

112TH CONGRESS  
1ST SESSION

# H. J. RES. 44

Making further continuing appropriations for fiscal year 2011, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2011

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

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## JOINT RESOLUTION

Making further continuing appropriations for fiscal year 2011, and for other purposes.

- 1        *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*  
3 That the Continuing Appropriations Act, 2011 (Public  
4 Law 111–242) is further amended—  
5            (1) by striking the date specified in section  
6            106(3) and inserting “March 18, 2011”; and  
7            (2) by adding after section 166, as added by  
8            the Continuing Appropriations Amendments, 2011

1 (section 1 of Public Law 111–322), the following  
2 new sections:

3 “SEC. 167. The amounts described in paragraphs (1)  
4 and (2) of section 114 of this Act are designated as being  
5 for contingency operations directly related to the global  
6 war on terrorism pursuant to section 3(c)(2) of H. Res.  
7 5 (112th Congress) and as an emergency requirement pur-  
8 suant to section 403(a) of S. Con. Res. 13 (111th Con-  
9 gress), the concurrent resolution on the budget for fiscal  
10 year 2010.

11 “SEC. 168. Any language specifying an earmark in  
12 an appropriations Act for fiscal year 2010, or in a com-  
13 mittee report or joint explanatory statement accom-  
14 panying such an Act, shall have no legal effect with re-  
15 spect to funds appropriated by this Act. For purposes of  
16 this section, the term ‘earmark’ means a congressional  
17 earmark or congressionally directed spending item, as de-  
18 fined in clause 9(e) of rule XXI of the Rules of the House  
19 of Representatives and paragraph 5(a) of rule XLIV of  
20 the Standing Rules of the Senate.

21 “SEC. 169. The first and third paragraphs under the  
22 heading ‘Rural Development Programs—Rural Utilities  
23 Service—Distance Learning, Telemedicine, and  
24 Broadband Program’ in Public Law 111–80 shall not  
25 apply to funds appropriated by this Act.

1       “SEC. 170. Notwithstanding section 101, amounts  
2 are provided for ‘Corps of Engineers-Civil—Investiga-  
3 tions’ at a rate for operations of \$104,000,000.

4       “SEC. 171. Notwithstanding section 101, amounts  
5 are provided for ‘Corps of Engineers-Civil—Construction’  
6 at a rate for operations of \$1,690,000,000: *Provided*, That  
7 all of the provisos under such heading in Public Law 111–  
8 85 shall not apply to funds appropriated by this Act.

9       “SEC. 172. Notwithstanding section 101, amounts  
10 are provided for ‘Corps of Engineers-Civil—Mississippi  
11 River and Tributaries’ at a rate for operations of  
12 \$260,000,000: *Provided*, That the proviso under such  
13 heading in Public Law 111–85 shall not apply to funds  
14 appropriated by this Act.

15       “SEC. 173. Notwithstanding section 101, amounts  
16 are provided for ‘Corps of Engineers-Civil—Operation and  
17 Maintenance’ at a rate for operations of \$2,361,000,000.

18       “SEC. 174. Notwithstanding section 101, amounts  
19 are provided for ‘Department of the Interior—Bureau of  
20 Reclamation—Water and Related Resources’ at a rate for  
21 operations of \$913,580,000: *Provided*, That the fifth pro-  
22 viso (regarding the San Gabriel Basin Restoration Fund)  
23 and seventh proviso (regarding the Milk River Project)  
24 under such heading in Public Law 111–85 shall not apply  
25 to funds appropriated by this Act.

1       “SEC. 175. Notwithstanding section 101, amounts  
2 are provided for ‘Department of Energy—Energy Pro-  
3 grams—Energy Efficiency and Renewable Energy’ at a  
4 rate for operations of \$1,950,370,000: *Provided*, That all  
5 of the provisos under such heading in Public Law 111–  
6 85 shall not apply to funds appropriated by this Act.

7       “SEC. 176. Notwithstanding section 101, amounts  
8 are provided for ‘Department of Energy—Energy Pro-  
9 grams—Electricity Delivery and Energy Reliability’ at a  
10 rate for operations of \$158,910,000: *Provided*, That all  
11 of the provisos under such heading in Public Law 111–  
12 85 shall not apply to funds appropriated by this Act.

