activities in the Office of Regulatory Af-
5 fairs; (4) \$162,946,000 shall be for the Center for Veteri-
6 nary Medicine and for related field activities in the Office
7 of Regulatory Affairs; (5) \$362,491,000 shall be for the
8 Center for Devices and Radiological Health and for re-
9 lated field activities in the Office of Regulatory Affairs;
10 (6) \$60,975,000 shall be for the National Center for Toxi-
11 cological Research; (7) \$421,463,000 shall be for the Cen-
12 ter for Tobacco Products and for related field activities
13 in the Office of Regulatory Affairs; (8) not to exceed
14 \$141,724,000 shall be for Rent and Related activities, of
15 which \$41,951,000 is for White Oak Consolidation, other
16 than the amounts paid to the General Services Adminis-
17 tration for rent; (9) not to exceed \$185,983,000 shall be
18 for payments to the General Services Administration for
19 rent; and (10) \$224,101,000 shall be for other activities,
20 including the Office of the Commissioner of Food and
21 Drugs; the Office of Foods; the Office of the Chief Sci-
22 entist; the Office of Policy, Planning and Budget; the Of-
23 fice of International Programs; the Office of Administra-
24 tion; and central services for these offices: *Provided fur-*
25 *ther,* That none of the funds made available under this

1 heading shall be used to transfer funds under section
2 770(n) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 379dd): *Provided further*, That not to exceed
4 \$25,000 of the amount provided under this heading shall
5 be for official reception and representation expenses, not
6 otherwise provided for, as determined by the Commis-
7 sioner: *Provided further*, That funds may be transferred
8 from one specified activity to another with the prior ap-
9 proval of the Committees on Appropriations of both
10 Houses of Congress: *Provided further*, That notwith-
11 standing any other provision of this division, the following
12 set-aside requirements included in Public Law 111–80
13 under “Food and Drug Administration, Salaries and Ex-
14 penses” shall not apply: “\$5,509,000 shall be for the pur-
15 poses, and in the amounts, specified in the eighth para-
16 graph under ‘Food and Drug Administration, Salaries and
17 Expenses’ in the statement of managers to accompany this
18 Act”.

19 In addition, mammography user fees authorized by
20 42 U.S.C. 263b, export certification user fees authorized
21 by 21 U.S.C. 381, and priority review user fees authorized
22 by 21 U.S.C. 360n may be credited to this account, to
23 remain available until expended.

24 In addition, food and feed recall user fees, food rein-
25 spection user fees, and voluntary qualified importer pro-

1 gram user fees authorized by section 743 of the Federal
2 Food, Drug, and Cosmetic Act, as added by the FDA
3 Food Safety Modernization Act, may be credited to this
4 account in an amount not to exceed the amount deter-
5 mined under subsection (b) of such section 743, to remain
6 available until expended.

7 SEC. 1250. Notwithstanding section 1101, the level
8 for “Food and Drug Administration, Buildings and Facili-
9 ties” shall be \$10,000,000.

10 SEC. 1251. Notwithstanding section 1101, the level
11 for “Related Agencies and Food and Drug Administra-
12 tion, Independent Agencies, Farm Credit Administration,
13 Limitation on Administrative Expenses” shall be
14 \$59,400,000.

15 SEC. 1252. Notwithstanding any other provision of
16 this division, the following set-asides included in Public
17 Law 111–80 for “Congressionally Designated Projects” in
18 the following accounts for the corresponding amounts shall
19 not apply to funds appropriated by this division:

20 (1) “Agricultural Programs, Agricultural Re-
21 search Service, Salaries and Expenses”,
22 \$44,138,000.

23 (2) “Agricultural Programs, National Institute
24 of Food and Agriculture, Research and Education
25 Activities”, \$120,054,000.

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

4 (4) “Agricultural Programs, Animal and Plant
5 Health Inspection Service, Salaries and Expenses”,
6 \$24,410,000.

7 (5) “Conservation Programs, Natural Re-
8 sources Conservation Service, Conservation Oper-
9 ations”, \$37,382,000.

10 SEC. 1253. Notwithstanding any other provision of
11 this division, the following provisions included in Public
12 Law 111–80 shall not apply to funds appropriated by this
13 division:

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

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

19 (3) The second proviso under the heading
20 “Conservation Programs, Natural Resources Con-
21 servation Service, Conservation Operations”.

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

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

4 (6) The first proviso under the heading “For-
5 eign Assistance and Related Programs, Foreign Ag-
6 ricultural Service, McGovern-Dole International
7 Food for Education and Child Nutrition Program
8 Grants”.

9 SEC. 1254. Sections 718, 723, 728, and 738 of Public
10 Law 111–80 shall be applied to funds appropriated by this
11 division by substituting \$0 for the dollar amounts included
12 in those sections.

13 SEC. 1255. Section 741 of Public Law 111–80 shall
14 be applied to funds appropriated by this division by sub-
15 stituting “\$2,000,000” for “\$2,600,000” and by sub-
16 stituting “\$0” for “\$3,000,000”.

17 SEC. 1256. Sections 716, 721(2), 721(3), 724, 725,
18 729, 735, 743, and 748 of Public Law 111–80 shall not
19 apply for fiscal year 2011.

20 SEC. 1257. Notwithstanding section 1101, section
21 727 of Public Law 111–80 shall have no legal effect.

22 SEC. 1258. Sections 730, 734, 737, 740, 745, 747,
23 and 749 of Public Law 111–80 authorized or required cer-
24 tain actions that have been performed before the date of
25 the enactment of this division and need not reoccur.

1 SEC. 1259. Appropriations to the Department of Ag-
2 riculture made available in fiscal year 2005 to carry out
3 section 601 of the Rural Electrification Act of 1936 (7
4 U.S.C. 950bb) for the cost of direct loans shall remain
5 available until expended to disburse valid obligations made
6 in fiscal years 2005 and 2006.

7 SEC. 1260. In the case of each program established
8 or amended by the Food, Conservation, and Energy Act
9 of 2008 (Public Law 110–246), other than by title I or
10 subtitle A of title III of such Act, or programs for which
11 indefinite amounts were provided in that Act that is au-
12 thorized or required to be carried out using funds of the
13 Commodity Credit Corporation: (1) such funds shall be
14 available for salaries and related administrative expenses,
15 including technical assistance, associated with the imple-
16 mentation of the program, without regard to the limitation
17 on the total amount of allotments and fund transfers con-
18 tained in section 11 of the Commodity Credit Corporation
19 Charter Act (15 U.S.C. 714i); and (2) the use of such
20 funds for such purpose shall not be considered to be a
21 fund transfer or allotment for purposes of applying the
22 limitation on the total amount of allotments and fund
23 transfers contained in such section.

24 SEC. 1261. With respect to any loan or loan guar-
25 antee program administered by the Secretary of Agri-

1 culture that has a negative credit subsidy score for fiscal
2 year 2011, the program level for the loan or loan guar-
3 antee program, for the purposes of the Federal Credit Re-
4 form Act of 1990, shall be the program level established
5 pursuant to such Act for fiscal year 2010.

6 SEC. 1262. Section 721(1) of Public Law 111–80
7 (123 Stat. 2122) is amended by striking
8 “\$1,180,000,000” and inserting “\$1,290,000,000”.

9 SEC. 1263. Section 742 of Public Law 111–80 (123
10 Stat. 2128) is amended by striking “\$11,000,000” and
11 inserting “\$15,000,000”.

12 SEC. 1264. The following provisions of Public Law
13 111–80 shall be applied to funds appropriated by this divi-
14 sion by substituting “2010”, “2011”, and “2012” for
15 “2009”, “2010”, and “2011”, respectively, in each in-
16 stance that such terms appear:

17 (1) The second paragraph under the heading
18 “Agricultural Programs, Animal and Plant Health
19 Inspection Service, Salaries and Expenses”.

20 (2) The second proviso under the heading “Ag-
21 ricultural Programs, Food Safety and Inspection
22 Service”.

23 (3) The first proviso in the second paragraph
24 under the heading “Rural Development Programs,

1 Rural Housing Service, Rural Housing Insurance
2 Fund Program Account”.

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

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

9 (6) The first proviso under the heading “Rural
10 Development Programs, Rural Housing Service,
11 Rural Housing Assistance Grants”.

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

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

18 (9) The four availability of funds clauses under
19 the heading “Rural Development Programs, Rural
20 Business—Cooperative Service, Rural Development
21 Loan Fund Program Account”.

22 (10) The fifth proviso under the heading
23 “Rural Development Programs, Rural Utilities Serv-
24 ice, Rural Water and Waste Disposal Program Ac-
25 count”.

1 (11) The paragraph under the heading “Food
2 Nutrition Service, Child Nutrition Programs”.

3 (12) The third proviso under the heading
4 “Food and Nutrition Service, Commodity Assistance
5 Program”.

6 (13) Sections 713, 717, and 732.

7 SEC. 1265. None of the funds appropriated or other-
8 wise made available by this Act or any other Act shall
9 be used to pay the salaries and expenses of personnel to
10 carry out the program authorized by section 14 of the Wa-
11 tershed Protection and Flood Prevention Act (16 U.S.C.
12 1012).

13 SEC. 1266. None of the funds appropriated or other-
14 wise made available by this Act or any other Act shall
15 be used to pay the salaries and expenses of personnel to
16 carry out a program under subsection (b)(2)(A)(iii) of sec-
17 tion 14222 of Public Law 110–246 in excess of
18 \$1,098,000,000: *Provided*, That none of the funds made
19 available in this Act or any other Act shall be used for
20 salaries and expenses to carry out section 19(i)(1)(D) of
21 the Richard B. Russell National School Lunch Act as
22 amended by section 4304 of Public Law 110–246 in excess
23 of \$33,000,000, including the transfer of funds under sub-
24 section (c) of section 14222 of Public Law 110–246, until
25 October 1, 2011: *Provided further*, That \$117,000,000

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

7 SEC. 1267. None of the funds appropriated or other-
8 wise made available by this Act or any other Act shall
9 be used to pay the salaries and expenses of personnel to
10 carry out the Wetlands Reserve Program authorized by
11 sections 1237–1237F of the Food Security Act of 1985
12 (16 U.S.C. 3837–3837f) to enroll in excess of 236,000
13 acres in fiscal year 2011.

14 SEC. 1268. The unobligated balances available for the
15 wildlife habitat incentives program under section 1240N
16 of the Food Security Act of 1985 (16 U.S.C. 3839bb–1),
17 as identified by Treasury Appropriation Fund Symbol
18 12X3322, are rescinded; for the program under the Water
19 Bank Act (16 U.S.C. 1301 et seq.), as identified by Treas-
20 ury Appropriation Fund Symbol 12X3320; and for the
21 wetlands reserve program under section 1237 of the Food
22 Security Act of 1985 (16 U.S.C. 3837), as identified by
23 Treasury Appropriation Fund Symbol 12X1080, are re-
24 scinded.

1 SEC. 1269. The unobligated balances available for the
2 Outreach for Socially Disadvantaged Farmers account, as
3 identified by Treasury Appropriation Fund Symbol
4 12X0601, are rescinded; for the Rural Community Ad-
5 vancement Program, as identified by Treasury Appropria-
6 tion Fund Symbol 12X0400, are rescinded; for the Pay-
7 ments to States program, as identified by Treasury Appro-
8 priation Fund symbol 12X2501, are rescinded; for the
9 Common Computing Environment account, as identified
10 by Treasury Appropriation Fund Symbol 12X0113,
11 \$3,613,000 are rescinded; for the Office of the Secretary,
12 as identified by Treasury Appropriation Fund Symbol
13 12X0115, are rescinded; for the Agricultural Credit Insur-
14 ance Fund, as identified by Treasury Appropriation Fund
15 Symbol 12X1140, \$6,935,000 are rescinded; for the Re-
16 source Conservation and Development program, as identi-
17 fied by Treasury Appropriation Fund Symbol 12X1010,
18 \$3,125,000 are rescinded; for the Animal and Plant
19 Health Inspection Service—Buildings and Facilities ac-
20 count, as identified by Treasury Appropriation Fund Sym-
21 bol 12X1601, \$6,370,000 are rescinded. In addition, from
22 prior year unobligated balances of Animal and Plant
23 Health Inspection Service—Salaries and Expenses ac-
24 count, the following amounts are rescinded: Sudden Oak
25 Death, \$295,000; Sirex Woodwasp, \$408,000; Avian In-

1 fluenza, \$8,000,000; Information Technology Infrastruc-
2 ture, \$86,000; Screwworm, \$1,000,000; HUB Relocation,
3 \$98,000; H1N1, \$5,000,000; and Contingency Funds,
4 \$1,000,000.

5 SEC. 1270. The unobligated balances available for the
6 Agricultural Research Service—Salaries and Expenses ac-
7 count, as identified by Treasury Appropriation Fund Sym-
8 bol 12X1400, as provided through Public Law 109–234
9 and Public Law 111–32, \$4,771,000 are hereby rescinded.

10 SEC. 1271. Of the unobligated balances available in
11 the Agricultural Research Service, Buildings and Facilities
12 account, \$3,414,000 are hereby rescinded: *Provided*, That
13 no amounts may be rescinded from amounts that were
14 designated by the Congress as an emergency requirement
15 pursuant to the Concurrent Resolution on the Budget or
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985, as amended: *Provided further*, That no amounts
18 may be rescinded from amounts greater than \$5,000,000
19 or that have received an appropriation since 2007 unless
20 construction of those facilities has been completed.

21 SEC. 1272. Of the unobligated balances available for
22 Cooperative State Research, Education, and Extension
23 Service, Buildings and Facilities, \$1,037,000 are re-
24 scinded.

1 Standards and Technology, Industrial Technology Serv-
2 ices” shall be \$169,600,000.

3 SEC. 1306. Notwithstanding section 1101, the level
4 for “Department of Justice, General Administration, Jus-
5 tice Information Sharing Technology” shall be
6 \$60,285,000.

7 SEC. 1307. Notwithstanding section 1101, the level
8 for “Department of Justice, General Administration, Tac-
9 tical Law Enforcement Wireless Communications” shall
10 be \$110,000,000.

11 SEC. 1308. Notwithstanding section 1101, the level
12 for “Department of Justice, Fees and Expenses of Wit-
13 nesses” shall be \$270,000,000.

14 SEC. 1309. Notwithstanding section 1101, the level
15 for “Department of Justice, General Administration, Na-
16 tional Drug Intelligence Center” shall be \$34,023,000.

17 SEC. 1310. Notwithstanding section 1101, the level
18 for “Department of Justice, United States Marshals Serv-
19 ice, Construction” shall be \$16,625,000.

20 SEC. 1311. Notwithstanding section 1101, the level
21 for “Department of Justice, Federal Bureau of Investiga-
22 tion, Construction” shall be \$107,310,000.

23 SEC. 1312. Notwithstanding section 1101, the level
24 for “Department of Justice, Federal Prison System, Sala-
25 ries and Expenses” shall be \$6,288,231,000.

1 SEC. 1313. Notwithstanding section 1101, the level
2 for “Department of Justice, State and Local Law En-
3 forcement Activities, Salaries and Expenses” shall be
4 \$187,000,000.

5 SEC. 1314. Notwithstanding section 1101, the level
6 for “Office of Science and Technology Policy” shall be
7 \$6,660,000.

8 SEC. 1315. Notwithstanding section 1101, the level
9 for “Department of Commerce, Bureau of the Census,
10 Periodic Censuses and Programs” shall be \$942,315,000.

11 SEC. 1316. Notwithstanding section 1101, the level
12 for each of the following accounts shall be \$0: “Depart-
13 ment of Justice, Bureau of Alcohol, Tobacco, Firearms,
14 and Explosives, Construction”; and “Department of Jus-
15 tice, Office of Justice Programs, Weed and Seed Program
16 Fund”.

17 SEC. 1317. Notwithstanding any other provision of
18 this division, the following set-asides included in division
19 B of Public Law 111–117 for projects specified in the ex-
20 planatory statement accompanying that Act in the fol-
21 lowing accounts for the corresponding amounts shall not
22 apply to funds appropriated by this division: (1) “Depart-
23 ment of Commerce, International Trade Administration,
24 Operations and Administration”, \$5,215,000; (2) “De-
25 partment of Commerce, Minority Business Development

1 Agency, Minority Business Development”, \$1,100,000;
2 and (3) “Department of Commerce, National Institute of
3 Standards and Technology, Scientific and Technical Re-
4 search and Services”, \$10,500,000 (4) “Department of
5 Commerce, National Institute of Standards and Tech-
6 nology, Construction of Research Facilities”,
7 \$47,000,000; (5) “Department of Commerce, National
8 Oceanic and Atmospheric Administration, Operations, Re-
9 search and Facilities”, \$99,295,000; (6) “Department of
10 Commerce, National Oceanic and Atmospheric Adminis-
11 tration, Procurement, Acquisition and Construction”,
12 \$18,000,000; (7) “Department of Justice, Office of Jus-
13 tice Programs, State and Local Law Enforcement Assist-
14 ance”, \$185,268,000; (8) “Department of Justice, Office
15 of Justice Programs, Juvenile Justice Programs”,
16 \$91,095,000”; (9) “Department of Justice, Community
17 Oriented Policing Services”, \$25,385,000; (10) “Depart-
18 ment of Justice, Community Oriented Policing Services”,
19 \$168,723,000; and (11) “National Aeronautics and Space
20 Administration, Cross Agency Support”, \$63,000,000.

21 SEC. 1318. The Departments of Commerce and Jus-
22 tice, the National Aeronautics and Space Administration,
23 and the National Science Foundation are directed to sub-
24 mit spending plans, signed by the respective department
25 or agency head, to the House and Senate Committees on

1 Appropriations within 60 days of enactment of this divi-
2 sion.

3 SEC. 1319. Notwithstanding any other provision of
4 this division, the set-aside included in division B of Public
5 Law 111–117 under the heading “Department of Com-
6 merce, United States Patent and Trademark Office, Sala-
7 ries and Expenses” in the last proviso shall not apply to
8 funds appropriated by this division.

9 SEC. 1320. Notwithstanding section 1101, the level
10 for “Department of Commerce, National Institute of
11 Standards and Technology, Construction of Research Fa-
12 cilities” shall be \$80,000,000 and the set-asides under this
13 heading in division B of Public Law 111–117 shall not
14 apply to funds appropriated by this division.

15 SEC. 1321. Notwithstanding section 1101, the level
16 for “Department of Commerce, National Oceanic and At-
17 mospheric Administration, Operations, Research, and Fa-
18 cilities” shall be \$3,190,883,000.

19 SEC. 1322. Notwithstanding section 1101, the level
20 for “Department of Commerce, National Oceanic and At-
21 mospheric Administration, Procurement, Acquisition and
22 Construction” shall be \$1,335,353,000.

23 SEC. 1323. Notwithstanding section 1101, the level
24 for “Department of Commerce, Departmental Manage-

1 ment, Herbert C. Hoover Building Renovation and Mod-
2 ernization” shall be \$10,000,000.

3 SEC. 1324. Notwithstanding section 1101, the level
4 for “Department of Commerce, United States Patent and
5 Trademark Office, Salaries and Expenses” shall be
6 \$2,205,000,000, to remain available until expended: *Pro-*
7 *vided*, That the sum herein appropriated from the general
8 fund shall be reduced as offsetting collections assessed and
9 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
10 and 376 are received during fiscal year 2011, so as to re-
11 sult in a fiscal year 2011 appropriation from the general
12 fund estimated at \$0: *Provided further*, That during fiscal
13 year 2011, should the total amount of offsetting fee collec-
14 tions, and the surcharge provided herein, be less than
15 \$2,205,000,000, this amount shall be reduced accordingly:
16 *Provided further*, That any amount received in excess of
17 \$2,205,000,000 in fiscal year 2011, in an amount up to
18 \$200,000,000, shall remain available until expended: *Pro-*
19 *vided further*, That there shall be a surcharge of 15 per-
20 cent, rounded by standard arithmetic rules, on fees
21 charged or authorized by subsections (a), (b), and (d)(1)
22 of section 41 of title 35, United States Code, as adminis-
23 tered under Public Law 108–447 and this Act, and on
24 fees charged or authorized by section 132(b), of title 35,
25 United States Code: *Provided further*, That the surcharge

1 established under the previous proviso shall be separate
2 from, and in addition to, any other surcharge that may
3 be required pursuant to any provision of title 35, United
4 States Code: *Provided further*, That the surcharge estab-
5 lished in the previous two provisions shall take effect on
6 the date that is 10 days after the date of enactment of
7 this Act, and shall remain in effect during fiscal year
8 2011: *Provided further*, That the receipts collected as a
9 result of these surcharges shall be available, within the
10 amounts provided herein, to the United States Patent and
11 Trademark Office without fiscal year limitation, for all au-
12 thorized activities and operations of the Office.

13 SEC. 1325. (a) Notwithstanding section 1101, the
14 level for “Department of Justice, Office of Justice Pro-
15 grams, State and Local Law Enforcement Assistance”
16 shall be \$1,249,500,000.

17 (b) Notwithstanding section 1101, the level for “De-
18 partment of Justice, Office of Justice Programs, Juvenile
19 Justice Programs” shall be \$312,500,000.

20 (c) Notwithstanding section 1101, the level for “De-
21 partment of Justice, Community Oriented Policing Serv-
22 ices” shall be \$557,500,000.

23 (d) All set asides within the accounts described in
24 paragraphs (a), (b) and (c) of this section shall be reduced
25 proportionally.

1 SEC. 1326. Notwithstanding section 1101, the level
2 for “National Science Foundation, Research and Related
3 Activities” shall be \$5,542,920,000.

4 SEC. 1327. (a) Notwithstanding section 1105, the
5 provisos under the heading “National Aeronautics and
6 Space Administration, Exploration” in division B of Pub-
7 lic Law 111–117, as amended, shall not apply to funds
8 appropriated by this division.

9 (b) Of the amounts appropriated by this division for
10 “National Aeronautics and Space Administration, Explo-
11 ration”, not less than \$1,200,000,000 shall be for the
12 Orion multipurpose crew vehicle, and not less than
13 \$1,800,000,000 shall be for the heavy lift launch vehicle
14 system which shall have a lift capability not less than 130
15 tons and which shall have an upper stage and other core
16 elements developed simultaneously.

17 SEC. 1328. (a) Notwithstanding section 1101, the
18 level for “National Aeronautics and Space Administration,
19 Space Operations” shall be \$5,741,800,000.

20 (b) The proviso specifying amounts under the head-
21 ing “National Aeronautics and Space Administration,
22 Space Operations” in division B of Public Law 111–117
23 shall not apply to funds appropriated by this division.

1 SEC. 1329. Notwithstanding section 1101, the level
2 for “National Aeronautics and Space Administration,
3 Science” shall be \$4,819,000,000.

4 SEC. 1330. (a) Notwithstanding section 1101, the
5 level for “National Aeronautics and Space Administration,
6 Cross Agency Support” shall be \$3,111,400,000.

7 (b) The provisos specifying amounts under the head-
8 ing “National Aeronautics and Space Administration,
9 Cross Agency Support” in division B of Public Law 111–
10 117 shall not apply to funds appropriated by this division.

11 SEC. 1331. (a) Notwithstanding section 1101, the
12 level for “National Aeronautics and Space Administration,
13 Construction and Environmental Compliance and Remedi-
14 ation” shall be \$397,300,000.

15 (b) The provisos under the heading “National Aero-
16 nautics and Space Administration, Construction and Envi-
17 ronmental Compliance and Remediation” in division B of
18 Public Law 111–117 shall not apply to funds appropriated
19 by this division.

20 SEC. 1332. Of the funds made available for “Depart-
21 ment of Commerce, Bureau of the Census, Periodic Cen-
22 suses and Programs” in division B of Public Law 111–
23 117, \$1,740,000,000 are rescinded.

1 SEC. 1333. Of the unobligated balances available for
2 “Emergency Steel, Oil, and Gas Guaranteed Loan Pro-
3 gram Account”, \$48,000,000 are rescinded.

4 SEC. 1334. Of the unobligated balances available to
5 the Department of Justice from prior appropriations, the
6 following funds are rescinded, not later than September
7 30, 2011, from the following accounts in the specified
8 amounts: (1) “Office of Justice Programs”, \$42,000,000;
9 (2) “Community Oriented Policing Services”,
10 \$10,200,000; (3) “Legal Activities, Assets Forfeiture
11 Fund”, \$495,000,000; and (4) “Working Capital Fund”,
12 \$40,000,000.

13 SEC. 1335. Notwithstanding any other provision of
14 law, in fiscal year 2012 and thereafter payments for costs
15 described in subsection (a) of section 404 of Public Law
16 107–42, as amended, shall be considered to be, and in-
17 cluded in, payments for compensation for the purposes of
18 sections 406(b) and (d)(1).

19 TITLE IV—ENERGY AND WATER

20 DEVELOPMENT AND RELATED AGENCIES

21 SEC. 1401. All of the provisos under the heading
22 “Corps of Engineers—Civil, Department of the Army,
23 Construction” in the Energy and Water Development and
24 Related Agencies Appropriations Act, 2010 (Public Law

1 111–85) shall not apply to funds appropriated by this divi-
2 sion.

3 SEC. 1402. The proviso under the heading “Corps of
4 Engineers—Civil, Department of the Army, Mississippi
5 River and Tributaries” in the Energy and Water Develop-
6 ment and Related Agencies Appropriations Act, 2010
7 (Public Law 111–85) shall not apply to funds appro-
8 priated by this division.

9 SEC. 1403. The fifth proviso (regarding the San Ga-
10 briel Basin Restoration Fund), sixth proviso (regarding
11 Power Program Services), seventh proviso (regarding the
12 Milk River Project) and eighth proviso (regarding the De-
13 partmental Irrigation Drainage program) under the head-
14 ing “Department of the Interior, Bureau of Reclamation,
15 Water and Related Resources” in the Energy and Water
16 Development and Related Agencies Appropriations Act,
17 2010 (Public Law 111–85) shall not apply to funds appro-
18 priated by this division.

19 SEC. 1404. All of the provisos under the heading
20 “Department of Energy, Energy Programs, Energy Effi-
21 ciency and Renewable Energy” in title III of the Energy
22 and Water Development and Related Agencies Appropria-
23 tions Act, 2010 (Public Law 111–85) shall not apply to
24 funds appropriated by this division.