13       “SEC. 177. Notwithstanding section 101, amounts  
14 are provided for ‘Department of Energy—Energy Pro-  
15 grams—Nuclear Energy’ at a rate for operations of  
16 \$784,140,000: *Provided*, That the proviso under such  
17 heading in Public Law 111–85 shall not apply to funds  
18 appropriated by this Act.

19       “SEC. 178. Notwithstanding section 101, amounts  
20 are provided for ‘Department of Energy—Energy Pro-  
21 grams—Fossil Energy Research and Development’ at a  
22 rate for operations of \$635,530,000: *Provided*, That the  
23 second proviso under such heading in Public Law 111–  
24 85 shall not apply to funds appropriated by this Act.

1       “SEC. 179. Notwithstanding section 101, amounts  
2 are provided for ‘Department of Energy—Energy Pro-  
3 grams—Science’ at a rate for operations of  
4 \$4,826,820,000: *Provided*, That all of the provisos under  
5 such heading in Public Law 111–85 shall not apply to  
6 funds appropriated by this Act.

7       “SEC. 180. The last proviso under the heading ‘De-  
8 partment of Energy—Atomic Energy Defense Activities—  
9 National Nuclear Security Administration—Weapons Ac-  
10 tivities’ in Public Law 111–85 shall not apply to funds  
11 appropriated by this Act.

12       “SEC. 181. Notwithstanding section 101, amounts  
13 are provided for ‘Department of Energy—Atomic Energy  
14 Defense Activities—National Nuclear Security Adminis-  
15 tration—Defense Nuclear Nonproliferation’ at a rate for  
16 operations of \$2,136,460,000: *Provided*, That the proviso  
17 under such heading in Public Law 111–85 shall not apply  
18 to funds appropriated by this Act.

19       “SEC. 182. Notwithstanding section 101, amounts  
20 are provided for ‘Department of Energy—Atomic Energy  
21 Defense Activities—National Nuclear Security Adminis-  
22 tration—Office of the Administrator’ at a rate for oper-  
23 ations of \$407,750,000: *Provided*, That the last proviso  
24 under such heading in Public Law 111–85 shall not apply  
25 to funds appropriated by this Act.

1       “SEC. 183. Notwithstanding section 101, amounts  
2 are provided for ‘Department of Energy—Environmental  
3 and Other Defense Activities—Defense Environmental  
4 Cleanup’ at a rate for operations of \$5,209,031,000, of  
5 which \$33,700,000 shall be transferred to the ‘Uranium  
6 Enrichment Decontamination and Decommissioning  
7 Fund’: *Provided*, That the proviso under such heading in  
8 Public Law 111–85 shall not apply to funds appropriated  
9 by this Act.

10       “SEC. 184. Notwithstanding section 101, amounts  
11 are provided for ‘Department of Energy—Environmental  
12 and Other Defense Activities—Other Defense Activities’  
13 at a rate for operations of \$844,470,000: *Provided*, That  
14 the proviso under such heading in Public Law 111–85  
15 shall not apply to funds appropriated by this Act.

16       “SEC. 185. Notwithstanding section 101, amounts  
17 are provided for ‘Independent Agencies—Election Assis-  
18 tance Commission—Election Reform Programs’ at a rate  
19 for operations of \$0.

20       “SEC. 186. Notwithstanding section 101, amounts  
21 are provided for ‘Department of Homeland Security—Of-  
22 fice of the Under Secretary for Management’ at a rate  
23 for operations of \$253,190,000.

24       “SEC. 187. Notwithstanding section 101, amounts  
25 are provided for ‘Department of Homeland Security—

1 U.S. Customs and Border Protection—Salaries and Ex-  
2 penses’ at a rate for operations of \$8,063,913,000.

3 “SEC. 188. Notwithstanding section 101, amounts  
4 are provided for ‘Department of Homeland Security—  
5 U.S. Customs and Border Protection—Construction and  
6 Facilities Management’ at a rate for operations of  
7 \$276,370,000.