1 SEC. 1405. All of the provisos under the heading
2 “Department of Energy, Energy Programs, Electricity
3 Delivery and Energy Reliability” in title III of the Energy
4 and Water Development and Related Agencies Appropria-
5 tions Act, 2010 (Public Law 111–85) shall not apply to
6 funds appropriated by this division.

7 SEC. 1406. The proviso under the heading “Depart-
8 ment of Energy, Energy Programs, Nuclear Energy” in
9 title III of the Energy and Water Development and Re-
10 lated Agencies Appropriations Act, 2010 (Public Law
11 111–85) shall not apply to funds appropriated by this divi-
12 sion.

13 SEC. 1407. All of the provisos under the heading
14 “Department of Energy, Energy Programs, Fossil Energy
15 Research and Development” in title III of the Energy and
16 Water Development and Related Agencies Appropriations
17 Act, 2010 (Public Law 111–85) shall not apply to funds
18 appropriated by this division.

19 SEC. 1408. All of the provisos under the heading
20 “Department of Energy, Energy Programs, Science” in
21 title III of the Energy and Water Development and Re-
22 lated Agencies Appropriations Act, 2010 (Public Law
23 111–85) shall not apply to funds appropriated by this divi-
24 sion.

1 SEC. 1409. All of the provisos under the heading
2 “Department of Energy, Atomic Energy Defense Activi-
3 ties, National Nuclear Security Administration, Weapons
4 Activities” in title III of the Energy and Water Develop-
5 ment and Related Agencies Appropriations Act, 2010
6 (Public Law 111–85) shall not apply to funds appro-
7 priated by this division.

8 SEC. 1410. The proviso under the heading “Depart-
9 ment of Energy, Atomic Energy Defense Activities, Na-
10 tional Nuclear Security Administration, Defense Nuclear
11 Nonproliferation” in title III of the Energy and Water De-
12 velopment and Related Agencies Appropriations Act, 2010
13 (Public Law 111–85) shall not apply to funds appro-
14 priated by this division.

15 SEC. 1411. All of the provisos under the heading
16 “Department of Energy, Atomic Energy Defense Activi-
17 ties, National Nuclear Security Administration, Office of
18 the Administrator” in title III of the Energy and Water
19 Development and Related Agencies Appropriations Act,
20 2010 (Public Law 111–85) shall not apply to funds appro-
21 priated by this division.

22 SEC. 1412. The proviso under the heading “Depart-
23 ment of Energy, Atomic Energy Defense Activities, Envi-
24 ronmental and Other Defense Activities, Defense Environ-
25 mental Cleanup” in title III of the Energy and Water De-

1 velopment and Related Agencies Appropriations Act, 2010
2 (Public Law 111–85) shall not apply to funds appro-
3 priated by this division.

4 SEC. 1413. The proviso under the heading “Depart-
5 ment of Energy, Atomic Energy Defense Activities, Envi-
6 ronmental and Other Defense Activities, Other Defense
7 Activities” in title III of the Energy and Water Develop-
8 ment and Related Agencies Appropriations Act, 2010
9 (Public Law 111–85) shall not apply to funds appro-
10 priated by this division.

11 SEC. 1414. The fifth proviso under the heading “De-
12 partment of Energy, Power Marketing Administrations,
13 Construction, Rehabilitation, Operation and Maintenance,
14 Western Area Power Administration” in title III of the
15 Energy and Water Development and Related Agencies Ap-
16 propriations Act, 2010 (Public Law 111–85) shall not
17 apply to funds appropriated by this division.

18 SEC. 1415. Funds appropriated by this division shall
19 not apply to sections 107, 206, 207, and 208 of the En-
20 ergy and Water Development and Related Agencies Ap-
21 propriations Act, 2010 (Public Law 111–85).

22 SEC. 1416. Notwithstanding section 1105, no appro-
23 priation, funds, or authority made available pursuant to
24 section 1101 for the Department of Energy or Corps of
25 Engineers, Civil, shall be used to initiate or resume any

1 program, project, or activity or to initiate Requests for
2 Proposals or similar arrangements (including Requests for
3 Quotations, Requests for Information, and Funding Op-
4 portunity Announcements) for a program, project, or ac-
5 tivity if the program, project, or activity has not been
6 funded by Congress.

7 SEC. 1417. Notwithstanding section 1101, the level
8 for “Independent Agencies, Appalachian Regional Com-
9 mission” shall be \$68,000,000.

10 SEC. 1418. Notwithstanding section 1101, the level
11 for “Independent Agencies, Delta Regional Authority”
12 shall be \$11,700,000.

13 SEC. 1419. Notwithstanding section 1101, the level
14 for “Independent Agencies, Denali Commission” shall be
15 \$10,700,000.

16 SEC. 1420. Notwithstanding section 1101, the level
17 for “Defense Nuclear Facilities Safety Board” shall be
18 \$25,500,000.

19 SEC. 1421. Notwithstanding section 1101, for the
20 “Nuclear Regulatory Commission” necessary expenses in
21 carrying out the purposes of the Energy Reorganization
22 Act of 1974, as amended, and the Atomic Energy Act of
23 1954, as amended, including official representation ex-
24 penses (not to exceed \$25,000), \$1,043,483,000, to re-
25 main available until expended: *Provided*, That of the

1 amount appropriated herein, \$10,000,000 shall be derived
2 from the Nuclear Waste Fund: *Provided further*, That rev-
3 enues from licensing fees, inspection services, and other
4 services and collections estimated at \$906,220,000 in fis-
5 cal year 2011 shall be retained and used for necessary
6 salaries and expenses in this account, notwithstanding 31
7 U.S.C. 3302, and shall remain available until expended:
8 *Provided further*, That the sum herein appropriated shall
9 be reduced by the amount of revenues received during fis-
10 cal year 2011 so as to result in a final fiscal year 2011
11 appropriation estimated at not more than \$137,263,000:
12 *Provided further*, That of the amounts appropriated,
13 \$10,000,000 is provided to support university research
14 and development in areas relevant to their respective orga-
15 nization's mission, and \$5,000,000 is to support a Nuclear
16 Science and Engineering Grant Program that will support
17 multiyear projects that do not align with programmatic
18 missions but are critical to maintaining the discipline of
19 nuclear science and engineering.

20 SEC. 1422. Of the unobligated balances available for
21 "Corps of Engineers—Civil, Department of the Army,
22 Mississippi River and Tributaries", \$22,000,000 are re-
23 scinded, to be derived by cancelling unobligated balances
24 for the Yazoo Basin, Backwater Pump, Mississippi
25 project.

1 SEC. 1423. Notwithstanding section 1101, the level
2 for “Corps of Engineers—Civil, Department of the Army,
3 Investigations” shall be \$150,000,000.

4 SEC. 1424. Notwithstanding section 1101, the level
5 for “Corps of Engineers—Civil, Department of the Army,
6 Construction” shall be \$1,896,818,000.

7 SEC. 1425. Notwithstanding section 1101, the level
8 for “Corps of Engineers—Civil, Department of the Army,
9 Mississippi River and Tributaries” shall be \$289,269,000.

10 SEC. 1426. Notwithstanding section 1101, the level
11 for “Corps of Engineers—Civil, Department of the Army,
12 Operation and Maintenance” shall be \$2,380,000,000.

13 SEC. 1427. Notwithstanding section 1101, the level
14 for “Corps of Engineers—Civil, Department of the Army,
15 Formerly Utilized Sites Remedial Action Program” shall
16 be \$130,000,000.

17 SEC. 1428. Notwithstanding section 1101, the level
18 for “Department of the Interior, Bureau of Reclamation,
19 Water and Related Resources” shall be \$916,300,000.

20 SEC. 1429. Notwithstanding section 1101, the level
21 for “Department of the Interior, Bureau of Reclamation,
22 Central Valley Project Restoration Fund” shall be
23 \$49,915,000.

24 SEC. 1430. Notwithstanding section 1101, the level
25 for “Department of Energy, Energy Programs, Energy

1 Efficiency and Renewable Energy” shall be
2 \$1,912,000,000.

3 SEC. 1431. Notwithstanding section 1101, the level
4 for “Department of Energy, Energy Programs, Electricity
5 Delivery and Energy Reliability” shall be \$156,000,000.

6 SEC. 1432. Notwithstanding section 1101, the level
7 for “Department of Energy, Energy Programs, Nuclear
8 Energy” shall be \$661,000,000.

9 SEC. 1433. Notwithstanding section 1101, the level
10 for “Department of Energy, Energy Programs, Fossil En-
11 ergy Research and Development” shall be \$586,000,000.

12 SEC. 1434. Notwithstanding section 1101, the level
13 for “Department of Energy, Energy Programs, Naval Pe-
14 troleum and Oil Shale Reserves” shall be \$23,000,000.

15 SEC. 1435. Notwithstanding section 1101, the level
16 for “Department of Energy, Energy Programs, Strategic
17 Petroleum Reserve” shall be \$138,861,000, to remain
18 available until expended. Of the funds appropriated in
19 Public Law 110–161 under this heading for new site land
20 acquisition activities, \$14,493,000 are hereby permanently
21 cancelled. Of the funds appropriated in Public Law 110–
22 329 under this heading for new site expansion activities,
23 beyond land acquisition, \$31,507,000 are hereby perma-
24 nently cancelled. Of the funds appropriated in Public Law
25 111–85 under this heading, \$25,000,000 are hereby per-

1 manently cancelled. For an additional amount for “Stra-
2 tegic Petroleum Reserve”, \$71,000,000, to remain avail-
3 able until expended.

4 SEC. 1436. Notwithstanding section 1101, the level
5 for “Department of Energy, Energy Programs, Northeast
6 Home Heating Oil Reserve” shall be \$11,000,000.

7 SEC. 1437. Notwithstanding section 1101, the level
8 for “Department of Energy, Energy Programs, Energy
9 Information Agency” shall be \$108,500,000.

10 SEC. 1438. Notwithstanding section 1101, the level
11 for “Department of Energy, Energy Programs, Non-De-
12 fense Environmental Cleanup” shall be \$225,200,000.

13 SEC. 1439. Notwithstanding section 1101, the level
14 for “Department of Energy, Energy Programs, Uranium
15 Enrichment Decontamination and Decommissioning
16 Fund” shall be \$514,000,000.

17 SEC. 1440. Notwithstanding section 1101, the level
18 for “Department of Energy, Energy Programs, Science”
19 shall be \$4,733,000,000.

20 SEC. 1441. Notwithstanding section 1101, the level
21 for “Department of Energy, Energy Programs, Nuclear
22 Waste Disposal” shall be \$0.

23 SEC. 1442. In addition to amounts otherwise made
24 available by this division, \$200,000,000 is appropriated

1 for “Department of Energy, Energy Programs, Advanced
2 Research Projects Agency—Energy”.

3 SEC. 1443. Notwithstanding section 1101, subject to
4 section 502 of the Congressional Budget Act of 1974,
5 amounts necessary to support commitments to guarantee
6 loans under title XVII of the Energy Policy Act of 2005,
7 for the cost of loan guarantees for renewable energy under
8 section 1703 of the Energy Policy Act of 2005, an addi-
9 tional \$100,000,000 is appropriated, to remain available
10 until expended: *Provided*, That these amounts are in addi-
11 tion to authorities provided in any other Act: *Provided fur-*
12 *ther*, That for amounts collected pursuant to section
13 1702(b)(2) of the Energy Policy Act of 2005, the source
14 of such payment received from borrowers may not be a
15 loan or other debt obligation that is guaranteed by the
16 Federal Government: *Provided further*, That none of such
17 loan guarantee authority made available in this Act shall
18 be available for commitments to guarantee loans for any
19 projects where funds, personnel, or property (tangible or
20 intangible) of any Federal agency, instrumentality, per-
21 sonnel, or affiliated entity are expected be used (directly
22 or indirectly) through acquisitions, contracts, demonstra-
23 tions, exchanges, grants, incentives, leases, procurements,
24 sales, other transaction authority, or other arrangements,
25 to support the project or to obtain goods or services from

1 the project: *Provided further*, That the previous proviso
2 shall not be interpreted as precluding the use of the loan
3 guarantee authority in this Act for commitments to guar-
4 antee loans for (1) projects as a result of such projects
5 benefitting from otherwise allowable Federal income tax
6 benefits; (2) projects as a result of such projects benefit-
7 ting from being located on Federal land pursuant to a
8 lease or right-of-way agreement for which all consideration
9 for all uses is (A) paid exclusively in cash, (B) deposited
10 in the Treasury as offsetting receipts, and (C) equal to
11 the fair market value as determined by the head of the
12 relevant Federal agency; (3) projects as a result of such
13 projects benefitting from Federal insurance programs, in-
14 cluding under section 170 of the Atomic Energy Act of
15 1954 (42 U.S.C. 2210; commonly known as the “Price-
16 Anderson Act”); or (4) electric generation projects using
17 transmission facilities owned or operated by a Federal
18 Power Marketing Administration or the Tennessee Valley
19 Authority that have been authorized, approved, and fi-
20 nanced independent of the project receiving the guarantee:
21 *Provided further*, That none of the loan guarantee author-
22 ity made available in this Act shall be available for any
23 project unless the Director of the Office of Management
24 and Budget has certified in advance in writing that the
25 loan guarantee and the project comply with the provisions

1 under this section: *Provided further*, That an additional
2 amount for necessary administrative expenses to carry out
3 this Loan Guarantee program, \$58,000,000 is appro-
4 priated, to remain available until expended: *Provided fur-*
5 *ther*, That \$58,000,000 of the fees collected pursuant to
6 section 1702(h) of the Energy Policy Act of 2005 shall
7 be credited as offsetting collections to this account to cover
8 administrative expenses and shall remain available until
9 expended, so as to result in a final fiscal year 2011 appro-
10 priations from the general fund estimated at not more
11 than \$0.

12 SEC. 1444. Section 1702 of the Energy Policy Act
13 of 2005 (22 U.S.C. § 16512) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (1), by striking “; or”
16 and inserting a semicolon;

17 (B) in paragraph (2), by striking the pe-
18 riod at the end and inserting “; or”; and

19 (C) by adding at the end the following:

20 “(3) the cost of the obligation has been paid in
21 full by a combination of an appropriation for the
22 cost and a payment by the borrower that has been
23 deposited to the Treasury.”.

24 SEC. 1445. The authority provided for commitments
25 to guarantee loans under “Department of Energy—En-

1 ergy Programs—Title 17 Innovative Technology Loan
2 Guarantee Program” in title III of division C of Public
3 Law 111–8, is available for projects that employ: (1) new
4 or significantly improved technologies of renewable energy
5 systems or efficient end-use energy technologies under sec-
6 tion 1703 of the Energy Policy Act of 2005; or (2) not-
7 withstanding section 1703(a)(2), and with regard only to
8 projects for which an application has been submitted to
9 the Department of Energy, in whole or in part, for a loan
10 guarantee under section 1705 prior to February 24, 2011,
11 commercial technologies of renewable energy systems, effi-
12 cient end-use energy technologies, or leading edge biofuel
13 projects.

14 SEC. 1446. Notwithstanding section 1101, the level
15 for “Department of Energy, Energy Programs, Advanced
16 Technology Vehicles Manufacturing Loan Program” shall
17 be \$9,998,000.

18 SEC. 1447. Notwithstanding section 1101, the level
19 for “Department of Energy, Energy Programs, Depart-
20 mental Administration” shall be \$165,000,000.

21 SEC. 1448. Notwithstanding section 1101, the level
22 for “Department of Energy, Energy Programs, Office of
23 the Inspector General” shall be \$42,850,000.

24 SEC. 1449. Notwithstanding section 1101, the level
25 for “Department of Energy, Atomic Energy Defense Ac-

1 tivities, National Nuclear Security Administration, Weap-
2 ons Activities” shall be \$6,823,835,000.

3 SEC. 1450. Notwithstanding section 1101, the level
4 for “Department of Energy, Atomic Energy Defense Ac-
5 tivities, National Nuclear Security Administration, De-
6 fense Nuclear Nonproliferation” shall be \$2,326,727,000.

7 SEC. 1451. Notwithstanding section 1101, the level
8 for “Department of Energy, Atomic Energy Defense Ac-
9 tivities, National Nuclear Security Administration, Office
10 of the Administrator” shall be \$399,793,000.

11 SEC. 1452. Notwithstanding section 1101, the level
12 for “Department of Energy, Environmental and Other
13 Defense Activities, Defense Environmental Cleanup” shall
14 be \$5,107,382,000, of which \$33,700,000 shall be trans-
15 ferred to the “Uranium Enrichment Decontamination and
16 Decommissioning Fund”.

17 SEC. 1453. Notwithstanding section 1101, the level
18 for “Department of Energy, Environmental and Other
19 Defense Activities, Other Defense Activities” shall be
20 \$827,991,000.

21 SEC. 1454. Notwithstanding section 1101, the level
22 for “Department of Energy, Environmental and Other
23 Defense Activities, Defense Nuclear Waste Disposal” shall
24 be \$0.

1 SEC. 1455. Of the unobligated balances from prior
2 year appropriations available for “Corps of Engineers—
3 Civil, Department of the Army, Construction”,
4 \$100,000,000 are rescinded.

5 SEC. 1456. Of the unobligated balances from prior
6 year appropriations available for “Department of Energy,
7 Energy Programs, Energy Efficiency and Renewable En-
8 ergy”, \$11,200,000 are rescinded.

9 SEC. 1457. Of the unobligated balances from prior
10 year appropriations available for “Department of Energy,
11 Energy Programs, Electricity Delivery and Energy Reli-
12 ability”, \$2,400,000 are rescinded.

13 SEC. 1458. Of the unobligated balances from prior
14 year appropriations available for “Department of Energy,
15 Energy Programs, Nuclear Energy”, \$6,300,000 are re-
16 scinded.

17 SEC. 1459. Of the unobligated balances from prior
18 year appropriations available for “Department of Energy,
19 Energy Programs, Fossil Energy Research and Develop-
20 ment”, \$30,600,000 are rescinded.

21 SEC. 1460. Of the unobligated balances from prior
22 year appropriations available for “Department of Energy,
23 Energy Programs, Naval Petroleum and Oil Shale Re-
24 serves”, \$2,100,000 are rescinded.

1 SEC. 1461. Of the unobligated balances from prior
2 year appropriations available for “Department of Energy,
3 Energy Programs, Clean Coal Technology”, \$18,000,000
4 are rescinded.

5 SEC. 1462. Of the unobligated balances from prior
6 year appropriations available for “Department of Energy,
7 Energy Programs, Strategic Petroleum Reserve”,
8 \$15,300,000 are rescinded.

9 SEC. 1463. Of the unobligated balances from prior
10 year appropriations available for “Department of Energy,
11 Energy Programs, Energy Information Administration”,
12 \$400,000 are rescinded.

13 SEC. 1464. Of the unobligated balances from prior
14 year appropriations available for “Department of Energy,
15 Energy Programs, Uranium Enrichment Decontamination
16 and Decommissioning Fund”, \$10,000,000 are rescinded.

17 SEC. 1465. Of the unobligated balances from prior
18 year appropriations available for “Department of Energy,
19 Energy Programs, Science”, \$7,200,000 are rescinded.

20 SEC. 1466. Of the unobligated balances from prior
21 year appropriations available for “Department of Energy,
22 Energy Programs, Nuclear Waste Disposal”, \$2,800,000
23 are rescinded.

24 SEC. 1467. Of the unobligated balances from prior
25 year appropriations available for “Department of Energy,

1 Energy Programs, Departmental Administration”,
2 \$11,900,000 are rescinded.

3 SEC. 1468. Of the unobligated balances from prior
4 year appropriations available for “Department of Energy,
5 Atomic Energy Defense Activities, National Nuclear Secu-
6 rity Administration, Naval Reactors”, \$1,200,000 are re-
7 scinded.

8 SEC. 1469. Of the unobligated balances from prior
9 year appropriations available for “Department of Energy,
10 Atomic Energy Defense Activities, National Nuclear Secu-
11 rity Administration, Office of the Administrator”,
12 \$4,400,000 are rescinded.

13 SEC. 1470. Of the unobligated balances from prior
14 year appropriations available for “Department of Energy,
15 Environmental and Other Defense Activities, Defense En-
16 vironmental Cleanup”, \$11,900,000 are rescinded.

17 SEC. 1471. Of the unobligated balances from prior
18 year appropriations available for “Department of Energy,
19 Environmental and Other Defense Activities, Other De-
20 fense Activities”, \$3,400,000 are rescinded.

21 SEC. 1472. Of the unobligated balances from prior
22 year appropriations available for “Independent Agencies,
23 Delta Regional Authority”, \$6,000,000 are rescinded.

1 SEC. 1502. Notwithstanding section 1101, under the
2 heading “Department of the Treasury, Departmental Of-
3 fices, Salaries and Expenses”, the requirement to transfer
4 funds to the National Academy of Sciences for a carbon
5 audit of the tax code shall not apply to funds appropriated
6 by this Act.

7 SEC. 1503. Of the amount provided for “Department
8 of the Treasury, Departmental Offices, Salaries and Ex-
9 penses”, up to \$400,000 shall be available to support in-
10 creased international representation commitments of the
11 Secretary, and up to \$1,000,000 shall be available, not-
12 withstanding any other provision of law, for contribution
13 to the Global Forum on Transparency and Exchange of
14 Information for Tax Purposes, a Part II Program of the
15 Organization for Economic Cooperation and Development,
16 to cover the cost assessed by that organization for Treas-
17 ury’s participation therein.

18 SEC. 1504. Notwithstanding section 1101, under the
19 heading “Department of the Treasury, Department-wide
20 Systems and Capital Investments Programs”, the first
21 proviso shall not apply to funds appropriated by this Act.

22 SEC. 1505. Notwithstanding section 1101, under the
23 heading “Alcohol and Tobacco Tax and Trade Bureau”,
24 the first proviso shall not apply to funds appropriated by
25 this Act.

1 SEC. 1506. Notwithstanding section 1101, of the un-
2 obligated balances available under the heading “Treasury
3 Forfeiture Fund”, \$400,000,000 are rescinded.

4 SEC. 1507. The level for “Community Development
5 Financial Institutions Fund Program Account” shall be
6 as provided in section 1101, except that: up to
7 \$23,000,000 may be used for administrative expenses, in-
8 cluding administration of the New Markets Tax Credit;
9 the provision of a pilot project grant to an eligible organi-
10 zation located in the State of Hawaii shall not apply; the
11 requirement to transfer funds to the Capital Magnet Fund
12 shall not apply, and the amounts subject to that transfer
13 requirement in 2010 shall be included when calculating
14 the level for the Community Development Financial Insti-
15 tutions Fund Account under section 1101; notwith-
16 standing sections 4707(d) and 4707(e) of title 12, United
17 States Code, \$25,000,000 shall be for a Healthy Food Fi-
18 nancing Initiative to provide grants and loans to commu-
19 nity development financial institutions for the purpose of
20 offering affordable financing and technical assistance to
21 expand the availability of healthy food options in dis-
22 tressed communities; up to \$50,000,000 shall be for initia-
23 tives designed to enable individuals with low- or moderate-
24 income levels to establish bank accounts and to improve
25 access to the provision of bank accounts as authorized by

1 section 1204 of Public Law 111–203; and \$25,000,000
2 shall be for the Bank Enterprise Award program.

3 SEC. 1508. Notwithstanding section 1101, the level
4 for each of the following accounts of the Internal Revenue
5 Service shall be as follows: “Taxpayer Services”
6 \$2,330,215,000; “Operations Support”, \$4,118,000,000,
7 of which up to \$65,000,000 shall remain available until
8 expended for acquisition of real property, equipment, con-
9 struction, and renovation of facilities; and “Business Sys-
10 tems Modernization”, \$363,897,000.

11 SEC. 1509. Notwithstanding section 1101, the level
12 for “Internal Revenue Service, Enforcement” shall be
13 \$5,591,300,000, of which not less than \$125,500,000
14 shall be for enforcement related to offshore tax evasion.

15 SEC. 1510. Notwithstanding any other provision of
16 the Act, section 105 of division C of Public Law 111–117
17 shall not apply to funds appropriated under this Act.

18 SEC. 1511. Notwithstanding section 1101, the level
19 for each of the following accounts shall be \$0: “Executive
20 Office of the President and Funds Appropriated to the
21 President, Partnership Fund for Program Integrity Inno-
22 vation”; “Office of National Drug Control Policy,
23 Counterdrug Technology Assessment Center”; “District of
24 Columbia, Federal Payment for Consolidated Laboratory
25 Facility”; “District of Columbia, Federal Funds, Federal

1 Payment for Youth Services”; “District of Columbia, Fed-
2 eral Funds, Federal Payment to the Office of the Chief
3 Financial Officer for the District of Columbia”; “Election
4 Assistance Commission, Election Reform Programs”.

5 SEC. 1512. Notwithstanding section 1101, the level
6 for each of the following accounts shall be as follows: “Ex-
7 ecutive Office of the President and Funds Appropriated
8 to the President, White House Repair and Restoration”
9 \$2,005,000; “Executive Office of the President and Funds
10 Appropriated to the President, National Security Council
11 and Homeland Security Council”, \$13,984,000; “Office of
12 National Drug Control Policy, Salaries and Expenses”,
13 \$27,138,000; “The Judiciary, Supreme Court of the
14 United States, Care of the Building and Grounds”,
15 \$8,175,000”; “The Judiciary, Fees of Jurors and Com-
16 missioners”, \$52,410,000; “The Judiciary, Vaccine Injury
17 Compensation Trust Fund”, \$4,785,000; “District of Co-
18 lumbia, Federal Funds, Federal Payment to the District
19 of Columbia Courts”, \$251,180,000; “District of Colum-
20 bia, Federal Funds, Federal Payment to the Criminal Jus-
21 tice Coordinating Council”, \$1,800,000; “District of Co-
22 lumbia, Federal Funds, Federal Payment for Housing for
23 the Homeless”, \$10,000,000; “Administrative Conference
24 of the United States”, \$2,750,000; “Federal Deposit In-
25 surance Corporation, Office of the Inspector General”,

1 \$47,916,000; “General Services Administration, General
2 Activities, Government-Wide Policy”, \$77,621,000; “Gen-
3 eral Services Administration, Electronic Government
4 Fund”, \$2,000,000; “General Services Administration, Al-
5 lowances and Office Staff for Former Presidents”,
6 \$3,907,000; “Harry S Truman Scholarship Foundation”,
7 \$1,010,000; “Office of Personnel Management, Salaries
8 and Expenses”, \$94,970,000; “Office of Special Counsel,
9 Salaries and Expenses”, \$19,000,000; “Privacy and Civil
10 Liberties Oversight Board”, \$1,000,000.

11 SEC. 1513. Any expenses incurred by the Election
12 Assistance Commission using amounts appropriated under
13 the heading “Election Assistance Commission, Election
14 Reform Programs” in the Transportation, Treasury, and
15 Independent Agencies Appropriations Act, 2004 (Public
16 Law 108–199; 118 Stat. 327) for any program or activity
17 which the Commission is authorized to carry out under
18 the Help America Vote Act of 2002 shall be considered
19 to have been incurred for the programs and activities de-
20 scribed under such heading.

21 SEC. 1514. Notwithstanding section 1101, the level
22 for “The Judiciary, Courts of Appeals, District Courts,
23 and Other Judicial Services, Salaries and Expenses” shall
24 be \$5,078,583,000: *Provided*, That notwithstanding sec-
25 tion 302 of division C, Public Law 111–117, not to exceed

1 \$75,000,000 shall be available for transfer between ac-
2 counts to maintain fiscal year 2010 operating levels.

3 SEC. 1515. Section 203(c) of the Judicial Improve-
4 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
5 note), is amended—

6 (1) in the third sentence (relating to the Dis-
7 trict of Kansas), by striking “19 years” and insert-
8 ing “20 years”; and

9 (2) in the seventh sentence (relating to the Dis-
10 trict of Hawaii), by striking “16 years” and insert-
11 ing “17 years”.

12 SEC. 1516. Notwithstanding any other provision of
13 this Act, except section 1106, the District of Columbia
14 may expend local funds for programs and activities under
15 the heading “District of Columbia Funds” for such pro-
16 grams and activities under title IV of S. 3677 (111th Con-
17 gress), as reported by the Committee on Appropriations
18 of the Senate, at the rate set forth under “District of Co-
19 lumbia Funds” as included in the Fiscal Year 2011 Budg-
20 et Request Act (D.C. Act 18–448), as modified as of the
21 date of the enactment of this Act.

22 SEC. 1517. Notwithstanding section 1101, the level
23 for “Commodity Futures Trading Commission” shall be
24 \$286,000,000, to remain available until September 30,
25 2012.

1 SEC. 1518. The proviso under the heading “Com-
2 modify Futures Trading Commission” in Public Law 111-
3 80 shall not apply to funds appropriated by this division.

4 SEC. 1519. Notwithstanding section 1101, under the
5 heading “Consumer Product Safety Commission”,
6 \$2,000,000 shall remain available until September 30,
7 2012, for the grant program under section 1405 of the
8 Virginia Graeme Baker Pool and Spa Safety Act (Public
9 Law 110-140; 15 U.S.C. 8004) and for such program in
10 title V of division C of Public Law 111-117, \$2,000,000
11 are rescinded.

12 SEC. 1520. (a) Section 1403(8) of the Virginia
13 Graeme Baker Pool and Spa Safety Act (15 U.S.C.
14 8002(8)) is amended by adding at the end the following:
15 “For purposes of eligibility for the grants authorized
16 under section 1405, such term shall also include any polit-
17 ical subdivision of a State.”.

18 (b) Section 1405(e) of the Virginia Graeme Baker
19 Pool and Spa Safety Act (15 U.S.C. 8004 (e)) is amended
20 by striking “2010” and inserting “2011”.

21 SEC. 1521. Notwithstanding section 1101, the Fed-
22 eral Communications Commission is authorized to assess
23 and collect pursuant to section 9 of title I of the Commu-
24 nications Act of 1934 offsetting collections during fiscal
25 year 2011 of \$350,634,000, and such amounts shall be

1 available for obligation until expended, of which not less
2 than \$8,279,115 shall be for the salaries and expenses of
3 the Office of Inspector General.

4 SEC. 1522. Notwithstanding section 1101, the limits
5 set forth in section 702 of Public Law 111–117 shall not
6 apply to any vehicle that is a commercial item and which
7 operates on emerging motor vehicle technology, including
8 but not limited to electric, plug-in hybrid electric, and hy-
9 drogen fuel cell vehicles.

10 SEC. 1523. Notwithstanding section 1101, the aggre-
11 gate amount of new obligational authority provided under
12 the heading “General Services Administration, Real Prop-
13 erty Activities, Federal Buildings Fund, Limitations on
14 Availability of Revenue” for Federal buildings and court-
15 houses and other purposes of the Fund shall be
16 \$8,200,161,000, of which \$591,451,000 is provided for
17 “Construction and Acquisition” and \$397,938,000 is pro-
18 vided for “Repairs and Alterations”: *Provided*, That the
19 Administrator of General Services is authorized to initiate
20 design, construction, repair, alteration, leasing, and other
21 projects through existing authorities of the Administrator:
22 *Provided further*, That the General Services Administra-
23 tion shall submit a detailed plan, by project, regarding the
24 use of funds to the Committees on Appropriations of the
25 House of Representatives and the Senate within 30 days

1 of enactment of this section and will provide notification
2 to the Committees within 15 days prior to any changes
3 regarding the use of these funds.

4 SEC. 1524. The matter pertaining to the amount of
5 \$1,000,000 under the heading “General Services Adminis-
6 tration, Operating Expenses” in division C of Public Law
7 111–117 (123 Stat. 3190) shall not apply to funds appro-
8 priated by this Act.

9 SEC. 1525. Notwithstanding section 1101, the level
10 for each of the following accounts of the National Archives
11 and Records Administration shall be as follows: “Oper-
12 ating Expenses”, \$347,689,000; “Office of Inspector Gen-
13 eral”, \$4,250,000; “Electronic Records Archives”,
14 \$72,000,000, of which \$52,500,000 shall remain available
15 until September 30, 2013; “Repairs and Restoration”,
16 \$11,848,000; and “National Historical Publications and
17 Records Commission, Grants Program”, \$9,000,000.

18 SEC. 1526. Public Law 109–115 is amended, under
19 the heading “National Archives and Records Administra-
20 tion, Repairs and Restoration”, by striking “of which
21 \$1,500,000 is to construct a new regional archives and
22 records facility in Anchorage, Alaska,”.

23 SEC. 1527. Division H of Public Law 108–447 is
24 amended, under the heading “National Archives and
25 Records Administration, Repairs and Restoration”, by

1 striking “of which \$3,000,000 is for site preparation and
2 construction management to construct a new regional ar-
3 chives and records facility in Anchorage, Alaska, and”.

4 SEC. 1528. Of the unobligated balances of prior year
5 appropriations available under the heading “Privacy and
6 Civil Liberties Oversight Board”, \$1,500,000 are re-
7 scinded.

8 SEC. 1529. Notwithstanding section 1101, user fees
9 for “Securities and Exchange Commission, Salaries and
10 Expenses” shall be available for obligation in the amount
11 of \$1,300,000,000.

12 SEC. 1530. Notwithstanding section 1101, the level
13 provided under the heading “Small Business Administra-
14 tion, Surety Bond Guarantees Revolving Fund” shall be
15 \$0; the level provided under the heading “Small Business
16 Administration, Disaster Loans Program Account” for the
17 cost of guaranteed loans shall be \$0; and the level provided
18 under section 523 shall be \$0.

19 SEC. 1531. Notwithstanding section 1101, the level
20 for “United States Postal Service, Payment to the Postal
21 Service Fund” shall be \$29,000,000; and, notwithstanding
22 section 1109, an additional \$74,905,000 shall be available
23 for obligation on October 1, 2011.

24 SEC. 1532. Notwithstanding section 1101, the level
25 for “Independent Agencies, United States Tax Court, Sal-

1 aries and Expenses” shall be \$52,093,000, of which
2 \$2,852,000 shall be for security improvements.

3 SEC. 1533. Section 617 of Public Law 111–117 is
4 amended by striking “December 31, 2009” and inserting
5 “December 31, 2010”.

6 SEC. 1534. Section 710 of Public Law 111–117 is
7 amended by striking in (c), (d), and (e) “September 30,
8 2009” and inserting “September 30, 2010”.

9 SEC. 1535. Section 805(b) of Public Law 111–117
10 is amended by striking “November 1, 2010” and inserting
11 “November 1, 2011”.

12 SEC. 1536. Of the unobligated balances available
13 under the heading “General Services Administration, Fed-
14 eral Buildings Fund”, \$25,000,000 are rescinded and
15 shall be returned to the General Fund of the Treasury.

16 TITLE VI—HOMELAND SECURITY

17 SEC. 1601. Within 30 days after the date of enact-
18 ment of this division, the Department of Homeland Secu-
19 rity shall submit to the Committees on Appropriations of
20 the Senate and the House of Representatives an expendi-
21 ture plan for fiscal year 2011 that displays the level of
22 funding by program, project, and activity consistent with
23 the table of detailed funding recommendations contained
24 at the end of the joint explanatory statement accom-

1 panying the Department of Homeland Security Appropria-
2 tions Act, 2010 (Public Law 111–83).

3 SEC. 1602. Notwithstanding section 1101, the level
4 for “Department of Homeland Security, Office of the Sec-
5 retary and Executive Management” shall be
6 \$144,818,000.

7 SEC. 1603. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, Office of the
9 Under Secretary for Management” shall be \$239,933,000.

10 SEC. 1604. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, Office of the Fed-
12 eral Coordinator for Gulf Coast Rebuilding” shall be \$0.

13 SEC. 1605. Notwithstanding section 1101, the level
14 for “Department of Homeland Security, U.S. Customs
15 and Border Protection, Salaries and Expenses” shall be
16 \$8,208,477,000: *Provided*, That for fiscal year 2011, the
17 Border Patrol shall achieve an active duty presence of not
18 less than 21,370 agents protecting the border of the
19 United States by September 30, 2011.

20 SEC. 1606. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, U.S. Customs
22 and Border Protection, Automation Modernization” shall
23 be \$341,575,000, of which \$153,090,000 shall be for the
24 Automated Commercial Environment.

1 SEC. 1607. (a) Notwithstanding section 1101, the
2 level for “Department of Homeland Security, U.S. Cus-
3 toms and Border Protection, Border Security Fencing, In-
4 frastructure, and Technology” shall be \$574,173,000.

5 (b) Paragraph (11) of the first proviso and the third
6 and fourth provisos under the heading “Border Security
7 Fencing, Infrastructure, and Technology” of Public Law
8 111–83 shall not apply to funds appropriated by this divi-
9 sion.

10 SEC. 1608. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, U.S. Customs
12 and Border Protection, Air and Marine Interdiction, Oper-
13 ations, Maintenance, and Procurement” shall be
14 \$508,751,000.

15 SEC. 1609. Notwithstanding section 1101, the level
16 for “Department of Homeland Security, U.S. Customs
17 and Border Protection, Construction and Facilities Man-
18 agement” shall be \$279,740,000.

19 SEC. 1610. Notwithstanding section 1101, the level
20 for “Department of Homeland Security, U.S. Immigration
21 and Customs Enforcement, Salaries and Expenses” shall
22 be \$5,437,643,000: *Provided*, That U.S. Immigration and
23 Customs Enforcement shall maintain a level of not fewer
24 than 33,400 detention beds throughout fiscal year 2011.

1 SEC. 1611. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, U.S. Immigration
3 and Customs Enforcement, Automation Modernization”
4 shall be \$75,000,000.

5 SEC. 1612. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, U.S. Immigration
7 and Customs Enforcement, Construction” shall be \$0.

8 SEC. 1613. Notwithstanding section 1101, the level
9 for “Department of Homeland Security, Transportation
10 Security Administration, Aviation Security” shall be
11 \$5,251,046,000: *Provided*, That the amounts included
12 under such heading in Public Law 111–83 shall be applied
13 to funds appropriated by this division as follows: by sub-
14 stituting “\$5,251,046,000” for “\$5,214,040,000”; by
15 substituting “\$4,339,293,000” for “\$4,358,076,000”; by
16 substituting “\$629,297,000” for “\$1,116,406,000”; by
17 substituting “\$911,753,000” for “\$855,964,000”; by sub-
18 stituting “\$291,191,000” for “\$778,300,000”; by sub-
19 stituting “9 percent” for “28 percent”; and by sub-
20 stituting “\$3,151,046,000” for “\$3,114,040,000”.

21 SEC. 1614. Notwithstanding section 1101, the level
22 for “Department of Homeland Security, Transportation
23 Security Administration, Surface Transportation Secu-
24 rity” shall be \$105,961,000.

1 SEC. 1615. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, Transportation
3 Security Administration, Transportation Threat Assess-
4 ment and Credentialing” shall be \$162,999,000.

5 SEC. 1616. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, Transportation
7 Security Administration, Transportation Security Sup-
8 port” shall be \$1,015,638,000.

9 SEC. 1617. Notwithstanding section 1101, the level
10 for “Department of Homeland Security, Transportation
11 Security Administration, Federal Air Marshals” shall be
12 \$934,802,000.

13 SEC. 1618. Notwithstanding section 1101, the level
14 for “Department of Homeland Security, Coast Guard, Op-
15 erating Expenses” shall be \$6,928,388,000 of which
16 \$254,000,000 is designated as being for contingency oper-
17 ations directly related to the global war on terrorism pur-
18 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
19 and as an emergency requirement pursuant to section
20 403(a) of S. Con. Res. 13 (111th Congress), the concurent
21 resolution on the budget for fiscal year 2010: *Provided*,
22 That the Coast Guard may decommission one Medium En-
23 durance Cutter, two High Endurance Cutters, four HU-
24 25 aircraft, and one Maritime Safety and Security Team,
25 and may make necessary staffing adjustments at the

1 Coast Guard Investigative Service and other support
2 units, as specified in the budget justification materials for
3 fiscal year 2011 as submitted to the Committees on Ap-
4 propriations of the Senate and House of Representatives.

5 SEC. 1619. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, Coast Guard, Ac-
7 quisition, Construction, and Improvements” shall be
8 \$1,533,783,000, of which \$2,000,000 shall be derived
9 from the Coast Guard Housing Fund, established pursu-
10 ant to 14 U.S.C. 687, and shall remain available until ex-
11 pended for military family housing; of which \$54,000,000
12 shall be for vessels, small boats, critical infrastructure,
13 and related equipment; of which \$36,000,000 shall be for
14 other equipment; of which \$69,200,000 shall be for shore
15 and aids to navigation facilities, including waterfront fa-
16 cilities at Navy installations used by the Coast Guard; of
17 which \$106,083,000 shall be available for personnel com-
18 pensation and benefits and related costs; and of which
19 \$1,266,500,000 shall be for the Integrated Deepwater
20 Systems program: *Provided*, That of the funds made avail-
21 able for the Integrated Deepwater Systems program,
22 \$101,000,000 is for aircraft and \$1,010,000,000 is for
23 surface ships.

1 SEC. 1620. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, Coast Guard, Al-
3 teration of Bridges” shall be \$0.

4 SEC. 1621. Notwithstanding section 1001, the level
5 for “Department of Homeland Security, Coast Guard, Re-
6 search, Development, Test, and Evaluation” shall be
7 \$28,745,000.

8 SEC. 1622. Notwithstanding section 1101, the level
9 for “Department of Homeland Security, United States Se-
10 cret Service, Salaries and Expenses” shall be
11 \$1,526,361,000.

12 SEC. 1623. Notwithstanding section 1101, the level
13 for “Department of Homeland Security, National Protec-
14 tion and Programs Directorate, Infrastructure Protection
15 and Information Security” shall be \$874,923,000.

16 SEC. 1624. Notwithstanding section 1101, under the
17 heading “Department of Homeland Security, Federal Pro-
18 tective Service”, the revenues and collections of security
19 fees credited to this account shall be available until ex-
20 pended for necessary expenses related to the protection of
21 federally-owned and leased buildings and for the oper-
22 ations of the Federal Protective Service: *Provided*, That,
23 no later than September 30, 2011, the Federal Protective
24 Service shall maintain not fewer than 1,250 full-time staff
25 and 935 full-time Police Officers, Inspectors, Area Com-

1 manders, and Special Agents who, while working, are di-
2 rectly engaged on a daily basis protecting and enforcing
3 laws at Federal buildings (referred to as “in-service field
4 staff”).

5 SEC. 1625. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, National Protec-
7 tion and Programs Directorate, United States Visitor and
8 Immigrant Status Indicator Technology” shall be
9 \$334,613,000.

10 SEC. 1626. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, Office of Health
12 Affairs” shall be \$139,734,000.

13 SEC. 1627. Notwithstanding section 1101, the level
14 for “Department of Homeland Security, Federal Emer-
15 gency Management Agency, Management and Administra-
16 tion” shall be \$803,150,000, of which \$12,000,000 shall
17 be for capital improvements at the Federal Emergency
18 Management Agency Mount Weather Emergency Oper-
19 ations Center, and of which \$38,000,000 shall be for the
20 Urban Search and Rescue Response System.

21 SEC. 1628. Notwithstanding section 1101, the level
22 for “Department of Homeland Security, Federal Emer-
23 gency Management Agency, State and Local Programs”
24 shall be \$2,826,500,000: *Provided*, That of the amount
25 provided by this division for the State Homeland Security

1 Grant Program under such heading, \$60,000,000 shall be
2 for Operation Stonegarden and \$10,000,000 shall be for
3 the Citizen Corps Program: *Provided further*, That the
4 amounts provided by this division for the Citizen Corps
5 Program under such heading shall not be subject to the
6 requirements of subtitle A of title XX of the Homeland
7 Security Act of 2002 (6 U.S.C. 603 et seq.): *Provided fur-*
8 *ther*, That of the amount provided by this division for Pub-
9 lic Transportation Security Assistance and Railroad Secu-
10 rity Assistance under such heading, no less than
11 \$20,000,000 shall be for Amtrak security: *Provided fur-*
12 *ther*, That the amounts included under such heading in
13 Public Law 111–83 shall be applied to funds appropriated
14 by this division as follows: in paragraph (1), by sub-
15 stituting “\$900,000,000” for “\$950,000,000”; in para-
16 graph (3), by substituting “\$30,000,000” for
17 “\$35,000,000”; in paragraph (5), by substituting “\$0”
18 for “\$13,000,000”; in paragraph (8), by substituting
19 “\$0” for “\$12,000,000”; in paragraph (9), by sub-
20 stituting “\$35,000,000” for “\$50,000,000”; in paragraph
21 (10), by substituting “\$0” for “\$50,000,000”; in para-
22 graph (12), by substituting “\$30,000,000” for
23 “\$60,000,000” and “\$0” for each following amount in
24 such paragraph; in paragraph (13), by substituting
25 “\$253,500,000” for “\$267,200,000”; in paragraph

1 (13)(A), by substituting “\$159,500,000” for
2 “\$164,500,000”; in paragraph (13)(B), by substituting
3 “\$0” for “\$1,700,000”; and in paragraph (13)(C), by sub-
4 stituting “\$0” for “\$3,000,000”: *Provided further*, That
5 5 percent of the amount provided for “Department of
6 Homeland Security, Federal Emergency Management
7 Agency, State and Local Programs” by this division shall
8 be transferred to “Department of Homeland Security,
9 Federal Emergency Management Agency, Management
10 and Administration” for program administration.

11 SEC. 1629. Notwithstanding section 1101, the level
12 for “Department of Homeland Security, Federal Emer-
13 gency Management Agency, Firefighter Assistance
14 Grants” for programs authorized by the Federal Fire Pre-
15 vention and Control Act of 1974 (15 U.S.C. 2201 et seq.),
16 shall be \$810,000,000, of which \$405,000,000 shall be
17 available to carry out section 33 of that Act (15 U.S.C.
18 2229) and \$405,000,000 shall be available to carry out
19 section 34 of that Act (15 U.S.C. 2229a).

20 SEC. 1630. Notwithstanding the requirement under
21 section 34(a)(1)(A) of the Federal Fire Prevention and
22 Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that
23 grants must be used to increase the number of firefighters
24 in fire departments, the Secretary of Homeland Security,
25 in making grants under section 34 of such Act using the

1 funds appropriated for fiscal year 2011, shall grant waiv-
2 ers from the requirements of subsections (a)(1)(B), (c)(1),
3 (c)(2), and (c)(4)(A) of such section: *Provided*, That sec-
4 tion 34(a)(1)(E) of such Act shall not apply with respect
5 to funds appropriated for fiscal year 2011 for grants
6 under section 34 of such Act: *Provided further*, That the
7 Secretary of Homeland Security, in making grants under
8 section 34 of such Act, shall ensure that funds appro-
9 priated for fiscal year 2011 are made available for the re-
10 tention of firefighters.

11 SEC. 1631. Notwithstanding section 1101, the level
12 for “Department of Homeland Security, Federal Emer-
13 gency Management Agency, Disaster Relief” shall be
14 \$1,950,000,000: *Provided*, That the Administrator of the
15 Federal Emergency Management Agency shall submit
16 quarterly reports to the Committees on Appropriations of
17 the Senate and the House of Representatives providing es-
18 timates of funding requirements for “Disaster Relief” for
19 the current fiscal year and the succeeding three fiscal
20 years. The report shall provide (a) an estimate, by quarter,
21 for the costs of all previously designated disasters; (b) an
22 estimate, by quarter, for the cost of future disasters based
23 on a five year average, excluding catastrophic disasters;
24 and (c) an estimate of the date on which the “Disaster
25 Relief” balance will reach \$500,000,000: *Provided further*,

1 That the President shall submit an emergency supple-
2 mental budget request no later than three months prior
3 to the date that the Administrator of the Federal Emer-
4 gency Management Agency estimates that the total
5 amount remaining unallocated in “Disaster Relief” will
6 reach \$500,000,000, and that the request shall account
7 for all estimated funding requirements for that fiscal year.

8 SEC. 1632. Notwithstanding section 1101, the level
9 for “Department of Homeland Security, Federal Emer-
10 gency Management Agency, Flood Map Modernization
11 Fund” shall be \$194,000,000.

12 SEC. 1633. Notwithstanding section 1101, in fiscal
13 year 2011, funds shall not be available from the National
14 Flood Insurance Fund under section 1310 of the National
15 Flood Insurance Act of 1968 (42 U.S.C. 4017) for oper-
16 ating expenses in excess of \$110,000,000, and for agents’
17 commissions and taxes in excess of \$963,339,000: *Pro-*
18 *vided*, That notwithstanding section 1101, for activities
19 under the National Flood Insurance Act of 1968 (42
20 U.S.C. 4001 et seq.) and the Flood Disaster Protection
21 Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be
22 \$169,000,000, which shall be derived from offsetting col-
23 lections assessed and collected under 1308(d) of the Na-
24 tional Flood Insurance Act of 1968 (42 U.S.C. 4015(d)),
25 of which not to exceed \$22,145,000 shall be available for

1 salaries and expenses associated with flood mitigation and
2 flood insurance operations; and not less than
3 \$146,855,000 shall be available for floodplain manage-
4 ment and flood mapping, which shall remain available
5 until September 30, 2012.

6 SEC. 1634. Notwithstanding section 1101, the level
7 for “Department of Homeland Security, Federal Emer-
8 gency Management Agency, National Pre disaster Mitiga-
9 tion Fund” shall be \$85,000,000.

10 SEC. 1635. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, Federal Emer-
12 gency Management Agency, Emergency Food and Shel-
13 ter” shall be \$150,000,000.

14 SEC. 1636. Notwithstanding section 1101, the level
15 for “Department of Homeland Security, United States
16 Citizenship and Immigration Services” shall be
17 \$146,593,000, of which \$25,000,000 is for processing ap-
18 plications for asylum and refugee status, and of which
19 \$103,400,000 shall be for the E-Verify Program.

20 SEC. 1637. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, Federal Law En-
22 forcement Training Center, Salaries and Expenses” shall
23 be \$235,919,000.

24 SEC. 1638. Notwithstanding section 1101, the level
25 for “Department of Homeland Security, Federal Law En-

1 forcement Training Center, Acquisitions, Construction,
2 Improvements, and Related Expenses” shall be
3 \$38,456,000.

4 SEC. 1639. Notwithstanding section 1101, the level
5 for “Department of Homeland Security, Science and
6 Technology, Management and Administration” shall be
7 \$141,200,000.

8 SEC. 1640. Notwithstanding section 1101, the level
9 for “Department of Homeland Security, Science and
10 Technology, Research, Development, Acquisition, and Op-
11 erations” shall be \$698,036,000: *Provided*, That the final
12 proviso included under the heading “Department of
13 Homeland Security, Science and Technology, Research,
14 Development, Acquisition, and Operations” in the Depart-
15 ment of Homeland Security Appropriations Act, 2010
16 (Public Law 111–83) shall have no force or effect.

17 SEC. 1641. Notwithstanding section 1101, the level
18 for “Department of Homeland Security, Domestic Nuclear
19 Detection Office, Management and Administration” shall
20 be \$36,992,000.

21 SEC. 1642. Notwithstanding section 1101, the level
22 for “Department of Homeland Security, Domestic Nuclear
23 Detection Office, Research, Development, and Oper-
24 ations” shall be \$300,242,000.

1 SEC. 1643. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, Domestic Nuclear
3 Detection Office, Systems Acquisition” shall be
4 \$40,000,000.

5 SEC. 1644. For an additional amount to plan, ac-
6 quire, construct, renovate, remediate, equip, furnish, and
7 occupy buildings and facilities for the consolidation of the
8 Department of Homeland Security headquarters,
9 \$91,400,000.

10 SEC. 1645. For an additional amount for necessary
11 expenses for reimbursement of the actual costs to State
12 and local governments for providing emergency manage-
13 ment, public safety, and security at events, as determined
14 by the Administrator of the Federal Emergency Manage-
15 ment Agency, related to the presence of a National Special
16 Security Event, \$15,000,000, to remain available until
17 September 30, 2012.

18 SEC. 1646. (a) Section 560 of Public Law 111–83
19 shall not apply to funds appropriated by this division.

20 (b) For an additional amount for Science and Tech-
21 nology, “Research, Development, Acquisition, and Oper-
22 ations”, \$40,000,000, to remain available until September
23 30, 2012, for construction of the Central Utility Plant at
24 the National Bio-and Agro-Defense Facility.