8 “SEC. 189. Notwithstanding section 101, amounts  
9 are provided for ‘Department of Homeland Security—  
10 Transportation Security Administration—Aviation Secu-  
11 rity’ at a rate for operations of \$5,212,790,000: *Provided*,  
12 That the amounts included under such heading in Public  
13 Law 111–83 shall be applied to funds appropriated by this  
14 Act as follows: by substituting ‘\$5,212,790,000’ for  
15 ‘\$5,214,040,000’; by substituting ‘\$4,356,826,000’ for  
16 ‘\$4,358,076,000’; by substituting ‘\$1,115,156,000’ for  
17 ‘\$1,116,406,000’; by substituting \$777,050,000 for  
18 \$778,300,000; and by substituting ‘\$3,112,790,000’ for  
19 ‘\$3,114,040,000’.

20 “SEC. 190. Notwithstanding section 101, amounts  
21 are provided for ‘Department of Homeland Security—  
22 Coast Guard—Operating Expenses’ at a rate for oper-  
23 ations of \$6,801,791,000: *Provided*, That section 157 of  
24 this Act shall be applied by substituting ‘\$17,880,000’ for

1 ‘\$21,880,000’, and without regard to ‘and “Coast Guard,  
2 Alteration of Bridges”’.

3 “SEC. 191. Notwithstanding section 101, amounts  
4 are provided for ‘Department of Homeland Security—  
5 Coast Guard—Acquisition, Construction, and Improve-  
6 ments’ at a rate for operations of \$1,519,980,000.

7 “SEC. 192. Notwithstanding section 101, amounts  
8 are provided for ‘Department of Homeland Security—  
9 Coast Guard—Alteration of Bridges’ at a rate for oper-  
10 ations of \$0.

11 “SEC. 193. Notwithstanding section 101, amounts  
12 are provided for ‘Department of Homeland Security—Na-  
13 tional Protection and Programs Directorate—Infrastruc-  
14 ture Protection and Information Security’ at a rate for  
15 operations of \$879,816,000.

16 “SEC. 194. Notwithstanding section 101, amounts  
17 are provided for ‘Department of Homeland Security—Of-  
18 fice of Health Affairs’ at a rate for operations of  
19 \$134,250,000.

20 “SEC. 195. Notwithstanding section 101, amounts  
21 are provided for ‘Department of Homeland Security—  
22 Federal Emergency Management Agency—State and  
23 Local Programs’ at a rate for operations of  
24 \$2,912,558,000: *Provided*, That the amounts included  
25 under such heading in Public Law 111–83 shall be applied



1 to funds appropriated by this Act as follows: in paragraph  
2 (12), by substituting ‘\$12,554,000’ for ‘\$60,000,000’ and  
3 by substituting ‘\$0’ for each subsequent amount in such  
4 paragraph; in paragraph (13), by substituting  
5 ‘\$212,500,000’ for ‘\$267,200,000’; in paragraph (13)(A),  
6 by substituting ‘\$114,000,000’ for ‘\$164,500,000’; in  
7 paragraph (13)(B), by substituting ‘\$0’ for ‘\$1,700,000’;  
8 and in paragraph (13)(C), by substituting ‘\$0’ for  
9 ‘\$3,000,000’: *Provided further*, That 4.5 percent of the  
10 amount provided for ‘Federal Emergency Management  
11 Agency—State and Local Programs’ by this Act shall be  
12 transferred to ‘Federal Emergency Management Agency—  
13 Management and Administration’ for program administra-  
14 tion.

15 “SEC. 196. Notwithstanding section 101, amounts  
16 are provided for ‘Department of Homeland Security—  
17 Federal Emergency Management Agency—National  
18 Predisaster Mitigation Fund’ at a rate for operations of  
19 \$75,364,000.

20 “SEC. 197. Notwithstanding section 101, amounts  
21 are provided for ‘Department of Homeland Security—  
22 Science and Technology—Research, Development, Acqui-  
23 sition, and Operations’ at a rate for operations of  
24 \$821,906,000.

1       “SEC. 198. Sections 541 and 545 of Public Law 111–  
2 83 (123 Stat. 2176) shall have no force or effect.

3       “SEC. 199. Notwithstanding section 101, amounts  
4 are provided for ‘Smithsonian Institution—Legacy Fund’  
5 at a rate for operations of \$0.