1 (c) No funding provided in this or previous appropria-
2 tions Acts shall be used for construction of the National
3 Bio- and Agro-Defense Facility until—

4 (1) the Department of Homeland Security has
5 completed 50 percent of National Bio- and Agro-De-
6 fense Facility design planning and submitted a re-
7 vised site-specific biosafety and biosecurity mitiga-
8 tion risk assessment that describes how to signifi-
9 cantly reduce risks of conducting essential research
10 and diagnostic testing at the National Bio- and
11 Agro-Defense Facility and addresses shortcomings
12 identified in the National Academy of Sciences' eval-
13 uation of the initial site-specific biosafety and bio-
14 security mitigation risk assessment, and

15 (2) the National Academy of Sciences submits
16 an evaluation of the revised site-specific biosafety
17 and biosecurity mitigation risk assessment.

18 (d) The revised site-specific biosafety and biosecurity
19 mitigation risk assessment required by subsection (c)
20 shall—

21 (1) include a quantitative risk assessment for
22 foot-and-mouth disease virus, in particular epidemio-
23 logical and economic impact modeling to determine
24 the overall risk of operating the facility for its ex-
25 pected 50-year life span, taking into account strate-

1 gies to mitigate risk of foot-and-mouth disease virus
2 release from the laboratory and ensure safe oper-
3 ations at the approved National Bio- and Agro-De-
4 fense Facility site;

5 (2) address the impact of surveillance, response,
6 and mitigation plans (developed in consultation with
7 local, State, and Federal authorities and appropriate
8 stakeholders) if a release occurs, to detect and con-
9 trol the spread of disease; and

10 (3) include overall risks of the most dangerous
11 pathogens the Department of Homeland Security ex-
12 pects to hold in the National Bio- and Agro-Defense
13 Facility's biosafety level 4 facility, and effectiveness
14 of mitigation strategies to reduce those risks.

15 (e) The Department of Homeland Security shall enter
16 into a contract with the National Academy of Sciences to
17 evaluate the adequacy and validity of the risk assessment
18 required by subsection (c). The National Academy of
19 Sciences shall submit a report on such evaluation within
20 four months after the date the Department of Homeland
21 Security concludes its risk assessment.

22 SEC. 1647. Section 503 of the Department of Home-
23 land Security Appropriations Act, 2010 (Public Law 111-
24 83) is amended by adding at the end the following:

1 “(e) The notification thresholds and procedures set
2 forth in this section shall apply to any use of deobligated
3 balances of funds provided in previous Department of
4 Homeland Security Appropriations Acts.”.

5 SEC. 1648. For fiscal year 2011, sections 529, 541,
6 and 545 of the Department of Homeland Security Appro-
7 priations Act, 2010 (Public Law 111–83; 123 Stat. 2174,
8 2176) shall have no force or effect.

9 SEC. 1649. Section 550(b) of the Department of
10 Homeland Security Appropriations Act, 2007 (Public Law
11 109–295; 6 U.S.C. 121 note) is amended by striking “on
12 October 4, 2010” and inserting “on October 4, 2011”.

13 SEC. 1650. Section 831 of the Homeland Security
14 Act of 2002 (6 U.S.C. 391) is amended—

15 (1) in subsection (a), by striking “Until Sep-
16 tember 30, 2010,” and inserting “Until September
17 30, 2011,”; and

18 (2) in subsection (d)(1), by striking “September
19 30, 2010,” and inserting “September 30, 2011,”.

20 SEC. 1651. Section 532(a) of Public Law 109–295
21 (120 Stat. 1384) is amended by striking “2010” and in-
22 serting “2011”.

23 SEC. 1652. Of the funds transferred to the Depart-
24 ment of Homeland Security when it was created in 2003,

1 the following funds are hereby rescinded from the fol-
2 lowing accounts and programs in the specified amounts:

3 (1) “Operations”, \$1,692,000.

4 (2) “Violent Crime Reduction Program”,
5 \$4,871,492.

6 (3) “U.S. Customs and Border Protection, Sal-
7 aries and Expenses”, \$17,949,950.

8 (4) “Office for Domestic Preparedness”,
9 \$10,568,964.

10 SEC. 1653. The following unobligated balances made
11 available to the Department of Homeland Security pursu-
12 ant to section 505 of Department of Homeland Security
13 Appropriations Act, 2010 (Public Law 111–83; 123 Stat.
14 2174) are rescinded: \$886,665 from “Office of the Sec-
15 retary and Executive Management”; \$604,342 from “Of-
16 fice of the Under Secretary for Management”; \$24,379
17 from the “Office of the Chief Financial Officer”; \$29,741
18 from “Office of the Chief Information Officer”; \$218,173
19 from “Analysis and Operations”; \$76,498 from “Office of
20 the Federal Coordinator for Gulf Coast Rebuilding”;
21 \$197,272 from “Office of Inspector General”;
22 \$11,373,129 from “U.S. Customs and Border Protection,
23 Salaries and Expenses”; \$3,443,644 from “U.S. Immigra-
24 tion and Customs Enforcement, Salaries and Expenses”;
25 \$2,555,962 from “Transportation Security Administra-

1 tion, Federal Air Marshals”; \$8,617,331 from “Coast
2 Guard, Operating Expenses”; \$2,965,312 from “Coast
3 Guard, Reserve Training”; \$83,784 from “National Pro-
4 tection and Programs Directorate, Management and Ad-
5 ministration”; \$551,737 from “National Protection and
6 Programs Directorate, Infrastructure Protection and In-
7 formation Security”; \$704,700 from “United States Se-
8 cret Service, Salaries and Expenses”; \$863,628 from
9 “Federal Emergency Management Agency, Management
10 and Administration”; \$864,660 from “Office of Health
11 Affairs”; \$7,945,983 from “United States Citizenship and
12 Immigration Services”; \$960,828 from “Federal Law En-
13 forcement Training Center, Salaries and Expenses”;
14 \$353,524 from “Science and Technology, Management
15 and Administration”; and \$45,468 from “Domestic Nu-
16 clear Detection Office, Management and Administration”.

17 SEC. 1654. Of the funds appropriated to the Depart-
18 ment of Homeland Security, the following unobligated bal-
19 ances are hereby rescinded from the following accounts
20 and programs in the specified amounts:

21 (1) “Department of Homeland Security, U.S.
22 Customs and Border Protection, Automation Mod-
23 ernization”, \$10,000,000.

24 (2) “Department of Homeland Security, U.S.
25 Customs and Border Protection, Border Security

1 Fencing, Infrastructure, and Technology”,
2 \$93,000,000.

3 (3) “Department of Homeland Security, Fed-
4 eral Emergency Management Agency, National
5 Predisaster Mitigation Fund”, \$19,603,000.

6 (4) “Department of Homeland Security,
7 Science and Technology, Research, Development,
8 Acquisition, and Operations”, \$62,000,000.

9 (5) “Department of Homeland Security, Do-
10 mestic Nuclear Detection Office, Research, Develop-
11 ment, and Operations”, \$15,700,000.

12 (6) “Department of Homeland Security, Coast
13 Guard, Acquisition, Construction, and Improve-
14 ments”, \$10,122,000.

15 SEC. 1655. Of the unobligated balances available for
16 “Department of Homeland Security, U.S. Customs and
17 Border Protection, Construction” for construction
18 projects, \$106,556,000 is rescinded: *Provided*, That the
19 amounts rescinded under this section shall be limited to
20 amounts available for Border Patrol projects and facilities:
21 *Provided further*, That no amounts may be rescinded from
22 amounts that were designated by Congress as an emer-
23 gency requirement pursuant to a concurrent resolution on
24 the budget or the Balanced Budget and Emergency Def-
25 icit Control Act of 1985.

1 SEC. 1656. Of the unobligated balances available for
2 “Department of Homeland Security, Transportation Secu-
3 rity Administration”, \$15,000,000 is rescinded: *Provided*,
4 That the Transportation Security Administration shall not
5 rescind any unobligated balances from the following pro-
6 grams: explosives detection systems; checkpoint support;
7 aviation regulation and other enforcement; and air cargo.

8 SEC. 1657. Of the unobligated balances available for
9 “Department of Homeland Security, National Protection
10 and Programs Directorate, Infrastructure Protection and
11 Information Security”, the following amounts are re-
12 scinded:

13 (1) \$6,000,000 from Next Generation Net-
14 works.

15 (2) \$9,600,000 to be specified in a report sub-
16 mitted by the Secretary of Homeland Security to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives no later than 15 days
19 after the date of enactment of this division, that de-
20 scribes the amounts rescinded and the original pur-
21 pose of such funds.

22 SEC. 1658. From the unobligated balances of funds
23 made available in the Department of the Treasury For-
24 feiture Fund established by section 9703 of title 31,
25 United States Code, that was added to such title by sec-

1 tion 638 of Public Law 102–393, \$22,600,000 are re-
2 scinded.

3 SEC. 1659. From the unobligated balances made
4 available for Coast Guard “Operating Expenses” in chap-
5 ter 6 of title I of Public Law 111–212, \$5,000,000 are
6 rescinded.

7 SEC. 1660. From the unobligated balances made
8 available for Coast Guard “Acquisition, Construction, and
9 Improvements” in chapter 5 of title I of division B of Pub-
10 lic Law 110–329, \$26,500,000 are rescinded.

11 SEC. 1661. From the unobligated balances made
12 available for Transportation Security Administration
13 “Aviation Security” in chapter 5 of title III of Public Law
14 110–28, \$18,345,000 are rescinded.

15 SEC. 1662. From the unobligated balances of prior
16 year appropriations made available for United States Vis-
17 itor and Immigrant Indicator Technology, \$55,295,000
18 are rescinded.

19 SEC. 1663. From the unobligated balances of prior
20 year appropriations made available for United States Citi-
21 zenship and Immigration Services for the program com-
22 monly known as the “REAL ID hub”, \$18,500,000 are
23 rescinded.

24 SEC. 1664. From the unobligated balances of prior
25 year appropriations made available for “United States

1 Citizenship and Immigration Services” in chapter 6 of
2 title I of Public Law 111–212, \$6,500,000 are rescinded.

3 SEC. 1665. Of the unobligated balances available for
4 “Department of Homeland Security, U.S. Immigration
5 and Customs Enforcement, Construction”, \$10,000,000
6 are rescinded.

7 TITLE VII—INTERIOR, ENVIRONMENT, AND
8 RELATED AGENCIES

9 SEC. 1701. Notwithstanding section 1101, the level
10 for “Department of the Interior, Bureau of Land Manage-
11 ment, Management of Lands and Resources” shall be
12 \$970,706,000: *Provided*, That the amounts included under
13 such heading in division A of Public Law 111–88 shall
14 be applied to funds appropriated by this division by sub-
15 stituting “\$970,706,000” for “\$959,571,000” the second
16 place it appears.

17 SEC. 1702. Notwithstanding section 1101, the level
18 for “Department of the Interior, Bureau of Land Manage-
19 ment, Construction” shall be \$6,626,000.

20 SEC. 1703. Notwithstanding section 1101, the level
21 for “Department of the Interior, Bureau of Land Manage-
22 ment, Land Acquisition” shall be \$26,650,000: *Provided*,
23 That the proviso under such heading in division A of Pub-
24 lic Law 111–88 shall not apply to funds appropriated by
25 this division.

1 SEC. 1704. Notwithstanding section 1101, the level
2 for “Department of the Interior, United States Fish and
3 Wildlife Service, Resource Management” shall be
4 \$1,257,356,000.

5 SEC. 1705. Notwithstanding section 1101, the level
6 for “Department of the Interior, United States Fish and
7 Wildlife Service, Construction” shall be \$27,139,000.

8 SEC. 1706. Notwithstanding section 1101, the level
9 for “Department of the Interior, United States Fish and
10 Wildlife Service, Land Acquisition” shall be \$63,890,000.

11 SEC. 1707. Of the unobligated amounts under the
12 heading “Department of the Interior, United States Fish
13 and Wildlife Service, Landowner Incentive Program” from
14 prior year appropriations, all remaining amounts are re-
15 scinded.

16 SEC. 1708. Notwithstanding section 1101, the level
17 for “Department of the Interior, United States Fish and
18 Wildlife Service, Cooperative Endangered Species Con-
19 servation Fund” shall be \$84,841,000: *Provided*, That the
20 amounts included under such heading in division A of
21 Public Law 111–88 shall be applied to funds appropriated
22 by this division by substituting “\$4,987,297” for
23 “\$5,145,706”.

24 SEC. 1709. Before the end of the 60-day period be-
25 ginning on the date of enactment of this division, the Sec-

1 retary of the Interior shall reissue the final rule published
2 on April 2, 2009 (74 Fed. Reg. 15123 et seq.) without
3 regard to any other provision of statute or regulation that
4 applies to issuance of such rule. Such reissuance (includ-
5 ing this section) shall not be subject to judicial review.

6 SEC. 1710. Notwithstanding section 1101, the level
7 for “Department of the Interior, National Park Service,
8 Park Partnership Project Grants” shall be \$0 and the
9 matters pertaining to such account in division A of Public
10 Law 111–88 shall not apply to funds appropriated by this
11 division.

12 SEC. 1711. Notwithstanding section 1101, the level
13 for “Department of the Interior, National Park Service,
14 National Recreation and Preservation” shall be
15 \$57,986,000, of which \$0 shall be for projects authorized
16 by section 7302 of Public Law 111–11.

17 SEC. 1712. Notwithstanding section 1101, the level
18 for “Department of the Interior, National Park Service,
19 Historic Preservation Fund” shall be \$69,300,000: *Pro-*
20 *vided*, That the amounts included under such heading in
21 division A of Public Law 111–88 shall be applied to funds
22 appropriated by this division by substituting
23 “\$14,800,000” for “\$25,000,000”: *Provided further*, That
24 the proviso under such heading in division A of Public

1 Law 111–88 shall not apply to funds appropriated by this
2 division.

3 SEC. 1713. Notwithstanding section 1101, the level
4 for “Department of the Interior, National Park Service,
5 Construction” shall be \$210,066,000: *Provided*, That the
6 last proviso under such heading in division A of Public
7 Law 111–88 shall not apply to funds appropriated by this
8 division.

9 SEC. 1714. The contract authority provided for fiscal
10 year 2011 by 16 U.S.C. 460l–10a is rescinded.

11 SEC. 1715. Notwithstanding section 1101, the level
12 for “Department of the Interior, National Park Service,
13 Land Acquisition and State Assistance” shall be
14 \$108,846,000: *Provided*, That section 113 of division A
15 of Public Law 111–88 shall not apply to funds appro-
16 priated by this division.

17 SEC. 1716. Notwithstanding section 1101, the level
18 for “Department of the Interior, United States Geological
19 Survey, Surveys, Investigations, and Research” shall be
20 \$1,104,844,000.

21 SEC. 1717. Notwithstanding section 1101, the level
22 for “Department of the Interior, Minerals Management
23 Service, Royalty and Offshore Minerals Management”
24 shall be \$253,613,000: *Provided*, That the amounts in-
25 cluded under such heading in division A of Public Law

1 111–88 shall be applied to funds appropriated by this divi-
2 sion by substituting “\$104,674,000” for “\$89,374,000”;
3 and by substituting “\$154,890,000” for “\$156,730,000”
4 each place it appears.

5 SEC. 1718. Notwithstanding section 1101, the level
6 for “Department of the Interior, Minerals Management
7 Service, Oil Spill Research” shall be \$11,768,000.

8 SEC. 1719. During fiscal year 2011, the Secretary
9 of the Interior, in order to implement a reorganization of
10 the Bureau of Ocean Energy Management, Regulation,
11 and Enforcement, may establish accounts, transfer funds
12 among and between the offices and bureaus affected by
13 the reorganization, and take other administrative actions
14 necessary in conformance with the House and Senate
15 Committees on Appropriations reprogramming guidelines
16 described in the joint explanatory statement of managers
17 accompanying Public Law 111–88.

18 SEC. 1720. Notwithstanding section 1101, the level
19 for “Department of the Interior, Bureau of Indian Affairs,
20 Operation of Indian Programs” shall be \$2,334,515,000:
21 *Provided*, That the amounts included under such heading
22 in division A of Public Law 111–88 shall be applied to
23 funds appropriated by this division as follows: by sub-
24 stituting “\$220,000,000” for “\$166,000,000”; by sub-

1 stituting “\$585,411,000” for “\$568,702,000”; and by
2 substituting “\$46,373,000” for “\$43,373,000”.

3 SEC. 1721. Notwithstanding section 1101, the level
4 for “Department of the Interior, Bureau of Indian Affairs,
5 Construction” shall be \$165,000,000.

6 SEC. 1722. Notwithstanding section 1101, the level
7 for “Department of the Interior, Bureau of Indian Affairs,
8 Indian Land and Water Claim Settlements and Miscella-
9 neous Payments to Indians” shall be \$46,480,000, of
10 which \$0 shall be for the matter pertaining to Public Law
11 109–379.

12 SEC. 1723. Notwithstanding section 1101, the level
13 for “Department of the Interior, Bureau of Indian Affairs,
14 Indian Land Consolidation” shall be \$0.

15 SEC. 1724. Section 108 of the Department of the In-
16 terior, Environment, and Related Agencies Appropriations
17 Act, 2006 (Public Law 109–54) is amended by striking
18 “for fiscal years 2006 through 2010, for the purpose of
19 reducing the backlog of” and inserting “for fiscal year
20 2006 and each fiscal year thereafter, for the purpose of
21 adjudicating”.

22 SEC. 1725. Notwithstanding section 1101, the level
23 for “Department of the Interior, Departmental Offices,
24 Insular Affairs, Assistance to Territories” shall be
25 \$84,295,000: *Provided*, That the amounts included under

1 such heading in division A of Public Law 111–88 shall
2 be applied to funds appropriated by this division by sub-
3 stituting “\$75,015,000” for “\$75,915,000”.

4 SEC. 1726. Notwithstanding section 1101, the level
5 for “Department of the Interior, Departmental Offices,
6 Office of the Special Trustee for American Indians, Fed-
7 eral Trust Programs” shall be \$176,984,000, as provided
8 for in section 3004(a) of Public Law 111–212 (124 Stat.
9 2339): *Provided*, That the amount included under such
10 heading in division A of Public Law 111–88 shall be
11 \$47,536,000, as provided for in section 3004(a) of Public
12 Law 111–212 (124 Stat. 2339).

13 SEC. 1727. Notwithstanding section 1101, the level
14 for “Department of the Interior, Department-wide Pro-
15 grams, Wildland Fire Management” shall be
16 \$919,897,000: *Provided*, That the amounts included under
17 such heading in division A of Public Law 111–88 shall
18 be applied to funds appropriated by this division by sub-
19 stituting “\$0” for “\$125,000,000”: *Provided further*, That
20 \$200,000,000 in unobligated fire suppression balances
21 under this heading from Public Law 111–8 and Public
22 Law 111–88 are hereby permanently rescinded.

23 SEC. 1728. Notwithstanding section 1104, section
24 121 of division A of Public Law 111–88 (123 Stat. 2930),
25 concerning joint ticketing at the Pearl Harbor Naval Com-

1 plex, is amended in subsection (b)(1) by striking “may
2 enter” and inserting “may, for this fiscal year and each
3 fiscal year thereafter, enter”.

4 SEC. 1729. Notwithstanding section 1101, the level
5 for “Environmental Protection Agency, Science and Tech-
6 nology” shall be \$826,370,000.

7 SEC. 1730. Notwithstanding section 1101, the level
8 for “Environmental Protection Agency, Environmental
9 Programs and Management” shall be \$2,789,417,000:
10 *Provided*, That of the funds included under this heading
11 \$429,441,000 shall be for the Geographic Programs speci-
12 fied in the explanatory statement accompanying Public
13 Law 111–88: *Provided further*, That of such amount for
14 Geographic Programs, \$300,000,000 shall be for the
15 Great Lakes Restoration Initiative; and \$46,000,000 shall
16 be for Puget Sound.

17 SEC. 1731. The matter pertaining to planning and
18 design of a high-performance green building to consolidate
19 the multiple offices and research facilities of the Environ-
20 mental Protection Agency in Las Vegas, Nevada under the
21 heading “Environmental Protection Agency, Buildings
22 and Facilities” in division A of Public Law 111–88 shall
23 not apply to funds appropriated by this division.

24 SEC. 1732. Notwithstanding section 1101, the level
25 for “Environmental Protection Agency, Hazardous Sub-

1 stance Superfund” shall be \$1,293,475,000: *Provided*,
2 That the matter under such heading in division A of Pub-
3 lic Law 111–88 shall be applied to funds appropriated in
4 this division as follows: by substituting “\$1,293,475,000”
5 the second place it appears; and by substituting “Sep-
6 tember 30, 2010” for “September 30, 2009”.

7 SEC. 1733. Notwithstanding section 1101, the level
8 for “Environmental Protection Agency, State and Tribal
9 Assistance Grants” shall be \$4,780,946,000: *Provided*,
10 That the amounts included under such heading in division
11 A of Public Law 111–88 shall be applied to funds appro-
12 priated by this division by substituting “\$14,500,000” for
13 “\$17,000,000”; by substituting “\$0” for “\$156,777,000”;
14 by substituting “\$0” for “\$20,000,000; by substituting
15 “\$1,106,446,000” for “\$1,116,446,000”; and by sub-
16 stituting “\$0” for “\$10,000,000” the second place it ap-
17 pears (pertaining to competitive grants to communities”).

18 SEC. 1734. Notwithstanding section 1101, the
19 amounts authorized to transfer under the heading “Envi-
20 ronmental Protection Agency, Administrative Provisions,
21 Environmental Protection Agency” in division A of Public
22 Law 111–88 shall be applied to funds appropriated by this
23 division by substituting “\$300,000,000” for
24 “\$475,000,000”.

1 SEC. 1735. Notwithstanding section 1101, the level
2 for “Department of Agriculture, Forest Service, State and
3 Private Forestry” shall be \$301,611,000.

4 SEC. 1736. Notwithstanding section 1101, the level
5 for “Department of Agriculture, Forest Service, National
6 Forest System” shall be \$1,566,339,000, of which
7 \$15,000,000 shall be deposited in the Collaborative Forest
8 Landscape Restoration Fund for ecological treatments as
9 authorized by 16 U.S.C. 7303(f).

10 SEC. 1737. Notwithstanding section 1101, the level
11 for “Department of Agriculture, Forest Service, Capital
12 Improvement and Maintenance” shall be \$509,762,000:
13 *Provided*, That amounts included under such heading in
14 division A of Public Law 111–88 shall be applied to funds
15 appropriated in this division by substituting
16 “\$50,000,000” for “90,000,000”.

17 SEC. 1738. Notwithstanding section 1101, the level
18 for “Department of Agriculture, Forest Service, Land Ac-
19 quisition” shall be \$33,184,000.

20 SEC. 1739. Notwithstanding section 1101, the level
21 for “Department of Agriculture, Forest Service, Wildland
22 Fire Management” shall be \$2,178,387,000: *Provided*,
23 That the amounts included under such heading in division
24 A of Public Law 111–88 shall be applied to funds appro-
25 priated by this division by substituting “\$0” for

1 “\$75,000,000”: *Provided further*, That \$200,000,000 in
2 unobligated fire suppression balances under this heading
3 from Public Law 111–88 are hereby permanently re-
4 scinded.

5 SEC. 1740. Notwithstanding section 1101, the level
6 for “Department of Agriculture, Forest Service, FLAME
7 Wildfire Suppression Reserve Fund” shall be
8 \$291,000,000: *Provided*, That \$200,000,000 in unobli-
9 gated balances under this heading from Public Law 111–
10 88 are hereby rescinded.

11 SEC. 1741. Notwithstanding section 1101, the level
12 for “Chemical Safety and Hazard Investigation Board,
13 Salaries and Expenses” shall be \$10,547,000: *Provided*,
14 That the matter pertaining to methyl isocyanate in the
15 last proviso under such heading in division A of Public
16 Law 111–88 shall not apply to funds appropriated by this
17 division.

18 SEC. 1742. Notwithstanding section 1101, the level
19 for “Smithsonian Institution, Legacy Fund” shall be \$0.

20 SEC. 1743. Notwithstanding section 1101, the level
21 for “National Gallery of Art, Repair, Restoration and
22 Renovation of Buildings” shall be \$48,221,000: *Provided*,
23 That the amounts included under such heading in division
24 A of Public Law 111–88 shall be applied to funds appro-

1 priated by this division by substituting “\$42,250,000” for
2 “\$40,000,000”.

3 SEC. 1744. Notwithstanding section 1101, the pro-
4 viso under the heading “John F. Kennedy Center for the
5 Performing Arts, Operations and Maintenance” in division
6 A of Public Law 111–88 shall not apply to funds appro-
7 priated by this division.

8 SEC. 1745. Notwithstanding section 1101, the level
9 for “John F. Kennedy Center for the Performing Arts,
10 Capital Repair and Restoration” shall be \$13,920,000.

11 SEC. 1746. Notwithstanding section 1101, the level
12 for “National Capital Arts and Cultural Affairs” shall be
13 \$4,500,000.

14 SEC. 1747. Notwithstanding section 1101, the level
15 for “Dwight D. Eisenhower Memorial Commission, Sala-
16 ries and Expenses” shall be \$0.

17 SEC. 1748. Notwithstanding section 1101, the level
18 for “Dwight D. Eisenhower Memorial Commission, Cap-
19 ital Construction” shall be \$0.

20 SEC. 1749. Section 409 of division A of Public Law
21 111–88 (123 Stat. 2957) is amended by striking “and
22 111–8” and inserting “111–8, and 111–88”, and by strik-
23 ing “2009” and inserting “2010”.

1 SEC. 1750. Notwithstanding section 1101, the level
2 for section 415 of division A of Public Law 111–88 shall
3 be \$0.

4 SEC. 1751. Notwithstanding section 1104, section
5 423 of division A of Public Law 111–88 (123 Stat. 2961),
6 concerning the distribution of geothermal energy receipts,
7 shall have no force or effect and the distribution formula
8 contained in section 3003(a) of Public Law 111–212 (124
9 Stat. 2338) shall apply for fiscal year 2011.

10 SEC. 1752. Section 433 of division A of Public Law
11 111–88 (123 Stat. 2965) is amended by striking “2010”
12 and “2009” and inserting “2011” and “2010”, respec-
13 tively.

14 SEC. 1753. The Bureau of Land Management, Fish
15 and Wildlife Service, National Park Service, and Forest
16 Service may allocate either greater or lesser amounts than
17 those otherwise specified in the project tables accom-
18 panying Public Laws 111–8 and 111–88 within the con-
19 struction, land acquisition, or capital improvement and
20 maintenance accounts when necessary to complete projects
21 based on the original project scope or to utilize excess
22 funds available after completion of a project on other
23 projects within the same account, and in compliance with
24 the reprogramming guidelines contained in the joint ex-
25 planatory statement accompanying Public Law 111–88.

1 SEC. 1754. Section 7 of Public Law 99–647, as
2 amended by section 702(d) of Public Law 109–338, is fur-
3 ther amended by striking “5 years” and inserting “6
4 years”.

5 SEC. 1755. Not later than 30 days after the date of
6 enactment of this division, each of the following depart-
7 ments and agencies shall submit to the House and Senate
8 Committees on Appropriations a spending, expenditure, or
9 operating plan for fiscal year 2011 at a level of detail
10 below the account level:

11 (1) Department of the Interior.

12 (2) Environmental Protection Agency.

13 (3) Department of Agriculture, Forest Service.

14 (4) Indian Health Service.

15 (5) Smithsonian Institution.

16 TITLE VIII—LABOR, HEALTH AND HUMAN
17 SERVICES, AND EDUCATION, AND RELATED
18 AGENCIES

19 (INCLUDING RESCISSION OF FUNDS)

20 SEC. 1801. (a) Notwithstanding section 1101, the
21 level for “Department of Labor, Employment and Train-
22 ing Administration, Training and Employment Services”
23 shall be \$1,864,148,000 plus reimbursements, of which:

24 (1) \$837,579,000 shall be available for obliga-
25 tion for the period July 1, 2011, through June 30,

1 2012, of which \$44,561,000 shall be available for pi-
2 lots, demonstrations, and research activities and
3 \$90,000,000 shall be available for reintegration of
4 ex-offenders;

5 (2) \$1,026,569,000 shall be available for obliga-
6 tion for the period April 1, 2011, through June 30,
7 2012, for youth programs (including YouthBuild);
8 and

9 (3) no funds shall be available for the Career
10 Pathways Innovation Fund.

11 (b) Of the funds made available in division D of Pub-
12 lic Law 111–117, \$125,000,000 appropriated for the Ca-
13 reer Pathways Innovation Fund is rescinded.

14 (c) Notwithstanding section 1101, the level for “De-
15 partment of Labor, Employment and Training Adminis-
16 tration, Community Service Employment for Older Ameri-
17 cans” shall be \$600,425,000, to remain available through
18 June 30, 2012, and the first and second provisos under
19 such heading in division D of Public Law 111–117 shall
20 not apply to funds appropriated by this Act.

21 (d) Notwithstanding section 1101, the level which
22 may be expended from the Employment Security Adminis-
23 tration Account in the Unemployment Trust Fund for ad-
24 ministrative expenses of “Department of Labor, Employ-
25 ment and Training Administration, State Unemployment

1 Insurance and Employment Service Operations” shall be
2 \$4,024,490,000 (which includes all amounts available to
3 conduct in-person reemployment and eligibility assess-
4 ments and unemployment insurance improper payment re-
5 views), of which \$3,245,645,000 shall be available for un-
6 employment compensation State operations, \$50,519,000
7 shall be available for Federal administration of foreign
8 labor certifications, and \$15,129,000 shall be available for
9 grants to States for the administration of such activities.
10 For purposes of this section, the first proviso under such
11 heading in division D of Public Law 111–117 shall be ap-
12 plied by substituting “2011” and “6,180,000” for “2010”
13 and “5,059,000”, respectively.

14 SEC. 1802. Funds appropriated by section 1101 of
15 this Act to the Department of Labor’s Employment and
16 Training Administration for technical assistance services
17 to grantees may be transferred to “Department of Labor,
18 Employment and Training Administration, Program Ad-
19 ministration” if it is determined that those services will
20 be more efficiently performed by Federal staff.

21 SEC. 1803. Notwithstanding section 1101, the level
22 for “Department of Labor, Mine Safety and Health Ad-
23 ministration, Salaries and Expenses” shall be
24 \$367,293,000, of which up to \$3,000,000 shall be avail-
25 able to the Secretary of Labor to be transferred to “De-

1 departmental Management, Salaries and Expenses” for ac-
2 tivities related to the Department of Labor’s caseload be-
3 fore the Federal Mine Safety and Health Review Commis-
4 sion and the amounts included under the heading “De-
5 partment of Labor, Mine Safety and Health Administra-
6 tion, Salaries and Expenses” in division D of Public Law
7 111–117 shall be applied to funds appropriated in this Act
8 during fiscal year 2011 by substituting “\$1,350,000” for
9 “\$1,000,000”.

10 SEC. 1804. Funds appropriated by section 1101 of
11 this Act for “Department of Labor, Bureau of Labor Sta-
12 tistics, Salaries and Expenses” may be obligated and ex-
13 pended to implement an alternative approach to the Local-
14 ity Pay Survey component of the National Compensation
15 Survey, and for programs and activities in connection with
16 the BLS restructuring of the way in which the Current
17 Employment Statistics program produces State and met-
18 ropolitan area data estimates.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 1805. (a) Notwithstanding any other provision
21 of this Act, the amounts for “Department of Labor, De-
22 partmental Management, Salaries and Expenses” shall be
23 \$379,827,000, together with not to exceed \$327,000,
24 which may be expended from the Employment Security

1 Administration Account in the Unemployment Trust
2 Fund.

3 (b) From the amount available in (a), \$33,332,000
4 shall be used by the Secretary of Labor for the purposes
5 of program evaluation, initiatives related to the identifica-
6 tion and prevention of worker misclassification, and other
7 worker protection activities, and may be transferred by the
8 Secretary (in addition to any other transfer authority pro-
9 vided in this Act) to other agencies of the Department
10 subject to 15-day advance notification of the Committees
11 on Appropriations of the House of Representatives and the
12 Senate.

13 SEC. 1806. Notwithstanding section 1101, the level
14 for “Department of Labor, Departmental Management,
15 Office of Job Corps” shall be \$1,027,205,000 (which may
16 be administered within the Employment and Training Ad-
17 ministration pursuant to section 108 of division D of Pub-
18 lic Law 111–117), of which \$993,015,000 shall be avail-
19 able to meet the operational needs of Job Corps centers.
20 Of appropriations made available in this Act for construc-
21 tion, rehabilitation, and acquisition of Job Corps centers,
22 the Secretary of Labor may transfer up to 25 percent to
23 meet the operational needs of Job Corps centers.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 1807. (a) The language under the “Working
3 Capital Fund” heading in Public Law 85–67, as amended,
4 is further amended by deleting: “*Provided further*, That
5 within the Working Capital Fund,” through and including
6 “, to be available without further appropriation action.”

7 (b) Funds collected pursuant to that authority shall
8 be available for the Department of Labor’s acquisition
9 workforce capacity and capabilities which may be trans-
10 ferred by the Secretary of Labor for that purpose to any
11 other account in the Department (in addition to any other
12 transfer authority provided in this Act).

13 SEC. 1808. (a) Notwithstanding section 1101, the
14 level for “Department of Health and Human Services,
15 Health Resources and Services Administration, Health
16 Resources and Services” shall be \$7,177,914,000, of
17 which:

18 (1) not more than \$100,000,000 shall be avail-
19 able until expended for carrying out the provisions
20 of Public Law 104–73 and for expenses incurred by
21 the Department of Health and Human Services per-
22 taining to administrative claims made under such
23 law;

24 (2) not less than \$2,010,759,000 shall remain
25 available through September 30, 2013 for parts A

1 and B of title XXVI of the Public Health Service
2 Act (hereafter in this chapter, “PHS Act”), of which
3 not less than \$912,894,000 shall be for State AIDS
4 Drug Assistance Programs under the authority of
5 section 2616 or 311(c) of such Act;

6 (3) not less than \$79,365,000 shall be available
7 to carry out sections 747 and 767 of the PHS Act;

8 (4) not less than \$43,000,000 shall be available
9 for oral health programs authorized under section
10 748 and subpart X of title III of the PHS Act; and

11 (5) not less than \$272,285,000 shall be avail-
12 able to carry out title VIII of the PHS Act.

13 (b) The eighteenth and nineteenth provisos under the
14 heading “Department of Health and Human Services,
15 Health Resources and Services Administration, Health
16 Resources and Services” in division D of Public Law 111–
17 117 shall not apply to funds appropriated by this Act.

18 (c) Sections 340G–1(d)(1) and (d)(2), 747(c)(2), and
19 751(j)(2) of the PHS Act, and the proportional funding
20 amounts in paragraphs (1) through (4) of section 756(e)
21 of such Act shall not apply to funds made available in this
22 Act for “Department of Health and Human Services,
23 Health Resources and Services Administration, Health
24 Resources and Services”.

1 (d) For any program operating under section 751 of
2 the PHS Act on or before January 1, 2009, the Secretary
3 of Health and Human Services may waive any of the re-
4 quirements contained in sections 751(d)(2)(A) and
5 751(d)(2)(B) of such Act.

6 SEC. 1809. (a) Notwithstanding section 1101, the
7 level for the first paragraph under the heading “Depart-
8 ment of Health and Human Services; Centers for Disease
9 Control and Prevention; Disease Control, Research, and
10 Training” shall be \$6,037,547,000, of which:

11 (1) \$12,000,000 shall remain available until ex-
12 pended for acquisition of real property, equipment,
13 construction, and renovation of facilities, including
14 necessary repairs and improvements to laboratories
15 leased or operated by the Centers for Disease Con-
16 trol and Prevention;

17 (2) not less than \$382,152,000 shall be avail-
18 able for Business Support Services; and

19 (3) \$527,234,000 shall remain available until
20 expended for the Strategic National Stockpile under
21 section 319F-2 of the PHS Act.

22 (b) Paragraphs (1) through (3) of section 2821(b)
23 of the PHS Act shall not apply to funds made available
24 in this Act.

1 (c) Notwithstanding section 1101, funds appro-
2 priated for “Department of Health and Human Services;
3 Centers for Disease Control and Prevention; Disease Con-
4 trol, Research, and Training” shall also be available to
5 carry out title II of the Immigration and Nationality Act
6 and sections 4001, 4004, 4201, and 4301 of the Patient
7 Protection and Affordable Care Act.

8 (d) Notwithstanding section 1101 and the amount in-
9 cluded immediately prior to the first proviso under the
10 heading “Department of Health and Human Services,
11 Centers for Disease Control and Prevention, Disease Con-
12 trol, Research, and Training” of division D of Public Law
13 111–117, \$210,724,000 shall be available to carry out the
14 activities of the National Institute for Occupational Safety
15 and Health.

16 SEC. 1810. Notwithstanding section 1101, the level
17 for “Department of Health and Human Services, National
18 Institutes of Health, National Institute of Allergy and In-
19 fectious Diseases” shall be \$4,818,275,000: *Provided,*
20 That none of these funds will be derived from funds trans-
21 ferred to the Public Health and Social Services Emergency
22 Fund in Public Law 111–117.

23 SEC. 1811. (a) Notwithstanding section 1101, the
24 level for “Department of Health and Human Services,
25 Substance Abuse and Mental Health Services Administra-

1 tion, Substance Abuse and Mental Health Services” shall
2 be \$3,416,311,000.

3 (b) The second proviso under the heading “Depart-
4 ment of Health and Human Services, Substance Abuse
5 and Mental Health Services Administration, Substance
6 Abuse and Mental Health Services” in division D of Public
7 Law 111–117 shall not apply to funds appropriated by
8 this Act.

9 SEC. 1812. (a) Notwithstanding section 1101, the
10 level for amounts transferred from the Federal Hospital
11 Insurance and Supplementary Medical Insurance Trust
12 Funds for “Department of Health and Human Services,
13 Centers for Medicare and Medicaid Services, Program
14 Management” shall not exceed \$3,676,147,000, of which
15 \$9,120,000 shall remain available through September 30,
16 2012, for Medicare contracting reform activities.

17 (b) Notwithstanding section 1101, funds appro-
18 priated for “Department of Health and Human Services;
19 Centers for Medicare and Medicaid Services, Program
20 Management” shall also be available to carry out the Pa-
21 tient Protection and Affordable Care Act.

22 (c) The amount under the second proviso under the
23 heading “Department of Health and Human Services,
24 Centers for Medicare and Medicaid Services, Program
25 Management” in division D of Public Law 111–117 shall

1 be applied to funds appropriated by this division by sub-
2 stituting “\$37,700,000” for “\$35,681,000”.

3 (d) The amount under the fourth proviso under the
4 heading “Department of Health and Human Services,
5 Centers for Medicare and Medicaid Services, Program
6 Management” in division D of Public Law 111–117 shall
7 be applied to funds appropriated by this division by sub-
8 stituting “not less than \$50,000,000” for “\$55,000,000”.

9 SEC. 1813. Notwithstanding section 1101, the level
10 for “Department of Health and Human Services, Centers
11 for Medicare and Medicaid Services, Health Care Fraud
12 and Abuse Control” shall be \$471,000,000 which shall re-
13 main available through September 30, 2012, of which: (1)
14 \$280,640,000 shall be for the Medicare Integrity Program
15 at the Centers for Medicare & Medicaid Services, including
16 administrative costs, to conduct oversight activities for
17 Medicare Advantage and the Medicare Prescription Drug
18 Program authorized in title XVIII of the Social Security
19 Act and for activities listed in section 1893 of such Act;
20 (2) \$79,657,000 shall be for the Department of Health
21 and Human Services Office of Inspector General to carry
22 out fraud and abuse activities authorized by section
23 1817(k)(3) of such Act; (3) \$35,100,000 shall be for the
24 Medicaid and Children’s Health Insurance Program integ-
25 rity activities; and (4) \$75,603,000 shall be for the De-

1 department of Justice to carry out fraud and abuse activities
2 authorized by section 1817(k)(3) of such Act.

3 SEC. 1814. (a) Notwithstanding section 1101, the
4 level for “Department of Health and Human Services, Ad-
5 ministration for Children and Families, Low Income
6 Home Energy Assistance” shall be \$4,850,000,000, of
7 which \$4,509,672,000 shall be for payments under sub-
8 sections (b) and (d) of section 2602 of the Low-Income
9 Home Energy Assistance Act of 1981 (42 U.S.C. 8621);
10 and of which \$340,328,000 shall be for payments under
11 subsection (e) of such Act, to be made notwithstanding
12 the designation requirements of such subsection.

13 SEC. 1815. Notwithstanding section 1101, the level
14 for “Department of Health and Human Services, Admin-
15 istration for Children and Families, Payments to States
16 for the Child Care and Development Block Grant” shall
17 be \$2,437,081,000: *Provided*, That in addition to the
18 amounts required to be reserved by the States under sec-
19 tion 658G of the Child Care and Development Block
20 Grant Act of 1990, \$310,958,000 shall be reserved by the
21 States for activities authorized under section 658G, of
22 which \$114,040,000 shall be for activities that improve
23 the quality of infant and toddler care: *Provided further*,
24 That of funds available for child care resource and referral
25 and school-aged child care activities, \$1,000,000 shall be

1 available to the Secretary of Health and Human Services
2 for a competitive grant for a toll free hotline and website
3 to help parents access child care in their local community
4 and to develop and disseminate consumer education infor-
5 mation for parents.

6 SEC. 1816. (a) Notwithstanding section 1101, the
7 level for “Department of Health and Human Services, Ad-
8 ministration for Children and Families, Children and
9 Families Services Programs” shall be \$9,615,121,000, of
10 which—

11 (1) \$44,500,000 shall be for grants to States
12 for adoption incentive payments as authorized by
13 section 473A of the Social Security Act;

14 (2) \$7,574,783,000 shall be for making pay-
15 ments under the Head Start Act: *Provided*, That for
16 purposes of allocating such funds under the Head
17 Start Act, the term “base grant” as used in sub-
18 section (a)(7)(A) of section 640 of such Act with re-
19 spect to funding provided to a Head Start agency
20 (including each Early Head Start agency) for fiscal
21 year 2010 shall be deemed to include 50 percent of
22 the funds appropriated under “Department of
23 Health and Human Services, Administration for
24 Children and Families, Children and Family Serv-
25 ices Programs” in Public Law 111–5 and provided

1 to such agency for carrying out expansion of Head
2 Start programs, as that phrase is used in subsection
3 (a)(4)(D) of such section 640, and provided to such
4 agency as the ongoing funding level for operations in
5 the 12 month budget period beginning in fiscal year
6 2010; and

7 (3) \$36,000,000 shall be for section 680(a)(2)
8 of the CSBG Act.

9 (b) Notwithstanding section 611(d)(1) of title VI of
10 division G of Public Law 110–161, the National Commis-
11 sion on Children and Disasters shall terminate on October
12 1, 2011.

13 SEC. 1817. Notwithstanding section 1101, the level
14 for “Department of Health and Human Services, Admin-
15 istration on Aging, Aging Services Programs” shall be
16 \$1,545,246,000, of which \$462,822,000 shall be for con-
17 gregate nutrition, \$228,560,000 shall be for home-deliv-
18 ered nutrition, and \$29,708,000 shall be for Native Amer-
19 ican nutrition: *Provided*, That funds appropriated for “De-
20 partment of Health and Human Services, Administration
21 on Aging, Aging Services Programs” shall also be avail-
22 able to carry out subtitle B of title XX of the Social Secu-
23 rity Act and for necessary administrative expenses to carry
24 out title XVII of the PHS Act: *Provided further*, That
25 amounts otherwise available in this Act to carry out activi-

1 ties relating to Aging and Disability Resource Centers,
2 under subsections (a)(20)(B)(iii) and (b)(8) of section 202
3 of the Older Americans Act of 1965, shall be reduced by
4 any amounts made available for fiscal year 2011 for such
5 purposes under section 2405 of the Patient Protection and
6 Affordable Care Act.

7 SEC. 1818. Notwithstanding section 1101, the level
8 for “Department of Health and Human Services, Office
9 of the Secretary, General Departmental Management”
10 from the General Fund shall be \$490,727,000: *Provided*,
11 That amounts included under such heading in division D
12 of Public Law 111–117 shall be applied to funds appro-
13 priated by this division by substituting “\$0” for
14 “\$5,789,000”: *Provided further*, That none of the funds
15 made available in this Act shall be for carrying out activi-
16 ties specified under section 2003(b)(2) or (3) of the PHS
17 Act: *Provided further*, That the second, fifth and sixth pro-
18 visos under such heading in division D of Public Law 111–
19 117 shall not apply to funds appropriated by this division.

20 SEC. 1819. (a) Notwithstanding section 1101, the
21 level for “Department of Health and Human Services, Of-
22 fice of the Secretary, Public Health and Social Services
23 Emergency Fund” shall be \$718,520,000, of which
24 \$65,578,000 shall be for expenses necessary to prepare for
25 and respond to an influenza pandemic, none of which shall

1 be available past September 30, 2011, and \$35,000,000
2 shall be for expenses necessary for fit-out and other costs
3 related to a competitive lease procurement to renovate or
4 replace the existing headquarters building for Public
5 Health Service agencies and other components of the De-
6 partment of Health and Human Services: *Provided*, That
7 in addition, \$476,194,000 of the funds transferred to the
8 account under the heading “Department of Health and
9 Human Services, Office of the Secretary, Public Health
10 and Social Services Emergency Fund” in Public Law 111–
11 117 under the fourth paragraph under such heading may
12 be used to support advanced research and development
13 pursuant to section 319L of the PHS Act and other ad-
14 ministrative expenses of the Biomedical Advanced Re-
15 search and Development Authority.

16 (b) Of the amounts provided under the heading “De-
17 partment of Health and Human Services, Office of the
18 Secretary, Public Health and Social Services Emergency
19 Fund” in Public Laws 111–8 and 111–117 and available
20 for expenses necessary to prepare for and respond to an
21 influenza pandemic, \$170,000,000 may also be used—

22 (1) to plan, conduct, and support research to
23 advance regulatory science to improve the ability to
24 determine safety, effectiveness, quality, and perform-
25 ance of medical countermeasure products against

1 chemical, biological, radiological, and nuclear agents
2 including influenza virus; and

3 (2) to analyze, conduct, and improve regulatory
4 review and compliance processes for such products.

5 SEC. 1820. Of the funds made available for “Depart-
6 ment of Health and Human Services, Office of the Sec-
7 retary, Public Health and Social Services Emergency
8 Fund” in Public Law 111–32, \$1,259,000,000 is re-
9 scinded, to be derived only from those amounts which have
10 not yet been designated by the President as emergency
11 funds.

12 SEC. 1821. Not to exceed 1 percent of any discre-
13 tionary funds (pursuant to the Balanced Budget and
14 Emergency Deficit Control Act of 1985) which are appro-
15 priated for the current fiscal year for the Department of
16 Health and Human Services in this Act may be trans-
17 ferred between appropriations, but no such appropriation
18 shall be increased by more than 3 percent by any such
19 transfer: *Provided*, That with respect to appropriations in
20 this Act for “Health Resources and Services”, “Disease
21 Control, Research, and Training”, and “Substance Abuse
22 and Mental Health Services”, no transfer of funds under
23 this section may decrease any individual program, project,
24 or activity by more than 1 percent or increase any pro-
25 gram, project, or activity by more than 3 percent: *Provided*

1 *further*, That the transfer authority granted by this section
2 shall not be used to create any new program or to fund
3 any project or activity for which no funds are provided
4 in this Act: *Provided further*, That the Committees on Ap-
5 propriations of the House of Representatives and the Sen-
6 ate shall be notified not less than 15 days in advance of
7 any transfer under this section, with such notification to
8 include an explanation of the effects of the proposed trans-
9 fer by program, project, and activity.

10 SEC. 1822. Hereafter, no funds appropriated in this
11 or any previous or subsequent Act shall be subject to the
12 allocation requirements of section 1707A(e) of the PHS
13 Act.

14 SEC. 1823. Hereafter, no funds appropriated in this
15 or any previous or subsequent Act shall be available for
16 transfer under section 274 of the PHS Act.

17 SEC. 1824. Notwithstanding section 1101, the level
18 for “Department of Education, Education for the Dis-
19 advantaged” shall be \$5,056,036,000 of which
20 \$4,938,056,000 shall become available on July 1, 2011
21 and remain available through September 30, 2012, of
22 which—

23 (1) \$300,712,000 available on July 1, 2011
24 through September 30, 2012 shall be for targeted

1 grants under section 1124A of the Elementary and
2 Secondary Education Act (“ESEA”);

3 (2) \$300,712,000 available on July 1, 2011
4 through September 30, 2012 shall be for education
5 finance incentive grants under section 1125A of the
6 ESEA;

7 (3) the sixth proviso shall be applied to funds
8 available within this level by substituting
9 “\$8,167,000” for “\$9,167,000”; and

10 (4) the tenth proviso shall be applied to funds
11 available within this level by substituting
12 “\$200,000,000” for “\$250,000,000”.

13 SEC. 1825. For purposes of this division, the proviso
14 under the heading “Department of Education, Impact
15 Aid” in division D of Public Law 111–117 shall be applied
16 by substituting “2010–2011” for “2009–2010”.

17 SEC. 1826. Notwithstanding section 1101, the level
18 for “Department of Education, School Improvement Pro-
19 grams” shall be \$3,391,791,000, of which \$3,211,244,000
20 shall become available on July 1, 2011, and remain avail-
21 able through September 30, 2012, \$5,000,000 shall be-
22 come available on the date of enactment of this Act for
23 a national teacher recruitment campaign, \$26,928,000
24 shall be available to carry out part D of title V of the
25 Elementary and Secondary Education Act (“ESEA”), for

1 purposes of this section, up to \$11,500,000 of the funds
2 available for the Foreign Language Assistance Program
3 shall be available for activities described in the twelfth pro-
4 viso under such heading in division D of Public Law 111–
5 117, no funds shall be available for subparts 1 and 2 of
6 part D of title II of the ESEA and the fifth and sixth
7 provisos under this heading in division D of Public Law
8 111–117 shall not apply to funds available in this division.

9 SEC. 1827. (a) Notwithstanding section 1101, the
10 level for “Department of Education, Innovation and Im-
11 provement” shall be \$1,708,989,000, of which
12 \$450,000,000 shall become available on July 1, 2011, and
13 remain available through September 30, 2012.

14 (b) From the amount available under (a),
15 \$331,982,000 shall be available to carry out part D of
16 title V of the Elementary and Secondary Education Act
17 of 1965, including \$250,000,000 of such funds for activi-
18 ties described in the sixth through eleventh provisos under
19 such heading in division D of Public Law 111–117, not
20 more than \$300,000,000 may be used to make awards
21 under section 14007 of division A of Public Law 111–5
22 and not more than \$450,000,000 available on July 1,
23 2011 through September 30, 2012 may be used to make
24 awards to States under section 14006 of division A of

1 Public Law 111–5 in accordance with the applicable re-
2 quirements of that section.

3 (c) The first proviso under the heading “Department
4 of Education, Innovation and Improvement” in division D
5 of Public Law 111–117 shall be applied by substituting
6 “\$10,797,000 shall be used to carry out section 2151(c)
7 of the ESEA” for the existing text.

8 (d) The seventeenth and eighteenth provisos under
9 the heading “Department of Education, Innovation and
10 Improvement” in division D of Public Law 111–117 shall
11 not apply to funds appropriated by this division.

12 SEC. 1828. Notwithstanding section 1101, the level
13 for “Department of Education, Safe Schools and Citizen-
14 ship Education” shall be \$396,053,000, of which:

15 (1) \$35,000,000 for subpart 3 of part C of title
16 II of the Elementary and Secondary Education Act
17 of 1965 (“ESEA”) shall be available to the Sec-
18 retary of Education for competitive grants to non-
19 profit organizations that have demonstrated effec-
20 tiveness in the development and implementation of
21 civic learning programs, with priority for those pro-
22 grams that demonstrate innovation, scalability, ac-
23 countability, and a focus on underserved popu-
24 lations;

1 (2) \$207,053,000 shall be available for subpart
2 2 of part A of title IV of the ESEA;

3 (3) \$154,000,000 shall be available to carryout
4 part D of title V of the ESEA; and

5 (4) no funds shall be available for activities au-
6 thorized under subpart 3 of part D of title V of the
7 ESEA.