6       “SEC. 200. Notwithstanding section 101, amounts  
7 are provided for ‘Department of Labor—Employment and  
8 Training Administration—Training and Employment  
9 Services’ at a rate for operations of \$3,779,641,000, of  
10 which \$340,154,000 shall be for national activities de-  
11 scribed in paragraph (3) under such heading in division  
12 D of Public Law 111–117: *Provided*, That the amounts  
13 included for national activities under such heading in divi-  
14 sion D of Public Law 111–117 shall be applied to funds  
15 appropriated by this Act as follows: by substituting  
16 ‘\$44,561,000’ for ‘\$93,450,000’ and by substituting ‘\$0’  
17 for ‘\$48,889,000’.

18       “SEC. 201. Notwithstanding section 101, amounts  
19 are provided for ‘Department of Labor—Mine Safety and  
20 Health Administration—Salaries and Expenses’ at a rate  
21 for operations of \$355,843,000: *Provided*, That the  
22 amounts included under such heading in division D of  
23 Public Law 111–117 shall be applied to funds appro-  
24 priated by this Act by substituting ‘\$0’ for ‘\$1,450,000’.

1       “SEC. 202. Notwithstanding section 101, amounts  
2 are provided for ‘Department of Labor—Departmental  
3 Management’ at a rate for operations of \$314,827,000:  
4 *Provided*, That the amounts included under such heading  
5 in division D of Public Law 111–117 shall be applied to  
6 funds appropriated by this Act by substituting ‘\$0’ for  
7 ‘\$40,000,000’.

8       “SEC. 203. Notwithstanding section 101, amounts  
9 are provided for ‘Department of Health and Human Serv-  
10 ices—Health Resources and Services Administration—  
11 Health Resources and Services’ at a rate for operations  
12 of \$7,076,520,000: *Provided*, That the eighteenth, nine-  
13 teenth, and twenty-second provisos under such heading in  
14 division D of Public Law 111–117 shall not apply to funds  
15 appropriated by this Act.

16       “SEC. 204. Notwithstanding section 101, amounts  
17 are provided for ‘Department of Health and Human Serv-  
18 ices—Centers for Disease Control and Prevention—Dis-  
19 ease Control, Research, and Training’ at a rate for oper-  
20 ations of \$6,369,767,000: *Provided*, That the amount in-  
21 cluded before the first proviso under such heading in divi-  
22 sion D of Public Law 111–117 shall be applied to funds  
23 appropriated by this Act by substituting ‘\$0’ for  
24 ‘\$20,620,000’.

1       “SEC. 205. Notwithstanding section 101, amounts  
2 are provided for ‘Department of Health and Human Serv-  
3 ices—Substance Abuse and Mental Health Services Ad-  
4 ministration—Substance Abuse and Mental Health Serv-  
5 ices’ at a rate for operations of \$3,417,106,000: *Provided*,  
6 That the amount included before the first proviso under  
7 such heading in division D of Public Law 111–117 shall  
8 be applied to funds appropriated by this Act by sub-  
9 stituting ‘\$0’ for ‘\$14,518,000’.

10       “SEC. 206. Notwithstanding section 101, amounts  
11 are transferred from the Federal Hospital Insurance  
12 Trust Fund and the Federal Supplementary Medical In-  
13 surance Trust Fund for ‘Department of Health and  
14 Human Services—Centers for Medicare and Medicaid  
15 Services—Program Management’ at a rate for operations  
16 of \$3,467,142,000: *Provided*, That the sixth proviso under  
17 such heading in division D of Public Law 111–117 shall  
18 not apply to funds appropriated by this Act.

19       “SEC. 207. Notwithstanding section 101, amounts  
20 are provided for ‘Department of Health and Human Serv-  
21 ices—Administration for Children and Families—Pay-  
22 ments to States for the Child Care and Development Block  
23 Grant’ at a rate for operations of \$2,126,081,000: *Pro-*  
24 *vided*, That the amount included in the first proviso under  
25 such heading in division D of Public Law 111–117 shall

1 be applied to funds appropriated by this Act by sub-  
2 stituting ‘\$0’ for ‘\$1,000,000’.