8 SEC. 1829. (a) Notwithstanding section 1101, the
9 level for “Department of Education, Special Education”
10 shall be \$4,194,652,000, of which \$3,926,354,000 shall
11 become available on July 1, 2011 and remain available
12 through September 30, 2012, and of which
13 \$3,112,828,000 available on July 1, 2011 shall be for
14 State grants authorized under section 611 of part B of
15 the Individuals with Disabilities Education Act.

16 (b) Notwithstanding section 1101, the last proviso
17 under such heading shall be applied by substituting
18 “2010” for “2009”.

19 SEC. 1830. Notwithstanding section 1101, the level
20 for “Department of Education, Rehabilitation Services
21 and Disability Research” shall be \$3,500,375,000.

22 SEC. 1831. Notwithstanding section 1101, the level
23 for “Department of Education, National Technical Insti-
24 tute for the Deaf” shall be \$65,677,000, of which
25 \$240,000 shall be available for construction.

1 be \$2,133,802,000, of which no funds shall be available
2 for Erma Byrd Scholarships.

3 SEC. 1836. Notwithstanding section 1101, the level
4 for “Department of Education, Historically Black College
5 and University Capital Financing Program Account” shall
6 be \$20,582,000: *Provided*, That these funds are available
7 to subsidize total loan principal, any part of which is to
8 be guaranteed, not to exceed \$279,393,000.

9 SEC. 1837. (a) Notwithstanding section 1101, the
10 level for “Department of Education, Institute of Edu-
11 cation Sciences” shall be \$653,006,000.

12 (b) Notwithstanding subsections (d) and (e) of sec-
13 tion 174 of the Education Sciences Reform Act of 2002,
14 \$69,650,000 may be used to continue the contracts for
15 the Regional Educational Laboratories for one additional
16 year.

17 SEC. 1838. Notwithstanding section 1101, the level
18 for “Corporation for National and Community Service,
19 National Service Trust” shall be \$219,659,000.

20 SEC. 1839. Notwithstanding section 1101, the level
21 for “Corporation for Public Broadcasting” for fiscal year
22 2011 shall be \$20,000,000 and shall not be available for
23 fiscal stabilization grants and the public radio intercon-
24 necting system.

1 SEC. 1840. Notwithstanding section 1101, the level
2 for the National Health Care Workforce Commission as
3 authorized by section 5101 of the Patient Protection and
4 Affordable Care Act, as amended, shall be \$3,000,000.

5 SEC. 1841. Notwithstanding section 1101, the level
6 for “Institute of Museum and Library Services, Office of
7 Museum and Library Services: Grants and Administra-
8 tion” shall be \$265,869,000.

9 SEC. 1842. Notwithstanding section 1101, the level
10 for “Medicare Payment Advisory Commission, Salaries
11 and Expenses” shall be \$12,450,000.

12 SEC. 1843. Notwithstanding section 1101, the level
13 for “Railroad Retirement Board, Dual Benefits Payments
14 Account” shall be \$57,000,000.

15 (INCLUDING RESCISSION OF FUNDS)

16 SEC. 1844. (a) Notwithstanding section 1101, the
17 level for “Social Security Administration, Payments to So-
18 cial Security Trust Funds” shall be \$21,404,000, and in
19 addition may be used to carry out section 217(g) of the
20 Social Security Act.

21 (b) Notwithstanding section 1101, the level for the
22 first paragraph under the heading “Social Security Ad-
23 ministration, Limitation on Administrative Expenses”
24 shall be \$11,150,500,000.

1 (c) Notwithstanding section 1101, the level for the
2 fourth paragraph under the heading “Social Security Ad-
3 ministration, Limitation on Administrative Expenses”
4 shall be \$186,000,000.

5 (d) Notwithstanding section 1101, the level for the
6 fifth paragraph under the heading “Social Security Ad-
7 ministration, Limitation on Administrative Expenses”
8 shall be \$500,000.

9 (e) Notwithstanding section 1101, the level for the
10 first paragraph under the heading “Social Security Ad-
11 ministration, Supplemental Security Income Program”
12 shall be \$40,092,941,000, of which \$3,602,941,000 shall
13 be for administrative expenses.

14 (f) Upon enactment of this Act, up to \$400,000,000
15 of the remaining unobligated balances of funds appro-
16 priated for “Social Security Administration, Limitation on
17 Administrative Expenses” for fiscal years 2010 and prior
18 years (other than funds appropriated in Public Law 111–
19 5) shall be made part of and merged with other funds in
20 such account available without fiscal year limitation for
21 investment in information technology and telecommuni-
22 cations hardware and software infrastructure, and of such
23 funds available without fiscal year limitation for invest-
24 ment in information technology and telecommunications

1 hardware and software infrastructure \$400,000,000 are
2 rescinded.

3 TITLE IX—LEGISLATIVE BRANCH

4 SEC. 1901. Notwithstanding section 1101, the level
5 for each of the following accounts of the Senate shall be
6 as follows: “Salaries, Officers and Employees”,
7 \$185,982,000; “Salaries, Officers and Employees, Office
8 of the Sergeant at Arms and Doorkeeper”, \$77,000,000;
9 “Contingent Expenses of the Senate, Secretary of the Sen-
10 ate”, \$6,200,000, of which \$4,200,000 shall remain avail-
11 able until September 30, 2015; and “Contingent Expenses
12 of the Senate, Sergeant at Arms and Doorkeeper of the
13 Senate”, \$142,401,000.

14 SEC. 1902. Notwithstanding section 1101, the level
15 for each of the following accounts of the Senate under the
16 heading “Contingent Expenses of the Senate” shall be as
17 follows: “Miscellaneous Items”, \$21,145,000; “Senators’
18 Official Personnel and Office Expense Account”,
19 \$410,000,000: *Provided*, That each Senator’s official per-
20 sonnel and office expense allowance (including the allow-
21 ance for administrative and clerical assistance, the salaries
22 allowance for legislative assistance to Senators, as author-
23 ized by the Legislative Branch Appropriation Act, 1978
24 (Public Law 95–94), and the office expense allowance for
25 each Senator’s office for each State) in effect immediately

1 before the date of enactment of this section shall be re-
2 duced by 5 percent.

3 SEC. 1903. Of the unobligated amounts appropriated
4 for fiscal year 2009 under the heading “Senate”,
5 \$33,500,000 are rescinded.

6 SEC. 1904. Section 8 of the Legislative Branch Ap-
7 propriations Act, 1990 (31 U.S.C. 1535 note) is amended
8 by striking paragraph (3) and inserting the following:

9 “(3) Agreement under paragraph (1) shall be in
10 accordance with regulations prescribed by the Com-
11 mittee on Rules and Administration of the Senate.”.

12 SEC. 1905. Notwithstanding section 1101, the level
13 for “House of Representatives, Salaries and Expenses”
14 shall be \$1,288,299,072.

15 SEC. 1906. Notwithstanding section 1101, the level
16 for “House of Representatives, House Leadership Offices”
17 shall be \$24,861,969, and the levels under that heading
18 shall be as follows:

19 (1) For the Office of the Speaker, \$4,877,851.

20 (2) For the Office of the Majority Floor Lead-
21 er, \$2,432,808.

22 (3) For the Office of the Minority Floor Lead-
23 er, \$4,378,238.

24 (4) For the Office of the Majority Whip,
25 \$2,105,373.

1 (5) For the Office of the Minority Whip,
2 \$1,628,873.

3 (6) For the Speaker's Office for Legislative
4 Floor Activities, \$497,619.

5 (7) For the Republican Steering Committee,
6 \$940,674.

7 (8) For the Republican Conference, \$1,679,970.

8 (9) For the Republican Policy Committee,
9 \$344,485.

10 (10) For the Democratic Steering and Policy
11 Committee, \$1,319,273.

12 (11) For the Democratic Caucus, \$1,659,696.

13 (12) For nine minority employees, \$1,487,455.

14 (13) For the training and program develop-
15 ment—majority, \$277,807.

16 (14) For the training and program develop-
17 ment—minority, \$277,439.

18 (15) For Cloakroom Personnel—majority,
19 \$477,469.

20 (16) For Cloakroom Personnel—minority,
21 \$476,939.

22 SEC. 1907. Notwithstanding section 1101, the level
23 for “House of Representatives, Members’ Representa-
24 tional Allowances” shall be \$613,052,000.

1 SEC. 1908. Notwithstanding section 1101, the level
2 for “House of Representatives, Committee Employees,
3 Standing Committees, Special and Select” shall be
4 \$132,449,103, the period of applicability referred to in the
5 proviso under that heading shall be December 31, 2012,
6 and none of the funds made available under that heading
7 may be used for committee room upgrading.

8 SEC. 1909. Notwithstanding section 1101, the level
9 for “House of Representatives, Committee on Appropria-
10 tions” shall be \$28,483,000, and the period of applica-
11 bility referred to in the proviso under that heading shall
12 be December 31, 2012.

13 SEC. 1910. Notwithstanding section 1101, the level
14 for “House of Representatives, Salaries, Officers and Em-
15 ployees” shall be \$184,386,000, and the level under that
16 heading—

17 (1) for the Office of the Clerk shall be
18 \$26,568,000;

19 (2) for the Office of the Sergeant at Arms shall
20 be \$8,221,000; and

21 (3) for the Office of the Chief Administrative
22 Officer shall be \$121,676,000.

23 SEC. 1911. Notwithstanding section 1101, the level
24 for “House of Representatives, Allowances and Expenses”
25 shall be \$305,067,000, and the level under that heading—

1 (1) for employee tuition assistance benefit pay-
2 ments shall be \$0;

3 (2) for employee child care benefit payments
4 shall be \$0;

5 (3) for Business Continuity and Disaster Re-
6 covery shall be \$17,000,000, of which \$5,000,000
7 shall remain available until expended;

8 (4) for the Wounded Warrior Program shall be
9 \$2,000,000; and

10 (5) for Energy Demonstration Projects shall be
11 \$0.

12 SEC. 1912. Notwithstanding section 1101, the level
13 under the heading “Office of the Attending Physician”
14 under the heading “Joint Items” shall be \$3,407,000 and
15 the amount for reimbursement to the Department of the
16 Navy for expenses incurred for staff and equipment as-
17 signed to the Office of the Attending Physician shall be
18 \$2,426,000.

19 SEC. 1913. Notwithstanding section 1101, the level
20 for “Capitol Police, Salaries” shall be \$276,287,000.

21 SEC. 1914. Notwithstanding section 1101, the level
22 for “Capitol Police, General Expenses” shall be
23 \$57,985,000.

1 SEC. 1915. Notwithstanding section 1101, the level
2 for “Office of Compliance, Salaries and Expenses” shall
3 be \$4,085,150.

4 SEC. 1916. Notwithstanding section 1101, the level
5 for “Congressional Budget Office, Salaries and Expenses”
6 shall be \$46,905,000.

7 SEC. 1917. Notwithstanding section 1101, the level
8 and period of availability for each item under the heading
9 “Architect of the Capitol” shall be determined in accord-
10 ance with an allocation plan submitted by the Architect
11 of the Capitol and approved by the Committees on Appro-
12 priations of the House of Representatives and Senate, ex-
13 cept that—

14 (1) the aggregate level for all items under that
15 heading may not exceed \$579,665,000; and

16 (2) no amounts may remain available for any
17 item under such plan beyond September 30, 2015.

18 SEC. 1918. Of the unobligated amounts appropriated
19 under the heading “Architect of the Capitol” from prior
20 year appropriations for the Capitol Visitors Center
21 project, \$20,000,000 are rescinded.

22 SEC. 1919. Notwithstanding section 1101, the level
23 for “Library of Congress, Salaries and Expenses” shall
24 be \$441,201,000, and the amount applicable under the

1 fifth, sixth, and seventh provisos under that heading shall
2 be \$0.

3 SEC. 1920. Notwithstanding section 1101, the level
4 for “Library of Congress, Copyright Office, Salaries and
5 Expenses” shall be \$55,476,000, of which not more than
6 \$31,751,000, to remain available until expended, shall be
7 derived from collections credited to this appropriation dur-
8 ing fiscal year 2011 under section 708(d) of title 17,
9 United States Code, and the amount applicable under the
10 third proviso under such heading shall be \$37,612,000.

11 SEC. 1921. Notwithstanding section 1101, the level
12 for “Library of Congress, Congressional Research Service,
13 Salaries and Expenses” shall be \$111,240,000.

14 SEC. 1922. Notwithstanding section 1101, the level
15 for “Library of Congress, Books for the Blind and Phys-
16 ically Handicapped, Salaries and Expenses” shall be
17 \$68,442,000.

18 SEC. 1923. Notwithstanding section 1101, the level
19 for “Government Printing Office, Government Printing
20 Office Revolving Fund” shall be \$3,659,000.

21 SEC. 1924. (a) Section 309(c) of the Legislative
22 Branch Appropriations Act, 1999 (44 U.S.C. 305 note)
23 is amended by striking paragraph (5).

1 (b) The amendment made by subsection (a) shall take
2 effect as if included in the enactment of the Legislative
3 Branch Appropriations Act, 1999.

4 SEC. 1925. Notwithstanding section 1101, the level
5 for “Government Accountability Office, Salaries and Ex-
6 penses” shall be \$547,849,000, the amount applicable
7 under the first proviso under that heading shall be
8 \$9,400,000, the amount applicable under the second pro-
9 viso under that heading shall be \$3,100,000, and the
10 amount applicable under the third proviso under that
11 heading shall be \$7,000,000.

12 TITLE X—MILITARY CONSTRUCTION,
13 VETERANS AFFAIRS, AND RELATED AGENCIES

14 SEC. 2001. Notwithstanding section 1101, the level
15 for each of the following accounts of the Department of
16 Defense for funding, including incremental funding, of
17 programs, projects and activities authorized in division B
18 of Public Law 111–383, excluding funds designated by
19 section 1110 of this division, shall be as follows: “Military
20 Construction, Army”, \$3,793,598,000; “Military Con-
21 struction, Navy and Marine Corps”, \$3,258,020,000;
22 “Military Construction, Air Force”, \$1,214,295,000;
23 “Military Construction, Defense-Wide”, \$2,833,062,000;
24 “Military Construction, Army National Guard”,
25 \$873,664,000; “Military Construction, Air National

1 Guard”, \$194,986,000; “Military Construction, Army Re-
2 serve”, \$318,175,000; “Military Construction, Navy Re-
3 serve”, \$61,557,000; and “Military Construction, Air
4 Force Reserve”, \$7,832,000.

5 SEC. 2002. Notwithstanding section 1101, the level
6 for each of the following accounts of the Department of
7 Defense shall be as follows: “Family Housing Construc-
8 tion, Army”, \$92,369,000; “Family Housing Construc-
9 tion, Navy and Marine Corps”, \$186,444,000; “Family
10 Housing Construction, Air Force”, \$78,025,000; “Family
11 Housing Construction, Defense-Wide”, \$0; and “Family
12 Housing Improvement Fund”, \$1,096,000.

13 SEC. 2003. Notwithstanding section 1101, the level
14 for each of the following accounts of the Department of
15 Defense shall be as follows: “North Atlantic Treaty Orga-
16 nization Security Investment Program”, \$258,884,000;
17 “Homeowners Assistance Fund”, \$16,515,000; “Chemical
18 Demilitarization Construction, Defense-Wide”,
19 \$124,971,000; “Department of Defense Base Closure Ac-
20 count 1990”, \$360,474,000; and “Department of Defense
21 Base Closure Account 2005”, \$2,354,285,000.

22 SEC. 2004. Notwithstanding section 1101, the level
23 for each of the following accounts of the Department of
24 Defense shall be as follows: “Family Housing Operation
25 and Maintenance, Army”, \$518,140,000; “Family Hous-

1 ing Operation and Maintenance, Navy and Marine Corps”,
2 \$366,346,000; “Family Housing Operation and Mainte-
3 nance, Air Force”, \$513,792,000; and “Family Housing
4 Operation and Maintenance, Defense-Wide”,
5 \$50,464,000.

6 SEC. 2005. Notwithstanding any other provision of
7 this division, the following provisions included in title I
8 of division E of Public Law 111–117 shall not apply to
9 funds made available by this division: the first, second,
10 and last provisos, and the set-aside of \$350,000,000,
11 under the heading “Military Construction, Army”; the
12 first and last provisos under the heading “Military Con-
13 struction, Navy and Marine Corps”; the first, second, and
14 last provisos under the heading “Military Construction,
15 Air Force”; the second, third, fourth, and last provisos
16 under the heading “Military Construction, Defense-Wide”,
17 the first, second and last provisos, and the set-aside of
18 \$30,000,000, under the heading “Military Construction,
19 Army National Guard”; the first, second, and last pro-
20 visos, and the set-aside of \$30,000,000, under the heading
21 “Military Construction, Air National Guard”; the first,
22 second, and last provisos, and the set-aside of
23 \$30,000,000, under the heading “Military Construction,
24 Army Reserve”; the first, second, and last provisos, the
25 set-aside of \$20,000,000, and the set-aside of

1 \$35,000,000, under the heading “Military Construction,
2 Navy Reserve”; the first, second, and last provisos, and
3 the set-aside of \$55,000,000, under the heading “Military
4 Construction, Air Force Reserve”; the proviso under the
5 heading “Family Construction, Army”; the proviso under
6 the heading “Family Housing Construction, Navy and
7 Marine Corps”; the proviso under the heading “Family
8 Housing Construction , Air Force”; the proviso under the
9 heading “Family Housing Construction, Defense-Wide”;
10 and the proviso under the heading “Chemical Demili-
11 tarization Construction, Defense-Wide”.

12 SEC. 2006. (a) Of the funds made available in title
13 II of division E of Public Law 111–117, the following
14 amounts which became available on October 1, 2010 are
15 hereby rescinded from the following accounts in the
16 amounts specified:

17 “Medical Services”, Department of Veterans
18 Affairs, \$1,000,000,000;

19 “Medical Support and Compliance”, Depart-
20 ment of Veterans Affairs, \$200,000,000; and

21 “Medical Facilities”, Department of Veterans
22 Affairs, \$350,000,000.

23 (b) In addition to amounts provided elsewhere in this
24 Act, an additional amount is appropriated to the following

1 accounts in the amounts specified, to remain available
2 until September 30, 2012:

3 “Medical Services”, Department of Veterans
4 Affairs, \$1,000,000,000;

5 “Medical Support and Compliance”, Depart-
6 ment of Veterans Affairs, \$200,000,000; and

7 “Medical Facilities”, Department of Veterans
8 Affairs, \$350,000,000.

9 SEC. 2007. Notwithstanding section 1101, the level
10 for “Department of Veterans Affairs, Departmental Ad-
11 ministration, General Operating Expenses” shall be
12 \$2,546,276,000, of which not less than \$2,148,776,000
13 shall be for the Veterans Benefits Administration.

14 SEC. 2008. Notwithstanding section 1101, the level
15 for “Department of Veterans Affairs, Departmental Ad-
16 ministration, Information Technology Systems” shall be
17 \$3,146,898,000.

18 SEC. 2009. Notwithstanding section 1101, the level
19 for “Department of Veterans Affairs, Departmental Ad-
20 ministration, Construction, Major Projects” shall be
21 \$1,151,036,000: *Provided*, That not later than 30 days
22 after the date of the enactment of this section, the Sec-
23 retary of Veterans Affairs shall submit to the Committees
24 on Appropriations of the House of Representatives and the
25 Senate a spending plan for fiscal year 2011 at a level of

1 detail below the account level: *Provided further*, That the
2 last proviso included in title I of division E of Public Law
3 111–117 under the heading “Department of Veterans Af-
4 fairs, Departmental Administration, Construction, Major
5 Projects” shall not apply to funds appropriated by this
6 division.

7 SEC. 2010. Notwithstanding section 1101, the level
8 for “Department of Veterans Affairs, Departmental Ad-
9 ministration, Construction, Minor Projects” shall be
10 \$467,700,000.

11 SEC. 2011. Notwithstanding section 1101, the level
12 for “Department of Veterans Affairs, Departmental Ad-
13 ministration, Grants for Construction of State Extended
14 Care Facilities” shall be \$85,000,000.

15 SEC. 2012. Notwithstanding section 1101, the level
16 for “American Battle Monuments Commission, Salaries
17 and Expenses” shall be \$64,200,000, to remain available
18 until expended.

19 SEC. 2013. Notwithstanding section 1101, the level
20 for “Department of Defense—Civil, Cemeterial Expenses,
21 Army, Salaries and Expenses” shall be \$45,100,000.

22 SEC. 2014. Notwithstanding section 1101, the level
23 for “Armed Forces Retirement Home, Trust Fund” shall
24 be \$71,200,000, of which \$2,000,000 shall be for con-
25 struction and renovation of physical plants.

1 SEC. 2015. Notwithstanding any other provision of
2 this division, the following provisions included in title IV
3 of division E of Public Law 111–117 shall not apply to
4 funds appropriated by this division: the proviso under
5 “Military Construction, Army” and the proviso under
6 “Military Construction, Air Force”.

7 SEC. 2016. Of the funds made available for “Military
8 Construction, Defense-Wide” in title I of division E of
9 Public Law 110–329, \$23,000,000 are rescinded.

10 SEC. 2017. Of the funds made available for “Military
11 Construction, Defense-Wide” in title I of division E of
12 Public Law 111–117, \$125,500,000 are rescinded.

13 SEC. 2018. Of the funds made available for “Military
14 Construction, Army” in title I of division E of Public Law
15 111–117, \$263,000,000 are rescinded.

16 SEC. 2019. Of the funds made available for “Military
17 Construction, Navy and Marine Corps” in title I of divi-
18 sion E of Public Law 111–117, \$34,000,000 are re-
19 scinded.

20 SEC. 2020. Of the funds made available for “Military
21 Construction, Air Force” in title I of division E of Public
22 Law 111–117, \$87,000,000 are rescinded.

23 SEC. 2021. Of the unobligated balances available for
24 “Department of Defense Base Closure Account 2005”
25 from prior appropriations (other than appropriations des-

1 igned by law as being for contingency operations directly
2 related to the global war on terrorism or as an emergency
3 requirement), \$200,000,000 are rescinded.

4 SEC. 2022. Of the funds designated by section 1110
5 of this division, funds available for the Department of De-
6 fense shall be as follows: “Military Construction, Army”,
7 \$981,346,000; “Military Construction, Air Force”,
8 \$195,006,000; and “Military Construction, Defense-
9 Wide”, \$46,500,000.

10 SEC. 2023. Of the amounts appropriated to the De-
11 partment of Veterans Affairs for fiscal year 2011 for
12 “Medical services”, “Medical support and compliance”,
13 “Medical facilities”, “Construction, minor projects”, and
14 “Information technology systems”, up to \$235,360,000,
15 plus reimbursements, may be transferred to the Joint De-
16 partment of Defense-Department of Veterans Affairs
17 Medical Facility Demonstration Fund, established by sec-
18 tion 1704 of title XVII of division A of Public Law 111–
19 84 and may be used for operation of the facilities des-
20 igned as a combined Federal medical facility as de-
21 scribed by section 706 of Public Law 110–417: *Provided*,
22 That additional funds may be transferred from accounts
23 designated in this section to the Joint Department of De-
24 fense-Department of Veterans Affairs Medical Facility
25 Demonstration Fund upon written notification by the Sec-

1 retary of Veterans Affairs to the Committees on Appro-
2 priations of both Houses of Congress.

3 SEC. 2024. Such sums as may be deposited to the
4 Medical Care Collections Fund pursuant to section 1729A
5 of title 38, United States Code, for health care provided
6 at facilities designated as a combined Federal medical fa-
7 cility as described by section 706 of Public Law 110–417
8 shall also be available: (1) for transfer to the Joint De-
9 partment of Defense-Department of Veterans Affairs
10 Medical Facility Demonstration Fund, established by sec-
11 tion 1704 of Public Law 111–84; and (2) for operations
12 of the facilities designated as a combined Federal medical
13 facility as described by section 706 of Public Law 110–
14 417.

15 SEC. 2025. Of the funds made available for “Depart-
16 ment of Veterans Affairs, Departmental Administration,
17 Information technology systems” in division E of Public
18 Law 111–117, \$147,000,000 are rescinded.

19 SEC. 2026. Of the amounts appropriated or otherwise
20 made available under the following headings in title X of
21 division A of Public Law 111–5, the following amounts
22 associated with unobligated balances are hereby rescinded:
23 “Military Construction, Army”, \$9,400,000; “Military
24 Construction, Navy”, \$22,700,000; “Military Construc-

1 tion, Air Force”, \$9,000,000; and “Military Construction,
2 Defense-Wide”, \$92,900,000.

3 SEC. 2027. Of the unobligated balances available
4 under “Department of Veterans Affairs, Construction,
5 Major Projects” from prior appropriations Acts,
6 \$75,000,000 are hereby rescinded.

7 SEC. 2028. In the Senate, section 902 of Public Law
8 111–212, the Supplemental Appropriations Act, 2010,
9 shall be subject to section 3002 of that Act and accord-
10 ingly is designated as an emergency requirement and nec-
11 essary to meet emergency needs pursuant to section
12 403(a) of S. Con. Res. 13 (111th Congress), the concur-
13 rent resolution on the budget for fiscal year 2010.

14 TITLE XI—DEPARTMENT OF STATE, FOREIGN
15 OPERATIONS, AND RELATED PROGRAMS

16 SEC. 2101. For purposes of this division, the term
17 “division F of Public Law 111–117” means the Depart-
18 ment of State, Foreign Operations, and Related Programs
19 Appropriations Act, 2010 (division F of Public Law 111–
20 117).

21 SEC. 2102. Notwithstanding section 1101, the level
22 for each of the following accounts shall be as follows: “Ad-
23 ministration of Foreign Affairs, Diplomatic and Consular
24 Programs”, \$8,936,000,000, of which \$1,535,500,000 is
25 for Worldwide Security Protection (to be available until

1 expended); “Administration of Foreign Affairs, Capital
2 Investment Fund”, \$97,000,000; “Administration of For-
3 eign Affairs, Educational and Cultural Exchange Pro-
4 grams”, \$625,000,000; “Administration of Foreign Af-
5 fairs, Representation Allowances”, \$7,499,000; “Adminis-
6 tration of Foreign Affairs, Payment to the American Insti-
7 tute in Taiwan”, \$21,150,000; and “Administration of
8 Foreign Affairs, Civilian Stabilization Initiative”,
9 \$33,499,000.

10 SEC. 2103. Notwithstanding section 1101, the level
11 for each of the following accounts shall be as follows:
12 “International Organizations, Contributions to Inter-
13 national Organizations”, \$1,545,000,000; “International
14 Organizations, Contributions for International Peace-
15 keeping Activities”, \$2,095,000,000; “Related Programs,
16 United States Institute of Peace”, \$39,499,000, which
17 shall not be used for construction activities; “Related Pro-
18 grams, East-West Center”, \$21,000,000; and “Inter-
19 national Commissions, International Fisheries Commis-
20 sions”, \$50,500,000.

21 SEC. 2104. Notwithstanding section 1101, the level
22 for each of the following accounts shall be as follows:
23 “International Commissions, International Boundary and
24 Water Commission, United States and Mexico, Salaries
25 and Expenses”, \$43,300,000; “International Commis-

1 sions, International Boundary and Water Commission,
2 United States and Mexico, Construction”, \$26,500,000;
3 “Related Programs, The Asia Foundation”, \$17,900,000;
4 “Other Commissions, United States Commission on Inter-
5 national Religious Freedom, Salaries and Expenses”,
6 \$4,050,000; “Other Commissions, Congressional-Execu-
7 tive Commission on the People’s Republic of China, Sala-
8 ries and Expenses”, \$1,900,000; and “Other Commis-
9 sions, United States-China Economic and Security Review
10 Commission”, \$3,300,000.

11 SEC. 2105. Notwithstanding section 1101, the level
12 for the following accounts shall be as follows: “Related
13 Agency, Broadcasting Board of Governors, International
14 Broadcasting Operations”, \$733,499,000; and “Related
15 Agency, Broadcasting Board of Governors, Broadcasting
16 Capital Improvements”, \$6,875,000.

17 SEC. 2106. Notwithstanding section 1101, the level
18 for each of the following accounts shall be as follows:
19 “United States Agency for International Development,
20 Funds Appropriated to the President, Operating Ex-
21 penses”, \$1,385,499,000; “United States Agency for
22 International Development, Funds Appropriated to the
23 President, Civilian Stabilization Initiative”, \$10,000,000;
24 “United States Agency for International Development,
25 Funds Appropriated to the President, Capital Investment

1 Fund”, \$165,000,000; and “United States Agency for
2 International Development, Funds Appropriated to the
3 President, Office of Inspector General”, \$45,000,000.

4 SEC. 2107. Notwithstanding section 1101, the level
5 for each of the following accounts shall be as follows: “Bi-
6 lateral Economic Assistance, Funds Appropriated to the
7 President, Development Assistance”, \$2,500,000,000;
8 “Bilateral Economic Assistance, Funds Appropriated to
9 the President, Complex Crises Fund”, \$45,000,000; “Bi-
10 lateral Economic Assistance, Funds Appropriated to the
11 President, Assistance for Europe, Eurasia and Central
12 Asia”, \$697,134,000; “Bilateral Economic Assistance,
13 Independent Agencies, Peace Corps”, \$395,000,000; and
14 “Bilateral Economic Assistance, Independent Agencies,
15 Millennium Challenge Corporation”, \$900,000,000.

16 SEC. 2108. Notwithstanding section 1101, the level
17 for each of the following accounts shall be as follows: “Bi-
18 lateral Economic Assistance, Funds Appropriated to the
19 President, Economic Support Fund”, \$6,250,000,000;
20 “Bilateral Economic Assistance, Funds Appropriated to
21 the President, Democracy Fund”, \$115,000,000; “De-
22 partment of the Treasury, International Affairs Technical
23 Assistance”, \$25,919,000; and “Department of the Treas-
24 ury, Debt Restructuring”, \$56,000,000.

1 SEC. 2109. Notwithstanding section 1101, the level
2 for the following account shall be as follows: “Bilateral
3 Economic Assistance, Funds Appropriated to the Presi-
4 dent, International Disaster Assistance”, \$879,000,000.

5 SEC. 2110. Notwithstanding section 1101, the level
6 for each of the following accounts shall be as follows:
7 “International Security Assistance, Department of State,
8 International Narcotics Control and Law Enforcement”,
9 \$1,565,000,000; “International Security Assistance, De-
10 partment of State, Nonproliferation, Anti-terrorism,
11 Demining and Related Programs”, \$740,000,000; and
12 “International Security Assistance, Department of State,
13 Peacekeeping Operations”, \$305,000,000: *Provided*, That
14 division F of Public Law 111–117 shall be applied to
15 funds appropriated by this division under the heading
16 “Peacekeeping Operations” by adding the following at the
17 end: “: *Provided further*, That funds appropriated under
18 this heading should not be used to support any military
19 training or operations that include child soldiers”.

20 SEC. 2111. Notwithstanding section 1101, the level
21 for each of the following accounts shall be as follows:
22 “International Security Assistance, Funds Appropriated
23 to the President, Pakistan Counterinsurgency Capability
24 Fund”, \$700,000,000, which shall remain available until
25 September 30, 2012, and shall be available to the Sec-

1 retary of State under the terms and conditions provided
2 for this Fund in title XI of Public Law 111–32 and section
3 1005 of Public Law 111–212; “International Security As-
4 sistance, Funds Appropriated to the President, Foreign
5 Military Financing Program”, \$5,365,000,000, of which
6 not less than \$3,000,000,000 shall be available for grants
7 only for Israel, \$1,300,000,000 shall be available for
8 grants only for Egypt, \$300,000,000 shall be available for
9 assistance for Jordan, and up to \$45,000,000 shall be
10 available for assistance for Colombia: *Provided*, That the
11 dollar amount in the fourth proviso under the heading
12 “International Security Assistance, Funds Appropriated
13 to the President, Foreign Military Financing Program”
14 in division F of Public Law 111–117 shall be deemed to
15 be \$789,000,000 for the purpose of applying funds appro-
16 priated under such heading by this division.

17 SEC. 2112. Notwithstanding section 1101, the level
18 for each of the following accounts shall be as follows:
19 “Multilateral Assistance, Funds Appropriated to the
20 President, International Organizations and Programs”,
21 \$369,000,000; “Multilateral Assistance, Funds Appro-
22 priated to the President, Global Environment Facility”,
23 \$125,499,000; “Multilateral Assistance, Funds Appro-
24 priated to the President, International Financial Institu-
25 tions, Contribution to the International Development As-

1 sociation”, \$1,235,000,000; “Multilateral Assistance,
2 Funds Appropriated to the President, Contribution to the
3 Clean Technology Fund”, \$250,000,000; “Multilateral
4 Assistance, Funds Appropriated to the President, Con-
5 tribution to the Strategic Climate Fund”, \$85,000,000;
6 “Multilateral Assistance, Funds Appropriated to the
7 President, Contribution to the Inter-American Develop-
8 ment Bank, Inter-American Investment Corporation”,
9 \$21,000,000; “Multilateral Assistance, Funds Appro-
10 priated to the President, International Financial Institu-
11 tions, Contribution to the African Development Fund”,
12 \$125,000,000; and “Multilateral Assistance, Funds Ap-
13 propriated to the President, International Financial Insti-
14 tutions, International Fund for Agricultural Develop-
15 ment”, \$29,500,000.

16 SEC. 2113. Notwithstanding section 1101, for pay-
17 ment as a contribution to a global food security fund by
18 the Secretary of the Treasury, \$200,000,000, to remain
19 available until expended.

20 SEC. 2114. Notwithstanding section 1101, the level
21 for each of the following accounts shall be as follows: “Ex-
22 port and Investment Assistance, Overseas Private Invest-
23 ment Corporation, Program Account”, \$18,115,000; and
24 “Export and Investment Assistance, Funds Appropriated

1 to the President, Trade and Development Agency”,
2 \$51,252,000.

3 SEC. 2115. For purposes of the amount made avail-
4 able by this division for “Export and Investment Assist-
5 ance, Export-Import Bank of the United States, Adminis-
6 trative Expenses”, project specific transaction costs, in-
7 cluding direct and indirect costs incurred in claims settle-
8 ments, and other costs for systems infrastructure directly
9 supporting transactions, shall not be considered adminis-
10 trative expenses.

11 SEC. 2116. (a) Notwithstanding section 1101, the
12 amounts included under the heading “Administration of
13 Foreign Affairs, Embassy Security, Construction and
14 Maintenance” in division F of Public Law 111–117 shall
15 be applied to funds appropriated by this division as fol-
16 lows: by substituting “\$835,000,000” for “\$876,850,000”
17 in the first paragraph; and by substituting
18 “\$795,000,000” for “\$847,300,000” in the second para-
19 graph.

20 (b) Notwithstanding section 1101, the amounts in-
21 cluded under the heading “Bilateral Economic Assistance,
22 Funds Appropriated to the President, Development Credit
23 Authority” in division F of Public Law 111–117 shall be
24 applied to funds appropriated by this division as follows:
25 by substituting “\$30,000,000” for “\$25,000,000” in the

1 first paragraph; and by substituting “\$8,300,000” for
2 “\$8,600,000” in the second paragraph.

3 SEC. 2117. Notwithstanding section 1101, the
4 amounts included under the heading “Bilateral Economic
5 Assistance, Funds Appropriated to the President, Global
6 Health and Child Survival” in division F of Public Law
7 111–117 shall be applied to funds appropriated by this
8 division as follows: by substituting in the first paragraph
9 “\$2,525,000,000” for “\$2,420,000,000”; and by sub-
10 stituting “\$5,355,000,000” for “\$5,359,000,000” in the
11 second paragraph.

12 SEC. 2118. Notwithstanding section 1101, the
13 amounts included under the heading “Administration of
14 Foreign Affairs, Office of Inspector General” in division
15 F of Public Law 111–117 shall be applied to funds appro-
16 priated by this division as follows: by substituting
17 “\$22,000,000” for “\$23,000,000” for the Special Inspec-
18 tor General for Iraq Reconstruction and “\$24,000,000”
19 for “\$23,000,000” for the Special Inspector General for
20 Afghanistan Reconstruction.

21 SEC. 2119. Notwithstanding section 1101, the level
22 for each of the following accounts shall be \$0: “Adminis-
23 tration of Foreign Affairs, Buying Power Maintenance Ac-
24 count”; “Bilateral Economic Assistance, Funds Appro-
25 priated to the President, International Fund for Ireland”;

1 and “Multilateral Assistance, Funds Appropriated to the
2 President, Contribution to the Asian Development Fund”.

3 SEC. 2120. (a) Of the unobligated balances available
4 from funds appropriated under the heading “Export and
5 Investment Assistance, Export-Import Bank of the United
6 States, Subsidy Appropriation” in the Department of
7 State, Foreign Operations, and Related Programs Approp-
8 riations Act, 2009 (division H of Public Law 111–8) and
9 under such heading in prior acts making appropriations
10 for the Department of State, foreign operations, and re-
11 lated programs, \$160,000,000 are rescinded.

12 (b) Of the unobligated balances from funds appro-
13 priated or otherwise made available for the Buying Power
14 Maintenance Account, \$15,000,000 are rescinded.

15 (c) Of the unobligated balances available for the De-
16 velopment Assistance account, as identified by Treasury
17 Appropriation Fund Symbols 7206/111021, \$1,000,000
18 are rescinded.

19 (d) Of the unobligated balances available for the As-
20 sistance for the Independent States of the Former Soviet
21 Union account, as identified by Treasury Appropriation
22 Fund Symbols 7206/111093, 7207/121093, and
23 72X1093, \$11,700,000 are rescinded.

24 (e) Of the unobligated balances available for the
25 International Narcotics Control and Law Enforcement ac-

1 count, as identified by Treasury Appropriation Fund Sym-
2 bols, 11X1022, 1106/121022, and 191105/111022,
3 \$7,183,000 are rescinded.

4 (f) Of the funds appropriated in prior Acts making
5 appropriations for the Department of State, foreign oper-
6 ations, and related programs under the heading “Diplo-
7 matic and Consular Programs”, \$55,000,000, which shall
8 be from amounts made available for Worldwide Security
9 Protection, are rescinded: *Provided*, That no amounts may
10 be rescinded from amounts that were designated by the
11 Congress as an emergency requirement pursuant to the
12 Concurrent Resolution on the Budget or the Balanced
13 Budget and Emergency Deficit Control Act of 1985, as
14 amended.

15 (g) Of the funds appropriated in prior Acts making
16 appropriations for the Department of State, foreign oper-
17 ations, and related programs under the heading “Adminis-
18 tration of Foreign Affairs, Embassy Security, Construc-
19 tion, and Maintenance”, \$115,000,000 are rescinded: *Pro-*
20 *vided*, That no amounts may be rescinded from amounts
21 that were designated by the Congress as an emergency re-
22 quirement pursuant to the Concurrent Resolution on the
23 Budget or the Balanced Budget and Emergency Deficit
24 Act of 1985, as amended.

1 (h) Of the funds appropriated in prior Acts making
2 appropriations for the Department of State, foreign oper-
3 ations, and related programs under the heading “Bilateral
4 Economic Assistance, Funds Appropriated to the Presi-
5 dent, Economic Support Fund”, \$100,000,000 are re-
6 scinded: *Provided*, That no amounts may be rescinded
7 from amounts that were designated by the Congress as
8 an emergency requirement pursuant to the Concurrent
9 Resolution on the Budget or the Balanced Budget and
10 Emergency Deficit Act of 1985, as amended.

11 SEC. 2121. (a) Notwithstanding section 653(b) of the
12 Foreign Assistance Act of 1961 (22 U.S.C. 2413(b)), the
13 President shall transmit to Congress the report required
14 under section 653(a) of that Act with respect to the provi-
15 sion of funds appropriated or otherwise made available by
16 this division for the Department of State, foreign oper-
17 ations, and related programs: *Provided*, That such report
18 shall include a comparison of amounts, by category of as-
19 sistance, provided or intended to be provided from funds
20 appropriated for fiscal years 2010 and 2011, for each for-
21 eign country and international organization.

22 (b) Not later than 30 days after the date of enact-
23 ment of this division, each department, agency or organi-
24 zation funded by this title or by division F of Public Law
25 111–117 shall submit to the Committees on Appropria-

1 tions an operating plan for such funds that provides de-
2 tails at the program, project, and activity level: *Provided*,
3 That the report required under subsection (a) shall be con-
4 sidered to have met the requirements of this subsection
5 with respect to funds made available to carry out the For-
6 eign Assistance Act of 1961 and the Arms Export Control
7 Act: *Provided further*, That the spending reports required
8 in division F of Public Law 111–117 for assistance for
9 Afghanistan, Pakistan, Iraq, the Caribbean Basin, Leb-
10 anon, Mexico, and Central America, and spending reports
11 required for funds appropriated under the headings “Dip-
12 lomatic and Consular Programs”, “Embassy Security,
13 Construction, and Maintenance”, “International Narcotics
14 Control and Law Enforcement”, “Civilian Stabilization
15 Initiative”, and “Peace Corps” shall be considered to have
16 met the requirements of this subsection.

17 (c) The reports required under subsection (b) shall
18 not be considered as meeting the notification requirements
19 under section 7015 of division F of Public Law 111–117
20 or under section 634A of the Foreign Assistance Act of
21 1961.

22 SEC. 2122. (a) Notwithstanding any other provision
23 of this division, the dollar amounts under paragraphs (1)
24 through (4) under the heading “Administration of Foreign
25 Affairs, Diplomatic and Consular Programs” in division

1 F of Public Law 111–117 shall not apply to funds appro-
2 priated by this division: *Provided*, That the dollar amounts
3 to be derived from fees collected under paragraph (5)(A)
4 under such heading shall be “\$1,702,904” and
5 “\$505,000” respectively.

6 (b) Division F of Public Law 111–117 shall be ap-
7 plied to funds appropriated by this division under the
8 heading “Contributions for International Peacekeeping
9 Activities” by adding the following at the end: “: *Provided*
10 *further*, That the Secretary of State should work with the
11 United Nations and governments contributing peace-
12 keeping troops to develop effective vetting procedures to
13 ensure that such troops have not violated human rights”.

14 (c) Division F of Public Law 111–117 shall be ap-
15 plied to funds appropriated by this division under the
16 heading “United States Agency for International Develop-
17 ment, Funds Appropriated to the President, Operating
18 Expenses” by substituting “USAID mission, bureau or of-
19 fice” for “USAID overseas mission or office” in the sixth
20 proviso.

21 (d) Division F of Public Law 111–117 shall be ap-
22 plied to funds appropriated by this division under the
23 heading “Economic Support Fund” by substituting
24 “\$200,000,000” for “\$150,000,000” in the seventh pro-

1 viso and “\$195,000,000” for “209,790,000” in the six-
2 tenth proviso.

3 (e) Notwithstanding any other provision of this divi-
4 sion, the following provisions in division F of Public Law
5 111–117 shall not apply to funds appropriated by this di-
6 vision:

7 (1) Section 7034(l).

8 (2) Section 7042(a), (b)(1), (c), and (d)(1).

9 (3) Section 7044(d).

10 (4) In section 7045:

11 (A) Subsection (b)(2).

12 (B) The first sentence of subsection (c).

13 (C) The first sentence of subsection (e)(1).

14 (D) The first sentence of subsection (f).

15 (E) Subsection (h).

16 (5) Section 7070(b).

17 (6) Section 7071(f)(6).

18 (7) The third proviso under the heading “Ad-
19 ministration of Foreign Affairs, Civilian Stabiliza-
20 tion Initiative”.

21 (8) The fourth proviso under the heading “Bi-
22 lateral Economic Assistance, Funds Appropriated to
23 the President, Assistance for Europe, Eurasia and
24 Central Asia”.

25 (9) Section 7090.

1 (10) The ninth proviso under the heading “Mil-
2 lennium Challenge Corporation”.

3 (f) Section 7081 of division F of Public Law 111–
4 117 shall be applied to funds appropriated by this division
5 by substituting “Funds appropriated by this division” for
6 “Of the funds appropriated by this Act, up to
7 \$1,257,200,000” in subsection (a); by substituting
8 “\$35,000,000” for “\$25,000,000” in the first sentence of
9 subsection (d); by substituting “*Provided further*, That
10 funds appropriated under title III of this Act for tropical
11 forest programs shall be used for purposes including to
12 implement and enforce section 8204 of Public Law 110–
13 246, shall not be used to support or promote the expansion
14 of industrial scale logging into primary tropical forests,
15 and shall be subject to prior consultation with, and the
16 regular notification of, the Committees on Appropria-
17 tions:” for the second proviso in subsection (d); and by
18 substituting “For fiscal year 2011, up to \$250,000,000”
19 for “For fiscal year 2010, up to \$300,000,000” in sub-
20 section (g)(1).

21 (g) Section 7042 of division F of Public Law 111–
22 117 shall be applied to funds appropriated by this division
23 by substituting “\$552,900,000” for the dollar amount in
24 subsection (f)(1).

1 (h) Section 7015(f) of division F of Public Law 111–
2 117 is amended by inserting “Afghanistan, Burma,
3 Yemen,” after “Sri Lanka,”.

4 (i) The third proviso of section 7034(s) of division
5 F of Public Law 111–117 shall be applied to funds appro-
6 priated by this division by substituting “shall” for
7 “should”.

8 (j) Section 7070(i)(2) of division F of Public Law
9 111–117 is amended to read as follows: “None of the
10 funds appropriated by this Act shall be made available for
11 assistance for the central government of Zimbabwe, except
12 for health, education and macroeconomic growth assist-
13 ance, unless the Secretary of State makes a determination
14 pursuant to paragraph (1).”.

15 (k) Section 2(c) of the Migration and Refugee Assist-
16 ance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended in
17 paragraph (1) by striking “President” and inserting “Sec-
18 retary of State” and in paragraph (2) by striking
19 “\$100,000,000” and inserting “\$200,000,000”.

20 (l) Notwithstanding any other provision of this divi-
21 sion, Section 7015(c) of division F of Public Law 111–
22 117 shall not apply to funds appropriated by this division
23 under the headings “Complex Crises Fund” and “Migra-
24 tion and Refugee Assistance”.

1 (m) Section 102(b)(1) of the International Religious
2 Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended
3 by striking “September 1” and inserting “April 1”.

4 (n) Section 410(a)(1)(A) of title IV of the Depart-
5 ment of State and Related Agencies Appropriations Act,
6 1999 (contained in division A of Public Law 105–277) is
7 amended by striking “a fee of \$13” and inserting “a fee
8 of not to exceed half of the amount of the fee that would
9 otherwise apply for processing a machine readable com-
10 bined border crossing identification card and non-immi-
11 grant visa, and may be increased not more than 50 per-
12 cent in a fiscal year”.

13 (o) Section 7046(a) of division F of Public Law 111–
14 117 shall be applied to funds appropriated by this division
15 by substituting “\$455,000,000” for “\$521,880,000”.

16 SEC. 2123. (a) The first and second provisos under
17 the heading “Economic Support Fund” in division F of
18 Public Law 111–117 shall be applied to funds appro-
19 priated by this title by substituting the following: “*Pro-*
20 *vided*, That of the funds appropriated under this heading,
21 up to \$250,000,000 shall be available for assistance for
22 Egypt: *Provided further*, That any such assistance made
23 available to the Government of Egypt shall be for purposes
24 that reduce poverty, promote good governance, protect
25 human rights, and support free and fair elections: *Pro-*

1 *vided further*, That of the funds appropriated under this
2 heading for assistance for Egypt, not less than
3 \$35,000,000 should be made available directly for assist-
4 ance for civil society organizations and the development
5 of political parties, and not less than \$35,000,000 should
6 be made available for education programs including not
7 less than \$10,000,000 for scholarships for Egyptian stu-
8 dents with high financial need”.

9 (b) The third proviso under the heading “Economic
10 Support Fund” in division F of Public Law 111–117 shall
11 be applied to funds appropriated by this division by sub-
12 stituting “should” for “shall”, and the tenth proviso under
13 such heading shall be applied to funds appropriated by
14 this division by substituting the following: “*Provided fur-*
15 *ther*, That funds appropriated or otherwise made available
16 by this division for assistance for Afghanistan and Paki-
17 stan may not be made available for direct government-to-
18 government assistance unless the Secretary of State cer-
19 tifies to the Committees on Appropriations that the rel-
20 evant implementing agency has been assessed and consid-
21 ered qualified to manage such funds and the Government
22 of the United States and the government of the recipient
23 country have agreed, in writing, to clear and achievable
24 goals and objectives for the use of such funds, and have
25 established mechanisms within each implementing agency

1 to ensure that such funds are used for the purposes for
2 which they were intended.”.

3 (c) The second proviso under the heading “Inter-
4 national Security Assistance, Department of State, Peace-
5 keeping Operations” in division F of Public Law 111–117
6 shall be applied by substituting the following: “*Provided*
7 *further*, That up to \$55,918,000 may be used to pay as-
8 sessed expenses of international peacekeeping activities in
9 Somalia, except that up to an additional \$35,000,000 may
10 be made available for such purpose subject to prior con-
11 sultation with, and the regular notification procedures of,
12 the Committees on Appropriations:”.

13 (d) Section 7034(m)(5) of division F of Public Law
14 111–117 shall be applied to funds appropriated by this
15 division by substituting “should” for “shall” in the first
16 place it appears, and by adding at the end the following:
17 “: *Provided*, That not less than \$15,000,000 shall be
18 transferred to, and merged with, funds available under the
19 heading ‘Related Agency, Broadcasting Board of Gov-
20 ernors, International Broadcasting Operations’, to remain
21 available until September 30, 2012, to carry out the pur-
22 poses of this subsection including to hire additional indi-
23 viduals to administer such funds”.

24 (e) Section 7034(n) of division F of Public Law 111–
25 117 shall be applied to funds appropriated by this division

1 by adding the following at the end: “: *Provided*, That none
2 of the funds appropriated or otherwise made available by
3 this division or any other Act making appropriations for
4 the Department of State, foreign operations, and related
5 programs may be used to implement phase 3 of such au-
6 thority”.

7 (f) Section 7042 of division F of Public Law 111–
8 117 shall be applied to funds appropriated by this division
9 by substituting the following for the proviso in subsection
10 (d)(2): “: *Provided*, That funds may not be made available
11 for obligation until the Secretary of State determines and
12 reports to the Committees on Appropriations that funds
13 provided are in the national security interest of the United
14 States and provides the Committees on Appropriations a
15 detailed spending plan”.

16 (g) Section 7043 of division F of Public Law 111–
17 117 shall be applied to funds appropriated by this division
18 by substituting the following for subsection (b):

19 “(b) LIMITATION.—None of the funds appropriated
20 or otherwise made available by this division under the
21 heading ‘Export-Import Bank of the United States’ may
22 be used by the Export-Import Bank of the United States
23 to provide any new financing (including loans, guarantees,
24 other credits, insurance, and reinsurance) to any person
25 that is subject to sanctions under paragraph (2) or (3)

1 of section 5(a) of the Iran Sanctions Act of 1996 (Public
2 Law 104–172).”.

3 (h) Section 7045(b) of division F of Public Law 111–
4 117 shall be applied to funds appropriated by this division
5 by substituting the following for paragraph (2):

6 “(2) Of the funds appropriated under the head-
7 ing ‘Department of the Treasury, Debt Restruc-
8 turing’ in this division, up to \$36,000,000 may be
9 made available for the United States share of an in-
10 crease in the resources of the Fund for Special Op-
11 erations of the Inter-American Development Bank in
12 furtherance of providing debt relief to Haiti in view
13 of the Cancun Declaration of March 21, 2010.”.

14 (i) Section 7059(e) of division F of Public Law 111–
15 117 is amended by striking “may” and inserting in lieu
16 thereof “should”.

17 (j) Section 7059(l) of division F of Public Law 111–
18 117 is amended by striking “30” and inserting in lieu
19 thereof “85”.

20 (k) Section 7071(b) of division F of Public Law 111–
21 117 shall be applied to funds appropriated by this division
22 by substituting “\$37,500,000” for “\$36,500,000” in
23 paragraph (2).