3       “SEC. 208. Notwithstanding section 101, amounts  
4 are provided for ‘Department of Health and Human Serv-  
5 ices—Administration for Children and Families—Children  
6 and Families Services Programs’ at a rate for operations  
7 of \$9,293,747,000: *Provided*, That the fifteenth proviso  
8 under such heading in division D of Public Law 111–117  
9 shall not apply to funds appropriated by this Act.

10       “SEC. 209. Notwithstanding section 101, amounts  
11 are provided for ‘Department of Health and Human Serv-  
12 ices—Administration on Aging, Aging Services Programs’  
13 at a rate for operations of \$1,510,323,000: *Provided*, That  
14 the first proviso under such heading in division D of Pub-  
15 lic Law 111–117 shall not apply to funds appropriated  
16 by this Act.

17       “SEC. 210. Notwithstanding section 101, amounts  
18 are provided for ‘Department of Health and Human Serv-  
19 ices—Office of the Secretary—General Departmental  
20 Management’ at a rate for operations of \$491,727,000:  
21 *Provided*, That the seventh proviso under such heading in  
22 division D of Public Law 111–117 shall not apply to funds  
23 appropriated by this Act.

24       “SEC. 211. Notwithstanding section 101, amounts  
25 are provided for ‘Department of Education—Education

1 for the Disadvantaged’ at a rate for operations of  
2 \$15,598,212,000, of which \$4,638,056,000 shall become  
3 available on July 1, 2011, and remain available through  
4 September 30, 2012: *Provided*, That the tenth, eleventh  
5 and twelfth provisos under such heading in division D of  
6 Public Law 111–117 shall not apply to funds appropriated  
7 by this Act.

8       “SEC. 212. Notwithstanding section 101, amounts  
9 are provided for ‘Department of Education—School Im-  
10 provement Programs’ at a rate for operations of  
11 \$5,223,444,000, of which \$3,358,993,000 shall become  
12 available on July 1, 2011, and remain available through  
13 September 30, 2012: *Provided*, That of such amounts, no  
14 funds shall be available for activities authorized under  
15 part Z of title VIII of the Higher Education Act of 1965:  
16 *Provided further*, That the second, third, and thirteenth  
17 provisos under such heading in division D of Public Law  
18 111–117 shall not apply to funds appropriated by this Act.

19       “SEC. 213. Notwithstanding section 101, amounts  
20 are provided for ‘Department of Education—Innovation  
21 and Improvement’ at a rate for operations of  
22 \$1,160,480,000, of which no funds shall be available for  
23 activities authorized under subpart 5 of part A of title II,  
24 section 1504 of the Elementary and Secondary Education  
25 Act of 1965 (‘ESEA’), or part F of title VIII of the High-

1 er Education Act of 1965, and \$499,222,000 shall be for  
2 part D of title V of the ESEA: *Provided*, That the first,  
3 fourth, and fifth provisos under such heading in division  
4 D of Public Law 111–117 shall not apply to funds appro-  
5 priated by this Act.

6 “SEC. 214. Notwithstanding section 101, amounts  
7 are provided for ‘Department of Education—Safe Schools  
8 and Citizenship Education’ at a rate for operations of  
9 \$361,398,000, of which, notwithstanding section 2343(b)  
10 of the ESEA, \$2,578,000 is for the continuation costs of  
11 awards made on a competitive basis under section 2345  
12 of the ESEA: *Provided*, That the third proviso under such  
13 heading in division D of Public Law 111–117 shall not  
14 apply to funds appropriated by this Act.

15 “SEC. 215. Notwithstanding section 101, amounts  
16 are provided for ‘Department of Education—Special Edu-  
17 cation’ at a rate for operations of \$12,564,953,000, of  
18 which \$3,726,354,000 shall become available on July 1,  
19 2011, and remain available through September 30, 2012:  
20 *Provided*, That the first and second provisos under such  
21 heading in division D of Public Law 111–117 shall not  
22 apply to funds appropriated by this Act.