24 (l) Section 7071(j) of division F of Public Law 111–
25 117 shall be applied to funds appropriated by this division

1 by substituting the following: “Of the funds appropriated
2 under the heading ‘Economic Support Fund’, not less
3 than \$21,000,000 shall be made available for assistance
4 for Vietnam for remediation of dioxin contaminated sites
5 including not less than \$3,000,000 for related health and
6 disability activities, and may be made available for assist-
7 ance for the Government of Vietnam, including the mili-
8 tary, for such purposes.”.

9 (m) Section 404(b)(2)(B) of Public Law 103–236 is
10 amended by adding the following at the end:

11 (vii) For assessments made during
12 calendar year 2011, 27.2 percent.”.

13 (n) The Foreign Operations, Export Financing, and
14 Related Programs Appropriations Act, 1990 (Public Law
15 101–167) is amended—

16 (1) in section 599D (8 U.S.C. 1157 note)—

17 (A) in subsection (b)(3), by striking “and
18 2010” and inserting “2010, and 2011”; and

19 (B) in subsection (e), by striking “2010”
20 each place it appears and inserting “2011”; and

21 (2) in section 599E (8 U.S.C. 1255 note) in
22 subsection (b)(2), by striking “2010” and inserting
23 “2011”.

24 SEC. 2124. (a) IN GENERAL.—Subsections (b)
25 through (d) of this section shall apply to funds appro-

1 priated by this division in lieu of section 7076 of division
2 F of Public Law 111–117.

3 (b) LIMITATION.—None of the funds appropriated or
4 otherwise made available by this division under the head-
5 ings “Economic Support Fund” and “International Nar-
6 cotics Control and Law Enforcement” may be obligated
7 for assistance for the Government of Afghanistan until the
8 Secretary of State, in consultation with the Administrator
9 of the United States Agency for International Develop-
10 ment (USAID), certifies and reports to the Committees
11 on Appropriations the following:

12 (1) The Government of Afghanistan is—

13 (A) demonstrating a commitment to reduce
14 corruption and improve governance, including
15 by investigating, prosecuting, and sanctioning
16 or removing corrupt officials from office and to
17 implement financial transparency and account-
18 ability measures for government institutions
19 and officials (including the Central Bank);

20 (B) taking significant steps to facilitate ac-
21 tive public participation in governance and over-
22 sight; and

23 (C) taking credible steps to protect the
24 internationally recognized human rights of Af-
25 ghan women.

1 (2) There is a unified United States Govern-
2 ment anti-corruption strategy for Afghanistan.

3 (3) Funds will be programmed to support and
4 strengthen the capacity of Afghan public and private
5 institutions and entities to reduce corruption and to
6 improve transparency and accountability of national,
7 provincial, and local governments, as outlined in the
8 spending plan submitted to the Committees on Ap-
9 propriations on October 26, 2010 (CN 10–298).

10 (4) Representatives of Afghan national, provin-
11 cial, or local governments, local communities and
12 civil society organizations, as appropriate, will be
13 consulted and participate in the design of programs,
14 projects, and activities, including participation in im-
15 plementation and oversight, and the development of
16 specific benchmarks to measure progress and out-
17 comes.

18 (5) Funds will be used to train and deploy addi-
19 tional United States Government direct-hire per-
20 sonnel to improve monitoring and control of assist-
21 ance.

22 (6) A framework and methodology is being uti-
23 lized to assess national, provincial, local, and sector
24 level fiduciary risks relating to public financial man-
25 agement of United States Government assistance.

1 (c) ASSISTANCE AND OPERATIONS.—

2 (1) Funds appropriated under the headings
3 “Economic Support Fund” and “International Nar-
4 cotics Control and Law Enforcement” by this divi-
5 sion that are available for assistance for Afghani-
6 stan—

7 (A) shall be made available, to the max-
8 imum extent practicable, in a manner that em-
9 phasizes the participation of Afghan women,
10 and directly improves the security, economic
11 and social well-being, and political status, and
12 protects the rights of, Afghan women and girls
13 and complies with sections 7062 and 7063 of
14 division F of Public Law 111–117, including
15 support for the Afghan Independent Human
16 Rights Commission, the Afghan Ministry of
17 Women’s Affairs, and women-led nongovern-
18 mental organizations;

19 (B) may be made available for a United
20 States contribution to an internationally man-
21 aged fund to support the reconciliation with
22 and disarmament, demobilization and reintegra-
23 tion into Afghan society of former combatants
24 who have renounced violence against the Gov-
25 ernment of Afghanistan: *Provided*, That funds

1 may be made available to support reconciliation
2 and reintegration activities only if—

3 (i) Afghan women are participating at
4 national, provincial and local levels of gov-
5 ernment in the design, policy formulation
6 and implementation of the reconciliation or
7 reintegration process, and such process up-
8 holds steps taken by the Government of
9 Afghanistan to protect the internationally
10 recognized human rights of Afghan women;
11 and

12 (ii) such funds will not be used to
13 support any pardon or immunity from
14 prosecution, or any position in the Govern-
15 ment of Afghanistan or security forces, for
16 any leader of an armed group responsible
17 for crimes against humanity, war crimes,
18 or other violations of internationally recog-
19 nized human rights;

20 (C) may be made available as a United
21 States contribution to the Afghanistan Recon-
22 struction Trust Fund (ARTF) unless the Sec-
23 retary of State determines and reports to the
24 Committees on Appropriations that the World
25 Bank Monitoring Agent of the ARTF is unable

1 to conduct its financial control and audit re-
2 sponsibilities due to restrictions on security per-
3 sonnel by the Government of Afghanistan; and

4 (D) may be made available for a United
5 States contribution to the North Atlantic Trea-
6 ty Organization/International Security Assist-
7 ance Force Post-Operations Humanitarian Re-
8 lief Fund.

9 (2) Funds appropriated under the headings
10 “Economic Support Fund” and “International Nar-
11 cotics Control and Law Enforcement” by this divi-
12 sion that are available for assistance for Afghanistan
13 that provide training for foreign police, judicial, and
14 military personnel shall address, where appropriate,
15 gender-based violence.

16 (3) The authority contained in section 1102(c)
17 of Public Law 111–32 shall continue in effect during
18 fiscal year 2011 and shall apply as if part of this di-
19 vision.

20 (4) The Coordinator for Rule of Law at the
21 United States Embassy in Kabul, Afghanistan shall
22 be consulted on the use of all funds appropriated by
23 this division for rule of law programs in Afghani-
24 stan.

1 (5) None of the funds made available by this di-
2 vision may be used by the United States Govern-
3 ment to enter into a permanent basing rights agree-
4 ment between the United States and Afghanistan.

5 (6) The Secretary of State, after consultation
6 with the USAID Administrator, shall submit to the
7 Committees on Appropriations not later than 45
8 days after enactment of this division, and prior to
9 the initial obligation of funds for assistance for Af-
10 ghanistan, a detailed spending plan for such assist-
11 ance which shall include clear and achievable goals,
12 benchmarks for measuring progress, and expected
13 results: *Provided*, That such plan shall not be con-
14 sidered as meeting the notification requirements
15 under section 7015 of division F of Public Law 111-
16 117 or under section 634A of the Foreign Assist-
17 ance Act of 1961.

18 (d) OVERSIGHT.—

19 (1) The Special Inspector General for Afghani-
20 stan Reconstruction, the Inspector General of the
21 Department of State and the Inspector General of
22 USAID, shall jointly develop and submit to the
23 Committees on Appropriations within 45 days of en-
24 actment of this division a coordinated audit and in-

1 specification plan of United States assistance for, and ci-
2 vilian operations in, Afghanistan.

3 (2) Of the funds appropriated by this division
4 under the heading “Economic Support Fund” for
5 assistance for Afghanistan, \$3,000,000 shall be
6 transferred to, and merged with, funds made avail-
7 able under the heading “Administration of Foreign
8 Affairs, Office of Inspector General” by this division,
9 for increased oversight of programs in Afghanistan
10 and shall be in addition to funds otherwise available
11 for such purposes: *Provided*, That \$1,500,000 shall
12 be for the activities of the Special Inspector General
13 for Afghanistan Reconstruction.

14 (3) Of the funds appropriated by this division
15 under the heading “Economic Support Fund” for
16 assistance for Afghanistan, \$1,500,000 shall be
17 transferred to, and merged with, funds appropriated
18 under the heading “United States Agency for Inter-
19 national Development, Funds Appropriated to the
20 President, Office of Inspector General” by this divi-
21 sion for increased oversight of programs in Afghani-
22 stan and shall be in addition to funds otherwise
23 available for such purposes.

24 (e) MODIFICATION TO PRIOR PROVISIONS.—

1 (1) Section 1004(c)(1)(C) of Public Law 111–
2 212 is amended to read as follows:

3 “(C) taking credible steps to protect the
4 internationally recognized human rights of Af-
5 ghan women.”.

6 (2) Section 1004(d)(1) of Public Law 111–212
7 is amended to read as follows:

8 “(1) Afghan women are participating at na-
9 tional, provincial, and local levels of government in
10 the design, policy formulation, and implementation
11 of the reconciliation or reintegration process, and
12 such process upholds steps taken by the Government
13 of Afghanistan to protect the internationally recog-
14 nized human rights of Afghan women; and”.

15 (3) Section 1004(e)(1) of Public Law 111–212
16 is amended to read as follows:

17 “(1) based on information available to the Sec-
18 retary, the Independent Electoral Commission has
19 no members or other employees who participated in,
20 or helped to cover up, acts of fraud in the 2009
21 presidential election in Afghanistan, and the Elec-
22 toral Complaints Commission is a genuinely inde-
23 pendent body with all the authorities that were in-
24 vested in it under Afghan law as of December 31,
25 2009; and”.

1 SEC. 2125. Prior to the disbursement of funds appro-
2 priated by this division under the heading “Foreign Mili-
3 tary Financing Program” that are available for assistance
4 for Egypt, the Secretary of State should report to the
5 Committees on Appropriations that—

6 (1) a transparent, political transition is occur-
7 ring that includes the participation of a wide range
8 of democratic opposition and civil society leaders and
9 is responsive to their views;

10 (2) the emergency law and other laws restrict-
11 ing human rights have been abrogated; protesters,
12 political and social activists and journalists are not
13 being arrested, detained or prosecuted for the peace-
14 ful exercise of their rights; and the government is re-
15 specting freedoms of expression, assembly and asso-
16 ciation; and

17 (3) legal and constitutional impediments to free
18 and fair presidential and parliamentary elections are
19 being removed.

20 SEC. 2126. Of the funds appropriated by this division
21 under the heading “Economic Support Fund” that are
22 available for assistance for Tunisia, not less than
23 \$5,000,000 should be made available directly for assist-
24 ance for civil society organizations and the development
25 of political parties.

1 SEC. 2127. The second paragraph under the heading
2 “Foreign Military Financing Program” in division F of
3 Public Law 111–117 is amended by adding the following
4 at the end: “: *Provided further*, That none of the funds
5 appropriated under this heading may be made available
6 for assistance for Libya”.

7 SEC. 2128. The second proviso in the second para-
8 graph under the heading “Foreign Military Financing
9 Program” in division F of Public Law 111–117 is amend-
10 ed by inserting “Bahrain,” after “Nepal,”.

11 SEC. 2129. (a) CONTRIBUTION TO THE ASIAN DE-
12 VELOPMENT BANK.—In addition to amounts otherwise
13 made available by this division, \$106,586,000, to remain
14 available until expended, is appropriated for payment to
15 the Asian Development Bank by the Secretary of the
16 Treasury for the United States share of the paid-in por-
17 tion of the increase in capital stock.

18 (b) LIMITATION ON CALLABLE CAPITAL SUBSCRIP-
19 TIONS.—The United States Governor of the Asian Devel-
20 opment Bank may subscribe without fiscal year limitation
21 to the callable capital portion of the United States share
22 of such capital stock in an amount not to exceed
23 \$2,558,048,769.

1 (c) AMENDMENT.—The Asian Development Bank
2 Act (22 U.S.C. 285 et seq.), is amended by adding at the
3 end the following:

4 **“SEC. 33. NINTH REPLENISHMENT.**

5 “(a) The United States Governor of the Bank is au-
6 thorized to contribute, on behalf of the United States,
7 \$461,000,000 to the ninth replenishment of the resources
8 of the Fund, subject to obtaining the necessary appropria-
9 tions.

10 “(b) In order to pay for the United States contribu-
11 tion provided for in subsection (a), there are authorized
12 to be appropriated, without fiscal year limitation,
13 \$461,000,000 for payment by the Secretary of the Treas-
14 ury.

15 **“SEC. 34. FIFTH CAPITAL INCREASE.**

16 “(a) SUBSCRIPTION AUTHORIZED.—

17 “(1) The United States Governor of the Bank
18 may subscribe on behalf of the United States to
19 1,104,420 additional shares of the capital stock of
20 the Bank.

21 “(2) Any subscription by the United States to
22 capital stock of the Bank shall be effective only to
23 such extent or in such amounts as are provided in
24 advance in appropriations Acts.

25 “(b) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) In order to pay for the increase in the
2 United States subscription to the Bank provided for
3 in subsection (a), there are authorized to be appro-
4 priated, without fiscal year limitation,
5 \$13,323,173,083, for payment by the Secretary of
6 the Treasury.

7 “(2) Of the amount authorized to be appro-
8 priated under paragraph (1)—

9 “(A) \$532,929,240 is authorized to be ap-
10 propriated for paid in shares of the Bank; and

11 “(B) \$12,790,243,843 is authorized to be
12 appropriated for callable shares of the Bank,
13 for payment by the Secretary of the Treasury.”.

14 TITLE XII—TRANSPORTATION, AND HOUSING
15 AND URBAN DEVELOPMENT, AND RELATED
16 AGENCIES

17 SEC. 2201. Notwithstanding section 1101, the level
18 for “Transportation Planning, Research, and Develop-
19 ment” shall be \$13,168,000.

20 SEC. 2202. Notwithstanding section 1101, the level
21 for “Department of Transportation, Federal Aviation Ad-
22 ministration, Operations” shall be \$9,542,983,000, of
23 which \$4,559,000,000 shall be derived from the Airport
24 and Airway Trust Fund, of which no less than
25 \$7,473,299,000 shall be for air traffic organization activi-

1 ties; no less than \$1,253,020,000 shall be for aviation reg-
2 ulation and certification activities; not to exceed
3 \$15,237,000 shall be available for commercial space trans-
4 portation activities; not to exceed \$113,681,000 shall be
5 available for financial services activities; not to exceed
6 \$100,428,000 shall be available for human resources pro-
7 gram activities; not to exceed \$341,977,000 shall be avail-
8 able for region and center operations and regional coordi-
9 nation activities; not to exceed \$196,063,000 shall be
10 available for staff offices; and not to exceed \$49,278,000
11 shall be available for information services.

12 SEC. 2203. Notwithstanding section 1101, the
13 amounts included under the heading “Department of
14 Transportation, Federal Aviation Administration, Grants-
15 in-Aid for Airports (Liquidation of Contract Authoriza-
16 tion)” in division A of Public Law 111–117 shall be ap-
17 plied to funds appropriated by this Act by substituting
18 “\$3,550,000,000” for “\$3,000,000,000”.

19 SEC. 2204. Notwithstanding section 1101, the level
20 included under the heading “Department of Transpor-
21 tation, Federal Aviation Administration, Grants-In-Aid
22 for Airports (Limitations on Obligations)” for administra-
23 tion shall be \$96,322,000.

1 SEC. 2205. Notwithstanding section 1101, the level
2 of funding for activities described in section 122 of title
3 I of division A of Public Law 111–117 shall be \$0.

4 SEC. 2206. Notwithstanding section 1101, the level
5 for “Department of Transportation, Federal Highway Ad-
6 ministration, Surface Transportation Priorities” shall be
7 \$0.

8 SEC. 2207. Unobligated balances of funds made
9 available for obligation under 23 U.S.C. 320, section 147
10 of Public Law 95–599, section 9(c) of Public Law 97–
11 134, section 149 of Public Law 100–17, and sections
12 1006, 1069, 1103, 1104, 1105, 1106, 1107, 1108, 6005,
13 6015, and 6023 of Public Law 102–240 are permanently
14 rescinded. In addition, the unobligated balance available
15 on September 30, 2011, under section 1602 of the Trans-
16 portation Equity Act for the 21st Century (Public Law
17 105–178) for each project for which less than 10 percent
18 of the amount authorized for such project under such sec-
19 tion has been obligated is permanently rescinded. In addi-
20 tion, of the amounts authorized for fiscal years 2005
21 through 2009 in section 1101(a)(16) of the Safe, Account-
22 able, Flexible, Efficient Transportation Equity Act: A
23 Legacy for Users (Public Law 109–59) to carry out the
24 high priority projects program under section 117 of title
25 23, United States Code, that are not allocated for projects

1 described in section 1702 of such Act, \$8,190,335 are per-
2 manently rescinded.

3 SEC. 2208. Notwithstanding section 1101, the level
4 for the “Department of Transportation, Federal Motor
5 Carrier Safety Administration, Motor Carrier Safety Op-
6 erations and Programs, (Liquidation of Contract Author-
7 ization), (Limitation of Contract Obligations), (Highway
8 Trust Fund)” shall be \$250,117,000.

9 SEC. 2209. Of the amount made available for “De-
10 partment of Transportation, Motor Carrier Safety Grants,
11 (Liquidation of Contract Authorization), (Limitation on
12 Obligations), (Highway Trust Fund)” for the commercial
13 driver’s license information system modernization pro-
14 gram, \$3,000,000 shall be made available for audits of
15 new entrant motor carriers to carry out section 4107(b)
16 of Public Law 109–59, and 31104(a) of title 49, United
17 States Code, and \$5,000,000 shall be made available for
18 the commercial driver’s license improvements program to
19 carry out section 31313 of title 49, United States Code.

20 SEC. 2210. Of the amounts made available for Safety
21 Belt Performance Grants under section 406 of title 23,
22 United States Code, \$76,000,000 in unobligated balances
23 are permanently rescinded.

24 SEC. 2211. Notwithstanding section 1101, the level
25 for “Department of Transportation, Federal Railroad Ad-

1 ministration, Safety and Operations” shall be
2 \$176,950,000.

3 SEC. 2212. Notwithstanding section 1101, the level
4 for “Department of Transportation, Federal Railroad Ad-
5 ministration, Rail Line Relocation and Improvement Pro-
6 gram” shall be \$10,532,000.

7 SEC. 2213. Notwithstanding section 1101, the level
8 for “Department of Transportation, Federal Railroad Ad-
9 ministration, Capital Assistance for High Speed Rail Cor-
10 ridors and Intercity Passenger Rail Service” shall be
11 \$1,000,000,000.

12 (a) Notwithstanding section 1101, the level for “Fed-
13 eral Transit Administration, Capital Investment Grants”
14 shall be \$1,850,000,000.

15 SEC. 2214. Notwithstanding section 1101, the level
16 for “Department of Transportation, Maritime Administra-
17 tion, Operations and Training” shall be \$151,750,000, of
18 which \$11,240,000 shall remain available until expended
19 for maintenance and repair of training ships at State Mar-
20 itime Academies, and of which \$15,000,000 shall remain
21 available until expended for capital improvements at the
22 United States Merchant Marine Academy, and of which
23 \$59,057,000 shall be available for operations at the
24 United States Merchant Marine Academy, and of which
25 \$2,000,000 shall remain available through September 30,

1 2012 for midshipman services at the United States Mer-
2 chant Marine Academy: *Provided*, That of the funds pro-
3 vided for Operations and Training to the Maritime Admin-
4 istration in Public Law 111–117, up to \$6,000,000 shall
5 remain available until expended and may be used for the
6 Secretary’s reimbursement of overcharged midshipmen
7 fees for academic years 2003–2004 through 2008–2009
8 and the Secretary’s reimbursement decisions shall be final
9 and conclusive: *Provided further*, That \$1,000,000 of such
10 funds shall be available until expended and shall be used
11 for the information technology requirements of Public Law
12 111–207.

13 SEC. 2215. Notwithstanding section 1101, the level
14 for each of the following accounts under the heading “De-
15 partment of Transportation, Pipeline and Hazardous Ma-
16 terials Safety Administration” shall be as follows: “Oper-
17 ational Expenses (Pipeline Safety Fund)”, \$21,496,000;
18 “Hazardous Materials Safety”, \$39,098,000, of which
19 \$1,699,000 shall remain available until September 30,
20 2013; and “Pipeline Safety (Pipeline Safety Fund) (Oil
21 Spill Liability Trust Fund)”, \$106,919,000, of which
22 \$18,905,000 shall be derived from the Oil Spill Liability
23 Trust Fund and shall remain available until September
24 30, 2013, and of which \$88,014,000 shall be derived from

1 the Pipeline Safety Fund, of which \$47,332,000 shall re-
2 main available until September 30, 2013.

3 SEC. 2216. Notwithstanding section 1101, section
4 186 of title I of division A of Public Law 111–117 shall
5 not apply to fiscal year 2011.

6 SEC. 2217. Notwithstanding section 1101, no funds
7 are provided for activities described in section 195 of title
8 I of division A of Public Law 111–117.

9 SEC. 2218. Notwithstanding section 1101, the level
10 for “Department of Housing and Urban Development,
11 Personnel Compensation and Benefits, Housing” shall be
12 \$388,667,000.

13 SEC. 2219. Notwithstanding section 1101, the level
14 for “Department of Housing and Urban Development,
15 Public and Indian Housing, Tenant-Based Rental Assist-
16 ance” shall be \$14,547,688,000, to remain available until
17 expended, shall be available on October 1, 2010 (in addi-
18 tion to the \$4,000,000,000 previously appropriated under
19 such heading that will become available on October 1,
20 2010), and notwithstanding section 1109, an additional
21 \$4,000,000,000, to remain available until expended, shall
22 be available on October 1, 2011: *Provided*, That of the
23 amounts available for such heading, \$16,702,688,000
24 shall be for activities specified in paragraph (1).

1 SEC. 2220. Notwithstanding section 1101, the level
2 for “Department of Housing and Urban Development,
3 Public Housing Operating Fund” shall be
4 \$4,626,000,000.

5 SEC. 2221. Notwithstanding section 1101, the level
6 for “Department of Housing and Urban Development,
7 Community Planning and Development, Community De-
8 velopment Fund” shall be \$4,230,000,000, of which
9 \$3,990,000,000 shall be for carrying out the community
10 development block grant program under title I of the
11 Housing and Community Development Act of 1974, as
12 amended: *Provided*, That none of the funds made available
13 by this section for such account may be used for grants
14 for the Economic Development Initiative or Neighborhood
15 Initiatives activities or for grants pursuant to section 107
16 of the Housing and Community Development Act of 1974
17 (42 U.S.C. 5307).

18 SEC. 2222. Notwithstanding section 1101, the level
19 for “Department of Housing and Urban Development,
20 Community Planning and Development, Homeless Assist-
21 ance Grants” shall be \$2,055,000,000, of which at least
22 \$285,000,000 shall be for the Emergency Solutions Grant
23 program.

24 SEC. 2223. Notwithstanding section 1101, the level
25 for “Department of Housing and Urban Development,

1 Community Planning and Development, Brownfields Re-
2 development” shall be \$0.

3 SEC. 2224. Notwithstanding section 1101, the level
4 for “Department of Housing and Urban Development,
5 Housing Programs, Project-Based Rental Assistance”
6 shall be \$8,882,328,000, to remain available until ex-
7 pended, shall be available on October 1, 2010 (in addition
8 to the \$393,672,000 previously appropriated under such
9 heading that became available on October 1, 2010), and,
10 notwithstanding section 1109, an additional
11 \$400,000,000, to remain available until expended, shall be
12 available on October 1, 2011: *Provided*, That of the
13 amounts available for such heading, \$8,950,000,000 shall
14 be for activities specified in paragraph (1) under such
15 heading of division A of Public Law 111–117 and
16 \$326,000,000 shall be available for activities specified in
17 paragraph (2) under such heading in such public law.

18 SEC. 2225. The first proviso under the heading
19 “Housing for the Elderly” and under the heading “Hous-
20 ing for Persons with Disabilities” in Division A of the
21 Consolidated Appropriations Act, 2010 (Public Law 111–
22 117, 123 STAT. 3088), is amended to read as follows:
23 “: *Provided*, That amounts appropriated for initial project
24 rental assistance contracts in FY 2003 through FY 2011
25 shall remain available for the purpose of paying obliga-

1 tions incurred prior to the expiration of such funds for
2 a 10 year period following such expiration.”

3 SEC. 2226. Notwithstanding section 1101, the level
4 for “Department of Housing and Urban Development,
5 Housing Programs, Energy Innovation Fund” shall be \$0.

6 SEC. 2227. The heading “Department of Housing
7 and Urban Development, Housing Program, Other As-
8 sisted Housing Programs, Rental Housing Assistance”
9 shall be applied by also being available for extensions of
10 up to one year for expiring contracts under such sections
11 of law.

12 SEC. 2228. Notwithstanding section 1101, the level
13 under the heading “Department of Housing and Urban
14 Development, Housing Programs, Rent Supplement (Re-
15 scission)” shall be \$31,255,000.

16 SEC. 2229. Notwithstanding section 1101, the level
17 for “Department of Housing and Urban Development,
18 Federal Housing Administration, Mutual Mortgage Insur-
19 ance Program Account” for administrative contract ex-
20 penses shall be \$207,000,000.

21 SEC. 2230. The first proviso in the first paragraph
22 under the heading “Department of Housing and Urban
23 Development, Federal Housing Administration, General
24 and Special Risk Program Account” in division A of Pub-

1 lie Law 111–117 shall be applied in fiscal year 2011 by
2 substituting “\$20,000,000,000” for “\$15,000,000,000”.

3 SEC. 2231. Notwithstanding section 1101, the level
4 under the heading “Related Agencies, United States Inter-
5 agency Council on Homelessness, Operating Expenses”
6 shall be \$2,680,000.

7 SEC. 2232. Section 209 of the McKinney-Vento
8 Homeless Assistance Act (42 U.S.C. 11319) is repealed.

9 SEC. 2233. Of the amounts made available under
10 “Department of Transportation, National Highway Traf-
11 fic Safety Administration, Consumer Assistance to Recycle
12 and Save Program”, \$16,000,000 in unobligated balances
13 are permanently rescinded.

14 This division may be cited as the “Full-Year Con-
15 tinuing Appropriations Act, 2011”.

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