23 “SEC. 216. Notwithstanding section 101, amounts  
24 are provided for ‘Department of Education—Rehabilita-  
25 tion Services and Disability Research’ at a rate for oper-

1 ations of \$3,501,766,000: *Provided*, That the second pro-  
2 viso under such heading in division D of Public Law 111-  
3 117 shall not apply to funds appropriated by this Act.

4       “SEC. 217. Notwithstanding section 101, amounts  
5 are provided for ‘Department of Education—Career,  
6 Technical, and Adult Education’ at a rate for operations  
7 of \$1,928,447,000, of which \$1,137,447,000 shall become  
8 available on July 1, 2011, and remain available through  
9 September 30, 2012 and no funds shall be available for  
10 activities authorized under subpart 4 of part D of title  
11 V of the ESEA: *Provided*, That the seventh and eighth  
12 provisos under such heading in division D of Public Law  
13 111–117 shall not apply to funds appropriated by this Act.

14       “SEC. 218. Notwithstanding sections 101 and 164,  
15 amounts are provided for ‘Department of Education—  
16 Student Financial Assistance’ at a rate for operations of  
17 \$24,899,957,000, of which \$23,162,000,000 shall be  
18 available to carry out subpart 1 of part A of title IV of  
19 the Higher Education Act of 1965 and no funds shall be  
20 available for activities authorized under subpart 4 of part  
21 A of title IV of such Act: *Provided*, That the maximum  
22 Pell Grant for which a student shall be eligible during  
23 award year 2011–2012 shall be \$4,860.

24       “SEC. 219. Notwithstanding section 101, amounts  
25 are provided for ‘Department of Education—Higher Edu-



1 cation’ at a rate for operations of \$2,126,935,000, of  
2 which no funds shall be available for activities authorized  
3 under section 1543 of the Higher Education Amendments  
4 of 1992 or section 117 of the Carl D. Perkins Career and  
5 Technical Education Act of 2006: *Provided*, That the thir-  
6 teenth proviso under such heading in division D of Public  
7 Law 111–117 shall not apply to funds appropriated by  
8 this Act.

9       “SEC. 220. Notwithstanding section 101, amounts  
10 are provided for ‘Institute of Museum and Library Serv-  
11 ices—Office of Museum and Library Services: Grants and  
12 Administration’ at a rate for operations of \$265,869,000:  
13 *Provided*, That the amounts included under such heading  
14 in division D of Public Law 111–117 shall be applied to  
15 funds appropriated by this Act by substituting ‘\$0’ for  
16 ‘\$16,382,000’.

17       “SEC. 221. Notwithstanding section 101, amounts  
18 are provided for ‘Library of Congress—Salaries and Ex-  
19 penses’ at a rate for operations of \$445,951,000, of which  
20 \$0 shall be for the operations described in the seventh pro-  
21 viso under this heading in Public Law 111–68.

22       “SEC. 222. Notwithstanding section 101, amounts  
23 are provided for ‘Department of Transportation—Federal  
24 Highway Administration—Surface Transportation Prior-  
25 ities’ at a rate for operations of \$0.

1       “SEC. 223. Notwithstanding section 101, no funds  
2 are provided for activities described in section 122 of title  
3 I of division A of Public Law 111–117.

4       “SEC. 224. Notwithstanding section 101, section 186  
5 of title I of division A of Public Law 111–117 shall not  
6 apply to funds appropriated by this Act.

7       “SEC. 225. Notwithstanding section 101, amounts  
8 are provided for ‘Department of Transportation—Federal  
9 Railroad Administration—Rail Line Relocation and Im-  
10 provement Program’ at a rate for operations of  
11 \$10,012,800.

12       “SEC. 226. Notwithstanding section 101, amounts  
13 are provided for ‘Department of Housing and Urban De-  
14 velopment—Community Planning and Development—  
15 Community Development Fund’ at a rate for operations  
16 of \$4,255,068,480, of which \$0 shall be for grants for the  
17 Economic Development Initiative (EDI), and \$0 shall be  
18 for neighborhood initiatives: *Provided*, That the second  
19 and third paragraphs under such heading in title II of di-  
20 vision A of Public Law 111–117 shall not apply to funds  
21 appropriated by this Act.”.

22       This joint resolution may be cited as the “Further  
23 Continuing Appropriations Amendments, 2011”.

○